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## **Background Brief:**

### **Vietnam: Arrest of Pham Doan Trang**

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We urgently request your assessment of the following issues regarding the arrest of Pham Doan Trang.

Q1. Do you think this arrest could be linked to an attempt by the authorities to deter dissident voices before the national party congress to be held next January?

ANSWER: At least two reasons can be advanced for the arrest of Pham Doan Trang under Article 117 of Vietnam's Penal Code for "making, storing, distributing or disseminating information, documents and items against the Socialist Republic of Vietnam." First, Trang was one of five co-authors of a report on the violent clash at Dong Tam village that led to the death of two policemen and one elderly village official in January this year. Three of the other co-authors have already been arrested.

Second, Trang's arrest came hours after a human rights dialogue between the United States and Vietnam and while the Central Committee of the Vietnam Communist Party was holding its thirteenth plenary session to finalize plans for the 13th national party congress in January next year.

Vietnam is in the process of completing the final draft of key policy documents prior to their release for public comment. Also, Vietnam is in the final phases of approving a list of the next Central Committee to be elected at the 13<sup>th</sup> national congress. The release of party policy documents traditionally provides an opportunity for dissidents to offer criticism of the leadership.

The Ministry of Public Security is given block representation on the Central Committee. Earlier this year the number of deputy ministers was expanded to nine.

In sum, the time is conducive for prospective future party leaders to demonstrate their loyalty to the socialist one-party regime by squelching pro-democracy activists to ensure a smooth run up to next year's party congress.

Q2. Do you feel the number of arrests for anti-State propaganda are rising in the last few months?

ANSWER: There is a methodological problem in determining the number of arrests for anti-state propaganda this year because there is a time lag in the data. A number of arrests and trials this year includes individuals who were detained last year and imprisoned until they were charged this year or who were under investigation for alleged offenses last year and charged this year.

Since the Cyber Security Law came into force in January 2019, there has been a marked rise in the arrest and trial of Vietnamese who have gone online to express their views on a number of social issues, particularly corruption and the environment. Also, there has been a crackdown on individuals allegedly spreading misinformation related to the coronavirus, especially this year's outbreak in Da Nang. The majority of cases have been instigated by provincial security officials.

So far, most arrests are indirectly related to the forthcoming national party congress. In other words, the arrests are part of a continuing process of stamping out dissent on sensitive social issues and deterring others from following suit.

Table 1 below sets out the numbers of prisoners of conscience at intervals from 1989 to 2019. Since this table was prepared Human Rights Watch estimates that there were 138 political prisoners in Vietnam as of October 2019. Defend the Defenders puts the number at 240 prisoners of conscience of whom 36 were convicted last year alone.

With these caveats, and on the basis of anecdotal evidence, the number of arrests for anti-state propaganda has increased in 2020 and is likely to rise by the year's end.

Q3. Do you see Vietnam allowing more press freedom in the next few years?

ANSWER: Absolutely not. Vietnam's Penal Code contains very general and vague provisions that criminalizes all sorts of behaviour such as conducting propaganda against the socialist state. All media is state-owned and all editors practice a form of self-censorship following guidance from the Ministry of Information and Communications. Vietnam's one-party rules by law to suppress political pluralism.

**Table 1**

| <b>Year</b> | <b>Estimated Number of Prisoners of Conscience</b> |
|-------------|--|
| <b>1989</b> | <b>130</b>   |
| <b>1993</b> | <b>60</b>  |
| <b>1994</b> | <b>60</b>  |
| <b>1997</b> | <b>54</b>  |
| <b>1998</b> | <b>70</b>  |
| <b>1999</b> | <b>56</b>  |
| <b>2014</b> | <b>75</b>  |
| <b>2016</b> | <b>84</b>  |
| <b>2017</b> | <b>165</b>   |
| <b>2019</b> | <b>&gt;130</b>                                     |

Source: Amnesty International

The leadership transition that is currently underway will only reinforce the existing system and continue to oppose political pluralism.

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