

Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on freedom of religion or belief

Ref.: AL VNM 7/2025

(Please use this reference in your reply)

1 October 2025

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 extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 52/4, 51/8, 53/4, 52/9 and 58/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the death in custody, allegedly under unclear circumstances, of human rights defender Mr. Vuong Van Tha.**

Mr. **Vuong Van Tha** was a Hoa Hao Buddhist human rights defender who advocated for freedom of religion and belief. He organized public gatherings and used social media to share his sermons and express his views on government restrictions on religious and other fundamental freedoms. He also displayed symbols associated with the former Republic of Viet Nam. In October 2012, Mr. Vuong Van Tha was arrested and charged with "abusing democratic freedoms" (article 258 of the 1999 Criminal Code) in connection with his advocacy for freedom of religion or belief. He was convicted and sentenced to three years of imprisonment on 2 August 2013. Following his release from prison in October 2015, he resumed his peaceful advocacy.

According to information received

Between 2015 and 2017, upon resuming his human rights advocacy, Mr. Vuong Van Tha was reportedly subjected to increasing surveillance by the authorities.

On 18 May 2017, Mr. Vuong Van Tha was allegedly arbitrarily arrested at his home in An Giang province. Prior to carrying out the arrest, the security forces had reportedly blasted water cannons at his home, as a result of which several family members were injured. Mr. Vuong Van Tha, his son, and two other activists were taken into custody for allegedly making and flying the yellow flag of the former Republic of Viet Nam.

On 23 January 2018, the People's Court of An Giang province convicted Mr. Vuong Van Tha of "conducting propaganda against the State" (Article 88 of the 1999 Criminal Code) and sentenced him to 12 years in prison, with an expected release date of 18 May 2029. Neither his lawyer nor his family were permitted to attend the trial. Mr. Vuong Van Tha's son was sentenced to seven

years' imprisonment, and the other two activists each received six-year sentences.

On 4 October 2018, it was reported that Mr. Vuong Van Tha was transferred to An Phuoc detention centre in Binh Duong province.

From November 2018, Mr. Vuong Van Tha's family were prohibited from visiting him due to the fact that he refused to wear the prison uniform, arguing it was reserved for convicted criminals. The prison authorities reportedly claimed that Mr. Vuong Van Tha declined to meet his relatives but did not provide any written statement from him to support this. The prison authorities also repeatedly returned food parcels sent by his family, despite his vegetarian diet.

In March 2019, it was reported by fellow inmates that Mr. Vuong Van Tha had refused prison food since February and was subsisting solely on vegetarian food purchased in the prison with limited funds, or that was shared with him by other prisoners.

By August 2019, Mr. Vuong Van Tha was reportedly subsisting on just one packet of instant noodles per day, which caused significant weight loss. Prison authorities had reportedly told his family that they could not send supplies.

In January 2020, Mr. Vuong Van Tha's family received information from a recently released inmate that the human rights defender had been denied food for refusing to wear the prison uniform or sign a confession of guilt. Other inmates would share what food they could with him, but he was suffering from a lack of adequate nutrition.

By June 2024, Mr. Vuong Van Tha's had not eaten prison food for at least four years, nor bought food from the prison canteen or been able to receive supplies from his family and was relying on scraps shared by fellow inmates. Prison authorities allegedly placed buckets of pig feces outside his cell as a form of harassment. Mr. Vuong Van Tha continued to refuse to wear the prison uniform and as a result had been permanently denied family visits, meaning his family had not seen him since his trial in 2018.

On the morning of 3 September 2025, the police of Binh Hau commune, An Phu district in An Giang province informed Mr. Vuong Van Tha's family that he had died by suicide in An Phuoc prison. The police reportedly told the family not to speak publicly about his death. His family strongly contested the alleged cause of death, as Mr. Vuong Van Tha had reportedly told them explicitly that he would never take his own life and that any harm should not be considered self-inflicted. The prison did not provide further information to his family, only requesting them to come and receive the body.

