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**HAUT COMMISSARIAT DES NATIONS UNIES**  
**AUX DROITS DE L'HOMME**

**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 Working Group on Arbitrary Detention; 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 Independent Expert on minority issues.**

REFERENCE: UA G/SO 218/2 Assembly & Association (2010-1) G/SO 214 (56-23) Minorities (2005-4)  
VNM 2/2014

28 January 2014

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on freedom of religion or belief; and Independent Expert on minority issues pursuant to Human Rights Council resolutions 24/7, 24/5, 22/20, and 16/6.

In this connection, we would like to bring to your Excellency's Government's attention to information we have received concerning the **alleged arrest, threats and harassment against members of the Unified Buddhist Church of Vietnam (UBCV) in Hue and Ho Chi Minh City**, Vietnam, as well as the **prohibition imposed on UBCV members** to organize and attend the commemoration of Memorial Day, including through the imposition of house arrest.

According to the information received:

On 1 January 2014, Mr. Lê Công Cầu, head of the Unified Buddhist Church of Vietnam (UBCV)'s Buddhist Youth Movement and newly-appointed Secretary-General of the UBCV's Executive Institute, was arrested by security police and taken for questioning when he was boarding a plane bound for Ho Chi Minh City at Phu Bai Airport. Following his detention, he was placed under house arrest and forbidden to receive visits. Policemen are reportedly stationed outside his house and interrogate him twice a day, in what are called "working sessions", apparently aimed at forcing him under threat of imprisonment to , to step down from his post in the UBCV. At the time of his detention, Mr. Lê Công Cầu was going to visit UBCV's patriarch and prominent dissident Mr. Thich Quang Do, who has been

under de facto house arrest in conditions of extreme isolation at the Thanh Minh Zen Monastery, in Ho Chi Minh City, since the beginning of December 2013.

Mr. Lê Công Cầu was previously interrogated and placed under house arrest in June and July 2012, as well as in March 2013, accused of slandering the regime and spreading propaganda. A joint allegation letter was sent on 12 April 2013 by several Special Rapporteurs on his behalf.

Available information indicates that the police harassment of Mr. Lê Công Cầu is part of an on-going crack-down on members of the new UBCV executive board announced by Mr. Thich Quang Do in early January 2014. Repression has been particularly harsh in Hue, where the police have purportedly prevented the new UBCV Deputy leader Mr. Thich Nhu Dat from organizing a Memorial Day ceremony on 10 January 2014 at Long Quang Pagoda, the headquarters of the new Secretariat of the UBCV's Executive Institute Viện Hóa Đạo. Memorial Day is an important event in Vietnam's Buddhist calendar honoring the founding masters of Vietnamese Buddhism.

On 7 January 2014, Mr. Thich Thanh Quang, Deputy Head of Viện Hóa Đạo was summoned for interrogations by Security Police in Danang and forbidden to attend the ceremony in Hue. Similarly, Mr. Thich Chon Tam, the newly-appointed Secretary-General of the UBCV's Institute of the Sangha and assistant to Mr. Thich Quang Do, has been the target of police surveillance and harassments for several days. On 8 January 2014, he was expelled from Hue as he attempted to attend the UBCV commemoration and forced to return to Ho Chi Minh City, where he resides. Since then, the police have kept the Tu Hieu Pagoda where he temporarily resides under permanent surveillance and has been followed him wherever he goes. On 14 January 2014, he was reportedly stopped and assaulted by plain-clothed security agents as he was riding his motorbike in Ho Chi Minh City.

It has been reported that in the hours leading to the commemoration of Memorial Day, 300 UBCV's monks, nuns and youth leaders from various parts of southern and central Vietnam were stopped and threatened by the police at the airports, train stations and roads leading to Long Quang Pagoda, which is surrounded by a large number of policemen. Several leaders of the UBCV's youth movement were harassed and placed under house arrest. The police announced that the celebration of the Memorial Day was forbidden because the UBCV was banned and that all of those who followed the UBCV were breaking the law. The ceremony reportedly took place despite the ban. Available information indicates that up to 23 Buddhist Youth Movement leaders may have been arrested and placed under house arrest in Hue in the recent crack-down. They are: *Ho Nguyen Minh, Y, Ho Van Nich, Hoang Nhu Dao, Hoang Tanh, Hoang Thi Hong Phuong, Lê Cong Cau, Lê Nhat Thinh, Lê Van Thanh, Ngo Duc Tien, Nguyen Chien, Nguyen Dinh Mong, Nguyen*

*Duc Khoa, Nguyen Sac, Nguyen Tat Truc, Nguyen Thi Huong, Nguyen Van De, Truong Dien Hieu, Truong Minh Dung, Truong Trong Thao, Van Dinh An, Van Dinh Tat, Van Thi Hieu, Van Tien Nhi.*

We are expressing serious concern about the arrest, detention, threats and harassment against these and other persons; about the ban on the commemoration of Memorial Day and the restrictions placed on those trying to attend it; these actions appear to be part of a renewed crackdown on members of the Unified Buddhist Church of Vietnam (UBCV) who peacefully exercise their legitimate right to freedom of religion or belief.

