



# General Assembly

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## Human Rights Council

### Forty-fifth session

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Agenda item 3

**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

### **Written statement\* submitted by Jubilee Campaign, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 August 2020]

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\* Issued as received, in the language(s) of submission only.

## Arbitrary and Prolonged Detention in the Socialist Republic of Vietnam

Jubilee Campaign would like to draw the Council's attention to the pattern of arbitrary and prolonged detention of political dissidents, human rights advocates, and religious minorities in Vietnam. This unlawful trend is upheld and perpetuated as a result of flawed legal processes. Despite that provisions require police officers to obtain a prosecutor-issued warrant in order to arrest an individual, many Vietnamese political activists have been detained without warrant as is permitted in the criminal code in "urgent circumstances."<sup>1</sup> In addition to holding individuals without warrants, the Vietnamese government has occasionally "summoned" suspects to local police stations, where they face lengthy interrogations and forced confessions.

Often during periods of detention political activists are denied personal family visits and their right to legal counsel, either self-hired or court-mandated. In the worst scenarios, family members of detained journalists and activists are not notified of the arrest, whereabouts, or health status of the detainee. Prison visits have been curtailed due to social distancing as ordered by the central government in response to the COVID-19 pandemic.

Prominent blogger and critic of the Vietnamese government, Truong Duy Nhat- while seeking protection from the Office of the UN High Commissioner for Refugees in Thailand- was forcibly disappeared for half a year starting in January 2019, during which he received no formal charges and his family remained unbeknownst to his status. Only after six months of isolated detention did Vietnamese authorities inform the public of Nhat's location and allow for a family visit. Another political blogger, Huynh Thi To Nga, who was missing from January to April 2019, remains in detention despite not being formally charged as of November 2019.

"Arbitrary arrest and detention, particularly for political activists and individuals protesting land seizures or other injustices, remained a serious problem. Activists reported Ministry of Public Security officials assaulted political prisoners to extract confessions or used other means to induce written confessions, including instructing fellow prisoners to assault them or making promises of better treatment. Some activists also reported that authorities used routine police interrogations to obtain incriminating information concerning other human rights activists."<sup>2</sup>

### The Case of Nguyen Bac Truyen

Nguyen Bac Truyen is a Vietnamese legal expert and Hoa Hao Buddhist who has been targeted, harassed, and arbitrarily detained by national officials for his peaceful advocacy for religious freedom, human rights, and democracy.<sup>3</sup> Truyen is the co-founder and secretary of the Vietnamese Political & Religious Prisoners Friendship Association, through which he has advocated for the release of prisoners of conscience. His organization provided poverty-stricken prisoners and their families with prison visitation, medical checkups, legal consultation, and scholarships for children. With his legal expertise, Truyen also provided pro-bono legal assistance to persecuted religious minorities and prisoners, and his client base included Catholics, Hoa Hao Buddhists, Hmong and Montagnard Christians, and Cao Dai followers.

Truyen was also the first coordinator of the Vietnam Freedom of Religion or Belief Roundtable, which brought together religious leaders, human rights defenders, and legal experts to promote religious freedom in Vietnam. He co-founded the Vietnam Coalition Against Torture and drafted submissions on torture incidents

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<sup>1</sup> United States Department of State, *Vietnam 2019 Human Rights Report*, 11 March 2020, available at: <https://www.state.gov/wp-content/uploads/2020/03/VIETNAM-2019-HUMAN-RIGHTS-REPORT.pdf>

<sup>2</sup> *ibid.*

<sup>3</sup> The 88 Project, "Nguyen Bac Truyen," last updated 2 August 2020, available at: <https://the88project.org/profile/10/nguyen-bac-truyen/>

to different UN mandate holders. Through his activism in the face of suppression by the Vietnamese government, Truyen has become a victim and a prisoner of conscience himself.

Truyen was first arrested in November 2006 and charged with “conducting propaganda” against the socialist republic, for which he was sentenced to three and a half years in prison. Truyen served out his full sentence and was released in May 2010. As a result of his imprisonment, Truyen’s business and family suffered- his two companies were closed by authorities, and he experienced trouble finding a stable job without being constantly beleaguered by police. Truyen and his wife were constantly being monitored and were evicted from their Dong Thap province home and community.

On July 30, 2017, near his workplace at the Catholic Redemptorist Church in Ho Chi Minh City, Truyen was abducted and transferred to a location where he was detained incommunicado for three weeks.<sup>4</sup> Prior to his arrest, Truyen was working as a coordinator for a war veteran assistance program through the church’s Bureau for Justice and Peace, which aided some 5,000 veterans from the former Republic of South Vietnam now considered by the Vietnamese government as enemies of the state. Truyen was charged under Criminal Code Article 79 for “carrying out activities aimed at overthrowing the people’s administration.”<sup>5</sup> He was targeted for his work with the Church, his pro-bono legal counselling, as well as his engagement with the United Nations.

