

Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on minority issues; the Special Rapporteur on freedom of religion or belief; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

REFERENCE:
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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on minority issues; Special Rapporteur on freedom of religion or belief; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 34/5, 34/6, 31/16 and 34/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning continuous harassment and violations of the freedom of religion or belief of religious minorities in Viet Nam.

According to the information received:

Attacks against members of Gospel Evangelical Church in Đắk Lắk Province

From 5 October 2017 to 10 May 2018, Mr. Y Than Buon Dap and Mr. Ciêu Bkrông from Ea Khit village, Mr. Y Bhuar Bdap from Ko Emong A village, as well as Mr. Y Khen Nie, from Ea Poc village and Mr. Y Krit Bdap from Mblot village, all of them followers of the Gospel Evangelical Missionary Church in Đắk Lắk Province, were reportedly arrested by policemen and taken to Police Station of Ea Bhôk Commune, Ea Poc Commune government building or Ea Bong Commune Police Station for interrogation. It is indicated that from 2004 to 2015 Mr. Ciêu Bkrông was imprisoned for having participated in a non-violent protest to demand human rights, religious freedom and defend fair treatment of minorities.

According to the source, Mr. Y Than Buon Dap, Mr. Y Bhuar Bdap Mr. Ciêu Bkrông, Mr. Y Khen Nie and Mr. Y Krit Bdap were interrogated on their religious activities, their links with known other followers and prisoners of conscience, and their use of social media to defend their right to freedom of religion. The police officers allegedly forbade them to report to international human rights organizations about the torture they suffered during the interrogation, and they were ordered to write and sign a commitment to leave the Gospel Missionary Church under threat of punishment.

Another incident allegedly occurred on the morning of 10 April 2018. Mr. Y Min Ksor and Mr. Y Pum Bya were arrested and brought to the Ea Drong Commune police station, by six armed police officers. They were allegedly interrogated on their religious activities, tortured and forced to sign commitments to stop worshipping in a group while belonging to the Gospel Missionary Church. Mr. Y Min Ksor and Mr. Y Pum Bya are currently under detention.

Attacks against members of Caodai Tayninh Holy See in Lam Dong province

Mr. Hua Phi, leader of the Representative Committee of the Popular Bloc of the Caodai Tayninh Holy See, has been detained several times and his properties damaged allegedly for his advocacy for human rights and religious freedom.

On 22 June 2018, a group of ten unknown individuals entered into the coffee farm of Mr. Hua Phi in Hiep Thanh village. Allegedly, they covered his head, beat him severely, cut his beard and ran away. On 23 June 2018, his family took him to a hospital in Saigon City by taxi. 1 kilometre away from his house they were allegedly stopped by the traffic police and forced the taxi driver to return them home. It is reported that his health is in critical condition and he needs urgent treatment.

While we do not wish to prejudge the accuracy of these allegations, grave concerns are expressed at the allegations of torture, intimidation, harassment and acts of violence and other forms of reprisals against members of the Gospel Evangelical Church and Caodai Tayninh Holy See. More generally, serious concerns are expressed at the continued suppression and persecution of religious minorities and human rights defenders advocating for religious freedom in Vietnam. We are concerned over the observed violations of the rights of those minorities to adopt, manifest and practice their religion or belief of their choice. It is important to recall that the right to freedom of religion or belief, by individuals and/or in community with others, cannot be made dependent on any specific acts of administrative recognition or State's approval.

We are respectfully appealing to your Excellency's Government to clarify these allegations, especially of those incidents that appear to illustrate a pattern of reprisals against religious minorities. As the Socialist Republic of Viet Nam acceded to the International Covenant on Civil and Political Rights (ICCPR) on 24 September 1982, your Excellency's Government has the obligation to protect the right to freedom of religion or belief of all persons in the country, including those who belong to religious minorities or unrecognized communities as enshrined, inter alia, in Articles 18, 19, 20, 26 and 27 of ICCPR.

Human Rights resolution 6/37, paragraph 9 (f) urges States to review, whenever relevant, existing registration practices in order to ensure the right of all persons to

manifest their religion or belief, alone or in community with others and in public or in private. We would also like to underline the recommendations of the sixth session of the Forum on Minority Issues on “Guaranteeing the rights of religious minorities” (2013), in particular recommendations 53-64 on prevention of violence and protection of the security of religious minorities. In addition, 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, 5, 6 and 12.

The Human Rights Council resolution 24/24 calls on States to ensure adequate protection from intimidation or reprisals for cooperation with the United Nations, its mechanism and representatives in the field of human rights. In his 2014 report, the Secretary-General reiterated his “firm position that any act of intimidation or reprisal against individuals or groups, or anyone linked to them, for cooperating with the United Nations, its representatives and mechanisms in the field of human rights is unacceptable and must be stopped.” (para.48, A/HRC/27/38).

Moreover, we would like to remind your Excellency’s Government of the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment as codified in articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Vietnam ratified on 5 February 2015. In addition, Article 7 of the International Covenant on Civil and Political Rights, also provides that “[n]o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”

We would also like to refer to the UN Declaration on Human Rights Defenders, particularly to article 1, 2, 6 and 12 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, while each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. Legitimate exercise of these rights by human rights defenders should not be criminalized.

Moreover, the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities establishes the obligation of States to protect the existence and identity of religious minorities within their territories and to adopt the appropriate measures to achieve this end (article 1), recognizes that persons belonging to religious minorities have the right to profess and practice their own religion without discrimination (article 2) and requires States to ensure that persons belonging to minorities, including religious minorities, may exercise their human rights without discrimination and in full equality before the law (article 4.1).

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 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 any comment you may have on the above-mentioned allegations.
2. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries that may have been ordered into the incidents described above and any criminal charges brought against the perpetrators of these incidents. If no investigation and/or prosecution has taken place, please explain the reasons why.
3. Please provide the full details of any measures taken to prevent acts of intimidation, harassment or reprisals against religious minorities and human rights defenders for their legitimate peaceful activities in exercising their rights to freedom of religion or belief.
4. Please provide information on why access to medical treatment has been denied to Mr. Hua Phi and how this is compatible with his right to the enjoyment of the highest attainable standard of physical and mental health, in particular while in detention.
5. Please provide information concerning what appears to be an organized campaign by the authorities to force Gospel Missionary Church's believers in Đắk Lắk Province and members of Caodai Tayninh Holy See in Lam Dong province to renounce their faith, and explain how these measures are compatible with international norms and standards as stated above.

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.

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.

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