

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 human rights in the context of climate change; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association

Ref.: AL VNM 3/2023

(Please use this reference in your reply)

25 May 2023

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 human rights in the context of climate change; Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 52/4, 51/8, 48/14, 46/7, 52/9 and 50/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the escalating administrative and judicial harassment of woman human rights defender **Ms. Tran Phuong Thao**, who is the wife of imprisoned environmental human rights defender Dang Dinh Bach, as well as the continued incarceration of **Mr. Dang Ding Bach** himself, in connection with the exercise of their freedom of expression, environmental advocacy, and human rights activities, respectively. This, furthermore, relates to a communication which we submitted to Your Excellency's Government on 18 February 2022 (VNM 2/2022) and we would like to thank your Excellency's government for the replies we received on this matter thus far, both on 19 February 2022 and on 20 March 2023.

Mr. Dang Dinh Bach is an environmental rights defender, community lawyer and Director of the Law and Policy of Sustainable Development Research Center (LPSD Center). Mr. Dang Dinh Bach has extensive experience in policy advocacy and community lawyering. He is the Vietnamese member of the Mekong Legal Network, a network of legal professionals that works to protect the rights of communities affected by the negative impact of international corporations on the environment, and a member of the World Commission on Environmental Law (IUCN). Moreover, Mr. Dang Dinh Bach is an executive board member of the VNGO-EVFTA Network, a group of seven environmental CSOs that sought to create a monitoring group known as Domestic Advisory Group (DAG) to oversee the government's compliance with environmental and labour conditions contained in the EU-VN Free Trade Agreement (EVFTA). Mr. Bach's and other environmental advocates, also members of the DAG, were arrested before the first meeting between the Viet Nam DAG and its European Union counterpart, the EU DAG, took place.

The LPSD Center, of which Mr. Dang Ding Bach was the Director, conducts legal advocacy on environmental, land grabbing and industrial pollution cases. The

Center aims to protect public interests by creating the concept of “Community Lawyers” in Viet Nam, and ensures equal participation, transparency, and rights and responsibilities among stakeholders in the economic, social, and environmental fields. The LPSD Center also implements a mechanism to promote community autonomy and builds sustainable community development models, while seeking to enhance the effectiveness of enforcement and complete the current policy and legal framework, promoting the sustainable development process in Viet Nam.

LPSD Center was the coordinator of the Action for Justice, Health, and Environment (JHE) advocacy coalition and a member of Viet Nam Sustainable Energy Alliance (VSEA), a coalition of 12 Vietnamese and international CSOs established in 2012 to strengthen sustainable energy development in Viet Nam and the Mekong region for by promoting participatory energy policy-making process, implementation of decentralized renewable energy solutions and application of energy efficiency. Bach and the other three human rights and environmental rights defenders detained on charges of tax evasion in Viet Nam are leaders and outspoken members of the VSEA.

VSEA’s technical support and advocacy, including through solid evidence-based research and analysis,¹ was instrumental to persuade the Government of Viet Nam to pledge for zero-net carbon emissions by 2050 at the 26th session of the Conference of Parties (COP) to the United Nations Framework Convention on Climate Change (UNFCCC) in 2021.² The Government strongly reiterated its pledge at COP 27 in 2022,³ as a result of which on 14 December 2022 Viet Nam and a coalition of international partners including the United Kingdom, the United States, the European Union, and Japan announced a Just Energy Transition Partnership (JETP),⁴ designed to accelerate the reduction of carbon emissions and increase the uptake of renewable energy. As a result, within the next 3 to 5 years, Viet Nam will receive \$15.5 billion to accelerate efforts to reach net zero emissions by 2050 and facilitate its green transition.⁵

Despite this, Mr. Dang Dinh Bach was arrested on 24 June 2021 and sentenced to five years in prison for “tax evasion” pursuant to article 200 of the 2015 Criminal Code. His sentence was confirmed by the appeal court on 11 Aug 2022. Bach was only allowed to meet his lawyers one time before his first instance trial, on 14 January 2021, less than 10 days before the trial was due to begin. Similarly, after Bach appealed his sentence, he was only allowed to meet with his lawyers once, on 21 July 2022, before his appeal hearing.

In its Opinion 22/2023, the Working Group on Arbitrary Detention has concluded that the deprivation of liberty of Mr. Dang Dinh Bach, being in contravention of articles 2, 3, 6, 7, 8, 9, 10, 11 and 19 of the Universal Declaration of Human Rights and articles 2, 9, 14, 15, 16, 19 and 26 of the International Covenant on Civil and Political Rights is arbitrary and falls within categories I, II, III and V.

