

Submission by: Front Line Defenders – The International Foundation for the
Protection of Human Rights Defenders
The 88 Project

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Front Line Defenders (www.frontlinedefenders.org) is an international NGO based in Ireland with special consultative status with the Economic and Social Council of the United Nations (ECOSOC). Founded in 2001, Front Line Defenders has particular expertise on the issue of security and protection of human rights defenders and works to promote the implementation of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders) adopted by General Assembly resolution 53/144 of 9 December 1998.

The 88 Project (Project88) (<https://the88project.org/>) is a human rights organization focused on Vietnam. Founded in 2012, we are a team of researchers and advocates who support and defend embattled human rights defenders, people who we view as the agents of progressive social change. We investigate allegations of abuse, expose violations, and advocate for the repeal of repressive laws and the release of political prisoners. We maintain the most comprehensive and up-to-date database on the situation of political prisoners and human rights activists in Vietnam.

The following submission has been prepared based on information received from independent human rights defenders (HRDs) and human rights organisations in Vietnam. This submission covers the situation of human rights defenders in Vietnam between 2018 and 2023.

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INTRODUCTION

1. This submission highlights the concerns of Front Line Defenders and Project88 regarding Vietnam’s repression of civil society and attacks on human rights defenders (HRDs). Since its third Universal Periodic Review (UPR) in January 2019, Vietnam has intensified its crackdown on activism, dissent and civil society significantly. Vietnamese authorities have continued to arrest and imprison human rights defenders for advocating for democracy and expressing views critical of the government, while harassing human rights lawyers and imprisoning NGO professionals working on climate change and energy policy. Moreover, the country authorities have effectively criminalized independent media organizations, preventing the release of news critical of the government.
2. It is heartening that Vietnam accepted the recommendation to create an enabling environment for independent civil society and ensure that the Law on Association facilitates the registration, work and funding of NGOs free from undue State interference and restrictions.¹ Vietnam also partially accepted Czechia’s recommendation to nurture a culture of free expression online and offline and end harassment against HRDs exercising their freedom of expression;² Switzerland’s recommendation to guarantee fully freedom of speech, the rights of peaceful assembly and association, and the safety of journalists;³ and Italy’s recommendation to adopt measures in line with international standards to guarantee freedom of association, opinion, and expression, including online, and to ensure that journalists, human rights defenders and NGOs can operate freely.⁴
3. However, Vietnam rejected 50 recommendations that were critical to the protection of HRDs, such as recommendations to repeal or revise the provisions of the 2015 Criminal Code that affect HRDs and their work,⁵ to release HRDs sentenced to prison for exercising the right to freedom of expression⁶ and their political opinions or religious beliefs,⁷ to ensure the freedom of expression of human rights defenders and journalists, in particular by investigating and punishing perpetrators of threats and reprisals against them,⁸ and to publicly recognize HRDs and provide an environment in which they can carry out their human rights work safely.⁹
4. Despite the Vietnamese government’s supposed “acceptance” for the above mentioned recommendations, we have observed new and continued violations of the rights of HRDs. Front Line Defenders and Project88 have documented the way in which Vietnamese authorities target HRDs and the shift in tactics for harassing HRDs—including by mistreating HRDs in detention, targeting of environmental and land HRDs, engaging in transnational repression, forcing HRDs into exile, restricting the movement of HRDs in Vietnam, and criminalizing independent journalism and human rights lawyering.

