

The Case of Doan Viet Hoat and *Freedom Forum*: Detention for Dissent in Vietnam

Introduction

In November 1990, public security officials in Ho Chi Minh City began to arrest intellectuals who had been prominent in South Vietnam prior to 1975. At the center of this loose circle of intellectuals was Doan Viet Hoat, an academic, who was charged with publishing and circulating a reformist newsletter called *Freedom Forum* [*Dien Dan Tu Do*]. The charges appeared on May 6, 1992 in an article in the official newspaper *Saigon Giai Phong* (Appendix I). *Freedom Forum*, according to the article, was the group's prime vehicle for aiming to "overthrow the people's power," a capital offense.

Freedom Forum, in fact, was a collection of typewritten sheets passed from hand to hand by readers, that included writings by Vietnamese citizens associated with both the former South Vietnamese regime and the present government and translations of articles from abroad. Although some of the writings included criticism of government policies and various proposals for political reform, none advocated violent overthrow of the present government.

Among the intellectuals arrested and subsequently named in the *Saigon Giai Phong* article were Nguyen Xuan Dong,¹ Le Duc Vuong, Pham Thai Thuy, and Nguyen Thieu Hung (pen name Mai Trung Tinh), all writers; Pham Duc Kham, a former South Vietnam military officer; Hoang Cao Nha, and Nguyen Van Thuan.² Another writer not named in the article is also believed to be under arrest, Thai Vi Thuy, (pen name Chau Son). The article named as collaborators Bui The Dung and Le The Hien, although both had emigrated to the United States well before the crackdown. Also named was Nguyen Mau, arrested in December 1990, who was released from jail at the end of 1991 and died on January 25, 1992. *Freedom Forum* came to the attention of the Vietnamese authorities when Nguyen Mau, on a visit in June 1990 to his wife, who lives in Canada, brought out copies of the group's writings which were reprinted in a Vietnamese language publication in the United States.

¹ One of the men arrested in conjunction with Doan Viet Hoat is named Ho Xuan Dong, so "Nguyen Xuan Dong" may be an error.

² In a different official Vietnamese publication, an article describing the case against another dissident, Dr. Nguyen Dan Que, mentions one Nguyen Van Thuan who was a former member of the South Vietnamese regime's Interior Ministry. However sources familiar with *Freedom Forum* did not know of any connection between a Nguyen Van Thuan and Doan Viet Hoat. See *infra* note 6.

Asia Watch is concerned that Doan Viet Hoat and those associated with *Freedom Forum* are being detained for nothing more than the peaceful expression of their views. Their prolonged detention without trial violates both Vietnamese law and international standards of fairness. The appearance of a condemnatory article in the official press suggests that their case has been prejudged by Party officials, and that they will not face an impartial tribunal in a trial open to international observers.

Doan Viet Hoat

Public security officials arrested Dr. Hoat at 2:00 pm on November 17, 1990 at his house at 18 Le Van Sy, Phu Nhuan district of Ho Chi Minh City. His family did not learn of his place of detention, Unit 4 of Phan Dang Luu jail, until six months later. Dr. Hoat had been previously arrested without charge on August 28, 1976 during a campaign to "reeducate" South Vietnamese intellectuals, and was detained without trial in Chi Hoa prison in Ho Chi Minh City until February 9, 1988. His release form charged him with being an anti-socialist reactionary. Following his release, Dr. Hoat taught at the University of Agriculture and Forestry, where his wife is still employed. In the course of his earlier 12-year imprisonment, Doan Viet Hoat developed kidney problems, for which he still requires medication. At present, Dr. Hoat's family has been allowed to deliver medication for him and on occasion to visit him.

Dr. Hoat's wife Tran Thi Thuc, also an English professor, issued a public letter to the authorities in response to the *Saigon Giai Phong* article (Appendix II). Fearing that the article in effect announced a verdict in her husband's case before he had ever been tried, she protested its publication to national and local authorities, charging that its publication had violated her husband's right to an impartial trial. Tran Thi Thuc has not suffered any retribution for her appeal so far, but neither has she received a response.

