



VIETNAM HUMAN RIGHTS REPORT

2020



HUMAN RIGHTS INFORMATION CENTER



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Nguyen Van Dai

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Nguyen Van Dai

Introduction

After arresting more than 40 activists and bloggers and convicting about 40 dissidents in 2019, the Vietnamese government continues its oppression of dissidents and activists to ensure stability while the ruling Communist Party of Vietnam is preparing for the 13th National party congress scheduled for January 2021. Those repressive actions are carried out aggressively and intensely throughout 2020. Meanwhile, Vietnam and the European Union signed the EU-Vietnam Free Trade Agreement (EVFTA) in Hanoi at the end of June 2019. The European Parliament has officially ratified this agreement in February this year, despite a number of international and Vietnamese human rights organizations calling on EU parliamentarians to carefully consider and not rush to accept the agreement before the Vietnam government regime shows specific human rights improvements. Sadly, earlier warnings from human rights organizations, coupled with the actual developments in Vietnam, have shown the state's weak efforts to ensure human rights.

In the early days of this year, to fully control the information related to the rapidly spreading Covid-19 epidemic, the Vietnamese government tightened the supervision on the domestic media. The state carried out suppression campaigns on social networks, especially Facebook, which is the domain to about 60 million accounts in Vietnam. From January to April, authorities in several cities and provinces questioned hundreds of local Facebookers solely due to their posts about the Covid-19 pandemic. According to the Ministry of Public Security, more than 300 Facebook users received administrative fines ranging from 7.5 million to 15 million VND in mid-March. The number of harassment and threatening toward Facebook users has also risen later on. Freedom of speech and information transparency are brutally restricted. Nevertheless, that is not all.

What makes 2020 a horrible year for human rights in Vietnam is the weakness of the judiciary. This weakness has worsened the situation of human rights. Grossly violations of fundamental rights such as the right to life, the right not to be tortured or tortured, the right not to arbitrary arrest, exist as a common-sense for unconvincing reasons from the competent authority. The court is no longer the destination of justice

but where produces judgments that make public opinion stirring. In early 2020, a bloody attack on residents of Hoanh village, Dong Tam commune, My Duc district, Hanoi left 4 people dead and 29 others arrested and prosecuted. Throughout the trial, many contradictions in the indictment with the accused's testimony and violations were found, but in the end, the case was hastily tried and ended with 2 death sentences, 1 life sentence, and 3 imprisonment sentences, ranging from 12 to 16 years.¹

Also, in the early months of 2020, the government continued its moves against the Liberal Publishing House when a reader and also the distributor of the publisher's publication named Ho Sy Quyet was confiscated all books of this publisher. Initially, the establishment of the Liberal Publishing House was intended to be the publisher of works that wanted to reach the public, without any censorship system permissions. That purpose has become the reason why the Publishing House is suppressed and restricted from its activities. The government's move has clearly shown a drastic desire to force the publisher to stop operating. The rampant developments in 2019 have pushed Liberal Publishing House into a position to defend its own survival and become a symbol of the fight for freedom of expression. Harassment has occurred in at least three major cities, Hanoi, Ho Chi Minh City, and Hue, as well as other localities such as Binh Duong, Quang Binh, Quang Tri, and Phu Yen.

In any country, the press is always the fastest team in communicating with the people, disseminating the national policies and changes. At the same time, it is also the group that raises a voice to criticize any country's policy or situation. A progressive government must be one with a free and accurate press. Instead of respecting the journalist's card worn in front of independent reporters' chests, the Vietnamese government is willing to take it away, and more seriously, to strip of fundamental human rights. While the case of the Liberal Publishing House had not yet calmed down, in mid-2020, the authorities arrested the members of the Independent Journalist Association of Vietnam with charges under Article 117 of the Penal Code.

¹ <https://thanhvien.vn/thoi-su/xet-xu-vu-dong-tam-hai-bi-cao-bi-tuyen-an-tu-hinh-1279116.html>

2020 is a year of turmoil for the world due to the Covid-19 pandemic, and also a year full of turmoil for Vietnam due to gross domestic human rights violations. While other countries are focusing on the problems caused by the Covid-19 pandemic, the Vietnam government, in addition to its relentless efforts to prevent epidemics, uses this opportunity to intensify its repression against dissidents without being criticized by the international community. The crackdown has culminated in recent months with the arrest of dozens of activists and accusing them by vague letters of laws relating to national security. With these complicated developments, the research team presents a report summarizing the outstanding issues over the past year to provide the big picture over 365 days of the human rights situation in Vietnam.

A handwritten signature in black ink, appearing to be 'M. O.', written in a cursive style.

The overview of human rights situation in Vietnam 2020

A - Achievements

Ensuring and promoting human rights is a long journey. On the way to do that, besides addressing the shortcomings, it is necessary to mention the progress achieved. The Vietnamese government has also made efforts in both legal formulation and practical action to ensure human rights in 2020.

First of all, human rights are receiving more attention, which encourages their enforcement and improvement everyday. Since the Constitution's amendment, the popularization and raising awareness about human rights have been implemented in a much more practical and valuable way. Seminars and workshops relating to human rights are held regularly. The drafting of the Administrative Law, Land Law, Border Law, Criminal Law is also conducted based on the sociological survey of people's opinions on several issues. An open space aiming at spreading values of human rights has gradually been paid attention to. Most recently, in the tenth session of the 14th National Assembly, at the questioning and answering session, issues related to human rights were also directly raised by the National Assembly members. Some typical cases, such as Ho Duy Hai and Dong Tam case, were mentioned and partly conveyed public opinion. Sharp and direct questions to the issue were given out, forcing Chief Justice of the Supreme People's Court Nguyen Hoa Binh to publicly explain to the National Assembly and citizens about the Supreme court's conclusion on Ho Duy Hai's sentence.

The impressive speech of the female delegate from Gia Lai ethnic group - Ksor H'Bo Khap made the conference "heat up" with a series of specific questions about the current environment. The fact that members of the National Assembly have a strong voice and a deep focus on social and economic issues reflects the constant increase of the public concern on individuals and communities' rights. On the other hand, it shows

respect for freedom of expression, especially in annual meetings that have decisive significance to the country's destiny, as the National Assembly Session.

There were undeniable efforts of the government to guarantee human rights, especially the right to health care, social security in the early of 2020. During the Covid-19 epidemic outbreak, 50 million people became infected, and 1.3 million people died worldwide. As a country bordering China, Vietnam has been speedy to implement measures to prevent the infiltration or the spreading as soon as information about the epidemic was available. A series of strong measures have been applied, such as border closures, social distance, quarantine, continuous communication about epidemics, and individual prevention methods. By the end of 2020 in Viet Nam, only 1361 cases were recorded, of which only 35 were fatal.² As soon as there were signs of an outbreak, the government set up a standing committee to oversight the issue. The Market Control Department also steps in to stabilize prices, avoiding inflation of mask selling prices, medical facilities hand sanitizer to ensure that every Vietnamese citizen is accessible to these preventive measures. The initial covid test is entirely free. The government also covers the costs of quarantine and medical treatment for individuals.

2020 is also the year that the European Parliament passed the Vietnam-EU Free Trade Agreement with the terms of the obligation to respect and protect human rights for all parties, particularly in the labor sector. Under the impact of the new-generation trade agreements, Vietnam has gradually expanded its legal framework and constraint to join ILO Convention No.98 on the Right to Organise and Collective Bargaining. The Labor Code was also amended and will officially be enforced on January 1, 2020. The most important of this document is to create a legal basis for forming independent unions (called the Organization of employee representatives at enterprises). The National Assembly of Vietnam also officially ratified the accession to ILO Convention No.105 on the Elimination of forced labor. On the morning of June 8 in Hanoi, the National Assembly of Vietnam voted to ratify Convention No. 105. As soon as the application

² Figures updated on 04/12/2020.

for accession is completed, Vietnam will officially ratify the convention, and these internationalization labor standards will take effect after one year. Convention No. 105 is in addition to Convention No. 29 on Forced Labor, which was ratified by Vietnam in 2007. Ms. Corrine Vargha, Head of ILO's International Labor Standards Board in Geneva, commented on this ratification that Vietnam was demonstrating a strong commitment to the fight against forced labor in all its forms.

Furthermore, through the ratification of Convention 105, Viet Nam moves towards ensuring decent jobs and implementing the United Nations Sustainable Development Goals (SDG) 2030 at the national level, in particular target number 8.7. Up to now, Vietnam has joined 7/8 core ILO conventions, and according to the schedule of commitments in trade agreements, by 2023, Vietnam will ratify Convention No.87 on freedom of association in 5 years to come; independent labor unions can interlink on a domestic and international level. It is excellent to ensure tighter rights for workers, especially the right to form and operate in independent unions because the voice for the employees' interests will be more focused through the work of independent labor unions.



B - Limitations

I. Detention of prisoners of conscience with severe sentences

According to statistics from Defend the Defender (DTD)³, as of November 30, 2020, the Vietnamese government holds at least 276 prisoners of conscience in prisons or other forms of detention. This figure does not include Mr. Ngo Hao, who is suspended from serving his sentence due to health reasons, and Mr. Nguyen Trung Linh and Mr. Le Anh Hung, who were forced to go to a mental hospital without going to trial in court. The list includes 3 activists: Huynh Thuc Vy who was sentenced to prison but is now under house arrest for taking care of her child, Vietnamese-US citizen Michael Minh Phuong Nguyen, who was convicted of aiming at overthrowing the government under Article 109 of the 2015 Penal Code, and the Vietnamese-Australian citizen Chau Van Kham, who was convicted of terrorism under Article 113 of the above code. Thirty-five of the prisoners of conscience are female, according to DTD statistics.



*Engineer and activist Nguyen
Trung Linh*



Activist Le Anh Hung

³ Website: vietnamhumanrightsdefenders.net/



Portrait of blogger Huynh Thuc Vy and her daughter

A total of 206 people, or 74.6% of the list, are Kinh people. The second largest ethnic group on the list is the Montagnard, a collection of many ethnic and religious minorities living in the Central Highlands of Vietnam. The Montagnard has 62 prisoners of conscience, accounting for 22.5% of the total number of prisoners of conscience. Also, there are 6 Hmong and 2 Khmer Krom on the list.

Most of the prisoners of conscience appearing on the list are bloggers, lawyers, union activists, land rights activists, dissidents, human rights activists, and followers of unregistered minorities. They were arrested and sentenced solely for peacefully exercising rights protected by international human rights conventions and the Vietnamese Constitution, such as freedom of expression, freedom of assembly, and freedom of religion or belief. This list from DTD does not include individuals who have participated in or endorsed violence.

Vietnam is currently detaining 63 activists under investigation or awaiting trial, 16 of them were arrested in 2018-2019, and the remaining 49 were arrested in 2020. Among them are famous independent journalists Pham Chi Dung (Chairman of Vietnam

Association of Independent Journalists (IJAVN)) with Nguyen Tuong Thuy (Vice President of IJAVN) and the famous political blogger Pham Chi Thanh (so-called Pham Thanh), Journalist Pham Doan Trang (Liberal Publishing House).



Writer Pham Thanh

The list also includes 213 people who have mainly been convicted for political crimes under Articles 79, 87 and 88 of the 1999 Penal Code or Articles 109, 117 and 331 of the Code Criminal 2015. Specifically:

- 49 activists were accused of aiming at overthrowing the regime (Article 79 of the 1999 Penal Code or Article 109 of the 2015 Penal Code);

- 48 activists were convicted and 5 people charged with conducting propaganda against the state (Article 88 of the 1999 Penal Code or Article 117 of the 2015 Penal Code);

- 56 people of ethnic minorities were convicted of violating the policy of national unity (Article 87 of the 1999 Penal Code or 116 of the 2015 Penal Code);

- 15 activists were convicted or charged with "abusing democratic freedoms" (Article 258 of the 1999 Penal Code or Article 331 of the 2015 Penal Code);

- 13 activists were charged with "disrupting security" under Article 118 of the 2015 Penal Code;

- 48 individuals have been convicted or charged with "disturbing public order" (under Article 245 of the 1999 Penal Code or Article 318 of the 2015 Penal Code) for their peaceful activities. 35 of them were jailed for participating or suspected of aiming to participate in major rallies in and after mid-June 2018;

- Three activists Chau Van Kham, Nguyen Van Vien and Tran Van Quyen were convicted of terrorism under Article 113 of the 2015 Penal Code.

