



a joint programme
OMCT **fidh**
SOS-Torture Network
The Observatory
for the Protection
of Human Rights Defenders



**Vietnam Committee
on Human Rights**

OPEN LETTER to

**HE Nguyen Minh TRIET
President of the Socialist Republic of Viet Nam**

**HE Nguyen Tan DUNG
Prime Minister of the Socialist Republic of Viet Nam**

**HE Ha Hung CUONG
Minister of Justice of the Socialist Republic of Viet Nam**

**HE Vu DUNG
Permanent Representative of Viet Nam to the United Nations and other International
Organisations in Geneva**

With copies to:

Hon. Ban Ki-moon, Secretary-General of the United Nations

**Hon. Navanethem Pillay
United Nations High Commissioner for Human Rights**

Paris-Geneva, April 7, 2011

Subject: Conviction of Cu Huy Ha Vu is a travesty of justice and he must be immediately and unconditionally released

Your Excellencies,

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation against Torture (OMCT), and the Vietnam Committee on Human Rights (VCHR) are writing to you to lodge our strongest protest against the conviction on April 4, 2011 of Mr. **Cu Huy Ha Vu**, who was sentenced by the Hanoi People's Court to seven years of imprisonment and three years of house arrest for "propaganda against the Republic Socialist Republic of Vietnam" under Article 88 of Vietnam's Criminal Code.

Mr. Ha Vu, a lawyer, has been a peaceful defender of cultural, environmental and civil and political rights and has consistently used the courts to seek justice for those whose rights have been violated by the Government and private actors. Recently he had initiated two lawsuits against the Prime Minister, the first filed in July 2009 targeted the latter for signing Decision 167 in November 2007, which allowed controversial bauxite mining operations in Vietnam's Central Highlands. On October 21, 2010, Mr. Ha Vu filed a second lawsuit against the Prime Minister for signing Decree 136 in 2006, which prohibits class-action petitions. He was arrested two weeks later.

The charges brought against him are utterly politically motivated and are based on deeply flawed legislations that are routinely used to silence legitimate and peaceful critics. In particular, Article 88 has repeatedly been denounced by the United Nations Human Rights Committee as incompatible with international law and in violation of the rights to freedoms of opinion and expression and the right to participate in public affairs¹.

Mr. Ha Vu was denied his right to a fair and public hearing by a competent, independent and impartial tribunal, as guaranteed by Article 14 of the International Covenant on Civil and Political Rights, which Viet Nam has ratified. Ten documents relating to his indictment were not made public at the trial on April 4, despite the request of the defendant's lawyers, in violation of Article 214 of the Criminal Procedure Code and undermining the right to a defense. One of Mr. Ha Vu 's four lawyers, Tran Vu Hai, was expelled from court by the Presiding Judge, Nguyen Huu Chinh, for demanding the disclosure of these documents.

The trial was closed to the public, and supporters of Mr. Ha Vu who gathered peacefully outside the Hanoi People's Court were stopped and dispersed by public security officers. Among them, two activists, Messrs. **Pham Hong Son** and **Le Quoc Quan**, were arrested and detained for several hours.

This case is sadly yet another example of the on-going repression of fundamental rights in Viet Nam, and human rights defenders in particular have borne the brunt of such repression. Criminalising the peaceful expression of democratic ideals and legitimate actions to seek redress for rights violations makes a mockery of justice and the Rule of Law.

Our organisations recall that Viet Nam stated in its national report submitted in February 2009 to UN Human Rights Council for the Universal Periodic Review process that "*the people are both the ultimate objective and driving force of any social and economic development policy, and protecting and promoting human rights are always the Government's consistent policy*". Viet Nam's Permanent Deputy Foreign Minister Pham Binh Minh also announced in February 2011 your Government's intention to seek membership in the Human Rights Council.

The conviction of Mr. Ha Vu clearly contradicts your Government's adherence to human rights.

Given the illegitimate charges against Mr. Ha Vu and the unfair manner in which his trial was conducted, the Observatory and the Vietnam Committee on Human Rights call on your Government to immediately and unconditionally release Mr. Ha Vu and overturn his conviction.

More generally, the Observatory and the Committee call upon the Vietnamese authorities to put an end to all forms of harassment against human rights defenders in Viet Nam, and to comply fully with the provisions of the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms and international human rights instruments ratified by Viet Nam.

We express our sincere hope that you will take these considerations and requests into account.

Sincerely,

Souhayr Belhassen
FIDH President



Eric Sottas
OMCT Secretary-General



Vo Van Ai
VCHR President



¹ See Human Rights Committee Conclusions, CCPR/CO/75/VNM, July 2002.