

MEMORANDUM



TO: Rules Committee

FROM: Vice Mayor Dave Cortese

SUBJECT: H.R. 243

DATE: May 9, 2007

APPROVED: *Dave Cortese* R.C.

DATE: *5/9/07*

RECOMMENDATION

Adopt support position for House Resolution 243 (Smith) – Human Rights Reform in Vietnam.

BACKGROUND

Media reports and humanitarian organizations studies have documented continued human rights violations in the Socialist Republic of Vietnam. Most recently, Reverend Nguyen Van Ly was sentenced to eight years imprisonment for allegedly carrying out propaganda against the Republic of Vietnam. Fellow political dissidents Nguyen Van Dai and Le Thi Cong Nhan have been arrested on similar charges and if convicted, face up to 20 years imprisonment.

These blatant attacks on freedom of political speech have outraged the world community and have prompted the U.S. government to articulate their grave concerns via House Resolution 243, introduced by Representative Chris Smith in March 2007 to the U.S. House of Representatives. This resolution, approved earlier this month, “condemns and deplors the violations of freedoms of speech, religion, movement, association, and the lack of due process afforded to individuals in Vietnam;” and “challenges the qualifications of Vietnam to be a member of the UN Security Council, unless the Government of Vietnam begins immediately to respect human rights and fundamental freedoms for all within its own borders...”

San Jose is home to the largest Vietnamese population outside of Vietnam. They have made far-reaching contributions towards the quality of life in our city - too many to enumerate. Many Vietnamese left their country of birth woefully, because of the lack of basic human rights we freely enjoy here in the United States. The City of San Jose should stand shoulder to shoulder with them in vociferously denouncing human rights violations and calling for immediate curtailment of such actions.

Although it is not usual for our City Council to opine on foreign affairs, this issue is intensely relevant to a strong and growing segment of our community and necessitates a stance of solidarity on the part of the City Council.

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SUPPORTING H.R. 243, CALLING ON THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIETNAM TO IMMEDIATELY AND UNCONDITIONALLY RELEASE REVEREND NGUYEN VAN LY, NGUYEN VAN DAI, LE THI CONG NHAN, AND OTHER POLITICAL PRISONERS AND PRISONERS OF CONSCIENCE, AND FOR OTHER PURPOSES.

WHEREAS, on February 18, 2007, Vietnamese police invaded the parish of Rev. Nguyen Van Ly and seized computers, telephones, mobile phone cards, and more than 200 kilograms of documents;

WHEREAS, Reverend Ly is one of the founders of “Block 8406”, a democracy movement found in April 2006 in Vietnam when hundreds of people from all over the country signed the public petitions of calling for democracy and human rights;

WHEREAS, Reverend Ly is a former prisoner of conscience, having spent a total of over 13 years in prison since 1983 for his advocacy of religious freedom and democracy in Vietnam;

WHEREAS, on March 6, 2007, Vietnamese police arrested one of Vietnam’s few practicing human rights lawyers, Nguyen Van Dai, co-founder of the Committee for Human Rights in Vietnam and one of the principal organizers of the Block 8406 democracy movement, who has defended individuals arrested for their human rights and religious activities;

WHEREAS, on March 6, 2007, Vietnamese police arrested Le Thi Cong Nhan, a human rights lawyer, a member of “Block 8406,” the principal spokes person for the Progression Party, and a founder of Vietnamese Labor Movement;

WHEREAS, the arrest of and charges against Rev. Ly, Nguyen Dai, and Le Nhan violate Article 69 of the Vietnamese Constitution, which states that “ 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, Rev. Ly Nguyen Dai, and Le Nhan have been arrested and charged 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 18 (freedom of religion), Article 19 (freedom of expression), and Article 22 (freedom of association);

WHEREAS, the United State Congress agreed to Vietnam becoming an official member of the World Trade Organization (WTO) in 2006, amidst assurances that the Vietnamese Government was steadily improving its human rights record and would continue to do so;

WHEREAS, the arbitrary imprisonment and the violation of the human rights of citizens of Vietnam are sources of continuing, grave concern to Congress, and the arrests of Reverend Ly, Nguyen Van Dai, and Le Thi Cong Nhan are part of a trend toward increasing oppression of human rights advocates in Vietnam;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The City supports Congress Concurrent H.R. 243, calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Reverend Nguyen Van Ly, Nguyen Van Dai, Le Thi Cong Nhan, and other political prisoners and prisoners of conscience.
2. The City urges the Senate and the House of Representatives to suspend trade relations with Vietnam.
3. The City of San Jose will not doing business with Vietnam until the Government of Vietnam has to comply with internationally recognized standards for basic freedoms and human rights.

ADOPTED this _____ day of _____, 2007, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

VACANT:

CHUCK REED
Mayor

ATTEST:

LEE PRICE,MMC
City Clerk