

Mandate of the Special Rapporteur on the situation of human rights defenders

REFERENCE: AL
VNM 9/2016:

30 November 2016

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolution 25/18.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning **allegations of attempted intrusion into a human rights defenders conference, Defenders' Days, by officials from the Embassy of Viet Nam in Stockholm.**

Defenders' Days is a capacity-building conference organized by Civil Rights Defenders, which brings together human rights defenders from all over the world to Stockholm to engage in trainings, networking opportunities, workshops and several other activities. Civil Rights Defenders is an independent expert organization that aims to protect and promote civil and political rights and strengthen human rights defenders. The organization provides expertise, trainings and support to human rights defenders at risk, while monitoring the state authorities and demand accountability, justice and redress when people's fundamental rights have been violated.

According to the information received:

On April 4-7 2016, Civil Rights Defenders organized its annual conference "Defenders' Days – empowering human rights defenders at risk", bringing together approximately 160 human rights defenders at Djurönäset conference centre, Stockholm.

The conference consisted of two parts - a closed and open session. The closed part of the conference was for the invited human rights defenders at risk, while the open session was for the broader public that took place in another location in Stockholm aimed at increasing knowledge of a broader audience of the risks that human rights defenders face on a daily basis.

On 5 April, at approximately 10:00 a.m., a man and a woman arrived at Djurönäset conference centre and attempted to register as guests for the closed session of the conference. They provided false personal information and organizational affiliation. Civil Rights Defenders staff immediately asked the two persons to leave the conference premises and escorted them to their car, while documenting the registration number of the car. Later the same day, when checking the car registration number with the Swedish Transport Agency, it was found that the car was registered to the Embassy of Viet Nam in Sweden.

On 7 April 2016, Civil Rights Defenders informed the Ministry of Foreign Affairs (MFA) of Sweden about the incident. A day later, the organization filed a complaint with the Swedish Security Police (SAPO).

Concern is expressed that the alleged intrusion may be an attempt by the Vietnamese authorities to carry out surveillance of human rights defenders, especially those who were from Viet Nam, intimidate them and possibly retaliate against them upon their return from the conference to the country. The concern is reinforced by the fact that Ms. [REDACTED], who is a coordinator for the Vietnamese Bloggers Network and blogs under the pseudonym of [REDACTED], received the Civil Rights Defender of the Year in 2015.

While I do not wish to prejudge the accuracy of these allegations, I would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

In connection with 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.

It is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide details as to the reason why officials of the Embassy of Vietnam attempted to gain access to the closed session of the "Defenders' Days" conference, including by providing false information about their affiliation.
3. Please provide the details, and where available the results, of any investigation or other inquiries carried out in relation to this case.
4. Please indicate what measures have been taken to ensure that human rights defenders from Vietnam are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation of any sort, including in the context of their participation in events outside the country.

While awaiting a reply, I 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(s) responsible for the alleged violations.

Please note that the above-mentioned allegations have also been sent to the Government of Sweden with a view to seeking their clarifications on the allegations.

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 my highest consideration.

Michel Forst
Special Rapporteur on the situation of human rights defenders

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, I would like to draw your attention to the following human rights standards.

I would like to refer to articles 21 and 22 of the International Covenant on Civil and Political Rights, acceded to by Vietnam on 24 September 1982, that guarantee the rights to freedom of peaceful assembly and association.

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, also known as the UN Declaration on Human Rights Defenders are also highly relevant in this case. In particular, I 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 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.

Furthermore, I would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 5 (a) which provides for the right to meet or assemble peacefully;
- article 5 (b), which provides for the right to form, join and participate in non-governmental organizations, associations or groups;
- article 12 (1), which provides that the State must take all necessary measures to ensure the protection of everyone 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