

**Questionnaire for International Organizations and Civil Society by the  
UN Special Rapporteur on the situation of human rights defenders  
Mary Lawlor, 9 February 2021**

The UN Special Rapporteur on the situation of human rights defenders, Ms. Mary Lawlor invites you or your organization to respond to the questionnaire below. Submissions received will inform the thematic report of the Special Rapporteur on the issue of long term detention of human rights defenders, which will be presented to the UN General Assembly in October 2021.

The questionnaire on the report is available at OHCHR website in English (original language) as well as in French, Spanish, Russian and Arabic (unofficial translations): (<https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/SRHRDefendersIndex.aspx>).

All submissions received will be published in the aforementioned website, unless you/your organization clearly indicated that you did not wish to have your input be made publicly available when submitting your response.

There is a word limit of 2500 words per questionnaire. Please submit the completed questionnaire to [defenders@ohchr.org](mailto:defenders@ohchr.org)

Deadline for submissions: **19 March 2021**

**Contact Details**

Please provide your contact details in case we need to contact you in connection with this survey. Note that this is optional.

Type of Stakeholder (please select one)	<input type="checkbox"/> International or Inter-governmental Organisations <input checked="" type="checkbox"/> Civil Society Groups or Organisations <input type="checkbox"/> Individual human rights defender <input type="checkbox"/> Academic/training or research institution <input type="checkbox"/> Other (please specify)
Name of Stakeholder/ Organization (if applicable) Name of Survey Respondent	Boat People SOS (BPSOS) and Independent Journal- ists Association of Vietnam (IJAVN)
Email	Haiy.le@bpsos.org

<p>Can we attribute responses to this questionnaire to you or your organization publicly*?</p> <p>*On OHCHR website, under the section of SR on human rights defenders.</p>	<p><b>Yes</b></p> <p>Comments (if any):</p>
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## Questions

Human rights defenders are persons, who individually, or in association with others, work peacefully to promote and protect universally recognized human rights and fundamental freedoms, in accordance with the UN Declaration on Human Rights Defenders.

Defenders around the world peacefully promoting and defending human rights operate under national legal frameworks not always fully consistent with the United Nations Charter and international human rights law. In some instances, as echoed in multiple Human Rights Council and General Assembly resolutions<sup>[1]</sup> national legislation, in particular national security and counter-terrorism laws, or regulations on civil society and public freedoms have been misused to target defenders in a manner contrary to international law, that might result in long-term arbitrary deprivation of liberty.

- 1) Do you know of any human rights defender(s) currently detained by States, who have been imprisoned on charges that carry a prison sentences of at least 10 years or more? Please provide a list of cases.

Yes. See attached list

- 2) Do you know of any human rights defender(s) currently detained by States, who have been imprisoned on continuous sentences amounting to 10 years or more? For example, a defender who completes a sentence of four years in detention but instead of being released is given another six year sentence? Please provide a list of cases or examples if possible.

No.

- 3) Do you know of any human rights defender(s) whose time in pre-trial detention and/or administrative detention by States combines with a sentence that amounts, or would amount to 10 years or more? Please provide a list of cases.

Yes. See attached list

- 4) Do you know of any human rights defender(s) falling under any of the previous categories above, who were released before ending their long-term prison sentences for any reasons (e.g. granted a pardon, as a result of an appeal, or released on humanitarian or other grounds)? Please provide a list of cases.

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<sup>[1]</sup> See [A/HRC/RES 22/6](#) (2013) and [A/RES/68/181](#)(2014). See also: [A/HRC/RES/25/18](#) (2014), [A/HRC/RES/27/31](#) (2014), [A/HRC/RES/32/31](#) (2016) and [A/HRC/RES/34/5](#) (2017)

Yes. See attached list

5) What actions do you suggest the Special Rapporteur can take to:

- a) Prevent defenders from being detained for long terms in connection to their human rights work? and

Develop training materials on pre-emptive measures considering the government's frequent use of certain provisions in Vietnam's Penal Code to make false charges against human rights defenders. For example, to counter the government's false charge of attempting to overthrow the people's government, human rights defenders may want to include in the charter of their organization a clause that explicitly rules out any violent means to overthrow the government. While such measure may not prevent arrest and imprisonment, at least it may serve as a basis for the victim and the international community to challenge the allegation.

- b) Have those human rights defenders arbitrarily detained under long sentences released?

