



President Obama's Visit to Vietnam: A Missed Opportunity to Advance Human Rights?

Amnesty International Testimony

Before:

**Committee on Foreign Affairs
Subcommittee on Africa, Global Health, Global Human Rights, and
International Organizations
U.S. House of Representatives**

Testimony by:

**T. Kumar
International Advocacy Director**

Amnesty International, USA

June 22, 2016

Thank you Mr. Chairman and members of the Committee for holding this hearing and for inviting Amnesty International to testify.

Amnesty International has been working on Vietnam for several decades and has documented serious human rights violations committed by the Vietnamese government. Due to the serious nature of the violations, the U.S. initiated an annual human rights dialogue in order to improve human rights conditions there.

In Vietnam, severe restrictions on the rights to freedom of expression, association and peaceful assembly continued. The media and the judiciary, as well as political and

religious institutions, remained under state control. At least 82 prisoners of conscience remain imprisoned in harsh conditions after unfair trials. They included bloggers, labor and land rights activists, political activists, religious followers, members of ethnic groups and advocates for human rights and social justice.

Activists were convicted in new trials. The authorities attempted to prevent the activities of independent civil society groups through harassment, surveillance and restrictions on freedom of movement. A reduction in criminal prosecutions of bloggers and activists coincided with an increase in harassment, short-term arbitrary detentions and physical attacks by security officers. Scores of Montagnard asylum-seekers fled to Cambodia and Thailand between October 2014 and December 2015. The death penalty was retained.

President Obama's visit

President Obama's visit to Vietnam has raised serious questions about the effectiveness of President Obama's human rights policy and about whether Vietnamese authorities take the United States seriously when it comes to human rights issues.

Not only did the Vietnamese government not release any prisoners of conscience beyond Father Ly, it also went ahead with its assault on freedom of expression and peaceful assembly by arresting six peaceful activists and orchestrating a campaign of intimidation and harassment against dozens more during President Obama's visit.

In addition to arrests, dozens of activists have complained that they are being prevented from leaving their homes by uniformed and plain clothes officers. The authorities' crackdown has included the banning of BBC journalists, and the blocking of social media sites including Facebook and Instagram.

Even though President Obama has missed the opportunity to secure the release of prisoners of conscience, in the remaining six months in office he can use his office to secure the release of prisoners of conscience still in custody.

Since President Obama will leave office in six months' time, we hope the new incoming President will reevaluate U.S. – Vietnam human rights policy and make human rights one of the pillars of interaction with the Vietnamese government, along with other interests.

KEY HUMAN RIGHTS CONCERNS

BACKGROUND

A major legislative reform program continued. Several key laws were under review or being drafted. The amended Civil Code, the Penal Code, the Law on Custody and Detention and the Criminal Procedure Code were approved by the end of the year, but a Law on Associations, a Law on Demonstrations, and a Law on Belief and Religion were not finalized. Comments from the general public were solicited. Independent civil society groups raised concerns that some of the laws were not in accordance with Viet Nam's international obligations, including those set out in the International Covenant on Civil and Political Rights, which Viet Nam has ratified.

The UN Convention against Torture entered into force in February, but the needed wide-ranging legal reforms for compliance were still pending.

More than 18,000 prisoners were released to mark the 70th anniversary of National Day in September; no prisoners of conscience were included.

Scores of Montagnard asylum-seekers from the Central Highlands fled to Cambodia and Thailand between October 2014 and December 2015, mostly alleging religious persecution and harassment. Dozens were forcibly returned to Viet Nam from Cambodia, with others voluntarily returning after the Cambodian authorities refused to register them and process their asylum claims. Their fate on return was not known.

REPRESSION OF DISSENT

Members of independent activist groups attempting to exercise their rights to freedom of expression, association and peaceful assembly faced regular harassment, including surveillance, restrictions on movement, arbitrary short-term detention and physical attacks by police and unidentified men suspected of working in collusion with security forces. Dozens of activists were attacked, many of them before or after visiting released prisoners and victims of human rights violations, or when attending events or meetings.

