

URGENT ACTION

TEN YEARS IN PRISON FOR HUMAN RIGHTS DEFENDER

Nguyễn Ngọc Như Quỳnh, also known as blogger Mẹ Nấm (Mother Mushroom), was sentenced to ten years' imprisonment on 29 June 2017 for "conducting propaganda" against the state under Article 88 of the Penal Code. She is currently held incommunicado, preventing her lawyers from finalizing her appeal.

Nguyễn Ngọc Như Quỳnh was held in pre-trial detention from the time of her arrest on 10 October 2016 and not granted access to a lawyer until 20 June 2017, nine days before her case was heard at the People's Court of Khánh Hòa. At the trial, Nguyễn Ngọc Như Quỳnh and her lawyer were prevented from presenting a full defence against the charges and were reportedly frequently cut off by the Judge when they attempted to speak.

According to a translation of the indictment, Nguyễn Ngọc Như Quỳnh was charged for her activities on Facebook and other social media, including writing, uploading and sharing articles and video content critical of the ruling Communist Party of Viet Nam and the state; for producing, editing, and sharing a report titled "Stop Police Killing Civilians" that listed 31 people who, the report claimed, had died in police custody; for giving interviews with foreign media that "distorted" the situation in Vietnam; and for her possession of a poem collection and compact disc recording that were deemed critical of the Communist Party of Viet Nam and the state. The charges violate the right to freedom of expression as provided in international human rights law, which binds Viet Nam. Amnesty International considers Nguyễn Ngọc Như Quỳnh a prisoner of conscience, imprisoned solely for her peaceful activities promoting and defending human rights.

With the exception of a short five-minute visit the day before the trial, Vietnamese authorities have prevented any contact with her family, who do not know where she has been detained. Packages of food and clothing delivered by Nguyễn Ngọc Như Quỳnh's mother over the course of her pre-trial detention were not passed on, including a bible and hymn book that Nguyễn Ngọc Như Quỳnh had specifically requested in writing. Her mother was also prevented from attending the trial, and was instead made to watch a live feed from an adjourning room. Since the arrest, her mother has been caring for her two young children with support from friends. The family is under daily surveillance by authorities and the children are reportedly withdrawn and distressed at the absence of their mother.

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

- Release Nguyễn Ngọc Như Quỳnh immediately and unconditionally as she is a prisoner of conscience held solely for her peaceful activities defending and promoting human rights;
- Immediately reveal the whereabouts of Nguyễn Ngọc Như Quỳnh and ensure that she has access to a lawyer, her family, and adequate medical care;
- Ensure that until she is released, she is treated in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners, and specifically is not subjected to torture or other ill-treatment.

PLEASE SEND APPEALS BEFORE 23 AUGUST 2017 TO:

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

Minister of Public Security
 Tô Lâm
 44 Yết Kiêu St. Hoàn Kiếm District Hà Nội,
 Việt Nam
 Fax: + 844 3823 1872
 c/o Ministry of Foreign Affairs
 Email: ttil.mfa@mofa.gov.vn
Salutation: Dear Minister

And copies to:
Minister of Foreign Affairs and Deputy
Prime Minister
 Phạm Bình Minh
 Ministry of Foreign Affairs
 1 Tôn Thất Dam Street, Ba Đình district
 Hà Nội, Việt Nam
 Fax: + 844 3823 1872

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY MR THAO VAN 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. This is the first update of UA 233/16. Further information:

<https://www.amnesty.org/en/documents/asa41/4979/2016/en/>

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ADDITIONAL INFORMATION

Nguyễn Ngọc Như Quỳnh co-founded the independent Vietnamese Bloggers Network in December 2013. She is a single mother with two young children, aged ten and four. She has on numerous occasions faced harassment, arrest and interrogation for her peaceful activities, and has been prevented from travelling overseas. She has advocated for human rights and justice for more than 10 years and is a popular and well-known blogger. Issues that she is known to have campaigned on include government transparency, state accountability for human rights violations, environmental protection, and promotion of the rights set out in the Universal Declaration of Human Rights. In 2015, Civil Rights Defenders named Nguyễn Ngọc Như Quỳnh their Civil Rights Defender of the Year. In 2017, she was honoured in absentia by the US State Department, receiving one of 13 International Women of Courage Awards.

Diplomatic representatives in Viet Nam, including from the EU and USA, have issued statements condemning the conviction and sentencing of Nguyễn Ngọc Như Quỳnh and calling for her immediate release. Her detention has also previously been criticized by the United Nations High Commissioner for Human Rights and the United Nations Working Group on Arbitrary Detention.

Viet Nam is a state party to the International Covenant on Civil and Political Rights which among other things guarantees the rights to freedom of expression, association and peaceful assembly. However, these rights are severely and arbitrarily restricted in law and practice in Viet Nam. Vaguely worded provisions in the “national security” section of Viet Nam’s 1999 Penal Code are frequently used to criminalize peaceful 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 88 (Conducting propaganda against the Socialist Republic of Viet Nam) is frequently used to detain, prosecute and imprison dissidents for their peaceful activism, including bloggers, labour rights and land rights activists, political activists, religious followers of different churches, human rights defenders, social justice activists, and even song writers.

Prison conditions in Viet Nam are harsh, with inadequate food and health care, falling far 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 have been held in solitary confinement as a punishment for prolonged periods, which constitute torture or other ill-treatment under the Nelson Mandela Rules. They have also been subjected to other forms of torture or ill-treatment, including beatings by prison guards and by other prisoners with prison guards failing to intervene. One form of ill-treatment that Nguyễn Ngọc Như Quỳnh reportedly told her lawyer she was exposed to was being denied underwear and sanitary pads during pre-trial detention. Some prisoners of conscience are frequently moved from one detention facility to another, often without their families being informed of the change in their whereabouts. Several prisoners of conscience, including Nguyễn Ngọc Như Quỳnh, have undertaken hunger strikes in protest at abusive treatment and poor conditions of detention. Although Viet Nam has ratified the UN Convention against Torture, which came into effect in the country in February 2015, insufficient steps have been taken to ensure 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.

Further information on UA: 233/16 Index: ASA 41/6706/2017 Issue Date: 12 July 2017