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After the crackdown: attacks and intimidation



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After the crackdown: attacks and intimidation

After a violent crackdown in September 2008 on peaceful mass protests in Ha Noi, the capital, the Vietnamese authorities continue to threaten and otherwise intimidate Catholics who have supported for the church's claims in a land dispute.

The authorities have also launched a public campaign through the media – which is under strict state control – to discredit the Archbishop of Ha Noi, other church leaders and the protesters. Counter-protesters have subsequently gathered daily at the two sites in dispute, intimidating and hurling insults at parishioners, priests and observers, including calls such as “kill the archbishop” and “kill the priests”. State-sponsored gangs have



attacked at least one Catholic church outside Ha Noi, and discrimination against Catholics is growing. The peaceful protests and the subsequent crackdown take place amid severe restrictions on freedom of expression and assembly, and long-standing discrimination against religious groups, including the Catholic Church.

Catholics started protesting in December 2007 over a long-running dispute over ownership of two pieces of land in Ha Noi that belonged to the Catholic Church until the 1950s when it was confiscated by the state. Negotiations between the church and the government stalled in February 2008, and in August and September thousands of people, some from other parts of the country, joined in the peaceful protest. By the end of September, the police had dispersed protesters with electric batons, dogs and the support of state-sponsored gangs, sealed off the two areas and

effectively put an end to the mass vigils. Police injured several people with their batons, and 20 people were hospitalised after police used teargas against protesters.¹

At least eight people were arrested in the last wave of protests which began in mid-August; two of them remain in detention. Amnesty International believes others are at risk of arrest: in recent days, police have stepped up efforts to intimidate protesters and are calling in for questioning both parishioners and church leaders who took part in mass demonstrations and prayer vigils.

Background

This briefing paper documents intimidation and harassment against Catholics in Hanoi. It is based on conversations with people inside the country, who remain anonymous for their security and communications with credible exile religious groups, journalists, and official press reports.

The protests in Ha Noi take place in a context of strict control over religious institutions and activities. In addition freedom of expression and assembly are tightly controlled, and political activists and dissidents are routinely arrested and detained, some sentenced to lengthy prison terms under national security legislation after unfair trials.²

After the reunification in Viet Nam in 1975, authorities held that peaceful religious activities were incompatible with government policy, and persecution of religious groups and individuals became widespread and included detention without trial and imprisonment after unfair trials.³

Since then, the degree of religious freedom has improved significantly, but restrictions remain in place. The government retains control over religious institutions and their activities, and requires religious denominations to be officially recognized or registered. Permission by the authorities is required for many religious activities.

Amnesty International has monitored and reported on numerous individuals who are active in religious groups which do not have state approval for decades and who have their rights to freedom of association and expression curtailed by the

¹ See e.g. *Vietnam: End Crackdown on Catholics - Peaceful Protesters Beaten, Arrested, and Harassed*, Human Rights Watch, 4 October 2008; *Vietnamese Catholics complain of police violence*, AP, 28 *Catholics fight state in land dispute*, Intellasia, 24 September 2008.

² This has been extensively documented by Amnesty International. For the most recent public documents, see *Viet Nam: Time to live up to human rights commitment*, Amnesty International, 30 June 2008.

³ *Socialist Republic of Viet Nam: A human rights review based on the International Covenant on Civil and Political Rights*, 1 October 2002.

authorities.⁴ Particularly people who are linked to groups that are not part of the state-sanctioned churches are frequently harassed, arrested and imprisoned.

The groups most affected by these restrictions are the Unified Buddhist Church of Viet Nam (UBCV), members of the evangelical Protestant community, Roman Catholics and the Congregation of the Mother Coredemptrix, Hoa Hao Buddhists, and members of the Cao Dai church.⁵

Relations between Ha Noi and the Vatican have long been difficult, but have improved in recent years. Following a meeting in January 2007 between the Vietnamese Prime Minister and the Pope, a working group was established to improve relations.

