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HUMAN RIGHTS IN US-VIETNAM RELATIONS

Introduction:

On July 21, 1993, Asia Watch submitted written testimony on human rights in Vietnam to the United States Senate Committee on Foreign Relations, Subcommittee on Asia and the Pacific.

The testimony, which is attached, detailed five areas of concern: persons imprisoned for political dissent; state control of religious institutions; prison conditions; use of the death penalty; and efforts at legal reform. Asia Watch concluded that despite some progress since the renovation or "*doi moi*" policy was initiated in 1986, the Vietnamese government continues to restrict fundamental rights such as freedom of speech, association and religion.

Asia Watch urged the Clinton Administration to publicly raise human rights concerns, including individual cases, and to ensure that human rights remains a long-term component of US policy as relations with Vietnam develop. Vietnam should be encouraged to release prisoners held for peaceful political or religious dissent, allow criticism of government policies and institutions, admit independent monitors from human rights and humanitarian organizations, allow access to its prisons and open its courts to international observers.

At the same time, the United States should support the greatest degree of contact and exchange with Vietnam, and contribute to the development of an independent legal system in that country. American business must also play a role in encouraging Vietnam to improve human rights and move towards rule of law.

Since Asia Watch submitted this testimony, there have been new developments in Vietnam, including the arrest of more Buddhist monks, the release of some political activists, and a sentence reduction for one long-term prisoner. These updates are added in italics at the appropriate section of the testimony.

Placing Human Rights at the Center of U.S.- Vietnam Relations

Statement of Asia Watch Submitted to the Senate Foreign Relations Committee Asia and Pacific Subcommittee

Wednesday, July 21, 1993

Human Rights Conditions in Vietnam

Although Vietnam's human rights situation improved markedly since the Communist Party in 1986 adopted a policy of "renovation," there is a long way to go before Vietnam's citizens enjoy fundamental rights such as freedom of speech, association, and religion.

On the positive side, there have been some significant developments, including the release of thousands of "reeducation" camp detainees in the late 1980's, the more recent releases of a variety of well-known political and religious dissidents, and the adoption of codes on criminal law and procedure. In recent years the government has increasingly permitted citizens to attend regularly scheduled and approved religious worship services, and has permitted religious communities to resume a limited involvement in social work. The Hanoi government has also cooperated with the Orderly Departure Program, through which thousands of Vietnamese who were persecuted because of their political backgrounds have legally emigrated to the United States. Another area of government cooperation has been with the United Nations High Commissioner for Refugees, which has responsibility for monitoring the welfare and treatment of returning Vietnamese boat people from the region.

On the negative side, Vietnam continues to harshly punish open political dissent, religious institutions remain under tight state control, hundreds if not thousands of political and religious prisoners languish in jails and labor camps, and the death penalty is ever more widely applied in the law. Vietnam's effort to institute the "rule of law" has still to bear much fruit in terms of tangible human rights gains, and in some cases has merely produced codification of oppressive policies.

Detention for Peaceful Political Dissent

Vietnam outlaws "attempts to overthrow the people's government" and "anti-socialist propaganda" without regard as to whether such acts are violent in nature, such as terrorism or bombing, or the non-violent exercise of fundamental human rights, such as freedom of speech, association or religion. Peaceful challenges to the Communist Party's monopoly on power draw stiff punishment, as the following cases illustrate.

Doan Viet Hoat, a professor of English literature and former Vice-President of Van Hanh University, was sentenced to 20 years' imprisonment on March 29, 1993 for the crime of "attempting to overthrow the government." His crime was producing four issues of a hand-typed newsletter called *Freedom Forum*, which consisted of articles on current events and proposals for democratic reform. Dr. Hoat also recorded his ideas on democratic change on a cassette tape. In none of these works did he or others advocate violence against the present regime. According to an observer at his trial, Dr. Hoat defended his proposal that Vietnam's constitution be revised, saying that such a suggestion was no more sinister than the three constitutional revisions already performed by the Communist Party. As for the notion that calling for free elections could constitute "overthrowing the government," Dr. Hoat thought elections could hardly threaten the Party if it indeed enjoyed the people's support. Two other

defendants, **Pham Duc Kham** and **Nguyen Van Thuan** also admitted to producing *Freedom Forum* but denied this was a criminal act. The remaining five defendants, **Lo Duc Vuong**, **Nguyen Xuan Dong**, **Pham Thai Thuy**, **Nguyen Thieu Hung**, and **Hoang Cao Nha**, appear to have been found guilty of merely possessing and reading *Freedom Forum* and knowing the principals in the case. On July 9, 1993, the Ho Chi Minh City Court of Appeals reduced Dr. Hoat's term to 15 years' imprisonment and five years probation, without publicly giving any reason. Three other defendants were given similar token reductions. Dr. Hoat was previously imprisoned without trial for "reeducation" from 1976 to 1988.

