

# VIETNAM THE SILENCING OF DISSENT

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## I. SUMMARY

Twenty-five years after the reunification of Vietnam, the country remains under the close control of the ruling Communist Party of Vietnam (CPV). Increasingly though, recent years have seen a progressive opening up of the country to the international community and a quickening pace of economic and social change. These years have also seen improvements in human rights, with the release of tens of thousands of political detainees and re-education camp inmates, the return of thousands of Vietnamese who had fled abroad as refugees, and increased willingness on the part of the government to cooperate with the U.N. on human rights issues.

At the same time, significant human rights problems remain. The Socialist Republic of Vietnam retains a decidedly anachronistic emphasis on suppressing those groups and individuals that it perceives as a political threat. Authorities continue to take strong action against those who criticize the party or speak out in favor of pluralism and democratic change. These include, in particular, high-ranking dissidents from within the CPV, long-time critics from the academic community, members of the press, and religious leaders whom the government fears may be able to attract large followings. Such individuals are less frequently imprisoned than in the past. Instead they are subjected to less overt forms of harassment and intimidation, including constant surveillance and severe controls on their freedom of movement or ability to work. The threat of imprisonment remains real for those who go too far in challenging the party's authority.

The government's continuing anxiety in the face of dissent is, in part, a response to the pressures caused by opening up the economy to foreign investment in the late 1980s and early 1990s. It also reflects a broader concern on the part of the party's leadership to protect its political power, and the access to privileges and wealth that this brings. Tensions have been further exacerbated by the recent economic downturn, which seriously affected Vietnam as well as other countries in Asia, and a fractious debate within CPV leadership circles about the need to tackle corruption and whether to introduce new social and economic reforms.

As a state party to the International Covenant on Civil and Political Rights (ICCPR) since 1982, Vietnam has a treaty obligation to respect and promote the rights set out in the Covenant. Increasingly, the government has shown itself willing to engage with the relevant institutions of the U.N. in order to address certain of these rights: this is to be greatly welcomed and encouraged. It has accepted a significant monitoring and aid presence by the United Nations High Commissioner for Refugees in order to facilitate the return and resettlement of refugees. The government has also permitted visits to Vietnam by the U.N. Working Group on Arbitrary Detention and by the U.N. Special Rapporteur on Religious Intolerance, although in both cases these visits were carried out under close government supervision, access was limited, and the Vietnamese government subsequently repudiated the U.N. experts' findings. Prisoners held on account of their political or religious opinions continue to be among those released in presidential amnesties, as in September and November 1998, when twenty-four political and religious prisoners were released.

Despite these positive developments, the government's performance continues to fall far short of the standards required under the ICCPR. Freedom of expression, free association and other basic rights are still severely constrained, and those who criticize the government, establish independent political organizations, adhere to particular religious groups, or seek to monitor and report on human rights continue to be imprisoned or subjected to other forms of harassment and intimidation at the hands of the state.

The government's present strategy towards its critics appears to be to isolate, harass, and place them under heavy surveillance rather than to imprison them, thereby drawing less international condemnation. Several key critics of the regime remain under house arrest or, in the case of Buddhist dissidents, confined to their pagodas. Other dissidents and former political prisoners are refused residence permits and are prohibited from traveling, while neither they, nor war veterans, religious leaders, or workers are allowed to form independent organizations that could compete with party-controlled mass organizations.

Public opposition within the Vietnamese Communist Party is also discouraged. The expulsion from the Party of Vietnam's highest-ranking dissident, Tran Do, a former general, in January 1999 set an example for others, as did official directives issued in May 1999 that prohibit party members from issuing statements critical of the party.

The government also continues to use existing laws, and to pass new ones, which contravene the standards laid down in the ICCPR and other international human rights norms. Legislation remains in force that authorizes surveillance of released prisoners convicted

OF NATIONAL SECURITY OFFENSES AND THE ARBITRARY "ADMINISTRATIVE DETENTION" OF ANYONE SUSPECTED OF THREATENING NATIONAL SECURITY, WITH NO NEED FOR PRIOR COURT AUTHORIZATION.

VIETNAM'S DOMESTIC MEDIA REMAINS UNDER STRICT STATE CONTROL. A NEW PRESS LAW PASSED IN MAY 1999 EFFECTIVELY ENCOURAGES MEDIA SELF-CENSORSHIP BY REQUIRING JOURNALISTS TO PAY COMPENSATION OR PUBLISH RETRACTIONS NOT ONLY FOR INACCURATE STORIES BUT FOR ALL WRITING DEEMED TO VIOLATE THE "HONOR OF ANY ORGANIZATION OR THE DIGNITY OF ANY INDIVIDUAL." CRITICS CONSEQUENTLY HAVE FEW SANCTIONED OUTLETS FOR INDEPENDENT EXPRESSION. COMMUNICATION AMONG DISSIDENTS AND BETWEEN THEM AND THE OUTSIDE WORLD IS HAMPERED BY INTERCEPTION OF MAIL, BLOCKAGE OF TELEPHONE LINES, AND SUSPENSION OF INTERNET ACCOUNTS. WHEN DISSIDENTS DO SPEAK OUT IN CRITICISM OF THE PARTY OR CALL FOR DEMOCRATIC REFORMS, THEY ARE SUBJECT TO INTERROGATION BY OFFICIALS AND HEIGHTENED MONITORING OF THEIR ACTIVITIES.

DESPITE THESE ONGOING CONCERNS, THERE CAN BE LITTLE DOUBT THAT IMPORTANT HUMAN RIGHTS IMPROVEMENTS HAVE OCCURRED IN VIETNAM IN RECENT YEARS. DURING THE FIRST FIFTEEN YEARS AFTER RE-UNIFICATION, THE COUNTRY'S PRISONS AND RE-EDUCATION CAMPS WERE FILLED WITH THOUSANDS OF REAL AND PERCEIVED OPPONENTS OF THE GOVERNMENT. THE GREAT MAJORITY OF THESE HAVE SINCE BEEN RELEASED BUT SOME REMAIN — PRECISELY HOW MANY, HUMAN RIGHTS WATCH IS UNABLE TO ESTIMATE WITH ACCURACY. THE TRUE NUMBER OF THOSE STILL BEING HELD IN PRISON, HOUSE ARREST OR OTHER FORMS OF DETENTION OR RESTRICTION AS CRITICS OR OPPONENTS OF THE GOVERNMENT, OR BECAUSE OF THEIR RELIGIOUS OPINIONS, IS KNOWN ONLY TO THE GOVERNMENT.

THIS TWENTY-FIFTH ANNIVERSARY OF THE COUNTRY'S REUNIFICATION OFFERS AN IMPORTANT OPPORTUNITY FOR THE VIETNAMESE GOVERNMENT TO REAFFIRM ITS COMMITMENT TO HUMAN RIGHTS, AND ITS TREATY OBLIGATIONS UNDER THE ICCPR. ACCORDINGLY, HUMAN RIGHTS WATCH URGES THE GOVERNMENT TO RELEASE UNCONDITIONALLY ALL THOSE CURRENTLY BEING IMPRISONED, DETAINED OR RESTRICTED ON ACCOUNT OF THEIR PEACEFUL EXERCISE OF THEIR RIGHTS TO FREEDOM OF EXPRESSION OR BELIEF AND TO TAKE OTHER STEPS NECESSARY TO BRING VIETNAM'S LAW AND PRACTICE INTO FULL CONFORMITY WITH ITS INTERNATIONAL HUMAN RIGHTS OBLIGATIONS. HUMAN RIGHTS WATCH ALSO URGES THE INTERNATIONAL COMMUNITY, NOTABLY THE GOVERNMENTS OF COUNTRIES ENJOYING CLOSE DIPLOMATIC, TRADE OR OTHER RELATIONS WITH VIETNAM, TO SUPPORT SUCH REFORMS.

## II. RECOMMENDATIONS

### To the Government of Vietnam:

- RELEASE IMMEDIATELY AND UNCONDITIONALLY ALL PERSONS WHO ARE BEING IMPRISONED OR DETAINED FOR PEACEFULLY EXPRESSING THEIR RELIGIOUS OR POLITICAL VIEWS. (SEE APPENDIX 3 FOR A PARTIAL LIST OF POLITICAL PRISONERS.)
- LIFT RESTRICTIONS AND CEASE HARASSMENT AND SURVEILLANCE OF RELEASED POLITICAL PRISONERS AND RELIGIOUS LEADERS SUCH AS NGUYEN DAN QUE, VU HUY CUONG, NGUYEN THANH GIANG, HOANG TIEN, TRAN DO, PHAM QUE DUONG, DUONG THU HUONG, PHAN DINH DIEU, HOANG MINH CHINH, NGUYEN HO, BUI MINH QUOC, HA SI PHU, TIEU DAO BAO CU, NGUYEN HO, LE QUANG LIEM, NGUYEN THI THU, THICH HUYEN QUANG, THICH QUANG DO, THICH NHAT BAN, THICH TUE SI, THICH TRI SIEU, THICH KHONG TANH, FATHER CHAN TIN, AND NGUYEN NGOC LAN.
- CEASE ARRESTS, HARASSMENT, AND ARBITRARY DETENTION OF INDIVIDUALS BASED ON THEIR RELIGIOUS BELIEFS. IMPLEMENT THE RECOMMENDATIONS MADE BY ABDELFAH AMOR, THE U.N. SPECIAL RAPPORTEUR ON RELIGIOUS INTOLERANCE, IN HIS DECEMBER 1998 REPORT, INCLUDING HIS RECOMMENDATION THAT PEOPLE IMPRISONED FOR THEIR RELIGIOUS BELIEFS, UPON THEIR RELEASE FROM PRISON, SHOULD BE ALLOWED TO RESUME THEIR RELIGIOUS ACTIVITIES IN FULL FREEDOM AND WITH FULL RIGHTS OF CITIZENSHIP, OBTAIN RESIDENCE PERMITS, AND HAVE THEIR PROPERTY RESTORED TO THEM.<sup>1</sup>
- UPHOLD THE GOVERNMENT'S OBLIGATIONS UNDER THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, RATIFIED BY VIETNAM IN 1992, AND VIETNAM'S 1992 CONSTITUTION, TO RESPECT FREEDOM OF OPINION AND EXPRESSION, INCLUDING PRESS FREEDOM, AS WELL AS THE RIGHTS TO PEACEFUL ASSEMBLY, FREEDOM OF ASSOCIATION, AND OTHER FUNDAMENTAL HUMAN RIGHTS.

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<sup>1</sup> Commission on Human Rights, "Civil and Political Rights, Including the Question of Religious Intolerance; Addendum: Visit to Vietnam," Report submitted by Abdelfattah Amor, December 12, 1998.

- AMEND, REVISE OR REPEAL DOMESTIC LAWS AND REGULATIONS THAT IMPOSE RESTRICTIONS ON THESE RIGHTS IN ORDER TO BRING THEM INTO COMPLIANCE WITH INTERNATIONAL LAW. ELIMINATE AMBIGUITIES IN THE CRIMINAL CODE'S SECTION ON CRIMES AGAINST NATIONAL SECURITY TO ENSURE THAT THESE LAWS CANNOT BE APPLIED AGAINST THOSE WHO HAVE MERELY EXERCISED THEIR BASIC RIGHT TO FREEDOM OF EXPRESSION.
- REPEAL ADMINISTRATIVE DETENTION DIRECTIVE 31/CP, WHICH AUTHORIZES VILLAGE-LEVEL PEOPLE'S COMMITTEE AND PUBLIC SECURITY OFFICIALS TO DETAIN INDIVIDUALS WITHOUT TRIAL FOR BETWEEN SIX MONTHS AND TWO YEARS IF THEY ARE DEEMED TO HAVE VIOLATED NATIONAL SECURITY LAWS. THE GOVERNMENT SHOULD ENSURE THAT ALL DETAINEES RECEIVE A FAIR TRIAL WITHIN A REASONABLE TIME AS REQUIRED UNDER INTERNATIONAL LAW.
- REPEAL THE 1999 PRESS LAW AND THE 1993 LAW ON PUBLICATIONS AND LIFT OTHER RESTRICTIONS ON PRESS FREEDOM WHICH LIMIT THE RIGHT OF THE DOMESTIC AND FOREIGN PRESS TO REPORT INDEPENDENTLY AND ACCURATELY WITHOUT PENALTIES OR CENSORSHIP.
- ALLOW ACCESS BY HUMANITARIAN ORGANIZATIONS AND INDEPENDENT MONITORING GROUPS TO VIETNAMESE PRISONS AND IMPLEMENT THE RECOMMENDATIONS MADE TO THE VIETNAMESE GOVERNMENT IN 1994 BY THE U.N. WORKING GROUP ON ARBITRARY DETENTION. THE WORKING GROUP CALLED FOR BETTER COMPLIANCE WITH THE U.N.'S STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS, GREATER TRANSPARENCY IN THE GOVERNMENT'S ADMINISTRATION OF DETENTION FACILITIES, AND FOR THE PROVISION OF ADEQUATE FOOD AND IMMEDIATE MEDICAL TREATMENT TO ALL DETAINEES.<sup>2</sup>

**TO THE INTERNATIONAL COMMUNITY AND FOREIGN AID DONORS:**

- PRESS VIETNAM TO RELEASE ALL POLITICAL AND RELIGIOUS PRISONERS, AND TO CEASE SURVEILLANCE AND HARASSMENT OF DISSIDENTS INCLUDING THOSE RELEASED FROM PRISON OR DETENTION.
- SUPPORT VIETNAM'S PROCESS OF LEGAL REFORM BUT CALL ON THE VIETNAMESE GOVERNMENT TO INTRODUCE LEGISLATION THAT GUARANTEES, BOTH ON ITS FACE AND IN ITS APPLICATION, THE RIGHTS TO FREEDOM OF OPINION AND EXPRESSION, ASSEMBLY, AND ASSOCIATION, AND SPECIFICALLY TO REPEAL DIRECTIVE 31/CP ON ADMINISTRATIVE DETENTION.
- PROVIDE TECHNICAL ASSISTANCE — BOTH BILATERAL AND FROM THE WORLD BANK — FOR LEGAL REFORMS INCLUDING REFORMS OF CRIMINAL, PRESS, AND NATIONAL SECURITY LAWS AND NOT ONLY LAWS DEALING WITH COMMERCIAL MATTERS.
- ENCOURAGE VIETNAM TO ACHIEVE GREATER TRANSPARENCY AND ACCOUNTABILITY IN ITS LEGAL AND PENAL SYSTEMS AND CONTINUE TO PRESS FOR THE ESTABLISHMENT OF AN INDEPENDENT AND IMPARTIAL JUDICIARY. PRESS FOR ACCESS FOR INTERNATIONAL OBSERVERS AND INDEPENDENT MONITORS TO TRIALS AND PERSONS HELD IN PRISON OR ADMINISTRATIVE DETENTION.
- URGE THE VIETNAMESE GOVERNMENT TO END ITS CENSORSHIP AND CONTROL OVER THE DOMESTIC MEDIA, INCLUDING ELECTRONIC COMMUNICATIONS, RECOGNIZING THAT A FREE PRESS IS ESSENTIAL IN PROMOTING CIVIL AND POLITICAL RIGHTS.
- URGE THE VIETNAMESE GOVERNMENT TO IMPLEMENT THE RECOMMENDATIONS MADE BY THE U.N. SPECIAL RAPPORTEUR ON RELIGIOUS INTOLERANCE.

**III. REPRESSION OF DISSIDENT VOICES**

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<sup>2</sup> Commission on Human Rights, "Question of the Human Rights of All Persons Subjected to any Form of Detention or Imprisonment; Working Group on Arbitrary Detention, Visit to Viet Nam," December 21, 1994, E/CN.4/1995/31/Add.4.

THE VIETNAMESE GOVERNMENT TOLERATES LITTLE PUBLIC CRITICISM OF THE COMMUNIST PARTY OR STATEMENTS CALLING FOR PLURALISM, DEMOCRATIC REFORMS, OR A FREE PRESS.<sup>3</sup> A COMMON REFRAIN BY OFFICIALS QUOTED IN THE STATE-CONTROLLED MEDIA IS THE NEED TO RID THE COUNTRY OF "HOSTILE FORCES" AND THWART "PEACEFUL EVOLUTION" (A TERM USED TO DERIDE THOSE WHO ALLEGEDLY SEEK TO UNDERMINE OR DISCREDIT COMMUNISM BY EMPLOYING "WESTERN" VALUES OF DEMOCRACY AND HUMAN RIGHTS). AN EXAMPLE IS THE STATEMENT BY CPV IDEOLOGY CHIEF HUU THO IN 1999: "HOSTILE FORCES FROM OUTSIDE COLLABORATE WITH BAD, OPPORTUNISTIC ELEMENTS FROM INSIDE SEEKING TO TRANSFORM AND DERAIL SOCIALISM."<sup>4</sup>

DESPITE VIETNAM'S LAUNCHING IN 1996 OF "DOI MOI," THE ECONOMIC RENOVATION PROCESS, INTERNATIONAL DONORS TO VIETNAM REMAIN FRUSTRATED WITH THE SLOW RATE OF ECONOMIC REFORM.<sup>5</sup> PARTY LEADERS SEEM MORE INTENT ON SILENCING DISSENT AND RETAINING CONTROL, HOWEVER, THAN ADDRESSING THE ECONOMIC AND HUMAN RIGHTS CONCERNS RAISED BY DONORS OR BY VIETNAMESE DISSIDENTS AND RURAL FARMERS BRAVE ENOUGH TO SPEAK OUT. INDICATING THE MINDSET OF THE CONSERVATIVES IN POWER, IN FEBRUARY 2000 PARTY GENERAL SECRETARY LE KHA PHIEU DENOUNCED "IMPERIALISM" FOR WIDENING THE GAP BETWEEN RICH AND POOR COUNTRIES AND STATED: "WE ARE RENOVATING, BUT WE ARE DETERMINED NOT TO CHANGE COLOR. THE DIFFICULTIES AND CHALLENGES WILL NOT FORCE US TO DIVERGE FROM THE PATH OF SOCIALISM."<sup>6</sup>

VIETNAM'S ECONOMIC REFORM PROGRAM HAS SLOWED NOT ONLY BECAUSE OF THE ASIAN ECONOMIC CRISIS BUT ALSO BECAUSE OF SPLITS WITHIN THE COMMUNIST PARTY'S LEADERSHIP, WHICH IS CLEARLY UNCERTAIN AS TO HOW FAR IT SHOULD OPEN UP THE COUNTRY TO THE WEST. THE NINETEEN-MEMBER POLITBURO HAS BEEN UNABLE TO REACH CONSENSUS ON SUCH KEY ISSUES AS WHETHER TO MOVE FORWARD WITH A TRADE AGREEMENT

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<sup>3</sup> The information in this report is based on interviews with individuals in Vietnam, France, and the United States, supplemented by academic articles, news stories, and reports by the U.N., non-governmental organizations, and diplomatic sources on human rights conditions in Vietnam.