In July, security forces harassed and intimidated peaceful activists attempting to participate in hunger strikes in four major cities in solidarity with prisoners of conscience. The action was organized by the "We Are One" campaign, launched in March together with a letter to the UN Human Rights Council on the human rights situation in Viet Nam, signed by 27 local civil society organizations and 122 individuals.

The authorities continued to use vaguely worded offenses to charge and convict peaceful activists, mainly through Article 258 (abusing democratic freedoms to infringe upon the interests of the state, the legitimate rights and interests of organizations and/or citizens) of the 1999 Penal Code. Three pro-democracy activists arrested in May 2014 while monitoring anti-China protests were sentenced in February to between 12 and 18

months' imprisonment under Article 258 in Đồng Nai province.

Prominent human rights lawyer and former prisoner of conscience Nguyễn Văn Đài and his colleague, Lê Thu Hà, were arrested in December on charges of “conducting propaganda” against the state under Article 88 of the Penal Code. The arrest took place several days after Nguyễn Văn Đài and three colleagues were brutally assaulted by 20 men in plain clothes shortly after delivering human rights training in Nghệ An province. Blogger Nguyễn Hữu Vinh and his associate Nguyễn Thị Minh Thúy remained held in pre-trial detention since their arrest in May 2014. They were charged under Article 258 of the Penal Code in February in connection with the blogs Dân Quyền (Citizens' Rights) and Chép sử Việt (Writing Vietnam's History), both critical of government policies and officials and since closed down.

They were tried in March 2016 and sentenced to five and three years' imprisonment respectively. Prominent blogger and journalist Tạ Phong Tần was released in September and flown immediately into effective exile in the USA. She had served four years of a 10-year prison term on charges of “conducting propaganda” against the state. Reports of repression of religious activities outside state-approved churches continued, including against Hoa Hao Buddhists, Catholic practitioners and Christian ethnic minorities.

FREEDOM OF MOVEMENT

While the number of arrests and prosecutions against human rights defenders and government critics decreased from previous years, physical attacks and restrictions on movement increased. Several activists were confined to their homes. Some of those wishing to travel overseas to attend human rights-related events had their passports confiscated; several others who managed to leave were arrested and interrogated by the police on their return.

Trần Thị Nga, a member of the independent Vietnamese Women for Human Rights group was arrested by security officers on her way to meet a foreign delegation to the Inter-Parliamentary Union Assembly in the capital Ha Noi in March. Security officers beat her while she was being forcibly driven back to her home in Hà Nam province with her two young children.

DEATHS IN CUSTODY

In March, the National Assembly questioned the credibility of a Ministry of Public Security announcement that of 226 deaths in police custody between October 2011 and September 2014, most were caused by illness or suicide. During 2015 at least seven deaths in custody were reported with suspicions of possible police torture or other ill-treatment.

DEATH PENALTY

The National Assembly approved the reduction in the number of capital offences from 22 to 15, as well as abolition for alleged offenders aged 75 and over. Death sentences for drug-related offences continued to be imposed. Although official statistics remained classified as a state secret, the Justice Minister was reported to have said in October that 684 prisoners were on death row. At least 45 death sentences were reported in the media. In January, the Supreme People's Procuracy was tasked with reviewing 16 death penalty cases in which the defendants alleged they had been tortured during police interrogation. In October, Lê Văn Mạnh's execution was postponed for further investigation. He alleged he was tortured in police custody.

RECENT TRIALS

On 23 March 2016, blogger Nguyễn Hữu Vinh and his associate Nguyễn Thị Minh Thúy were tried, convicted and sentenced to five and three years' imprisonment respectively. They were charged under Article 258 of the Penal Code in February in connection with the blogs Dân Quyền (Citizens' Rights) and Chép sử Việt (Writing Vietnam's History), both critical of government policies and officials and since closed down.

Three women activists were also tried on 30 March. Ngô Thị Minh Ước, Nguyễn Thị Trí, and Nguyễn Thị Bé Hai were sentenced to between three and four years' imprisonment under Article 88 of the Penal Code for protesting about land grabs outside the US Embassy in July 2014.

Nguyễn Ngọc Già, another blogger whose real name is Nguyễn Đình Ngọc, was tried on 30 March and sentenced to four years' imprisonment under Article 88 of the Penal Code. He had advocated for freedom of expression and other human rights, and wrote about corruption and injustice.