Coordinate the ongoing efforts of governments, parliamentarians, and international human rights organizations that "adopt" prisoners of conscience. For example, the recently formed International Religious Freedom or Belief Alliance (IRFBA), which has 32 government members and 5 government observers, has a rapid response initiative to address recent arrests. The US Tom Lantos Human Rights Commission and US Commission on International Religious Freedom both have programs on adoption of prisoners of conscience. Scores of prisoners of conscience have been released thanks to these programs. A number of German Parliamentarians have adopted prisoners of conscience. The UN Special Rapporteur may want to encourage other governments to replicate this model. The list of human rights defenders serving long-term imprisonment is a good starting point for such coordination.

The UN Special Rapporteur should take advantage of the resolution recently passed by the European Parliament ([https://www.europarl.europa.eu/doceo/document/RC-9-2021-0077\\_EN.html](https://www.europarl.europa.eu/doceo/document/RC-9-2021-0077_EN.html)), calling for the release of all Vietnamese prisoners of conscience, particularly three members of the Independent Journalists Association of Vietnam (IJAVN) who were sentenced to very heavy prison terms (11 – 15 years). This resolution ties their release to the EU-Vietnam Free Trade Agreement.

The UN Special Rapporteur should also take advantage of the fact that Vietnam is a non-permanent member of the UN Security Council and just announced its candidacy for the UN Human Rights Council.

**NOTE:** When providing the list of cases/examples under each question, please include: the name of the human rights defender(s), a summary of their human rights work, history of detention (date of arrest(s), charges and conviction including articles of the relevant law(s)), a brief explanation of facts relevant to their case).

# **An Dan Dai Dao Religion**

## **Prisoners of Conscience and Victims of Arbitrary Detention in Vietnam**

**Compiled by BPSOS and Coalition for a Free and Democratic Vietnam**

**March 15, 2021**

In South Vietnam, a non-Communist country aligned with the West, Mr. Phan Van Thu founded a Buddhist sect named An Doan Dai Dao in 1969. Along with several disciples, he led a monastic life in a Buddhist temple built with the group's own resources. Their version of Buddhism placed greater emphasis on the worship of GuanYin, the female bodhisattva known as Avalokiteśvara. She was first given the appellation of "Goddess of Mercy" by Jesuit missionaries in China. After a number of years, the sect grew to several thousand adherents and 14 temples with monks and nuns by April 1975, in part because the adherents' kindness, compassion and self-sacrifice were a major draw for new followers.

**In the spring of 1975**, Communist North Vietnam invaded South Vietnam. Subsequently, the regime banned most religious organizations unless they were established and totally controlled by the Communist Party of Vietnam. Like many other religious organizations, beginning in August 1975, ADDD temples were seized or demolished, monks and nuns expelled or arrested, and lay followers had to cease all open worship. Mr. Phan Van Thu and his senior disciples were detained for years without a trial and then sentenced to prison terms for "working for the CIA", a false accusation. Over 200 others were detained and tortured before receiving 2-year prison sentences. An adherent died from torture.

**On July 27, 1980**, four ADDD monks immolated themselves in protest of the government's crackdown against their religion.

**In May 1983**, Mr. Thu and a number of disciples volunteered to resettle in a remote location to develop it in exchange for being released from prison, pursuant to the regime's policy on New Economic Zones at the time. In November 1984, they escaped from this remote zone to seek more freedom to secretly resume their religious practice. They eventually settled in Phu Yen Province.

**In 2003**, when the government of Phu Yen Province began to implement a policy aiming to hasten economic development and tourism, the group applied for, and received official approval (by the Phu Yen provincial government) to develop a large area on Da Bia Mountain into a spiritual retreat theme park. The theme park also served as facility for ADDD monks to resume their spiritual functions and for thousands of ADDD adherents to resume their religious practice. This theme park began operation in 2004.

**In 2012**, the government of Phu Yen Province mounted a surprise raid to arrest Mr. Thu and other religious leaders and had them sentenced to long prison terms for a crime which they did not commit: plotting to overthrow the government. United States nationals who were adherents also invested their money in the theme park project were not charged with any crime and flew back to the United States but lost all their investments because the government confiscated the entire eco-resort/retreat.

**After 2013**, a number of prisoners required medical treatment, including surgery in some cases, but were not allowed to leave the prison for such a purpose. More recently, the provincial government began working with a developer to make plans for further work on the theme park, taking advantage of the very significant development financed by the victims. Beginning in 2013, the relatives of the prisoners requested the Phu Yen government to review the unjust conviction to no avail.