Doan Thanh Liem, a constitutional law scholar, was arrested in April 1990 for his association with the U.S. businessman Michael Morrow. Although the official press accused Morrow of operating a spy ring, the prosecution at Mr. Liem's closed trial on May 14, 1992 rested its case on an entirely different theory, producing evidence that he had received an article from a friend in the U.S. on the role religion played in the transformation of East Germany, that he circulated proposals for constitutional and political reform, and that he had jotted ideas on socialism and education into a private notebook. Mr. Liem was convicted of "spreading anti-socialist propaganda" and given a 12-year labor camp sentence, which he is serving in the company of common criminals in a labor camp in Ham Tan, Thuan Hai province. Also arrested with Michael Morrow in April 1990 was **Do Ngoc Long**, a business consultant and former Esso executive. He was released from prison on April 6, 1993, having served a three-year administrative sentence without trial. Mr. Long is at home, but appears to be under close police surveillance. Mr. Liem and Mr. Long both worked with a well-known charity for street children, "The Shoe-Shine Boys," during the war.

Nguyen Dan Que, an endocrinologist and the first member of Amnesty International in Vietnam, was sentenced to 20 years' imprisonment on October 22, 1991, for issuing a public petition that called on the Communist Party to "respect the human, civil and property rights of the people" and to "adopt a pluralistic political system." Prior to his trial, Dr. Que was condemned in an official legal journal (*Phap Luat*, October 28, 1991) for his human rights advocacy in sending letters to government officials in China, the Philippines and other countries to protest abuses. Dr. Que, who has been the subject of extraordinary appeals by members of the U.S. government, including the Chairman of this Subcommittee, was recently transferred to the Z30 A-KG Xuan Loc labor camp in Dong Nai province. He suffers from a bleeding ulcer, for which he receives no medical attention. Dr. Que also was previously imprisoned without trial from 1978 to 1988 for calling on the government to pursue humanitarian and political reforms.

Tran Vong Quoc was arrested in 1984 and sentenced to 12 years' imprisonment on December 31, 1988 for "attempting to overthrow the government." The specific accusations against him were that he collected information on human rights abuses and intended to pass this information to human rights organizations abroad. He is the son of Tran Van Tuyen, a famous human rights lawyer and leader of the opposition in South Vietnam's legislature, who died while in custody for "reeducation" in 1976. Asia Watch is concerned that Tran Vong Quoc may not live to see his release in 1996. He is gravely ill from an untreated kidney disorder and has experienced severe chest pain and difficulty breathing recently, which may be indicative of heart attack. Despite his condition, he is still required to perform heavy labor such as digging ditches and clearing trees at labor camp K1-Z30D, Ham Tan, Thuan Hai. The authorities have ignored his family's request that he be permitted to be hospitalized and have diagnostic tests so that appropriate medication can be provided. *(However, political prisoners in this camp have recently been segregated from common criminals, a move which may enhance their physical security).* When human rights groups have sent letters of concern to him in the past, prison authorities have called him in for questioning and threatened to end his wife's visits. *Tran Vong Quoc recently received notice of a*

12-month reduction in his sentence.

The mathematician Phan Dinh Dieu, an outspoken critic of the one-party system and Marxist-Leninist ideology, has been fired from his post as vice-chairman of the National Center for Scientific Research, the Far Eastern Economic Review reported in its August 12, 1993 issue. Mr. Dieu, who asked to be allowed to teach mathematics and computer science at Hanoi University, has continued to voice his views to foreign reporters.

