

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. CON. RES. 320

Calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Dr. Pham Hong Son and other political prisoners and prisoners of conscience, and other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2005

Mr. SMITH of New Jersey (for himself, Mr. WOLF, and Mr. ROYCE) submitted the following concurrent resolution; which was referred to the Committee on International Relations

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## CONCURRENT RESOLUTION

Calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Dr. Pham Hong Son and other political prisoners and prisoners of conscience, and other purposes.

Whereas in March 2002, Dr. Pham Hong Son was arrested after he had translated an article entitled “What is Democracy?” from the Web site of the United States Embassy in Vietnam and sent it to both friends and senior party officials;

Whereas Dr. Pham has written and published on the Internet articles entitled “The Promotion of Democracy: A Key Focus in a New World Order”, “Sovereignty and Human Rights: The Search for Reconciliation”, and “Hopeful Signs for Democracy in Viet Nam”;

Whereas in none of his activities did Dr. Pham advocate violence in his opposition to the Vietnamese Government or its policies;

Whereas Dr. Pham has been arrested for the peaceful exercise of his fundamental rights to freedom of expression and association in violation of Article 69 of the Vietnamese Constitution which states: “The citizen shall enjoy freedom of opinion and speech, freedom of the press, the right to be informed and the right to assemble, form associations and hold demonstrations in accordance with the provisions of the law”;

Whereas Dr. Pham has been arrested, tried, convicted, and imprisoned in contravention of the rights enshrined in the International Covenant on Civil and Political Rights (ICCPR) to which Vietnam is a state party, specifically Article 19 (freedom of expression) and Article 22 (freedom of association);

Whereas Dr. Pham did not have a trial that would be considered fair and that met even the most basic standards of internationally accepted justice, in contravention of Article 14 (right to a fair trial) of the ICCPR;

Whereas Dr. Pham was sentenced in June 2003, after a half-day closed trial in Hanoi, to 13 years of imprisonment and three years of house arrest on spurious espionage charges;

Whereas such spurious charges are routinely used to suppress peaceful democracy activists, as in the notorious cases of Father Thadeus Nguyen Van Ly, his two nephews and niece, and in the cases of Pham Que Duong, Tran Khue, and Tran Dung Tien;

Whereas Dr. Pham's appeal was held on August 26, 2003, in a closed trial before Vietnam's Supreme Court, from which international observers and Western journalists were barred, although diplomats from more than eight countries gathered outside the courthouse during the trial to register their concern;

Whereas, although the Vietnamese Supreme Court upheld Dr. Pham's sentence, it reduced the sentence of imprisonment from 13 to five years and increased the sentence of house arrest from three to six years;

Whereas Dr. Pham remains imprisoned in harsh conditions, including imprisonment for more than a year in solitary confinement, which have endangered his health;

Whereas Vietnam has imprisoned, detained, placed under house arrest, or otherwise restricted numerous other peaceful democratic and religious activists for reasons related to their political or religious views, such as Do Van My, Mai Thi Dung, Nguyen Khac Toan, Nguyen Thanh Phong, Nguyen Thi Ha, Nguyen Van Dien, Nguyen Vu Binh, Phan Van Ban, To Van Manh, Vo Van Buu, Vo Van Thanh Liem (Nam Liem), Bui Thien Hue, Nguyen Lap Ma, Nguyen Nhat Thong, Nguyen Van Ly, Phan Van Loi, Thich Dong Tho, Thich Huyen Quang, Thich Nguyen Ly, Thich Nguyen Vuong, Thich Phuoc An, Thich Quang Do, Thich Tam Lien, Thich Thai Hoa, Thich Thanh Huyen, Thich Tien Hanh, Thich Tue Sy, Thich Vien Dinh, Ngo Van Ninh, Le Van Chuong, Le Van Tinh, Phuong Van Kiem, Nguyen Van Si, Tran Van Thien, and Thich Thien Tam;

Whereas Dr. Pham and other political prisoners and prisoners of conscience have been deprived of their basic

human rights by being denied their ability to exercise freedom of opinion and expression;