<sup>4</sup> Associated Press, "Prominent Vietnamese Dissident Arrested; Rights Grps Protest," March 11, 1999.

<sup>5</sup> At the last two Consultative Group (CG) meetings of Vietnam's donors, held annually, the World Bank, International Monetary Fund and other donors pressed Vietnam to tackle corruption, institute greater transparency, and launch economic reforms. At the December 1999 CG meeting, donors pledged U.S. \$2.8 billion in aid to Vietnam, with \$700 million conditioned on accelerated economic reforms. Leading officials of donor governments have also raised human rights concerns in 1999, notably U.S. Secretary of State Madeleine Albright during her visit to Vietnam; Finnish Prime Minister Paavo Lipponen, when Finland held the European Union chairmanship; and Czech Prime Minister Milos Zeman, who raised issues of democratization and political prisoners during a visit to Hanoi. See Associated Press, "Albright, Vietnamese Leaders Meet," September 6, 1999; Adam Jasser, "Vietnam PM calls for more trade talks with U.S.," Reuters, September 23, 1999 (coverage of PM's visit to Finland); and Pavla Novakova, "Zeman Did Not Sidestep Human Rights Issue in Vietnam," in *Prague Lidove Noviny* in Czech, December 16, 1999, cited in FBIS-EEU-1999-1216.

<sup>6</sup> Associated Press, "Vietnam Party Lambasts Imperialism," February 2, 2000.

with the U.S. that has been stalled since July 1999. The Politburo has been paralyzed by the divide between those who advocate economic reforms along the lines proposed by the international donors and those who favor a more conservative and ideological approach, which is less threatening to their own assets as well as their political interests. There is concern that economic reform will jeopardize the position of state-owned enterprises which will find it more difficult to compete with foreign companies. Political hardliners also fear that proposed economic reforms could weaken the Party's control at a time when it faces increasing rural unrest due to corruption and the widening economic gap between rural and urban dwellers.

Corruption remains a serious and widespread problem and has been repeatedly raised as an obstacle to development by the World Bank and Vietnam's bilateral donors. In response, the government has taken various actions, including highly publicized purges of allegedly corrupt officials, but these have so far failed to convince either domestic or international critics of the government's sincerity. In early 1999 the Communist Party discussed the need for a "self-criticism campaign" to root out corruption and, in May 1999, CPV Secretary General Le Kha Phieu ordered the anti-graft campaign to begin in earnest. The same month, the country's largest corruption trial, the Minh Phung-EPCO trial, began in Ho Chi Minh City against defendants accused of defrauding the government of VND 5,196 billion (approximately U.S. \$350 million). This concluded in August 1999, with the conviction of seventy-seven defendants, four sentenced to death.

The corruption purges continued and affected senior officials in the hierarchy, several of whom were dismissed in November 1999 for mismanagement, including Deputy Prime Minister Ngo Yuan Loc, former central bank governor Cao Sy Kien, and former customs chief Phan Van Dinh. Another 1,500 officials have been suspended or disciplined since the anti-corruption campaign began.<sup>7</sup>

Many of the top leaders targeted in the purges, however, were allied with those advocating economic reforms, such as Premier Phan Van Khai. Most hardline conservatives within the Party have been largely unaffected and appear virtually unaccountable. The sincerity of the anti-corruption campaign was questioned in a January 2000 article in the *Sai Gon Gia Phong* newspaper, which reported that only a small fraction of the Party's membership had been affected by the purge.<sup>8</sup> Fears have also been expressed that those who speak out against corrupt officials as part of the anti-graft campaign may later come under attack and be labeled as dissidents themselves.

From 1975 until the late 1990s, many of those who opposed or criticized the government or called for pluralism and democratic reforms were imprisoned or sent to re-education camps. Nowadays, however, the Vietnamese government appears keen to avoid the international opprobrium that such overt repression provokes and to prefer to use other, less obvious means to try and silence key political and religious dissidents. Those who go too far in criticizing or confronting the government, however, still risk being subjected to house arrest, administrative detention or prison sentences.

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<sup>7</sup> Huw Watkin, "Fear rather than reform may be behind purge," *South China Morning Post*, November 13, 1999.

<sup>8</sup> See Huw Watkin, "Corrupt cadres thrive despite graft campaign," *South China Morning Post*, January 11, 2000.

It remains extremely difficult to estimate the number of those currently imprisoned in Vietnam because of their political or religious beliefs. The government rarely discloses information about them and does not allow independent monitoring of its prisons. However, Colonel Do Nam, director of the Public Security Ministry's Prisons Management Department, stated in March, 2000 that Vietnam's prison population included more than one hundred people convicted of crimes against national security alone.<sup>9</sup> This figure could include many people imprisoned for their political or religious beliefs, while other such prisoners may also be serving sentences imposed under different laws. According to Col. Nam, 78,000 people were then imprisoned in Vietnam, including 70,000 in forty-eight prisons under the Public Security Ministry, 7,000 in provincial detention camps, and 1,000 in Ministry of Defense prisons.<sup>10</sup> While as many as seven thousand prisoners were expected to be released in the amnesty scheduled for April 30, at the time this report was prepared, it was unclear whether these would include political prisoners, and, if so, how many. Previous amnesties, which have mostly resulted in the release of ordinary criminal prisoners, suggested it would be unlikely that a significant number of political prisoners would be among those freed.

### MONITORING OF FORMER POLITICAL PRISONERS

Under Article 30 of Vietnam's criminal code, people convicted of national security offenses can be placed under the supervision and surveillance of local authorities for a probationary period of up to five years after release from prison. Formerly imprisoned political dissidents and re-education camp inmates, including religious dissidents, appear to be routinely subjected to such monitoring.

Many former political prisoners, particularly those who attempt to speak out, are regularly summoned for questioning by police or local officials. Their publishing rights are denied, friends and neighbors are discouraged from meeting them, their mail is intercepted, and their telephone lines are blocked. Others are forced into retirement or lose their positions in the government. Many have been denied household registry documents, which are required not only to legally reside in one's home, but to lawfully hold a job, attend a state school, receive public health care, travel, vote, or formally challenge administrative abuses. Among the political prisoners released in 1998 who were denied these residence permits were Dr. Nguyen Dan Que, Thich Quang Do, Thich Tue Sy, and Thich Khong Tanh. Thich Nhat Ban, a Buddhist monk released in October 1998, commented that he has been released from a "small prison only to enter a larger one."

Dr. Nguyen Dan Que, a leading dissident, has lived under close and constant surveillance since his release from prison in 1998. Police officers regularly visit his house, particularly when he has visitors. An endocrinologist and the first Amnesty International member in Vietnam, Dr. Que has spent much of the last twenty years in prison. His most recent period of imprisonment began when he was arrested in June 1990 after making a public appeal for political pluralism and respect for human rights: he was then held in Xuan Loc labor camp in Dong Nai province. When he was released from prison in 1998, he decided to remain in Ho Chi Minh City rather than leave the country. Yet, he remains unable to work because the authorities have not restored his license to practice as a medical

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<sup>9</sup> The Working Group on Arbitrary Detention noted that Article 73 of the Penal Code, in describing offenses against national security, makes no distinction between the use or non-use of violence or of incitement or non-incitement to violence. The Working Group's 1994 report states: "The present wording of article 73 is so vague that it could result in penalties being imposed not only on persons using violence for political ends, but also on persons who have merely exercised their legitimate right to freedom of opinion or expression." See "Question of the Human Rights of All Persons Subjected to any Form of Detention or Imprisonment; Working Group on Arbitrary Detention, Visit to Viet Nam," Commission on Human Rights, December 21, 1994, E/CN.4/1995/31/Add.4.

<sup>10</sup> Associated Press, "18,000 Inmates to be Considered for Amnesty," March 11, 2000.

doctor, and he is unable to travel because he has not been issued a residence permit. His neighbors and friends are regularly warned by the authorities to stay away from him, further isolating him. His telephone connection has been blocked and his Internet account suspended since May 1999, when he issued a communiqué by e-mail calling for democratic reforms. Despite this constant harassment, Que still manages to make public statements from time to time.

### Stifling Dissent from within the Party

Government authorities are particularly sensitive to opposition from within the Vietnamese Communist Party, which ranges from those who completely reject Communism, to those who wish to retain a socialist system but seek to reform the Party from within, to those who criticize the Party primarily because they are frustrated with its endemic corruption.

A highly respected retired general and former chief of the Communist Party Ideology and Culture Committee, Trần Do was expelled from the Party in January 1999 because of his open criticism of it. He is now largely off limits to foreign press and diplomats. Since his expulsion, his phone line has been monitored and the connection often cut. In addition, his house has been placed under surveillance by undercover security police, who also follow him when he leaves it. In April 1999, the government turned down a request by Trần Do to be allowed to publish a private newspaper (see Appendix 1, Trần Do's application to publish a newspaper and the response from the Ministry of Culture and Information).

Trần Do has issued periodic critiques of the Party since 1995, but from 1998 they became much more pointed, and he issued a series of open letters to the Party leadership challenging its concentration of power and calling for democratic reforms and freedom of expression.

Popular novelist Duong Thu Huong, detained in 1991 for seven months for "sending seditious documents abroad" (that is, the manuscript for her novel) is also considered a threat because of her connections to the Party and the fact that several of her novels, which are critical of the government, have been translated into English and widely sold abroad. The authorities have refused to issue her a passport, making it impossible for her to travel abroad to attend international writers' conferences to which she has been invited.

Nguyen Ho, a former prominent Party member, war hero, and founder of the Club of Former Resistance Fighters, has also called publicly for greater democracy and the need to expose abuses within the Party. Since February 1996, he has been held under unofficial house arrest: police are stationed at his house to bar all visitors. Like other dissidents his telephone line is cut. He was previously held under house arrest from September 1990 to May 1993, and again since February 1996.

Hoang Minh Chinh, a former high-ranking Party cadre and former director of the Marxist-Leninist Institute, was detained in Hanoi in 1995 for allegedly propagating "anti-socialist propaganda." This was the third time he had been detained for criticizing Party policy. Today, he remains under heavy surveillance in Hanoi, with his telephone line jammed when he receives international calls.

After Trần Do's expulsion from the Party, other senior Party members and war heroes such as Col. Phạm Que Duong and Hoàng Hữu Nhân made public statements in support of Trần Do. The Party Central Committee then passed a resolution in February 1999 stating that it would punish or criticize those who disseminate their own opinions or distribute dissenting views.<sup>11</sup> Broadcast on national radio, the CPV Central Committee resolution stated, in part, that:

Party committees at all levels should monitor the political and ideological awareness developments of Party officials and members, regularly provide information to and assist one another in order to create consensus on the Party's viewpoints and line; correct improper viewpoints in a timely manner; strictly criticize and punish those Party members who have infringed the organizational principles of the Party who after being assisted by the Party

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<sup>11</sup> The resolution sends a mixed message, stating on the one hand that the Party will not discriminate against those with "minority views," but vowing to punish those who disseminate "dissenting views."



ORGANIZATION KEEP DISSEMINATING THEIR OWN OPINIONS OR DISTRIBUTING DOCUMENTS CONTRARY TO THE PLATFORM, THE STATUTE AND THE RESOLUTIONS OF THE PARTY.<sup>12</sup>

IN A FURTHER EFFORT TO THWART OPPOSITION FROM WITHIN THE PARTY, IN MAY 1999, POLITBURO MEMBER PHAM THE DUyet OUTLINED MORE THAN A DOZEN ACTIVITIES OUTLAWED FOR PARTY MEMBERS, INCLUDING ISSUING STATEMENTS CONTRARY TO THE PARTY PLATFORM, AND ORGANIZING PEOPLE TO LODGE COMPLAINTS OR JOIN DEMONSTRATIONS.<sup>13</sup>

### SILENCING CRITICAL POETS AND INTELLECTUALS

ALSO UNDER PRESSURE AND SCRUTINY ARE OUTSPOKEN CRITICS OF THE GOVERNMENT FROM THE ACADEMIC AND INTELLECTUAL COMMUNITIES. INCLUDED IN THIS GROUP ARE MATHEMATICIAN PHAN DINH DIEU, GEOLOGIST NGUYEN THANH GIANG, JOURNALIST VU HUY CUONG, WRITER HOANG TIENG, AND THE SO-CALLED DALAT INTELLECTUALS — BIOLOGIST AND WRITER HA SI PHU, POET BUI MINH QUOC, AND WRITER TIEU DAO BAO CU. INTELLECTUALS ARE HIGHLY RESPECTED IN VIETNAMESE SOCIETY, SO STATEMENTS THEY MAKE OR BOOKS OR POETRY THEY WRITE ARE ACCORDED CONSIDERABLE STATUS AND RECEIVE CAREFUL ATTENTION. MANY HAVE PREVIOUSLY BEEN JAILED OR PLACED UNDER HOUSE ARREST OR ADMINISTRATIVE DETENTION FOR EXPRESSING VIEWS CRITICAL OF THE GOVERNMENT.

GEOLOGIST NGUYEN THANH GIANG, WHO HAS OPENLY ADVOCATED HUMAN RIGHTS, MULTIPARTY DEMOCRACY, AND PEACEFUL REFORMS, WAS DETAINED BY POLICE FOR THREE DAYS IN MARCH 1999 AND THEN RELEASED ONLY AFTER GOING ON HUNGER STRIKE. A MONTH LATER HE WAS SUMMONED TO THE CULTURAL POLICE HEADQUARTERS AND ADVISED TO STOP CRITICIZING THE PARTY'S POLICES. THEN, ON MARCH 4, 1999, HE WAS ARRESTED AND CHARGED UNDER ARTICLE 205A OF THE CRIMINAL CODE FOR "ABUSING DEMOCRATIC RIGHTS." AFTER WIDESPREAD INTERNATIONAL PROTEST GIANG WAS RELEASED IN MAY 1999. HE CONTINUES TO BE REQUIRED TO REPORT REGULARLY TO POLICE AND PROHIBITED FROM TRAVELING OUTSIDE HIS LOCAL NEIGHBORHOOD IN HANOI WITHOUT PERMISSION. PUBLIC SECURITY POLICE HAVE SEARCHED GIANG'S HOUSE ON SEVERAL OCCASIONS, SUCH AS IN OCTOBER 1999, WHEN THEY CONFISCATED HIS COMPUTER AND ORDERED HIM TO THE POLICE STATION FOR SEVERAL DAYS OF INTERROGATION (SEE APPENDIX 2, LETTER OF PROTEST TO THE GOVERNMENT FROM NGUYEN THANH GIANG). GIANG HAS ISSUED A NUMBER OF PUBLIC LETTERS OVER THE YEARS, DENOUNCING "RED CAPITALISTS" WITHIN THE COMMUNIST PARTY AND VIOLATIONS OF HUMAN RIGHTS, AND CALLING FOR "REAL DEMOCRACY IN WHICH PEOPLE FROM BOTH THE TOP AND THE BOTTOM WOULD EQUALLY BENEFIT."

AFTER DISSIDENT JOURNALIST VU HUY CUONG WROTE A LETTER IN JANUARY 1999 SUPPORTING TRAN DO HE WAS CALLED IN FOR INTERROGATION BY THE POLICE. VU HUY CUONG HAS BEEN A LONG-TIME GOVERNMENT CRITIC. FOR MOST OF THE LAST THIRTY YEARS HE HAS EITHER BEEN IN PRISON OR UNDER CONSTANT POLICE SURVEILLANCE. AFTER OPPOSING THE PARTY'S MAOIST STANCE IN THE EARLY 1960S, CUONG WAS FIRED FROM NEWSPAPERS WHERE HE WORKED, WAS IMPRISONED IN 1967, AND THEN WAS EXILED TO HA NAM NINH PROVINCE FROM 1973-79. HE HAS BEEN BANNED FROM PUBLISHING OR TAKING JOBS WITH THE GOVERNMENT OR AS A TEACHER SINCE 1990.

IN APRIL 1999, POLICE SUMMONED WRITER HOANG TIEN AND VU HUY CUONG FOR QUESTIONING IN CONJUNCTION WITH NGUYEN THANH GIANG'S ARREST. DURING APRIL ALONE HOANG TIEN UNDERWENT SEVEN INTERROGATION SESSIONS, FROM APRIL 12-14 AND AGAIN ON APRIL 20; VU HUY CUONG'S INTERROGATIONS BEGAN ON APRIL 12 AND CONTINUED ON A DAILY BASIS FOR SEVERAL DAYS. IN LATE 1999 THE POLICE WERE CONTINUING TO VISIT VU HUY CUONG ALMOST EVERY DAY. HOANG TIEN IS A WELL KNOWN WRITER WHO HAS BEEN AN OUTSPOKEN ADVOCATE FOR DEMOCRACY, FREEDOM OF SPEECH, AND FREEDOM OF THE PRESS. HE ISSUED HIS OWN REPORTS DURING THE 1996 TRIAL OF DISSIDENT HA SI PHU, WHEN HE PROTESTED THAT THE VIETNAMESE PRESS WAS NOT ALLOWED TO COVER THE ARREST AND TRIAL BUT INSTEAD "COULD ONLY OFFER BRIEF BITS OF NEWS ACCORDING TO WHAT THE AUTHORITIES HANDED DOWN."

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<sup>12</sup> Voice of Vietnam, Hanoi, (radio) in Vietnamese, February 24, 1999, BBC Worldwide Monitoring; Reuters, "Vietnam communist Party to clamp down on dissent," February 25, 1999.

<sup>13</sup> *Hanoi Lao Dong*, "Labor Journal Reviews SRV Party's 'Forbidden' Activities," June 11, 1999; see also Associated Press, "Vietnam Clamps Down on Free Speech," June 7, 1999.