Ms. Tran Phuong Thao is the spouse of the aforementioned environmental human rights defender, and a woman human rights defender in her own right. Since her

¹ https://wwf.panda.org/wwf_news/?2267471/new%2Dstudy%2Dvietnam%2Dpower%2Dsector%2Dand%2Drenewable%2Denergy%2Dby%2D2050

² <https://www.vietnam-briefing.com/news/cop26-climate-change-vietnams-commitment-reducing-emissions.html/>

³ <https://en.vietnamplus.vn/vietnam-reiterates-strong-climate-commitments-at-cop27/243534.vnp>

⁴ <https://www.energytransitionpartnership.org/country/vietnam/>

⁵ https://ec.europa.eu/commission/presscorner/detail/es/statement_22_7724

husband was arrested in June of 2021, she has been a steadfast advocate for the release of Mr. **Dang Dinh Bach** and has engaged with UN human rights mechanisms in pursuit of this. Furthermore, in her husband's absence, Ms. Thao has also played a role in assuming some of work that her husband was engaged in before his incarceration. She has taken up the position of director of the LPSD Group Joint Stock Company, a private business that operates independently of LPSD. Ms. Tran Phuong has reportedly been subjected to administrative and judicial harassment.

According to the information received:

The case of Mr. Dang Dinh Bach:

On 24 June 2021, Mr. Dang Dinh Bach was arbitrarily arrested for tax evasion after leading a campaign, together with other members of VSEA, to push the government of Viet Nam to commit to reducing its reliance on coal for electricity generation. Mr. Bach alleges that his arrest was designed to punish his efforts to hold the government of Viet Nam accountable to labour and sustainability conditions it had agreed to under its trade deal with the European Union. Mr. Bach's arrest coincided with the arrest of three other prominent human rights defenders, also actively engaged in the VN DAG, the VSEA and in advocating with the government for achieving zero-net carbon emissions by 2050. He was subsequently charged with "tax evasion" and was sentenced to 5 years in prison for alleged corporate income tax evasion under clause 3, article 200 of the 2015 Penal Code.

According to the investigation report, the revenue of the LPSD Centre is "foreign non-governmental aid", following the decree 80/2020/ND on management and use of grant aid not in the form of official development assistance of foreign agencies, organizations, and individuals for Viet Nam. The report states that, while serving as LPSD's director between 2013-2020, Bach received funding for 10 projects from foreign donors, but failed to seek Government's approval for these projects as required by decrees 93/2009/NĐ-CP and 80/2020/NĐ-CP. LPSD did not seek approval for projects and as required by decrees 93/2009/NĐ-CP and 80/2020/NĐ-CP.

While the other three human rights and environmental rights defenders arrested together or shortly after Bach have pled guilty to the charge of "tax evasion", Bach has maintained his innocence.

Since 17 March 2023, Mr. Dang Dinh Bach engaged in a partial hunger strike while in prison. This is not the first time that the human rights defender has subjected himself to hunger strike during his incarceration, having also sustained a hunger strike to demand justice be administered.

On 15 April 2023, Ms. Tran Phuong Thao was permitted access to meet with her husband Dang Dinh Bach in prison. For the duration of their interaction, there were five officials surveilling Bach on his side of the partition and two officials watching Thao on her side. Mr. Bach was permitted to give his wife a list of things that he wished to say, which had been pre-approved by the prison authorities ahead of the interaction between them. Mr. Bach informed his wife

that if his circumstances did not change, and he was not exonerated, he would intensify his hunger strike to “a full hunger strike” on 24 June 2023, a date which will mark two years since his arrest. He has also requested that his family cease sending him food supplies as this will be in contravention to the goal he wishes to achieve. Ms. Thao reported that her husband had already lost more than 10kg and that he appeared “emaciated”. Ms. Thao has also communicated that her husband has not been permitted to avail of the medication that she has sent him while in prison, which relates to his asthma. This is reportedly because the medication in question is of a “traditional” nature and does not conform to the modern Western pharmaceutical standards prescribed by the prison regulations.

The case of Ms. Tran Phuong Thao

On 18 January 2023, Ms. Tran Phuong Thao received a phone call from a female civil servant who was contacting her on behalf of the General Department of Civil Judgment Enforcement of Hanoi city. She requested Ms. Tran Phuong Thao to pay them VND 1,381,093,134 (\$58,237), a sum corresponding to the amount that her husband, Bach, is alleged to have evaded. The officer informed Ms. Thao that if the money was not repaid, then the department would confiscate property belonging to the family in compensation for this. The call from the officer is reported to have caused Ms. Thao a great deal of stress. In an effort to pay back the amount demanded of her, Ms. Thao contacted her husband’s family, to ask him to help her to sell the family car so that she could repay the money.

