



EU–Vietnam Human Rights Dialogue Human Rights Watch Recommendations

During the year 2011, there were many violations of human rights in Vietnam including a steady stream of political trials and arrests. The Vietnamese government systematically suppresses freedom of expression, association, and peaceful assembly. Independent writers, bloggers, and rights activists who question government policies, expose official corruption, or call for democratic alternatives to one-party rule are routinely subject to police harassment and intrusive surveillance, detained incommunicado for long periods of time without access to legal counsel, and sentenced to increasingly long terms in prison for violating vague national security laws. Police frequently torture suspects to elicit confessions and, in several cases, have responded to public protests over evictions, confiscation of land, and police brutality with excessive use of force. Authorities forcibly dispersed anti-China protests in Hanoi and Ho Chi Minh City in 2011 and protesters were intimidated, harassed, and in some cases detained for several days.

Human Rights Watch recommends that the EU should focus on **the cases of prisoners and detainees**, and examine **four key priority** areas in its upcoming human rights dialogue with Vietnam. These four priority areas are the following: repression of the freedom of speech and freedom of organization; repression of the right to freely practice religion; police brutality; and forced labor in drug rehabilitation centers and centers for sex workers and homeless people.

While we welcome the human rights dialogue as a vehicle for engaging with Vietnamese authorities about human rights concerns, we consider it of paramount importance that human rights concerns remain an integral part of the EU-Vietnam relationship at all levels. For this human rights dialogue to be effective, the EU should ensure that it does not become an isolated dialogue with little, if any, resonance in the overall EU-Vietnam relationship.

1. Cases of political prisoners and detainees

The government of Vietnam frequently uses vaguely-worded and loosely-interpreted national security crimes in Vietnam’s penal code and other laws to imprison peaceful political and religious dissidents. These include “subversion of the people’s administration” (penal code

article 79, penalty up to death sentence); “undermining the unity policy” (article 87, penalty up to 15 years in prison); “conducting propaganda against the state” (article 88, penalty up to 20 years in prison); “disrupting security” (article 89, penalty up to 15 years in prison); “fleeing abroad or stay abroad to oppose the people’s government” (article 91, penalty up to life sentence); “supplemental punishment” (article 92, which strips former prisoners convicted of these “national security” crimes of certain citizen’s rights up to 5 years, puts them on probation, and/or confiscates a part or all of their properties); and “abusing democratic freedoms” to “infringe upon the interests of the State” (article 258, penalty up to seven years in prison).

The EU should call for the release of political prisoners or detainees—all persons who have been detained for exercising their rights to free expression, assembly, movement, or political or religious activity.

In the event of a dispute over the above issue, and as an immediate confidence-building measure, the EU should call on the Vietnamese government to allow access to prisoners or detainees by families, legal counsel, and outside observers from the EU, European embassies, and international humanitarian and human rights groups. Specifically:

For all detainees in pretrial detention: immediately grant family visits and access to legal counsel. Outside access to political prisoners held incommunicado in pretrial detention is crucial because torture tends to be more common during this period. You will find a list of recent cases annexed to this briefing note. In 2011 alone, Human Rights Watch documented **at least 27** people held without trial for their political and religious beliefs, a list including one musician, three bloggers, seventeen Catholics, two Protestants, two labor activists, and two democracy activists. We also know of at least two bloggers (**Nguyen Van Hai**, who blogs as Dieu Cay, and **Phan Thanh Hai**, who blogs as Anhhbasg) detained in 2010 who have yet to be brought to trial.

For sentenced political prisoners: permit outside observers from the EU and international humanitarian and human rights groups to visit prisoners, especially those who are sentenced to long prison terms, starting with the following: 1) **Tran Huynh Duy Thuc** (sentenced to 16 years in prison); 2) **Nguyen Van Canh** (13 years); 3) **Siu Hlom** (12 years); 4) **Pham Thi Phuong** (11 years); 5) **Siu Nheo** (10 years); 6) **Siu Brom** (10 years); 7) **Nguyen Hoang Quoc Hung** (9 years); 8) **Rah Lan Mlih** (9 years); 9) **Ro Mah Pro** (9 years); 10) **Rah Lan Blom** (9 years); 11) **Tran Thi Thuy** (8 years); 12) **Kpa Sinh** (8 years); 13) **Ro Mah Klit** (8 years); 14) **Phung Lam** (7 years); 15) **Do Thi Minh Hanh** (7 years); 16) **Doan Huy Chuong** (7 years); 17) **Cu Huy Ha Vu** (7 years); 18) **Nguyen Tien Trung** (7 years); 19) **Pham Van Thong** (7 years); and 20) **Nguyen Ngoc Cuong** (7 years).