Restrictions on Freedom of Religion

Vietnam has recently granted its citizens greater latitude to attend authorized religious services, with the result that congregations in major urban centers are flourishing. But "freedom of religion" is narrowly interpreted to mean "freedom to worship or not worship," and the government is still far from relinquishing its iron control over every aspect of religion, from approving priests, monks and adepts, to controlling their movements, to punishing those whose sermons or writings offend the Party or who conduct unauthorized worship services.

An extraordinary challenge to this state control from the Buddhist community began in May 1992, upon the death of the Supreme Patriarch of the Unified Buddhist Church, the major Buddhist group prior to 1975. The only senior member of the church still at liberty, the Supreme Patriarch, in his last will, declared he wished no state participation in his funeral, and named as his successor, Thich Huyen Quang, who has been forced to live in internal exile in Quang Ngai province since 1982. Although the government did manage the Patriarch's funeral, awarding him posthumously the Ho Chi Minh Medal, Venerable Quang attended the ceremony and delivered an oration condemning the Party for gross abuses of religious freedom, including the death and detention of monks and nuns and the expropriation and delegitimization of the Unified Buddhist Church. Venerable Quang has since issued a series of pastoral letters and appeals calling on the government to recognize the church's right to exist and conduct its religious affairs independently, and to cease punishing and harassing its followers.

Even more extraordinary than these appeals has been the campaign of suppression that the government launched in retaliation. A concerted official inquiry to show that the Supreme Patriarch's will was a forgery took place, involving coercive interrogations that in the words of one senior monk, left him feeling like "a body without a soul." The government has produced videotaped "confessions," swept pagodas and monasteries for Venerable Quang's writings, and placed under tight police surveillance temples that are known to support the Unified Buddhist Church rather than the state-controlled church, which in turn was pressured to condemn Venerable Quang and his supporters. In April 1993, on the anniversary of the Supreme Patriarch's death, police erected roadblocks around both the Venerable Quang's pagoda and the Linh Mu pagoda in Hue where the Supreme Patriarch lies buried. During the weekend of the memorial service, Venerable Quang was summoned to "idea exchanges" with local authorities; students were forced to attend make-up classes; and popular front organizations were mobilized to discourage the faithful from attending.

Tensions came to a head on May 24, 1993 when a lay Buddhist immolated himself at the tomb of the Supreme Patriarch. Police confiscated the man's remains and a farewell note he had written, and the government unleashed a media campaign, claiming alternately the man was a "desperate drug addict with AIDS" or a depressed individual with family problems. The head of the Linh Mu pagoda, Thich Tri Tuu, was detained for questioning and the head of Vietnam's Religious Affairs Committee darkly noted

the government was investigating whether the death was "murder or suicide." Venerable Tuu's questioning provoked a public demonstration in Hue, in which a crowd surrounded the security vehicle transporting the monk, removed Venerable Tuu and other passengers, and set the vehicle ablaze.

According to a Ho Chi Minh city newspaper, three more monks were arrested in connection with the May 24th demonstration in Hue. They are Thich Hai Chanh, Thich Hai Dam and Thich Hai Lac, who are to face trial in August on charges of "instigating civil disorder and destroying socialist property."

On June 5, 1993, Thich Tri Tuu and two other monks, Thich Thal Tang and Thich Hal Tinh were arrested, and pagodas in the area were sealed off by police. The three took a vow of silence upon their arrested and conducted a two-week hunger-strike in prison. Security police have been stationed in Thich Huyen Quang's pagoda, and it is feared his arrest may soon follow.¹

In July, Thich Tien Sieu, Permanent Vice President of the state-controlled Vietnam Buddhist Church in Hue, protested a report in Cong An-Danang, the official journal of the security police, which claimed he asked for the arrest of leading monks in the Unified Buddhist Church. Thich Tien Sieu denied that he had characterized the three monks arrested on June 5 (Thich Tri Tuu, Thich Hai Tang and Thich Hai Tinh) as criminals who should be arrested. In a public letter, he demanded that the journal print a retraction.

Since the May 24 demonstration in Hue, there have been further protests against state control of the Unified Buddhist Church, and further arrests. On July 9, 1993, the government launched a police/military operation against the Son Linh pagoda in Ba Ria-Vung Tau province, taking into custody a number of monks, including the head of the pagoda, Thich Hanh Duc.