Dr. Hoat has remained detained without trial for over two years, in violation of Vietnam's obligation to set reasonable limits on pre-trial detention.³ On November 1, 1992 he issued a public statement from jail to the leaders of the Communist Party calling on them to launch the process of "dialogue and national concord among all Vietnamese patriots within and outside the communist party, inside Vietnam and abroad" (Appendix III). To that end, he appealed for the

³ Vietnam's criminal procedure law sets four months as the normal period for temporary detention for the purpose of police investigation of serious crimes, subject to extension. Law on Criminal Procedures of the Socialist Republic of Vietnam, Article 71. The relevant language governing extensions is as follows:

2) In cases involving many complicated details and requiring a longer period for investigation, the head of a people's organ of control at the provincial level and higher and the head of a military organ of control at the military region level and higher is authorized to extend the period of temporary detention but not to exceed two months for less serious crimes, and not to exceed four months for serious crimes. The Chief Procurator and Chief Central Military Procurator may extend the period for serious crimes, but not to exceed four months. When necessary, for crimes of particular danger to national security, the Chief Procurator may further extend the period.

Once the decision has been made to initiate legal proceedings, similar rules govern the time period and extensions for the government's preparations to bring a case before the court. See Article 97. In theory, Doan Viet Hoat's continued detention, if authorized by all relevant authorities, may be consistent with the requirements of the criminal procedure law. That law, however, appears to authorize indefinite detention subject to no outside review, in direct contradiction to Vietnam's obligations under its 1992 Constitution, which strictly prohibits "all forms of persecution" (Article 71) and the International Covenant on Civil and Political Rights, which prohibits "arbitrary arrest or detention" and stipulates that criminal defendants are "entitled to trial within a reasonable time or to release" (Article 9, §§ 1 and 3).

release of all political detainees, the implementation of civil and political freedoms, and the commitment to free and fair elections in which all citizens, regardless of their political orientation, can run for office.

As a student, Doan Viet Hoat had been a member of the Buddhist Students' Association which led a protest movement against the policies of the Diem government. He earned a bachelor's degree in education from the University of Saigon in 1964, and a doctorate in education from Florida State University in Tallahassee in 1971. Upon his return to Vietnam, he was appointed Vice-President of Van Hanh University, a Buddhist university in Saigon.

Prior to his latest arrest, Doan Viet Hoat, his wife and youngest son had been approved by the Orderly Departure Program to emigrate to the United States, where Dr. Hoat's two older sons already live. However, US officials have declined to proceed with the mother and child's emigration since Dr. Hoat's detention.

The Role of the State-Controlled Press

Important political trials are often heralded by the appearance of condemnatory articles in the official press, such as that published in *Saigon Giai Phong* concerning *Freedom Forum*. In such cases, no room for doubt is left as to the verdict, and the official pre-trial accusations are intended to caution the public as to the limits of acceptable criticism of the government and Communist Party. According to a report on a recent seminar sponsored by the Vietnam Journalists' Association and attended by a Politburo member, the mass media, "an efficient weapon on the ideological and cultural front," has also "laid bare the schemes and manoeuvres of the anti-socialist forces who want to negate the party's leadership and divert Vietnam from the socialist path."⁴

Condemnatory articles, which often appear to be written by persons with access to police records, provide virtually the only clue as to the specific case against the accused. Similar articles appeared before the trials of other political prisoners such as Nguyen Dan Que, an endocrinologist sentenced to twenty years' hard labor for publicly calling on the government to respect human rights and implement political reforms, and Doan Thanh Liem, a lawyer sentenced to 12 years for circulating proposals for constitutional reform.⁵

