



**Submission to the European Union ahead of the EU-Vietnam Human Rights Dialogue**  
February 2019

Human Rights Watch appreciates the opportunity to contribute to the ongoing preparations for the forthcoming 8th European Union-Vietnam Human Rights Dialogue, scheduled to be held in Brussels on March 4, 2019.

The government of Vietnam has shown no interest in improving its human rights record in the last two years, despite repeated calls and increased pressure, including from the European Parliament ahead of the presumably postponed vote on the EU-Vietnam Free Trade Agreement. The small progress that was made, in part because of United States pressure related to the Trans-Pacific Partnership Agreement, has evaporated as the Trump administration has not made the protection of human rights a priority. In that vacuum, it is even more important that the EU speaks up on human rights violations in Vietnam.

Vietnam's appalling human rights record worsened in 2018 as the government imprisoned dissidents for longer prison terms and passed draconian laws that further threaten freedom of expression. The Communist Party of Vietnam monopolizes power through the government, controls all major political and social organizations, and punishes people who dare to criticize or challenge its rule. Basic civil and political rights including freedom of expression, association, and peaceful assembly are severely restricted. Independent media are not allowed as the government controls TV, radio, newspapers, and other publications. Vietnam prohibits the formation of independent labor unions, political associations, and human rights organizations. Police frequently use excessive force to disperse peaceful public protests that criticize the government.

Activists questioning government policies or projects, or seeking to defend local resources or land, face daily harassment, intrusive surveillance, house arrest, travel bans, arbitrary detention, and interrogation. Thugs, apparently collaborating with police, have increasingly launched physical attacks against activists with impunity. Police subject dissidents to lengthy and bullying interrogations, and detain them incommunicado for months without access to family members or legal counsel. Communist Party-controlled courts receive instructions on how to rule in criminal cases, and have issued increasingly harsh prison sentences for activists convicted on bogus national security charges.

Human Rights Watch recommends that the EU focuses on five priority areas regarding the human rights situation in Vietnam: 1) **political prisoners and detainees**; 2) **repression of freedom of speech, association, assembly and movement**; 3) **repression of freedom of**

**information; 4) repression of the right to freely practice religion; and 5) 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 political and religious activists. These include “carrying out activities aimed at overthrowing the people’s administration” (article 109), “undermining the unity policy” (article 116), “making, storing, disseminating or propagandizing information, materials and products that aim to oppose the State of the Socialist Republic of Vietnam” (article 117), and “disrupting security” (article 118). Vietnam also uses other articles in the penal code to target rights campaigners, including “abusing the rights to democracy and freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations, individuals” (article 331) and “disrupting public order” (article 318).

During 2018, the government convicted and imprisoned at least 42 rights bloggers and activists under various abusive laws, including Luu Van Vinh (15 years), Nguyen Quoc Hoan (13 years), Nguyen Van Tuc (13 years), Nguyen Trung Truc (12 years), Nguyen Trung Ton (12 years), Vuong Van Tha (12 years), Nguyen Bac Truyen (11 years), Nguyen Van Duc Do (11 years), Tu Cong Nghia (10 years) and Tran Thi Xuan (9 years).

Vietnam’s Criminal Procedure Code stipulates that the procurator of the People’s Supreme Procuracy can decide to hold a suspect for violation of national security in detention until investigation is concluded (article 173, clause 5), and can restrict the detainee’s access to legal counsel until after investigation is concluded (article 74). In practice, this means that those who are suspected of violating national security can be and are held in police custody without access to a lawyer as long as the authorities see fit. Le Dinh Luong, an environmental activist,<sup>1</sup> was arrested in July 2017 and charged with “attempting to overthrow the people’s administration.” He was denied access to his defense lawyer until July 2018, and a month later was sentenced to 20 years in prison after an unfair trial. In another case, Nguyen Danh Dung, a blogger, has been forcibly disappeared since his arrest in December 2016.<sup>2</sup>

#### ***The EU should publicly and privately 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.
- Repeal penal code articles 109, 116, 117, 118 and 331 and bring its penal code in conformity with its obligations under the International Covenant on Civil and Political Rights (ICCPR).
- Repeal article 74 and article 173 of the Criminal Procedure Code and allow all people detained for any alleged violations including national security to have immediate access to legal counsel upon being arrested.

