



## VIET NAM

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### 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

UN Women's Convention: ratified with reservations

Optional Protocol to UN Women's Convention: not signed

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Freedom of expression, association and religious practice continued to be restricted by the authorities. Despite sizeable prisoner amnesties, political dissidents remained in prison. The human rights situation in the Central Highlands and limited access to the area continued to cause concern. More than 180 ethnic minority Montagnards continued to be imprisoned throughout 2005 and at least 45 faced unfair trials. At least 65 death sentences and 21 executions were reported.

### Background

More than 26,500 people, including eight prisoners of conscience, were released under three large prisoner amnesties marking major national anniversaries. Released political and religious dissidents faced varying degrees of restriction and harassment.

In March the Prime Minister signed a Decree on Public Order tightly restricting public gatherings and specifying the authorization required. In July additional regulations were issued in an attempt to further control access to the Internet. New legislation was adopted by the National Assembly, including a new Civil Code in May and laws on National Security and Prevention and Control of Corruption in November. In May the US Department of State and Viet Nam came to an agreement on enhancing religious freedom. The first Prime Ministerial visit to the USA since the end of the Viet Nam war in 1975 took place in June. Viet Nam continued to deny access to independent human rights monitors.

### Central Highlands

At least 45 members of Montagnard ethnic minority groups were sentenced to long terms of imprisonment during 2005. They were charged in connection with the 2001 and April 2004 protests about land ownership and religious freedom, and for assisting people to leave for Cambodia. The true figure was believed to be much higher. Despite severe restrictions on freedom of expression and on access to the area, reports of arrests, ill-treatment and forced renunciations of religion continued to emerge. The human rights situation caused more Montagnard people to seek asylum in Cambodia.

A six-month tripartite Memorandum of Understanding (MOU) was signed in January by Viet Nam, Cambodia and the UN High Commissioner for Refugees (UNHCR) aimed at resolving the situation of around 750 Montagnard asylum-seekers in sites in Cambodia (see Cambodia entry). The MOU contained significant gaps that reduced the protection of asylumseekers returning to Viet Nam. Viet Nam agreed not to punish returnees for illegally leaving the country, but this did not preclude punishment for their religious or political beliefs. UNHCR was allowed several brief monitoring visits to returnees, apparently accompanied by Vietnamese officials.

X Y Jim Eban, Y Tuna H'Dok and seven other Montagnards of the Ede ethnic group were sentenced to between eight and 13 years' imprisonment in July for "undermining the national unity policy" by organizing anti-government protests and helping asylum-seekers.

### **Political imprisonment**

Dissidents continued to be held on espionage charges for sharing information and opinions on political reform and human rights via the Internet. Nguyen Vu Binh, Nguyen Khac Toan and Dr Pham Hong Son, arrested in 2002 and sentenced to between five and 12 years' imprisonment, remained in prison at the end of 2005. Dr Pham Hong Son suffered serious health problems for which he did not receive appropriate medical treatment.

¶ Prisoner of conscience Nguyen Dinh Huy, 73, a former English and history professor, was released under the prisoner amnesty to mark Lunar New Year in February. He was arrested in November 1993 and sentenced to 15 years' imprisonment for planning an international conference on democracy and human rights. He had previously spent 17 years in prison without charge or trial for "re-education".

### **Suppression of religious freedom**

Religious practice remained under the strict control of the authorities, despite the release of several religious dissidents and the issuing of instructions intended to facilitate official recognition of churches. Members of churches seen as opposing state policies were harassed, arrested and imprisoned, and church property was destroyed.

The senior leadership of the Unified Buddhist Church of Vietnam (UBCV) remained under house arrest, including 86-year-old Supreme Patriarch Thich Huyen Quang, and his deputy Thich Quang Do. In August, one member of the Hoa Hao Buddhist church burned himself alive in protest at religious persecution, following which at least seven other church members were arrested.

Religious dissidents and prisoners of conscience released during 2005 included UBCV Buddhist monk Thich Thien Mien, detained for 26 years; Father Pham Ngoc Lien (Tri) and Brother Nguyen Thien Phung (Huang), members of the Congregation of the Mother Coredemptrix, detained for 18 years; Catholic priest Father Thadeus Nguyen Van Ly, imprisoned since 2001; and Vietnamese Mennonite Christian Church members, Le Thi Hong Lien and Pastor Nguyen Hong Quang.

¶ Vo Van Thanh Liem, a Hoa Hao Buddhist monk, was arrested in August following harassment by local police authorities of a temple in An Giang province. He was sentenced to seven years' imprisonment for "opposing the public authorities".

### **Death penalty**

Despite previous indications that the number of capital offences would be reduced, the death penalty was retained for 29 crimes, including economic offences. Large numbers of death sentences and executions were reported. According to official media sources, at least 21

people were executed and 65 people including six women were sentenced to death. The true figures were believed to be much higher. Almost all were accused of drug trafficking offences. Statistics on the death penalty remained classified as a "state secret".

In June the Ministry of Justice announced a proposal to change the method of execution from firing squad to lethal injection. By the end of 2005 this had not been implemented.

¶ Duong Quang Tri was sentenced to death by Ho Chi Minh City People's Court in January for tax fraud, allegedly involving up to US\$382,000.

¶ In January Tran Van Le, a former narcotics police officer, and 16 others were sentenced to death following a major drug-trafficking trial. The sentences of 16 of the convicted were upheld on appeal in May; one sentence was commuted to life imprisonment.

### **AI country reports/visits**

#### **Reports**

- Viet Nam: Freedom for elderly prisoners of conscience (AI Index: ASA 41/003/2005)
- Socialist Republic of Viet Nam: Appeal for Cyberdissident – Dr Pham Hong Son (AI Index: ASA 41/018/2005)
- Socialist Republic of Viet Nam: Appeal for Cyberdissident – Nguyen Vu Binh (AI Index: ASA 41/019/2005)
- Socialist Republic of Viet Nam: Appeal for Cyberdissident – Nguyen Khac Toan (AI Index: ASA 41/020/2005)