

URGENT ACTION

MAXIMUM PRISON SENTENCE FOR ANTI-FORMOSA ACTIVIST
Environmental activist Hoàng Đức Bình was sentenced to 14 years in prison for criticising the Formosa disaster and government-critical blogging; one of the harshest sentences ever delivered to a Vietnamese activist. He has been detained since his arrest on 15 May 2017.

Hoàng Đức Bình was convicted on 6 February 2018 by the People's Court of Diễn Châu district in Viet Nam's north-central Nghệ An province of "resisting persons in the performance of their official duties" and "abusing democratic freedoms to infringe upon the interests of the State". Sentenced to 14 years in prison, Hoàng Đức Bình received the combined maximum prison sentence for both charges (Articles 330 and 331 respectively of Viet Nam's 2015 Criminal Code). On the day of the hearing, authorities of Nghệ An province ordered all roads to the court to be blocked by police and arrested several of Hoàng Đức Bình's relatives on their way to the Court; only his parents were allowed to access the courtroom.

On several occasions, Vice Chairman of the Independent Viet Labour Movement and activist blogger, Hoàng Đức Bình had live-streamed and critically commented on police brutality during peaceful protests against Taiwanese company Formosa, blaming it for causing an environmental disaster in the central coastal region, which had occurred in April 2016. The 2016 Formosa disaster had destroyed livelihoods and the environment, Hoàng Đức Bình assisted affected fisherfolk in seeking justice by demanding that Formosa pay adequate compensation and clean up the chemical spill.

On 15 May 2017, while he was travelling with Father Nguyễn Đình Thục, a Catholic priest and active supporter of victims of the Formosa incident, Hoàng Đức Bình was forcefully arrested by the police. While detained in Nghệ An province, Hoàng Đức Bình was reportedly forced to sign a confession statement by authorities.

Vietnamese authorities continue to harass a large number of activists who peacefully express their critical opinions about the Formosa disaster; Hoàng Đức Bình's 14-year jail term counts as one of the harshest sentences ordered for activists to date.

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

- Immediately and unconditionally release Hoàng Đức Bình, a prisoner of conscience, and quash his conviction, which is solely based on his peaceful exercise of his rights to freedom of expression;
- Pending his release, ensure that Hoàng Đức Bình is protected from torture and other ill-treatment and is allowed frequent and regular access to his family, his lawyer, and adequate medical care;
- Ensure an immediate end to all form of harassment, prosecution and punishment of human rights defenders and activists on the basis of their peaceful activism.

PLEASE SEND APPEALS BEFORE 10 APRIL 2018 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 Yên Kiêu St. Hoàn Kiếm District Hà
 Nội, Việt Nam
 Fax: + 844 3823 1872
 c/o Ministry of Foreign Affairs
 Email: ttll.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 Đạm Street, Ba Đình district
 Hà Nội, Việt Nam
 Fax: + 844 3823 1872

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 126/17. Further information:

<https://www.amnesty.org/en/documents/asa41/6403/2017/en/>

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ADDITIONAL INFORMATION

The Formosa disaster has become an issue of major public concern in Viet Nam, with demonstrations on a previously unseen scale, both in terms of frequency and scale. Authorities cracked down heavily in response to a series of demonstrations throughout the country in May 2016 and, in October 2016, a demonstration in Hà Tĩnh province, on the North Central Coast, was reported to have involved as many as 20,000 participants. Wide-ranging police measures to prevent and punish participation in demonstrations resulted in a range of human rights violations including torture and other cruel, inhuman or degrading treatment or punishment, as well as violations of the rights to peaceful assembly, freedom of expression and freedom of movement.

The first hint of the ecological disaster came during a test-run of a steel complex in April 2016, when huge numbers of fish were found dead in waters adjoining the coastal provinces of Hà Tĩnh, Quảng Bình, Quảng Trị, Thừa Thiên-Huế and Nghệ An. As many as 270,000 people – fisherfolk and their families who rely on the fishing industry for their livelihoods – have been affected by the deaths of millions of fish. After a two-month investigation into the disaster, the government confirmed that a steel plant owned by Formosa Plastics Group, based in Hà Tĩnh province, was the source of discharges of toxic waste into coastal waters. At the end of June 2016, Formosa publicly apologised and announced that it would provide \$500 million USD in compensation, but those affected have said that this is insufficient reparation for the impact of the spill.

On 29 September 2016, Prime Minister Nguyễn Xuân Phúc issued Decision 1880 in which he outlined how the compensation would be distributed. The decision stated that only victims from the four provinces of Hà Tĩnh, Quảng Bình, Quảng Trị, and Thừa Thiên-Huế would be included in the compensation scheme. The decision was made days after 506 complaints were filed with the People's Court in Hà Tĩnh province by people claiming to have suffered damages as a result of the disaster. On 5 October 2016, the 506 complaints were rejected on the reported grounds that the complainants failed to provide evidence of their material loss and on the procedural basis that a court is barred from making a ruling on an incident where a binding decision on the same issue has been made by a government entity. On 14 February 2017, around 700 individuals from Nghệ An province were violently met by police while marching to the People's Court in Hà Tĩnh province in order to submit another 619 complaints. Their province was excluded from the compensation scheme of Decision 1880.

On 6 February 2018, the People's Court of Diễn Châu district sentenced Nguyễn Nam Phong, the driver of Catholic priest Nguyễn Đình Thực, to two years in prison for allegation of "resisting persons in the performance of their official duties" under Article 330 of the Criminal Code. He was arrested on 28 November 2017 by police in Nghệ An province. Police accused him of having disobeyed their orders to open his car door to allow police to arrest Hoàng Đức Bình.

Another anti-Formosa activist blogger, Bạch Hồng Quyền, who is a member of the Vietnam Path Movement, a peaceful reform group not sanctioned by the authorities, continues to be pursued by the authorities after a warrant was issued for his arrest on 12 May 2017. He remains in hiding and faces charges of "causing public disorder" for his alleged role in organising a demonstration on 3 April 2017 calling for accountability and transparency in relation to the Formosa environmental disaster. Both his wife and parents have been visited by the authorities seeking his arrest.

As protests and demands for transparency and accountability continue in 2018, the authorities are responding with threats, harassment, prosecution, intimidation and physical violence against those involved in protest and in organising and submitting complaints. Human rights defenders and activists involved in organizing protests are being increasingly targeted.

Name: Hoàng Đức Bình

Gender m/f: m

Further information on UA: 126/17 Index ASA 41/7962/2018 Issue Date: 28 February 2018