



VIET NAM 2019

The year saw a surge in the number of prisoners of conscience. A crackdown on the rights to freedom of expression, association and peaceful assembly continued. A new cybersecurity law entered into force in January, aimed at restricting human rights online. The authorities subjected human rights defenders and activists to harassment, intimidation, and abusive restrictions both online and offline. The government prosecuted human rights defenders and activists, using a range of criminal law provisions. Prolonged pre-trial detention was common. Prisoners of conscience were denied access to lawyers and family members, lacked proper health care, and in some cases were subjected to torture.

Background

Viet Nam signed a free trade agreement with the EU in July that was expected to boost economic growth. Its provisions required the Vietnamese government to allow the establishment of independent trade unions, and to improve the legal framework relating to labour rights. The agreement also required the Vietnamese government to ratify a range of International Labour Organization conventions.

Crackdown on freedom of expression

The authorities arrested and/or prosecuted at least 23 people over the course of the year on speech-related grounds. Most of those targeted had expressed views on issues such as corruption, the environment, politics, and human rights, using Facebook as a platform. Those convicted received prison sentences of up to 11 years.

The government also launched a targeted campaign aimed at shutting down the Liberal Publishing House, an independent publisher of books on democracy and public policy, and at intimidating its supporters.^[1] Public security forces questioned at least a hundred people across the country, and searched the homes of at least a dozen, confiscating books printed by the publishing house. Most disturbingly, in October, police in Ho Chi Minh City detained and tortured a person who helped deliver books from the publishing house.

Prisoners of conscience

A crackdown on peaceful demonstrations, and the arrests that followed, led to a substantial increase in the number of prisoners of conscience. By May, there were 118 known prisoners of conscience.^[2] While a few prisoners were released later in the year, after serving their sentences, more were arrested.

Reports from family members and local human rights groups indicated that prisoners of conscience continued to endure various forms of ill-treatment, including solitary confinement, poor quality food, lack of access to medical care, and mental and physical abuse. Many prison administrators encouraged prisoners held for common crimes to intimidate and assault prisoners of conscience. Family members of two prisoners of conscience reported that their relatives had received death threats.

Once convicted and sentenced to imprisonment, prisoners of conscience were frequently transferred to facilities far from their homes, making it difficult for their family members to visit them and provide emotional and material assistance.

Legal developments

A new cybersecurity law entered into effect in January, despite concern expressed at both the domestic and international level that it could criminalize a broad swath of online expression. Article 8 of the law prohibited people from “distorting history, denying revolutionary achievements, destroying the national solidarity block,” and “providing false information, causing confusion amongst the Citizens, [and] causing harm to socioeconomic activities.” Article 16 of the law, similarly, set out an overly broad definition of what constitutes propaganda against the state, including “insulting the [Vietnamese] people, the national flag, national emblem, national anthem, great men, leaders, famous people or national heroes.” By its overbroad language and vague wording, the provision gave the authorities excessive and arbitrary powers to ban a range of legitimate activities.

The draft decree for implementation of the cybersecurity law would impose further restrictions on human rights online and would have a chilling effect on peaceful expression online. Draft Article 58(5) would compel all internet companies operating in Viet Nam to retain users’ personal data, and to submit it to the Cybersecurity Department upon request. Companies would be liable for substantial penalties if they failed to do so. The decree’s provisions did not indicate how the authorities would use this data.

Deaths in custody

At least 11 people died in custody, according to data compiled by Radio Free Asia. The authorities continued to prevent independent investigations into such deaths, casting doubt on official explanations of their causes.

A high-profile case was that of Le Thanh Hien, a freelance journalist in Hậu Giang province. Arrested on 9 July on charges of fraud, and detained at the Vi Thuy district police station, he was found dead in his cell the next day. Police said that Hien had hanged himself, and no investigation into the death was known to have been conducted.

Enforced disappearance

Truong Duy Nhat, a prominent political journalist, was forcibly disappeared in Bangkok, Thailand, while seeking asylum there in January.^[3] Evidence and eyewitnesses indicated the involvement of the Vietnamese security forces. Five months after his enforced disappearance,

the Vietnamese authorities admitted that they were detaining Nhat in Ha Noi on corruption charges.

Early in the year, three Thai activists were forcibly disappeared while seeking refuge in Viet Nam.^[4] According to Amnesty International's sources the three were arrested by the police in January.

Death penalty

The government has long withheld information relating to the death penalty. In December 2018, during an assessment of Viet Nam's human rights record under the UN Human Rights Council's Universal Periodic Review mechanism, a Vietnamese representative said that the use of the death penalty was a state secret.

Arbitrary arrest and detention

Several of activists were arbitrarily detained by public security officials. Cao Vinh Thinh, a member of Green Tree, an organization working to protect the environment, was arbitrarily detained twice — in March and June — by local authorities in Ha Noi. Another member of the organization, Dang Vu Luong, was also detained without an arrest warrant or other legal justification in August. The two were released after being interrogated for hours.

On 25 October, filmmaker Thinh Nguyen was arbitrarily and violently arrested by plainclothes police officers. The men did not show legal documents and when Thinh Nguyen challenged the legality of their actions, one of them reportedly replied that the arrest was for "national security reasons." After searching the filmmaker's house, the police brought Thinh Nguyen to a police station where they interrogated him, eventually releasing him later that day.

Violence against women and girls

Violence against women and girls, including physical assaults and sexual violence, received substantial public attention. It was not just the crimes that were the subject of media attention and public outcry, but also the impunity enjoyed by perpetrators.

In March, a man sexually assaulted a woman in a lift in Ha Noi, with a closed-circuit video camera inside the elevator capturing the incident. The video tape circulated publicly and quickly ignited a mass protest on social media. Local authorities fined the man 200,000 dong (around 9 USD), but did not arrest or charge him, sparking further public anger.

In April, the former deputy of the procuracy of Da Nang city was shown in a video circulated online in which he appeared to sexually assault a seven-year-old girl inside a lift in Ho Chi Minh city. The online protests that followed saw protestors calling on the National Assembly to change the law to increase punishments for sexual assault and sexual harassment. The authorities prosecuted the perpetrator, sentencing him to an 18-month prison term; however, as of year's end the man had not been jailed.

Domestic violence against women was common, and incidents of women being beaten by their husbands often appeared in the media. Yet very few suspected perpetrators were held to account.

[1] Vietnam: Stop intimidation and harassment of independent publishing house (ASA 41/1476/2019, 27 November).

[2] Viet Nam: Surge in number of prisoners of conscience, new research shows (news story, 13 May).

[3] Vietnamese and Thai authorities must come clean about journalist's disappearance (news story, 21 March).

[4] Thailand: Confirm safety and whereabouts of three Thai citizens (news story, 10 May).