As an immediate confidence-building measure, allow access to prisoners and detainees by families, legal counsel, and outside observers from the EU as well as international humanitarian and human rights groups.

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<sup>1</sup> <https://www.hrw.org/news/2018/07/26/vietnam-drop-charges-against-environmental-activist>

<sup>2</sup> <https://www.hrw.org/news/2017/01/27/vietnam-new-wave-arrests-critics>

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:

- **Religious activist Ngo Hao, 71**, who was convicted in September 2013 by the People’s Court of Phu Yen province for subversion under article 79 of the 1999 penal code and sentenced to 15 years in prison. The authorities accused him of carrying out “activities with the goal of demanding change of the political regime for a plural and multi-party system, as well as advocating for religious freedom in Vietnam.” Ngo Hao suffers from poor health including high blood pressure, gastric ulcers, and high cholesterol. During the most recent visit on January 28, 2019 at An Diem prison in Quang Nam province, his family learned that he had a stroke. He also lost vision in one eye and his other eye’s vision is deteriorating.
- **Pro-democracy campaigner Nguyen Trung Ton, 47**, who was convicted in April 2018 by the People’s Court of Ha Noi for subversion under article 79 of the 1999 penal code and sentenced to 12 years in prison. He was accused of being a member of Brotherhood for Democracy, a group founded by prominent activist Nguyen Van Dai to advocate for basic civil and political rights. Nguyen Trung Ton suffers a serious knee injury, the result of being abducted and seriously beaten by government-sanctioned thugs in February 2017.
- **Blogger Tran Thi Nga, 41**, who was convicted in July 2017 by the People’s Court of Ha Nam province for conducting propaganda against the state under article 88 of the 1999 penal code and sentenced to nine years in prison. The authorities accused her of having “accessed the internet to post a number of video clips and articles” critical of the government. Her health has deteriorated from previous injuries, the result of being seriously beaten by government-sanctioned thugs in May 2014.

Other activists who are reportedly suffering serious health problems in prison including Nguyen Van Tuc, Tran Thi Xuan, Truong Minh Duc and Hoang Duc Binh. Their precarious health conditions add to the urgency for the EU to call on Vietnam to immediately release these unjustly jailed prisoners.

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

Vietnam continues to prohibit the establishment or operation of independent labor unions, human rights organizations, and political parties. Independent union organizers face harassment, intimidation, and retaliation. The authorities convicted and sentenced labor activists Hoang Duc Binh<sup>3</sup> to 14 years in prison in February and Truong Minh Duc<sup>4</sup> to 12 years in April 2018.

Communist Party-controlled courts have severely punished people who were accused of being affiliated with political groups or parties that the Communist Party of Vietnam views as threatening its monopoly on power. In 2018, seven members of a pro-democracy group that called itself the Brotherhood for Democracy were sentenced to between 7 and 13 years in prison. Five other people were convicted for their alleged affiliation with the Vietnam National Self-

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<sup>3</sup> <https://www.hrw.org/news/2018/01/24/vietnam-crackdown-rights-activists>

<sup>4</sup> <https://www.hrw.org/news/2018/04/04/vietnam-drop-charges-against-human-rights-defenders>

Determination Coalition, an independent political group, and sentenced to between 8 and 15 years in prison.

Authorities require approval for public gatherings and systematically refuse permission for meetings, marches, or public assemblies they deem to be politically unacceptable. In June 2018, many people were reportedly harassed, detained and beaten for joining protests against a draft law on special economic zones and the cyber security law. The authorities put at least 127 protesters on trial for disrupting public order and convicted many of them to imprisonment.

Physical assaults against rights bloggers and democracy campaigners<sup>5</sup> continued to occur frequently. Activists and bloggers face frequent physical assaults by officials or government connected thugs, who are not punished for these attacks. In June and July 2018 in Lam Dong province, unidentified men threw rocks and a handmade incendiary device into the house of a labor activist and former political prisoner, Do Thi Minh Hanh. In August, security agents brutally beat rights activists Pham Doan Trang, Nguyen Tin, and Nguyen Dang Cao Dai after a raid on a concert in Ho Chi Minh City. Also in August, police in Khanh Hoa province detained activist Ngo Thanh Tu and beat him repeatedly. In September, men in civilian clothes assaulted activist Huynh Cong Thuan in Ho Chi Minh City as he was driving home from work on a motorbike. Also in September, unknown thugs attacked and broke the arm of former political prisoner Truong Van Kim in Lam Dong.

