

Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Ref.: AL VNM 1/2026
(Please use this reference in your reply)

27 January 2026

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; Working Group on Enforced or Involuntary Disappearances and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pursuant to Human Rights Council resolutions 52/4, 60/8, 54/14 and 52/9.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **arrest of human rights defender Ho Sy Quyet on 18 August 2025 in Ho Chi Minh City, and the extension of his incommunicado detention from 1 January 2026 to 1 April 2026.**

Mr. Ho Sy Quyet is a human rights defender who has worked on environmental protection and cases of repression since 2015. He advocated for holding the responsible actors of the Formosa toxic waste spill, also known as the 2016 Viet Nam marine life disaster, accountable. He then created the Facebook page 'Making Politics Interesting' to make political topics more accessible to the public, and gained 28,000 followers. The page was shut down in 2023 amid growing State pressure. He played a leading role in the 'Save Tam Dao' campaign in 2018, opposing resort development in Tam Dao National Park.

Special Procedures mandate holders addressed previous violations against Mr. Quyet in [AL VNM 3/2020](#), which expresses concern over the reported actions of police officers who entered Mr. Quyet's home without a warrant and seized electronic devices and identity papers. Mr. Quyet was taken to a police station and questioned about civil society activities in Viet Nam, with officers reportedly threatening him and pressuring him to unlock his phone. We thank you Excellency's Government reply to this communication on [28 December 2020](#), yet we regret that the reply provides no information on the case of Mr. Quyet.

According to the information received:

On 18 August 2025, Mr. Quyet traveled to Ho Chi Minh City. On 28 August 2025 at approximately 9:30 p.m., he called a family member informing them that he was at a police station, before the call ended abruptly. Reportedly, he was arrested on that evening on the basis of article 117 of the 2015 Criminal Code, accused of 'making, storing, spreading information, materials, items for the purpose of opposing the State', an offense carrying up to 20 years in prison.

As Mr. Quyet's fate and whereabouts remained unknown, one of his family members filed a missing person report in Go Vap District on 31 August 2025. On 1 September 2025, authorities reported that he was being held at the request of the Ministry of Public Security but did not provide official documentation, clarify the place of detention, or allow any form of contact. In early September 2026, police officers searched Mr. Quyet's home again and confiscated additional devices and documents.

On 17 September 2025, the investigation bureau of the Ministry of Public Security issued an order to temporarily detain Mr. Quyet. The document stated that his detention started on 13 September 2025 and that prosecution proceedings started on 10 September 2025 but did not state what offence he was investigated for.

On 19 September 2025, Mr. Quyet's relatives were informed by the Ministry of Public Security that he had been detained at the B34 Detention Center in Ho Chi Minh City since 13 September 2025 and he would be held there until 1 January 2026. On this occasion, the Ministry of Public Security confirmed that Mr. Quyet was being investigated for 'spreading propaganda against the State', under article 117 of the 2015 Criminal Code. The Ministry of Public Security provided no information regarding the whereabouts of Mr. Quyet between 28 August and 13 September 2025.

In October 2025, Mr. Quyet's relatives received, through their lawyers, a notification informing that Mr. Quyet was also being investigated for 'activities against the people's government', under article 109 of the amended 2025 Criminal Code. This offense is punishable with life imprisonment. The notification also informed that the application presented by Mr. Quyet's lawyers to serve as his legal representatives had not yet been approved, as the investigation into the two national security offense was still ongoing.

On 2 January 2026, authorities declared that the investigation phase had been extended until 1 April 2026, and that Mr. Quyet would remain in incommunicado detention until then. At the time of writing, Mr. Quyet is detained at B34 Detention Center in Ho Chi Minh City, over 1,000 kilometers from his home and family, without access to legal counsel or family visits.