According to the Vietnamese government, only "four or five" monks were arrested, and then only after Thich Hanh Duc's followers had taken a hostage from a group of officials who were sent to talk to the monk. In an interview, the head of the government's Religious Affairs Committee said several police officers were injured when the crowd at the pagoda attacked them with rocks and sticks, and that Venerable Duc and his supporters were found to have an arms cache, including five kilograms of explosives, knives and sticks. This official also reported that in April 1993, on the first anniversary of the Supreme Patriarch's death, Thich Hanh Duc met with Thich Hai Tang, who was also arrested this June. (Far Eastern Economic Review, August 5, 1993).

Sources within Vietnam, however, report the incident quite differently. Thich Hanh Duc has been the state-appointed head of the Son Linh pagoda since 1982. Against the wishes of the government, he attended the April 1992 funeral for Supreme Patriarch Thich Don Hau, where he read the Supreme Patriarch's words to an audience. This year, following the first anniversary of the Supreme Patriarch's death, he and the monks of the Son Linh pagoda received a joint letter from the Fatherland Front (the state-controlled organ for mass organizations) and the People's Committee of Ba Ria-Vung Tau ordering their expulsion. The reason for the expulsion was that they were not properly listed on the pagoda's registry book. In response, Thich Hanh Duc wrote a public letter to the People's Committee challenging the expulsion order and questioning why the registration error hadn't been addressed ten years earlier.

On July 9, 2,000 faithful surrounded the pagoda to try to prevent the entry of an approaching police armed mobile brigade and an army frontier unit. According to some accounts, the forces

¹ The Paris-based Vietnam Human Rights Committee reports three other immolations in Vietnam to protest the repression of the Buddhist church. In Connecticut, a Vietnamese Buddhist, Pham Gia Binh, also performed self-immolation on April 6, 1993 to protest repression of the Unified Buddhist Church.

penetrated the crowd using tanks and tear gas. In addition to Thich Hanh Duc, Asia Watch has received reports that between 17 and 25 other monks were arrested, in addition to over 100 lay Buddhists.

On August 4, Thich Huyen Quang was summoned to the office of the People's Committee of Quang Nai province, where he was read Decision 1110 of the People's Committee dated August 3, 1993. This directive forbade the Venerable Quang to use the name or seal of the Unified Buddhist Church or the Institute for Propagation of the Dharma, to use any pagoda in the province as an office for these institutions, and ordered the Venerable Quang to cease "sowing disunity among the religious" by opposing the state-sponsored church and accusing the state of suppressing religious freedom. Although the order was issued by the provincial authorities, it is believed by sources within Vietnam to have been crafted at the highest levels of the central government, with the expectation that it will provide a basis for the arrest of Venerable Quang.

The Vatican has also come into conflict with Vietnam's government over its instruction to Catholics not to participate in the Committee for Solidarity of Patriotic Catholics, a popular front organization whose purpose is to mobilize support for the state, and its injunction that priests not hold political posts such as delegate to the National Assembly. Vietnam has protested this position as "intervention in the internal affairs of the country" and as a violation of the rights of priests.

Relations between the Vatican and Vietnam have developed as the result of exchanges of high-level delegations, and the government has permitted more frequent ordinations and has tolerated a limited resumption of social work by the Church. But serious restrictions on the Church remain, among them the inability of bishops to travel freely in their diocese without prior government approval, state interference with the numbers and candidates for seminaries and ordination, and the refusal of the government to allow priests recently liberated from "reeducation" camps to resume their ministries, despite the severe shortage of priests caused by years of government limitations on ordination.

Although Vietnam released Father Dominic Tran Dinh Thu, founder of the Congregation of the Mother Co-Redemptrix after having sentenced him to ten years' imprisonment in 1987 for "launching counterrevolutionary activities," at least 15 other members of his order are still in jail. Also still imprisoned is Father Nguyen Van De and ten other members of the Sacerdotal Maria Movement and the Association of Humble Souls, deemed "reactionary organizations, made up of the most anti-communistic elements of the world clergy." Father De's interrogators took as evidence of his guilt a sentence in a book he had translated which read, "Atheism has entered many souls and extinguished the light of faith and love: it is the red dragon of which the Bible speaks." Father De's sentence, handed down in August 1990, was 10 years.