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 events, or attending trials of fellow activists. On June 15, 2018, rights activist Pham Le Vuong Cac flew from Ho Chi Minh City to Hanoi to attend an exam. The police detained him at the airport and interrogated him for several hours and forced him to fly back to Ho Chi Minh City for fear that he might stir up an anti-China protest in Hanoi that weekend. The next day, police in Ho Chi Minh City barred him from leaving his house. Also on June 16, 2018, unknown men locked the gate outside the apartment of former political prisoner Le Thi Cong Nhan in Hanoi to prevent her and her husband, rights activist Ngo Duy Quyen, from joining an anti-China protest. On June 26, 2018, police in Ho Chi Minh City prohibited former political prisoners Le Cong Dinh and Pham Ba Hai from leaving their houses to join a gathering to celebrate the International Day in Support of Victims of Torture.

Police have also prevented rights campaigners from travelling abroad, sometimes citing vague national security reasons. In March 2018, police at Tan Son Nhat airport prevented dissident poet Bui Minh Quoc from leaving for a personal trip to the US. In May 2018, police at Bo Y border gate barred rights activist Father Dinh Huu Thoai from leaving for a personal trip to the US. Also in May 2018, police at Tan Son Nhat airport barred labor activist Do Thi Minh Hanh from leaving for a personal trip to Germany. In June 2018, police at Tan Son Nhat airport prohibited rights activist Father Nguyen Duy Tan from leaving for a tourist trip to Malaysia. In August, the police denied the issuance of a passport to former political prisoner Le Cong Dinh without explanation. In September, police detained Dr. Nguyen Quang A for hours to prevent him from leaving for Australia. According to him, this was his 18th detention by police since March 2016.

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<sup>5</sup> <https://www.hrw.org/report/2017/06/18/no-country-human-rights-activists/assaults-bloggers-and-democracy-campaigners>

***The EU should publicly and privately call on the Vietnamese government to:***

- Immediately recognize independent labor unions.
- Ratify International Labour Organization 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.
- 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 of Vietnam and the government.
- 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.

**3. Repression of Freedom of Information**

The Vietnamese government continues to prohibit independent or privately owned media outlets to operate. It exerts strict control over radio and TV stations and printed publications. Criminal penalties apply to those who disseminate materials deemed to oppose the government, threaten national security, reveal state secrets or promote “reactionary” ideas. The authorities block access to politically sensitive websites and frequently attempt to shut down blogs, or require internet service providers to remove content or social media accounts arbitrarily deemed politically unacceptable.

In January 2019, Vietnam’s cybersecurity law came into effect. This overly broad and vague law gives authorities wide discretion to determine when expression must be censored as “illegal.” Service providers must take down offending content within 24 hours of receiving a request from the authorities. Internet companies are also required to store data locally, verify user information, and disclose user data to authorities on demand without a court order, all of which threaten the right to privacy and could facilitate further suppression of online dissent or activism.

In August 2018, police arrested Nguyen Ngoc Anh in Ben Tre province for allegedly using Facebook to urge people to protest. In September 2018, various courts in Can Tho province convicted Bui Manh Dong, Doan Khanh Vinh Quang, Nguyen Hong Nguyen, and Truong Dinh Khang for their posts and shares on Facebook for “abusing freedom and democracy to infringe upon the interests of the state” under article 331 of the penal code. The four were given sentences ranging from one year to two-and-a-half years in prison.

In January 2019, the authorities reportedly detained at least [five Facebook users](#) for their online activities and two other political activists. Prominent blogger and former political prisoner [Truong Duy Nhat](#) fled to Bangkok to seek asylum in mid-January 2019. Since January 26, 2019, no one including his family could get in touch with him.

*The EU should publicly and privately call on the Vietnamese government to:*

- Bring media 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 or detained for peaceful dissemination of their views over the internet.
- Revise the Law on Cyber Security and bring it into compliance with international human rights standards, including the ICCPR.