WRITER TIEU DAO BAO CU AND POET BUI MINH QUOC WERE EACH PLACED UNDER HOUSE ARREST FOR TWO YEARS IN THEIR HOMES IN DALAT UNDER ADMINISTRATIVE DETENTION DIRECTIVE 31/CP (SEE SECTION III BELOW). THE OFFICIAL DETENTION PERIOD LASTED FROM SEPTEMBER 1997 THROUGH OCTOBER 1999. THE AUTHORITIES CONTINUE TO KEEP THEM UNDER SURVEILLANCE, HOWEVER, AND THEIR TELEPHONES ARE DISCONNECTED, ALTHOUGH BUI MINH QUOC HAS BEEN ABLE TO TRAVEL IN THE NORTH SINCE HIS RELEASE FROM DETENTION.

BUI MINH QUOC WAS ORIGINALLY ARRESTED IN 1997 ON THE GROUNDS OF BEING IN POSSESSION OF "REACTIONARY LITERATURE"— IN FACT, FELLOW DISSIDENT VU THU HIEN'S NOVEL, *DARKNESS AT MIDDAY*. THE ARREST, MADE AT A DALAT BUS STOP, TOOK PLACE ON HIS RETURN FROM A VISIT TO HO CHI MINH CITY. HIS CONDITIONS AND TREATMENT WORSENERD IN MAY 1999, FOLLOWING THE APPEARANCE IN VIETNAM AND ELSEWHERE OF HIS WORK, *POETIC FLASHES IN THE INTERROGATION CHAMBER*. AT THAT TIME HE WAS SUBJECTED TO INTENSIVE QUESTIONING AND HIS HOME WAS RANSACKED BY PUBLIC SECURITY OFFICIALS, WHO TOOK AWAY FURTHER READING AND WRITING MATERIALS.

WHILE UNDER ADMINISTRATIVE DETENTION, BUI MINH QUOC WAS MADE TO LIVE IN NEAR TOTAL ISOLATION. POLICE WERE POSTED OUTSIDE HIS HOME AND GENERALLY HE COULD NOT VENTURE FURTHER THAN THE CONFINES OF HIS HOUSE AND GARDEN. HIS TELEPHONE LINE WAS DISCONNECTED BY THE SECURITY AUTHORITIES SEVERAL MONTHS PRIOR TO HIS BEING PLACED UNDER HOUSE ARREST IN ORDER TO PREVENT HIM FROM CONTACTING PEOPLE OUTSIDE VIETNAM OR GIVING INTERVIEWS TO WESTERN NEWS MEDIA. ALL MAIL TO AND FROM QUOC WAS INTERCEPTED. MONEY SENT BY RELATIVES DID NOT REACH HIM. HIS HOME WAS SEARCHED BY PUBLIC SECURITY OFFICIALS ON SEVERAL OCCASIONS DURING WHICH BOOKS AND WRITING MATERIALS WERE CONFISCATED. ON SEVERAL OCCASIONS QUOC WAS SUBJECT TO QUESTIONING AND INTERROGATION, USUALLY OF A VERY TEDIUS AND REPETITIVE NATURE. WRITTEN REQUESTS HE SUBMITTED TO THE POLICE TO TAKE HIS SON TO SCHOOL WERE REJECTED. HIS WIFE, A FORMER JOURNALIST AT THE STATE-OPERATED TELEVISION AND BROADCASTING STATION IN DALAT, HAD TO QUIT HER JOB BECAUSE OF THE CIRCUMSTANCES SURROUNDING HER HUSBAND'S ARREST. CONSEQUENTLY, THE FAMILY WAS DEPRIVED OF THEIR NORMAL MEANS OF INCOME, AND TURNED TO MAKING AND SELLING SMALL HAND-PUPPETS TO EARN A LIVING.

BIOLOGIST AND WRITER HA SI PHU WAS ARRESTED IN DECEMBER 1995 AND CHARGED WITH "REVEALING STATE SECRETS" FOR BEING IN POSSESSION OF A COPY OF PRIME MINISTER VO VAN KIET'S LETTER TO THE POLITBURO CALLING FOR REFORMS. AFTER TRIAL IN AUGUST 1996, HE WAS IMPRISONED UNTIL DECEMBER 1996. HE WAS THEN PLACED UNDER HOUSE ARREST ON AN UNOFFICIAL BASIS WHEN HE RETURNED TO HIS HOME IN DALAT. HA SI PHU WAS TREATED EVEN MORE HARSHLY THAN THE TWO OTHER DISSIDENTS IN DALAT, BUI MINH QUOC AND BAO CUU. IN APRIL 1999 POLICE SEARCHED HA SI PHU'S HOUSE, CONFISCATED HIS COMPUTER, PRINTER, AND DISKETTES, AND FINED HIM 500,000 VIETNAM DONG (ABOUT US \$35) FOR VIOLATING THE "PUBLISHING LAW." THIS INCIDENT REPORTEDLY WAS SPURRED BY HA SI PHU WRITING A LETTER TO TRAN DO, CONGRATULATING HIM FOR BEING EXPELLED FROM THE CPV. HA SI PHU'S CONDITION OF INFORMAL HOUSE ARREST REMAINS IN PLACE.

### CONTROLLING RURAL UNREST

NOT ONLY URBAN OR INTELLECTUAL DISSIDENTS, BUT ALSO FARMERS IN THE COUNTRYSIDE, WHO CONSTITUTE THE MAJORITY OF VIETNAM'S POPULATION, ARE DENIED THEIR FUNDAMENTAL RIGHTS TO FREE ASSEMBLY, EXPRESSION, AND ASSOCIATION. ISOLATED INCIDENTS OF PEASANT PROTEST IN THE PROVINCES HAVE OCCURRED SINCE THE LATE 1980S, AND FARMERS OCCASIONALLY GATHER BEFORE SESSIONS OF THE NATIONAL ASSEMBLY IN HANOI TO LODGE COMPLAINTS. HOWEVER, UNDER VIETNAM'S LAWS, FARMERS MAY BE SANCTIONED IF THEY PUBLICLY AIR THEIR GRIEVANCES OR TRY TO FORM INDEPENDENT ASSOCIATIONS TO REPRESENT THEIR INTERESTS.

IN 1997 SERIOUS RURAL UNREST ERUPTED IN DONG NAI AND THAI BINH PROVINCES, SPARKED BY FARMERS' ECONOMIC GRIEVANCES AND PROTESTS AGAINST CORRUPTION BY LOCAL OFFICIALS. IN THAI BINH, SOME OF THE DEMONSTRATIONS TURNED VIOLENT, LEADING THE GOVERNMENT TO DISPATCH MORE THAN 1200 SPECIAL POLICE AS WELL AS A HIGH-LEVEL DELEGATION LED BY POLITBURO MEMBER PHAM THE DUyet. MORE THAN FIFTY POLICE AND PROVINCIAL OFFICIALS WERE ARRESTED AT THE TIME, AS WERE MORE THAN SIXTY PROTESTORS, MOST OF WHOM WERE PROBABLY DETAINED UNDER ADMINISTRATIVE DETENTION DECREE 31/CP. THE MEDIA WAS PREVENTED FROM TRAVELING TO THE AREAS FOR MORE THAN FIVE MONTHS; JOURNALISTS STILL ARE NOT ABLE TO TRAVEL FREELY IN THE DISTRICTS WHERE THE PROTESTS OCCURRED. IN MARCH 1999, AT LEAST NINE LOCAL PEOPLE WERE CONVICTED FOR DISTURBING PUBLIC ORDER DURING THE JANUARY CLASHES IN DONG NAI. IN JULY 1999, THE PEOPLE'S COURT IN THAI BINH SENTENCED MORE THAN THIRTY LOCAL PEOPLE, WHOM THE GOVERNMENT TERMED "EXTREMISTS," TO PRISON TERMS: THEY WERE SAID TO HAVE INCITED PEOPLE TO DISRUPT PUBLIC ORDER DURING THE UNREST IN THE PROVINCE IN 1997. IN THAI BINH MORE THAN 1500 LOCAL OFFICIALS WERE EVENTUALLY DISCIPLINED FOR CORRUPTION AND BECAUSE OF ONGOING UNREST, EIGHTY-FOUR PARTY MEMBERS WERE EXPELLED, AND THIRTY LOCAL OFFICIALS OR CADRES WERE SENTENCED TO PRISON TERMS.

DESPITE THIS CLAMPDOWN, REPORTS OF SPORADIC PROTESTS BY LOCAL FARMERS AND DISGRUNTLED LOCAL OFFICIALS WHO LOST THEIR JOBS CONTINUE TO BE RECEIVED. IT REMAINS DIFFICULT TO MONITOR THE EXTENT OF RURAL UNREST BECAUSE OF RESTRICTIONS ON TRAVEL BY FOREIGN JOURNALISTS, BUT SINCE 1997 PEASANT PROTESTS HAVE BEEN REPORTED NOT ONLY IN THAI BINH BUT ALSO IN SOUTHERN DONG NAI PROVINCE, WHERE FARMERS PROTESTED EVICTIONS BY THE MILITARY; HA TAY PROVINCE NEAR HANOI, THE SITE OF ONGOING DISSATISFACTION OVER LAND RIGHTS AND CORRUPTION; AS WELL AS HA NAM, NAM DINH, THANH HOA, QUANG NGAI, AND BAC NINH PROVINCES. THE GOVERNMENT'S HARSH RESPONSE TO THE RURAL UNREST MAKES CLEAR BOTH ITS DETERMINATION TO MAINTAIN STABILITY AND THE GENERAL ABSENCE IN VIETNAM OF BASIC PROTECTIONS FOR THE INDIVIDUAL AGAINST ARBITRARY DETENTION AND VIOLATIONS OF RIGHTS TO EXPRESSION, ASSOCIATION AND ASSEMBLY.<sup>14</sup>

### PERSECUTION OF RELIGIOUS DISSIDENTS

RELIGIOUS GROUPS AND CHURCHES THAT ARE NOT OFFICIALLY SANCTIONED OR CONTROLLED BY THE GOVERNMENT CONTINUE TO BE PERCEIVED AS POSING A CHALLENGE TO GOVERNMENT AUTHORITY BECAUSE OF THEIR POTENTIAL FOR ATTRACTING LARGE FOLLOWINGS AND THUS, FOR COMPETING WITH THE PARTY'S MASS ORGANIZATIONS. A 1999 REPORT BY ABDELFAZZAH AMOR, THE U.N. SPECIAL RAPPORTEUR ON RELIGIOUS INTOLERANCE, UNDERSCORED THE NEED FOR VIETNAM TO IMPLEMENT REFORMS TO SAFEGUARD RELIGIOUS FREEDOMS. HOWEVER, THE GOVERNMENT CONTINUES TO REQUIRE THAT ALL RELIGIOUS ACTIVITIES BE REGISTERED BY THE STATE, TO RESTRICT TRAVEL BY RELIGIOUS LEADERS, AND TO CENSOR THE CONTENTS OF THEIR SERMONS AND SPEECHES.

IN APRIL 1999, THE GOVERNMENT ISSUED A NEW DECREE ON RELIGION, NO. 26/1999/ND-CP.<sup>15</sup> WHILE PURPORTING TO GUARANTEE FREEDOM OF RELIGION, THE DECREE PROVIDES THAT ALL RELIGIOUS ORGANIZATIONS "USED TO OPPOSE THE STATE OF THE SOCIALIST REPUBLIC OF VIETNAM," AS WELL AS UNDEFINED "SUPERSTITIOUS ACTIVITIES," ARE TO BE PUNISHED.<sup>16</sup> THE DECREE PROVIDES FOR EXTENSIVE GOVERNMENT REGULATION OF RELIGIOUS ORGANIZATIONS, AND INCLUDES PROVISIONS THAT RELIGIOUS SEMINARIES AND APPOINTMENTS OF RELIGIOUS LEADERS BE APPROVED BY THE GOVERNMENT.<sup>17</sup> THE DECREE ALSO BANS RELIGIOUS ORGANIZATIONS THAT CONDUCT ACTIVITIES CONTRARY TO "STRUCTURES AUTHORIZED BY THE PRIME MINISTER."<sup>18</sup> THESE PROVISIONS APPEAR TO BE DIRECTED AGAINST RELIGIOUS LEADERS WHO HAVE TAKEN CRITICAL STANDS AGAINST THE GOVERNMENT AND CALLED FOR PEACEFUL DEMOCRATIC REFORMS.

RELIGIOUS LEADERS FROM THE BANNED UNIFIED CHURCH OF VIETNAM (UCV) FACE ONGOING PERSECUTION FOR THEIR LONG HISTORY OF CONFRONTING THE COUNTRY'S RULERS ON MATTERS OF PRINCIPLE. THE UCV WAS THE MAIN BUDDHIST ORGANIZATION IN SOUTH AND CENTRAL VIETNAM

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<sup>14</sup> See Human Rights Watch/Asia, "Vietnam: Rural Unrest in Vietnam," Vol. 9, No. 11 (C), December 1997.

<sup>15</sup> Decree No. 26/1999/ND-CP, "Decree of the Government Concerning Religious Activities" (translation on file at Human Rights Watch).

<sup>16</sup> Ibid., articles 5; see also article 7.

<sup>17</sup> Ibid., articles 18-26.

<sup>18</sup> Ibid., article 8.

prior to 1975, when administration of its properties and institutions were taken over by the government.<sup>19</sup> In 1991 the UBCV was dissolved by the government and replaced with the state-sponsored Vietnam Buddhist Church. Since that time tensions have risen steadily between the government and the UBCV, which does not recognize the authority of the Vietnam Buddhist Church, particularly during the 1990s when the government imprisoned many monks affiliated with the UBCV.

The Supreme Patriarch of the UBCV, Thích Huyền Quang, eighty-one, is currently being detained without trial under pagoda arrest in Nghĩa Hành district in Quảng Ngãi province. He was first arrested in April 1977, then again in 1982 for calling for official recognition of the UBCV. From his forced internal exile in central Quảng Ngãi province, he issued a declaration in November 1993 calling for democratic reform and respect for human rights. In December 1994 he was rearrested on charges of organizing a UBCV flood relief operation in the Mekong Delta. In January 1995, police forcibly moved Thích Huyền Quang to an isolated pagoda in Quảng Ngãi province, where he now lives in internal exile. While requests by journalists, diplomats and non-governmental organizations to visit Thích Huyền Quang are routinely rejected by the government, in December 1999 a U.S. Embassy official was able to meet with him for three hours while inspecting flood-stricken areas in Quảng Ngãi.

Outspoken UBCV leader Thích Quang Do has been harassed by the authorities on several occasions since his latest release from prison in September 1998. In March 1999, he was summoned for questioning and ordered to return to Ho Chi Minh City after he traveled to central Vietnam to visit Thích Huyền Quang. On August 6, officials in Ho Chi Minh City called in Thích Quang Do to interrogate him and tried to force him to sign a confession that he had acted illegally in July when he wrote a letter to European Union ambassadors in Hanoi calling for human rights and religious freedoms. On August 13, a police squad came to his pagoda after midnight and demanded to see him, threatening to break down the door before they eventually left.

In September 1999, Thích Quang Do was again summoned several times for questioning by police, as were UBCV monks Thích Khong Tân and Thích Túc Sỹ, who had also been released from prison in 1998. The monks were told that their rearrests were imminent, as warrants had already been prepared to arrest them for "subversive activities" pending further investigation. During a tense, three-hour interrogation session on September 6, Thích Quang Do was confronted by ten officials, including members of the Ho Chi Minh City police, the Ho Chi Minh City section of the CPV, the Fatherland Front, and the official Vietnam Buddhist Church. On October 29, security police surrounded the Liên Trì pagoda of Thích Khong Tân in Ho Chi Minh City and confiscated documents and a fax machine.

Members of the Hoa Hao sect of Buddhism have been subject to police surveillance and several are thought to remain in detention. The sect was granted official status in May 1999, although government appointees dominate an eleven-member Hoa Hao Buddhism Representative Committee established at that time. In July 1999, in one of the first large public gatherings of the group since 1975, thousands of Hoa Hao members commemorated the founding of the church in An Giang province. Because of its history of armed resistance to Communist forces before 1975, however, the Hoa Hao sect remains closely monitored. After Hoa Hao elder Lê Quang Liêm signed a joint appeal in September 1999 with representatives of other religions calling for greater religious freedom (see page 14, below), he was interrogated on several occasions by Ho Chi Minh City Public Security Police. Since December 1999 his telephone line has been disconnected and his house placed under surveillance.

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<sup>19</sup> The 1963 demonstrations and self-immolations to protest the policies of the Diem government in South Vietnam led the majority of Buddhist sects in southern and central Vietnam to join together in a loose association known as the Unified Buddhist Church. It later became the largest Buddhist organization in this overwhelmingly Buddhist country.

ON SEVERAL OCCASIONS IN DECEMBER 1999 HOA HAO MEMBERS IN AN GIANG PROVINCE REPORTEDLY CLASHED WITH POLICE, WHO PREVENTED THEM FROM HANGING OUT RELIGIOUS SIGNS AND PICTURES OF THEIR PROPHET AND BLOCKED THEIR PILGRIMAGE TO THEIR PROPHET'S BIRTHPLACE. POLICE ALSO REPORTEDLY DETAINED AND BEAT SOME OF THE HOA HAO ADHERENTS, ONLY RELEASING THEM AFTER ABOUT ONE HUNDRED DEMONSTRATORS STAGED A VIGIL AT THE POLICE STATION.<sup>20</sup> TENSIONS INCREASED IN AN GIANG PROVINCE IN THE LEAD-UP TO A HOA HAO RELIGIOUS ANNIVERSARY COMMEMORATING THE ASSASSINATION OF THEIR FOUNDER ON MARCH 30, 2000. ON MARCH 11, POLICE REPORTEDLY RAIDED A PRIVATE HOA HAO CEREMONY IN AN GIANG, INJURING SEVERAL PARTICIPANTS AND ARRESTING THREE OTHERS. ON MARCH 29, TWO HOA HAO BUDDHISTS WERE REPORTEDLY ARRESTED IN AN GIANG PROVINCE AND CHARGED WITH "DEFAMING THE GOVERNMENT." ON MARCH 30 POLICE REPORTEDLY BLOCKED THOUSANDS OF HOA HAO FOLLOWERS FROM OBSERVING THE RELIGIOUS ANNIVERSARY, DETAINING TEN FOLLOWERS.<sup>21</sup>

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<sup>20</sup> Deutsche Presse-Agentur, December 30, 1999.

