

Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the right to education; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights of Indigenous Peoples and the Special Rapporteur on freedom of religion or belief

Ref.: AL VNM 5/2025
(Please use this reference in your reply)

21 July 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 in the field of cultural rights; Special Rapporteur on the right to education; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights of Indigenous Peoples and Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 52/4, 51/8, 55/5, 53/7, 52/9, 51/16 and 58/5.

In this connection, we would like to bring to the attention of your Excellency's Government information, including follow-up on previous communications, concerning **17 Khmer Krom individuals, including human rights defenders, activists, Theravada Buddhist monks and followers, including Venerable Thach Chanh Da Ra, Mr. Kim Khiem, Mr. Thach Ve Sanal, Venerable Duong Khai, Venerable Thach Quy Lay, Venerable Kim Sa Ruong, Venerable Thach Chop, Mr. Thach Nha, Mr. Kim Khu, Venerable Kim Som Rinh, Mr. Thach Nga, Mr. Thach Xuan Dong, Mr. Danh Minh Quang, Mr. To Hoang Chuong, Mr. Thach Cuong, Mr. Danh Set and Mr. Lam Vong**, who have been arbitrarily arrested and deprived of their liberty for ostensibly exercising their right to freedom of religion or belief, freedom of expression and opinion, freedom of association and assembly, and their linguistic and cultural rights, including their right to speak and transmit their language, sentenced based on vague legal provisions, and in some cases, allegedly subjected to torture and other forms of ill-treatment during pretrial detention.

Venerable Thach Chanh Da Ra is the abbot of the Tro Nom Sek temple and a human rights defender of the rights of Khmer Krom Indigenous People. He was engaged in disseminating information about the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and used social media to condemn religious suppression in the country. As Abbot, he had been resisting pressure from the authorities to merge his Theravada Buddhist congregation into the state-sanctioned Vietnam Buddhist Sangha (VBS).

Mr. **Kim Khiem** is a follower of the Tro Nom Sek temple.

Mr. **Thach Ve Sanal** is a follower of the Tro Nom Sek temple.

Venerable Duong Khai is a monk at the Tro Nom Sek temple and a human rights defender, known for his activism regarding the rights of the Khmer Krom Indigenous People. Before being ordained, he worked together with other Khmer Krom youth to disseminate online and offline Vietnamese and Khmer language translations

of the UNDRIP.

Venerables Thach Quy Lay, Kim Sa Ruong, and Thach Chop are monks at the Tro Nom Sek temple.

Mr. **Thach Nha** and Mr. **Kim Khu** are followers of the Tro Nom Sek temple.

Venerable Kim Som Rinh is a religious leader in the Khmer Krom community in Tra Vinh province.

Mr. **Thach Nga** and Mr. **Thach Xuan Dong** are human rights defenders advocating for the rights of the Khmer Krom Indigenous People. They previously attended and organized peaceful ceremonies such as the celebration of the adoption of the UNDRIP, the Human Rights Day, and International Women's Day.

Mr. **Danh Minh Quang** is a human rights defender, advocating for the rights of the Khmer Krom Indigenous Peoples.

Mr. **To Hoang Chuong** and Mr. **Thach Cuong** are human rights defenders, who advocate for the rights of Khmer Krom Indigenous Peoples, including the right to practice their religion independent from state interference. They were involved in disseminating the UNDRIP online and among community members.

Mr. **Danh Set** and Mr. **Lam Vong** are activists who live in Soc Trang province.

The Khmer Krom are Indigenous People who live predominantly in the Mekong Delta region in Viet Nam, which they have continuously inhabited for thousands of years. In the Khmer language, the area is known as Kampuchea-Krom. The Khmer Krom are one of the largest Indigenous Peoples in Viet Nam. Their language, Khmer, is part of the larger Mon-Khmer language family. Most Khmer Krom are adherents of the Khmer style of Theravada Buddhism, while a minority are Roman Catholic.

