



EU – Vietnam Human Rights Dialogue
Human Rights Watch Submission
November 2017

Human Rights Watch appreciates the opportunity to contribute to the ongoing preparations for the forthcoming EU-Vietnam human rights dialogue, scheduled to be held in Hanoi in December 2017.

Vietnam’s human rights situation deteriorated significantly in 2017. The Communist Party of Vietnam continues to monopolize power and punish anyone who challenges its authority. All political rights including freedom of opinion, assembly, association and movement are restricted. Religious groups can only operate under government’s management. The authorities use various means to curb political and rights activism, including physical and psychological harassment, police surveillance, extra-judicial house arrest, arbitrary prohibitions on travel abroad and the application of pressure on employers, landlords and family members of activists. Police often subject rights campaigners to lengthy, bullying interrogation sessions. Authorities arbitrarily detain critics incommunicado for long periods without access to legal counsel or family visits. Many are sentenced to long terms in prison for violating vague national security or other draconian laws. Police frequently torture suspects to elicit confessions and sometimes respond to public protests with excessive use of force.

Human Rights Watch recommends that the EU focuses on **political prisoners and detainees** and examines three key priority areas regarding the human rights situation in Vietnam: **repression of freedom of speech, association, assembly and movement; repression of the right to freely practice religion; and police brutality.**

1. Political Prisoners and Detainees

Vietnam frequently uses vaguely worded and loosely interpreted provisions in its penal code and other laws to imprison peaceful political and religious dissidents. These include “activities aiming to overthrow the people’s administration”; “undermining national unity policy”; “conducting propaganda against the State”; and “disrupting security.” Vietnam also uses other articles in the penal code to target peaceful dissenters, including “abusing rights to democracy and freedom to infringe upon the interests of the State,” “causing public disorder,” and charges such as tax evasion.

In June 2017, [the Vietnamese National Assembly passed revisions to the penal code](#) that will come into effect on January 1, 2018. Instead of repealing articles contrary to human rights standards, lawmakers introduced even harsher provisions, such as adding a new punishment to several of these articles that state “the person who takes actions in preparation of committing” a so-called crime such as conducting propaganda against the state “shall be subject to between one and five years of imprisonment.” The revised penal code also [holds lawyers criminally responsible for not reporting clients](#) to the authorities for a number of crimes including national security violations.

During 2017, the authorities arrested at least 22 rights bloggers and activists including former political prisoners [Nguyen Bac Truyen](#), [Truong Minh Duc](#), [Nguyen Van Tuc](#), [Nguyen Trung Ton](#), and [Pham Van Troi](#) for alleged national security-related violations. [Rights campaigners Nguyen Van Dai and his colleague Le Thu Ha](#) were detained since [the EU-Vietnam Human Rights Dialogue in Hanoi in December 2015](#) without trial.

In October 2017, Human Rights Watch established [a new web page highlighting the cases of 15 of 105 people imprisoned](#) for exercising their political or religious rights. The most recent convictions are of [blogger Nguyen Ngoc Nhu Quynh](#) (also known as Mother Mushroom), sentenced to 10 years in prison in June; [labor activist Tran Thi Nga](#) to nine years in July; [Nguyen Van Oai](#) to five years in September; and [Phan Kim Khanh](#) to six years in October.

Recommendations

The EU should call on the Vietnamese government to:

- Immediately release all political prisoners and detainees, including those imprisoned or detained for exercising their rights to free expression, assembly, movement, or political or religious association and cease arresting and detaining others for such actions.
- Amend or repeal provisions in the penal code and other laws that criminalize peaceful dissent on the basis of imprecisely defined “national security” crimes.
- As an immediate confidence-building measure, allow access to prisoners and detainees by families, legal counsel, and outside observers from the EU and international humanitarian and human rights groups.

The EU should also call for the immediate release of political prisoners or detainees who have health problems so that they can receive proper medical treatment. Some of the most urgent cases for immediate release are land rights campaigner [Tran Thi Thuy](#), pro-democracy activist [Ho Duc Hoa](#), and religious activist [Ngo Hao](#).

2. Repression of Freedom of Speech, Association, Assembly and Movement

Vietnam continues to suppress peaceful dissidents and activists and punishes them for forming organizations that the government views as hostile to its interests. The government bans all political parties, unions, and human rights organizations that are independent of the communist party.

