Amnesty International is concerned about 41 long-term political prisoners in Viet Nam who were detained or arrested between 1975 and 1985. Thirteen have been adopted as prisoners of conscience while another 28 possible prisoners of conscience have been taken up for investigation over the years since 1975. All of them have been in detention for more than five years and many, including those who were functionaries of the former government of the Republic of Viet Nam, have been detained in "re-education" camps since 1975. Ten of them reported for "re-education" in 1975 and have not been released since. Sixteen were arrested between 1975 and 1979 while 15 were taken in between 1980 and 1985.

Amnesty International is seeking the immediate and unconditional release of all prisoners of conscience included in this report. It also calls on the Vietnamese authorities to release the other long-term prisoners if they are not to be tried in a proper court of law and given access to defence lawyers. The Vietnamese authorities are also being asked to provide copies of documented evidence used to convict those who have been given prison sentences.

This report summarises a 25-page document (5420 words), Viet Nam: Long-Term Political Prisoners (AI Index: ASA 41/04/91), issued by Amnesty International in June 1991. Anyone wanting further details or to take action on this issue should consult the full document.

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM
VIET NAM
Long-Term Political Prisoners

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VIET NAM
Long-Term Political Prisoners

Amnesty International has taken up the cases of 41 political prisoners in Viet Nam who were detained or arrested between 1975 and 1985. Thirteen have been adopted as prisoners of conscience while another 28 possible prisoners of conscience have been taken up for investigation over the years since 1975.

A. Long-term political prisoners

These prisoners include:

I. Writers, poets and journalists
II. Roman Catholic priests
III. Buddhist monks
IV. Professionals
V. Businesspersons
VI. Civil servants
VII. Politicians
VIII. Former military personnel

According to the information presently available to Amnesty International, all of them have been in detention for more than five years and many, including those who were functionaries of the former government of the Republic of Viet Nam, have been detained in "re-education" camps since 1975. Ten of them reported for "re-education" in 1975 and have not been released since. Sixteen were arrested between 1975 and 1979 while 15 were taken in between 1980 and 1985.

Of these, 10 are between 61 and 70 years of age and two are more than 70 years old. Ten are aged between 51 and 60 while twelve are aged between 40 and 50. One of the long term prisoners is a former businesswoman aged 71. The ages of some of the prisoners are not known.

Seventeen of the prisoners are married and 19 are single while the marital status of the rest is not known. Almost half of the prisoners have children.

Of the 41 prisoners, 15 are known to have been tried and given prison sentences ranging from eight years to life. The charges against some of the prisoners include:
1. Being connected with the former government of the Republic of Viet Nam
2. Engaging in counter-revolutionary activities
3. Writing documents against the revolution
4. Espionage
5. Travelling without permit/authorization
6. Propaganda against socialism

Those whose places of detention are known to Amnesty International are reportedly held in the following prisons/places:

1. K 1230D "re-education" camp, Ham Tan, Thuan Hai province
2. A20 and 1870A "re-education" camps, Xuan Phuoc, Phu Khanh province
3. 230A "re-education" camp, Long Khanh, Xuan Loc, Dong Nai province
4. Chi Hoa prison, Ho Chi Minh City
5. 80A, TD63/TP "re-education" camp, Nhu Xuan, Thanh Hoa province
6. 25A TD63 "re-education" camp, Nam Ha, Ha Nam Ninh province
7. Bien Hoa, Dong Nai province
8. Doi 7, K1, Trai Tan Hiep, Dong Hoa TP C24, Binh Long, Song Be province
9. 3150 L2 T3 "re-education camp", Bui Gia Phuc, Phuoc Long, Song Be province
10. My Tho, Tien Giang province
11. Gia Trung "re-education" camp, Gia Lai-Kon Tum province
12. Trai Cai Tao, Xuan Phuoc, Khu E Doi 17A, Hom Thu, Phu Khanh province

B. Political background

The war in Viet Nam ended with the collapse of the Government of the Republic of Viet Nam (RVN) in April 1975. The country was formally reunified with the inauguration of the Socialist Republic of Viet Nam (SRV) on 2 July 1976.

Following the change of government in South Viet Nam on 30 April 1975, all military personnel and functionaries of the former RVN government were required to report for a period of "re-education". Many were subsequently sent to "re-education" camps established throughout the country. The new authorities claimed that the process of re-education would last for a maximum of three years. However, this was not respected in many cases. Most of those sent for "re-education" were not formally tried.
During and after 1975 the government also arrested a number of people for alleged anti-government activities. They included members of the clergy, writers and intellectuals, people of ethnic Chinese origin and professionals.

Since April 1990 the Vietnamese authorities have arrested at least 25 suspected and real critics of the government in what appears to be a crackdown on intellectuals and dissidents which has continued into 1991. These developments have set back the political and institutional liberalization achieved since 1986 when the Doi Moi (Renovation) campaign was started. (See Viet Nam: Arrest and detention of real and suspected government critics, ASA 41111190, July 1990.)

C. Amnesty International’s concerns

Amnesty International’s main concerns in Viet Nam are:

1. The detention without charge or trial of people associated with the former Government of the Republic of Viet Nam. Many were released under government amnesties in 1987 and 1988 but over 100 have remained in untried detention.

2. The detention without charge or trial of alleged opponents of the present government in "re-education" camps for alleged anti-government activities. They include members of the clergy, writers and intellectuals, people of Chinese ethnic origin and professionals. Some who remain in detention are prisoners of conscience and it is believed that others, about whom little is known, may also be prisoners of conscience detained for the peaceful expression of their political, religious or other beliefs.

3. Some prisoners of conscience and possible prisoners of conscience were held for years in untried detention before being brought to court and convicted of participating in activities with intent to "overthrow the people’s government". Others were arrested and brought to trial in more recent years. In these cases it is believed that court procedures did not conform to international standards for fair trial.

4. The use of the death penalty in Viet Nam. The Vietnamese media reported that in the first nine months of 1990, 56 persons were sentenced to death. Amnesty International has no specific information about these cases.
D. Amnesty International’s visit to Viet Nam in 1989

During a visit to Viet Nam in May 1989, Amnesty International’s delegation raised all these issues of concern in meetings with the authorities. Members of the delegation also asked the authorities for information about prisoners whose cases had been raised before by Amnesty International. The delegation was unable to obtain information about their current places of detention or the conditions under which they are held.

In the case of prisoners who have been brought to trial, the delegation was unable to obtain information about the evidence used to convict them, copies of the charges brought against them, or of trial verdicts. Nor was information about the numbers and identities of political prisoners held in untried detention made available. The delegation was also unable to obtain statistics detailing death sentences and executions. In subsequent correspondence with the government, Amnesty International repeated its request for information about these specific concerns.

The delegation was able to visit K 1230D "re-education" camp at Ham Tan, Thuan Hai province. However, requests to visit a number of prisons and "re-education" camps, where prisoners of concern to Amnesty International are believed to be held, were not granted.

Amnesty International has welcomed the steps taken since 1986 by the government to improve protection of human rights in the course of meetings with Vietnamese officials during the 1989 visit, in subsequent discussions with Vietnamese diplomatic representatives at the United Nations and in the United Kingdom, as well as in its written communications with the government. However, Amnesty International continues to be seriously concerned about the areas outlined above, and by the fact that information relating to specific prisoner concerns has not been forthcoming.
E. Profile: 41 prisoner cases

I. Writers, poets, journalists

1

Name: Tran Nhon Co
Age: 58
Date of Arrest: May, 1977
Case Status: Investigation

Born in 1933, he was a radio reporter until April 1975, then a sports reporter and photographer for a newspaper. He was arrested on 1 May 1977 and accused of travelling to another province without authorization. He has been held since then without charge or trial in a prison in My Tho, Tien Giang province. His arrest might be related to his activities with the newspaper he was working for. His case was taken up for investigation in June, 1979.

