

VIETNAM

Jurist and human rights defender **Nguyễn Bắc Truẩn**



In the largest crackdown against dissidents in recent years in Vietnam, reknowned jurist Nguyen Bac Truyen was abducted nearby his work place at the Catholic Redemptorist Church in Ho Chi Minh City on July 30, 2017. Later in the day a website of the state security announced that he was arrested along with three other activists on charges of "acting to overthrow the people's government" according to Art. 79 of the Vietnamese Penal Code (VPC). They are allegedly connected to lawyer Nguyen Van Dai and his assistant, who have already been detained without trial since December 2015 and are now accused of the same charge.¹ If convicted the six persons could face lengthy sentences or even the death penalty.

VETO! considers the six arrested activists: Nguyen Bac Truyen, Nguyen Trung Ton, Pham Van Troi, Truong Minh Duc, Nguyen Van Dai and Le Thu Ha as human rights defenders who have peacefully advocated for human rights and democracy in Vietnam.

Defender of social and religious rights

The Hoa-Hao Buddhist Nguyen Bac Truyen, born in 1968, was the first entrepreneur in Vietnam who voluntary introduced social compliance and gender equality standards in his two companies beginning in 2004 ². He was arrested in 2006 and later sentenced to three and a half years followed by two years of house arrest on the

charge of "propaganda against the state" because he had sent some critical writings to the Secretary of the ruling Vietnamese Communist Party in his city. After his release in 2010 he founded the Vietnamese Political and Religious Prisoners Friendship Association, an organization which assists inpecunious prisoners and their families. As a jurist, he provided pro-bono legal assistance to families of political prisoners, victims of land grabbing and persecuted religious communities in Southern Vietnam. From 2014 until his arrest he was the coordinator of the assistance program for war invalids of the Catholic Redemptoric Bureau for Justice and Peace. Mr. Truyen was the winner of the 2011 Hellman Hammett Award of Human Rights Watch. He has sent many reports to the United Nations Human Rights Council and has been the subject of several Special Procedures' communications. ³

Life at permanent risk

His two companies had been arbitrary closed during his prison term. Having completed his prison sentence and house arrest term in 2012, Mr. Truyen couldn't find any job without being harassed. A new company was closed right after the police found out his ownership. Later Mr. Truyen married Ms. Bui Thi Kim Phuong and moved to her home in Dong Thap Province to support the heavily persecuted independent Hoa-Hao Buddhists in the Mekong Delta. But on Feb. 9, 2014, the state security arrested and brought him to Ho Chi Minh City, and released him on the next day. A group of 22 Hoa-Hao Buddhists and rights activists were attacked on Feb. 11, 2014, on the way to visit his wife. Later three of them were sentenced up to 3 years in prison. His wife was terrorized to such an extent that she fled to join him. On Feb. 24, 2014, Mr. Truyen and his wife were assaulted and injured severely by supposed henchmen of the state security while on their way to the Australian Embassy in Hanoi. An attempt by the UN-Special Rapporteur on Freedom of Religion to visit their house on Jul. 28, 2014 failed because the police used two trucks to block the way (see picture). On that day the Special Rapporteur decided to cut short his mission in Vietnam because individuals with whom he wanted to meet "had been under heavy surveillance, warned,



Trucks blocked the way of the UN-Special Rapporteur to the house of Mr. Truyen in Dong Thap Province on Jul 28, 2014



Mr. Truyen and Hoa-Hao Buddhists met two members of the German Parliament on Jun 10, 2017

intimidated, harassed or prevented from travelling by the police".⁴ Following his eviction the Vietnamese government prohibited Mr. Truyen and his wife from returning home in Dong Thap Province and ruined the businesses of his two sisters-in-law there. Prior to his arrest Mr. Truyen could not find a safe shelter in Ho Chi Minh City and often had to relocate. He and his wife were under heavy surveillance and were frequently attacked by state security agents and their henchmen. The police confiscated his passport to prevent him from travelling.

