

## Urgent action needed to release Pastor Nguyễn Công Chính



Photo courtesy of Voice of Vietnamese Americans

**“Unless and until your husband agrees to confess to his crime, he will never be allowed to call home.”**

Pastor Nguyễn Công Chính is a Vietnamese prisoner of conscience serving an 11-year sentence in Xuân Lộc Prison-Z30A, Đông-Nai. He was an outspoken Protestant Pastor, religious freedom activist, and democracy campaigner who had a long history of human rights activism.

### Background

Born in Thừa Thiên-Huế, Pastor Nguyễn Công Chính (Pastor Chính) has lived in the Central Highlands provinces of Kon-Tum and Gia-Lai since 1988 where he focused his ministry on ethnic minority highlanders. Before his arrest, he was Deputy Head of the Mennonite Church in Vietnam, chairman of Vietnamese People's Christian Evangelical Fellowship (VPEF)<sup>1</sup>, superintendent of the Mennonite churches in the Central Highlands and director of the Vietnam-U.S. Lutheran Alliance Church<sup>2</sup>. He was also a member of Bloc 8406<sup>3</sup> and of the Vietnamese Political and Religious Prisoners Friendship Association, and he has been a human rights and religious freedom activist since 2001.

Pastor Chính has lived closely to the ethnic *Montagnard* communities in the Central Highlands since he was 14 years of age; therefore, he was intimately familiar with their culture, and whenever his ethnic neighbors suffered religious oppression, he always stood up to protect them, regardless of whatever risks his family and himself may have to encounter<sup>4</sup>.

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<sup>1</sup> In 2006, Pastor Chính founded the Vietnamese People's Evangelical Fellowship (VPEF), which focuses on charitable work in the Central Highlands as well as assistance to ethnic minority prisoners and their families.

<sup>2</sup> As Pastor Chính's Mennonite Church was not officially authorized by the State, and after multiple attacks over the year against his ministry and Church, Pastor Chính, along with other church members, reorganized their Church under a new name: Vietnam-U.S. Lutheran Alliance Church in early 2009.

<sup>3</sup> Bloc 8406 is a unified coalition of political groups in Vietnam that advocates for democratic reforms in Vietnam. It is named after the date of the group's Manifesto on Freedom and Democracy for Vietnam 2006 (Vietnamese: *Tuyên Ngôn Tự Do Dân Chủ Cho Việt Nam 2006*) declaring the need for democratic reforms in Vietnam. The manifesto was issued on April 8th, 2006, and was signed by 118 dissidents calling for a multiparty state.

<sup>4</sup> In January and September 2004 police used bulldozers to destroy Pastor Chính's unregistered Mennonite chapel in Kon-Tum, which doubled as his residence. In 2008 police summoned Pastor Chính for daily interrogation sessions that lasted for more than 50 days. In 2009, he received the Vietnam Human Rights Award from the Vietnam Human Rights

On April 28th, 2011 Pastor Chính was arrested at his home in Pleiku, Gia-Lai Province, on charges of "sabotaging the solidarity policy, sowing division between citizens and the government" under Article 87 of the 1999 Penal Code. The following day, an article in the People's Public Security newspaper (*Cong an Nhan dan*) stated that the provincial public security investigation agency had collected hundreds of files through "administrative inspection" of "self-proclaimed" Pastor Chính since 2003 showing that he had allegedly colluded with foreign reactionaries, including exiled members of the former *Montagnard* resistance group known as FULRO<sup>5</sup>, to conduct anti-government activities<sup>6</sup>.

On March 26th, 2012 the Gia-Lai Lower Court tried him without allowing an attorney to represent him and without notifying his family of the trial. His wife, Trần Thị Hồng (Mrs. Hồng) learned of the trial date from a family member of another prisoner. Two days before the trial, public security officers warned all the pastors on the executive committee of the Vietnam-U.S. Lutheran Alliance Church that they would not allow any of them to attend the trial or bring congregation members to the court house, threatening them with severe punishment under the law<sup>7</sup>.

Pastor Chính was eventually sentenced to 11 years in prison for "undermining national unity policy" and "by maintaining ties with the dissident groups and distributing material deemed to have slandered government authorities"<sup>8</sup>.

