***Submission to Special Rapporteur on Human Rights Defenders for annual thematic report, 76th session of General Assembly, October 2021***

**Introduction**

ISHR welcomes the chance to provide inputs to the annual thematic report of the UN Special Rapporteur on the situation of human rights defenders (HRDs), to be presented to the UN General Assembly in October 2021, focused on the long-term detention of HRDs. In this submission we provide examples of cases of long-term detention of HRDs, brought to our attention by partners. In no way should this list be considered exhaustive.

The criminalisation of HRDs is common in many countries across the world. Criminalisation occurs where legislation is adopted and/or enforced in ways that restrict the activities of HRDs, and/or where HRDs are detained and sentenced for politically-motivated reasons or on the basis of processes that fail to guarantee procedural safeguards. It arises from, and feeds the stigmatisation of HRDs. Stigmatisation, threats and attacks frequently precede events that result in long-term detention. These structural and contextual factors that enable long-term detention of HRDs must be challenged.

Long-term detention of HRDs holds a particular potency. It has a political purpose that should be spelt out and made visible, as should the ways in which the deprivation of liberty of a human rights defender could constitute a violation of international law.[[1]](#footnote-1)

The cases of HRDs unjustifiably detained must be raised consistently and in a sustained fashion in public and private arenas to maintain pressure for their release and for solidarity—to ensure that they, their families and colleagues know they are not forgotten.

1. **Do you know of any human rights defender(s) currently detained by States, who have been imprisoned on charges that carry a prison sentence of at least 10 years or more? Please provide a list of cases.**
   1. **Bahrain**:
      1. On 22 June 2011, Abdulhadi al-Khawaja and eight others, including Hassan Mushaima and Abduljalil Al Singace, were sentenced to life imprisonment.
   2. **Burundi:**

i. On 26 April 2018, the Ntahangwa High Court in Burundi sentenced Germain Rukuki to 32 years in prison on charges of “rebellion”, “breach of State security”, “participation in an insurrectional movement” and “attack on head of state”.

ii. On 23 June 2020, 12 defenders were sentenced in-absentia by the Supreme Court to life in prison.[[2]](#footnote-2) None of them are currently in prison from what we know as they are in exile.

* 1. **China:**

HRDs have been charged with national security crimes carrying long sentences - including subversion, terrorism, separatism or espionage. Increasingly, HRDs are being charged with ´subversion of State power´ (10 years sentence) and ´inciting subversion of State power´(5 year sentence) under article 105 of the Criminal Law of the PRC. Despite a number of legal provisions guaranteeing due process, China's Criminal Procedure Law provides for explicit exemptions and restrictions to due process for ‘national security crimes’.[[3]](#footnote-3) The Committee Against Torure has [called for the repeal](https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhslEE2YuVt8GA5WKG3GEX%2BZEXqjnsVnWP%2BkQ6f9cmzWcEPJYdFWEXvIFmDTE3WtKbIKZXAKr5OVTwnh86Q4GNZXSmrqMf55xyaMPMcFusW3o2) of such provisions.