Special Procedures' mandate holders have previously raised their concerns with your Excellency's Government concerning the alleged pattern of arrest, detention, prosecution, and ill-treatment of Khmer Krom human rights defenders, Theravada Buddhist monks and followers, including Venerable Duong Khai, Mr. Thach Cuong, and Mr. Danh Set, the alleged violations of their rights to freedom of expression, association, freedom of religion or belief, as well as their linguistic and cultural rights, and the failure of the Socialist Republic of Viet Nam to recognize the right to self-determination of the Khmer Krom Indigenous Peoples (see AL VNM 3/2021 and AL VNM 5/2022). We thank your Excellency's Government for its responses dated 20 September 2021 to the letter AL VNM 3/2021 and 10 May 2023 to the letter AL VNM 5/2022. We regret, however, that the replies do not address the specific allegations of arbitrary arrest, intimidation, due process violations, and ill-treatment raised in the communications. The replies frame the legitimate exercise of fundamental freedoms, including peaceful advocacy for cultural and religious rights, as threats to national unity or public order. We are further concerned that the Government's responses conflate human rights advocacy with extremism, thereby dismissing the serious and credible concerns raised regarding the treatment of members of the Khmer Krom community. We reiterate that the invocation of national security or public order

must not be used to restrict rights guaranteed under international human rights law.

Furthermore, concerns about the use of broadly defined provisions on national security, public order and online expression to penalize the peaceful exercise of fundamental freedoms, resulting in arbitrary arrest, detention and disproportionate sentencing of human rights defenders and activists, were formally raised by Special Procedures in communications OL VNM 7/2021 and OL VNM 6/2023. While we thank your Excellency's Government for its reply to OL VNM 7/2021, dated 27 April 2022, we regret not receiving a reply to OL VNM 6/2023.

According to the information received:

Right to self-determination

Despite voting in favour of the United Nations Declaration on the Rights of Indigenous Peoples (hereinafter "UNDRIP") on 13 September 2007, the Government of Viet Nam has not developed any specific legislation on Indigenous Peoples, or ethnic minorities. Moreover, the Government does not use the term "Indigenous Peoples" to refer to any of the 54 recognized ethnic groups in the country, including the Khmer Krom who self-identify as such.

Freedom of religion or belief

Although the Vietnamese Constitution guarantees freedom of religion or belief, significant restrictions persist under the 2016 Law on Belief and Religion (Law No. 02/2016/QH14) and its implementing Decree No. 95/2023/ND-CP. These legal instruments impose severe constraints on religious groups, particularly those not recognized by the State as religious organizations or not affiliated with a registered religious entity. Authorities retain broad discretion to approve, deny, or indefinitely delay registration requests, often invoking national security and social unity as justification for such decisions.

Within this context, Khmer Krom Theravada Buddhists remain unrecognized as a religious organization, a status that has resulted in serious adverse consequences for its practitioners. This lack of recognition has effectively denied them access to key human rights protections.¹ Khmer Krom Buddhists, including monks, regularly face restrictions on accessing and storing religious texts, and are prohibited from exchanging information with diaspora communities. They also encounter significant obstacles in obtaining permission to conduct religious ceremonies such as prayers and funerals, or to renovate temples. In addition, followers and monks have been subjected to threats, intimidation, surveillance, and documented patterns of reprisals.

These ongoing concerns regarding the barriers faced by religion or belief minority communities unaffiliated with officially recognized organizations, particularly in exercising collective religious practices, were raised in previous communications addressed to the Government of the Socialist Republic of Viet Nam (see AL VNM 8/2016, AL VNM 9/2018, AL VNM 4/2022 and AL VNM

¹ A/HRC/28/66/Add.2, Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeld, p.16.

5/2022).

The dispute around the Tro Nom Sek temple in Vinh Long province and arrests of five Khmer Krom monks and four followers

The Tro Nom Sek temple in Vinh Long province has long served as a spiritual, cultural, and educational hub for the Khmer Krom Theravada Buddhist community and operated independently of the state-sanctioned Vietnam Buddhist Sangha (VBS). The dispute over the temple is reportedly rooted in longstanding efforts by Vietnamese authorities to impose control over this independent temple, which has been met with resistance by monks and local followers, particularly when the authorities attempted to remove or replace the abbot and restrict the temple's autonomy.

In March 2022, local authorities attempted to cut down a 700-year-old sacred tree on the temple grounds, a culturally significant landmark, prompting resistance from the abbot and monks. Later that year, in October 2022, local officials notified the monks that a court in Vinh Long had ruled for the demolition of a lecture hall linked to the temple, claiming the structure had been built illegally. The monks and community members objected, stressing that the hall was not only a place of worship but also served essential educational and cultural functions, including Khmer Krom language classes for local children and community events. In November 2022, Tro Nom Sek abbot and monks returning from collecting offerings were stopped by Police and threatened with fines and arrest, marking another spike in harassment. The incident was recorded and livestreamed on Facebook.

