



Annual Report 2014/15

Vietnam

Socialist Republic of Viet Nam
Head of state: Truong Tan Sang
Head of government: Nguyen Tan Dung

Severe restrictions on freedoms of expression, association and peaceful assembly continued. The state continued to control the media and the judiciary, as well as political and religious institutions. Scores of prisoners of conscience remained imprisoned in harsh conditions after unfair trials in previous years. They included bloggers, labour and land rights activists, political activists, religious followers, members of ethnic groups and advocates for human rights and social justice.¹ New arrests and trials of bloggers and human rights activists took place. The authorities attempted to curtail the activities of unauthorized civil society groups through harassment, surveillance and restrictions on freedom of movement. Security officers harassed and physically attacked peaceful activists, and held them in short-term detention. The death penalty was retained for a wide range of offences.

Background

Viet Nam was elected to the UN Human Rights Council in January for a two-year term. In June Viet Nam rejected 45 of 227 recommendations made by the Working Group on the UN Universal Periodic Review in February. These included key recommendations on human rights defenders and dissidents, freedom of expression and the death penalty, among others.

The territorial conflict in the East China Sea escalated in May when China moved an exploration oil rig into disputed waters. The incident sparked anti-China riots by tens of thousands of workers at industrial parks in several provinces in southern and central Viet Nam. Chinese-owned factories were targeted, but Taiwanese, Korean and Japanese factories were also damaged and looted. An unconfirmed number of people were killed and injured, and around 700 people were arrested for their involvement.

An Amnesty International delegation visited Viet Nam for official meetings in February. During his visit in July, the UN Special Rapporteur on freedom of religion or belief found evidence of serious violations, including police raids, disruption of religious ceremonies, beatings and assaults of members of independent religious groups. Some individuals he was due to meet were subject to intimidation, harassment and surveillance by security officials.

Legal, constitutional or institutional developments

The new Constitution, adopted in November 2013, came into force after an unprecedented but heavily controlled consultation process lasting around nine months. The Constitution provides a general protection of the rights to freedom of expression, association and peaceful assembly but limits them by vague and broad provisions in national legislation. Only a limited guarantee of fair trial rights is included.

Viet Nam signed the UN Convention against Torture in November 2013 and held several preparatory workshops during 2014; the National Assembly voted for ratification in November. Although torture is prohibited in the new Constitution, legislation contains no clear definition of what constitutes torture.

The National Assembly rejected a proposed amendment to the Law on Marriage and Family, which would have recognized same-sex cohabitation and joint custody. The government also announced that it would not legally recognize same-sex marriage.

The authorities stated that several laws relating to human rights were under preparation for approval by the National Assembly in 2016. They include an amended Penal Code, the Amended Law on the Press, the Law on Association, the Law on Demonstrations and the Law on Information Access.

Repression of dissent

Human rights activists and advocates for social and political change increased their peaceful activities despite the challenging environment and risk to their personal safety. Vaguely worded provisions of the 1999 Penal Code continued to be used to criminalize peaceful activism and those exercising their rights to freedom of expression, association and peaceful assembly.

Despite the early release of six dissidents in April and June,² at least 60 prisoners of conscience remained imprisoned. They were convicted after unfair trials and included peaceful bloggers, labour and land rights activists, political activists, religious followers and advocates for human rights and social justice. In addition, at least 18 bloggers and activists were tried and sentenced in six trials to between 15 months' and three years' imprisonment under Article 258 of the Penal Code for "abusing democratic freedoms to infringe on the interests of the state".

Blogger Nguyen Huu Vinh and his associate Nguyen Thi Minh Thuy were arrested in May and held under Article 258 of the Penal Code for "posting false information on the internet". Nguyen Huu Vinh, a former policeman, is well known for setting up the popular Ba Sam website in 2007, which included articles on a range of social and political issues. Three more prominent bloggers were arrested between 29 November and 27 December – Vietnamese-Japanese Professor Hong Le Tho, writer Nguyen Quang Lap and Nguyen Dinh Ngoc had written or posted articles criticizing government officials and policies.

Violent unprovoked physical attacks were carried out against activists by men suspected to be acting on the order of or in collusion with security forces. For example, in May human rights lawyer and former prisoner of conscience Nguyen Van Dai was attacked by a group of five men while he was in a café with friends. He sustained a head injury requiring stitches. The same month, blogger and human rights activist Tran Thi Nga was attacked by five assailants while on a motorcycle with her two young children. She suffered a broken arm and knee and other injuries. Activists attempting to observe the trial of three human rights defenders in August were harassed, beaten and arrested by security officials.³ Three other activists were assaulted in October. In November independent journalist Truong Min Duc was attacked and beaten for the third time in two months, sustaining serious injuries.

Freedom of movement

Several peaceful activists were prevented from travelling to attend Viet Nam's consideration under the Universal Periodic Review in Geneva, Switzerland, in February. They were summoned for questioning by the police and their passports were confiscated. Others were detained for questioning on their return. Do Thi Minh Hanh, a labour rights activist and former prisoner of conscience released in June, was stopped at the airport and prevented from travelling to Austria to visit her seriously ill mother in August; she was subsequently allowed to go in October.

Activists attempting to attend informal civil society meetings, foreign embassy meetings and to observe dissident trials were harassed, intimidated and prevented from leaving their homes. Individuals reported being held under de facto house arrest.

Prisoners of conscience

Conditions of detention for prisoners of conscience were harsh, including lack of adequate medical care and nutritious food. Some were subject to ill-treatment by other prisoners without intervention by prison guards, and to incommunicado detention. Family visits were conducted in the presence of guards who prohibited discussion of perceived sensitive subjects. Prisoners were sometimes moved without their families being informed, and some were held in prisons distant from their homes, making family visits difficult. Some prisoners were encouraged to “confess” to the offences for which they were convicted in order to be considered for release.

Environment activist and prisoner of conscience Dinh Dang Dinh died of stomach cancer in April following his temporary release from prison on medical grounds in February. Despite appeals from his family and the diplomatic community, the authorities failed to provide adequate access to medical treatment while he was serving his six-year prison sentence.⁴

Death penalty

The death penalty was retained for murder, drugs offences, treason and crimes against humanity. At least three executions by lethal injection were reported. The number of people on death row was estimated to be more than 650. The government did not provide accurate figures, and statistics on the death penalty remained classified as a state secret.

1. Silenced voices – Prisoners of conscience in Viet Nam (ASA/41/007/2013)
www.amnesty.org/en/library/info/ASA41/007/2013/en
2. Viet Nam: Release of woman labour rights activist positive but scores remain behind bars (Press release) www.amnesty.org/en/for-media/press-releases/vietnam-release-woman-labour-rights-activist-positive-scores-remain-behind-
3. Viet Nam: Police beatings outside court amid crackdown on activism (Press release) www.amnesty.org/en/for-media/press-releases/viet-nam-police-beatings-outside-court-amid-crackdown-activism-2014-08-26
4. Death of activist Dinh Dang Dinh should be “wake-up call” for Viet Nam (Press release) www.amnesty.org/en/for-media/press-releases/death-activist-dinh-dang-dinh-should-be-wake-call-viet-nam-2014-04-04