Since then, his family has been subjected to harassment, intimidation, and retaliation, and his rights as a detainee are constantly violated.

## Torture, abuses and rights deprivation

Since his detention, Pastor Chính has been suffering of abusive treatment and denial of his rights by prison authorities. He has continuously been subjected to:

- verbal and physical abuse from other prisoners in collusion with - or at least without intervention by - prison officials;
- denial of medical treatment and of the right to exercise his religion while being detained;

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Network in the United States for his extensive work as a human right activist. He had experienced at that time 298 forced interrogations by the police, 19 brutal beatings, 86 extraditions from his local residence, 2 impositions of confiscation orders, 4 murder attempts and 6 detentions.

See <http://voiceofvietnameseamericans.blogspot.com/2009/12/pastor-nguyen-cong-chinh-and-writer.html>; and <https://www.hrw.org/legacy/french/docs/2004/10/22/vietna9655.htm> for more details

<sup>5</sup> The United Front for the Liberation of Oppressed Races, *Front Unifié pour la Libération des Races Opprimées* in French (FULRO), was an organization within Vietnam, whose objective was autonomy for the *Montagnard* tribes. Initially a political nationalist movement, after 1969 it evolved into a fragmented guerrilla group which carried on an insurgency against, successively, the South Vietnam and Socialist Republic of Vietnam regimes. FULRO fought against both the Communist Viet Cong and anti-Communist South Vietnamese at the same time, being opposed to all forms of Vietnamese rule. See also Po Dharma, *Du FLM au FULRO : une lutte des minorités du sud indochinois 1955-1975*, Paris: Les Indes Savantes, 2006, 208 p.

<sup>6</sup> The article particularly stated he had collected information from websites of organizations such as Human Rights Watch and democracy groups based abroad, granted interviews to foreign media, and colluded with anti-government activists to falsely accuse Vietnam of suppressing religious freedom and call for its re-designation as a Country of Particular Concern by the U.S. government for religious freedom violations. See <http://www.stoptorture-vn.org/nguyen-cong-chinh.html>.

<sup>7</sup> Testimony of Pastor Nguyễn Hoàng Hoa, Secretary of the Vietnam-U.S. Lutheran Alliance Church, made on May 29, 2014.

<sup>8</sup> See Radio Free Asia, <http://www.rfa.org/english/news/vietnam/letter-05302014165358.html>.

- denial of permission to buy additional food from the canteen to supplement the poor prison diet, while other prisoners are free to do so;
- solitary confinement for a prolonged period; and
- punitive transfers.

### *Verbal and physical abuses from other prisoners*

In both "T-20" detention center in Gia-Lai Province and An Phuoc Prison in Binh-Duong Province, where he spent respectively 16 months and almost 4 years, Pastor Chính was not treated humanely in accordance with the laws of Vietnam and international conventions. During his imprisonment, he was assaulted and beaten several times by prison guards. They also used criminal inmates to threaten his life. They even deliberately mixed pieces of broken glass and fragments of lead wire in his daily food rations.

When his wife, Mrs. Hồng, visited him on October 15th, 2013, she learned that a prisoner working for the government had beaten Pastor Chính, leaving large bruises on his face, and that the aggressor had been ordered to try and murder him. She notified prison guards, who ignored her plea.

On March 23rd, 2014 after Pastor Chính and some other prisoners protested against the prison's treatment of targeted victims, detailing occasions in 2012 and 2013 in which prison guards physically assaulted him, public security officers in An Phuoc Prison held a public denunciation of Pastor Chính where other prisoners subjected him to verbal abuse<sup>9</sup>.

Despite the support of members of the Interfaith Council of Vietnam calling for an end to the "mental and physical terrorizing of prisoners daring to stand up against unfairness, and of prisoners of conscience,"<sup>10</sup> and of members of the U.S. Congress, including Senator Marco Rubio (R-Florida) and Representative Bill Posey (R-Florida), who have also expressed concerns about Pastor Chính's treatment and called for his immediate release<sup>11</sup>, his letters and petitions of complaint to the courts and to the prison authorities have received no response.