1. **Wu Gan:** sentenced to 8 years imprisonment for ‘spreading subversive political opinions on information networks and hyping contentious cases’ (see [reply by the State](https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34016) to JAL CHN3/2018).
2. **Gulshan Abbas**: sister of prominent Uyghur activist Rushan Abbas[[4]](#footnote-4) sentenced to 20 years in prison for terrorism (an example of long-term sentences recently handed down to family members of defenders in exile as a form of intimidation and harassment) .
3. **Ilham Tohti** : sentenced to life imprisonment in 2014 on the charge of ‘splittism’[[5]](#footnote-5);
4. **Yeshe Choedron**: On 7 November 2008, the Lhasa Intermediate People’s Court sentenced Choedron to fifteen years imprisonment after being convicted for ‘espionage’ for allegedly providing ‘intelligence and information harmful to the security and interests of the state’ to ‘the Dalai clique’s security department.’[[6]](#footnote-6)
5. **Lobsang Kirti**: Detained on 15 January 2009, at a printing house in Ngaba county. It is believed that the local authorities accused him of printing and distributing leaflets opposing Monlam and Losar celebrations in memory of those who have died or been detained since demonstrations swept across Tibet. His whereabouts is currently unknown.
6. **Karma Samdrup:** Serving a fifteen year sentence on highly dubious charges of grave robbing and trafficking in cultural relics. A well-known collector of Tibetan art and founder of the award-winning Three Rivers Environmental Protection Group, he and his brother Rinchen Samdrup were imprisoned on 7 August 2009, after their efforts to conserve wildlife in their home area in the Tibet Autonomous Region clashed with local authorities.
7. **Gulmire Imin**: Sentenced to life imprisonment on 1 April 2010 on charges of ‘splittism, leaking state secrets and organizing an illegal demonstration.’
8. **Huseyin Celil**: A Uyghur activist who remains detained in China for almost fifteen years and has been incommunicado for the last four years.
9. **Abduhelil Zunun**: Sentenced in November 2001 to 20 years and 5 years of deprivation of political rights for ‘splittism.’
   1. **Saudi Arabia:** 
      1. [**Fadhel Al Manasif**](https://www.gc4hr.org/news/view/640), [**Abdullah Al Hamid**](https://www.alqst.org/en/abdullah-al-hamid-transferred-to-intensive-care) and [**Fawzan Al-Harbi**](https://alqst.org/en/prisonersofconscience/fawzan-al-harbi), founding members of the Saudi Civil and Political Rights Association, received 15, 11, and 10 years sentences respectively between 2013 and 2014, by the Specialised Criminal Court (SCC). They were also subject to travel bans of equal duration. Al Hamid died in custody in 2020 following [denial of medical care](https://menarights.org/en/caseprofile/acpra-co-founder-abdullah-al-hamid-arbitrarily-detained-march-2013).
      2. [**Abdulkarim al-Khodr**](https://alqst.org/en/prisonersofconscience/abdulkarim-al-khodr): arrested on 9 March 2013, and in 2015 sentenced by the SCC to 10-years imprisonment and 10-year travel ban.
      3. [**Issa Al Hamid**](https://www.menarights.org/en/caseprofile/acpra-co-founder-and-human-rights-defender-issa-al-hamid-arbitrarily-detained-september) was sentenced to nine years in prison and a nine-year travel ban, by the SCC. Al Hamid’s sentence was increased on appeal to 11 years in prison and an 11-year travel ban.
      4. [**Muhammad al-Otaibi**](https://alqst.org/en/prisonersofconscience/mohamed-al-otaibi)**:** On January 25, 2018, the SCC sentenced al-Otaibi to 14 years in prison, and an additional year was added onto his sentence in 2020.
      5. [**Muhammad Al-Qahtani**](https://alqst.org/en/prisonersofconscience/mohammed-al-qahtani): In March 2013, he was sentenced by the SCC to 10 years of imprisonment and a 10-year travel ban.
      6. [**Mohannad al-Mohaimeed**](https://alqst.org/en/prisonersofconscience/mohannad-al-mohaimeed): In April 2014, he was sentenced by the SCC to a 10 years imprisonment as well as a 10 year travel ban.
      7. [**Waleed Abu al-Khair**](https://alqst.org/en/prisonersofconscience/waleed-abu-al-khair)**:** sentenced by the SCC to a 15-year in prison, 15-year travel ban
   2. **United Arab Emirates**

i. **Ahmed Mansoor**: In May 2018, the Abu Dhabi Court of Appeals sentenced Mansoor to ten years in prison under anti-terror laws for ‘insulting the status and prestige of the UAE and its symbols including its leaders’ and of ‘seeking to damage the relationship of the UAE with its neighbours by publishing false reports and information on social media’. On 31 December 2018, the UAE’s Federal Supreme Court rejected his final appeal.

* 1. **Vietnam**
     1. **Nguyen Bac Truyen**: On 17 November 2006, Truyen was arrested and sentenced to 3 years and 6 months in prison on charges of ‘conducting propaganda’ against the Socialist Republic of Vietnam. He was released in May 2010. On 30 July 2017, he was again detained, arrested, and ultimately sentenced to 11 years’ imprisonment on charges of ‘carrying out activities aimed at overthrowing the people’s administration.’ He is currently serving this sentence.
     2. We have also received a list of 70 cases from our partners in Vietnam – these are attached in an annexure.

