

Mandates of the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on minority issues

REFERENCE: UA
VNM 11/2014:

25 November 2014

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on freedom of religion or belief; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on minority issues pursuant to Human Rights Council resolutions 22/20, 25/18, and 25/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **continuous harassment and violations of the freedom of religion or belief of independent religious communities in Viet Nam**. Some information also concerns **reprisals against human right defenders and some members of the independent religious communities for their cooperation with the United Nations Special Rapporteur on freedom of religion or belief during his visit to the Socialist Republic of Viet Nam from 21 to 31 July 2014**.

Mr. Nguyen Bac Truyen is a human rights defender and independent Hoa Hao Buddhist, and has been the subject of an earlier communication (A/HRC/27/72, case VNM 4/2014) to which your Excellency's Government replied on 30 May 2014.

According to the information received:

Attacks against independent Hoa Hao Buddhists

On 27 and 28 July 2014, during the visit of the Special Rapporteur on freedom of religion or belief to An Giang, many independent Hoa Hao Buddhists were threatened and intimidated throughout the province. The police from Cho Moi District besieged Quang Minh Pagoda and prevented those who planned to meet

with the Special Rapporteur from accessing the Pagoda by setting up two checkpoints in front of it with a large number of plain-clothes agents.

Policemen accompanied by unknown group of individuals from An Phu District surrounded the ashram of Mr. Bui Van Trunga and his household on 27 July 2014. They also stopped worshippers at ferry stations and all roads leading to the ashram, preventing them from attending their weekly prayer session. Mr. Nguyen Hoang Nam from Chua Doc City had his moped confiscated when he was on his way to the ashram. He took a bus instead. After attending the prayer service, he was attacked by policemen at around 2 p.m., who tied him up and transported him in a tricycle to an unknown location before dumping him, leaving him with head injury. From about 7:00 p.m. on 27 July 2014 to 1:00 a.m. on 28 July 2014, the policemen and the group of unidentified attackers intensified their intimidation and harassment by throwing rotten eggs, rotten fish, bricks and stones into the ashram. Mr. Trunga and his family inside the ashram had to shut all doors and barricade inside to protect themselves.

Mrs. Bui Thi Diem Thuy intended to go to Quang Minh Pagoda to participate in the meeting with the Special Rapporteur on 28 July 2014. Four plain-clothes agents followed her closely even when she went to the market; they also made threatening gestures to her. Consequently, she did not go to the meeting out of fear of reprisals. Three members of her family had been arrested previously and her husband is currently imprisoned for having joined some independent Hoa Hao Buddhists and human rights activists in paying Mrs. Bui Thi Kim Phuong and Mr. Nguyen Bac Truyen a visit earlier this year.

After Mrs. Bui Thi Kim Phuong and Mr. Nguyen Bac Truyen from Dong Thap Province met with the Special Rapporteur in Ho Chi Minh City on 25 July 2014, they travelled to An Giang Province to join other independent Hoa Hao Buddhists at the Quang Minh Pagoda. Similarly, they were followed, threatened and interfered with by the police many times. Their house in Dong Thap Province, which they had not been able to return to since February 2014 after they were expelled, was one of the meeting points with the Special Rapporteur. It was surrounded by many police officers. A checkpoint was set up right across it and prisoner transport vehicles were stationed there to intimidate people who approached the area. Eventually, the Special Rapporteur was not able to meet with the Hoa Hao Buddhists from An Giang Province.

On 28 August 2014, Mr. Nguyen Bac Truyen was hit by a motorcycle in front of his hostel in Ho Chi Minh City at around 7:30 p.m. He sustained serious arm, leg and head injuries and was rushed to the emergency ward of a hospital where he had to spend the night due to repeated vomiting and headache. The perpetrator was identified as one of the security agents who has been monitoring Mr. Nguyen

and his wife on daily basis since February 2014. However, when Mr. Nguyen went to speak to the leader of the surveillance team after his release from hospital on 29 July 2014, the latter denied any involvement of his team in the incident. The surveillance team, which might have witnessed the incident, did not pursue the culprit or investigate the hit and run.

From 9 to 10 October 2014, during the visit of an officer of the United States State Department to Viet Nam, Mr. Nguyen and his wife were physically blocked from leaving their hostel and warned that they would be escorted to Division 4 of the police station if they tried.

