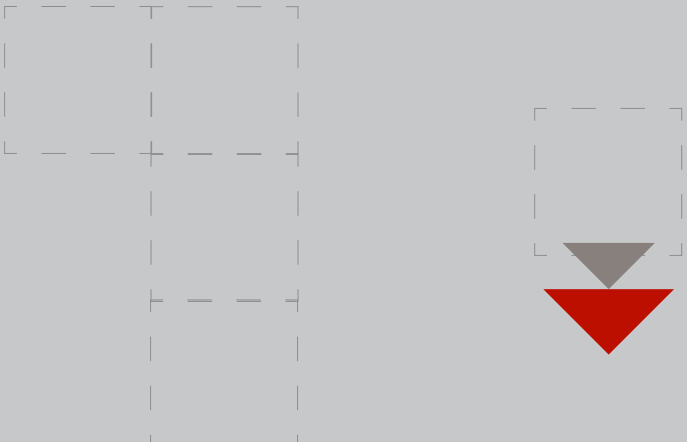


# VIETNAM HUMAN RIGHTS REPORT 2012-2013

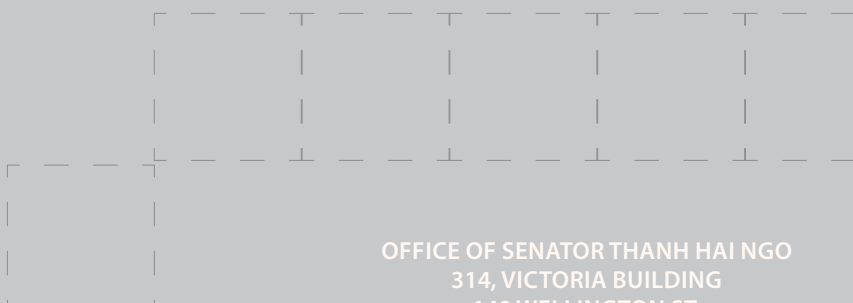


THE OFFICE OF SENATOR THANH HAI NGO



“IT IS NOT POWER THAT CORRUPTS BUT  
FEAR. FEAR OF LOSING POWER CORRUPTS  
THOSE WHO WIELD IT AND FEAR OF THE  
SCOURGE OF POWER CORRUPTS THOSE  
WHO ARE SUBJECT TO IT.”

- AUNG SAN SUU KYI  
MEMBER OF PARLIAMENT | BURMA



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# MESSAGE FROM THE SENATOR



**After** the Fall of Saigon in 1975, countless Vietnamese risked their lives to escape Communist persecution. Many were forced to flee and leave their lives and homeland behind in pursuit of freedom from the authoritarian regime. Those who stayed behind were often victims of persecution, and in the years following the war, thousands of Vietnamese were executed or were sent to prisons or re-education camps. Those who fled often left under the cover of darkness, leaving behind loved ones and all they knew. They braved deadly storms, starvation, disease and pirates, and they would later be known to the world as the “Boat People,” a generation of Vietnamese who risked their lives in the hope of finding something better on the other side. Those fortunate enough to survive the arduous journey faced the challenges of adapting to life in a foreign country. Today, approximately 3.5 million members of the Vietnamese Diaspora have resettled in parts of North America, Western Europe and Australia. In particular, Canada was among the first countries to welcome Vietnamese refugees with open arms. Since that time, Vietnamese Canadians have more than doubled in numbers and have become an integral part of the Canadian multicultural fabric.

Since the end of the war, Vietnam’s one-party Communist regime continues to suppress dissent, persecute religious minorities and hold its people under an authoritarian rule that forces individuals to seek refuge in other parts of the world. This year alone, at least 45 individuals were tried and convicted for openly and peacefully expressing their views and beliefs, and at least 40 others were arrested on the same charges. There can be no true human or economic development if this situation persists in Vietnam. Research consistently shows that freedom of expression is closely associated with free markets and that abuse in one area is a strong indication of similar abuses in other areas. Vietnam’s deteriorating human rights record has incited many members of the Vietnamese Diaspora to unite in their efforts and to take action to make progress on human rights in Vietnam.

As Canada’s first senator originally from Vietnam, it is an honour for me to continue to raise awareness about ongoing human rights violations and to advocate for those brave enough to risk speaking out against the injustices in Vietnam. I am proud to act for the furtherance of peace, human rights and democracy in a region that cries out for freedom. We cannot allow our progress in advancing freedom become overshadowed by strict controls on speech and political freedoms. This is why I am proud to present you with the *2012-2013 Vietnam Human Rights Report*. It is the final result of the great collaborative work completed by my dynamic team of devoted and dedicated interns from across Canada: Andrew Nguyen, Danier Trinh, Dessa Nguyen, Marc-Andre Kieu, Peter Nguyen, Vison Linh, Ylang Ta, and Yvonne Nguyen, to whom I am deeply grateful. It is my hope that in providing opportunities to Canada’s young people that they can take up this cause and effectively advocate for those whose voices are silenced. This report is a first step in that direction.

Senator Thanh Hai Ngo



# INTRODUCTION

The socio-economic development of Vietnam has significantly improved the quality of life for many Vietnamese. Literacy rates and average life expectancy has increased markedly since the introduction of *Đổi Mới* reforms in the late 1980s. However, economic development has outpaced the respect of human rights in Vietnam. Beneath the veil of development and economic success exists a strictly controlled and deeply entrenched culture of maintaining “unity” through the repression of dissent and minority groups.

The purpose of this report is to highlight the extent and nature of human rights violations in Vietnam. This objective will first be met by analyzing the historical context of Vietnam's struggle to find a consolidated unity. It is important to understand how, since the end of the French occupation, the Vietnamese Communists have sought to expand their control through forcefully conquering South Vietnam. Acts against humanity after the Vietnam War were carried out without regard for due process and the rule of law. These trends have since intensified, underlying the continued inability of the Vietnamese Communist Party (VCP) to deal effectively with beliefs outside of the communist ideology.

The second part of the report studies how the VCP's historical intolerance of political pluralism is reflected by how the judicial system has been tightened, controlled and used as an instrument to further empower the VCP. Although Vietnam signed onto the Universal Declaration of Human Rights (UDHR), it continues to fail to uphold its obligations to respect and protect the rights of its people. Governed by ambiguous and self-serving laws, the Vietnamese judiciary cannot properly enforce the rule of law and guarantee justice. As a result, the Vietnamese people are silenced, unable to seek justice through the judiciary and subject to the whims of the authoritarian government.

Constraints on the rule of law and justice also extend to the public sphere, which brings the report to consider freedom of expression in its third chapter. While the development and increased use of the Internet and new technologies have introduced new ways for the Vietnamese people to express opinions and access information, the State also engages in more repressive tactics. In an environment where the only independent sources of information are the result of circumvention, Vietnam continually fails to uphold its obligation to respect and protect its citizens' right to free expression.

In addition to the many prisoners of conscience who have been arrested and detained for vocalizing their beliefs, the repression of religious freedom in Vietnam has made the country one of the worst international violators of freedom of religion. This section offers an in-depth analysis of specific cases with a more elaborated appendix of the prisoners of conscience in Vietnam. Many religions will never be legally recognized. The VCP has sought to severely limit religious freedom through imprisoning key individuals, restricting legal opportunities and expropriating land. The mistreatment of Vietnamese activists, religious minorities and youth has shifted the burden of responsibility to other international actors.

As a symptom of a repressive society, the fifth chapter of this report shows how Vietnamese refugees and human trafficking are a persistent issue in the international scene. Although these issues stem from human rights abuses, the VCP continually frames the problem in terms of “social evils”, which stigmatizes and criminalizes asylum seekers and victims of human trafficking.

Lastly, the sixth chapter of this report concludes by demonstrating how major international players have since pushed for the re-examination of Vietnam's human rights record. The persecution, harassment, detention and arrest of Vietnamese dissidents, religious minorities and refugees continue to be a growing global concern. As such, this report seeks to establish a sustainable and inclusive dialogue in order to encourage those who have the freedom to openly express their thoughts and beliefs to speak out for those who cannot. Only through increased international awareness and structural and institutional change in Vietnam will the potential to improve Vietnam's human rights record be fully realized.

# HISTORICAL OVERVIEW

In 1954, the major world powers met in Geneva, Switzerland, to decide the fate of Indo-China, particularly Vietnam.<sup>1</sup> For centuries Vietnam had been subject to colonization by foreign nations: first by the Chinese, then by the French, followed by the Japanese Empire. The defeat of the Japanese brought about the return of the French. Anti-colonial sentiments flared into full-scale war between the communist Viet-Minh and the French forces. The first Indo-China war would culminate in disastrous defeat of the French forces at the battle of Điện Biên Phủ, marking the end of French involvement in Vietnam.<sup>2</sup> The results of the Geneva Convention, heavily affected by Cold War politics, were that Vietnam was to be divided into North Vietnam, ruled by a communist regime, and South Vietnam, originally a constitutional monarchy that would later turn into a republic. North Vietnam, intent on reuniting Vietnam, would wage a guerilla conflict against the South with the goal of reuniting the country under the Communist regime. The United States (US) viewed South Vietnam as a strategic bulwark against communism in the region and resolved to make sure it remained democratic.<sup>3</sup> The events that followed, the pre-unification and post-unification of Vietnam, demonstrate North Vietnam's relentless efforts to solidify Communist control over the country and its willingness to violate international conventions to achieve this end.<sup>4</sup>

## Second Indo-China War



The American military operation slowly ramped up in magnitude and scope. It began with Western advisors and American Special Forces assisting the Army of the Republic of Vietnam (ARVN),<sup>5</sup> which then developed into an air campaign and finally a full-scale ground operation.<sup>6</sup> Initial operational results did not meet American expectations. Tactically, the Americans were succeeding; every engagement the North Vietnamese Army (NVA) and Viet Cong fought against the American forces resulted in favourable outcomes for the Americans. However, they could simply

not deliver the finishing blow to the Communist forces. The North Vietnamese decided on two set-piece conventional battles: the Siege of Khe Sanh and the Tết Offensive, known in Vietnamese as Tết Mậu Thân.<sup>7</sup> The Siege of Khe Sanh would be repulsed, and the Tết Offensive would be easily extinguished in most areas, except for the city of Huế. The Battle of Huế would drag on for weeks.

The North Vietnamese had chosen their targets and dates carefully. By shifting the fighting from the jungle to the urbanized population centres of South Vietnam, they knew the Americans would be unable to press their advantage of superior firepower because of the collateral damage that it would cause. Exacerbating the situation, the Americans could not tell friend from foe; coupled with the frenzied and confused nature of urban combat, this was used to the North Vietnamese advantage, using civilians as human shields.

1 Melvin Gurtov, "Negotiations and Vietnam: A Case Study of the 1954 Geneva Conference," *Memorandum RM-5617-ISA ARPA* (July 1968), 6.

2 *Ibid.*, p. 7.

3 *Ibid.*, p. 67-70.

4 *Ibid.*, pp. 41-42.

5 Vietnam Task Force, "The Advisory Buildup, 1961-67," *United States - Vietnam Relations 1945-1967* (1967), 27-29.

6 *Ibid.*, p. 1-3.

7 Ang Cheng Guan, "Decision-Making Leading to the Tet Offensive (1968) - The Vietnamese Communist Perspective," *Journal of Contemporary History* 33 (1998), 343.

Furthermore, the timing of the attacks violated the traditional “Tết Truce,” comparable to the “Christmas Truce,” which called for a ceasefire during the holidays. The ferocity of the house-to-house fighting and raw combat footage would shock and horrify Americans, stoking the anti-war movement.<sup>8</sup> Gradually, with public opinion of the war declining sharply in America, the United States began to withdraw combat troops and later air assets. The American withdrawal meant that the ARVN now had to fight the war alone. The South Vietnamese army at the time of the American withdrawal was a mature and capable force, fending off an NVA offensive with American air support.<sup>9</sup>



The Paris Peace Accords brought about the suspension of American air support and eventually the reduction of American military funding and aid to the ARVN. These developments sealed the fate of South Vietnam. Lacking the material resources or firepower that the Americans had once provided, the ARVN was no longer able to resist North Vietnamese aggression. In the spring of 1975, the North Vietnamese launched a second conventional offensive into South Vietnam.

The NVA quickly overran the ARVN units, which were undersupplied and demoralized. The US Congress felt no obligation to honour agreements made by the former Nixon administration with South Vietnam, and tensions between the Ford administration and Congress prevented further American intervention. Finally, on April 30, 1975, advanced tank units of the North Vietnamese rolled into the capital Saigon, ending any vestiges of a democratic Vietnam.<sup>10</sup>

**“Our objective is the independence of South Viet-Nam, and its freedom from attack. We want nothing for ourselves only that the people of South Viet-Nam be allowed to guide their own country in their own way. We will do everything necessary to reach that objective. And we will do only what is absolutely necessary.”<sup>11</sup>**

-President Johnson

President of the United-States of America to students at John Hopkins University in 1965

8 Jennifer Waltson, “The Tet Offensive: The Turning Point of the War,” *OAH Magazine of History* 18:5 (2004) 46-48.

9 F. P. Serong and William Henderson, “The 1972 Easter Offensive,” *Southeast Asian Perspectives* 10 (1974), 1.

10 United States Army Center of Military History, “Chapter 11: The U.S. Army in Vietnam: From Tet to the Final Withdrawal, 1968-1975,” <http://www.history.army.mil/books/AMH-V2/AMH%20V2/chapter11.htm>, 362-365.

11 The Wars for Vietnam, Excerpts from Speech Given by President Johnson at Johns Hopkins University, April 7, 1965, <http://vietnam.vassar.edu/overview/doc12.html/> (July, 16, 2013). [Original Source: Public Papers of the Presidents of the United States: Lyndon B. Johnson, 1965, pp. 394-397.]



## Purge of South-Vietnamese Population Post-War

Following the collapse of the Republic of South Vietnam, in an effort to solidify their rule over the region, the VCP instigated programs in an effort to reconcile the formally democratic South into the Communist fold. All public servants, people with ties to the old regime of South Vietnam, and anyone suspected of having associations with the Americans were ordered by the Communist regime to undergo a program of "re-education." Those chosen for the re-education program were told that the program was to pay restitution for war crimes and properly integrate them into the new governmental system and ideology. The seemingly innocent "re-education program" in truth was a brutal penal program designed to quash any allegiance to the old regime of South Vietnam and to force loyalty and obedience to the new Communist regime.<sup>12</sup>



South Vietnamese Re-education Camp,  
(January, 1976)

Many Vietnamese decided to flee the country; others stayed in Vietnam and attempted to live under the new government. The people who decided to remain in Vietnam and face the re-education programs were told that the program would last only ten days at the most and that only minimum provisions would be needed.

Officially the VCP claims that far fewer than 1 million people were sent to the re-education camps, although new evidence puts this figure at between 1 and 2 million. The reason for this discrepancy is that many of the inmates at the camps were processed informally and off the record so as not to attract international attention.<sup>13</sup> These imprisoned people quickly learned that these were not mere camps for re-education, as the initial ten-day span came and went while the inmates remained detained. They were juggled around from camp to camp until they finally ended up in North Vietnam. The prisoners were starved, having been given only two small bowls of rice a day. They were worked to exhaustion, forced to perform dangerous manual labour for most of the day. Prisoners would be constantly beaten for the most minor of infractions.<sup>14</sup> Firsthand accounts of the camps report that "their goal was not to teach us, but only to detain us..."<sup>15</sup>

**"The Communist put people like me into the jungle so  
that we would get sick and slowly die off.**

**That was their goal!"**

**-Anh Do**

Re-education camp survivor

12 Stephen B. Young, "The Legality of Vietnamese Re-education Camps," *Harvard International Law Journal* 20:3 (1979), 520-521, 522-524.

13 Free Republic, "Repression in the Socialist Republic of Vietnam: Executions and Population Relocation," Jacqueline Desbarats, <http://www.freerepublic.com/focus/f-news/1201982/posts/> (July, 14, 2013).

14 Young, 525-526.

15 Anh Do, "Camp Z30-D: The Survivors," *Dart Center for Journalism and Trauma*, Mar. 1, 2009, <http://dartcenter.org/content/camp-z30-d-survivors>



In the late 1970s-1980s, the VCP was under extreme internal and external pressure. Isolation and warfare on the Vietnamese borders put more strain on the ailing state. In response, the Hanoi government carried out a second wave of persecution against targeted groups, implementing policies that would make life unbearable for specific groups that the VCP saw as a threat. Such groups existed as separate entities from the rest of the population and were considered problematic according to the communist ideology of uniformity. The VCP, eager to rid themselves of fringe elements, seized private property and began relocating various ethnic groups throughout Vietnam. Like many South Vietnamese before them, thousands of families fled Vietnam, already having had everything taken from them and fearing more Communist reprisals and discrimination. Those who fled Vietnam in the later post-war period would mostly do so by sea, earning them the moniker “Boat People.”<sup>16</sup> From the 1970s to the 1990s, close to 840,000 Vietnamese refugees were registered in various camps throughout the region. An estimated half million others would die trying to escape.<sup>17</sup>

**Although many more South-Vietnamese died out of neglect and starvation after the Fall of Saigon, it is estimated that 65, 000 to 100, 000 people were summary executed by the Communist government without a full or fair trial.<sup>18</sup>**

- Jacqueline Desbarats  
Academic

## Đổi Mới

In 1986 at the 6th National Congress, facing a bleak future and an economic crisis, Vietnam's leaders tabled reforms known as Đổi Mới. The Vietnamese government decided to embark on an effort to liberalize their economy with the goal of maintaining the single Communist Party system, as well as a socialist ideology. Vietnam moved toward a free-market economy, allowing private enterprise and foreign investment. Vietnam also made determined efforts to gradually rejoin the world stage. It began by settling old grudges with China and attempting to resolve any lingering conflicts between the two nations. However, the diplomatic efforts with the Chinese were simply part of a larger effort to reintroduce itself to the Western world. By withdrawing forces from Cambodia and settling disputes with China, Vietnam would no longer be seen as a “rogue” state, thereby allowing other countries to interact with Vietnam on friendlier terms.<sup>19</sup>

Despite its economic reforms, Vietnam and its people remain firmly under the control of the VCP. The VCP elects itself from within and has control over who can be a member of the government. In Vietnam today, the VCP, not the laws or constitution, rules the land. This allows the VCP to shape the laws and systems that govern the nation to suit their own needs, including economic policies and the way dissidents are dealt with.<sup>20</sup>

16 Quan tue Tran, “Remembering the Boat People Exdous: A Tale of Two Memorials,” *Journal of Vietnamese Studies* 7:3 (2012), 80.