RECENT PROTESTS

In May 2016, The Vietnamese authorities cracked down heavily in response to a series of demonstrations taking place throughout the country, organized following an ecological catastrophe that has decimated the nation's fish stocks. Wide-ranging police measures to prevent and punish participation in demonstrations resulted in a range of human rights violations including torture and other cruel, inhuman or degrading treatment and punishment, as well as violations of the rights to peaceful assembly and freedom of movement. Dozens were arrested during the course of protests held on 1, 8 and 15 May. While all have since been released, their treatment raised serious concerns over the authorities' response to peaceful protest.

RECENT ARRESTS

Can Thi Theu, a well-known land rights activist, was arrested on 10 June 2016 and detained under Article 245 of the 1999 Penal Code for “causing public disorder”. She could be imprisoned for up to seven years if tried and convicted. She has previously been imprisoned and subject to harassment for her peaceful activism.

Indefinite House Arrest

THICH QUANG DO, UNDER INDEFINITE DE FACTO HOUSE ARREST

The Most Venerable Thich Quang Do, 87, is the Patriarch of the banned Unified Buddhist Church of Viet Nam (UBCV). He is a leading advocate of religious freedom, human rights and democracy. He is confined to the Thanh Minh Zen monastery in Ho Chi Minh City as a prisoner of conscience. He has protested peacefully against repressive government policies in Viet Nam since the 1950s and has spent almost three decades either in prison, detained without trial or under house arrest in “internal

The UBCV was founded in 1964, but has been banned since 1975. Its members have come under varying degrees of repression for their peaceful activities, including imprisonment for terms of eight years or more, arbitrary detention and house arrest. They have also been subjected to restrictions on movement and harassment to prevent them from exercising their rights to freedom of expression, association and peaceful assembly, including the right to freedom of belief or religion.

Thich Quang Do’s current detention under house arrest began almost 13 years ago in October 2003 while he was returning to Ho Chi Minh City from a UBCV meeting in another province. Security officials told him that he had been placed in administrative detention for an indefinite period; he was not told why he had been arrested, or whether he had been charged with any offence. Security officials keep him under constant surveillance and monitor his phone calls. Police officials have harassed and turned away some overseas visitors, including officials from other countries.

Thich Quang Do suffers from diabetes and high blood pressure. He has won worldwide recognition for his peaceful activism and calls for religious and political freedom, and human rights in Viet Nam. He has been nominated nine times for the Nobel Peace Prize, most recently in 2008, and was the recipient of both the Norwegian Rafto Prize and the World Movement for Democracy "Democracy Courage Tribute" in 2006. He had been honored by the Czech People in Need Foundation and received the 2001 Hellman-Hammet Award for persecuted writers.

In November 2015, Amnesty International co-sponsored an Open Letter to President Obama, calling on him to press Viet Nam for the release of Thich Quang Do. The letter was endorsed by academics, legislators, artists, religious leaders, members of

international institutions and civil society organizations worldwide.

I also would like to highlight Amnesty International's Chapter's activities on this case. For example, Amnesty International's Chapter 56 in Lexington, Massachusetts have been working on the case since 2002, including Thich Quang Do's predecessor Thich Huyen Quang. During that time they have written thousands of letter to Vietnamese officials, circulated petitions with hundreds of signatures of Amnesty International members throughout the US, published letters to the editor on behalf of our prisoner in the Boston Globe, organized write-in's in our local community, worked closely with other Amnesty International groups in Canada, Sweden and other countries, contacted chief executive offices of major US corporations doing business in Vietnam, initiated a "dear colleague" from members of the MA congressional delegation to Pres Obama on his recent visit to Vietnam.

PRISONERS OF CONSCIENCE

At least 82 prisoners of conscience remained in detention. The majority were convicted under vaguely worded national security provisions of the Penal Code: Article 79 ("overthrowing" the state) or Article 88 ("conducting propaganda").

At least 17 were released after completing their prison sentences but remained under house arrest for specified periods. Thích Quảng Độ, head of the banned Unified Buddhist Church of Vietnam, spent his 12th year under de facto house arrest. Some prisoners were pressed to "confess" to charges in exchange for a reduction in sentence.