2

Name: To Buy Co
Age: 50
Date of Arrest: October, 1982
Case Status: Adoption

Born in 1941 in Ha Noi. He is married with one child. He was a chemistry student until 1965 and then unemployed. Arrested for "counter-revolutionary offences" after 1969 for expressing opposition to the Viet Nam war and detained until 1976, after the end of the war. Later, together with other intellectuals, To Buy Co founded a free literature movement, Van Chuong Tu Do or barefoot literary group, whose manifesto called for the end of the imposition of political ideology on artistic creativity and scientific research. He was arrested a second time in October 1982. No charges are known but he was reportedly accused of "writing documents against the revolution". His place of detention is unknown. His case was taken up for adoption in May, 1983.
3

Name: Thai Nhu Sieu
Age: 67
Date of Arrest: July, 1978
Case Status: Investigation

Born on 26 December 1924, he is a widower with two children. A former newspaper editor and an acupuncturist, he was arrested on 21 July 1978 in Ha Noi. He was tried on 19 June 1984 at the People’s Court in Ha Noi, convicted of espionage and sentenced to 20 years’ imprisonment. He is believed to suffer from malnutrition and tuberculosis and to be detained in Hoa Lo prison in Ha Noi. Amnesty International believes he may have been detained because he was an influential member of the Chinese ethnic community in northern Viet Nam. His case was taken up for investigation in August, 1982.

4

Name: Doan Quoc Sy
Age: 68
Date of Arrest: May, 1984
Case Status: Adoption

Born on 3 February 1923 in Ha Noi, he is married with children. He is a well-known writer. Arrested on 2 May 1984 along with a group of writers and intellectuals. He was brought to trial on 29 April 1988 and accused of “propaganda against socialism”. He was sentenced to nine years’ imprisonment. Subsequently, the sentence was reportedly reduced to eight years. He is now imprisoned in 230A "re-education" camp, Long Khanh, Xuan Loc, Dong Nai province. His case was taken up for adoption in December, 1984.
Born in 1932 in Ha Noi. A poet, he was arrested in April 1979 in Ha Noi and has been imprisoned since then without charge or trial. He was arrested after passing a manuscript of his poems to a foreign diplomat in Hanoi. These were published abroad in 1984 under the title "Flowers from Hell". It was not until May 1988 that the Vietnamese authorities acknowledged his detention. Nguyen Chi Thien was jailed several times before 1979 in connection with his literary activities. He is believed to be detained at Ba Sao camp in the province of Ha Nam Ninh, about 70 kilometers south of Ha Noi. He has now been held continuously without trial for the past 12 years. His case was taken up for adoption in June, 1983.

II. Roman Catholic priests

A Roman Catholic priest, he is believed to have been arrested in 1975 and to have been held at a "re-education" camp at Nhu Xuan, Thanh Hoa province without charge or trial since then. It is believed that he may have been detained for being a military chaplain for a period before 1975. His case was taken up for investigation in June, 1980.
A Roman Catholic priest, he was arrested in May 1983 after trying to organize an unauthorized pilgrimage to an important place of Catholic worship in central Viet Nam. In December 1983 he was tried before the People's Court in Hue on charges of "opposing the revolution and attempting to destroy the people's unity". He was sentenced to 10 years' imprisonment. He is detained at the "Three Stars" camp in the northern province of Ha Nam Ninh. He was the priest of Doc So parish near Hue at the time of his arrest. His case was taken up for adoption in December, 1983.

A Roman Catholic priest arrested in 1975, held without charge or trial in 80A, TD63/TP "re-education" camp, Nhu Xuan, Thanh Hoa province. His case was taken up for investigation in June, 1980.
Viet Nam: Long Term Political Prisoners

9

Name: Joseph Le Thanh Que
Age: 58
Date of Arrest: December, 1980
Case Status: Adoption

A Jesuit priest, he was arrested on 12 December 1980 at Dac Lo Parish Centre in Ho Chi Minh City. He was accused of being "counter-revolutionary" and sentenced in June 1983 to 15 years' imprisonment. He is believed to be held in a "re-education" camp in Xuyen Phuoc, Phu Khanh province. He is reported to be suffering from psychological disorders and to be incoherent. Amnesty International issued an urgent action concerning his health in September 1990. His case was taken up for adoption in August 1981.

10

Name: Nguyen Thai Sanh
Age: Unknown
Date of Arrest: 1975
Case Status: Investigation

A Roman Catholic priest and former military chaplain, he was arrested in 1975 and has been detained without charge or trial since then. He is believed to be detained in a "re-education" camp in Thanh Hoa province, although he may have been transferred elsewhere. His case was taken up for investigation in June, 1980.
A Roman Catholic priest and former military chaplain, believed arrested in 1975 and detained without charge or trial ever since in "re-education" camps. His last known place of detention was a "re-education" camp at Nhu Xuan, Thanh Hoa province. His case was taken up for investigation in June, 1980.

Born in northern Viet Nam, Thich Quang Do is a Buddhist monk, researcher and scholar. He was a leading member of the Unified Buddhist Church and, before 1975, a human rights activist. He was arrested in February 1982 and banished to his native village - Vu Thu Vu Doai in Thai Binh province. He has been under house arrest, without charge or trial since then. He was arrested because he has repeatedly protested at allegations of government persecution, human rights violations and state control over Buddhist institutions. His case was taken up for adoption in March 1990.
13

<table>
<thead>
<tr>
<th>Name:</th>
<th>Thich Nguyen Giac</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age:</td>
<td>40</td>
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<td>Date of Arrest:</td>
<td>April, 1984</td>
</tr>
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<td>Adoption</td>
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</table>

A Buddhist monk, his secular name was Ho Duc Dung. He was born in 1951 in Binh Tri Thien province. He graduated from the University of Saigon in 1973 with an M.A. in philosophy. He worked closely on Buddhist studies with Thich Tri Sieu (prisoner number 16) and Thich Tue Sy (prisoner number 17). He was involved in the compilation of the first ever Sanskrit-Vietnamese dictionary. He was arrested on 2 April 1984 along with 11 Buddhist monks and nuns who were accused of membership of an illegal organization.

14

<table>
<thead>
<tr>
<th>Name:</th>
<th>Thich Duc Nhuan</th>
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<tbody>
<tr>
<td>Age:</td>
<td>63</td>
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<tr>
<td>Date of Arrest:</td>
<td>August, 1985</td>
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<td>Case Status:</td>
<td>Adoption</td>
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</tbody>
</table>

A Buddhist monk, he was arrested at a pagoda in Ho Chi Minh City in August 1985. He was held in detention without trial until September 1988 when he appeared, along with other Buddhists, before the People's Court in Ho Chi Minh City charged with "subversive activities against the people's authority". He was sentenced to 10 years' imprisonment. He is believed to have been seriously ill in December 1989. His case was taken up for adoption in July, 1989.
Born in 1929 in Nghia Binh province. In 1974 he became Executive Vice-President of the Unified Buddhist Church in Viet Nam. Before 1975 he had been active in denouncing human rights abuses of the Government of the Republic of (South) Viet Nam. In February 1982 he was arrested and subsequently banished to his native Quang Nghia village in Nghia Binh province. His presence in Ho Chi Minh City was said by the authorities to be "too dangerous for the safety and well-being of the people". His case was taken up for adoption in March, 1990. Another monk Thich Quang Do (prisoner number 12) was arrested on the same charge.