¹ A/HRC/41/7, Recommendations, 38.215,

² A/HRC/41/7, Recommendations, 38.214

³ A/HRC/41/7, Recommendations, 38.202

⁴ A/HRC/41/7, Recommendations, 38.198

⁵ A/HRC/41/7, Recommendations, 38.55

⁶ A/HRC/41/7, Recommendations, 38.175

⁷ A/HRC/41/7, Recommendations, 38.191

⁸ A/HRC/41/7, Recommendations, 38.177, 38.180

⁹ A/HRC/41/7, Recommendation, 38.211

LEGAL FRAMEWORK AND DEVELOPMENTS POST THE LAST UPR CYCLE

5. During the previous UPR cycle for Vietnam, the government did not accept a single recommendation related specific articles of the criminal code (articles 117 and 331) that are routinely used to prosecute and imprison HRDs. Many states recommended Vietnam to either repeal or amendment articles 117 and 331 of the criminal code, or release HRDs who have been imprisoned for violating these articles.¹⁰ However, the Vietnamese authorities regularly use the all-powerful criminal code to imprison human rights defenders and suppress dissent from critics of the government.
6. Vietnamese government is strategically targeting HRDs in a consistent manner with a clear aim of eliminate all independent dissenting voices. After putting political dissidents, bloggers and social media activists in jail or forcing them to go exile, the Vietnamese government targeted HRDs working on land rights and labour rights, before shifting their focus to journalists and independent media organizations, as well as environmental HRDs.
7. Vietnamese authorities also effectively shifts tactics for harassing HRDs- physical attacks, surveillance and intimidation of family members, imposing travel ban on HRDs , detaining HRDs coming from abroad are some of the cases documented . Shift in using laws against HRDs was also evidenced- most notable laws used to suppress HRDs and their work are the provisions in the Penal code, the Cybersecurity law and tax evasion law. These trends and resulting violations are further detailed in this submission.
8. Concerns on the pattern of abuse of laws by the authorities against HRDs have also been expressed at the international level. On 8 January 2021, UN experts voiced concerns over the use of “vaguely defined laws” in Vietnam used to arbitrarily detain HRDs amidst what appears to be part of an “increasing clampdown” on the freedom of expression in the country.¹¹

MISTREATMENT OF HRDS IN DETENTION

9. Front Line Defenders and Project 88 have documented various cases where Vietnamese authorities commonly use torture and other inhumane treatment against HRDs, especially those in pre-trial detention. The most common perpetrators of these violations are law enforcement officers (‘LEOs’) at the provincial level. Occasionally, HRDs are assaulted or otherwise harassed by people suspected to have ties to the government, such as plainclothes police or other prisoners who agreed to, or were coerced into, working for the government.¹²
10. During the previous UPR cycle for Vietnam in 2019, a number of states called on Vietnam to end the human rights abuses committed against HRDs in detention. Canada recommended that Vietnam ‘[a]mend the Criminal Procedure Code so that persons are represented by a lawyer immediately following their arrest and to guarantee their right to a fair trial’.¹³ Numerous states recommended that Vietnam ‘[t]ake steps to prohibit harassment and torture during the investigation process and detention, and punish

¹⁰ A/HRC/41/7, Recommendation 38.188, 38.215, 38.187, 38.174, 38.167, 38.171, 38.175, 38.198, 38.191, 38.197, 38.200, 38.202.

¹¹ OHCHR, Press briefing notes on Viet Nam, <https://www.ohchr.org/en/2021/01/press-briefing-notes-viet-nam?LangID=E&NewsID=26644>

¹² The 88 Project, Trinh Bá Phương, <https://the88project.org/profile/449/trinh-ba-phuong/> see also Dang Dinh Bach, <https://the88project.org/profile/538/dang-dinh-bach/>

¹³ A/HRC/41/7, Recommendation 38.164

perpetrators.¹⁴ Azerbaijan,¹⁵ Belgium,¹⁶ Bolivia,¹⁷ Japan,¹⁸ Lao,¹⁹ Mali,²⁰ New Zealand,²¹ Nicaragua,²² Oman,²³ Pakistan,²⁴ Senegal,²⁵ Slovakia,²⁶ Sudan,²⁷ Turkmenistan,²⁸ and Zimbabwe²⁹ all made recommendations to the Vietnamese government on this subject as well.