Without wishing to prejudge the information received, we express our serious concern over the prolonged arbitrary detention of Mr. Quyet, in particular as he is being held incommunicado and his detention has been extended without justification or apparent evidence for the alleged crimes he was arrested for. We are equally concerned that the location of Mr. Quyet was unknown for 15 days following his arrest, in what would constitute a case of enforced disappearance. These acts appear to breach articles 9, 14 and 19 of the International Covenant on Civil and Political Rights (ICCPR), acceded by Viet Nam on 24 September 1982.

As Special Procedures mandate holders expressed in previous communications to your Excellency's Government, the use of lengthy incommunicado detention on vaguely worded provisions of the Criminal Code, such as article 117, against individuals who simply exercise their right to freely express opinions, impart

information and conduct their human rights work, including human rights defenders and journalists, is highly concerning.

We are alarmed that Mr. Quyet has reportedly been the victim of harassment and human rights violations on multiple occasions over several years. He appears to be solely targeted due to his peaceful work on the protection and promotion of human rights, especially on cases of environmental protection and repression of other human rights defenders.

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, particularly on the legal and factual basis for the arrest and detention of Mr. Quyet, and the extension of his detention until 1 April 2026. Please provide full information the legal and factual basis for holding Mr. Quyet incommunicado, without access to legal counsel or family visits. Please explain whether and how can these be compatible with international human rights law, including articles 9, 14 and 19 ICCPR.
2. Please provide information on the reported enforced disappearance of Mr. Quyet between 28 August 2025 and 13 September 2025. Please explain why his family or representatives were not informed of his whereabouts, and whether an investigation into the alleged enforced disappearance has been conducted. If no investigation has taken place, please explain why.
3. Please provide information as to what measures have been taken to revise and ensure the compatibility of the criminal legislation of Viet Nam, including article 117 of the Criminal Code, with international human rights law, especially article 19 of ICCPR. If no such measures have been taken, please explain why.
4. Please indicate what measures have been taken to ensure that human rights defenders and journalists in Viet Nam are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any kind.

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 any irreparable harm to the life and personal integrity of Mr. Quyet, 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.

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.

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

Gabriella Citroni
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

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

Annex

Reference to international human rights law

In this connection, we remind your Excellency's Government of its obligations under the International Covenant on Civil and Political Rights (ICCPR), to which Viet Nam acceded on 24 September 1982.

Under article 9.1 of the ICCPR “[n]o one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.” Moreover, article 9.2 stipulates that the person must be informed, at the moment of the arrest, about the reasons for such deprivation of liberty; in addition, the information about the charges against the person should be provided without delay. According to article 9.3, anyone deprived of his or her liberty “shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release.” Article 9.4 provides that “[a]nyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful”. Furthermore, article 10 states that, “all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person”.

The right to a fair trial is guaranteed in article 14 of the ICCPR. Article 14 (3) includes several minimum standards that must be guaranteed anyone facing criminal charges. These include access to a lawyer (14(3)(b) and (d)), the right not to be compelled to confess guilt (14 (3)(g)), and the right to be brought promptly before a judge or other officer authorised by law to exercise judicial power (art. 9 (3) and CCPR/C/GC/35 para. 32).

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 favourable, 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 states that article 19 also covers the right of a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion and a corresponding right of the public to receive media output.

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 (para. 23). 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).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, and restrictions must always be “the least intrusive instrument among those which might achieve their protective function” (CCPR/C/GC/34, para. 34).

With respect to charges related to the spreading of false information, we refer your Excellency’s Government to the report of the Special Rapporteur on freedom of opinion and expression on disinformation (A/HRC/47/25). In this report, the Special Rapporteur notably highlighted that the right to freedom of expression applies “to all kinds of information and ideas, including those that may shock, offend or disturb”, and “irrespective of the truth or falsehood of the content” (See also Human Rights Committee, general comment No. 34 (2011), paras. 47 and 49).