- Allegations in 13 cases are unpublished, including three followers of an unregistered religion (Hà Môn) arrested on March 19 this year.

As can be seen, a larger number of prisoners of conscience are detained in Vietnam. Those arrested are often activists who hold contradictory opinions to the domestic regime and often express their views. Not only is the right to freedom of thought and expression limited, but other related rights are also affected. The oppression and fear that people may face when raising their voice about the socio-economic issues swarmed everywhere. Arbitrary persecution also occurs frequently. The common point of prisoners of conscience is that their charges are based on crimes of "activities against the government", "aiming at overthrow the government", "propaganda against the state". These are all ambiguous terms and easily used in the most arbitrary way to any individual. Every Vietnamese citizen is a potential prisoner who can be arrested anytime if the above terms are applied. Not to mention, the conditions in prison for political prisoners have always raised doubts about the cruel methods of coercion and torture behind bars.



II. Freedom of speech

1. Suppression of speech

The above section has shown that one of the rights constantly under pressure from the state is freedom of expression. The freedom to express citizens' opinions has always been tightly controlled and further tightened in 2020. The Law on Cyber Security 2018, which officially came into effect in 2019, forms the basis for arrests and prosecutions, and convictions of those who dare to speak up about the government's mistakes. Article 4 of the Press Law 2016 reiterates Article 6 of the 1999 Press Law when defining the press's duties as: “propagating, disseminating, contributing to building and protecting the Party's principles and guidelines, policies, and the law of the State”. With such a regulation, the press is just a one-way media of the authorities to the people. According to the 2020 Press Freedom rankings by the Reporters Without Borders (RFS),⁴⁵ compared to last year's index, Vietnam has gone up one level. However, the RSF believes that it is not because Vietnam has actual improvements, but the state only returns to 2017's ranking after dropping down due to severe repression in 2018. Currently, Vietnam is ranked below Laos and just over Djibouti, China, Eritrea, Turkmenistan, and North Korea.⁶

The only space left for critics to speak out is cyberspace, which unfortunately is also being squeezed by the authorities. Through state telecommunications companies, the government put pressure on foreign technology corporations such as Facebook and Google to censor information relating to political criticism. Facing stealthy measures to slow traffic to the platform, Facebook seems to compromise with the authorities and intensify censorship of "anti-government" content in Vietnam. Facebook's transparency report published in November 2020 shows that the number of content restricted for incompatibility with Vietnamese law has increased to 983% compared to its previous

⁴ https://en.wikipedia.org/wiki/Main_size_s%E1%BB%91_t%E1%B1_do_b%C3%A1o_ch%C3%AD

⁵ <https://www.rfa.org/vietnamese/news/vietnamnews/2020-world-press-freedom-index-04212020081124.html>

⁶ Reporters Without Borders. 2020 World Press Freedom Index. <https://rsf.org/en/ranking>

report.⁷ The Vietnamese authorities also expressed their delight at the cooperation of two technology giants Facebook and Google, when the two companies complied with up to 90% and 95% of the government's censorship requests respectively.⁸

In April 2020, Amnesty International alarmed this situation and called on Facebook to stop complicity with the Vietnamese government's censorship measures.⁹ In early December 2020, the organization also published a 78-page report on censorship and criminalization of freedom of expression online in Vietnam, called "Let Us Breathe".¹⁰ This report is based on interviews with 31 human rights activists, documenting the systematic persecution of freedom of expression online from the Vietnamese government, as well as the increasingly apparent complicity co-role of multinational technology companies.

In addition, the government also continued to increase the authority and personnel for the control and propaganda apparatus in terms of organization. The Department of Cyber Security under the Ministry of Public Security was established in August 2014. The Battalion of the Cyber War Order - also known as Force 47- under the Ministry of Defense was established in August 2018. The Department of Cyber Security operates a large force of public opinion sharpers (đur luận viên) from central to local, with thousands of accounts and members participating. In one district in Ho Chi Minh City alone, there were 486 đur luận viên under the management of the District Party Committee Propaganda Department. Force 47 is run by the General Political Bureau of the People's Army, whose function is to "fight against wrong views and distorted information on the Internet". This force has members equivalent to 1 regiment (10,000 people) present in all base units, all regions and all areas.

Almost every country in the world has cybersecurity agencies. However, the difference is that while the target of cybersecurity agencies in democratic countries is

⁷ <https://transparency.facebook.com/content-restrictions/country/VN>

⁸ <https://laodong.vn/kinh-te/facebook-google-thu-hang-ti-usd-tai-viet-nam-nhung-chua-dong-thue-852297.lido>

⁹ <https://www.rfa.org/vietnamese/news/vietnamnews/amnesty-international-facebook-must-cease-complicity-with-vietnamese-government-censorship-04222020075141.html>

¹⁰ <https://www.amnesty.org/en/latest/news/2020/12/viet-nam-tech-giants-complicit/>

national security and the people's welfare, the cyber troops in Vietnam operates mainly for the domination of the Vietnamese Communist Party.

2. Suppression of Liberal Publishing House

Along with censoring articles and blocking specific websites to prevent people from seeking information, the Vietnamese government also intensified the suppression of independent journalists and writers, such as the Independent Journalists Association of Vietnam and Liberal Publishing House.

Liberal Publishing House is an independent publisher establishing in 2019 to publish and disseminate works of independent journalists, former prisoners of conscience, and human rights activists. From the day of its establishment, this publishing house has continuously encountered obstacles and suppression from security forces. The harassment measures are various, from attacking Facebook pages, blocking bank accounts to arresting people with suspicions of working at Liberal Publishing House, or even just because of ordering books from this publisher. In January 2020, Mr. Ho Sy Quyet, a person who ordered books from Liberal Publishing House, suddenly got house searched by policemen. More than a dozen policemen and security officers in plainclothes rushed into his house, searched, and confiscated things without any search warrant.¹¹ In May 2020, the book delivery man of Liberal Publishing House, Mr. Thuy Tuat, was arrested in Ho Chi Minh City while delivering books for this publisher. While in detention, Mr. Tuat was interrogated and tortured by punching his face, chest, ribs, and abdomen. Although seriously injured, Mr. Tuat fled to some safe places when he was released, fearing that he might be rearrested. The police then pressured him to surrender by arresting his 24-year-old daughter and refusing to release her unless Mr. Tuat returned to the police station. Previously, according to the Vietnam Human Rights Network, more than 100 individuals were harassed by security forces for allegedly buying or reading books printed by Liberal Publishing House or working for this publisher. They were summoned by the local police to question the purchased books,

¹¹ https://www.rfa.org/vietnamese/in_depth/liberated-publisher-being-crackdowned-01062020123626.html

and after interrogation, most were forced to sign pledges not to buy books from this place anymore.



*Liberal Publishing House logo image
with the slogan: "Spreading knowledge - Freedom of information"*



Some published books by the publisher

Due to harassment and repression from the authority in many aspects, the members of the Liberal Publishing House had to move their residences and retreat to secret. One of the founding members, independent journalist Pham Doan Trang, had to announce her withdrawal from this publisher as a way to alleviate the oppression on other members of the publisher.¹²

¹² <https://www.rfa.org/vietnamese/news/vietnamnews/independent-journalist-activist-pham-doan-trang-has-to-withdraw-from-liberal-publishing-house-07102020074840.html>

Journalist Pham Doan Trang herself was arrested by the Vietnamese government on the night of October 6, 2020, with charges of conducting propaganda against the state under Article 88 of the 1999 Penal Code and Article 117 of the 2015 Penal Code.¹³ She is a famous writer with a series of phenomenal publications such as *The Prisoner's Handbook*, *On Nonviolent Resistance Techniques*, *Politics for the Masses*. Her latest work is a 100-page bilingual report in English - Vietnamese about the bloody attack on Dong Tam. The arrest of Pham Doan Trang is not only to silence a critical voice, but also a preemptive attack by the Vietnamese government against the Vietnamese human rights and democracy movement when Doan Trang was arrested just a few hours after the end of the US-Vietnam Human Rights Dialogue.



*Journalist Pham Doan Trang at a police station after being arrested on
06/10/2020*

The Vietnamese Constitution as well as the international law on human rights guarantee freedom of expression, which includes the right to receive and impart information and ideas. That right includes accessing and reading books, such as publications from Liberal Publishing House. Freedom of access to such information and ideas is also an essential aspect of the right to education.¹⁴

¹³ <https://www.bbc.com/vietnamese/vietnam-54444873>

¹⁴ <https://www.hrw.org/en/news/2019/11/27/336149>

Amnesty International on 14/05/2020 called on Vietnamese readers and the international community to send letters to the Government of Vietnam and Prime Minister Nguyen Xuan Phuc, requesting:

- Stop the suppression and intimidation of Mr. Thuy Tuat (Phung Thuy) - the delivery man of Liberal Publishing House;
- Stop the suppression, harassment, intimidation of Mr. Thuy Tuat's daughter (arresting the daughter to put pressure on the father);
- Immediately stop suppressing Liberal Publishing House and their supporters; conduct an independent investigation on arrests and torture cases related to this publisher;
- Ensuring freedom of expression, freedom of information and publishing freedom of Liberal Publishing House and other independent publishers.¹⁵

The existence of different opinions in society, which may conflict with the current political ideology in a country is normality and should be assessed with the most objectivity. Because the nature of conflicts helps society to develop better, excessive containment of the information flow will only disrupt the social improvement process.

3. Arresting members of the Independent journalist association

The case of Liberty Publishing House has not yet settled down, in middle of 2020, the authorities arrested the members of the Independent Journalist Association. The Independent Journalists Association of Vietnam (IJAVN) is known as an "independent professional journalism", a civil society organization, established on July 4, 2014 in Ho Chi Minh city. The vision of the association is "to serve journalists regardless of nationality, or wheter they are independent journalists or state-run journalists".¹⁶¹⁷

¹⁵ <https://www.bbc.com/vietnamese/vietnam-53133022>

¹⁶"The establishment of the Vietnam Independent Journalists Association - Forum Forum". Forum Forum. Retrieved July 29, 2014.

¹⁷"Association of Independent Journalists of Vietnam officially launched". Radio Free Asia. Retrieved July 29, 2014.



Launching Ceremony of IJAVN



The 2-year anniversary of the establishment of the Independent Journalist Association



A meeting of IJAVN members¹⁸

¹⁸ <https://nguyentuongthuy2012.wordpress.com/2015/09/23/sai-gon-lan-dau-tien-hoi-nha-bao-doc-lap-vn-sinh-hoat-cong-khai-ma-khong-biz-ban-can-tro/>



Logo of the Independent Journalists' Association



Chairman Pham Chi Dung, Vice Chairman Nguyen Tuong Thuy and young member Le Huu Minh Tuan are currently in custody.

Mr. Nguyen Tuong Thuy, a 68-year-old blogger and vice president of the Vietnam Association of Independent Journalists, was arrested on May 23 in Hanoi and was immediately taken to custody in Ho Chi Minh city. Mr. Thuy is a veteran of the Vietnamese communist army, and in recent years, he sometimes works with Radio Free Asia, a station funded by the US.

Pham Chi Thanh, an independent journalist and IJAVN member with the pseudonym Pham Thanh, was arrested in Hanoi at 8:00 am on May 21. Being at the age of 68 old and a former Communist regime official, Thanh worked at Voice of Vietnam (a state-owned radio station) before becoming a democracy activist and turned his critical voice towards the one-party state. He founded the blog Madame Dam Xoe, and has just published a book about the General Secretary of the Communist Party Nguyen Phu Trong, named “Thế thiên hành đạo hay Đại nghịch bất đạo”.

Daniel Bastard, the Head of the RSF Office in the Asia-Pacific region, said the near-simultaneous arrest of Pham Chi Thanh and Nguyen Tuong Thuy sent an extremely cold message to all those who are trying to maintain a public debate in Vietnam.¹⁹

¹⁹ <https://rsf.org/en/news/vietnam-arrests-two-leading-members-independent-journalists-group>

On June 12, another young writer of IJAVN, Le Huu Minh Tuan (born in 1992), was also arrested after working with the Ho Chi Minh City authorities under the summons. The association's chairman, Mr. Pham Chi Dung, was arrested last November. All members arrested were charged with "Making, storing, spreading information, materials, items for the purpose of opposing the State of Socialist Republic of Vietnam", as prescribed in article 117 of the 2015 Penal Code. On October 15, the investigating agency issued a notice of ending investigation on this case; this means that the case is prepared to go to trial and the lawyer can also meet and meet the defendants.²⁰

4. Arrest and convict online critics

With vague provisions in the Cyber Security Law and the Penal Code, the Vietnamese government over the past year conducted a series of arrests, prosecutions and charges against individuals who peacefully expressed disagreement with the state on cyberspace:

- On January 9, Mr. Dinh Van Phu was prosecuted and detained for 3 months with allegations of spreading on social networks articles inciting riots and protests against the State.