Pretrial detention and denial of legal representation in national security cases

11. Vietnamese authorities have repeatedly argued that there are no cases of incommunicado detention in the country. However, they acknowledge that in cases of national security, a ‘very special measure’ applies, under which detained HRDs are not allowed to see their lawyers until after the investigation has concluded. Thus, those suspected of committing a national security offense, which are often the charges levied against HRDs, are held in pre-trial detention without access to a lawyer for as long as Vietnamese officials deem appropriate.
12. HRDs are often denied legal representation during the investigation and even during their trials. Since Vietnam’s last UPR, at least 28 HRDs have been denied legal representation in the days leading up to or during their trials or appeals process.³⁰
13. When HRDs are denied legal representation, they are often less aware of their rights and lack a critical communication channel to their families and the outside world. This can also make HRDs more vulnerable to facing mistreatment behind bars. Usually, families are not informed about trial dates and only learn about trials after their relatives have already been sentenced. For example, blogger Le Anh Hung,³¹ was charged under Article 331 of the 2015 Criminal Code for posting a letter critical of the government’s proposed Law on Special Economic Zones. He was tried in secret on 30 August 2022, four years after his arrest, and sentenced to five years in prison without the knowledge of either his lawyers or his family.
14. The Vietnamese authorities have also target human rights lawyers representing political prisoners. Since late 2022, the Vietnamese government summonsed and interrogate at least five human rights lawyers after they provided legal counsel for members of an independent Buddhist monastery. Three of the lawyers were forced into exile after arrest warrants were issued.³²

¹⁴ A/HRC/41/7, Recommendation 38.148

¹⁵ A/HRC/41/7, Recommendation 38.162

¹⁶ A/HRC/41/7, Recommendation 38.149

¹⁷ A/HRC/41/7, Recommendation 38.163

¹⁸ A/HRC/41/7, Recommendation 38.155

¹⁹ A/HRC/41/7, Recommendation 38.151

²⁰ A/HRC/41/7, Recommendation 38.60

²¹ A/HRC/41/7, Recommendation 38.147

²² A/HRC/41/7, Recommendation 38.62

²³ A/HRC/41/7, Recommendation 38.20

²⁴ A/HRC/41/7, Recommendation 38.64

²⁵ A/HRC/41/7, Recommendation 38.156

²⁶ A/HRC/41/7, Recommendation 38.157

²⁷ A/HRC/41/7, Recommendation 38.72

²⁸ A/HRC/41/7, Recommendation 38.160

²⁹ A/HRC/41/7, Recommendation 38.81

³⁰ The 88 Project, Database of Persecuted Activists in Vietnam, Retrieved Oct. 10, 2023, <https://the88project.org/database/>

³¹ The 88 Project, Le Anh Hung, <https://the88project.org/profile/157/le-anh-hung/>

³² The 88 Project, Database of Persecuted Activists in Vietnam, Retrieved Oct. 10, 2023, <https://the88project.org/database/>