Coordinator of assistance program for war invalids of the Catholic Bureau for Justice and Peace

Since the war end in 1975 invalid former soldiers of the defeated South Vietnamese army have been harassed and discriminated because the Communist government considered them to be enemies who had fought against them. Many handicapped former South Vietnamese soldiers are homeless, don't receive medical and orthopedic care and are forced to go begging on the street. The government is suspicious of any assistance provided to them by religious and civil society organizations. Since 2014 Mr. Truyen has been the coordinator of the assistance program for war invalids of the Catholic



Mr. Truyen (l.) is enjoying his work with war invalids

Bureau for Justice and Peace in the Redemptorist Church in Ho Chi Minh City. With private donations of about 800,000 EUR (yearly budget 2016) the program provides wheel chairs, prostheses, glass eyes, crutches, medical checks and treatments, medical insurance fees, housing, etc. for some 5,300 war invalids. The last medical check organized by Mr. Truyen on July 17, 2017 (the seventh in 2017) was disturbed by some henchmen who accused the priests at the Redemptorist Church of abusing religious freedom for anti-state activities.

Arbitrary arrest and absurd anti-state accusation

Mr. Nguyen Bac Truyen was kidnapped and is being held incommunicado in Hanoi. The heavy accusation of "acting to overthrow the people's government" (Art. 79, VPC) against him is completely absurd because he is not affiliated with any political party or organization with subversive aims. Lawyer Nguyen Van Dai and other arrested persons are his friends but nevertheless his alleged connection to the Brotherhood for Democracy is false since he isn't a member. The circumstances of his arrest and the serious allegation raise concerns that this could be in retaliation for his social and human rights engagement with the targeted independent Hoa-Hao Buddhists and Catholic social movement. In the brutal crackdown in the last few months many members and workers of these two groups have been arrested, assaulted or died in police detention in many provinces throughout Vietnam.

It is worth noting that during its membership of the UN Human Rights Council, the Universal Periodic Review (UPR) recommended that Vietnam should "abolish the death penalty", "revise vague national security laws that are used to suppress universal rights" and "repeal or modify the Penal Code relating to national security particularly Articles 79, 88 and 258" but Vietnam has rejected them.⁵

VETO! urges the Vietnamese government to:

- **Immediately and unconditionally release the human rights defenders Nguyen Bac Truyen Nguyen Trung Ton, Pham Van Troi, Truong Minh Duc, Nguyen Van Dai and Le Thu Ha;**
- **Stop their incommunicado detentions;**
- **Abolish the death penalty and revise vague national security laws that are used to suppress universal rights, including Art. 79 VPC on "acting to overthrow the people's government";**
- **Protect human rights defenders against threats to health and life.**

¹ „Six people prosecuted for trying to overthrow people's administration", Vietnam News Agency (VNA), Jul. 30, 2017, <http://en.vietnamplus.vn/six-people-prosecuted-for-trying-to-overthrow-peoples-administration/115567.vnp>

² „Wife gives birth, husband on leave" (Vietnamese), Saigon Giai Phong (Liberated Saigon), Dec 28, 2005, <http://www.sggp.org.vn/vo-sinh-chong-duoc-nghi-44764.html>

³ Some communications of Special Procedures of the United Nations Human Rights Council on behalf of Nguyen Bac Truyen: UA VNM 4/2014 on March 26, 2014; UA VNM 11/2014) on November 25, 2014; UA VNM 8/2016 on October 31, 2016; <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=22835>

⁴ "Autonomy of religious communities, a crucial test for the development of religious freedom in Viet Nam", UN High Commissioner for Human Rights (OHCHR), Jul. 31, 2014, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=14915&LangID=E>

⁵ Report of the Working Group on the Universal Periodic Review for Vietnam A/HRC/26/6, Recommendations No.: 143.96, 143.118 and 143.152, Human Rights Council, Apr. 2, 2014, http://lib.ohchr.org/HRBodies/UPR/_layouts/15/WopiFrame.aspx?sourceid=HRBodies/UPR/Documents/Session18/VN/A_HRC_26_6_Viet%20Nam_E_iDrits.doc&action=default&DefaultItemOp=en=1