

Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; 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 right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Working Group on discrimination against women and girls

REFERENCE:
AL VNM 6/2021

22 November 2021

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Working Group on Arbitrary Detention; 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 right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on freedom of religion or belief; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 43/16, 42/22, 43/4, 41/12, 42/16, 40/10, 43/20 and 41/6.

In this connection, we would like to bring to the attention of your Excellency's Government information, and follow up on previous communications sent to your Excellency's Government on the long term detention, alleged arbitrary detention and sentencing of human rights defenders **Mr. Truong Duy Nhat**, **Ms. Nguyen Thuy Hanh**, **Ms. Nguyen Thi Tam**, **Mr. Nguyen Van Hoa**, **Mr. Nguyen Van Tuc**, **Mr. Nguyen Bac Truyen**, **Ms. Bui Thi Kim Phuong**, **Mr. Truong Minh Duc**, **Ms. Nguyen Thi Kim Thanh**, **Mr. Tran Huynh Duy Thuc**, **Mr. Phan Kim Khanh**, **Mr. Le Dinh Luong**, **Mr. Pham Chi Dung**, **Mr. Nguyen Tuong Thuy**, **Mr. Le Huu Minh Tuan**, **Mr. Nguyen Trung Ton**, **Ms. Nguyen Thi Lanh**, **Mr. Nguyen Trung Truc**, **Mr. Tran Duc Thach**, **Ms. Tran Thi Xuan**, **Mr. Hoang Duc Binh**, **Mr. Ho Duc Hoa**, **Mr. Nguyen Nang Tinh**, **Mr. Rmah Hlach**, **Mr. Tran Hoang Phuc**, **Mr. Nguyen Ngoc Anh**, **Mr. Nguyen Viet Dung**, **Mr. Ngyuyen Van Oai**, **Mr. Nguyen Quoc Duc Vuong**, **Mr. Y Yich**, **Mr. Rah Lan Hip**, **Mr. Ksor Ruk**, **Mr. Y Ngun Knul**, **Mr. Tran Anh Kim**, **Mr. Trinh Ba Phuong**, **Mr. Trinh Ba Tu**, **Ms. Can Thi Theu**, **Ms. Pham Doan Trang**, **Mr. Pham Chi Thanh**, **Mr. Nguyen Van Dai**, **Ms. Vu Minh Khanh**, **Ms. Le Thu Ha**, and **Ms. Tran Thi Nga**.

1. The case of Truong Duy Nhat

Mr. Truong Duy Nhat worked as a journalist for state-run media before leaving to start his own blog, "A Different Viewpoint" (*Một Góc Nhìn Khác*). In 2013, he was arrested for this blog, which often featured content critical of the state, and was later sentenced to two years in prison on charges of 'abusing democratic freedoms' under article 258 of the 1999 Criminal Code. He was released in 2015 and had recently been working as a Vietnamese-language contributor for Radio Free Asia, prior to his most recent detention.

He has been the subject of a number of previous communications by special procedures, including in 2014, and 2019. The latest communication was sent in 2020 (VNM 4/2020). We thank the Government for its reply dated 18 March 2021, in which the Government stressed that Mr. Truong Duy Nhat was prosecuted and adjudicated for the act of abuse of power and/or authority in performance of official duties, not for the exercise of fundamental freedoms. In Opinion No. 42/2020, the Working Group on Arbitrary Detention found that Mr. Truong Duy Nhat is being arbitrarily deprived of his liberty and called for his immediate release.

According to information received:

On 28 January 2019, Mr. Truong Duy Nhat was arrested in Bangkok, Thailand, where he had moved shortly before, seeking asylum. After being detained incommunicado for almost two months, on 20 March 2019, his family confirmed that Mr. Nhat had been returned to Viet Nam, where he was detained by Vietnamese authorities and imprisoned at T16 temporary detention facility in Hanoi. Authorities did not issue an arrest warrant in his case and his wife was not allowed to visit him.

In June 2019, the Ministry of Public Security opened a case against Mr. Truong Duy Nhat for an alleged "fraudulent purchase of land". Police also searched his house. In July 2019, his wife was allegedly denied the right to visit him in detention.

On 8 August 2019, the Department of Police Investigation announced that Mr. Truong Duy Nhat allegedly abused his position at *Dai Doan Ket* newspaper to help with a fraudulent purchase of land. His action is alleged to have cost the state budget 13 billion VND (USD 570,000.00). Earlier in the year, he was charged with "abusing position, authority to obtain public property," but authorities changed the charges from "abusing position, authority to obtain public property" to "abusing power, and/or authority in performance of official duties". He denied all charges against him.

On 9 March 2020, the People's Court of Ha Noi City held the trial of first instance and sentenced Mr. Truong Duy Nhat to 10 years in prison for the offence of "abusing power and/or authority in performance of official duties", under paragraph 3, article 356 of the 2015 Criminal Code. On 14 August 2020, the High People's Court in Ha Noi held the appeal trial and upheld the sentence of the court of first instance. Mr. Truong Duy Nhat is currently being detained in Detention Centre No. 3 in Nghe An province. His wife has reportedly only been allowed to visit him once, on 3 December 2020, since his transfer to No. 3 prison in November 2020. Since then, no further visits have been authorized due to the Covid-19 pandemic situation.

Mr. Truong Duy Nhat is reportedly detained in a large room, with 49 other prisoners, who are forced to sleep on the floor. He is obligated to do manual labour which impacts his health situation.

2. *The case of Nguyen Thuy Hanh*

Ms. **Nguyen Thuy Hanh** is a human rights defender, who has been active in demonstrations in 2011 denouncing China's encroachment in the South China Sea;

and on various environmental issues, including opposing special economic zones and land grabs. She also joined activities to help victims of land grabbing and other human rights activists who were assaulted and jailed, and their families. From 2011 to 2018, Ms. Hanh also helped raise funds to assist other activists who were experiencing financial difficulties, and those who were harassed or imprisoned. In the beginning, she used her own money to offer support, but as the number of political prisoners grew while she herself was retired, Ms. Hanh decided to start a fundraising campaign in 2018 called the 50K Fund, so she could continue to help out the families of political prisoners.

According to the information received:

In June 2018, Ms. Hanh was briefly held by the police without charges while engaging in a peaceful protest in Hanoi against the Law on Cybersecurity and the Law on Special Economic Zones. Upon her release, she reported that she had been severely beaten by police during the interrogation, which resulted in injuries to her face.

On 12 July 2019, she was reportedly assaulted by police officers when she travelled to Thanh Hoa Prison No. 6 to lend support to a group of political prisoners who had gone on hunger strike to demand more humane treatment.

Toward the end of 2019, the Hanoi security police opened a case file on Ms. Hanh and began investigating her activities. They posted guards around her house, followed her, and on several occasions even stopped her from leaving her house for several days. She has reportedly been abducted from the street more than once and taken to the police station for questioning about the 50K Fund.

On 9 January 2020, a violent clash between Vietnamese security forces and villagers in Dong Tam commune of Hanoi took place, during which an elderly village leader and land rights defender was killed. Ms. Hanh opened a bank account to receive donations for the funeral and to support the commune. Fearing that public support for Dong Tam village would increase through the growth of this fund, the authorities ordered the bank to freeze the account without offering any explanations. Hanh's bank account was consequently blocked.

On 15 January 2020, while on her way to the bank to file a complaint to retrieve the money, Ms. Hanh was held by security police and taken to the investigation agency of the Ministry of Public Security for questioning and threats. Between 15 January 2020 and her arrest in April 2021, she was summoned for questioning a total of five times about the 50K Fund, and was under surveillance.

On 7 April 2021, Ms. Nguyen Thuy Hanh was arrested and charged with "making, storing, distributing or disseminating information, documents and articles to oppose the State of the Socialist Republic of Vietnam" as provided for in article 117 of the 2015 Criminal Code, carrying a potential prison sentence of between five and twenty years. Ms. Hanh is currently being held at pre-trial detention center No. 2 in Hanoi. She has not been allowed to see either her family or lawyer. Her condition is unknown at the time of finalizing

the present communication.

3. *The case of Nguyen Thi Tam*

Ms. Nguyen Thi Tam is a well-known woman human rights defender and land rights activist. Since 2008, she has been active in defending land rights in Duong Noi commune, fighting against land grabbing by the authorities. She has provided commentary on land rights and human rights issues on Facebook and YouTube since 2016. She is the subject of the Joint Allegation Letter VNM 5/2020.

According to the information received:

Ms. Nguyen Thi Tam was previously detained from 11 June 2008, until 20 November that same year, on suspicion of “disturbing public order”, article 318 of the Vietnamese Penal Code.

On 24 June 2020 at about 5.00am, Ms. Nguyen Thi Tam was arrested by police whilst shopping, allegedly in connection to her work on the Dong Tam incident. No arrest warrant was presented by the police at the time of her arrest. At approximately 6.00 a.m. that morning, a group of police in plainclothes and uniform went to Ms. Nguyen Thi Tam’s home and read a search warrant to her family. During the search, the police confiscated the woman human rights defender’s birth certificate, as well as that family registration certificate of her daughter. According to information received from Ms. Nguyen Thi Tam’s family however, the police only listed a camera, a laptop and a carton box in the record of items confiscated. The family refused to sign the itemization record, as they said the police had not listed everything. Ms. Thi Tam was charged with “making, storing, or spreading information, materials or items for the purpose of opposing the State of the Socialist Republic of Viet Nam”, article 117 of the 2015 Criminal Code.

Ms. Nguyen Thi Tam is currently being held at Prison Camp No.1 in Hanoi (Hoa Lo). The investigation against her was reportedly closed on 15 June 2021. She was allowed to meet her lawyers only after the investigation was concluded. Ms. Thi Tam’s trial date was set for 3 November 2021 but postponed until further notice.

To date, Ms. Nguyen Thi Tam has not been able to see her family or to avail of acupuncture treatment she regularly receives for ligament pain that she suffers from due to a motorcycle injury several years earlier.

4. *The case of Nguyen Van Hoa*

Mr. Nguyen Van Hoa is a citizen journalist and human rights defender who supported families impacted by the Formosa Ha Tinh Steel Plant toxic waste spill in April 2016. He helped victims file compensation claims and demanded justice. He further documented public protests in response to the disaster, including through the use of a drone, and uploaded the footage to social media. During this time, he was also working for Radio Free Asia. He was arrested on 11 January 2017, and sentenced to seven years in prison and three on probation on charges of “making propaganda against the state”, article 88 of the 1999 Criminal Code.

Mr. Van Hoa was the subject of a communication sent by special procedures (VNM 4/2019). We thank the Government for its reply dated 27 March 2020. Mr. Van Hoa was also the subject of an Opinion by the Working Group on Arbitrary Detention (WGAD) in August 2019 (A/HRC/WGAD/2019/44). The Working Group found that the deprivation of liberty of Nguyen Van Hoa and Le Dinh Luong, being in contravention of articles 2, 6, 7, 8, 9, 10, 11, 19, 20 and 21 of the Universal Declaration of Human Rights and articles 2 (1) and (3), 9, 14, 16, 19, 21, 22, 25 (a) and 26 of the International Covenant on Civil and Political Rights, is arbitrary and falls within categories I, II, III and V. The Working Group considered that, taking into account all the circumstances of these cases, in particular the risk of harm to Mr. Van Hoa's health, the appropriate remedy would be to release him immediately and accord him an enforceable right to compensation and other reparations, in accordance with international law.

