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VIETNAM: Concerns over the sentencing of Catholic bloggers

1. Summary of events

On 24 September 2012 Christian bloggers Nguyen Van Hai (a.k.a. Dieu Cay), Marie Ta Phong Tan and Phan Thanh Hai were charged with “conducting propaganda against the Socialist Republic of Vietnam” under Article 88 of the criminal code. Nguyen Van Hai was sentenced to twelve years’ imprisonment with an additional five years’ house arrest, while Marie Ta Phong Tan and Phan Thanh Hai were sentenced to ten and four years respectively plus three years’ house arrest. All three bloggers had been in pre-trial detention at the People’s Court in Ho Chi Minh City.

The three bloggers were founding members of the Free Journalists’ Club, or the Club for Free Journalists, a group championing freedom of expression. The club members have suffered ongoing intimidation and harassment. The charges against the three bloggers relate to both political articles posted by the Club and posts on their own blogs critical of the government.

During the trial, Nguyen Van Hai told the court that he felt “frustrated by injustice, corruption” and a “dictatorship which does not represent the state but some individuals”. The audio feed cut out shortly after he made these comments.¹

2. Domestic and international responses

The trial attracted considerable attention both inside and outside the country.

According to reports by bloggers inside Vietnam, around 400 security guards were stationed outside the court on the day of the trial. Members of the public who attempted to take photographs had their phones and cameras confiscated and about eighteen people, including Nguyen Van Hai’s wife and son and Ta Phong Tan’s two sisters, were taken into custody.

On the Sunday before the trial, around 2,000 friends, relatives and supporters, both Catholic and non-Catholic, attended a prayer vigil for the three bloggers. Those present also offered prayers for seventeen other Catholics they believe to have been unfairly jailed.²

On 29 September, in a demonstration of solidarity across religions, the Venerable Thich Vien Dinh, deputy leader of the Unified Buddhist Church of Vietnam, wrote a letter to the international community protesting against the trial of the three bloggers. The letter criticises the use of “vague charges” relating to national security and anti-socialist propaganda, and calls upon the United Nations, the US Congress, the European Parliament, all international human rights organisations and others to continue to press for the release of the bloggers, and of all other prisoners of conscience in Vietnam.³

UN High Commissioner for Human Rights Navi Pillay has described the verdicts as “an unfortunate development that undermines the commitments Vietnam has made internationally, including during

¹ <http://www.bbc.co.uk/news/world-asia-19697905>

² <http://www.asianews.it/news-en/Catholics-to-pray-for-three-bloggers-unfairly-given-harsh-prison-sentences-25910.html>

³ http://www.queme.net/eng/news_detail.php?numb=1921

the UPR, to protect and promote the right to freedom of expression”.⁴ Prior to the trial the UN Office of the High Commissioner for Human Rights expressed concern about the case, which was described as being “directly linked to [the bloggers’] legitimate exercise of freedom of expression”.⁵ A statement issued by the EU High Representative Catherine Ashton on the day of the trial expressed “serious concern” over the sentencing and called on Vietnam to “respect its international obligations and to release the convicted bloggers immediately”.⁶ US Department of State Spokesperson Victoria Nuland also called for the release of the three bloggers and all “prisoners of conscience”.⁷

Gerald Staberock, Secretary-General of the World Organisation against Torture (OMCT), has described the trial as a “travesty of justice”. In an interview with Radio Free Asia, Staberock emphasised the fact that online media is the only remaining space for the people, making cases like these extremely significant.⁸

Human Rights Watch has condemned the sentences given to the bloggers, stating that the government’s “arbitrary use of vaguely worded national security laws to imprison critics of the government means bloggers are bearing the brunt of this assault on freedom of expression.”⁹

3. Conclusions and recommendations

The harsh sentences handed down to Nguyen Van Hai (Dieu Cay), Marie Ta Phong Tan and Phan Thanh Hai highlight a broader pattern of restriction on freedom of expression in Vietnam. National security laws have been used to restrict online space for freedom of expression and to silence opinions which run contrary to the government line. Furthermore, the reaction of local Catholics, as well as many other Vietnamese citizens, indicates that the social and political concerns expressed by the bloggers are shared by many others. We urge the Government of the Socialist Republic of Vietnam to allow full freedom of expression online and offline, in accordance with international law.

To that end, we call on the international community, including the Catholic Church, to urge Vietnam to:

- Fulfil its obligations as a state party to the International Covenant on Civil and Political Rights (ICCPR) by protecting the right to freedom of expression (Article 19);
- Honour its commitment to address the 2009 UPR recommendation to fully guarantee the right to receive, seek and impart information and ideas in compliance with Article 19 of the ICCPR;
- Immediately release Nguyen Van Hai (Dieu Cay), Marie Ta Phong Tan and Phan Thanh Hai, and carefully investigate the cases of bloggers imprisoned under this charge;
- Revise loosely-worded national security laws which can be used to silence opposition and restrict freedom of expression;
- Immediately cease harassment of journalists and bloggers who legitimately exercise their right to hold an opinion and to express that opinion;
- Consider issuing an invitation to the Special Rapporteurs on freedom of expression and freedom of religion.

⁴ <http://www.un.org/apps/news/story.asp?NewsID=42985&Cr=Journalists&Cr1=>

⁵ <http://www.un.org/apps/news/story.asp?NewsID=42620>

⁶ http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/132540.pdf

⁷ <http://www.state.gov/r/pa/prs/ps/2012/09/198107.htm>

⁸ http://www.queme.net/eng/index_detail.php?numb=1911

⁹ <http://www.hrw.org/fr/node/110273>