Conditions of detention and treatment of prisoners of conscience continued to be harsh. This included lack of physical exercise; verbal and physical attacks; prolonged detention in hot cells with little natural light; denial of sanitary equipment; frequent prison transfers; and detention far from homes and families, making family visits difficult.

Several undertook hunger strikes in protest at the use of solitary confinement and abusive treatment of prisoners, including Tạ Phong Tần (see above); Nguyễn Đăng Minh Mẫn, serving an eight-year sentence; and Đinh Nguyên Kha, serving a four-year sentence. Nguyễn Văn Duyệt, a Catholic social activist serving a three-and-a-half-year sentence, protested at being denied a Bible; and social justice activist Hồ Thị Bích Khương, serving a five-year sentence, protested when she was not allowed to take personal belongings when transferred to another prison.

Here are some of the names of Prisoners of Conscience

BÙI THỊ MINH HẰNG (F) SENTENCED TO THREE YEARS' IMPRISONMENT

Bùi Thị Minh Hằng, is a prominent land rights activist who is also known for participating in demonstrations against China's controversial territorial claims in the South China Sea and related policies of the Vietnamese government. She is serving a three-year sentence under Article 245 of the Penal Code for creating "serious obstruction to traffic", and is being denied medical treatment. She was arrested on 11 February 2014 on her way to visit human rights lawyer Nguyễn Bắc Truyển. Hằng was held incommunicado until the end of March 2014 when she was finally allowed to meet a lawyer and member of her family. During that time, she embarked on a hunger strike in protest. Bùi Thị Minh Hằng was held in Đồng Tháp prison until her trial on 26 August 2014.

After her trial, Bùi Thị Minh Hằng was transferred to Gia Trung prison in Gia Lai province, some 1,000 km from her family, making visits very difficult. She has developed a range of medical problems: a painful stomach ulcer, low blood pressure, joint pain, frequent severe headaches and occasional blackouts. Despite repeated requests, she has received no medical treatment from independent doctors. The prison authorities also meted out punitive treatment when she advocated for better treatment of prisoners, allowing harassment by fellow prisoners, denying family visits and communication. She is due for release in 2017.

ĐẶNG XUÂN DIỆU (M) SENTENCED TO 13 YEARS' IMPRISONMENT, FIVE YEARS' HOUSE ARREST

Đặng Xuân Diệu, a Catholic, is an engineer, blogger and social activist, who was arrested in July 2011, and sentenced in January 2013 under Article 79 of the Penal Code to 13 years' imprisonment with five years' house arrest on release. He was accused of connections to an overseas based group campaigning for democracy in Viet Nam. He submitted numerous complaints to the authorities, denying his guilt and claiming his trial was unfair.

Details emerged of the treatment of Đặng Xuân Diệu following the release in October 2014 of a prisoner who was held in an adjacent cell in Prison No 5, Thanh Hóa province. According to his account, Đặng Xuân Diệu had variously been held in solitary confinement for prolonged periods, beaten by prison guards, shackled in a cell with a prisoner who beat him, forced to drink unclean water, denied water for washing, a blanket and mosquito net, and lived in unsanitary conditions with no toilet in the cell. He reported that Đặng Xuân Diệu had gone on several hunger strikes in protest of his treatment and was subsequently moved to a different prison - Xuyên Mộc, in Bà Rịa-Vũng Tàu province in the south. He is not due for release until 2024.

ĐOÀN HUY CHƯƠNG (M) SENTENCED TO SEVEN YEARS' IMPRISONMENT; NGUYỄN HOÀNG QUỐC HÙNG (M) SENTENCED TO NINE YEARS' IMPRISONMENT

Đoàn Huy Chương, a former prisoner of conscience, and Nguyễn Hoàng Quốc Hùng are labor organizers and members of the independent United Workers-Farmers Organization arrested in February 2010. They have both stated that they were beaten during pre-trial detention in order to make them “confess” to the charges against them. They were tried by a court in Tra Vinh province in October 2010 and sentenced to seven and nine years' imprisonment, respectively, under Article 89 of the Penal Code for “disrupting security”. They handed out advice leaflets at a shoe factory in Tra Vinh where the workers were protesting their pay and working conditions. Đoàn Huy Chương is detained at Z30A prison, Xuân Lộc in Đồng Nai province; Nguyễn Hoàng Quốc Hùng is in Xuyên Mộc prison, Bà Rịa-Vũng Tàu province, where he is said to have been put in solitary confinement for protesting the installation of a camera in his cell. In March 2016, he took part in a 13-day hunger strike with four other prisoners of conscience in protest at treatment and conditions in Xuyên Mộc.