The EU should also call for the immediate release of political prisoners or detainees who have serious health problems so that they can receive proper medical treatment. In July and September, at least two political prisoners died in jail (Nguyen Van Trai and Truong Van Suong). Some of the **most urgent cases for immediate release** are:

- **Father Nguyen Van Ly, 65**, who has suffered multiple strokes in prison in 2009, as a result of which his right arm and leg are paralyzed. He was released on medical parole for 16 months and kept under house arrest, but in July 2011 he was sent back to prison to serve the rest of his 8 year prison term. (Note: it was Father Ly whom US Embassy human rights officer Christian Marchant was trying to visit when he was beaten.) For more information on his case, please see: <http://www.hrw.org/news/2011/08/31/vietnam-free-seriously-ill-rights-advocates>.
- Blogger **Nguyen Van Hai (pen name 'Dieu Cay'), 59**, who may be seriously injured in detention according to his former wife Duong Thi Tan. Nguyen Van Hai has been held incommunicado since October 20, 2010, after he completed serving 30 months in prison on a trumped-up tax evasion charge; for more information on his case, please see: <http://www.hrw.org/news/2011/08/31/vietnam-free-seriously-ill-rights-advocates>.
- Poet and anti-corruption campaigner **Nguyen Huu Cau, 65**, who has served a total of 34 years in prison since 1975—the first time from 1975-1980 in re-education camp; the second time from 1982 until present for exposing corruption of local authorities. Nguyen Huu Cau has lost most of his vision and is almost completely deaf;
- Hoa Hao Buddhist activist **Mai Thi Dung, 42**, who is currently serving an 11-year prison term. She is gravely ill, with both feet paralyzed, and is suffering from heart disease and gallstones (her husband **Vo Van Buu** is also serving a 7-year prison term).
- **Do Thi Minh Hanh, 26**, a labor activist jailed for organizing a strike in a shoe factory in Tra Vinh province, who is currently serving a 7-year prison sentence. She has lost her hearing on one ear, and suffers from swelling of the joints and a stomach ailment. For more information on her case, please see: <http://www.hrw.org/news/2011/03/16/vietnam-overturn-labor-activists-harsh-prison-sentences>.

- Hoa Hao Buddhist activist **Nguyen Van Lia, 71**, formerly a religious prisoner, who was sentenced to 5 years in prison on December 13, 2011. He has lost most of his hearing, has several broken ribs from previous injuries, and suffers from high blood pressure. For more information on his case, please see: <http://www.hrw.org/news/2011/12/12/vietnam-release-hoa-hao-buddhist-activist>.

2. Repression of freedom of speech and freedom of association

Vietnam continues to suppress dissent by peaceful dissidents and activists and punishes them for forming organizations that the government views as hostile to its interests. During **2011 alone**, the government sentenced at least **33 peaceful dissidents and activists to a total of 185 years in jail and 75 years of probation** for exercising their rights to freedom of speech and freedom of organization enshrined in the Vietnam constitution.

In addition, the Vietnamese government shamelessly refused to release Nguyen Van Hai (a.k.a. blogger Dieu Cay) on October 20, 2010, after he served a 30-month prison term on a trumped-up tax evasion charge, and continues to hold him in detention on a still yet undisclosed charge. His family does not know his whereabouts and his current health situation.

The government bans all political parties, unions, and human rights organizations that are independent of the government or the Party. Decree 88 provides for strict government control of associations, which effectively serve as agencies of government ministries or the Vietnamese Communist Party. Vietnamese workers are forbidden from organizing unions independent of the government-controlled labor confederation. Government regulations impose fines on workers who participate in “illegal” strikes not approved by the government, enable local officials to force striking workers back to work, and ban strikes in 54 “strategic” sectors.

