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HANOI'S "NO EXIT" POLICY

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The Vietnamese government imposes arbitrary restrictions to prevent activists from foreign travel. Despite the Vietnamese constitution guaranteeing freedom of movement, authorities routinely confiscate passports, detain passengers at the airport for questioning, and employ "blacklists" against bloggers and human rights defenders.

The government codifies travel restrictions through sweeping claims of national security. But, more often, police just halt travelers without reason. Not all of these instances are publicly known, but according to Viet Tan's research, at least 26 activists have been prevented from traveling abroad in the last two years.

Such restrictions are contrary to Article 23 of the Vietnam constitution which states:

"Citizens have the right to free movement and residence within the country, and the right to leave the country and to return home from abroad. The exercise of those rights shall be prescribed by law."

In recent years, the emergence of independent civil society organizations coupled with closer ties with the outside world has led to more opportunities for activists to attend seminars, conferences, and meetings. Unfortunately, there have been increasing reports of activists being denied their right to travel.

Prominent independent journalist Pham Chi Dung was stopped at Tan Son Nhat Airport in February 2014 and barred from traveling to Geneva for Vietnam's Universal Periodic Review (UPR) at the United Nations, despite having a valid passport and Swiss visa. Citing that it would be "harmful to the human rights image of Vietnam," authorities prevented Dung from boarding his flight and confiscated his passport.

In March 2015, Reverend Anton Le Ngoc Thanh, the managing editor of a popular independent media website, was prevented from flying to Manila to speak at RightsCon, an international conference promoting an open internet. His passport was seized upon questioning and he was never given an official reason why he was stopped from boarding his flight.



Activist Anna Huyen Trang being physically harassed by security police at Tan Son Nhat Airport. She was prevented from boarding her flight. April 13, 2014. Source: Tieng Goi Cong Dan

For activists who are fortunate to exit Vietnam, they are often harassed and interrogated upon return.

In May 2014, blogger Nguyen Dinh Ha was questioned for 24 hours when he came back from World Press Freedom Day events in the United States. Ha was threatened and had many of his belongings confiscated, including his laptop, iPad, and passport. Security police then forced Ha to sign an affidavit with empty pages that potentially could be filled in at a later date by authorities.

Contravening Vietnamese and International Law

Despite the Vietnamese constitution recognizing freedom of movement, this right is curtailed in practice by restrictive laws and their arbitrary implementation (or even non-implementation).

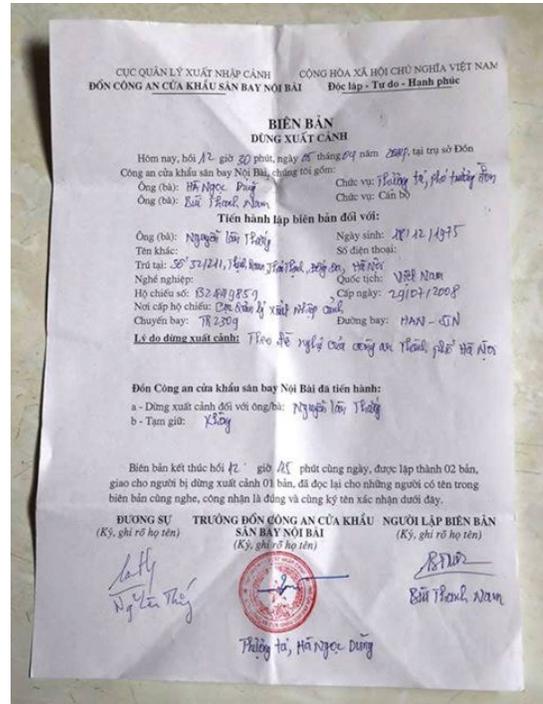
Many of the activists prevented from traveling abroad were stated vague decrees used by security police as to why they were not permitted to travel. Most commonly cited is Decree 136/2007/ND-CP on Vietnamese citizens' exit and entry. Issued by prime minister Nguyen Tan Dung in August 2007, Decree 136 details the several justifications for denying Vietnamese citizens permission to leave the country including "safeguarding national security and social order and safety."

The problem with Decree 136 is that there is no clear definition for safeguarding national security. Hence, it is not apparent why an activist attending an international conference could be considered a threat to social order and safety.

Furthermore, according to Decree 136, only government ministers and heads of certain agencies are permitted to make decisions banning travel. Immigration control agents are just authorized to make decisions in cases

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-ARTICLE 23, VIETNAM CONSTITUTION



Notice citing "recommendations made by security police" barring Nguyen Lan Thang from travel to attend a World Press Freedom Day event in Washington, DC. April 5, 2014. Source: FB Nguyen Lan Thang

where travelers incur administrative violations. In reality, activists possessing valid travel documents have been stopped from boarding their flights by airport police without a signed order by the proper government minister or agency head.

The travel issue is emblematic of the larger problem of rule by law in Vietnam. The Vietnamese constitution enshrines basic rights, which are then restricted by the laws, which are often not faithfully implemented in practice. This situation allows authorities to claim that they respect basic rights and only crackdown against lawbreakers while vaguely addressing what constitutes lawbreaking.