Mr. Vuong Van Tha's son went to An Phuoc prison to retrieve his body, however when he arrived, he was reportedly told by prison officials that his father had died "possibly of lung disease", although no hospital death certificate was provided. He was also told that as he had arrived 24 hours after Mr. Vuong Van

Tha's death, the body was no longer in a condition to be transported, in accordance with regulations. Reportedly, when the police verbally informed his family of his death, they did not mention the date or time of his death, to allow them to arrive at the prison within the 24-hour period. As a result, Mr. Vuong Van Tha's son was not permitted to take his father's body home, and so Mr. Vuong Van Tha was buried in the prison cemetery.

At around midday on 8 September 2025, Mr. Vuong Van Tha's daughter was interviewed by an international media outlet about her father's death. Later that afternoon, police officers arrived at her house to deliver documents from An Phuoc prison. The document, issued by An Phuoc prison and dated 3 September 2025, stated that Mr. Vuong Van Tha had shown signs of fatigue and difficulty breathing that morning, and so was taken to Bing Phuoc General Hospital, Dong Nai province for emergency treatment. The document alleged that Mr. Vuong Van Tha died there. At the time of writing, Mr. Vuong Van Tha's family are yet to receive clear information regarding the exact circumstances, date and time of his death.

Following his death, the home of Mr. Vuong Van Tha's family was reportedly subjected to heavy surveillance, intimidation by the police and the house's security camera was destroyed. The family was also reportedly threatened by the authorities that Mr. Vuong Van Tha's son would be re-arrested if the family continued to speak out about his death.

Without prejudging the accuracy of the information received, we wish to express serious concern regarding the death in custody of human rights defender Mr. Vuong Van Tha and the lack of prompt, transparent, effective and impartial investigation as required under international law to determine the cause and circumstances of his death. In view of the conflicting reasons provided regarding the cause of death, initially identified as suicide and later due to lung disease, the State is required to initiate an investigation in compliance with its obligations pertaining to the right to life. We are further concerned by the lack of information provided to Mr. Vuong Van Tha's family regarding the circumstances of death, which gives rise to concern that his death was not the result of the two differing causes cited but rather other ill-treatment that he may have been subjected to in prison, or possible extrajudicial deprivation of life. The fact that two differing causes of death were cited by two different authorities is in and of itself seriously concerning.

Loss of life occurring in custody creates a presumption of arbitrary deprivation of life by the State authorities, which can only be rebutted on the basis of a proper investigation that establishes the State's compliance with its obligations under article 6 of the ICCPR and the Revised United Nations Manual on the Effective Prevention of Extra-Legal, Arbitrary and Summary Executions (The Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016)).

Our concern is compounded by the information that Mr. Vuong Van Tha was denied visits from his family, as well as the vegetarian food supplies which they attempted to deliver to him many times, allegedly on account of the fact that he would not sign a guilty confession or wear the prison uniform. We are concerned that Mr. Vuong Van Tha was deprived of adequate nutrition and the impact that had on his

health and quality of life over a number of years, and we wish to highlight that this runs counter to international obligations that require provision to be made for prisoners to be able to practice their faith in prison, including in relation to diet. We are also seriously concerned at the potential role this may have had, if any, on his death in custody.

We are further concerned by the information that his son was prohibited from receiving his body, and as a result had to bury his father in the prison cemetery. In addition, we are concerned by the information received regarding the harassment and surveillance to which his family have been subjected to following his death, which may be viewed as a continuation and prolongation of the human rights violations against Mr. Vuong Van Tha, and which may constitute ill-treatment.

The information received regarding the sentencing, trial and conviction of Mr. Vuong Van Tha is further cause for concern, as it appears there were a number of due process violations, namely that neither his lawyer nor family were permitted to attend his trial. Underlying this concern is the information that indicates that Mr. Vuong Van Tha was prosecuted in connection with exercising the right to freedom of expression, and peacefully advocating for the rights of religious minorities, thus rendering his detention arbitrary.

We recall that States have a duty to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression. Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Human Rights Committee stresses that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress” (CCPR/C/GC/34, para. 23).

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 detailed information on the investigation, including medico-legal death investigation in compliance with the Minnesota Protocol, that may have been conducted into the causes and circumstances of the death of Mr. Vuong Van Tha, while in state custody, including any independent autopsy report that may have been ordered by judicial or other authorities in this connection, as well as any other documentary evidence. If no investigation has been conducted into his death in custody, please explain why.