<sup>21</sup> Deutsche Presse-Agentur, "Vietnam police block key anniversary of troubled Buddhist sect," March 30, 2000.

MEMBERS OF THE CAO DAI RELIGION, WHICH COMBINES ELEMENTS OF CONFUCIANISM, CHRISTIANITY, TAOISM AND BUDDHISM, HAVE COMPLAINED THAT SOME OF THEIR RELIGIOUS PRACTICES ARE BANNED AND CHURCH PROPERTY HAS BEEN CONFISCATED. A 1997 CPV REPORT FOR TAY NINH PROVINCE, WHERE CAO DAIISM IS BASED, STATED THAT THE CAO DAI CATHEDRAL WAS A PLACE "WHERE ENEMIES TAKE ADVANTAGE TO STIR UP POLITICAL REACTIONARY OPERATIONS AGAINST OUR REVOLUTION...WE ALL AGREED TO FADE OUT SPIRITUALISM; TO WIPE OUT THE [Cao Dai] SYSTEM, WHICH WAS ORGANIZED LIKE A STATE WITHIN A STATE."<sup>22</sup>

IN OCTOBER, 1998 TWO CAO DAISTS, LE KIM BIEN AND PHAM CONG HIEN, WERE ARRESTED IN KIEN GIANG PROVINCE AND SENTENCED TO TWO YEARS' IMPRISONMENT AFTER THEY ATTEMPTED TO MEET WITH U.N. SPECIAL RAPPORTEUR AMOR DURING HIS VISIT TO VIETNAM. WHILE THE RELIGION WAS OFFICIALLY RECOGNIZED IN 1997, THIS WAS DONE ON THE GOVERNMENT'S TERMS, WITH THE CAO DAI PLACED UNDER A GOVERNMENT-APPOINTED MANAGEMENT COUNCIL THAT IS NOT RECOGNIZED BY MANY CAO DAI OFFICIALS. SPECIAL RAPPORTEUR AMOR NOTED IN HIS 1998 REPORT: "TWO DISTINCT GROUPS ARE NOW ASSOCIATED WITH CAO DAIISM: A MANAGEMENT COMMITTEE, COMPRISING A FEW CHURCH OFFICIALS CONTROLLED BY THE AUTHORITIES, AND A MAJORITY OF INDEPENDENT CHURCH OFFICIALS OPPOSED TO THE COMMITTEE."<sup>23</sup>

THE GOVERNMENT HAS ALSO MADE EFFORTS TO SUPPRESS PROTESTANTS THROUGH POLICE RAIDS, SURVEILLANCE, AND NEGATIVE PROPAGANDA, PARTICULARLY AS INCREASING NUMBERS OF ETHNIC MINORITIES HAVE JOINED EVANGELICAL CHURCHES IN THE NORTHERN AND CENTRAL HIGHLANDS.<sup>24</sup> REPORTS HAVE BEEN RECEIVED OF PERSECUTION AND HARASSMENT OF HMONG PROTESTANTS IN LAI CHAU, LAO CAI AND HA GIANG PROVINCES, MNONG IN BINH PHUOC PROVINCE, BAHNAR AND JARAI IN GIA LAI PROVINCE, AND HRE IN QUANG NGAI. THREE PROTESTANT CHURCHES IN BINH PHUOC PROVINCE, WHOSE MEMBERS WERE ETHNIC MNONG AND STIENG, WERE DEMOLISHED BY PROVINCIAL AUTHORITIES IN JULY 1999. SUBSEQUENTLY SEVERAL PROVINCIAL OFFICIALS WERE DISMISSED IN BINH PHUOC LEADING TO A DECREASE IN TENSIONS WITH LOCAL PROTESTANTS.

IN JANUARY 1999, AN OFFICIAL LAW JOURNAL, *PHAP LUAT*, HEAVILY CRITICIZED THE CONVERSION TO PROTESTANTISM OF HMONG IN NORTHERN HA GIANG PROVINCE. THE PROVINCIAL PARTY CHIEF WAS QUOTED AS SAYING THAT A DISTRICT TASK FORCE HAD BEEN ESTABLISHED TO "DEAL WITH ILLEGAL RELIGIOUS EVANGELISM" BY PERSUADING PEOPLE TO SIGN COMMITMENTS NOT TO FOLLOW "BAD PEOPLE" OR CULTS, BUT TO REBUILD ANCESTOR SHRINES.<sup>25</sup> TWO MONTHS EARLIER IN THE SAME PROVINCE, THE PROVINCIAL PROPAGANDA COMMITTEE ISSUED A FORTY-TWO PAGE PAMPHLET ENTITLED "PROPAGANDIZING AND MOBILIZING CITIZENS NOT TO FOLLOW RELIGION ILLEGALLY." ABOUT TEN HMONG CHRISTIANS WERE REPORTEDLY IN DETENTION IN LAI CHAU AND HA GIANG PROVINCES AS OF LATE-1999.

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<sup>22</sup> Andy Soloman, "Cao Dai struggles for survival in Vietnam," Reuters, April 21, 1999.

<sup>23</sup> Commission on Human Rights, "Civil and Political Rights, Including the Question of Religious Intolerance; Addendum: Visit to Vietnam," Report submitted by Abdelfattah Amor, December 12, 1998.

<sup>24</sup> Protestantism is the fastest growing religion in Vietnam, with a four-fold increase in membership since 1975 to an estimated 600,000 to 800,000 adherents of the faith today.

<sup>25</sup> "Combating the Illegal Propagation of Religion — Not Only Promoting Law and Order," *Phap Luat* (Law), January 15, 1999. See also World Evangelical Fellowship, "On the Cruel Edges of the World: the Untold Persecution of Christians Among Vietnam's Minority Peoples," March 1999.

ON MAY 7, 1999, POLICE RAIDED AN EVANGELICAL GATHERING OF THE VIETNAM ASSEMBLIES OF GOD CHURCH IN A HANOI HOTEL AND HELD TWENTY PEOPLE FOR SEVERAL DAYS. POLICE DETAINED TWO OF THE GROUP'S LEADERS, LO VAN HEN (A MEMBER OF THE BLACK THAI MINORITY GROUP, WHO HAD BEEN RELEASED FROM THREE YEARS IN PRISON IN JANUARY 1999), AND REV. TRAN DINH (PAUL) AI, WHO HAD SERVED TWO YEARS IN PRISON IN THE EARLY 1990S FOR HIS RELIGIOUS ACTIVITIES AND WHO HAD MET WITH U.N. SPECIAL RAPPORTEUR AMOR DURING HIS 1998 VISIT. LO VAN HEN WAS ESCORTED BACK TO HIS HOME IN DIEN BIEN PHU, WHILE REV. AI WAS DETAINED UNDER POLICE GUARD FOR A MONTH IN THE HANOI HOTEL WHERE THE MEETING HAD TAKEN PLACE.<sup>26</sup> SUBSEQUENT POLICE RAIDS ON CHRISTIAN GATHERINGS, IN WHICH POLICE TEMPORARILY DETAINED CHURCH MEMBERS, WERE REPORTED TO HAVE TAKEN PLACE IN 1999: IN QUANG NAM PROVINCE IN SEPTEMBER, IN VIET TRI TOWN ON OCTOBER 10, AND IN HALONG BAY IN MID-OCTOBER.<sup>27</sup>

MEMBERS OF TIN LANH (GOOD NEWS, OR GOSPEL) PROTESTANT CHURCHES WHO ARE LOWLAND VIETNAMESE [KINH] ARE OFTEN LESS PERSECUTED. THIS IS THOUGHT TO BE BECAUSE THEIR MEMBERS ARE NOT MEMBERS OF ETHNIC MINORITIES AND MANY OF THEIR CHURCHES ARE LOCATED IN THE MAIN CITIES OF DANANG, HANOI, AND HO CHI MINH CITY RATHER THAN IN REMOTE HIGHLAND AREAS. THERE ARE APPROXIMATELY 300 TIN LANH CHURCHES IN VIETNAM, FIFTEEN OF WHICH ARE THE ONLY PROTESTANT CHURCHES THAT THE GOVERNMENT OFFICIALLY RECOGNIZES.<sup>28</sup>

FOR CATHOLICS, RELATIONS BETWEEN VIETNAM AND THE VATICAN WARMED SLIGHTLY IN 1999 WITH THE VISIT IN MARCH OF A VATICAN DELEGATION AND VIETNAM'S ACCEPTANCE OF THE APPOINTMENT OF FOUR NEW BISHOPS BY THE VATICAN. AS IN 1998, TENS OF THOUSANDS OF CATHOLICS WERE ABLE TO ATTEND AN ANNUAL FESTIVAL COMMEMORATING THE SANCTUARY OF THE NOTRE DAME OF LA VANG IN QUANG TRI PROVINCE. HOWEVER, AT LEAST SEVEN MEMBERS OF THE CATHOLIC CONGREGATION OF THE MOTHER CO-REDEMPTRIX, ARRESTED IN 1997, WERE BELIEVED TO REMAIN IN PRISON AS OF THIS WRITING. IN NORTHERN SON LA PROVINCE POLICE HAVE REPORTEDLY HARASSED ETHNIC MINORITY HMONG CATHOLICS IN HUNG HOA DIOCESE, WHERE THE GOVERNMENT HAS REJECTED NOMINATIONS FOR A BISHOP. THE VIETNAMESE GOVERNMENT HAS TURNED DOWN REQUESTS BY CATHOLICS FOR THE POPE TO VISIT VIETNAM.

FATHER CHAN TIN, A REDEMPTORIST PRIEST IN HO CHI MINH CITY, HAS BEEN A LONG-TIME CRITIC OF THE REGIME. HE WAS HELD UNDER HOUSE ARREST BETWEEN 1990 AND 1993. IN 1998 WHILE TRAVELLING TO ATTEND THE FUNERAL OF A COMMUNIST PARTY VETERAN WHO HAD CALLED FOR DEMOCRATIZATION, FATHER CHAN TIN AND FORMER CATHOLIC PRIEST NGUYEN NGOC LAN WERE INJURED IN A MOTORCYCLE ACCIDENT WHEN ANOTHER MOTORCYCLIST KICKED THE FRONT OF THEIR MOTORCYCLE. THIS OCCURRED IN THE PRESENCE OF SEVERAL POLICE OFFICERS, NONE OF WHOM TOOK ANY ACTION, BUT IT REMAINS UNCLEAR WHETHER THIS WAS AN ATTEMPT TO KILL OR INTIMIDATE THE TWO PRIESTS OR SIMPLY AN ACCIDENT.

IN SEPTEMBER 1999 MEMBERS OF FOUR OF THE MAIN RELIGIONS IN VIETNAM ISSUED AN UNPRECEDENTED STATEMENT CALLING FOR THE REPEAL OF THE NEW RELIGION DECREE, DESCRIBED ABOVE, AND DEMANDING RELIGIOUS FREEDOM AND THE SEPARATION OF CHURCH AND STATE. THE LETTER, WHICH WAS SENT TO CPV OFFICIALS, WAS SIGNED BY THICH QUANG DO OF THE UBCV, CATHOLIC PRIEST CHAN TIN, CAO DAI PRIEST TRAN QUANG CHAU, AND HOA HAO LEADER LE QUANG LIEM.<sup>29</sup> AFTERWARDS, LE QUANG LIEM WAS QUESTIONED SEVERAL TIMES BY HO CHI MINH CITY PUBLIC SECURITY POLICE ABOUT SIGNING THE JOINT APPEAL AND HIS HOUSE WAS PLACED UNDER SURVEILLANCE. POLICE ALSO SUMMONED THICH QUANG DO FOR QUESTIONING SEVERAL TIMES DURING THE MONTH OF SEPTEMBER.

#### IV. RESTRICTIONS ON FREEDOM OF THE PRESS

THE VIETNAMESE PRESS IS NO LONGER THE "MONOLITHIC PROPAGANDA MACHINE" IT ONCE WAS, AND DOZENS OF LIVELY NEW PUBLICATIONS HAVE SPRUNG UP IN RECENT YEARS.<sup>30</sup> MOST OF THE NEW PUBLICATIONS, HOWEVER, FOCUS ON SPORTS, ENTERTAINMENT, OR SENSATIONAL NEWS FROM POLICE BLOTTERS, AND PROVIDE LITTLE CHECK ON THE GOVERNMENT. THE MEDIA CONTINUES TO REMAIN UNDER STRICT GOVERNMENT CONTROL ALTHOUGH

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<sup>26</sup> Reuters, "Vietnam Police Bust Hanoi Bible Meet, Detain 20," May 14, 1999. Reuters, "Prominent Vietnam Pastor Released from Detention," June 4, 1999.

<sup>27</sup> Dean Yates, "Vietnam Christians decry police raids, harassment," Reuters, October 28, 1999.

<sup>28</sup> 1999 Vietnam Country Report on Human Rights Practices, released by the Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, February 25, 2000.

<sup>29</sup> Deutsche Press-Agentur, "Vietnam's Major Religions Make Unprecedented Joint Freedom Appeal," September 27, 1999.

<sup>30</sup> "Journalism in Vietnam," unpublished conference paper by Robert Templer, April 29, 1998.

JOURNALISTS ARE ABLE OCCASIONALLY TO REPORT ON CORRUPTION BY GOVERNMENT OFFICIALS. DIRECT CRITICISM OF THE PARTY, HOWEVER, IS CLEARLY FORBIDDEN.

WITH THE POLITICAL CONTENT OF STATE MEDIA TIGHTLY REGULATED, DISSIDENTS AND CRITICS OF THE GOVERNMENT HAVE FEW AVENUES OF EXPRESSION. THE 1993 PUBLISHING LAW DOES NOT PERMIT PRIVATE OWNERSHIP OF MEDIA OR PUBLISHING HOUSES. INSTEAD ALL PUBLISHING OPERATIONS MUST BELONG EITHER TO STATE AGENCIES OR TO OFFICIALLY SANCTIONED SOCIAL OR POLITICAL ORGANIZATIONS.<sup>31</sup> NONE OF THE CRITICISM OF THE GOVERNMENT BY DISSIDENTS, SENIOR PARTY LEADERS, OR RETIRED OFFICERS IS PUBLISHED IN THE STATE MEDIA. IN ADDITION, PRESS COVERAGE OF HOT SPOTS SUCH AS THAI BINH AND DONG NAI, SITES OF PEASANT DEMONSTRATIONS OVER THE LAST COUPLE OF YEARS, WAS BLACKED OUT FOR MORE THAN FOUR MONTHS IN 1997; ACCESS TO THOSE AREAS HAS BEEN STRICTLY CONTROLLED SINCE THEN.

PASSED BY THE NATIONAL ASSEMBLY IN JULY 1993, THE PUBLISHING LAW AUTHORIZES PRE-PUBLICATION CENSORSHIP "IN NECESSARY CIRCUMSTANCES DECIDED BY THE PRIME MINISTER"<sup>32</sup> AND BANS THE FOLLOWING:

- MATERIAL DETRIMENTAL TO THE SOCIALIST REPUBLIC OF VIETNAM OR THE UNITY OF ITS ENTIRE PEOPLE;
- MATERIAL INCITING VIOLENCE OR WAR OR AGGRESSION, FOMENTING HATRED AMONG NATIONALITIES, AND PEOPLES OF VARIOUS NATIONS, PROPAGATING REACTIONARY CONCEPTS AND CULTURE, DISSEMINATING DEGENERATE OR DECADENT LIFESTYLE; PROMOTING CRIME, SOCIAL VICE AND SUPERSTITION; AND DAMAGING GOOD VIETNAMESE MORALS AND CUSTOMS;
- MATERIAL REVEALING PARTY, STATE, MILITARY, NATIONAL SECURITY, ECONOMIC AND FOREIGN AFFAIRS SECRETS; SECRETS INVOLVING THE PERSONAL LIVES OF CITIZENS; AND OTHER SECRETS STIPULATED BY LAW;
- MATERIAL DISTORTING HISTORY, REJECTING REVOLUTIONARY ACHIEVEMENTS, DISCREDITING GREAT VIETNAMESE MEN AND NATIONAL HEROES, OR SLANDERING AND DAMAGING THE PRESTIGE OF ORGANIZATIONS OR THE DIGNITY OF CITIZENS.<sup>33</sup>

CRITICS SUCH AS HOANG MINH CHINH HAVE BEEN CHARGED UNDER ARTICLE 92 OF THE CRIMINAL CODE WITH PROPAGATING "ANTI-SOCIALIST PROPAGANDA."<sup>34</sup> WHEN THE JOURNAL PUBLISHED BY NGUYEN HO'S CLUB OF FORMER RESISTANCE FIGHTERS CRITICIZED THE PARTY IN 1999, ESPECIALLY ITS TREATMENT OF WAR VETERANS, THE GOVERNMENT PROMPTLY SHUT DOWN BOTH THE PUBLICATION AND THE ASSOCIATION. IN A STERN REMINDER TO JOURNALISTS NOT TO EXCEED STATE-IMPOSED LIMITS, COMMUNIST PARTY MEMBER NGUYEN HOANG LINH, WHO HAD REPORTED ON HIGH-LEVEL CORRUPTION

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<sup>31</sup> 1993 Publishing Law, Article 9. The 1993 law is discussed in Human Rights Watch, "Human Rights in a Season of Transition: Law and Dissent in the Socialist Republic of Vietnam," *A Human Rights Watch Report*, vol. 7, no. 12, August 1995, p.5.

<sup>32</sup> 1993 Publishing Law, Article 2.

<sup>33</sup> 1993 Publishing Law, Article 22; BBC, Summary of World Broadcasts, FE/1761 B/6, August 7, 1993. Zachary Abuza, "The Vietnamese Press Under General Secretaries Do Muoi and Le Kha Phieu," draft chapter, unpublished manuscript on file at Human Rights Watch.