- On January 11, Mr. Chung Hoang Chuong was arrested and prosecuted by Can Tho city police for using facebook to publish articles with distorted content, discrediting the state agencies in the Dong case. Center. Mr. Chuong was sentenced to 18 months in prison on April 27, 2020.

- On April 18, activist Dinh Thi Thu Thuy was arrested in Hau Giang province, accused of using multiple Facebook accounts to edit, post and share content that defamed and slandered the Communist Party's rule. She was prosecuted for conducting propaganda against the state, as defined in Article 117 of the 2015 Penal Code.

- On April 20, Mr. Nguyen Nang Tinh was sentenced to 11 years in prison and 5 years on probation for the charge under article 117 of the 2015 Penal Code. Mr. Tinh is a teacher at An College of Culture and Arts, known through several clips teaching

²⁰ <https://www.rfa.org/vietnamese/news/vietnamnews/the-investigation-of-three-members-of-the-vietnam-independent-journalists-association-completed-10212020085910.html>

students to sing taboo music in Vietnam such as Return to the people (Trả lại cho dân), Where is Vietnam (Việt Nam tôi đâu) and his participation in some activities to support Vietnamese dissidents.²¹

- On April 28, the People's Court of Nghe An province sentenced Phan Cong Hai to 5 years in prison for the charge under article 117 of the 2015 Penal Code. According to Project 88 team, Hai's trial took place just within 2 hours and Mr. Hai did not have a lawyer to defend.²²

- On May 11, the People's Court of Ninh Kieu District, Can Tho City sentenced Ms. Ma Phung Ngoc Phu to 9 months in prison for abusing democratic freedoms to infringe upon the interests of the State, lawful rights and interests of organizations and/or citizens (article 331 of the 2015 Penal Code). The police agency concluded that Ms. Ma Phung Ngoc Phu had 21 articles on Facebook with content propagating ideas, opinions, opposing information defaming the Party and State organizations, distorting or insulting leaders and bureaucrats.²³

- On June 13, 2020, Mr. Huynh Anh Khoa and Mr. Nguyen Dang Thuong were arrested by Ho Chi Minh City police for their activities on an online discussion group. The two men were accused of abusing democratic freedoms under article 331 of the Penal Code 2015.

- On June 23, the People's Court of Hoa Binh province sentenced Mr. Nguyen Van Nghiem to 6 years in prison. Mr. Nghiem is known by the nickname "Barbershop Professor" and he posts and livestreams on social issues such as corruption, human rights and national sovereignty.

- On June 24, Mr. Vu Tien Chi was arrested, had house searched and prosecuted by the police agency of Lam Dong province on the charge of "Making, storing, spreading

²¹ <https://www.bbc.com/vietnamese/vietnam-52351096>

²² <http://cand.com.vn/Ban-tin-113/Tuyen-phat-Phan-Cong-Hai-5-nam-tu-ve-toi-tuyen-truyen-chong-Nha-nuoc-592806/>

²³ <http://cand.com.vn/Ban-tin-113/Bi-cao-Ma-Phung-Ngoc-Phu-lanh-9-thang-tu-594534/>

information, materials, items for the purpose of opposing the State of Socialist Republic of Vietnam".²⁴

- Also on June 24, activist Trinh Ba Phuong's family was arrested. Those arrested included Trinh Ba Tu (Mr. Phuong's brother), Trinh Ba Phuong, and their mother, Can Thi Theu. Trinh Ba Phuong's family fought for land rights in Duong Noi and actively raised voices about the Dong Tam attack. Trinh Ba Phuong is also one of the pioneers in providing information about the incident to the press. He participated in writing and editing the report about Dong Tam incident, together with Pham Doan Trang. On the same morning of June 24, another petitioner of Duong Noi, Ms. Nguyen Thi Tam, was also arrested on the street on charges under Article 117 for "Doing and conducting propaganda against the Socialist State of Vietnam".²⁵

- On July 7, Nguyen Duc Quoc Vuong was sentenced to 8 years in prison and 3 years on probation under Article 117 of the 2015 Penal Code for his pro-democracy views, speaking out on corruption and land rights. Mr. Vuong participated in demonstrations to protest against the Law on Special Economic Zones, the Law on Cyber Security, and he posted on Facebook articles reflecting his dissent with the state.²⁶

- On August 14, Mr. Truong Duy Nhat was sentenced to 10 years in prison for the charge of abusing his position and powers while on duty under article 355 of the Penal Code, and with allegations of illicit profits in land transactions related to economic cases, corruption in Da Nang. Mr. Truong Duy Nhat is a journalist who has many articles criticizing the government. He also participated in many protests against the law on Special Economic Zones, against China, ... and has collaborated with Radio Free Asia. Before his arrest, he went to Thailand to seek asylum out of fear of being arrested for important information he knew about the government. Many people believe that Nhat

²⁴ <http://cand.com.vn/Ban-tin-113/Khoi-to-Vu-Tien-Chi-ve-hanh-vi-chong-pha-Nha-nuoc-600294/>

²⁵ <https://www.sbs.com.au/language/vietnamese/audio/nguyen-thi-tam-trong-nhom-bon-nong-dan-duong-noi-bi-bat-vi-ly-do-gi>
<https://www.voatiengviet.com/a/viet-nam-bat-giam-6-nguoi-vi-tuyen-truyen-chong-nn-trong-1-ngay/5477069.html>

²⁶ <http://www.hanoimoi.com.vn/tin-tuc/phap-dinh/972065/tuyen-phat-nguyen-quoc-duc-vuong-8-nam-tu-ve-toi-chong-pha-nha-water>

was kidnapped by Vietnamese agents from Thailand to Vietnam while seeking asylum at the UN High Commissioner in Bangkok in January 2019.²⁷

- On September 18, the Tuổi Trẻ newspaper quoted the police of Binh Dinh province, confirmed that Mr. Le Van Hai was arrested, house-searched and detained for 2 months. Mr. Hai is facing allegations of using a personal Facebook account posted, publicly shared many articles with contents that offend the reputation, honor and dignity of many leaders of the Party, Government, Ministry of Natural Resources and Environment, Government Inspectorate and Chairman of Binh Dinh Provincial People's Committee.²⁸

- On November 7, Nghe An province police arrested Mr. Nguyen Van Lam and detained him to investigate the activities of “Making, storing, disseminating or propagating information and documents against the Socialist Republic of Vietnam”. Mr. Lam is known as the facebook name "Lam Thoi"; he regularly posts and shares many articles, images, and videos showing his disagreement with the authorities.²⁹

5. Freedom of speech in international legal framework:

Freedom of speech is one of the fundamental human rights, recognized in UDHR and ICCPR.

Article 19 of the ICCPR on Freedom of Expression states:

"1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

²⁷ <https://www.bbc.com/vietnamese/vietnam-53774896>

²⁸ <https://thanhnien.vn/thoi-su/khoi-to-ong-le-van-hai-ve-hanh-vi-loi-dung-cac-quyen-tu-do-dan-chu-1280803.htm>

²⁹ <https://baodansinh.vn/nghe-an-bat-giu-doi-tuong-phat-tan-tai-lieu-chong-pha-nha-nuoc-20201107105408029.htm>

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (ordre public), or of public health or morals.”

The content of Article 19 indicates that the right to freedom of speech is not an absolute right, that is, freedom of speech can be restricted in certain cases, namely for reasons of national security, public order, public health or morals or if the exercise of freedom of expression of one person violates the rights and reputation of another. Although the state may restrict this right, restrictive measures must comply with certain criteria of necessity and proportionality. This means any restriction should not jeopardize the general enjoyment of the right to freedom of speech.

As a member of the United Nations, the United Nations Human Rights Council and a member state of the ICCPR, Viet Nam has an obligation to respect, protect and promote the right to freedom of expression of all citizens by establishing a legal framework consistent with international standards and strictly implementing these standards. However, the Vietnamese government has violated this obligation in many forms as outlined above, including creating vaguely worded laws to easily convict dissidents. Most political dissidents were arrested or convicted on charges of “making, storing, disseminating or propagating information and documents against the Socialist Republic of Vietnam” under Article 117 of the Penal Code 2015.

“Article 117. Making, storing, spreading information, materials, items for the purpose of opposing the State of Socialist Republic of Vietnam

1. Any person, for the purpose of opposing the State of Socialist Republic of Vietnam, commits any of the following acts shall face a penalty of 05 - 12 years' imprisonment:

a) Making, storing, spreading information, materials, items whose that contains distorted information about the people's government;

b) Making, storing, spreading information, materials, items whose that contains fabricated information to cause dismay among the people;

c) Making, storing, spreading information, materials, items to cause psychological warfare.

2. An extremely serious case of this offence shall carry a penalty of 10 - 20 years' imprisonment.

3. Any person who makes preparation for the commitment of this criminal offence shall face a penalty of 01 - 05 years' imprisonment”

The words in Article 117 has a broad meaning, and peaceful comments and opinions are easily blamed as anti-state actions. The law is even used to convict people who are considered in preparation to commit crimes, but the law does not have a clear definition of what it means by “preparation for the commitment”. The penalty framework is imprisonment with a term of 5 to 20 years, even those accused of preparing to commit this crime are sentenced to imprisonment. Article 117 of the Penal Code seriously violates international standards on freedom of expression when any expression can be convicted with a strict penalty, to completely destroy all criticisms and critical voices towards the regime.

Freedom of speech is a right that protects and promotes the enjoyment of other essential human rights. International human rights organizations have continuously advocated changing the repression of freedom of speech in Vietnam, especially in the past two years, when independent journalists and individuals who criticize the government on the Internet have been subjected to systematic oppressions, harassments and arbitrary arrests.

Reporters Without Borders ranked Vietnam near the bottom of the table in the World Press Freedom List 2020, at 175 out of 180 countries, and just above Djibouti, China, and Eritrea, Turkmenistan, and North Korea.³⁰

³⁰Reporters Without Borders. 2020 World Press Freedom Index. <https://rsf.org/en/ranking>

Freedom House, in its report on Freedom of Internet 2019, scored 24 points for Vietnam (00 = worst, 100 = best), which is only higher than Cuba, Iran, Syria, and China.³¹

The Committee to Protect Journalists, in the 2019 press censorship rankings, placed Vietnam in the 6th place among the countries with the most severe press censorship in the world, behind only Eritrea, North Korea, Turkmenistan, Saudi Arabia, and China.³²

Human Rights Watch assesses the state of freedom of expression, opinion, and speech in Vietnam in 2020 as follows: “Vietnamese rights bloggers face regular harassment and intimidation. Officials often arrest political critics for their posts on the Internet.”³³

During the United Nations Human Rights Council's 3rd Periodic Review in 2019, Vietnam received recommendations on improving freedom of expression from 9 countries (Finland, Netherlands, UK, New Zealand, Sweden, Austria, Canada, the United States, and Australia). Recommendations significantly urged Vietnam to repeal or amend the provisions of the Law on Cyber Security which are not in compliance with UN human rights standards.

On January 22, 2020, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression raised concerns and questioned the Vietnamese government about the current situation of ensuring this right in a Communication regarding the arrest of Mr. Pham Chi Dung.

Despite the above efforts of the international community, the Vietnamese government still turns a blind eye and denies all allegations of violation.

³¹Freedom House. Freedom on the Net 2019.

<https://www.freedomonthenet.org/report/freedom-on-the-net/2019/the-crisis-of-social-media>

³²CPJ. 10 Most Censored Countries.

<https://cpj.org/reports/2019/09/10-most-censored-eritrea-north-korea-turkmenistan-journalist.php>

³³HRW. World Report 2020.