3. In the case that an independent and credible investigation was conducted into this death, please provide details on the results and conclusions of the investigation. Please explain whether and how did this investigation comply with the Revised United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (Minnesota Protocol).
4. Please provide detailed information regarding the conditions in detention of Mr. Vuong Van Tha prior to his death in custody, specifically information on the reasons why he was prohibited from receiving visits and packages from his family and on the food he was provided.
5. Please provide the legal and factual basis for the prolonged detention and conviction of Mr. Vuong Van Tha, and how these are consistent with international human rights standards.
6. Please provide information regarding the reported harassment and surveillance of Mr. Vuon Van Tha's family following his death, and the details and findings of any investigation conducted into this harassment. If no investigation has been conducted, please explain why.

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 prevent the re-occurrence of the alleged violations 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.

Further, we would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

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 of the Working Group on Arbitrary Detention

Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Nazila Ghanea
Special Rapporteur on freedom of religion or belief

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to article 6, 9, 14, 18 and 19 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Viet Nam on 24 September 1982, which guarantee the right to life, liberty and security of person, the right to a fair trial and due process, the right to freedom of thought, conscience and religion, and the right to freedom of expression.

With regard to articles 6 and 9 of the ICCPR, which guarantee the right to life and security of the person of every individual, we emphasize that when a State holds an individual in its custody, it has the responsibility, and is held to a heightened level of diligence, to protect that individual's rights. When an individual dies because of injuries sustained while in State custody, there is a presumption of State responsibility. In order to overcome such presumption, there must be an independent "thorough, prompt and impartial investigation" into the causes, circumstances and responsibilities (direct or supervisory) of the death. This is particularly warranted in all suspected cases of extra-legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death in the above circumstances" (principle 9 of the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions).

Investigations into deaths in custody must meet international standards, including the Revised United Nations Manual on the Effective Prevention of Extra-Legal, Arbitrary and Summary Executions (The Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016)). Such investigations must be independent, impartial, prompt, thorough, effective, credible and transparent.

We draw the attention of your Excellency's Government to the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment as codified in article 7 of the ICCPR; and in articles 2 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Viet Nam ratified on 5 February 2015. Articles 12 and 7 of the CAT further provides that States' obligation to a prompt and impartial investigation where there is a reasonable ground to believe an act of torture has been committed and to prosecute the alleged perpetrators of torture. Article 15 of the CAT obligates States to respect the fundamental principle not to invoke or admit in any proceedings any evidence that is suspected or established to have been obtained through torture.

With regard to the alleged threats and intimidations against Mr. Nguyen's family, paragraph 8(a) of the Human Rights Council resolution 16/23, recalls States that "Intimidation and coercion, as described in article 1 of the Convention against Torture, including serious and credible threats, as well as death threats, to the physical integrity of the victim or of a third person can amount to cruel, inhuman or degrading treatment or torture."

Article 14(1) of the ICCPR sets out a general guarantee of equality before courts and tribunals and the right of every person to a fair and public hearing by a competent, independent, and impartial tribunal established by law. As emphasized by the Human Rights Committee in general comment no. 32 (CCPR/C/GC/32), all trials in criminal matters must in principle be conducted orally and publicly (paragraph 28). We would also like to refer your Excellency's Government to article 10 of the Universal Declaration of Human Rights (UDHR) which states that, "everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him".

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right "to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media". This right applies online as well as offline, protects the freedom of the press as one of its core elements and includes not only the exchange of information that is favorable, but also that which may criticize, shock, or offend. In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including "political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse" (CCPR/C/GC/34, para. 11).

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression. Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that "all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress" (para. 23).

Furthermore, we wish to bring to your Excellency's Government's 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. We further would like to draw particular attention to the following articles of the Declaration:

- Article 6 (b) and (c), which provides for the right to freely publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and to draw public attention to those matters.

- Article 12 (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 their legitimate exercise of the rights referred to in the Declaration. In this connection, the Declaration provides that “everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, and acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms”.