



International
Commission
of Jurists

P.O. Box 91
Rue des Bains 33
CH 1211 Geneva 8
Switzerland

t +41 22 979 38 00
f +41 22 979 38 01
www.icj.org

President

Prof. Robert K. Goldman, United States

Vice-Presidents

Prof. Carlos Ayala, Venezuela
Justice Radmila Dragicevic-Dicic, Serbia

Executive Committee

(Chair) Justice Azhar Cachalia, South Africa
Justice Sir Nicolas Bratza, United Kingdom
Dame Silvia Cartwright, New Zealand
Ms Roberta Clarke, Barbados Canada
Mr Shawan Jabarin, Palestine
Ms Hina Jilani, Pakistan
Mr Belisario dos Santos Junior, Brazil
Justice Sanji Monageng, Botswana

Executive Committee Alternates

Prof. Marco Sassoli, Switzerland
Justice Stefan Trechsel, Switzerland

Other Commission Members

Prof. Kyong-Wahn Ahn, Republic of Korea
Ms Chinara Aidarbekova, Kyrgyzstan
Justice Adolfo Azcuna, Philippines
Mr Muhannad Al-Hassani, Syria
Mr Abdelaziz Benzakour, Morocco
Mr Reed Brody, United States
Prof. Miguel Carbonell, Mexico
Justice Moses Chinhengo, Zimbabwe
Prof. Sarah Cleveland, United States
Justice Martine Comte, France
Mr Gamal Eid, Egypt
Mr Roberto Garretón, Chile
Prof. Jenny E. Goldschmidt, Netherlands
Prof. Michelo Hansungule, Zambia
Ms Gulnora Ishankhanova, Uzbekistan
Ms Imrana Jalal, Fiji
Ms Jamesina Essie L. King, Sierra Leone
Justice Kalthoum Kennou, Tunisia
Prof. David Kretzmer, Israel
Prof. César Landa, Peru
Justice Ketil Lund, Norway
Justice Qinisile Mabuza, Swaziland
Justice José Antonio Martín Pallín, Spain
Prof. Juan Méndez, Argentina
Justice Charles Mkandawire, Malawi
Mr Kathurima M'Inoti, Kenya
Justice Yvonne Mokgoro, South Africa
Justice Tamara Morschakova, Russia
Justice Willy Mutunga, Kenya
Justice Egbert Myjer, Netherlands
Justice John Lawrence O'Meally, Australia
Ms Mikiko Otani, Japan
Justice Fatsah Ouguergouz, Algeria
Dr Jarna Petman, Finland
Prof. Mónica Pinto, Argentina
Prof. Victor Rodriguez Rescia, Costa Rica
Judge Michèle Rivet, Canada
Mr Alejandro Salinas Rivera, Chile
Mr Michael Sfar, Israel
Justice Ajit Prakash Shah, India
Justice Kalyan Shrestha, Nepal
Ms Ambiga Sreenevasan, Malaysia
Mr Wilder Tayler, Uruguay
Justice Philippe Texier, France
Justice Lillian Tibatemwa-Ekirikubinza, Uganda
Prof. Rodrigo Uprimny Yepes, Colombia

**H.E. Mr. Nguyen Xuan Phuc
Prime Minister**

Viet Nam

**H.E. Mr. Vu Duc Dam
Deputy Prime Minister/
Acting Minister of Health**

Viet Nam

**H.E. General To Lam
Minister of Public Security**

Viet Nam

**H.E. Mr. Le Thanh Long
Minister of Justice**

Viet Nam

6 April 2020

Your Excellencies,

RE: Detention of 21 individuals from *An Dan Dai Dao* group

**Request for access to healthcare and medical treatment;
Protection of rights to health, humane treatment, dignity and life**

On behalf of the International Commission of Jurists, I am writing to your office regarding 21 individuals, belonging to the *An Dan Dai Dao* religious group, currently detained following convictions in January 2013 for allegedly conducting activities with an aim "to overthrow the people's administration" in violation of article 79 of Vietnam's 1999 Penal Code.