1. **Do you know of any human rights defender(s) currently detained by States, who have been imprisoned on continuous sentences amounting to 10 years or more? China:** 
   * 1. **Wu Gan:** detained and arrested in 2015 and sentenced to eight years for ‘subversion of state power.’[[7]](#footnote-7)
     2. **Wang Quanzhang** received a four years and six months sentence and five years of deprivation of civil and political rights[[8]](#footnote-8). The deprivation of rights after release is an example of “Non-release release.”[[9]](#footnote-9)
   1. **Egypt:**
      1. In March 2019, [**Alaa AbdelFattah**](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=25496) was released after serving a sentence of five years over protest charges. His sentence also included a probation of five years where he has to spend 12 hours from 6PM to 6AM in the police station every day. Similar probation conditions of duty to report to a police station have also been used against other defenders (see for example below: [Mohamed Ibrahim Radwan](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=25800) and [Haytham Mohamadeen](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=25280)). On 20 September 2019, AbdelFattah was arrested again while fulfilling his probation obligations at the El-Dokki Police Station. He has remained in pre-trial detention since then on dubious charges of belonging to a terrorist organization and spreading false news (which carry a sentence of 10 years or more, see below).
   2. **Saudi Arabia**
      1. **I**[**ssa Al Nukheifi**](https://www.menarights.org/en/caseprofile/essa-al-nukheifi-sentenced-six-years-prison-saudi-arabia-charges-related-human-rights): [Previously arrested in 2012](https://www.amnesty.org/download/Documents/MDE2370392017ENGLISH.pdf), released in 2016 and rearrested eight months later, and sentenced to six years in prison followed by a six-year travel and social media ban upon his release.
      2. [**Khaled Al Omair**](https://alqst.org/en/prisonersofconscience/khaled-al-omair)**:** was previously sentenced in May 2011 by the SCC to eight years in prison. He was released in 2016 and re-arrested in 2018, when he went to answer questions about a complaint he had filed with the Royal Court against an officer who tortured him during a previous 8-year prison term.
2. **Do you know of any human rights defender(s) whose time in pre-trial detention and/or administrative detention by States combines with a sentence that amounts, or would amount to 10 years or more? Please provide a list of cases.**
   1. **China:**
      1. **Gao Zhisheng**: Zhisheng has been forcibly disappeared[[10]](#footnote-10) and tortured multiple times since 2007. He was released from prison in 2014 but has been under house arrest and 24 hour surveillance since then.
   2. **Egypt:** The Egyptian authorities use [prolonged pre-trial detention](https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26682&LangID=E) against HRDs in regard to charges related to terrorism, spreading false news and misusing social media; all of which carry sentences of 10 years imprisonment or more. Egypt also uses the practice of ‘[rotation](https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25323&LangID=E)’[[11]](#footnote-11) to keep defenders in pre-trial detention indefinitely. HRDs in this situation include:
      1. On 23 June 2020, [**Sanaa Seif**](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=25457) was [abducted](https://cihrs.org/egypt-human-rights-organizations-condemn-public-prosecutors-inaction-after-sanaa-seifs-abduction-and-demand-her-immediate-release/?lang=en) by plainclothes police officers as she was approaching the Public Prosecutor’s Office. She is facing charges of ‘'disseminating false news’, ‘inciting terrorist crimes’ and ‘misuse of social media'’ in case 659/2020.[[12]](#footnote-12)
      2. [**Mohamed El-Baqer**](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=25457),the Director of Adalah Center for Rights and Freedoms, was arrested on 29 September 2019 while attending the interrogation of his client (Alaa Abdel Fattah, see above). He is accused in three different cases: including one which was the basis for adding his name to the ‘t[errorists entities](https://www.fidh.org/en/issues/human-rights-defenders/egypt-alaa-abdel-fattah-and-mohamed-el-baqer-arbitrarily-added-to)’ list for 5 years, announced on 23 November 2020.
      3. [**Hassan Barbary**](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=25280) was arrested on 24 June 2019 and remains in pre-trial detention.
      4. [**Alaa Essam**](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=25280) was arrested on 9 July 2019 as part of the ‘hope coalition case’ (930/2019) and he remains in pre-trial detention.
      5. [**Ramy Shaath**](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=25457) was arrested on 4 July 2019 in the ‘hope coalition case’ and remains in detention. He was [added](https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26739&LangID=E) to the ‘terrorist entities’ list and the appeal against this decision is ongoing.
      6. [**Ibrahim Ezz El-Din**](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=25457) was arrested on 11 June 2019 and remains in pre-trial detention, most recently he was a victim of the practice of ‘rotation’ and was added to case 1018/2020.
      7. Labour rights defender, [**Haytham Mohamadeen**](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=25280), was arrested on 13 May 2019 and the court ordered his release on 8 March 2021 under case 741/2019 after two years in pre-trial detention. However, he was added to another case and sentenced to 15-days pre-trial detention.
      8. [**Mohamed Ibrahim Radwan**](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=25800) was conditionally released in July 2019 with a duty to report to a police station. He was arrested again on 21 September 2019 while reporting to the police as per his probation. In November 2020, the court ordered his release but he was [added](https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26682&LangID=E) to another case on similar charges.
      9. [**Mohamed Ramadan**](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=24543) was arrested on 10 December 2018 and remains in pre-trial detention on the above-mentioned charges in addition to ‘calling for protests against the government’.
   3. **Peru:[[13]](#footnote-13)** 
      1. **Jesús Mariano Cornejo**, leader of the Comité de Usuarios de Riego del Valle de Tambo, was sentenced to seven years and four months and to the payment of 35,000 soles in civil reparations. He was sentenced on charges of ‘attempted extortion’, ‘disturbances’, ‘rioting’ and ‘obstruction of public services’.
      2. **Jaime de la Cruz**, former mayor of the Dean Valdiva, was sentenced to 12 years on similar charges. The Court declared them guilty by association because of the actions of third persons during protests in April and May 2015 which took place against the Tia Maria copper mining project.
   4. **Saudi Arabia**
      1. [**Mohammed Al Bajadi**](http://www.menarights.org/en/caseprofile/mohamed-al-saudi-activist-bajadi-detained-without-charge-2018)**:** He was arrested in 2011, and in 2012 was sentenced by the SCC to four years of imprisonment followed by a five-year travel ban. In the re-trial, the SCC sentenced him to four years in prison and another four with suspension, followed by a ten-year travel ban. He was released in April 2016, and re-arrested in May 2018. He is currently being detained without charge.
3. **Do you know of any human rights defenders falling under any of the previous categories above, who were released before ending their long-term prison sentences for any reasons (e.g. granted a pardon, as a result of an appeal, or released on humanitarian or other grounds)? Please provide a list of cases.**
   1. **Bahrain**: **Nabeel Rajab** has spent approximately seven years in prison. The last time was when he was imprisoned from June 2016 and sentenced to five years imprisonment on 21 February 2018 by the Criminal Court of Bahrain regarding media interviews he gave in 2015 and 2016. Rajab was conditionally released from prison on 9 June 2020, but has to serve 2 years in alternative punishment.
   2. **Colombia:** 
      1. **David Ravelo,** Regional Corporation for the Defence of Human Rights (CREDHOS), is no longer detained. Ravelo was sentenced to 18 years in prison for aggravated murder and spent 26 months under pretrial detention before being sentenced. His detention was condemned by international human rights organisations and experts as politically motivated and his trial was criticized for failing to meet fair trial guarantees.[[14]](#footnote-14) On 20 June 2017, after seven years in prison, Ravelo was released, after his case was reviewed by the Revision Section of the Peace Tribunal.
   3. **Saudi Arabia**

