

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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### Annual reports

Events of 2005

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With Vietnam's membership into the World Trade Organization pending, the government took some steps in 2005 to counter international concern about its human rights record. The government released some religious and political prisoners, officially outlawed forced recantations of faith, and published a white paper defending its record on human rights.

Despite these gestures, Vietnam's denial of fundamental rights remained largely unchanged during 2005. Authorities continue to persecute members of independent churches, impose controls over the Internet and the press, restrict public gatherings, and imprison people for their religious or political views. Legislation remains in force authorizing the arbitrary administrative detention without trial for up to two years of anyone suspected of threatening national security.

During 2005 the government released at least twelve political and religious prisoners, but arrested many more. Most of those arrested were minority Christians in the Central Highlands, collectively known as Montagnards, who the government alleged were separatists. The top two leaders of the Unified Buddhist Church of Vietnam remained under house arrest. At least seven Hoa Hao Buddhists were sentenced to prison during 2005.

#### ***Controls over Freedom of Expression and the Internet***

There is no independent, privately-run media in Vietnam. Domestic newspapers and television and radio stations remain under strict government control, and direct criticism of the Communist Party is forbidden. Foreign media representatives are required to obtain authorization from the Foreign Ministry for all travel outside Hanoi.

The government attempts to control public access to the Internet and blocks websites considered objectionable or politically sensitive. In May 2005, the government blocked the Vietnamese-language website of the British Broadcasting Corporation. A government directive issued in July 2005 prohibits Internet use by reactionary and hostile forces. In 2004, the Ministry of Public Security established an office to monitor the Internet for unauthorized use and criminal content, including disseminating state secrets. A January 2004 government directive requires Internet caf  owners to monitor customers' email messages and block access to banned websites.

Several dissidents have been imprisoned for alleged national security crimes after using the Internet to disseminate views disliked by the government. They include Pham Hong Son, who is serving five years of imprisonment on espionage charges after he disseminated articles about democracy on the Internet; Nguyen Khac Toan, serving twelve years after being arrested in an Internet caf , where he allegedly vilified government officials in emails sent abroad; and Nguyen Vu Binh, a journalist who was sentenced to seven years of imprisonment after he posted an article on the Internet criticizing the government.

#### ***Freedom of Assembly***

Public demonstrations are extremely rare, especially after harsh government crackdowns against mass protests in the Central Highlands in 2001 and 2004. In March 2005, the prime minister signed Decree 38/1005/ND-CP, which stiffened restrictions on freedom of assembly. It bans public gatherings in front of places where government, party, and international conferences are held, and requires organizers of public gatherings to apply for and obtain government permission in advance.

### ***Freedom of Religion***

Followers of religions not officially recognized by the government continue to be routinely persecuted. Security officials disperse their religious gatherings, confiscate religious literature, and summon religious leaders to police stations for interrogation.

In 2004, the United States designated Vietnam a country of particular concern for its violations of religious freedom. International pressure resulted in a number of prisoner releases in 2005, and the passage of a new ordinance on religion in 2004. A February 2005 decree by the prime minister bans forced recantations of faith and loosens some restrictions on Christian organizations.

However, the government continues to require religious organizations to register with the government in order to be legal, and prohibits religious activities determined to cause public disorder, harm national security, or sow divisions. Local authorities have used the new regulations as grounds to arrest minority Christians suspected of belonging to churches that operate independently. In addition, forced renunciation ceremonies continue despite the new decree banning such practices. Since March 2005, Human Rights Watch has received reports of renunciation ceremonies taking place in Lao Cai, Quang Nai, Ha Giang, and Gia Lai provinces.

### ***Minority Christians***

Ethnic Hmong Christians in the northwest and Hre Christians in Quang Nai province have been beaten, detained, and pressured by local authorities to renounce their religion and cease religious gatherings. In February and March 2005, religious repression and a heightened military presence in Lai Chau province caused a number of Hmong Christian families to flee to neighboring China, Burma, and Laos. In March 2005, officials in Dien Bien province launched an official four-month campaign to eradicate Protestantism amongst the Hmong.

In the Central Highlands, the government has continued its persecution of Montagnards, particularly those thought to be following Dega Christianity, a form of evangelical Christianity that is banned by the Vietnamese government. Since 2001, close to 300 Montagnard Christians have been imprisoned on charges that they are separatists using their religion to undermine national unity. Similar claims have been made by officials in the northwest, who claim that the Hmongs Vang Chu religion is a front for separatist activity.

The unregistered Vietnam Mennonite Church remains under surveillance and its members continue to encounter conflicts with local authorities. While Rev. Nguyen Hong Quang, the Mennonite general secretary, was released from prison in 2005, evangelist Pham Ngoc Thach remained in prison.