Activists who announced the formation of independent trade unions in Vietnam were arrested, imprisoned, harassed, intimidated, beaten, and in some cases “disappeared,” such as the case of Le Tri Tue, one of the founders of the Independent Workers’ Union whose whereabouts remain unknown since his “disappearance” in May 2007. Other labor activists are punished with harsh prison sentences, such as the case of Nguyen Hoang Quoc Hung, Do Thi Minh Hanh, and Doan Huy Chuong. The most recent case occurred on December 1, 2011, when the police of Hanoi arrested rights advocate Le Thanh Tung in his house at Soc Son district for defending workers and land petitioners.

3. Repression of religion

Vietnam continues to closely monitor, systematically harass, and sometimes violently crack down on independent religious groups that remain outside of official, government-registered and controlled religious institutions. Religious organizations that faced such actions by the authorities during the past year include unrecognized branches of the Cao Dai church, the Hoa Hao Buddhist church, independent Protestant house churches in the central highlands and elsewhere, Khmer Krom Buddhist temples, and the Unified Buddhist Church of Vietnam (UBCV). On December 13, 2011, Hoa Hao Buddhist advocates Nguyen Van Lia and Tran Hoai An were sentenced to total of eight years imprisonment, followed by five more years on probation upon being released. Protestant pastor Nguyen Cong Chinh and at least 18 other religious activists are currently in detention awaiting trial. Religious leaders including the UBCV Supreme Patriarch, Thich Quang Do, and Hoa Hao Buddhist leader Le Quang Liem, are placed under house arrest and face continuous, sometimes intrusive, surveillance. In July 2011, Redemptorist leaders including Father Pham Trung Thanh and Father Dinh Huu Thoai were prohibited to leave the country. Also in July, Catholic priest Nguyen Van Ly was forced to go back to prison to serve the remainder of an eight-year prison term. Father Ly was temporarily release from prison and placed in house arrest on March 15, 2010, because of the severe illness and the need to provide one year of medical treatment to restore his health. He was sentenced on March 30, 2007, by the People's Court of Thua Thien-Hue for "propaganda against the Socialist Republic of Vietnam" according to article 88 of the penal code. Assuming he survives the remainder of his eight-year term, he will be required to endure another five years of probation after his release.

Other examples of detained religious adherents include Mai Thi Dung, a Hoa Hao Buddhist. Arrested in 2005, she is serving an 11-year sentence. She is very ill. According to fellow Hoa Hao prisoner Vo Van Thanh Long, who was released in Nov 2010, Mai Thi Dung was initially sentenced to five years but shortly afterwards Vinh Long court sentenced her to another six years, for a total of 11 years, for disturbing public order. She is reportedly suffering from gallstones. Nguyen Van Canh (a.k.a. Tran Huu Canh), a Cao Dai, was arrested by Cambodian police on September 17, 2004, with 11 other Cao Dai, who tried to hand over a petition and documents to foreign delegations and reporters participating in an ASEAN Inter-Parliamentary Organisation meeting in Phnom Penh. They were expelled to Vietnam on September 17. On July 27, 2005, after a one-day trial by Ba Ria-Vung Tau Provincial People's Court, he was sentenced (alongside 8 others) to 13 years in prison under article 91 of the Penal Code for "fleeing abroad to oppose the government." Both Mai Thi Dung and Nguyen Van Canh are currently in Xuan Loc prison in Dong Nai.

4. Police brutality

Police brutality, including torture in detention and deaths in custody, was a major problem throughout the year. Prisoners routinely face abuse and torture in prison, and those held in drug rehabilitation centers face inhumane treatment, including forced labor. In a number of cases, individuals arrested for misdemeanors, such as traffic violations, were beaten to death in police custody. In 2011 alone, at least 21 people died in police custody according to state media.

For additional information, see Human Rights Watch's memo released on September 22, 2010, "[Vietnam: Widespread Police Brutality, Death in Custody.](#)"

5. Forced labor in drug rehabilitation centers, dignity rehabilitation centers for sex workers and social sponsoring centers for homeless people

People dependent on drugs can be held in government detention centers, where they are forced to perform menial work in the name of "labor therapy," the mainstay of Vietnam's approach to drug treatment. In early 2011 there were 123 centers across the country holding some 40,000 people. Their detention is not subject to any form of due process or judicial oversight and routinely lasts for as many as four years. Infringing center rules—including the requirement to work—is punished by beatings with truncheons, shocks with electrical batons, and being locked in disciplinary rooms where detainees are deprived of food and water. Children who use drugs are also held in these centers, where they must also perform "labor therapy," and are beaten and abused. Former detainees reported being forced to work in cashew processing and other forms of agricultural production (including potato or coffee farming), garment manufacturing, construction work, and other forms of manufacturing (such as making bamboo and rattan products.) Under Vietnamese law, companies who source products from these centers are eligible for tax exemptions. Some of the products produced as a result of forced labor made their way into the supply chain of companies who sell goods abroad, including to the US and Europe. Human Rights Watch has also received credible reports of forced labor in centers in which the government detains homeless people and sex workers.