Vietnam's Protestants, especially those among the Montagnard peoples of the Central Highlands, have been severely repressed, in part due to their perceived ties to Americans and the armed anti-communist resistance in the area. Dozens of pastors and lay people have been jailed, often without trial, for acts such as preaching or holding unauthorized prayer meetings in private homes. Some whom we believe are still detained include Pastor R'mah Bol, arrested in 1989 for leading a crowd of ethnic Jerai to the aid of two persons who were being compelled to do field work for having held a household prayer meeting. He has been detained without trial in Camp A-20, Dong Xuan, Phu Yen province. Pastor R'mah Loan, leader of 14 household congregations, was arrested in June 1991 and is believed to be detained without trial in a prison in Buon Me Thut, Dac Lac province. Pastor Tran Xuan Tu was harassed by the authorities in Duc Linh district of Thuan Hai province, who forced him to remove the cross from his church, after which they seized the building. He is believed to be detained in a labor camp at Vo Dat, Ham

Tan, Thuan Hai province.

Asia Watch welcomes, however, the release of Pastors Dinh Thien Tu, Tran Dinh Ai and Tran Mai from labor camps on April 6, 1993.

Prison Conditions

Prison conditions in Vietnam leave much to be desired, as government authorities freely admit. Asia Watch's assessment is that food and medicine are grossly inadequate, and prisoners rely on supplies from their families to sustain them. Malnutrition is a serious problem, and those prisoners unfortunate to have no outside source of support can be in a life-threatening situation. Political prisoners, especially those known abroad, in general tend to receive better treatment, although the authorities continue to occasionally threaten to increase punishment if the prisoner's case is publicized to the international community.

Pre-trial measures to induce confessions can include repeated interrogations, physical abuse and torture, withholding of food, dark cells, and shackling. Government officials have told Asia Watch of an instance where a prison official who killed a prisoner was punished, but former prisoners report that lesser forms of abuse are not uncommon. The People's Procuracy not only conducts criminal investigations and prosecutions, but also monitors prison conditions and receives prisoner complaints. Asia Watch, however, has yet to interview a former prisoner who thought the Procuracy was an avenue of appeal, and indeed, the only other avenues appear to be bribery or life-threatening hunger-strikes.

Aloysis Hung Duy Hoang, an American citizen detained for 14 months for organizing a youth group dedicated to free elections and social work, was kept in a small, totally dark cell, was interrogated as many as four times daily during the first three months of his detention, and was often kept awake for 48 hours at a time. Mr. Hoang was released on July 7, 1993, after conducting two hunger-strikes and signing a statement that his actions were in violation of Vietnam's constitution, which mandates a leading role for the Communist Party.²

Even after trial, conditions are far below the United Nation's Standard Minimum Rules for the Treatment of Prisoners. Cells are often crowded, unventilated and dank; exercise is irregular, if granted at all; and corruption among guards and wardens is endemic and of notorious proportions. Political prisoners and common criminals are mixed together in labor camps, where prison officials often use violent criminals to enforce discipline.

Each province has a network of labor camps and satellite camps, and there are also special camps for women and juveniles. Work at most camps consists of heavy labor such as logging or farming, but there are also instances of factory production. Of special concern is that heavy labor is often required not only from the able-bodied, but also from the sick, the very young, and the very old. Tuberculosis is rampant, and some compulsory medical treatments, such as cholera shots administered through shared syringes, may be spreading diseases such as hepatitis and AIDS.³

² Mr. Hoang refused to sign a "confession" that his activities constituted a plot to overthrow the government.

³ The appalling state of medical care for prisoners can be seen in the case of **Nguyen Chi Thien**, a political prisoner released in 1991 after spending almost 27 years of his life in prison for his anti-communist poetry. Mr. Thien, who is five feet ten inches tall and

To date, Vietnam has allowed no outside agency to monitor its prisons. Although the Interior Ministry expressed interest to Asia Watch in outside assistance to improve conditions, Vietnam has for the last 12 years refused the International Committee of the Red Cross access to political prisoners. Vietnam has allowed family members of political prisoners brief visits, but it is not known whether this practice applies to all prisoners.