17 Frederick Z. Brown, “Vietnam Since the War: 1975-1995,” *Wilson Quarterly* 19:1 (1995).

18 Free Republic “Repression in the Socialist Republic of Vietnam: Executions and Population Relocation”, Jacqueline Desbarats, <http://www.freerepublic.com/focus/f-news/1201982/posts/> (July, 14, 2013).

19 Frederick Z. Brown, “Vietnam Since the War: 1975-1995,” *Wilson Quarterly* 19:1 (1995).

20 David Koh. “VIETNAM: A Glass Half Full or Half Empty,” *Southeast Asian Affairs* (2012). <http://muse.ihu.edu/>

# POST-COLONIAL TIMELINE OF VIETNAM

- 1950  ○ French Re-occupation of Indo-China.
- 1953  ○ Operation Castor - Battle of Dien Bien Phu begins in November.
- 1954  ○ Geneva Accords - Partition of Vietnam into South and North are divided at the 17th parallel from April to July.
- 1957  ○ Vietnamese Guerrilla Movement Begins.
- 1961  ○ Military Advisors from the US Special Forces enters Vietnam originally as military trainers and advisors to the South Vietnamese Army. Gradually, they begin conducting low intensity combat operations.
- 1963  ○ Coup - Regime of President Diem overthrown; Diem assassinated in November.
- 1964  ○ Gulf of Tonkin Incident - US Naval Vessels supposedly fired on by North Vietnamese. Used as a catalyst for American escalation in Vietnam. Operation Flaming Dart by the American Air force is launched in retaliation in August.
- 1965  ○ Operation Rolling Thunder Begins - US Air force's large scale bombing of vital Communist targets in North Vietnam starting in March.
- 1965  ○ Marines Land at Da Nang Airbase - First official entry American combat troops in South Vietnam.
- 1968  ○ Siege of Khe Sanh - North Vietnamese offensive against large American airbase.
- 1968  ○ Têt Offensive - Massive Communist offensive against American and South Vietnamese targets. Most of the attacks are easily repulsed, but televised images of heavy urban combat at Hue causes the American public to lose morale. The Têt Offensive is widely considered the turning point of the Vietnam War.
- 1972  ○ Easter Offensive - North Vietnamese launch a massive conventional offensive across the 17th parallel. ARVN forces, with the support of American bombers, fight back.
- 1975  ○ April - Battle of Xuan Loc - Final battle of the Vietnam War, remnants of the ARVN famously mount a ferocious last stand effort against People's Army of North Vietnam (PAVN)
- 1975  ○ The Fall of Saigon - The Republic of South Vietnam ceases to exist.
- 1978  ○ December - Vietnamese-Cambodian War - Vietnamese invasion of Cambodia, resulting in the toppling of the Khmer Rouge. International condemnation of Vietnamese military operation results in further isolation.
- 1979  ○ February-March - Sino-Vietnamese War - Chinese invasion of Northern Vietnam, in response to Vietnamese invasion of Cambodia.
- 1986  ○ Doi Moi - Liberalization of Vietnamese economic policy, in response to Vietnamese economic collapse and social crisis. Socialist Republic of Vietnam re-enters world stage.
- 1992  ○ Normalization of Vietnamese-US relations.
- 2000  ○ Bi-lateral trade agreement between the US and Vietnam signed.
- 2007  ○ Socialist Republic of Vietnam enters World Trade Organization.

# JUDICIAL OVERVIEW

In recent years, Vietnam's human rights record has worsened as the Communist government has increasingly cracked down on public opposition to the single-party state's workings. A growing number of dissidents – including journalists, bloggers, religious leaders and political activists – are presently being arrested, convicted, imprisoned, detained under house arrest and held incommunicado for lengthy periods of time over their public outcry against State policies and corruption. Such mistreatment by the Vietnamese authorities is in direct contravention of the fundamental rights and freedoms outlined in the various international human rights treaties that Vietnam has ratified. These violations are purported to be made legally pursuant to Vietnam's Penal Code, which statutorily allows State authorities to detain, arrest and imprison those who publically denounce the VCP. Vietnam's lack of respect for human rights brings its legal system into disrepute as it relies on vaguely written laws and executes its authority through a judiciary that lacks independence from the government.

## VIETNAM'S RATIFICATION OF INTERNATIONAL HUMAN RIGHTS TREATIES

As a member state of the United Nations since 1977, Vietnam has ratified several international treaties and agreements designed to protect the universal ideals of human rights. These statutes include the UDHR; the International Covenant on Civil and Political Rights; and the International Covenant on Economic, Social, and Cultural Rights. Despite having ratified these internationally recognized human rights agreements, Vietnam has failed to fulfill the obligations of protecting the human rights entailed within them.

The main emphasis of the UDHR is to ensure the universal values of fairness, justice, security of person, and life and liberty to all persons. Since these values are inherently possessed by all human beings, the Declaration is understood to be the foundational statute by which international human rights law is based upon.<sup>1</sup> In a global society that is becoming increasingly interconnected and interdependent, a universal standard by which all people are able to interact with one another is of paramount importance. It is widely understood that the promotion of human rights and freedoms must not only be done through the creation of legal statutes on national and international levels, but also, its principles must spread throughout cultures and societies worldwide in order to encourage justice, equality, dignity, and human flourishing.<sup>2</sup> Vietnam has failed not only in promoting these rights, but it has also statutorily allowed for the strict oppression of the rights to assembly, association, and freedom of speech. Bloggers, journalists, and peaceful protestors are met with police brutality for expressing their opinions and denouncing government corruption; religious communities are harassed and persecuted as they attempt to protect their beliefs and lands; and all forms of dissident or public questioning of the state are met with repugnant levels of punishment. For the sake of brevity, the various articles of the Declaration and Covenants that the Vietnam has violated will not be listed here. The important issue to note is that the Vietnamese government has directly contravened various articles of UDHR<sup>3</sup> and international covenants, which include guarantees to rights of life, liberty, and security; forbids torture and cruelty; emphasizes the rule of law and protection against arbitrary arrest, corruption, and bias; and promotes freedom of belief, expression, and peaceful assembly.

1 United Nations: The Universal Declaration of Human Rights: The Foundation of International Human Rights Law, [http://www.un.org/en/documents/udhr/hr\\_law.shtml](http://www.un.org/en/documents/udhr/hr_law.shtml)

2 C. Devine, C.R. Hansen, R Wilde, Human Rights: The Essential Reference (Phoenix: Oryx Press, 1999) 74.

3 United Nations: The Universal Declaration of Human Rights: Full Text, <http://www.un.org/en/documents/udhr/>

## INCONSISTENCIES OF VIETNAM'S CONSTITUTION & PENAL CODE WITH HUMAN RIGHTS

On its surface, Vietnam's constitution appears to ensure the protection of its people's inherent human rights and freedoms. Various articles of the constitution claim to have the people's prosperity, well-being, dignity, and freedom as being the forefront values sought to be advanced. However, upon closer examination of the particular phrasing of several provisions within the statute, it is clear that the interests of the state remain of the paramount importance to the Vietnamese government. This becomes especially evident in Article 69 of Vietnam's constitution, which states:

*"Citizens are entitled to freedom of speech and freedom of the press; they have the right to receive information and the right of assembly, association and demonstration in accordance with the law."*

The added requirement attached to the rights in Article 69 suggests that the basic human rights of expression, association, and assembly remain subordinate to other bodies of law. As to be examined, several provisions of Vietnam's Penal Code outline the restrictions on these freedoms and rights to prevent political dissidence. This observation implies that to avoid the full impact of the obligations and protections outlined in the international human rights treaties it has ratified, Vietnam employs various methods of reservation, derogation, and declaration made permissible by its penal and constitutional laws. The following is a non-exhaustive list of the provisions that the Vietnamese courts have historically relied upon to justify the incarceration of peaceful political dissidents:<sup>4</sup>

### ARTICLE 79: CARRYING OUT ACTIVITIES AIMED AT OVERTHROWING THE PEOPLE'S ADMINISTRATION

Those who carry out activities, establish or join organizations with intent to overthrow the people's administration shall be subject to the following penalties:

1. Organizers, instigators and active participants or those who cause serious consequences shall be sentenced to between twelve and twenty years of imprisonment, life imprisonment or capital punishment;
2. Other accomplices shall be subject to between five and fifteen years of imprisonment.

### ARTICLE 84: TERRORISM

1. Those who intend to oppose the people's administration and infringe upon the life of officials, public employees or citizens shall be sentenced to between twelve and twenty years of imprisonment, life imprisonment or capital punishment.

2. In the case of committing crimes by infringing upon physical freedom and/or health, the offenders shall be sentenced to between five and fifteen years of imprisonment.

3. In the case of committing crimes by threatening to infringe upon life or committing other acts of moral intimidation, the offenders shall be sentenced to between two and seven years of imprisonment.

4. Those who terrorise foreigners in order to cause difficulties to the international relations of the Socialist Republic of Vietnam shall also be penalized according to this Article.

### ARTICLE 85: SABOTAGING THE MATERIAL-TECHNICAL FOUNDATIONS OF THE SOCIALIST REPUBLIC OF VIETNAM

1. Those who intend to oppose the people's administration by sabotaging the material-technical foundations of the Socialist Republic of Vietnam in the political, security, defense, scientific-technical, cultural or social fields shall be sentenced to between twelve and twenty years of imprisonment, life imprisonment or capital punishment.

**Vietnam is ranked 123rd out of 173 in the 2012 Corruption Perceptions Index.**

[www.transparency.org](http://www.transparency.org)

<sup>4</sup> Ministry of Justice of Vietnam: Normative Documents, Penal Code (No.15/1999/QH10), [http://moj.gov.vn/vbqpq/en/Lists/Vn%20bn%20hp%20lut/View\\_Detail.aspx?ItemID=610](http://moj.gov.vn/vbqpq/en/Lists/Vn%20bn%20hp%20lut/View_Detail.aspx?ItemID=610)

#### ARTICLE 87: UNDERMINING THE UNITY POLICY

1. Those who commit one of the following acts with a view to opposing the people's administration shall be sentenced to between five and fifteen years of imprisonment:

- a) Sowing division among people of different strata, between people and the armed forces or the people's administration or social organizations;
- b) Sowing hatred, ethnic bias and/or division, infringing upon the rights to equality among the community of Vietnamese nationalities;
- c) Sowing division between religious people and non-religious people, division between religious believers and the people's administration or social organizations;
- d) Undermining the implementation of policies for international solidarity.

2. In case of committing less serious crimes, the offenders shall be sentenced to between two and seven years of imprisonment.

**Vietnam is ranked  
78th out of 142  
with a score of 3.6/7  
in the  
Judicial  
Independence  
test in 2011-2012.**

[www.transparency.org](http://www.transparency.org)

#### ARTICLE 88: CONDUCTING PROPAGANDA AGAINST THE SOCIALIST REPUBLIC OF VIETNAM

1. Those who commit one of the following acts against the Socialist Republic of Vietnam shall be sentenced to between three and twelve years of imprisonment:

- a) Propagating against, distorting and/or defaming the people's administration;
- b) Propagating psychological warfare and spreading fabricated news in order to foment confusion among people;
- c) Making, storing and/or circulating documents and/or cultural products with contents against the Socialist Republic of Vietnam.

2. In the case of committing less serious crimes, the offenders shall be sentenced to between ten and twenty years of imprisonment.

#### ARTICLE 257: RESISTING PERSONS IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES

1. Those who use force, threaten to use force or use other tricks to obstruct persons in the performance of their official duties or coerce them to perform illegal acts, shall be sentenced to non-custodial reform for up to three years or between six months and three years of imprisonment.

2. Committing the offense in one of the following circumstances, the offenders shall be sentenced to between two and seven years of imprisonment:

- a) In an organized manner;
- b) Committing the offense more than once;
- c) Instigating, inducing, involving, inciting other persons to commit the offense;
- d) Causing serious consequences;
- e) Constituting a case of dangerous recidivism.

#### ARTICLE 89: DISRUPTING SECURITY

1. Those who intend to oppose the people's administration by inciting, involving and gathering many people to disrupt security, oppose officials on public duties, obstruct activities of agencies and/or organizations, which fall outside the cases stipulated in Article 82 of this Code, shall be sentenced to between five and fifteen years of imprisonment.

2. Other accomplices shall be sentenced to between two and seven years of imprisonment.

#### ARTICLE 258: ABUSING DEMOCRATIC FREEDOMS TO INFRINGE UPON THE INTERESTS OF THE STATE, THE LEGITIMATE RIGHTS AND INTERESTS OF ORGANIZATIONS AND/OR CITIZENS

1. Those who abuse the rights to freedom of speech, freedom of press, freedom of belief, religion, assembly, association and other democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens, shall be subject to warning, non-custodial reform for up to three years or a prison term of between six months and three years.

2. Committing the offense in serious circumstances, the offenders shall be sentenced to between two and seven years of imprisonment.

## KEY FACTS

The penal provisions most frequently applied in recent cases are Articles 79, 88, and 258. As one can ascertain from analyzing the precise wording of the provisions of the Penal Code, the phrasing appears questionably general, ambiguous, and wide-ranging. This vagueness could be interpreted as a strategy for the Communist government to use the law as an instrument for the puppet courts to haphazardly apply to nearly any and all instances of criticism, dissent, or opposition against the Vietnamese government. Such phrases as “undermining unity”, “propaganda”, and “infringing upon the interests of the State” are not adequately defined nor are subsections provided to describe specific details in order for individuals (laypersons or legal professionals) to determine whether an act would fall under the categories of “undermining unity”, “anti-State”, “propaganda”, or the like. It seems that any and all opposing perspectives from that of the single-party state would be deterred, minimized, and severely punished.

The steep penalties and lengthy terms of imprisonment that the Vietnamese courts have been quick to issue serve as a greater deterrence for the people to exercise their basic rights and freedoms. The most abhorrent of the penal provisions that restrict the citizenry would be Article 258, which overtly serves the interests of the VCP at the expense of basic human rights. Phil Robertson, deputy Asia Director of Human Rights Watch, has denounced the statutory provision as a “legal outrage”,<sup>1</sup> and it is undoubtedly a wide-casting, penumbrous net set out to punish and deter every type of dissidence against the Vietnamese government.

<sup>1</sup> “Vietnamese Police Arrest Well-known Blogger for Posting Criticism of Communist Government,” Associated Press, last modified 27 May 2013, <http://www.canada.com/news/Vietnamese+police+arrest+wellknown+blogger+posting+criticism/8439151/story.html>

## ABSENCE OF AN INDEPENDENT JUDICIARY

The UDHR enumerates essential elements necessary for the achievement of individual dignity and social order. It affirms that all individuals are entitled to the equal protection of the law; that the accused must be presumed innocent until proven guilty, in a fair and public hearing, by an “independent and impartial” tribunal; and that no one should suffer arbitrary arrest, detention or exile. In 1985, the United Nations (UN) Congress outlined basic principles to ensure that the governments of its member states adhered to the principle of judicial independence when formulating national legislation and carrying out laws.<sup>5</sup> It compelled states to guarantee the independence of the judiciary from the State by ensuring that judges decide matters impartially on the merits of the facts without restrictions, inducements, pressures, or improper influence and interference; and that every person be tried fairly in accordance to established legal procedures.

**“Talking about democracy and human rights cannot be seen as anti-government unless the government itself is against democracy.”**

**-Lê Công Định**

Prominent Vietnamese lawyer and activist, incarcerated for 3 years

<sup>5</sup> United Nations Human Rights: Office of the High Commissioner for Human Rights, Basic Principles on the Independence of the Judiciary. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/IndependenceJudiciary.aspx>

Unfortunately, the Vietnamese judicial system has been characterized by corruption, injustice, and unethical practices as many court holdings have been heavily influenced by the VCP's political agenda.<sup>6</sup> The problematic situation arises out of Vietnam's implementation of law as an instrument for carrying out the policies of the state, rather than being utilized as a safeguard to protect the rule of law and justice. As such, the judiciary toes the party line with the government, and citizens are at the mercy of haphazard judgments that serve the interest of complacency towards the Party rather than the protection of inherent rights and freedoms of the people. So long as the state, VCP, and courts remain inextricably intertwined, human rights violations will not be able to be remedied or justly dealt with.