The tensions between the community and local authorities escalated significantly between late 2023 and early 2024. In November 2023, authorities and unidentified assailants reportedly raided the temple and disrupted Khmer language classes, injuring the abbot and two followers. Subsequent months saw increased repression. On 26 March 2024, the abbot was arrested under article 331 of the 2015 Criminal Code, which criminalizes "Abusing democratic freedoms." On 28 March 2024, the Police detained four more monks and two followers during a raid on the temple. Just days later, on 1 April 2024, authorities demolished the lecture hall used for Khmer language education, citing lack of construction permits, and detained another follower who opposed the demolition.

The situation surrounding the Tro Nom Sek temple appears to reflect a broader pattern of pressure on independent religion or belief institutions and Indigenous Peoples in Viet Nam. The actions, often aimed at pressuring the temple to affiliate with the state-sanctioned VBS, raise concerns about the use of administrative and legal tools in ways that may restrict the legitimate exercise of freedom of religion or belief as well as the exercise of cultural rights to maintain and transmit one's language and practices.

Overall, in connection with this dispute, five Khmer Krom Theravada Buddhist monks and four followers have been arrested and sentenced up to six years in prison:

Venerable Thach Chanh Da Ra and Mr. Kim Khiem

On 22 March 2022, Venerable Thach Chanh Da Ra was among the monks and follower who resisted an attempt by local authorities to cut a sacred 700-year-old tree at the temple. On 28 November 2022, the Vinh Long Police stopped him and other monks, while they were on their routine trip to collect food offerings from nearby villages and reportedly threatened them of arrest and fines. This episode was livestreamed on a Facebook page. On 22 November 2023, local authorities and unknown assailants raided the Tro Nom Sek temple and clashed with Khmer Krom Buddhist monks and followers present on the site, as temple goers attempted to prevent the Police from arresting the monks. During the clash, Mr. Kim Khiem was reportedly injured after the Police beat him with an electric baton. On 3 December 2023, the VBS and provincial authorities visited the Temple and threatened to disavow Venerable Thach Chanh Da Ra as a Buddhist monk. The VBS failed to defrock Venerable Thach Chanh Da Ra due to the resistance of the Khmer Krom community.

On 26 March 2024, Venerable Thach Chanh Da Ra and Mr. Kim Khiem were arrested by Vinh Long Police, while returning from conducting a blessing at a nearby religious hall. The two men were held incommunicado for several hours, before the online newspaper of the Department of Internal Security of Vinh Long Police reported that they had been detained. Both men were charged with “Abusing democratic freedoms” (Article 331 of the 2015 Criminal Code). Venerable Thach Chanh Da Ra was also forcibly defrocked. Soon after his arrest, the Government appointed a monk affiliated with the VBS to replace him.

On 26 November 2024, a Court in Vinh Long province sentenced Venerable Thach Chanh Da Ra to six years in prison and Mr. Kim Khiem to three years in prison. During pre-trial detention, both men were reportedly denied access to legal counsel and their families, as well as adequate medical care. Observers reported that during the trial, Venerable Thach Chanh Da Ra showed signs of mental distress, possibly resulting from mistreatment in custody.

Mr. Thach Ve Sanal

Mr. Thach Ve Sanal was arrested by Vinh Long Police on 26 March 2024 and charged with “Illegally arresting, holding, or detaining people” (article 157 of the 2015 Criminal Code). The charges stem from his alleged role in preventing authorities from arresting other monks during the Police raid to the Tro Nom Sek temple on 22 November 2023, despite there being no evidence he used force or threats. On 26 November 2024, a court in Vinh Long province sentenced him to two years and six months in prison. Reports suggest he was coerced into confessing under duress.

Venerables Duong Khai, Thach Quy Lay, Kim Sa Ruong, and Thach Chop

On 5 January 2023, Venerable Duong Khai was ordained as a Theravada Buddhist monk. As he continued to face harassment and surveillance by the authorities in Dong Nai province for disseminating information on Indigenous

Peoples rights, Venerable Duong Khai took refuge at Tro Nom Sek temple in Vinh Long province. There, he lived together with Venerables Thach Quy Lay, Kim Sa Ruong, and Thach Chop.

On 28 March 2024, Venerables Duong Khai, Thach Quy Lay, Kim Sa Ruong, and Thach Chop were arrested at the Tro Nom Sek temple, during a raid by the Vinh Long Police. During the arrest, the Police reportedly dragged Venerable Duong Khai from the temple by force and beat him. All four monks were forcibly defrocked and charged with “Abusing democratic freedoms” (article 331 of the 2015 Criminal Code). On 26 November 2024, a Court in Vinh Long province sentenced Venerable Duong Khai to five years and nine months in prison, while Venerables Thach Quy Lay, Kim Sa Ruong, and Thach Chop were sentenced to two years in prison. Reportedly, the monks were denied access to legal representation and were coerced into signing false statements while in custody.

