

URGENT ACTION

NECESSARY MEDICAL TREATMENT DENIED TO PRISONER

Prisoner of conscience Đinh Nguyễn Kha is being denied medical treatment following an operation to remove a tumour from his stomach three months ago, which could amount to torture or other cruel, inhuman or degrading treatment of punishment.

Đinh Nguyễn Kha was arrested in October 2012 after being accused of distributing leaflets that were deemed critical of the Vietnamese government's response to China's actions in the disputed South China Sea/East Sea. Charged under Article 88 ("conducting propaganda" against the state) of the 1999 Penal Code, he was sentenced to six years' imprisonment with three years' house arrest on release by a court in Long An province. He is currently detained at Xuyên Mộc prison in Bà Rịa Vũng Tàu province in the south of Viet Nam and is due to be released in October 2018

Three months ago Đinh Nguyễn Kha had an operation to remove a lemon-sized benign tumour from his stomach. However, despite repeated requests from him and his family, prison authorities are denying him follow-up medical treatment. While the scar from the operation has healed, there is swelling and he is concerned that he may have internal complications arising from the procedure. Following a recent visit, family have said that he is in physical pain and has lost about 4kg in recent months. A fit man in his mid-twenties when he arrived in prison, Đinh Nguyễn Kha is now unable to do anything physical, struggling to even lift his arms above his head. The prison has access to a local medical centre in Vũng Tàu city but prison authorities will not permit him access.

The denial of medical treatment in these circumstances could amount to a violation of the prohibition of torture or other cruel, inhuman or degrading treatment of punishment, in violation of, among others, the Convention against Torture, ratified by Viet Nam in February 2015.

Đinh Nguyễn Kha shares a 4mx4m cell with another inmate in the high security section of Xuyên Mộc prison. Without beds, both are forced to sleep on the floor beside a hole which is used as a toilet. Furthermore, as the roof is made of steel, the cell becomes extremely cold in winter and equally as hot during the summer. Đinh Nguyễn Kha has previously been placed in solitary confinement as punishment, including a period of 10 days in 2015 when he was shackled after he smuggled food to someone else in solitary confinement.

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

- Immediately and unconditionally release Đinh Nguyễn Kha as he is a prisoner of conscience, detained solely for exercising his right to freedom of expression;
- Pending his release, promptly provide Đinh Nguyễn Kha with appropriate medical care, in accordance with his wishes and as necessary, including transfer to and treatment in a civil hospital if required.

PLEASE SEND APPEALS BEFORE 3 APRIL 2017 TO:

Minister of Public Security
To Lam
44 Yết Kiêu St. Hoàn Kiếm District Hà
Nội, Việt Nam
Fax: + 844 3823 1872
Email: ttl.mfa@mofa.gov.vn

Salutation: Dear Minister

Prime Minister
Nguyễn Xuân Phúc
Prime Minister's Office
Hà Nội, Việt Nam
Email:
nguoiphatngonchinhphu@chinhphu.vn

Salutation: Your Excellency

And copies to:
Minister of Foreign Affairs and Deputy
Prime Minister
Phạm Bình Minh
Ministry of Foreign Affairs
1 Ton That Dam Street, Ba Đình district
Hà Nội, Việt Nam
Fax: + 844 3823 1872
Email: ttl.mfa@mofa.gov.vn

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY MR VAN THAO 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.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Đinh Nguyễn Kha was not permitted to see family until the day before his trial, nine months after he was first arrested. Although they are now able to visit him once a month, the meetings are monitored by prison staff who watch and listen throughout. The family feel the need to bring food to supplement the meagre and substandard diet provided to Đinh Nguyễn Kha by the prison authorities.

Đinh Nguyễn Kha had an HIV test around the time of his operation. While he was told that the test was negative, he was refused permission to look at the results himself and remains concerned that he may have contracted the virus. Đinh Nguyễn Kha's concerns are fuelled by the death in 2014 of Huỳnh Anh Trí, a political prisoner who contracted HIV while serving a 14 year prison sentence for "attempting to overthrow the people's administration" (Article 79 of the Penal Code). After his release, Huỳnh Anh Trí spoke about being shackled and prisoners having to share razors. He also recounted seeing several other political prisoners contracting HIV and dying during his time in prison.

Since his arrest, Đinh Nguyễn Kha's family have been subjected to harassment and intimidation from Vietnamese authorities. His brother, Đinh Nhật Uy, was arrested and detained for four months in 2013 after posting comments on his Facebook page calling for Đinh Nguyễn Kha's release. Đinh Nhật Uy was released after his trial, at which he was given a 15 month suspended prison sentence and one year's probation, under Article 258 of the Penal Code ("abusing democratic freedoms"). Since his release, Đinh Nhật Uy has been unable to find work and accommodation due to pressure put on landlords and employers by the authorities. He has had to move home to live with his mother. Similarly, Đinh Nguyễn Kha's sister has been unable to find employment, nor rent a house, and she too has had to move home to her mother's house with her child. Until recently, police closely monitored their home and followed family members when they went about their business. This has ceased after police erected a surveillance camera outside the home.

Although Viet Nam has ratified the Convention against Torture, insufficient steps have been taken to bring the country into compliance. Amnesty International has documented torture and other ill-treatment of prisoners of conscience in Viet Nam in a report entitled "*Prisons Within Prisons: Torture and ill-treatment of prisoners of conscience in Viet Nam*", see: <https://www.amnesty.org/en/documents/asa41/4187/2016/en/>. Đinh Nguyễn Kha is also included in the list of 84 prisoners of conscience in Viet Nam published in July 2016, see: <https://www.amnesty.org/en/documents/asa41/4389/2016/en/>.

Article 88 of the Penal Code is frequently relied on by the Vietnamese authorities to jail dissidents for peaceful activism and the exercise of freedom of expression. Amnesty International and others have repeatedly called for Article 88 to be repealed or amended to conform to international human rights law and standards. Apart from the Convention against Torture, Viet Nam is also bound by the International Covenant on Civil and Political Rights since 1982.

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