During the upcoming dialogue the EU should publicly call for: i) detainees in Vietnam's drug detention centers to be released, and in particular for the law relating to seriously ill detainees to be implemented so that they can access treatment in the community, ii) the closure of the centers, iii) an investigation into allegations of human rights violations inside such centers, iv) holding those responsible for such violations to account, and v) reasonable

compensation for detainees and former detainees for harm to their physical and mental health suffered during detention.

In the context of the EU's existing preferential trade programs with Vietnam, the EU should initiate an ongoing review of Vietnam's eligibility, in light of Vietnam's failure to protect of the rights of people who use drugs. The EU currently grants Vietnam preferential trade benefits under its own system of Generalized System of Preferences. The European Council Regulation governing this system allows for "the suspension of preferential arrangements, regarding all or certain products originating in a beneficiary country, where it considers that there is sufficient evidence that temporary withdrawal would be justified," including where there are "serious and systematic violations of principles" laid down in certain international human rights and labor rights conventions, on the basis of the conclusions of the relevant monitoring bodies.

6. Human Rights Watch's recommendations for improvements of human rights in Vietnam

Regarding criminalization of peaceful dissent, the Vietnamese government should:

- Amend or repeal provisions in the Ordinance on Religion, penal code, and other domestic laws that criminalize peaceful dissent and certain religious activities on the basis of imprecisely defined "national security" crimes, including penal code articles 79, 87, 88, 89, 91, 92, and 258.
- Repeal Ordinance 44, which authorizes administrative detention, house arrest, or detention in Social Protection Centers and psychiatric facilities for two year renewable periods, without trial, for individuals deemed to have violated national security laws, and demand the immediate release of peaceful anti-China foreign policy/Vietnam nationalist protester Bui Thi Minh Hang, sent to the Thanh Ha Education camp, Gia Khanh commune, Binh Xuyen district, Vinh Phuc province, for 24 months, pursuant to decision No. 5225, signed by Vu Hong Khanh, deputy chair of the Hanoi's People Committee, on November 8, 2011.

Regarding detention and mistreatment of detainees, the Vietnamese government should:

- Immediately release and exonerate all people imprisoned, detained, or placed under house arrest, administrative detention, or involuntary commitment to mental

hospitals or Social Protection Centers for the peaceful expression of political or religious beliefs.

- Provide unrestricted access to UN human rights officials to all regions, including the central and northern highlands, where they should be allowed to conduct confidential interviews in individual homes, pagodas, prisons, police stations, Social Protection Centers, rehabilitation camps, mental institutions, and other places where political and religious dissidents are detained or imprisoned.

Regarding freedom of religion, the Vietnamese government should:

- Allow independent religious organizations to freely conduct peaceful religious activities in accordance with international legal standards. End the restrictions on peaceful gatherings or activities by religious groups that are not registered with the government, such as unsanctioned organizations of Hoa Hao Buddhists, the Unified Buddhist Church of Vietnam, Cao Dai, and Mennonites, and end pressure to join government-authorized churches and abusive police surveillance and harassment of religious leaders and followers. Allow these religious organizations to obtain legal status and operate independently of already-registered religious organizations if they choose to do so.
- Cease repression of ethnic minority Christians in the Northern and Central Highlands and ethnic Khmer Buddhists in the Mekong Delta and allow independent NGOs, UN officials, and international observers to freely monitor conditions in these remote and difficult to reach areas.

Regarding controls over freedom of expression and the internet, the Vietnamese government should:

- Bring press laws into compliance with article 19 of the ICCPR.
- Authorize the publication of uncensored, independent, privately-run newspapers and magazines.
- Remove filtering, surveillance, and other restrictions on internet usage and release people imprisoned for peaceful dissemination of their views over the internet.