Born around 1943 in Trieu Phong, Binh Tri Thien province. He is a Buddhist monk and author. He was arrested on 2 April 1984 in Ho Chi Minh City along with a group of Buddhist monks and nuns accused of membership of an illegal organization. He was sentenced to death in September 1988 but his sentenced was commuted to 20 years' imprisonment by the Supreme People's Court. He is believed to be imprisoned in 230A "re-education" camp, Xuan Loc, Dong Nai province. His case was taken up for adoption in September, 1984.
Thich Tue Sy
Name: Thich Tue Sy
Age: 48
Date of Arrest: April, 1984
Case Status: Adoption

A Buddhist monk whose secular name is Pham Van Thuong. He was born on 15 February 1943 in Laos. He was arrested on 1 April 1984 along with a group of Buddhist monks and nuns. He was brought to trial in September 1988 along with another prisoner of conscience Thich Tri Sieu (prisoner number 16) and 19 others. They were accused of leading a "counter-revolutionary organization". He was sentenced to death which was commuted to 20 years' imprisonment by the Supreme People's Court in November 1988. In December 1989 he was reportedly transferred to the remote A20 "re-education" camp at Xuan Phuoc, Phu Khanh province. His case was taken up for adoption in September, 1984.

Thich Thien Tan
Name: Thich Thien Tan
Age: 46
Date of Arrest: August, 1978
Case Status: Investigation

A Buddhist monk whose secular name was Thai Thanh Hung. He was born in June 1945. He became abbot of the temple of Thuyen Ton in Hue city in 1972. He was reportedly arrested in August 1978 and tried in March 1980 by the People's Court in Hue. He was charged with "political participation in rebellious activities" and reportedly sentenced to life imprisonment. He is currently imprisoned in A20 "re-education" camp at Xuan Phuoc, Phu Khanh province. His case was taken up for investigation in March, 1990.
A Buddhist monk at the Chau Lam temple in Hue, he was reportedly arrested in June 1980 in Hue. He is believed to have been tried by the People’s Court in Hue in September 1980 and charged with "political participation in rebellious activities". He is believed to have been sentenced to 20 years’ imprisonment and to be currently detained in A20 "re-education" camp at Xuan Phuc, Phu Khanh province. His case was taken up for investigation in March, 1990.

IV. Professionals

Born on 11 October 1921 in Fukien, People’s Republic of China. He is married with four children. He was a teacher and accountant in a steel factory. He was arrested on 21 June 1978 at his home in Ho Chi Minh City and is believed to be detained in the K 1230D "re-education" camp, Ham Tan, Thuan Hai province. In March 1978, the authorities enacted legislation which effectively nationalized the retail trade and small businesses in what was formerly South Viet Nam. Many of these enterprises were owned by the local Chinese community. This measure together with Viet Nam’s deteriorating relationship with China at that time created tensions between the Vietnamese authorities and the local Chinese community in Ho Chi Minh City. It is believed that he has been arrested because of his Chinese ethnic origin. His case was taken up for adoption in October 1981.
### Viet Nam: Long Term Political Prisoners

<table>
<thead>
<tr>
<th>Name</th>
<th>Nguyen Chuyen</th>
</tr>
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<tbody>
<tr>
<td>Age</td>
<td>46</td>
</tr>
<tr>
<td>Date of Arrest</td>
<td>May, 1983</td>
</tr>
<tr>
<td>Case Status</td>
<td>Investigation</td>
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</tbody>
</table>

He is married with five children. He was working as a history teacher at a lycée when he was arrested on 20 May 1983 at Nha Trang, Phu Khanh province. He was a lawyer during the pre-1975 regime. He was charged with "engaging in counter-revolutionary activities and conspiring to overthrow the government", and tried on 17 and 20 October 1985 at Nha Trang, and sentenced to 20 years imprisonment. He is currently detained in A20 "re-education" camp, Xuan Phuoc, Phu Khanh province.

<table>
<thead>
<tr>
<th>Name</th>
<th>Nguyen Lang</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age</td>
<td>Unknown</td>
</tr>
<tr>
<td>Date of Arrest</td>
<td>1975</td>
</tr>
<tr>
<td>Case Status</td>
<td>Investigation</td>
</tr>
</tbody>
</table>

Nguyen Lang served as a military doctor in the Army of the Republic of Viet Nam with the rank of Lieutenant-Colonel. He worked at military hospitals in the provinces of Gia Lai-Kon Tum and Dak Lak. He reported for "re-education" in mid-1975 and has been detained without charge or trial since then at 1870A "re-education" camp, Xuan Phuoc, Phu Khanh province. His case was taken up for investigation in July, 1985.
Name: Nguyen Thanh Long
Age: 61
Date of Arrest: June, 1975
Case Status: Investigation

Born 5 December 1930 at Long An, he is married with six children. He is a lawyer and was a Major in the Army of the Republic of Viet Nam. He reported for "re-education" in June 1975 and has been held ever since. He is currently believed to be detained at 25A TD63 "re-education" camp, Nam Ha, Ha Nam Ninh province. His case was taken up for investigation in January, 1982.

Name: Ly Nghiep Phu
Age: 52
Date of Arrest: June, 1978
Case Status: Investigation

Born on 13 December 1939, his family is from the northern part of Viet Nam. Sometime after 1954 the family moved to Phnom Penh where he worked as an accountant in his father-in-law’s firm. After 1975 the family moved to Ho Chi Minh City and Ly Nghiep Phu began teaching English and French to Cambodian refugees wishing to emigrate. On 9 June 1978 he was arrested at his home in Ho Chi Minh City and reportedly accused of having established links with the Chinese embassy in Hanoi for the purpose of subversion. He has been held without charge or trial since then, first in Chi Hoa Prison in Ho Chi Minh City and subsequently in a camp in Binh Long, Song Be province. His case was taken up for investigation in June, 1982.
25

Name: Tran Vong Quoc
Age: 42
Date of Arrest: December, 1984
Case Status: Investigation

Born on 25 December 1949 in Ha Noi, he was an instructor at a military academy of the former Republic of (South) Viet Nam during the war. He is separated and has two children. He was arrested on 16 December 1984 in Ho Chi Minh City. Two of his brothers were arrested at the same time. He was detained without trial till 31 December 1988 when he was reportedly tried by the People’s Court in Ho Chi Minh City and sentenced to 12 years’ imprisonment and five years’ probation. He was accused of anti-government activities; collecting information about activists tried and executed for their crimes; taking pictures of the tombs of "reactionary" activists; intending to pass information to overseas human rights organizations. He is reported to have been transferred to the K 1230D "re-education" camp at Ham Tan, Thuan Hai province in late 1989. His case was taken up for investigation in March, 1989.

26

Name: Ung So
Age: 55
Date of Arrest: September, 1984
Case Status: Investigation

Born on 19 September 1936, he is married with a daughter and is a civil engineer by profession. He was the chief manager of the Saigon city sanitation office from 1965 to April 1975. He was arrested on 12 September 1984 for allegedly "opposing the government" and for being a close friend of Huyn Vinh Nhon whose cousin, Huyn Vinh Sanh, was allegedly a Chinese spy. He is detained in room 28F in Chi Hoa prison in Ho Chi Minh City. His case was taken up for investigation in November, 1990.
V. Businesspersons

27

Name: Truong Tuy Ba (Ms)
Age: 71
Date of Arrest: September, 1975
Case Status: Investigation

Born on 18 May 1920 in An Hoa Dong, Sa Dec province. She is married with seven children. She was the owner of a pawnshop and previously a brick factory. She was arrested some time around September 1975 and held since then without charge or trial. She is believed to be held in Chi Hoa Prison, Ho Chi Minh City. She may have been transferred to the K 1230D "re-education" camp at Ham Tan, Thuan Hai province, and is reported to be frequently sick because of age. Her case was taken up for investigation in June 1977.