**On May 25, 2015**, all imprisoned leaders and members of ADDD filed appeals to the People's High Court to no avail. One of the prisoners, a Vietnamese citizen, died from kidney failure in prison on October 5, 2019 because the authorities did not allow him to access adequate medical care.

The 22 imprisoned ADDD Sect leaders and followers qualify as human rights defenders because they relentlessly worked to foster the right to religious freedom for all sect members. Building the spiritual retreat around themes reflecting their religious belief, they aimed to replace their 14 temples that had been destroyed by the government in 1975. The heavy prison sentences indicated the government's determination to exterminate this Buddhist sect.



1. Ms. Do Thi Hong: b. 1957. Residence: Binh Thang village, Son Thanh Dong Subdistrict, Tay Hoa District, Phu Yen Province. Her sentence is 13 years in prison and 5 years of probation. Arrested on 2/14/2012, she was last detained in Prison Z30A, Section K5, Xuan Loc, Dong Nai Province. Suffering poor health, she was released early, on November 13, 2020.



2. Mr. Doan Dinh Nam: b. 1951. Residence: 137/1 Tran Hung Dao Street, 3 District, Tuy Hoa, Phu Yen Province. He was a priest of An Dan Dai Dao. Arrested on 2/6/2012, he was sentenced to 16 years in prison and 5 years of probation. He passed away on October 5, 2019 of kidney failure at K3, T345 in Xuyen Moc, Ba Ria-Vung Tau Province. He had been diagnosed with a failing kidney but could not get daily dialysis as the prison administration refused to take him to a medical clinic on a daily basis and also denied his petition for temporary suspension of his prison sentence for medical treatment.



3. Mr. Doan Van Cu: b. 1961. Residence: Dai Binh village, Hoa Quang Nam Subdisrict, Phu Hoa District, Phu Yen Province. Arrested on 2/10/2012, He was sentenced to 14 years in prison and 5 years of probation. He is currently held in Prison K3, T345, Xuyen Moc Subdisrict, Ba Ria, Vung Tau Province.



4. Mr. Le Duc Dong: b. 1983. Residence: Ke Sung Village, Phu Dien Subdistrict, Phu Vang District, Thua Thien – Hue. Arrested on 2/5/2012, he was sentenced to 12 years in prison and 5 years of probation. He is currently held in prison in An Diem, Dai Hung, Dai Loc, Quang Nam Province.



5. Mr. Le Duy Loc: b. 1956. Residence: Khanh Son, Khanh Hai Town, Ninh Hai, Ninh Thuan Province. Arrested on 2/5/2012, he was sentenced to 12 years in prison and 5 years of probation. He is currently held in Section 6, Thanh Chuong, Nghe An Province. His health is poor.



6. Mr. Le Phuc: b. 1951. Residence: 21/32A Thong Nhat Street, Dai Son Subdistrict, Phan Rang-Thap Cham Town, Ninh Thuan Province. Arrested on 2/5/2012, he was sentenced to 15 years in prison and 5 years of probation. He is currently held in Section K3, T345, Xuyen Moc Subdisrict, Ba Ria-Vung Tau Province. He suffers from poor health.



7. Mr. Le Trong Cu: b.10/20/1966. Residence: Quy Hau Village, Hoa Tri Subdisrict, Phu Hoa District. Arrested on 2/5/2012, he was sentenced to 12 years in prison and 5 years of probation. He is currently held in An Diem, Dai Hung, Dai Loc, Quang Nam Province. His health is poor.



8. Mr. Luong Nhat Quang: b. 1987. Residence: Luong Phuoc, Hoa Phu Subdistrict, Tay Hoa District, Phu Yen Province. Arrested in March 2012, he was sentenced to 12 years in prison and 5 years of probation. He is currently held in Section K3, T345, Xuyen Moc Subdisrict, Ba Ria-Vung Tau Province.



9. Mr. Nguyen Dinh: b. 4/1/1968. Residence: An Nien Village, Hoa An Subdistrict, Phu Hoa District, Phu Yen Province. Arrested on 23/11/2012, he was sentenced to 14 years in prison and 5 years of probation. He is currently held in Section 2, K2, Xuan Loc, Dong Nai Province.



10. Mr. Nguyen Ky Lac: b. 1/1/1951. Residence: Trieu Son Dong, Xuan Dai Subdistrict, Song Cau Town, Phu Yen Province. Arrested on 2/6/2012, his sentence is 16 years in prison and 5 years of probation. He is currently held in Section 2, K2, Xuan Loc, Dong Nai Province.