According to the information received:

On 11 January 2017, Mr. Nguyen Van Hoa was arrested in Ha Tinh. He had his equipment including his mobile phone and camera seized whilst working on an assignment. Hoa has been held incommunicado in Ha Tinh Province. His family were only notified of his temporary detention by authorities on 23 January 2017.

On 27 November 2017, at the end of a two-and-a-half-hour trial at the People's Court of Hà Tĩnh, Mr. Van Hoa was sentenced to seven years in prison followed by three years of house arrest on a charge of "disseminating propaganda against the Socialist Republic of Viet Nam" under article 88 of the 1999 Criminal Code.

In early May 2019, Mr. Van Hoa became aware that the prison authorities were intercepting his mail and restricted written communication between him and his family. On 13 May 2019, after he had queried why his letters were not reaching his family, he was beaten by the prison guards. He suffered injuries to his head and to his ribs. Since this assault, he has complained to his family that he is experiencing pain in his ears and is urinating more frequently. Aside from the pain medication that Mr. Van Hoa receives from his family, he has not had access to any medical care or to a qualified medical practitioner to treat the injuries he suffered as a result of the beating.

Following the beating, Mr Van Hoa was placed in solitary confinement. According to the prison authorities, this was to discipline him for not complying with prison rules and regulations. Mr Van Hoa has suffered significant weight loss since his time in isolation. His mental health is rapidly deteriorating, which is not helped by the fact that he is unable to communicate with other prisoners or his family on a regular basis.

Mr. Van Hoa has received no response to complaints he submitted on 9 April 2019 to the Minister for Public Security and the Ha Tinh Provincial Security Police concerning the physical ill-treatment he was subjected to in 2017. Similarly, he did not receive any reply to the complaint he made following the May 2019 assault.

In November 2020, along with other political prisoners, Mr. Van Hoa started a hunger strike in An Diem prison, which he ended after 8 days. He and two other fellow inmates resumed eating after their demands were met by the prison administration. In June 2021, he was put in solitary confinement for six days, allegedly in retaliation for the 11 petitions Mr. Van Hoa sent to complain about ill-treatment by prison staff.

Mr. Van Hoa's physical and mental health is poor. He is struggling with the expectation of spending a long time in detention with no prospect of release anytime soon. He is currently being held in An Diem prison in Quang Nam province.

5. *The case of Nguyen Van Tuc*

Mr. Nguyen Van Tuc is a human rights defender and a pro-democracy activist. He is the deputy head of the Brotherhood for Democracy in the Thai Binh province on the Northern Coast of Viet Nam. He was first arrested in September 2008 and sentenced to 4 years in prison under charges of "propaganda against the state", article 88 of the 1999 Criminal Code. He was subsequently released on 10 September 2012, and arrested again in September 2017.

According to information received:

On 1 September 2017, Nguyen Van Tuc was taken into custody by plainclothes police while supporting Vietnamese villagers involved in a land dispute with Vietnamese authorities. At the time of the arrest, he was at least the sixth member of the Brotherhood for Democracy, a group co-founded by lawyer and political prisoner Nguyen Van Dai, to be arrested. He was charged with "carrying out activities that aim to overthrow the people's administration" under article 79 of the 1999 Criminal Code.

On 10 April 2018, he was sentenced to 13 years in prison and 3 years of house arrest in Thai Binh province under article 79 of the 1999 Criminal Code "Carrying out activities aimed at overthrowing the people's administration". He was initially held in the Thai Binh Detention Centre. On 14 September 2018, his appeal was denied.

On 8 November 2018, his wife was informed by prison authorities that he had been transferred to Prison No.6, in Nghe An Province, which is 300 km from their family's residence. He had been reportedly suffering from many serious diseases, including haemorrhoids, a degenerative spine issue, chronic keratitis of the eye, and coronary artery disease. In addition, he also had lost weight because of his insomnia. He has not received adequate medical care for his serious health condition.

He went on hunger strike in June and July 2019 along with other prisoners, in objection to the Prison Camp authorities' removal of all the electric fans, despite the severe heat wave at the time. Since then, systematic efforts appear to have been ongoing to isolate political prisoners who had gone on hunger strike from contact with the outside world.

6. *The case of Nguyen Bac Truyen and his wife, Bui Thi Kim Phuong*

Mr. Nguyen Bac Truyen is a human rights defender working in the field of social and religious rights in Viet Nam. Through the organization, Vietnamese Political and Religious Prisoners Friendship Association, an organization he founded in 2010, he provided pro-bono legal assistance to families of political prisoners, victims of land grabbing and persecuted religious communities in Southern Viet Nam. From 2014 until his arrest, he worked full-time as coordinator of the assistance program for veterans with disabilities of the Catholic Redemptive Bureau for Justice and Peace. Mr. Truyen was the subject of three previous communications sent on 26 March 2014 (VNM 4/2014), 25 November 2014 (VNM 11/2014) and 1 November 2016 (VNM 8/2016).

Mr. Nguyen Bac Truyen was part of a group of independent Hoa Hao Buddhists who were reportedly warned, intimidated, and harassed for their cooperation with the United Nations Special Rapporteur on freedom of religion of belief before, during and after his official visit to the country from 21 to 31 July 2014 (VNM 11/2014). His case was included in the 2021, 2020, 2019 and 2016 reports of the Secretary-General on cooperation with the UN, its representatives and mechanisms in the field of human rights (A/HRC/48/28, Annex II para. 2.151.152; A/HRC/45/36, Annex II, paras. 145-148; A/HRC/42/30, Annex II, para. 110; A/HRC/30/29, para. 42.)

Ms. **Bui Thi Kim Phuong**, wife of Mr. Nguyen Bac Truyen, was part of a group of five women wives of prisoners of conscience who reportedly faced obstacles by State security agents to prevent their meeting in March 2018 with an OHCHR delegation in Hanoi. She was able to access UN premises under surveillance after being questioned by police at the gate. The incident was included in the 2021 report of the Secretary-General on cooperation with the UN in the field of human rights. On 12 August 2021, the Government responded stating that allegations were unfounded and untrue, and that law enforcement did not prevent or harass those who intended to meet UN representatives. The competent authorities did not receive any reports or complaints related to the incident (A/HRC/48/28 para. 130, Annex I paras. 126 and 128).

In March 2019, Ms. Bui Thi Kim Phuong was reportedly questioned at the airport and faced a travel ban, as she was planning to travel to Geneva to bring the case of her husband to the attention of the Human Rights Committee and advocate for his release. The incident was included in the 2019 report of the Secretary-General on cooperation with the UN. On 26 June 2019, the Government responded stating that the claims that the authorities “threaten” or “prevented individuals from travelling” are untrue and stated that the compilation and drafting of reports to UN human rights bodies and mechanisms are carried out in an open, transparent and inclusive manner (A/HRC/42/30, para. 83, Annex I paras. 120 and 123).

We appreciate your Excellency’s Government’s replies to VNM 4/2014, VNM 8/2016 and VNM 11/2014 dated 30 May 2014 and 24 January 2017, and 17 March 2015, respectively. Most recently, special procedures mandate holders sent a communication on 21 September 2017 (VNM 6/2017) in his case. A reply by the Government was received on 9 January 2018.

According to the information received:

On 30 July 2017, Mr. Truyen was arrested while waiting outside his workplace at the Catholic Redemptorist Church in Ho Chi Minh City. Later in the day, it was announced through state online media that he had been arrested along with three other activists on charges of "acting to overthrow the people's administration", under article 79 of the 1999 Criminal Code. These charges are perceived to be related to his involvement in social and human rights issues with the independent Hoa-Hao Buddhists and Catholic social movement. Due to his work, he was allegedly assaulted at least six times by state security agents and their associates between 2014 and 2016.

Despite several requests by his family, Mr. Truyen's whereabouts were not revealed until 18 August 2017, when they received a notification from the Investigation Agency of the Ministry of Public Security in Hanoi, stating that Mr. Truyen was being held at Detention Center B14 in Thanh Liet Commune, Thanh Tri District, Hanoi, some 1.600 km away from his home. Throughout the entire period of his detention, Mr. Truyen has not been allowed to have contact with his family or lawyers. It is alleged also that he had been refused medication for the treatment of pre-existing medical conditions, despite his family offering to supply them.

On 5 April 2018, he was sentenced in a one-day trial by the court of first instance under article 79 of the Criminal Code of 1999 to 11 years in prison and 3 years of house arrest. In late April 2018, he appealed his sentence. On 4 June 2018, his appeal was denied. In July 2018, Mr. Truyen was moved from the B14 detention center in Hanoi to An Diem prison camp in Quang Nam province, over 800 km from his family.

In November 2020, Mr. Truyen had started a hunger strike to protest mistreatment by the prison authorities in violation of Viet Nam's 2019 Law on Execution of Criminal Judgments, as his health had rapidly deteriorated as a result of the mistreatment.

In March 2021, his wife was able to visit him in prison and Mr. Nguyen Bac Truyen's health is stable but he is under a lot of psychological stress, and he was reportedly mistreated; and has not been receiving adequate medical attention.

7. *The case of Truong Minh Duc and his wife, Nguyen Thi Kim Thanh*

Mr. Truong Minh Duc is a human rights defender and a senior member of the Brotherhood for Democracy. Mr. Duc started his career as a journalist, writing about corruption, government mismanagement and land petitioners. He later joined the Democratic Bloc (Bloc 8406), and the Brotherhood for Democracy, an online organization working for human rights and multi-party democracy. In March 2008 he was sentenced to five years imprisonment, on charges of "abusing democratic freedom" under article 258 of the 1999 Criminal Code.

Ms. Nguyen Thi Kim Thanh, wife of Mr. Truong Minh Duc, was part of a group of five women wives of prisoners of conscience who reportedly faced obstacles by State security agents to prevent their meeting in March 2018 with an OHCHR

delegation in Hanoi. She was stopped by the police and could not attend the meeting. The incident was included in the 2021 report of the Secretary-General on cooperation with the UN in the field of human rights. On 12 August 2021, the Government responded stating that allegations were unfounded and untrue, and that law enforcement did not prevent or harass those who intended to meet UN representatives. The competent authorities did not receive any reports or complaints related to the incident (A/HRC/48/28 para. 130, Annex I paras. 126 and 128).

In January 2019, Ms. Nguyen Thi Kim Thanh reportedly faced interrogation, passport confiscation and a travel ban for national security reasons following her participation in Vietnam's Universal Periodic Review in Geneva. The incident was included in the 2019 report of the Secretary-General on cooperation with the UN. On 26 June 2019, the Government responded stating that the claims that the authorities "threaten" or "prevented individuals from travelling" are untrue and stated that the compilation and drafting of reports to UN human rights bodies and mechanisms are carried out in an open, transparent and inclusive manner (A/HRC/42/30, para. 83, Annex I paras. 119 and 123).

He was the subject of a communication sent to your Excellency's Government on 21 September 2017 (VNM 6/2017). A response by the government was received on 9 January 2018.