28

Name: Truong Di Nhien
Age: 58
Date of Arrest: September, 1975
Case Status: Adoption

Born on 20 October 1933 in Rach Gia, southern Viet Nam, he is of Chinese origin. He was a businessman in the film industry and was involved in the importation of foreign films and the production of local films in the Republic of (South) Viet Nam. He was arrested on 8 September 1975 at his home in Ho Chi Minh City and tried by a Special People's Court in Ho Chi Minh City in July 1977. He is believed to have been charged with "anti-revolutionary activities" and of collaboration with the U.S.A. in the dissemination of anti-socialist propaganda and to have been sentenced to 20 years' imprisonment. His last known place of detention was 1870A "re-education" camp at Xuan Phuoc, Phu Khanh province. His case was taken up for adoption in November, 1979.
VI. Civil servants

29

Name: Truong Kim Cang
Age: 61
Date of Arrest: June, 1975
Case Status: Investigation

Born 10 June 1930 in Ho Chi Minh City, he is married with five children. A former military attache and civil servant, he was First Secretary at the former Republic of (South) Viet Nam embassy in Phnom Penh for a number of years until 1975. After the end of hostilities he reported to the new authorities for "re-education" and was detained on 15 June 1975. He has remained in detention without charge or trial since then and is currently held at K 12300 "re-education" camp at Ham Tan, Thuan Hai province. He suffers from polyarthritis and a heart condition. His case was taken up for investigation in January 1982.

30

Name: Thach Phiem
Age: 66
Date of Arrest: August, 1978
Case Status: Investigation

Born on 27 January 1925 in Hau Giang province. A Cambodian national, he is married with four children. He was arrested on 3 August 1978 in Ho Chi Minh City and accused of "betraying the revolution" but is not known to have been formally charged or tried. In 1975 he was Counsellor at the Cambodian embassy in Saigon (now Ho Chi Minh City). After the end of hostilities he immediately asked the new authorities for permission to leave Viet Nam and join relatives in France. Although exit visas were granted to him and his family he was unable to leave the country, reportedly for practical and procedural reasons. His last known place of detention was Chi Hoa prison in Ho Chi Minh City. His case was taken up for investigation in September, 1980.
VII. Politicians

31
Name: Nguyen Khac Chinh
Age: 69
Date of Arrest: December, 1975
Case Status: Investigation

Born on 11 June 1922 in Ninh Binh province, he has a wife and three children. He was arrested on 27 December 1975 and has been held in detention in Trai Cai Tao Xuan Phuoc, Khu E, Doi 17A, Hom Thu in Phu Khanh province. It is alleged that he was tortured upon his arrest and then placed in solitary confinement. He does not seem to have been charged or tried. It is alleged that he was one of a group of Catholic intellectuals opposed to the communist regime. He was a lawyer and member of the Association of Lawyers of Viet Nam and of the Nationalist Party during the pre-1975 regime. He gained his master's degree in law from the University of Saigon. His case was taken up for investigation in October, 1990.

32
Name: Nguyen Dinh Luong
Age: 73
Date of Arrest: May, 1975
Case Status: Investigation

Born in 1918 in Quang Nam-Da Nang province, he is a widower with four children. He was a teacher and Secretary General of the Viet Nam Nationalist Party at the time of his arrest. He was arrested in May 1975 in Ho Chi Minh City and is believed to have been detained without charge or trial since then at 25A TD63 "re-education" camp at Nam Ha, Ha Nam Ninh province. His case was taken up for investigation in June, 1984.
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Believed to have been a student of Japanese and subsequently to have become a teacher of literature, he is married with two children. During the 1930s and under the Japanese occupation of Viet Nam in the 1940s he is believed to have taught the Japanese language. As a young man he was involved in politics and was a member of the nationalist Dai Viet movement during the 1930s and 1940s. In 1954 he moved to southern Viet Nam. He was arrested on 19 May 1983 and was reportedly tried and convicted on 29 July 1985 of "participating in activities to overthrow the people's government." He is believed to have been sentenced to life imprisonment. The sentence was confirmed at an appeal hearing by the Supreme People's Court on 20 August 1986. He is imprisoned in Chi Hoa prison, Ho Chi Minh City. His case was taken up for investigation in July, 1989.

VIII. Former military personnel

He was an economics student, then a second lieutenant in the Army of the Republic of Viet Nam. He reported for "re-education" in June 1975 and has been detained without trial since then in a "re-education" camp in Tam Hiep (Bien Hoa), Dong Nai province. His case was taken up for investigation in November 1979.
Born in 1940, Le Xuan Diem is married with two children. He was a major in the Air Force of the Republic of Viet Nam and a musician in the army orchestra. He reported for "re-education" in May 1975 and has been detained without trial since then in 3150 L2 T3 "re-education" camp, at Bui Gia Phuc, Phuoc Long, Song Be province. His case was taken up for investigation in November 1979.

Born on 6 June 1945 in Ha Nam Ninh province, Nguyen Van Hao is single. He is a pharmacist and was a first lieutenant in the army medical corps. He reported for "re-education" in 1975 and has been held without charge or trial in an unknown place of detention since then. His case was taken up for investigation in November, 1979.
<table>
<thead>
<tr>
<th>Name</th>
<th>Age</th>
<th>Date of Arrest</th>
<th>Case Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nguyen Ngoc Lan</td>
<td>52</td>
<td>June, 1975</td>
<td>Investigation</td>
</tr>
<tr>
<td>Pham Duc Nhuan</td>
<td>53</td>
<td>1975</td>
<td>Investigation</td>
</tr>
</tbody>
</table>

Born on 26 June 1939 in Ha Noi, he is married and has two daughters. He was a captain in the Army of the Republic of Viet Nam who reported for "re-education" in June 1975. He has been held since then without charge or trial in a "re-education" camp at Gia Trung, Gia Lai-Kon Tum province. He reportedly suffers from stomach and liver disorders. His case was taken up for investigation in November, 1979.

Born in 1938 in Ninh Binh province, he is married and has three children. He was a government official and second lieutenant in the Army of the Republic of Viet Nam. He reported for "re-education" in 1975 and has since been detained without charge or trial at the K 1230D "re-education" camp at Ham Tan, Thuan Hai province. He suffers from tuberculosis. His case was taken up for investigation in July, 1984.
Name: Quach Vinh Nien
Age: 47
Date of Arrest: June, 1978
Case Status: Investigation

Born in 1944 in Phouc Thuan, Tuy Phuoc, Phu Khanh province, he was a lieutenant in the Army of the Republic of Viet Nam. After the end of the war, he spent a year in "re-education", was a carpenter, and later unemployed. He has a wife and three children. He was arrested in June 1978 and tried in August 1980 on charges of "anti-government activities" and sentenced to life imprisonment. He was reportedly denied the right to defend himself at the trial, and has consistently denied the allegations against him. He is detained in 1870A "re-education" camp, Xuan Phuoc, Phu Khanh province. His health is reportedly poor. His case was taken up for investigation in April, 1990.

Name: Nguyen Kim Tay
Age: 58
Date of Arrest: April, 1975
Case Status: Investigation

Born on 15 May 1933 in Saigon, he was a Colonel in the Army of the Republic of Viet Nam. He reported for "re-education" in 1975. He has been detained without charge or trial since then at the K 1230D "re-education" camp at Ham Tan, Thuan Hai province. His case was taken up for investigation in May, 1983.
Born in 1942, Le Cong Thinh arrived with five children. He was a lieutenant in the Army of the Republic of Viet Nam. He registered for "re-education" in 1975 and is believed to have been held without charge or trial since then. He is last known to have been held in Chi Hoa prison in Ho Chi Minh City. His case was taken up for investigation in October, 1979.
Amnesty International (AI) has received reports that Doan Viet Hoat and several others will soon be brought to trial in Ho Chi Minh City and charged with "activities aimed at overthrowing the people's government". This charge carries a maximum penalty of the death sentence. Doan Viet Hoat is a prisoner of conscience who was rearrested in 1990 and has been held without trial since. He was first detained without trial for 12 years from 1976 to 1988 for peacefully expressing his political opinions. Amnesty International is calling on the Vietnamese authorities for his immediate and unconditional release.