On 7 March 2023, however, Ms. Thao was subsequently contacted by the same person from the Department of Civil Justice Enforcement informing her of the department’s intention to repossess the family car in question, as well as other property belonging to Mr. Bach’s family, to satisfy the sum that Mr. Bach allegedly owes. She also informed Ms. Thao that she was aware Ms. Thao had tried to receive help in selling her husband’s car, although this was private information not publicly known.

Furthermore, when Ms. Thao visited Mr. Bach in prison on 17 March 2023, Mr. Bach told her that an officer from the same department had visited him in prison and had informed him that his bank account had been seized.

Additionally, on 8 February 2023, Ms. Thao was once again reportedly subjected to administrative harassment. On this occasion, the Dong Da District Tax Department sent a letter to the Policy of Sustainable Development Research Center (LPSD) Group Joint Stock Company, of which Ms. Thao is now the director, alleging that Mr. Bach had incorrectly declared his personal income tax for the year of 2020. As a penalty for this reported breach in protocol, Ms. Thao was instructed to pay a fine on behalf of the company, amounting to VND 25,000,000 (\$1,054). The woman human rights defender was also summoned to report to the tax office.

Over the two weeks that followed this incident, another officer from the district tax department called Ms. Thao many times, threatening to refer the matter to the police if the instructions of the letter were not adhered to.

Following this, on 10 March 2023, Ms. Thao received another letter which again summoned her to appear before the tax department, Thao complied with this and attended the department on 13 March 2023 where, upon her arrival, she submitted a written response in person. In this letter, she explained that Mr. Bach was unable to pay the fine, owing to the fact that he is still in prison, on account of which his bank accounts have been frozen. She expressed that, should the department wish to pursue this further, they should contact her husband to discuss the matter with him instead, stressing that she was not involved in the tax declarations for the year in question. Ms. Thao has otherwise remarked that, since her husband's arrest, she has been left unable to manage certain financial matters in relation to their home.

We recall that in our previous communication (VNM 2/2022), it was noted that the alleged tax violation of the law in question does not fall within the remit the Criminal Code, or indeed any article pertaining to the Tax Law. Additionally, the revenue of the LPSD Centre which was deemed "foreign non-governmental aid", is "exempted tax" not "payable tax" following article 4, clause 7 of the decree No. 218/2013/ND-CP and article 8, clause 15 of the circular 78/2014/TT-BTC dated 18 June 2014 on guiding decree 218/2013/ND-CP. All the grants that the LPSD Centre received were reportedly used for proper purposes, and were confirmed by the foreign grant sponsors, and it must therefore not pay the corporate income tax.

Without prejudging the accuracy of these allegations, we express serious concern regarding the continued detention of Mr. Dang Dinh Bach in connection with the exercise of his freedom of expression and his peaceful and legitimate human rights and environmental rights activities, which he was conducting in advance of his arrest. We are particularly concerned regarding the state of the human rights defender's health while in prison, owing to the partial hunger strike that he has been engaged in since 17 March 2023, as well as the lack of access to medicines he was accustomed to taking prior to his arrest.

Furthermore, we express our deep concern regarding the government's administrative and judicial harassment of Ms. Thao, which appears designed to punish her for her advocacy and her criticism of her husband's continued arrest, including with the UN. Moreover, we are concerned that the administrative harassment of Ms. Thao may be designed to put additional pressure on Mr. Bach who has continued to affirm his innocence whilst in prison. In this way, we fear these reported violations against Ms. Thao comprise part of a pattern of disproportionate and irregular sanctions against Mr. Bach.

We have pointed in the past to numerous credible allegations of intimidation and reprisals that followed when victims shared testimonies or availed themselves of procedures established under the auspices of the UN to protect human rights. We fear that these are more than isolated incidents and they could signal an emerging pattern. We note that Viet Nam has been included in several reports of the Secretary-General on intimidation and reprisals for cooperation with the UN, its representatives, and mechanisms in the field of human rights. On this basis, we will continue to closely follow Ms. Thao's and Mr. Dang Dinh Bach's situation.

We also note that the Working Group on Arbitrary Detention recently published its Opinions adopted at its ninety-sixth session, which was held between 27 March and 5 April 2023 in which it recommended, as part of Opinion No. 22/2023, that Mr. Bach be released⁶.