The land disputes

For a decade, parishioners and church leaders have made claims to these two pieces of land in central Ha Noi which they say the government confiscated from the Catholic Church in the 1950s. They want the state to return the land, to use for religious purposes. The authorities have called the claims groundless, stating that the church donated the land voluntarily.⁶

One of the properties under dispute housed the Vatican diplomatic mission before it was turned over to the state in 1959, and is located next to the Ha Noi Archbishop's residence and St Joseph's Cathedral. In December 2007, the Archbishop sent a petition to the authorities requesting that the state give the land back to the Church. In support of this request, Catholics started congregating in peaceful prayer vigils in late December.

In February 2008, the government agreed to a gradual return of the land, according to church groups. The peaceful protests died down only to resume in August because church members believed that the authorities had not delivered on their agreement. After the protests resumed – mostly with vigils in which participants prayed and sang together – the authorities announced the land would be turned into a park with a playground and the building into a public library.⁷ Demolition workers

⁴ See e.g. *Viet Nam: Father Thadeus Nguyen Van Ly - Prisoner of Conscience*, Amnesty International, 5 July 2001, *Socialist Republic of Viet Nam: Renewed concern for the Montagnard minority*, Amnesty International, 28 April 2004, *Viet Nam: Buddhist dissident leaves his homeland for exile abroad*, Amnesty International, 23 June 2004.

⁵ *Socialist Republic of Viet Nam, Appeal for: Brother Nguyen Thien Phung (Huan)*, Amnesty International, 11 May 2005.

⁶ See e.g. *Authorities warn Ha Noi archbishop*, Viet Nam News, 22 September 2008

⁷ *Hanoi deals with Catholic church's complaint*, Vietnamese News Agency, 20 September 2008.

acted on the plans on 19 September. Hundreds of police, including elite forces with dogs, and state-sponsored gangs (See further on page 8.) were deployed and dispersed the protesters, including with electric batons.

The other property, in Thai Ha parish in the west of Ha Noi, has been used by factories and government offices since 1954 when it was turned over to the state. Parishioners started gathering in daily protests in August 2008 after hearing allegations that local officials had effectively sold the land to private individuals. Police monitored the protests and intervened with force after parishioners on 15 August had dismantled part of the outer wall of the disputed land to clear space for an open-air shrine.

Arrests

On 29 August 2008 state-run media stated that police had arrested six people in connection to the demonstration in Thai Ha.⁸ Initially three people were taken into custody over the destruction of the wall. Those arrested were accused of destroying or deliberately damaging property and causing public disorder (Articles 143 and 245 of the Vietnamese Penal Code). Both offences carry a maximum prison sentence of seven years.



Following their arrests, crowds of parishioners gathered outside the Department of Public Security of Dong Da district in west Ha Noi, calling for their release. During these peaceful protests, police beat several people with electric batons and arrested a further three people, one for having taken photos of the crowds. Five people have since been released, including two men, Le Quang Kien and Nguyen Dac Hung, who were released on 7 October 2008. Two women, Nguyen Thi Nhi and Ngo Thi Dung, remain in pre-

trial detention. These four have been charged under articles 143 and 245, and state media has referred to the known detainees as “offenders” before a court of law has decided on their guilt or innocence.⁹

⁸ *Press briefing on law breaking behaviours at 178 Nguyen Luong Bang, Nhan Dan*, 30 August 2008.

⁹ *Four more to face trial for disturbing public order*, Vietnamese News Agency, 11 September 2008.

A female parishioner and an American journalist were also arrested in connection with the protests and then released. Police also arrested the Associated Press' Bureau Chief in Ha Noi, an American national, on 19 September 2008, while he was observing the protests and taking photos. He was held for two hours, when he said that he was choked and hit on the head with his camera, requiring stitches. The US Embassy has filed a protest about the treatment of the journalist¹⁰, but the Vietnamese authorities have denied any violence.¹¹

Amnesty International believes that more people may have been arrested and that others are at risk of arrest, particularly priests at Thai Ha parish, the Archbishop of Ha Noi, and hundreds of Catholic protesters from rural areas, who travelled to join the mass protests in August and September. According to reports received by Amnesty International, police are searching for additional protesters, including a woman who has gone into hiding to evade arrest.

One Thai Ha parishioner, a 26 year old man, told Amnesty International that he knew personally two of those who were released, now under movement restrictions. One is under house arrest and must go to the police station every night to report what she has done during the day. The other, from outside Ha Noi, was released and sent to his hometown, forbidden to return to the city.

