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World Report 2011 - Vietnam

Events of 2010

The Vietnamese government tightened controls on freedom of expression during 2010, harassing, arresting, and jailing dozens of writers, political activists, and other peaceful critics.

Cyber-attacks originating from Vietnam-based servers disabled dissident websites and the government introduced new restrictions on public internet shops while continuing to restrict access to numerous overseas websites.

Public protests over evictions, confiscation of church properties, and police brutality were met at times with excessive use of force by police. Police routinely tortured suspects in custody.

Vietnam, which served as the chair of the Association of Southeast Asian Nations (ASEAN) in 2010, demonstrated little respect for core principles in the Association of Southeast Asian Nations (ASEAN) Charter to "strengthen democracy" and "protect and promote human rights and fundamental freedoms."

Repression of Dissent

2010 saw a steady stream of political trials and arrests as the government stepped up suppression of dissent in advance of the 11th Communist Party congress in January 2011. In December 2009 and January 2010, five activists linked to the banned Democratic Party of Vietnam, including lawyer Le Cong Dinh, were sentenced to prison on subversion charges, followed by the January 29 sentencing of democracy campaigner Pham Thanh Nghien for disseminating anti-government propaganda. On February 5 writer and former political prisoner Tran Khai Thanh Thuy, who was arrested after trying to attend the trials of fellow dissidents in 2009, was sentenced to three-and-a-half years' imprisonment on trumped-up assault charges.

In February police arrested three activists for distributing anti-government leaflets and

organizing worker strikes in Tra Vinh province. They were tried and sentenced to long prison sentences in October on charges of "disrupting security." In April the Lam Dong court sentenced four people to prison for alleged links to the Vietnam Populist Party.

In July and August police arrested land rights petitioners Pham Van Thong and Nguyen Thanh Tam in Ben Tre, Tran Thi Thuy in Dong Thap, and Mennonite pastor Duong Kim Khai in Ho Chi Minh City. On August 13 Ho Chi Minh City math professor Pham Minh Hoang was arrested. He had been an active contributor to a website critical of Chinese-operated bauxite mines in the Central Highlands. The five were charged with subversion, with the banned Viet Tan Party claiming all but Pham Van Thong as members.

Authorities harassed, detained, and interrogated online critics during the year. In October police arrested blogger Phan Thanh Hai and Vi Duc Hoi, an editorial board member of *Fatherland Review*, and extended the imprisonment of Nguyen Van Hai (Dieu Cay), a founding member of the Club of Free Journalists. In November police arrested outspoken legal activist Cu Huy Ha Vu on charges of disseminating anti-government propaganda and detained and interrogated former political prisoner Le Thi Cong Nhan about her poems and interviews on the internet.

Ethnic minority activists also faced arrest and imprisonment. In January the Gia Lai provincial court handed down prison sentences to two Montagnards, Rmah Hlach and Siu Koch, on charges of violating the country's unity policy. After conflicts broke out in June between Montagnards and a rubber plantation company in Gia Lai, authorities reinforced the security presence in three districts and arrested Montagnards belonging to independent Protestant house churches, who they accused of using religion to forward a political agenda. In November the Phu Yen provincial court sentenced Ksor Y Du and Kpa Y Ko to prison for "undermining national unity."

In March land rights activist Huynh Ba, a member of the Khmer Krom (ethnic Khmer) minority group, was sentenced to prison in Soc Trang on charges of "abusing democratic rights." In July authorities in Tra Vinh defrocked and arrested Khmer Krom Buddhist abbot Thach Sophon, charging him with illegal confinement. He was sentenced in September to a nine-month suspended sentence.

Freedom of Expression, Information, and Association

The government does not allow independent or privately-owned domestic media to operate and exerts strict controls over the press and internet. Criminal penalties apply to authors, publications, websites, and internet users who disseminate materials that oppose the government, threaten national security, reveal state secrets, or promote "reactionary" ideas. The government blocks access to politically sensitive websites, requires internet cafe owners to monitor and store information about users' online activities, and subjects independent bloggers and online critics to harassment and pressure.

In April the Hanoi People's Committee – the executive arm of the municipal government – issued Decision 15, which requires all internet cafes in Hanoi to install internet monitoring software approved by the authorities and prohibits the use of the internet to "call for unauthorized protests, strikes, and slow-downs." Since September 1 all internet service providers in Hanoi have been required to shut down internet transmissions at all internet retail providers from 11 p.m. to 6 a.m. every day.

The government bans independent trade unions and human rights organizations, as well as opposition political parties. Current labor law makes it almost impossible to declare a legal strike, and while illegal "wild-cat" strikes do occur, workers found to be leading such work stoppages face retaliation from the authorities and their employers. Activists who promote workers' rights and independent unions are frequently harassed, arrested, or jailed.

Freedom of Religion

The government restricts religious practices through legislation, registration requirements, harassment, and surveillance. A special centrally directed police unit (A41) monitors groups the authorities consider religious "extremists."

Religious groups are required to register with the government and operate under government-controlled management boards. The government bans any religious activity deemed to oppose "national interests," harm national unity, cause public disorder, or "sow divisions."

