



Bloc 8406

Bloc 8406 formed on the eighth of April, 2006 in Vietnam by 118 people. Catholic priest Father Nguyen Van Ly, a nominee for the 2013 Nobel Peace Prize, is one of its founders. Bloc 8406 is one of the pro-democracy movements in Vietnam. Its membership, from both outside and within the country, is now in their thousands.

Even though Bloc 8406 is not legalised by the Vietnamese government (Government), it has been a driving force in raising awareness of the unauthenticity to rule of the Government amongst Vietnamese people around the world and in helping to educate Vietnamese people about democracy, fairness and human rights. We are submitting the following comments and recommendations on behalf of political and religious prisoners and on behalf of people in Vietnam.

Socialist Republic of Vietnam
Submission to the UN Universal Periodic Review
January 2014

Contact details:

Mr Anh Tuan Francis Pham

Postal address: 13 Ernest Avenue, Chipping Norton, NSW, Australia, Post code 2170

Email address: anht.pham@gmail.com

Telephone: +61-423-155-088

Executive summary

In this submission, Bloc 8406 focuses on the following aspects of human rights: freedom of religion, freedom of the press, freedom of opinion and expression, right of self-determination, freedom of movement, and right to take part in the government.

For each of those aspects, Bloc 8406 provides information under sections B and E as stipulated in the *General Guidelines for the Preparation of Information under the Universal Periodic Review*.

- Under Section B – Developments since the previous review.
- Under section E – Recommendations for action by Vietnam.

B. Developments since the previous review

Freedom of the press

1. Vietnam has no freedom of Press. (1) Vietnam blocks websites such as bbcvietnamese.com, rfa.org, viet.rfi.fr. (2) Vietnam imprisons bloggers e.g. blogger Dieu Cay. (3) Vietnam outlaws all private news agencies, media. (4) Journalists cards are issued, granted and cancelled by the Press Bureau (Cục Báo Chí) which is a government body. These cards should not be controlled by the government. (5) Government continues cracks down on people raising concerns on social, economical and political issues especially those bloggers and writers to overseas media. (6) There is no law on freedom of information which allows the media to obtain and print governmental policy and information such as the border agreement with China. As such anybody dares to question the Government on these issues will be trialled by the Article 88 of the Criminal Law. (7) Decree No. 2, Sanctions for Administrative Violations in Journalism and Publishing valid since Feb 2011 stipulates fines for journalists who violate vague and broad provisions. (8) In May 2013 the National Assembly bans journalists to attend certain Assembly meetings which are viewed non-secretive by the mass media without explanation.

Freedom of religion and belief

2. Vietnam is a systematic violator of religion and belief. Religious activities deemed to threaten the authority of the Communist Party of Vietnam (CPV) are therefore banned or carefully monitored and controlled. (1) There is no law on religion and belief so religions are at the mercy of the Government. In January 2013 Decree 92 went into effect which requires all religious institutions be registered and approved by the Government in order to operate with unreasonable conditions such as the religion must exist 20 years before it can be registered. These stringent rules especially target religious groups which the Government believes oppose it, such as members of the evangelical Protestant community, Roman Catholics, Hoa Hoa Buddhists, Cao Dai church, Khmer-Krom Buddhists, Degar Christians, and Falun Gong practitioners. The United Buddhist Church of Vietnam formed in 1964 and is still outlawed by the Government. (2) The Government maintains a specialised police unit (A41) to suppress religions. (3) Father Nguyen Van Ly remains in prison and the Most Venerable Thich Quang Do, Supreme Patriarch of the United Buddhist Church of Vietnam, remains under “pagoda arrest.” (4) In March 2012, eight Hmong Protestants were sentenced to two years’ imprisonment for “partaking in a separatist ethnic movement.” (5) In February 2012, Pastor Nguyen Cong Chinh was sentenced to five years for “distorting the domestic situation, criticizing the government, and the army with foreign media.” (6) In May 2012, Hoa Hao activist Bui Van Tham was sentenced to 30 months in prison for “resisting officials in the performance of their official duties.” (7) In January 2013, a court sentenced 22 members of the Buddhist Council for the Laws and Public Affairs of Bia Son Mountain to jail terms ranging from 12 years to life for “aiming to overthrow” the state. (8) In April and June 2012, three Protestant from Gai Lai province in the Central Highlands, Kpuil Mel,

Kpuil Le, and Nay Y Nga, were sentenced to a combined 22 years in prison for practicing Dega Protestantism. (9) In May 2013 8 further Protestant from Gai Lai province were sentenced to a combined 63 years in prison. (10) There are many more uncivilised sentences, such as the sentencing of the 17 Catholic youths, the Muong Nhe incident, the “Con Cuong” incident, etc.