### ***Buddhists***

One monk from the banned Unified Buddhist Church of Vietnam (UBCV), Thich Thien Mien, was released from prison in 2005. However the government continues to persecute UBCV members and withhold any recognition of this group, once the largest organization of Buddhists (the majority religion) in the country. The UBCV's Supreme Patriarch, Thich Huyen Quang, and its second-ranking leader, Thich Quang Do, have been confined without charges to their monasteries for years, under police surveillance. The Foreign Ministry restricts visitors to the monks, including diplomats and journalists, on grounds they are under investigation for possession of state secrets.

Members of the Hoa Hao sect of Buddhism, while officially recognized by the government, have also been subject to police harassment and surveillance. Two members were arrested in February 2005 for making religious videotapes. In May and June 2005, police disrupted Hoa Hao Buddhist ceremonies and funeral gatherings, reportedly destroying religious banners and an altar. In June 2005 Hoa Hao Buddhists announced a hunger strike to protest lack of government response to a complaint submitted by 500 followers that they were terrorized and oppressed by authorities in An Giang.

Two Hoa Hao Buddhists, Vo Van Buu and Tran Van Ut, self-immolated on August 5, 2005, in protest against suppression of their religion and detention of their leaders. Police reportedly used tear gas and water cannons to disperse funeral proceedings for the two, attended by thousands of followers. The Foreign Ministry called Tran Van Uts immolation an extremist act of destroying himself. In September 2005, Hoa Hao monk Vo Van Thanh Liem, who had submitted written testimony on human rights in Vietnam for a June 2005 U.S. congressional hearing, was sentenced to nine years of imprisonment. At least six other Hoa Hao members were sentenced to prison during 2005.

In July 2005, nine members of the Cao Dai religion were sentenced to prison for between three and thirteen years for fleeing abroad to oppose the government. They had been arrested and repatriated from Cambodia in September 2004 when they tried to deliver a letter of protest to international diplomats during a meeting of the Association of Southeast Asian Nations in Phnom Penh.

### ***Arbitrary Arrest, Torture, and Unfair Trials***

Hundreds of religious and political prisoners remain behind bars. There is compelling evidence of torture and other mistreatment of detainees. Prison conditions are extremely harsh and fall far short of standards. Human Rights Watch has received reports of solitary confinement of detainees in cramped, dark, unsanitary cells; lack of access to medical care; and of police beating, kicking, and using electric shock batons on detainees, or allowing inmates or prison gangs to carry out beatings of fellow prisoners with impunity.

Police officers routinely arrest and detain suspects without written warrants. Political trials are closed to the international press corps, the public, and often the families of the detainees themselves. Defendants do not have access to independent legal counsel.

### ***Defending Human Rights***

No independent or nongovernmental human rights organizations operate in Vietnam. In September 2004, Vietnam denied a visa to U.S. Representative Loretta Sanchez, an outspoken critic of the countrys human rights record and co-founder of the Congressional Caucus on Vietnam. In August 2005, Vietnams Ministry of Foreign Affairs released an eighty-two page white paper entitled, Achievements in protecting and promoting human rights in Vietnam.

### ***Key International Actors***

Vietnams international donors, who number about fifty bilateral and multilateral donors, pledged U.S.\$3.4 billion in aid for Vietnam at

the December 2004 Consultative Group meeting, a substantial increase over 2004. While donors have publicly focused on economic growth and poverty reduction programs, they have increasingly expressed concerns about the governments imprisonment of dissidents, suppression of freedom of expression and of religion, and its poor handling of the crisis in the Central Highlands.

In 2005 the U.N. Working Group on Arbitrary Detention declared Thich Huyen Quang and Thich Quang Do victims of arbitrary detention. In 2005 officials from the U.N. High Commissioner for Refugees (UNHCR) and foreign diplomats made several visits to the Central Highlands. Among those visited were Montagnard returnees from Cambodian refugee camps. Most of these visits were carried out in the presence of government or party officials. A Memorandum of Understanding (MoU) signed in January 2005 between UNHCR and the governments of Cambodia and Vietnam commits Vietnam not to punish returnees for their illegal departure, but it makes no such promise with respect to punishment or prosecution of returnees for practicing their religion or expressing their political opinions.

Several countries broadened their public support for dissidents in 2005. After repeated requests, the British ambassador and the head of the E.U. delegation to Vietnam received authorization to visit Thich Quang Do in September. The European Parliament held a hearing in September 2005 on human rights in Vietnam, Cambodia, and Laos.

In November 2005, the U.S. embassy praised Vietnams release of religious prisoners and promulgation of new laws on religion, but continued Vietnams designation as a country of particular concern for religious freedom violations. In June 2005, Prime Minister Phan Van Khai made a state visit to the United States, the highest-level visit by a Vietnamese official since the end of the Vietnam War.

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