In **.** [**Suleman Al-Rashoud**](http://menarights.org/en/caseprofile/acpra-co-founder-sulaiman-al-rashoudi-arbitrarily-detained-2012)**i**: In December 2017 the president of the Association for Civil and Political Rights Suleiman Al-Rashoudi was released for medical reasons after 5 years in prison even though he was sentenced to 15 years of imprisonment.

1. **What actions do you suggest the Special Rapporteur can take to:** 
   1. **Prevent defenders from being detained for long terms in connection to their human rights work? And**
   2. **Have those human rights defenders arbitrarily detained under long sentences released?**

**ISHR would make the following recommendations to the Special Rapporteur:**

* 1. Reiterate the need for legislation, including **counter-terrorism and national security legislation, to be framed and applied in line with international human rights standards**, including principles of necessity, proportionality and non-discrimination. In addition, reiterate the need for States to uphold the right to a fair trial and all related procedural safeguards.
  2. Make explicit **the purpose long-term detention of HRDs** serves from the perspective of State authorities. This can include serving as punishment of individuals and communities of defenders; as a deterrence to others to defend the right to defend rights; and as a means to exhaust time and resources available to defenders as they challenge cases brought against them.
  3. **Continue to raise the cases of defenders serving long-term detention** publicly and privately, where relevant. Include their profiles on the mandate website; make public statements; communicate with relevant States on every anniversary of their arrest and sentencing. Encourage others to do the same, including the UN senior official on reprisals where relevant, and third States in their diplomatic exchanges and in multilateral spaces including UN human rights bodies and mechanisms. A forthcoming ISHR research report on the impact of UN interventions in cases of reprisals demonstrates a positive association between sustained and repeated follow up on cases of reprisals and positive impacts for victims of such reprisals.
  4. Identify those States in relation to which the long-term detention of HRDs is widespread and systematic and publicly call on Member States of the UN Human Rights Council to take individual and collective action in relation to such States. This is in line with the ‘Objective Criteria’ or so-called ‘Irish Principles’, which commit signatory States (of which there are over 40) to consider both the situation of HRDs and calls for action by Special Procedures as key criteria in determining whether and how a country situation should be addressed by the Human Rights Council.
  5. Work with other experts, including Special Procedures (including the Working Group on Arbitrary Detention) and treaty bodies to offer **technical assistance** to States where relevant, to ensure legal frameworks meet international human rights standards and are applied fairly and judiciously.
  6. Work with relevant international and regional human rights mechanisms, including UN treaty bodies, to raise cases of detained defenders notably as part of **periodic reviews of States parties**, or in the context of visits by the UN Sub-Committee on the Prevention of Torture (SPT) to places of detention.
  7. Follow - in person if possible - **trials of defenders and appeals of (long) sentences** and encourage other UN representatives to do so, as well as third State representatives and National Human Rights Institution officers.
  8. **Request to visit long-term detained HRDs,** including during mission visits. Risks to and desire of the HRD must be assessed prior to any such visit.