11. Mr. Nguyen Thai Binh: b. 1986. Residence: Thanh Hai Subdistrict, Phan Rang - Thap Cham, Ninh Thuan Province. Arrested on 11/23/2012, he was sentenced to 12 years in prison and 5 years of probation. He is currently held in prison in An Diem, Dai Hung, Dai Loc, Quang Nam Province.



12. Mr. Phan Thanh Tuong: b. 1987. Residence: My Thanh Trung, Hoa Phong Subdistrict, Tay Hoa District, Phu Yen Province. Arrested on 3/8/2012, he was sentenced to 10 years in prison and 5 years of probation. He is currently held in Section 2, Xuan Loc District, Dong Nai Province. He completed his prison sentence on October 8, 2020.



13. Mr. Phan Thanh Y: b. 1948. Residence: My Thanh Trung, Hoa Phong Subdistrict, Tay Hoa. Arrested on 11/23/2012, he was sentenced to 14 years in prison and 5 years of probation. He is currently held in Section K3, T345 in Xuyen Moc District, Ba Ria – Vung Tau Province.



14. Mr. Phan Van Thu: b. 1948. Residence: Section 646, Tran Phu Street, An Nhon Town, Binh Dinh Province. He founded the Buddhist Sect titled An Dan Dai Dao in 1969. Arrested on 2/5/2012, he was sentenced to life in prison. He is currently in An Phuoc Prison in Phu Giao District, Binh Duong Province, and suffers from poor health.



15. Mr. Ta Khu: b. 1947. Residence: Binh Thang, Son Thanh Dong Subdistrict, Tay Hoa District, Phu Yen Province. Arrested on 2/6/2012, he was sentenced to 16 years in prison and 5 years of probation. He is currently in Prison K3, T345 in Xuyen Moc Prison, Ba Ria- Vung Tau. His health is poor.





16. Mr. Tran Phi Dung: b. 1966. Residence: Phu Nhien, Hoa My Dong, Tay Hoa. Arrested on 2/10/2012, he was sentenced to 13 years in prison and 5 years of probation. He is currently held in Prison Z30A, Section 2, in Xuan Loc District, Dong Nai Province.



17. Mr. Tran Quan: b. 1984. Residence: Lam Tuyen, Dran, Don Duong, Lam Dong Province. Arrested on 2/10/2012, he was sentenced to 13 years in prison and 5 years of probation. He is currently in Prison Z30A, Section 2, in Xuan Loc District, Dong Nai Province.



18. Mr. Tu Thien Luong: b. 1950. Residence: Section 3, Duc Nghia Subdistrict, Phan Thiet, Binh Thuan Province. Arrested on 11/23/2012, he was sentenced to 16 years in prison and 5 years of probation. He is currently in prison in An Diem, Dai Hung, Dai Loc, Quang Nam Province.



19. Mr. Vo Ngoc Cu: b. 1951. Residence: Trieu Son Dong, Xuan Dai Subdistrict, Song Cau Town. Arrested on 2/6/2012, he was sentenced to 16 years in prison and 5 years of probation. He is currently in Prison K3, T345 in Xuyen Moc, Ba Ria- Vung Tau. His health is poor.



20. Mr. Vo Thanh Le: b. 1955. Residence: Phuoc Loc 2, Hoa Thanh Subdistrict, Dong Hoa, Phu Yen. Arrested on 2/5/2012, he was sentenced to 16 years in prison and 5 years of probation. He is currently in Prison K3, T345 in Xuyen Moc Prison, Ba Ria - Vung Tau. His health is poor.



21. Mr. Vo Tiet: b. 1952. Residence: Ngo Gia Tu St., Area 5, Phu Dong Subdistrict, Tuy Hoa Town, Phu Yen Province. Arrested on 2/5/2012, he was sentenced to 16 years in prison and 5 years of probation. He is currently held in Prison Z30A, Section 2, in Xuan Loc District, Dong Nai Province.



22. Mr. Vuong Tan Son: b. 1953. Residence: Thanh Lam Village, Hoa Quang Bac, Phu Hoa. Arrested on 2/10/2012, he was sentenced to 17 years in prison and 5 years of probation. He is currently in Prison K3, T345 in Xuyen Moc, Ba Ria-Vung Tau Province.

## **Members of Independent Journalists Association of Vietnam (IJAVN)**

Dr. Pham Chi Dung: Arrested on November 21, 2019; sentenced to 15 years in prison and three years on probation.

Nguyen Tuong Thuy: Arrested on May 23, 2020; sentenced to 15 years in prison and three years on probation.

