

VIET NAM

SOCIALIST REPUBLIC OF VIET NAM

Head of state: Tran Duc Luong

Head of government: Phan Van Khai

Death penalty: retentionist

International Criminal Court: not signed

The human rights situation deteriorated in 2002. Trials continued of those accused of masterminding demonstrations and the ensuing unrest in the Central Highlands in 2001; some reportedly received lengthy prison sentences. Access to the Central Highlands was tightly controlled. A tripartite agreement between the UN High Commissioner for Refugees (UNHCR) and the governments of Cambodia and Viet Nam for the repatriation of asylum-seekers who fled to Cambodia in 2001 broke down. Dissidents using public petitions and the Internet to complain about official corruption and lack of democratic freedoms were harassed, placed under house arrest and imprisoned. Persecution continued of those adhering to religious denominations not sanctioned by the state. At least 48 people were sentenced to death and at least 34 were executed; the actual numbers were believed to be much higher.

Background

National Assembly elections were held in July and were followed by a restructuring of the government. Fourteen ministerial changes were made. These changes may have been linked to growing popular concern about corruption which was believed to extend to senior official circles. Scores of people were arrested for their alleged involvement in widespread corruption.

Viet Nam ratified the Optional Protocol to the Convention on the Rights of the Child relating to child trafficking, prostitution and pornography.

An agreement with China settling a long-standing border dispute that had brought the two countries to war in the past was finally published. It was met by much open opposition including the refusal of the National Assembly to ratify the agreement, an unprecedented occurrence in Viet Nam.

Two amnesties were granted for a total of more than 9,000 prisoners. It was not known whether any prisoners of conscience were included in this group.

Unrest in the Central Highlands

The crack-down that followed the unrest in early 2001 continued unabated. Indigenous minorities protested about the government's confiscation of their ancestral forest homelands, lack of religious freedom for members of unauthorized evangelical Protestant churches, and the denial of their basic rights including education in indigenous languages.

Outside observers were only given limited and tightly controlled access to areas of the Central Highlands at the heart of the protests. However, reports of repression continued to trickle out.

Hundreds of asylum-seekers from the ethnic minority communities of the Central Highlands, collectively known as Montagnards, fleeing arrest and general repression continued to cross to neighbouring Cambodia.

At least 38 men were sentenced to between three and 12 years' imprisonment for their involvement in the unrest. Reports indicated that those accused of fomenting the disturbances, as well as leaders of local unauthorized Protestant churches, were targeted for arrest. Unconfirmed reports indicated the probable arrest of hundreds more.

☛ In August, Rlan Loa, a member of the Gia Rai hill tribe who had fled to Cambodia in January, was given a nine-year jail sentence by a court in Gia Lai province for "illegally leaving Viet Nam to work against the people's authorities". He had been arrested in January 2002 by the Cambodian police and forcibly returned to Viet Nam.

Harassment of government critics

A group of former military officers, Communist Party members, leading intellectuals and their families formed a "democracy group" in August which, among other demands, called for the creation of a Constitutional Court to review "anti-democratic legislation" and bring domestic laws into line with the International Covenant on Civil and Political Rights (ICCPR). Many of the same men and women were also responsible for the creation of an association to fight corruption, established on 2 September. Both organizations were formed without state approval and their status under Vietnamese law remained unclear. Four members of the group—Nguyen Vu Binh, Pham Hong Son, Nguyen Khac Toan and Le Chi Quang—were initially arrested. Le Chi Quang was tried and sentenced to a four-year prison term on 8 November. Nguyen Khac Toan was sentenced to 12 years' imprisonment in December after a trial which lasted less than one day. He was convicted of espionage after allegedly passing information to overseas Vietnamese activist groups on recent demonstrations. The others were awaiting trial at the end of the year. Leading dissident Pham Que Duong and his wife and Professor Tran Khue were reportedly arrested and taken into custody in December. Other members of the group were placed under formal house arrest using administrative detention provisions, or put under strict surveillance.

Le Chi Quang, the first of the five arrested to be tried and sentenced, was accused of "offences against the State and the Socialist Republic of Vietnam", after circulating via the Internet information condemning the government's recent border agreement with China which had come under unprecedented internal criticism. His trial lasted less than four hours and details of his sentence were circulating before he was officially convicted. There were concerns for his health following reports that he was not receiving medical attention at the time of his trial for a pre-existing kidney condition.

Continued suppression of religious freedom

Religious dissidents from faiths including the Hoa Hao Church, the Unified Buddhist Church of Viet Nam, the Roman Catholic Church and Protestant churches continued to be subjected to harassment and detention for their peaceful religious activities.

UN Human Rights Committee

In July, the UN Human Rights Committee considered Viet Nam's second periodic report on its implementation of the ICCPR. The Committee criticized the use of administrative detention provisions which allow for people to be kept under house arrest for up to two years without the intervention of a judge or judicial officer. The Committee was also concerned about the large number of crimes for which the death penalty may be imposed. Concerns were also expressed about the weakness and lack of independence of the judiciary and the lack of safeguards for detainees. The Committee called for the establishment of an independent body to oversee and investigate complaints of human rights violations by state agents.

Death penalty

In a rare official disclosure of information about the use of the death penalty, the Supreme People's Court informed the UN Human Rights Committee in July that between 1997 and 2002, 931 people had been sentenced to death; 535 cases involved people convicted of "violations of the right to life", 310 involved drug-related offences, 24 involved corruption charges, and five involved people convicted of property-related offences. The number of executions carried out during this period was not made public. Executions in Viet Nam are carried out by firing squad, sometimes in front of large crowds. The Chairman of the UN Human Rights Committee called for the gradual abolition of the death penalty in Viet Nam.

Denial of access

AI was denied access to Viet Nam, and did not receive a direct response from the government to any of the concerns raised with the authorities regarding the human rights situation. A Vietnamese government spokesperson publicly criticized the organization on several occasions for alleged "interference in internal affairs". Domestic human rights monitoring was not permitted and access continued to be denied to independent international human rights monitors. The UNHCR, diplomats and journalists based in Viet Nam were only allowed to visit the Central Highlands region under strict supervision.

AI country reports/visits

Reports

- Socialist Republic of Viet Nam: A human rights review based on the International Covenant on Civil and Political Rights (AI Index: ASA 41/007/2002)
- Socialist Republic of Viet Nam/Kingdom of Cambodia: No sanctuary – the plight of the Montagnard minority (AI Index: ASA 41/011/2002)