Mr. Thach Nha

Mr. Thach Nha was arrested by Vinh Long Police on 28 March 2024, during a Police raid on the Tro Nom Sek temple. He had reportedly tried to intervene to prevent the unlawful defrocking and arrest of four Khmer Krom Buddhist monks. Authorities charged him with “Illegally arresting, holding, or detaining people” (article 157 of the 2015 Criminal Code)”, alleging that he obstructed Police officers in the performance of their duties. On 26 November 2024, a Court in Vinh Long province sentenced him to two years and six months in prison. During the trial, no credible evidence has been presented indicating that Mr. Nha used force or detained anyone unlawfully. According to observers, his actions were limited to peacefully questioning the legality of the raid and calling for due process. The prosecution relied on coerced testimony and did not allow independent legal counsel to represent him.

Mr. Kim Khu

In the morning of 1 April 2024, local authorities demolished the lecture hall used for Khmer language education near the Tro Nom Sek temple, citing lack of construction permits. Mr. Kim Khu attempted to oppose the destruction of the hall and as a result Vinh Long Police arrested him. He was subsequently charged with “Abusing democratic freedom” (Article 331 of the 2015 Criminal Code). On 26 November 2024, a Court in Vinh Long province sentenced him to two years in prison. The trial was conducted without public notice, and his legal representation remains unknown.

Freedom of expression online and offline

Concerns persist regarding the vague and overly broad provisions of Viet Nam’s Criminal Code (Law No. 100/2015/QH13), particularly article 117, which criminalizes “Making, storing, spreading information, materials, items for the purpose of opposing the State of the Socialist Republic of Viet Nam,” and article 331, which penalizes “Abusing democratic freedoms to infringe upon the interests of the State, lawful rights and interests of organizations and/or

citizens”. These provisions have reportedly been used to impose criminal and administrative penalties on individuals, including among members of the Khmer Krom community, for peacefully exercising their rights to freedom of expression and peaceful assembly.

In addition, a range of legal instruments such as the 2018 Law on Cybersecurity, Decree No. 15/2020/ND-CP on administrative violations related to information and communication technologies, Decree No. 53/2022/ND-CP elaborating on the Cybersecurity Law, and the recently adopted Decree No. 147/2024/ND-CP on the management and use of internet services and cyberinformation, have been used to further restrict online expression, including among members of the Khmer Krom community.

Additional cases of the alleged arbitrary arrest, questioning, detention, incommunicado detention, torture and ill-treatment, and sentencing of Khmer Krom community members in relation to their online and offline exercise of fundamental freedoms and activism to promote the rights of Indigenous Peoples include the following:

Venerable Kim Som Rinh

On 25 March 2024, Venerable Kim Som Rinh was stripped of his monk status by the VBS. According to the VBS, the defrocking was due to the fact that Venerable Kim Som Rinh refused three times to accept an invitation from the state-run Patriotic Monks’ Solidarity Association of Tra Vinh province; that he posted or shared untrue images and videos on social networking sites with content that “caused insecurity and threatened social order”; that he invited monks and Buddhists to participate in his own activities, causing “disunity in the temple and the community”; and that he is an ordained monk, “who is difficult to teach, stubborn and does not comply with the canon law and teachings of the abbot and leaders at all levels of the association”.

On 27 March 2025, Tra Vinh Police arrested Venerable Kim Som Rinh. He was charged with “Abusing democratic freedoms” (article 331 of the 2015 Criminal Code). He is currently held in pre-trial detention. Relatives reported that he has been denied access to legal counsel and the right to family visitation.

Mr. Thach Nga and Mr. Thach Xuan Dong

On 8 March 2025, local authorities barred Mr. Thach Xuan Dong from attending the International Women’s Day. The previous day, Mr. Thach Nga’s home was placed under surveillance by the Police. However, he managed to elude monitoring and attended the event.

On 27 March 2025, Tra Vinh Police arrested Mr. Thach Nga and Mr. Thach Xuan Dong. They were charged with “Abusing democratic freedoms” (article 331 of the 2015 Criminal Code) and are currently held in pre-trial detention. Relatives report that the two have been denied access to legal counsel and the right to family visitation.