Le Huu Minh Tuan: Arrested on June 12, 2020; sentenced to 15 years in prison and three years on probation.

All three were charged with violating Article 117 of the 2015 Vietnamese Penal Code (previously Article 88 (c) of the 1999 Vietnamese Penal Code) which punishes the “making, storing, or spreading information, materials or items for the purpose of opposing the State of the Socialist Republic of Vietnam.”

On January 8, 2021, the Spokesperson for the UN High Commissioner for Human Rights issued the following statement<sup>2</sup> regarding the cases of Pham Chi Dung, Nguyen Tuong Thuy and Le Huu Minh Tuan who were sentenced to lengthy prison sentences in Vietnam for exercising their rights to freedom of expression, opinion and association:

“On Tuesday, 5 January, three independent journalists in Viet Nam received severe sentences of between 11 and 15 years’ imprisonment after being found guilty of national security offences – a disturbing development that appears to be part of an increasing clampdown on the freedom of expression in the country.

“Pham Chi Dung, Nguyen Tuong Thuy and Le Huu Minh Tuan, respectively chairperson, the vice chairperson and a young member of the Independent Journalists Association of Viet Nam, were convicted by the People’s Court in Ho Chi Minh City of “making, storing, spreading information, materials, items for the purpose of opposing the State” under Article 117 of the Criminal Code. Pham Chi Dung was sentenced to 15 years in prison and three years on probation. Nguyen Tuong Thuy and Le Huu Minh Tuan were each sentenced to 11 years in prison and three years on probation. All three individuals were held in lengthy pre-trial detention, and despite assurances given by the Government that due process was followed, there are serious concerns about whether their rights to a fair trial were fully respected.”

In his 2014 Intimidation and Reprisal Report (A/HRC/27/38), the UN Secretary-General raised concern about Pham Chi Dung’s being subjected to travel ban:

“Pham Chi Dung, a journalist, writer and independent analyst, was reportedly prevented from travelling to Geneva to participate in a side event convened on 4 February 2014 in connection with the universal periodic review of Viet Nam. On 30 January 2014, Mr. Dung was visited at his home by three officers of the People’s Security Forces, who expressed concern about his scheduled trip to Geneva. Mr. Dung was invited to appear at the Ho Chi Minh Police Department on 1 February 2014, which he declined to do. As he checked in for his flight to Geneva at Ho Chi Minh International Airport on 1 February 2014, Mr. Dung was stopped by two security officers, who confiscated his mobile phone and passport, and informed him that he was barred from leaving the country. Approximately one hour later, Mr. Dung was allowed to return home, but his passport was not returned.<sup>55</sup> A reply to a joint communication sent on 31 March 2014 by three special procedures mandate holders was received on 11 July 2014 from the Government, in which

it stated that the allegations were inaccurate and that preventing Mr. Dung from boarding the flight to Geneva did not relate to his legal human rights activities.”

In his 2020 Intimidation and Reprisal Report (A/HRC/45/36), the UN Secretary-General raised concern about the arrest of Pham Chi Dung:

“On 22 January 2020, special procedures mandate holders addressed the reported detention of Mr. Pham Chi Dung (VNM 5/2019) after he publicly expressed human rights concerns, following the visit of a November 2019 European Parliament Committee on Trade (INTA) delegation to Viet Nam. On 21 November 2019, Mr. Pham Chi Dung was reportedly arrested and brought to his house, where a search was conducted. Police reportedly forced him to log onto his computer and print documents that could be related to his advocacy. Mr. Pham Chi Dung was reportedly held under Article 117 of the Vietnamese Penal Code related to “making, storing or disseminating information, documents, materials and items against the Socialist Republic of Viet Nam,” a crime carrying between 10–20 years imprisonment.

“On 18 March 2020, the Government stated that the allegations were inaccurate, mostly drawn from unsubstantiated information and did not reflect the nature of the case. The Government provided information regarding Mr. Pham Chi Dung’s detention, including the legal basis for his arrest, his right to legal counsel and family visits, as well as his conditions of detention.”

IJAVN has submitted multiple reports to UN mandate holders, including:

- 2019 UPR review of Vietnam: <https://dvov.org/wp-content/uploads/2018/07/Vietnam-UPR-2019-joint-submission-on-freedoms-of-thought-and-expression-1.pdf>
- 2022 CRC review of Vietnam: [https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/VNM/INT\\_CRC\\_NGO\\_VNM\\_42741\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/VNM/INT_CRC_NGO_VNM_42741_E.pdf)