According to the information received:

On 30 July 2017, Mr. Truong Minh Duc was arrested near his residence in Ho Chi Minh City by the Investigative Agency of the Ministry of Public Security of Viet Nam. Reportedly no arrest warrant was presented during his arrest. He has been reportedly accused of having "carried out activities aiming at overthrowing the people's administration" (article 79 of the 1999 Criminal Code of Viet Nam), a national security crime carrying a prison sentence of between 12 to 20 years, life imprisonment and even the death penalty. Following his arrest, Mr. Truong Minh Duc was detained incommunicado for a period, and denied access to necessary medication which could have fatal consequences for his health.

On 5 April 2018, he was sentenced in a one-day trial by the court of first instance to 12 years of imprisonment and three years of house arrest under article 79 of the 1999 Criminal Code .

On 4 June 2018, his appeal was denied. In July 2018, authorities transferred Mr. Truong Minh Duc from detention center B14 in Hanoi to Prison No. 6 in Thanh Chuong, Nghe An province, far from his home and without notifying his family.

In June 2019, he was part of a group of prisoners undertaking a collective hunger strike, to demand new fans which had been denied by prison authorities. Duc had a stroke in May 2017 and requires medication for his health condition. In September 2021, Mr. Truong Minh Duc was reportedly able to call home, informing his family that he has not received Covid-19 vaccination, nor the letters sent by his wife.

8. *The case of Tran Huynh Duy Thuc*

Mr. Tran Huynh Duy Thuc is an engineer and entrepreneur from Ho Chi Minh City. Mr. Thuc founded the Chan research group to study the economy, politics, and society of Viet Nam and other countries. He blogged about social, political, and economic issues in Viet Nam under the pen name Tran Dong Chan.

He was the subject of an Opinion by the Working Group on Arbitrary Detention (WGAD 27/2012, see A/HRC/22/44). The Working Group on Arbitrary Detention found that Mr. Tran Huyh Duy Thuc is being arbitrarily deprived of his liberty, and called for his immediate release.

According to the information received:

On 24 May 2009, Mr. Tran Huynh Duy Thuc was arrested and held in pre-trial detention, where he was allegedly tortured in attempts to solicit a coerced confession. He was initially arrested for "theft of telephone wires", but later charged under article 79 of the 1999 Criminal Code for subversion. He was tried on 20 January 2010, with three co-defendants at the People's Court in Ho Chi Minh City. He was sentenced to sixteen years in prison and five years of probation. His and his co-defendant's detentions were deemed arbitrary by the UN Working Group on Arbitrary Detention in 2012.

Throughout his imprisonment, Mr. Thuc has endured harsh treatment. He has often been targeted for standing up for the rights of other prisoners and has had communication with family limited by the authorities. He has led hunger strikes while imprisoned, and, while he has been offered early release in exchange for leaving the country, refuses to be exiled from Viet Nam. In May 2016, he was transferred to a prison farther away from his family. The reason for the transfer was unclear.

In May 2018, Mr. Tran Huynh Duy Thuc announced that he was appealing his sentence in light of changes to the Criminal Code. In August 2018 he started a hunger strike to protest that he was not allowed to be visited by his family. In July 2019, Mr. Tran Huynh Duy Thuc was released from solitary confinement at Prison No. 6 in Nghe An province. He protested the isolation, which was causing him to experience extreme physical heat in his cell, by staging a three-day hunger strike earlier in the month. He started a hunger strike in November-December 2020.

On 11 January 2021, Mr. Tran Huynh Duy Thuc's family sent a request to Prison Camp No. 6 asking for information about his health condition while continuing his hunger strike. On 19 January 2021, the prison responded, saying that Thuc has never been hospitalized and is still healthy enough to serve his sentence. In February 2021, he ended his hunger strike after 72 days. In August 2021, Mr. Tran Huynh Duy Thuc was allowed to call home and was reportedly very weak from his prolonged hunger strike.

9. *The case of Phan Kim Khanh*

Prior to his arrest, Mr. Phan Kim Khanh was a student and employee at a software company. In his free time, he managed websites and social media accounts

which featured stories on corruption, politics, the economy, the environment, and other issues. His writings advocated for plural democracy, military de-politicization, free elections, and press freedom.

He was the subject of an Opinion by the Working Group on Arbitrary Detention on 29 May 2020 (A/HRC/WGAD/2020/15) which determined that his arrest and detention was arbitrary.

According to the information received:

On 21 March 2017, Mr. Phan Kim Khanh was arrested at his workplace by the Police Investigation Security Agency of the Thai Nguyen under article 88 of the 1999 Criminal Code for “propaganda against the Socialist state”. He was never presented with a warrant or informed of the charges against him. The next day he was formally charged with violating article 88 of the 1999 Criminal Code, which prohibits propagating or defaming the Government as well as making, storing, or circulating documents with contents against the Socialist Republic of Viet Nam. Prior to his trial, he was held at the Thai Nguyen province Police detention center, and only had contact with his lawyer from September 2017 onwards.

After being in pre-trial detention for 7 months, 6 months of which were spent incommunicado, on 25 October 2017, Mr. Khanh was convicted in a four-hour trial of violating article 88 and sentenced to six years in prison and four years of house arrest. His father was allowed in the courtroom, but others were prohibited from attending. Phan admitted in court to have run the blogs, but said that his main purpose was to fight corruption, and he did not know that reporting on corruption constituted a crime.

In January 2018, Mr. Khanh was transferred from Thai Nguyen province Detention Center to Nam Ha prison in Ha Nam province. In March 2019, authorities at Ba Sao prison camp threatened to move Mr. Phan Kim Khanh to an isolated cell and were also denying him letters and phone calls from family. These actions were allegedly in retaliation for Khanh attempting to lodge a formal complaint against authorities who had not reviewed a petition for appeal of his prison sentence. Since 12 February 2019, Mr. Phan Kim Khanh has been harassed because he denounced Thai Nguyen security forces for not allowing him to appeal his prison sentence. Security officers in the detention center have prevented Mr. Khanh from making a phone call to his family and receiving letters. They also threatened to isolate him in a single room if he continued to protest.

In January 2020, Mr. Phan Kim Khanh was placed in solitary confinement for allegedly "rebellious" against the prison administration. There has been a noticeable deterioration in his health, possibly due to malnutrition and being held in isolation.

10. *The case of Le Dinh Luong*

Mr. Le Dinh Luong is a human rights defender, working on environmental issues. He has opposed the Taiwanese company Formosa Plastics Corp that caused one of Viet Nam's biggest environmental disasters in April 2016.

On 24 July 2017, Le Dinh Luong was arrested and charged under article 79 of the 1999 Criminal Code for "aiming to overthrow the people's administration and cause social disorder". The heaviest penalty under article 79 is capital punishment.

He was the subject of a communication sent to your Excellency's Government on 21 September 2017 (AL VNM 6/2017). We acknowledge receipt of replies dated 23 November 2017 and 8 January 2018. He was the subject of an Opinion by the Working Group on Arbitrary Detention on 11 September 2019 (A/HRC/WGAD/2019/45) which declared his detention to be arbitrary.

According to the information received:

Mr. Le Dinh Luong was taken into custody by plainclothes police on 24 July 2017, in Nghe An province, for alleged subversion under article 79 of the 1999 Criminal Code. He had written on the Formosa environmental disaster. He was originally scheduled to be tried on 30 July 2018. However, his lawyer announced on July 27 that the trial had been postponed. Eventually, Le Dinh Duong was tried on 16 August 2018 in Nghe An province and sentenced to 20 years in prison. Luong was sentenced on subversion charges for peacefully advocating for a clean environment and multi-party democracy.

On 18 October 2018, Le Dinh Luong's 20-year sentence was upheld on appeal. He reportedly told the court: "My deeds will be judged by history. I will be happy to be in prison if the nation grows up in freedom and democracy." In January 2019, Le Dinh Duong was transferred to Ba Sao prison in Nam Ha province, without prior notice to his family, who are in Ho Chi Minh City, thousands of kilometres away. On 17 September 2019, prison authorities prevented his family from visiting him, without giving reasons for the denial. This was the second time that the family was reportedly prohibited from visiting.

11. *The case of Pham Chi Dung*

Mr. Pham Chi Dung is a journalist, writer and independent analyst who worked with various international news agencies. Mr. Pham Chi Dung is a member of the Civil Society Forum and the Former Vietnamese Prisoners of Conscience Association (FVPOC). He is also a founder of the independent Journalists Association of Viet Nam (IJAVN).

Mr. Pham Chi Dung was the subject of a communication sent by the Special Procedures in 2014 (VNM 5/2014) after he had been prevented from traveling to Geneva to participate in a side-event in connection with the second cycle of the Universal Periodic Review (UPR) of Viet Nam. His case was included in the 2021, 2020 and 2014 reports of the Secretary-General on cooperation with the UN, its representatives and mechanisms in the field of human rights (A/HRC/48/28, Annex II paras. 149-150; A/HRC/45/36, Annex II, paras. 142-144; A/HRC/27/38, para. 40). He

was also the subject of another communication by the Special Procedures on 22 January 2020 (AL VNM 5/2019) and on 17 September 2020 (AL VNM 3/2020). We thank your Excellency's Government for its replies dated 20 March 2020, 10 November 2020 and 28 December 2020.

According to the information received:

From 2014, Mr. Pham Chi Dung, as chairman of IJAVN, focused his writing on key human rights and legislative issues but had also engaged in other forms of human rights activities such as national advocacy on amending the Press Law to comply with article 19 of the ICCPR. He was also actively involved in observing the negotiations between your Excellency's Government and the European Union regarding the establishment of a European Union-Viet Nam Free Trade Agreement (EUVFTA). Additionally, he published numerous articles in Vietnamese raising human rights concerns, notably on freedom of expression, the detention of human rights defenders, the lack of independent unions and other labour rights, and the harassment of independent civil society.

Mr. Pham Chi Dung engaged with UN human rights bodies over a period of years. Mr. Pham Chi Dung also communicated with and provided information to other Vietnamese NGOs engaging with UN Special Procedures and Treaty Bodies.

On 10 November 2019, two weeks after a European Parliament Committee on Trade (INTA) delegation went to Viet Nam, Mr. Pham Chi Dung sent a public appeal addressed to the President of the European Parliament and key committee chairs, along with Members of the European Parliament, in which he explicitly laid out his human rights concerns, and called on the European Parliament to postpone the ratification of the EUVFTA until concrete human rights benchmarks have been met by the Government of Viet Nam.

The following week, Mr. Pham Chi Dung commented to colleagues that he had heard from contacts within the Ministry of Public Security that he was at risk of arrest because of the petition.

On 21 November 2019, Pham Chi Dung was arrested after taking his son to school, at around 6.30 a.m. Between 12 and 20 police officers took him into custody and brought him to his house. At around 8:30am, police officers commenced a search of the premises. A search warrant was later presented and signed at 9.05 a.m. During the search, police officers reportedly forced Mr. Pham Chi Dung to log onto his computer and to print certain documents that could be related to the IJAVN work and his advocacy before the European Union.