Mr. Danh Minh Quang

On 3 March 2023, Mr. Danh Minh Quang was temporarily detained and reportedly tortured by Soc Trang Police. During the interrogation, he was reportedly asked about his activism for the rights of Khmer Krom, forced to sign documents pledging not to participate in community activities and warned explicitly to stop all activism, especially any references to human rights and UN documents, possibly indicating reprisal motives related to perceived cooperation with UN Human Rights Mechanisms. In May 2023, Mr. Danh Minh Quang participated in a meeting with the US Commission on International Religious Freedom (USCIRF), during their visit to Viet Nam.

Mr. Danh Minh Quang was again arrested by Soc Trang Police on 31 July 2023 and charged with “Abusing democratic freedoms” (article 331 of the 2015 Criminal Code) for using his personal social media accounts “to post and live-stream videos which violated Vietnamese laws”. His home was searched and electronic devices seized. On 7 February 2024, a Court in Soc Trang province sentenced him to three years and six months in prison. While in custody, he was reportedly subjected to beatings and threats, including a warning that he could “disappear” like others if he did not stop his activism. Authorities denied him legal counsel, and his family was not informed of his trial date.

Mr. To Hoang Chuong and Mr. Thach Cuong

Because of his peaceful activism, on 20 June 2023, Mr. To Hoang Chuong was detained by Soc Trang Police and reportedly hit in the head when he was interrogated, resulting in swelling and pain. During detention, he was reportedly questioned about posts referencing international human rights norms, raising concerns of reprisal for perceived cooperation with UN Human Rights Mechanisms.

On 30 July 2022, Mr. Thach Cuong was held in custody and interrogated by Ho Chi Minh City Police. At that time, Mr. Thach Cuong was together with another Khmer Krom youth, Mr. Duong Khai, in Ho Chi Minh City, where they were planning to meet with the owner of a restaurant to discuss organization of a Khmer Krom cultural dinner event. The information about the event was posted on social media. Once arrived at the location, Mr. Thach Cuong and Mr. Duong Khai found the Police waiting for them. They were reportedly held in custody and brought to a Police station in the city, where they were interrogated for several hours, in separate rooms, about the Khmer Krom event they wanted to organize. At around mid-night, the two were released.

On 31 July 2023, Mr. To Hoang Chuong and Mr. Thach Cuong were arrested by Tra Vinh Police and subsequently charged with “Abusing democratic freedoms” (article 331 of the 2015 Criminal Code). On 20 March 2024, in a closed-door trial, a Court in Tra Vinh province sentenced Mr. To Hoang Chuong to four years in prison and Mr. Thach Cuong to three years and six months in prison. Their families were not informed of the trial date, and they were denied legal representation. On 23 May 2024, the Appellate Court in Tra Vinh province upheld the first instance sentence. During their detention, both men were

reportedly interrogated about their online activities and support for Buddhist monks and Indigenous Peoples rights. They were reportedly coerced into making false confessions.

Mr. Danh Set

Mr. Danh Set was detained and questioned by the Soc Trang Police on 18 February 2022. During the interrogation, the Police reportedly questioned him about sharing information on the Internet, his contact with Khmer Krom individuals outside Viet Nam, and with Mr. Duong Khai. He reported being threatened with imprisonment and that his family's livelihood would be targeted if he did not cooperate. Mr. Danh Set was allegedly hit on the head with a water bottle during the interrogation and forced to sign a confession letter in which he accused Mr. Duong Khai. Mr. Danh Set was finally released on 19 February 2022, after he accepted to sign the letter. He was denied access to a lawyer during the entire process of interrogation and no legal documents were provided to him with the reasons of his temporary detention.

On 31 March 2023, Mr. Danh Set was summoned to Soc Trang Police headquarters. He had recently attended a Khmer Krom cultural celebration. He was detained for over 24 hours, during which Police subjected him to continuous questioning without food or water. Authorities forced him to sign a false confession implicating other Khmer Krom activists and organizations, including the Khmers Kampuchea Krom Federation, in illegal activities. During the interrogation, Mr. Danh Set was threatened with economic siege. The Police made it clear that if he did not stop his peaceful advocacy work, his family members would face severe economic consequences. He was released without charges.

