

URGENT ACTION

ACTIVISTS HELD INCOMMUNICADO AT RISK OF TORTURE

Two pro-democracy activists who are among a group of people arrested on 6 November have been charged with aiming to “overthrow” the state under Article 79 of Viet Nam’s Penal Code. They are held in incommunicado detention and are at risk of torture and other ill-treatment.

Lưu Văn Vịnh, a pro-democracy activist, was arrested at his home in Hồ Chí Minh City at mid-day on 6 November. **Nguyễn Văn Đức Do** was also arrested at his home in Hồ Chí Minh City at around 7.30 pm the same day. On 17 November, their families were informed that they were being held at 4 Phan Dang Luu detention center, Phú Nhuận district for investigation into their alleged links to the “Coalition of Self-Determination [for] Vietnamese People” (“Liên Minh Dân Tộc Việt Nam”), under Article 79 of the Penal Code. This provides for between five years and life imprisonment, or the death penalty. The Coalition seeks political reform and an end to the monopoly of the ruling Communist Party of Viet Nam. Both men are held incommunicado, a practice which encourages torture and other ill-treatment, in violation of the prohibition on torture in international human rights treaties including the Convention against Torture to which Viet Nam is a state party.

Lưu Văn Vịnh was beaten in front of his family around the head, face and abdomen by plain clothed men, taken away and then brought back two hours later when the police arrived with an arrest warrant. After repeated attempts to see him, his family were provided with formal notification of the reasons for his arrest on 17 November. The same day, an application by their lawyer to represent Lưu Văn Vịnh was rejected. Nguyễn Văn Đức Do’s family did not know where he was detained until 11 November, and then only received formal notification on 17 November.

Both men had taken part in peaceful protests about the Formosa ecological disaster in April, and in anti-China demonstrations. Several others arrested around the same time were released after being held for up to five days. One reported that they were beaten while in detention.

1) TAKE ACTION

Write a letter, send an email, call, fax or tweet:

- Calling on the authorities to immediately release Lưu Văn Vịnh and Nguyễn Văn Đức if they are not to be tried for a recognizable criminal offence;
- Calling on the authorities to ensure that Lưu Văn Vịnh and Nguyễn Văn Đức Do are treated in accordance with the UN Standard Minimum Rules for the treatment of prisoners, and are not subjected to torture and other ill-treatment while in detention;
- Calling on them to ensure that they have access to a lawyer, family and adequate medical care.

Contact these two officials by 3 January, 2017:

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

Ambassador H.E. Pham Quang Vinh
 Embassy of the Socialist Republic of Vietnam
 1233 20th St NW Suite #400
 Washington, DC 20036
 Fax: 1 202 861 0917 | Phone: 1 202 861 0737
 Email: info@vietnamembassy.us
 Salutation: Your Excellency

2) LET US KNOW YOU TOOK ACTION

Here’s why it is so important to report your actions: we record the number of actions taken on each case and use that information in our advocacy. **Either email uan@aiusa.org with “UA 265/16” in the subject line or [click this link](#).**

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ADDITIONAL INFORMATION

Lưu Văn Vịnh is a handyman, electrician and plumber from the northern province of Hải Dương who moved to Hồ Chí Minh City several years ago. His family, including three children aged between six and 19-year-old, joined him in 2015. His wife opened a small shop, which it is now difficult for her to keep open without his help. Nguyễn Văn Đức Do is an electrician from Huế city, who has lived in Hồ Chí Minh City for around six months before his arrest on 6 November. His brother believes that he has no connection with the “Coalition of Self-Determination [for] Vietnamese People”, beyond knowing some of the members.

As many as 270,000 people, including fishermen, in the coastal provinces of Nghệ An, Hà Tĩnh, Quảng Bình, Quảng Trị, and Thừa Thiên - Huế have been affected by the deaths of millions of fish in April 2016. After a two month investigation into the ecological disaster, the government confirmed allegations by the public that a steel plant owned by the Taiwanese Formosa Plastics Group had caused discharges of toxic waste. At the end of June, Formosa publicly apologised and announced that it would provide US\$ 500 million in compensation, but those affected have said that this is insufficient reparation for the impact and loss of livelihoods. The 506 complaints made for additional compensation have been rejected by the authorities. The Vietnamese authorities cracked down heavily in response to a series of demonstrations taking place throughout the country in May 2016, organised following the decimation of Viet Nam's fish stocks. Wide-ranging police measures to prevent and punish participation in demonstrations has resulted in a range of human rights violations including torture and other ill-treatment, as well as violations of the rights to peaceful assembly and freedom of movement. See: <https://www.amnesty.org/en/documents/ASA41/5070/2016/en/>

China's territorial policies in the South China Sea (known as the East Sea in Viet Nam) are controversial in Viet Nam and some dissidents support or participate in anti-China protests.

Viet Nam is a state party to the International Covenant on Civil and Political Rights which guarantees the rights to freedom of expression, association and peaceful assembly. However, these rights are severely restricted in law and practice in Viet Nam. Vaguely worded articles in the national security section of Viet Nam's 1999 Penal Code are frequently used to criminalize dissenting views or activities. Those at risk include people advocating for peaceful political change, criticizing government policies, or calling for respect for human rights. Article 79 (Carrying out activities aimed at overthrowing the people's administration) is among articles used to detain, prosecute and imprison dissidents for their pro-democracy activism, including bloggers, labour rights and land rights activists, political activists, religious followers of different churches, human rights defenders and social justice activists, and even song writers.

Prison conditions in Viet Nam are harsh, with inadequate food and health care that falls 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 are commonly held in incommunicado pre-trial detention when risk of torture and other ill-treatment is high. Although Viet Nam has ratified the Convention against Torture, which came into effect in the country in February 2015, insufficient steps have been taken to bring the country into compliance with its obligations under that treaty. For more information see report, Prisons Within Prisons: Torture and Ill-treatment of Prisoners of Conscience in Viet Nam, <https://www.amnesty.org/en/documents/asa41/4187/2016/en/>, published in July 2016.

Name: Lưu Văn Vịnh; Nguyễn Văn Đức Do
Gender m/f: m

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