

URGENT ACTION

MISSING HUMAN RIGHTS DEFENDER AT RISK OF TORTURE

Former prisoner of conscience, Nguyễn Bắc Truyền was last seen on 30 July 2017 after dropping off his wife outside her place of work in Ho Chi Minh City, Viet Nam. Although State media reported that he was arrested by authorities, more than three weeks later his wife has received no official confirmation from police as to the accusations against him or his place of detention. He is at risk of torture or other ill-treatment and has pre-existing medical conditions that require treatment.

The whereabouts of **Nguyễn Bắc Truyền** remain unknown since he was forcibly disappeared on 30 July 2017. According to State media reports, he was arrested for "carrying out activities aimed at overthrowing the People's Administration" under Article 79 of the 1999 Penal Code. The offence, which falls under the vaguely worded "national security" section of the Penal Code, provides for a sentence of up to life imprisonment or capital punishment.

On the same day that Nguyễn Bắc Truyền was forcibly disappeared, three other activists were formally arrested in the presence of one or more family members. The families of those activists have since been informed either verbally or in writing that the men are being held at B14 prison in Ha Noi. Despite requesting information from police, the family of Nguyễn Bắc Truyền have received no similar confirmation as to his whereabouts and they fear for his safety. Nguyễn Bắc Truyền suffers from heart and bowel conditions that could deteriorate if he does not have access to the medication he requires.

A former prisoner of conscience, Nguyễn Bắc Truyền is a follower of Hòa Hảo Buddhism, a minority religious tradition centred primarily in the south of Viet Nam. He was arrested in 2006 and imprisoned for three and a half years after being convicted of "conducting propaganda" against the State for providing legal advice to land grab victims. On 24 February 2014, Nguyễn Bắc Truyền and his wife were pulled from a taxi in Ha Noi by men in plain clothes and severely beaten while on the way to the Australian embassy to discuss the harassment they had faced from police in Đồng Tháp province in the lead up to their wedding. His wife has recalled four other specific incidents in 2015 and 2016 when one or both of them were beaten or attacked by men in plain clothes.

Please write immediately in Vietnamese, English, or your own language urging Vietnamese authorities to:

- Immediately disclose the whereabouts of Nguyễn Bắc Truyền;
- Release Nguyễn Bắc Truyền immediately and unconditionally if he is in State custody, as it appears he has been deprived of his liberty solely for peacefully exercising his rights to freedom of expression and association;
- Pending his release, ensure that Nguyễn Bắc Truyền is protected from torture and other ill-treatment and is allowed access to his family, a lawyer of his choice, and adequate medical care.

PLEASE SEND APPEALS BEFORE 3 OCTOBER 2017 TO:

Prime Minister
 Nguyễn Xuân Phúc
 Prime Minister's Office
 Hà Nội, Việt Nam
 Email:
 nguoiophatngonchinhphu@chinhphu.vn
Salutation: Your Excellency

Minister of Public Security
 Tô Lâm
 44 Yết Kiêu St. Hoàn Kiếm District Hà
 Nội, Việt Nam
 Fax: + 844 3823 1872
 c/o Ministry of Foreign Affairs
 Email: ttll.mfa@mofa.gov.vn
Salutation: Dear Minister

And copies to:
Minister of Foreign Affairs and Deputy
Prime Minister
 Phạm Bình Minh
 Ministry of Foreign Affairs
 1 Ton That Dam Street, Ba Dinh district
 Hà Nội, Việt Nam
 Fax: + 844 3823 1872

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY MR THAO VAN NGUYEN, Embassy of the Socialist Republic of Vietnam, 12-14 Victoria Road W8 5RD, 020 7937 1912, Fax 020 7565 3853, vanphong@vietnamembassy.org.uk, www.vietnamembassy.org.uk
Please check with your section office if sending appeals after the above date

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ADDITIONAL INFORMATION

Before his arrest, Nguyễn Bắc Truyền was working for a Christian church in Ho Chi Minh City, contributing to a charitable program that supports war veterans. He has monitored and reported on the harassment of religious minorities in Viet Nam and in 2014 he met with the UN Special Rapporteur on freedom of religion or belief during a country visit to Viet Nam. He has also provided legal advice to victims of land grabs and police harassment, and helped to facilitate charitable support to the families of prisoners of conscience.

The three other activists that were arrested the same day as Nguyễn Bắc Truyền are Phạm Văn Trội, 45, from Ha Noi; Trương Minh Đức, 57, from Ho Chi Minh City; and Nguyễn Trung Tôn, 45, from Thanh Hoa province. Each of them has previously been imprisoned for their peaceful activities (see <https://www.amnesty.org/en/documents/asa41/6855/2017/en/>). A fifth individual, Nguyen Trung Truc, was arrested on 4 August 2017. According to State media, all five men are alleged to have connections to human rights lawyer Nguyễn Văn Đài who was himself arrested in Ha Noi on 16 December 2015 and, along with his colleague Le Thu Ha, is also accused of committing an offence under Article 79 of the Penal Code (see ASA 41/3098/2015).

Although Hòa Hảo Buddhism is an officially recognized religion in Viet Nam, historically there has been tension between its adherents and the Communist Party of Viet Nam. Individuals and families who choose to practice the religion independently of State-sanctioned religious authorities often face harassment from authorities.

Nguyễn Bắc Truyền is a former prisoner of conscience. He was arrested in November 2006 and imprisoned for three and a half years after being convicted of "conducting propaganda" against the State. According to his wife, Bui Thi Kim Phuong, he was accused of giving incorrect information to victims of land grabs, thereby turning them against the government. Nguyễn Bắc Truyền was released from prison in May 2010 but was briefly detained again on 9 February 2014 when police raided the home of Bui Thi Kim Phuong, his fiancée at the time, in Đồng Tháp province days before their planned wedding. He was accused of stealing money and property but was released after twenty-four hours. The accusations and investigation were later dropped due to lack of evidence, however uniformed and plain-clothed police continued to threaten and harass the couple and their family for the rest of the month, including by following them, throwing waste at the house and allegedly cutting the water supply.

Viet Nam is in the midst of a sustained crackdown on human rights which has resulted in the arbitrary detention of at least fifteen activists and government critics since January 2017. Prisoners of conscience are routinely held for long periods of pre-trial, incommunicado detention. Incommunicado detention can facilitate torture and other cruel, inhuman or degrading treatment and when prolonged can itself amount to such practices. In addition, the right to promptly communicate with a lawyer and prepare a defence, an essential part of the right to a fair trial, is denied. Both the prohibition against torture and other ill-treatment and the right to a fair trial are provided in treaties that Viet Nam, as a state party, is legally obliged to abide by, including the International Covenant on Civil and Political Rights (ICCPR) and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Prison conditions in Viet Nam are harsh, with inadequate food and health care, falling far short of the minimum requirements set out in the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) and other international standards. Prisoners of conscience have been held in solitary confinement as a punishment for prolonged periods. For more information see the Amnesty International report, issued in July 2016: "Prisons Within Prisons: Torture and Ill-treatment of Prisoners of Conscience in Viet Nam", <https://www.amnesty.org/en/documents/asa41/4187/2016/en/>.

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