Mr. Pham Chi Dung was formally arrested, with a notice of arrest signed on 18 November 2019. According to the information received, he is currently being held under article 117 of the 2015 Criminal Code, which relates to "making, storing or disseminating information, documents, materials and items against the Socialist Republic of Viet Nam", a crime which carries a penalty of up to 20 years imprisonment. This provision was reportedly used previously against peaceful human rights defenders and journalists. It is

believed that he is being held at a temporary detention facility at: 4 Phan Dang Luu, Phu Nhuan, in Ho Chi Minh. This detention facility allows for family visits twice a month, however until now his family has not been able to visit him.

Meanwhile, the website for IJAVN was taken down for a period of time, along with its Facebook page. The website is back online since.

On 5 January 2021 he was sentenced to 15 years of imprisonment and 5 years on house arrest for “making, storing or disseminating information, documents, materials and items against the Socialist Republic of Viet Nam” under article 117 of the 2015 Criminal Code following a trial that lasted four hours. He is currently held in Xuân Lộc prison, in Đồng Nai province.

12. *The case of Nguyen Tuong Thuy*

Mr. Nguyen Tuong Thuy is vice chairman of the Independent Journalist Association of Viet Nam (IJAVN) and a human rights defender. He was the subject of a communication from Special Procedures on 17 September 2020 (AL VNM 3/2020). We thank your Excellency’s government for its replies dated 10 November and 29 December 2020.

On 7 March 2018, Mr. Nguyen Tuong Thuy was reportedly confined at his residence by approximately twenty police officers to prevent him from meeting with an OHCHR delegation at the UN Representative’s Office in Hanoi. His case was included in the 2021 report of the Secretary-General on cooperation with the UN, its representatives and mechanisms in the field of human rights. On 12 August 2021, the Government responded stating that allegations were unfounded and untrue, and law enforcement did not prevent or harass those who intended to meet UN representatives. The competent authorities did not receive any reports or complaints related to the mentioned incident (A/HRC/48/28 para. 130, Annex I paras. 124-125 and 128).

According to the information received:

On 11 and 16 March 2020, police attempted to summon Mr. Nguyen Tuong Thuy, and on 18 March 2020 police arrived at his home at 6.10 a.m. where they interrogated him for 30 minutes before leaving. Two months later, on 23 May 2020, Mr. Nguyen Tuong Thuy was arrested at his family home in Hanoi on suspicion of “making, storing, or disseminating information, documents, materials and items against the Socialist Republic of Viet Nam,” under article 117 of the 2015 Criminal Code, after he had written weblog commentaries on democracy and advocated for freedom of expression. The officers confiscated all mobile phones belonging to Mr. Nguyen Tuong Thuy and family members, despite his family members not being charged. Police also confiscated Mr. Thuy’s computer and USB memory sticks.

On 1 June 2020, Mr. Thuy’s wife petitioned the authorities to allow her to visit her husband. Neither the lawyer nor Mr. Thuy’s wife have been allowed to visit him to date. He is alleged to be at risk of prolonged incommunicado detention.

In January 2021, Mr. Nguyen Tuong Thuy was sentenced to 11 years in prison and 3 years on probation under article 117 of the 2015 Criminal Code following a trial that lasted half a day.

In March 2021, his wife was reportedly not able to visit him in prison. In April 2021, he was transferred to An Phuoc Prison in Binh Duong Province, and is reportedly showing signs of mental and physical decline, including scabies, due to difficult prison conditions and lack of hygiene. He is reported to be in poor health, with a severely injured hand and is allegedly not receiving his medication.

13. *The case of Le Huu Minh Tuan*

Mr. Le Huu Minh Tuan, also known as Le Tuan, is an independent journalist, a human rights defender and a member of IJAVN (Independent Journalist Association of Viet Nam). He was the subject of a communication from the Special Procedures on 17 September 2020 (AL VNM 3/2020). We thank your Excellency's government for its replies dated 10 November and 29 December 2020.

On 7 June 2021, The Working Group on Arbitrary Detention (WGAD) issued an opinion on Le Huu Minh Tuan, in which they found his detention to be arbitrary and called for his immediate release (Opinion No. 11/2021 concerning Le Huu Minh Tuan (Viet Nam), A/HRC/WGAD/2021/11).

According to the information received:

On 8 June 2020, the investigating agency of the Ho Chi Minh City police recommended to prosecute Mr. Le Huu Minh Tuan on violation of article 117 of the 2015 Criminal Code, relating to "making, storing or disseminating information, documents, materials and items against the Socialist Republic of Viet Nam". On the morning of 12 June 2020, Mr. Tuan was arrested by the police following a raid on a coffee shop in a home owned by a member of his family, located in the Province of Quang Nam. Between 8.30 and 9.00 a.m., approximately 30 plain-clothed and 10 uniformed police officers forced the coffee shop to close, covered all the internal security cameras with black nylon bags and cut off the Wi-Fi.

The forces believed to have carried out the arrest are officials from the Ho Chi Minh City Security Bureau of Investigation. They showed a warrant issued by a public authority. After taking Mr. Tuan into custody, the police did not leave copies of the warrant with the family. It is reported that right before the raid at the coffee shop, the police escorted Mr. Tuan back to his residence, which was also searched. The police officers confiscated his phone, the phone of his family member and three books.

Prior to his detention Mr. Tuan was summoned at least four times by the police to answer questions relating to another journalist and a fellow member of the journalists' association. Mr. Tuan reportedly did not cooperate. He was sentenced in January 2021 to 11 years in prison, following a trial that lasted half a day, under article 117 of the 2015 Criminal Code. Mr. Tuan is being held in Chi Hoa Prison located in Ho Chi Minh City.

14. *The case of Nguyen Trung Ton and his wife, Nguyen Thi Lanh*

Mr. Nguyen Trung Ton is a human rights defender, blogger and protestant pastor who has written about land confiscation, corruption and freedom of religion in Viet Nam. As a pastor, Mr. Ton advocates for religious freedom and speaks about social injustice in Viet Nam. He is the current president of Brotherhood for Democracy. In December 2011, Nguyen Trung Ton was sentenced to two years' imprisonment and two years' probation on charges of "making propaganda against the state" under article 88 of the 1999 Criminal Code. Mr. Nguyen Trung Ton was the subject of a communication by Special Procedures mandate holders, sent on 21 September 2017 (VNM 6/2017) and an opinion by the Working Group on Arbitrary Detention, 46/2018. The Working Group on Arbitrary Detention found that Mr. Nguyen Trung Ton is being arbitrarily deprived of his liberty and called for his immediate release.

Ms. **Nguyen Thi Lanh**, Mr. Nguyen Trung Ton's wife, was part of a group of five women wives of prisoners of conscience who reportedly faced obstacles by State security agents to prevent their meeting in March 2018 with an OHCHR delegation in Hanoi. She was stopped by the police and could not attend the meeting. The incident was included in the 2021 report of the Secretary-General on cooperation with the UN in the field of human rights. On 12 August 2021, the Government responded stating that allegations were unfounded and untrue, and that law enforcement did not prevent or harass those who intended to meet UN representatives. The competent authorities did not receive any reports or complaints related to the incident (A/HRC/48/28 para. 130, Annex I paras. 126 and 128).

According to the information received:

On 30 July 2017, Mr. Nguyen Trung Ton was arrested at his residence in Ho Chi Minh City, by agents of the Security Investigation Agency of Viet Nam's Ministry of Public Security. His residence was searched and a number of his personal belongings confiscated. Allegedly no arrest warrant was presented when he was arrested, but official notifications of the charges of "carrying out activities aimed at overthrowing the Government" under article 79 of the 1999 Criminal Code were provided to his family.

On 5 April 2018, Mr Ton was tried alongside other members of the Brotherhood for Democracy by the People's Court of Hanoi. The trial lasted one day, and Mr. Ton was sentenced to 12 years' imprisonment under article 79, followed by 3 years of house arrest. On 4 June 2018, Mr. Ton's appeal against the judgment of the trial court was heard. His appeal was denied, and his sentence was upheld.

Mr. Nguyen Trung Ton is reportedly suffering from an injury dating back to 2017, for which he is not receiving adequate medical attention in prison.

15. *The case of Nguyen Trung Tuc*

Mr. Nguyen Trung Truc is a fisherman, community leader and human rights defender and a member and regional leader of the Brotherhood for Democracy in Quang Binh Province. He has also spoken out about various issues such as the corruption of State officials and the violation of citizens' rights. Recently, Mr. Truc

called for justice and adequate compensation for victims of the Formosa environmental disaster that occurred in April 2016 in central Viet Nam.

He was previously arrested and detained for 10 days in 2012. He was the subject of an opinion by the Working Group on Arbitrary Detention (A/HRC/WGAD/2018/46). The Working Group on Arbitrary Detention considered his deprivation of liberty arbitrary, and called for his immediate release and adequate compensation.

According to the information received:

On 4 August 2017, Mr. Truc was allegedly arrested by agents of the Ministry of Public Security. Reportedly no arrest warrants were presented when he was arrested, but official notifications of the charges against them under article 79 of the 1999 Criminal Code were provided afterwards to his family.

On 12 September 2018, Mr. Truc was sentenced to 12 years in prison in Quang Binh province for “carrying out activities aimed at overthrowing the people's administration” under article 79 of the 1999 Criminal Code. On 26 December 2018, the appeal court in Da Nang rejected his appeal.

In January 2019, he was transferred from Quang Binh to Thanh Hoa province. Mr. Truc is currently imprisoned at Detention Center 5, notorious for harsh treatment of political prisoners. In July 2019 he started a hunger strike, but after two weeks his health deteriorated significantly, and he needed medical care. On 26 July 2019, he reportedly stopped his hunger strike. Mr. Nguyen Trung Tuc continues to be in poor health in detention.

16. *The case of Tran Duc Thach*

Mr. Tran Duc Thach is a writer, poet, blogger, award-winning activist, and former political prisoner. He was first arrested in 2008 and served a three-year prison sentence on charges of “conducting propaganda against the state” under article 88 of the 1999 Criminal Code. Mr. Thach was released from prison on 30 August 2011 and put under an additional three years of house arrest. He was subsequently arrested again. Mr. Thach is a member of the Brotherhood for Democracy (BFD).

According to the information received:

On 23 April 2020, the Nghe An province police came to his house with an arrest warrant at around 9:00 a.m. After searching their house, the police detained Mr. Thach at the Nghe An police station. Prior to his arrest, he was questioned by security forces about BFD. A photo of him later published on state media shows he sustained facial injuries, indicating that he was most likely beaten by the police while in detention. Mr. Tran Duc Thach was reportedly not allowed to see his attorney until 5 November 2020, and then only under police supervision. His lawyer told the media he could not even photocopy Mr. Tran Duc Thach's indictment papers, but only take notes by hand.

On 15 December 2020, Mr. Tran Duc Thach was sentenced to 12 years in prison and three years' probation by Nghe An province courts on charges of

subversion under article 109 of the 2015 Criminal Code.

Mr. Thach was initially arrested for “activities against the people’s government”. Authorities reportedly used several Facebook posts he published criticizing government corruption and human rights violations as the primary implicating evidence. During the trial, provincial prosecutors claimed that Thach’s activism and writings “threatened social stability, encroached upon national independence and socialism, reduced people’s trust in the political institution of the state of Viet Nam, and infringed upon national security and social safety and order.”

