

Detained Human Rights Defenders in Vietnam Renew Appeal to United Nations

Berkeley, June 2023 – Four imprisoned human rights defenders in Vietnam and their family members are appealing again to the United Nations to seek the release of their loved ones. The activists, who include an independent journalist and leaders of human rights groups, are targeted with criminal sanctions for criticizing the government. They have filed a new petition with U.N. Special Procedures, independent experts empowered to open an official inquiry about individual cases to the government, urging them to request the activists be released.

“Vietnam has draconian laws criminalizing freedom of expression and human rights work which it selectively enforces to silence dissenting voices,” says Vi Tran, co-director of Legal Initiatives for Vietnam and counsel for the activists. “The country is a one-party state that controls virtually all aspects of public life. Marshaling support from the international community is one of the few tools that can help the brave human rights supporters inside the country.”

Special Procedures has issued previous inquiries to Vietnam about each case, which the Vietnamese government has largely ignored, keeping all four in prison. Advocates continue to raise allegations of arbitrary detention and abuse because the U.N.’s international scrutiny gives them some measure of protection. It is not unusual for activists struggling under authoritarian rule to make repeated appeals to U.N. human rights mechanisms to keep international attention on their situation.

“Special Procedures is the only human rights mechanism available to the four activists and gives them the opportunity to let the world see the truth of government repression,” says Laurel Fletcher, co-director of Berkeley Law’s International Human Rights Law Clinic, which collaborated with Legal Initiatives for Vietnam to file the petition. “Now it’s up to Special Procedures to do its part and call on Vietnam to release the activists. Vietnam currently sits on the Human Rights Council. It should be a human rights champion and cooperate with Special Procedures. We hope that the U.N. experts issue a new communication and give Vietnam the opportunity to do so.”

Human rights groups face a harsh political environment in Vietnam and with laws that make it a crime to exercise international freedom of expression and trial procedures that do not meet international standards of fairness, the legal system does not provide relief.

The cases in the petition highlight just how far the government is willing to go to crush dissent.

Nguyen Thuy Hanh, an environmental and land rights activist and founder of the 50K fund, an organization that offers financial support to political prisoners and their families, was arrested in April 2021. Authorities say they're investigating Hanh for possible violation of Article 117 which outlaws "making, storing, distributing or disseminating information, documents and articles to oppose the State of the Socialist Republic of Vietnam." The U.N. Human Rights Committee has found Article 117 to violate Vietnam's obligations under the International Covenant on Civil and Political Rights. Held incommunicado in a pre-trial detention facility, Hanh's mental health deteriorated leading to an attempted suicide. In May 2022, authorities transferred her to a psychiatric facility for the criminally insane, where she is being held indefinitely. She has no right to appeal her confinement, and the government is under no legal deadline to file charges or obligation to release her. She argues that her indefinite detention without trial is a form of torture.

Truong Chau Huu Danh was a prominent journalist working for a state-run paper until he began reporting independently and founded a popular, independent journalism platform, Báo Sạch, in 2019. But in August 2021, police charged Danh and other Báo Sạch members for "abusing democratic freedoms which violates the interests of the state." Danh remained in custody without family visitation, until he was convicted and sentenced in December 2021. He lost his appeal and is currently serving a four-and-a-half-year sentence. U.N. human rights bodies repeatedly have found that Article 331 is an arbitrary restriction on freedom of expression and violates international law.

Dinh The Thu Thuy is serving a seven-year sentence for violating Article 117 based on her Facebook posts in which she criticized the Vietnamese government's public policies. Arrested in April 2020, Thuy was convicted in January 2021, after a four-hour trial. Expressing opinions about government policies is recognized as a fundamental right under international law. Thuy's case illustrates the government's oppressive monitoring and what can happen to ordinary citizens who disagree with its policies.

Dang Dinh Bach is an environmental rights activist and lawyer, as well as the director of the registered nonprofit organization Law and Policy of Sustainable Development

Research Center. Police arrested Bach in June 2021 on criminal charges of tax evasion. The notoriously vague tax code enables authorities to single out disfavored groups. On January 24, 2022, the court sentenced Bach to five years in prison with no probation for alleged tax evasion under Article 200 of Vietnam's 2015 Penal Code. On June 9, 2023, the U.N. Working Group on Arbitrary Detention, one of the Special Procedures, published its opinion on a prior complaint filed on Bach's behalf. The experts found Vietnam's detention of Bach was arbitrary and called on the government to release him and guarantee his right to seek compensation. Bach plans to go on hunger strike on June 24, 2023 to protest his unlawful treatment.

"Vietnam must know that the world is watching," Vi Tran says. "These four human rights defenders have sacrificed their freedom to defend the human rights of all Vietnamese. We proudly file this petition to honor their work and stand in solidarity with their families."

About UC Berkeley's International Human Rights Law Clinic

Berkeley Law's International Human Rights Law Clinic designs and implements innovative human rights projects to advance the struggle for justice on behalf of individuals and marginalized communities through advocacy, research, and policy development.

About Legal Initiatives for Vietnam

Legal Initiatives for Vietnam is a prominent organization dedicated to promoting and protecting human rights in Vietnam. It tirelessly supports human rights defenders, advocates for the rule of law, and engages in independent press, education, and advocacy initiatives.

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