



VIET NAM 2016/2017

Severe restrictions on the rights to freedom of expression, of association and of peaceful assembly continued. The media and the judiciary, as well as political and religious institutions, remained under state control. Prisoners of conscience were tortured and otherwise ill-treated, and subjected to unfair trials. Physical attacks against human rights defenders continued, and prominent activists were subjected to daily surveillance and harassment. Peaceful dissidents and government critics were arrested and convicted on national security charges. Demonstrations were repressed, with participants and organizers arrested and tortured. The death penalty was retained.

Background

The five-yearly leadership change took place in January at the congress of the Communist Party of Viet Nam. In May, a general election for the 500 seats in the National Assembly was contested by 900 Communist Party members nominated by central or local authorities and 11 independent candidates. Over 100 non-party candidates who attempted to register, including prominent government critics such as Nguyễn Quang A, were disqualified on tenuous administrative grounds. Some were subject to harassment and intimidation.

The implementation of key new laws, scheduled for July, was postponed due to flaws in the amended Penal Code. They included the Criminal Procedure Code, the Law on the Organization of Criminal Investigation Agencies, the Law on the Implementation of Custody and Temporary Detention, and the amended Penal Code itself.

Repression of dissent

Peaceful criticism of government policies continued to be silenced through judicial and extra-legal means. There was extensive surveillance and harassment of activists, including those who demonstrated against the Formosa ecological disaster which affected the lives of an estimated 270,000 people (see below). Attacks against human rights defenders were commonplace.¹

The authorities continued to use vaguely worded legislation to convict peaceful activists under the national security section of the 1999 Penal Code, in particular: Article 258 “abusing democratic freedoms to infringe upon the interests of the state, the legitimate rights and interests of organizations and/or citizens”; Article 88 “spreading propaganda against the Socialist Republic of Viet Nam”; and Article 79 “carrying out activities aimed at overthrowing the people’s administration”.

In an eight-day period in March, seven activists and government critics were convicted and sentenced to imprisonment for the peaceful expression of their views. They included Nguyễn Hữu Vinh, founder of the popular blog site Anh Ba Sàm, and his assistant Nguyễn Thị Minh Thúy who were convicted under Article 258 and given five- and three-year prison sentences respectively.² They had spent nearly two years in pre-trial detention.

Prominent human rights lawyer Nguyễn Văn Đài and his assistant Lê Thu Hà remained in incommunicado detention following their arrest on charges under Article 88 in December 2015.³

In October, well-known activist Nguyễn Ngọc Như Quỳnh, known as blogger Mẹ Nấm (Mother Mushroom), was arrested on charges under Article 88 in connection with her blog postings criticizing the government.⁴ The Article carries a three- to 20-year prison sentence.

Routine beatings of human rights defenders and their relatives continued. In April, Trần Thị Hồng, wife of prisoner of conscience Pastor Nguyễn Công Chính, was arrested and severely beaten in custody soon after she met with a US delegation visiting Viet Nam.⁵

Freedom of assembly

Large peaceful demonstrations over the Formosa disaster were frequent. Weekly demonstrations in urban centres around the country in April and May resulted in mass arrests and attacks against participants by police and individuals in plain clothes believed to be police or working under police orders. Many of those detained were tortured or otherwise ill-treated, including with beatings and the use of electric shocks.⁶ Demonstrations continued throughout the year, with those in provinces affected by the Formosa disaster gathering momentum. There were reports that 30,000 people demonstrated in August in Vinh City, Nghệ An province.

Land disputes

In July, a demonstration of around 400 ethnic minority Ede villagers in Buôn Ma Thuột, Đắk Lắk province protesting against the sale of 100 hectares of the community's ancestral land to a private company was violently repressed by security forces; at least seven demonstrators were arrested and held in incommunicado detention.⁷

In August, land activist Cấn Thị Thêu was convicted under Article 245 of "causing public disorder" by a court in the capital Ha Noi and sentenced to 20 months' imprisonment.⁸ She was accused of inciting protests against reclamation of land in Hà Đông district, Ha Noi, by posting photographs online.

Torture and other ill-treatment

Torture and other ill-treatment, including incommunicado detention, prolonged solitary confinement, beatings, withholding of medical treatment, and punitive transfers between facilities were practised on prisoners of conscience throughout the country.⁹ At least 88 prisoners of conscience were held in harsh conditions after unfair trials, some of whom were subjected to beatings, prolonged solitary confinement, deprivation of medical treatment and electric shocks. They included bloggers, labour and land rights activists, political activists, religious followers, members of ethnic groups and advocates for human rights and social justice.

Land rights activist Bùi Thị Minh Hằng, and Hòa Hảo Buddhist Trần Thị Thúy continued to be denied adequate medical treatment since 2015; Catholic activist Đặng Xuân Diệu was held in solitary confinement for prolonged periods and tortured; and Trần Huỳnh Duy Thức had been transferred between several prisons since 2009, apparently as a punishment or to intimidate him.

Refugees and asylum-seekers

In April and May, in two separate cases, eight asylum-seekers among groups intercepted en route to Australia and forcibly returned to Viet Nam were sentenced to between two and four years' imprisonment under Article 275 of the Penal Code for "organizing and/or coercing other persons to flee abroad or to stay abroad illegally".¹⁰

Right to an adequate standard of living

An ecological disaster in early April killed huge numbers of fish stocks along the coast of Nghệ An, Hà Tĩnh, Quảng Bình, Quảng Trị and Thừa Thiên-Huế provinces, affecting the livelihoods of 270,000 people. After a two-month investigation, the authorities confirmed allegations by the public that a steel plant owned by the Taiwanese Formosa Plastics Group had caused toxic waste discharges. At the end of June, Formosa publicly acknowledged responsibility and announced that it would provide compensation of US\$500 million. In October, a court in Hà Tĩnh rejected 506 cases filed by those affected. The plaintiffs were calling for increased compensation in damages for the impact on their livelihoods.

Death penalty

Death sentences continued to be imposed, including for drug-related offences. Official statistics remained classified as a state secret. Death sentences were reported in the media. There was no available information about executions.

1. Viet Nam: Crackdown on human rights amidst Formosa related activism ([ASA 41/5104/2016](#))
2. Viet Nam: Convictions of Nguyễn Hữu Vinh and Nguyễn Thị Minh Thúy are an outrageous contravention of freedom of expression ([ASA 41/3702/2016](#))
3. Ending torture of prisoners of conscience in Viet Nam ([News story](#), 12 July)
4. Viet Nam: Vietnamese human rights blogger arrested ([ASA 41/4979/2016](#))
5. Viet Nam: Detained pastor on hunger strike since 8 August ([ASA 41/4759/2016](#))
6. Viet Nam: Government cracks down on peaceful demonstrations with range of rights violations, including torture and other ill-treatment ([ASA 41/4078/2016](#))
7. Viet Nam: Minority group's protest met with violence ([ASA 41/4509/2016](#))
8. Viet Nam: Failing to uphold human rights as land rights activist sentenced to 20 months in prison ([ASA 41/4866/2016](#))
9. Prisons within prisons: Torture and ill-treatment of prisoners of conscience in Viet Nam ([ASA 41/4187/2016](#))
10. Viet Nam: Imprisonment of asylum-seeker forcibly returned by Australia would be unlawful and could be disastrous for her young children ([ASA 41/4653/2016](#))