

Viet Nam: release writer held on “propaganda” charges - UN experts

GENEVA (29 October 2021) – UN human rights experts* today called on Viet Nam to immediately and unconditionally release detained writer and woman human rights defender Ms Pham Doan Trang who faces “anti-State propaganda” charges and the possibility of up to 12 years in jail.

“Ms Pham Doan Trang is only the latest victim of the authorities’ use of vaguely defined propaganda charges to persecute writers, journalists and human rights defenders, criminalising the exercise of their right to freedom of opinion and expression to share information,” the experts said.

Ms Pham Doan Trang, detained in Hanoi temporary detention centre 1, was arrested in October 2020. She was held in pre-trial detention for more than a year before being allowed to meet her lawyer, and charges were not brought until the end of August this year. She has not been allowed to meet her family and has only recently received medical treatment, despite deteriorating health. Her trial, initially scheduled for 4 November, has been postponed and is likely to take place in the coming weeks.

“As we have said many times before, Article 88 of the 1999 Criminal Code[†], under which she is charged, is vaguely defined and violates international human rights norms,” the experts said. “We reiterate our call to the government to repeal all such provisions that violate the right to freedom of opinion and expression.”

The arrest and detention of an individual exercising their right to freedom of expression to report on human rights issues is an arbitrary deprivation of liberty under international human rights law, the experts said. The Working Group on Arbitrary Detention deemed Ms Pham Doan’s detention arbitrary in an [Opinion 40/2021](#) issued in September 2021.

The charges against Ms Pham Doan Trang stem from at least three human rights reports she co-authored, as well as interviews she gave with foreign media outlets. The reports – covering the 2016 Formosa marine environmental disaster, a 2016 law on religion, and human rights issues in Viet Nam in general – are being used as evidence by the prosecution.

“We are deeply alarmed that reports documenting human rights concerns are being used against human rights defenders as evidence in criminal trial,” the experts said. “This could have far-reaching consequences and consolidate an environment of fear in Viet Nam, leading to self-censorship and inhibiting others from cooperating with the UN.”

Sharing reports and testimonies is a common way of communicating with the UN, and one way UN human rights experts establish facts.

“Bringing criminal charges against people who report on human rights issues is likely to coerce individuals into submission and silence, and preclude them from speaking out on such topics,” they said.

Reiterating fears for Ms Pham Doan Trang’s health, the experts said: “We urge the authorities to immediately and unconditionally release Ms Pham Doan Trang and allow her to receive all necessary medical care.”

The Special Rapporteurs are in contact with the authorities on this matter.

[†]The arrest warrant issued against Ms. Pham Doan Trang charged her under both article 117 of the 2015 Criminal Code and article 88 of the 1999 Criminal Code, for alleged acts of ‘anti-State propaganda’ both prior to and since 2018, however the final indictment charges her under article 88 of the 1999 Criminal Code only.

ENDS

*** The experts: Ms. Irene Khan, [Special Rapporteur on the right to freedom of opinion and expression](#); Ms. Elina Steinerte (Chair-Rapporteur), Dr. Miriam Estrada-Castillo (Vice-chairperson), Ms Leigh Toomey, Mr Mumba Malila, Ms Priva Gonalan, [Working Group on](#)**

Chen Pei-shan, Mr. Leigh Toomey, Mr. Numba Nanda, Ms. Tiya Sepatan, Working Group on arbitrary detention; **Ms. Mary Lawlor**, *Special Rapporteur on the situation of human rights defenders*; and **Tlaleng Mofokeng**, *Special Rapporteur on the right to physical and mental health*.

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