Freedom of opinion and expression

3. (1) Vietnam is an *Internet enemy* declared by RSF. Vietnam continues cracking on internet activists. The most recent incident was on 17/4/2013 Pham Nguyen Thanh Binh was sentenced 3 years imprisonment using Article 88 of the Criminal Law. Mr Pham wrote some articles posted on an overseas blog raising concerns on corruption by Government officials.
- (2) On 26/5/2013 blogger Truong Duy Nhat was arrested and his blog was permanently closed.
- (3) Vietnam bans all form of media propaganda which criticises the CPV. On 16/5/2013 Nguyen Phuong Uyen and Dinh Nguyen Kha were sentenced to 6 and 8 years imprisonment simply because they opposed the CPV but they were found guilty of opposing the Government by Article 88 of the Criminal Law. This clearly demonstrates that the CPV is above the Constitution and the law.
- (4) Vietnam continues using cyberattacks – including distributed denial of service (DDoS) attacks – and spyware to steal user IDs and passwords from opposition website administrators, making blogging dangerous.
- (5) When all other means cannot be used to silent the bloggers and human rights activists, Vietnamese Government uses police officers (who disguise as gangsters) and gangsters to attack the bloggers and human rights activists. On 9/4/2013 blogger Nguyen Chi Duc was attacked at his work place in Hanoi. Furthermore, at the “Human Rights” picnic on 5/5/2013 organisers in Saigon were bashed and detained illegally by the police.

Right of self-determination (article 1 of the International Covenant on Civil and Political Rights)

4. (1) All the Constitutions have never been referendum. (2) The majority of National Assembly members are chosen by the CPV and do not represent the people. Most members are direct subordinates of the prime ministers and therefore the National Assembly is not independent. (3) The CPV-controlled Constitution, National Assembly, the Judiciary and various laws and governmental decrees are parts of a totalitarian system and which are anti-democracy, anti-justice and anti-human rights. (4) Article 4 of the 1992 Constitution is a major obstacle to a democratic and fair in Vietnam. This article is an exact copy of the former Soviet Union's Constitution. The Vietnamese Communist Party (CPV) and all its organisations are not a lawful entities. CPV always defends this article. (5) Article 4 of the Constitution states that “All Party organisations operate within the framework of the Constitution and the law” and yet there is no law governs the CPV's operations. On 16/5/2013 Nguyen Phuong Uyen and Dinh Nguyen Kha were sentenced to 6 and 8 years imprisonment simply because they opposed the CPV and they were found guilty of opposing the Government by Article 88 of the Criminal Law. This clearly demonstrates that the CPV is above the Constitution and the law.

Freedom of movement

5. There have been numerous incidents where Vietnamese citizens are denied to leave and return to Vietnam. This is an undeniable violation of Article 13 of The Universal Declaration of Human Rights (UDHR). The most recent cases are Mr Pham Van Diep and Mr Tran Trong Linh were denied to return to Vietnam on 24/4/2013 and 8/5/2013 respectively and Mr Huynh Ngoc Chanh was denied to leave Vietnam on 10/5/2013.

Right to take part in the government

6. (1) There is no law on political parties makes any form of association is denied legal status in Vietnam. Parties such as Democratic Party of Vietnam (DPV) are all denied legal status. Notice that DPV was formed in 1944 and existed until 1988 when it was outlawed. CPV and its children organisations such as Vietnam Fatherland Front do not have legal status according to the Constitution. However together they govern every aspect of life with supremacy. We challenge the Government to form the law and to allow all parties to have legal status. (2) All National Assembly and all government offices' candidates are hand picked by the CPV through its subordinate the Vietnam Fatherland Front and people are asked to simply cast their votes. The people cannot choose their representatives.

E – Recommendations for action by Vietnam

Freedom of the press

7. (1) Decree No. 2, Sanctions for Administrative Violations in Journalism and Publishing must be abolished. (2) Freedom of information must be allowed. (3) Allow independent journalists and independent journalists' cards.

Freedom of opinion and expression

8. (1) All forms of opinion and expression must be allowed. (2) Freedom of Internet must be allowed. (3) Stop all cyber attacks. (4) Stop using police and gangsters to attack concerned citizens.

Freedom of religion and belief

9. The practice of having Ordinance and Decree to control religions and their practitioners must end. There must be a law on *religion and belief* so all matters can be dealt with in the court of law.

Freedom of movement

10. No-one must be denied of return to or leave his homeland.

Right of self-determination

11. The Government must (1) let the people to freely discuss the Constitution and (2) hold referendum of its current and future Constitutions.

Right to take part in the government

12. (1) Law on political parties must be created. (2) We call on and challenge the Government to hold free and fair general elections of the National Assembly and all government offices with international observers. We challenge the Government to set up an independent Electoral Commission.

13. **Unconditionally release all political prisoners immediately.**