LÊ THANH TÙNG (M) IN PRE-TRIAL DETENTION

Lê Thanh Tùng, a former prisoner of conscience, journalist and member of the pro-democracy group Bloc 8406, was arrested around 14 or 15 December 2015 in Gia Lai province. His house in Ha Noi was searched by police on 24 December 2015, who removed personal items. He was released in June 2015, six months before completing a four-year prison term imposed in August 2012 under Article 88 of the Penal Code. Since his release he is reported to have continued to advocate for democracy and to be part of the same group formed by another former prisoner of conscience, Trần Anh Kim, who has also been arrested (see below). He is reported to have been moved to Thái Bình province, but his family has not been officially informed of his whereabouts.

NGUYỄN VĂN ĐÀI (M); LÊ THU HÀ (F) IN PRE-TRIAL DETENTION

Human rights lawyer Nguyễn Văn Đài, and his Brotherhood for Democracy colleague Lê Thu Hà were arrested on 16 December 2015. They are both charged under Article 88 of the Penal Code and have been held incommunicado since then, with their families and lawyers denied access to them. They are currently held in B14 Detention Centre, Ha Noi. Activists who tried to visit them a few days after their arrests were denied access, and Nguyễn Văn Đài's wife has complained that her efforts to pass on warm clothing and supplies for him were obstructed. In February 2016, before the Lunar New Year holiday, prison authorities refused to allow Nguyễn Văn Đài to receive a Bible and legal magazines brought by his wife. She says that she does not know whether he currently needs medicine for his Hepatitis B and, if so, whether that medicine is being provided by the prison authorities.

SIU WIU (M) SENTENCED TO 10 YEARS' IMPRISONMENT

Siu Wiu is a Montagnard Christian activist from the Central Highlands and one of the leaders of a demonstration in Gia Lai province in April 2008 that called for religious freedom and release of Montagnard prisoners of conscience. According to his indictment, under the direction of Montagnard exiles abroad, Siu Wiu incited people to prepare banners with “reactionary anti-government content”. In January 2009, he was sentenced to 10 years in prison under Penal Code Article 89, disrupting security. While imprisoned at Nam Hà Prison he spent six months in solitary confinement before being transferred to Phú Sơn 4 Prison in Tây Nguyên province, even farther away from his family in Gia Lai. During pre-trial detention, police tortured him for more than two months during interrogation sessions. Among the torture tactics they employed was to hang him upside down and beat him with wooden batons.

VENERABLE THACH THUOL (M) SENTENCED TO SIX YEARS' IMPRISONMENT

Venerable Thach Thuol is a Khmer Krom Buddhist monk and deputy abbot of Serei Ta Sek Temple in Sóc Trăng province. In March 2013 local authorities and Buddhist officials ordered Thach Thuol and two other Khmer Krom monks to defrock or face imprisonment, alleging that the three were spreading “fabricated information” abroad about rights violations in Vietnam, through interviews with foreign media and contact with the Khmer Krom Federation, a US-based advocacy group. On May 18, 2013, police arrested, detained and tortured one of Thach Thuol’s fellow monks in Sóc Trăng. That same day, more than 100 police surrounded Thach Thuol’s temple in an effort to arrest and defrock him. After making an impassioned video appeal that was posted online, in which he expressed fears that he too would be tortured, he attempted to flee Vietnam to seek political asylum. On May 20, 2013 police arrested him at the Vietnam-Cambodia border. During pre-trial detention, police beat Thach Thuol during interrogation sessions. He refused to confess to any crimes and continued to assert his innocence at his trial in September 2013. He was sentenced to six years’ imprisonment under Article 91, fleeing abroad to oppose the people’s administration, and is currently serving his sentence at Xuân Lộc Prison in Đồng Nai Province.

