

**Mandates of the Special Rapporteur on freedom of religion or belief; and the Special Rapporteur on the situation of human rights defenders**

REFERENCE:  
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30 April 2020

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on freedom of religion or belief; and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 40/10, 34/5.

In this connection, we are bringing to Your Excellency's attention allegations of **threats, harassment, travel restrictions, surveillance, and acts of violence against independent religious communities and human rights defenders who sought to participate or participated in the 2019 international conference on freedom of religion or belief in Southeast Asia, that took place in Bangkok (Thailand).** Testimonies received also indicate that these restrictions might constitute acts of intimidation and reprisals for engaging or seeking to cooperate with the United Nations, its representatives and mechanisms in the field of human rights.

According to the information received:

In early November 2019, an international conference on freedom of religion or belief in Southeast Asia took place in Bangkok. This conference has been held annually since 2015. Many representatives of civil society, religious communities, international organizations, including the United Nations, and diplomats participated in the 2019 conference to discuss various issues in relation to freedom of religion or belief in Southeast Asia and the broader region.

Ms. Nguyen Xuan Mai, Mr. Pham Tan Hoang Hai, Mr. Nguyen Van Thiet, Mr. Tran Ngoc Suong and Ms. Luong Thi No participated in the previous conferences. Between 28 October 2019 and 1 November 2019, they were individually banned from travelling to the conference in Bangkok either under the order of the Ministry of Public Security of Viet Nam or local police authorities. Mr. Nguyen Anh Phung (independent member of the Cao Dai religious group), who had initially planned to attend the conference, was interrogated at home for additional information on the conference even though he ultimately did not attend.

Members of various religious communities, Mr. Huynh Ngoc Truong (Catholic from Con Dau Parish), Ms. Nguyen Thi Hoai Phuong (Con Dau Parish), Ms. Nguyen Pham Ai Thuy (Con Dau Parish), Ms. Ngo Thi Lien (Con Dau Parish), Venerable Thich Thien Phuc (Buddhist) and Mr. Nay Y Ni (Montagnard Christian) all travelled from Viet Nam and participated in the 2019 conference in Bangkok. During the conference, they also attended a training delivered by the

United Nations Office of the High Commissioner for Human Rights on how to submit complaints of human rights violations to the Special Procedures.

However, on 6 November 2019, upon their return to Da Nang International Airport, security officers stopped Mr. Huynh Ngoc Truong, Ms. Nguyen Thi Hoai Phuong, Ms. Nguyen Pham Ai Thuy, Ms. Ngo Thi Lien and Venerable Thich Thien Phuc on the pretext of checking their travel documents. Then, they were separately subjected to hours of intense interrogation about their participation in the conference, including what the conference was about, who the organizers and participants were, how they funded their travel, and what they had shared or done at the conference. The security officers allegedly referred to the conference as an illegal conference held by a reactionary organization aiming at discrediting the Vietnamese Government.

Mr. Nay Y Ni, upon his return from the conference, was also subjected to similar interrogation on 8 and 9 November 2019, and the authorities searched his room on 13 November 2019. Subsequently, he lost his employment at Binh Duong hospital on 18 November 2019.

On 14 November 2019, the local government mobilized bulldozers and other machinery for demolition as well as two electronic jamming vehicles to block internet and cellular communication in the village of Con Dau Parish. They notified the residents of the village that they would evict at least fifteen homeowners the next day following a land seizure order that was already issued in 2011. Many police officers in uniforms and in plain clothes surrounded the houses of Mr. Huynh Ngoc Truong and Ms. Nguyen Thi Hoai Phuong. At the sight of the police surrounding their houses, Mr. Huynh Ngoc Truong and Ms. Nguyen Thi Hoai Phuong escaped from their village fearing that it was a follow up act of reprisal against them for having participated in the 2019 conference in Bangkok. They went with their family members to Lao Bao border in Quang Tri Province and attempted to cross to Laos for safety.

Mr. Huynh Ngoc Truong did not succeed in his attempt to cross the border into Laos, he was stopped and detained for interrogation. Around midnight, a police officer took him to a nearby hotel to be held overnight when a group of about eight men appeared, dragged him to the side of the hotel and started to punch and kick him in various parts of his body as well as and hit his head until he fainted. A few hours later, a police officer came and told the group to stop before they returned his belongings. They warned him never to approach Quang Tri Province again. On 30 November 2019, he took a bus to the Cambodian border at Moc Bai. The border guards detained him for twelve hours and interrogated him further about his past activities defending the religious freedom of his parishioners and about the 2019 conference in Bangkok. Moreover, they fined him 4 million Vietnamese Dongs (about 170 USD) for “illegal attempt to cross the border” despite the fact that he had valid legal documents.