Activists convicted of plotting to 'overthrow' the government listen to their verdicts at a court in Vinh, Nghe An province on Jan. 9, 2013.<sup>7</sup>

Since 2007, Vietnam has regressed in terms of human rights abuses and is now observed globally as Southeast Asia's number one human rights violator.<sup>8</sup> Political opposition to the Communist, one-party state is prohibited; freedom of expression is severely restricted to the point that it would shock the conscience of humankind; and bloggers and peaceful gatherings of civilians and activists are arrested, beaten, tortured, and convicted.<sup>9</sup>

The frequency of these occurrences has been mounting with the rising disdain of the general public towards its government, and with civilian access to blogs and information from the Internet. It is clear that the Vietnamese government is heavy-handedly widening its onslaught against the escalating public outcry against the VCP's corruption, infringements on civil liberties, and mistreatment of the citizenry.

6 Nicholson P, Nguyen H Q, *The Vietnamese Judiciary: The Politics of Appointment and Promotion* (Pacific Rim Law & Policy Journal Association: 2005) 4 – 30.

7 "Vietnam Reduces Sentences of Four Jail Activists", Radio Free Asia, 23 May 2013, <http://www.rfa.org/english/news/vietnam/sentences-05232013145843.html>

8 Testimony of Former Congressman Anh "Joseph" Cao, Human Rights in Vietnam: Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, <http://docs.house.gov/meetings/FA/FA16/20130411/100637/HHRG-113-FA16-Wstate-CaoA-20130411.pdf>, at 2.

9 Ibid.



# FREEDOM OF EXPRESSION

# 2013

Article 19 of the UDHR states that “everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media regardless of frontiers.”<sup>1</sup> Article 19 specifically highlights the transmission of information as a necessary requirement allowing for the formation of public opinion. However, the free flow of information remains elusive in Vietnam. The formation of public opinion is being repressed under the VCP, and as such, the public sphere and the pluralism of ideas are unable to flourish.

Independent journalism plays an important role in transmitting and circulating information to the public regarding issues of public concern. However, the VCP and its bureaucracies control all print, broadcast and electronic media. Independent and privately owned domestic media outlets are banned in Vietnam,<sup>2</sup> while legal press outlets are heavily controlled through licensing frameworks. Through the Ministry of Information and Communication, the VCP’s Propaganda and Education Commission oversees the regulation of the press. Foreign journalists are reportedly required to notify authorities about travel to what the government considers to be “sensitive” areas.<sup>3</sup> Editors from licensed press outlets are required to attend weekly meetings with the Ideology Department of the VCP, where they are instructed on what is expected from the press.<sup>4</sup> The VCP frequently intervenes directly to shape or censor a story.<sup>5</sup>

The government also has broad powers to fine journalists or news outlets at any time, based on the arbitrary interpretations by VCP officials of what constitutes the “interests of the country and the people.” News outlets are required to submit all news stories for review before publication or broadcast. Failure to submit articles for review or articles that fail to “provide honest domestic and international news in accordance with the interests of the country and the people”<sup>6</sup> can result in fines of up to 42 million dong (approximately US\$2,000).<sup>7</sup> Given the broad powers and severe punishments at the government’s disposal, self-censorship is pervasive and the freedom to peacefully criticize the government is constrained.

**“A free press is essential to democracy.  
Informed people are empowered people; their  
knowledge shapes their actions and decisions”<sup>8</sup>**

1 United Nations: The Universal Declaration of Human Rights: Full Text, <<http://www.un.org/en/documents/udhr/>>

2 Human Rights Watch, *World Report 2012: Vietnam*, 2.

3 United States Department of State, *Vietnam 2012 Human Rights Report*, 16.

4 Bjorn Surborg, “On-line with the people in line: Internet development and flexible control of the net in Vietnam,” *Geoforum* 39 (2008): 352.

5 United States Department of State, *Vietnam 2012 Human Rights Report*, 17.

6 Ibid.

7 Ronald Deibert, John Palfrey, Rafal Rohozinski and Jonathan Zittrain, *Access Contested: Security, Identity, and Resistance in Asian Cyberspace* (Cambridge, Massachusetts: MIT Press), 388.

8 Laura Neilson Bonikowsky, “Press freedom: the rights to raise hell”, *Dispatches, Journalism Under Siege*, Diplomat and International Canada, 2013, Winter 13, JAN-MAR, p.48.

### January 20, 2010 - Nguyen Tien Trung, 30: 7 year sentence under Article 88



Nguyen Tien Trung, 30, is a pro-democracy activist who was arrested for his criticism of the Vietnamese university education system and his involvement in campaigns promoting democracy, freedom, and human rights in Vietnam. Prior to his arrest, Trung graduated from INSA School of Engineering in France with a Master's Degree in information technology. While pursuing his studies in France, he wrote a letter to the Minister of Education seeking a more ideologically balanced approach to politics in Vietnam's education system. Upon returning to Vietnam, he took a greater interest in activism, pushing for greater inclusiveness and political pluralism. On July 7, 2009, he was arrested at his parents' home in Ho Chi Minh City and held incommunicado. A government TV station broadcasted his taped confession in which he admitted under duress to being influenced by Western values.<sup>9</sup> On January 20, 2010, he was sentenced under Article 88 to 7 years in prison.

**“The authorities want to make an example of him and intimidate Vietnamese students who return home from studies abroad and demand greater freedom.”<sup>10</sup> Reporters Without Borders<sup>11</sup>**

### May 24, 1982 - Nguyễn Hữu Cầu 68: Article 80, Lifetime sentence



A poet, songwriter and human rights defender, Nguyễn Hữu Cầu has fought against anti-corruption within Vietnam since he was first arrested in 1975 and forced into a re-education camp. Since then, he has served nearly 37 non-continuous years in jail. He was originally sentenced to capital punishment after being charged with sabotage and committing destructive acts against the Government; his sentence was later changed to lifetime imprisonment.

Nguyễn Hữu Cầu is currently imprisoned in Z30A, where he has been subject to inhumane treatment reserved for political prisoners. As a result of this abuse, he is nearly blind and deaf. Reports from Z30A include prisoners being forced to share a single-razor with HIV positive inmates, including the lack of medical attention for those seriously ill. According to journalists, Nguyễn Hữu Cầu has been placed in a solitary cell in the corner of the prison with no holes for sight, and there have been reports of his cell door being cemented off.

Despite this, Nguyễn Hữu Cầu has written over 500 letters to the authorities and state officials demanding a fair-retrial. However his appeals have not been answered once.<sup>12</sup>

**“No one shall be treated to torture or cruel, inhumane and degrading treatment.”  
– International Covenant on Civil and Political Rights (ICCPR), Article 7  
– UN Standard Minimum Rules for the Treatment of Prisoners**

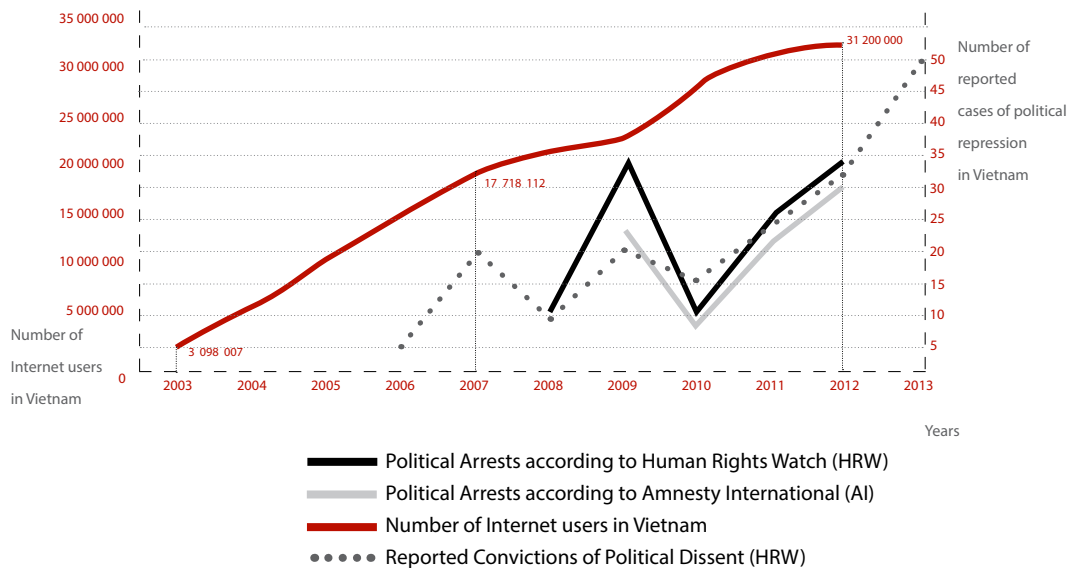
<sup>9</sup> “French City Presses for Release of Vietnamese Blogger and pro-Democracy Activist,” *Reporters Without Borders*, last modified 22 October 2009, <http://en.rsf.org/vietnam-french-city-presses-for-release-of-22-10-2009,34813.html>

<sup>10</sup> “Call for Support for Vietnamese Blogger Behind Bars for more than Two Years,” *Reporters Without Borders*, last modified 19 November 2011, <http://en.rsf.org/vietnam-call-for-support-for-vietnamese-19-11-2011,41422.html>

<sup>11</sup> “Call for Support for Vietnamese Blogger Behind Bars for more than Two Years,” *Reporters Without Borders*, last modified 19 November 2011, <http://en.rsf.org/vietnam-call-for-support-for-vietnamese-19-11-2011,41422.html>

<sup>12</sup> Queme, “Political Prisoner Nguyễn Hữu Cầu seriously ill in prison,” *Action for Democracy in Vietnam*, 2013 ([www.que.me.net/](http://www.que.me.net/))

FIGURE 1. THE REPRESSION OF DISSENT VS. INCREASING INTERNET USAGE IN VIETNAM



## BETWEEN (INTERNET) FREEDOM AND REPRESSION

The rise of information communication technologies (ICT) creates new possibilities for how and where the transmission of information among citizens and between the state and society can take place. As Figure 1 indicates, the number of Internet users in Vietnam rose between 2003 and 2011 from 3,098,007 to over 30,552,417 users.<sup>13</sup> Furthermore, within the same period, mobile cellular phone subscriptions increased by over 12 million subscriptions.<sup>14</sup> In this context, it can be said that more grassroots interaction are mediated by technological devices and are taking place in cyberspace.

The increased amount of Internet users in Vietnam is paired with the observations from HRW and AI that the repression of dissent in Vietnam has also intensified in the last few years.<sup>15</sup> Indeed, it is difficult to adequately record and analyze the fluctuations in the repression of dissent because arrest and conviction statistics are not made public. Due to the lack of transparency under the VCP, the exact number of dissidents arrested and sentenced under national security provisions tends to be underreported and varies from one source to the next (See Figure 1). This prevents organizations from gathering adequate data on the number of Vietnamese dissidents arrested. As the appendix in this report will show, the numbers of arrests cases are significantly higher than those gathered from what is shown in Figure 1. Nonetheless, it is clear that there is an increasing trend of repression since 2008 in terms of convictions and sentencing of political prisoners.<sup>16</sup> Overall, it can be inferred that increased Internet usage has allowed for an increased awareness and reporting of the repression of dissent in Vietnam.

13 Vietnam Internet Network Information Center, Report on Vietnam Internet Resources 2012, 3.

14 World Bank, World DataBank: World Development Indicators, <http://databank.worldbank.org/data/views/reports/tableview.aspx>

15 Amnesty International, Annual Report 2010: The State of the World's (see reports from 2008 to 2012) Human Rights Vietnam, <http://www.amnesty.org/en/region/viet-nam/report-2010>

16 Human Rights Watch, World Report 2013: Events of (2008 to 2012), Human Rights Watch.

On March 7, 2013, Reporters Without Borders awarded its Netizen of the Year award to Vietnamese blogger **Huynh Ngoc Chenh**. Despite writing in one of the most restrictive environments for journalists and where many visitors must circumvent state filters in order to gain access, Huynh Ngoc Chenh's blog attracts about 15,000 visitors per day reading about sensitive issues concerning human rights, democracy, and territorial disputes between China and Vietnam.<sup>1</sup> Even so, Huynh Ngoc Chenh continues to criticize the Vietnamese government and defend the freedom of expression.



His situation represents a growing trend in Vietnam's limited information space where its people are attempting to access alternative information by circumventing the state-run media. Although the development of the Internet and other forms of communication technologies have helped to expand access to information and provided new ways for citizens to express their opinions, the state has also expanded its attempts to control, filter, and limit information that questions and challenges government policies on matters such as human rights, religious freedoms, and sovereignty disputes with China.<sup>2</sup>

1. Reporters Without Borders, "Reporters Without Borders Awards Vietnamese blogger Huynh Ngoc Chenh," 7 March 2013. <<http://en.rsf.org/reporters-without-borders-awards-07-03-2013,44178.html>>

2. Khanh Nguyen, "Netizens Sway Opinion with 'People's' Paper," 13 March 2013. <<http://www.rfa.org/english/news/vietnam/netizens-03132013180715.html>>

**"[...] the Internet can serve as a great equalizer. By providing people with access to knowledge and potential markets, networks can create opportunities where none exist."**

**-Hillary Clinton**

Former Secretary of State

In a context where the transmission of independent ideas are the result of state circumvention, increased conviction and sentencing of political dissidents show how Vietnam continues to fail to uphold its obligation to respect its citizens' right to free opinion and expression. While the rise of the Internet and ICTs could contribute to the expansion of the public sphere in Vietnam, it has also been used as a powerful tool for the State to engage in political repression and surveillance. In much of the same way that the news media is heavily controlled in Vietnam, independent and privately-owned Internet companies are prohibited. Sensitive topics that are deemed by VCP officials to oppose the government, threaten national security, reveal state secrets, or promote 'reactionary' ideas are targeted and censored.<sup>17</sup>

17 Human Rights Watch, World Report 2012: Vietnam, 2.

On 15 July 2013, Prime Minister Nguyen Tan Dung signed Decree 72 (72/2013/ND-CP), which aims to further tighten controls over the use of the Internet in Vietnam.<sup>18</sup> International response has been overwhelmingly critical of a clause that purportedly bans users from sharing links to news articles. Vietnam has rejected criticism from the international community, arguing that the Decree is intended to curb copyright infringements and the spread of false information.<sup>19</sup> The issue of contention concerns clause 20.4 which outlines the lawful use of “personal information webpage” (e.g. an individual’s Facebook profile). Clause 20.4 stipulates:

“Personal information webpage is a webpage created by an individual [sic] on their own or via a social network. This page should be used to provide and exchange information of that individual only; it does not represent other individuals [sic] or organizations [sic], and is not allowed to provide **compiled information**.”<sup>20</sup>

In an effort to clarify the vague wording of the Decree, Deputy Minister of Information and Communications Le Nam Thanh explains that the Decree does not breach human rights, but rather meant to prevent the spread of false information and address intellectual property concerns.

However, the international community remains skeptical. As it pertains to clause 20.4 and subsequent responses of Vietnamese officials, it is uncertain what constitutes “compiled information” and the provision of such information. The clause has been criticized for violating citizens’ right to inform and be informed.<sup>21</sup> Decree 72 is understood within the context of an overall trend in Vietnam of intensifying crackdowns on political dissent through vaguely worded laws (See Judicial Overview). Reporters Without Borders commented: “If it takes effect, Vietnamese will be permanently deprived of the independent and outspoken information that normally circulates in blogs and forums.”<sup>22</sup> Under the guise of vaguely worded laws, the transmission of information will be further restricted as users are unable to share links to news articles. In an information space that is already severely limited, Decree 72 is another indicator of Vietnam’s disregard for Article 19 of the UDHR.

Indeed, the crackdown on dissent is not limited to cyberspace. Authorities continue to detain and imprison individuals who use the Internet to express opposing views and criticize government policies. Dissident bloggers are frequently subject to intimidation and harassment. Although the exact number varies from one NGO to the next, crackdowns on online dissent have intensified over the last three years. From 1999 to 2013, Vietnam is second only to China as the world’s biggest jailer of netizens, with at least 35 imprisoned. According to Reporters Without Borders’ *2013 Press Freedom Index*, Vietnam is ranked 172 out of 179 countries, reflecting the degree to which journalists, news outlets and netizens are subject to harsh repression.<sup>23</sup>

18 “Does Vietnam’s new rule ban link sharing on Facebook?” *Tuoi Tre News*, last modified August 1, 2013, <http://tuoi-trenews.vn/society/11836/does-vietnams-new-rule-ban-link-sharing-on-facebook>

19 “Vietnam rebuffs criticism of ‘misunderstood’ web decree,” *Reuters*, last modified August 6, 2013, <http://www.reuters.com/article/2013/08/06/net-us-vietnam-internet-idUSBRE9750HR20130806>

20 “Does Vietnam’s new rule ban link sharing on Facebook?” *Tuoi Tre News*, last modified August 1, 2013, <http://tuoi-trenews.vn/society/11836/does-vietnams-new-rule-ban-link-sharing-on-facebook>

21 William Gallo and Tra Mi, “New Vietnam Law Bans News Stories From Social Media Sites,” *Voice of America*, last modified August 2, 2013, <http://www.voanews.com/content/new-vietnam-law-bans-news-stories-from-social-media-sites/1722190.html>

22 Nguyen Pham Muoi and Vu Trong Khanh, “Media Group Blasts New Curbs in Vietnam on Internet Postings,” *The Wall Street Journal*, last modified August 3, 2013, <http://blogs.wsj.com/searealtime/2013/08/03/media-group-blasts-new-curbs-in-vietnam-on-internet-postings/>

23 Reporters Without Borders, *World Press Freedom Index 2013*, 24.

## HIGHLIGHT CASES (2012 -2013)

The Vietnamese government continues to suppress human rights and freedoms of its citizens. Independent bloggers and rights activists who expose official abuse, question government policies, or call for democracy are routinely subject to police brutality, detention without access to legal counsel, and unfairly long prison sentences.