1. **With regards to state authorities:**
   1. Push for authorities at the highest levels to **make regular public statements about the importance of the role of HRDs** in promoting justice, equality, accountability and sustainable development, and to speak out in cases of threats and attacks against defenders.
   2. Encourage States to apply and adopt, where relevant, [diplomatic guidelines on HRDs](https://www.ishr.ch/diplomatic-support) and call for the release of arbitrarily detained defenders, using all relevant diplomatic/bilateral avenues and opportunities to pursue this objective.
   3. Engage with authorities to ensure **human rights training is provided to members of law enforcement and justice system operators** on the role of HRDs, and of how criminalisation is used as a way of targeting HRDs.

Annexure

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| **List of Vietnamese Prisoners of Conscience with heavy sentences as of March 15, 2021 (Category 1)** | | | | | | | | | | |
| **No.** | **Names** | **DoB** | **Arrest date** | **Charge[[15]](#footnote-15)** | **Sentence (years)** | **Detention facilities** | | | |
| 1 | Lê Đình Công | 1964 | 09-Jan-20 | 123 | death | No. 2 temporary detention center, Hanoi | | | |
| 2 | Lê Đình Chức | 1980 | 09-Jan-20 | 123 | death | No. 2 temporary detention center, Hanoi | | | |
| 3 | Bùi Viết Hiếu | 1943 | 09-Jan-20 | 123 | 16 | No. 2 temporary detention center, Hanoi | | | |
| 4 | Nguyễn Văn Tuyến | 1974 | 09-Jan-20 | 123 | 12 | No. 2 temporary detention center, Hanoi | | | |
| 5 | Lê Đình Doanh | 1988 | 09-Jan-20 | 123 | Life imprisonment | No. 2 temporary detention center, Hanoi | | | |
| 6 | Nguyễn Quốc Tiến | 1980 | 09-Jan-20 | 123 | 13 | No. 2 temporary detention center, Hanoi | | | |
| 7 | Nguyễn Thị Ngọc Hạnh (f) | 1976 | O3/9/2018 | 118 | 8 years | HCM City's temporary detention center | | | |
| 8 | Chau Van Kham | 1949 | 13/1/2019 | 113 | 12 | Thu Duc prison camp in Binh Thuan province | | | |
| 9 | Nguyễn Văn Viễn | 1971 | 13/1/2019 | 113 | 11 | HCM City's temporary detention center | | | |
| 10 | Trần Văn Quyến | 1999 | 23/1/2019 | 113 | 10 | HCM City's temporary detention center | | | |
| 11 | Le Huu Minh Tuan | 1989 | 12-Jun-20 | 117 | 11 | Chi Hoa temporary detention center, HCM City | | | |
| 12 | Nguyen Tuong Thuy | 1950 | 23-May-20 | 117 | 11 | Chi Hoa temporary detention center, HCM City | | | |
| 13 | Phạm Chí Dũng | 1966 | 21-Nov-19 | 117 | 15 | HCM City's temporary detention center | | | |
| 14 | Nguyễn Trung Lĩnh | 1967 | 27/5/2018 | 117 | 12 | Hanoi temporary detention center | | | |
| 15 | Nguyễn Năng Tĩnh | 1976 | 29/5/2019 | 117 | 11 | Prison camp No. 5 in Thanh Hoa province | | | |
| 16 | Tran Duc Thach | 1952 | 23-Apr-20 | 109 | 12 | Nghe An province's temporary detention center | | | |
| 17 | Tạ Tấn Lộc | 1975 | 16/O2/2017 | 79 | 14 | Unknown | | | |
| 18 | Nguyen Quang Thanh | 1983 | 16/O2/2017 | 79 | 14 | Unknown | | | |
| 19 | Nguyễn Văn Nghĩa | 1977 | 16/O2/2017 | 79 | 12 | Unknown | | | |