On a recent visit, February 10th, 2017, Mrs. Hồng was heartbroken to see that her husband's health had noticeably deteriorated, showing again *stigmata* of physical abuse:

"His legs, arms, face, and nose are swelling. His blood pressure is high, in the 190-200 range. He is also suffering from other medical conditions such as acute sinusitis, joints inflammation, and gastritis. However, he is not allowed to receive medical treatments or the medicines that I brought in for him. Harsh conditions in solitary confinement, in a damp and lacking sunlight environment, have worsened his health. He is slowly dying in prison."

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<sup>9</sup> " Nguyễn Công Chính, who [...] was forced to stand before fellow prisoners to be verbally attacked by officials after he wrote a note to prison guards urging an improvement in prison conditions". See Radio Free Asia report on April 30th, 2014, <http://www.rfa.org/english/news/vietnam/letter-05302014165358.html>.

<sup>10</sup> The Interfaith Council includes Protestant, Catholic, Buddhist, Cao Dai, and Hoa Hao religious leaders, who sent a letter to Vietnamese Prime Minister Nguyễn Tan Dung. See <http://fvpc.org/2014/05/23/muc-su-nguyen-cong-chinh-bi-dau-to-trong-tu/>

<sup>11</sup> See letter of Rep. Bill Posey to Prime Minister Nguyen Tan Dung on May 29th, 2014; <http://www.stoptorture-vn.org/nguyen-cong-chinh.html>.

In addition to physical abuse, the wardens and prison guards in Xuân Lộc Prison Camp, where he is currently detained, also tortured the Pastor mentally in various ways. They frequently let criminal inmates come to his jail cell to insult and harass him. Lieutenant Colonel Nguyen Huu Tinh, the warden of Xuân Lộc Prison Camp, brandished handcuffs and pressed a rubber baton on Pastor Chính's head while he was too weak to move; he was forced to suffer the indignity and humiliation in silence.

He also told his wife that at night they were spying on him through the gaps in the door. Even though he could not guess their intention, he felt that he was gradually being buried alive in his solitary confinement.

### *Denial of medical treatment and prisoner's rights*

As stated above, Pastor Chính has not been given medication for his many medical conditions -- e.g., high blood pressure and sinusitis -- so his health is deteriorating. Without proper medication, Pastor Chính has fallen numerous times because his legs have become too weak to support his body.

Additionally, letters to and from his family have not been received. He has also been denied the monthly phone call to his family, which other prisoners are allowed. Even when his mother was dying and he had wished to be able to hear her voice one last time,, his request was cruelly denied.

He was twice arbitrarily beaten by the prison authorities during his early morning prayer<sup>12</sup>. Moreover, prison officials confiscated his Bible and denied him his medication and even the pen and paper that he used to write verses from the Bible to send home to his children when his wife would come to visit him. At the end of her visit in December 13th, 2016, Mrs. Hong was required to take home Pastor Chính 's Bible and his medication, as well as clothes and other necessities.

He has been told that if he admits his guilt to the charges for which he was convicted, then his "privileges" would be restored.

Such denial of medical treatment and prisoner's rights are a passive but clear form of torture, as they involve the intentional infliction of pain and suffering by officials for the purpose of extracting a confession, thus meeting the criteria in the definition of torture as set out in Article 1(1) of the UNCAT.

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<sup>12</sup> At 5AM on May 18th, 2012, while Pastor Chính was sitting and saying his prayer, some 15 jailers entered his prison cell (at T20 Detention Center) carrying rubber clubs, electric rods, pepper spray... They beat him up, prohibiting him from saying prayer. He recognized the following individuals among his attackers: Captain Nguyen Anh Tuan, Quach Thi Hanh, Lt. Colonel Nguyen Dinh Oanh, Nguyen Van Bien, 2<sup>nd</sup> Lt. Tran Cao Cuong. At 5AM on August 19th, 2013, Captain Dinh Ngoc Quynh (Military No. 081-934) and Major Hoang Duc Giang directed the beating of Pastor Nguyen Cong Chính at An Phuoc Detention Center.

