

Mandates of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; 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 the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes; and the Special Rapporteur on the situation of human rights defenders

REFERENCE:
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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; 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 the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes; and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 28/11, 25/2, 32/32, 27/23, and 25/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **alleged arbitrary arrest and detention of Ms. Nguyen Ngoc Nhu Quynh, an environmental human rights defender and blogger, also known as 'Mother Mushroom', which appear to be linked to her legitimate activities advocating for environmental and human rights in Viet Nam.**

Ms. Quynh is a coordinator and the co-founder of the Vietnamese Bloggers' Network, which promotes citizen journalism and freedom of press in the country as an independent civil society group. She is a single mother and works as a freelance tour guide to support her two children, 60-year-old mother and 90-year-old-grandmother, who all live with her in Nha Trang city.

According to the information received:

On 10 October 2016, Ms. Quynh was arrested and charged with violating article 88.1 of the Penal Code of Viet Nam, for conducting propaganda against the Socialist Republic of Viet Nam. The charges appear to be related to Ms. Quynh's activities on the Internet criticizing the Government over politically sensitive issues, in particular campaigning, documenting and reporting on the massive dead fish case. An estimated 70 tonnes of dead fish were found in Viet Nam's central coastal region in April 2016. The incident sparked protests across the country. Reports suggest that Ms. Quynh advocated for the Government's accountability on the incident.

Police arrested Ms. Quynh in the morning of 10 October 2016 outside the Song Lo prison located in Nha Trang while she was accompanying a friend to visit a family member in prison. Ms. Quynh was handcuffed and taken back to her house, where police conducted a search. Some 50 police officers were deployed and blocked the area surrounding her house while preventing local activists from approaching the house. Ms. Quynh's two young children, her mother and her grandmother were in the house during the search. The search traumatized the family, especially Ms. Quynh's ten-year-old daughter. When the search concluded, police took her away in handcuffs. During the search the police read out loud a detention order, but failed to provide a copy of the order. A notification of arrest and detention dated 10 October 2016 was mailed to Ms. Quynh's immediate family, and was only received on 12 October 2016.

On 11 October 2016, the police stated that Ms. Quynh has used various social network accounts, both under her name and pen name *Mother Mushroom*, to distort the reputation of policies of the Party and State laws by writing, uploading and sharing articles and videos since 2012.

To date, Ms. Quynh is believed to have been imprisoned incommunicado. Her family has not been permitted to visit her despite their numerous attempts and requests. Furthermore, Ms. Quynh has not been allowed to be assisted by legal counsel until now. Her lawyer's request to represent Ms. Quynh has been denied and his subsequent request for an explanation of the reasons for denial has not been responded by the authorities.

Reports also indicate that, prior to her arrest on 10 October 2017, Ms. Quynh had been repeatedly harassed, detained and assaulted by Government authorities for her legitimate activities related to the protection of human rights and the environment, negatively impacting on her rights to freedom of opinion, expression, peaceful assembly and association: she was arrested and detained for ten days in Nha Trang city (September 2009); she was subject of a travel ban (2010); she was detained and questioned by authorities about her movements (2012); she was detained and questioned about her personal *Facebook* account (February 2013); she was reportedly beaten by men and women allegedly associated with a Government-sponsored organization (July 2013); was subject of an international travel ban and had her passport confiscated (15 December 2013); she was detained and threatened by local authorities (February 2014); she was detained and had her personal belongings confiscated by police (July 2014); she was detained and had her driver's license confiscated (October 2014); she was severely beaten by security police, then detained for 12 hours (July 2015); she was kidnapped on her way to the airport by some 20 security police and physically assaulted (October 2015); she was grabbed, strangled and muffled by four security police officers (May 2016); she was detained and questioned by police about her concerns over the massive death of fish case (May 2016); and her family was

harassed by security police in an attempt to prevent her from participating in a protest (July 2016).

While we do not wish to prejudge the accuracy of these allegations, we express grave concern about the alleged arbitrary arrest and incommunicado detention of Ms. Quynh, as well as about her physical and mental integrity. We express equal concern that the charges brought against her through repressive legislation represent a criminalisation of her rights to freedom of opinion and expression, freedom of peaceful assembly and association. We furthermore express concern at the violations of her rights to due process, in particular the incommunicado detention, the denial of her right to a legal counsel and the prohibition to receive visits from her family. We are deeply concerned that Ms. Quynh appears to have been a victim of repetitive and systematic harassment and assaults by Government authorities for almost eight years, and she is now detained for a prolonged period incommunicado. All the above mentioned violations of her rights seem to be directly linked to her activities as an environmental human rights defender and the legitimate exercise of her fundamental rights. We are similarly concerned about the psychological integrity of Ms. Quynh's family following the police search conducted at her home.

While we do not wish to prejudge the accuracy of these allegations, we would like to refer your Excellency's Government to articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Viet Nam in 1982, which guarantees the rights not to be deprived arbitrarily of liberty and to fair proceedings before an impartial tribunal.

We, moreover, appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression, freedom of peaceful assembly and freedom of association in accordance with articles 19, 21 and 22 of the ICCPR.

In this connection, we wish to reiterate the principle enunciated in Human Rights Council resolution 12/16, which calls on States to refrain from imposing restrictions which are not consistent with article 19(3), including on (i) discussion of government policies and political debate; reporting on human rights, government activities and corruption in government; peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent.

We would finally like to refer to 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, 6 and 12.

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 urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Ms. Quynh in compliance with international instruments.

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/or comment(s) you may have on the above mentioned allegations.
2. Please provide details about Ms. Quynh's condition including information on her safety and her physical and mental health situation.
3. Please provide details of the legal basis for the arrest and continued detention of Ms. Quynh. In particular, please explain how the charges brought against Ms. Quynh are compatible with Viet Nam's obligations under international human rights law.
4. Please indicate the legal provision under which Ms. Quynh's right to a legal counsel is rejected, and reasons for denying her family's repeated requests to visit her.
5. Please provide information on when the Government plans to release Ms. Quynh.
6. Please provide information about whether any investigation or inquiry has been undertaken in relation with the multiple reported occasions of ill-treatment against Ms. Quynh. If no such investigation has taken place, please explain why.
7. If the Government has investigated any of the above cases of detention, harassment and assaults against Ms. Quynh which took place over the past few years, please provide information about these investigations and findings. Has the Government held any person(s) responsible accountable for the acts committed? If not, please provide information on what steps the Government plans to take to address these allegations.
8. Please provide information on the legal basis for imposing multiple travel bans on Ms. Quynh.
9. Please indicate what measures the Government has taken to ensure that human rights and environmental defenders be able to carry out their legitimate activities in a safe and enabling environment in Viet Nam, including exercising their rights to freedom of opinion, expression, peaceful assembly and association, without fear of threats or acts of persecution and harassment of any sort.

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(s) responsible for the alleged violations.

We intend to publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issues in question.

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.

John H. Knox

Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment

David Kaye

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

Baskut Tuncak

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Michel Forst

Special Rapporteur on the situation of human rights defenders