



**International PEN  
NGO in Consultative Status with ECOSOC**

**Contribution to the Universal Periodic Review Mechanism  
5<sup>th</sup> Session of the Working Group of the UPR (4 – 15 May 2009)**

**Submission on the Socialist Republic of Viet Nam**

30 October 2008

International PEN welcomes the opportunity provided by the Office of the High Commissioner on Human Rights to comment on the situation in the Socialist Republic of Viet Nam, about which it has serious concerns. This document provides a general comment on the current situation of dissident writers, religious leaders, print media and censorship, and case samples of occasions where individuals have had their fundamental rights to freedom of expression, association and religion severely restricted.

**General comment**

International PEN expresses its extreme concern regarding the Vietnamese's position towards the International Covenant on Civil and Political Rights (ICCPR), to which it is a state party, and its failure to abide by pledges it made to the international community before it assumed its role as a non-permanent member to the Security Council, in September 2007. Recently, at the General Debate of the 64<sup>th</sup> Session of the United Nations General Assembly, Viet Nam reiterated its will to uphold the principles of the UN Charter. Instead, International PEN has observed the pattern of a campaign to silence dissent in the printed media and the Internet, and to suppress peaceful disagreement and political opposition. Harsh prison sentences are handed down in Vietnamese courts, in some cases to be served in forced labour camps, after which individuals are placed under residential surveillance, where the restriction to their rights persists. These and other concerns are part of a Resolution passed by the Assembly of Delegates of International PEN in September 2008. The Resolution also made recommendations for action, and was sent to the Vietnamese authorities urging them to take action according to the recommendations stated in the document. The text of the Resolution is attached to this submission.

**Freedom of expression and opinion – Article 19 ICCPR**

Many writers, journalists and dissidents currently imprisoned in Viet Nam, have been jailed for expressing their opinions or dissent publicly, publishing underground or on the Internet. Those who are not in prison, but decide to exercise their right to freedom of expression, are often subject to regular interrogations and house arrest. In one case, the daily interrogation lasted for three weeks, after which the person was placed under residence surveillance and was banned from publishing essays on-line.

In addition, the media is tightly controlled by the state, therefore there is no public space to call for democracy, to expose corruption, to urge the respect for human rights, or to criticise government policies without risking prosecution and imprisonment.

For instance, writing on issues of land rights and supporting farmers' protests against the confiscation on their land by local authorities can have serious consequences. As in the case of a member of the United Workers-Farmers Organisation, a lawyer and internet writer, who was convicted to five years imprisonment for 'endangering state security' and 'spreading anti-government propaganda'. Another activist and dissident writer spent two periods in psychiatric detention in 2007 and 2008, before being forced into exile. It is believed that she was targeted for her critical online writings and dissident activities, for her reporting on issues of social injustice and human rights violations, and for her defence of destitute women farmers made homeless by illegal land expropriation. These are just samples of the relentless intimidation and suppression that continues to be commonplace in Viet Nam for individuals exercising their right to freedom of expression and opinion.

### **Freedom of religion – Article 18 ICCPR**

Viet Nam continues to suppress advocates for freedom of religion. Many religious figures have to undergo long periods of imprisonment, as well as residential surveillance. Such is the situation of some prominent leaders of the banned United Buddhist Church of Vietnam (UBCV), who remain under 'residential surveillance' for calling on the government to respect religious freedom and human rights. One of the most appalling cases, is that of Venerable Thich Huyen Quang, who died on 5 July 2008, aged 87, after a long illness. Leader of the UBCV and author of books on Buddhism and Oriental philosophy, Venerable Thich Huyen Quang was also a respected religious scholar. Since 1982 he had been detained under house arrest for alleged "anti-government activities", but in spite of this he continued his public appeals for religious freedom and freedom of speech. Since 2003 he had been held incommunicado at Nguyen Thieu Monastery, in Binh Dinh Province, where his funeral was held under tight security.

### **Freedom of association – Article 22 ICCPR**

According to International PEN's information, individuals have also been imprisoned for their support to political groups opposing the government or for their criticism of governmental policies. This is the case of the co-editor of the on-line magazine *To Do Ngôn Luan* (Free Speech), who is serving an eight-year prison sentence, and a further five years of probationary detention. Similarly, other arrests stem from writings in support of democratic movements such as 'Bloc 8406' or the 'Vietnamese Populist Party'.

### **Crackdown on dissent**

Whilst the situation in Viet Nam has been a concern of International PEN for many years, we have observed that since the second half of 2006 repression on freedom of expression has intensified. In the lead up to the Asia-pacific Economic Forum (APEC) held in Hanoi, in November that year, various dissident writers were subject to police harassment, brief detention and house arrest. Our records of 2007 and 2008 show similar patterns of repression. The most recent being the crackdown was in early September 2008, when a number of writers and human rights activists were detained

and interrogated by the authorities. As of October 2008, some of the detainees remain held at the B14 Labour Camp in Ha Dong province. Others were released, but remain under residential surveillance. The latest International PEN appeal on this crackdown is attached to this document.