Regarding restrictions on freedom of assembly, the Vietnamese government should:

- Bring legislation regulating public gatherings and demonstrations into conformity with the rights of free assembly in the ICCPR.
- Address rural grievances about land rights and local corruption without resorting to excessive use of force or other human rights violations by strengthening the legal

system and the independence of the judiciary, and making legal services available to the rural poor.

- Investigate and bring to justice government security officials and civilians working on their behalf in using excessive force in suppressing protests in the Central Highlands in April 2004, in which at least ten demonstrators were killed.

Regarding freedom of association and labor rights, the Vietnamese government should:

- Permit individuals the right to associate freely and peacefully with others of similar views regardless of whether those views run counter to the political or ideological views approved by the Party and state.
- Immediately and unconditionally release all persons detained for peaceful activities to promote the rights of workers to freely associate, including the right to form and join trade unions of their own choice; to peacefully assemble to protect and advance their rights; and to exercise their right to freedom of expression on behalf of workers and their concerns.
- Recognize independent labor unions.
- Ratify ILO Conventions No. 87 (Freedom of Association and Protection of the Right to Organize) and No. 98 (Right to Organize and Collective Bargaining).

Regarding forced labor in drug rehabilitation centers, dignity rehabilitation centers for sex workers, and social centers for homeless people, the Vietnamese government should:

- Instruct the Ministry of Labor, Invalids and Social Affairs (MOLISA) to abolish forced labor in all centers under its authority, including drug rehabilitation centers, centers that detain sex workers, and centers that detain homeless people.
- Carry out prompt, independent, and thorough investigations into the labor conditions in drug detention and others types of centers, as they amount to forced labor in violation of Vietnamese and international law. Follow up abuses and crimes with appropriate legal actions (including criminal prosecution) against those who have committed crimes or other offences against detainees in violation of Vietnamese law.
- Publish a list of all forms of work in which detainees in the centers are involved, which products are processed using detainee labor in the centers, and the companies whose products are processed using detainee labor in the centers.
- Instruct the Ministry of Labor, Invalids, and Social Affairs (MOLISA) to provide adequate compensation to detainees and former detainees for the forced labor they performed while in detention.

- Promptly ratify and effectively implement ILO Convention No. 105 (Abolition of Forced Labor).
- Meet the government's obligations under ILO Convention 29 by immediately revising the Penal Code to establish a specific criminal offence applicable to forced labor.

Annex

Additional Political Detainees in 2011

1. **Hoang Phong, 26**—Catholic activist; arrested December 29, 2011, in Nghe An for allegedly conducting propaganda against the state. His current whereabouts is unknown.
2. **Nguyen Dinh Cuong, 30**—Catholic activist; arrested December 24, 2011, in Nghe An for alleged subversion of the administration; being held at B14 detention center (Thanh Tri, Hanoi).
3. **Vo Minh Tri**—musician; arrested December 23, 2011, in My Tho for allegedly conducting propaganda against the state. His current whereabouts is unknown.
4. **Le Thanh Tung, 43**—freelance journalist, member of Bloc 8406, and rights activist who helped workers and land petitioners, arrested Dec 1, 2011, in Hanoi for an unknown charge. He is currently being held at B14 detention center (Thanh Tri, Hanoi).
5. **Nguyen Van Tuan, 54**—former cadre of the People’s Committee of Ba Ria – Vung Tau, arrested Oct 21, 2011, in Ba Ria – Vung Tau, for allegedly “abusing rights of freedom and democracy to infringe upon the interests of the State and the rights and interests of organizations and citizens” (article 258). His current whereabouts are unknown.
6. **Dinh Dang Dinh, 48**—former teacher, arrested October 21, 2011, in Dak Nong, for allegedly “conducting propaganda against the state” (article 88) and “abusing rights of freedom and democracy to infringe upon the interests of the State and the rights and interests of organizations and citizens” (article 258). His current whereabouts are unknown.
7. **Tran Vu Anh Binh, 37**—Catholic activist, arrested September 19, 2011, in Ho Chi Minh City (HCMC); being held at No.4 Phan Dang Luu, HCMC; on basis of unknown charge(s);
8. **Ta Phong Tan, 43**—Catholic blogger; arrested on September 5, 2011, in HCMC; being held at No.4 Phan Dang Luu, HCMC; on basis of unknown charge(s).