### *Solitary confinement*

The UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules) define "solitary confinement" as "confinement of prisoners for 22 hours or more a day without meaningful human contact." "Prolonged solitary confinement" is solitary confinement which goes on for a period in excess of 15 consecutive days; it is prohibited as it amounts to torture or other cruel, inhuman or degrading treatment or punishment<sup>13</sup>.

In Vietnam, solitary confinement is used against prisoners of conscience for multiple reasons: to exert pressure on them to confess the crimes they are charged of; to punish them for withstanding this pressure and disputing the charges against them; for refusing to submit to "re-education"; or for raising their voices against the inhumane practices and appalling conditions inside Viet-Nam's prison system<sup>14</sup>.

Pastor Chính has been subject to prolonged solitary confinement twice:

- Right after his arrest on April 28th, 2011, he was placed in solitary confinement for 7 months and denied visits by his wife and children. He continued to be detained for 11 months after completion of the investigation; and
- After his transfer to Xuân Lộc Prison in Đồng-Nai Province on October 12th, 2016, he was held in solitary confinement for four months.

After her prison visit on December 13th, 2016, when she could see him only through a glass partition and had to communicate using the phone, Mrs. Hong described her shock when she saw her husband so frail and out of breath in between sentences. Pastor Chính told his wife that he felt very weak and was not sure if he could endure until the end of his 11-year prison sentence.

### *Punitive prison transfers*

Described as a central component of Vietnam's system of torture and ill-treatment of prisoners of conscience, punitive prison transfer is "a brutal practice that often leaves prisoners hundreds of kilometers from their families and support, cut off from vital supplies of extra food, clothing and medication".<sup>15</sup>

Pastor Chính has been detained in 3 different prison camps since his arrest:

- The first was "T-20" Detention Center in Gia-Lai Province (public security police's detention center of Gia-Lai Province), where he was put in solitary confinement for almost a year;
- After the sentencing of the Court of Appeals, in December 2012, he was transferred to Section A, Subdivision 2, An Phuoc Detention Center in Phu Giao District, Binh-Duong Province;

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<sup>13</sup> Rules 43 and 44 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

<sup>14</sup> Prisons within prisons, torture and ill-treatment of prisoners of conscience in Vietnam, Amnesty International, July 2016, Amnesty International Ltd, London, UK, p. 30-31.

<sup>15</sup> Prisons within prisons, *ibid*, p. 44

- Most recently, on October 12th, 2016 Pastor Chính was transferred to Xuân Lộc Prison Camp in Long Khánh District, Đồng-Nai Province, without any notice to his family<sup>16</sup>.

When Mrs. Hồng asked prison officials why she was not informed about his transfer, she was told, “Unless and until your husband agrees to confess to his crime, he will never be allowed to call home.” Mrs. Hong replied: “My husband is a Pastor. He only preaches the gospel to bring God's word to the people of the Central Highlands. That is not a crime against the State. Why does he have to confess?”

### *Torture and persecution of family and associates*

Subsequent to Pastor Chính's arrest and imprisonment, the government has targeted other pastors of his church. For example, Pastor Nguyễn Hoàng Hoa, Secretary General of the Vietnam-U.S. Lutheran Alliance Church, has been summoned to investigation sessions at the police station. At these sessions he was ordered to stop religious activities because the Public Security Ministry deems his church to be a reactionary organization.

His wife, Mrs. Hồng, has suffered relentless persecution and harassment. Police interrogated and tortured her multiple times from March to May 2016; these events have been reported twice to the UN Special Rapporteur on Freedom of Religion or Belief.<sup>17</sup>

Mrs Hồng also filed a letter of denunciation and sent her complaint to local and State authorities and bodies on June 15th, 2016.<sup>18</sup> As none of the above government officials addressed her first complaint, on January 1st, 2017, she sent a second complaint to the same recipients with updates on the most recent incidents of harassment, intimidation, and retaliation against her and her husband. Still there has been no response.

With intense international intervention, Mrs. Hồng is no longer subjected to torture and daily interrogation, but her family is currently isolated and all their civic freedoms are suppressed by the government. Her house is kept under tight surveillance day and night by local public security, and plainclothes security agents set up multiple watch posts in front of her house and the surrounding area. They follow her everywhere, including when Mrs. Hong takes her small children to and from school. In her own words, she feels like she and her children are being treated like criminals and live in constant fear.