In Dr. Que's case, an article that accused him of advocating human rights for the purpose of overthrowing the communist party was published in the October 28, 1991 issue of the Ho Chi Minh City edition of *Phap Luat*, an official magazine on legal matters, a month before he was convicted of "activities aimed at overthrowing the people's government" on November 29, 1991. There are numerous details that show the author of the article was intimately familiar with the interrogation of Dr. Que and other suspects. *Phap Luat* names three men as Dr. Que's followers who earlier had been described by *Saigon Giai Phong* as Doan Viet Hoat's collaborators, and had been in jail since late 1990.⁶ One, Le Duc Vuong, is cited as "confessing" that Dr. Que had told

⁴ "Nguyen Duc Binh Attends Mass Media Seminar," Hanoi VNA Broadcast in English on December 8, 1992, *reprinted in* FBIS-EAS-92-236 (December 8, 1992).

⁵ For descriptions of the cases of Dr. Nguyen Dan Que and Doan Thanh Liem, see Asia Watch, "Vietnam: Repression of Dissent," *News from Asia Watch*, (New York: Human Rights Watch, March 1991) and Asia Watch, "Vietnam: Citizens Detained for Peaceful Expression," *News from Asia Watch*, (New York: Human Rights Watch, June 1991).

⁶ These were the writer Pham Thai Thuy, Le Duc Vuong, described as "one of Nguyen Dan Que's best 'friends'," and Nguyen

him that he had sent a telegram to protest the Japanese government's decision to return a pilot who had hijacked an airplane in a bid to escape from the People's Republic of China. Another, Nguyen Van Thuan, is actually quoted as saying Dr. Que "understood little about Marxist doctrine and Eastern philosophy" and "is the type of person who wants to act on everything he wants to accomplish, to act on it immediately, and to force everyone to join in his cause in the way that politics are done in the West."⁷ The article describes Dr. Que's "phlegmatic" demeanor before the investigating committee, and his "insolent attitude" in insisting that missing documents be included in the file of papers the police confiscated, so that his actions would not be misrepresented.

In the case of Doan Thanh Liem, an article in the June 8, 1991 edition of *Saigon Giai Phong* and a five-part series published in July 1991 in the Ho Chi Minh City edition of *Cong An* (the latter an official publication of the public security authorities) accused Liem and others of participating in a spy ring led by Americans. Although the *Cong An* article was sensationalistic, the *Saigon Giai Phong* article appeared more carefully researched, drawing on material elicited from police interrogation of those arrested in the affair, among them Michael Morrow, an American businessman, and Nick Malloni, a freelance journalist. Liem was not tried until May 14, 1992, following strong protests against his detention by foreign governments, including that of the United States. According to Asia Watch sources, Liem's actual conviction rested not on the charges of espionage suggested in the articles published prior to his trial. Instead, the main evidence at his trial was that he received an article from an American friend on the role Catholicism played in the transformation of East Germany, that he circulated proposals for constitutional and governmental reform, and that he had written down thoughts on socialism and education in Vietnam in a private notebook. This account appears to be consistent with a May 15, 1992 article in *Saigon Giai Phong*, which reported his conviction for the crime of "spreading anti-socialist propaganda."

Concerns

Asia Watch is concerned that Doan Viet Hoat and his associates have been detained simply for the peaceful expression of their views. Their prolonged detention violates not only domestic but also international norms of procedural and substantive justice which Vietnam has pledged to uphold, as a signatory to the International Covenant on Civil and Political Rights. Asia Watch therefore calls on the government of Vietnam to release Doan Viet Hoat and others implicated in the *Freedom Forum* affair. If the government has evidence that these individuals have committed criminal acts, it should promptly charge them and bring them to trial before a tribunal which meets international standards of fairness, and the trial should be open to international observers.

Van Thuan, described also as a "close friend" and a former member of South Vietnam's Interior Ministry who at one time was also involved with the Chieu Hoi program of the South Vietnamese government to promise amnesty to communist defectors.

⁷ Ellipses in original.