His appeal was denied on 24 March 2021. His lawyer was reportedly not allowed to argue his case during the appeal trial.

In June 2021, Mr. Tran Duc Thach was transferred from Nghi Kim Detention Center in Nghe An Province to Prison camp 5 in Thanh Hoa Province, but his wife was reportedly not notified of the transfer, which she only learned about after she had driven to the Nghi Kim Detention Center on 8 July 2021, with supplies.

17. *The case of Tran Thi Xuan*

Ms. Tran Thi Xuan is a member of Brotherhood for Democracy. She was an active organizer of protests against corporate and government negligence following the Formosa environmental disaster. Ms. Xuan raised concerns about environmental pollution caused by the toxic discharge of industrial chemicals into the water and demanded compensation for the fishermen affected. She was the subject of an opinion by the Working Group on Arbitrary Detention, A/HRC/WGAD/2019/9. The Working Group on Arbitrary Detention found that Ms. Tran Thi Xuan is being arbitrarily deprived of her liberty and called for her immediate release.

According to the information received:

On 17 October 2017, Ms. Xuan was taken into custody by the Public Security Agency from the Hà Tĩnh Province Police Department while she was on the way home from her local church in Cua Sot parish. Reportedly no arrest warrant was presented at the time of Ms. Xuan’s arrest. Two days after the arrest, the police of Hà Tĩnh Province issued a press release on the “urgent” arrest of Ms. Xuan.

From the time of her arrest on 17 October 2017 until her closed trial on 12 April 2018, Ms. Xuan was held in incommunicado pretrial detention at the Hà Tĩnh Province Police Detention Centre. Although Ms. Xuan suffers from a pre-existing kidney disease, she was allegedly not given prompt medical treatment.

On 11 April 2018, the People’s Court of Hà Tĩnh Province found Ms. Xuan guilty of “carrying out activities aimed at overthrowing the state administration” under article 79 of the 1999 Criminal Code, but the prosecution provided no concrete evidence to support that charge. Her trial took place without any prior notice to her family, and her legal counsel was not present. Ms. Xuan was sentenced to 9 years of imprisonment and 5 years

house arrest.

In 2019, her health was in critical condition according to reports. While prison authorities initially refused to take her to the hospital, after several health incidents she was treated in a specialized hospital in early 2020 for her heart condition. She is reportedly still in need of specialized medical care.

18. *The case of Hoang Duc Binh*

Mr. Hoang Duc Binh is a human rights defender and member of Viet Labor, an organisation of labour groups inside and outside Viet Nam to protect the rights of workers. He is also an active blogger and covered the environmental disaster caused by the Formosa steel plant in April 2016, its impact on local populations as well as protests against the pollution-causing company. He was the subject of an opinion by the Working Group on Arbitrary Detention, No. 45/2018. The Working Group on Arbitrary Detention found that Mr. Hoang Duc Binh is being arbitrarily deprived of his liberty and called for his immediate release.

According to the information received:

On 15 May 2017, Mr. Binh was arrested while he was on his way to Vinh City in Nghe An Province with a group of environmentalist activists. He was in a car with a Catholic priest who is well known for his work on environmental issues. The car was stopped in the centre of the Dien Chau District by a group of police officers in uniform and unidentified persons in civilian clothes. He was allegedly violently removed from the car by the police and taken away. The police reportedly used cellular telephone blockers so that the arrest could not be broadcast live by witnesses or pictures of the arrest sent to others. Later that day, the authorities of Nghe An Province announced that there was an arrest order for Mr. Binh, which had been issued by the People's Procuracy two days earlier. According to the arrest order, Mr. Binh was facing charges under article 257 "resisting persons in the performance of their official duties" under article 258 "abusing democratic freedoms to infringe upon the interests of the State" of the 1999 Criminal Code.

After his arrest, Mr. Binh was initially detained in Dien Chau District in Nghe An Province, where he was forced to sign a confession statement. He was subsequently transferred to Hanoi in June 2017.

In July 2017, the authorities added a further charge under article 143 of the 1999 Criminal Code of "destroying or deliberately damaging property" to the two existing charges against Mr. Binh. No further details were provided by the authorities of any of the acts that allegedly amounted to the crimes committed by Mr. Binh.

On 6 February 2018, the People's Court of Dien Chau district in the central province of Nghe An, sentenced Mr. Hoang Duc Binh to 14 years in prison for violating article 330 and article 331 of the 2015 Criminal Code ("resisting a law enforcement officer in performance of his/her official duties" and "abusing democratic freedoms to infringe upon the interests of the State, lawful rights and interests of organizations and/or citizens"). Mr. Hoang Duc Binh's parents were allowed into the courtroom, but his brother was detained

outside and beaten by the police.

On 24 April 2018, an appeal court in the central province of Nghe An rejected Mr. Hoang Duc Binh's appeal and upheld the fourteen-year prison sentence handed down to him by the People's Court on 6 February 2018.

During the appeal hearing, it came to light that Mr. Hoang Duc Binh had been forced to share a cell with prisoners on death row, who had physically attacked him on more than one occasion. Mr. Hoang Duc Binh is detained in An Diem Prison in Quang Nam Province. He was reportedly denied family visitations several times in 2021. According to information received, he is in poor health following a short hunger strike.

19. *The case of Ho Duc Hoa*

Mr. Ho Duc Hoa is a community organizer and journalist, known for being a contributing journalist for the Viet Nam Redemptorist News and for actively mobilizing access to education for children living in poverty and assistance to typhoon victims and people living with disabilities.

According to the information received:

On 30 July 2011, Mr. Hoa was arrested at Tan Son Nhat Airport along with two other individuals upon their return to Viet Nam. He was detained on unspecified charges under article 79 of the 1999 Criminal Code which outlines activities aimed at overthrowing the government.

On 8 and 9 January 2013, a trial was held by the People's Court of Nghe An Province for 14 human rights defenders, including Mr. Ho Duc Hoa. During the court case, Mr. Hoa was accused of involvement in a training session organised by Viet Tan, a US-based pro-democracy organization to establish democracy and reform in Viet Nam through peaceful and political means. Mr. Hoa was sentenced to 13 years in prison followed by 5 years in house arrest.

On 3 May 2013 the appeal trials of Mr. Ho Duc Hoa were heard in a court in the northern city of Vinh. International observers were not allowed access to the hearing and there was a heavy police presence outside the court. His sentence remains unchanged. Reportedly, his health conditions have deteriorated. In 2019, it was reported that Mr. Ho Duc Hoa suffers from liver disease and has been refused medical treatment.

20. *The case of Nguyen Nang Tinh*

Mr. Nguyen Nang Tinh is a music teacher and a human rights defender. On Facebook, he voiced support for political prisoners, and posted an image of a protest against a draft law on a special economic zone, and of protests against the Formosa Ha Tinh Steel.

According to the information received:

On 29 May 2019, police in Nghe An province arrested Mr. Nguyen Nang Tinh, and charged him with “making, storing, disseminating or propagandizing information, materials and products that aim to oppose the State of the Socialist Republic of Viet Nam,” under article 117 of the 2015 Criminal Code. State-owned media announced the charges related to Facebook posts, many of which are critical of the government and Communist Party of Viet Nam.

Mr. Nguyen Nang Tinh’s trial was originally scheduled for 17 October 2019. His defence lawyer said his team only received a 10-day advanced notice of the trial. The lawyers tried to visit the court and access Mr. Nguyen Nang Tinh’s case file on 11 October, but were kept waiting and then only allowed to view his enormous file – reportedly containing more than 1,000 pages – for one hour, with no opportunity to copy pages and could only take notes. Mr. Nguyen Nang Tinh’s defense team filed a complaint with the court, asking for a postponement, which was granted. On 13 October 2019, the court rejected the lawyers’ requests to copy the file, citing that the documents are state “top secret” and “utmost secret”.

On 15 November 2019, Nguyen Nang Tinh was sentenced to 11 years in prison under article 117 of the 2015 Criminal Code (“making, storing, spreading information, materials, items for the purpose of opposing the State of Socialist Republic of Vietnam”).

On 18 March 2020, Mr. Tinh was set to appeal his sentence in the People’s Court of Nghe An, but the court postponed the trial without any official reasons given. Ultimately, on 20 April 2020, the same court denied his appeal.

In March 2021, his family was able to visit him in prison and reported that he is in poor health condition and is only taking medication sent by his family. He was also reportedly denied his requests to meet with a Catholic priest.

21. *The case of Rmah Hlach*

Mr. Rmah Hlach also known as Ama Blut, is an ethnic Montagnard Christian, whose work included defending religious and indigenous rights.

According to the information received:

In July 2009, Mr Hlach was arrested. On 14 January 2010, he was sentenced to 12 years in prison and 3 years of house arrest for “undermining the national unity policy” under article 87 of the 1999 Criminal Code. He was last reported detained at Ba Sao prison camp, Hà Nam in Nam Hà province. He was due to be released from detention in July 2021 but we have not been able to verify whether he was released or not.

22. *The case of Tran Hoang Phuc*

Mr. Tran Hoang Phuc is the founder and President of the Vietnamese Students for Human Rights Association. He is also a member of the Young Southeast Asian Leaders Initiative (YSEALI), a U.S. government leadership development and

networking program in Southeast Asia. He was invited to meet with U.S. President Obama in 2016 during Obama's visit in Viet Nam but was blocked by police from attending the meeting. Phuc has participated in environmental rights protests and campaigns to seek compensation for those affected by the 2016 Formosa environmental disaster.

According to the information received:

On 29 June 2017, Mr. Tran Hoang Phuc was arrested by police in Hanoi from his apartment, reportedly without an arrest warrant. He was held incommunicado and officially charged on 3 July 2017, under article 88 of the 1999 Criminal Code, for Internet postings, particularly for video content. He was tried on 31 January 2018, by the People's Court of Hanoi and received a six year sentence and four years of house arrest for "conducting propaganda against the Socialist Republic of Viet Nam".

In March 2018, he appealed his sentence, which was denied in July 2018. Family members were not allowed to attend the appeal trial, and the court still refused to show the videos in question in the indictment; the videos were also blocked at the first trial in January 2018.

23. *The case of Nguyen Ngoc Anh*

Mr. Nguyen Ngoc Anh is an activist, who on his Facebook account, commented on news and debated on emerging issues. He raised issues such as poor governmental management on social issues; violations of human rights, especially freedom of expression; China's aggression on the South China Sea dispute; corruption; and environmental pollution.

According to the information received:

On 30 August 2018, Mr Anh was arrested and detained, as he was on the way to meet the communal police in accordance with the summons order released a day before. Police then searched his house, and confiscated his phone, laptop, USB keys, and documents.

On 4 September 2018 he was charged under article 117 of the 2015 Criminal Code for "making, storing, spreading information, materials, items for the purpose of opposing the State of Socialist Republic of Viet Nam." On 4 April 2019, his family was able to meet him for the first time after seven months.

On 6 June 2019, Nguyen Ngoc Anh was sentenced to six years in prison under article 117 of the 2015 Criminal Code for expressing his views on national issues on Facebook, protesting the Formosa environmental disaster, supporting political prisoners, and calling for protests.