We have received credible information that the detained individuals have not been provided with adequate access to healthcare and medical treatment in prison.

Provision of healthcare for prisoners is a State responsibility. Prisoners should be allowed access to necessary healthcare services in a manner similar to others in society and prompt access to medical attention should be provided in urgent cases.

The duty to respect, protect and fulfill the right to health of individuals – by ensuring access to healthcare, health services, facilities and goods in a non-discriminatory manner – is incumbent on the State, particularly in the midst of the COVID-19 pandemic.

In this light, we note the call of the UN High Commissioner of Human Rights on 25 March highlighting the spread of the virus through places of detention across the world, and urging all governments to take urgent action to protect the health and safety of people in detention in their efforts to combat the pandemic.

We urge your offices to conduct medical examinations and risk assessments of all detainees and release detainees particularly vulnerable to the virus, including older detainees and those who are sick or suffering from pre-existing medical conditions – including the 21 individuals.

One of the detainees from the *An Dan Dai Dao* group has already died. In October 2019, **Doan Dinh Nam** (aged 68/Male) passed away due to kidney failure in Xuyen Moc prison where he was being held. The ICJ has received credible information, according to which he was not provided with requisite medical attention, including daily dialysis treatments. In May 2019, his family had submitted a request for temporary suspension of his prison sentence due to his ill-health, which was denied.

Of the remaining 21 detainees, the ICJ has received information according to which most have not been provided adequate access to healthcare and medical treatment, including in particular, these persons with serious health conditions:

1. **Phan Van Thu** (also known as 'Tran Cong') (aged 72/Male)
2. **Ta Khu** (aged 73/Male)
3. **Phan Thanh Y** (aged 72/Male)
4. **Vo Ngoc Cu** (aged 69/Male)
5. **Le Phuc** (aged 69/Male)
6. **Vo Tiet** (aged 68/Male)
7. **Do Thi Hong** (aged 63/Female)
8. **Tran Phi Dung** (aged 54/Male)

We would be grateful for any information that would clarify the situation of these detainees.

The failure to provide necessary treatment to the detainees leave them vulnerable to deterioration of serious pre-existing medical conditions – in violation of the State's obligations to protect their rights to health, humane treatment, dignity, life and freedom from torture and cruel, inhuman or degrading treatment.

The scope of duty regarding the provision of healthcare for prisoners is set out in Rules 24 to 35 of the revised United Nations Standard Minimum Rules for the Treatment of Prisoners ("Nelson Mandela Rules"), a copy of which is **annexed** for your convenience. These Rules were adopted on 17 December 2015 by the consensus of all UN States, including Vietnam, in UN General Assembly Resolution 70/175.

In the context of COVID-19, we are also concerned that your authorities' failure to provide the detainees with equal access to healthcare and medical attention can result in their greater vulnerability to contracting the virus within detention.

We therefore urgently request your offices take immediate steps to:

- Ensure that the responsible authorities provide the detained individuals with access to adequate, prompt and continuous healthcare and medical attention, in line with Vietnam's Constitution, and the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) – both to which Vietnam is a State party. Such provision should also be in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners ("Nelson Mandela Rules"), which should be fully implemented;
- Ensure that the responsible authorities meet the State's obligations to provide equal right of access to healthcare, health facilities, goods and services to all prisoners and detained individuals;
- Conduct medical examinations and risk assessments of all persons held in detention, and release those particularly vulnerable to the COVID-19 virus, including older detainees and those who are sick or suffering from pre-existing medical conditions, including the 21 individuals, and in particular the eight individuals specified above;

- Ensure that the 21 individuals are not subjected to torture or other ill-treatment and that their rights to humane treatment, dignity and life are protected in accordance with articles 7 and 10 of the ICCPR and the UN Convention against Torture (UNCAT), to which Vietnam is a State party.

We appreciate your urgent attention to this matter.

Please do not hesitate to contact us if you have any comments or questions.

We stand by to provide any assistance required.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Frederick Rawski". The signature is written in a cursive, flowing style.

Frederick Rawski
Regional Director for Asia and the Pacific
International Commission of Jurists