



FREEDOM NOW

March 1, 2019

By fax: + 41 (0) 22.917.90.06 and email: urgent-action@ohchr.org

Mr. David Kaye

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
c/o Office of the High Commissioner for Human Rights – Palais Wilson
United Nations Office at Geneva
1211 Geneva 10, Switzerland

RE: Arbitrary Detention of Nguyen Van Hoa (Vietnam)

Dear Mr. Kaye,

We write to you regarding Nguyen Van Hoa, a journalist who is currently imprisoned by the government of Vietnam. Mr. Nguyen is serving a seven year prison sentence on fabricated charges which were leveled against him in response to his critical journalism.

In April 2016, four provinces in central Vietnam experienced one of the worst environmental disasters in the history of the country – an industrial toxic spill from the Formosa steel plant.¹ Although the corporation caused the spill by flushing toxic chemicals into the ocean, the event became a political issue when the government moved slowly to mitigate the spill. The spill decimated the local fishing industry and heavily impacted tourism. Protests ensued in the wake of the government's tepid response. Formosa officially accepted responsibility for the spill in June 2016.²

Prior to his arrest, Mr. Nguyen was a videographer for Radio Free Asia's Vietnamese language service and had been covering the environmental disaster and its fallout. He was the first person to broadcast live footage of protests outside of Formosa's plant using a flycam drone. In October 2016, his footage of more than 10,000 peaceful protesters went viral. In November 2016, Mr. Nguyen was beaten by police and had his camera and phone confiscated while on assignment for Radio Free Asia.

Mr. Nguyen was arrested for drug possession on January 11, 2017. Nearly two weeks later, his family received notice of Mr. Nguyen's temporary detention, but with the charges listed as "abusing democratic freedoms to infringe upon the interests of the State," per Article 258 of the 1999 Vietnam Penal Code. For the first three months of his detention, Mr. Nguyen was not allowed to meet with his family. He finally saw his family in April 2017, shortly after a taped confession was broadcast on television.

The government did not officially announce Mr. Nguyen's arrest until April 6, 2017. At that time, the charges against him were again changed, this time from Article 258 to Article 88 – "disseminating propaganda against the state" – a charge that carries a heavier sentence.

¹ *Millions of dead fish on Vietnam's shores raise industrial pollution fears*, Los Angeles Times (May 4, 2016), available at <https://www.latimes.com/world/asia/la-fg-vietnam-fish-20160504-story.html>.

² *Vietnam's Mass Fish Death Culprit Finally Revealed*, Forbes (July 4, 2016), available at

<https://www.forbes.com/sites/davisbrett/2016/07/04/vietnams-mass-fish-death-culprit-revealed-finally/#1093e3103f7f>.

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Our mission is to free prisoners of conscience through focused legal, political and public relations advocacy efforts.

Mr. Nguyen's trial commenced in November 2017 and lasted only two and a half hours. He was sentenced under Article 88 to seven years in prison followed by three years of house arrest.

In October 2018, Mr. Nguyen was able to send a letter to his family in which he describes how he was mistreated and coerced into testifying against other activists in cases to which he had no connection.³

Mr. Nguyen has filed petitions with the Vietnamese government regarding beatings he received in detention. To date, he has not received a reply to these petitions and officials responsible for the abuse have not been prosecuted.⁴ On February 22, 2019 Mr. Nguyen began a hunger strike to protest the government's inaction regarding his complaints.⁵

Your office has previously called for the release of all Vietnamese individuals imprisoned for reporting on the Formosa spill, including Mr. Nguyen.⁶ Nonetheless, despite such concern from the United Nations and the international community, Mr. Nguyen remains in prison.

Freedom Now respectfully requests that your office enquire into Mr. Nguyen's ongoing detention and take the appropriate steps to urge the government of Vietnam to ensure that he is released as soon as possible and allowed to continue his journalism unobstructed. While Mr. Nguyen remains arbitrarily detained, we also request that your office press the Vietnamese government to ensure that Mr. Nguyen is not subjected to abuse from prison officials, is provided adequate medical treatment for his ailments, and is allowed to meet with religious clerics of his choosing. We also urge your office to press the Vietnamese government to conduct a thorough and transparent investigation into the abuse allegations Mr. Nguyen has made.

Sincerely,



Maran Turner
Executive Director
Freedom Now

cc:

Mr. Baskut Tuncak, Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

Mr. David Boyd, Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment

Mr. Michel Forst, Special Rapporteur on the situation of human rights defenders

³ *Letter: Jailed Vietnamese Activist Nguyen Van Hoa Suffers Abuse in Prison*, Radio Free Asia (Oct. 24, 2018), available at <https://www.rfa.org/english/news/vietnam/NguyenVanHoaLetter-10242018175530.html>.

⁴ *Jailed Vietnamese Activist Goes on Hunger Strike Over Beatings by Police*, Radio Free Asia (Feb. 28, 2019), available at <https://www.rfa.org/english/news/vietnam/strike-02282019161500.html>.

⁵ *Id.*

⁶ *Viet Nam: UN rights experts urge release of activists jailed for protesting toxic spill*, UN Office of the High Commissioner for Human Rights (Feb. 23, 2018), available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22696&LangID=E>.