

abused the rights to liberty and democracy in order to harm the interests of the State". The charges were reported to be related to: writing and circulating copies of a 40-page document accusing the government of suppressing Buddhist rights, placing an unauthorized notice at the entrance of his residence saying "Unified Buddhist Church of Vietnam", and having faxed information to Buddhist groups abroad concerning alleged persecution against the church's relief activities during floods in the south of the country. According to information received, the monk had spent most of the last 18 years in prison or under house arrest because of his humanitarian activities and his opposition to government policy concerning religion and civil and humanitarian rights. The WG recalled that on previous occasions it had emphasized that the major drawback of vague and imprecise charges is that they do not distinguish between armed and violent acts capable of threatening national security, and the peaceful exercise of the right to freedom of opinion and of expression. The WG decided, therefore, that the detention was arbitrary because it was due solely to opinions and humanitarian activities.

The second monk, Superior of the Linh Mu Pagoda in Hue (Unified Buddhist Church of Vietnam), was arrested in March 1997 in the camp of Ba Sao, province of Nam Ha, by the Security Forces who allegedly showed no order or other decision issued by a public authority. He had been arrested in June 1993, following a demonstration in favour of religious freedom, and sentenced to four years' imprisonment for disturbing the public order. The WG noted that arrest and sentencing were the result of participation in a demonstration on behalf of religious freedom, which was not reported to have been violent. The WG decided that the detention was arbitrary because the person was blamed only for having exercised his right to freedom of opinion and expression. The WG also stated that ongoing custody in the Tay Thien Pagoda after the sentence was served was also arbitrary.

The third monk, Bonze of the Unified Buddhist Church of Vietnam, was arrested in 1979, in the province of Minh Hai and had been detained in camps ever since. Information indicated that he was sentenced to life imprisonment by the People's Court of Minh Hai in 1979 for intending to overthrow the revolutionary government. He was sentenced again to life imprisonment in 1986 by the People's Court of the province of Phu Khanh for attempted escape. The WG noted: the arrest and the first sentence of life imprisonment for having "intended to overthrow the Revolutionary Government" were in fact related to the monk's membership of the Unified Buddhist Church of Vietnam; the two trials (1979 and 1986) were not fair, in that they were reported to have taken place in camera without the assistance of counsel, and without the possibility of appealing against the sentences passed. The WG considered the detention to be arbitrary.

Opinion No. 9/1997 concerned a case transmitted to the government in August 1996 on behalf of one person. Noting information from the government stating that the person named was no longer in detention, the WG decided to file the case without prejudging the nature of the detention.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: *E/CN.4/1998/68, paras.

12, 27, 94; E/CN.4/1998/68/Add.1, paras. 428-429)

The Special Rapporteur (SR) expressed concern at reports outlining the imposition of the death penalty for economic and/or drug-related offences in Vietnam.

An urgent appeal was sent on behalf of four persons who were reportedly sentenced to death for misappropriation of state funds, and deliberate violation of state regulations for financial management. The appeal was sent after the Supreme People's Court, in March 1997, turned down their appeals against the death sentences imposed in January of that year. The SR reminded the government that article 6 of the International Covenant on Civil and Political Rights, ratified by Vietnam, stipulates that the death penalty can only be imposed for the "most serious crimes" and further, that paragraph 10f of the Safeguards guaranteeing the protection of those facing the death penalty states that the scope of crimes subject to the death penalty should not go beyond intentional crimes with lethal or other extremely grave consequences. On that basis, the SR stated that the death sentence should be eliminated for economic crimes.

Religious intolerance, Special Rapporteur on:

(E/CN.4/1998/6, paras. 24, 28, 48, 50, 66, 69, 93, 94)

The report refers to violations of freedom of religion and belief against Buddhism, and notes the cases of the three bonzes addressed in Opinion No. 21/1997 of the Working Group on Arbitrary Detention (as above).

The government informed the Special Rapporteur that the three bonzes had been released and were able freely to engage in their religious activities. The authorities also stated: in Vietnam there were nearly 13,000 Buddhist pagodas together with millions of Buddhist believers, 5,400 Catholic churches, 500 Protestant churches, about 600 Caodai and 70 Muslim temples; nearly one-third of the population frequently practises religion and those places of worship are respected and protected by the state; and, all major religions operate their own schools, contributing to the increase of many clergymen and religious dignitaries.