Doan Viet Hoat was arrested on 17 November 1990 at his house in Ho Chi Minh City. The authorities accused him of undertaking counter-revolutionary activities against the government. Amnesty International believes that he may have been arrested as part of a wider crackdown against real and suspected government critics as a preventive measure against possible political unrest. Several Vietnamese writers and journalists associated with the former South Vietnamese government were also reportedly arrested at the same time. Among them were poet To Thuy Yen and journalist Le Van Tien, both were detained for the peaceful expression of their political beliefs. Le Van Tien was reportedly released on 3 March 1992. To Thuy Yen and Le Van Tien had also previously been detained in "re-education" camps from 1976 to 1988.

Doan Viet Hoat was first arrested in 29 August 1976, one year after all private educational establishments were taken over by the state. He was reportedly arrested as a result of a denunciation made by a former student of Van Hanh University in Saigon. At that time, a number of South Vietnamese writers, journalists, and artists were arrested for the purpose of "re-education". Amnesty International believes that Doan Viet Hoat was arrested due to his links with Van Hanh University and with the Asia Foundation (see below).

Doan Viet Hoat was a graduate in English from Saigon University in 1965. He then taught English at a high school in the Mekong Delta area of South Viet Nam for a year before becoming personnel adviser at Vanh Hanh University. In 1967, he gained a scholarship from the Asia Foundation and attended Florida State University in Miami, United States of America.
In 1971, he returned to Viet Nam and took up a post as vice-president of administration at Van Hanh University. During this period he also worked in an unofficial capacity as a consultant with the Asia Foundation in order to promote educational and cultural exchanges between Vietnamese and American students. The Asia Foundation is a private foundation which is mainly funded by the USA government.

Doan Viet Hoat was first adopted as a prisoner of conscience by Amnesty International in 1983. On his release in 1988 the release order stated that he had been arrested for having committed "anti-revolutionary activities against the socialist regime".

Recent Political Trials in Viet Nam

Amnesty International has recently received reports of several trials in Viet Nam where real and suspected government critics were charged with crimes against national security. Doan Thanh Liem, a lawyer, and Nguyen Tri, a poet, were sentenced on 14 May 1992 to 12 years' and 8 years' imprisonment respectively for allegedly spreading "anti-socialist propaganda" and Nguyen Ngoc Dat, who had been detained in a "re-education" camp from 1976 to 1987, was sentenced on 28 May 1992 to 20 years' imprisonment for "subversive activities".

Criminal Code of Viet Nam

Amnesty International has expressed to the Government of Viet Nam its concern that the crime of "taking actions to overthrow the people's government" specified in Article 73 of the Vietnamese Criminal Code does not distinguish between armed or violent acts which may pose a threat to national security and the peaceful exercise of the rights of freedom of expression and association. This is also true of other criminal offences specified in Chapter I of the Vietnamese Criminal Code under the heading "especially dangerous crimes against national security". This legislation defines a range of peaceful activities as "crimes against the national security", and grants judicial authorities the power to convict and imprison people solely on the basis of real or imputed non-violent beliefs or activities.

Appeal to the government

Amnesty International is calling on the Vietnamese authorities to ensure that international standards for a fair trial, as specified in Article 14 of the International Covenant on Civil and Political Rights (ICCPR), are met when Doan Viet Hoat and others are brought to trial.

Amnesty International also appeals to the government to ensure that Article 73 and other articles of the Vietnamese Criminal Code under the heading "especially dangerous crimes against national security" is never invoked to imprison people solely for the peaceful expression of their political views and to prevent their use as a measure to detain political prisoners for unspecified periods of time without charge or trial.

Amnesty International is urging the government to uphold the rights to freedom of expression, association and opinion and to release immediately and unconditionally all those confined solely for the non-violent exercise of these rights. These rights are guaranteed by international human rights agreements particularly Articles 19 and 22 of the ICCPR of which the Socialist Republic of Viet Nam is a state party.
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2. ASA 41/WU 01/92 EXTERNAL
24 June 1992

INTERNAL


EXTERNAL

VIET NAM: RELEASES REPORTED, SOME DETAINNEES STILL HELD

Amnesty International welcomes reports from the Vietnamese Foreign Ministry that Viet Nam had released by 30 April 1992 all military and civil officials of the former Government of South Viet Nam who had been held in "re-education" camps. However, the organization is concerned that a number of political prisoners who were associated with the former Government of South Viet Nam may continue to be held without charge or trial, including Nguyen Khac Chinh, a lawyer and writer, detained for more than 16 years. Amnesty International is also concerned at the re-arrest recently of a number of suspected opponents of the government, some of whom were associated with the former South Vietnamese government and had previously been detained for long periods in "re-education" camps.

Nguyen Khac Chinh, a prisoner of conscience, has been held without charge or trial since 27 December 1975. Amnesty International believes this is because he was one of a group of Catholic intellectuals opposed to the communist authorities. The organization is calling for his immediate and unconditional release. Other prisoners of conscience whose release Amnesty International is seeking include Doan Thanh Lien, a former legal counsellor for the Senate of the former South Vietnamese government, who was sentenced on 14 May 1992 to 12 years' imprisonment for spreading "anti-socialist propaganda", and Doan Viet Hoat, who was re-arrested in November 1990 after having been detained without trial in a "re-education" camp for no less than 12 years, between 1976 to 1988.

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Other government critics who are also apparently still to be brought to trial on charges of breaching national security include a number of associates of Doan Viet Hoat and a group of former South Vietnamese
military officers, including Trinh Van Thuong, who were arrested in June 1991 for allegedly inciting violent uprisings against the government. Amnesty International is again concerned that the trials may fall short of international standards for fair trials.

Seventeen persons were reportedly arrested on 25 April 1992 in Ho Chi Minh City. They were alleged to have called for an "uprising" to overthrow the government authorities. Among them was Nguyen Si Binh, a Vietnamese businessman who is a citizen of the United States of America. Pham Van Thuc was also arrested after sending six articles to the British Broadcasting Corporation (BBC) reportedly "calling on the West to intervene to overthrow the socialist regime in Viet Nam". Amnesty International is appealing to the Vietnamese authorities to ensure that detention conditions and procedures conform to international standards and that all those arrested are either charged with a recognizably criminal offence and given a fair trial within a reasonable time or released.

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VIET NAM

ARREST AND DETENTION OF REAL AND
SUSPECTED GOVERNMENT CRITICS

SUMMARY

At least nine individuals, arrested for their real or imputed political views during April and May 1990, are being held in untried detention or under house arrest in Ho Chi Minh City (formerly Saigon). Amnesty International believes that at least two of the detainees, Roman Catholics Chan Tin and Nguyen Ngoc Lan, are prisoners of conscience held solely on account of their non-violent political views and religious activities. It believes that the remaining seven may be prisoners of conscience and is seeking further information about their activities and the charges against them. The nine are believed to be held under provisions of the Criminal Procedure Code, or administrative decrees previously unknown to Amnesty International. Amnesty International believes that these provisions are inconsistent with the International Covenant on Civil and Political Rights (ICCPR) and other international human rights standards.

This summarizes a 6-page document, Viet Nam: Arrest and detention of real and suspected government critics (AI Index: ASA 41/11/90), issued by Amnesty International in July 1990. Anyone wanting further details or to take action on this issue should consult the full document.

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM
Viet Nam

Arrest and detention of real and suspected government critics

At least nine individuals, arrested for their real or imputed political views during April and May 1990, are being held in untried detention or under house arrest in Ho Chi Minh City (formerly Saigon). Amnesty International believes that at least two of the detainees, Roman Catholics Chan Tin and Nguyen Ngoc Lan, are prisoners of conscience held solely on account of their non-violent political views and religious activities. It believes that the remaining seven may be prisoners of conscience and is seeking further information about their activities and the charges against them. The nine are believed to be held under provisions of the Criminal Procedure Code, or administrative decrees previously unknown to Amnesty International. Amnesty International believes that these provisions are inconsistent with the International Covenant on Civil and Political Rights (ICCPR) and other international human rights standards.