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 concerning the legal grounds for the administrative and financial harassment of Ms. Thao and Mr. Bach and how these measures are compatible with international norms and standards as stated, inter alia, in the UDHR and the ICCPR.
3. Please indicate what steps have been taken and measures put in place by your Excellency's Government to ensure that non-governmental organisations, civil society organisations and all human rights defenders can carry out their peaceful work free from fear of threat, violence, harassment or retaliation of any sort. If no specific measures in this regard have been put in place, please indicate a means by which we may engage with your Excellency's Government on the development of such measures.
4. Please indicate what steps have been taken and measures put in place by your Excellency's Government to set up and support the effective functioning of the Domestic Advisory Group (DAG) to oversee the government's compliance with environmental and labour conditions, as foreseen in the European Union – Viet Nam Free Trade Agreement (EVFTA). If no specific measures in this regard have been put in place, please indicate a means by which we may engage with your Excellency's Government on the development of such measures.
5. Please indicate what steps have been taken and measures put in place by your Excellency's Government to ensure that non-governmental organisations, civil society organisations, environmental advocates and all human rights defenders can freely and actively participate in shaping climate and environmental policies and decision-making, within the context and in support of the Just Energy Transition Partnership (JETP)? If no specific measures in this regard have been put in place, please

⁶ [A/HRC/WGAD/2022/40 \(squarespace.com\)](https://www.squarespace.com/A/HRC/WGAD/2022/40)

indicate a means by which we may engage with your Excellency's Government on the development of such measures.

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

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

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

Matthew Gillett
Vice-Chair on Communications of the Working Group on Arbitrary Detention

Ian Fry
Special Rapporteur on the promotion and protection of human rights in the context of climate change

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

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

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 relevant international norms and standards that are applicable to the issues brought forth by the situation above.

We would like to draw your attention to the articles 8 and 9 of the Universal Declaration of Human Rights providing for the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted by the constitution or by law and freedom from arbitrary arrest, detention or exile. Furthermore, we would like to recall article 9 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Viet Nam on 24 September 1982, which provides for the right to liberty and security of persons and, in particular, its article 9(4) on the right to take proceedings before a court, in order that that court may decide without delay on the lawfulness of the detention. In addition, article 14 of the Covenant provides for the right to a fair and public hearing by a competent, independent and impartial tribunal established by law, and article 19.1 and 19.2 which provide for the universal right to freedom of opinion and expression, including the right to seek, receive and impart information and ideas of all kinds, regardless of frontiers, through any form of media of one's choice. In this context, we further refer to the Human Rights Council resolution 12/16, which called on States to recognize the exercise of the right to freedom of opinion and expression as one of the essential foundations of a democratic society. This right applies online as well as offline (Human Rights Council resolution 20/8).

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 others, 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 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.

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 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 9, paragraph 1, which provides for the right to benefit from an effective remedy and to be protected in the event of the violation of those 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, and;
- article 13, point b) and c), which provides for the right to solicit, receive, and utilize resources for the purpose of peacefully promoting and protecting human rights and fundamental freedom.

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 also like to refer to Human Rights Council resolution 22/6, which calls upon States to ensure "(a) that reporting requirements placed on individuals, groups and organs of society do not inhibit functional autonomy"; and (b) "that they do not discriminatorily impose restrictions on potential sources of funding aimed at supporting the work of human rights defenders in accordance with the Declaration (...), other than those ordinarily laid down for any other activity unrelated to human rights within the country to ensure transparency and accountability, and that no law should criminalize or delegitimize activities in defence of human rights on account of the origin of funding thereto". (Ops 8 and 9).

We recall in this context that the Human Rights Council recognized the right to a clean, healthy and sustainable environment with the adoption of resolution 48/13 on 8 October 2021. The Framework Principles on Human Rights and the Environment, presented to the Human Rights Council in March 2018 (A/HRC/37/59) set out basic obligations of States under human rights law as they relate to the enjoyment of a safe, clean, healthy and sustainable environment. Principle 4 provides, specifically, that "States should provide a safe and enabling environment in which individuals, groups and organs of society that work on human rights or environmental issues can operate free from threats, harassment, intimidation and violence."

As detailed by the Special Rapporteur on Human Rights and the Environment, the right to a clean, healthy and sustainable environment comprises six substantive elements, including the need to ensure a sustainable climate for humanity, which was further elaborated in a report to the UN General Assembly in 2019 (A/74/161). To this end, the Special Rapporteur on human rights and climate change supported "all of the recommendations made by the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment in his report to the General Assembly in 2019 with respect to mitigation action" (A/77/226).

In addition, in March 2008, the Human Rights Council, in resolution 7/23, expressed its concern that "climate change poses an immediate and far-reaching threat to people and communities around the world and has implications for the full enjoyment of human rights".

We also wish to refer your Excellency's government to article 12 of the UN Declaration of Human Rights which states that no one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Finally, we bring to your attention 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).