Since the crackdown, Catholics continue to gather in prayer vigils inside their churches and in smaller groups.

Threats by authorities

The Vietnamese authorities have publicly threatened church leaders with legal actions unless they end what they defined as "illegal religious activities".¹²

On 21 September, the Ha Noi People's Committee – the city's governing body – issued a written warning to the Catholic Archbishop of Ha Noi, Joseph Ngo Quang Kiet, accusing him of breaking the law in connection with the protests.¹³ Two days later, the Vietnam News Agency (VNA) reported that the archbishop had "*personally incited and encouraged further violations by circulating interviews, letters and documents with distorted information to foreign media,*" and that he would be treated in accordance with the law if he did not put an immediate end to such actions.

¹⁰ *Vietnam police 'punched' US journalist covering protest*, AFP 20 September 2008.

¹¹ *Vietnam alleges beaten AP photographers broke the law*, Associated Press, 19 September 2008.

¹² *Vietnam warns archbishop for "encouraging" land law violations*, Vietnamese News Agency, 21 September 2008.

¹³ *Ibid.* and *Authorities warn Hanoi archbishop*, Viet Nam News, 22 September 2008.

In a second written warning, the People's Committee accused a group of four priests belonging to the Thai Ha Parish of inciting people to break the law, including in relation to the demolishing of a wall on 15 August 2008. According to the warning, the four priests "organised illegal religious activities on the occupied land, disturbing security, and social order in the area."

At the time of writing, the archdiocese in Ha Noi is reportedly under strict surveillance by the police. Other church leaders believe plain-clothes police monitor their activities, and that their mobile phones are being tapped.¹⁴

Amnesty International has received reports that representatives of the authorities have threatened protesters with legal action relating to "causing public disorder" in relation to the protests, a criminal offence under Article 245 of the Penal Code. Amnesty International has repeatedly raised concerns about this vaguely worded article because it does not comply with international standards, and is routinely used to criminalize freedom of expression and peaceful assembly. Police have called in for questioning the Parish Superior (the head priest) of Thai Ha parish and local officials have told three other priests in the parish that they will be summoned by police, one by one, once police have interrogated the Parish Superior. An unknown number of parishioners have also been called in for questioning, where police have tried to establish who organized the mass protests.

Religious groups in exile have told Amnesty International that the authorities have ordered school teachers to monitor Catholic students' activities and cautioned that teachers will be held accountable if their students are found to take part in any prayer vigils or demonstrations. In late September one student from Ha Noi University was expelled for having posted updates about the protests on a blog and left Ha Noi out of fear for his safety.

Others perceived by the authorities as organisers of the protests have received threats of violence. In one instance, police officers in a northern province paid a visit to the family of a journalist observing the protests. A police officer warned the parents that their son should end his involvement in the protests or he may be killed.

Campaign in the state-controlled media

Media, which by and large is a government mouthpiece and under its strict control, have published numerous articles in an intensifying campaign to discredit Catholic leaders in Ha Noi. Church leaders have been portrayed as treacherous and anti-Vietnamese, and the archbishop has been accused of distorting the truth, slandering the authorities, defying the law and challenging the state.

¹⁴ Communications with Vietnamese church groups in exile.

Much of this coverage has been directly targeting Archbishop Joseph Ngo Quang Kiet. A professor quoted in Nhan Dan newspaper said: “With his self-righteous words and defiance of law, Ngo Quang Kiet has separated himself from the community and neither deserves to be a Vietnamese citizen nor deserves to have Vietnamese nationality.”¹⁵ The Vietnamese News Agency reported the following on the Archbishop early October 2008:

“Kiet has damaged the solidarity between religious and non-religious people, [Deputy Minister of Public Security] Huong said, adding that the image of pious and good-natured parishioners has been replaced by the persons who cruelly demolished common property and placed sacred objects of the denomination at sleazy sites for worship.”¹⁶

Reports from state controlled media also describe protesters – parishioners, clergymen and their supporters - as violent and aggressive,¹⁷ when the vast majority of the prayer vigils and protests have been peaceful. One newspaper referred to the protesters as “some Catholic people in Hanoi, incited by extremists.”¹⁸



The campaign intensified in September 2008 after the Archbishop voiced support for the protesters and publicly criticised the Vietnamese media and its one-sided coverage of the protests:

“The reason why you don't see or hear the opinions of the Office of the Archbishop in the mass media is that such means of communication belongs to the government, and

State controlled media has portrayed the protesters as violent.