The political context

In December 1986 the Sixth Party Congress of the Communist Party of Viet Nam (CPV) adopted a general policy of renewal or "renovation" (do\n\ni moi). The implications of "renovation" have been wide-ranging and have changed the direction of government policy in a variety of fields. In the economic sphere "renovation" has meant movement away from a centrally planned economy and the development of a more market-oriented model. Politically "renovation" has been followed by a number of developments: moves towards a greater separation of party and state and more debate within the National Assembly (the Vietnamese parliament); the release of thousands of political prisoners under government amnesties in 1987 and 1988; the exposure of corrupt officials within the ranks of the party and in local government; and more media reporting about instances of torture and ill-treatment by police and public security officers.

Since August 1989 the authorities have increasingly expressed concern that political reform - if over hasty - might lead to "political instability". The official Vietnamese media have claimed that "imperialist and reactionary forces" have "used pluralism as a weapon to attack the socialist countries and to create conditions for implementing their peaceful evolution strategy aimed at restoring capitalism". In April 1990 the government admitted publicly that it was suppressing dissent, and it has issued at least two warnings that military force would be used to quash any attempt "to destabilize the socialist system".

In June 1990 hundreds of people were reported to have been arrested, among them many held for alleged breaches of national security. The
official Vietnamese media stated on 16 June 1990 that "nearly 2,000 criminals and many people accused of violating national security have given themselves up". A radio broadcast on the same day announced that "the people's security forces have also discovered many spies who have taken advantage of various international organizations and corporations that have investment in Viet Nam to infiltrate into the country to carry out intelligence activities". The same broadcast announced that "five underground reactionary organizations had been destroyed and dozens of their members arrested", and that 200 foreigners had been discovered entering the country illegally. In a statement made the next day in the army daily Quan Doi Nhan Dan the June arrests were set in the context of a nationwide police operation carried out over the previous six months, apparently in an effort to combat a rapidly rising crime rate, in which nearly 27,000 people were reported to have been "arrested and punished", 2,151 of whom were said to have been sentenced to terms of forced labour and six of whom to have been condemned to death.

Amnesty International believes that many of those arrested were released after a short period of detention. Reports indicate, however, that the continued detention of influential critics is part of a government move to control intellectuals who have become "politically unstable" in the wake of events in Eastern Europe.

**Detention under house arrest**

In May 1990 two members of the "Club of Resistance Fighters", a group of high-level members of the Communist Party of Viet Nam seeking an accelerated pace of political and economic reform, were placed under house arrest in Ho Chi Minh City. They are Nguyen Ho and Ta Ba Tang, respectively the former Chairman and Vice-Chairman of the "Club of Resistance Fighters". The two had stepped down from their posts at the Club's annual meeting in March 1990, in resignations widely believed to have been engineered by the Communist Party of Viet Nam as part of a move to silence its most outspoken and influential critics.

The arrests of Nguyen Ho and Ta Ba Tang are reportedly linked to interviews they gave to a British journalist who entered Viet Nam on a tourist visa in March 1990. The journalist was subsequently expelled from the country. A critical article in which the party's relations with the "Club of Resistance Fighters" was discussed, and remarks by Nguyen Ho and Ta Ba Tang were cited, was published in the 29 March 1990 edition of the weekly international journal, *Far Eastern Economic Review*.

Huynh Tan Mam, a former student leader, is also reported to have been arrested in May 1990 in Ho Chi Minh City. During the 1960s and 1970s he had persistently opposed the policies of the Government of the Republic of Viet Nam (South Viet Nam), as well as voicing criticism of the presence of United States troops in Viet Nam. Huynh Tan Mam was imprisoned on numerous occasions by the former government authorities for the peaceful expression of his political views, and for opposing government policy. The reasons for his arrest in May 1990 are not clear, but Amnesty International believes that he may have been detained solely because he expressed non-violent criticism of government policy. His place of detention is unknown.

Amnesty International believes that Nguyen Ho, Ta Ba Tang and Huynh Tan Mam may have been detained because they expressed criticism of government policies and that they are held in contravention of Article 19
of the ICCPR which guarantees freedom of expression.

On 16 May 1990 two Roman Catholics, Father Chan Tin and Nguyen Ngoc Lan, were placed under house arrest in Ho Chi Minh City. The official Vietnamese media reported that the two had been arrested for "carrying out activities aimed at opposing socialism, sowing dissension among religions, undermining the solidarity between religious and secular life, and compiling and supplying documents to other countries for use against the people's authorities". Father Chan Tin was accused of preaching anti-government sermons with the aim of, among other things, "inciting Catholics to demand human and civil rights".

It is not known whether formal charges have been pressed, but Amnesty International believes the two may have been charged under Article 81 of the Vietnamese Criminal Code. Article 81, which comes into the category of "especially dangerous crimes against national security", sets out the penalties for "undermining the policy of unity". Article 81(c) defines the crime of "[c]ausing divisions between the religious and non-religious and separating religious followers from the people's government and social organizations". Amnesty International believes that Article 81(c) of the Criminal Code contravenes Article 18 of the ICCPR which guarantees freedom of thought, conscience and religion.

Father Chan Tin is reportedly confined to the Redemptorist Church (not his own home) in Tanh Thanh village, Duyen Hai district, Ho Chi Minh City. Nguyen Ngoc Lan is believed to be under house arrest at 256/13 Tan Phuoc Street, 10th precinct.

The exact provisions under which Nguyen Ho, Ta Ba Tang, Huynh Tan Mam, Chan Tin and Nguyen Ngoc Lan are held have not been made public, but Amnesty International believes they may have been held under Article 61 of the 1989 Criminal Procedure Code which provides for detention under "house arrest".

Article 61 grants the authorities the power to detain persons "to promptly halt a criminal action, or when there is a basis for believing that the accused or defendant will create difficulties for the investigation, adjudication or prosecution, or will continue to commit crimes". The investigating agency, the procuracy or the court may authorize house arrests. Those under house arrest must write a pledge not to leave their residence without authorization.

Other reports suggest that the individuals cited above are held under a special administrative measure called guan thuc. According to reports, those detained under guan thuc are held away from their homes; in complete isolation and denied the right to receive visits or exchange correspondence.

Suspected government critics held in "temporary detention" for investigation

In April 1990 at least four people are believed to have been detained under provisions for "temporary detention" for investigation because they expressed public criticism of government policy, or for their legitimate association with Michael Morrow, a United States businessman held for questioning by the authorities during April and May 1990 who has now left Viet Nam (see below). The four are:
Do Trung Hieu

Do Trung Hieu, in his late 40s, is reported to work for an architectural and property firm and to be a respected member of the CPV. He is married and has children. He assisted Michael Morrow with hotel projects, travelled with him to Danang and was arrested with him on 23 April 1990. Do Trung Hieu's current place of detention is unknown.

Doan Thanh Liem

Aged 56, he is a lawyer. He is believed to have been arrested in April 1990 and to be held in Ho Chi Minh City. According to reports, Doan Thanh Liem has been arrested because of involvement in the drafting of an unauthorized constitution, and because he was a signatory to a petition to the Archbishop of Ho Chi Minh City. The petition urged the pro-government Roman Catholic authorities to adopt a more critical attitude towards government policy. The detention of Doan Thanh Liem is additionally believed to be linked to his connection with Michael Morrow, who he was assisting in the preparation of legal contracts and the setting up of a regional office in Viet Nam. Doan Thanh Liem is thought to have been arrested in Ho Chi Minh City. His current place of detention is unknown.

Do Ngoc Long

Aged 54, Do Ngoc Long helped dissident intellectuals seeking refuge from persecution under the former Government of the Republic of Viet Nam (South Viet Nam) during the Viet Nam war. He is an Australian-educated economist and finance expert working in Ho Chi Minh City. In March 1990 Do Ngoc Long reportedly acted as an interpreter for a British journalist who interviewed members of the "Club of Resistance Fighters" (see page 2). He is believed to have been accused by the authorities of facilitating an "illegal meeting" between the British journalist and members of the "Club of Resistance Fighters". Do Ngoc Long was reportedly arrested in April 1990 in Ho Chi Minh City. His current place of detention is unknown.

