

## PRIVATE MEMBERS BUSINESS

### Vietnam: Human Rights

Monday 4 July 2011

Debate resumed on motion by **Mr Hayes**:

That this House:

(1) notes with concern that on 30 May 2011 in the People's Court of Ben Tre, Vietnam, the following seven people were tried and convicted under Section 2 of Article 79 of the penal code, 'Attempting to overthrow the people's administration':

(a) Ms Tran Thi Thuy (8 years imprisonment and 5 years probation);

(b) Mr Pham Van Thong (7 years and 5 years probation);

(c) Pastor Duong Kim Khai (6 years and 5 years probation);

(d) Mr Cao Van Tinh (5 years and 4 years probation);

(e) Mr Nguyen Thanh Tam (2 years and 3 years probation);

(f) Mr Nguyen Chi Thanh (2 years and 3 years probation); and

(g) Ms Pham Ngoc Hoa (2 years and 3 years probation);

(2) further notes all seven were advocates for democratic reform, and had:

(a) participated in non-violent protest;

(b) prepared and distributed material affirming Vietnamese sovereignty over the Paracel and Spratly Islands;

(c) petitioned the State for redress on behalf of local landholders; and

(d) as members of the 'Cattle Shed Congregation' of the Mennonite Church, engaged in peaceful advocacy for social justice;

(3) expresses its concern that the authorities of Vietnam appear to be using legal processes to rationalise human rights abuse and to silence peaceful opposition; and

(4) calls on the Government to use the full weight of its diplomatic relations with Vietnam to lobby for substantial reform in human rights and basic freedoms in accordance with the provisions of the International Covenant on Civil and Political Rights to which both Australia and Vietnam are parties

**Mr HAYES** (Fowler—Government Whip) (18:30): As a member of federal parliament I feel I have made a commitment to publicly condemning blatant violations of basic human rights. In moving this motion I sought to bring attention to atrocities that are currently occurring in Vietnam against freedom and justice. Though we may call Vietnam our South-East Asian neighbour and our valued trading partner, I for one am appalled that there are more than 400 people currently incarcerated in Vietnam for exercising their fundamental human rights. I refer to people whose only crime is to support political groups not recognised by the state, to criticise government policy or to call for democracy. Today I wish to highlight some recent cases of this.

In Vietnam in recent years there have been a growing number of individuals and activist groups openly voicing their opposition to the government. In response, the Communist regime has been attempting to silence this dissent through imprisonment. The arrest of those advocates of human rights and those seeking democracy is arbitrary, and their trials have been unjust. Beginning in summer 2010, the Vietnamese government embarked on one of the biggest crackdowns on dissidents, specifically targeting land rights activists, most of whom belong to the Mennonite Church, in the Mekong River Delta region. Among those arrested I specifically refer to the seven people I referred to in my notice of motion.

The story of these people is appalling. All seven are members of the Cattle Shed Congregation of the Mennonite Church, the name of which refers to the fact that they have to practice their religion in a cattle shed. In what can only be seen as a severe miscarriage of justice, these seven individuals were detained and held incommunicado from July 2010 until their trial on 30 May 2011 without access to legal counsel or access to their families. When the accused were finally brought before the People's Court of Ben Tre, the hearing, which lasted less than one day, was closed to the public, the defence had limited access to the evidence against their clients and all requests for foreign diplomats to attend the proceedings were denied. To further compound these shocking circumstances, the lawyer Huynh Van Dong, who was appearing for two of the defendants, was ejected from the courtroom during the argument stage of the case. Following the trial, Huynh Van Dong said that the court itself had violated the law from the very beginning. He claimed that any statements that he made in the court room on behalf of his clients were cut off by the judges—in other words, he was effectively silenced.