There has been an increase of in the number of arrests and political trials by the Government of Vietnam.<sup>24</sup> The police arrested more than 156 rights advocates, sent at least 50 rights activists to prison, and rejected the jail appeals of 5 rights activists.<sup>25</sup> The following are some notable cases that attracted international media attention in 2012 and early 2013:

### September 7, 2012 **VAN KHUONG NGUYEN (HOANG KHUONG), 37: 4 YEAR SENTENCE UNDER ARTICLE 289.**



Van Khuong Nguyen was a reporter for the *Tuoi Tre* daily newspaper. He wrote undercover stories exposing police officers who take bribes and ignore traffic violations in Ho Chi Minh City. His stories have raised public criticism of the police. He was arrested in January 14, 2012, and convicted of giving bribes to police officers. On September 7, 2012, he was sentenced to four years in prison. Reporters Without Borders Director General Christophe Deloire said that "By sanctioning Khuong for his investigative reporting. . . , Judge Nguyen Thi Thu Thuy has transformed a public service into a crime punishable by imprisonment."<sup>26</sup> Khuong's case is nothing new in Vietnam. Journalists have faced consequences for exposing corruption in the past: Nguyen Van Hai (*Tuoi Tre*) and Nguyen Viet Chien (*Thanh Nien*) were both sentenced, while editors at both *Tuoi Tre* and

*Thanh Nien* were removed from their posts for their critical coverage of the trials.

### September 24, 2012 **THREE PROMINENT BLOGGERS SENTENCED TO 12, 4 AND 10 YEARS UNDER ARTICLE 88.**

**Thanh Hai Phan, Van Hai Nguyen** and **Phong Tan Ta** are three well-known Vietnamese bloggers who founded the blog *Free Journalists Club of Vietnam*. They were accused under Article 88 of writing and posting 421 articles between September 2007 and October 2010 on their blogs that "denigrated the party and state."<sup>27</sup> Family members and supporters were arrested, detained and prevented from attending their trials. Most were later released, but the whereabouts of Ta Phong Tan's two sisters remains unknown.<sup>28</sup>

24 Khue-Tu Nguyen, "2012 Annual Report Violations of Human Rights in Vietnam," Vietnamese Canadian Federation, 2012. <http://vietnam.ca/pdf/VCF%202012%20Annual%20Human%20Rights%20Report.pdf>

25 Ibid.

26 "Four-year jail sentence for undercover reporting into police corruption," Reporters Without Borders, September 7, 2012 <http://en.rsf.org/vietnam-four-year-jail-sentence-for-07-09-2012,43350.html>

27 "Three Vietnamese journalists given antistate charges," *Committee to Protect Journalists*, 16 April 2012 <http://www.cpj.org/2012/04/three-vietnamese-journalists-given-antistate-charge.php>

28 "Viet Nam: Bloggers' shameful jail sentences aim to stifle free speech," *Amnesty International*, 24 September 2012, <http://www.amnesty.org/en/for-media/press-releases/viet-nam-bloggers-shameful-jail-sentences-aim-stifle-free-speech-2012-09-24>





**Van Hai Nguyen (*Dieu Cay*), 61**, was arrested in April 2008 and convicted under politicized tax evasion charges after posting articles on his blog about the national demonstrations against the 2008 Beijing Olympic Torch Relay that passed through Ho Chi Minh City.<sup>29</sup> Despite serving the entirety of his 30-month sentence, authorities continued to hold him in detention without explanation. On April 16, 2012, VCP authorities charged Hai under Article 88 pending an investigation into his blogs on national demonstrations against the 2008 Beijing Olympic Torch Relay. On September 24 2012, He was sentenced to 12 years in prison and 5 years under house arrest. Hai has been on a hunger strike since June 2013 in protest against his prison conditions in Nghe An. Hai's son, Nguyen Tri Dung, who was allowed a brief visit with his father on July 20, 2013, said that the hunger strike has left his father in a "nearly unrecognizable condition."<sup>30</sup>



**Thanh Hai Phan (*Anh Ba Saigon*), 43**, wrote articles advocating for increased government transparency, freedom of association and the freedom of expression. Although he completed his legal studies and fulfilled all requirements to become a practising lawyer in 2008, his application was denied by the Ministry of Justice because of his blogs and involvement in political protests.<sup>31</sup> On October 18 2010, Hai was arrested in Ho Chi Minh City under Article 88 for his articles critical of the VCP. He was sentenced to four years in prison and three years under house arrest.



**Phong Tan Ta, 44**, is a former police officer who wrote blogs denouncing corruption and the injustices of Vietnam's legal system. She was sentenced to 10 years in prison and 5 years under house arrest. As Phong Tan Ta was awaiting trial, her mother, Dang Thi Kim Lieng, self-immolated in front of VCP headquarters in Bac Lieu in protest of her daughter's detainment, their family's history of being harassed by the VCP, and threats of eviction. She died on her way to the hospital.<sup>32</sup>

June 4, 2012

#### HUYNH THUC VY, 26: ARBITRARILY DETAINED UNDER ARTICLE 88.



Huynh Thuc Vy is the daughter of Huynh Ngoc Tuan, a prominent dissident writer who served 10 years in prison for "conducting propaganda against the State" in April 1993. Due to her status as the daughter of a political prisoner, Thuc Vy has been subjected to repeated harassment and discrimination by the VCP. Thuc Vy began posting articles in late 2008 promoting a multi-party political system, freedom and democracy. Her articles have spread quickly over the Internet. On July 1, 2012, she went to Ho Chi Minh City to participate in an anti-China demonstration.

Three days later, she was taken into custody and driven back to her hometown, Tam Ky, where she was interrogated and harassed in an attempt to deter her from participating in future protests. Her computers and phones were confiscated. She told RFA after her release that "Even if they arrest or detain or kidnap me, I'll still keep my faith that I will never stop doing what I can for my country."<sup>33</sup>

29 "Concerns rise about jailed Vietnamese blogger," *Committee to Protect Journalists*, 27 July 2011, <http://www.cpj.org/2011/07/concerns-rise-about-jailed-vietnamese-blogger.php>

30 "Hunger-Striking Vietnamese Blogger in Weak Condition in Prison," *Radio Free Asia*, 22 July 2013, <http://www.rfa.org/english/news/vietnam/nguyen-van-hai-07222013162341.html>

31 "Vietnam: Immediately Release Rights Bloggers: Members of Club for Free Journalists on Trial," *Human Rights Watch*, 16 April 2012, <http://www.hrw.org/news/2012/04/16/vietnam-immediately-release-rights-bloggers>

32 "Vietnam's blog of shame: As a mother dies in protest at her daughter's detention, it's time for Britain to take a stand," *The Guardian*, 5 August 2012, <http://www.theguardian.com/commentisfree/2012/aug/05/vietnam-blog-shame>

33 "I Tried To Speak Up for My Country," *Radio Free Asia*, 6 July 2012, <http://www.rfa.org/english/women/huynh-thuc-vy-07062012175628.html>



June 6, 2012

**PHAN NGOC TUAN, 53: 5 YEAR SENTENCE UNDER ARTICLE 88.**

Ngoc Tuan Phan, 53, is a prominent labour rights advocate from Phan Rang who was arrested on August 10, 2011, after peacefully distributing leaflets in Hanoi and Ho Chi Minh that criticized actions committed by the government. According to *Kien Thuc*, a popular online newspaper, Tuan had received money from “reactionary groups and individuals” to spread documents defaming the VCP.<sup>34</sup> During his trial, he did not have legal representation and was sentenced to five years in prison and three years under house arrest.

June 6, 2012

**TWO SONGWRITERS TRAN VU ANH BINH, 37, AND VO MINH TRI, 34: SENTENCED 6 AND 4 YEARS UNDER ARTICLE 88.**

In late 2011, two songwriters, **Tran Vu Anh Binh (Hoang Nhat Thong)** and **Vo Minh Tri (Viet Khang)**, were arrested for posting songs online criticizing the VCP. Two of Viet Khang’s popular songs, *Anh la ai* (“Who are you?”) and *Viet Nam Toi Dau* (“Where is my Vietnam?”) criticized China’s claim over the Spratly Islands of Hoang Sa and Truong Sa. As part of the growing trend of repressing non-violent activism, Tran and Vo were each sentenced to six years in prison and two years under house arrest, and four years in prison and two years under house arrest respectively.<sup>35</sup>

December 27, 2012

**LE QUOC QUAN, 41: AWAITING SENTENCE UNDER TAX EVASION CHARGES.**

Le Quoc Quan is one of Vietnam’s most prominent and respected human rights defenders. He founded Quan and Brothers law firm, which provided legal aid to exploited workers and the poverty-stricken population of Vietnam. He is also a prolific blogger advocating for human rights and democratic reform. In early 2007, he was arrested and disbarred, and his law firm was closed by the VCP following his completion of the National Endowment for Democracy fellowship in Washington, D.C. In response to international outcry, he was released in June 2007. However, on December 27, 2012, nine days after BBC’s publication of his article (“Constitution or a Contract for Electricity and Water Service?”) discussing amendments to Vietnam’s constitution, he was arrested under charges of tax evasion. The Vietnamese government previously used tax evasion charges to intimidate and discredit Dieu Cay in 2008. His trial has been postponed and has not been rescheduled. He is currently being held in a Hanoi prison in a room with dozens of other prisoners.

international outcry, he was released in June 2007. However, on December 27, 2012, nine days after BBC’s publication of his article (“Constitution or a Contract for Electricity and Water Service?”) discussing amendments to Vietnam’s constitution, he was arrested under charges of tax evasion. The Vietnamese government previously used tax evasion charges to intimidate and discredit Dieu Cay in 2008. His trial has been postponed and has not been rescheduled. He is currently being held in a Hanoi prison in a room with dozens of other prisoners.

January 9, 2013

**LE VAN SON (PAULUS LÊ SƠN), 27: 13 YEAR SENTENCE UNDER ARTICLE 79.**

Paulus is a famous blogger, community organizer and a citizen journalist for *Vietnam Redemptorists’ News*. He was arrested outside his home in 2011 when he signed a petition and defended Cu Huy Ha Vu. Paulus was arrested without a warrant, had limited access to legal representation and was frequently denied family visits. On January 9, 2013, a trial held by the People’s Court of Nghe An sentenced Paulus along with 13 other democracy activists for their alleged participation with Viet Tan, a US-based prodemocracy organization.<sup>36</sup>

34 “Vietnam dissident jailed for 5 years,” *Times Online*, 6 June 2012, [http://sundaytimes.lk/index.php?option=com\\_content&view=article&id=20038:vi-etnam-dissident-jailed-for-5-years&catid=81:news&Itemid=625](http://sundaytimes.lk/index.php?option=com_content&view=article&id=20038:vi-etnam-dissident-jailed-for-5-years&catid=81:news&Itemid=625)

35 “Vietnam jails two dissident songwriters,” *BBC News Asia*, 30 October 2012, <http://www.bbc.co.uk/news/world-asia-20133840>

36 Joseph Steele, “Detained in Vietnam: Paulus Le Son,” *Access Now*, 26 April 2011, <https://www.accessnow.org/blog/detained-in-vietnam-paulus-le-son>

May 16, 2013

**PHUONG UYEN NGUYEN, 21 AND NGUYEN DINH KHA, 26: 6 AND 8 YEAR SENTENCES UNDER ARTICLE 88.**



Phuong Uyen was a student at the Ho Chi Minh University of Food Industry. She was arrested and detained for several days and later transferred to the Police of Long An province without her mother being informed. Dinh Kha was a computer technician and student at the University of Economics and Industry. Phuong and Kha are patriotic youths who peacefully protested against the Chinese incursion into the islands in the South China Sea. They were arrested on October 14, 2012, for distributing leaflets to passersby and, after having been detained for months under abhorrent and abusive conditions, were sentenced after a one-day trial by the People's Court of Long An Province to six and eight years imprisonment, followed by two years under house arrest.<sup>37</sup> *On Friday, August 16, the Appeals Court of Long An city cut the six-year jail term of Nguyen Phuong Uyen to three years of probation and freed her. The appeals court also reduced Dinh Nguyen Kha's eight-year term to four years, followed by three years of house arrest.*

May 26, 2013

**DUY NHAT TRUONG, 49: AWAITING SENTENCE UNDER ARTICLE 258.**



Nhat served as a state journalist for the Province of Da Nang for 7 years before he left his job to pursue a more open forum of expression. He created the popular Vietnamese website Another Perspective. He was seized from his home in Da Nang, and flown to Hanoi for further investigation by police officials. Shortly before his arrest, Nhat had posted an article on his blog blaming Prime Minister Nguyen Tan Dung and Communist Party Chief Nguyen Phu Trong for Vietnam's current economic crisis. His arrest highlights the levels of suppression through which the Communist Party of Vietnam employs in order to silence the growing number of online dissidents.<sup>38</sup>

June 13, 2013

**VIET DAO PHAM, 61: AWAITING SENTENCE, CHARGED UNDER ARTICLE 258.**



Dao was a member of the Association of Vietnamese Writers and the Association of Vietnamese Journalists. He was also the head of the Culture Ministry's Press and Publications Inspection Bureau. After Dao retired in 2012, he became passionate with writing online blogs through which he posted political articles through his understanding of the VCP. His blog became the target of several cyber-attacks, and was blocked on two separate occasions. His arrest indicates the level of concern the VCP has over the perceived threat posed by Internet activism.<sup>39</sup>

37 "Vietnam hands lengthy jail sentences to two patriotic anti-Chinese activists" Freedom for Nguyen Phuong Uyen, 16 May 2013 <http://nguyenphuonguyen.blogspot.ca/>

38 Marianne Brown "Vietnam Urged to Release Bloggers on Journalism Day," *Voice of America*, 21 June 2013, <http://www.voanews.com/content/vietnam-journalism-day-bloggers/1686454.html>

39 "Press Freedom Index 2013," Reporters Without Borders [http://en.rsf.org/press-freedom-index-2013\\_1054.html](http://en.rsf.org/press-freedom-index-2013_1054.html)

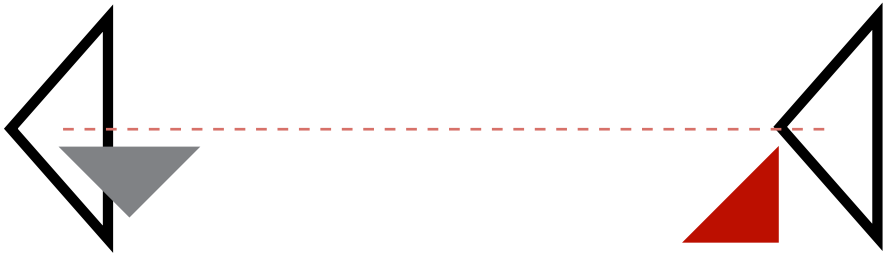
The rise of ICTs not only indicates positive signs of development, but it also offers the potential for providing a platform to those previously silent under traditional sites of the public sphere. Blogging and other forms of social networking are emerging as significant tools that allow ordinary citizens to circumvent State-controlled media, access new information, freely express their opinions and engage in debate about public issues. Blogs have scrutinized and exposed issues pertaining to government corruption, the abuse of power, territorial disputes between China and Vietnam, and human rights. In other words, blogging constitutes an alternative source for news and information on subjects that are taboo and heavily censored by the VCP.

The free transmission of information is crucial to the maintenance and preservation of free opinions and expression. Indeed, Vietnam's transition to a market economy and development of Internet technologies has improved access and the transmission of information.

As Hillary Clinton stated in her remarks on Internet freedom in 2010 :

*"We know from long experience that promoting social and economic development in countries where people lack access to knowledge, market, capital, and opportunity can be frustrating and sometimes futile work. In this context, the Internet can serve as a great equalizer. By providing people with access to knowledge and potential markets, networks can create opportunities where none exist."*<sup>40</sup>

Nonetheless, Vietnam maintains its power through routine controls, filters, and censorship, and as such the transmission of information in Vietnam is still severely restricted. The simultaneous intensification of systemic surveillance, harassment, and detention of journalists, activists, and netizens suggests that the public sphere is not necessarily enhanced. But rather, the freedom of expression is challenged in more sophisticated, repressive, and increasingly pervasive ways by the Vietnamese state.



40. Clinton, Hillary Rodham, Remarks on Internet Freedom, 21 January 2010.

# RELIGIOUS FREEDOM

**“In countries with religious freedom there is much more social peace and stability than in countries without it.”**

- Samuel Huntington, University Professor at Harvard and former Chairman of the Harvard Academy for International and Area Studies

The freedom of religion could be argued as one of the most fundamental human rights. Religious freedom creates conditions for peace, democratisation and the development of other human rights. Through pursuing this freedom, individuals are intrinsically exercising freedoms of belief or non-belief, expression, assembly and association. A lack of religious freedom often creates socio-economic discrimination. It reduces citizens' ability to peacefully associate and to become agents for structural change; often this creates conditions of violent religious persecution, extremism or terrorism. Therefore religious freedom should be seen not only as a right that is critical to individuals, but also as a building block for other freedoms—the building blocks of democracy.