In November 1992, Senator John Kerry was allowed to visit an Interior Ministry holding center for top-security political cases. Detained there was Nguyen Si Binh, a U.S. citizen who was jailed for his attempts to create a new political party in order to challenge the Communist Party through elections. Mr. Binh was transferred to a hospital and other members of his party to other jails during Senator Kerry's visit, and the prisoners remaining were instructed to pretend they were jailed for common crimes. Nguyen Si Binh was released on June 26, 1993 of this year, but six members of his party are still imprisoned in Ho Chi Minh City and others may be detained in the provinces.

■ *The last of the remaining six members of Nguyen Si Binh's People's Action Party was released from the Ho Chi Minh City detention facility at 237 Phan Van Cu Street on July 25, 1993. It is still not determined whether other members of the People's Action Party remain detained in the provinces.*

The Death Penalty

Vietnam applies the death penalty to a wide range of crimes, and in 1991 expanded its application further, to cases of serious fraud or bribery.⁴ Prior to the Party's adoption of the "renovation" policy in 1986, political prisoners were also executed, but Asia Watch is not aware of any recent executions of political or religious prisoners.

Many provinces have designated execution grounds. In Ho Chi Minh City, one such execution ground is the firing range of the former Tu Duc Infantry Officers Academy, located 11 kilometers southeast of the city, off National Route One. The standard procedure is for security police to take prisoners to the site in the early morning, prepare a grave, and bind the victim -- blindfolded, shackled and gagged -- to a stake. A firing squad performs the execution, with the final shot a close-range blow to the head. Prisoners are then buried on the site. Prior to 1986, the authorities did not give the families of political prisoners advance notice of the execution or permit them to retrieve the corpse. It is now possible for families to request custody of their relative's body. Asia Watch sources report that from 1986 and earlier, several dozen political prisoners were killed and buried at this site, which may soon be plowed over for commercial use.

The Rule of Law and Legal Reforms

weighs approximately 100 pounds, lives in poverty and broken health, wracked by tuberculosis and suffering occasional black-outs and partial loss of vision. He lives under police surveillance with his aged sister in Hanoi, and recently expressed the urgent wish to go abroad for medical treatment.

⁴ Other capital offenses include murder, terrorism, "sabotaging the material-technical bases of socialism," banditry, "taking actions to overthrow the people's government," and "resisting or escaping detention," to name only a few.

Vietnam's government has declared it is committed to building a society grounded on the rule of law, and indeed, the new Constitution explicitly mandates that the Communist Party operate within the law. Legislative drafting has accelerated in the last three years, as the government prepares laws on foreign investment and on property, and on administrative law, and a civil code are in the works. The government is also working on revisions to the criminal law, including the section on "crimes against national security" where political offenses are listed.

The enthusiasm for legislative drafting, however, does not always translate into laws that are consonant with human rights. The 1991 Law on Religion codifies a wide range of state controls, such as the requirement that authorities approve basic religious functions such as the appointment of clergy or elected lay persons, retreats, conventions, training for clergy, operation of monasteries, contacts with foreign religious organizations, and anything else other than regularly scheduled activities. The law explicitly prohibits actions "under the cloak of religion which undermine the independence of the country and the government...or cause damage to the integrity and unity of the people, or interfere with civil obligations." In 1989, Vietnam issued a press law which affirms state control of the media and prohibits "misuse" of freedom of press and speech "to infringe upon the interests of the State, collectives and citizens." *On July 26, 1993, a new press law came into effect which outlaws the publication of works "hostile to the socialist homeland, divulging state or Party secrets, falsifying history or denying the gains of the revolution. Editors and publishers are to be held directly responsible under the law for the output of their departments.*

Vietnam's legal system is still fledgling, and many progressive legal measures are not always enforced, either for lack of educated professionals or from internal resistance. The new Constitution reiterates a promise in the criminal law that no one shall be punished except by order of a court, yet administrative detention and punishment persists. Political detainees are frequently held long after the normal time limits on pre-trial detention expire. A defendant's representative is entitled to attend every interrogation of the accused, but the right is not commonly known or exercised, and police can be reluctant to comply.

Vietnam has not permitted outsiders to observe political trials; indeed, political trials are often closed to all but a few relatives of the defendants. Legal training for judges has been poor, and in political cases decisions appear to be dictated by political authorities in advance. Government officials told Asia Watch that they are working hard to improve legal training, and ideally would like to send many judges for legal training abroad. This goal deserves full support. The United Nations Development Program and the governments of France and Sweden have already begun to assist Vietnam on legal reform and education.