### **Legislation used to suppress freedom of expression**

The Vietnamese Constitution in its Article 69, guarantees freedom of expression and opinion, as well as freedom of the press and freedom of speech for all. Similarly, Article 70 of the Constitution recognises the right to freedom of religion. However, Viet Nam has other laws which are used to further restrict these freedoms. Dissent is often suppressed by the Vietnamese Penal Code and imprisonment terms are handed down, commonly, on charges of ‘conducting propaganda against the Socialist Republic of Viet Nam’ (Article 88, Penal Code), which provides for up to twenty years in prison; or ‘Abusing democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens’ (Article 258, Penal Code), with a maximum prison sentence of seven years. These harsh prison sentences are served in labour camps under harsh prison conditions, and prisoners are often held in solitary confinement, without adequate medical care. Following their release, former prisoners, remain under heavy restrictions, and as part of their sentence they must also serve additional years of residential surveillance. This is regulated under Article 38 of the Penal Code, which forces a convicted person to remain under ‘probation’ on residence surveillance from one to five years. During this period, individuals have a number of their civil rights deprived, and can be banned from practicing certain occupations. This is often the case for writers, journalists, dissidents and religious figures.

### **Censorship**

Viet Nam’s process of authorisation of publications has been reported as extremely complex, as each piece must go through a thorough screening mechanism and registration before printing. This has forced some writers and publishers to use underground means to print their material and distribute it amongst the population. This is the case, for instance, of the poetry group ‘Open Your Mouth’, which utilises street slang. The group’s material has not been accepted by the official publishing houses, and therefore it has turned to alternative ways to circulate their poetry. In the same way, their poetry readings were reportedly closed down by the police. Members of this group are under heavy surveillance, and are not able to find housing or employment.

Internet surveillance is another means to censor dissent. This situation is well reported with high numbers of cyber-dissidents or Internet writers harassed for posting critical comments of the government or for participating in on-line pro-democracy forums. One of these Internet writers was arrested earlier this year under charges of ‘abusing democratic freedoms to infringe on the interest of the state’, while participating in a chat-room at an Internet café. He was handed down a six-year prison sentence for ‘conducting propaganda against the Socialist Republic of Viet Nam’.

Moreover, permanent fear of persecution, has constrained writers and journalists to self-censorship, which impacts negatively on the civil society as a whole, and does not contribute to the promotion of democracy and human rights.

### **“People’s tribunals” – Article 14 ICCPR**

International PEN is aware of the existence of the so called “people’s tribunals” where members of the public, sometimes in their hundreds, are gathered by government agents to form orchestrated mock trials to criticise dissidents. Individuals are denounced before these “people’s tribunals”, they are blamed and humiliated, and finally *'sentenced'* in total disregard of the principles of fair trial. This was the case of a lawyer and cyber-dissident who, in February 2007, after being under heavy surveillance, was briefly detained and later subject to criticism by a “people’s tribunal” in which 200 residents from a district of Hanoi were reportedly mobilised by the authorities to insult and denounce him for being a ‘traitor’. The “people’s tribunal” ruled that this person should lose the right to work as a lawyer and that his office should be closed. Afterwards, in May 2007, he was additionally sentenced by the Hanoi People’s Court to five years in prison on charges of ‘hostile propaganda against the Socialist Republic of Vietnam’ for his dissident activities with the pro-democracy movement “Bloc 8406”, including the signing of a petition under his real name.

### **Final comment**

International PEN considers that the Socialist Republic of Viet Nam falls well short of its commitments under Article 19 of the International Convention on Civil and Political Rights, and its pledges made before the international community, as the pattern of restriction to the right to freedom of expression and opinion continues. It requests that the Universal Period Review of the Socialist Republic of Viet Nam’s adherence to the human rights instruments to which it is committed takes into consideration these concerns and requests the Vietnamese authorities to:

- Release, immediately and unconditionally, all those held for the peaceful exercise of their right to freedom of expression and opinion;
- Bring to an end the pattern of imprisonment and residence surveillance against all those who hold dissenting views;
- Lift immediately and unconditionally all restrictions imposed on former prisoners of conscience, including those who have served prison terms on pursuit of their right to freedom of expression.
- Stop the persistent harassment of religious figures and anyone who calls for freedom of religion and human rights in Viet Nam;
- Abolish practices that allow for censorship and restrictions on freedom of expression and opinion, freedom of the press, freedom to create and to publish, the right to be informed by all means including the Internet, and freedom of association,
- Discontinue the practices within “people’s tribunals” which do not respond to international standards of fair trial set forth in Article 14 of the International Covenant on Civil and Political Rights;
- Ensure that conditions in prisons and camps are improved, pending the release of all prisoners of conscience, and allow for adequate medical treatment for those in need.