<https://www.hrw.org/world-report/2020/country-chapters/vietnam#f81d60>

III. Right to freedom of association and peaceful assembly

Until now, the legal framework of the existing associations is Decree No. 45/2010/ND-CP of the Government in 2010, amended and supplemented by Decree No. 33/2012/ND-CP of the Government in 2012. In this framework, freedom of association is not a right as defined by the International Covenant on Civil and Political Rights. According to the two decrees above, the establishment of associations, with the registration - permit, is just a privilege of the government. Under the pressure of international integration and the recommendations of the United Nations Human Rights Council, since 2005 the government has announced a bill on associations. In 2014, after 11 times of amendments, the bill has not yet been submitted to the National Assembly for discussion and voting. By the end of 2015, National Assembly Chairman Nguyen Sinh Hung announced that the National Assembly would transfer the voting on the Law on Association to the 14th National Assembly.

After many times of submission and withdrawal, the 14th National Assembly has not voted on the Law on Association yet. By the end of 2019, in the submission to the National Assembly, the Government proposed to put the voting on the Law on Associations in the legislative work of 2020. The reason for the delay was because they had to wait for the direction of the Politburo.

This unusual delay shows that the state is still afraid that people will use this law as a legal means to bypass the State's control in building independent organizations; especially during the period Vietnam is negotiating with the EU on a Free Trade Agreement (EVFTA), in which freedom of union is an important negotiating topic. According to the Government's Law on Associations to the National Assembly, as of December 2014, there were 52,565 associations nationwide (483 associations operating nationwide and 52,082 associations operating in localities.) These are unions formed by The Communist Party of Vietnam as its peripheral organizations, or associations controlled by the government. The national budget spent on these associations is about 68 trillion VND (equivalent to 3 billion USD).

In recent years, many civil society organizations fighting for human rights have been formed and operated "illegally" such as Block 8406, Civil Society Forum, Association of Former Prisoners of Conscience, Vietnam Blogger Network, Brotherhood for Democracy, Hội Bầu bí Tương thân, Association of Land Right Victims, Land Right Victims Affiliation Movement, Association For Religious Political Prisoners, Vietnam Road, Bach Dang Giang Foundation, Women's Human Rights Association, Redemptorist Media, Vietnam Independent Journalists Association, Vietnamese Labor, Green Trees, and Association to Support Victims of Violence.

Although their activities are still very limited, mostly through social media, and always suppressed, these associations have created a new vitality for the right to freedom of association, a right provided by the Constitution of Vietnam. The communist government was always afraid of the emergence of civil society organizations because they obsessed that these associations would go "from 'criticism' to 'protest' and eventually become a "reactionary" organization “against” the Communist Party and the Socialist State”.

Regarding the right to freedom of assembly, in the morning of April 23, 2020, poet Tran Duc Thach, a veteran of the 341st Division, 4th Corps, the North Vietnamese army, was arrested by the police of Nghe An province charged with "Activities aimed at overthrowing the people's administration" under article 109 of the Penal Code. He is also a member of the Brotherhood for Democracy (BFD), a peaceful organization that is fighting for democracy in Vietnam not recognized by the state. Additionally, BFD has had dozens of members arrested and sentenced over the past few years. According to Nghe An newspaper, the detention order for Mr. Thach has a term of four months, but in reality, the police often extend the detention several times for prisoners of conscience. On November 25, Human Rights Watch released a press release calling on the Vietnamese communist regime to drop all charges against former prisoner of conscience

Tran Duc Thach and release him immediately and unconditionally.³⁴ Mr. Thach can be sentenced to long-term prison terms based on recent heavy sentences for many activists.



Mr. Tran Duc Thach and his wife

In addition, the Ho Chi Minh City People's Court on the evening of July 31, 2020 sentenced 8 people in a group call Constitution to a total of 40 years and 6 months in prison on charges of "disrupting security" under Clause 1, Article 118 of the Penal Code 2015. Eight defendants of the Constitution group are from in different places in Vietnam; they regularly livestreamed or posted on Facebook about legal and constitutional violations of state officials in many provinces. Many of these cases have also been reported by Vietnamese media, such as the manipulation of national highschool exam's result in Ha Giang. They also voluntarily disseminate the Constitution and other legal regulations to the people through Facebook posts. The Constitution Group was arrested when calling for a large-scale protest scheduled to take place on September 4, 2018 from

³⁴ <https://www.rfa.org/vietnamese/news/vietnamnews/the-trial-of-dissident-poet-tran-duc-thach-postponed-11302020081248.html>

Phu Dong Intersection (District 1, Ho Chi Minh City) into the Notre Dame Cathedral area, however the demonstration did not take place as planned.



The trial of Constitution group on 31/07/2020

The government is very concerned about crowds beyond their control; However, under the pressure of the need for international integration, a protest bill proposed by Prime Minister Nguyen Tan Dung in November 2011 was submitted, but by the end of 2015 it was not yet discussed. In early 2016, Justice Minister Ha Hung Cuong said that because "the opinions of the members of the Government are still very diverse about the content of the bill", the Government asked the National Assembly to allow drafting of the Law to be transferred to the second session of the 14th National Assembly (at end of

2016). However, like the Bill on Associations, so far the Law on Demonstration has not been approved by the National Assembly.³⁵

A handwritten signature in black ink, appearing to be 'M. B. O.', written in a cursive style.

³⁵ <https://www.bbc.com/vietnamese/vietnam-52672319>

IV. Right to freedom of religion

In Vietnam, there are six major religions: Buddhism, Catholicism, Protestantism, Islam, Cao Dai, Hoa Hao.

Buddhism: Buddhism was introduced into Vietnam from the early years BC. From the tenth century to the fifteenth century, Vietnamese Buddhism had a new development step along with the independence of the nation. The Ly-Tran period (from the beginning of the XI century to the end of the fourteenth century) was the peak period of Buddhism in Vietnam. King Tran Nhan Tong is the founder of the Truc Lam Yen Tu Zen sect with Vietnamese identity with the spirit of creativity, integration and incarnation. Theravada Buddhism was introduced to the south of Vietnam from the 4th century AD. Nam Tong Buddhists are mainly Khmer people, concentrated in the Mekong Delta, so they are called Nam Tong Khmer Buddhism. Buddhism in Vietnam today has more than 11 million followers, over 17,000 worshiping facilities, nearly 47,000 dignitaries, 4 Buddhist institutes, 9 Buddhist colleges, 31 intermediate schools, etc.

Catholicism: Many historians of Catholicism take the year 1533 as a milestone marking the Catholic missionary entry into Vietnam. From 1533 to 1614, mainly Portuguese Franciscan and Spanish Dominican missionaries followed merchant boats into Vietnam. From 1615 to 1665, Portuguese Jesuits from Macau (Macau, China) entered Vietnam to operate in both Dang Trong (south of Gianh river) and Dang Ngoai (north of Gianh river). Currently, there are about 6.5 million Catholics; 42 bishops, about 4,000 priests, more than 100 congregations with more than 17,000 monks; there are 26 dioceses, 07 major seminaries.

Protestantism: Protestantism came in Vietnam later than other religions introduced from outside, in the late nineteenth century and early twentieth century, by an organization named “The Christian and Missionary Alliance –CMA.” The year 1911 was seen as a milestone to confirm the evangelization of Vietnam. Currently Protestantism has about 1.5 million followers from 10 denominations; about 3,000 dignitaries; nearly 400 worship facilities; 01 Institute of Bibliology and 01 Bible school.

Islam: In Vietnam, Muslims are mainly Cham people. According to historical documents, the Cham people knew Islam from the X-XI century. There are two groups of Cham Muslim: one block of Cham Muslim in Ninh Thuan, Binh Thuan is the old Muslim block, also known as Cham Ba-ni; the second is the Muslim block of Cham people in Chau Doc (An Giang), Ho Chi Minh City, Tay Ninh, Dong Nai which is a new Muslim bloc or also known as Cham Islam. Show Islam in Vietnam has about 80,000 followers, 89 facilities, 1,062 dignitaries, 07 Islamic organizations recognized by the State.

Caodaism: Is a Vietnam local religion. In mid-November 1926 (October 15, the year of the Tiger), the first leaders of the Caodaism held an opening ceremony at Go Coc pagoda-Tay Ninh officially launched the Cao Dai religion. Currently, Cao Dai Dao has about 2.5 believers belonging to 10 sects, 01 practice doctrine, over 10,000 dignitaries, more than 1,200 worship establishments in 37 provinces and cities.

Hoahaoism: As a local religion, Mr. Huynh Phu So started his opening ceremony in 1939 in Hoa Hao village, An Giang province. Currently, Hoahaoism has about 1.3 million followers, including 2,528 dignitaries, 94 pagodas in 20 provinces and cities.

Other religions in Vietnam include the Vietnamese Meditation Buddhist Society, Baha'i Vietnam Religious Community, Buu Son Ky Huong, Tu An Hieu Nghia, Minh Su Dao, Minh Ly Dao, Balamôn with total near 1.3 million followers; In addition, there are about 20 independent Cao Dai organizations, and 40 unrecognized Protestant denominations.

1. Vietnamese regulation on religions and believes and its differences from the Universal Declaration of Human Rights

Article 18 of the Universal Declaration of Human Rights (UDHR) recognized that *“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance”*. Nevertheless, the 2016 Law on Religions

of Vietnam requires religious organizations to register with the authority, which is unnecessary requirements and restrict the right to practice religion.

Compared to the previous regulations, the 2016 Law on Religion and Beliefs has a number of amendments that are considered positive. The state recognizes the legal status of religious organizations that are recognized by the State. (Article 30), detainees have the right to use scriptures, express their religious beliefs (article 6), and religious organizations can take part in activities of education, training, health care, social welfare, charity and humanitarian in accordance with relevant laws (article 55). However, the Law on Belief and Religion 2016 remains unchanged in comparison to the previous law in the relationship between the state and religion. First, a religious organization must have the accreditation of a government to operate legally (Article 2.12 and Chapter V, section 1); secondly, all religious activities must be registered, that is having permissions for the authority, which also implies that the authority can refuse (Chapter IV); and thirdly, the government continues to have the right to interfere in the internal affairs of religious organization, especially in the selection, ordination and appointment of religious leaders (Chapters V, sections 2 and 3). These provisions completely contradict the basic principles of freedom of religion as outlined in Article 18 of the Universal Declaration of Human Rights and Article 18 of the International Covenant on Civil and Political Rights, to which Vietnam is a signatory.

2. Repression of independent religions in Vietnam

On April 30, 2020, the two UN Special Rapporteurs sent a communication to the Government of Vietnam, requesting an explanation of the persecution and harassment against those intending to attend an international conference on the practice of religious freedom in Thailand in 2019.³⁶ The communication was published on June 29, 2020, and until now, the Vietnamese authority has not yet responded.

The Special Rapporteur on freedom of religion or belief and the Special Rapporteur on the status of a human rights defender asked Viet Nam to respond to

³⁶ <https://www.voatiengviet.com/a/bao-cao-vien-dac-biet-lhq-yeu-cau-viet-nam-giai-trinh-ve-sach-nhieu-tu-doton-giao-and-nguyen-quyen/5483203.html>

threats, harassment, ban on traveling abroad and monitoring against government-unrecognized religious groups and human rights defenders when they try to participate in the annual Southeast Asia Freedom conference on Religion and Belief (SEAFORB Conference). According to the letter, those who were prevented by the Vietnamese authority from attending the event included Cao Dai followers. In addition, parishioners of Con Dau Parish in Da Nang when returning from Thailand after a religious event were blocked at the Danang airport.

On March 19, 2020, Gia Lai province police arrested three believers of Hà Môn (an unrecognized religion) named Ju, Lup and Ku, living in H'ra commune, and seized many documents that were alleged to be anti-government and illegal propaganda. According to the authorities, these three people have hidden in the forest and often contacted and enticed others to join the Ha Mon religion for 8 years.³⁷



Pictures of two members of the police Lup and Ku

The Vietnamese government seeks to suppress religious freedom, especially targeting the religious groups not recognized by the government, in many ways, such as harassment, beatings, arrests, prosecutions, stalking, and travel bans against followers

³⁷ <https://www.rfa.org/vietnamese/news/vietnamnews/un-rapporteur-demands-vn-explain-religious-harrasment-07012020081207.html>

of these groups. Their property and land were confiscated by the state. Religious harassment and persecution mainly took place in localities such as the Central Highlands, the Christian H'mong region in the northern mountainous region, and the provinces of Nghe An and Tuyen Quang where there are many people following Protestants and Catholics.