Recommendations

Although Vietnam's human rights problems, as outlined above, are serious, Asia Watch is convinced that at least some sectors of the government are genuinely committed to making progress. The release this year of prisoners such as Nguyen Si Binh, Do Ngoc Long, and Father Tran Dinh Tu among others is a positive step, even if it falls short of a fundamental change in the Communist Party's policy.

Asia Watch takes no position on normalization or the trade embargo, noting that these policies have always been based on grounds other than human rights for Vietnam's own citizens. Neither Asia Watch nor our parent organization Human Rights Watch has ever advocated so drastic a sanction as a

full trade embargo against any country. At the appropriate time, we would favor linking Most Favored Nation status for Vietnam to specific progress on human rights, should the problems we have discussed today persist. At the World Bank, the Asian Development Bank and the International Monetary Fund, we urge the Clinton Administration to fully apply the provisions of Section 701 of the International Financial Institutions Act by opposing loans other than those for basic human needs until there are significant improvements in human rights. In doing so, the Administration should outline the specific human rights improvements on Vietnam's part that will be necessary for the United States to vote to approve such loans.

The United States has a critical role to play in encouraging human rights improvements. Asia Watch believes that the Clinton Administration must not only use quiet diplomacy, but must also publicly raise human rights concerns. It is important to send the message to Hanoi that human rights is not a tactical maneuver or a new sanction, but rather that it will be a long-term component of the developing relationship between our countries.

Advocacy must include not just general expressions of concern, but pressure on specific cases as well. The case of each person mentioned in our testimony, and many others who are not, should be vigorously pressed. United States government representatives who visit Vietnam should routinely raise the cases of political prisoners, and should make efforts to visit not only government officials but also dissidents and religious leaders, and should request to observe political trials when they occur. Our government should likewise encourage other governments, such as Japan, Australia and Sweden, to take these actions. The recent releases of well-known dissidents proves that pressure works; likewise, international concern about the welfare of prisoners has produced improvements in their treatment.

Once prisoners are released, they should not be forgotten and left to face surveillance and continued official harassment. The United States, which welcomes hundreds of its former allies and their families each year, should facilitate the emigration of recent victims of persecution as well, giving a priority to dissidents and their relatives who still face danger of arrest or re-arrest.

The United States should press Vietnam to open access to independent monitoring groups, and hold the positive example of Vietnam's cooperation with the United Nations High Commissioner for Refugees as one which should be followed with prison monitors and human rights organizations.

Finally, the United States should support the greatest degree of contact and exchange between Vietnam and the developed world. Educational exchanges and opportunities to visit and study in this country are especially important for Vietnam's developing legal community and for Vietnamese government officials. This sort of exchange is vital to end Vietnam's isolation from world values as well as from the world community, and to allow Vietnam and the United States to acquire a more realistic and balanced view of each other.

Our recommendations to the United States government are relevant to American businesses, which are establishing themselves in Vietnam in increasing numbers. It is clearly in their interest to urge Vietnam to move towards a society that genuinely respects the rule of law, including international human rights law. Crimes such as "anti-government propaganda" and "supplying information that can be used against Vietnam" can make ordinary political risk analysis punishable as espionage; businesses should urge their expurgation from the law. Companies planning to do business in Vietnam should be concerned that Vietnam's courts are off-limits to foreign observers, and press for access.

Each political prisoner tarnishes Vietnam's human rights record, and potential business partners should make clear that the government's reputation for human rights abuses will also reflect poorly on them.

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Asia Watch was founded in 1985 to monitor and promote internationally recognized human rights in Asia. The Chair is Jack Greenberg and the Vice Chair is Orville Schell. The Executive Director is Sidney Jones and the Washington Director is Mike Jendrzeczyk.

Asia Watch is a division of Human Rights Watch, which also includes Africa Watch, Americas Watch, Helsinki Watch, Middle East Watch and the Fund for Free Expression. The Chair of Human Rights Watch is Robert L. Bernstein and the Vice Chair is Adrian DeWind. Kenneth Roth is Acting Executive Director, Holly Burkhalter is Washington Director and Susan Osnos is Press Director.