24. *The case of Ngyuen Viet Dung*

Mr. Nguyen Viet Dung, a graduate in electrical engineering, had, in early April 2015, declared his intention to set up a Public Party of Viet Nam in order to promote human rights and the idea of multiparty democracy in the country.

According to the information received:

On 12 April 2015, Mr. Dung was arbitrarily detained. In the morning of that same day, Mr. Dung had attended a peaceful protest of about 100 activists, held against the large-scale cutting of trees in the city centre of Hanoi. The demonstration reportedly ended without any clashes with the local police. After the protest, however, Mr. Dung and four other individuals were approached by the police, who claimed they were causing public disorder. Mr. Dung and the other four individuals were then detained by the Hanoi City police in the Hoan Kiem district.

The four individuals who were detained together with Mr. Dung were released two days later, on 14 April 2015. Mr. Dung, however, continued to be kept in custody. On 19 April 2015, the Hoan Kiem district police issued an arrest warrant on the basis of Mr. Dung's alleged violation of article 245 of the 1999 Criminal Code of Viet Nam, "causing public disorder".

In 2016, he participated in protests in the aftermath of the Formosa toxic waste spill.

On 27 September 2017, Mr. Nguyen Viet Dung was arrested for disseminating anti-state propaganda under article 88 of the 1999 Criminal Code. According to the police, he was charged with posting "anti-state propaganda" on his Facebook account that distorted state and party policies and defamed state leaders.

On 12 April 2018, a provincial court of Nghe An found him guilty and sentenced him to seven years imprisonment. Following an appeal hearing on 15 August 2018, the People's Court of Nghe An province reduced this sentence to six years in prison followed by five years of house arrest.

He is reported to be in poor health, has troubles eating and sleeping and is being isolated from other prisoners.

25. *The case of Nguyen Van Oai*

Mr. Ngyuyen Van Oai is human rights defender, Christian activist, citizen journalist and co-founder of the Association of Catholic Former Prisoners of Conscience.

According to the information received:

Mr. Oai was arrested on 30 July 2011, and later sentenced to four years in prison and four years of probation under article 79 of the 1999 Criminal Code, "carrying out activities aimed at overthrowing the people's administration". He was released on 2 August 2015.

On 19 January 2017, he was arrested while on a trip to Nghe An province for allegedly violating the terms of his probation. On 18 September 2017, he was tried in Hoang Mai, and sentenced to five years in prison and four years of probation on charges of "resisting persons in the performance of their official duties" under article 257 and "failing to execute judgements" under article 304

of the 1999 Criminal Code.

On 15 January 2018, the court in Nghe An denied his appeal and upheld his sentence.

26. *The case of Nguyen Quoc Duc Vuong*

Mr. Nguyen Quoc Duc Vuong is a pro-democracy activist and blogger on anti-corruption and land rights.

According to the information received:

Mr. Vuong was arrested on 23 September 2019. According to witnesses, at 11:00am, hundreds of public security officers raided Mr. Vuong's house in Lac Lam Commune, Don Duong District, Lam Dong Province and took him away in handcuffs in front of his father and siblings. The public security officers also confiscated Mr. Vuong's cell phone and laptop before leaving. He was detained incommunicado for one month, with his whereabouts unknown to his family until 22 October 2019 when they finally received confirmation by Trai Mat prison, Lam Dong province, that he was being detained there.

During his detention, he was able to meet with his attorney on only one occasion on 12 June 2020. On 18 June 2020, he was allowed to meet his family for the first time since his arrest.

On 7 July 2020, he was tried and sentenced by the Lam Dong provincial People's Court, following a three-hour trial, to eight years in prison and three years' probation. Nguyen was convicted of "making, storing, distributing, or disseminating information, documents, and items against the Socialist Republic of Vietnam" in violation of article 117 of the 2015 Criminal Code.

Besides sharing news articles, Mr. Vuong often live streamed to express his opinion and debate on national and social issues such as sovereignty, corruption, and land rights. Mr. Vuong participated in the mass demonstrations against two bills on Special Economic Zone and Cybersecurity on 10 June 2018.

In September 2020, authorities transferred Mr. Nguyen Duc Quoc Vuong from Trai Mat prison, Lam Dong Province, to An Phuoc detention center in Binh Duong Province, more than 300 km from his family's home. The family did not learn about the transfer until three days after it happened.

27. *The case of Y Yich*

Mr. Y Yich is a human rights defender working on freedom of religion and belief, as well as indigenous rights. He is a Montagnard Christian.

According to the information received:

Mr. Yich was arrested on 18 December 2006, and later sentenced to four years in prison under article 79 of the 1999 Criminal Code. He was released on 18 September 2011.

On 13 May 2013, he was arrested again and later sentenced to 12 years in prison for “undermining national solidarity policy” under article 87 of the 1999 Criminal Code).

He is currently being held in Section #2 of An Phuoc Prison, Binh Duong Province. His health has seriously deteriorated and he is reportedly being denied medical treatment.

In December 2020, his son reported death threats and harassment against him and his family by village and district authorities, reportedly in an attempt for force him to renounce his faith.

28. *The case of Rah Lan Hip*

Mr. Rah Lan Hip is a human rights defender advocating for freedom of religion and belief, as well as indigenous rights. He is a Montagnard Christian.

According to the information received:

On 15 May 2019, Mr. Hip was arrested.

On 9 August 2019, the People’s Court of Gia Lai province held a trial against Mr. Hip. According to the indictment, Mr. Hip was accused of using his Facebook account, namely Kieu Rah Lan, to share articles on Dega Protestantism since April 2018. He was also alleged to have connected with two “reactionaries” in the United States through Facebook and received 18 million VND (approximately 790 USD) from them to support for his activities, including collecting data on Montagnard prisoners, as well as promoting Dega Protestantism.

His trial was held on 9 August 2019, and Mr. Hip was sentenced to seven years in prison and three years in probation, for “undermining national solidarity policy” under article 116 of the 2015 Criminal Code.

29. *The case of Ksor Ruk*

Mr. Ksor Ruk is a human rights defender advocating for freedom of religion and belief, as well as indigenous rights. He is a Montagnard Christian and an ethnic minority Protestant missionary.

According to the information received:

On 30 October 2018, Mr. Ksor Ruk was arrested. On 15 March 2019, the People's Court of Gia Lai Province held the first instance trial against Mr. Ksor Ruk. He was sentenced to ten years under the charge of "undermining the state's unity policy," article 116 of the 2015 Criminal Code.

According to the indictment, he was accused of connecting with members of FULRO, an exiled group in America, with a determination to re-establish a Dega independent state. From October 2017 to September 2018, Mr. Ksor Ruk was allegedly responsible for reviving "Dega Protestantism" and leading others in many areas within Gia Lai province.

30. *The case of Y Ngun Knul*

Mr. Y Ngun Knul is a human rights defender advocating for freedom of religion and belief, as well as indigenous rights. He participated in demonstrations demanding freedom of religion for the Montagnard Protestant community. He is a Montagnard Christian and an ethnic minority Protestant missionary.

According to the information received:

He was arrested on 29 April 2004 and sentenced to 18 years in prison pursuant to article 87 of the 1999 Criminal Code "undermining the unity policy". He was detained in Prison No. 6, Nghe An Province. He was released from prison on 28 February 2020. Mr. Knul is reportedly in critical health and is suffering of multiple serious health conditions.

31. *The case of Tran Anh Kim*

Mr. Tran Anh Kim is a human rights defender and winner of Human Rights Watch Prize in 2009. Kim is also a former lieutenant colonel and former deputy political commissar of the Military Committee of Thai Binh town, who is serving 13 years for pro-democracy activities. In 2006, Mr. Tran Anh Kim became known as a dissident writer and as a member of Bloc 8406, a pro-democracy movement founded on 8 April 2006.

According to the information received:

On 21 September 2015, police arrested Mr. Kim at his home on September, after searching the home and calling his wife in for interrogation as well. He was arrested for allegedly founding a group called "National Forces Raise the Flag of Democracy"

On 16 December 2016, he was sentenced by the People's Court of Thai Binh to 13 years in prison under article 79 of the 1999 Criminal Code. According to state media, his aim was "to call for the abolition of the Communist Party of Viet Nam and the State of the Socialist Republic of Viet Nam and the formation of a multi-party system."

On 26 May 2017, his appeal was denied. In August 2017, Mr. Tran Anh Kim was transferred from Ba Sao prison in Ha Nam province to prison No. 5 in Thanh Hoa province.

His health has reportedly deteriorated while in custody and he was not provided appropriate medical care. He was reportedly treated in hospital for 20 days, but strong concerns remain for his health.

32. *The case of Trinh Ba Phuong*

Mr. Trinh Ba Phuong is a land rights defender. He is the subject of the Joint Allegation Letter VNM 5/2020.

According to the information received:

Phuong was arrested on 24 June 2020, with his younger brother, and his mother, on charges of “creating, storing, and disseminating information, documents, items and publications opposing the Socialist Republic of Viet Nam.”

The three family members had been outspoken in social media postings about the 9 January, 2020 clash in Dong Tam commune in which 3,000 police stormed barricaded protesters’ homes at a construction site about 25 miles south of the capital, killing a village elder.

In March 2021, Mr. Trinh Ba Phuong was reportedly moved temporarily from Prison No. 1 in Hanoi to the Mental Hospital Central 1 for a psychiatric evaluation. His family was not notified of the transfer nor informed of the reasons for the medical evaluation. He is now detained in Prison No. 1 in Hanoi.

The Hanoi police concluded the investigation against Trinh Ba Phuong in June 2021 and, he was officially charged under Clause 2 of article 117 of the 2005 Criminal Code, which carries the penalty of 10 to 20 years in prison. In July 2021, over a year after his arrest, he was reportedly able to meet his lawyer for the first time. The date of his trial has been set for 3 November 2021.

33. *The case of Trinh Ba Tu*

Mr. Trinh Ba Tu is a land rights defender who actively advocates against the confiscation of lands in the country. He first began his human rights activism at a young age, calling for the release of his parents, both land rights defenders, from prison. He has also been vocal on the issue of democracy in Viet Nam. He is the subject of the Joint Allegation Letter VNM 5/2020

According to the information received:

On 5 May 2021, the Hoa Binh Provincial Court sentenced human rights defender Mr. Trinh Ba Tu and his mother, Ms Can Thi Theu (see below) and her son, Trinh Ba Tu to eight years imprisonment and three years’ probation. Both human rights defenders were convicted under article 117 of the 2015 Criminal Code, “making, storing or spreading information, materials or items for the purpose of opposing the State of the Socialist Republic of Viet Nam. They are both currently detained in Hoa Binh province prison camp.

His appeal trial was scheduled for 17 September 2021, but was postponed upon request of his family.

34. *The case of Can Thi Theu*

Ms. Can Thi Theu is a land rights activist and human rights defender in Viet Nam. She became an activist after her family's land was confiscated by the authorities in 2010. She began advocating against forced evictions and became a leading figure of the land rights movement. She is the subject of the Joint Allegation Letter VNM 5/2020 and the WGAD Opinion 2017/79 (A/HRC/WGAD/2017/79). The Working Group on Arbitrary Detention considered her detention arbitrary and called for her release based on her health condition.