Subsequently, on 5 November 2014, three individuals set up a table at the doorsteps of Mr. Nguyen home, thus blocking its entrance. When a female member of the household requested them to move, one of them waved a knife at her. Her husband, who is a French citizen, contacted the French General Consulate in Ho Chi Minh City to seek assistance. Later on the same day, an official from the Consulate went to the house; when he took photographs of the blockade, it prompted the three individuals to move away. The official was also shown a group of plain-clothes agents in a house across the street. When he entered the house, one of them attacked and strangled him. When informed of his identity, only then, the assailant released the officer. On 6 November 2014, from 9:00 a.m. to 2:00 p.m., two neighborhood guards from the police unit of Ward 4, armed with batons, were stationed in front the house of Mr. Nguyen, preventing him to leave the house.

Attacks against Hmong Duong Van Minh Believers

Several Duong Van Minh believers met with the Special Rapporteur on 24 July 2014. After the meeting, they were harassed, questioned and some of them may have even been assaulted. On 7 August 2014, Mr. Ma Van Pa, a resident in Cao Bang Province, was knocked unconscious after being hit by a motorcycle. He sustained severe injuries, including a possible fractured jaw but could not get any treatment at the hospital. The police allegedly did not register his complaint, someone also warned his family that it would be better for Mr. Pa to drop the case, which he eventually did to avoid further reprisals. On 9 and 10 August 2014, Mr. Ly Van Dung, a resident of Tuyen Quang Province was followed by police officers when he visited his father-in-law in another village. On 28 August 2014, two police officers visited Mr. Dao Dinh Hoang and questioned him about the meeting with the Special Rapporteur.

Since mid-August 2014, the local authorities in Bac Kan Province have launched a campaign to force the Duong Van Minh believers to renounce their faith. Believers have either been summoned to the office of the local People's

Committee in the village or visited by the police at home and forced to sign pledges to renounce their faith. On one occasion, the local People's Committee asked two illiterate believers to put their fingerprints on a document, which they were told was a receipt for obtaining their new identity cards. After returning home, they had it translated into their language and found out that it was a renunciation pledge instead. Mr. Hoang Van Lau, as the leader of the Doung Van Minh community in Bac Kan Province, also reported intimidation by the police when he refused to sign a statement of breach of law for having allowed Mr. Ma Van Pa to stay over at his house, without having informed the authorities in advance. Meanwhile, he has been followed and his activities and whereabouts have been monitored.

Attacks against members of Evangelical Mennonite Church

There has been a series of attacks against the Evangelical Mennonite Church in Ben Cat, Binh Duong Province since June this year. In the late night of 9 June 2014, a large group of pastors and theological students gathered at the Evangelical Mennonite Church center for a conference and graduation ceremony for students of the theological training programme. A large crowd led by the chief of the local police assaulted them. 76 of them were taken to the local police station without arrest warrant or any explanation. The Church premises were searched and some property was destroyed. Some of the attackers threw stones at the building, breaking windows and damaging the roof of the church. At least 20 members of the center who were beaten up required medical attention and treatment.

After the raid in June, the Church continued to be under attack. Bricks and stones were thrown at the Church building and rotten eggs were pelted at worshippers during religious services. People who went to the Church were stopped, searched and told to leave and some had their cell phones and motorbikes confiscated. Electricity and water was cut in the area, which affected neighbours. Church members, including elders and pastors, had also been harassed at their homes and/or workplaces, and some have had their money confiscated by the officials.

On 12 November 2014, the police accompanied by unidentified individuals wielding hammers and metal cutters as well as several provocatively dressed women, went to the Evangelical Mennonite Church center shortly before midnight. They entered the Church, intimidated the worshippers, and ransacked the premises. Nine of the Church members were taken to the police station and charged for not having proper documents, although their documents had been confiscated during previous raids and not returned. These nine were released and summoned again for further interrogation after the incident.

The latest incident took place in the night of 16 to 17 November 2014 from 8:00 a.m. to 5:00 p.m. A gang of about 20 people barged into the Church center smashing windows and doors as well as into the private apartment of the Pastor. They cut down and destroyed all surrounding trees and potted plants, tore down four water tanks and smashed the electric water pump. Once they got into the sanctuary, they started hitting and kicking the members of the Church inside. The assailants also threw oil, gasoline and other combustible material around the sanctuary and caused an explosion.

Demolition of Lien Tri Pagoda

Following the Government's announcement of an urban development project in Thu Thiem Peninsula, Lien Tri Pagoda that has existed there for 70 years faces the threat of demolition. No consultation has been held with the local residents or the clergy of that Pagoda prior to the announcement of the project. In August 2014, the local People's Committee of An Khanh District 2 sent an invitation to the head monk of the pagoda, Thich Khong Tanh, for a meeting regarding the compensation for the demolition of the Pagoda. The authorities offered 5,418,076,120 VND in compensation for the loss of Lien Tri Pagoda, its land and related real property. The head monk rejected the offer because the money is insufficient for rebuilding a new pagoda. Besides, no alternative land was offered for the relocation of the Pagoda. According to the plan of the Compensation Committee of the Thu Thiem Project, Lien Tri Pagoda was to be demolished by 30 September 2014 with or without the consent of the head monk.