Mistreatment while in prison

15. The government claims that prison conditions have improved, but HRDs and their families continue to report unclean food, overcrowding, lack of access to clean water, poor sanitation and lack of lighting. All HRDs reported suffering from harsh prison conditions, and they are often disciplined and retaliated against if they try to petition for improved prison conditions for themselves or others.
16. While imprisoned, HRDs are often denied medical treatment and family members are at times prevented from delivering medication to them. Many imprisoned HRDs have claimed that inadequate medical treatment resulted in greater long-term health complications. Some, including Do Cong Duong,³³ Huynh Huu Dat,³⁴ Dao Quang Thuc,³⁵ and Doan Dinh Nam³⁶ have died in prison due to alleged wilful neglect and denial of the right to health.
17. In April 2022, citizen journalist Do Cong Duong told his family he was suffering from heart failure, which was also confirmed by an outside medical center. Between April and August of 2022, Duong's family told Project88 that they repeatedly requested that Nghe An Prison No. 6 treat him for this, but their requests were allegedly ignored. On 2 August, after finally being admitted to Huu Nghi Nghe An Hospital in Vinh City, Duong died. The prison authorities did not disclose Duong's cause of death, and they denied the family's request to bring Duong's body home for burial.
18. Vietnamese authorities also often deny HRDs visitation from friends and family. Local authorities often limit family visitation rights or detain HRDs in prisons far from their homes, making it extremely difficult for families to visit. During the pandemic, restrictions designed to stop COVID were also used as an excuse to deny family visits.
19. Trinh Ba Phuong³⁷, at an August 2022 visit -the first time his family was allowed to visit him since his arrest 26 months prior- told his wife that he was tortured during his pre-trial detention period. Phuong reported that he was severely beaten on multiple occasions, even kicked in the groin, in an effort to extract a confession from him.
20. Finally, Front Line Defenders and Project88 have also documented several cases of infliction of physical and psychological pain, which can amount to torture under international law. Torture is generally inflicted to coerce confessions, obtain information, or punish HRDs for their human rights work . A frequent form of psychological abuse consists in sending HRDs to mental health institutions against their will, even if they have no history of mental illness. Le Anh Hung, Trinh Ba Phuong, Nguyen Thuy Hanh,³⁸ and Pham Chi Thanh³⁹ have all been involuntarily committed to mental health institutions .
21. Le Anh Hung reported to Project88 that he was forcibly held from April 2019 to May 2022 at the Central Psychiatric Evaluation Center in Hanoi. In his three years detained

³³ The 88 Project, Do Cong Duong, <https://the88project.org/profile/145/do-cong-duong/>, see also Front Line Defenders, Global Analysis 2022, p.4, https://www.frontlinedefenders.org/sites/default/files/1535_fld_ga23_web.pdf

³⁴ The 88 Project, Huỳnh Hữu Đạt, <https://the88project.org/profile/131/huynh-huu-dat/>

³⁵ The 88 Project, Dao Quang Thuc, <https://the88project.org/profile/7/dao-quang-thuc/>

³⁶ The 88 Project, Đoàn Đình Nam, <https://the88project.org/profile/107/doan-dinh-nam/>

³⁷ The 88 Project, Trinh Ba Phuong, <https://the88project.org/profile/449/trinh-ba-phuong/>

³⁸ Front Line Defenders, Nguyen Thuy, <https://www.frontlinedefenders.org/en/profile/nguyen-thuy-hanh>, see also The 88 Project, Nguyen Thuy Hanh, <https://the88project.org/profile/350/nguyen-thuy-hanh/>

³⁹ The 88 Project, Phạm Chí Thành, <https://the88project.org/profile/486/pham-chi-thanh/>

there against his will, Hung alleges he was often bound and injected with psychoactive medication which induced prolonged periods of altered mental states. He staged multiple hunger strikes in protest of this treatment. Hung believes that he was subjected to forced mental health treatment as revenge for anti-corruption reporting he had done. Hung was also previously detained in a mental health facility in 2013.

22. Moreover, Vietnamese authorities use solitary confinement to isolate political prisoners and punish them for asserting their rights. Emblematic cases of this maltreatment are the members of Hien Phap Group Le Quy Loc⁴⁰ and Ngo Van Dung,⁴¹ as well as democracy activist Vu Quang Thuan. It is alleged that Thuan was held solitary confinement several times during his eight-year sentence, the longest period lasting 14 months, from March 2021 to May 2022. Project88 is investigating allegations that Thuan contracted tuberculosis in prison.

