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Viet Nam: Conviction of youth activists highlights authorities' retrograde attitude to human rights

The convictions of two young men - Nguyễn Hữu Quốc Duy and Nguyễn Hữu Thiên An - on charges of "conducting propaganda against the state" on 23 August 2016 highlight the failure of the authorities in Viet Nam to come to terms with the increased willingness of people in Viet Nam to express dissent. Amnesty International is also concerned at the arbitrary arrests of a dozens of people, including the mother of one of them, who tried to attend the trial.

Nguyễn Hữu Quốc Duy and Nguyễn Hữu Thiên An were convicted by a court in Khánh Hòa province, receiving prison sentences of three and two years respectively.

Nguyễn Hữu Thiên An was arrested in August 2015 for spray-painting the initials "DMCS", which translates as "Fuck Communism", on the wall of a police station. The term itself, however offensive it may be, is protected by the right to freedom of expression, which under international human rights law includes expression that may be regarded as deeply offensive. And while it could be legitimate to treat an act of spray painting on a police station as a minor act of criminal damage, an offence of "conducting propaganda against the state", particularly when applied to a statement which does not incite violence, is not consistent with international human rights law. The UN Human Rights Committee has explicitly underlined that states should not prohibit criticism of institutions, such as their administration. The same applies to criticism of political parties or systems.

Nguyễn Hữu Quốc Duy, the cousin of An, was arrested in November 2015, after posting comments on Facebook in support of An. On 22 August 2016, Amnesty International wrote to the Permanent Office on Human Rights of Viet Nam outlining concerns arising from violations of Duy's fair trial rights. Since his arrest, he has been held incommunicado, denied effective communication with his family who were also prevented from assisting him to obtain a lawyer of his choice, as is his right under Article 14 of the ICCPR which sets out the essential elements of the right to fair trial.

Amnesty International is also concerned by the arbitrary arrests of 12 people who tried to attend the trial and were prevented from doing so when they were detained for some hours and then released without charge. Eleven were arrested as they travelled from Hồ Chí Minh city to Nha Trang city, where the trial was taking place, in violation of their right to freedom of movement. Duy's mother was arrested outside the court house, being dragged by the hair into a police car and detained in a local police station for the duration of the hearing.

Viet Nam has repeatedly pointed to its seat on the Human Rights Council as evidence that it respects human rights. While Amnesty International takes positive note of Viet Nam's engagement with international human rights bodies, the prosecutions of Duy and An and the arrests of their supporters indicate that at home it is business as usual for the authorities in Viet Nam, who continue to violate rights guaranteed by the Vietnamese constitution and international human rights treaties to which it is a state party.

The convictions of Duy and An must be quashed and they must be released immediately.