

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

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Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on freedom of religion or belief; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 24/7, 22/20, 24/6, 25/18 and 25/13.

In this connection, we would like to bring to your Excellency's Government's attention information we have received regarding the **grave deteriorating health condition of Ms. Mai Thi Dung, an independent Hoa Hao Buddhist, in prison after prolonged solitary confinement and lack of medical treatment.**

According to the information received:

Ms. Mai Thi Dung, born in 1969, is from My Thanh Hamlet, Choi Moi District, An Giang Province. Ms. Dung belongs to an independent Hoa Hao Buddhist community that is unrecognized by the Government. She was arrested in August 2005 due to her activism in protesting against suppression of religious freedom in the Mekong Delta. Subsequently, she was charged with "disturbing public order" and sentenced to 11 years of imprisonment under Article 245 of Vietnam Penal Code.

After her arrest, Ms. Dung was held in solitary confinement in the detention camp of Public Security of Vinh Long City for more than two years where her health deteriorated drastically. It was reported that on one occasion in 2007, Ms. Dung vomited blood and was diagnosed a small gallstone of 8 mm in diameter and gall infection by the hospital of Vinh Long City.

Subsequently, she was transferred to Xuan Loc prison in Dong Nai Province, about 400 kilometers away from her home. In 2008, she suffered unbearable pains, likely caused by gallstones. Not only did she not receive medical treatment at the time but the prison officers used the opportunity to coerce her for a confession in exchange for treatment to which she refused. Until the end of September 2013, Ms. Dung endured worsening health conditions and did not receive any medical attention. She became paralyzed and very weak.

When Xuan Loc prison finally allowed Ms. Dung to have professional medical examinations at the end of September 2013, she was diagnosed with heart failure, arrhythmias, neurasthenia and gallstones, one of which is about the size of 3 cm in diameter. Nonetheless, she was not granted the permission to receive treatment in an external hospital even though the infirmary of the prison was not equipped for the treatment of the type of diseases that she suffers from. Ms. Dung went on hunger strike on 1 October 2013 in protest of the lack of medical treatment.

On 2 October 2013, despite her frail health condition, the authorities decided to move her to Thanh Xuan prison, near Hanoi, where she is currently held. Ms. Dung was allegedly handcuffed in the ambulance and fainted several times during the transfer of about 1600 kilometers in distance. As her health condition became critical, she was eventually transferred to a hospital in Hanoi on 11 October 2013, at which point she stopped her hunger strike. Ms. Dung's health continued to deteriorate as she struggled to adapt to the cold climate in the North of the country. There have been subsequent medical examinations on 12 December 2013 and 4 August 2014 while she is still held in Thanh Xuan prison.

Ms. Dung's husband on 24 July 2014 sent a letter, appealing for the release of his wife on a temporary suspension of her prison sentence in order to receive proper medical treatment. He received a response (Ref. no.: 669/TGTX) from the Thanh Xuan prison authority on 13 August 2014, asserting that Ms. Dung's health condition is not as critical as he claimed it to be. The response indicated that Ms. Dung has been diagnosed of urinal infection, high heart rate, gallstone and uterine fibroid. The prison authority also claims that after each examination, she has been treated by prison's doctors in accordance with the treatment protocols of the hospital. The prison authority claimed that her health has been improving, and that she does not meet the prerequisite for temporary suspension of her prison sentence.

Ms. Dung husband's contested the reply of the authority and filed another appeal on 21 September 2014, referring to the fact that when he visited his wife in prison, her health condition did not correspond to the medical assessment made by the prison authority. Ms. Dung shows many symptoms of chronic diseases including possible liver cirrhosis and herniated disk that required further examination and treatment. Besides, she has not received any appropriate treatment for her gallstones. The prison authority replied again and rejected his request on similar grounds on 22 October 2014.

Grave concern is expressed at the allegations of the seriously deteriorating health condition of Ms. Mai Thi Dung since her arrest and imprisonment due to inadequate medical attention, examination and treatment. Concerns are also expressed that Ms. Dung has been arrested and imprisoned for peacefully exercising her right to practice a religion of her choice, and at the allegations received that she may have been denied medical treatment or adequate medical treatment as a means to punish her for her past activism for religious freedom. Further concern is raised at the difficulties encountered by her family to visit her in prison, and at her transfer to a detention facility in the north of the country, very far away from where her family lives.

Without expressing an opinion on whether or not the detention of Ms. Dung is arbitrary, the above allegations appear to be in contravention of the right not to be deprived arbitrarily of her liberty as set forth in article 9 of the Universal Declaration of Human Rights (UDHR) and article 9 of the International Covenant on Civil and Political Rights (ICCPR).

We would like to appeal to your Excellency's Government to seek clarification concerning the grounds for the arrest and imprisonment of Ms. Dung, and the circumstances regarding her health condition in detention. We would like to stress that each Government has the unequivocal obligation to protect the right to physical and mental integrity of all persons in its custody. We would also like to remind your Excellency's Government about the absolute and non-derogable prohibition of torture and other ill-treatment as codified, inter alia, in the ICCPR, which the Socialist Republic of Viet Nam acceded to on 24 September 1982; and the Convention Against Torture (CAT), signed by Viet Nam on 7 November 2013.

Paragraph 6 of General Comment No. 20 of the Human Rights Committee states that prolonged solitary confinement of the detained or imprisoned person may amount to acts prohibited by article 7 of the ICCPR.

With regard to the allegations of the denial of medical attention of Ms. Dung while in detention for a number of years, and the lack of proper medical examinations and treatment more recently, we would like to recall article 12 of the International Covenant on Economic, Social and Cultural Rights, acceded to by your Government on 24 Sep 1982, which provides for the right of everyone to the enjoyment of the highest

attainable standard of physical and mental health. This includes an obligation on the part of all State parties to ensure that health facilities, goods and services are accessible to everyone, especially the most vulnerable or marginalized sections of the population, without discrimination.

We underline the importance to adhere to Rules 22(2) and 25(1) of the Standard Minimum Rules for the Treatment of Prisoners approved by the Economic and Social Council. Furthermore, the Basic Principles for the Treatment of Prisoners, adopted by General Assembly resolution 45/111 provide that prisoners should have access to the health services available in the country without discrimination based on their legal situation (see Principle 9).

We would like to emphasize that Ms. Dung's right to freedom of religion or belief must be protected as enshrined in Article 18 of ICCPR, regardless if she belongs to a recognized or unrecognized religious community. Human Rights Resolution 6/37, paragraph 9 (f) urges States to review, whenever relevant, existing registration practices in order to ensure the right of all persons to manifest their religion or belief, alone or in community with others and in public or in private.

Lastly, we would also like to draw the attention of your Excellency's Government to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2, 5, 6 and 12.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Ms. Dung in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above mentioned allegations.
2. Please state the measures taken to ensure that the health of Ms. Dung is given adequate and non-discriminatory medical attention and care. Please indicate the reasons why the appeal for her temporary release in order to receive independent medical treatment has not been approved.

3. Please explain why Ms. Dung, who is resident of a province in the south of the country, has been transferred to a detention facility located in the north, almost 2000 kilometers away from her home, thus making it difficult for her family to visit her and support her while in detention. What measures has the Government taken in order to facilitate easy access of her family?
4. Please provide information on the legal grounds for the arrest and detention of Ms. Dung and how these measures are compatible with international norms and standards as provided for by the UDHR and the ICCPR.
5. Please explain the charges brought against Ms. Dung under Article 245 of Viet Nam Penal Code. What are the measures taken to ensure her right to freedom of religion or belief, as provided for under international human rights law, are respected and protected?

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

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