Another Vietnamese national, Rev. J.B. Nguyen Dinh Thuc, is a human rights defender who has been reporting human rights violations to the United Nations. He was not permitted to leave the country on 20 November 2019, as he was attempting to travel to Japan to meet with the Pope. On 30 November 2019, Mr. Tran Quoc Tien, who attended the 2015 conference was also banned from travelling abroad.

All the individuals mentioned above have since reportedly had their activities and movements under close surveillance by the authorities.

While we do not wish to prejudge the accuracy of these allegations, we are bringing these allegations to Your Excellency's Government attention. Should the information prove to be accurate, the alleged measures and acts would constitute violations of Articles 18, 19, 20, 26 and 27 of the International Covenant on Civil and Political Rights (ICCPR) acceded to by the Socialist Republic of Viet Nam on 24 September 1982. Under that convention, your Excellency's Government has the obligation to protect the rights to freedom of religion or belief of all persons in the country, including those who belong to religious minorities or unrecognized communities; as well as their right to freedom of expression, assembly and association.

These allegations, if correct, would not only contravene Vietnam's international human rights obligations under the ICCPR, in the sense that they impinge upon internationally-recognized rights of Vietnamese nationals, but they also appear to illustrate a pattern of reprisals against persons who sought to engage and cooperate with United Nations human rights mechanisms or foreign diplomatic representatives.

In this respect, we recall the numerous United Nations resolutions calling on all states to refrain, and instead facilitate, the cooperation of individuals, groups communities and organizations with the United Nations Organization, including its human rights mechanisms, as part of their legitimate peaceful activities in exercising their rights to freedom of religion or belief, freedom of expression and freedom of association. It is also 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.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to me 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 comment you may have on the above-mentioned allegations.

2. Please explain why the individuals mentioned in this letter, who participated in the international conference in Bangkok, were taken into custody by security personnel upon arrival or later, and interrogated about the conference and their participation; and how this practice is consistent with Vietnam's commitment with regard to the ICCPR.
3. What is the factual and legal ground justifying the arrest, temporary detention and beating by the police in Lao Bao/Quang Tri province of Mr. Huynh Ngoc Trong. Has any investigation been conducted into the allegation that he was physically ill-treated in the hands of the police?
4. Please provide detailed explanation, including the factual and legal ground, and justification for the eviction and demolition of the houses of 15 households belonging to members of the Con Dau Parish, and that these actions are not conducted in a discriminatory manner against the members of that religious community?
5. Please describe the measures in terms of policies, laws, regulations and institutional arrangements, considered by your Excellency's Government to protect and recognize the rights of the unregistered or unrecognized religious communities in Viet Nam to engage in legitimate and peaceful activities through which they manifest their freedom of religion or belief, as provided by Article 18 of ICCPR.
6. Please provide the legal grounds for the close surveillance, interrogation and travel restrictions imposed on all participants of 2015-2019 conferences and those who have engaged and cooperated with the UN, its representatives and mechanisms in the field of human rights.
7. Please provide the full details of any measures taken to prevent acts of intimidation or reprisals against any individual or human rights defender who seeks to cooperate with United Nations, its representatives and mechanisms in the field of human rights, and other foreign diplomatic representatives.

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting website. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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.

Please accept, Excellency, the assurances of our highest consideration.

Ahmed Shaheed  
Special Rapporteur on freedom of religion or belief

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, we would like to draw your Excellency's Government's attention to the following human rights standards:

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.

We would like to stress that everyone's right to freedom of religion or belief must be protected as enshrined in Article 18 of ICCPR, regardless if s/he belongs to a recognized or unrecognized religious community. 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 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, also known as the UN Declaration on Human Rights Defenders. In particular, we 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.

With regards to the travel restrictions placed on Rev. J.B. Nguyen Dinh Thuc, we respectfully remind your Excellency's Government of article 9 (4) of the Declaration on Human Rights Defenders which states that "everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms."

We further refer to the General Comment No. 34 (2011) of the Human Rights Committee, which provides in paragraph 9 that "All forms of opinion are protected, including opinions of a political, scientific, historic, moral or religious nature... The harassment, intimidation or stigmatization of a person, including arrest, detention, trial or imprisonment for reasons of the opinions they may hold, constitutes a violation of article 19, paragraph 1."(ICCPR)

The Human Rights Council resolutions 12/2, 24/24, 36/21, and 42/28 reaffirm the right of everyone, individually or in association with other, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights. In these resolutions, the Human Rights Council urges States to refrain from all acts of intimidation or reprisals, to take all appropriate measures to prevent the occurrence of such acts. This includes the adoption and implementation of specific legislation and policies in order to promote a safe and enabling environment for engagement with the United Nations on human rights, and to effectively protect those who cooperate with the United Nations. The Council also calls on States to ensure accountability for reprisals by providing access to remedies for victims, and preventing any recurrence. It also calls on States to combat impunity by conducting prompt, impartial and independent investigations, pursuing accountability, and publicly condemning all such acts.