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## Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations  
Promoting human rights by protecting those who defend them  
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### **BY AIRMAIL**

H.E. Mr. Trương Tấn Sang  
President of the Socialist Republic of Viet Nam  
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HA NOI, VIET NAM

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Friday, 18 December 2015

**Subject: Physical attack on and arrest of lawyer Nguyễn Văn Đài**

Your Excellency,

Lawyers for Lawyers (L4L) is an independent and non-political Dutch foundation that seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession. Lawyers' Rights Watch Canada (LRWC) is a committee of lawyers and others working to protect advocacy rights and to promote adherence to international human rights law through education, and research.

L4L and LRWC are concerned about the physical attack on, and the arrest of human rights lawyer Nguyễn Văn Đài. We have reason to believe that he was targeted in reprisal for his legitimate activities as a human rights defender and an attorney.

Nguyễn Văn Đài is the co-founder of the Vietnam Human Rights Committee and a pro-democracy activist. He has provided legal assistance to government critics and members of religious minorities. In addition, he has written extensively on human rights and has provided commentaries for BBC Vietnamese service.

Reports indicate that on 6 December 2015, Nguyễn Văn Đài and human rights activists Ly Quang Son, Vu Van Minh and Le Manh Thang were attacked and severely beaten by an estimated 20 masked men, travelling in two cars without registration plates and five motorbikes. The attackers robbed all four men's mobile phones, wallets and other items.

Earlier that day, Nguyễn Văn Đài gave a talk about the constitution and basic human rights to an audience of about 70 people at the house of former political prisoner Tran Huu Duc at Nam Loc commune, Nam Dan district, Nghe An. The talk was among a series of events that Vietnamese activists carried out to celebrate Human Rights Day.<sup>1</sup>

<sup>1</sup> See news reports at: *Vietnam: No More "Empty Promises" at EU Rights Dialogue*, Human Rights Watch, 13 December 2013. Online: <https://www.hrw.org/news/2015/12/13/vietnam-no-more-empty-promises-eu-rights-dialogue>

*Vietnam arrests lawyer for 'propaganda', 10 days after beating*, Reuters, 16 December 2015. Online: <http://uk.reuters.com/article/uk-vietnam-rights-idUKKBN0TZ1E320151216>

Moreover, on 15 December 2015, approximately two dozen police arrested Nguyễn Văn Đài Nguyen while he was enroute to meet representatives of the European Union. Reports indicate that police then searched his home and seized three computers, several USB sticks, a bank book, a camera, two camcorders as well as items bearing a human rights logo. Supporters believe he was arrested on suspicion of propaganda against Viet Nam.

The situation for human rights defenders in Viet Nam has become increasingly perilous in recent months. There is a persisting pattern of physical assaults against human rights defenders, bloggers and lawyers that are perpetrated either by police officers or unidentified people. Human rights lawyers Tran Thu Nam and Le Luan are among the victims of recent attacks. In our letter of 25 November 2015, we have asked for your attention to this.

The attack on Nguyễn Văn Đài appears to have been carried out in reprisal for his efforts to educate people about Vietnamese law and their internationally protected rights. His arrest appears to have been carried out to prevent him from speaking to European Union representatives about human rights and about other legal issues of concern within his expertise. The appearance of arbitrariness is strengthened by the absence of allegations or evidence of any involvement by Nguyen Van Dai Luan in activities that could be legitimately prescribed as criminal.

As a member of the United Nations and a party to the International Covenant on Civil and Political Rights (ICCPR), Viet Nam is obliged to ensure the enjoyment by all people within its jurisdiction of a wide range of rights including rights to: liberty, security of the person and freedoms of expression and association. The arrest and detention of Mr. Nguyen Van Dai contravene these rights, recognized by the Universal Declaration of Human Rights and guaranteed by the ICCPR.

As a member of the United Nations Human Rights Council, Viet Nam has further agreed and is obliged to “uphold the highest standards in the promotion and protection of human rights, shall fully cooperate with the Council and be reviewed under the universal periodic review mechanism during their term of membership.”<sup>2</sup> During the 2nd Universal Periodic Review of Viet Nam, several member states identified the need for Viet Nam to bring its domestic laws and practice into compliance with international law obligations to guarantee rights to freedom of expression and association and to allow lawyers and human rights defenders to carry on their work.

Articles 16 and 17 of the UN Basic Principles on the Role of Lawyers state that:

*16. Governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference (...)*

*17. Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities*

In view of the above, Lawyers for L4L and LRWC urge you to:

1. Make sure that a prompt, thorough, impartial and transparent investigation into the attack on lawyer Nguyễn Văn Đài will be carried out, so as to identify all those

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<sup>2</sup> [http://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251\\_En.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf)

responsible, bring them before a competent and impartial tribunal and apply to them the sanctions provided by law;

2. Ensure that the items seized from the home of Nguyễn Văn Đài are returned and that all copies of such materials are located and destroyed;

3. Ensure the immediate and unconditional release of Mr Nguyen Van Dai;

4. Ensure the immediate withdrawal of any and all legal proceedings and attacks against Nguyễn Văn Đài, and ensure the cessation of any investigation of his peaceful human rights advocacy work;

5. Guarantee in all circumstances that Nguyễn Văn Đài and all lawyers and human rights defenders in Viet Nam are able to carry out their legitimate activities without fear of reprisals, intimidation, or threats, and that they remain free of all unlawful or improper restrictions.

Thank you for your attention to this very important matter. We are confident that the Vietnamese government will give this case the attention it deserves. L4L and LRWC will continue to monitor this case closely.

Sincerely,



Adrie van de Streek, Executive Director L4L Gail Davidson, Executive Director, LRWC  
On behalf of the L4L President,  
Phon van den Biesen,

Letters concerning the same topic were sent to:

H.E. Mr. Nguyễn Tấn Dũng, Prime Minister of the Socialist Republic of Viet Nam

A copy of this letter was sent to:

- The Vietnam Bar Federation
- Netherlands Embassy in Ha Noi