

URGENT ACTION

PRISONER OF CONSCIENCE SUBJECT TO ILL-TREATMENT

Trần Huỳnh Duy Thức, a human rights defender and prisoner of conscience, serving a 16-year sentence has been transferred to a remote prison in northern Viet Nam. This is more than a full day's drive from his family home. He is being subjected to ill-treatment treatment for his refusal to carry out prison labour, which violates the international prohibition on torture and other cruel, inhuman or degrading treatment.

In May 2016 **Trần Huỳnh Duy Thức** was unexpectedly transferred from Xuyên Mộc prison camp in Bà Rịa-Vũng Tàu province to Prison No 6 in Nghệ An province in northern Viet Nam, known for its harsh treatment of prisoners. Nghệ An province is 24 hours by road from his family home in Ho Chi Minh City and has high summer temperatures of around 40 degrees. This makes conditions in a small concrete cell without electricity extremely uncomfortable. Trần Huỳnh Duy Thức informed his family that since 8 August the authorities have turned off the electricity in his cell as a punishment for his refusal to carry out prison labour, consisting of making fake money for burning during funerals, as is customary in Viet Nam. On his transfer to Prison No 6, Trần Huỳnh Duy Thức undertook a two-week hunger strike in protest at the lack of rule of law in Viet Nam.

Trần Huỳnh Duy Thức's family told Amnesty International that he was handcuffed during his prison transfer in May. His family was not informed, but learnt through the relative of another inmate, that he had been moved. In the previous months the prison authorities had refused to transmit letters between Trần Huỳnh Duy Thức and his family, in violation of his right to communicate with his family, and had threatened him with reprisals for his demands for human rights for prisoners. He had also been under pressure to agree to be relocated to the USA as a condition of his release; he has consistently rejected this offer.

Disciplinary measures which impact on general living conditions are prohibited by the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). In no circumstances should disciplinary measures constitute torture or other cruel, inhuman or degrading treatment or punishment.

Please write immediately in Vietnamese, English or your own language:

- Calling on the authorities to release Trần Huỳnh Duy Thức immediately and unconditionally as he is a prisoner of conscience held solely for exercising his right to freedom of expression and opinion;
- Urging that while detained Trần Huỳnh Duy Thức is treated in accordance with the UN Nelson Mandela Rules for the treatment of prisoners, and is not subjected to torture or other ill-treatment;
- Urging that while he is detained he is moved to a detention facility closer to his family, allowing full access to them, through visits and correspondence, and to a lawyer and medical treatment as necessary.

PLEASE SEND APPEALS BEFORE 7 OCTOBER 2016 TO:

Prime Minister

Nguyễn Xuân Phúc
Prime Minister's Office
Hà Nội, Việt Nam
Online contact form:
<http://primeminister.chinhphu.vn/Utilities/Contact.aspx>

Salutation: **Your Excellency**

Minister of Public Security

To Lam
44 Yết Kiêu St. Hoàn Kiếm District
Hà Nội, Việt Nam
Online contact:
http://www.mps.gov.vn/web/guest/contact_english

Salutation: **Dear Minister**

And copies to:

Minister of Foreign Affairs and Deputy Prime Minister
Phạm Bình Minh
Ministry of Foreign Affairs
1 Ton That Dam Street, Ba Dinh district
Hà Nội, Việt Nam
Fax: + 844 3823 1872
Email: ttl.mfa@mofa.gov.vn

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Trần Huỳnh Duy Thức is an entrepreneur, blogger and human rights defender, and co-author of “The Path of Viet Nam” (*Phong Trào Con Đường Việt Nam*), which makes recommendations for governance reform. He has been held in numerous detention facilities since his arrest in May 2009, when he was initially charged with “theft of telephone lines”. He was subsequently charged under Article 88 of the 1999 Penal Code for “conducting propaganda” against the state. At his trial in January 2010 he was charged and convicted of activities aimed at “overthrowing” the state under Article 79 of the Penal Code. During the trial he claimed that he had been tortured during pre-trial detention in an attempt to force him to confess. He was sentenced to 16 years’ imprisonment with an additional five years’ house arrest on release.

On his transfer to Prison No 6 in May 2016, he undertook a two-week hunger strike in protest at the lack of rule of law in Viet Nam. He has repeatedly called for a judicial review of his conviction and for his acquittal without success.

Viet Nam is a state party to the International Covenant on Civil and Political Rights which guarantees the rights to freedom of expression, association and peaceful assembly. However, these rights are severely restricted in law and practice in Viet Nam. Vaguely worded articles in the national security section of Viet Nam’s 1999 Penal Code are frequently used to criminalize peaceful dissenting views or activities. Those at risk include people advocating for peaceful political change, criticizing government policies, or calling for respect for human rights. Article 79 (Carrying out activities aimed at overthrowing the people’s administration) is frequently used to detain, prosecute and imprison dissidents for their peaceful activism, including bloggers, labour rights and land rights activists, political activists, religious followers, human rights defenders and social justice activists, and even song writers.

Prison conditions in Viet Nam are harsh, with inadequate food and health care that falls short of the minimum requirements set out in the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) and other international standards. Prisoners of conscience have been held in solitary confinement as a punishment for prolonged periods and have been subjected to ill-treatment, including beatings by prison guards and by other prisoners with prison guards failing to intervene. Some prisoners of conscience are frequently moved from one detention facility to another, often without their families being informed of the change in their whereabouts. Several prisoners of conscience have undertaken hunger strikes in protest at abusive treatment and poor conditions of detention. Although Viet Nam has ratified the Convention against Torture, which came into effect in February 2015, insufficient steps have been taken to bring the country into compliance with its obligations under that treaty.

Name: Trần Huỳnh Duy Thức
Gender m/f: m

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