We also recall that enforced disappearance can amount to violations of articles 6, 7, 9 and 16 of the ICCPR, read alone and in conjunction with article 2(3). Moreover, it would entail a violation of article 7, read alone and in conjunction with article 2(3) of the ICCPR with regard to the relatives of the disappeared person. In this respect, we also make reference to general comment No. 36 (2018) on article 6 of the ICCPR, which states, *inter alia*, that extreme forms of arbitrary detention that are themselves life-threatening, in particular enforced disappearances, violate the right to personal liberty and personal security and are incompatible with the right to life (para. 57), and that enforced disappearance constitutes a unique and integrated series of acts and omissions representing a grave threat to life, and States parties must take adequate measures to prevent the enforced disappearance of individuals and conduct an effective and speedy inquiry to establish the fate and whereabouts of persons who may have been subject to enforced disappearance. (para. 58).

We recall that, in order to constitute an enforced disappearance, a deprivation of liberty must be followed by a refusal to acknowledge such deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law, regardless of the duration of the said deprivation of liberty or concealment. Furthermore, we draw your Excellency’s Government’s attention to the United Nations Declaration on the Protection of All Persons from Enforced Disappearances, which establishes that no State shall practice, permit or tolerate enforced disappearances. Notably, the absolute prohibition of enforced disappearances and the corresponding obligation to investigate them and punish those responsible have attained the status of *jus cogens*. Moreover, the Declaration also proclaims that each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction. We also make reference to

articles 7, 10 to 13 and 19 of the Declaration, which state no circumstances may be invoked to justify enforced disappearances; that persons deprived of liberty shall be held in an officially recognized place of detention; and that their release is conducted in a manner permitting reliable verification; that national laws shall indicate those officials authorized to order deprivation of liberty and stipulate penalties for violations; that any person having knowledge or a legitimate interest who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated by that authority. Whenever there are reasonable grounds to believe that an enforced disappearance has been committed, the State shall promptly refer the matter to that authority for such an investigation, even if there has been no formal complaint. Article 13 also states that steps shall be taken to ensure that all involved in the investigation, including witnesses, are protected against ill-treatment, intimidation or reprisal. Lastly, article 19 provides that victims of acts of enforced disappearance and their family shall obtain redress and shall have the right to adequate compensation.

We wish to recall the joint statement of the Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances on so-called “short-term” enforced disappearances, which affirms that duration is not a constitutive element of enforced disappearance under international human rights law, therefore regardless of the duration of an enforced disappearance, it produces serious harm and consequences for the disappeared and their families, and also presents practical challenges as regards seeking protection as well as defense of their rights.

We also make reference to the Working Group’s study on Enforced disappearance and economic, social and cultural rights (A/HRC/30/38/Add.5), in particular paragraph 33-37 which highlights the chilling effect of the disappearance of journalists and human rights defender. States are accordingly called on to, “ensure the existence of and respect for cultural diversity and the existence of space where multiple opinions, positions and interpretations of history can find their expression in the public sphere diminishes the level of vulnerability of those questioning in one way or another mainstream ideas and positions, and so prevents against targeting of human rights defender” (para. 49). In addition, the Working Group’s thematic study on enforced disappearances and elections (A/HRC/57/54/Add.4) raises concern about the enforced disappearances of journalists, who among other actors have diverse roles in elections and warns that post elections violence against them appear to aim at silencing dissent. In this regard, States are recommended to establish a solid legal framework for the prevention and punishment of enforced disappearances, including in the electoral context (para. 73).

We also make reference to the Working Group’s study on enforced disappearances in the context of the defence of land, environment and natural resources (A/HRC/60/35/Add.4), in which it highlights how these disappearances often occur in contexts marked by systemic discrimination, structural violence, colonial legacies and environmental racism, and frequently entail the responsibility of business enterprises and financial institutions, in addition to States.

We would also like to refer your Excellency’s Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals,

Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. Article 6 provides that everyone has the right, individually and in association with others to freely to 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. Further, article 12 stipulates that everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms, and that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, 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 UN Declaration on Human Rights Defenders.