Mr. Lam Vong

Mr. Lam Vong was arrested on 19 June 2023 by Soc Trang Police after visiting a fellow activist's home. He was detained for 33 hours and subjected to physical abuse. Mr. Lam Vong was released at 7 p.m. on 20 June 2023, after 33 hours of detention. His detention was not documented in official records, and he was released without charge. During interrogation, the Soc Trang Police reportedly asked him about his advocacy work, including the distribution of the UNDRIP, the promotion of Khmer Krom identity, and his wearing T-shirts featuring symbols such as the indigenous Khmer Krom flag. He was reportedly forced to reveal contacts with Khmer Krom activists and threatened with further reprisals.

Without prejudging the accuracy of the allegations, we express grave concern that the information received may indicate a consistent and systemic pattern of arrest, detention, including undocumented and short-term detention prosecution, and ill-treatment of Khmer Krom individuals, including human rights defenders, youth, Theravada Buddhist monks, and followers. These actions appear to be aimed at repressing their peaceful efforts to assert Indigenous Peoples' identity, exercise their cultural rights through the promotion and transmission of their cultural and linguistic heritage, and exercise their rights to freedom of expression and freedom of religion or belief. We are further alarmed by reports of intimidation and coercion targeting

individuals who self-identify as Indigenous Peoples, which may amount to de facto policies of forced religious and ethnic assimilation in violation of international human rights standards.

Furthermore, the alleged incidents suggest a broader strategy of intimidation directed at religious leaders and members of independent minority religion or belief groups, aimed at preventing them from engaging in legitimate and peaceful activities, including observing international commemorative days, disseminating United Nations standards such as the UNDRIP, and cooperating with civil society and UN human rights mechanisms. The reported suppression of such activities not only undermines the freedoms of expression, religion or belief, and association, but also has a profound chilling effect on broader civic space, deterring others, particularly human rights defenders, from raising concerns related to the rights of Indigenous Peoples and marginalized communities.

We respectfully remind your Excellency's Government of its obligations under international human rights law, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, to respect, protect and fulfil the rights to liberty and security of person, freedom of expression, freedom of religion or belief, cultural rights and the full rights of minorities to enjoy their own culture, profess and practice their religion, and use their own language. We urge the Government to take all necessary measures to ensure the physical and psychological integrity of all detained individuals, prevent further acts of harassment or intimidation against members of the Khmer Krom community, and guarantee that no one is criminalized or retaliated against for peaceful human rights advocacy.

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 on what measures have been taken by your Excellency's Government to prevent and address widespread arbitrary arrest and ill-treatment of Khmer Krom Indigenous Peoples and human rights defenders who are targeted for their peaceful human rights activism. Where available, please provide the results of any investigation and judicial or other official inquiries carried out in relation to the above-mentioned allegations. If no investigation has been initiated, please explain why.
3. Please provide information on the measures taken by your Excellency's Government to ensure that diverse ethnic communities in Viet Nam, including Indigenous Peoples, can freely express their identity, use their

own language, practice and transmit their religion or belief and customs without fear of intimidation.

4. Please provide information on the actions taken by your Excellency's Government to ensure that all human rights defenders, including Indigenous human rights defenders, can operate in a safe and enabling environment, and carry out their activities, including the exercise of their right to freedom of expression, without fear of reprisals or intimidation, in line with Viet Nam's international human rights obligations.
5. Please provide precise information on any measures taken to prevent acts of intimidation or reprisals against any individual or human rights defender who seeks to cooperate with United Nations, its representatives and mechanisms in the field of human rights, and other foreign diplomatic representatives.

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.

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.

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

Alexandra Xanthaki
Special Rapporteur in the field of cultural rights

Farida Shaheed
Special Rapporteur on the right to education

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

Albert K. Barume
Special Rapporteur on the rights of Indigenous Peoples

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 your Excellency's Government's attention to the applicable international human rights norms and standards as well as authoritative guidance on their interpretation.

We would like to refer your Excellency's Government to article 19 of the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), ratified by Viet Nam on 24 September 1982, which guarantee the rights to freedom of opinion and expression. Freedom of expression is the cornerstone of democracy, which allows individuals and groups to enjoy several other human rights and freedoms.

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 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 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 any restrictions must be "the least intrusive instrument among those which might achieve their protective function" ([CCPR/C/GC/34](#), para. 34).

We would also like to refer to article 3 of the UDHR and article 9 of the ICCPR, which state that everyone has the right to liberty and security of person. Article 9 of the ICCPR further states that no one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such

procedures as are established by law.

According to deliberation No. 10 on reparations for arbitrary deprivation of liberty of the Working Group on Arbitrary Detention, all victims of arbitrary deprivation of liberty are entitled to an enforceable right before the competent national authority to prompt and adequate reparations, which should be proportional to the gravity of the violations and the harm suffered.