ENVIRONMENTAL AND LAND RIGHTS DEFENDERS

Environmental Rights

23. On 28 September 2023, woman environmental rights defender Hoang Thi Minh Hong⁴² was sentenced to three years in prison and ordered to pay a fine of 100 million VND. Hoang Thi Minh Hong is an environmental defender and leader of the climate change movement in Vietnam. In 2013, she founded the Center of Hands-on Action and Networking for Growth and Environment (CHANGE), an organization that advocates for action on climate change, the environment, and wildlife protection. CHANGE is a member of the Vietnam Sustainable Energy Alliance, an advocacy coalition that was forcibly disbanded after four of its leaders were imprisoned on false charges of tax evasion between 2021-2022. The UN Special Rapporteurs published their Joint Allegation letter to Hanoi, penned in in July, raising concerns about her arrest.
24. Hoang Thi Minh Hong is the fifth climate defender to be jailed on false charges of tax evasion in the past two years in Vietnam. Project88 has documented clear evidence that these prosecutions are politically-driven and designed to criminalize climate activism using false charges of tax evasion. OHCHR has expressed that such accusations against HRDs under tax evasion law appear to be ‘politically motivated’; and that prosecutions and the arbitrary application of restrictive legislation are having a chilling effect on the critically important work of environmental defenders, and that of other human rights defenders in Vietnam.⁴³
25. Some of these HRDs targeted in this way were involved in steering the Just Energy Transition Partnership (JETP) deal the Vietnam government signed with G7 nations in December 2022. The latest arrest of Ngo Thi To Nhien on 15 September 2023 shows that Vietnamese government is even targeting policy researchers. Nhien is the executive director of the Vietnam Initiative for Energy Transition Social Enterprise, which is

⁴⁰ The 88 Project, Le Quy Loc, <https://the88project.org/profile/416/le-quy-loc/>

⁴¹ The 88 Project, Ngo Van Dung, <https://the88project.org/profile/182/ngo-van-dung/>

⁴² Front Line Defenders, Joint letter on the arrest of Obama Foundation Scholar Hoang Thi Minh Hong in Vietnam, <https://www.frontlinedefenders.org/en/statement-report/joint-letter-arrest-obama-foundation-scholar-hoang-thi-minh-hong-vietnam>, see also The 88 Project, Hoang Thi Minh Hong, <https://the88project.org/profile/605/hoang-thi-minh-hong/>

⁴³ OHCHR, Viet Nam – Detention of environmental human rights defender Hoang Thi Minh Hong, <https://www.ohchr.org/en/press-briefing-notes/2023/06/viet-nam-detention-environmental-human-rights-defender-hoang-thi-minh>

playing key role in providing technical and policy advice to Vietnam government for the development of the JETP implementation plan.⁴⁴

Land Rights

26. On 28 March 2023, land rights activist and human rights defender Truong Van Dung⁴⁵ was sentenced to six years in prison by the Hanoi People's Court for "conducting propaganda against the state" under Article 88 of the 1999 Penal Code. The sentence is the latest in the series of reprisals the human rights defender Truong Van Dung has faced due to his work advocating for land and environmental rights.
27. Previously, on 14 March 2018, Truong Van Dung and Nguyen Thuy Hanh were arbitrarily detained and questioned for several hours by Hanoi police as a reprisal for their human rights work on behalf of victims of land appropriation by Vietnamese authorities. On 7 April 2021, police officers in Hanoi arrested Nguyen Thuy Hanh charging her under Article 117 of the Criminal Code, which relates to conducting anti-state propaganda. Nguyen Thuy Hanh has been the target of judicial harassment since 2016 and arbitrarily detained multiple times for her human rights activities, including organizing support for families of political prisoners, and advocating on behalf as of people who have been arbitrarily and forcibly evicted from their land.
28. On 5 May 2021, the Hoa Binh Provincial Court sentenced woman human rights defender Can Thi Theu⁴⁶ and her son, human rights defender Trinh Ba Tu⁴⁷ to eight years' imprisonment and three years' probation under Article 117 of the criminal code - conducting anti-state propaganda. Her other son, Trinh Ba Phuong,⁴⁸ was sentenced to 10 years in prison on 15 December 2022 under the same charge. Can Thi Theu and her sons are land rights defenders who have been campaigning against and documenting land seizures in Hanoi and surrounding provinces. They are well-known defenders who were very active in advocating for the Dong Tam residents in the aftermath of the deadly police raid there in January 2020.

