

URGENT APPEAL - THE OBSERVATORY

VNM 001 / 1211 / OBS 140

Sentencing to prison / Arbitrary detention

Viet Nam

December 15, 2011

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), requests your urgent intervention in the following situation in **Viet Nam**.

Description of the situation:

The Observatory has been informed by reliable sources about the continuing judicial harassment and sentencing to prison of Messrs. **Nguyen Van Lia** and **Tran Hoai An**, practitioners of an unofficial religious sect who advocate for the respect of the right to religious freedom.

According to the information received, on December 12, 2011, Messrs. Nguyen Van Lia and Tran Hoai An were found guilty of the charges of "abusing democratic freedoms to infringe upon the interests of the State" under Article 258 of the Criminal Code by the People's Court of Cho Moi District in southern An Giang province. They were respectively sentenced to five and three years of prison.

Messrs. Nguyen Van Lia and Tran Hoai An are practitioners of an independent Hoa Hao Buddhist group, which is not recognised by the Government and has been subjected to severe repression since the creation of a State-sponsored Hoa Hao organisation in 1999.

Messrs. Lia and An both have briefed foreign diplomats regarding restrictions and violations of freedom of religion in Viet Nam. In December 2010, Messrs. Lia and An were among four Hoa Hao activists who met with officials of the US Department of State at the US Consulate in Ho Chi Minh City, where in May 2009 Mr. Lia, along with other Hoa Hao followers, also attended a meeting with the US Commission on International Religious Freedom. In April 2011, Mr. Lia was arrested with his wife following the discovery by the police of, according to State media, books, CDs, DVDs and documents accusing the Vietnamese authorities of human rights violations, including religious persecution. Mr. An reportedly was arrested by the police on July 2, 2011 in Dong Trap province on his way back from visiting fellow Hoa Hao followers in prison. Since his arrest in April 2011, Mr. Lia's health has reportedly deteriorated considerably. Mr. Lia, who is 71, suffers from high blood pressure and broken ribs from old injuries.

The Observatory considers that the charges against Messrs. Lia and An aim at sanctioning their activities in exposing violations of the right to freedom of religion, which is guaranteed under both the Vietnamese Constitution and the International Covenant on Civil and Political Rights (ICCPR) and urges the authorities to stop the routine repression of those who advocate for freedom of religion in Viet Nam in violation of the country's international human rights obligations.

Actions requested:

Please write to the authorities in Viet Nam urging them to:

- i. Guarantee in all circumstances the physical and psychological integrity of Messrs. Nguyen Van Lia and Tran Hoai An as well as of all human rights defenders in Viet Nam;
- ii. Ensure that Mr. Lia receives immediate and adequate medical treatment for his health conditions;

iii. Release Messrs. Nguyen Van Lia and Tran Hoai An immediately and unconditionally as their detention is arbitrary, as it seems to merely sanction their human rights activities;

iv. Put an end to all acts harassment, including at the judicial level, against Messrs. Nguyen Van Lia and Tran Hoai An as well as against all human rights defenders in Viet Nam;

v. Comply with the provisions of the UN Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998, in particular:

- its Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels”,
- as well as Article 12.2, which provides that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;

vi. More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with international and regional human rights instruments ratified by Viet Nam.

Addresses:

- H.E. Mr. Pham Binh Minh, Minister of Foreign Affairs, 1 Ton That Dam St., Ba Dinh District Hanoi, Vietnam; Tel: 84-4-37992000; 080 48235; Fax: 84-4-38231872 – 84-4-37992682
- H.E. Mr. Nguyen Thai Binh, Minister of Internal Affairs, 37A Nguyen Binh Khiem St., Hai Ba Trung District, Hanoi, Vietnam; Tel: 84-4-39764116 - 84-4-39764278; Fax: 84-4-39781005
- H.E. Mr. Ha Hung Cuong, Minister of Justice, 56-60 Tran Phu St., Ba Dinh District, Hanoi, Vietnam; Tel: 84-4-37336213 - 84-4-37338068; Fax: 84-4-38431431; E-mail: botuphap@moj.gov.vn
- H.E. Mr. Tran Dai Quang, Minister of Public Security, 44 Yet Kieu St., Hoan Kiem District, Hanoi, Vietnam; Tel: 84-4-069 42545 - 84-4-048 226602; Fax: 84-4-9420223
- H.E. Mr. Vu Duc Dam, Minister, Office of the Government (OOG), 1 Hoang Hoa Tham St. Ba Dinh District, Hanoi, Vietnam; Tel: 84-4-80 43100 ; 84-4-80 43569; Fax: 84-4-80 44130; E-mail: ypcp@chinhphu.vn
- H.E. Amb. Mr. Le Hoai Trung, Permanent Representative of Vietnam to the United Nations, 866 United Nations Plaza, Suite 435, New York, NY 10017, USA; Tel: 212 - 644 - 0594 / 0831; Fax: 212 - 644 - 5732; Email: info@vietnam-un.org
- H.E. Mr Vũ Dũng, Ambassador Extraordinary and Plenipotential, Permanent Representative, 30 chemin des Corbillettes, 1218 Grand-Saconnex, Geneva, Switzerland; Tel (Assistant): +41 022-791 85 40; Phone: +41 (0) 22 791 85 40; Fax : +41 (0) 22-798 07 24; Email : info@vnmission-ge.gov.vn
- HE Mr. PHAM Sanh Chau, Ambassador, Boulevard Général Jacques 1, 1050 Brussels; Tel: +32 (0)2. 379 27 37 ; Fax : +32 (0)2. 374 93 76; Email : vnemb.brussels@skynet.be - unescochau@yahoo.com

Please also write to the embassies of Viet Nam in your respective country.

Paris-Geneva, December 15, 2011

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

To contact the Observatory, call the emergency line:

- E-mail: Appeals@fidh-omct.org
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