

NATIONS UNIES
HAUT COMMISSARIAT DES NATIONS UNIES
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PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on freedom of religion or belief; and the Special Rapporteur on the situation of human rights defenders.

REFERENCE: AL G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (56-23) G/SO 214 (107-9)
VNM 7/2014

19 May 2014

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on freedom of religion or belief; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 25/2, 24/5, 22/20, and 25/18.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning the acts of intimidation and reprisal against Mr. **Le Cong Cau**, who is being kept under house arrest without charge.

Mr. Le Cong Cau is the head of the Buddhist Youth Movement (BYM) and the Secretary-General of the Executive Institute of the Unified Buddhist Church of Vietnam (UBCV).

Mr. Le Cong Cau was the subject of communications sent on 12 April 2013 and 28 January 2014. We acknowledge receipt of your Excellency's Government replies dated 2 July 2013 and 14 April 2014.

According to the information received:

In March 2013, Mr. Le Cong Cau was interrogated for three days by the provincial Security Police from Thua Thien and municipal Police from the city of Hue about articles that he had written where he advocated for human rights and his support of the Unified Buddhist Church of Vietnam.

On 1 January 2014, he was reportedly detained on suspicion of carrying “terrorist materials” as he was boarding a plane for Ho Chi Minh City at the Phu Bai Airport in Hue. He was reportedly interrogated by the police for 13 hours and all of his belongings, including his laptop, flash drives, and two mobile phones were confiscated. Following the interrogation, he was allegedly placed under house arrest without any written justification. He was not informed as to the precise conditions or the duration of the house arrest. He had allegedly been under surveillance since March 2013.

On 20 January 2014, Mr. Le Cong Cau reportedly submitted a letter of complaint to the municipal and district authorities regarding his house arrest. On 25 January 2014, it is reported that he submitted a second letter of complaint. He did not receive any written response to these complaints. However, he was informed verbally that he could travel freely within the country.

On 4 February 2014, in an audio statement released at the United Nations Human Rights Council in Geneva before Vietnam's examination under the Universal Periodic Review, Mr. Le Cong Cau stated that the Vietnamese Government had cracked down on the Buddhist Youth Movement after it introduced human rights education into its curriculum. This audio message was made public at an event entitled “Banned Civil Society Voices”.

On 16 February 2014, it is reported that Mr. Le Cong Cau was arrested while he was travelling to visit a family member. He was allegedly taken to Truong An district Police station where he was held for interrogation throughout the day about his work and about the audio statement that he transmitted to the Human Rights Council. Allegedly, no warrant or justification was given for his detention. He was then informed that his house arrest from 1 January 2014 was still in force, and that he would have to submit a written request for permission to move within the city of Hue. Moreover, he was reportedly informed that he must submit a written request one day in advance if he wished to travel outside of the city. According to the information received, Mr. Le Cong Cau is only allowed to leave his home to buy food and basic necessities and has been forbidden from meeting members of the UBCV.

On 14 April 2014, Mr. Le Cong Cau was reportedly informed by an official of the Thua Thien-Hue Police that he would remain under house arrest for the duration of the investigation into his case by the Department of Information and Culture. The official also reportedly told Mr. Le Cong Cau, “we have placed your belongings in custody”, referring to his laptop and cell phones and “in time, we could place you in custody too”.

Concern is expressed at the arbitrary detention of Mr. Le Cong Cau, and that his may be related to his peaceful work promoting and protecting the human rights of Buddhists in Vietnam. Grave concern is expressed that Mr. Le Cong Cau's prolonged house arrest is related to his engagement with the United Nations through an audio message in February 2014.

In connection to the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

Moreover, 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. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Please provide information concerning the legal grounds for the arrest and detention of Mr. Le Cong Cau and how these measures are compatible with international human rights norms and standards as stated, inter alia, in the Universal Declaration for Human Rights and the International Covenant on Civil and Political Rights?
2. In connection with the above, please kindly provide information about Mr. Le Cong Cau's access to independent medical professionals, independent legal representation and family members.
3. Please indicate what measures have been taken to ensure that human rights defenders, including civil society and activists, can operate in a safe and enabling environment and can interact freely with the United Nations and its human rights mechanisms without fear of harassment, stigmatization or criminalization of any kind.

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Mr. Le Cong Cau are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

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

Frank La Rue
Special Rapporteur on the promotion and protection of the right to
freedom of opinion and expression

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and
of association

Heiner Bielefeldt
Special Rapporteur on freedom of religion or belief

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would also like to refer your Excellency's Government to articles 19 and 22 of the International Covenant on Civil and Political Rights, which guarantee respectively the rights to freedom of opinion and expression and association.

We would further like to refer to Human Rights Council resolution 24/5, and in particular operative paragraph 2 that “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely ... including persons espousing minority or dissenting views or beliefs, human rights defenders ..., and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.”

In addition, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration, which state that everyone has the right to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels.

Furthermore, we would like to recall Human Rights Council resolution 22/6 which reaffirms the right of everyone, individually and in association with others, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council, its special procedures, the universal periodic review mechanism and the treaty bodies, as well as regional human rights mechanisms. Resolution 22/6 calls upon States to refrain from, and ensure adequate protection from, any act of intimidation or reprisals against those who cooperate, have cooperated or seek to cooperate with international institutions, including their family members and associates. States should fulfil the duty to end impunity for any such acts of intimidation or reprisals by bringing the perpetrators to justice and by providing an effective remedy for their victims. (A/RES/22/6/ OP13-14)

Furthermore, we would like to recall to your Excellency's Government the principles set forth in the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief. Article 6 (d) and (i) of the Declaration provides that the right to freedom of thought, conscience, religion or belief includes the freedom “to write, issue and disseminate relevant publications in these areas”

as well as the freedom “to establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels.”