Adherents of some unregistered religious groups and religious activists campaigning for internationally guaranteed rights are harassed, arrested, imprisoned, or placed under house arrest. During Buddhist festivals in May and August Da Nang police blocked access to Giac Minh Buddhist pagoda and interrogated the pagoda's abbot, who is the provincial representative of the banned Unified Buddhist Church of Vietnam (UBCV). In May religious leader Cam Tu Huynh was sentenced to prison on charges of slander for criticizing police crackdowns against followers of the unrecognized branch of the Cao Dai religion.

Those currently in prison for their religious or political beliefs – or a combination of the two – include more than 300 Montagnard Christians, as well as Hoa Hao Buddhists, and members of the Cao Dai religion. Religious leaders under house arrest include UBCV Supreme Patriarch Thich Quang Do, Catholic priests Nguyen Van Ly and Phan Van Loi, and Khmer Krom Buddhist Abbot Thach Sophon.

Members of officially recognized religious groups, including Roman Catholics, also face harassment, especially church leaders and lay people attempting to protect church property. In January police used tear gas and electric batons to disperse villagers from Dong Chiem parish near Hanoi who were trying to stop police from taking down a crucifix.

In May police violently dispersed villagers conducting a funeral procession and protest march to a cemetery located on disputed land in Con Dau parish in Da Nang. Police used truncheons and electric shock batons to beat people and arrested more than 60 persons. Most of those arrested were subsequently released, but seven were charged with opposing law enforcement officers and disturbing public order. Afterwards one of the villagers, Nguyen Thanh Nam, was interrogated and beaten by police on several occasions; he died in July from injuries suffered during a beating by civil defense forces.

Criminal Justice System

Police brutality – including torture and fatal beatings – was reported in all regions of the country, at times sparking public protests and even riots. In July demonstrations erupted in Bac Giang provincial town after a man was beaten to death in police custody after being arrested for a minor traffic violation.

Political and religious prisoners, and others whose cases are considered sensitive, are routinely tortured during interrogation, held without access to communications prior to trial, and denied family visits and access to lawyers. Vietnamese courts remain under the firm control of the government and the Vietnam Communist party, and lack independence and impartiality. Political and religious dissidents are often tried without the assistance of legal counsel in proceedings that fundamentally fail to meet international fair trial standards.

The use of dark cells, shackling, and transfer of political prisoners to remote prisons far from family continue to be used as punitive measures. In March, for example, journalist Truong Minh Duc was transferred to K4, a more isolated and harshly supervised section of Xuan Loc prison.

Vietnamese law continues to authorize arbitrary "administrative detention" without trial. Under Ordinance 44, peaceful dissidents and others deemed threats to national security

or public order can be involuntarily committed to mental institutions, placed under house arrest, or detained in state-run "rehabilitation" or "re-education" centers.

Between 35,000 and 45,000 people are detained in centers for drug dependence "treatment." Detainees are sentenced for up to four years without a lawyer, court hearing, or an opportunity to appeal the decision. Detainees are forced to perform long hours of "therapeutic labor" with punishments for those who do not meet production quotas. Independent reviews of Vietnam's system of compulsory drug treatment have found that some 90 percent of former detainees relapse to drug use.

Defending Human Rights

At considerable personal risk, a number of activists and former prisoners of conscience in Vietnam continued to publicly denounce ongoing rights abuses in 2010. After his release from prison for medical reasons in March, Father Nguyen Van Ly issued a series of public reports detailing torture in prisons. In August Ho Chi Minh City police detained and questioned another former prisoner, Nguyen Bac Truyen, after he publicly advocated on behalf of peaceful dissidents serving long prison terms.

Vietnam exerted pressure on neighboring countries to repress Vietnamese dissidents and human rights defenders living in those countries. Ongoing requests by Vietnam for the Cambodian government to crack down on Khmer Krom activists in Cambodia, for example, played a role in the conviction of four people – including a Khmer Krom monk – by a Cambodian court in August for allegedly distributing leaflets criticizing Cambodia's relations with Vietnam. In September, in response to a request from the Vietnamese Foreign Ministry, Thai authorities pressured the Foreign Correspondents Club of Thailand to cancel a press conference by Vietnamese human rights activists and barred them from entering Thailand.

Key International Actors

Vietnam continued its rocky relationship with China. In 2010 tensions mounted over China's increasingly aggressive claims to oil- and gas-rich offshore islands, signaled in July by Chinese military exercises in the South China Sea.

Vietnam remained the leader of the Cambodia/Laos/Myanmar/Vietnam bloc in ASEAN.

In July and August United Nations independent experts on minority issues and on human rights and extreme poverty visited Vietnam. Despite repeated requests for invitations, the government continued to refuse access to other UN special procedures, including those on freedoms of religion and expression, torture, and violence against women. Although Japan has considerable leverage as Vietnam's largest donor, it did not publicly comment on Vietnam's deteriorating rights record.

The United States continued to develop its trade, defense, and security ties with Vietnam while also pressing Vietnam – one of the largest recipients of US aid in East Asia – to improve its rights record. Steady improvement in US-Vietnam bilateral relations addressed mutual objectives to offset China's military and economic influence in the region. Vietnam continued its delicate balancing act in order to avoid angering China, its single largest trading partner, or the US, its largest export market.

In October, during US Secretary of State Hillary Clinton's second trip to Vietnam in 2010, she expressed concerns about the arrests of activists – including several shortly before she arrived – attacks on religious groups, and internet censorship, and secured a written commitment from the government to sign and implement the UN Convention Against Torture.

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