TRANSNATIONAL REPRESSION, HRDs IN EXILE AND RESTRICTIONS ON MOVEMENT

29. The Vietnamese authorities routinely punish human rights defenders who have recently returned to the country by subjecting them to travel bans and/or confiscation of their passport which directly violates their freedom of movement.⁴⁹
30. On 15 November 2019, at 9:30am, woman human rights defender Dinh Thao⁵⁰ was briefly detained at the Noi Bai International Airport in Hanoi. She was released at 5 pm local time, after 8 hours of detention and interrogation, but her passport was confiscated. The WHRD is known for her engagement in different pro-democracy and human rights activities, such as coordinating the Green Trees environmental group and coordinating a

⁴⁴Swanton, Ben & Altman-Lupu, Michael (2023). Understanding the arrest of energy think tank chief Ngo Thi To Nhen. Project88.

⁴⁵ Front Line Defenders, Trương Văn Dũng, <https://www.frontlinedefenders.org/en/profile/truong-van-dung>, see also The 88 Project, Trương Văn Dũng, <https://the88project.org/profile/333/truong-van-dung/>

⁴⁶ The 88 Project, Can Thi Theu, <https://the88project.org/profile/41/can-thi-theu/>

⁴⁷ The 88 Project, Trinh Ba Tu, <https://the88project.org/profile/464/trinh-ba-tu/>

⁴⁸ The 88 Project, Trinh Ba Phuong, <https://the88project.org/profile/449/trinh-ba-phuong/>

⁴⁹ Front Line Defenders, Dinh Thao, <https://www.frontlinedefenders.org/en/case/arbitrary-detention-and-confiscation-passport-dinh-thao>

⁵⁰ The 88 Project, Dinh Thao, <https://the88project.org/profile/428/dinh-thi-phuong-thao/>

campaign to nominate the self-nominated national election campaign for the National Assembly elections.

31. On 9 September 2018, Debbie Stothard,⁵¹ the Secretary-General of the International Federation for Human Rights, was denied entry into Vietnam to attend the World Economic Forum (WEF), and was deported to Malaysia. On 6 September 2018, WEF staff were informed by Vietnam's Deputy Prime Minister's Office that Debbie Stothard was blacklisted because of her human rights work. Debbie Stothard was travelling to Vietnam for the WEF, where she was scheduled to speak at a panel discussion on 13 September 2018.
32. Former political prisoners Pham Thanh Nghien and Huynh Anh Tu,⁵² are a couple who were recently relocated to the United States. After arriving in Houston with their daughter on 13 April 2023, Nghien told Project88 that her family was held at Tan Son Nhat International Airport in Hochiminh City for two hours before being allowed to board. During their months-long process of preparation, Nghien said she was repeatedly advised by U.S. consulate officials to keep a low profile and not say anything, especially on social media. A week later, Nghien reported that police went to her house in Ho Chi Minh City and harassed her two sisters "who had come from the North to help clean up" after she left Vietnam. As Nghien put it: "They questioned my sisters about their background and why they were there. Then they issued my sisters a citation for 'not reporting her temporary residence at my house.'"
33. On 17 October 2018, human rights defender Nguyen Ngoc Nhu Quynh⁵³ (popularly known as Me Nam or Mother Mushroom) was released from prison after two years, on the condition of exile, and sent to the USA. The WHRD said that she did not want to leave Vietnam and was reluctant to be exiled. After arriving Houston, Texas she said on October 19 that if she could choose, she would stay in Vietnam.⁵⁴
34. Former political prisoner Truong Duy Nhat⁵⁵ went missing on 26 January 2019, the day after he attempted to claim asylum status in Thailand after fleeing Vietnam in the weeks prior. Sources report that he was abducted from a popular mall in Bangkok. Nhat allegedly left Vietnam for Thailand after he was informed that he was at risk of re-arrest. Some alleged that Nhat potentially had information that could be damaging to the Vietnamese Prime Minister and feared that Nhat was abducted by Vietnamese agents. Thai officials said they did not have a record of Nhat's entry into the country but were investigating his disappearance. After being missing for almost two months, Truong Duy Nhat's family confirmed on 20 March 2019 that he was indeed arrested and brought back to Vietnam and imprisoned, at T16 temporary detention facility in Hanoi. He was tried on 9 March 2020, and sentenced to 10 years in prison.