The Pagoda has been under surveillance through a watch house set up in front of it. The head monk was repeatedly prevented from leaving the Pagoda and on one occasion in 2013, he was beaten unconscious. Security agents or police have often interrupted the meetings held in the Pagoda with other religious dignitaries and civil society organizations. Some followers have reportedly been intimidated at their private homes as well.

While we do not wish to prejudge the accuracy of these allegations, grave concerns are expressed at the allegations of intimidation and harassment of, acts of violence and other forms of reprisals against independent Hoa Hao Buddhists, Duong Van Minh believers who cooperated, or sought to cooperate with the Special Rapporteur on freedom of religion or belief during his official visit to Vietnam. More generally, serious concerns are expressed at the continued suppression and persecution of independent religious communities, most of whom are religious minorities and human rights defenders; and whose rights to adopt, manifest and practice a religion or belief of their choice and to function as an independent religious communities have been violated.

We are respectfully appealing to your Excellency's Government to clarify these allegations, especially of those incidents that appear to illustrate a pattern of reprisals against persons who sought to meet and cooperate with the Special Rapporteur on freedom of religion or belief prior, during and after his official visit to Vietnam. These reprisals contravene the spirit and the Terms of Reference of Country Visits of the United Nations Special Procedures mandate holders, and undermine the integrity and credibility of the visits, and the mandates themselves. Member States of the United Nations have the obligation to protect the right to freedom of religion or belief of all persons in the country, including those who belong to religious minorities as enshrined, inter alia, in Articles 18, 19, 20, 26 and 27 of the International Covenant on Civil and Political Rights (ICCPR), which the Socialist Republic of Viet Nam acceded to on 24 September 1982.

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. We would also like to underline the recommendations of the sixth session of the Forum on Minority Issues on "Guaranteeing the rights of religious minorities" (2013), in particular recommendations 53-64 on prevention of violence and protection of the security of religious minorities. In addition, 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 Human Rights Council resolution 12/2 "condemns all acts of intimidation or reprisal by Governments and non-State actors against individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights". It "calls upon all States to ensure adequate protection from intimidation or reprisals for individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights". These principles are reiterated in the Human Rights Council resolution 24/24 that calls on States to ensure adequate protection from intimidation or reprisals for cooperation with the United Nations, its mechanism and representatives in the field of human rights. In his 2014 report, the Secretary-General reiterated his "firm position that any act of intimidation or reprisal against individuals or groups, or anyone linked to them, for cooperating with the United Nations, its representatives and mechanisms in the field of human rights is unacceptable and must be stopped." (para.48, A/HRC/27/38).

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 seriousness of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of these

independent religious communities as well as human rights defenders, in compliance with the international human rights obligations of Vietnam.

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 provide the details, and where available the results, of any investigation, and judicial or other inquiries that may have been ordered into the incidents described above and any criminal charges brought against the perpetrators of these incidents.

3. Please provide the full details of any measures taken to prevent acts of intimidation or reprisals against the independent religious communities and human rights defenders for their legitimate peaceful activities in the promotion of human rights, including for their cooperation with the Special Rapporteur on freedom of religion and belief, or any other United Nations human rights mechanisms.

4. Please provide information concerning what appears to be an organized campaign by the authorities to force Duong Van Minh believers in Bac Kan Province to renounce their faith, and explain how these measures are compatible with international norms and standards as stated above.

5. Please provide information on the legal grounds for the raids, assaults, destruction and confiscation of properties as well as arrests and detention of members of the Mennonite Church in Binh Duong Province. Please indicate if an investigation has been launched into these incidents and attacks, and what the legal grounds are for the confiscation of the documents of the members of that Church. In case where the authorities confiscated any property or documents, there should be a log of such confiscation. Why did the authorities arrest nine members of the Church for not possessing documents that the authorities had confiscated earlier?

6. Please provide details of the efforts undertaken by local authorities to effectively consult with the local residents and monks that will be affected by the Thu Thiem Project, and in particular its implications on Lien Tri Pagoda and local residents. Please explain how the pagoda and local residents will be compensated for all their losses in the context of the development project. Please explain also the surveillance on the monks of Lien Tri Pagoda and why their movements have been restricted or hampered.

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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