¹⁵ *Public condemn statement and acts of Hanoi archbishop*, VNA, 27 September 2008.

¹⁶ *Deputy public security minister's view on land disputes*, VNA, 2 October 2008.

¹⁷ See e.g. *Vietnam warns archbishop for “encouraging” land law violations*, Vietnamese News Agency (VNA), 21 September 2008, and *Vietnam warns archbishop for “encouraging” land law violations*, VNA, 21 September 2008.

¹⁸ *Nhan Dan People's opinion: Ngo Quang Kiet's law-breaking are unacceptable*, Nhan Dan, 23 September 2008.

that we don't have any right to use it to express our viewpoints," the archbishop told US-based Radio Free Asia in an interview.¹⁹

Amnesty International believes that this media campaign may fuel further violent attacks by individuals against church leaders and parishioners, and that it is partly perpetuating discrimination and intimidation against parishioners and the Catholic community at large in Viet Nam.

"Bully boys" – state-sponsored gangs

Reports are increasingly emerging about attacks and acts of discrimination against Catholics in Ha Noi. One young woman parishioner told Amnesty International that

she feels afraid at the sight of crowds acting aggressively towards the Catholic churchgoers. A friend of hers was attacked and pushed around by a gang one evening early October.



"And they shout bad words about our mothers and fathers, and say things like "kill the archbishop" and "kill the priests", she said. "Last Sunday evening [5 October 2008] when I came from church, there were maybe 400-500 people there, many in blue shirts, shouting slogans and holding banners".

State controlled media have not reported on such violence, intimidation and harassment described to Amnesty International as being carried out by "bully boys", gangs that appear to have the backing of police and local authority officials:

"We saw some of them being paid by police. And the same goes for some older men and women, poor people in the neighbourhood, who the government ask to protest. They get paid at the police station"²⁰, a Thai Ha parishioner told Amnesty International.

¹⁹ Vietnam Archbishop Defends Land Protesters, Radio Free Asia, 6 September 2008.

²⁰ The Vietnamese Service of Radio Free Asia have told Amnesty International that police officers have paid between 20,000 and 30,000 VND (approx 1.2 to 2 USD) to counter-protesters.

These gangs emerged during the peak of the protests. In the morning of 31 August 2008, hundreds of “bully boys”, some dressed in shirts labelled “Communist Youth League”, arrived at Thai Ha parish, where they attacked a local priest and parishioners, blocking their way, hurling insults, and spitting at them. They also looted religious items from the disputed land.

They arrived in even larger numbers on 25 September 2008, where thousands of Catholics had gathered in protest at the bulldozing on 19 September 2008 of land of the former Vatican diplomatic mission. State-sponsored gangs arrived at the site in government owned buses, attacking protesters and worshippers, beating them and stopping them from entering the site. They reportedly also destroyed and looted religious artefacts and, according to reports received by Amnesty International, sought to provoke violence among the protestors.

Parishioners fear thugs, who attack and intimidate.
Police maintained a continual presence at the protest sites throughout the mass vigils. At no time did they try to intervene to protect protesters when they came under attack by gang members. Observers have told Amnesty International that local officials have also been present during attacks on parishioners and that they too did nothing to stop violence and intimidation.

Police remained on site after the 25 September, which marked the end of the peaceful mass protests, and have reportedly witnessed more recent instances of intimidation by “bully boys” and others without intervening.

Amnesty International is aware of one instance in which a church outside Ha Noi, in Ha Nam Province south of the capital, was attacked by a similar gang since the official media campaign began in August 2008. A gang gathered outside the church for five consecutive evenings between 23 and 27 September 2008, throwing stones, shouting insults and threatening the clergy.²¹

Intimidation on the rise

Reports of intimidation against Catholics are on the increase in Ha Noi. Parishioners are apprehensive when they go to church, particularly at night, when gangs gather in the vicinity. Students are increasingly worried to speak about their faith at school or at university, where reports are emerging about bullying and expulsions. A parishioner whose young brother studies at university told Amnesty International that several Catholic students have been expelled in recent days and that others experience bullying:

²¹ *Parish attacked five days a week*, VietCatholic News Agency, 4 October 2008, and communication with journalist.