Physical assaults against rights bloggers and campaigners continued to occur frequently. In June 2017, Human Rights Watch published a report, “[No Country for Human Rights Activists: Assaults on Bloggers and Democracy Campaigners in Vietnam](#),” highlighting 36 incidents in which unknown men in civilian clothes beat rights campaigners and bloggers [between January 2015 and April 2017](#), often resulting in [serious injuries](#). Many victims reported that beatings occurred in the presence of uniformed police who did nothing to intervene.

Domestic restriction of movement is used to prevent bloggers and activists from participating in public events such as pro-environment protests, human rights discussions, or attending trials of fellow activists. In February, [Father Phan Van Loi](#) was

prevented from leaving his house to attend a religious ceremony. In May, prominent activists [Pham Doan Trang](#), [Nguyen Quang A](#) and [Nguyen Dan Que](#) were prevented from leaving their house to meet foreign diplomats.

Police also prevent rights campaigners from traveling abroad, sometimes citing vague national security reasons. [Former political prisoner Pham Thanh Nghien](#) was prohibited from leaving the country for a personal trip to Thailand in January. In April, Vu Minh Khanh was prohibited from leaving Vietnam for Germany where she was going to receive the Human Rights Award 2017 of German Association of Judges on behalf of her husband [Nguyen Van Dai](#). In June, police prohibited [former political prisoner Do Thi Minh Hanh](#) to leave for Austria to visit her ill mother. In May, police prevented Polish-Vietnamese activists Phan Chau Thanh at Tan Son Nhat from entering Vietnam. In June, the authorities stripped [former political prisoner Pham Minh Hoang](#) of his Vietnamese citizenship and deported him to France.

Recommendations

EU should call on the Vietnamese government to:

- Bring press laws into compliance with article 19 of the ICCPR.
- Allow the publication of uncensored, independent, privately-run newspapers and magazines.
- Remove filtering, surveillance, and other restrictions on internet usage and release people imprisoned for peaceful dissemination of their views over the internet.
- Bring legislation regulating public gatherings and demonstrations into conformity with the rights of free assembly and association in articles 21 and 22 of the ICCPR.
- Address rural grievances about land rights and local corruption without resorting to excessive use of force or other human rights violations by strengthening the legal system and the independence of the judiciary, and making legal services available to the rural poor.
- Permit individuals the right to associate freely and peacefully with others of similar views regardless of whether those views run counter to the political or ideological views approved by the Communist Party and state.
- Immediately and unconditionally release all persons detained for peaceful activities to promote the rights of workers to freely associate, including the right to form and join trade unions of their own choice; to peacefully assemble to protect

and advance their rights; and to exercise their right to freedom of expression on behalf of workers and their concerns.

- Immediately recognize independent labor unions.
- Ratify ILO Conventions No. 87 (Freedom of Association and Protection of the Right to Organize) and No. 98 (Right to Organize and Collective Bargaining).
- Immediately end government-sponsored vigilantism.
- Immediately end restriction of movement of rights bloggers and activists, both within, to and from Vietnam.

3. Repression of the Rights to Freely Practice Religion

The government restricts religious practice through legislation, registration requirements, harassment, and surveillance. Religious groups are required to gain approval from and register with the government as well as operate under government-controlled management boards. While authorities allow many government-affiliated churches and pagodas to hold worship services, they ban religious activities they arbitrarily deem **contrary to the “national interest,” “public order,” or “national great unity.”** Authorities frequently interfere with the religious activities of unrecognized branches of the Cao Dai church, the Hoa Hao Buddhist church, independent Protestant and Catholic house churches in the central highlands and elsewhere, Khmer Krom Buddhist temples, and the Unified Buddhist Church of Vietnam.

Montagnards are subjected to [constant surveillance and other forms of intimidation, arbitrary arrest, and mistreatment in security force custody](#). In detention, the authorities question them about their religious and political activities and possible plans to flee Vietnam. Over the past years, hundreds have fled to Cambodia and other parts of Southeast Asia. The Vietnamese authorities have responded to the flight of Montagnards into Cambodia by pressuring Cambodian authorities to prevent border crossings and deny those who do cross the right to seek asylum. [Cambodian authorities, in turn, refused to register more than a handful as asylum seekers](#).

