

RESOLUTION ON THE SOCIALIST REPUBLIC OF VIET NAM

The Socialist Republic of Vietnam (SRV) is a one-party authoritarian state which maintains a tight control on the freedoms of expression, assembly and association, religion and belief. Since the second cycle of the Universal Periodic Review (UPR) in 2014, the SRV has made little, if any progress, in implementing recommendations that the state accepted in relation to these freedoms, each a cornerstone to progress in the country. Indeed, instead of bringing the Criminal Code into line with international human rights standards, the state has instead revised certain articles, making them more draconian by extending custodial sentences, such as Article 88 (conducting propaganda against the SVR).

The authorities continue to closely monitor the peaceful activities of human rights defenders, regularly cracking down on peaceful protest. Most recently, during widespread protests in May 2016 following mass fish kills off the coast of Ha Tinh province, the authorities cracked down on environmental activists calling for a transparent government investigation into the causes of the fish deaths¹.

Writers, journalists, bloggers and human rights defenders are often the targets of intimidation, threats and harassment, and brutal physical assaults by either the authorities or unidentified assailants. They also face arbitrary arrests; lengthy pre-trial detention; limited access to legal counsel; unfair trials; and lengthy prison sentences. In prison, they are confronted with torture or other ill-treatment and poor prison conditions, including inadequate medical care. Prisoners are rarely released before the expiry of their sentence, and are frequently subject to long probationary terms or released into exile, far from their families. Upon their release their harassment may not cease; writers are often subjected to re-arrest or intimidation campaigns, as in the case of blogger Tran Minh Nhat².

In 2015, PEN documented the cases of 20 writers held solely for their peaceful exercise of their right to freedom of expression. PEN International is deeply concerned by the continued imprisonment of these two writers held solely for the peaceful exercise of their right to freedom of expression, among many others and is calling for their immediate and unconditional release:

1. **Tran Huynh Duy Thuc** (born in 1966), poet, blogger, internet writer and businessman. Co-author of the banned book *The Way for Viet Nam*, he also published poems and articles on his various web blogs. He was arrested in May 2009 and sentenced to 16 years in prison and five years in probationary detention in January 2010 for 'conducting propaganda against the SRV' and 'carrying out activities aimed at overthrowing the people's administration'. In March 2016, Tran, along with other inmates at Xuyên Moc prison, reportedly submitted written complaints and went on a 13-day hunger strike to protest misconduct by prison guards, including arbitrary restrictions on their rights to receive and send documents with their family members and the frequent use of solitary confinement. In May 2016, he was discreetly transferred to a new camp some 1,400 kilometers from his family home town. His health is reported to be deteriorating.
2. **Nguyen Van Dai** (born in 1969), journalist, blogger and human rights lawyer, former member of Hanoi Association of Lawyers, co-founder of the Human Rights Committee and

¹ Human Rights Watch: Vietnam: Crackdown on Peaceful Environmental Protesters, 18 May 2016, <https://www.hrw.org/news/2016/05/18/vietnam-crackdown-peaceful-environmental-protesters>

² <http://www.pen-international.org/newsitems/vietnam-blogger-faces-ongoing-harassment/>

the Brotherhood for Democracy (2013), whose secretary general was his colleague **Le Thu Ha** (f) (born in 1982). Nguyen Van Dai provided legal assistance to dissidents, human rights activists and religious minorities. On 16 December 2015, Nguyen Van Dai and Le Thu Ha were arrested for ‘conducting propaganda against the SRV’. So far, all requests by family members and their legal counsel for a permission to visit the accused have been denied. In the past, Nguyen Van Dai served a four-year prison sentence (2007-2011) for ‘conducting propaganda against the SRV’. After his release, Nguyen Van Dai was subjected to violent harassment, physical attacks and serious threats to his life and his family’s. In memory, on 6 December 2015, Nguyen Van Dai was attacked and brutally beaten by plainclothes policemen in a small town south of Hanoi. His beating is thought to be in reprisal for giving basic lessons on human rights to a group of civilians in advance of World Human Rights Day. The attack was condemned by the UN High Commissioner for Human Rights in a communiqué on 11 December 2015.³

The Assembly of Delegates of PEN International, meeting at its 82nd World Congress in Ourense, Galicia (Spain), 26th September to 2nd October 2016, therefore urges the SRV authorities to:

- Release immediately and unconditionally Tran Huynh Duy Thuc, Nguyen Van Dai, Le Thu Ha and all other persecuted writers, including bloggers, poets and journalists, lawyers, human rights defenders and anyone else held solely on account of their peaceful exercise of their right to freedom of expression;
- Cease the practice of releasing imprisoned writers into enforced exile abroad;
- Cease all attacks, harassment and threats against individuals who hold dissenting views or who call for freedom of thought, conscience, religion or belief;
- End the confiscation of passports of dissidents or former prisoners and bans on foreign travel;
- Guarantee the right to due process of law, to a fair trial with independent judges and lawyers;
- Improve conditions in prison and forced labour camps to meet internationally recognized standards for detention, ensuring that all detainees receive all necessary medical care;
- Facilitate prisoner’s family visits, including by ensuring all detainees be held in facilities within a reasonable distance of their homes;
- Prohibit all forms of torture and ill-treatment, including prolonged solitary confinement, and investigate all reports of such treatment immediately and impartially, bringing perpetrators to justice and granting compensation to victims;
- Repeal or amend all provisions in the Socialist Republic of Viet Nam laws that criminalize dissenting views and free words on the basis of imprecisely defined “national security” crimes, including Articles 79, 88 and 258 of the Penal Code;
- Abolish all censorship, mass surveillance and restrictions on freedom of expression and freedom of the press;
- Ensure the rights to freedom of expression, peaceful assembly and association are fully protected, including the right to be informed by all means, both online and offline, in compliance with the Articles 19, 21 and 22 of the ICCPR.

³ <http://www.un.org/apps/news/story.asp?NewsID=52793#.V6NZzPkrLvg>