The VCP continues to tighten control over all religious activities. The government severely restricts independent religious practices while repressing individuals and religious groups they view as challenges to its legitimacy. State authorities continue to imprison and detain individuals for their religious activity and freedom advocacy. Independent religious practices remain heavily repressed through a specialized task force aimed at controlling religious groups called Công An Tôn Giáo.<sup>1</sup> Legal protections for government-approved religious organizations are often subject to arbitrary and discriminatory interpretations based on political factors. Followers of religious minority groups face systematic discrimination, constant intimidation and intense pressure to renounce their faith. They are often forced to convert to the religions the VCP deems to be acceptable and recognized by the State.<sup>2</sup>

Vietnam is home to 13 recognized religions and 36 religious organizations licensed by the State, with 24 million followers (27% of the total population). This is composed of 83,000 dignitaries and 25,000 worshipping sites according to the Government's Committee for Religious Affairs.<sup>3</sup> However, Vietnam's population of 89 million is made up of over 54 ethnic communities with unique religious, linguistic and cultural characteristics and identities.<sup>4</sup> Under Vietnam's existing decrees on religion, most of these religious and ethnic groups will never be legally recognized by the VCP. In provinces across the country, members of unrecognized groups are often the subject to harassment by local State officials.

**Vietnam was ranked  
19th on the  
2012 World Watch List  
of the 50  
countries where  
persecution is worst.**

[www.opendoors.org](http://www.opendoors.org)

1 David Anderson, MP, “Vietnamese Officials Destroy Two New Church Buildings,” Special to Compass Direct News, <http://www.davidanderson.ca/right-to-freedom-of-religion/vietnamese-officials-destroy-two-new-churchbuildings?tpid=3639>

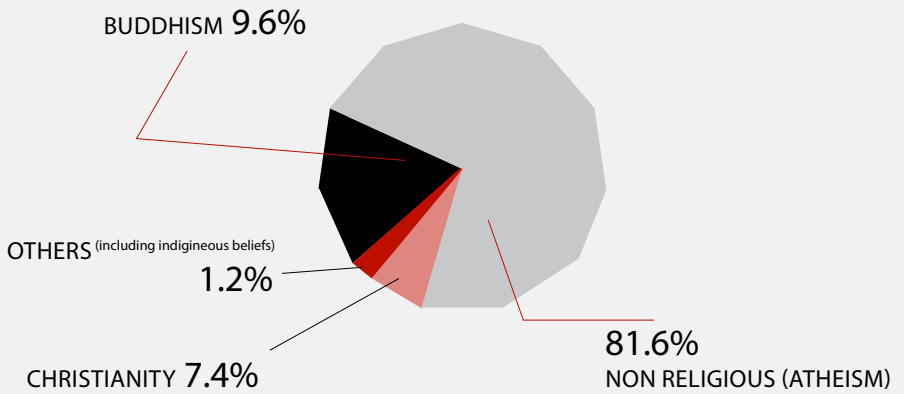
2 Ibid.

3 “Nation Respects Religious Freedoms,” *Vietnam News*, 27 February 2013, <http://vietnamnews.vn/politics-laws/236759/nation-respects-religious-freedom.html>

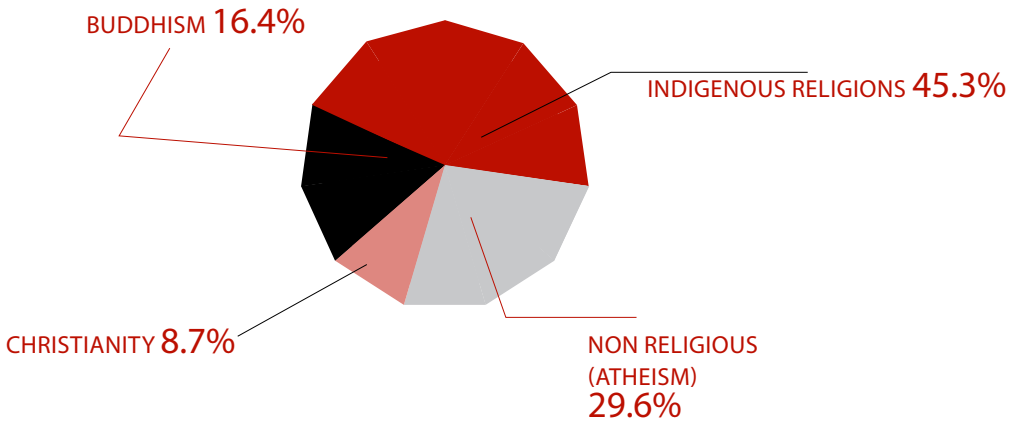
4 Gay McDougall, “Report of the Independent Expert on Minority, Mission to Vietnam” Human Rights Documents, A/HRC/16/45/Add.2



FIGURE 2: 11 YEAR GAP BETWEEN CENSUS DATA ON RELIGION IN VIETNAM



- RELIGION IN VIETNAM IN 1999 ACCORDING TO THE CENSUS OF THE VIETNAMESE GOVERNMENT, GATHERED FROM THE CIA FACTBOOK AND OTHER SOURCES.



- RELIGION IN VIETNAM ACCORDING TO THE 2010 SURVEY OF THE PEW RESEARCH IN WASHINGTON.

The VCP has sought to place limits on the increase of religious activities and associations. On January 1, 2013, an amendment was passed on the Operational Guideline for Vietnam's highest law on religion, the 2004 Ordinance on Religion and Belief. Specifically, the new Decree (Decree 92) makes the process of legally recognizing a religion more constrained, meaning legal recognition would take at least 23 years.<sup>5</sup> Despite these restrictions on religious freedom and growth, the Buddhist, Catholic, Protestant, Hoa Hao and Cao Dai religions have all reported an increase in religious activity and observance.

As Figure 2 indicates, official statistics are often difficult to interpret and record due to the lack of transparency within the State Departments. By comparing the Pew Research Graph<sup>6</sup> with the 1999 Vietnamese Government Census on religion, retrieved from the *2009 CIA World Fact-*

<sup>5</sup> "Vietnam's New Religion Decree Termed a Step Backward," *Morning Star News*, 24 January 2013 <http://morning-starnews.org/2013/01/vietnams-new-religion-decree-termed-a-step-backward/>

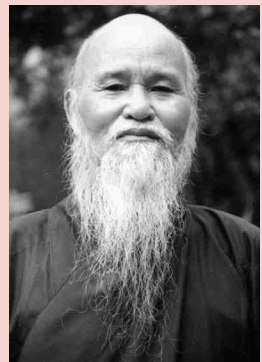
<sup>6</sup> Pew Research Center, "The Global Religious Landscape: A Report on the Size and Distribution of the World's Major Religious Groups as of 2010," The Pew Forum on Religion & Public Life, 2010.

book, we can see how the VCP can erroneously perceive the religious realities of its people.<sup>7</sup> Unfortunately, these are the latest religious demographic data available, as the Vietnamese Government does not disclose this information. Regardless, the 11-year gap between these two surveys, illustrates how a government can fail to ensure religious freedom when it does not fully understand its own religious population. In Vietnam, such institutional perceptions often lead to discriminatory policies and oppressive attitudes toward the many minorities that form the religious fabric of Vietnamese culture.

## Buddhism

Although actual numbers may vary, Buddhists represent up to three quarters of the population of Vietnam. One of the largest unrecognized Buddhist churches in the country is the Unified Buddhist Church of Vietnam (UBCV), which has a long history of peaceful social activism and moral reform efforts.<sup>8</sup> The UBCV was originally recognized in 1964 following repression from the French Colonial regime. However, after the Communist takeover in 1975, it again became a target of religious persecution.<sup>9</sup> As a response to the resistance of the UBCV's religious activities, Communist authorities once again declared it illegal following the establishment of the official Buddhist Church of Vietnam (BCV) in 1981. Members of the UBCV who refused to be integrated into the official BCV faced extreme persecution from the government. Many of the pagodas, schools and land properties were confiscated and destroyed by the VCP as a means of stifling the religious activities of unsanctioned sects. Religious figures including monks, nuns and other supporters were arrested, detained and tortured. Today the UBCV remains one of the most persecuted religions in Vietnam, and its members continue to be the subject of harassment.<sup>10</sup>

The **Venerable Thich Quang Do (1928)**, the Supreme Patriarch of the UBCV, is a leading advocate of religious freedom, human rights and democracy. His refusal to be silenced by intimidation, imprisonment and internal exile for almost three decades has drawn international recognition and inspired generations of Vietnamese to grasp the importance of fighting for belief. After spending over 25 years in detention without trial, Thich Quang Do is still held under house arrest at the Thanh Minh Zen Monastery in Ho Chi Minh City, even though he has not been convicted of any crime. Thich Quang Do has been the recipient of numerous international accolades and awards, such as the Homo Homini Award for human rights activism in 2003; he was chosen as one of 15 Champions of World Democracy by European-based magazine *A Different View*, sharing this title with individuals such as Nelson Mandela and Aung San Suu Kyi. Thich Quang Do has also been nominated for the Nobel Peace Prize a total of nine times.<sup>11</sup>



## Christianity

Catholicism is a rapidly growing religion in Vietnam with six million followers. However, in recent years, Catholics have been detained for participating in masses and demonstrations.<sup>12</sup> The Vietnamese Government has resorted to cases of land expropriation through which ancestral lands belonging to Catholic parishioners have been confiscated, destroyed and converted to public property.

<sup>7</sup> Central Intelligence Agency, "The World Factbook: Vietnam 2009," CIA, 2009.

<sup>8</sup> US Commission on International Religious Freedom, USCIRF, 2013, [http://www.uscifr.gov/images/2013%20USCIRF%20Annual%20Report%20\(2\).pdf](http://www.uscifr.gov/images/2013%20USCIRF%20Annual%20Report%20(2).pdf)

<sup>9</sup> "Vietnam: Twelve Human Rights Defenders Have the Floor," FIDH: Worldwide Human Rights Movement, <http://www.fidh.org/IMG/pdf/Vietnam.HRDs.Report.200407.pdf>

<sup>10</sup> Ibid.

<sup>11</sup> "Profile on Most Venerable Thich Quang Do, Head of the UBCV," Que Me, Action for Democracy in Vietnam, <http://www.que.me.net/eng/thichquangdo.php>

<sup>12</sup> Ibid 9.



Catholic worshippers who are connected to registered churches are able to attend mass and other religious activities; however, the VCP exercise tight control over the training of priests and clergymen. Police requests must also be submitted for authorization before participating in a religious seminar.<sup>13</sup>

In addition to these control measures, Vietnamese citizens do not own land. Instead, they rely on land-use rights. This enables the Party to evict anyone and compensation is often times below fair market value.<sup>14</sup> In fact, between 1954 and 2009, 2,250 properties were confiscated by the VCP.<sup>15</sup>



**Father Thadeus Nguyen Van Ly** (1946) is a Vietnamese Roman Catholic priest and prominent figure for pro-democracy movements in Vietnam. As a result, he was imprisoned for nearly 15 years. Due to his ongoing imprisonment and continuous non-violent protests against the Government, AI declared Father Ly a prisoner of conscience in 1983. He has been arrested, tried and imprisoned for “undermining national unity.” Political trials often occur behind closed doors in State-controlled courts. The case of Father Ly has brought about international recognition to the issue of Vietnamese political prisoners. Since then, he has been nominated for the 2013 Nobel Peace Prize by US Members of Congress and Senator Thanh Hai Ngo.

On March 26, 2012, **Protestant pastor Nguyen Cong Chinh** was sentenced to 11 years in prison for running an unregistered house church. The Vietnamese court convicted Nguyen of inciting division between the Party and its citizens, authoring and distributing “slandorous” information about State authorities, collaborating with “reactionary groups” and inciting minorities to commit wrongful deeds.<sup>16</sup> This conviction is a further indication of the VCP’s continued policy of religious persecution that restricts the freedoms of Vietnam’s Protestant minority to practise their beliefs. Many Protestant places of worship continue to exist as unregistered house churches due to the fact that State recognition is nearly impossible to obtain.

## Degar (Montagnard)

The Degar, also known as the Montagnard, are the indigenous peoples of the Central Highlands of Vietnam. Due to their remote geographical situation, these regions are traditionally among the poorest areas of Vietnam. The Montagnards have been the target of discrimination since the 1960s, when the population was recruited by the US for military service during the War.<sup>17</sup> The Degar continue to be victims of discrimination and social inequality, and they have increasingly spoken out against persecution by the State. Explanations for these uprisings are rooted in the social exclusion of ethnic minorities, the confiscation of ancestral lands for the purposes of development, ‘State-sponsored’ migration of ethnic Vietnamese into highland areas, the undermining of traditional culture and social organization, and religious persecution.<sup>18</sup>

<sup>13</sup> Ibid 10.

<sup>14</sup> “Continuing Repression by the Vietnamese Government Focus of House Hearing,” Congressman Chris Smith, 4 June 2013, <http://chris-smith.house.gov/news/documentsingle.aspx?DocumentID=336716>

<sup>15</sup> Carlyle Thayer, “Political Legitimacy of Vietnam’s One Party-State: Challenges and Responses,” *Journal of Current Southeast Asian Affairs*, 2009, <http://journals.sub.uni-hamburg.de/giga/jsaa/article/viewFile/170/170>

<sup>16</sup> Luiza Oleszczuk, “Pastor Sentenced to 11 Years in Prison for Leading House Church in Vietnam,” *The Christian Post*, 29 March 2012, <http://www.christianpost.com/news/pastor-sentenced-to-11-years-in-prison-for-leading-house-church-in-vietnam-72331/>

<sup>17</sup> FIDH: Worldwide Human Rights Movement.

<sup>18</sup> Ibid.





Brother Dieu Suoi's story is among the most severe cases of torture. Dieu Suoi was arrested in 2005 because "he was a house Christian who refused to join the official church." He was electrically shocked, violently assaulted and publicly tortured. Dieu Suoi was subsequently carried to a prison in Daknong province, where he was later sentenced from two to three years of prison for "resisting the Vietnamese Government." Dieu Suoi died from his injuries two days after his release in 2007.<sup>19</sup>

## Land Expropriation



On June 26, 2008, the People's Committee of Da Nang City issued a ruling to confiscate a 135-year-old Christian parish, displacing all 2,000 of its residents and wiping out the historical Catholic community. During a funeral ceremony for a 93-year-old parishioner, hundreds of police and security forces disrupted the ceremony, detained the religious attendants and destroyed the church. This was done for the purpose of an eco-tourism development project.<sup>20</sup>



On September, 27 2009, approximately 100 police and plainclothes thugs evicted 354 Buddhist monks and nuns by force. The followers' temple in Bat Nha belonged to a Buddhist sect headed by Thich Nhat Hanh. The sect was popular with youths and students, mostly due to their emphasis on social involvement. By persecuting the Buddhist sect, the VCP clearly demonstrates that the freedom of association is something it is not inclined to respect. In order to prevent assemblies, the Vietnamese authorities do not

hesitate to destroy or remove temples and churches.<sup>21</sup> Protestants in Vietnam form a small religious minority numbering approximately one million followers. However since the 2000s, it has become the country's fastest-growing religion.<sup>22</sup> Many Protestants originate from the Montagnard population of the Central Highlands. Churches such as the Evangelical Church in Vietnam (ECV) and the UBCV are free to conduct their affairs because of legal recognition. However, in regions such as the northwest provinces, registration has stalled and provincial authorities remain suspicious of the growth of independent and smaller religious groups. Many religious officials have been arrested, placed in detention, displaced and harassed.<sup>23</sup>

Although the exact number of religious affiliations, organizations and demographics in Vietnam remain unclear due to the lack of official transparency, it is safe to say that the continued persecution and repression of religious and ethnic minorities has been a constant and growing trend since the end of the French Revolution. The repression of religious rights has intensified exponentially since the VCP invoked measures to monitor legal procedures, limit official registration and impose explicit penalties. The past few decades have seen hundreds of religious individuals placed under police detention and the forced eviction of ethnic minorities off traditional lands, making Vietnam one of the worst international violators of the freedom of religion. This constant pressure of threats, intimidation and violence has forced thousands of Vietnamese civilians to flee Vietnam in order to escape the dangers of persecution and into the uncertain life of a refugee.

<sup>19</sup> Ibid.

<sup>20</sup> "Highlighting Vietnamese Government Human Rights Violations in Advance of the U.S.-Vietnam Dialogue," United States House Committee on Foreign Affairs, 11 April 2013, <http://docs.house.gov/meetings/FA/FA16/20130411/100637/HHRG-113-FA16-Wstate-TranT-20130411.pdf>

<sup>21</sup> Simon Montlake, "Buddhist Sect Decries Lack of Religious Freedom in Communist Vietnam," *The Christian Science Monitor*, 5 October 2009, <http://www.csmonitor.com/World/Asia-Pacific/2009/1005/p06s07-woap.html>

<sup>22</sup> "Vietnam: International Religious Freedom Report 2006," *US Department of State, Bureau of Democracy, Human Rights and Labour*, 2006, <http://www.state.gov/j/drl/rls/irf/2006/71363.htm>

<sup>23</sup> "USCIRF Annual Report 2012 – Countries of Particular Concern: Vietnam," *United Nations Refugee Agency*, 20 March 2012, <http://www.refworld.org/docid/4f71a66ec.html>

# REFUGEES AND HUMAN TRAFFICKING

Under Section 1 of the 1951 UN Convention on Refugees, a refugee is defined as an individual who has “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion [...]”<sup>1</sup> The Vietnamese refugee crisis continues to be a persistent international issue.