Due to their association with Viet Tan, a pro-democracy organisation, the seven were charged under article 79 of the Vietnamese penal code, which cited their attempt to overthrow the socialist government. They were accused of the following so-called criminal acts: attending a seminar on non-violent protests, publishing signs concerning Vietnamese ownership of the Paracel and Spratly Islands and organising farmers to protest against corruption. These activities are hardly objectionable by any reasonable standard, and each of them is acceptable and fully within the framework of international law. Collectively they were sentenced to 33 years of imprisonment and 28 years of house arrest. Article 79 of the Vietnamese penal code is vague. It does not distinguish between violent acts endangering national security and peaceful political advocacy. It appears to me that the Vietnamese government has exploited this and in doing so has violated numerous articles of the International Convention on Civil and Political Rights and the Universal Declaration of Human Rights, both of which apply in Vietnam as they are a signatory. To any reasonable person, the action of these seven standing up against corruption, seeking to avail themselves of constitutional rights, could hardly be seen to be criminal but rather the actions of a true patriot. They have been faithful to their religious ideals. They have been selflessly serving their communities. They rightly claim that the communist authorities in Vietnam are using the penal code to rationalise human rights abuses and the silencing of peaceful opposition. In any objective sense the Vietnamese government has failed in every way to prove that these seven people engaged in a single illegal act under international law and therefore the enforcement of article 79 of the code in this manner simply punishes the individuals for exercising their rights to freedom of association, freedom of assembly and participation in national affairs.

I assure you, Mr Deputy Speaker, that as Australian parliamentarians we are not alone in our concern about Vietnam's arbitrary detention and conviction of innocent individuals who are fighting for freedom and justice. Human rights groups, elected officials and

foreign embassies all around the world have criticised the regime and its actions. In another case of Vietnamese suppression a 50-year-old novelist and journalist, Tran Khai Thanh Thuy, was recently deported to the United States on humanitarian grounds following fierce pressure from the United States State Department and strong backing of Congresswoman Loretta Sanchez. Thuy had been sentenced to 3½ years imprisonment earlier that year on assault charge. The charge had been found to be a complete fabrication and an excuse by the government to arrest Thuy for her involvement in the pro-democratic movement, particularly her association with Viet Tan. Thuy's case is a landmark and it is the first time international pressure has been successful in affecting the actions of the Vietnamese government. As a signatory to the International Convention on Civil and Political Rights, Vietnam has willingly agreed to grant its citizens the rights of freedom, particularly freedom of association.

As a trading partner and an aid donor, I believe Australia has a right to demand that Vietnam abide by its international legal obligations. On numerous occasions I have drawn the parliament's attention to the ongoing human rights abuses in Vietnam. Recently I spoke about three people who were jailed for nine years for organising a strike at a shoe factory in pursuit of fair wages and conditions. I have also spoken about the legal scholar, Cu Huy Ha Vu, jailed for seven years for initiating legal action in respect of a Chinese mining project and challenging the constitutional validity of a prohibition order against class actions.

We do not need to chronicle the human rights abuses; we need to see genuine progress. Positive outcomes can be achieved when pressure is placed on the Vietnamese government, as in the release of Tran Khai Thanh Thuy. This case is evidence that when we work in conjunction with the international community and put full pressure on the Vietnamese government we can work towards ending these atrocities. At the very minimum Australia, along with the international community, should demand that the undertakings given by the Vietnamese government in signing the International Convention on Civil and Political Rights and the Universal Declaration of Human Rights be honoured. As I say, that should be seen as an absolute minimum.

As you are aware, Mr Deputy Speaker, in my electorate I have the good fortune to represent a large number of Vietnamese people. Since the fall of Saigon some 36 years ago Australia has received 200,000 Vietnamese refugees. To Vietnamese people, this is still very real. We are not talking about something in a distant land; or about something in their immediate past, but their families and their welfare.

We have taken a leading role within our region in pursuing human rights and we should be proud of that. We have taken a leading role in developing trade in countries such as Vietnam. Again, that is something we should be proud of. In doing that, we need to go further. We should now be demanding of those countries that sign for whatever reason, trade based or otherwise, the International Convention for Civil and Political Rights that not only the spirit of that convention be upheld but each and every one of its articles, as they apply to its people—that is, in respect of the freedoms associated with the application of those conventions—also be honoured. It is not too much to ask that we, along with our international colleagues, work collectively to ensure that progress is made in improving human rights in Vietnam.