3. Suppression of Hoahaoism followers.

Since Hoahaoism was founded in the West by Pope Huynh Phu So in 1939 with the teaching of Monk according to the "Four graceful gifts", with a simple practice method mainly centered on the heart. , the policy of entering the world to help people, cultivating virtuous merit, vegetarianism reciting Buddha's name. Up to now, this Buddha-dharma practice seems to be increasingly in distress in the country, especially after the events of April 30, 1975.



Hoahaoism symbol



*Hoahaoism temple at Phu My town,
Phu Tan district, An Giang province.*

On August 12, 2020, the family of the prisoner of conscience, Hoahaoism follower - Bui Van Tham, reported that their relative were subjected to ill-treatment, and even tortured in detention center Mr. Bui Van Tham was sentenced to 6 years in prison for "disturbing public order", and "resisting against officials on duty". He was arrested on June 26, 2017, after his family celebrated a religious anniversary, and other followers was prevented by the authority from attending the ceremony. Before Bui Van Tham was

arrested, his family also faced numerous harassments because Mr. Bui Van Trung (Bui Van Tham's father) turned his house into an ashram for independent Hoahaoism since 2005 and preaches believers to his home on many occasions without permissions of the local authority.³⁸

Since then, his family has been subjected to constant threats, harassment and surveillance. In April 2012, the local government cut off electricity, threw stones and fish carcasses into the house, and even sprayed water to prevent people from gathering at Mr. Bui Van Trung's house.

The trial of Bui Van Tham is the most visible example of the farce of justice in Vietnam. Apart from Mr. Tham difficulties in contacting and working with lawyer, the decision of the court was not based on the outcome of the questioning and arguing at the trial: The court convicted Mr. Tham for attacking a policeman, even though the policeman declared in court that he was not beaten by Mr. Tham³⁹. This shows that the judgment had been imposed in advance, completely contrary to the provisions of law. Mr. Brad Adams, Asia Division Director of Human Rights Watch, said that such a verdict is no more than a reprisal and oppression of the authority against independent religious groups.⁴⁰

³⁸ <https://www.hrw.org/en/news/2018/02/08/314768>

³⁹ https://www.rfa.org/vietnamese/in_depth/family-of-hoa-hao-buddhist-oppressed-in-prison-seeks-help-08122020171800.html

⁴⁰ <https://www.hrw.org/vi/news/2018/02/08/314768>



Mr. Bui Van Tham

During his detention at Thanh Hoa detention center, Mr. Tham refused to accept forced labor. From August 16, 2018 to August 31, 2018, Mr. Tham was handcuffed by officials of Thanh Hoa Detention Center, no provided lunch, forced to defecate on the spot, and then put to solitary confinement and had to be restrained for 10 days. Mr. Tham was then transferred to Xuyen Moc Detention Center on September 1, 2018. Since February 2019, Tham's family has made a series of denunciations and complaints about Tham being tortured when he was at Thanh Hoa detention center, the mistreatment has been multiplied.

Since October 2019, Tham has not been allowed to meet his family or receive daily meals, but living on to food shared by other inmates. His family's supplies of 6 kg of food and money per month by mail was interrupted during COVID-19.⁴¹

Vietnam signed the United Nations Convention against Torture and the Cruel and Degrading Punishment or Treatment (UNCAT) in 2013. However, during a year and a half of sending 10 denunciations to many places, from the Thanh Hoa Detention Center

⁴¹ <https://www.tienbo.org/2020/08/bui-van-tham-tam-guong-phan-chieu-uong.html>

to the Supreme People's Procuracy and Ministry of Public Security, the complaints from Mr. Tham's family were neither resolved nor answered. His family stated in denunciations that Mr. Tham was tortured since he refused to accept forced labor at Thanh Hoa Detention Center.

These applications are forwarded irresponsibly from Department of Prison Administration (C10) to other departments, then extruded back to C10. C10 did not respond for almost a year and a half, causing Tham's family to appeal twice to the Ministry of Public Security. Recently, on June 22, 2020, the family received a letter from the Detention Center (C10) refusing to accept the complaint and prohibiting further denunciations or complaints.⁴²

4. Repression and harrasment against Catholicism

For more than a decade, the Thua Thien-Hue government has carried out appropriation of land from Thien An Monastery, a religious order at Thien An hill, on the outskirts of Hue city. Even a former superior of the monastery had to go to Hanoi to call for help against the authority's violence and defying the law to take over land of the monastery. According to the map issued by the land department of the previous regime, Thien An Monastery has a total area of 107 hectares and was established in the 1940s.



⁴² <https://www.tienbo.org/2020/08/bui-van-tham-tam-guong-phan-chieu-uong.html>



Pictures of Thien An Monastery

On August 14, 2020, Thien An Monastery informed through a press release that “organizations and individuals sponsored and by the authority of Thua Thien Hue province threatened, mentally terrorized and seriously offended the Monks of Thien An Monastery”, a group of about 40 people "under the auspices of the authority of Thua Thien-Hue province" encroached on the Hill of the Cross, carrying slogans and leaflets to threaten, mentally harass and slander the monks.



The cross was taken down by the "spontaneous mass" at Thien An Monastery

Notably, a statement signed by Father André Trông Nguyễn Văn Tâm, the superior of the Thien An Monastery, stated that the monks identified the leaders of the attack group were the officials and employees from People’s Committee of Thuy Bang commune and a security group dressed in plain clothes.

“Thien An Monastery strongly condemns and requires individuals and organizations to immediately terminate the threats, mental terrorism and serious insultations by the public officials, police and thugs pretending to be masses to humiliate honor and dignity of the monks”, according to the statement.

To limit the practice and influence of religious organizations, the government also used the 2003 Land Law, amended and supplemented many times, to rob or refuse to return real estate such as schools, medical and social foundations of churches, which were confiscated after the Communist government took control of the whole country in 1975. Until now, only a few confiscated facilities still function as in the past, a large number are exploited by the government in profit-making services such as discotheques, hotels, or condominiums for government officials. The appropriation of religious facilities for the purpose of limiting means of living of Catholic groups has continued in recent years. In 2019, the government also has many mistakes in land confiscation in Thi Nghe Parish.



Some pictures of the activities of Thi Nghe parish

The sect (Parish) Thi Nghe is an important parish, not only for the Archdiocese of Saigon but also for the Vietnamese Church. Before 1975, the sect Thi Nghe have contributed money to build Phuoc An private school for about 4 thousand pupils. After

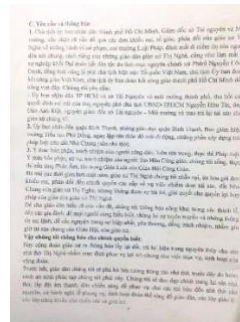
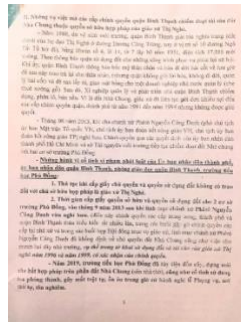
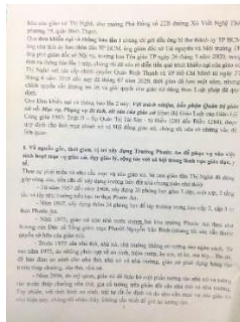
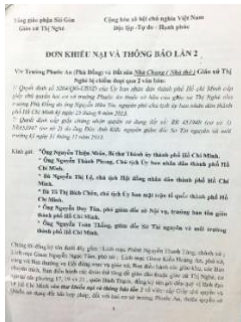
1975, according to the policy of abolishing private education, the Parish let the authority lend two blocks of three-story houses and another one-story house for schooling.⁴³ In 2019, when measuring land to build a tunnel to park cars for parishioners, the Parish found out that the school was granted the right to use by the government for Phu Dong Primary School since 2013, meaning that the area has no longer belonged to the Parish for six years without any statements or notifications to the Parish.

On July 12, 2020, the Parish received the letter No.2361/UBND, signed by Ms. Thai Thi Hong Nga, vice president of the People's Committee of Binh Thanh District, claiming that the two campuses "Phu Dong Primary School, including the fence, is the property of the State under the management of Phu Dong School". On July 13, 2020, the Parish priest and the Parish Pastoral Council sent a protest letter, stating that Madame Nga was based on two Certificates BR 453947 and BR 453948, which were illegally signed by inmate Nguyen Huu Tin and inmate Dao Anh. The two people who signed the illegal certificate were sentenced to prison for involving many land violations, so this letter referred to them as "inmate".

It should also be reminded that on November 18, 2016, the Board of Directors of Phu Dong School sent the letter No. 171/PD to the Parish Office to request the construction of more functional rooms. The Parish priest and the Parish Pastoral Council responded to the school that they "cannot build more facilities on land loaned from the Church". On June 27, 2019, Father Peter and the Parish Pastoral Council sent a letter to the authorities at all levels of Binh Thanh district to protest that "Phu Dong School has cut down trees, repaired the schoolyard and built roof over property under the possession of the parish" without the consent of the Parish.



⁴³ <http://www.vietcatholic.net/News/Home/Article/258009>
<https://www.flickr.com/photos/137123395@N05/albums/72157715549685366/>

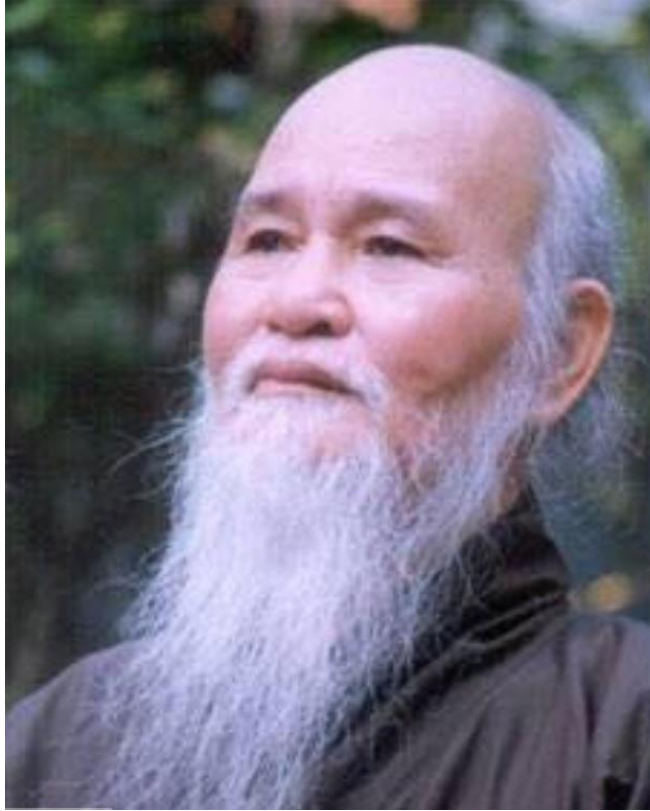


Complaints and Notifications of Thi Nghe Parish⁴⁴

5. Obstructing Venerable Thich Quang Do's funeral.

The Most Venerable Thich Quang Do passed away at 21:30 on February 22, 2020 at Tu Hieu Pagoda, District 8, Ho Chi Minh City, at 93 years old. He is the translator of many scriptures and the author of many work, such as the Sutras of the Samantabhadra, The Abandoned Path, Buddhist Tales, Mahayana Buddhism of Thought, Theravada Buddhism of Thought. treatise, Theravada Buddhist ideology, Sino-Vietnamese Buddhist Dictionary. One of his wok, the massive Buddhist Quang Dai dictionary, has been officially published in Vietnam. Venerable Thich Quang Do was the fifth Supreme Patriarch of the Unified Buddhist Sangha of Vietnam (UBSV). UBSV is a religious organization, established before 1975, but has been denied by the government after 30/04/1975. In replace of UBCV is the Vietnam Buddhist Sangha, an organization supported by the government.

⁴⁴ Full images can be found at https://www.flickr.com/photos/137123395_at_N05_albums/72157715549685366/



Venerable Thich Quang Do Portrait

News about the cremation of Venerable Thich Quang Do was published by Tuoi Tre online newspaper on February 22 but was later removed. The online page of Vietnam Buddhist Sangha page republished this news on February 23, at the same time as the “Ngo Giac” online page and the Vietnam Times website of the Independent Journalists' Association of Vietnam. Many comments that the event that the Tuoi Tre newspaper urgently removed the news of Venerable Thich Quang Do’s death just a few minutes after the publication was another sign of the government's intervention in controlling news of Venerable Thich Quang Do.