<sup>34</sup> Human Rights Watch, "Human Rights in a Season of Transition," p.9; Abuza, "The Vietnamese Press," draft chapter.



within the General Department of Customs, was dismissed as editor of *Doanh Nghiep* (Enterprise) newspaper in 1997. Immediately after Nguyen's arrest, the Politburo issued a directive on October 23, 1997 ordering the press to adhere to the party line and warning all others not to "reveal state secrets." In 1999, Nguyen was tried and found guilty for "taking advantage of democracy to damage the state" and sentenced to time served of a little more than one year.

Requests by dissidents to publish journals have either been rejected or ignored. In July 1999 the Ministry of Culture and Information rejected a request by Tran Do to publish a newspaper (Appendix 1 contains a translation of Tran Do's lengthy, carefully articulated request for a permit, as well as a translation of the government's letter of denial). As of this writing the government had not responded to an application to publish a journal made by Thich Quang Do in September 1999.

The role of the media, as outlined by the official army daily, *Hanoi Quan Doi Nhan Dan*, is to combat "reactionary forces." In a January 1999 article, the paper asserted that:

At the national level, the press needs to be quick and sharp in countering malicious arguments and misinformation about the situation in Vietnam produced by hostile forces. The press should actively participate in breaking up and criticizing reactionary and counter-revolutionary viewpoints of bad, reactionary, and opportunistic elements both at home and abroad.<sup>35</sup>

In May 1999 the National Assembly passed a new press law which makes the Ministry of Culture and Information responsible for all media outlets and the Internet.<sup>36</sup> The new law, which applies only to Vietnamese press and not foreign media outlets, requires journalists to pay compensation or publish retractions to individuals harmed by their reports. Retractions are required not only for inaccurate stories, but for writings which "violat[e] the honour of any organization or the dignity of any individual."<sup>37</sup> The vague language of the law, which fails to define clearly what is and is not prohibited, is likely to lead editors to err on the side of caution. Coupled with the 1999 conviction of editor Nguyen Hoang Linh, described above, this measure likely will increase further the already significant degree of press self-censorship, leading the media to back away from reporting on corruption or other scandals involving officials.

Surprisingly, aspects of the new law even drew criticism initially from certain Vietnamese state media. Thus, while endorsing the notion that some issues should be considered off limits for press coverage, at least one newspaper said people questioned why reporters could be sanctioned for reporting that was factual and accurate. Phan Quang, president of the Vietnam Journalists' Association, an official body, was quoted in *Tuoi Tre* (Youth) newspaper as telling legislators: "Journalists cannot commit crimes when their reporting is correct...they only bear responsibility for reporting information which is not permissible to report, and in this case,

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<sup>35</sup> Khanh Toan, "Interview with Senior Lt. Gen. Pham Van Tra, Vietnamese minister of National Defense," *Hanoi Quan Doi Nhan Dan*, January 11, 1999, reprinted in FBIS-EAS-99-029.

<sup>36</sup> BBC Worldwide Monitoring, translation of amendments to Press Law, passed by the 10th National Assembly's Fifth Session in Hanoi, June 12th, 1999, as published in Vietnamese in *Nhan Dan*, July 6, 1999; VNA, "National Assembly Passes Amended Press Law," May 19, 1999; Reuters, "Vietnam tightens state controls over local media," May 20, 1999; Associated Press, "Stricter Laws for Vietnamese Media," May 21, 1999.

<sup>37</sup> BBC Worldwide Monitoring, translation of amendments to Press Law, article 9.

THEY ARE ONLY RESPONSIBLE FOR NOT ABIDING BY THEIR SUPERIORS." TUDI TRE ALSO QUOTED LEGISLATOR PHAN THI TIEN AS QUESTIONING THE PROVISION: "WILL MEDIA ORGANIZATIONS HAVE TO PAY COMPENSATION FOR LOSSES FOR THEIR STORIES ON A COMPANY PRODUCING BAD-QUALITY GOODS BECAUSE OF A BOYCOTT BY BUYERS?"<sup>38</sup>

HOWEVER IN ANOTHER ARTICLE, VIETNAM JOURNALISTS' ASSOCIATION PRESIDENT QUANG APPEARED TO HAVE CHANGED HIS POSITION, FIRMLY BACKING THE PROVISIONS OF THE NEW LAW. IN A LONG ARTICLE INTERPRETING AND LAUDING THE NEW LAW IN *TAP CHI CONG SAN*, THE THEORETICAL JOURNAL OF THE PARTY CENTRAL COMMITTEE, PHAN QUANG INSTRUCTED REPORTERS TO PUBLISH THE CONCLUSIONS OF COMPETENT STATE AGENCIES EVEN IF THEY DID NOT AGREE WITH SUCH CONCLUSIONS:

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<sup>38</sup> Associated Press, "Stricter Laws for Vietnamese Media," May 21, 1999.

THE REVISION AND AMENDMENT [OF THE PRESS LAW] WAS ALSO AIMED AT UPHOLDING THE SOCIAL RESPONSIBILITY AND OBLIGATIONS OF PRESS ORGANS AND JOURNALISTS, DETERMINING THE AUTHORITY AND OBLIGATIONS OF PRESS MANAGEMENT AGENCIES, COMPLEMENTING AND STRENGTHENING THE STATE MANAGEMENT OF THE PRESS, AND CLEARLY DEFINING THE RESPONSIBILITY OF ALL SOCIETY FOR THE DEVELOPMENT OF THE PRESS IN THE STAGE OF NATIONAL INDUSTRIALIZATION AND MODERNIZATION... THE OVERRIDING REQUIREMENT IS THAT AFTER BEING REVISED AND AMENDED, THE CURRENT PRESS LAW STILL HAS TO INSTITUTIONALIZE THE VIEWPOINT THAT THE PRESS IS PLACED UNDER THE PARTY LEADERSHIP AND THE STATE MANAGEMENT AND OPERATES IN STRICT ACCORDANCE WITH THE LAW.<sup>39</sup>

INTERNET ACCESS IS TIGHTLY CONTROLLED FOR VIETNAM'S APPROXIMATELY 30,000 SUBSCRIBERS. WHILE THERE ARE FOUR ACTIVE INTERNET PROVIDERS IN VIETNAM, THE GOVERNMENT MAINTAINS CONTROL OVER VIETNAM'S ONLY INTERNET ACCESS PROVIDER, VIETNAM DATA COMMUNICATIONS (VDC). VDC IS AUTHORIZED TO MONITOR SUBSCRIBERS' ACCESS TO SITES AND TO USE "FIREWALLS" TO BLOCK CONNECTIONS TO SITES OPERATED BY VIETNAMESE GROUPS ABROAD THAT ARE CRITICAL OF THE GOVERNMENT. IN APRIL 1999 HO CHI MINH CITY POLICE CHARGED THAT THE INTERNET WAS BEING USED TO LEAK STATE SECRETS AS WELL AS TO IMPORT REACTIONARY MATERIALS FROM "HOSTILE FORCES" OVERSEAS. THE POLICE REQUESTED THAT THE LOCAL PEOPLE'S COMMITTEE BE GIVEN FULL CONTROL OVER THE INTERNET.<sup>40</sup> ALTHOUGH NGUYEN DAN QUE WAS ABLE TO OPEN AN INTERNET ACCOUNT AFTER HIS RELEASE FROM PRISON, IT WAS SUSPENDED IN MAY 1999 AFTER HE ISSUED A CRITICAL STATEMENT BY E-MAIL. IN JANUARY 2000 THE FOREIGN MINISTRY STATED THAT ALL INFORMATION RELAYED THROUGH THE INTERNET IN VIETNAM MUST COMPLY WITH NATIONAL SECURITY PROVISIONS IN THE PRESS AND PUBLICATION LAWS, WHICH BAN INFORMATION AIMED AT "SABOTAGING THE VIETNAMESE GOVERNMENT" AND HARMING NATIONAL SECURITY, NATIONAL UNITY, NATIONAL DEFENSE, OR FOREIGN RELATIONS. ALSO BANNED FROM INTERNET TRAFFIC IN VIETNAM, ACCORDING TO THE FOREIGN MINISTRY, IS ANY INFORMATION DAMAGING TO THE REPUTATIONS OF ORGANIZATIONS OR CITIZENS.<sup>41</sup>

THE FOREIGN PRESS AND CONTACTS BETWEEN LOCAL JOURNALISTS AND INTERNATIONAL MEDIA REPRESENTATIVES ALSO COME UNDER GOVERNMENTAL SCRUTINY AND CONTROLS. A GOVERNMENT DIRECTIVE ADOPTED IN SEPTEMBER 1997 REQUIRES VIETNAMESE JOURNALISTS TO OBTAIN APPROVAL FROM THE MINISTRY OF CULTURE AND INFORMATION BEFORE PASSING ANY INFORMATION TO FOREIGN REPORTERS. THE MINISTRY OF CULTURE HAS ALSO RESTRICTED DOMESTIC MEDIA COVERAGE OF RURAL UNREST AND THE BANKING SYSTEM AND HAS INSTRUCTED NEWS EDITORS TO TONE DOWN CRITICAL ECONOMIC COVERAGE. FOREIGN JOURNALISTS BASED IN VIETNAM HAVE RECEIVED STRONG WARNINGS FROM GOVERNMENT OFFICIALS OR HAD DIFFICULTY RENEWING THEIR VISAS AFTER FOCUSING TOO MUCH COVERAGE ON THE DISSIDENTS, FOR EXAMPLE, BY SEEKING TO CONTACT AND INTERVIEW TRAN DO. ON DECEMBER 26, 1999, PHAM THE HUNG, A FRENCH JOURNALIST WORKING FOR RADIO FRANCE INTERNATIONAL (RFI), WAS EXPELLED FROM VIETNAM AFTER MEETING WITH MEMBERS OF HANOI'S CATHOLIC COMMUNITY WHOSE NAMES WERE NOT ON A LIST OF INTERVIEWEES HE HAD SUBMITTED AS PART OF HIS JOURNALIST VISA REQUEST.<sup>42</sup> ON APRIL 13, A REPORTER FOR L'EXPRESS, WHO WAS NOT WORKING ON A PRESS VISA, WAS DETAINED AND INTERROGATED IN HO CHI MINH CITY AFTER TRYING TO CONTACT DISSIDENTS FOR INTERVIEWS.

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<sup>39</sup> Phan Quang, "Another Step Forward in Perfecting the Legal Corridor of the Press," *Hanoi Tap Chi Cong San*, No. 12, June 1999, reprinted in FBIS-EAS-1999-0730.

<sup>40</sup> Associated Press, "Internet must be controlled, advise police," April 8, 1999.

<sup>41</sup> Vietnam News Agency, "Internet's Viet Nam Input, Output Must Comply with Local Law, Stresses Spokesperson," January 20, 2000.

<sup>42</sup> Agence France Presse, "Vietnam says journalist was working 'beyond his profession'," January 6, 2000. Also see Reporters Sans Frontiers Press Freedom Alert, "Vietnam: RFI journalist told to leave the country," December 28, 1999.

VIETNAMESE LISTENERS HAVE ACCESS TO MOST INTERNATIONAL RADIO STATIONS, BUT THE GOVERNMENT JAMS ACCESS TO RADIO FREE ASIA.<sup>43</sup> FOREIGN PUBLICATIONS ARE OCCASIONALLY CENSORED: FOR EXAMPLE, DURING THE VISIT OF U.S. DEFENSE SECRETARY WILLIAM COHEN TO VIETNAM IN MARCH 2000, GOVERNMENT CENSORS BLACKED OUT SECTIONS OF A *WALL STREET JOURNAL* EDITORIAL ABOUT HIS VISIT.<sup>44</sup> WHILE FOREIGN LANGUAGE NEWSPAPERS AND MAGAZINES CAN BE PURCHASED IN THE MAJOR CITIES, IN DECEMBER 1999 AN INTERNAL CUSTOMS DEPARTMENT BULLETIN ANNOUNCED A CRACKDOWN ON ILLEGALLY IMPORTED FOREIGN PUBLICATIONS BECAUSE OF THEIR "POISONOUS" CONTENT (MAGAZINES AND NEWSPAPERS ARRIVE IN VIETNAM ON INTERNATIONAL AIRLINE FLIGHTS AND THEN ARE RESOLD IN LOCAL BOOKSTORES AND NEWSSTANDS). SINGLED OUT FOR CONFISCATION AS PARTICULARLY "NOXIOUS" WERE THE *SOUTH CHINA MORNING POST*, THE *ASIAN WALL STREET JOURNAL*, SINGAPORE'S *STRAITS TIMES*, AND THAILAND'S *NATION*.<sup>45</sup>

THESE RESTRICTIONS OF THE MEDIA VIOLATE ARTICLE 69 OF THE VIETNAMESE CONSTITUTION, WHICH STATES THAT "CITIZENS ARE ENTITLED TO FREEDOM OF SPEECH AND FREEDOM OF THE PRESS," AS WELL AS ARTICLE 19 OF THE ICCPR, TO WHICH VIETNAM IS A STATE PARTY.

## V. ARBITRARY DETENTION OF DISSIDENTS

ARBITRARY DETENTION UNDER THE 1997 ADMINISTRATIVE DETENTION DECREE 31/CP IS ANOTHER MEANS USED BY THE GOVERNMENT TO ISOLATE AND SILENCE CRITICS. ARTICLE 2 OF THE DECREE STATES THAT "ADMINISTRATIVE DETENTION APPLIES TO THOSE INDIVIDUALS CONSIDERED TO HAVE VIOLATED THE LAWS, INFRINGING ON THE NATIONAL SECURITY, AS DEFINED IN CHAPTER 1 OF THE CRIMINAL CODE, BUT [WHOSE VIOLATION] IS NOT SERIOUS ENOUGH TO BE PROSECUTED CRIMINALLY." THE VAGUELY-WORDED DECREE FORMALLY LEGITIMIZES THE DETENTION WITHOUT TRIAL FOR UP TO TWO YEARS OF ANYONE VOICING POLITICAL DISSSENT. SINCE DETAINEES ARE NOT BROUGHT TO TRIAL, THEY HAVE NO OPPORTUNITY FOR LEGAL DEFENSE. WITH INFORMATION PROVIDED BY LOCAL PUBLIC SECURITY OFFICIALS, DISTRICT LEVEL PEOPLE'S COMMITTEE CHAIRMEN ARE AUTHORIZED TO OPEN FILES ON PEOPLE THEY THINK SHOULD BE PLACED UNDER ADMINISTRATIVE DETENTION. THE CHAIRMAN OF THE PROVINCIAL PEOPLE'S COMMITTEE DECIDES WHETHER DETAINEES ARE TO BE HELD UNDER SURVEILLANCE AT THEIR PLACE OF RESIDENCE OR IN AN ALTERNATIVE DETENTION FACILITY.

GOVERNMENT CRITICS WHO HAVE BEEN PLACED UNDER HOUSE ARREST AND MADE TO LIVE IN NEAR TOTAL ISOLATION UNDER ADMINISTRATIVE DETENTION DECREE 31/CP INCLUDE POET BUI MINH QUOC AND WRITER TIEU DAO BAO CU, WHO WERE BOTH DETAINED IN THEIR HOMES IN DALAT (SEE SECTION III, ABOVE.) WHILE THEIR ADMINISTRATIVE DETENTION WAS OFFICIALLY LIFTED IN OCTOBER 1999, THEY CONTINUE TO LIVE UNDER HEAVY SURVEILLANCE.

IN ADDITION TO THE ADMINISTRATIVE DETENTION DECREE, ALSO POTENTIALLY WORRISOME IS DECREE 89/ND-CP, WHICH AUTHORIZES THE ESTABLISHMENT OF PROVISIONAL CUSTODY AND PRE-TRIAL DETENTION CENTERS AROUND THE COUNTRY. SIGNED BY PRIME MINISTER PHAN VAN KHAI IN

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<sup>43</sup> 1999 Vietnam Country Report on Human Rights Practices, Released by the Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, February 25, 2000.

<sup>44</sup> The editorial stated that "Hanoi is currently engaged in a Stalinesque clamp down" on corruption and wrote that the Vietnamese Communist Party is "still at war with itself over whether to further open the Vietnamese economy." Government censors blacked out the words "Stalinesque" and "still at war with itself." Robert Burns, "The Past is Revisited in Vietnam," Associated Press, March 15, 2000.

<sup>45</sup> Huw Watkin, "Customs clamp on foreign publications," *South China Morning Post*, December 10, 1999.

NOVEMBER 1999, THIS DECREE ALLOWS POLICE UNITS FROM THE DISTRICT LEVEL UPWARD, AND MILITARY UNITS AT THE PROVINCIAL, MUNICIPAL, AND REGIONAL LEVELS, TO OPERATE THEIR OWN TEMPORARY DETENTION CENTERS AND TO ARREST AND HOLD PEOPLE UNDER PROVISIONAL CUSTODY OR PRE-TRIAL DETENTION. PUBLICLY AVAILABLE INFORMATION ABOUT THE DECREE DOES NOT INDICATE WHAT KINDS OF CRIMES COULD PROMPT DETENTION UNDER DECREE 89/ND-CP, NOR HOW DETENTION PERIODS WILL BE DETERMINED.<sup>46</sup>

## VI. CONCLUSION

IN THE TWENTY-FIVE YEARS SINCE THE REUNIFICATION OF THE COUNTRY, VIETNAM HAS TAKEN STEPS TO CURTAIL SOME HUMAN RIGHTS VIOLATIONS AND HAS IMPLEMENTED SOCIAL AND ECONOMIC REFORMS. OVER THE YEARS, THOUSANDS OF RE-EDUCATION CAMP INMATES AND POLITICAL PRISONERS HAVE BEEN RELEASED, THE COUNTRY HAS BECOME A STATE PARTY TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, AND THE GOVERNMENT HAS PERMITTED VISITS BY U.N. DELEGATIONS RESEARCHING ARBITRARY DETENTION AND RELIGIOUS FREEDOM. WHILE THERE IS LITTLE DOUBT THAT FOREIGN PRESSURE ON HUMAN RIGHTS HAS FACTORED INTO SOME OF THE DECISIONS ON HOW TO TREAT WELL-KNOWN POLITICAL AND RELIGIOUS DISSIDENTS, THE GOVERNMENT HAS BEEN ANXIOUS TO RESIST THE IMPRESSION THAT IT HAS BEEN INFLUENCED BY SUCH FORCES. THIS CONCERN, BORN OF NATIONAL PRIDE AND ANXIETY OVER POLITICAL CONTROL, HAS SOMETIMES OVERRIDDEN A REALISTIC APPRAISAL OF THE COST OF SUPPRESSION OF FREE SPEECH AND ASSOCIATION TO THE COUNTRY, IN TERMS OF ITS INTERNATIONAL STANDING, POPULAR SUPPORT WITHIN VIETNAM, AND THE COUNTRY'S ONGOING ECONOMIC AND SOCIAL DEVELOPMENT.