We would like to reiterate that the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment is codified in article 5 of UDHR and article 7 of the ICCPR. The latter provides that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” In addition, articles 2 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), ratified by Viet Nam on 5 February 2015, further states that each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction. Article 12 of the CAT requires that each State Party ensures that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

We would like to refer to article 18 of the ICCPR which stresses that “Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom [...] either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.” The Commission on Human Rights (resolution 2005/40, paragraph 4d), the Human Rights Council (resolution 6/37) and the General Assembly (resolution 65/211, paragraph 12g) have reiterated the obligation of the States to ensure the right of all persons to worship or assemble in connection with a religion or belief, including of those not belonging to a religion or belief recognised by a State through a registration procedure.

In this regard, registration requirements established by the national law should not constitute an impairment for the peaceful exercise of the right to freedom of religion or belief and the subsequent right to freedom of worship. According to the Special Rapporteur on freedom of religion or belief, the registration should not be compulsory and it should not represent a precondition for practising one's religion, but only for the acquisition of a legal personality and related benefits; in the latter case, registration procedures should be easy and quick and not depend on extensive formal requirements in terms of the number of members or the time a particular religious group has existed; moreover, the registration should not depend on reviews of the substantive content of the belief, the structure, the clergy, etc. (see E/CN.4/2005/61, paras. 56-58).

We would like to remind your Excellency's Government that according to article 2 of the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, “discrimination based on religion or belief means any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis”. The 1981 Declaration further states in its article 2(1): “[n]o one shall be subject to discrimination by any State, institution, group of persons, or person on grounds of

religion or other belief." In article 4(1), the General Assembly establishes that: "All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms [...]" According to article 4(2) of the 1981 Declaration: "All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter".

We would like to also bring to the attention of your Excellency's Government that article 12, coupled with article 2.2 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), to which Viet Nam acceded on 24 September 1982, which enshrines the right of everyone, including prisoners and detainees, to the enjoyment of the highest attainable standard of physical and mental health. In its general comment No. 14, the Committee on Economic, Social and Cultural Rights (CESCR Committee) reiterates that "States are obliged to respect the right to health by, inter alia, refraining from denying or limiting equal access for all persons, including prisoners or detainees, to preventive, curative and palliative health services."

Additionally, we would like to refer to the Mandela Rules, adopted unanimously by the UN General Assembly (A/RES/70/175), which recognize the responsibility of States to provide health care for prisoners, free of charge without discrimination (rule 24), paying special attention to those with special healthcare needs or with health issues that hamper their rehabilitation (rule 25) and indicate that prisoners requiring specialized treatment shall be transferred to specialized institutions or to civil hospitals (rule 27).

Moreover, we wish to refer to the report of the former Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, in which he makes reference to the fact that "[i]n contexts of confinement and deprivation of liberty, violations of the right to health interfere with fair trial guarantees, the prohibition of arbitrary detention and of torture and other forms of cruel, inhuman or degrading treatment, and the enjoyment of the right to life" and that "[v]iolations of the right to health emerge as both causes and consequences of confinement and deprivation of liberty". He also stresses that "for the right to health to be enjoyed in detention centres, health-care facilities, goods and services must be available, accessible, acceptable and of good quality". In addition, the Special Rapporteur urges States to "[f]ully abide by, and implement, the Nelson Mandela Rules, in particular as regards the provision of health care in prisons".

We would also like to refer your Excellency's Government to its obligations under article 13 of the ICESCR, which protects the right of all persons to education. Article 13(2), as clarified by the CESCR Committee, provides an obligation of State parties to take positive measures to ensure that education is culturally appropriate for minorities and Indigenous Peoples (general comment No. 13, para. 50).

We would also like to remind your Excellency's Government of its obligations under article 15 of the ICESCR, relating to the right of everyone to take part in cultural life. As stressed by the Committee on Economic, Social and Cultural Rights, article 15, paragraph 1 (a), of "the Covenant also includes the right of minorities and of persons belonging to minorities to take part in the cultural life of society, and also to conserve,

promote and develop their own culture. This right entails the obligation of States parties to recognize, respect and protect minority cultures as an essential component of the identity of the States themselves. Consequently, minorities have the right to their cultural diversity, traditions, customs, religion, forms of education, languages, communication media (press, radio, television, Internet) and other manifestations of their cultural identity and membership”. (general comment 21, para. 32).

