

HUMAN
RIGHTS
WATCH

WORLD REPORT

2009

EVENTS OF 2008

VIETNAM

The Vietnamese government continues to crackdown on democracy activists, journalists, human rights defenders, cyber-dissidents, and members of unsanctioned religious organizations.

Social unrest increased in 2008 as thousands of workers joined strikes for better pay and working conditions. An informal nationwide land rights movement swelled, as thousands of farmers traveled to Ho Chi Minh City and Hanoi to publicly express their grievances about land seizures and local corruption.

Ethnic Khmer Buddhists in the Mekong Delta and Montagnard Christians in the Central Highlands protested against land confiscation and religious persecution. 2008 saw the harshest crackdown on Catholics in Vietnam in decades as Vietnamese authorities sought to curtail mass prayer vigils in Hanoi calling for the return of government-confiscated church properties.

Political and Religious Prisoners

More than 400 political and religious prisoners remain behind bars in harsh prison conditions. Prisoners are placed in solitary confinement in dark, unsanitary cells, and there is compelling evidence of torture and ill-treatment of political prisoners, including beatings and electric shock. Credible sources report the use of forced prison labor in a cashew processing facility at Xuan Loc prison, where many political prisoners are imprisoned.

Arbitrary Detention and Unfair Trials

National security laws are used to imprison members of opposition political parties, independent trade unions, and unsanctioned media outlets and religious organizations. Political dissidents are often tried without access to legal counsel in proceedings that take less than a day.

Laws such as Ordinance 44 authorize the detention without trial of dissidents at “social protection centers” and psychiatric facilities if they are deemed to have violated national security laws. In March 2008 police arrested Bui Kim Thanh, an

activist who defended victims of land confiscation and involuntarily committed her to a mental hospital for the second time in two years.

In May a Ho Chi Minh City Court sentenced three members of the opposition Viet Tan party to up to nine months' imprisonment on charges of terrorism and threatening national security for planning to distribute leaflets about their party.

Several land rights activists and landless farmers petitioning for redress were imprisoned during 2008, including seven in July on charges of causing public disorder. In September an appeals court upheld the two-year prison sentence of activist Luong Van Sinh, who had circulated reports and photographs of farmers' protests on the internet.

Media and Internet Restrictions

The Vietnamese government strictly controls the media. Criminal penalties apply to authors, publications, websites, and internet users who disseminate information or writings that oppose the government, threaten national security, reveal state secrets, or promote "reactionary" ideas. The government controls internet use by monitoring online activity, harassing and arresting cyber-dissidents, and blocking websites of democracy and human rights groups and independent media based in Vietnam and abroad.

In July 2008 the Kien Giang People's Court upheld a five-year prison sentence for internet reporter, land rights activist, and Vietnam Populist Party member Truong Minh Duc for "abusing democratic freedoms."

In September, prominent internet writer Nguyen Hoang Hai (or Dieu Cay), was sentenced to 30 months in prison. Following his trial, police detained at least a dozen other democracy activists and bloggers, many of whom, like Dieu Cay, had protested China's claims to the disputed Spratly and Paracel islands.

In October a Hanoi court sentenced reporters Nguyen Viet Chien of *Young People (Thanh Nien)* newspaper to two years in prison and Nguyen Van Hai from *Youth (Tuoi Tre)* to two years' "re-education" for having exposed a major corruption scandal in 2005.

Freedom of Religion

Vietnamese law requires that religious groups register with the government. Those that do not join one of the officially authorized religious organizations—the governing boards of which are under the control of the government—are considered illegal.

Authorities harass and arrest church leaders campaigning for rights or choosing not to affiliate with state-controlled religious oversight committees. For decades, Buddhist monk Thich Quang Do, now Supreme Patriarch of the banned Unified Buddhist Church of Vietnam, has either been in prison or under house arrest for publicly protesting government policies.

Five ethnic Khmer Buddhist monks remain in prison in Soc Trang province after participating in a peaceful protest in 2007 calling for greater religious freedom. On June 28, ethnic Khmer monk Tim Sakhorn was released from a year's imprisonment in An Giang province. Although a recognized citizen of Cambodia, Vietnamese authorities have prohibited him from returning to Cambodia since his release.