## The Boat People



The mass exodus of Vietnamese refugees began after the Fall of Saigon in 1975. The data available likely underestimate the number of refugees that fled Vietnam and do not account for the significant numbers of those who did not survive their escape from Communist persecution. The first wave of refugees was made up of at least 130,000 displaced individuals following the collapse of South Vietnam.<sup>2</sup> The second and third waves took place in the late

1970s and early 1980s. To date, more than one million people have fled Vietnam after the war.<sup>3</sup> Many perished at sea and were victims of violent pirate attacks and cannibalism, as well as starvation and disease. However, those fortunate enough to survive the arduous journey were granted refuge in parts of North America, Western Europe and Australia.

- **The US accepted 823,000 Vietnamese refugees**
- **Britain accepted 19,000 Vietnamese refugees**
- **France accepted 96,000 Vietnamese refugees**
- **Australia and Canada accepted 137,000 each**<sup>4</sup>

## Vietnamese Refugees and Refugee Camps

Nonetheless, Vietnamese refugees faced further challenges during their occupation of the refugee camps in Malaysia, Thailand, Philippines, Hong Kong and Indonesia, where they were subject to screening processes.<sup>5</sup> However, many of them were sent back to Vietnam after having spent many months waiting for UN approval to resettle in other countries. The UN claimed that the Vietnamese people did not require protection in 1990.<sup>6</sup> This resulted in many refugees being deported back to Vietnam to join the many who remained in re-education camps.

- **Up to 2,200 Vietnamese remain stateless.**<sup>7</sup>
- **At least 165,000 Vietnamese have died and thousands of others have been tortured in re-education camps.**<sup>8</sup>

1 Convention and Protocol Relating to the Status of Refugees, Article 1, <http://www.unhcr.org/3b66c2aa10.html>

2 M. Zhou, *Straddling Different Worlds : The Acculturation of Vietnamese Refugee Children*, *Migration Dialogue UC Davis*, 2 May 2004, [http://migration.ucdavis.edu/rs/more.php?id=49\\_0\\_3\\_0](http://migration.ucdavis.edu/rs/more.php?id=49_0_3_0)

3 N. Hendry, *Did the UNHCR fail Vietnamese Refugees in Hong Kong?*, *e-International Relations*, 29 June 2012, <http://www.e-ir.info/2012/06/29/did-theunhcr-fail-vietnamese-refugees-in-hong-kong/>

4 Anh Do, Tran Phan, and Eugene Garcia, ‘Camp Z30-D: The Survivors’, *Dart Center for Journalism and Trauma*, 1 March 2009, <http://dartcenter.org/content/camp-z30-d-survivors>

5 S. McKenzie, “Vietnam’s boat people: 25 years of fears, hopes and dreams,” *CNN Web Archives*, 2001, <http://web.archive.org/web/20030405185711/http://edition.cnn.com/SPECIALS/2000/vietnam/story/boat.people/>

6 N. Keung, “Toronto welcomes 65 forgotten boat people,” *Toronto Star*, 22 March 2008, [http://www.thestar.com/news/gta/2008/03/22/toronto\\_welcomes\\_65\\_forgotten\\_boat\\_people.html](http://www.thestar.com/news/gta/2008/03/22/toronto_welcomes_65_forgotten_boat_people.html)

7 *Ibid.*

8 See Footnote 4.

# VIETNAMESE REFUGEES IN THE GLOBAL COMMUNITY

## Philippines

Despite ratifying the 1951 UN Refugee Convention, Vietnamese refugees in the Philippines do not possess the title of refugee after the United Nations High Commissioner for Refugees (UNHCR) closed down refugee centres in 1996.<sup>9</sup> They survive by selling goods on the street and are subject to arbitrary arrest and imprisonment. Although the UNHCR aims to provide resources to help refugees acquire citizenship in the Philippines,<sup>10</sup> the authorities still pressure refugees to return to Vietnam.<sup>11</sup>

## Thailand

Thailand is not party to the 1951 Refugee Convention and therefore owes few obligations to Vietnamese refugees. Urban refugees who voluntarily repatriate or are approved for resettlement are subject to a fine of up to 20,000 THB (around 500 USD) or detained at an immigration detention centre.<sup>12</sup> Effective protections cannot be guaranteed since UNHCR Thailand does not provide extended mandates.<sup>13</sup>

## Malaysia

Malaysia has not signed onto the 1951 Convention and its Protocol of Status of Refugees. After the war, around 250,000 Vietnamese found refuge in Pulau Bidong and 9,000 returned to Vietnam. Even though the Pulau Bidong refugee camp closed its doors in October 1991, Malaysia remains one of the most liberal states to grant refuge to asylum seekers. There remain a large number of unregistered refugees and asylum seekers, estimated at around 10,000. Malaysia faces the challenge of dealing with the increased number of refugees and cannot sustain them due to the lack of economic resources. Unfortunately, most of the refugees are sent back to Vietnam.<sup>14</sup>

## Cambodia

Although Cambodia signed onto the 1951 UN Refugee Convention, it has not yet fulfilled its obligations toward Vietnamese refugees. For example, in 2005, Montagnard refugees were deported back to Vietnam following an agreement between both states and the UNHCR. There were no guarantees within the agreement on their safety due to the lack of oversight from the UNHCR. There are more than 250 Montagnards in Cambodia waiting for the UN acknowledgment and response. There have also been documented cases of beatings and harassment of Vietnamese refugees in Cambodia.<sup>15</sup>

9 Refugee Protection: Philippines', *Vietnamese Overseas Initiative for Conscience Empowerment*, 2008, [http://www.vietnamvoice.org/RP\\_Philippines.html](http://www.vietnamvoice.org/RP_Philippines.html)

10 UNHCR Global Appeal 2013 Update, *UNHCR*, 2013, <http://www.unhcr.org/pages/49e489296.htm>

11 S. Vines, "Philippines to let Vietnam refugees stay," *The Independent*, 18 July 1996, <http://www.independent.co.uk/news/world/philippines-to-letvietnam-refugees-stay-1329233.html>

12 UNHCR Protection and Challenges for Urban Refugees in Thailand: Report and Recommendations, *Asylum Access*, April 2009, [http://www.hradv.org/sites/default/files/UNHCR\\_Protection\\_challenges\\_for\\_urban.pdf](http://www.hradv.org/sites/default/files/UNHCR_Protection_challenges_for_urban.pdf)

13 Ibid.

14 "Malaysia's Never Ending Woes with Refugees," *Malaysian Digest*, 12 July 2010, <http://www.malaysiandigest.com/features/5675-malaysias-never-ending-woes-with-refugees-.html>

15 "Hundreds Of Hmong Flee Persecution in Vietnam," *SHIBC News*, 26 April 2012, <http://shrdo.com/index.php/suabhmong-news/1259-hundreds-of-hmong-flee-persecution-in-vietnam>



# HUMAN TRAFFICKING

Human trafficking occurs when either children or adults are bought and sold for the purposes of forced labour or commercial sexual exploitation, often both.<sup>22</sup> The causes of this phenomenon are diverse, such as extreme poverty, lack of economic opportunities, high rates of domestic violence, and gender inequality. All of these factors allude to the deeper issue of the vulnerability of individuals who are susceptible to exploitation through abduction, coercion, intimidation or trickery precipitating entry into the dangerous and destructive path of human trafficking.<sup>23</sup>

Vietnam is a source and destination country that harbours vast numbers of human trafficking victims.<sup>24</sup> The alarming growth of such a phenomenon engenders new dimensions of basic human rights violations. Most notably occurring domestically, in Cambodia and China, a recent case of 15 Vietnamese women trapped in a sex trafficking ring in Moscow underscores a larger problem of human trafficking spreading more internationally. Anti-trafficking advocacy group Coalition to Abolish Modern-day Slavery in Asia (CAMSA) estimates that Moscow has 3,000 Vietnamese-run sweatshops, each employing up to hundred workers or more, many of them victims of forced labour.<sup>25</sup>

In recent years, the Vietnamese government has increasingly devoted attention to taking progressive steps on the issue of human trafficking. However, human trafficking has not been characterized by the Vietnamese authorities as a human rights issue, but rather, it is understood by the government as an “urgent and pressing problem, badly affecting society, customs, traditions, social morals, and transmission resulting in potential impacts on national and social security” (National [NPA] Action, Part 1. §§1: Government of Vietnam 2004).<sup>26</sup> The implications of this characterization of human trafficking leads to the stigmatization of the victims, who have suffered from exploitation as a result of being trafficked. Rather than providing remedial initiatives for the rehabilitation of human trafficking sufferers, the State demonizes such individuals as being a party to a grand scheme of “social evil.”<sup>27</sup> This stigmatization is needlessly perpetuated by the specific language that the State uses to approach the topic of human trafficking, particularly the area of sex work, through its creation of the Department of Social Evils Prevention (DSEP) branch of Vietnam’s Ministry of Labour.<sup>28</sup>

As a result of human trafficking sufferers being considered social wrongdoers, those who have been exploited not only continue to suffer from condemnation by the State, their families, and the public, but are also viewed as criminals deserving their fate rather than as victims who remain in dire need of support. Stigmatization remains one of the greatest obstacles to the much-needed reintegration of sex workers and victims of human trafficking alike, as they continue to be vulnerable to being re-trafficked and victims of violence.<sup>29</sup>

22 C. Tucker, K. Kammel, H. Lehman, E. Ward, “An Analysis of Human Trafficking for Sexual Exploitation in Vietnam and a Comprehensive Approach to Combating the Problem,” *U.C. Davis Journal of International Law & Policy*, 437 2009 Vol. 16:2, 438.

23 *Supra* at 440-442.

24 Humantrafficking.org, <[www.humantrafficking.org/countries/vietnam](http://www.humantrafficking.org/countries/vietnam)> last accessed August 1, 2013.

25 <http://www.rfa.org/english/news/vietnam/trafficking-04222013184538.html>

26 Ramona Vijayarasa, “The State, the Family, and Language of ‘Social Evils’: Re-stigmatising Victims of Trafficking in Vietnam,” *Culture, Health, & Sexuality*, Vol. 12, No. S1, 2010, s 89-102.

27 *Ibid*.

28 Vijayarasa, *supra* at s 90.

29 Vijayarasa, *supra* at s 92.

In addition to the problem of the stigmatizing language in the Vietnamese State's legislation, policies and public discourse, there is an alarming lack of rehabilitative services and centres for human trafficking survivors. A study conducted in 2009 indicated that a mere five rehabilitation centres existed in Vietnam.<sup>30</sup> The centres were described as unsanitary, overcrowded and insufficiently staffed. Service providers were ill-equipped, lacked specialized knowledge and skills, and did not respect the rights and privacy of the victims seeking aid. What is more, the State's negative attitude toward sex workers and victims of human trafficking is further perpetuated by service providers, thereby further alienating and depriving those who seek appropriate redress for their suffering.

Finally, police corruption further exacerbates the problem of human trafficking. Reports have indicated that State authorities and police officials turn a blind eye to traffickers crossing borders and checkpoints when given bribes or offered other incentives.<sup>31</sup> Inadequate police salaries and ineffective implementation of anti-trafficking programs are considered the impetuses that spur corruption, and greater initiatives for effective enforcement must be implemented in order to appropriately quell this rising issue.

It is clear that human trafficking is a pervasive problem that violates international human rights laws. Despite the illegality of the practice and the VCP's attempts to curtail its occurrences, exploitation of deeply vulnerable trafficking victims remains a prominent issue that transcends the borders of Vietnam. Further amendments to legislation and policies are required as well as much needed implementation of rehabilitative programs focussed on providing treatment, rather than stigmatizing, victims. Coordinated involvement and support from the international community is required for establishing a framework that can address the transnational linkages of the problem while being mindful of the socio-economic complexities that underlie the topic of human trafficking.

### THE GOVERNMENT OF CANADA'S ANTI-HUMAN TRAFFICKING EFFORTS



The Government of Canada under Prime Minister Stephen Harper's leadership has been developing and implementing its own anti-human trafficking efforts at home and abroad. **Joy Smith (MP for Kildonan-St. Paul)** spearheaded the Private Members Motion M-153 in 2007 calling for the immediate adoption of a comprehensive strategy to combat human trafficking and her 2010 proposal (Connecting the Dots),<sup>32</sup> the Government of Canada established the National Action Plan to Combat Human Trafficking. This plan aims to strengthen the enforcement and prevention mechanisms of human trafficking, provide more support for victims, and increased coordination with domestic and international partners in the combat of human trafficking.

<sup>30</sup> *Supra*, see note 122.

<sup>31</sup> Tucker et al, *supra* at 471.

<sup>32</sup> "Human Trafficking – Canada's National Action Plan," Joy Smith MP Kildonan – St Paul, [http://www.joysmith.ca/main.asp?fxoid=FXMenu,7&cat\\_ID=27&sub\\_ID=119](http://www.joysmith.ca/main.asp?fxoid=FXMenu,7&cat_ID=27&sub_ID=119)



# GLOBAL POLITICAL INVOLVEMENT

## FOR HUMAN RIGHTS IN VIETNAM



Within recent years, Vietnam has been consistent in establishing bilateral relations with Canada, the US, Australia and the European Union (EU). As a member of the Association of Southeast Asian Nations (ASEAN) and a candidate for the United Nation's Human Rights Council (HRC), Vietnam's role is "to promote regional peace and stability through abiding respect for justice and the rule of law...and adherence to the principles of the United Nations Charter."<sup>1</sup> However, the government of Vietnam disregards the respect of fundamental values of human rights and freedoms. This has led to the international community increasingly engaging in human rights dialogue with the Vietnamese government.

### CANADA

With regards to foreign policies, Canada has vigorously advocated the ideals of human rights and democracy. As part of the Group of 4 (including Switzerland, New Zealand and Norway), Canada continues to facilitate dialogue and promote peace with Vietnam. August 21, 2013, marked the 40th anniversary of Canadian-Vietnamese diplomatic ties.<sup>2</sup> To commemorate the relationship and raise human rights awareness, a number of Canadian politicians have engaged Vietnamese government officials - including the Right Honourable David Johnston, Governor General; the Honourable Thanh Hai Ngo, Senator; the Honourable Jason Kenney, Minister of Employment and Social Development; the Honourable John Baird, Minister of Foreign Affairs; and Deepak Obhrai, Parliamentary Secretary to the Minister of Foreign Affairs.

### Senator Thanh Hai Ngo



Since his appointment in 2012 as Canada's first senator originally from Vietnam, Senator Ngo has consistently campaigned for human rights for Vietnam. First, he visited different Vietnamese communities all over Canada, ensuring that the voices of the Vietnamese Diaspora have not been forgotten.<sup>3</sup> Senator Ngo tabled a "Million Hearts, One Voice" petition (spearheaded by Mr. Truc Ho) in the Senate to call on the Canadian government to request Vietnam's release of individuals who have engaged in peaceful activism for their country. Both Prime

Minister Stephen Harper and Senator Ngo delivered a speech at the Toronto Tết Festival emphasizing Canada's unwavering stance on the values of the rule of law and fundamental freedoms while maintaining ties with Vietnam.<sup>4</sup>

<sup>1</sup> *Association of Southeast Nations*, "About ASEAN-Overview." 2012, <http://www.asean.org/about-asean>

<sup>2</sup> "Canada, Vietnam Celebrate 40th Anniversary Diplomatic Relations" *Vietnamica*, 10 June 2013, <http://www.vietnamica.net/canada-vietnam-celebrate-40th-anniversary-diplomatic-relations/>

<sup>3</sup> "Speaking for the Vietnamese: Town Hall Meeting," *Ottawa Citizen*. 21 February 2013, <http://www.youtube.com/watch?v=PRWUgSwaiqk>

<sup>4</sup> "Prime Minister Stephen Harper Celebrates Vietnamese New Years" *VBSTVCanda*. 21 January 2013, [http://www.youtube.com/watch?v=player\\_detailpage&v=2FLrGosle\\_I](http://www.youtube.com/watch?v=player_detailpage&v=2FLrGosle_I)



Senator Ngo then travelled to the US, Taiwan and Thailand to address human right concerns with officials from the UN and NGOs.<sup>5</sup> Senator Ngo's outreach to the younger generations of Vietnamese-Canadians has enhanced unity among the Vietnamese communities and parliamentarians across the country. On June 8, 2013, Senator Ngo (accompanied by Minister Jason Kenney, Royal Galipeau, MP and Paul Dewar, MP), attended a demonstration organized by various Vietnamese communities from Ontario and Quebec on Parliament Hill in Ottawa. This demonstration called for the release of three activists arrested for political dissidence.<sup>6</sup> Young Vietnamese-Canadians under Ngo's supervision spearheaded a petition calling on the Canadian government to press the Vietnamese government for their release.

