

**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; 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 capacity 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; and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 34/18, 32/32 and 34/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning acts of violence and intimidation against human rights defenders Ms. Do Thi Minh Hanh and Mr Dinh Van Hai, and a third human rights defender.

Ms. Do Thi Minh Hanh is a human rights defender, who has been particularly active in defending workers' rights since 2006. She leads the Viet Labour Movement, which campaigns for labour rights in Viet Nam. Ms. Minh Hanh has documented extractive industries, engaged in international media-based advocacy, helped to organise workers into independent unions, and campaigned against the US-Vietnam Trans Pacific Partnership (TPP) until it included provisions for workers' rights.

In February 2010, after attempting to organise thousands of workers in a shoe factory in Tra Vinh Province over concerns of low wages and sexual assaults, she was arrested and charged with "disrupting public order". After a one-day trial for which she was denied access to a defense lawyer, she was sentenced to seven years in prison. In Opinion 42/2012, the UN Working Group on Arbitrary Detention stated that the charges against Ms. Minh Hanh were a violation of her rights under the International Covenant on Civil and Political Rights (articles 19, 21, 25) and UDHR (articles 19, 20, 21 and 22). She was released in June 2014.

According to the information received:

On 24 June 2018, Ms. Minh Hanh was attacked by two men who tried to pull her off her motorbike. The men, who were wearing surgical masks to conceal their identities, did not exchange words with Ms. Minh Hanh and escaped soon after she began calling for help.

At around 11pm that evening, around a dozen men began throwing rocks through the windows and patio doors of her family home, where she lives with her 76-year-old father. Despite her request to the local police station for assistance, police officers did not visit her place of residence. Rocks were again thrown through her windows two days later, on 26 June. This time, what appeared to be a homemade explosive device was also thrown into her home.

In the morning of 27 June, some fellow human rights defenders visited Ms. Minh Hanh at her home. After leaving the house, one of them realised that he was being followed. He rang those who were still in Ms. Minh Hanh's house in order to warn them. When two human rights defenders left the house shortly afterwards, they were attacked by two men with wooden and steel bars. One of the victims, Mr. Dinh Van Hai, had to be hospitalised, having suffered a broken shoulder bone, two broken ribs, and three broken bones in his hand.

Since the beginning of July a smear campaign, understood to have been initiated by Di Linh District authorities, has been carried against Ms. Minh Hanh. People were told that Ms. Minh Hanh had large debts and that she had been sleeping with married men.

Again on 1 July, rocks were thrown through the already broken windows of Ms. Minh Hanh's home. On 3 July, rocks began being thrown into her home after the electricity to her house had been cut.

These most recent acts of violence and intimidation against Ms. Minh Hanh have come in the aftermath of nationwide protests, which took place on 10 and 17 June against special economic zones, which would enable foreign investors to acquire leases in Viet Nam for up to 99 years.

Although Ms. Minh Hanh has had no role in the recent protests, it is understood that she may have been targeted in order to discourage her from mobilising workers, many of whom have already been very active in the demonstrations. The attacks on Ms. Minh Hanh and her fellow human rights defenders are also believed to be part of a larger strategy, in light of the civil unrest, to quash any dissenting voices and to regain control.

We express concern at the attack on Ms. Minh Hanh's physical integrity, as well as the attack on her home, and on her two human rights defender colleagues, which appear to be directly related to their activities as human rights defenders, in particular to her activities related to the exercise of her rights to freedom of assembly and to freedom of association. We express additional concern at the subsequent smear campaign launched by local authorities against Ms. Minh Hanh, and at the apparent lack of investigation into these incidents. Further concern is expressed for

Ms. Minh Hanh's physical and psychological integrity, and for that of her father who lives with her. Concern is also expressed over the increasingly hostile environment faced by human rights defenders in Viet Nam.

While we do not wish to prejudge the accuracy of these allegations, we 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.

We would like to draw attention to articles 3, 6, 9, 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR) acceded by your Excellency's Government on 24 September 1982. These articles guarantee the rights to life, security of person, freedom of expression and the right to peaceful assembly.

We would also 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, the allegations appear to be in contradiction to articles 1, 2, and 12 (2) of the UN Declaration on Human Rights Defenders, which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms and it will take all necessary measures to ensure the protection of everyone against any violence, threats, or retaliation.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://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 the above-mentioned person(s) 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 any comment(s) you may have on the above-mentioned allegations.
2. Please provide information on measures taken by Your Excellency's Government to carry out an immediate, impartial, and transparent investigation into the acts and violence and intimidation experienced by Ms. Minh Hanh and her fellow human rights defenders, including

Mr. Dinh Van Hai. If no investigations have been undertaken, or if they have been inconclusive, please explain why.

3. Please indicate what protection measures have been taken regarding Ms. Minh Hanh, her father, and other human rights defenders in Viet Nam, including Mr. Dinh Van Hai.
4. Please indicate what measures have been taken to ensure that human rights defenders in Viet Nam are able to carry out their peaceful and legitimate work in a safe and enabling environment without fear of threats or acts of intimidation 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 responsible of the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which a press release would 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 would indicate that we have been in contact with your Excellency's Government's to clarify the issue/s 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.

David Kaye  
Special Rapporteur on the promotion and protection of the right to freedom of opinion  
and expression

Clement Nyaletsossi Voule  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Michel Forst  
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