TRẦN ANH KIM (M) IN PRE-TRIAL DETENTION

Trần Anh Kim is a former prisoner of conscience, army officer and writer. He was arrested in September 2015 for investigation under Article 79 of the Penal Code. It is believed to be in connection with a group that he was about to launch named “Raising the flag of democracy” (Lực Lượng Quốc Dân Dựng Cờ Dân Chủ). Trần Anh Kim, a supporter of Bloc 8406, was previously sentenced to five and a half years’ imprisonment

with three years' house arrest on release in December 2009 for his peaceful activities protesting against injustice and government corruption; he was released in January 2015 and re-arrested eight months later. Following his arrest, he was initially believed held in Thái Bình province, but there are unconfirmed reports he has been moved to B14 prison in Ha Noi.

TRẦN HUỖNH DUY THỨC (M) SENTENCED TO 16 YEARS' IMPRISONMENT AND FIVE YEARS' HOUSE ARREST

Trần Huỳnh Duy Thức declared during his trial that he was tortured in detention to force him to confess. He is an entrepreneur, blogger and human rights defender who was arrested in May 2009. He was initially accused of "theft of telephone wires" before being charged under Article 88 for "conducting propaganda" against the state. However, he was tried by Ho Chi Minh City People's Court on 20 January 2010 under Article 79 of the Penal Code and sentenced to 16 years' imprisonment with five years' house arrest on release. According to witnesses, the judges deliberated for only 15 minutes before returning with the judgment, which took 45 minutes to read, indicating it had been prepared in advance of the hearing. After the trial Trần Huỳnh Duy Thức was transferred to Xuân Lộc, Đồng Nai province. In June 2013 he was moved to Xuyên Mộc Prison, Bà Rịa-Vũng Tàu province, following a protest at harsh treatment by criminal prisoners in one section of Xuân Lộc. His family were not informed of the transfer until they arrived at Xuân Lộc to visit him. In March 2016, he took part in the hunger strike described above together with Nguyễn Hoàng Quốc Hùng and three others. He was moved again in May 2016 from Xuyên Mộc prison camp to Prison No 6 in Nghệ An province. The transfer was possibly connected with his refusal to agree to be relocated to the United States as a condition for early release. He began a hunger-strike beginning 24 May 2016 to demand rule of law and a referendum on Viet Nam's political system. He is not due for release until 2025.

TRẦN THỊ THÚY (F) SENTENCED TO EIGHT YEARS' IMPRISONMENT

Trần Thị Thúy is a Hoa Hao Buddhist and land rights activist arrested in August 2010 who is serving an eight-year sentence after being convicted under Article 79 of the Penal Code by Bến Tre Provincial People's Court on 30 May 2011. She and six other land rights activists were accused of having joined or been associated with an overseas based pro-democracy group. Since being detained, Trần Thị Thúy has been denied medical treatment on the grounds that she hasn't "confessed" her crimes. She became ill in April 2015 while she was detained in a facility at Long Khánh town in Đồng Nai Province. A prison doctor diagnosed a tumor in her uterus, but she was not provided with treatment. A prison officer told her to admit her crimes or "die in prison". She has difficulty walking, needing a crutch or help. She also has high blood pressure for which she takes medication. Trần Thị Thúy is in severe physical pain and has told her family that she has felt on the verge of death at several points in recent months. She is currently detained in An Phước Prison, Bình Dương province, which is approximately 900 km, or three days travel from her family. Trần Thị Thúy is due for release in 2018.

Recommendations:

- 1) Even though President Obama has missed the opportunity to secure the release of prisoners of conscience, in the remaining six months in office he can use his office to secure the release of prisoners of conscience still in custody.
- 2) We also urge the new incoming President to reevaluate U.S. – Vietnam human rights policy and make human rights one of the pillars of interaction with the Vietnamese government.

Thank you for inviting Amnesty International to testify.

T. Kumar
International Advocacy Director
Amnesty International USA

Email: tkumar@aiusa.org