#### **4. Repression of the Right 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 unity.”

The police monitor, harass, and sometimes violently crack down on religious groups operating outside government-controlled institutions. Unrecognized branches of the Cao Dai church, Hoa Hao Buddhist church, independent Protestant and Catholic house churches, Khmer Krom Buddhist temples, and the Unified Buddhist Church of Vietnam face constant surveillance, harassment, and intimidation. Followers of independent religious groups are subject to public criticism, forced renunciation of faith, detention, interrogation, torture, and imprisonment. In 2018, authorities tried and convicted at least 10 independent Hoa Hao Buddhist activists, sentencing them to many years in prison.

On June 22, 2018, men in civilian clothes broke into the house of Cao Dai religious activist Hua Phi in Lam Dong province, beat him, and cut off his beard. Hua Phi told a reporter at Radio Free Asia that he thought the attack may have been related to an invitation that he received to meet EU diplomats on June 25 in Ho Chi Minh City in preparation for the upcoming human rights dialogue.

In September 2018, under police pressure, 91-year-old prominent religious leader Venerable Thich Quang Do was forced to leave Thanh Minh Zen Monastery in Ho Chi Minh City to return to his hometown in Thai Binh province.

Montagnards in the Central Highlands are subjected to constant surveillance and other forms of intimidation, public criticism, arbitrary arrest, and mistreatment in security force custody. In detention, the authorities question them about their religious and political activities and any efforts to flee Vietnam.

***The EU should publicly and privately 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, forced denunciation of faith, 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 ICCPR to which Vietnam and EU 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 Nations 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.

**5. 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 police beat them 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 in September 2014](#), it appears that officers who have committed serious, even lethal, transgressions have only rarely faced serious legal consequences.

In October 2018, Chau Dung Thanh, 35, was detained in Ho Chi Minh City for alleged robbery. He died several hours after the arrest. A month later, two police officers were charged for “using corporal punishment” against the suspect. Also in October, Huynh Thi Nhung, 45, died within hours after being summoned by the police of Ninh Hoa town, Khanh Hoa province, for owning a guest house that allegedly hosted a prostitution service. The police claimed she committed suicide by using a scissors to stab her own neck.

In October 2018, Pham Quy Hung, 44, was handcuffed and taken to the police station of Duong Dong town, Phu Quoc district, Kien Giang province for his alleged involvement in a dispute with another person over land purchasing. Pham Quy Hung [told a reporter](#) that he was beaten by many people at the police station. “When I fell down, they pulled my hair, hit my face and head. I fainted and they took me to Phu Quoc hospital.” He was diagnosed with multiple injuries including on his head and stomach.

In November, Le Phong, 53, was summoned to the police station of Loc Tri commune, Phu Loc district, Thua Thien – Hue province, for his alleged involvement in a fight with his wife. Le Phong [told a reporter](#) that during his interrogation, deputy police chief La Xuan Xang “suddenly used a rubber club to hit me from above. He kicked me on my left hip and pulled my ears. He took a big knife, forced me to put my hands on the table. Then he hit my [left] hand with the knife’s handle. I was in pain and screamed for help.” Le Phong was taken to the hospital later for treatment. In his self-criticism that was published on state media, La Xuan Xang claimed that he used his “right hand to touch Mr. Le Phong’s left hand and caused bruises and injuries.”

In December 2018, Nguyen Minh Sang, 46, was detained in Ho Chi Minh City for being present at an outdoor gambling event and was taken to the hospital in critical condition several hours after his arrest. He was diagnosed with traumatic brain injuries and died three days later. The victim’s brother told a reporter that many people who witnessed the arrest saw a police officer beating Nguyen Minh Sang with a club.

***The EU should publicly and privately call on the Vietnamese government to:***

- Clearly and unequivocally signal through public statements, internal directives, and specific measures by senior government officials and the highest-ranking police officials that the use of torture, beatings, or any other form of mistreatment in police custody is unacceptable and will be punished.
- 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.
- Ensure that police officers implicated in torture and other ill-treatment, regardless of rank, are disciplined or prosecuted as appropriate.
- 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 must be present at all interrogation sessions between police and detainees.