Whereas the arbitrary imprisonment and the violation of the human rights of citizens of Vietnam are sources of continuing, grave concern to Congress;

Whereas Vietnam continues to restrict access to Western diplomats, journalists, and humanitarian organizations to the Central Highlands and the Northwest Highlands, where there are credible reports that ethnic minorities suffer serious violations of their human and civil rights, including property rights, and ongoing restrictions on religious activities, including forced conversions;

Whereas there are continuing and well-founded concerns about forcibly repatriated Montagnard refugees, access to whom is restricted;

Whereas on December 1, 2005, the European Parliament adopted a resolution calling on the Vietnamese authorities, among other measures, to undertake political and institutional reforms leading to democracy and the rule of law, starting by allowing a multi-party system and guaranteeing the right of all currents of opinion to express their views;

Whereas the resolution further calls on Vietnamese authorities to end all forms of repression against members of the Unified Buddhist Church of Vietnam and officially recognize its existence and that of other non-recognized Churches in the country;

Whereas the resolution further calls on Vietnamese authorities to release all Vietnamese political prisoners and prisoners of conscience detained for having legitimately and

peacefully exercised their rights to freedom of opinion, expression, the press, and religion;

Whereas the resolution further calls on Vietnamese authorities to guarantee full enjoyment of the fundamental rights enshrined in the Vietnamese Constitution and the International Covenant on Civil and Political Rights, in particular by allowing the creation of a genuinely free press; and

Whereas the resolution further calls on Vietnamese authorities to ensure the safe repatriation, under the Cambodia-Vietnam-UNHCR Agreement, of the Montagnards who fled Vietnam, and allow proper monitoring of the situation of the returnees by the UNHCR and international nongovernmental organizations: Now, therefore, be it

1        *Resolved by the House of Representatives (the Senate*  
2 *concurring), That—*

3            (1) Congress—

4            (A) condemns and deplores the arbitrary  
5            detention of Dr. Pham Hong Son by the Gov-  
6            ernment of the Socialist Republic of Vietnam  
7            and calls for his immediate and unconditional  
8            release, and for the immediate and uncondi-  
9            tional release of all other political prisoners;

10           (B) condemns and deplores the violations  
11           of freedom of speech, religion, movement, asso-  
12           ciation, and the lack of due process afforded to  
13           individuals in Vietnam;

1           (C) strongly urges the Government of Viet-  
2 nam to consider the implications of its actions  
3 for the broader relationship between the United  
4 States and Vietnam, including the impact on  
5 trade relations;

6           (D) urges the Government of Vietnam to  
7 allow unfettered access to the Central High-  
8 lands and to the Northwest Highlands by for-  
9 eign diplomats, the international press, and  
10 nongovernmental organizations; and

11           (E) applauds the European Parliament for  
12 its resolution of December 1, 2005, regarding  
13 human rights in Vietnam, and urges the Gov-  
14 ernment of Vietnam to comply with the terms  
15 of the resolution; and

16           (2) it is the sense of Congress that the United  
17 States should—

18           (A) make the immediate release of Dr.  
19 Pham Hong Son a top concern;

20           (B) continue to urge the Government of  
21 Vietnam to comply with internationally recog-  
22 nized standards for basic freedoms and human  
23 rights;

24           (C) make clear to the Government of Viet-  
25 nam that it must adhere to the rule of law and

1 respect the freedom of the press in order for it  
2 to accede to the World Trade Organization  
3 (WTO);

4 (D) make clear to the Government of Viet-  
5 nam that the detention of Dr. Pham and other  
6 persons and the infliction of human rights vio-  
7 lations on these individuals are not in the inter-  
8 est of Vietnam because they create obstacles to  
9 improved bilateral relations and cooperation  
10 with the United States; and

11 (E) reiterate the deep concern of the  
12 United States regarding the continued impris-  
13 onment of Dr. Pham and other persons whose  
14 human rights are being violated and discuss the  
15 legal status and immediate humanitarian needs  
16 of such individuals with the Government of  
17 Vietnam.

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