

Annual Report 2015/16

Vietnam

Severe restrictions on freedoms of expression, association and peaceful assembly continued. The media and the judiciary, as well as political and religious institutions, remained under state control. At least 45 prisoners of conscience remained imprisoned in harsh conditions after unfair trials. They included bloggers, labour and land rights activists, political activists, religious followers, members of ethnic groups and advocates for human rights and social justice. Activists were convicted in new trials. The authorities attempted to prevent the activities of independent civil society groups through harassment, surveillance and restrictions on freedom of movement. A reduction in criminal prosecutions of bloggers and activists coincided with an increase in harassment, short-term arbitrary detentions and physical attacks by security officers. Scores of Montagnard asylum-seekers fled to Cambodia and Thailand between October 2014 and December 2015. The death penalty was retained.

Background

A major legislative reform programme continued. Several key laws were under review or being drafted. The amended Civil Code, the Penal Code, the Law on Custody and Detention and the Criminal Procedure Code were approved by the end of the year, but a Law on Associations, a Law on Demonstrations, and a Law on Belief and Religion were not finalized. Comments from the general public were solicited. Independent civil society groups raised concerns that some of the laws were not in accordance with Viet Nam's international obligations, including those set out in the ICCPR, which Viet Nam has ratified.

The UN Convention against Torture entered into force in February, but the needed wide-ranging legal reforms for compliance were still pending.

More than 18,000 prisoners were released to mark the 70th anniversary of National Day in September; no prisoners of conscience were included.

Scores of Montagnard asylum-seekers from the Central Highlands fled to Cambodia and Thailand between October 2014 and December 2015, mostly alleging religious persecution and harassment. Dozens were forcibly returned to Viet Nam from Cambodia, with others voluntarily returning after the Cambodian authorities refused to register them and process their asylum claims. Their fate on return was not known (see Cambodia entry).

Repression of dissent

Members of independent activist groups attempting to exercise their rights to freedom of expression, association and peaceful assembly faced regular harassment, including surveillance, restrictions on

movement, arbitrary short-term detention and physical attacks by police and unidentified men suspected of working in collusion with security forces. Dozens of activists were attacked, many of them before or after visiting released prisoners and victims of human rights violations, or when attending events or meetings.

In July, security forces harassed and intimidated peaceful activists attempting to participate in hunger strikes in four major cities in solidarity with prisoners of conscience. The action was organized by the “We Are One” campaign, launched in March together with a letter to the UN Human Rights Council on the human rights situation in Viet Nam, signed by 27 local civil society organizations and 122 individuals.

The authorities continued to use vaguely worded offences to charge and convict peaceful activists, mainly through Article 258 (abusing democratic freedoms to infringe upon the interests of the state, the legitimate rights and interests of organizations and/or citizens) of the 1999 Penal Code. Three pro-democracy activists arrested in May 2014 while monitoring anti-China protests were sentenced in February to between 12 and 18 months’ imprisonment under Article 258 in Đồng Nai province.

Prominent human rights lawyer and former prisoner of conscience Nguyễn Văn Đài and his colleague, Lê Thu Hà, were arrested in December on charges of “conducting propaganda” against the state under Article 88 of the Penal Code. The arrest took place several days after Nguyễn Văn Đài and three colleagues were brutally assaulted by 20 men in plain clothes shortly after delivering human rights training in Nghệ An province.

Blogger Nguyễn Hữu Vinh and his associate Nguyễn Thị Minh Thúy remained held in pre-trial detention since their arrest in May 2014. They were charged under Article 258 of the Penal Code in February in connection with the blogs Dân Quyền (Citizens’ Rights) and Chép sử Việt (Writing Vietnam’s History), both critical of government policies and officials and since closed down.¹

Prominent blogger and journalist Tạ Phong Tần was released in September and flown immediately into effective exile in the USA. She had served four years of a 10-year prison term on charges of “conducting propaganda” against the state.

Reports of repression of religious activities outside state-approved churches continued, including against Hoa Hao Buddhists, Catholic practitioners and Christian ethnic minorities.

Freedom of movement

While the number of arrests and prosecutions against human rights defenders and government critics decreased from previous years, physical attacks and restrictions on movement increased. Several activists were confined to their homes. Some of those wishing to travel overseas to attend human rights-related events had their passports confiscated; several others who managed to leave were arrested and interrogated by the police on their return.

Trần Thị Nga, a member of the independent Vietnamese Women for Human Rights group was arrested by security officers on her way to meet a foreign delegation to the Inter-Parliamentary Union Assembly in the capital Ha Noi in March. Security officers beat her while she was being forcibly driven back to her home in Hà Nam province with her two young children.

Deaths in custody

In March, the National Assembly questioned the credibility of a Ministry of Public Security announcement that of 226 deaths in police custody between October 2011 and September 2014, most were caused by illness or suicide. During 2015 at least seven deaths in custody were reported with suspicions of possible police torture or other ill-treatment.

Prisoners of conscience

At least 45 prisoners of conscience remained in detention.² The majority were convicted under vaguely worded national security provisions of the Penal Code: Article 79 (“overthrowing” the state) or Article 88 (“conducting propaganda”). At least 17 were released after completing their prison sentences but remained under house arrest for specified periods. Thích Quảng Độ, head of the banned Unified Buddhist Church of Vietnam, spent his 12th year under de facto house arrest, and Father Nguyễn Văn Lý, a pro-democracy Catholic priest, remained in prison serving an eight-year sentence.

Some prisoners were pressed to “confess” to charges in exchange for a reduction in sentence.³

Conditions of detention and treatment of prisoners of conscience continued to be harsh. This included lack of physical exercise; verbal and physical attacks; prolonged detention in hot cells with little natural light; denial of sanitary equipment; frequent prison transfers; and detention far from homes and families, making family visits difficult. Several undertook hunger strikes in protest at the use of solitary confinement and abusive treatment of prisoners, including Tạ Phong Tần (see above); Nguyễn Đăng Minh Mão, serving an eight-year sentence; and Đinh Nguyên Kha, serving a four-year sentence.⁴ Nguyễn Văn Duyệt, a Catholic social activist serving a three-and-a-half-year sentence protested at being denied a Bible; and social justice activist Hồ Thị Bích Khương, serving a five-year sentence, who protested when she was not allowed to take personal belongings when transferred to another prison.

Death penalty

The National Assembly approved the reduction in the number of capital offences from 22 to 15, as well as abolition for alleged offenders aged 75 and over. Death sentences for drug-related offences continued to be imposed. Although official statistics remained classified as a state secret, the Justice Minister was reported to have said in October that 684 prisoners were on death row. At least 45 death sentences were reported in the media. In January, the Supreme People’s Procuracy was tasked with reviewing 16 death penalty cases in which the defendants alleged they had been tortured during police interrogation. In October, Lê Văn Mạnh’s execution was postponed for further investigation. He alleged he was tortured in police custody.⁵