

Vietnam

Vietnam intensified its suppression of dissent in 2009 in an effort to bolster the authority of the Communist Party. Authorities arrested dozens of peaceful democracy advocates, independent religious activists, human rights defenders, and online critics, using vaguely-worded national security laws such as spreading “anti-government propaganda” or “abusing democratic freedoms.” The courts convicted at least 20 political or religious prisoners in 2009, including five people sentenced in October whom the previous month the United Nations Working Group on Arbitrary Detention had determined to be arbitrarily detained. People imprisoned in Vietnam for the exercise of fundamental rights number more than 400.

The government tightened its controls on internet use, blogging, and independent research, and banned dissemination and publication of content critical of the government. Religious freedom continued to deteriorate, with the government targeting religious leaders—and their followers—who advocated for civil rights, religious freedom, and equitable resolution of land disputes.

Repression of Political Opposition

In an effort to eliminate challenges to the Communist Party and curb social unrest in advance of a key June 2009 party plenum, in May the government launched a wave of arrests, detaining 27 people for alleged links to the banned Democratic Party of Vietnam (DPV). At least five were prosecuted on national security charges, including prominent lawyer Le Cong Dinh; their trial is pending at this writing. The arrests of at least eight other dissidents, bloggers, and political activists followed.

Freedom of Association and Assembly

The government bans independent trade unions and human rights organizations, as well as opposition political parties. Workers are prohibited from conducting strikes not authorized by the party-controlled labor confederation. Activists who promote workers’ rights and independent unions are harassed, arrested, or jailed.

While government officials often tolerate farmers gathering in Hanoi and Ho Chi Minh City to file complaints about land confiscation or local corruption, political protests are generally banned. Police crackdowns on protests—especially those in the countryside—often take place away from the public spotlight. In May, for example, police dispersed demonstrations in the Mekong delta by ethnic Khmer farmers protesting land grabbing, and arrested Huynh Ba on charges of organizing the protests. Since his arrest, he has been held incommunicado in Soc Trang prison.

Freedom of Religion

Vietnamese law requires that religious groups register with the government and operate under government-controlled management boards. Adherents of some unregistered religious groups, as well as religious activists campaigning for internationally-guaranteed rights, are harassed, arrested, or placed under house arrest.

In the Central Highlands, authorities in 2009 arrested dozens of Montagnard Christians accused of belonging to unregistered house churches considered subversive by the government, planning land rights protests, or conveying information about rights abuses to activists abroad. A focus of the crackdown was Gia Lai province, where more than 50 Montagnards were arrested and at least nine sentenced to prison during the year. On several occasions police beat and shocked Montagnards with electric batons when they refused to sign pledges to join the government sanctioned church.

Authorities continued to persecute members of the banned Unified Buddhist Church of Vietnam, whose supreme patriarch remained under pagoda arrest for his public criticism of government policies. Other religious activists imprisoned in Vietnam include Roman Catholic priest Nguyen Van Ly, a Mennonite pastor, and several Hoa Hao Buddhists.

In July as many as 200,000 Catholics peacefully protested in Quang Binh after police destroyed a temporary church structure erected near the ruins of an historic church. Police used teargas and electric batons to beat parishioners, arresting 19, of whom seven were charged with disturbing public order.

In September authorities forcefully expelled more than 300 Buddhist monks and nuns from a meditation center in Lam Dong established in 2005 with government approval. At least two monks were placed under house arrest after authorities forced them to return to their home provinces. Authorities took steps to close the center after its founder, peace activist Thich Nhat Hanh, proposed in 2007 that the government ease religious freedom restrictions.

Freedom of Expression and Information

The 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.

In 2009 the prime minister issued Decision 97, which prohibits publication of research that critiques or opposes the government or party, and limits research by private organizations to 317 government-approved topics. The Institute of Development Studies, one of Vietnam’s only independent think-tanks, closed in September, one day before Decision 97 went into effect.

The government controls internet use by monitoring online activity, arresting cyber-dissidents, and blocking websites of certain human rights and political groups. Internet cafe owners are required to obtain photo identification from internet users, and to monitor and store information about their online activities. A 2008 circular regulating blogs calls for bloggers to limit their postings to personal content, and bans posting of articles about politics or issues the government considers state secrets, subversive, or threats to national security and social order.