According to the information received:

On 24 June 2020, police arrested Ms. Can Thi Theu, along with her son, Mr. Trin Ba Tu. They were charged with "making, storing, or spreading information, materials or items for the purpose of opposing the State of the Socialist Republic of Viet Nam" under article 117 of the 2015 Criminal Code. On 5 May 2021, she was sentenced to eight years imprisonment followed by three years' probation after being convicted for "making, storing, or spreading information, materials or items for the purpose of opposing the State of the Socialist Republic of Viet Nam" by the People's Court of Hoa Binh province.

She was reportedly held in solitary confinement for a prolonged period, and the family was not notified of the confinement, nor the reasons for it. The family has reportedly not been able to visit her since May 2021.

The appeal trial was scheduled for 17 September 2021, but has been postponed.

35. *The case of Pham Thi Doan Trang*

Ms. Pham Doan Trang is an author, blogger, journalist, publisher, and democracy activist. She received the 2017 Homo Homini Award from People In Need. Ms. Trang is the co-founder of the blog *Luật Khoa Tap Chi* (Journal of Law). She is also the co-founder of the publishing house *Nhà xuất bản Tự Do* (Liberal Publishing House) which in 2020 was awarded the International Publishers Association's IPA Prix Voltaire.

She is the subject of Joint Allegation Letters VNM 3/2020 and VNM 5/2020

According to information received:

Ms. Trang was detained under de facto house arrest in February 2018.

On 6 October 2020, she was arrested by Hanoi police and the Ministry of Public Security Officers in Ho Chi Minh City for "making, storing, spreading information, materials, items for the purpose of opposing the State of the Socialist Republic of Viet Nam." She was initially held incommunicado and transferred to Hanoi. She has been initially charged under article 88 of the 1999 Criminal Code and 117 of the 2015 Penal Code for "propaganda against

the State", and faces a maximum sentence of 20 years in jail.

On 30 August 2021, the Hanoi police reportedly concluded the investigation into her case and Ms. Pham Thi Doan Trang was officially charged with 'anti-state propaganda' under article 88 of the 1999 Criminal Code. A formal indictment against Ms. Trang was issued, however her family was not notified until 7 October 2021, after having requested information from the authorities. Based on her indictment, Ms. Trang is prosecuted for her reports and articles on the human rights situation in Viet Nam, including an analysis of the 2016 Law on Religion, a 2016 report on the environmental disaster of Formosa, as well as interviews released to foreign media.

Ms. Trang is currently held in Hoa Lo Prison. She had access to a defence lawyer on 18 October 2021, for the first time since her arrest in October 2020. Numerous requests for family visitations have been reportedly denied. Her trial is scheduled for 4 November 2021.

36. *The case of Pham Chi Thanh*

Mr. Pham Chi Thanh is a journalist and blogger, and a member of the Independent Journalists Association of Viet Nam. He blogs under the pseudonym Pham Thanh.

According to the information received:

On 21 May 2020, Mr. Thanh was arrested and held in pre-trial detention at Hanoi's Hoa Lo Prison. On 9 July 2021, a Hanoi court sentenced Mr. Thanh, to five years and six months in prison for 'anti-state propaganda' under article 117 of the 2015 Criminal Code, a provision that bars "making, storing, distributing or spreading news or information against the state". His family was not allowed to attend his trial.

The charges stemmed from over 100 articles Mr. Thanh posted on his personal blog and a book he self-published, which was deemed critical of Prime Minister Nguyen Xuan Phuc, and which Hanoi People's Procuracy prosecutors alleged included content "distorting and defaming the government".

Mr. Thanh's health has suffered in detention, and he sustained an injury during a fall and suffers from headaches and difficulty breathing. In January 2021, he was moved from a medical facility back to Hoa Lo Prison, without prior notice.

37. *The case of Nguyen Van Dai and his wife, Vu Minh Khanh*

Mr. Nguyen Van Dai is a human rights lawyer, pro-democracy activist and blogger. His law firm became the legal representative of many politically persecuted Vietnamese, trade unionists and banned Christian groups.

He is the subject of WGAD Opinion 27/2017 (A/HRCWGAD/2017/26) and two Joint Allegation Letters VNM 03/2015 and VNM 04/2018. The Working Group on Arbitrary Detention was of the opinion that his deprivation of liberty is arbitrary. The Working Group considered that, taking into account all the circumstances of the

case, especially the risk of irreparable harm to Mr. Dai's health and physical integrity, the appropriate remedy would be to release Mr. Dai immediately, and accord him an enforceable right to compensation and other reparations, in accordance with international law (para 70-71).

Mr. Dai has reportedly faced harassment, surveillance, imprisonment and acts of violence for over 10 years for undertaking human rights work in Viet Nam. Prior to 2007, he worked as a human rights lawyer representing clients in court to defend their right to religious freedom. In March 2007, Mr. Dai was charged and convicted of "conducting propaganda against the Socialist Republic of Viet Nam", pursuant to article 88 of the 1999 Criminal Code of Viet Nam and his licence to practise law was revoked. He was detained for eight years, from March 2007 until March 2015, both in prison and under house arrest. Mr. Dai continued his human rights work while under house arrest. In April 2013, he co-founded "Brotherhood for Democracy", an organization that provides training to community members on their legal rights in Viet Nam.

From his release in March 2015 until his most recent arrest on 16 December 2015, Mr. Dai was involved in a campaign advocating for stronger human rights protection in Viet Nam. He wrote extensively in blogs and on social media about the need for Viet Nam to transition from a one-party State to a multiparty democracy.

Ms. **Vu Minh Khanh**, the wife of Mr. Nguyen Van Dai, was part of a group of five women wives of prisoners of conscience who reportedly faced obstacles by State security agents to prevent their meeting in March 2018 with an OHCHR delegation in Hanoi. State security agents closely guarded Ms. Vu Minh Khanh and reportedly forbade her from leaving her house. The incident was included in the 2021 report of the Secretary-General on cooperation with the UN in the field of human rights. On 12 August 2021, the Government responded stating that allegations were unfounded and untrue, and that law enforcement did not prevent or harass those who intended to meet UN representatives. The competent authorities did not receive any reports or complaints related to the incident (A/HRC/48/28 para. 130, Annex I paras. 126 and 128).

According to the information received:

On 15 December 2015, the day before his arrest, Mr. Dai and others met with European Union delegates participating in the fifth round of the European Union and Viet Nam dialogue on human rights, in the spirit of the European Union-Viet Nam Partnership and Cooperation Agreement that was signed in 2012.

On 16 December 2015, Mr. Nguyen Van Dai was approached by plain clothes police officers shortly after he had left his house to attend the second day of the European Union-Viet Nam dialogue on human rights. The police officers escorted him back to his house and, in the presence of his wife, arrested him. The police proceeded to search the couple's house and confiscated several of Mr. Dai's belongings. According to the source, the police did not show a search warrant during the search and there was no indication that they were in possession of one, as required under article 141 of the Criminal Procedure Code of Viet Nam.

The police then transported Mr. Dai to Detention Centre B14 in Hanoi (also known as Thanh Liet Detention Centre), a pretrial detention centre commonly used to hold political detainees and detainees held on account of their religion.

He had been held in incommunicado pre-trial detention for over a year and a half, without access to a lawyer and his family. His pre-trial investigation period was extended several times.

On 30 July 2017, Mr. Nguyen Van Dai was charged under article 79 of the 1999 Criminal Code for subversion. On 5 April 2018 he was sentenced to 15 years in prison by the Hanoi People's Court for "carrying out activities aimed at overthrowing the peoples' administration". The charges relate to founding of a network for democracy with a manifesto of calling for a multi-party system, separation of powers and freedom of religion.

On 7 June 2018, he was released into exile.

38. *The case of Le Thu Ha*

Ms. Le Thu Ha is the secretary of Brotherhood for Democracy. She also worked as a translator for Lương Tâm, "Conscience", an independent TV station that broadcast YouTube clips about human rights issues in Viet Nam.

According to the information received:

Ms. Ha was arrested in December 2015 at the office of the Brotherhood for Democracy in Hanoi. Reportedly, the police did not have an arrest warrant at the time of the arrest. Ms. Le Thu Ha was held in pre-trial detention for over two years, awaiting trial.

On 5 April 2018, she was found guilty of "carrying out activities aimed at overthrowing the people's administration", article 79 of the 1999 Criminal Code.

On 7 June 2018, Le Thu Ha was released from prison and exiled to Germany. Ms. Le Thu Ha had served two months of a nine-year prison sentence at the time of her release, in addition to the 28 months she had spent in detention awaiting trial, following her arrest in December 2015.

39. *The case of Tran Thi Nga*

Ms. Tran Thi Nga is a land rights and labour rights defender and member of Vietnamese Women For Human Rights, a group that supports Vietnamese migrants abroad. Ms. Nga's activities have also included the monitoring of land seizures by the authorities and participating in peaceful anti-Chinese demonstrations relating to the South China Sea.

She is the subject of WGAD opinion 75/2017 (A/HRC/WGAD/2017/75) and Joint Allegation Letter VNM 10/2018. The Working Group on Arbitrary Detention found her deprivation of liberty to be arbitrary, and called for her immediate release and for her enforceable right to compensation (para 63).

According to the information received:

On 21 January 2017, Ms. Tran Thi Nga and her partner were arrested in by the Ha Nam police and charged under article 88 of the 1999 Criminal Code with using the Internet to spread “propaganda against the state.”. Nga was held in pre-trial detention in Ha Nam, without access to a lawyer and her family, until her trial in July 2017. The police searched the home and confiscated a number of iteMs. Her family has received no notification or official court documents indicating the reasons for her arrest, despite reports in the official media that an arrest warrant had been prepared. On 2 February 2017, her partner went to the Ha Nam police station to make enquiries about Ms. Nga’s situation and seek permission to visit her. The police apparently ignored his request.

On 25 July 2017, the People’s Court in Ha Nam, south of Hanoi, sentenced Ms. Tran Thi Nga to nine years imprisonment followed by an additional 5 years of house arrest. She was sentenced under article 88 of the 1999 Criminal Code for "using the Internet to spread propaganda videos and writings that are against the government of the Socialist Republic of Viet Nam.”

On 10 January 2020, Tran Thi Nga was released into exile.

While we do not wish to prejudge the accuracy of these allegations, we would like to express our utmost concern at the detention and sentencing of the human rights defenders described above. We remind your Excellency’s Government that the criminalization of the legitimate defense of the human rights of others and exercising the right to freedom of thought, conscience, opinion and expression would be incompatible with international human rights law. We are concerned that the cases of the abovementioned human rights defenders and women human rights defenders reveal what seems to be a pattern of restrictions on space for dissent and debate in Viet Nam, whereby critical or dissenting opinions are characterized as offences against national security and order.

We would also like to express serious concerns about the apparent broader pattern in Viet Nam of detaining human rights defenders for their peaceful and legitimate work defending human rights. The use of heavy sentences sends a clear and chilling message to human rights defenders to cease work or face heavy penalties, often with severe consequences to their families as well. This results in a serious shrinking of civic space in the country.

We are very concerned at the widespread use of long-term pre-trial detention and at the vague charges used to penalise and prosecute human rights defenders for their work. We are also concerned at the pattern of closed trials, often carried out without access to a lawyer of choice and without regard to due process standards. We have observed the lack of adequate medical attention in detention and lack or very limited access to detainees by their family members and lawyers.