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<sup>46</sup> *Cong An Thanh Pho Ho Chi Minh* (Ho Chi Minh City Police Review), Number 689, November 10, 1999.

CONSEQUENTLY, THE VIETNAMESE GOVERNMENT OFTEN REACTS NEGATIVELY TO CHARGES THAT IT VIOLATES HUMAN RIGHTS OR CONTINUES TO HOLD POLITICAL PRISONERS. IN 1999, FOR EXAMPLE, THE GOVERNMENT DENOUNCED THE FINDINGS OF U.N. SPECIAL RAPPORTEUR ABDELFAH AMOR, WHOSE REPORT HAD CRITICIZED VIETNAM'S TREATMENT OF CERTAIN RELIGIOUS GROUPS,<sup>47</sup> AND IN MARCH 1999 THE AUTHORITIES SAID THAT INDIVIDUALS OR ORGANIZATIONS WHO WISHED TO VISIT VIETNAM TO CONDUCT HUMAN RIGHTS OR RELIGIOUS ACTIVITIES WERE NOT WELCOME.<sup>48</sup> IN AUGUST 1999 AT THE CLOSING OF THE CENTRAL COMMITTEE PLENUM, PARTY GENERAL SECRETARY LE KHA PHIEU STATED:

OUR PEOPLE WON'T ALLOW ANY POLITICAL POWER SHARING WITH ANY OTHER FORCES. ANY IDEAS TO PROMOTE 'ABSOLUTE DEMOCRACY,' TO PUT HUMAN RIGHTS ABOVE SOVEREIGNTY, OR SUPPORT MULTI-PARTY OR POLITICAL PLURALISM...ARE LIES AND CHEATING.<sup>49</sup>

PARTY LEADERS CONTINUE TO FOCUS ON THEMES OF DEFENDING SOCIALISM AND ATTACKING "HOSTILE FORCES," RATHER THAN DEALING WITH SERIOUS PROBLEMS OF CORRUPTION AND A LACK OF TRANSPARENT AND ACCOUNTABLE GOVERNANCE. AT THE LAST PARTY PLENUM IN NOVEMBER 1999, LE KHA PHIEU STATED: "THE TWENTIETH CENTURY WAS THE CENTURY OF FIGHTING FOR INDEPENDENCE AND MOVING TOWARDS SOCIALISM. THE TWENTY-FIRST CENTURY WILL BE FOR FIRMLY DEFENDING NATIONAL INDEPENDENCE AND STATE SOVEREIGNTY AND BUILDING, CONSOLIDATING AND PERFECTING SOCIALISM."<sup>50</sup>

SINCE 1997, DISSATISFACTION IN THE PROVINCES WITH GRAFT AND POVERTY HAS ERUPTED IN INCIDENTS OF RURAL UNREST AND DEMONSTRATIONS, RESULTING IN DISMISSAL OF DOZENS OF LOWER-LEVEL PROVINCIAL OFFICIALS. IT ALSO HAS TRIGGERED GREATER GOVERNMENTAL CONTROLS ON DISSIDENT AND THE MEDIA. ADDRESSING ENDEMIC CORRUPTION AND ALLOWING GREATER FREEDOMS IN SOCIETY ARE INTRINSICALLY LINKED TO THE ECONOMIC REFORMS NEEDED TO RAISE THE STANDARD OF LIVING OF VIETNAM'S LARGELY RURAL POPULATION.

WHILE THE PARTY HAS TAKEN SOME STEPS TO TACKLE GRAFT OVER THE LAST YEAR AND DISMISSED SEVERAL HIGH-LEVEL GOVERNMENT OFFICIALS, MANY OF THE PEOPLE PURGED APPEAR TO BE ALLIED WITH THOSE ADVOCATING ECONOMIC LIBERALIZATION. THIS LEAVES CONSERVATIVE MEMBERS OF THE RULING PARTY, AND THE PROTECTED STATE-OWNED ENTERPRISES FROM WHICH THEY BENEFIT, LARGELY IN CONTROL. SUCH PURGES WILL NOT HAVE A WIDESPREAD IMPACT UNTIL VIETNAM GRAPPLES WITH THE ROOTS OF THE CORRUPTION PROBLEM, INCLUDING LOW GOVERNMENT SALARIES, EXECUTIVE CONTROL OVER THE JUDICIARY, LACK OF TRANSPARENCY OF GOVERNMENTAL ACTIONS, AND THE INABILITY OF ANY SECTOR OF SOCIETY, PARTICULARLY THE MEDIA, TO CHALLENGE THE PARTY.

GOVERNMENT REPRESSION OF DISSIDENT AND ORGANIZATIONAL INDEPENDENCE, WHILE TARGETED AT A RELATIVELY SMALL NUMBER OF PROMINENT INTELLECTUALS, RELIGIOUS LEADERS, AND ASSOCIATIONS SERVES AS A CLEAR DETERRENT TO OTHERS THINKING OF SPEAKING OUT. RESTRICTIONS OF FREEDOM OF ASSEMBLY, EXPRESSION, AND ASSOCIATION MAKE IT DIFFICULT FOR CITIZENS THROUGHOUT VIETNAM TO RAISE CONCERNS OR FOR DISCONTENT TO RECEIVE MORE THAN TOKEN ATTENTION FROM PUBLIC OFFICIALS.

DESPITE SPORADIC PEASANT PROTESTS IN THE COUNTRYSIDE OR IN FRONT OF THE NATIONAL ASSEMBLY, MOST PEOPLE STILL CANNOT SAFELY SPEAK THEIR MINDS IN VIETNAM ON MATTERS PERCEIVED BY THE AUTHORITIES AS A THREAT TO THE STATE. AS TRAN DO STATED IN HIS LETTER TO THE

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<sup>47</sup> Paul Alexander, "Vietnam rejects U.N. Report," Associated Press, March 18, 1999.

<sup>48</sup> Agence France Presse, "Vietnam regime hardens stance on human rights," March 21, 1999.

<sup>49</sup> Reuters, August 30, 1999.

<sup>50</sup> *Nhan Dan* (The People) Daily, November 12, 1999.

GOVERNMENT REQUESTING PERMISSION TO OPEN A PRIVATE NEWSPAPER, "PEOPLE WITH IDEAS DO NOT WANT TO SPEAK, DO NOT DARE TO SPEAK, DO NOT KNOW WHERE TO SPEAK. THEY HOLD THEIR SILENCE IN AGONY."

## Appendix A: Partial List of Political Prisoners in Vietnam, April 29, 2000

Because of lack of access to Vietnam's prisons by independent monitors, it is not possible to provide a comprehensive listing of all individuals currently imprisoned or detained in Vietnam for peaceful expression of their political or religious beliefs. The following listing provides a sampling of representative cases derived from investigations by Human Rights Watch and from secondary sources that provided sufficient information to indicate a high probability that the persons have been imprisoned for their religious or political beliefs. This listing should not be considered to be exhaustive. Human Rights Watch has received many more names of possible political prisoners in Vietnam from family members of detainees, international organizations, and governments that have not been presented here because available information is too scarce to confirm the accounts.

### BUDDHISTS

#### **Thich Huyen Quang**

Born 1917. Supreme Patriarch of the Unified Buddhist Church of Vietnam (UBCV), which is not recognized by the government. He was first arrested in April 1977 and then again in 1982 for his work with the UBCV. In December 1994 he was arrested again on charges of organizing an UBCV flood relief operation in the Mekong Delta. Suffers from high blood pressure and a lung condition. Currently under pagoda arrest in Nghia Hanh district, Quang Ngai province.

#### **Thich Thien Minh** (secular name Huynh Van Ba)

Born 1954. Buddhist monk and member of the UBCV, he was arrested in 1979 and sentenced to life imprisonment on charges of trying to overthrow the government. In 1986 he was sentenced to a second life sentence for attempted escape. Currently detained in K2 disciplinary subcamp of Z30A prison camp, Xuan Loc, Dong Nai province. Declared a victim of arbitrary detention by the U.N. Working Group on Arbitrary Detention in 1997. The U.N. Special Rapporteur on Religious Intolerance visited him in October 1998 in Z30A prison camp.

#### **Thich Hue Dang** (secular name Nguyen Ngoc Dat)

Born 1943, Buddhist monk and UBCV member. On May 28 1992, he was sentenced to twenty years' imprisonment for writings about Buddhism and democratic reform. Suffering from diabetes. Reportedly detained in Z30A prison camp, Xuan Loc, Dong Nai province; when the U.N. Special Rapporteur on Religious Intolerance tried to visit Thich Hue Dang there in October 1998, he was told that he was not in the camp.

### HOA HAO

#### **Le Minh Triet** (also known as **Tu Triet**)

Fifty-eight years old. His house was raided by police in December 1993 after he practiced Hoa Hao Buddhism in his home and set up an altar there. After reporting the incident to a Japanese radio station and international human rights organizations, security police arrested and detained him in Long Xuyen prison in An Giang province. He was later reportedly charged with the crime of disrespect for national law and conspiracy with reactionary forces overseas. His exact whereabouts now are unclear.

### CAO DAI

#### **Ms. Le Kim Bien**

Fifty-one years old. Arrested in October 1998 after requesting a meeting with U.N. Special Rapporteur for Religious Intolerance, Abdelfattah Amor during his October 1998 visit to Vietnam. She was one of the vice-chairs of the Cao Dai religion in Kien Giang province. Currently serving a two-year sentence in Rach Gia, the provincial capital of Kien Giang province.



**Pham Cong Hien** (Thien Nhon)

Fifty years old. Arrested in October 1998 after requesting a meeting with U.N. Special Rapporteur for Religious Intolerance, Abdelfattah Amor during his October 1998 visit to Vietnam. One of the vice-chairs of the Cao Dai religion in Kien Giang province. Currently serving a two-year sentence in Rach Gia, the provincial capital of Kien Giang province.

**CATHOLICS**

**Father Nguyen Van De**

Roman Catholic priest in Tien Giang province; reportedly a member of the Sacerdotal Maria Movement. He was arrested in October 1987 with ten others and charged by the Ho Chi Minh City People's Court with "spreading counterrevolutionary propaganda through religious activities." In August 1990 he was sentenced to ten years' imprisonment. He is currently detained in A20 prison camp in Xuan Phuoc, Phu Yen province.

**Father John Bosco Pham Minh Tri**

Born 1941. Roman Catholic monk and member of the Congregation of the Mother Co-Redemptrix. Arrested on May 20, 1987 with about sixty other Catholic clergy and lay people for conducting trainings and distributing religious books without government permission. On October 30, 1987 he was convicted, along with twenty-two others, of security offenses, including "conducting propaganda to oppose the socialist regime and undermining the policy of unity and the disruption of public security." He was sentenced to twenty years' imprisonment and is now suffering from mental problems. Reportedly detained in Z30A prison camp, Ham Tan, Xuan Loc, Dong Nai province.

**Brother Benedito Nguyen Viet Huan (Nguyen Thien Phung)**

Born 1951. Member of the Catholic Congregation of the Mother Co-Redemptrix. Arrested on June 18, 1987 and sentenced on October 30, 1987 to sixteen years' imprisonment (some reports say twenty) for "conducting propaganda to oppose the socialist regime and undermining the policy of unity and the disruption of public security." In poor health. Currently detained in Z30A prison camp, Ham Tan, Xuan Loc, Dong Nai province.

**Brother John Euder Mai Duc Chuong, also known as Mai Huu Nghi**

Born 1931. Member of the Congregation of the Mother Co-Redemptrix. Arrested on May 20, 1987 and sentenced on October 30, 1987 to twenty years' imprisonment (some reports say eighteen) for "conducting propaganda to oppose the socialist regime and undermining the policy of unity and the disruption of public security." Previously detained in K-3 prison camp, Long Khanh, Dong Nai Province; currently thought to be detained in Xuan Loc camp, Dong Nai province.

**Brother Michael Nguyen Van Thin, also known as Nguyen Minh Quan**

Born 1952. Member of the Congregation of the Mother Co-Redemptrix. Arrested on May 20, 1987 and convicted of "conducting propaganda to oppose the socialist regime and undermining the policy of unity and the disruption of public security." On October 30, 1987, he was sentenced to sixteen years' imprisonment. Reportedly in poor health. Currently detained in Z30A prison camp, Ham Tan, Xuan Loc, Dong Nai province.

**Lau Si Phuc**

Born 1968. Lay believer of the Congregation of the Mother Co-Redemptrix. Arrested on May 20, 1987 and sentenced to eighteen years' imprisonment on October 30, 1987 for "conducting propaganda to oppose the socialist regime and undermining the policy of unity and the disruption of public security." Reportedly detained in Z30A prison camp, Xuan Loc, Dong Nai province.

**Nguyen Van Dan**

Born 1966. Lay believer of the Congregation of the Mother Co-Redemptrix. Arrested on May 20, 1987 and sentenced to fourteen years' imprisonment on October 30, 1987 for "conducting propaganda to oppose the socialist regime and

undermining the policy of unity and the disruption of public security.” Reportedly detained in Z30A prison camp, Xuan Loc, Dong Nai province.

**Le Xuan Son**

Born 1966. Lay believer of the Congregation of the Mother Co-Redemptrix. Arrested on June 18, 1987 and sentenced to fourteen years’ imprisonment on October 30, 1987 for “conducting propaganda to oppose the socialist regime and undermining the policy of unity and the disruption of public security.” Reportedly detained Z30A prison camp, Xuan Loc, Dong Nai province.

**PROTESTANT**

**Ms. Nguyen Thi Thuy**

Arrested in October 1999 during a church meeting in her home in Phu Tho; sentenced on December 27, 1999 to one year in prison for “interfering with an officer doing his duty.”

**Dinh Troi (ethnic Hre)**

Detained for unauthorized religious activities in Quang Nai province.

**Vu Gian Thao (ethnic Hmong)**

Arrested in July 1997 for unauthorized religious activities and “abusing freedom of religion” in Huoi Xua Hamlet, Muong Lai District, Lai Chau Province. Sentenced to two years’ imprisonment and held in Dien Bien Phu prison in Lai Chai province.

**Sung Phai Dia (Hmong)**

Imprisoned in Dien Bien Phu prison in Lai Chai province under the section of the Penal Code that prohibits “abusing the freedom of religion.”

**Vang Gia Chua (Hmong)**

Arrested in late 1999 in Ha Giang province and imprisoned for unauthorized religious activities.

**Sung Va Tung (Hmong)**

Imprisoned in Dien Bien Phu prison in Lai Chai province for unauthorized religious activities.

**Sung Seo Chinh (Hmong)**

Imprisoned in Dien Bien Phu prison in Lai Chai province for unauthorized religious activities.

**Sinh Phay Pao (Hmong)**

Arrested in late 1999 in Ha Giang province and imprisoned for unauthorized religious activities.

**Va Sinh Giay(Hmong)**

Arrested in late 1999 in Ha Giang province and imprisoned for unauthorized religious activities.

**Phang A Dong (Hmong)**

Arrested in late 1999 and imprisoned in C-10 Prison in Dien Bien, Lai Chau province, for unauthorized religious activities.

**Vang Sua Giang (Hmong)**

Arrested in late 1999 in Ha Giang province and imprisoned for unauthorized religious activities.

**Lau Dung Xa (Hmong)**

Currently imprisoned for unauthorized religious activities in C-10 Prison in Dien Bien, Lai Chau province.

## **POLITICAL**

### **Nguyen Dinh Huy (alias Ngo Tran Huan, Nguyen Viet Than, Viet Huy)**

Born 1932. Founder in 1993 of the. He was arrested on November 17, 1993 and sentenced in April 1995 to fifteen years' imprisonment for allegedly "acting to overthrow the people's government" for having produced political manifestos and other documents. The movement's stated aims were to promote peaceful political change and free elections. In November 1993 the group attempted to organize an international conference in Ho Chi Minh City on development and democracy. Since May 1996 he has been imprisoned in Z30A prison camp, Xuan Loc, Dong Nai province. He is reportedly suffering from Parkinson's Disease.

### **Nguyen Ngoc Tan (alias Pham Tu San, alias Pham Thai)**

Born 1921. A founder and first vice-chair of the Movement to Unite the People and Build Democracy. Placed under house arrest in November 1993, detained on February 11, 1994, and sentenced in August 1995 to eleven years' imprisonment. Since May 1996 he has been imprisoned in Z30A prison camp, Xuan Loc, Dong Nai province.

### **Pham Tran Anh**

Born 1945. A member of the Movement for a Free Vietnam, he was arrested on July 3, 1977 and charged with "conspiring to overthrow the government." In 1978 he was sentenced to life imprisonment, which was reduced to twenty years' in 1994. Reportedly in poor health, he is currently imprisoned in Z30A prison camp, Xuan Loc, Dong Nai province.

### **Vo Van Pham**

Born 1947. Arrested on July 6, 1991 for allegedly trying to overthrow the government and advocating the establishment of a multi-party system. In July 1991 he was sentenced to twelve years imprisonment. Sentence later reduced by forty-five months. Held in the public security prison, Nghia Ky village, Tu Nghia district.

### **Pham Hong To (Pham Hong Tho)**

Born 1922. Arrested on June 6, 1991 and charged with trying to overthrow the government and meeting with others to plan a multi-party system. In July 1991 he was sentenced to thirteen years imprisonment, a verdict upheld in May 1993, and was held in the public security prison, Nghia Ky village, Tu Nghia district, Nghia Binh province. His current status is unknown.

### **Le Van Tinh**

Born 1941. Member of the People's Action Party (PAP), or Dang Nhan Dan Hanh Dong. Arrested in Thailand on November 28, 1996, and deported from Cambodia to Vietnam with twenty-one other PAP members on December 5, 1996. Two PAP members were subsequently released; the others were tried in An Giang province on September 8, 1999 for attempting to overthrow the government. Le Van Tinh was sentenced to twenty years' imprisonment.