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<sup>16</sup> On December 12th, 2016 Pastor Chính's wife Tran Thi Hong went to visit him at An Phuoc prison camp in Binh-Duong province. When she arrived at 7:30 AM and presented her visiting permit to the officials at the prison gate, she was told to wait. They made her wait outside in the cold rain for 3 hours while seeing the supplies she had brought for her husband ruined by the rain. It was not until around 11:00 AM when the officials returned the visiting permit to her and told her that Pastor Chính had been transferred to a prison in Dong-Nai province. Mrs. Hong asked: “When was he transferred? Why was our family not informed of the transfer? Which prison camp in Dong-Nai province and where is it located?” The prison officials replied: “That is none of our business. Why don't you just go to Dong-Nai province and ask around?”.

<sup>17</sup> The incident Reports to the UN Special Rapporteur on freedom of religion or belief was filed by Michelle Nguyễn, the first in April 14th, 2016 and the second in May 13th, 2016. On January 23rd, 2017 a follow-up to the reports sent in April and May 2016 was filed as an individual complaint to the UN Special Rapporteur on freedom of religion or belief.

<sup>18</sup> On June 15th, 2016 the victim filed the first complaint with the following State authorities and bodies: Mr. To Lam, Minister of Public Security; Mr. Vu Van Lau, Director of Gia Lai Provincial Public Security Department; Mr. Nguyễn Van Long, director of Pleiku City public security Department. Copy of the first complaint was sent also to: the President Trần Dai Quang; Prime Minister Nguyễn Xuan Phuc; National Assembly Chairwoman Nguyễn Thị Kim Ngan; The Supreme People's Procuratorate and the Gia Lai Provincial People's Procuratorate.



Mrs. Hong shared that, during one of her prison visits, Pastor Chính confided in her his determination to fight for justice : "He had answered God's calling to become the shepherd of His herds, and he would accept martyrdom in his quest for religious freedom rather than surrender and remain silent in the face of injustice".

## **Recommendations**

The right to be free from torture and other ill-treatment was recognized in 1948 in Article 5 of the Universal Declaration of Human Rights. Prohibition of torture and ill-treatment has been included in many subsequent human rights treaties and other international and regional instruments, not least the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) and the International Covenant on Civil and Political Rights (ICCPR).

Viet Nam signed the UNCAT on November 7th, 2013 and has ratified it. Viet Nam is also party to several other treaties that prohibit torture and other ill-treatment, including the ICCPR, which it signed in 1982. Article 7 of the ICCPR prohibits torture and cruel, inhuman and degrading treatment and punishment, while Article 4 provides that this prohibition is non-derogable, that is, it cannot be repealed or relaxed even in "times of emergency threatening the life of the nation".

Pastor Chính has been in prison for 6 years without receiving a formal sentence in writing, nor has he received a report on the results of the government's investigation (as required under Vietnam's law governing prosecution and court decisions). In prison, the government uses hardened criminals as its surrogates to harass, threaten, and beat Pastor Chính.

Therefore, BPSOS is joining his wife Trần Thị Hồng to plead for the attention of the foreign diplomatic missions in Vietnam, international human rights organizations, and all those who are concerned about Pastor Chính's health and life to:

- Call on the Vietnamese authorities to release Pastor Nguyễn Công Chính immediately and unconditionally as he is a prisoner of conscience imprisoned solely for exercising his right to freedom of expression, opinion, and belief;
- Urge that while detained he must be treated in accordance with the UN Nelson Mandela Rules for the treatment of prisoners, and that he not be subjected to torture or other ill-treatment including prolonged solitary confinement;
- Press the Vietnamese government to provide reparations to Pastor Chính and his dependents in accordance with Article 14 of the UNCAT and international standards more generally, including restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition;
- Press the Vietnamese government to amend domestic laws, namely the Amended Penal Code, Amended Criminal Procedure Code, and Law on Enforcement of Custody and Detention, to comply with the UNCAT.