| 20 | Nguyen Van Tuan | 1984 | 16/O2/2017 | 79 | 12 | Unknown | | | |
| 21 | Huỳnh Đức Thanh Bình | 1996 | O7/7/2018 | 109 | 10 | Xuan Loc Prison camp in Dong Nai | | | |
| 22 | Từ Công Nghĩa | 1993 | O5/11/2016 | 79 (109) | 10 | Xuyen Moc Prison camop in Ba Ria-Vung Tau | | | |
| 23 | Nguyễn Quốc Hoàn | 1977 | O5/11/2016 | 79 (109) | 13 | Xuan Loc Prison camp in Dong Nai | | | |
| 24 | Nguyễn Văn Đức Độ | 1975 | O5/11/2016 | 79 (109) | 11 | Xuan Loc Prison camp in Dong Nai | | | |
| 25 | Lưu Văn Vịnh | 1967 | O5/11/2016 | 79 (109) | 15 | Gia Trung Prison camp in Gia Lai | | | |
| 26 | Lê Đình Lượng | 1965 | 24/7/2017 | 79 (109) | 20 | Trại giam Ba Sao (Hà Nam) | | | |
| 27 | Nguyễn Văn Túc | 1974 | O1/9/2017 | 79 (109) | 13 | Prison camp No. 6 in Nghe An | | | |
| 28 | Nguyễn Trung Trực | 1963 | O4/8/2017 | 79 (109) | 12 | Prison camp No. 5 in Thanh Hoa | | | |
| 29 | Nguyễn Trung Tôn | 1971 | 30/7/2017 | 79 (109) | 12 | Gia Trung Prison camp in Gia Lai | | | |
| 30 | Trương Minh Đức | 1960 | 30/7/2017 | 79 (109) | 12 | Prison camp No. 6 in Nghe An | | | |
| 31 | Nguyễn Bắc Truyển | 1968 | 30/7/2017 | 79 (109) | 11 | An Diem Prison camp in Quang Nam | | | |
| 32 | Huỳnh Hữu Đạt | 1970 | O1/2/2017 | 79 (109) | 13 | Unknown | | | |
| 33 | Trần Huỳnh Duy Thức | 1966 | 24/5/2009 | 79 (109) | 16 | Prison camp No. 6 in Nghe An | | | |
| 34 | Lê Thanh Tùng | 1968 | 15/12/2015 | 79 (109) | 12 | Prison camp No. 5 in Thanh Hoa | | | |
| 35 | Trần Anh Kim | 1949 | 21/9/2015 | 79 (109) | 13 | Prison camp No. 5 in Thanh Hoa | | | |
| 36 | Hồ Đức Hoà | 1974 | O2/8/2011 | 79 (109) | 13 | Trại giam Ba Sao (Hà Nam) | | | |
| 37 | Phạm Thị Phượng (f) | 1945 | O4/2010 | 79 (109) | 11 | An Phuoc Prison camp in Binh Duong | | | |
| 38 | Phan Văn Thu | 1948 | O5/2/2012 | 79 (109) | Life imprisonment | An Phuoc Prison camp in Binh Duong | | | |
| 39 | Lê Xuân Phúc | 1951 | O5/2/2012 | 79 (109) | 15 | Trại giam Xuyên Mộc, Bà Rịa-Vũng Tàu | | | |
| 40 | Le Trong Cu | 1966 | O5/2/2012 | 79 (109) | 12 | Prison camp No. 5 in Thanh Hoa | | | |
| 41 | Lê Duy Lộc | 1956 | 15/O2/2012 | 79 (109) | 12 | Prison camp No. 5 in Thanh Hoa | | | |
| 42 | Nguyen Ky Lac | 1956 | O6/2/2012 | 79 (109) | 12 | Xuan Loc Prison camp in Dong Nai | | | |
| 43 | Đỗ Thị Hồng (f) | 1957 | 14/O2/2012 | 79 (109) | 13 | Binh Phuoc Prison camp | | | |
| 44 | Tạ Khu | 1947 | O6/2/2012 | 79 (109) | 16 | Xuyen Moc Prison camop in Ba Ria-Vung Tau | | | |
| 45 | Trần Phi Dũng | 1984 | 10/O2/2012 | 79 (109) | 13 | Prison camp No. 6 in Nghe An | | | |
| 46 | Trần Quân | 1966 | 10/O2/2012 | 79 (109) | 13 | An Diem Prison camp in Quang Nam | | | |
| 47 | Vo Ngoc Cu | 1951 | O6/2/2012 | 79 (109) | 16 | Xuyen Moc Prison camop in Ba Ria-Vung Tau | | | |
| 48 | Vo Thanh Le | 1955 | O5/2/2012 | 79 (109) | 16 | Xuyen Moc Prison camop in Ba Ria-Vung Tau | | | |
| 49 | Võ Tiết | 1952 | O5/2/2012 | 79 (109) | 16 | Prison camp No. 6 in Nghe An | | | |
| 50 | Vương Tân Sơn | 1953 | 10/O2/2012 | 79 (109) | 17 | Xuyen Moc Prison camop in Ba Ria-Vung Tau | | | |