A handwritten signature in black ink, appearing to be a stylized name or set of initials.



Venerable Thich Quang Do before the People's Court of Ho Chi Minh City in 1995 to serve 5 years in prison and 3 years house arrest for committing the "crime" of providing relief aid to flood victims in the Mekong Delta

Venerable Thich Ngo Chanh said that on the evening of February 22, when he was still in Phuong Boi (Lam Dong province), he heard that Venerable Thich Quang Do passed away and immediately went down to Saigon at night to attend the funeral. When he got there, he was informed that Funeral Organizing Committee would not be set up according to the Most Venerable's instructions, but somehow until about 9-10 am, a list of Funeral Organizing Committee was given out. Venerable Thich Ngo Chanh informed that the organizing committee consists of those who do not belong to Unified Buddhist Sangha of Vietnam and some formerly joined the sangha but later seceded. At that moment, some of the monks disagreed and left.

One person attending the funeral, musician Tuan Khanh retold the first day of the funeral at Tu Hieu Pagoda, a banner with the words "United Buddhist Sangha of Vietnam" was hung in front of the pagoda, but only a few hours later, a group of officials, including the security forces and the religious committee, came to ask the monks in charge of the funeral to take it down. It was also a persistent struggle, because the word "Unified Buddhism" is always a thorn in the eyes of the authorities. In the end, when the

monks insisted on not lowering, and only agreed to take down when the funeral ended, the government delegation left.

It is worth mentioning that when Venerable Thich Quang Do's body was taken to the incarnation station, the police cleared the way for the funeral caravan at the beginning. At junctions and intersections, the funeral caravan was also prioritized. It seemed that the funeral carried out smoothly. However, before that, all vehicles for the funeral which had banners with the words United Buddhist Sangha of Vietnam written on, were all nailed under the wheel.

At the reincarnation station, when the coffin was taken to the burial place, about 20 people claiming to be the family members of Venerable Thich Quang Do, wearing white mourning towels, rushing in and demanding to bring the ashes to the North to worship after the cremation. A very fierce struggle took place. It was very difficult for the monks in charge of the funeral to peacefully maintain the Most Venerable's wish that after cremation, his ashes would be at the temple for 49 days, then released into the sea.

6. Suppression against Caodaism

The Communist Party of Vietnam from central to local level for many years has advocated persecution of religion, Cao Dai in particular and other religions in general. They set up new religious organizations for the major religions, in order to forcibly occupy the places of worship of the religions. The most recent case is the occupying Thanh That Hieu Xuong (Phu Lam), a Caodaism workshop place in Phu Yen province.⁴⁵ This is one of the hundreds of Holy shrines of the Caodaism under the leadership of the Tam Ky Pho Do Church of Tay Ninh before 1975, most of which the authorities have taken over.



⁴⁵ <https://hdltn.org/am-muu-cuong-chiem-thanh-that-cao-dai-tai-hieu-xuong-phu-yen/>



Violence at Hieu Xuong Holy Shrine, Tuy Hoa City, Phu Yen Province on June 18, 2020

According to the Board of Representatives of Nhon Sanh Cao Dai Chon Truyen (independent from the government), at 7:00 am on June 18, 2020, at Phu Lam, Holy Shrine, about 50 people including the authority representative together with the security police and the state-owned Caodaism group, went to the Holy shrine. The group forced followers at the Holy shrine here to obey their Instruction in appointing the head of the shrine, in order to fully take over the shrine. However, the followers of the shrine refused by closing the door, on the grounds that they followed the Truthfulness Law of Caodaism, and therefore, did not need to obey the Caodaist group erected by the rulers.

After closing the door, the group consisting of policemen, representatives of local government, state-owned Caodaist group, most wearing masks, were very angry, and there was a quarrel, between the two sides that lasted about 4 hours. The state-owned Caodaist group asked the local authorities to witness to let them break the door, and the authorities threatened to send a request to the Chief Cao Van Minh to go to the ward to interrogate. Furthermore, they threatened the finance situation of Chief Minh's family,

because he was in charge of the Holy shrine and did not agree to obey the state-owned Caodaist group.

On the same day, the local authorities sent a summons to the Chief Cao Van Minh to be People's Committee of the Ward at 8:30 a.m. on the same day to "exchange some religious issues". This action was believed to be the preparation of the authority to forcibly occupy the Caodaist shrine at Hieu Xuong, to destroy the independent Cao Dai Chon Truyen church.

Since 1975, the authorities have regularly persecuted independent religions that did not obey the ruler. Chief Hua Phi, representative of Nhon Sanh Cao Dai Chon Truyen, co-chairman of the Vietnam Interfaith Council, was harassed many times by the authorities, he once had his beard cut by hooded thugs, other several times was beaten to hospitalize.



Nguyen Van Dai

V. Right to life and personal security

1. Death penalty

Although the 2015 Penal Code has made progress in eliminating the number of offenses that could lead to the death penalty, this amended Penal Code maintains the death penalty for 18 offenses, including political crimes recorded in chapter VIII of the new law, such as High treason (Article 108), Activities against the people's government (Article 109), and Espionage (Article 110), Rebellion (Article 112), Terrorism to oppose the people's government (Article 113), and Sabotaging facilities of Socialist Republic of Vietnam (Article 114). The ambiguity of provisions in Chapter VIII allows the government to interpret nonviolent political statements or activities as attempts to overthrow the people's government, resulting in a deathly sentence. In 2020 no one has been sentenced death penalty due to these offenses; however, these regulations are frequently exploited as a deterrent to those who dare to challenge the Communist Party's dominant leadership. Most death sentences in 2020 are given in drug trafficking and murder cases.

On the morning of January 9, 2020, about 3,000 fully equipped policemen attacked Mr. Le Dinh Kinh's house in Hoanh village, Dong Tam commune, My Duc district, Hanoi. This incident's root cause is a land conflict between the people and the government over land acquisition without adequate compensation. With the motive of suppressing and eliminating the group of people fighting for land rights led by Mr. Kinh, the attack took place suddenly, at about 3 a.m, and the armed forces were mobilized up to several thousand. The tragic consequences of this attack were the death of 1 citizen (Mr. Le Dinh Kinh) and 3 police officers; the other 29 residents of Dong Tam commune were arrested on charges of murder and resisting law enforcement officials. On September 14, 2020, the People's Court of Hanoi sentenced the death penalty to Le Dinh Cong and Le Dinh Chuc on charges of murder. At the trial, the defendants denounced the persecution and corporal punishment during the investigation. However, the trial panel dismissed it with the argument that the defendants had no evidence. Giving not

only 1 but 2 death sentences in such a trial full of procedural violations are negligence and contempt for human life.

In a statement posted on the European Union's website relating to the Dong Tam case, the spokesperson affirmed that: “The European Union is opposed to the use of capital punishment in all forms and under all circumstances, and consistently calls for its universal abolition. The death penalty is cruel and inhumane and its abolition is essential to protect every person’s right to life. There is a large and growing consensus in the world against the use of death penalty. The EU urges Vietnam to adopt a moratorium on its use, as a first step towards abolition.” The EU spokesperson also raised serious concerns about the conditions and proceedings of the Dong Tam trial and urged Vietnam to ensure the rule of law and the full right to a fair trial, as stipulated in Article 14 of the International Covenant on Civil and Political Rights, to which Vietnam is a signatory party.⁴⁶



Ho Duy Hai's mother petitioned for her son's innocence and picture of Hai at a trial

⁴⁶Vietnam: Statement of the Spokesperson on two death sentences:

https://eeas.europa.eu/head-foot/head-homepage/85353/node/85353_en

Another significant issue is the decision of the Judicial Council of the Supreme People's Court to reject the appeal of the Supreme People's Procuracy on Ho Duy Hai's injustice case on May 8, 2020, which undoubtedly dealt a fatal blow to the judiciary reputation. Ho Duy Hai's case is sufficiently one of Vietnam's largest human rights records, through the story of a young man falsely accused of murder. Although the staged evidence was exposed, the testimony was inconsistent, and the investigation completely violated procedural principles, Hai was still sentenced to death, and then lived in a detention center for 12 years, due to the overwhelming pressure of public on this false conviction. Many stories were written down or whispered that Hai had to die in place of a descendant of a high-ranking official. While the actual criminal is still living freely and carelessly, Hai's family is ruined financially and emotionally for hopeless complaints in years.

2. Violence and harassment of the police

Torture at police stations

On November 28, 2014, the National Assembly of Vietnam ratified the United Nations Convention against torture and other brutal, inhuman or degrading treatment or punishment. However, the fact that state security forces wounded people in public places or used corporal punishment during detention continued to increase in number and those officials are not subject to any actual legal sanctions. It is worth mentioning that most deaths in custody are usually related to minor offenses, such as conflicts among neighbors, petty theft, etc. Most of the deaths in police custody were concluded as suicides, although the families of the victims reported traces of abuses and torture on the victim's body. The representative of Viet Nam pledged to prevent and punish all torture-related violations in Vietnam's First National Report on the Implementation of the Convention Against Torture, presented on the 65th session of the UN Committee against Torture in 2018. However, reality shows that the violence of the police has no signs of reduction. In early 2020, at least 3 deaths in police custody were revealed through the media as follows:

- On January 3, 2020, Mr. Phan Quoc Thang, 47 years old, was found dead by hanging with a T-shirt at the headquarters of Ward 1, Tay Ninh City while being detained to investigate of causing injuries to a ward policeman.

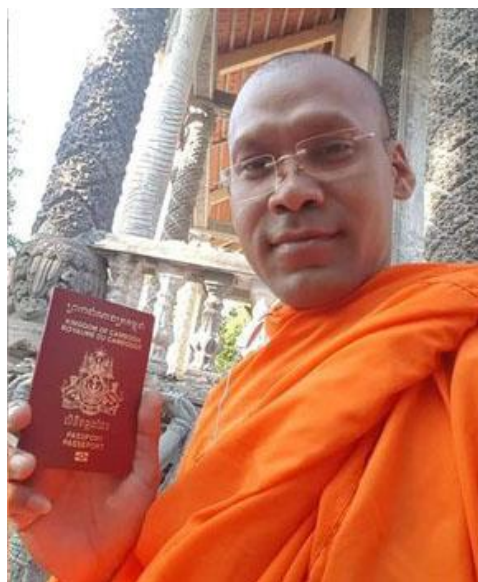
- On March 9, 2020, a young man named LKN, born in 1987 died abnormally in a hanging position while being held at the district police Trieu Son. He was involved in a property theft two days earlier.

- On May 8, 2020, Mr. Nguyen Quang Lap, 36 years old, was found dead at the police detention center of Chau Duc district, Ba Ria-Vung Tau province. Forensic examination concluded that "the victim died from multiple injuries, on the body full of suspected injuries from being beaten."

Harassment towards human rights activists

In addition to police violence in custody, there are also many cases of harassment and human rights violations against activists. Specifically, the police of Soc Trang province confiscated the passport of Cambodian monk Seun Ty for nearly two weeks, claiming that he “violated Vietnam's Cyber Security Law” because of his Facebook post while he was still in Cambodia. The post was shared from Radio Free Asia (RFA) about an interview of Mr. Tran Manrinh, the representative of Khmer Federation of Kampuchea-Krom. In an interview with VOA, Mr. Seun Ty said that he received an invitation letter by the Long Phu commune authorities on February 2 and that his Cambodian passport was taken by a provincial policeman from that day until the afternoon of February 14. The passport was only given back after international organizations had shown concerns. “They returned my passport and warned me not to do it again”, said monk Seun Ty.⁴⁷ This action by the Vietnamese government has violated the people's right to freedom of information, freedom of expression under international conventions that Vietnam has signed. The violation is more severe in this case since monk Seun Ty is a foreigner, and moreover, he exercised these rights while still in Cambodia, outside of Vietnam.

⁴⁷ <https://www.voatiengviet.com/a/vn-tich-thu-ho-chieu-nha-su-campuchia/5288339.html>



Monk Seun Ty received his passport

For those who fight for democracy and human rights in Vietnam, the frequency of harassment, reprisal, humiliation, even arrest is what they have prepared and accepted to face with. Harassment against relatives, however, made many people falter. On March 2, 2020, Reporters Without Borders (RSF) press release informed about Hanoi government's harassment towards the family in Vietnam of activist Bui Thanh Hieu, known as Blogger Nguoi Gio Buon. His 86-year-old mother, who was hospitalized, was also subjected to this harassment. Mr. Bui Thanh Hieu is an independent journalist, currently living in Germany.

Lawyer Nguyen Van Dai's relative from Germany also faced difficulties from the Vietnamese government. According to lawyer Nguyen Van Dai, his wife, Ms. Vu Minh Khanh returned to Vietnam to visit family. When she arrived at Noi Bai airport at 7:00 am on February 4, 2020, the security force said that Ms. Khanh was not allowed to enter Vietnam because of close relation to Mr. Dai's work before and after leaving Vietnam. Ms. Khanh replied that she did not know and did not care about her husband's work, but they still refused to allow Ms. Khanh to enter and forcefully took her on a flight back to Germany two hours later.

Another case is Mr. Duong Van Thai, an activist who is currently taking refuge in Bangkok, Thailand, but his old mother and son in the suburbs of Hanoi are often

harassed. His little son was told by a teacher at school that his father was a reactionist; Mr. Thai's mother was forced to sign a confession on behalf of her son because she "did not know how to teach him, let him become a reactionist". According to Mr. Thai, after he posted on Youtube information relating to the Covid-19 that the government hid, on February 5, 2020, Hanoi security agents from MPS and the local police entered his home to interrogate and harassed his mother from 1:00 pm to 6:00 pm, even though they could not get any signature from the old lady.



Mr. Duong Van Thai with his family

Also during the Covid-19 period, an activist and legal expert Truong Thi Ha informed that she returned to Vietnam on March 26 and was quarantined in Quang Binh until April 13, like many others entering Vietnam. However, according to Ms. Ha, she was harassed, interrogated for three hours by the authorities and her passport was confiscated. Besides, during quarantine, the authorities did not allow Ms. Ha to contact anyone outside the quarantine area, thus abusing power and violating basic human rights. After studying Criminal Law and joining a specialized training course to become a lawyer, activist Truong Thi Ha participated in a number of peaceful protests against the Law on Special Economic Zones and Law on Cyber Security in Ho Chi Minh City in

June 2018. She then went to Thailand and the Philippines to study English and travel, as well as to Switzerland to study international law. She also took part in some events of UN in Geneva.



Pictures of Truong Thi Ha with banners during the protest

Regarding the family of prisoner of conscience Nguyen Trung Ton in Thanh Hoa, the prolonged Covid epidemic and the costs of visiting and suppliers to Mr. Ton created financial shortages. Meanwhile, the income was mainly from Ms. Lanh, Mr. Ton's wife, who sold groceries at the local market. In June, Thanh Hoa's security force was continuously guarding Mr. Ton's house, preventing the family members go out, putting the whole family in a stalemate. Despite being constantly threatened by the security and that the door was locked from outside, on June 30, 2020, Ms. Lanh risked bringing groceries to the market sell under the pressure of money and food shortage. The security forces then suppressed her. After knowing that his mother was taken to the police station, Mr. Nguyen Trung Trong Nghia (Mr. Ton's son) was worried, so he ran to the commune

police to check the situation. On the way there, he was beaten by the security force in casual clothes. This assault took place in front of uniformed police officers and traffic policemen, but no one interfered. Mr. Nghia believed that the detention was in relation to the USA Ambassador Daniel J. Kritenbrink's trip to Quang Xuong district, Thanh Hoa province.



Mr. Nguyen Trung Trong Nghia at Human rights and Democracy Summit in Geneva, Switzerland

The UN Human Rights Commission's 2020 annual report directly named Vietnam's government for "taking actions to intimidate and retaliate against individuals and organizations" solely of their cooperation with the UN Human Rights Council.⁴⁸ This report reveals at least 16 people have been imprisoned, confiscated passports, questioned or closely monitored from 2019 to now. The specific cases of Vietnam reviewed in the past 2020 include Ms. Truong Thi Ha (as mentioned above) and Ms. Dinh Thi Phuong Thao - human rights activist and pro-democracy activist, who participated in VOICE, a Vietnamese civil society organization. Ms. Thao left Vietnam

⁴⁸ Annual report 2020 of government threats and retaliation for cooperation with the UN, A / HRC / 45/36 https://www.ohchr.org/EN/Issues/Reprisals/Pages/Reporting.aspx?fbclid=IwAR1b1KO4y_duhCWHn_tH-34_TaMnxMJBkG0G5ivVwMHx8u1vBguXBb-rzSc

in 2016 but continues to advocate for domestic human rights and participates in many UN human rights mechanisms.

On November 15, 2019, Ms. Thao returned to Vietnam for the first time since 2016. When she arrived at Hanoi International Airport, the Ministry of Public Security officers arrested and detained her in the interrogation room for eight hours. She could not see an attorney or contact family members. Ms. Thao was released the following day without charges. However, the authorities confiscated her passport. Ms. Thao is also hindered from traveling abroad, returning to her residence, or continuing her human rights activities. Ms. Thao was faced with an online offensive campaign, allegedly carried out by pro-government supporters (*đur luận viên*).



Activist Dinh Thi Phuong Thao

In response to the United Nations Human Rights Commission report, the Vietnamese government issued a communication on July 13, 2020, which denied all of the cases mentioned.

Regarding the case of Truong Thi Ha, the Vietnamese government said that Ha was treated like everyone else during the quarantine period. Her rights are respected,

including health monitoring, adequate accommodation, and food were provided. She was able to keep in touch with her family and update her situation on Facebook. Currently, Truong Thi Ha is free and not subject to criminal detention or prosecution. On June 19, 2020, the Working Group on forced or involuntary disappearances decided to consider further this case.

Regarding Dinh Thi Phuong Thao's case, the Vietnamese government responded that the aforementioned allegations were inaccurate, mostly taken from ungrounded sources, and did not reflect the nature of the case. The Vietnamese Government informed that, in 2015, Ms. Dinh Thi Phuong Thao was administratively sanctioned for inciting people to disturb public order. In 2019, when she entered the country, Mrs. Thao was questioned by the police about her relationship with the terror group Viet Tan, not because she cooperated with the UN. The Vietnamese government also said that they did not confiscate Thao's passport.

3. Abusive behaviors and torture in custody

The Ministry of Public Security of Vietnam continues a policy of keeping prisoners of conscience in difficult living conditions to punish and disrupt their spiritual strength for their nonviolent but harmful to the Communist regime. Along with sending prisoners of conscience to detention centers away from home, authorities allowed prison supervisors to take other psychological measures to make the activists' lives in prison more difficult, such as denying their right to have family visits, not allowing them to receive food and medicine from the family, or forcing them to work heavily without suitable protective equipment. This practice also causes additional psychological and financial harm for families when they cannot meet the inmates for a long time or send supplies without any confirmation that the inmates actually received.

In early January, officials at Ba Sao detention center in the northern province of Henan held Mr. Phan Kim Khanh and Mr. Nguyen Viet Dung in solitary confinement cells for weeks to avenge their protests against inhumane treatment in prison. This solitary confinement is considered torture under the recommendations of the United Nations Human Rights Council and the Special Rapporteur on torture.



Pictures of two young prisoners Phan Kim Khanh and Nguyen Viet Dung

Detained activist Doan Thi Hong told her family that she was held under extreme living conditions in a temporary detention center under the competent of the Ho Chi Minh City Public Security Department during the period of investigation and pre-trial. Ms. Hong, a single mother, was arrested in early September 2018 when her daughter was less than three years old, and was charged with disturbance of public order with a potential sentence of 7 years in prison.

Nguyen Van Dai



*Activist Doan Thi Hong during a protest in June 2018
in Ho Chi Minh City*



*Ms. Hong and her three-year-old
daughter before being arrested
in October 2018*

The family of human rights activist Nguyen Van Duc Do informed that officials at Xuan Loc detention center in Dong Nai province had beaten him and put human waste into Mr. Do's meals. He was tortured by the prison guards after he asked to sunbathe on the weekends.

In mid-April, Ho Chi Minh City police assaulted prisoners of conscience Ngo Van Dung and Le Quy Loc, who were held at the Phan Dang Luu detention center. After brutally beating them and causing many serious injuries, the police sent them to the hospital for treatment for a week. Later, Mr. Loc was returned to the detention facility while Mr. Dung was transferred to the Chi Hoa detention center.

The 72-year-old activist Ngo Hao was arrested in 2013 and sentenced to 15 years on charges of overthrowing the government; and he has been suffering from serious illnesses due to poor living conditions and lack of medical treatment in prison. It was

not until early this year that the Vietnamese communist authorities suspended his prison term and allowed him to return home for medical treatment. His family said that Mr. Hao's health when he left the camp was very weak, his eyes were almost blind.

The activist, Blogger Le Anh Hung, on July 16, 2020, reported from the hospital that, because he refused to take the psychiatric drugs of the Central Institute for Forensic Medicine and Mental Health, he was a nurse named An severely beat. The nurse tied Mr. Hung to a hospital bed and injected psychotropic drugs into him. Independent journalist Nguyen Vu Binh, who received information from Anh Le Anh Hung, confirmed: "Mr. Le Anh Hung was forced to take medicine by hospital staff, but Mr. Le Anh Hung believed he was not sick, so he objected. After refusing, he was beaten, then tied up and injected with drugs. If they could not get him to take pills, they tied and injected drugs into him. The family also just learned this news and asked the media to share such information." Journalist Binh said that the incident beating the activist, Blogger Le Anh Hung has been going on and extremely brutal. In particular, at the nearest time, the nurse named An, who beat Mr. Le Anh Hung with a chair, tied him to a bed to inject drugs, causing him to go into a coma.



Nguyen Van Dai



Journalist Le Anh Hung with his hands and feet tied to the bed in a mental hospital

In late September and early October 2020, from An Diem prison in Quang Nam province, prisoner of conscience Nguyen Van Hoa went on a hunger strike to call for help. Nguyen Van Hoa asked An Diem detention center to provide medical examination

and treatment for his middle ear infections but did not receive any responses. On October 23, 2020, An Diem prison did not allow Hoa to send letters to his family, and also refused family visits and family's supplies to Mr. Hoa. The justification from the detention center was that Hoa refused to wear the uniform provided by the center. Before that, according to the Announcement of the Office of Congressman Alan Lowenthal⁴⁹ on September 24, Federal Representative Alan Lowenthal officially sponsored the fight for the young activist and prisoner of conscience Nguyen Van Hoa, through the *Defending Freedoms Project* of the Human Rights Committee of the US Congress. Also, according to the Human Rights Defender's News report on November 29, 2020, Nguyen Van Hoa has been on a hunger strike for more than a week to protest the inhumane treatment of the prison. The protest was joined by other prisoners of conscience at the same prison such as Nguyen Bac Truyen and Pham Van Diep. An Diem prison is also the detention center of labor rights activist Hoang Duc Binh. Mr. Binh has also recently been prevented by the detention center from meeting his relatives after refusing to wear the prison uniform.

On November 25, after half a year in detention for investigation of allegations of "propaganda against the state", blogger Pham Chi Thanh (pseudonym Pham Thanh) was taken to the Central Institute of Psychiatry to have a mental health check, although before that he was completely normal. Two days later, his wife came to visit her husband, but she was not allowed to see him. She is very concerned that Mr. Thanh may be forced to receive treatments as in other cases such as blogger Le Anh Hung and democracy activist Nguyen Trung Linh. These activists were arrested for the charges relating to national security but were later sent to psychiatric hospitals where they were beaten and injected with unknown drugs, and their families were not allowed to see them.⁵⁰

⁴⁹ <https://lowenthal.house.gov/media/press-releases/congressman-lowenthal-officially-adopts-vietnamese-journalist-nguyen-van-hoa>

⁵⁰ <https://www.vietnamhumanrightsdefenders.net/2020/11/30/vietnam-human-rights-defenders-weekly-report-for-november-23-29-2020-political-blogger-pham-thanh-sent-to-mental-hospital-after-six-months-of-detention/>

The Covid-19 epidemic also puts prisoners at higher risk of rights' infringement. Due to the epidemic, the authorities in Vietnam's prisons and temporary prisons did not allow the families and relatives of prisoners to see them or to send food and medicine as well as essential commodities. With the poor food quality and sanitary conditions in prisons, the lives of prisoners of conscience are often seriously threatened.

On March 24, CIVICUS, a global alliance of civil society organizations and activists dedicated to strengthening citizen action and civil society throughout the world, issued a Press Release urges authoritarian regimes, including Vietnam, to release all human rights defenders and political prisoners who were imprisoned for their human rights activities, or for expressing views contrary to those of the state. The release is a measure to stop the rapid spreading of Covid-19 globally.

A day later, on 25 March, United Nations High Commissioner for Human Rights Michelle Bachelet sounding calls on governments to act urgently to protect the health and safety of people in detention and other closed facilities (mental health facilities, nursing homes and orphanages), as part of a joint effort to avert the pandemic.



Nguyen Van Dai

VI. The right to privacy in socio-cultural economy

The 1987 Land Law, issued in 1988 and enforced in the *Doi Moi* period, regulated that "Land is the property of the peoples and uniformly managed by the State". In 2003, the National Assembly of Vietnam issued the new Land Law which revised to: "*Land belongs to the entire people and the State is the owner's representative.*" This regulation was extended by the National Assembly in the revised Land Law, enacted at the end of 2013: "*Land belongs to the entire people with the State acting as the owner's representative and uniformly managed land. The State shall hand over land use rights to land users in accordance with this Law*".

"*All people's ownership*" is not a concept from the classics of Marxism-Leninism, it was introduced from the centralized economic model of the Soviet Union in the 1930s. The Constitution 1946 of Vietnam did not mention this concept. The Constitution 1959 was the first document stating that "*all mineral resources and waters and all forests, undeveloped land, and other resources defined by law as belonging to the state are the property of the whole people*", which meant that all people's ownership was the state's ownership. It was not until the 1980 Constitution that land was declared to belong to the people.

In transforming to market economy, private property rights appeared more frequently, hiding behind the increasingly vague concept of "*ownership of all people*". The State is the sole representative of the owner, but could not directly use and exploit hundreds of millions of land-plots in the whole nation. Therefore, since 1993, the Vietnam government has been forced to give more rights to individuals and organizations that were currently using these "*all people's*" plots. These legal entities do not hold absolute private ownership, but through each amendment to the Land Law, they are grabbing more and more property rights attached to land.

This conflict is deepened when the state discriminates on land use rights of different stakeholders . In recent years, Vietnam has accelerated the construction of infrastructure along with investment projects and tourism development. This policy leads to the acquisition of large areas across the country to distribute land to corporations

for economic projects. In the past decade, the amount of land taken from farmers reached one million acres, more than the amount allocated to peasants during the socialist land reform of the 50s in the last century (810,000 hectares).⁵¹

Land is the main source of livelihood for farmers, and the forceful land acquisition is a nightmare for millions of "dân oan" because when they are deprived of their land, they lose their livelihood and are pushed into a dead end. Nominally, the government compensated for the land taken, but only with a very low price, compared to the portion of the land that was subjected to acquisition. That amount of money is only symbolic, unable to help the farmer create a new life, but on the contrary, they are pushed into a deadlock.

At the beginning of 2020, a tragedy occurred, with the root cause being the inadequacy of the regulations on land use rights and land acquisition policy. The land dispute in Dong Tam between the people and the government has emerged since 2016, involving 59 hectares of Dong Senh land in Dong Tam commune, My Duc district, Hanoi. This was agricultural land that people have cultivated for decades, and the authority acquired and granted it to Viettel Telecom Corporation to implement the "A1 Defense Project". The people asked the Hanoi authority to pay adequate compensation before clearing the ground for the project, but the government refused on the grounds that the people had received compensation for the above when the land was taken into defense planning. The Dong Tam incident was an attack by 3000 fully equipped mobile police, targeting the group of representatives fighting for the land tenure of Dong Tam people. Despite the government's propaganda, the fact that Dong Tam will remain in the minds of people is as a bloody and arbitrary suppression to steal land, leading to the death of 4 people (1 civilian and 3 policemen). The Dong Tam event also represents a trial full of violations of the fundamental legal principles and injustice judgments for 29 people, who defended their land rights and means of subsistence.

⁵¹East Asia Forum. Vietnam's land law reforms: radical changes or minor tinkering?
<http://www.eastasiaforum.org/2013/05/14/vietnams-land-law-reforms-radical-changes-or-minor-tinkering/>



Pictures from the trial of Dong Tam case

Besides, the October of 2020 was marked by historic floods with numerous ongoing floods in the central region, seriously affecting the life of the people. The floods reached level IV of alert level as dangerous natural disaster and caused great damages, destructing the socio-economy of Central Vietnam, especially in provinces such as Quang Tri, Da Nang, Quang Nam and Quang Ngai, which was not long ago was the hot spot of the Covid-19 second wave.

Natural disasters (storms and heavy rains) cannot be concluded as the only causes for this historic disaster, but the authority's weakness in hydropower planning and forest-protecting policies must also be mentioned. The central region is a mountainous area and has a large forest area, but the unplanned logging makes the natural forest area lose significantly. Specifically, according to the Ministry of Agriculture and Rural Development, only in the 5 years 2012 - 2017, the area of natural forest lost due to the change of land use purpose accounts for 89% of the total reduced forest area, while illegal deforestation destroyed only 11% of the total forest area.⁵² The less forest area, the higher the risk of landfalls. Along with that, hydroelectric dams in the region failed to follow safe discharge procedures, leading to massive flood discharge at night. People did not have adequate time to evacuate; many areas and roads were isolated and paralyzed.⁵³ The damage caused by this flood is massive when by the end of October, 229 people died, thousands of hectares of rice and crops were flooded, cattle were swept away, 112,000 houses were flooded; total damages is estimated at more than 2.8 billion VND.⁵⁴

Storms and floods are not unpredicted disasters due to climate change, but phenomenon happens every year. Unsustainable development policy and inefficient disaster relief aid resolve only the surface of problems. These methods cannot fix the problem in the long-term run and ensure a stable life for the people. When the livelihood

⁵² <https://laodong.vn/xa-hoi/rung-tu-nhien-tai-viet-nam-lam-tac-pha-1-dia-phuong-cho-pha-gap-9-lan-852735.lido>

⁵³ <https://tuoitre.vn/nhieu-thuy-dien-xa-lu-dan-lai-hoi-ha-chay-lut-trong-dem-20201029233010058.htm>

⁵⁴ <https://nhandan.com.vn/tin-tuc-xa-hoi/lu-chong-lu-bao-chong-bao-o-mien-trung-gay-thiet-hai-hon-2-8-nghin-ty-dong-623975/>

is not stable, the enjoyment of other essential rights is also hindered, as in the last floods, children in the flooded areas have to stop going to school, people also lose their means of living and have to live on state subsidies.

Furthermore, the recent flooding situation not only impoverished the lives of the people but also revealed a weak rule of law in Vietnam. A similar situation happened during the prevention of the Covid-19 epidemic, when the authorities exercised imperative powers to force people to wear masks and provide personal traveling records. Domestic and international traveling was stopped, social distancing was imposed without an official declaration of state of emergency. It must be understood that, in emergencies such as natural disasters or pandemic, declaration of a state of emergency is necessary and legitimate to limit some of the basic human rights, so that the government can grab more power to impose suitable policies to limit the impact of natural disasters and diseases. The state legitimately prioritizes resources for relief and treatment activities, stabilizes prices for necessities, avoiding speculations as happened with masks, sanitizers during Covid or lifebuoys and canoes in flooding areas.

According to ICCPR and ICESCR, the state can only exercise emergency powers when officially declaring this situation at the national level or in a certain region. The legal document that is the basis for declaring of a state of emergency in Vietnam is the 2000 Ordinance on Emergency Situations, and until now this still remains confidential without proper explanation. However, the government has issued decrees guiding the application of emergency measures in situations of natural disasters and epidemics (Decree No.71/2002/ND-CP guiding the Ordinance on Emergency Situations in case of Disasters in a large area and dangerous epidemics; the 2007 Law on prevention and control of infectious diseases; Decree No.101/2010/ND-CP guiding the Law on prevention and control of infectious diseases on the application of measures, compulsory quarantine and specific medical measures during an epidemic). As such, the legal tools for declaring a state of emergency are available and relatively completed. The Vietnamese government's way of dealing with Covid-19 should not be seen as a success in overcoming difficulties without invoking emergency power, but rather that the state

has no precise cuts between emergencies and ordinary situations. The power is exercised at the discretion of the authorities without relying on the law. It is an expression of autocracy, undermining the core value of the rule of law.



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Conclusion

Human rights are not a destination but a challenging journey through history to create a civilized and progressive world. That journey can not be completed only by individual efforts. The most important thing is to have a guarantee and great commitment from the state. Sadly, what the Vietnamese government has shown cannot meet the expectations from the majority of its citizens. The authority in the past year has achieved some improvements in ensuring citizens' lives, but these cannot hide all the state's repressions and neglect towards human rights.

The state is established on the "contract" of the people, the rights that the state has are rights that each individual in society has reduced to give to the state, allowing it to maintain contradictions in society in equilibrium. That does not mean that the state is allowed to abuse the power in its hands, and no entity, even the state, can ignore the law, human rights. In relation to individuals, the state is a "dangerous" subject with skilled soldiers and armed forces. Therefore, the state must take peaceful and reasonable solutions before using any aggressive methods. And no matter how strong and powerful they are, they must maintain within the framework set by law. That should be thoroughly applied in the process of implementing the law of Vietnam, especially in the criminal justice.

There are still too many legal gaps in human rights protection in Vietnam, leading to problems in implementation. It is difficult to accept any of the reasons given by the state for its inconsistent application of the law. Vietnam is still named with a large number of political prisoners, with hundreds of applications calling for help each day from journalists and democracy activists. And the silence of the state remains even when facing international pressures. Human rights infringement may no longer be as obvious and direct as it once was, but the forms of infringement of human rights have gradually become more sophisticated and unpredictable. How the freedom of expression was curtailed during the pandemic is the most visible example. Legal framework should be a barrier to ensure human rights, suddenly becomes the "sword" of the government to "stab against" the people. Letters of the law are applicable anytime, anywhere, in any

situation, whenever it is necessary to arrest someone or suppress human rights in general. That is, of course, not the correct and logical way how a government apparatus should function.

The year 2020 is a year of crisis for human rights in Vietnam, with a series of bloody attacks, literally and figuratively, against people ideas contradict with those of the state. There are harassments, arrests, imprisonment with anyone who dares to expresses his opinion. The society is moving closer to dictatorship, authoritarianism rather than democracy, freedom - progressive values towards which all humanity is oriented.

And the last remaining value, showing the face of a democratic government is the judiciary. The court is the highest place to resolve any conflicts, it is counted as the last most effective law when people need to reclaim their human rights. Unfortunately, 2020 is a sad year for the judiciary. Heavy, harsh sentences given at speedy trials, and a series of proceedings violations are the common point of the cases being tried in 2020. There are long explanations about the fairness and objectivity of the court, but none are enough to convince the public. The trial of Dong Tam case, the review on the death penalty of Ho Duy Hai, the trials of the Brotherhood for Democracy, and many others will be repeated forever as an indelible mark of carelessness and non-legal arguments. law, thinking about the justice of Vietnamese judiciary. Such a judicial system that does not guarantee independence and objectivity, the sound of the hammer from the hand of a judge cannot be the voice of justice.

The Vietnamese government should better ensure human rights as much as possible. It took a long time for the concept of human rights to become a universal value. This value helps individuals to live as themselves, and to live well - something that each state must ensure. Not only that, the desire to thrive on the economy pushes Vietnam joining a series of international trade conventions and agreements. In order for the country to be able to integrate into the world economy, in addition to preparing a good potential and reasonable strategy, it is very important to ensure international human rights standards.

For Vietnam, efforts to ensure and promote human rights have become an important goal in national construction and development, especially during 30 years of renovation. Vietnam's human rights achievements have been recognized internationally, but there are still differences in perception of this issue. For people in the country, although there has been a lot of improvement in human rights enforcement, the expectation is not yet met. To implement and ensure human rights is not easy, but should not be neglected or disrupted. In the new development path, greater efforts and stronger commitments from the Vietnamese government are required to respect, ensure and properly protect human rights./



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