In 2017, the People’s Court of Gia Lai province convicted at least five Montagnards, including Ro Ma Daih, Puih Bop, Ksor Kam, Ro Lan Kly and Dinh Nong, for participating in independent religious groups not approved by the government. They were charged with article 87 and sentenced to between eight and 10 years in prison.

Another common form of harassment against independent religious groups employed by the authorities is forced denunciation of faith and public criticism. In March 2017, seven Montagnards who participated in the outlawed Dega Protestant religious group were put on public criticism in a meeting attended by hundreds of villagers of Ia Ake commune, Phu Thien district, Gia Lai province.

Recommendations

The EU should call on the Vietnamese government to:

- Allow all independent religious organizations to freely conduct religious activities and govern themselves. Churches and denominations that do not choose to join one of the officially authorized religious organizations with government-sanctioned boards should be allowed to operate independently.
- End harassment, arrests, prosecutions, imprisonment, and ill-treatment of people because they are followers of disfavored religions, and release anyone currently being held for peaceful exercise of the rights to freedom of religion, belief, expression, assembly and association.
- Cease all measures to prevent Montagnards and other Vietnamese citizens from leaving the country and do not punish those who return.
- Ensure all domestic legislation addressing religious affairs is brought into conformity with international human rights law, including the International Covenant on Civil and Political Rights (ICCPR) to which Vietnam and EU member states are parties. Amend provisions in domestic law that impinge on freedom of religion and belief, expression, association, or peaceful assembly in violation of the ICCPR.
- Permit outside observers, including United Nation agencies, nongovernmental organizations concerned with human rights, and foreign diplomats, unhindered and unaccompanied access to the Central Highlands, including specifically to communes and villages from which Montagnards have recently departed to seek asylum abroad. Ensure there is no retribution or retaliation whatsoever against anyone who speaks to or otherwise communicates with such outside observers.

4. Police Brutality

[Police throughout Vietnam have been abusing people in their custody](#), in some cases leading to death. In many of these cases, those killed were being held for minor infractions. A number of survivors said they were beaten to extract confessions, sometimes for crimes they maintained they did not commit. Although the government promised improvements after Human Rights Watch published its findings of police brutality, it appears that officers who have committed serious, even lethal, transgressions have only rarely faced the serious consequences the law requires.

In May 2017, police in Vinh Long arrested Nguyen Huu Tan for allegedly conducting propaganda against the state. After his arrest, the police informed his family that he committed suicide by using a knife to cut his own throat. He allegedly found that knife in the bag of an investigator who left the room momentarily. His family protested the cause of death, pointing out many discrepancies between what they saw on Nguyen Huu Tan's body and a blurry police video recording.

In August, Tran Anh Doanh reported that the police of Son Tay town (Hanoi) arrested him for suspected theft. During several hours of detention, the police allegedly beat him severely and forced him to admit guilt. In September, Vo Tan Minh who was arrested in April 2017 for possessing a small amount of heroin, died in the custody of the police of Phan Rang-Thap Cham (Ninh Thuan province). According to his family, there were bruises on his back, legs, and arms. The police initially alleged that Vo Tan Minh was involved in a fight, but later suspended five police officers and opened a case of "using corporal punishment."

Recommendations

The EU should:

- Express strong concern to Vietnamese officials about police abuse, emphasizing that it violates both Vietnamese and international law, that perpetrators should be punished, and that victims should receive remedy and compensation.
- Urge the government of Vietnam to establish effective accountability mechanisms. For instance, Vietnam should establish an independent police complaints commission to accept complaints from the public and to provide oversight over the

“internal affairs” or “professional responsibility” unit of the police. The commission should be a statutory body with the legal authority to bring prosecutions or impose discipline if the internal affairs or professional responsibility unit fails to do so in cases in which credible allegations have been made.

- Press the government to amend the Criminal Procedure Code to facilitate the presence of lawyers or legal counsel immediately after arrest or detention so that:
 - Lawyers or legal counsel only need to present their identity card and a certified copy of their license to meet their clients.
 - Lawyers or legal counsel may meet their clients in private and for as long as necessary.
 - Lawyers or legal counsel may be present at all interrogation sessions between police and detainees.