9. **Tran Minh Nhat, 23**—Catholic activist; arrested on August 27, 2011, in HCMC for alleged subversion of the administration (article 79 of the penal code); being held at B34 detention center (237 Nguyen Van Cu, District 1, HCMC).
10. **Thai Van Dung, 23**—Catholic activist; arrested on August 19, 2011, in Hanoi for alleged subversion of the administration; being held at B14 detention center (Thanh Tri, Hanoi).
11. **Ho Van Oanh, 26**—Catholic activist; arrested on August 16, 2011, in HCMC for alleged subversion of the administration; being held at B34 detention center (237 Nguyen Van Cu, District 1, HCMC).
12. **Nguyen Van Duyet, 31**—Catholic activist; arrested on August 7, 2011, in Nghe An for alleged subversion of the administration; being held at B14 detention center (Thanh Tri, Hanoi).
13. **Nguyen Xuan Anh, 29**—Catholic activist; arrested on August 7, 2011, in Nghe An for alleged subversion of the administration; being held at B14 detention center (Thanh Tri, Hanoi).
14. **Nong Hung Anh, 23**—Protestant activist; arrested on August 5, 2011, in Hanoi for alleged subversion of the administration; being held at B14 detention center (Thanh Tri, Hanoi).
15. **Le Van Son, 26**—Catholic activist; arrested on August 3, 2011, in Hanoi for alleged subversion of the administration; being held at B14 detention center (Thanh Tri, Hanoi).
16. **Chu Manh Son, 22**—Catholic activist; arrested on August 3, 2011, in Nghe An for allegedly conducting propaganda against the state; being held at Nghi Kim prison in Nghe An.
17. **Tran Huu Duc, 23**—Catholic activist; arrested on August 2, 2011, in Nghe An for allegedly conducting propaganda against the state; being held at Nghi Kim prison in Nghe An.
18. **Dau Van Duong, 25**—Catholic activist; arrested on August 2, 2011, in Nghe An for allegedly conducting propaganda against the state; being held at Nghi Kim prison in Nghe An.

19. **Ho Duc Hoa, 37**—Catholic activist; arrested on July 30, 2011, in HCMC for alleged subversion of the administration; being held at B14 detention center (Thanh Tri, Hanoi).
20. **Dang Xuan Dieu, 34**—Catholic activist; arrested on July 30, 2011, in HCMC for alleged subversion of the administration; being held at B14 detention center (Thanh Tri, Hanoi).
21. **Nguyen Van Oai, 31**—Catholic activist; arrested on July 30, 2011, in HCMC for alleged subversion of the administration; being held at B14 detention center (Thanh Tri, Hanoi).
22. **Nguyen Kim Nhan, 63**—former political prisoner, arrested June 7, 2011, in Bac Giang for allegedly conducting propaganda against the state (article 88 of the penal code). Nguyen Kim Nhan finished serving two years in prison for the same charge (article 88) and was released on December 10, 2010. His current whereabouts are unknown.
23. **Nguyen Cong Chinh, 42**—a Protestant pastor, arrested April 28, 2011, in Gia Lai for allegedly “disrupting national unity’s policy” according to article 87 of the penal code. His current whereabouts are unknown.
24. **Blei, 27**—Catholic Ha Mon religious activist from Gia Lai. Arrested March 30, 2011, in Gia Lai for allegedly affiliating with outlaw Catholic Ha Mon group. His current whereabouts are unknown.
25. **Phoi, 33**—Catholic Ha Mon religious activist from Gia Lai. Arrested March 30, 2011, in Gia Lai for allegedly affiliating with outlaw Catholic Ha Mon. His current whereabouts are unknown.
26. **Dinh Pset, 39**—Catholic Ha Mon religious activist from Gia Lai. Arrested March 30, 2011, in Gia Lai for allegedly affiliating with outlaw Catholic Ha Mon. His current whereabouts are unknown.
27. **Vu Quang Thuan, 45**—leader of Vietnam Progressive Democratic Movement. Arrested January 28, 2011, upon arrival at Tan Son Nhat airport in Ho Chi Minh City after being deported from Malaysia and charged with “fleeing abroad to carry out activities against the people’s administration” under article 91 of the penal code. His current whereabouts are unknown.