We also express serious concerns at the national security and public order provisions of the Criminal Code of Viet Nam. The vague and overly broad provisions of the Criminal Code are used to impose penalties on individuals who had merely exercised their rights to freedom of expression as well as of peaceful assembly and of association. These vague and imprecise national security offences do not distinguish between violent acts posing a threat to national security, and the peaceful exercise of

fundamental freedoms.

Finally, we are concerned about credible and substantiated information received over a period of time pointing to a context of increased targeting human rights defenders, journalists and bloggers, and their relatives for their cooperation or attempted cooperation with the UN, its representatives and mechanisms in the field of human rights. Incidents include surveillance, intimidation, passport confiscation, travel bans, arbitrary arrest and detention, and heavy sentencing.

The recent criminal case against Ms. Pham Doan Trang, where reports that were shared with the UN are reportedly being used as evidence against her, could have far-reaching consequences and consolidate an environment of fear in Viet Nam, already noted by several UN actors, leading to self-censorship and inhibiting others from cooperating with the UN. The sharing of testimonies and reports is a common way of communicating with the UN in the field of human rights, which we actively seek and encourage as part of our mandate's prerogatives to establish facts. The criminalization of such activities does not only go against international human rights obligations that Viet Nam is bound to, but it ultimately undermines the UN human rights system as a whole.

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 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 information about the factual and legal basis for the arrest, detention, charging and sentencing of the above-mentioned human rights defenders, and how these actions are in compliance with Viet Nam's obligations under international human rights law.
3. Please provide information about the current health status of Mr. Truong Duy Nhat, Mr. Van Hoa Nguyen Van Tuc, Mr. Nguyen Bac Truyen's, Mr. Truong Minh Duc, Mr. Tran Huynh Duy Thuc, Mr. Phan Kim Khanh, Mr. Nyguyen Tuong, Mr. Nguyen Trung Tuc, Ms. Tran Thi Xuan, Mr. Hoang Duc, Mr. Ho Duc Hoa, Mr. Nguyen Nang Tinh, Mr. Nguyen Viet Dung, Mr. Y Yich Mr. Y Ngun Knul, Mr. Tran Anh Kim, Ms. Can Thi Theu, Mr. *Pham Chi Thanh*, Mr. Nguyen Van Dai and about the measures taken by Your Excellency's Government to ensure that they have access to appropriate health care, including medical treatment. Pleae provide additional information on the reasons why Mr. Y Yich was denied medical treatment and Mr. Truong Minh Duc medication, which could have fatal consequences for his health.
4. Please indicate what measures have been taken to ensure that human rights defenders and lawyers in Viet Nam are able to carry out their

peaceful and legitimate work, including in cooperation with the UN, in a safe and enabling environment without discrimination, fear of threats or acts of intimidation and harassment of any sort.

5. Regarding reported acts of intimidation and reprisals for cooperation with the UN in the field of human rights, please indicate what measures (legally and institutionally) have been taken to ensure that individuals and groups, in particular human rights defenders, bloggers and journalists, are able to cooperate with the UN human in the field of human rights, including UN human rights bodies and mechanisms, in a safe and enabling environment without fear of intimidation or reprisals of any kind.
6. In connection to the above, if no such measures exist, what prevents Vietnamese nationals from communicating and/ cooperating with UN entities in the field of human rights? Should such communications be prohibited under domestic law, please explain the grounds for such prohibition, and how this is compatible with Viet Nam's international human rights obligations under the UDHR and ICCPR.
7. Please provide any details about specific legislation and policies implemented to protect women human rights defenders from gendered human rights violations.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. 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.

We would like to inform your Excellency's Government that after having transmitted an allegation letter to the Government, the Working Group on Arbitrary Detention may transmit the cases through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such letters in no way prejudice any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

In light of the allegations of intimidation and reprisals for cooperation with the United Nations on human rights contained in this communication, we reserve the right to share it – and any response received from Your Excellency's Government - with other UN bodies or representatives addressing the issue, in particular the senior United Nations official designated by the Secretary General to lead the efforts within the United Nations system to ensure a coordinated and improved response to intimidation and reprisals.

We may 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 issue/s in question.

Please accept, Excellency, the assurances of our highest consideration

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Miriam Estrada-Castillo
Vice-Chair of the Working Group on Arbitrary Detention

Irene Khan
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

Tlaleng Mofokeng
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Ahmed Shaheed
Special Rapporteur on freedom of religion or belief

Nils Melzer
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Melissa Upreti
Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR), ratified by Vietnam on 24 September 1982.

Furthermore, we bring to your attention 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.

In addition, we would like to reiterate your Excellency's Government of its obligation under the International Convention on the Elimination of Discrimination against Women (CEDAW) through its ratification on 17 February 1982, in particular article 7 which provides that States shall take appropriate measures to eliminate discrimination against women in the political and public life of the country, including the right to participate in non-governmental organizations and associations concerned with the public and political life of the country.

As stressed by the Working Group on Discrimination against Women and girls in one of its thematic report to the Human Rights Council (A/HRC/23/50), stigmatization, harassment and outright attacks are used to silence and discredit women who are outspoken as leaders, community workers, human rights defenders and politicians. Women defenders are often the target of gender-specific violence, such as verbal abuse based on their sex, sexual abuse or rape; they may experience intimidation, attacks, death threats and even murder. Violence against women defenders is sometimes condoned or perpetrated by State actors. The Working Group recommended to accelerate efforts to eliminate all forms of violence against women, including through a comprehensive legal framework to combat impunity, in order to fulfil women's human rights and to improve the enabling conditions for women's participation in political and public life.

In its report to the Human Rights Council on Women Deprived of liberty (A/HRC/41/33), the Working Group stresses that women human rights defenders, perceived as challenging traditional notions of family and gender roles in society, are increasingly at risk of facing criminalization and detention as a result of their legitimate public activism, and are likely to be targets of criminal persecution and imprisonment. It has recommended States to support women's engagement in public and political life, including the work of women human rights' defenders, and eliminate any laws or policy measures designed to criminalize the public roles of women.

We would also like to refer your Excellency's Government to the General Assembly Resolution 68/181, adopted on 18 December 2013, on the protection of

women human rights defenders. Specifically, we would like to refer to articles 7, 9 and 10, whereby States are called upon to, respectively, publicly, acknowledge the important role played by women human rights defenders, take practical steps to prevent threats, harassment and violence against them and to combat impunity for such violations and abuses, and ensure that all legal provisions, administrative measures and policies affecting women human rights defenders are compatible with relevant provisions of international human rights law.

We would further like to refer your Excellency's Government to articles 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Viet Nam acceded on 24 September 1982, which guarantee the right to freedom of opinion and expression and the right to freedom of association respectively. In particular, we wish to remind your Excellency's Government that any restrictions to the exercise of these rights must be provided by law and be necessary and proportionate to the aim pursued. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right (ICCPR, art. 22 (2)). We would also like to remind your Excellency's Government that, according to the Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights (paras. 29 and 31), national security may be invoked to justify measures limiting certain rights only when they are taken to protect the existence of the nation or its territorial integrity or political independence against force or threat of force (para. 29). National security cannot be used as a pretext for imposing vague or arbitrary limitations and may only be invoked when there exist adequate safeguards and effective remedies against abuse (para. 31).

We would like to recall that the Special Rapporteur on the situation of human rights defenders noted in her report to the Human Rights Council (A/64/226) that the only legal grounds upon which an interference with the freedom of association that is prescribed by law can be justified is if it meets the test as outlined by article 22, paragraph 2 of the ICCPR. These provisions require the interference in question to be pursuant to 'legitimate aims', such as in the interests of national security or public safety; public order (*ordre public*); the protection of public health or morals, or the protection of rights and freedoms of others. Without such a legitimate aim, interference is rendered contrary to international human rights law, and in the context of the activities of NGOs, the Special Rapporteur has argued that "difficulties in the formation and registration of human rights associations; criminal sanctions for unregistered activities; government interference, supervision and monitoring of NGO activities; and difficulties in accessing funding may restrict the right to freedom of association and therefore must reach the very high threshold under article 22, paragraph 2, of the International Covenant on Civil and Political Rights in order to be admissible." (A/64/226, para. 58.)

We would further like to refer to article 19 of the ICCPR, which protects, *inter alia*, political discourse, commentary on one's own and on public affairs, discussion on human rights, journalism, among others (Human Rights Committee, General Comment no. 34, para. 11). We underline that permissible restrictions on the internet are the same as those offline (A/HRC/17/27). As indicated by the Human Rights

Committee, “the function of journalists includes not only full-time reporters and analysts, but also bloggers and others who engage in forms of self-publication in print, on the internet or elsewhere” (CCPR/C/GC/34 para. 44). While all restrictions must comply with the requirements of necessity and proportionality, the penalisation of a journalist solely for being critical of the government or the political social system espoused by the government can never be considered to be a necessary restriction of freedom of expression (CCPR/C/GC/34 para. 42). In this connection, we recall that the Human Rights Council, in its Resolution 12/16, called on States to refrain from imposing restrictions which are not consistent with article 19(3), including: discussion of government policies and political debate; reporting on human rights; engaging in peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups.

Furthermore, we recall in this context the 2019 Concluding Observations by the Human Rights Committee concerning Viet Nam, in which the Committee expressed its concerns “at reports that persons, particularly human rights defenders, activists, and religious leaders, may face arbitrary arrests, detention, and incommunicado detention without charges. It is concerned of the excessive use of pre-trial detention in the absence of legal guarantees, such as appearance before a judge; access to a lawyer from the time of arrest; and the right to inform family members. The Committee is concerned that following release from custody, some persons are placed under de facto house arrest. It is concerned that under domestic legislation: (a) persons arrested or detained in cases related to national security crimes can be denied access to a lawyer during the whole investigation period; (b) persons arrested or detained on criminal charges may be remanded in custody on the authorization of a prosecutor, who may also decide on any subsequent extensions of custody, which can be indefinite in cases related to national security crimes; (c) a prosecutor, rather than a judge decides, on the lawfulness of detention of persons deprived of their liberty (arts. 2 and 9).” (CCPR/C/VNM/CO/3 para. 25)

We would like to refer to Human Rights Council resolutions 12/2, 24/24, 36/21, and 42/28 reaffirming 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 urges States to ensure accountability for reprisals by providing access to remedies for victims, and preventing any recurrence. It calls on States to combat impunity by conducting prompt, impartial and independent investigations, pursuing accountability, and publicly condemning all such acts.

Furthermore, we 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 (b) and (c), which provides for the right of all persons to form, join and participate in non-governmental organizations,

associations and groups; and to communicate with non-governmental or intergovernmental organizations;

- article 6 point a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms;
- article 6 points b) and c), which provides for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights;
- article 12, paragraphs 2 and 3, which provides that the State shall 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.

In addition, we would like to recall to your Excellency's Government the principles set forth in the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief. Article 2 (1) stresses that no one shall be subject to discrimination by any State, institution, group of persons, or person on the grounds of religion or other belief. Article 6 (i) of the Declaration also provides that the right to freedom of thought, conscience, religion or belief includes the freedom "to establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels."