



## **Viet Nam: Silenced critics must be released: The Reverend Nguyen Van Ly**



The rights to freedom of expression and assembly are guaranteed under the International Covenant on Civil and Political Rights (ICCPR). The covenant is binding on Viet Nam, who signed as a state party in 1982.

### **Amnesty International's submission to the UNHRC for periodic review of Viet Nam scheduled for May 8, 2009:**

**36. AI stated that the authorities frequently use provisions of the Penal Code to stifle freedom of expression, including criticism of government policies, and reference to issues considered as politically sensitive.<sup>46</sup> AI further stated that the authorities continue to try to control and restrict Internet traffic deemed undesirable. Many of those arrested in the on-going crackdown include lawyers, trade unionists, religious leaders and political activists who are loosely connected through Bloc 8406, an Internet based pro-democracy movement formed on 8 April 2006, and with other un-authorized political groups advocating democracy and human rights. Charges laid against dissidents often include references to sending and placing information on the Internet aimed at “slandering” and “distorting” government policies.**

**37. AI called on the Government to: repeal or amend provisions in the 1999 Penal Code to ensure that ambiguous provisions relating to national security are clearly defined or removed, so they cannot be applied in an arbitrary manner to stifle legitimate dissent, debate, opposition and freedom of expression; repeal provisions in the 1999 Penal Code allowing house arrest or probation used to violate freedom of expression and assembly; and remove all restrictions and arbitrary interference on the operation and use of the Internet that violate the right to freedom of expression and end practices, such as censorship, and surveillance.**

**38. AI further called on the Government to: end restrictions on the right to practice one's religion of choice without discrimination, in accordance with Article 69 and 70 of the Constitution as well as international human rights law; ensure that relevant authorities are aware of their duty to protect individuals' right to freedom of religion; take measures to ensure protection of the right to peaceful expression of political beliefs; take all necessary measures to end restrictions on the rights to freedom of expression and peaceful assembly; ensure that police officers are made aware of their duty to protect the human rights of all individuals; immediately and unconditionally release all prisoners of conscience; and invite the United Nations Special Rapporteur on the right to freedom of opinion and expression to visit Viet Nam.**

**Manifesto of Vietnamese citizens published online on April 8, 2006 and in the United States Congressional Record (with a 404 – 0 vote of support, Resolution #243) on May 1, 2007:**

**III. OBJECTIVE, METHODS AND SIGNIFICANCE OF OUR STRUGGLE**

1. *The highest objective in the struggle to fight for freedom and democracy for the Vietnamese nation today is to make sure that the present political regime in Vietnam is changed in a fundamental way, not through incremental "renovation" steps or, even worse, through insignificant touch-ups here and there. Concretely speaking, it must be a change from the monolithic, one-party, non-competitive regime that we have at the present time to a pluralistic and multiparty system; one in which there is healthy competition, in accordance with the legitimate requirements of the nation, including at least a clear separation of powers among the Legislative, Executive and Judicial branches of government. This would be in tune with international criteria and the experiences and lessons Mankind has learned from highly respected and successful democracies.*

**The concrete objective is to re-establish the following fundamental rights of the people:**

*The Freedom of Information and Opinion as defined in the United Nations' International Covenant on Civil and Political Rights, ratified on December 16, 1966, and endorsed by Vietnam on September 24, 1982, Article 19.2: "Everyone shall have the right to freedom of opinion; 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." This means that political parties, organizations and individuals all have the freedom to express their opinions through the printed media, radio, television and any other mass media without having to wait for prior approval by the government.*

*The Freedom to Assemble, form Associations, Political Parties, Vote and Stand for Elected Offices as defined in the International Covenant on Civil and Political Rights, Article 25: "Every citizen shall have the right and the opportunity (a) to take part in the conduct of public affairs, directly or through freely chosen representatives; (b) to vote and to be elected in genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors." This means that political parties of every orientation are allowed to fairly compete in a genuine pluralistic and multiparty democracy....*

*The Freedom of Religion as defined in the International Covenant on Civil and Political Rights, Article 18: "Everyone shall have the right to freedom of thought, conscience and religion. This right shall include the freedom to have or adopt a Religion or Belief of his choice, and the freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching." These religions must also operate independently; they cannot be made the instruments of the state.*

2. *The method of this struggle must be peaceful and non-violent. The Vietnamese nation must itself be actively engaged in it. Of course, we are extremely thankful for the warm and ever more effective support of all our friends in the world. Using modern information media and through ever larger international exchanges, we will seek in every way to help our compatriot to fully understand the issues involved. Once this has been achieved, they surely will know how to act appropriately and effectively....*

*We hope that this Manifesto would foster the positive contributions of our compatriots living outside of Vietnam and the support of our international friends. We are sincerely grateful and call on the United Nations, national parliaments, governments, international organizations and our friends all over the world to continue supporting enthusiastically and effectively this fully legitimate struggle. This will soon help bring our Fatherland, Vietnam, to stand shoulder-to-shoulder with civilized, moral, prosperous and free countries in today's community of Mankind-*  
**-Unanimously declared in Vietnam on 8 April 2006. Rev. Tadeo Nguyen Van Ly is among the 122 Vietnamese citizens' signatories of this document, and one of its authors.**

**HISTORY:** In September 1977, Father Ly was arrested for distributing two essays by Archbishop Nguyen Kim Dien critical of the government's religious repression. He was given a 20 year sentence and sent to a labor camp near Hue. Several months later, authorities released Father Ly, but prohibited him from engaging in religious activities. Again from 1983-1992 he was in prison for his activism in support of freedom of expression and religion, leading a pilgrimage. In October 2001, he was sentenced to 15 years in prison for his online publication of an essay on human rights violations in Vietnam and was a Prisoner of Conscience of Amnesty International and International PEN. He was released under amnesty in February 2005. In a trial in the city of Hue on 30 March 2007, Catholic priest Nguyen Van Ly, aged 60, was sentenced to eight years in prison for "conducting propaganda against the Socialist Republic of Viet Nam" under Article 88 of the Penal Code.

Accusations leveled against him included involvement in the pro-democracy movement Bloc 8406 and taking part in the establishment of banned political groups (the Progression Party). Four others who assisted him in producing an online publication entitled "Tu do Ngon luan" (Free Speech) were also accused of 'propaganda against the Socialist Republic of Vietnam'. Two were given prison sentences of five and six years and the remaining two, both women, were given eighteen months suspended jail terms with house arrest. At least 30 dissidents have been handed down long prison sentences since the most recent wave of arrests began in 2006. An unknown number of others are held in pre-trial detention. The authorities also use administrative detention to place restrictions on the peaceful activities of religious and political dissidents such as The Venerable Thich Quang Do, Patriarch of the Unified Buddhist Church of Viet Nam, under house arrest at the monastery for more than twenty-five years. The total time of imprisonment of Father Nguyen Van Ly is now nearly seventeen years since 1977.

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Amnesty International is a worldwide grassroots movement that promotes and defends human rights.

**Group 19 Palo Alto, California, is Father Ly's readoption sponsor**