⁵¹ Front Line Defenders, Debbie Stothard, <https://www.frontlinedefenders.org/en/case/human-rights-defender-denied-entry-vietnam>

⁵² The 88 Project, Pham Thanh Nghien, <https://the88project.org/profile/300/pham-thanh-nghien/>

⁵³ Front Line Defenders, Nguyen Ngoc Nhu Quynh, <https://www.frontlinedefenders.org/en/case/arrest-nguyen-ngoc-nhu-quynh>

⁵⁴ The 88 Project. Nguyen Ngoc Nhu Quynh, <https://the88project.org/profile/2/nguyen-ngoc-nhu-quynh/>

⁵⁵ Front Line Defenders, Global Analysis 2019, p.21.,

https://www.frontlinedefenders.org/sites/default/files/global_analysis_2019_web.pdf, see also The 88 Project, Truong Duy Nhat, <https://the88project.org/profile/314/truong-duy-nhat/>

35. HRD Nguyen Van Trang,⁵⁶ who has been in Thailand since 2018 seeking asylum, reported to Project88 that he continues to be harassed by Vietnam's police because of his peaceful pro democracy work in Vietnam. In 2016, he was fired from his teaching job at Hong Duc University. In 2017, Trang and three other men were allegedly attacked by unknown assailants with acid in Cambodia; Trang suffered severe injuries and took quite a long time to recover. In 2018, Thanh Hoa police charged him with "attempting to overthrow the government" based on Article 119. In December 2019, they changed the charge to "prostitution broker," believed by some observers to be a way to force the Thai government to extradite him. Since 2021, Trang's mother and his family in Hau Loc, Nghe An province, have constantly been harassed by police (home visits, police invitations for questioning etc.) as the police try to get Trang to turn himself in.
36. On 27 September 2022, Vo An Don⁵⁷ and his family were stopped from boarding a flight to the United States just as they were about to board their flight to emigrate to the United States seeking political asylum. Don had been barred from practicing law for the past five years after he successfully defended families of victims who died in police custody. This was a serious violation of his freedom of movement. The HRD is a lawyer who has defended political prisoners and victims of injustice. Due to his activism, he has often faced harassment and attempts to disbar him. In September 2023, the Vietnamese authorities were reported to have agreed on the relocation of Vo An Don to the United States under an agreement negotiated ahead of President Biden's recent visit to Hanoi.⁵⁸ However, the HRD is still in Vietnam.

INDEPENDENCE OF MEDIA

37. On 20 January 2021, the People's Court of Hau Giang sentenced woman human rights defender Dinh Thi Thu Thuy⁵⁹ to seven years in prison under Article 117 of the criminal code. The WHRD has been a strong advocate for freedom of expression and environmental rights, and has been outspoken against the negative implications of overseas investment projects. Dinh Thi Thu Thuy was arrested on 18 April 2020 for allegedly creating several Facebook accounts to disseminate articles to distort Vietnam's policies and to defame its leadership. She was also accused by authorities of criticizing the government's response to the COVID-19 pandemic.
38. Dinh Thi Thu Thuy's sentencing came after the sentencing of three members of the Independent Journalists Association of Vietnam (IJAVN), namely Pham Chi Dung,⁶⁰ Le Huu Minh Tuan⁶¹ and Nguyen Tuong Thuy⁶² under the same charges under Article 117 of the Criminal Code after a trial lasting half a day on 5 January 2021.
39. The Independent Journalist Association of Vietnam is one of the few independent journalist organisation in the country. The association was established in 2014 and

⁵⁶ The 88 Project, Nguyen Van Trang, <https://the88project.org/profile/292/nguyen-van-trang/>

⁵⁷ The 88 Project, Vo An Don, <https://the88project.org/profile/344/vo-an-don/>

⁵⁸ Ibid.

