

Lawyers' Rights Watch Canada

NGO with 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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Thursday, July 27, 2017

TO:

H.E. Mr. Nguyễn Phú Trọng
General Secretary of the Central Committee of the Communist Party of Viet Nam

H.E. Mr. Trần Đại Quang
President of the Socialist Republic of Viet Nam

H.E. Mr. Nguyễn Xuân Phúc
Prime Minister of the Socialist Republic of Viet Nam

VIA EMAIL TO:

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Your Excellences,

RE: Trần Thị Nga, wrongful conviction and arbitrary detention

Lawyers Rights Watch Canada (LRWC) is an independent committee of lawyers and other human rights defenders who promote human rights and the rule of law internationally through advocacy, research, and education.

We are writing in response to information obtained from the Observatory for the Protection of Human Rights Defenders, the Vietnam Committee on Human Rights, other organizations and news reports indicating that, on July 25, 2017, Trần Thị Nga was convicted under Article 88 of the Viet Nam Penal Code and sentenced to 9 years in prison, with an additional 5 years of probation. She was convicted for 'using the Internet to spread propaganda videos and writings that are against the government of the Socialist Republic of Vietnam'.

LRWC has grave concerns about the illegitimacy of the charges and the trial, the disproportionate sentence, and the ongoing mistreatment and abuse of Trần Thị Nga by the government of Viet Nam. Trần Thị Nga is human rights defender who promotes labour and land rights online through peaceful means. She is a member of the organization Vietnamese Women for Human Rights.

Because of her work, she has been the target of numerous instances of harassment, abuse, and assaults by government agents (including an attack in May 2014 where men armed with pipes attacked her in

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front of her children, leaving her with a broken arm and leg). This culminated in her arrest on January 21, 2017, six months of detention (where she was refused access to medical treatment for injuries she suffered from attacks by government agents), and her trial, conviction, and sentencing on July 25, 2017.

We remind you that Viet Nam has signed, ratified, and is a party to a number of international conventions, including the Universal Declaration on Human Rights (UDHR) and the International Convention on Civil and Political Rights (ICCPR). Viet Nam has committed itself to upholding principles of human rights for its citizens, including:

1. The freedoms of opinion and expression (UDHR Article 19; ICCPR Article 19)
2. The freedoms of peaceful assembly and association (UDHR Article 20; ICCPR Article 21 and 22)
3. The right to equality before the law and the equal protection of the law (UDHR Article 10; ICCPR Article 26)

The mistreatment, abuse, arrest, detention, and conviction of Trần Thị Nga constitute serious, ongoing violations of these rights and freedoms.

Furthermore, we also remind you that the April 2014 report of the working group on Viet Nam for the Universal Period Review found that Viet Nam's Penal Code, and especially provisions like Article 88, violate internationally protected rights. The working group recommended that Viet Nam repeal or modify Article 88 of the Penal Code, in order to prevent it from being applied arbitrarily to impede freedom of opinion and expression. That is precisely what has occurred in this situation.

In October 2016 the UN High Commissioner of Human Rights Zeid Ra'ad Al Hussein [called on Viet Nam](#), then a member of the Human Rights Council, to repeal Article 88 of the Penal Code and immediately release all individuals detained under the authority of Article 88 and other provisions criminalizing the exercise of internationally protected rights. About Article 88 the High Commissioner observed,

Article 88 effectively makes it a crime for any Vietnamese citizen to enjoy the fundamental freedom to express an opinion, to discuss or to question the Government and its policies. The overly broad, ill-defined scope of this law makes it all too easy to quash any kind of dissenting views and to arbitrarily detain individuals who dare to criticize Government policies.

Based on the above, LRWC calls for the immediate and unconditional release of Trần Thị Nga, the reversal or pardon of the charges laid against her, and a thorough investigation into the many instances of threats and violence that she suffered. We also call for the results of any investigation to be made public, and for those responsible to be brought to justice. LRWC also urges the Government of Viet Nam to take effective action to ensure the safety and security of all human rights defenders, in part by amending their Penal Code, so that these individuals can continue to carry out their legitimate and important work defending human rights.

Please advise LRWC by mail, e-mail or fax of the actions that the government of Viet Nam is taking to:

1. Arrange for the immediate reversal of the conviction and sentencing of Trần Thị Nga, including her immediate release from prison.
2. Ensure that the treatment of Trần Thị Nga, while she remains in detention, adheres to the "Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment" adopted by the UN General Assembly resolution 43/173 of 9 December 1988. This includes allowing her access to medical assistance for any ailments or injuries she may currently or in future be suffering from.

3. Take all required measures to guarantee the physical and psychological protection, integrity, and security of Trần Thị Nga, while she is detained and following her release.
4. Investigate the threats, abuses, and assaults perpetrated against Trần Thị Nga, with the goal of identifying the person(s) responsible and bringing them to justice.
5. Guarantee in all circumstances that human rights defenders in Viet Nam are able to carry out their legitimate and protected activities without fear of reprisals and free of all restrictions, including judicial or officially sanctioned harassment.
6. Repeal Article 88 of the Penal Code.

LRWC awaits your response. Thank you for your attention to our concerns.

Sincerely,



Joshua Lam, MA JD
LWRC Viet Nam Monitor

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