In this connection, we would like to recall the joint allegation letter sent to your Excellency's Government on 12 April 2013 concerning the arrest of Mr. Lê Công Cầu, and signed by 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.

While we do not wish to prejudge the accuracy of these allegations, we wish to appeal to your Excellency's Government to seek clarification on the information drawn to our attention and share our concerns in relation to the present circumstances in light of the applicable international human rights norms and standards.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of Mr. Lê Công Cầu, Mr. Thich Quang Do and the 23 aforementioned Buddhist Youth Movement leaders is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee their right not to be deprived arbitrarily of their liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights, and articles 9 and 14 of the International Covenant on Civil and Political Rights.

Without expressing at this stage an opinion on the facts, we would like to appeal to your Excellency's Government to ensure the right to freedom of religion or belief is protected in Vietnam in accordance with the principles set forth in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief and article 18 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR), which Viet Nam acceded to on 24 September 1982.

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 (a), (h) and (i) of the Declaration provides that the right to freedom of thought, conscience, religion or

belief includes the freedom “to worship, or assemble in connection with a religion or belief”, “to observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one’s religion or belief”, and “to establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels.”

The Commission on Human Rights resolution 2005/40 (paragraph 4 (d)), Human Rights Council resolutions 6/37 (paragraph 9(g)) and General Assembly resolution 65/211 (paragraph 12 (g)) urges States “[t]o ensure, in particular, the right of all persons to worship or assemble in connection with a religion or belief [...].”

We would further like to refer your Excellency’s Government to the following provisions of the ICCPR:

- article 21 which provides that "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others;

- article 22 which provides that “Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests”; and

- article 27 provides that “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.”

In this connection, we would 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, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, 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.”

Furthermore, we draw the attention of your Excellency’s Government to international standards relevant to the protection and promotion of the rights of minorities. The 1992 United Nations Declaration on the Rights of Persons Belonging to

National or Ethnic, Religious and Linguistic Minorities requires under Article 1.1 that States “shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity.” Article 2.1 states that “persons belonging to national or ethnic, religious and linguistic minorities have the right to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination. Article 4.1 establishes that: “States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.”

We recall that the former Independent Expert on minority issues conducted an official visit to Viet Nam in July 2010. Her report included concerns expressed by representatives of religious minorities regarding restrictions on the organized activities of some religious groups, and the Government’s excessive role in overseeing and regulating religious activity. Sources reported the lack of official recognition of the Unified Buddhist Church of Viet Nam. In her recommendations, the Independent Expert stated that she “remains concerned by continuous reports that legitimate religious practices and peaceful protests by religious minorities...have resulted in restrictions on the freedoms of movement, expression and assembly, harassment and imprisonment. She states that “The Government must respect fully the rights of religious minorities and refrain from imposing unjustified restrictions or penalties on individuals and communities exercising their right to peaceful protest.” Furthermore, she stated that “Persistent allegations of arbitrary detention and mistreatment of detainees, including those from ethnic and religious minorities, are serious concerns that require responses and assurances from the Government that due process and the rule of law are consistently applied in line with international standards and enforced at the national and provincial levels. All those in detention for activities that would, under international standards, constitute the peaceful exercise of their rights should be released immediately.”

We would appreciate a response on the initial steps taken by your Excellency’s Government to safeguard the rights of the aforementioned persons in compliance with the mentioned international instruments.

Since 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 cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged by or on behalf of the aforementioned persons placed under house arrest?

3. Has a complaint been lodged by or on behalf of the aforementioned persons subjected to harassment and threats for attempting to participate in the commemoration of Memorial Day?

4. Please provide details, including the legal basis and reasons, of the detention and placement under house arrest of Mr. Lê Công Cầu, Mr. Thich Quang Do and the 23 aforementioned Buddhist Youth Movement leaders, and how these measures are compatible with the aforementioned international human rights norms and standards.

5. Please provide details, including the legal basis and reasons, ban on the commemoration of Memorial Day and how these measures are compatible with the aforementioned international human rights norms and standards.

6. Please indicate which measures your Excellency's Government has adopted to respect and protect the freedom of religion or belief in Vietnam, and in particular of the members of the Unified Buddhist Church of Vietnam (UBCV), in compliance with international human rights norms and standards.

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit 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 the above mentioned persons 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.

Mads Andenas  
Chair-Rapporteur of the Working Group on Arbitrary Detention

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

IZSÁK Rita  
Independent Expert on minority issues