



8 November 2017

Prime Minister Nguyen Xuan Phuc
Government of the Socialist Republic of Vietnam

01 Hoang Hoa Tham
Ba Dinh District
Hanoi
S.R. Vietnam

Joint Letter

RE: Civil society organisations call for the immediate and unconditional release of Mr. Nguyễn Bắc Truyển

Dear Prime Minister,

We are writing to express our deep concern about the arrest of the human rights defender **Nguyễn Bắc Truyển** and his incommunicado, arbitrary, detention since the end of July 2017, and to request his immediate and unconditional release.

Mr. Nguyễn Bắc Truyển was last seen on July 30, 2017 while he was waiting for his wife near his workplace at the Redemptorist Church in Ho Chi Minh City. Later that day, the website of the Ministry of Public Security (MPS) announced that he had been arrested along with three other human rights defenders and is alleged by the authorities to have violated Article 70 of the Vietnam Penal Code, which concerns "acting to overthrow the people's government", allegedly in connection with the case of human rights lawyer **Nguyễn Văn Đài** and his assistant **Lê Thu Hà**, who have been detained without trial since December 2015.

Nguyễn Bắc Truyển is a Hoa Hao Buddhist born in 1968. He was the first entrepreneur in Vietnam to voluntarily introduce social compliance and gender equality standards in his business operations, which he did with his two companies in 2004. Police arrested him for the first time in 2006 and later sentenced him to three and a half years followed by two years of house arrest on a charge of "propaganda against the state" under Article 88 of the Penal Code. The charge arose out of his pro-democracy writing and activism.

After his release in 2010 he participated in the Vietnamese Political and Religious Prisoners Friendship Association, an organization which assists impecunious prisoners and their

families. As a legal expert he provided pro-bono legal assistance to families of political prisoners, victims of land grabbing and persecuted religious communities in Southern Vietnam. From 2014 until his most recent arrest he was the coordinator of the assistance program for people rendered disabled by war of the Catholic Redemptorist Bureau for Justice and Peace. Truýễn was a 2011 recipient of the Hellman/Hammett award from Human Rights Watch in recognition of his human rights work.

Mr. Truýễn married in 2013 and was living with his wife, Ms Bùi Thị Kim Phụng in Dong Thap Province, where the two also advocated for the rights of persecuted Hoa Hao Buddhists. On February 9, 2014 he was detained for one day and expelled from their home. Days later, after receiving threats, Ms Bùi Thị Kim Phụng also fled their home to join him in Ho Chi Minh City where they have been living since, unable to return to Dong Thap.

The circumstances of Mr. Truýễn's arrest remain unclear. Nearly three weeks after his arrest, a note from the MPS dated August 14, 2017 and delivered four days later, informed his family that he was being held at Detention Center B14 in Hanoi, 1600 km away from Ho Chi Minh City. Since his arrest he has not been allowed any visit or contact with his wife and his lawyers. Officials at Detention Center B14 have repeatedly rejected Ms Bùi Thị Kim Phụng's requests to visit him. The MPS Security Investigation Bureau also denied his lawyer's request to visit him on August 30, 2017. In the absence of any procedural safeguards, we consider the arrest and detention of Mr. Truýễn on July 30, 2017 to have been arbitrary in contravention of Vietnam's international legal obligations under the International Covenant on Civil and Political Rights (ICCPR) and according to the criteria adopted by the UN Working Group on Arbitrary Detention.

Since Mr. Truýễn's arrest, we received regular reports that MPS officials have continuously harassed his friends and relatives. The police have summonsed several Hoa Hao Buddhists for interrogation about their relationship with Mr. Truýễn. Officials allegedly advised Mr. Truýễn's friends not to offer any support to Bùi Thị Kim Phụng's or to assist her efforts to travel to Hanoi to provide him with food and medicine. While she has been able to deliver food to Detention Center B14, the prison administration has refused to provide her with any signed document from Mr. Truýễn, attesting that he has received the delivery. At the time of writing, officials have not even been allowed Mr. Truýễn to call his wife by phone.

Vietnam is a state party to the ICCPR and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and is obligated to uphold the rights of all persons deprived of their liberty, including the right to be brought promptly before a judge and to access legal counsel, as well as to be treated with humanity and dignity and not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (other ill-treatment). These rights are being violated by the continuing incommunicado detention of Mr. Truýễn. In addition, any detained person has the right to take proceedings to a judicial authority to challenge the lawfulness of his or her detention through habeas corpus or similar proceedings.

The prolonged incommunicado detention of Nguyễn Bắc Truýễn, which has now lasted almost three months, constitutes a violation of the prohibition on torture and other ill-treatment under ICCPR's Article 7 and CAT, as well as the ICCPR's Article 10 which guarantees persons deprived of their liberty the right to be treated with humanity and dignity. While Vietnamese Criminal Procedure Code Article 58 provides for the suspension of the participation of legal counsel in cases involving charges of infringing national security until the conclusion of the investigation, this provision itself violates the right of access to

legal counsel under international human rights law and cannot be used to justify acts that constitute torture or other ill-treatment, the prohibition of which is absolute.

In addition we are concerned that in addition to the violations outlined above, Mr. Truỳnh's detention under Penal Code Article 79, is itself a violation of a number of rights guaranteed under the ICCPR, including under Article 9, which prohibits arbitrary deprivation of liberty.

We are similarly concerned that the arrest may have been undertaken in response to his exercise of international protection rights as a human rights defender, including those guaranteed under ICCPR Article 18, which provides for the right to freedom of thought, conscience and religion; and Article 19, which provides for freedom of expression. We recall that under the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders) Viet Nam has a responsibility to protect and facilitate the work of human rights defenders, not curtail it.

Mr. Truỳnh is a human rights defender who has peacefully exercised his right to freedom of expression to advocate for the rights of others, and has been detained solely for his beliefs and the peaceful exercise of rights protected under international human rights standards. We call on the government of Vietnam to immediately and unconditionally release Nguyễn Bắc Truỳnh and all other persons who are arbitrarily detained, and to cease harassment of his family, colleagues and fellow activists.

Sincerely and respectfully yours,

Amnesty International

ASEAN Parliamentarians for Human Rights

Asian Forum for Human Rights and Development (FORUM-Asia)

Boat People SOS

Christian Solidarity Worldwide

Civil Rights Defenders

Front Line Defenders

Human Rights Watch

Human Rights Without Frontiers International

International Commission of Jurists

International Federation for Human Rights (FIDH), within the framework of the
Observatory for the Protection of Human Rights Defenders

Stefanus Alliance International

VETO! Human Rights Defenders' Network

Vietnam Committee on Human Rights

World Organization Against Torture (OMCT), within the framework of the Observatory for
the Protection of Human Rights Defenders