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PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on freedom of religion or belief.

Téléfax: (41-22) 917 9006
Télégrammes: UNATIONS, GENEVE
Téléc: 41 29 62
Téléphone: (41-22) 917 9359
Internet www.ohchr.org
E-mail: urgent-action@ohchr.org

Address:
Palais des Nations
CH-1211 GENEVE 10

REFERENCE: AL G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (56-23) VNM 2/2012

12 July 2012

Dear Mr. Vu Anh Quang,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Special Rapporteur on freedom of religion or belief pursuant to Human Rights Council resolutions 16/4, 15/21, and 14/11.

In this connection, we would like to bring to your Government's attention information we have received regarding **the harassment and intimidation of individuals participating or attempting to participate in peaceful protests across the country.**

According to the information received:

On 30 June 2012, following calls made by the patriarch Thich Quang Do, Supreme Patriarch of the Unified Buddhist Church of Vietnam (UBCV), as well as bloggers, to peacefully protest against the alleged recent incursions of Chinese vessels into areas of the South China Sea, which Vietnam claims as its territory, police forces cordoned the Thanh Minh Zen Monastery in Ho Chi Minh City, where the patriarch Thich Quang Do has reportedly been under de facto house arrest, as well as the Giac Hoa Pagoda, where the Secretariat of the UBCV is located and which is the residence of Venerable Thich Vien Dinh, UBCV's deputy leader. On the same day, the police also raided the private quarters of Venerable Thich Thien Hanh, head of the UBCV's provincial committee in Hue, and ordered that he cancels the peaceful demonstration planned for the following day at the Buddhist Martyrs Memorial.

On 1 July 2012, Venerable Thich Thien Hanh was prevented by the police from joining the Buddhist Martyrs Memorial where road-blocks were set up. On the same day, a series of peaceful demonstrations were reportedly held across the country. In Hanoi and Ho Chi Minh City, bloggers were reportedly harassed, put under surveillance, and briefly detained by the police prior to and during the peaceful protests. These include Ms. Nguyen Hoang Vi, together with another five or six people, who were detained in Ho Chi Minh City and released later that day. In Hue and Ho Chi Minh City, all the monks, nuns and other Buddhist followers who tried to join the protests were either apprehended on their way to the protests, or prevented from leaving their pagoda or homes. In Hue, police forces reportedly attacked UBCV followers at the An Cuu bridge; one monk suffered injuries at the head.

Concerns are expressed that the harassment and intimidation of the aforementioned individuals, including members of the UBCV, who participated or attempted to participate in peaceful protests across the country, may be linked to the exercise of their rights to freedom of peaceful assembly, opinion and expression and association.

While we do not wish to prejudge the accuracy of these allegations, we wish like to appeal to your Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the International Covenant on Civil and Political Rights (ICCPR), which provides that “[e]veryone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.” In this connection, we wish also to draw the attention of your Excellency’s Government to the principle enunciated in Human Rights Council Resolution 12/16, which calls on States, while noting that the exercise of the right to freedom of opinion and expression carries with it special duties and responsibilities, to refrain from imposing restrictions which are not consistent with article 19, paragraph 3 of the ICCPR, including on (i) discussion of government policies and political debate; reporting on human rights, government activities and corruption in government; engaging in election campaigns, peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups.

We would also like to appeal to your Government to take all necessary steps to ensure the right of peaceful assembly as recognized in article 21 of the ICCPR, which provides that “[t]he right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interest of national security of public safety, public order (ordre public), the protection of public health or morals of the protection of the rights and freedoms of others.”

Similarly, we would like to appeal to your Government to take all necessary steps to ensure the right to freedom of association, as recognized in article 22 of the ICCPR, which provides that “[e]veryone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests”.

Finally, we would like to refer to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that “[c]alls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely... including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.”

As it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the summary of the case accurate?
2. Has a complaint been lodged by the aforementioned individuals?
3. Please indicate the legal basis of the aforementioned restrictions on freedoms of peaceful assembly, opinion and expression and association, as well as the arrest and detention and the alleged excessive use of force against peaceful protestors. Please indicate how these measures are compatible with international human rights norms and standards as contained, inter alia, in the International Covenant on Civil and Political Rights.

We would appreciate a response within sixty days. Your Government’s response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Government to take all necessary measures to guarantee that the rights and freedoms of the aforementioned individuals who participated or attempted to participate in peaceful protests across the country are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Mr. Vu Anh Quang, the assurances of our highest consideration.

Frank La Rue
Special Rapporteur on the promotion and protection of the right to
freedom of opinion and expression

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and
of association

Heiner Bielefeldt
Special Rapporteur on freedom of religion or belief