“Some younger students feel very worried. They are asked by the others if they are Catholics. This is particularly true for the first-year students.”

A group of Catholic students reported to their parish that on 4 and 5 October 2008, a university principal told them that if they continue to participate in activities at the Thai Ha parish, they may be expelled. They said to their fellow-parishioners that they had done nothing wrong so they would continue, but that they nevertheless felt threatened.

There are several similar reports from Thai Ha parish. A teacher told a nine-year old student, also from the parish, that he was not welcome at school, but should stay home, a 26-year old Catholic church member told Amnesty International.

“The teacher said that he should not go to church, or else he would risk being expelled.”

“One elderly woman from the Thai Ha parish went to do her shopping at the local market on Saturday [4 October 2008]. The seller didn’t want to sell to her; he said ‘Eat the Bible’,” he said.

Conclusion and Recommendations

The International Covenant of Civil and Political Rights (ICCPR), to which Viet Nam is a state party since 1982, and the Vietnamese Constitution provide for the rights to freedom of peaceful assembly and expression.²² Nevertheless, the Vietnamese government routinely fails to uphold these rights, including for religious groups and individuals. Public protests and demonstrations are only rarely allowed, and the authorities use national security legislation to criminalise peaceful expression of dissent.

Freedom of thought and religion, including the right to manifest ones’ religion, is guaranteed by article 18 of ICCPR.

²² In its *Concluding observations of the Human Rights Committee : Viet Nam. 26/07/2002*, the Human Rights Committee states that it “is concerned at reports of the extensive limitations on the right to freedom of expression in the media and the fact that the Press Law does not allow the existence of privately owned media. It is also concerned at the press laws which impose restrictions on publications which, inter alia, are said to cause harm to political stability or insult national institutions. These broadly defined offences are incompatible with paragraph 3 of article 19 of the Covenant.

The State party should take all necessary measures to put an end to direct and indirect restrictions on freedom of expression. The press laws should be brought into compliance with article 19 of the Covenant.”

Viet Nam is under an obligation under Article 2(1) of the ICCPR to “ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind” including religion or political or other opinion.

The Human Rights Committee has stated, in its general comment on Article 2 of the ICCPR, that States parties must protect individuals “not just against violations of Covenant rights by its agents, but also against acts committed by private persons or entities that would impair the enjoyment of Covenant rights.”²³

Vietnamese authorities are therefore under an obligation to take the necessary steps to ensure that individuals can exercise their rights to freedom of religion, expression and peaceful assembly without discrimination.

Amnesty International calls on the Vietnamese government to:

- Uphold the rights to freedom of expression, peaceful assembly and freedom of religion without discrimination and to take all necessary measures to end restrictions on freedom of expression, peaceful assembly and freedom to practice one’s religion except when prescribed by law and where strictly necessary, in accordance with international human rights law;
- Immediately and unconditionally release those imprisoned for peacefully expressing their views;
- Ensure that police officers are made aware of their duty to protect the human rights of all individuals, including by taking the necessary measures to ensure that all individuals are able to exercise their right to freedom of religion, expression and peaceful assembly without discrimination;
- Lift unlawful restrictions on the right to peaceful assembly, freedom of expression and freedom of religion and particularly reform provisions in the 1999 Penal Code relating to national security, ensuring vaguely worded provisions are removed or brought into line with international law and standards;

²³ See Paragraph 8 of General Comment No. 31 on the *Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, CCPR/C/21/Rev.1/Add.13, available at: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CCPR.C.21.Rev.1.Add.13.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CCPR.C.21.Rev.1.Add.13.En?Opendocument)]

- Ensure that a climate of impunity does not emerge with regard to attacks and acts of intimidation against Catholics, by conducting independent and impartial investigations on all attacks and acts of intimidation by police officers, including excessive use of force against peaceful Catholic worshippers, and state-sponsored “bully boys” and to bring those responsible to justice in trials which comply with international standards;
- Invite the UN Special Rapporteur on the Right to freedom of opinion and expression to visit Viet Nam.