Appendix I: The Case Against Doan Viet Hoat in the Official Press

"Smash the Dark Schemes of Reactionary Forces at their Inception"

[Excerpt from article published May 6, 1992, in *Saigon Giai Phong*, p. 2.]

II. The "Freedom Forum" Case

From July to October 1990 in the urban areas, a reactionary document in the form of a newsletter called *Freedom Forum* [*Dien Dan Tu Do*] was surreptitiously circulated among a number of bad elements in Ho Chi Minh City. This was an extremely reactionary document containing articles written in the country and some translations of articles published in foreign papers (by overseas Vietnamese). These articles aimed at distorting the methods and policies of our party and our government, attacking socialism, denying our people's achievements, and calling and agitating for the abolition of the Communist Party and the overthrow of the people's government.

The *Freedom Forum* "newsletter" was essentially a document used by a reactionary group as a most important means of rallying forces to oppose and sabotage our country. This reactionary group was led by Doan Viet Hoat. Hoat was formerly head of the Modern Language Department of Van Hanh University. From 1968 to 1971 he went to the United States for study, and became Vice-President of the University upon his return. In early 1989, when the situation in socialist Eastern Europe became increasingly complex, Hoat and his gang -- including Pham Duc Kham, Bui The Dung, and Le The Hien, all of whom once served in the former Saigon administration -- thought that their opportunity had finally arrived because "the communist party will have to accept political pluralism as the Eastern European countries did." Doan Viet Hoat's group feverishly pressed forward with establishing a political organization to operate in secret. The most important political ploy they chose was the argument for "democracy." Therefore, they lost no time in drafting an "appeal to all the people to struggle for democracy in Vietnam" which fully and clearly exposed their sinister intention and dark and crazy ambition in four programs of action. These were to disseminate propaganda about the adverse political developments in Eastern Europe, to exploit Vietnam's economic difficulties, to take advantage of the so-called internal conflicts, and to design ways to rally the masses to struggle in the manner of "peaceful evolution." At the same time, they planned three stages of action. The first stage would be building up their forces, publishing a newsletter, making declarations, secretly recruiting bad elements and inciting the people. The second stage would consist of recruiting more people, expanding misleading propaganda, creating a "political opposition movement" to first demand better living conditions, democracy, freedom of the press and freedom of expression, and then demand political pluralism and a multiparty system, and eventually to set up openly an opposition party which would openly oppose the revolution through the newsletter *Freedom Forum*. The third stage would involve continuing to use *Freedom Forum* as a vehicle for criticism and attack, leading to the demand of the abolition of the communist party, the government, socialism, as well as the dissolution of the National Assembly. At the same time, demagogic activities would be intensified to mislead the people in order to increase the prestige of Hoat's group, creating the right conditions for them to run for elections for a new "parliament" and seize power. Between July and October 1990, Hoat published the first issues of *Freedom Forum* and, at the same time together with [Pham Duc] Kham, [Bui The] Dung, and [Le The] Hien, Hoat sought out a number of people who had once served in the former Saigon puppet army and administration. Eventually, they admitted seven more persons into their group. They were Nguyen Van Thuan, Hoang Cao Nha, Nguyen Xuan Dong, Le Duc Vuong, Pham Thai Thuy, Nguyen Thieu Hung and Nguyen Mau.