| 51 | Doan Van Cu | 1962 | 10/O2/2012 | 79 (109) | 14 | Prison camp No. 5 in Thanh Hoa | | | |
| 52 | Lê Đức Đồng | 1983 | O5/2/2012 | 79 (109) | 12 | An Diem Prison camp in Quang Nam | | | |
| 53 | Lương Nhật Quang | 1987 | O3/2012 | 79 (109) | 12 | Prison camp No. 6 in Nghe An | | | |
| 54 | Phan Thanh Tường | 1987 | 28/O2/2012 | 79 (109) | 10 | Xuan Loc Prison camp in Dong Nai | | | |
| 55 | Nguyen Dinh | 1968 | Không rõ | 79 (109) | 14 | Unknown | | | |
| 56 | Nguyễn Thái Bình | 1986 | 23/11/2012 | 79 (109) | 12 | Unknown | | | |
| 57 | Phan Thanh Y | 1948 | 23/11/2012 | 79 (109) | 12 | Xuyen Moc Prison camop in Ba Ria-Vung Tau | | | |
| 58 | Tu Thien Luong | 1950 | 23/11/2012 | 79 (109) | 16 | An Diem Prison camp in Quang Nam | | | |
| 59 | Sung A Sinh | 1983 |  | 109 | life impr. | Dien Bien province | | | |
| 60 | Lau A Lenh | 1970 |  | 109 | life impr. | Dien Bien province | | | |
| 61 | Thao A Vang | 1986 | Unknown | 87 | 20 | Na Tau Prison camp in Dien Bien | | | |
| 62 | Vang A Phu | 1977 | Unknown | 87 | 20 | Na Tau Prison camp in Dien Bien | | | |
| 63 | Vang A Phu | 1988 | Unknown | 87 | 20 | Na Tau Prison camp in Dien Bien | | | |
| 64 | Vang A De | 1990 | Unknown | 87 | 20 | Na Tau Prison camp in Dien Bien | | | |
| 65 | Thao A Vang | 1962 | Unknown | 87 | 18 | Na Tau Prison camp in Dien Bien | | | |
| 66 | Phang A Vang | 1988 | Unknown | 87 | 18 | Na Tau Prison camp in Dien Bien | | | |
| 67 | Pastor Siu Nheo | 1955 | Unknown | Unknown | 10 | Unknown | | | |
| 68 | Y Ty Ksor | 1989 | Unknown | Unknown | 14 | Unknown | | | |
| 69 | Siu Bler | 1962 | Unknown | Unknown | 17 | Unknown | | | |
| 70 | Y Kur Bdap | 1971 | Unknown | Unknown | 17 | Unknown | | | |
|  |  |  |  |  |  |  | | | |
|  | **Prisoners of conscience released before completing their sentences (Category 4)** | | | | | |  | | | |
| No. | Name | DOB | **Arrest date** | **Charge** | **Sentence (years)** | **Time of released** | | | |
| 1 | Nguyen Van Hai | 1952 | April 2OO8 | 88 (117) | 12 | October 2014, currently living in exile in the US | | | |
| 2 | Nguyen Van Dai | 1969 | December 2O15 | 109 | 15 | June 2018, currently living in Germany | | | |
| 3 | Nguyen Ngoc Nhu Quynh | 1978 | October 2O16 | 88 (117) | 10 | October 2014, currently living in exile in the US | | | |
| 4 | Ta Phong Tan | 1968 |  |  | 10 | September 2015, currently living in exile in the US | | | |
| 5 | Tran Thi Nga | 1977 | Jan-16 | 88 (117) | 9 | January 2020, currently living in exile in the US | | | |
| 6 | Cu Huy Ha Vu | 1957 | 2010 | 88 | 7 | April 2014, currently living in exile in the US | | | |
| 7 | Le Thu Ha | 1982 | Sep-11 | 88 (117) | 10 | June 2018, currently living in Germany | | | |
| The list is made from the full list of prisoners of conscience collected by Defend the Defenders  (https://www.vietnamhumanrightsdefenders.net/2020/12/31/defend-the-defenders-latest-statistics-vietnam-holds-253-prisoners-of-conscience/ ) | | | | | | | |
|  | | | | | | | | |