Journalists covering controversial topics have been fined, fired, and arrested. In January 2009 the editors of two leading Vietnamese newspapers that had exposed a major corruption scandal in 2005 were dismissed from their jobs.

While the government tolerated some public debate about its sensitive relations with China in 2009, it selectively took punitive measures against commentators who characterized Vietnam’s China policies as conciliatory, especially regarding China’s controversial claims to disputed offshore islands and its investment in Central Highlands bauxite mines. In April authorities suspended publication of *Du Lich* newspaper for its critical coverage of China’s territorial disputes with Vietnam, and in May the paper’s deputy editor was dismissed. In August and September police arrested and briefly detained two bloggers and an internet journalist on national security charges for articles criticizing China. Also in September the government fined the editor of the Communist Party’s website for publishing “unauthorized” information about China training its military in order to defend its maritime borders with Vietnam.

Criminal Justice System

Police torture is prevalent, particularly during interrogation of political and religious prisoners, who are typically held incommunicado prior to trial and denied family visits and access to lawyers. Vietnamese courts lack independence and impartiality. Political and religious dissidents are often tried without the assistance of legal counsel in proceedings that fail to meet international fair trial standards.

Lawyers representing political or religious activists face intense harassment and even arrest, such as Le Cong Dinh. In February 2009 police raided the office of Le Tran Luat, a lawyer defending Catholics arrested during 2008 prayer vigils in Hanoi. Authorities confiscated his computer and documents, blocked him from meeting his clients, and detained and interrogated him to pressure him to drop the case.

Vietnamese law authorizes arbitrary “administrative detention” without trial. Under Ordinance 44, dissidents and others deemed national security threats can be involuntarily committed to mental institutions or detained in state-run “rehabilitation” centers.

Sex workers, trafficking victims, street children, people who use drugs, and street peddlers are routinely rounded up and detained without warrants in state rehabilitation centers. They are subject to beatings, sexual abuse, insufficient food, and little, if any, access to healthcare, including drug dependency treatment for an estimated 50,000 people who use drugs who are held in such centers.

Prison conditions are harsh and even life threatening. During pretrial detention—which can last more than a year—prisoners are often placed in solitary confinement in dark, cramped, unsanitary cells, with no bedding or mosquito nets. Convicted prisoners must perform hard labor, sometimes under hazardous conditions.

Key International Actors

Vietnam, which served as president of the UN Security Council in October, made few efforts to improve its poor rights record or cooperate with UN human rights mechanisms in 2009, despite significant diplomatic pressure from donors and UN member states.

During the UN Human Rights Council’s Universal Periodic Review of Vietnam’s rights record in 2009, Vietnam rejected 45 key recommendations from a broad range of member states, such as lifting its restrictions on the internet, authorizing independent media, taking steps to end the practices of torture, arbitrary detention, and capital punishment, and recognizing

the rights of individuals to promote human rights, conduct peaceful public protests, and express their opinions.

A September report by the UN Working Group on Arbitrary Detention determined that the government had unlawfully detained 10 dissidents. It criticized penal code provisions for violating human rights treaties and called for the immediate release of journalist Truong Minh Duc, currently serving a five-year sentence for “abusing democratic freedoms.”

Donors pledged more than US\$5 million in aid to Vietnam during their annual meeting in December 2008. During 2009 they raised a wide range of rights concerns with the government, including arrests of dissidents, censorship of media and blogs, religious freedom, treatment of ethnic minorities, children’s rights, administrative detention, and environmental and social impacts of the bauxite mines.

As Vietnam’s largest export market, the United States focused on developing its trade, investment, and security relations with Vietnam while exhorting Vietnam to improve its rights record, particularly in regard to media freedom, criminalization of peaceful dissent, and restrictions on blogs and independent research. Issues discussed during a political-military dialogue in 2009 included possible joint operations against drugs and terrorism.

Japan continued its policy of not overtly criticizing Vietnam’s rights record, despite its considerable leverage as Vietnam’s largest donor and third-largest investor. In March Japan resumed aid and loans to Vietnam after suspending assistance in 2008 over a corruption scandal in one of its projects.