In order to increase their numbers and appeal to the outside world, Hoat and his gang sought alliances with reactionary elements living in exile overseas. In July 1990, when Nguyen Mau went to Canada to visit his wife, Hoat assigned him the task of contacting Nguyen Dinh Thiep, Nguyen Ngoc Huy, Nguyen Truong Ba, Vo Van Ky, and Phan Nhu Toan, who are members of the Vietnam Kuomintang (in the United States),⁸ and Bui Duc My and Nguyen Van Tiet (in Canada). During this trip, Nguyen Mau tried to establish contacts and introduce the activities and organization of Hoat's group in Vietnam. He also tried to draw public attention in the United States and other countries to this organization, hoping to increase its backing and support overseas, especially for the future when there would be opportunities for development. Mau had the United States-based magazine *The People of October* [*Ngoi Dan Thang Muoi*] publish an article called "A Forward by the Editorial Staff of Freedom Forum". Mau also carried out a special mission: He wrote a petition and asked Pham Duc Trung Kien, a nephew of Pham Duc Kham, to relay it to President Bush,⁹ urging him to continue the trade embargo against Vietnam, thereby creating favorable conditions for Hoat's reactionary group to intensify its opposition to and sabotage of the country. On another front, Nguyen Mau also worked hard to study anti-communist activities by reactionary exiles, especially in the United States, so he could report back to Hoat and his accomplices to help them in their planning.

The entire plot of this reactionary group led by Doan Viet Hoat was uncovered at an early date and smashed right in November 1990. Hoat and his accomplices were arrested and are being prosecuted before the law for the crime of "carrying out activities aimed at overthrowing the people's power."

⁸ **Nguyen Truong Ba and other members of the Vietnam Kuomintang Party (Viet Nam Quoc Dan Dang) named have denied having any contact with Nguyen Mau.**

⁹ **Pham Kien has denied having any contact with Nguyen Mau.**

Appendix II: Tran Thi Thuc's Letter on Behalf of Doan Viet Hoat

Socialist Republic of Vietnam
Independence - Freedom - Happiness

To: General Secretary, Communist Party
Prime Minister, Socialist Republic of Vietnam
Mayor, Ho Chi Minh City
Police Headquarters, Ho Chi Minh City
Television Station, Ho Chi Minh City

Subject: A protest to constitutional violations in the case of Mr. Doan Viet Hoat

Gentlemen:

My name is TRAN THI THUC, born in 1943, residing at 18 Le Van Sy, Phuong 11, Phu Nhuan, Ho Chi Minh City. I am currently a professor and teach English at the University of Agriculture.

I would like to present to you all this matter. My husband, Mr. Doan Viet Hoat, was born in 1942, graduated Florida State University in the United States in 1971 with a PhD degree in Education and College Administration, and was the former Vice-President of Van Hanh University from 1971 to 1975.

In 1975, my husband refused to leave the country, and decided to stay home because he had a great vision. He believed that for the common national goal of development, people of all political orientations would be allowed, under the policy of national conciliation and concord, to come together and work to rebuild the country after the many years of destruction due to the war.

However, the government rewarded his faith by putting him in prison from 1976 to 1988. He never received a trial during these 12 years of imprisonment because he was classified as a "political detainee."

Afterward, my husband was released on February 8, 1988, thanks to the new policies of the Communist party and the Socialist Republic of Vietnam.

My husband was re-arrested on November 17, 1990. Again, he has been held without a trial, this time for 19 months.

At the present, my children and I are less worried. We believe in the new policies of the communist party, the new Constitution of the Socialist Republic of Vietnam, and hope that a court will clarify all issues in my husband's case when he stands trial.

However, my family is very disappointed to see a report by the *Saigon Giai Phong* newspaper of May 6, 1992. This article, written by a group of political-social reporters, charges my husband with a crime even before he has been brought before the court for trial.

This bewilders my family and others who believe in the rule of law. We think our country still has many contradictions that are difficult to understand and cannot be explained.

Since I am concerned with our country's renovation efforts, I have carefully studied the 1992 Constitution of the Socialist Republic of Vietnam. I clearly believe that detaining my husband, and that branding him with crimes without giving him a fair trial, violate the current constitution and the laws. I would like to refer to a few articles of the new constitution to substantiate my point:

Article 4, Chapter I:

"All organizations of the Party must operate within the framework of the Constitution and the laws."

Article 71, Chapter V:

"All forms of persecution, corporal punishment, violation of the honor and dignity of citizens shall be prohibited..."

Section 72, Chapter V:

"...No one shall be presumed guilty and punished prior to a final judgement of a court..."