Nguyen Van Tan

Nguyen Van Tan, in his early 50s, is a Roman Catholic and a former journalist. He spent 12 years in detention in a "re-education" camp, reportedly for having worked for a paper controlled by the intelligence service of the Republic of Viet Nam. His arrest in April 1990 is believed to be linked to his association with Michael Morrow, whom he assisted with menial tasks. In March he delivered a sealed letter for him. The letter was subsequently alleged to contain instructions to destroy an "illegal" document (see below). Both Michael Morrow and Nguyen Van Tan are believed to have been unaware of the contents of the letter. According to reports Nguyen Van Tan is not involved in any political activity. He is believed to have been arrested in Ho Chi Minh City, but his current place of detention is unknown.

Amnesty International is concerned that all four may have been detained solely for expressing non-violent criticism of government policy and for their association with Michael Morrow, a United States businessman held for investigation in Danang in April and May 1990. During the course of questioning Michael Morrow was reportedly informed that he was under investigation for espionage activities and activities to destabilize the Government of Viet Nam. He has consistently and categorically denied these allegations and was released from detention after admitting to "inadvertent culpability" of violations of Vietnamese law. These included travelling to
Danang without relevant authorization; employing the services of Do Ngoc Long, Doan Thanh Liem and Nguyen Van Tan without proper labour authorization; and instructing Nguyen Van Tan to deliver a sealed letter to arrange for the destruction of an "illegal" document.

As far as Amnesty International is aware, no information about the charges against the four has been made public, and on the basis of available information it believes they may be held in contravention of Article 19 which guarantees freedom of opinion and expression; and Article 22 which guarantees freedom of association.

The legislation under which the four are held has not been made known, but Amnesty International believes they may have been detained under Article 71 of the Criminal Procedure Code which deals with "temporary detention" for investigation. Article 71 stipulates that temporary detention "cannot exceed two months for less serious crimes; and not more than four months for serious crimes". Article 71(2) states that the Chief Procurator (Head of the Supreme People's Organ of Control) may extend the period for serious crimes "but not to exceed four months", but that "when necessary, for crimes of particular danger to national security, the Chief Procurator may further extend the period", thus potentially allowing for indefinite detention without trial.

It is not known where the four are being detained and Amnesty International is concerned that they may have been denied access to relatives and legal counsel. Principles 17 and 18 of The Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment (Body of Principles) specify that a detained person is entitled to assistance by legal counsel (Principle 17(1)); that any detained person is entitled to communicate with his counsel (Principle 17(2)); and that the right to communicate with legal counsel "without delay" "may not be suspended or restricted save in exceptional circumstances, to be specified by law or lawful regulation" (Principle 18(3)).

Detention without trial and international standards

Amnesty International believes that insofar as they allow for indefinite detention without trial, both Article 61 and Article 71 of the Criminal Procedure Code are in violation of Article 9 of the ICCPR and Principle 11 of the Body of Principles.

Both articles also appear to be incompatible with Article 10 of the Vietnamese Criminal Procedure Code which states that "no one may be considered guilty or forced to undergo punishment without a court judgment that has taken legal effect".

Article 9(1) of the ICCPR states that: "Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law".

Article 9(3) of the ICCPR guarantees that "anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power", and Article 9(4) states that "anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that
court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

Articles 61 and 71 of the Criminal Procedure Code appear, in addition, to violate Article 14(1) of the ICCPR which guarantees that "[a]ll persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law".

Both Article 61 and 71 appear to contravene principles 36 to 39 of the Body of Principles. These principles specify that "[a] detained person suspected of or charged with a criminal offence shall be presumed innocent and shall be treated as such until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence". (Principle 36(1)). Principle 37 requires that "[a] person detained on a criminal charge shall be brought before a judicial or other authority provided by law promptly after his arrest. Such authority shall decide without delay upon the lawfulness and necessity of detention. No person may be kept under detention pending investigation or trial except upon the written order of such an authority".

Amnesty International has urged the government to take immediate steps to ensure that pre-trial detention is brought into conformity with the ICCPR and other international standards. Amnesty International has appealed to the government to release Chan Tin, Nguyen Ngoc Lan, and all those held for the peaceful expression of their beliefs; to ensure that neither Article 61 nor 71 is invoked to imprison people for the peaceful expression of their views, or for legitimate political or religious activities; and to prevent their use as a measure to detain political prisoners for unspecified periods of time without charging and trying them before an independent tribunal.
VIET NAM

"RENOVATION" (DOI MOI), THE LAW AND HUMAN RIGHTS IN THE 1980s

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VIET NAM

Nguyen Dan Que: Prisoner Of Conscience Sentenced To 20 Years

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Amnesty International is concerned that Nguyen Dan Que was sentenced to 20 years imprisonment and five years of house arrest by the People’s Court in Ho Chi Minh City (formerly Saigon) after a trial on 29 November 1991 which may not have conformed to international standards of fair trial. Amnesty International believes that Dr Nguyen Dan Que is a prisoner of conscience arrested solely for the non-violent exercise of fundamental human rights and appeals to the Government of Viet Nam for his immediate and unconditional release.

KEYWORDS: PRISONERS OF CONSCIENCE / LONG-TERM IMPRISONMENT / HOUSE/TOWN ARREST / TRIALS / DOCTORS / HUMAN RIGHTS ACTIVISTS / REARREST / BANNING / CENSORSHIP /

This report summarizes a six-page document (2106 words), Viet Nam: Nguyen Dan Que: Prisoner Of Conscience Sentenced To 20 Years (AI Index: ASA 41/02/92), issued by Amnesty International in January 1992. Anyone wanting further details or to take action on this issue should consult the full document.
Nguyen Dan Que was sentenced to 20 years’ imprisonment and five years of house arrest by the People’s Court in Ho Chi Minh City (formerly Saigon) after a trial on 29 November 1991. He had been formally charged under Article 73 of the Criminal Code with "activities aimed at overthrowing the people’s government", which carries a penalty of 12 to 20 years in prison, life imprisonment or the death penalty.

Another man, Nguyen Van Thuan, was reportedly sentenced to 10 years’ imprisonment in the same trial. Amnesty International does not have any information about Nguyen Van Thuan.

The official Vietnamese News Agency (VNA) reported that Nguyen Dan Que had been accused of circulating documents and recruiting members for an organization which allegedly aimed at abolishing socialism in Viet Nam and denigrating the Vietnamese government in international fora. He was also reportedly accused of "using his capacity as a member of Amnesty International to translate documents into English and send them abroad."

Amnesty International believes that Nguyen Dan Que is a prisoner of conscience, detained solely for the non-violent exercise of fundamental human rights, and that his trial may not have conformed to international standards for a fair trial.

Background

Nguyen Dan Que, born in 1942 in northern Viet Nam, studied medicine at Saigon University and became a medical doctor at the age of 22. On graduation, he joined the teaching staff of the university medical school.

He was awarded United Nations scholarships for in-service training in Belgium, France and the United Kingdom in 1968, 1969 and 1972. In 1974, Nguyen Dan Que returned to Viet Nam to join the Saigon University Faculty of Medicine. He is a specialist in radiotherapy.

He became Director of Cho-Ray Hospital in Ho Chi Minh City after the end of the Viet Nam War in 1975. He reportedly became disillusioned with the new government’s health care policies and expressed criticisms openly. This led to his dismissal as hospital director.
He was arrested on 18 February 1978 in Ho Chi Minh City, accused of "rebelling against the regime" and forming a "reactionary" organization named National Front For Progress which allegedly aimed to overthrow the government. He was adopted as a prisoner of conscience by Amnesty International and was released in 1988 after ten years of untried detention.

