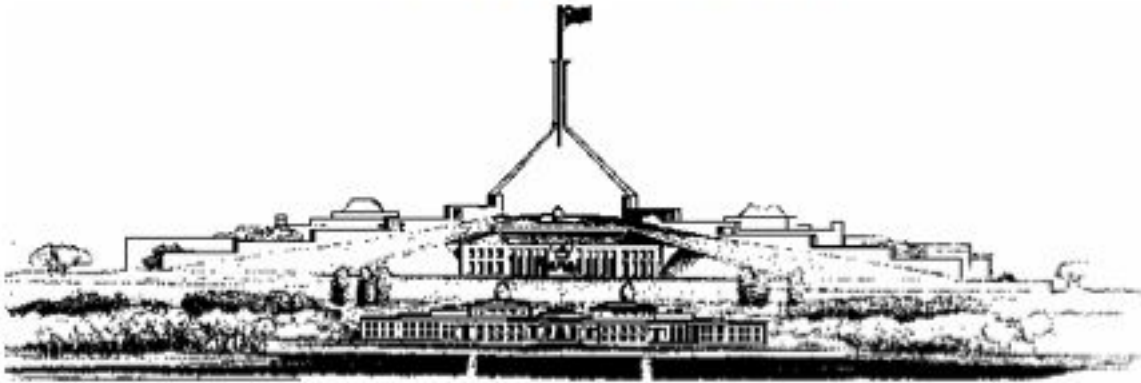




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**HOUSE OF REPRESENTATIVES**

**PROOF**

**ADJOURNMENT**

**Vietnam: Human Rights**

**SPEECH**

**Monday, 29 October 2012**

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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## SPEECH

**Date** Monday, 29 October 2012  
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**Questioner**  
**Speaker** Hayes, Chris, MP

**Source** House  
**Proof** Yes  
**Responder**  
**Question No.**

**Mr HAYES** (Fowler) (21:33): For the majority of the Vietnamese people, last September was an exciting month of celebrations. The streets of Vietnam lit up as people celebrated the lead-up to the Mid Autumn Festival. However, behind the festivities and beneath the smiles and cheers of the 90 million Vietnamese people lies the sad story of suppression and the continued denial of human rights.

Perhaps the Vietnamese government had timed the recent series of trials around the Mid Autumn Festival in an attempt to minimise the amount of external attention these trials attracted. The results of the recent trials demonstrate that Vietnamese people do not have a voice. But, whilst they cannot speak up for their rights and liberties, we in the international community have a responsibility to speak up against these injustices.

September was a very dark month for freedom of expression. It was when three Vietnamese bloggers were handed down excessively harsh sentences. Nguyen Van Hai was sentenced to 12 years in prison, Ta Phong Tan to 10 years and Phan Thanh Hai to four years. They were each convicted under article 88 of the Criminal Code for posting articles on their blog sites that supposedly distorted facts and opposed the state.

I have often spoken about the human rights abuses in Vietnam, but today I want to specifically focus on the court system in Vietnam and the way in which the system allows such abuses to occur. In Australia, as in most democratic countries, the doctrine of the separation of powers applies to ensure the independence of the judiciary so it can act without fear or favour in the administration of justice. In Vietnam, however, there appears to be no clear division between the legislature, executive and judiciary, as all administrative organs are ultimately subservient to the Communist Party.

From a legal perspective, it would appear that Vietnam's evidence law applies in a completely different way when it is applied in the courts. The World Organisation Against Torture identified several procedural irregularities in the Vietnamese justice system which they claim have blatantly contravened fair trial standards. In the case of the three bloggers, there was no public hearing, as provided for by article 14 of the International Covenant on Civil and Political Rights, to which Vietnam is a signatory. The

defendants' families were prevented from attending. And the defendants were provided with no opportunity to defend themselves or call witnesses in their defence.

The human rights abuses in Vietnam have attracted President Obama's attention. In May this year, President Obama mentioned Nguyen Van Hai's case in a speech that called for greater freedom for media around the world. Whilst Vietnam continues to grow and expand economically, the Vietnamese community in Australia have on numerous occasions stressed to me the worsening condition of human rights in Vietnam. They are not alone in their fears. The international community, whilst seeking closer economic ties with Vietnam, is also pressing Vietnam to improve its records on human rights.

Earlier this year I dedicated a speech to acknowledging the relatives of those bold enough to stand up for freedom. Today I would like to bring to the attention of parliament the tragic circumstances of Ms Dang Thi Kim Lien.

Last 30 July, Dang Thi Kim Lien, mother of Ta Phong Tan, who was recently sentenced to 10 years in prison, self-immolated outside the offices of the Bac Lieu People's Committee Building and died. She sacrificed her life to draw attention to the plight of her daughter. Apart from this being a demonstration of a mother's love and concern for her daughter, I understand that Kim Lien also had faced constant harassment from government officials.

Whilst many of us see Vietnam as a nation of enormous economic potential and a country which has much to offer on the world stage, I ask the House to look beyond this and see the human rights violations, the suppression of free speech and the harassment that Vietnamese people are subjected to. True friends who believe in a strong and prosperous future for Vietnam and its people would not remain silent in face of such human rights abuses, so neither will I.