According to the above provisions, the *Saigon Giai Phong*, which is the government newspaper in Ho Chi Minh City, under the guidance of the city party chapter, and these political-social reporters, who may be Party members, are all responsible for this article, which defames and condemns a citizen for committing a crime prior to a trial and court verdict. Thus, this action violates Articles 4, 71, and 72 of the Constitution of the Socialist Republic of Vietnam. Can a government-run newspaper operate above the law?

Furthermore, when my husband stands trial, will the Court simply ratify a pre-determined judgement, or allow itself to be influenced by organizations that have no judicial power?

Given the above, I strongly protest these violations of the constitution, laws and democracy of the Socialist Republic of Vietnam. I hope this protest will help to clarify issues before my husband's trial.

I am looking forward to receiving responses from the authorities on this matter, so that my family and all citizens would be assured of the respect for the rule of law in a democratic and progressive regime.

I trust in the justice, the reason, the impartiality and the respect of the law on the part of the leaders who govern.

Sincerely,

Tran Thi Thuc
Ho Chi Minh City, June 14, 1992

Appendix III: Doan Viet Hoat's Appeal

Appeal to the Leaders of the Communist Party of Vietnam

Doan Viet Hoat
Detention Unit No. 4
Phan Dang Luu
November 1, 1992

The world situation has drastically changed. The capitalist/communist confrontation is no more. A new world order is dawning -- an order of peace and cooperation between the peoples of various regions and in the world at large. The global situation and trends open an unprecedented opportunity for our nation. But we can take advantage of this opportunity only if we are integrated into the world. This requires the replacement of obsolete concepts such as ideological struggle or party dictatorship by new political perspectives leading rapidly to a truly free, democratic and pluralistic society, in all political, cultural and economic spheres. Only with the people's enjoyment of true democracy can we construct a genuine government by the people, of the people, and for the people. Only with comprehensive democracy and freedom can we recover the potential of the people, unleash the energy of society and open the door to international cooperation for national development.

Unfortunately, up to now, we have not seen fundamental changes in policy and practice. Your political view is still to place first priority on the consolidation of governmental power and the defense of your political monopoly. The survival of the Communist Party is taking precedence over the national destiny and the people's welfare. That view has not changed to conform to the new situation and trend, to respond to the aspirations of the people, and therefore it is unable to improve the political situation. Political stability is truly solid only when it gives tranquility to the people's hearts. But our country is still poor and backward, our people's life is still extremely miserable, our society is still without freedom and democracy. That situation is making the people angry and divided, is encouraging factional fighting and social disintegration, and is inspiring plots by foreign forces to encroach on our national sovereignty. The present national and world situation requires decisive and urgent action.

As you are directly responsible for the present difficulties and deadlock in our country, I urgently appeal to you to put national interest above party interest, change your present domestic and international policy, end the nationalist/communist ideological confrontation, launch the sincere process of dialogue and national concord among all Vietnamese patriots within and outside the communist party, inside Vietnam and abroad. And in order to create a political-social atmosphere appropriate for such dialogue and national concord, I solemnly propose that you make these genuinely revolutionary decisions.

1. Release all political detainees.
2. Implement political freedom, freedom of speech and press, and freedom of religion.
3. Organize genuinely free and fair elections in which all citizens may stand for office without distinction as to political orientation.

Only such genuinely revolutionary decisions can bring our country out of the present deadlock and integrate it into the world community. Only such genuinely revolutionary decisions have the capacity to open a new chapter in the history of our people, unite all patriotic elements and mobilize all our people in order to build a prosperous and progressive Vietnam.

May the souls of our forefathers enlighten you.
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News From Asia Watch is a publication of Asia Watch, an independent organization created in 1985 to monitor and promote internationally recognized human rights in Asia. The Chair is Jack Greenberg, the Vice Chairs are Harriet Rabb and Orville Schell, and the Executive Director is Sidney Jones.

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