For several months, Truyen was denied access to legal counsel and medical care, and on April 5, 2018, in a one-day trial that was closed to the public, he was sentenced to 11 years in prison and 3 years on house arrest. Truyen’s appeal was rejected on June 4, 2018, and he has since been transferred to and remains at An Diem Prison, Quang Nam province. In March 2019, Truyen’s wife Bui Thi Kim Phuong attempted to leave Vietnam to travel to the United States to advocate for her husband’s release and raise his story with Congress and the United States Commission on International Religious Freedom (USCIRF).<sup>6</sup> However, the government prohibited her from exiting Vietnam.

The health of Truyen is believed to be worsening while he languishes in prison. In May 2019 it was reported that Truyen, along with numerous other An Diem prisoners coordinated and participated in a hunger strike on May 12 to protest the torture of political prisoner and blogger Nguyen Van Hoa.<sup>7</sup> One other prisoner that participated in the hunger strike, Hoang Duc Binh, was visited by family, who reported that his participation in the strike left him in poor health. It is reasonable to assume that Truyen also suffered similar conditions as a result of his participation in the hunger strike.

In April 2020, USCIRF Commissioner Anurima Bhargava wrote an opinion piece calling for the release of Truyen, stating that his health is “deteriorating” and that prison conditions and regulations prevent him from receiving sufficient food and medical care.<sup>8</sup> Since this report, many activists have recognized that the spread of COVID-19 poses a health risk not only to prisoners in general, but especially those that are suffering from prior medical conditions.

## Call to Action

<sup>4</sup> *ibid.*

<sup>5</sup> Penal Code (No. 15/1999/QH10), *World Intellectual Property Organization*, available at: <https://www.wipo.int/edocs/lexdocs/laws/en/vn/vn017en.pdf>

<sup>6</sup> Tom Lantos Human Rights Commission- United States Congress, *Nguyen Bac Truyen*, available at: <https://humanrightscommission.house.gov/defending-freedom-project/prisoners-by-country/VIETNAM/NGUYEN-BAC-TRUYEN>

<sup>7</sup> The 88 Project, “Nguyen Bac Truyen,” last updated 2 August 2020, *supra note 3*.

<sup>8</sup> Anurima Bhargava and Rep. Harley Rouda, “The rising cost of religious freedom in Vietnam,” *The Hill*, 24 April 2020, available at: <https://thehill.com/blogs/congress-blog/foreign-policy/494450-the-rising-cost-of-religious-freedom-in-vietnam>

USCIRF Commissioner Bhargava and United States Representative Harley Rouda make the following statement explaining that the treatment of Truyen contravenes Vietnam’s own domestic and international religious freedom obligations:

“We acknowledge that the Vietnamese government has made some progress over the past year. Registered religious organizations have been allowed to hold large festivals in public. Attacks by government-affiliated groups against Catholic communities seem to have decreased from previous years. The national government has investigated abuses by local officials against religious communities. Yet, Mr. Truyen’s continued detention – with his health deteriorating and with severe, draconian restrictions on visits and on receiving food and medical supplies – stands counter to the fundamental human right of all persons to worship as they choose. His immediate and unconditional release is necessary to demonstrate the Vietnamese government’s stated commitment to religious freedom.”<sup>9</sup>

### **Recommendations to Vietnam:**

In honor of Nguyen Bac Truyen’s 52<sup>nd</sup> birthday on August 12, 2020, Jubilee Campaign calls on the Vietnamese government to address the following recommendations in regards to Truyen’s case, religious freedom, and human rights:

- Cease the practice of arbitrary detention, prolonged imprisonment, and enforced disappearance of human rights and religious freedom activists and lawyers.
- Release unconditionally and with immediate effect all political and religious prisoners of conscience, including activist Nguyen Bac Truyen.
- Ratify the UN Convention for the Protection of All Persons from Enforced Disappearance.

### **Recommendations to the Council:**

- Hold Vietnam accountable to its domestic and international human rights obligations- and violations thereof- enshrined in the Constitution of the Socialist Republic of Vietnam and the International Covenant on Civil and Political Rights.
  - International Covenant on Civil and Political Rights
    - Article 9: (1) Everyone has the right to liberty and security of person. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.
    - Article 18: (1) Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and 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.

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<sup>9</sup> *ibid.*