Questions have been raised as to whether the PAP has been guided solely by peaceful advocacy. However, Human Rights Watch has not discovered any evidence that the twenty-one PAP members arrested in 1996 were involved in anything other than peaceful advocacy and organizing for democratic change in Vietnam.

### **Nguyen Tuan Nam (Nguyen Giang Bao, Lam Son)**

Born 1938. Member of the People's Action Party (PAP), or Dang Nhan Dan Hanh Dong. Arrested in Thailand on November 28, 1996 and deported from Cambodia to Vietnam on December 5, 1996. Sentenced to eighteen years' imprisonment (some reports say nineteen) in a trial in An Giang province on September 8, 1999 for attempting to overthrow the government. (See note above, for Le Van Tinh, about the People's Action Party.)

**Nguyen Van Trai**

Born 1930. Member of the People's Action Party (PAP), or Dang Nhan Dan Hanh Dong. Arrested in Thailand on November 28, 1996 and deported from Cambodia to Vietnam on December 5, 1996. Sentenced to fifteen years' imprisonment (some reports say fourteen) in a trial in An Giang province on September 8, 1999 for attempting to overthrow the government. (See note above, for Le Van Tinh, about the People's Action Party.)

**Tran Cong Minh**

Born 1945. Member of the People's Action Party (PAP), or Dang Nhan Dan Hanh Dong. Arrested in Thailand on November 28, 1996 and deported from Cambodia to Vietnam on December 5, 1996. Sentenced to twelve years' imprisonment (some reports say thirteen) in a trial in An Giang province on September 8, 1999 for attempting to overthrow the government. (See note above, for Le Van Tinh, about the People's Action Party.)

**Ms. Vuong Thi Vieng**

Born 1950. Member of the People's Action Party (PAP), or Dang Nhan Dan Hanh Dong. Arrested in Thailand on November 28, 1996 and deported from Cambodia to Vietnam on December 5, 1996. Sentenced to nine years' imprisonment (some reports say ten) in a trial in An Giang province on September 8, 1999 for attempting to overthrow the government. (See note above, for Le Van Tinh, about the People's Action Party.)

**Ms. Nguyen Thi Viet Nhan**

Born 1955. Member of the People's Action Party (PAP), or Dang Nhan Dan Hanh Dong. Arrested in Thailand on November 28, 1996 and deported from Cambodia to Vietnam on December 5, 1996. Sentenced to nine years' imprisonment in a trial in An Giang province on September 8, 1999 for attempting to overthrow the government. (See note above, for Le Van Tinh, about the People's Action Party.)

**Ms. Kim Hoa**

Born 1948. Member of the People's Action Party (PAP), or Dang Nhan Dan Hanh Dong. Arrested in Thailand on November 28, 1996 and deported from Cambodia to Vietnam on December 5, 1996. Sentenced to eight years' imprisonment in a trial in An Giang province on September 8, 1999 for attempting to overthrow the government. (See note above, for Le Van Tinh, about the People's Action Party.)

**Le Dong Phuong**

Born 1960. Member of the People's Action Party (PAP), or Dang Nhan Dan Hanh Dong. Arrested in Thailand on November 28, 1996 and deported from Cambodia to Vietnam on December 5, 1996. Sentenced to twelve years' imprisonment (some reports say thirteen) in a trial in An Giang province on September 8, 1999 for attempting to overthrow the government. (See note above, for Le Van Tinh, about the People's Action Party.)

**Phan Huu Tri (Dr. Nguyen Minh Tri)**

Born 1948. Member of the People's Action Party (PAP), or Dang Nhan Dan Hanh Dong. Arrested in Thailand on November 28, 1996 and deported from Cambodia to Vietnam on December 5, 1996. Sentenced to eight years' imprisonment in a trial in An Giang province on September 8, 1999 for attempting to overthrow the government. (See note above, for Le Van Tinh, about the People's Action Party.)

**Nguyen Minh Chi**

Born 1958. Member of the People's Action Party (PAP), or Dang Nhan Dan Hanh Dong. Arrested in Thailand on November 28, 1996 and deported from Cambodia to Vietnam on December 5, 1996. Sentenced to six years' imprisonment in a trial in An Giang province on September 8, 1999 for attempting to overthrow the government. (See note above, for Le Van Tinh, about the People's Action Party.)

**Thach Duoc**

Born 1954. Member of the People's Action Party (PAP), or Dang Nhan Dan Hanh Dong. Arrested in Thailand on November 28, 1996 and deported from Cambodia to Vietnam on December 5, 1996. Sentenced to eight years'

imprisonment in a trial in An Giang province on September 8, 1999 for attempting to overthrow the government. (See note above, for Le Van Tinh, about the People's Action Party.)

**Nguyen Van Thoi**

Born 1937. Member of the People's Action Party (PAP), or Dang Nhan Dan Hanh Dong. Arrested in Thailand on November 28, 1996 and deported from Cambodia to Vietnam on December 5, 1996. Sentenced to four years' imprisonment in a trial in An Giang province on September 8, 1999 for attempting to overthrow the government. (See note above, for Le Van Tinh, about the People's Action Party.)

**Dinh Van Lu (Nguyen Van Lu)**

Born 1944. Member of the People's Action Party (PAP), or Dang Nhan Dan Hanh Dong. Arrested in Thailand on November 28, 1996 and deported from Cambodia to Vietnam on December 5, 1996. Sentenced to four years' imprisonment (some reports say five) in a trial in An Giang province on September 8, 1999 for attempting to overthrow the government. (See note above, for Le Van Tinh, about the People's Action Party.)

**Lam Kien**

Born 1933. Member of the People's Action Party (PAP), or Dang Nhan Dan Hanh Dong. Arrested in Thailand on November 28, 1996 and deported from Cambodia to Vietnam on December 5, 1996. Sentenced to nine years' imprisonment in a trial in An Giang province on September 8, 1999 for attempting to overthrow the government. (See note above, for Le Van Tinh, about the People's Action Party.)

**Ly Nhat Thanh (Hung-Thanh Hoang Ly)**

Born 1956. Member of the People's Action Party (PAP), or Dang Nhan Dan Hanh Dong. Arrested in Thailand on November 28, 1996 and deported from Cambodia to Vietnam on December 5, 1996. Sentenced to twelve years' imprisonment (some reports say fourteen) in a trial in An Giang province on September 8, 1999 for attempting to overthrow the government. (See note above, for Le Van Tinh, about the People's Action Party.)

**Doan Van Khanh**

Sentenced on March 22, 1999 to one year's imprisonment on charges of disseminating open letters, distorting the truth, talking ill about the regime, and publicizing activities affecting social order and security. As of this writing, Human Rights Watch was not able to confirm his release from prison.

**Bui Duc Phu**

Sentenced on March 22, 1999 to one year's imprisonment on charges of disseminating open letters, distorting the truth, talking ill about the regime, and publicizing activities affecting social order and security. As of this writing, Human Rights Watch was not able to confirm his release from prison.

RESPECTFULLY SENT TO: THE CULTURE INFORMATION MINISTER  
ALSO RESPECTFULLY SENT TO: THE PRIME MINISTER OF THE GOVERNMENT

I, CITIZEN TRAN DO, WOULD LIKE TO PRESENT THE FOLLOWING MATTER FOR YOUR CONSIDERATION:

1. I HAVE READ CAREFULLY OUR COUNTRY'S 1992 CONSTITUTION AND THE PRESS LAWS PASSED BY THE VIII TERM OF THE NATIONAL ASSEMBLY IN 1999. I FOUND ARTICLE 69 OF THE CONSTITUTION, WHICH STATED AS FOLLOWS:

"CITIZENS HAVE THE FREEDOM OF EXPRESSION, FREEDOM OF THE PRESS, AND THE RIGHT TO BE INFORMED ..."

IT IS VERY NOTICEABLE THAT THE ARTICLE CLEARLY STATES "FREEDOM OF THE PRESS".

SECTION ONE OF THE PRESS LAWS PROVIDES:

"ARTICLE 1: THE ROLE AND FUNCTION OF THE PRESS"<sup>51</sup>

THE PRESS IN THE SOCIALIST REPUBLIC OF VIETNAM (SRV) IS THE MEANS FOR MASS COMMUNICATION, ESSENTIAL FOR SOCIAL LIFE. [IT] IS THE MOUTHPIECE OF THE PARTY ORGANIZATIONS, THE GOVERNMENT ORGANS, SOCIAL ORGANIZATIONS. [IT] IS THE FORUM OF THE PEOPLE.

ARTICLE 2: GUARANTEES FOR FREEDOM OF THE PRESS, FREEDOM OF EXPRESSION: THE STATE SHALL CREATE FAVORABLE CONDITIONS FOR CITIZENS TO ACTUALIZE THEIR FREEDOM OF THE PRESS, THEIR FREEDOM OF EXPRESSION IN THE PRESS, AND ALLOW THE PRESS TO PROPERLY DEVELOP ITS ROLE...

ARTICLE 4: FREEDOM OF THE PRESS, CITIZENS' FREEDOM OF EXPRESSION IN THE PRESS. CITIZENS HAVE THE RIGHTS:

1. TO BE INFORMED BY THE PRESS ON ALL ASPECTS OF THE NATION AND THE WORLD.
2. ...
3. TO EXPRESS THEIR OPINIONS ABOUT THE AFFAIRS OF THE NATION AND THE WORLD.
4. TO CONTRIBUTE CONSTRUCTIVE OPINIONS AND [IDEAS] TO CARRY OUT THE POLICIES OF THE PARTY AND THE REGULATIONS OF THE GOVERNMENT.
5. TO ADD OPINIONS AND COMMENTS TO LEGISLATIVE BILLS, TO COMPLAIN, TO MAKE ACCUSATION IN THE PAPERS ABOUT THE PARTY'S ORGANIZATIONS, THE GOVERNMENT'S ORGANS, SOCIAL ORGANIZATIONS, ETC.

OUR PRESS LAWS HAVE NOT PROPERLY REFLECTED THE SPIRIT OF THE CONSTITUTION ON FREEDOM OF THE PRESS. THE PRESS LAWS STATE "NO CENSORSHIP" BUT IN REALITY THE CONTROL IS EVEN TIGHTER THAN CENSORSHIP. THE REGULATIONS ON [PERMIT] APPLICATION ARE SEVERELY RESTRICTED. [THE LAWS] DO NOT MENTION CITIZENS' RIGHT TO APPLY. ONLY ORGANIZATIONS ARE ALLOWED TO APPLY.

HOWEVER, I AM CONCERNED ABOUT ARTICLE 13 REGARDING THE CHIEF OF A PRESS ORGANIZATION. I PAY PARTICULAR ATTENTION TO PART 2 ON THE CONDITIONS TO BECOME THE CHIEF OF A PRESS ORGANIZATION:

MUST HAVE VIETNAMESE NATIONALITY AND HOLD PERMANENT RESIDENCE IN VIETNAM;  
HAVE ADEQUATE QUALIFICATIONS IN IDEOLOGY, ETHICS, AND JOURNALISTIC CAPABILITY.

I REALIZE:

I AM A VIETNAMESE CITIZEN, A MEMBER OF THE COMMUNIST PARTY FOR 58 YEARS, A COMMISSIONER OF THE PARTY'S CENTRAL COMMITTEE FOR 4 TERMS (III, IV, V, VI). MY PERMANENT RESIDENCE IS AT 97 TRAN HUNG DAO STREET, HOAN KIEM DISTRICT, HANOI.

I WAS THE LEADING CADRE IN PUBLISHING PARTY'S NEWSPAPERS (THE LIBERATORS FLAG). I WAS A COMPETENT ASSISTANT TO THE LATE COMRADE SECRETARY GENERAL TRUONG CHINH, WHO WAS THE EDITOR-IN-CHIEF, FOR ONE YEAR (1944-1945).

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<sup>51</sup> Underlining follows emphases in the original by Tran Do.

I SERVED AS THE EDITOR OF THE *VE QUOC QUAN* (NATIONAL DEFENDERS) NEWSPAPER DURING MY FOUR YEARS IN PRISON FROM MID 1947 TO EARLY 1950.

I CONTRIBUTED TO VARIOUS HAND-WRITTEN PAPERS IN PRISONS LIKE THE *SUOI REO* PAPER IN SON LA, THE NEW YEAR SPECIAL ISSUE IN HOA LO, 1942. [I WROTE FOR] THE ANTI-IMPERIALIST YOUTH LEAGUE'S PAPER IN THAI BINH, 1941. MANY OF MY ARTICLES WERE PRINTED ON DAILIES SUCH AS THE *NHAN DAN* (PEOPLE), *QUAN DOI NHAN DAN* (PEOPLE'S ARMIES), *VAN NGHE* (ENTERTAINMENT), AND *VAN NGHE QUAN DOI* (ARMY'S ENTERTAINMENT); AND THE *QUAN DOI NHAN DAN* MAGAZINE, THE COMMUNIST MAGAZINE, ETC. I HAVE BEEN A MEMBER OF THE WRITERS ASSOCIATION SINCE 1957. A NUMBER OF MY BOOKS HAVE BEEN PUBLISHED AND READ WIDELY.

I CONSIDER MYSELF QUALIFIED UNDER THE LAWS TO BECOME THE HEAD OF A PRESS ORGANIZATION.

2. BASED ON THE POINTS DISCUSSED ABOVE, I BELIEVE I HAVE ENOUGH LEGAL GROUND AND QUALIFICATIONS TO REQUEST THE MINISTER FOR A PERMIT TO PUBLISH A NEWSPAPER WHICH WILL FULFILL THE FUNCTION DEFINED IN ARTICLE 1 OF THE PRESS LAWS — THE PRESS IS THE FORUM OF THE PEOPLE.

3. THE CURRENT SITUATION OF THE NATION INCLUDES MANY DIFFICULT CHALLENGES, MANY NEW PROBLEMS WITHOUT UNIFIED SOLUTIONS. THE PLENUM 6/2 OF THE EIGHTH PARTY CENTRAL COMMITTEE ALSO RAISED THE NEED TO COLLECT OPINIONS ON THE POLICIES FOR THE NINTH CONFERENCE. IT ALSO LISTED TENS OF ISSUES THAT HAVE MULTIPLE INTERPRETATIONS.

THE WORLD IS GOING THROUGH UNPRECEDENTED TURMOIL.

OUR COUNTRY, BESIDES ENCOURAGING SUCCESSES AND ACHIEVEMENTS, IS FACING NEW CHALLENGES AND EVER MORE DIFFICULT PROBLEMS.

THEREFORE, OUR COUNTRY IS IN GREAT NEED OF IDEAS, ESPECIALLY FROM THE EXPERIENCED, THE INTELLECTUALS, AND THE WRITERS AND ARTISTS. THE NEED FOR EXPRESSION IS GREAT BUT THE MEANS FOR EXPRESSION IS ABSENT.

4. I KNOW FOR SURE THAT MANY PEOPLE WANT TO EXPRESS THEIR IDEAS. HOWEVER,

THESE PEOPLE WITH IDEAS DO NOT want TO SPEAK, DO NOT DARE TO SPEAK, DO NOT KNOW WHERE TO SPEAK. THEY HOLD THEIR SILENCE IN AGONY.

SOME HOLD CERTAIN OPINIONS BUT HAVE TO SPEAK DIFFERENTLY, SOMETIMES EVEN IN DIRECT OPPOSITE TO WHAT THEY THINK. SOME HAVE TO SPEAK DIFFERENTLY FROM ONE PLACE TO ANOTHER. THESE PEOPLE ARE FORCED TO OR VOLUNTEER TO LIVE DISHONESTLY. SUCH LACK OF CHARACTER HAS BECOME A HABIT, A LIFESTYLE WHICH BEAR LONG TERM ILL EFFECTS ON SOCIAL MORALITY.

MANY PEOPLE WITH IDEAS FIND NO PLACE TO EXPRESS THEM OR ARE ONLY OFFERED FORUMS THAT THEY DON'T LIKE. ALL THEY CAN DO IS TO CONFIDE THEIR THOUGHTS IN FACE-TO-FACE VISITS WITH CLOSE FRIENDS, OR WRITE DOWN THOSE THOUGHTS JUST TO PUT THEM AWAY, OR EXCHANGE THEIR WRITINGS WITH FRIENDS ILLEGALLY.

WE HAVE MANY PAPERS. WE HAVE FREEDOM OF THE PRESS FOR ORGANIZATIONS. HOWEVER, THOSE ARE VOICES AND FORUMS FOR [PARTY] ORGANIZATIONS AND [GOVERNMENT] ORGANS. WE HAVE [NOT] YET HAD A VOICE FOR THE PEOPLE AND A FORUM FOR THE PEOPLE AS STIPULATED BY THE LAWS. EVEN THOUGH EVERY [GOVERNMENT] ORGAN AND EVERY [PARTY] ORGANIZATION CONSIDERS ITSELF AS BELONGING TO THE PEOPLE AND WORKING "IN THE NAME OF THE PEOPLE," THE PEOPLE HAVE NOT HAD THEIR OWN VOICE YET.

A DIRECT FORUM FOR THE PEOPLE DEFINITELY WOULD NOT BE [A TOOL OF] CAPITALISTIC DEMOCRACY OR LIMITLESS DEMOCRACY BUT [OF] TRUE DEMOCRACY.

5. I THINK AN INDEPENDENT PRESS ORGANIZATION (INDEPENDENT FROM ALL [PARTY] ORGANIZATIONS AND [GOVERNMENT] ORGANS), WHICH WOULD SERVE AS THE VOICE AND THE DIRECT FORUM OF THE PEOPLE, WOULD BRING MANY BENEFITS.

FIRST OF ALL, PEOPLE WITH OPINIONS ABOUT LIFE AND THE COUNTRY WOULD HAVE A LEGAL AND OPEN PLACE TO EXPRESS THEM. WE COULD THEREFORE AVOID THE SPREADING OF OPINIONS VIA UNDERGROUND AND ILLEGAL CHANNELS WHICH TEND TO INDUCE ARBITRARINESS AND EXAGGERATION.

