

**NATIONS UNIES**  
**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 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)  
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12 April 2013

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 resolution 16/4, 15/21, 14/11, and 16/5.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning alleged harassment and threats against Mr. **Le Cong Cau**, a Buddhist youth group leader, writer and human rights defender, by the Vietnamese authorities.

According to the information received:

Mr. Le Cong Cau, head of the Unified Buddhist Church of Vietnam (UBCV)'s Buddhist Youth Movement Commission has been threatened with prosecution by the Security Police since he published articles online, some of which date back to 2004, with regard to the Communist Party's policies on Buddhism and China. He is an active coordinator of UBCV activities, including on human rights issues, in the central province of Thua Thien-Hue.

During the crackdown on the anti-China protestors across the country in June and July 2012, Mr. Le Cong Cau was prohibited from joining the demonstrations. It is reported that, on 30 June 2012, he was subjected to police interrogation for seven hours from 3:30pm to 10:30pm in Thua Thien-Hue. Throughout the night, his house was surrounded by the police. The next morning of 1 July 2012, as he was leaving his house, he was forcibly escorted home and forbidden from participating in the demonstrations.

Sources further inform that on 12 March 2013, Mr. Le Cong Cau was summoned by the Security Police for another interrogation at the Truong An district police station. From 8.00am on 13 March 2013, he was subjected to intensive interrogations for the next two and a half days. Contrary to usual practice, the police interrogation was conducted by officials from the Provincial and Municipal-level Security Police, not by local police.

During the interrogation, they presented Mr. Le Cong Cau with several articles from the Internet and accused him of “slandering the regime and spreading propaganda about an illegal organization named the UBCV”. Before releasing him on 15 March 2013, the police declared that they had obtained “sufficient evidence” to prosecute him under Articles 87 and 88 of the Criminal Code, allegedly after forcing him to write a statement admitting the illegal nature of his online articles.

It is further reported that while Mr. Le Cong Cau wrote the statement, he denied that writing his opinions online was a criminal act. He tried to add to the statement: “I stand by my convictions and ideals. Everything I have done is in line with the rights enshrined in the Vietnamese Constitution. All those who try to prevent me are violating our Constitution. I refuse to collaborate with those who trample on the Vietnamese Constitution”. However, the Security Police deleted these lines from his statement.

Serious concern is expressed that the aforementioned acts of harassment against Mr. Le Cong Cau may be linked to his legitimate human rights activities, in the exercise of his right to freedom of opinion and expression, peaceful assembly, and freedom of religion or belief.

While we do not wish to prejudge the accuracy of these allegations, we would like to remind your Excellency’s Government of article 19 of the International Covenant on Civil and Political Rights (ICCPR), that Viet Nam acceded to on 24 September 1982, which provides that “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

Similarly, we would like to refer your Excellency's Government to article 21 of the ICCPR, 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 interest of national security of public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

In this connection, we would like to further refer to Human Rights Council resolution 21/16, and in particular operative paragraph 1 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.”

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 Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” and that “each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice”.

Furthermore, we would like to bring to the attention of your Excellency’s Government the following provisions of the Declaration:

- article 5 point a) which establishes that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels, to meet or assemble peacefully.
- article 5 points b) and c) which provide that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right to form, join and participate in non-governmental organizations, associations or groups, and to communicate with non-governmental or intergovernmental organizations.
- article 6 points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.
- article 12 paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be

protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

We would also like to appeal to your Excellency's Government to ensure the right to freedom of religion or belief in accordance with article 18 of the UDHR, this includes the right to undertake religious activities individually and in community with others, prior and independent to any government approval.

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."

The Commission on Human Rights resolution 2005/40 (paragraph 4 (d)) and Human Rights Council resolution 6/37 (paragraph 9(g)) urges States to ensure, in particular, the right of all persons to "write, issue and disseminate relevant publications in these areas " and to "worship or assemble in connection with a religion or belief [...]."

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 Mr. Le Cong Cau?
3. Please provide the details on how the actions undertaken by public officials regarding this case are compatible with the international norms and standards of the rights to freedom of opinion and expression, peaceful assembly, and freedom of religion or belief.
4. Please provide details on measures taken to ensure that human rights defenders in Viet Nam, including the individual concerned, are able to carry out their legitimate and peaceful activities freely and without fear of judicial harassment or other restrictions.

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