

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Viet Nam: All prisoners of conscience must be immediately and unconditionally released

Amnesty International is calling on Viet Nam to immediately and unconditionally release all prisoners of conscience under an amnesty marking the 70th anniversary of National Day on 2 September 2015. Salil Shetty, Amnesty International's Secretary General has written to President Truong Tan Sang urging that the special prisoner amnesty of up to 17,000 prisoners should include prisoners of conscience.¹ The Directors of Amnesty International offices in Australia, Cote d'Ivoire, France, Germany, Japan, South Korea, Nepal, Netherlands, New Zealand, Norway, the Philippines, Spain, Sweden, Thailand, and the USA have also written similar letters to Viet Nam's Minister of Foreign Affairs.

The non-exhaustive list of 51 prisoners of conscience named by Amnesty International includes individuals imprisoned solely for the peaceful exercise of their rights, including the rights to freedom of expression, peaceful assembly, and association. The list includes blogger Ta Phong Tan, Catholic priest Father Nguyen Van Ly and blogger and IT entrepreneur Tran Huynh Duy Thuc. These three prisoners of conscience have been sentenced to prison terms between eight and 16 years solely for peacefully speaking out on issues that concern them, including human rights.

Ta Phong Tan, a former policewoman, was sentenced to 10 years' imprisonment in September 2012, with five years' house arrest on release. She was convicted under Article 88 for "conducting propaganda" against the state. She is one of the founders of the independent Free Journalists' Club of Viet Nam in 2007 which aimed to encourage freedom of expression as an alternative to state-controlled media. She is well known for her blog called *Conglyuthat* ("Justice and Truth") which included articles on social injustice, human rights abuses and national sovereignty. Ta Phong Tan has undertaken three different hunger strikes to protest against harsh conditions and abusive treatment in prison, most recently for 23 days in May-June 2015. She is in poor health, with arthritis, high blood pressure, and other medical conditions.

Father Nguyen Van Ly has spent more than 20 years' in prison since the mid-1970s for peacefully advocating for religious freedom and democracy. In April 2006 Father Ly co-founded Bloc 8406, an internet-based pro-democracy movement which advocates for the respect of human rights, and gained thousands of online supporters. Less than a year later, he was arrested, unfairly tried and convicted of "conducting propaganda" against the

¹ Letter from Salil Shetty, Secretary General of Amnesty International to President Truong Tan Sang, <https://www.amnesty.org/en/documents/asa41/2296/2015/en/>

state. He received an eight-year prison sentence, with five years' house arrest on release. In detention, he has suffered from poor health, including an initially un-diagnosed stroke in November 2009 which caused paralysis; although he was granted "temporary parole" in March 2010 on medical grounds, he was returned to prison in July 2011 – still in poor health – to continue his sentence.

Tran Huynh Duy Thuc is a peaceful advocate of economic, social and administrative reform, and respect for human rights. On 20 January 2010, he was convicted of “attempting to overthrow” the state under Article 79 of the Penal Code and sentenced to 16 years' imprisonment, with five years' house arrest on release. During the trial, he declared that he was tortured while in detention to force a confession, which he refused. According to witnesses present at the trial, the judges deliberated for only 15 minutes before issuing the judgement. It took 45 minutes to read out, indicating it had been prepared beforehand.

Other prisoners of conscience on the list include peaceful bloggers, labour rights and land rights activists, political and religious activists and followers, human rights defenders and social justice advocates. Twenty-two members of the peaceful Bia Son religious environmental group in Phu Yen province received between 10 years and life imprisonment for criticizing government policies and allegedly planning to establish a “new state”.

None of those prisoners of conscience have used or advocated violence, but are imprisoned solely for peacefully exercising their rights to freedom of expression, peaceful assembly or association. Most of them have been convicted after unfair trials under vaguely-worded provisions of Viet Nam's 1999 Penal Code, such as Article 79 (aiming to “overthrow” the state), Article 88 (conducting “propaganda” against the state), Article 258 (“Abusing democratic freedoms...”) or other trumped up charges.

Salil Shetty's letter urges Viet Nam's government to ensure that peaceful activists, human rights defenders, journalists and other individuals are able to carry out their legitimate activities without fear of reprisals, harassment, intimidation, arrest, prosecution and imprisonment, in compliance with Viet Nam's obligations under the International Covenant on Civil and Political Rights and other international human rights law and standards, including the UN Declaration on Human Rights Defenders.

Background

Conditions in Viet Nam's prisons are harsh, and many of the prisoners of conscience are in poor health and have been subjected to abusive treatment in detention. Most are held in prisons far from their families, making visits difficult. Pressure and other forms of coercion are often applied to make them confess to the crimes they are accused of.

As a state party to the International Covenant on Civil and Political Rights, Viet Nam has the duty to respect and protect the rights set out in this core human rights treaty, including the absolute prohibition on torture and other ill-treatment. A handful of prisoners of conscience have been released in the last year before the end of their sentences, but others remain to be immediately and unconditionally released. **ENDS/**