EVEN THOUGH THE GOVERNMENT (AND THE PARTY) IS ENCOURAGING EVERYONE TO SPEAK OUT, [THE GOVERNMENT ALSO] ASKS THAT THOSE EXPRESSIONS BE MADE WITHIN ORGANIZATIONS AND VIA ORGANIZATIONS. MANY OPINIONS (TENS OF THOUSANDS OF LETTERS) HAVE BEEN SENT TO [PARTY] ORGANIZATIONS AND [GOVERNMENT] ORGANS. HOWEVER, EACH ORGAN ALONE JUDGES THE WORTHINESS OF THE OPINIONS [SENT TO IT]. QUITE OFTEN, THE SUBMITTED

OPINIONS ARE CONSIDERED OF NO VALUE AND WRONG. THE EDUCATIONAL LEVEL OF THE EVALUATORS [OF THESE OPINIONS] IS IN MANY CASES LOW AND VERY LOW. AS A RESULT, GRAINS OF GOLD ARE LOST IN THE HEAP OF SAND. A TREMENDOUS WASTE!

GIVEN AN INDEPENDENT AND LEGAL PLACE TO SPEAK OUT, THE SPEAKER WILL HAVE TO EXERCISE BETTER CARE OF WHAT HE SAYS WITH RATIONALITY AND MODERATION. IT WILL THEREFORE BE EASIER TO FIND THE BENEFITING IDEAS.

AS THE OPINIONS WOULD BE EXPRESSED OPENLY AND LEGALLY, THEY COULD BE KNOWN AND EVALUATED BY EVERYONE, INCLUDING OVERSEAS VIETNAMESE AND FOREIGNERS CONCERNING VIETNAM. WE WOULD THEN HAVE WIDER AND FASTER CAPABILITY TO DISTINGUISH GOOD FROM BAD, RIGHT FROM WRONG, PROPER FROM IMPROPER. WE WOULD BENEFIT FROM THE OPINIONS OF NOT ONLY THE PRESENTERS BUT ALSO THE EVALUATORS. SEVENTY MILLION PEOPLE WILL NOT PRODUCE SEVENTY MILLION IDEAS. MAYBE A FEW THOUSANDS IDEAS ARE MORE LIKELY. HOWEVER, THE TENS OF MILLIONS OF OPINIONS ABOUT THOSE THOUSANDS OF IDEAS WILL HELP US CHOOSE THE GOOD AND RIGHT ONES. SUCH PRACTICE CANNOT BE [LABELED AS] LIMITLESS DEMOCRACY OR DISORDERLY DEMOCRACY. IT IS TRUE DEMOCRACY. DON'T UNDERESTIMATE THE PEOPLE. PEOPLE IN THAI BINH WERE UPSET BUT NOT DISORDERLY! EVERYONE ADMITTED THAI BINH RESIDENTS' ANGER WAS JUSTIFIED. IF PEOPLE ARE RIGHT THEN THE CADRES MUST BE WRONG. AND WHEN PEOPLE ARE RIGHT, THEY MUST HAVE THE MEANS TO EXPRESS THEIR THOUGHT. WE MUST HAVE AN INDEPENDENT FORUM FOR THE PEOPLE. PEOPLE OF THAI BINH HAD TRIED TO SPEAK OUT BEFORE BUT THEIR VOICE CONTINUED TO BE GAGGED. THEY HAD NO CHOICE BUT TO EXPRESS THEIR ANGER WITH ACTIONS. HAD WE HAD AN INDEPENDENT FORUM FOR THE PEOPLE, WE COULD HAVE AVOIDED THE BLOCKING OF PEOPLE'S MIND AND THEIR CONSEQUENT ANGER. SOCIETY WOULD BE MORE STABLE AS A RESULT!

6. FOR THOSE REASONS, I WRITE THIS LETTER TO REQUEST THE MINISTER AND THE PRIME MINISTER ALLOW ME TO BECOME THE HEAD OF A PRESS ORGANIZATION. SUCH AN ESTABLISHMENT WILL BE:

AN INDEPENDENT FORUM WHICH BELONGS TO NO ORGANIZATION OR ORGAN.

A PEOPLE'S FORUM WHICH FULFILLS ALL ITS RESPONSIBILITIES AND FUNCTIONS UNDER THE LAWS.

THIS FORUM WILL HAVE A NAME APPROPRIATE TO ITS CHARACTERISTICS AND FUNCTIONS --SUCH AS *TIENG DAN* (PEOPLE'S VOICE) OR *THANH NGHI* (CIVILIZED DEBATE).

I RESPECTFULLY HOPE THAT YOU WILL CONSIDER THIS APPLICATION AND ISSUE YOUR APPROVAL IN PRINCIPLE. ONCE I HAVE THAT APPROVAL, I WILL PREPARE TO MEET ALL THE CONDITIONS AND THE PROCESS TO APPLY FOR AN ACTUAL PERMIT BECAUSE IT COSTS A LOT OF EFFORT AND MONEY TO ACQUIRE OFFICE, STAFF, REPORTERS, OFFICE SUPPLIES AND COMMUNICATION EQUIPMENT. I DON'T WANT TO PREPARE ALL THAT FOR NOTHING. I AM SURE I AND MY FRIENDS (WHO I WILL INVITE TO JOIN THE PAPER) HAVE ENOUGH KNOWLEDGE AND ABILITY TO MAKE THE PAPER FULFILL ITS FUNCTIONS AND OPERATE WITHIN THE LAWS. I CAN GUARANTEE THAT.

I AWAIT YOUR REPLY WITHIN THE PERIOD STATED UNDER ARTICLE 19 OF THE PRESS LAWS. AFTERWARD, I WILL PREPARE TO APPLY FOR THE ACTUAL PERMIT AND WILL OPERATE ONLY AFTER THE PERMIT IS GRANTED. PLEASE INCLUDE THE REASONS FOR YOUR APPROVAL OR DISAPPROVAL AND PUBLICIZE YOUR PRECIOUS DECISION.

I BID YOU SUCCESS AND AWAIT YOUR REPLY

APPLICANT  
CITIZEN TRAN DO

**REPLY FROM THE VIETNAMESE GOVERNMENT TO TRAN DO**

MINISTRY OF CULTURE/ INFORMATION  
SOCIALIST REPUBLIC OF VIETNAM  
No. 1514 / VHTT --BC INDEPENDENCE --FREEDOM --HAPPINESS  
RE: REPLY TO MR. TRAN DO HANOI, APRIL 23, 1999

RESPECTFULLY SENT TO: MR. TRAN DO



THE MINISTER OF CULTURE/ INFORMATION RECEIVED YOUR SUGGESTION, DATED APRIL 1, 1999, REQUESTING PERMISSION TO PUBLISH A NEWSPAPER HEADED BY YOU. ON THIS MATTER, GIVEN THE FUNCTION TO ASSIST THE MINISTRY OF CULTURE/ INFORMATION IN MANAGING ALL JOURNALISTIC ACTIVITIES, THE PRESS DEPARTMENT HAS THE FOLLOWING OPINIONS:

ARTICLE 1, CHAPTER 1 OF THE PRESS LAWS, PASSED BY THE SIXTH SESSION OF THE EIGHTH TERM OF THE NATIONAL ASSEMBLY ON DECEMBER 29, 1999, CLEARLY STATES: THE PRESS IN THE SOCIALIST REPUBLIC OF VIETNAM (SRV) IS THE MEANS FOR MASS COMMUNICATION, ESSENTIAL FOR SOCIAL LIFE; [IT] IS THE MOUTHPIECE OF THE PARTY ORGANIZATIONS, THE GOVERNMENT ORGANS, AND SOCIAL ORGANIZATIONS (FROM HERE ON JOINTLY CALLED ORGANIZATIONS); [IT] IS THE FORUM OF THE PEOPLE.

ARTICLE 12 OF THE PRESS LAWS ALSO [PROVIDES]: THE CORPORATE OWNER OF A NEWSPAPER IS THE ORGANIZATION THAT [APPLIES] FOR A PERMIT TO CONDUCT JOURNALISTIC ACTIVITIES AND THAT DIRECTLY MANAGES THE NEWSPAPER ESTABLISHMENT.

THEREFORE, ACCORDING TO THE PRESS LAWS OF THE SOCIALIST REPUBLIC OF VIETNAM, THERE IS NO PROVISION FOR AN INDIVIDUAL TO APPLY FOR A PERMIT TO CONDUCT JOURNALISTIC ACTIVITIES.

THE PRESS DEPARTMENT OF THE MINISTRY FOR CULTURE -- INFORMATION WOULD LIKE TO INFORM YOU [OF THAT FACT] SO YOU KNOW.

UNDER THE ORDER OF MINISTER OF CULTURE/ INFORMATION  
DIRECTOR OF THE PRESS DEPARTMENT

(SIGNED AND SEALED)

DO QUY DOAN

RECEIVED BY:

AS ADDRESSED ABOVE

MINISTER OF CULTURE/ INFORMATION

OFFICE ARCHIVE / PRESS DEPARTMENT

## APPENDIX C: LETTER OF PROTEST TO THE GOVERNMENT OF VIETNAM FROM NGUYEN THANH GIANG

SOCIALIST REPUBLIC OF VIETNAM  
INDEPENDENCE — FREEDOM — HAPPINESS

HANOI, OCTOBER 14, 1999

RESPECTFULLY SENT TO:

- LEADERS OF THE PARTY, STATE, NATIONAL ASSEMBLY, AND GOVERNMENT
- JUDICIAL OFFICES
- MEDIA OFFICES

I, NGUYEN THANH GIANG, LIVING AT UNIT A13-P9 TTK HOA MUC, TRUNG HOA WARD, CAU GIAY DISTRICT, URGENTLY ALERT YOU TO THE SEVERE THREAT ON THE LIVES OF MY FAMILY AND MYSELF.

AROUND 6:30 AM ON OCTOBER 11, 1999, ABOUT TEN PUBLIC SECURITIES CADRES, WITHOUT REASONS, BURST INTO OUR HOUSE, SEARCHED, AND TOOK AWAY OUR COMPUTER.

THEY ORDERED ME TO THE HANOI PUBLIC SECURITIES OFFICE FOR FOUR DAYS OF INTERROGATION. THEY ASKED ME ALL KINDS OF AMBIGUOUS QUESTIONS. IT TOOK A LONG TIME BEFORE I FIGURED OUT THEY WERE LOOKING FOR THE AUTHOR OF THE OBITUARY TO [THE LATE] MR. HOANG HUU NHAN.

EVEN THOUGH THEY DID NOT FIND THAT ARTICLE IN MY HOUSE OR IN THE HARD DRIVE OF MY COMPUTER AFTER A METICULOUS SEARCH, THEY REFUSED TO GIVE BACK THE COMPUTER.

IN THIS COMPUTER, BESIDES THE DATA RELATING TO MY SON'S CONTRACTED WORKS FOR VARIOUS OFFICES, AND A VALUABLE ARTICLE BY THE REVOLUTIONIST WRITER THOI HUU (MY FATHER-IN-LAW) THAT WAS FOUND RECENTLY — FIFTY YEARS AFTER IT WAS WRITTEN — THERE WAS MY ARTICLE "TWELVE DAYS OF HUNGER STRIKE IN PRISON CAMP B14." OTHER THAN THAT, THERE IS NOTHING THAT CAN BE CONSIDERED "ROGUEISH."

I DESPERATELY EXPLAINED THAT THE COMPUTER WAS THE MAIN MEANS OF LIVING FOR MY SON. HE, THE FIRST U.S.-TRAINED GEOPHYSICIST FROM VIETNAM, WAS CUT FROM THE PETROLEUM SCIENCE INSTITUTE BECAUSE OF [THE GOVERNMENT'S] SUSPICIONS ABOUT ME. HIS TWELVE YEARS OF GENERAL EDUCATION AND THE TECHNICAL KNOWLEDGE ACCUMULATED FROM THE NINE LONG YEARS IN VIETNAMESE AND AMERICAN UNIVERSITIES ARE NOW WASTED. CURRENTLY, HE HAS TO MAKE HIS LIVING OUT OF HIS AUXILIARY KNOWLEDGE OF ENGLISH AND COMPUTER.

SO, AFTER TAKING AWAY HIS ABILITY TO CONTRIBUTE TO THE COUNTRY, BY ILLEGALLY CONFISCATING THE COMPUTER, THEY ARE ALSO TAKING AWAY HIS MEANS TO EARN A LIVING. HOW BLATANT, BARBARIC, AND HEARTLESS!

ON MARCH 4 OF THIS YEAR, THEY ABRUPTLY DETAINED ME FOR TWO MONTHS ON THE SUSPICION THAT I WAS THE AUTHOR OF THE ARTICLE "CONSTRUCTIVE SUGGESTIONS TO THE PARTY." NOW, THEY USE THE PRETEXT OF SEARCHING FOR THE AUTHOR OF THE ARTICLE "MISSING HOANG HUU NHAN — A TRUE COMMUNIST, MOST DEDICATED TO THE COUNTRY, MOST FAITHFUL TO THE PEOPLE" [TO HARASS ME].

IN FACT, AFTER THE INTERROGATION AT THE HANOI PUBLIC SECURITY OFFICE I HAD THE CHANCE TO READ THAT ARTICLE AT THE HOUSE OF AN ACQUAINTANCE. AFTERWARDS, I FELT BOTH ALARMED AND TIRED. I DO NOT KNOW IF BLAMING THIS ARTICLE ON ME WAS THE RESULT OF POOR EDUCATION OR IRRESPONSIBILITY.

ANY ORDINARY PERSON WHO READS [THIS ARTICLE] WITH SOME CARE CAN RECOGNIZE IT IS NOT MY WRITING STYLE. MOREOVER, BEING A SCIENTIST, I COULD NEVER AFFORD TO WRITE LOOSE AND AMBIGUOUS SENTENCES THAT COULD BE TOTALLY MISUNDERSTOOD [LIKE THOSE IN THE ARTICLE]. FOR EXAMPLE, THE SENTENCE "A PERSON WHO DEFENDED TRAN DO AND PROTECTED THANH GIANG ... IS NOW STILL BURIED AT THE MAI DICH [NATIONAL CEMETERY]" WOULD IMPLY TRAN DO AND THANH GIANG ARE BAD PERSONS!

OTHER PEOPLE BELIEVE THAT [THE GOVERNMENT] DID NOT MISUNDERSTAND ANYTHING. THEY JUST INTENTIONALLY SET A TRAP TO CATCH THANH GIANG. THEY HAD ARRESTED HIM BUT HAD TO LET HIM GO [FOR LACK OF JUSTIFICATION]. NOW THEY CONTINUE TO TRY THEIR BEST TO BRING THANH GIANG TO COURT TO SAVE THEIR FACES!

UNDER THAT THREAT, FEAR REMAINS CONSTANTLY IN MY FAMILY, PARTICULARLY FOR MY FATHER, WHO IS ALMOST NINETY YEARS OLD, AND OUR LITTLE HELPING GIRL. QUITE POSSIBLE INDEED. YESTERDAY, THERE WAS AN ARTICLE SIGNED BY NGUYEN TRUNG TRUC; TODAY, ANOTHER ARTICLE SIGNED BY "YOUR DEAR FRIENDS;" SOME DAY THERE WILL BE AN ARTICLE SIGNED BY NGUYEN THANH GIANG WITH THE CONTENT FULL OF ILLEGAL INFORMATION. [THEY COULD EVEN FRAME US WITH] PACKAGES OF HEROIN THROWN INTO OUR BACK YARD!

IF THEY CAN JUST ARBITRARILY TAKE AND HOLD OUR COMPUTER WITHOUT EVEN THE NEED TO PROVIDE A REASON, WHAT ELSE CAN STOP THEM FROM RESORTING TO OTHER UNJUST AND IMMORAL WAYS! I URGENTLY REQUEST THE LEADERS OF THE NATIONAL ASSEMBLY, THE PARTY, THE STATE, THE GOVERNMENT, THE JUDICIAL AUTHORITIES TO TIMELY PUT AN END TO THE HORRIBLE PROCESS BEING USED TO SEVERELY HARASS MY FAMILY AND MYSELF.

I DEMAND:

1. THE IMMEDIATE CANCELLATION OF THE "ORDER OF PROHIBITION TO GOING OUTSIDE THE RESIDENTIAL AREA" IMPOSED ON ME;
2. AN END TO THE HARASSMENT OF OUR CHILDREN. WHY DID THE PUBLIC SECURITIES OF THE THANH XUAN BAC WARD REFUSE TO NOTARIZE MY DAUGHTER'S PERSONAL HISTORY, WITH GOOD OR BAD REMARKS, SO SHE CAN SUBMIT IT TO HER FILE AT WORK?
3. THE IMMEDIATE RETURN OF MY COMPUTER, PHOTOCOPIER, AND DOCUMENTS TAKEN FROM MY HOUSE IN THE LAST TWO SEARCHES;
4. AN END TO THE PRANKS PLAYED ON OUR FAMILY'S PHONE, INTERMITTENTLY DURING THE DAY AND FREQUENTLY BETWEEN 9 P.M. TO 9 A.M. LIVING WITH US IS A MAN ALMOST NINETY YEARS OF AGE, AND A CHILD TWO YEARS OLD. MY UNCLE LIVING NEXT DOOR ALSO SUFFERS HIGH BLOOD PRESSURE. WHO WILL BE RESPONSIBLE IF WE HAVE A MEDICAL EMERGENCY BUT CANNOT USE THE PHONE TO CALL THE AMBULANCE?
5. THE IMMEDIATE RESTORATION OF MY FULL FREEDOM;
6. A DEFINITE END TO THE ARBITRARY HOUSE SEARCHES AND THE UNREASONABLE TORMENT ON ME WITH THOSE PROLONGED MEANINGLESS INTERROGATIONS. REMEMBER THAT, COMPARING TO THOSE CURRENTLY HOLDING OFFICES, I HAVE WORKED LONGER AND MADE MORE WORTHY CONTRIBUTIONS TO THE REVOLUTION.

IF THIS BRUTALITY, FOR SOME REASON, IS BEYOND THE CONTROL OF THE [VIETNAMESE] GOVERNMENT, I STRONGLY CALL ON ALL CONSCIENTIOUS VIETNAMESE AND THE INTERNATIONAL COMMUNITY TO SUPPORT OUR FAMILY IN OUR FIGHT TO THE END TO UPHOLD THE PRINCIPLES OF HUMAN RIGHTS AND JUSTICE.

RESPECTFULLY,

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*Human Rights Watch*  
*Asia Division*

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