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Minister of Public Security
Ministry of Public Security
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Dear Minister

OPEN LETTER: ARRESTS AND VIOLENCE AT HUMAN RIGHTS PICNICS

I am writing to you to convey Amnesty International's deep concern over events that took place on 5 and 6 May 2013. Young people attempting to hold peaceful outdoor picnics to discuss human rights were prevented from doing so by security police, and several bloggers taking part in the picnics were arrested and beaten.

The picnics were organized for people to meet peacefully and discuss and learn about the rights contained in the Universal Declaration of Human Rights (UDHR) in parks in Viet Nam's three main cities – Ha Noi, Ho Chi Minh City and Nha Trang.

However, rather than allow these small peaceful gatherings to take place, security police tried to prevent people from participating and created various obstacles to interrupt the meetings: Large numbers of security police were present; metal barriers and barbed-wire fences were erected to block access; music was played over loud-speakers to interrupt the activities; and hosepipes were used to spray water so that participants had to move from where they were seated.

Most concerning, several bloggers at the events were arrested and beaten. While the event at Nghia Do park in Ha Noi went ahead in the presence of a large number of security police, events at The April 30 park in Ho Chi Minh City and at Bach Dang park in Nha Trang were eventually dispersed.

In Nha Trang, police prevented blogger Nguyen Ngoc Nhu Quynh (known as Mother Mushroom) from going to the picnic area, and some violence was reported against participants. Additionally, in Hai Phong, security police surrounded the home of writer Pham Thanh Nghien where some were going to meet and prevented visitors from entering, verbally abusing Pham Thanh Nghien and her mother.

In Ho Chi Minh City, two bloggers, Nguyen Hoang Vi and Vo Quoc Anh were violently arrested. They had handed out copies of the UDHR. Two others – blogger Nguyen Sy Hoang, and Chao Van Thi, a seaman – were also arrested. All were released from police detention between nine and 12 hours later, having reportedly been beaten during interrogation.

The following day, on 6 May, Nguyen Hoang Vi, her sister Nguyen Thao Chi and mother Nguyen Thi Cuc, returned to the police station where Nguyen Hoang Vi had been held, to retrieve possessions that had been confiscated. There they were reportedly harassed and beaten by thugs, possibly in collusion with the police: Nguyen Thao Chi had teeth knocked out, and Nguyen Thi Cuc had a burning cigarette stubbed out on her face. After they left the police station for safety and medical care, thugs continued to harass them.

FREEDOM OF EXPRESSION AND PEACEFUL ASSEMBLY

Amnesty International reminds you that the rights to freedom of expression and peaceful assembly are both enshrined in the UDHR, and provided, in legally binding form, by the International Covenant on Civil and Political Rights (ICCPR), to which Viet Nam is a state party.

The ICCPR provides, among other things that everyone shall have the right to hold opinions without interference, and that everyone shall have the right to freedom of expression including freedom 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 of his choice (Article 19). Further, the right of peaceful assembly is guaranteed. State parties to the ICCPR shall place no restrictions on the exercise of the right to peaceful assembly other than those imposed in conformity with the law and which are necessary in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others (Article 21).

While both these articles provide for the imposition of restrictions on these rights in certain circumstances, restrictions must be applied narrowly. In its General Comment on Article 19, the Human Rights Committee which monitors compliance of the ICCPR stated that restrictions “may not put in jeopardy the right itself,” must “meet a strict test of justification” and “must be applied only for those purposes for which they were prescribed and must be directly related to the specific need on which they are predicated.” Specifically, the Committee added that the provision for restrictions on freedom of expression “may never be invoked as a justification for the muzzling of any advocacy of... human rights.”

Amnesty International is concerned that the crackdown, at times violent, on peaceful picnics set out to discuss human rights cannot be justified as compliant with the provisions for restrictions in the ICCPR and is therefore in violation of the key rights to freedom of expression and peaceful assembly.

HUMAN RIGHTS DEFENDERS

The Declaration on Human Rights Defenders, adopted unanimously (without a vote) by the UN General Assembly, states among other things that “[e]veryone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” (Article 1).

The Declaration goes on to state that everyone has the right to meet or assemble peacefully for the purpose of promoting and protecting human rights; and that everyone has the right to seek, receive and hold information about all human rights and fundamental freedoms. This includes the right to study, discuss, and hold opinions on the observance of human rights, and to draw public attention to this.

UNNECESSARY USE OF FORCE AND ILL-TREATMENT

Amnesty International is deeply concerned about the use of unnecessary force by the Vietnamese authorities against those who were arrested and beaten, as well as the harassment and other measures taken to prevent the peaceful picnics from going ahead.

Amnesty International is further concerned that the physical attacks of the kind inflicted on Nguyen Hoang Vi’s sister Nguyen Thao Chi and mother Nguyen Thi Cuc may have violated their right to freedom from torture and other cruel, inhuman or degrading treatment or punishment, which is absolute, and provided *inter alia* in Article 7 of the ICCPR.

RECOMMENDATIONS

In order to uphold the right to freedom of expression and peaceful assembly, and ensure that there is accountability for the human rights violations which occurred on 5 and 6 May 2013, Amnesty International recommends that your government:

- Immediately launch an independent, impartial and effective investigation into these incidents, and ensure that those responsible for human rights violations, in particular, unnecessary use of force and ill-treatment of peaceful activists, are brought to justice;
- Commit publicly to respecting the rights to freedom of expression and peaceful assembly, and to protect the important work carried out by human rights defenders; and
- Publicly condemn the use of cruel, inhuman or degrading treatment or punishment at the time of arrest and detention, and ensure that strong internal and accountability mechanisms are in place to deal with cases of police abuse involving human rights violations.

Similar peaceful events to discuss human rights may take place in Viet Nam in the future. It is our sincere hope that participants will be able to attend such events free from harassment, threats and the fear of criminalization.

In the interests of transparency, we will make a copy of this letter available on our website from 10 May 2013. Should you have any questions regarding Amnesty International's concerns, we would welcome the opportunity to discuss these matters with you and other government representatives.

Yours sincerely

Isabelle Arradon
Asia Pacific Deputy Director

CC:

Ambassador Vu Quang Minh, Embassy of the Socialist Republic of Viet Nam, United Kingdom;
Minister of Foreign Affairs Pham Binh Minh, Ministry of Foreign Affairs, Ha Noi, Socialist Republic of Viet Nam.