### Minister Jason Kenney



As former minister of Citizenship, Immigration, and Multiculturalism, Jason Kenney has continually showed support for all ethnic minorities across Canada.<sup>7</sup> In 2007, when authorities removed the Vietnamese Heritage and Freedom Flag in Sundre, Alberta, his recognition of the flag influenced the town mayor's decision to raise the flag once again.<sup>8</sup> During the celebrations of Asian Heritage Month in 2011 and 2012, Minister Kenney issued a statement showing empathy with the fight for freedom and

democracy in Vietnam.<sup>9</sup> In June 2013, Kenney joined Senator Ngo on Parliament Hill at the "Rally for a Free Vietnam" demonstration.<sup>10</sup> While Minister Kenney attempts to receive as many Vietnamese refugees escaping persecution as possible, he has also developed a program to fight human trafficking.<sup>11</sup>

5 Trip to Santa Ana: March 08-14, 2013" Photo Gallery: *Office of Senator Thanh Hai Ngo*. Accessed 23 June 2013, <http://www.senatorngo.com/#!/photo-gallery/c1c1h> ; "Canadian Parliamentary Delegation official trip to Taiwan and Trip to Bangkok - 31 March to 12 April 2013, Ibid.

6 "Senator Ngo to Attend a Rally for a Free Vietnam on Parliament Hill," Office of Senator Thanh Hai Ngo [Press Release] 6 June 2013.

7 Alec Castonguay, "The inside story of Jason Kenney's campaign to win over ethnic votes," *Maclean's*. 2 February 2013, <http://www2.macleans.ca/2013/02/02/welcome-to-my-world/>

8 "Alberta Town Orders removal of Vietnamese Symbol," CanWest MediaWorks Publications, 20 July 2007, <http://www.canada.com/story.html?id=7fb2fb3a-8850-4d7d-aae3-6e7db69e7a4d>

9 The Honourable Jason Kenney, "Speaking notes for the Honourable Jason Kenney, P.C., M.P. Minister of Citizenship, Immigration and Multiculturalism at an event marking Asian Heritage Month." Citizenship and Immigration Canada. 24 May 2011, <http://www.cic.gc.ca/english/department/media/speeches/2011/2011-05-24.asp>

10 "Rally for a Free Vietnam on Parliament Hill," Office of Senator Ngo [Photo News Release]. 8 June 2013, <http://www.senatorngo.com/#!/photo-gallery/c1c1h>

11 Jason Kenney, "Our Plan to Combat Human Smuggling," *National Post*, 26 September 2011, <http://fullcomment.nationalpost.com/2011/09/27/jason-kenney-our-plan-to-combat-human-smuggling/>

## Minister John Baird



Marking the 36th year of relations between Canada and ASEAN, Minister Baird attended a meeting with all of ASEAN's foreign ministers.<sup>12</sup> Not only did Minister Baird visit Asia to discuss bilateral relations, but in March 2013, he met with President Tan Sang Truong and his counterpart Binh Minh Pham to speak about religious freedoms and gender equality.<sup>13</sup> He also visited various civil society organizations where he stressed the importance for states to be inclusive of different genders and sexual orientations when it comes to "protecting its people."<sup>14</sup>

## Parliamentary Secretary Deepak Obhrai



A month prior to Minister Baird's visit, Deepak Obhrai visited Vietnam to speak with Vietnamese officials about human rights issues, particularly those relating to freedom of expression. On February 26, 2013, Mr. Obhrai met with Roman Catholic priest Father Van Ly Nguyen. Mr. Obhrai's visit allowed him to voice Canada's concerns about the unlawful imprisonment of Vietnamese activists. He addressed civil and political rights in Parliament, including freedom of expression and freedom of religion.<sup>15</sup> As a result of these parliamentary meetings, Canada established

a mandate ensuring Canada's protection of freedom of religion around the world by opposing laws that persecute religious minorities due to "defamation of [other] religions."<sup>16</sup> This visit to Vietnam followed a previous trip at the end of 2012. In November 2012, Mr. Obhrai and other Canadian delegates accompanied Governor General David Johnston to Vietnam.<sup>17</sup> Mr. Obhrai spoke about Canada's perspective on human rights, the rule of law and democracy, stating that it was "a major platform of [Canada's] foreign policy."

**"[...] as we engage in Vietnam front and centre in our relationship, we will always be not only the furtherance of peace and prosperity, but also freedom, democracy and human rights for the people of Vietnam"**

**-Prime Minister Stephen Harper<sup>18</sup>**

First Canadian Prime Minister to attend a Têt celebration

12 "46th ASEAN Ministerial Meeting/ Post Ministerial Conferences/ 20th ASEAN Regional Forum/ 3rd East Asia Summit Foreign Ministers Meeting," Ministry of Foreign Affairs, Singapore [Press Release]. July 1, 2013. <[http://www.mfa.gov.sg/content/mfa/media\\_centre/press\\_room/pr/2013/201307/press\\_20130701\\_01.printable.html?status=1](http://www.mfa.gov.sg/content/mfa/media_centre/press_room/pr/2013/201307/press_20130701_01.printable.html?status=1)>

13 Daniel B. Richardsen, "Canada helping to strengthen Vietnam's banking system," Canadian International Development Agency. Modified March 12, 2013. <http://www.acdi-cida.gc.ca/acdi-cida/acdi-cida.nsf/eng/FRA-311153341-QXL>

14 Foreign Affairs and International Trade Canada "Baird Meets Civil Society on Human Rights in Vietnam." Date modified, March 12, 2013. [www.international.gc.ca/wet30-1/aff/photos/2013/03/12b.aspx?lang=eng](http://www.international.gc.ca/wet30-1/aff/photos/2013/03/12b.aspx?lang=eng). Deepak Obhrai. "Deepak Obhrai to Attend Inauguration of South Korean President; Travel to Vietnam to Pursue Human Rights Agenda" Deepak Obhrai, M.P. [Press Release]. February 20, 2013.

15 Deepak Obhrai. "Deepak Obhrai to Attend Inauguration of South Korean President; Travel to Vietnam to Pursue Human Rights Agenda," Deepak Obhrai, M.P. [Press Release]. February 20, 2013. <[http://www.deepakobhrai.com/media/news/2013/Deepak\\_obhrai\\_to\\_attend\\_Inauguration.html](http://www.deepakobhrai.com/media/news/2013/Deepak_obhrai_to_attend_Inauguration.html)>

16 Ibid.

17 "Governor General to Undertake State Visits to Malaysia, Vietnam and Singapore- Official Delegation." 2011, <<http://www.gg.ca/document.aspx?id=14310&lan=eng>>

18 Prime Minister of Canada. Stephen Harper at the Têt Festival in Toronto on January 18, 2013.

When addressing human rights in foreign diplomatic relations, other countries may be reluctant to participate in and accept such dialogue. From a Canadian perspective, there needs to be a sense of balance between addressing human rights on one hand while maintaining a diplomatic relationship toward foreign affairs and trade on the other. As stated by James Manicom:

*"I think there is an opportunity, as part of the wider diplomatic engagement, to talk about human rights issues but not using the term 'human rights.' You could talk about rule of law, judicial processes or human smuggling, all those things which are in and of themselves connected with human rights violations, but not have it come across as though we are lecturing countries on human rights. No one wants to hear that."*<sup>19</sup>

## UNITED STATES OF AMERICA



American trade interests with Vietnam are substantial for both countries' economies. In 2012, trade interests between the two countries reached more than \$24.8 billion.<sup>20</sup> However, the US has also been keen to address human rights concerns in Vietnam. In May 2013, Chairman of the House of Foreign Affairs Committee Ed Royce and Chairman of the House Subcommittee on Global Human Rights Chris Smith introduced legislation denouncing the human rights violations in Vietnam.<sup>21</sup> This

legislation has now evolved into the Vietnam Human Rights Sanction Act, which provides the means to condemn the Communist government's human rights violations.<sup>22</sup> Additionally, other prominent players such as Deputy Assistant Secretary for the Bureau of Democracy, Human Rights and Labour, Daniel Baer and former Secretary of State Hillary Clinton have participated in dialogue with Vietnamese officials. Both leaders have campaigned for freedom of expression. Baer believes that social mediums provide opportunities for people to communicate their political opinions and expressions, such that blocking access to it would not change people's perspectives. He stated, "Wires don't make change, people make change."<sup>23</sup>

**"Human rights is the soul of our foreign policy, because human rights is the very soul of our sense of nationhood"**<sup>24</sup>

-Jimmy Carter

Former President of the United States Jimmy Carter,  
Universal Declaration of Human Rights Remarks in 1976

19 The Standing Committee on Foreign Affairs and Trade, "Study on security conditions and economic developments in the Asia-Pacific region, the implications for Canadian policy and interests in the region, and other related matters." May 29, 2013 <[http://www.parl.gc.ca/sencommitteebusiness/CommitteeMeetingSchedule.aspx?parl=41&sess=1&Language=E&comm\\_id=8&searchMeetings=1&fromDate=2013-05-29&toDate=2013-05-29](http://www.parl.gc.ca/sencommitteebusiness/CommitteeMeetingSchedule.aspx?parl=41&sess=1&Language=E&comm_id=8&searchMeetings=1&fromDate=2013-05-29&toDate=2013-05-29) >

20 113th Congress, 1st Session, "S.929: Vietnam Human Rights Sanctions Act." The Senate of the United States. May 9, 2013. <<http://www.gpo.gov/fdsys/pkg/BILLS-113s929is/pdf/BILLS-113s929is.pdf>>

21 "Chairman Royce Introduces Legislation to Highlight Vietnam's Human Rights Abuses," House Committee on Foreign Affairs [Press Release]. May 17, 2013. <<http://foreignaffairs.house.gov/press-release/chairman-royce-introduces-legislation-highlight-vietnam%E2%80%99s-human-rights-abuses>>

22 "Chairman Royce Introduces Legislation to Highlight Vietnam's Human Rights Abuses," House Committee on Foreign Affairs [Press Release]. May 17, 2013. <<http://foreignaffairs.house.gov/press-release/chairman-royce-introduces-legislation-highlight-vietnam%E2%80%99s-human-rights-abuses>>

23 "Media Availability in Hanoi, Vietnam," U.S. Department of State. February 23, 2011.

24 Jimmy Carter: "Universal Declaration of Human Rights Remarks at a White House Meeting Commemorating the 30th Anniversary of the Declaration's Signing," December 6, 1978. Online by Gerhard Peters and John T. Woolley, The American Presidency Project. <http://www.presidency.ucsb.edu/ws/>

However, Vietnam still struggles to improve its human rights record. To further raise human rights awareness, Hillary Clinton's successor, new Secretary of State John Kerry, plans to continue addressing these issues in his travels to the Asia Pacific.<sup>25</sup> American political actors such as Ambassador to Vietnam David Shear and Congressmen Frank. R. Wolf and Alan Lowenthal have also pushed to further a human rights agenda. Canada and the US are not alone in their efforts to promote the respect of human rights in Vietnam; many countries worldwide have been actively involved in putting pressure on the VCP.

## EUROPEAN UNION



The total amount of exports and imports between the EU and Vietnam has greatly increased over the past years, making the EU one of Vietnam's most significant trading partners.<sup>26</sup> It follows that the European Parliament can play a significant role in influencing Vietnam's attitude toward respecting human rights. Along with Australia, HRW recommended that the EU engage in a human rights dialogue and examine its partner's policies regarding political prisoners and detainees, freedom of speech and freedom of organization, religious freedom, police brutality and labour in drug rehabilitation centres.<sup>27</sup> In this regard, a round of human rights dialogue has already occurred in January between the EU and Vietnam, and another one is scheduled for October 2013.

The EU has long been aware of the VCP's violations of the freedom of religion, expression and association. In 2003, the EU put forward Resolution B5-0499/2003 to denounce Vietnam's flagrant failure to fulfill its duty as a member of the UN. The EU's stance regarding the disrespect of human rights in Vietnam has become increasingly forceful this year; on April 18, the Parliament unanimously adopted a resolution that criticizes the VCP's continuous violations of human rights, from the excessive control of Internet to religious persecution, arbitrary arrests and land confiscation. Once again, the EU emphasizes that the human rights clauses in the Partnership and Cooperation Agreement need to be respected.

## AUSTRALIA



Australia and Vietnam have recently highlighted their 40 years of diplomatic relations.<sup>28</sup> Both countries have developed mature bilateral relationship over the years, a fact that the Speaker of the Australian Parliament, Ms. Burke, describes as only natural when taking into account the Vietnamese Diaspora of 220,000 in Australia. Their strong partnership puts Australia in a strong position to promote an elaborate human rights dialogue with Vietnam. Since 2002, nine rounds of human rights dialogue have been planned between both countries. The Australian Senate's position regarding human rights infringements in Vietnam has remained conspicuous over the years. In 2010, Australian Senator Gary Humphries requested the release of Viet Tan members.

25 Ernest Z. Bower, Noelan Arbis, "John Kerry to Attend ASEAN Regional Forum," Center for Strategic and International Studies, June 26, 2013. <<http://csis.org/publication/john-kerry-attend-asean-regional-forum>>

26 Vietnam: EU Bilateral Trade with the World," European Union, May 23, 2013. <[http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc\\_113463.pdf](http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_113463.pdf)>

27 "Vietnam: Make Rights a Priority On EU Visit," Human Rights Watch, October 29, 2012. <<http://www.hrw.org/news/2012/10/29/vietnam-make-rights-priority-eu-visit>>

28 Parliament of Australia, "Australia and Vietnam Cement Parliamentary Relationship," Commonwealth of Australia. <[http://www.aph.gov.au/About\\_Parliament/House\\_of\\_Representatives/About\\_the\\_House\\_News/Latest\\_News/230513-vietnamMoU](http://www.aph.gov.au/About_Parliament/House_of_Representatives/About_the_House_News/Latest_News/230513-vietnamMoU)>

Senator Boswell has also congratulated the president and vice-president of the Vietnamese community in Australia, Tri Vo and Cong Le, for writing a petition that gathered 55,000 signatures denouncing human rights violations in Vietnam. The Australian Senate unanimously encouraged the Australian government to ensure parliamentary participation in the Vietnam human rights dialogue as well as to promote a general awareness of the current situation. The government and coalition have both agreed that a human rights dialogue will be mutually beneficial to both countries.<sup>29</sup>

Although Vietnam is a strong trading partner with its neighbouring countries, it continues to violate human rights and freedoms under the UDHR. As a way to maintain the balance between its economic interests and its human rights responsibilities, Canada, the US, Australia and the EU must continue to put pressure on Vietnam to fulfill their human rights obligations.

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<sup>29</sup> Ibid.

# CONCLUSION

## RECOMMENDATIONS FOR IMPROVEMENT

So as not to repeat its history of disregard for the rule of law and oppression against the plurality of views and beliefs within its populace, Vietnam must make necessary changes to its policies, legal statutes and practices to ensure the realization of human rights for its citizens. With globalization's increased free trade and the explosion of the number of Internet users comes the rapid exchange of trends, products, values and ideas. As Vietnam has transitioned toward greater economic trade and openness, the Vietnamese people have redirected their focus from living marginally toward greater liberty, material wealth and a higher sense of self. To encourage human flourishing, the goal of achieving a universal adoption of the UDHR is perhaps more pressing now than at any time in the past.

The difficulty with attaining this goal lies with determining the exact measures that the international community must exercise in order to pressure Vietnam to respect basic human rights without compromising state sovereignty. A fine balance must be struck between negotiating trade and pushing for human rights protections in order to help improve Vietnam's human rights record. Constructive dialogue must take place rather than overt condemnation that amounts to finger-wagging and icy foreign relations. Yet, states must not be lenient toward human rights abuses and pursue trade relations while Vietnam's record of human rights violations fails to improve. If the terms of agreements with Vietnam call for the advancement of human rights protections or the release of prisoners of conscience and Vietnam fails to uphold its responsibilities, then the Vietnamese government must be reprimanded accordingly through the removal of benefits, the imposition of higher tariffs and economic sanctions, or similar measures.

International human rights involvement must also extend to the private spheres as well. Multinational corporations engaging in business transactions with the Vietnamese government must establish measurable human rights conditions that will ensure the continued business relationship. Much like a bilateral trade agreement between states, corporations have the capacity to enforce economic sanctions should standards be violated. If human rights are raised to the Vietnamese government in terms of economic interest rather than as social terms, it is possible that the human rights in Vietnam will be furthered.

Finally, pressure must be applied internationally at the individual and grassroots level. The first generation of the Vietnamese Diaspora have long paved the way for the fight for human rights in their homeland and they are now ready to pass the torch onto younger generations to continue the dream of a free Vietnam. Young people must continue to be involved with human rights initiatives, whether by advocating through signing petitions, participating in rallies, or taking action by writing blogs and letters to government and corporate actors. Unfortunately, it is not exactly clear what is required to encourage the VCP to put a halt to its disregard for human rights. One thing remains clear: silence suggests acquiescence, and we can no longer stand idly by as innocent Vietnamese continue to suffer from abhorrent human rights abuses at the hands of its own government.