⁵⁹ Front Line Defenders, Dinh Thi Thu Thuy, <https://www.frontlinedefenders.org/en/profile/%C4%91inh-th%E1%BB%8B-thu-th%E1%BB%A7y>, The 88 Project, Dinh Thi Thu Thuy, <https://the88project.org/profile/481/dinh-thi-thu-thuy/>

⁶⁰ Front Line Defenders, Pham Chi Dung, <https://www.frontlinedefenders.org/en/profile/pham-chi-dung>, The 88 Project, Pham Chi Dung, <https://the88project.org/profile/431/pham-chi-dung/>

⁶¹ Front Line Defenders, Le Huu Minh Tuan, <https://www.frontlinedefenders.org/en/profile/le-huu-minh-tuan>, The 88 Project, Le Huu Minh Tuan, <https://the88project.org/profile/490/le-huu-minh-tuan/>

⁶² Front Line Defenders, Nguyen Tuong Thuy, <https://www.frontlinedefenders.org/en/profile/nguyen-tuong-thuy>, The 88 Project, Nguyen Tuong Thuy, <https://the88project.org/profile/294/nguyen-tuong-thuy/>

attracted many prominent and talented journalists. By the end of 2020, just a few weeks before the National Congress of the Vietnamese Communist Party, all of its leading members had been arrested. All of them later were convicted and sentenced to over 10 years' imprisonment. Many others affiliated with the organization have also faced harassment.⁶³

40. Since the last UPR review, the arrests of journalists and bloggers have been on an upward trajectory, leaving almost no independent media to report on human rights violations inside Vietnam. Bloggers, authors, and journalists made up only 7% of political arrests in 2019. In 2020, it was 18%, and by 2021, 35%. In 2022, it was also 18%, according to Project88's data.
41. It has been expressed at international level that Article 117 is not in line with Vietnam's international human rights obligations and should be revised. On 14 January 2021, UN experts stated that 'heavy sentences handed down against three Vietnamese journalists and human rights defenders, just weeks ahead of a key meeting of the ruling Communist Party, sends a chilling message to human rights defenders and those working in the media.'

RECOMMENDATIONS

Front Line Defenders and 88 Project call upon UN member states to urge the Vietnamese government to:

1. Immediately and unconditionally release all human rights defenders detained for exercising their fundamental rights and continuing their legitimate human rights work, drop all charges against them, and cease all forms of intimidation, harassment, and undue restrictions against them and the human rights organisations they are associated with;
2. Implement the concrete actions stated in CAT's Concluding Observations in the Initial Report of Vietnam, to follow up on the UPR recommendations that Vietnam accepted in 2019; and accept visits by the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as visits by states' consular representatives to conduct investigations of prison conditions;
3. Initiate a transparent and consultative legal reform process of reviewing and revising existing laws and regulations with a view to align them with Vietnam's obligations under international human rights law and standards, including but not limited to the provisions under:
 - I. Articles 117 and 331 of the Criminal Code and any other provisions under the Criminal Code that are used by Vietnamese authorities to prosecute and imprison HRDs
 - II. Decree 80/2020/NĐ-CP, especially when concerning the work of civil society organisations and human rights organisations in Vietnam
 - III. Article 200 which is often weaponised to criminalize environmental human rights defenders
4. Repeal or amend the above-mentioned laws in accordance to the human rights standards and obligations and, pending their repeal and revision, suspend the enforcement of the same against human rights defenders and civil society organisations in Vietnam as it is causing a chilling effect on those working for the betterment of human rights in the country.

⁶³ The 88 Project, Crackdown against members of the Independent Journalists Association of Vietnam, <https://the88project.org/incident-group/30/crackdown-against-members-of--the-independent-journalists-association-of-vietnam/>