Nguyen Dan Que became a founder member of a political movement established in 1990 under the name of the Cao Trao Nhan Ban (High Tide of Humanism Movement). On 11 May 1990 the movement issued a political manifesto which is highly critical of the Vietnamese authorities (an unofficial translation of the manifesto is appended). The manifesto called on all individuals both in Viet Nam and abroad to sign a petition demanding non-violent political, social and economic change for Viet Nam, including the introduction of a multi-party system of government. He was re-arrested on 14 June 1990. He had also become an international member of Amnesty International in January 1990.

In its 28 October 1991 issue the Phap Luat (Laws and Regulations), an official legal magazine published in Ho Chi Minh City, reported that after his release from prison in 1988 Nguyen Dan Que used his medical office in Ho Chi Minh City to carry out propaganda against the government and to recruit followers to join The High Tide of Humanism Movement and allegedly planned to overthrow the government.

Phap Luat stated that during his arrest in June 1990 the authorities found in his home thousands of copies of documents ready for distribution allegedly prepared by Dr Nguyen Dan Que. The documents allegedly encouraged the Vietnamese people to overthrow the Vietnamese government and build a "nation with human rights as the base".

Amnesty International concerns

Amnesty International is concerned that Nguyen Dan Que has been convicted because of his peaceful expression of his political views, and therefore believes him to be a prisoner of conscience.

Amnesty International is concerned that Nguyen Dan Que was sentenced to 20 years in prison during a trial which may not have conformed to international standards of a fair trial. In the past, Amnesty International has received reports which strongly indicate that the practice of political trials in Viet Nam have been unfair, despite the existence of the Criminal Procedure Code whose provisions under normal circumstances assure a fair trial. In the case of Nguyen Dan Que, the principle of presumed innocence,
Viet Nam: Nguyen Dan Que Sentenced To 20 Years

guaranteed as a fundamental human right in Article 14 of the International Covenant on Civil and Political Rights (ICCPR) and in Article 11 of the Vietnamese Criminal Procedure Code, may have been seriously undermined by publication of accusations through the official media before the trial. Amnesty International also believes that Nguyen Dan Que may not have been granted access to an independent legal counsel of his choice.

Amnesty International notes with grave concern that the crime of "taking actions to overthrow the people's government" specified in Article 73 of the Vietnamese Criminal Code does not distinguish between armed or violent acts which may pose a threat to national security and the peaceful exercise of the rights of freedom of expression and association. This is also true of other criminal offences specified in Chapter I of the Vietnamese Criminal Code under the heading "especially dangerous crimes against national security". This legislation defines a range of peaceful activities as "crimes against the national security", and grants judicial authorities the power to convict and imprison people solely on the basis of real or imputed non-violent beliefs or activities.

Amnesty International is also concerned that the Vietnamese Government has accused Nguyen Dan Que of allegedly using his membership with Amnesty International for political activities against the Vietnamese Government.

Amnesty International wrote to the Vietnamese Government in July 1990 to establish whether Nguyen Dan Que's membership of Amnesty International was a factor in his arrest and whether the Vietnamese authorities have any objection in principle to individuals in Viet Nam becoming members of Amnesty International. Amnesty International received no response.

International membership of Amnesty International is open to anyone who supports the organization's goals and works within its guidelines. International members are members of Amnesty International who live in countries which do not have formal Amnesty International structures such as groups and sections. They become individual subscribers to Amnesty International's Newsletter and are kept informed about Amnesty International activities. They participate in some of the organization's actions, such as writing letters on behalf of prisoners of conscience in other countries, helping to recruit new members and distributing Amnesty International material.

Like all members of Amnesty International, international members are guided by the general rules and practices of Amnesty International such as universality and political impartiality. They may not write letters or take any other action on cases in their own country using Amnesty International's name. This also means that they do not investigate or gather information about actual or possible human rights violations in their own
country on the organization's behalf. Such work is the sole responsibility of the Research Department of the organization's International Secretariat, based in London.

There is no formal role for individual international members in the decision-making processes of Amnesty International. International members also do not have the authority to speak on behalf of or act otherwise as representatives of Amnesty International. This is the responsibility of the International Executive Committee or the International Secretariat at the international level, sections at the national level, and groups at the local level.

Thus Nguyen Dan Que, or any other Vietnamese citizen becoming a member of Amnesty International, would have no involvement in Amnesty International's work on Viet Nam either through research or through appeals on behalf of Vietnamese political prisoners or would have no formal role in the organization. As far as Amnesty International is concerned Nguyen Dan Que did not violate or infringe upon the rules and guidelines of the organization and any work he undertook on behalf of the organization was in keeping with his status as an international member.

It should also be stressed that membership in Amnesty International does not preclude participation by members of Amnesty International in any other human rights activity or membership of other human rights organizations in their own country. Amnesty International members are responsible for ensuring that they maintain a clear distinction between the human rights work they do in Amnesty International's name and activities they choose to do either as an individual or as a member of other organizations.

Amnesty International believes that Nguyen Dan Que is a prisoner of conscience arrested solely for the non-violent exercise of fundamental human rights and appeals to the Government of Viet Nam for his immediate and unconditional release.
Appendix 1

Appeal Of The Humanist High Tide Movement To Forces Struggling For Freedom, Democracy And Pluralism

The world has changed enormously, the confrontational East and West are being transformed into a North-South cooperative arrangement. The war era has ended, to be replaced by an era of peace and development.

Everywhere the trend of time is a demand for respect of human rights, for freedom and democracy, and for a pluralistic political system.

All the nations of Southeast Asia and of the Pacific Region wish to see this area of the world move into an era of peace, stability, non-alignment and regional cooperation so as to develop their economies and culture, through such instruments as ASEAN (Association of the Southeast Asia Nations).

The Vietnam War was in actuality an expression of contradictory strategic interests between the United States and China, that was implemented by two proxies - the leadership in Saigon and Hanoi. When there was no longer confrontation between the two blocs - the communist bloc and the capitalist bloc - when the relationship between the United States and China became one of cooperation (Shanghai Joint Declaration of 1972) the conditions were obtained for solving the Vietnam War on the basis of withdrawal of alien elements (ie the two war machines and the two leaderships in Saigon and Hanoi) to let the Vietnamese people determine their own political future.

In Indochina the essential mistake of the Political Bureau of the Vietnamese Communist Party was to try and engulf militarily the three nations of Indochina under one political power whereas the whole world demands that the three nations of Indochina be kept as three separate political powers before they could join ASEAN.

The Vietnamese people must rapidly integrate to the international community and actively find solutions to fulfil its aspirations and protect its interests. In this regard the Humanist High Tide Movement advocates:

1. To disband the war machine of Hanoi, for which China and the Soviet Union are responsible since they had a hand in setting it up. This instrument of violence is being used by the Hanoi leadership to repress the voice of the Vietnamese people.

2. The Political Bureau of the Vietnamese Communist Party must respect the human, civil and property rights of the people. It must also accept a pluralist political system.
The Vietnamese people have the right, through truly free elections, to determine a new system of government which would be in tune with the present infrastructure of the Vietnamese society.

3. To turn over to society the entire economic and cultural structures of the country. To restore to every single citizen his or her economic and cultural rights so as to bring about a new set of humanist relations of production, in which the forces of production are in direct control of the relations of productions - and not a socialist state or the capitalists for that matter.

We urgently appeal to all individuals and all groups inside Vietnam as well as in the world - organizations in Europe and America as well as Vietnamese movements in Europe and in America - to all those in love of freedom, democracy and pluralism to support us in our moderate and non-violent struggle meant to establish a social-humanist and progressive regime, a new governmental system that would belong to the whole people and not to any one class, a state whose role would not be to disrupt the national community - that it should truly serve instead - one whose role will no longer be to supervise but to coordinate the activities of all areas in society.

The above is a necessary trend of modern Vietnamese history, it will allow for the solution of current socio-economic difficulties and will project Vietnam on a strong path of development in the present-day world.

Vietnam, May 11, 1990

(Signed)

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