Under international law, Vietnamese citizens have the right to freely leave and return to Vietnam. Article 13 of the Universal Declaration of Human Rights states that "everyone has the right to

leave any country, including his own, and to return to his country." Vietnam has also ratified the International Covenant on Civil and Political Rights which establishes in Article 12 that "everyone shall be free to leave any country, including his own."

Recommendations

Preventing activists from traveling abroad is a step backward for Vietnam and undermines the country's ability to integrate with the world. International civil society advocates should:

1. Continue to raise the issue of freedom of movement and urge the Vietnamese authorities to respect its obligations under international law.
2. Provide focused advocacy for specific cases of Vietnamese activists who have been arbitrarily banned from traveling and/or have had their passports confiscated.
3. Assist Vietnamese human rights lawyers to challenge the travel bans against activists through the use of local law and legal arguments.

TABLE | 26 ACTIVISTS BARRED FROM LEAVING VIETNAM SINCE 2013 (KNOWN CASES)

DATE OF INCIDENT	VIETNAMESE ACTIVIST	DETAILS
May 10, 2013	Huynh Ngoc Chanh	Stopped at Tan Son Nhat Airport (along with his daughter) from boarding a flight to the United States
July 2, 2013	Nguyen Hoang Duc	Stopped at Noi Bai Airport, prevented from travelling to Rome to attend the beatification of the late Cardinal Francois Xavier Nguyen Van Thuan
December 13, 2013	Chau Van Thi	Stopped at the Moc Bai border crossing, prevented from entering Cambodia
December 13, 2013	Nguyen Thao Chi	Stopped at the Moc Bai border crossing, prevented from entering Cambodia
December 14, 2013	Nguyen Hoang Vi	Stopped at Tan Son Nhat Airport, prevented from traveling to meet with various international organizations and the UN in Thailand
December 15, 2013	Dao Trang Loan	Stopped at Tan Son Nhat Airport, prevented from traveling to meet with various international organizations and the UN in Thailand
December 15, 2013	Nguyen Thi Bich Hanh	Stopped at Noi Bai Airport, prevented from traveling to Thailand
January 15, 2014	Nguyen Ho Nhat Thanh	Stopped at Tan Son Nhat, prevented from traveling to Washington D.C. to meet with human rights groups
February 1, 2014	Pham Chi Dung	Stopped at Tan Son Nhat Airport, prevented from attending a series of events in Geneva leading up to the UN Human Rights Council's Universal Periodic Review of Vietnam
April 5, 2014	Nguyen Lan Thang	Stopped at Noi Bai Airport, prevented from attending a U.S. Congressional briefing and series of events marking World Press Freedom Day
April 13, 2014	Anna Huyen Trang	Stopped at Tan Son Nhat Airport, prevented from attending a U.S. Congressional briefing and series of events marking World Press Freedom Day; physically harassed by security police
April 15, 2014	Nguyen Thanh Thuy	Stopped at Tan Son Nhat Airport, prevented from traveling to the United States; Thuy's father (writer Nguyen Xuan Nghia) was imprisoned at the time
May 6, 2014	Dinh Xuan Thi	Stopped at Noi Bai Airport, prevented from traveling to Manila, Philippines

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DATE OF INCIDENT	VIETNAMESE ACTIVIST	DETAILS
May 6, 2014	Le Phuc Hiep	Stopped at Noi Bai Airport, prevented from traveling to Manila, Philippines
May 16, 2014	Nguyen Dinh Ha	Interrogated at Tan Son Nhat Airport for 24 hours upon return from the United States following a U.S. Congressional briefing and series of events marking World Press Freedom Day; passport confiscated
May 24, 2014	Nguyen Chi Tuyen	Stopped at Noi Bai Airport, prevented from attending the Stockholm Internet Forum 2014
July 7, 2014	Pham Dac Dat	Stopped at Tan Son Nhat Airport, prevented from attending the First National Vietnamese Youth Conference in Australia
July 7, 2014	Nguyen Van Trang	Stopped at Tan Son Nhat Airport, prevented from attending the First National Vietnamese Youth Conference in Australia
September 3, 2014	Do Thi Minh Hanh	Stopped at Noi Bai Airport, prevented from visiting her sick mother in Austria; passport confiscated
November 14, 2014	Hoang Van Dung	Stopped at Dinh Ba international border checkpoint; passport confiscated
November 14, 2014	Nguyen Nu Phuong Dung	Stopped at Dinh Ba international border checkpoint; passport confiscated
November 16, 2014	Le Duc Triet	Stopped at Tan Son Nhat Airport, prevented from traveling to Burma; passport confiscated
November 16, 2014	Luu Van Minh	Stopped at Noi Bai Airport, prevented from traveling to Burma
November 17, 2014	Nguyen Cong Thu	Stopped at Tan Son Nhat Airport, prevented from traveling to Thailand
March 22, 2015	Rev. Anton Le Ngoc Thanh	Stopped at Tan Son Nhat Airport, prevented from traveling to Manila for RightsCon; passport confiscated
April 3, 2015	Le Thu Ha	Stopped at Noi Bai Airport, prevented from traveling to Sweden to attend an international conference organised by Civil Rights Defenders

About Viet Tan

The mission of Viet Tan is to overcome dictatorship, build the foundation for a sustainable democracy, and demand justice and human rights for the Vietnamese people through a nonviolent struggle based on civic participation.