# APPENDIX OF CASES

## Prisoners of Conscience in Vietnam

Updated, July 2013

<i>Names</i>	<i>Age at Time of Arrest</i>	<i>Occupation</i>	<i>Date of Arrest</i>	<i>Date of Sentence</i>	<i>Violations</i>	<i>Term Served</i>
Nguyen Van Hai	58	Online Blogger	April 20, 2008	September 24, 2012	Article 88	12 years imprisonment
Phan Thanh Hai	41	Online Blogger	October 19, 2010	September 24, 2012	Article 88	4 years imprisonment
Nguyen Van Thanh	28	Catholic Activist	Early 2011	March 7, 2012	Article 88	3 years imprisonment
Vo Thi Thu Thuy	50	Catholic Activist	Early 2011	March 7, 2012	Article 88	5 years imprisonment
Le Thanh Tung	44	Freelance Journalist	January 12, 2011	August 10, 2012	Article 88	5 years imprisonment and 4 years house arrest
Chang A Do	32	Ethnic Hmong Christian	April 1, 2011	March 13, 2012	Article 89	2 years imprisonment and 2 years of house arrest
Giang A Si	32	Ethnic Hmong Christian	April 1, 2011	March 13, 2012	Article 89	30 month imprisonment and 2 years house arrest
Mua A Thang	32	Christian Activist	April 1, 2011	March 13, 2012	Article 89	2 years imprisonment and 2 years house arrest
Thao A Khay	27	Christian Activist	April 1, 2011	March 13, 2012	Article 89	2 years imprisonment and 2 years house arrest
Thao A Lau	35	Christian Activist	April 1, 2011	March 13, 2012	Article 89	2 years imprisonment and 2 years house arrest
Vang A Giang	33	Christian Activist	April 1, 2011	March 13, 2012	Article 89	30 month imprisonment and 2 years house arrest
Vang Seo Phu	35	Christian Activist	April 1, 2011	March 13, 2012	Article 89	2 years imprisonment and 2 years house arrest
Cu A Bao	35	Montagnard Christian	April 4, 2011	Nay 24, 2012	Article 89	2 years imprisonment
Nguyen Cong Chinh	43	Mennonite Clergyman	April 28, 2011	March 27, 2012	Article 87	11 years imprisonment
Do Van Hoa	45	Land Rights Activist	June 7, 2011	July 16, 2012	Article 88	4 years imprisonment, 3 years house arrest
Nguyen Kim Nhan	59	Land Rights Activist	June 7, 2011	July 16, 2012	Article 88	5 1/2 years imprisonment and 3 years house arrest
Dinh Van Nuong	54	Land Rights Campaigner	June, 2011	July 14, 2012	Article 88	4 years imprisonment
Dau Van Duong	25	Catholic Youth Activist	August 2, 2011	May 24, 2012	Article 88	3.5 years imprisonment
Duong Van Dau	25	Catholic Activist, Student	August 2, 2011	May 24, 2012	Article 88	42 months imprisonment and 18 months of probation
Tran Huu Duc	23	Catholic Youth Activist	August 2, 2011	May 24, 2012	Article 88	39 months imprisonment and 1 year of probation
Dang Ngoc Minh	55	Housewife	August 2, 2011	January 8-9, 2013	Article 79	3 years imprisonment
Dang Xuan Dieu	33	Catholic Activist	August 2, 2011	January 8-9, 2013	Article 79	13 years imprisonment
Hu Duc Hoa	38	Businessman	August 2, 2011	January 8-9, 2013	Article 79	13 years imprisonment
Ho Van Oanh	27	Catholic Student	August 2, 2011	January 8-9, 2013	Article 79	3 years imprisonment
Le Van Son	27	Online Blogger	August 2, 2011	January 8-9, 2013	Article 79	13 years imprisonment
Nguyen Dang Minh Man	27	Catholic Activist	August 2, 2011	January 8-9, 2013	Article 79	8 years imprisonment
Nguyen Dang Vinh Phuc	32	Worker	August 2, 2011	January 8-9, 2013	Article 79	3 years imprisonment
Nguyen Dinh Cuong	31	Catholic Activist	August 2, 2011	January 8-9, 2013	Article 79	4 years imprisonment
Nguyen Van Duyet	32	Catholic Activist	August 2, 2011	January 8-9, 2013	Article 79	6 years imprisonment
Nguyen Van Oai	31	Catholic Activist	August 2, 2011	January 8-9, 2013	Article 79	3 years imprisonment
Nguyen Xuan Anh	30	Catholic Activist	August 2, 2011	January 8-9, 2013	Article 79	3 years imprisonment
Nong Hung Anh	29	Protestant Activist	August 2, 2011	January 8-9, 2013	Article 79	5 years imprisonment
Thai Van Dung	24	Catholic Activist	August 2, 2011	January 8-9, 2013	Article 79	5 years imprisonment
Tran Minh Nhat	24	Catholic Activist	August 2, 2011	January 8-9, 2013	Article 79	4 years imprisonment
Chu Manh Son	22	Catholic Activist	August 3, 2011	May 24, 2012	Article 88	36 months imprisonment and 1 year of probation
Phan Ngoc Tuan	53	Dissident Activist	August 10, 2011	June 6, 2012	Article 88	5 years imprisonment

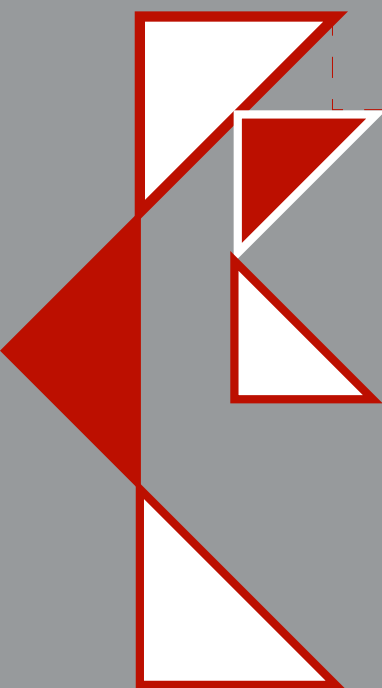
Ta Phong Tan	43	Former policewoman and online blogger	September 5, 2011	September 24, 2012	Article 88	10 years imprisonment
Tran Vu Anh Binh	37	Songwriter	September 19, 2011	October 30, 2012	Article 88	6 years imprisonment
Kpuil Le	XXXXX	Degar Montagnard Christian	November 22, 2011	June 6, 2012	Article 87	8 years imprisonment
Kpuil Mel	XXXXX	Degar Montagnard Christian	November 22, 2011	June 6, 2012	Article 87	9 years imprisonment
Vo Minh Tri (Viet Khang)	34	Songwriter	December 23, 2011	October 30, 2012	Article 88	4 years imprisonment
Hoang Phong	26	Catholic Activist	December 29, 2011	May 24, 2012	Article 88	18 months imprisonment
Hoang Khuong	42	Journalist	January 3, 2012	XXXXX	XXXXX	4 years imprisonment
Doan Van Vuon	43	Dissident Activist	January 6, 2012	April 5, 2013	Article 93	5 years imprisonment
Nguyen Van Khuong	37	Reporter	January 14, 2012	September 7, 2012	Article 289	4 years imprisonment
Ta Khu	66	Dissident Activist	February 1, 2012	January 28, 2013	Article 79	16 years imprisonment
Le Duc Dong	29	Dissident Activist	February 5, 2012	January 28, 2013	Article 79	12 years imprisonment
Le Duy Loc	57	Dissident Activist	February 5, 2012	January 28, 2013	Article 79	17 years imprisonment
Le Phuc	62	Dissident Activist	February 5, 2012	January 18, 2013	Article 79	15 years imprisonment
Le Trong Cu	47	Dissident Activist	February 5, 2012	January 28, 2013	Article 79	12 years imprisonment
Phan Thanh Y	64	Religious Activist	February 5, 2012	January 28, 2013	Article 79	14 years imprisonment
Phan Van Thu	65	Dissident Activist	February 5, 2012	January 28, 2013	Article 79	Lifetime sentence
Vo Thanh Le	58	Dissident Activist	February 5, 2012	January 28, 2013	Article 79	16 years imprisonment
Doan Dinh Nam	62	Dissident Activist	February 6, 2012	January 28, 2013	Article 79	16 years imprisonment
Vo Ngoc Cu	62	Dissident Activist	February 6, 2012	January 28, 2013	Article 79	16 years imprisonment
Nguyen Ky Lac	62	Dissident Activist	February 7, 2012	January 28, 2013	Article 79	16 years imprisonment
Luong Nhat Quang	25	Religious Activist	February 10, 2012	January 28, 2013	Article 79	12 years imprisonment
Nguyen Dinh	44	Religious Activist	February 10, 2012	January 28, 2013	Article 79	14 years imprisonment
Nguyen Thai Binh	26	Religious Activist	February 10, 2012	January 28, 2013	Article 79	12 years imprisonment
Tu Thien Luong	62	Hoi Dong Cong Luat Cong An Bia Son Founder & Chairman	February 10, 2012	January 28, 2013	Article 79	16 years imprisonment
Vo Tiet	60	Hoi Dong Cong Luat Cong An Bia Son Founder & Chairman	February 10, 2012	January 28, 2013	Article 79	16 years imprisonment
Doan Van Cu	47	Dissident Activist	February 12, 2012	January 28, 2013	Article 79	14 years imprisonment
Tran Phi Dung	47	Dissident Activist	February 12, 2012	January 28, 2013	Article 79	13 years imprisonment
Tran Quan	28	Dissident Activist	February 12, 2012	January 28, 2013	Article 79	12 years imprisonment
Vuong Tan Son	60	Dissident Activist	February 12, 2012	January 28, 2013	Article 79	17 years imprisonment
Do Thi Hong	61	Religious Activist	February 14, 2012	January 28, 2013	Article 79	13 years imprisonment
Truong Ngoc Quang	XXXXX	Dissident Activist	March 1, 2012	January 6, 2013	Article 79	XXXXX
Phan Thanh Tuong	25	Religious Activist	March 8, 2012	January 28, 2013	Article 79	10 years imprisonment

Lo Thanh Thao	36	Dissident Activist	March 26, 2012	January 6, 2013	Article 88	3.5 years imprisonment
Nguyen Trung Linh	46	Dissident Activist	April 1, 2012	March 6, 2012	XXXXX	XXXXX
Vo Viet Dzien	42	Fish Farmer, dissident Activist	April 1, 2012	January 15, 2013	Article 79	3 years imprisonment
Byuk	XXXXX	Christian Activist	May 8, 2012	XXXXX	Article 87	XXXXX
Runh	51	Montagnard Christian	May 8, 2012	XXXXX	Article 87	XXXXX
Huynh Thuc Vy	26	Online Blogger	July 4, 2012	XXXXX	Article 88	XXXXX
Le Thi Kim Thu	44	Land Rights Activist	July 6, 2012	December 27, 2012	Article 85	2 years imprisonment
Pham Chi Dung	44	Journalist and Political Essayist	July 17, 2012	XXXXX	Article 79	XXXXX
Nguyen Quoc Tuan	58	Head of Farmer association of Vinh Phu Ward	July 20, 2012	XXXXX	Article 88 & 230	XXXXX
Bui Van Tham	25	Hoa Hao Buddhist activist	July 29, 2012	September 21, 2012	Article 257	2.5 years imprisonment
Jonh	33	Christian Activist	August 8, 2012	XXXXX	Article 87	XXXXX
Nguyen Thi Bich Trang	35	Industrial Holding Company Employee	September 7, 2012	XXXXX	Article 258	XXXXX
Vo Thi Hanh	XXXXX	Council for the Laws and Public Affairs of Bia Son	October, 2012	XXXXX	Article 258	XXXXX
Nguyen Phuong Uyen	21	Student	October, 2012	May 16, 2013	Article 88	6 years imprisonment
Nguyen Dinh Kha	26	Computer Technician	October, 2012	May 16, 2013	Article 88	8 years imprisonment
Dinh Dang Dinh	49	High School Teacher and Blogger	October 21, 2012	August 8, 2012	Article 88	6 years imprisonment
Le Quoc Quan	41	Lawyer	December 27, 2012	XXXXX	Article 79	XXXXX
Pham Nguyen Thanh Binh	30	Online Blogger	Late 2012	April 17, 2013	Article 88	3 years imprisonment
8 Montagnard Villagers	XXXXX	Villagers	Late 2012	May 29, 2013	Article 87	3 - 11 years imprisonment
Doan Van Vuon	50	Former Soldier turned Farmer	January 5, 2013	April 5, 2013	Article 93	5 years imprisonment
Doan Van Sinh	43	Brother of Vuon	January 5, 2013	April 5, 2013	Article 93	3 and a half years of imprisonment
Doan Van Ve	61	Brother of Vuon	January 5, 2013	April 5, 2013	Article 93	2 year imprisonment
Nguyen Thi Thuong	43	Wife of Vuon	January 5, 2013	April 5, 2013	Article 257	1 and a quarter year imprisonment
Phan Thi Bau Hien	31	Wife of Quy	January 5, 2013	April 5, 2013	Article 257	1 and a quarter year imprisonment
Le Anh Hung	40	Online Blogger	January 24, 2013	XXXXX	XXXXX	XXXXX
Phan Van Thu	65	Protest Leader	Late January, 2013	February 4, 2013	Article 79	Life time sentence
Tu Thien Luong	63	Council for the Laws and Public Affairs of Bia Son	Late January, 2013	February 4, 2013	Article 79	10-17 years imprisonment
Tran Quan	31	Council for the Laws and Public Affairs of Bia Son	Late January, 2013	February 4, 2013	Article 79	10-17 years imprisonment
Le Duc Dong	30	Council for the Laws and Public Affairs of Bia Son	Late January, 2013	February 4, 2013	Article 79	10-17 years imprisonment
Nguyen Thai Binh	27	Council for the Laws and Public Affairs of Bia Son	Late January, 2013	February 4, 2013	Article 79	10-17 years imprisonment
Le Duy Loc	57	Council for the Laws and Public Affairs of Bia Son	Late January, 2013	February 4, 2013	Article 79	10-17 years imprisonment
Le Phuc	62	Council for the Laws and Public Affairs of Bia Son	Late January, 2013	February 4, 2013	Article 79	10-17 years imprisonment

Vo Thanh Le	58	Council for the Laws and Public Affairs of Bia Son	Late January, 2013	February 4, 2013	Article 79	10-17 years imprisonment
Nguyen Ky Lac	62	Council for the Laws and Public Affairs of Bia Son	Late January, 2013	February 4, 2013	Article 79	10-17 years imprisonment
Vuong Tan Son	60	Council for the Laws and Public Affairs of Bia Son	Late January, 2013	February 4, 2013	Article 79	10-17 years imprisonment
Vo Ngoc Cu	62	Council for the Laws and Public Affairs of Bia Son	Late January, 2013	February 4, 2013	Article 79	10-17 years imprisonment
Doan Dinh Nam	62	Council for the Laws and Public Affairs of Bia Son	Late January, 2013	February 4, 2013	Article 79	10-17 years imprisonment
Vo Tiet	62	Council for the Laws and Public Affairs of Bia Son	Late January, 2013	February 4, 2013	Article 79	10-17 years imprisonment
Nguyen Dinh	45	Council for the Laws and Public Affairs of Bia Son	Late January, 2013	February 4, 2013	Article 79	10-17 years imprisonment
Doan Van Cu	61	Council for the Laws and Public Affairs of Bia Son	Late January, 2013	February 4, 2013	Article 79	10-17 years imprisonment
Phan Thanh Y	65	Council for the Laws and Public Affairs of Bia Son	Late January, 2013	February 4, 2013	Article 79	10-17 years imprisonment
Do Thi Hong	56	Council for the Laws and Public Affairs of Bia Son	Late January, 2013	February 4, 2013	Article 79	10-17 years imprisonment
Tran Phi Dung	47	Council for the Laws and Public Affairs of Bia Son	Late January, 2013	February 4, 2013	Article 79	10-17 years imprisonment
Le Trong Cu	47	Council for the Laws and Public Affairs of Bia Son	Late January, 2013	February 4, 2013	Article 79	10-17 years imprisonment
Phan Thanh Truong	26	Council for the Laws and Public Affairs of Bia Son	Late January, 2013	February 4, 2013	Article 79	10-17 years imprisonment
Ta Khu	66	Council for the Laws and Public Affairs of Bia Son	Late January, 2013	February 4, 2013	Article 79	10-17 years imprisonment
Luong Nhat Quang	26	Council for the Laws and Public Affairs of Bia Son	Late January, 2013	February 4, 2013	Article 79	10-17 years imprisonment
Nguyen Ngoc Nhu Quynh aka Mother Mushroom	34	Online Blogger	April 2, 2013	XXXXX	XXXXX	XXXXX
Nguyen Hoang Vi	26	Human Rights Activist	May 5, 2013	XXXXX	XXXXX	XXXXX
Nguyen Thao Chi	22	Sister of Vi	May 5, 2013	XXXXX	XXXXX	XXXXX
Nguyen Thi Cuc	57	Mother of Vi	May 5, 2013	XXXXX	XXXXX	XXXXX
Vo Quoc Anh	28	Online Blogger	May 5, 2013	XXXXX	XXXXX	XXXXX
Thach Thuol	XXXXX	Khmer Krom Monk	May 20, 2013	XXXXX	XXXXX	XXXXX
Lieu Ny	XXXXX	Khmer Krom Monk	May 20, 2013	XXXXX	XXXXX	XXXXX
Truong Duy Nhat	49	State Journalist turned Blogger	May 26, 2013	XXXXX	Article 258	XXXXX
Pham Viet Dao	61	Former Party Official turned Blogger	June 13, 2013	XXXXX	Article 258	XXXXX
Dinh Nhat Uy	30	Online Blogger	June 15, 2013	XXXXX	Article 258	XXXXX

\* This is a non-exhaustive list.

\* XXXXX indicates no data, or sentence, violation or term served.



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