Authorities beat and arrest members of ethnic minorities in remote areas, such as Montagnards in the Central Highlands, for refusing to join state-sanctioned church organizations, protesting land confiscation, making contact with relatives or groups abroad, or trying to seek political asylum in Cambodia. In April police arrested Y Ben Hdok in Dak Lak province after other Montagnards in his district tried to flee to Cambodia to seek political asylum. After three days in detention, police told Y Ben's family to pick up his battered body. According to his family, his head was bashed in, his ribs and limbs broken, and his teeth had been knocked out. Police labeled the death a suicide.

Freedom of Association and Labor Rights

The government bans all independent political parties, unions, and human rights organizations. Decree 88 provides for strict government control of associations, which effectively serve as agencies of government ministries or the Vietnamese Communist Party.

Vietnamese workers are forbidden from organizing unions independent of the government-controlled labor confederation. Activists announced the formation of independent trade unions in 2006, but were arrested, imprisoned, harassed, intimidated, and “disappeared” for doing so; at least 10 independent trade union members have been arrested since 2006. The whereabouts of Le Tri Tue, one of the founders of the Independent Workers’ Union, has remained unknown since his “disappearance” in May 2007.

Government regulations impose fines on workers who participate in strikes not approved by the government, enable local officials to force striking workers back to work, and ban strikes in strategic sectors, including power stations, railways, airports, and oil, gas, and forestry enterprises.

Despite these restrictions, thousands of workers participated in strikes calling for better wages and working conditions during 2008, including 10,000 workers at Keyking toy factory in Danang in February.

Freedom of Assembly

Decree 38 bans public gatherings in front of places where government, party, and international conferences are held, and requires organizers of public gatherings to apply for and obtain advance government permission.

Despite the restrictions, public protests and social unrest grew during 2008 as citizens throughout Vietnam publicly aired their grievances over land confiscation, corruption, religious persecution, confiscation of church property, and China’s claims to offshore islands.

During 2008 unprecedented numbers of Catholics—one of the largest officially recognized religions in Vietnam—gathered in Hanoi for prayer vigils calling for return of government-confiscated church property. In September police used tear gas and electric batons to disband the vigils, detained protesters, and bulldozed properties considered sacred to Vietnamese Catholics. Hundreds of thugs, some in the blue shirts of the Communist Youth League, harassed, cursed, and spat at parishioners and destroyed church statues. The state-controlled press conducted a smear campaign against the Archbishop of Hanoi after he publicly defended the

vigils. On September 19, police detained and beat an American reporter covering the events.

Police continue to forcefully disperse land rights demonstrations. In February 2008, police used dogs and electric batons to break up a land rights protest by ethnic Khmer farmers in An Giang province, injuring several protesters. In April 2008, police and soldiers forcibly dispersed Montagnard Christians demonstrating in the Central Highlands, and arrested dozens of protesters. In August four Montagnards were imprisoned on charges of organizing protests and helping people flee to Cambodia.

Women and Children

Vietnam continues to be a source of and transit point for women and girls trafficked for forced prostitution, fraudulent marriages, and forced domestic servitude to other parts of Asia. Sex workers, trafficking victims, street children, and street peddlers—officially classified by the government as “social evils”—are routinely rounded up and detained without warrants in compulsory “rehabilitation” centers, where they are subject to beatings and sexual abuse.

Key International Actors

Various governments including New Zealand, Norway, Switzerland, Canada, Sweden, Australia, the United Kingdom, France, and the European Union made representations to the Vietnamese government on behalf of activists, independent journalists, and prisoners of conscience. In October 2008 the European Parliament called on Vietnam to cease its “systematic violations of democracy and human rights” before finalization of a new EU-Vietnam cooperation agreement. Relations with the United States continued to warm with Prime Minister Dung’s June 2008 visit to the US. The US raised concerns about arrests of journalists and the government’s crackdown on Catholic protesters, but asserted that religious freedom continued to improve. In May the US Commission on International Religious Freedom urged the Bush administration to reinstate Vietnam’s designation as a “Country of Particular Concern” (CPC) for religious freedom violations, but it did not do so. The United States, which designated

Vietnam a CPC in 2004, lifted the designation just days before President Bush's visit to Hanoi in November 2006.

Vietnam is due to be reviewed under the Universal Periodic Review mechanism of the UN Human Rights Council in May 2009.