Under article 15, States Parties have also undertaken to respect the enjoyment and development of cultural practices and respect the freedom indispensable for creative activity. The Committee on Economic, Social and Cultural Rights, in its 2009 general comment 21 on the right to take part in cultural life (E/C.12/GC/21) stressed that States must refrain from interfering with the exercise of and the access to cultural practices, goods and services. It further recalled the right of everyone to seek, receive and impart information and ideas of all kinds and forms including art forms; to enjoy the freedom to create, individually, in association with others, or within a community or group, which implies that States parties must abolish censorship of cultural activities in the arts and other forms of expression. It also recalled the right of everyone to access to their own cultural and linguistic heritage and to that of others (E/C.12/GC/21, paragraph 44, 48, 49).

The CESCR Committee, in its general comment No. 21 (2009) on the right to take part in cultural life (E/C.12/GC/21), stressed that States parties should take measures to guarantee that the exercise of the right to take part in cultural life takes due account of the values of cultural life, which may be strongly communal or which can only be expressed and enjoyed as a community by Indigenous Peoples. The strong communal dimension of Indigenous Peoples’ cultural life is indispensable to their existence, well-being and full development, and includes the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired. Indigenous Peoples’ cultural values and rights associated with their ancestral lands and their relationship with nature should be regarded with respect and protected, in order to prevent the degradation of their particular way of life, including their means of subsistence, the loss of their natural resources and, ultimately, their cultural identity. States parties must therefore take measures to recognize and protect the rights of Indigenous Peoples to own, develop, control and use their communal lands, territories and resources (para. 36). Furthermore, States parties must also respect the rights of Indigenous Peoples to their culture and heritage and to maintain and strengthen their spiritual relationship with their ancestral lands and other natural resources traditionally owned, occupied or used by them, and indispensable to their cultural life (para. 49 d).

General comment No. 21 (2009) also recalls that States have the obligation to respect and protect cultural heritage in all its forms. Cultural heritage must be preserved, developed, enriched and transmitted to future generations as a record of human experience and aspirations. Such obligations include the care, preservation and restoration of historical sites, monuments, works of art and literary works, among others (E/C.12/GC/21, para. 50).

Cultural and religious sites are also critical resources for safeguarding, questioning and transmitting historical knowledge and narratives of the past. The Special Rapporteur in the field of cultural rights warns against the fact that “dominant

homogenizing narrative blanches out diversity, ignoring the cultural heritage of everyone outside the group in power, simultaneously depriving the majority of the opportunity to understand the complexity of their country” (A/68/296, para.31). In addition, in her report on intentional destruction of cultural heritage as a violation of human rights, the former Special Rapporteur in the field of cultural rights recommended that States respect and protect tangible and intangible cultural heritage, and that they take appropriate legislative, administrative, educational and technical measures to prevent, avert, stop and suppress intentional destruction of heritage. She also recommended that States tackle, in accordance with international standards, extremist and fundamentalist ideologies, sectarianism and discriminatory attitudes towards, inter alia, those with different views, minorities, Indigenous Peoples and women, which often lead to cultural cleansing in the form of cultural heritage destruction (A/71/317, para. 78 a), c) and p)).

Furthermore, the former Special Rapporteur on cultural rights stressed that ensuring the mutual protection of cultural rights and cultural diversity shall be based on (a) the recognition of the diversity of cultural identities and expressions; (b) equal treatment and respect for the equal dignity of all persons and communities, without discrimination based on their cultural identities; and (c) openness to others, discussion and intercultural exchanges (A/HRC/14/36, para. 30).

The UN Declaration on the Rights of Indigenous Peoples (UNDRIP), which was adopted in 2013 with a positive vote from your Excellency’s Government, in its article 1, states that Indigenous Peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law. This includes the rights to life, physical and mental integrity, liberty and security of person (article 7). It further provides in article 2 that Indigenous Peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular based on their indigenous origin or identity.

The UNDRIP elaborates upon existing binding rights in the specific cultural, historical, social and economic circumstances of Indigenous Peoples. These fundamental human rights include equality and non-discrimination, personal integrity, culture, education, health and property, all of which are recognized in the principal human rights treaties ratified by Viet Nam. Article 12 of the UNDRIP stipulates that Indigenous Peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites. Article 13 Further elaborates that Indigenous Peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons. And article 10 provides that Indigenous Peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

We would like to remind Your Excellency’s Government that the legitimate role of human rights defenders is recognised by international law and referred to 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 articles 1 and 2 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, point a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms;
- 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.