1. The UN Working Group on Arbitrary Detention has noted that deprivation of liberty of a human rights defender could be a violation of international law on the basis of discrimination, and that ‘under certain circumstances, widespread or systematic imprisonment or other severe deprivation of liberty in violation of the rules of international law may constitute crimes against humanity, See: https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session81/A\_HRC\_WGAD\_2018\_13.pdf [↑](#footnote-ref-1)
2. https://www.acatburundi.org/observatoire-pour-la-protection-des-droits-humains-se-prononce-sur-le-jugement-prononce-contre-les-defenseurs-des-droits-humains-burundais/&sa=D&source=editors&ust=1616096664933000&usg=AOvVaw2ovTKROntkZp7ZiWF\_034P [↑](#footnote-ref-2)
3. This includes removing the obligation to notify relatives within 24 hours (Article 85) or restricting the right to meet with defense lawyer within 48 hours (Article 39: in 'national security' and 'terrorism' cases, it 'shall be upon permission of investigating organ' without further clarification, allowing for discretionary power to curtail such right). [↑](#footnote-ref-3)
4. <https://hongkongfp.com/2021/01/01/china-confirms-uighur-doctor-gulshan-abbas-handed-20-years-in-prison-for-terrorism/> [↑](#footnote-ref-4)
5. <https://www.nchrd.org/2014/07/prisoner-of-conscience-ilham-tohti/> [↑](#footnote-ref-5)
6. Tibetan monks and HRDs since 2008 Lhasa protests across the plateau <https://www.hrw.org/news/2019/05/21/china-free-tibetans-unjustly-imprisoned> [↑](#footnote-ref-6)
7. <https://www.nchrd.org/2016/03/wu-gan/> [↑](#footnote-ref-7)
8. https://www.ishr.ch/news/china-wang-quanzhang-should-be-free-join-his-family [↑](#footnote-ref-8)
9. Upon completion of jail term, still need need to complete an additional sentence of deprivation of political rights that results in strict surveillance and restrictions on freedom of expression, movement, and assembly ⇒ argue that altogether, it’s very lengthy sentence, and that effectively implies a certain degree of deprivation of liberty. Deprivation ofpolitical rights is provided for in Criminal Law Articles 54-58: <https://www.fmprc.gov.cn/ce/cgvienna/eng/dbtyw/jdwt/crimelaw/t209043.htm> ; and is included specifically in each crime article [↑](#footnote-ref-9)
10. Not only absence of formal sentencing such as in pre-trial detention but completely outside the scope of the law [↑](#footnote-ref-10)
11. Adding detainees to new cases with similar charges after the legal limit for pre-trial detention has expired. On 12 March 2021, 31 States at the UN Human Rights Council [denounced](https://finlandabroad.fi/web/geneve/current-affairs/-/asset_publisher/h5w4iTUJhNne/content/finland-together-with-a-group-of-countries-express-their-concern-over-the-trajectory-of-human-rights-in-egypt-during-the-item-4-general-debate-at-the-/384951) this practice. [↑](#footnote-ref-11)
12. Additionally, she was [sentenced](https://www.amnesty.org.uk/press-releases/egypt-jailing-activist-sanaa-seif-another-crushing-blow-human-rights)  on 17 March 2021 to one year and half imprisonment in another case on charges of ‘verbally insulting a police officer on duty’’ and ‘defaming a police officer’. [↑](#footnote-ref-12)
13. For more on these cases, we'd suggest contacting [Red Muqui, Perú](https://muqui.org/) (in Spanish) [↑](#footnote-ref-13)
14. For example, Report of the Special Rapporteur on independence of judges and lawyers, Gabriela Knaul, March 2011, A/HRC/17/30/Add.1. [↑](#footnote-ref-14)
15. Article 79, 87, and 88 are from Penal Code 1999. Correspondingly Articles 109, 116, and 117 of Criminal Code 2015: https://wipolex.wipo.int/en/text/446020 [↑](#footnote-ref-15)