

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

Hon. Ms. G.C. Knaul de Albuquerque e Silva
UN Special Rapporteur on the
independence of judges and lawyers
Office of the United Nations High Commissioner
for Human Rights
United Nations Office at Geneva
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Amsterdam, 16 November 2012

Subject: Mr Le Cong Dinh

Dear Ms. Knaul de Albuquerque e Silva,

The Dutch Lawyers for Lawyers Foundation (*Stichting Advocaten voor Advocaten*)¹, the Law Society of England and Wales², and Lawyers Rights Watch Canada (LRWC)³ are organizations that are committed to helping lawyers around the world who are threatened or suppressed in the execution of their role.

Lawyers for Lawyers, Lawyers Rights Watch Canada, and The Law Society would jointly like to express its grave concern about the situation of our colleague Mr. Le Cong Dinh.

Mr. Dinh is a prominent and highly respected human rights lawyer in Viet Nam. On 13 June 2009, security forces from the Ministry of Public Security arrested Mr. Dinh and

¹ **Lawyers for Lawyers** is an independent Dutch foundation operating on a worldwide scale. The foundation has a board of directors consisting of (former) lawyers, human rights specialists and a managing director

² **The Law Society** is the professional body representing more than 150,000 solicitors in England and Wales. Its concerns include upholding the independence of the legal profession, the rule of law and human rights throughout the world.

³ **Lawyers Rights Watch Canada** is a committee of lawyers who promote human rights and the rule of law through research, education and cooperation with other human rights organizations. LRWC has Special Consultative status with the Economic and Social Council of the United Nations.

raided and searched his home and office. He was arrested for "conducting propaganda against the State" under Article 88 of the Vietnamese Penal Code for his writings and media interviews, his association with the 'Vietnam Democracy Party' and attendance at a peaceful training course organized by Viet Tan, a pro-democracy organization which the Vietnamese Government has arbitrarily declared a "terrorist organization".

Following his arrest, he was held incommunicado for at least six weeks and denied access to a lawyer for nearly six months. During this time, the Ministry of Public Security made public details of his "confession" and released video footage of Mr. Dinh reading his "plea of guilty", which was broadcast nationwide on Vietnamese television. The Ministry subsequently indicted Mr. Dinh on amended charges of "carrying out activities aimed at overthrowing the People's Administration" pursuant to Article 79 of the Penal Code, a more serious offence which carries a maximum sentence of the death penalty. Mr. Dinh was convicted at a closed trial in January 2010 and sentenced to 5 years imprisonment and 3 years of house arrest. At the date of this letter, he has been detained for over 3 years.

As you might be aware of, Lawyers for Lawyers is closely monitoring the case of Mr. Le Cong Dinh. In January 2010, Lawyers for Lawyers already called on the Vietnamese authorities to release Mr. Dinh immediately and unconditionally as he had been arrested solely for his lawful human rights activities and his lawful activities as a lawyer. Furthermore, Lawyers for Lawyers called upon the Vietnamese authorities to guarantee the physical and psychological integrity of Mr. Le Cong Dinh.

However, we have now received information that Mr. Dinh currently is being held in poor conditions at a high security prison in Ho Chi Minh City. He has lost considerable weight, his hair is falling out due to stress and poor nutrition and he is in poor health. He continues to be denied access to his lawyers and is permitted to see his wife only once a month for 30 minutes under close supervision by prison officials. He is not due for release for a further two years and following his imprisonment, he will be under house arrest for a further three years. His co-defendants have made extensive allegations of mental and physical torture and abuse by those who have detained them.

Lawyers for Lawyers would like to express its grave concern about ongoing detention of Mr. Dinh. This conduct is contrary to the Universal Declaration of Human Rights, which contains international principles adopted by the United Nations and which remains the cornerstone of the UN human rights system. More specific for the role of human rights defenders and lawyers we endorse article 6c⁴ and 12⁵ paragraph 2 UN Declaration on Human Rights Defenders and 23⁶ of the Basic Principles on the Role of Lawyers,

⁴ This article reads: "Everyone has the right, individually and in association with others to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms."

⁵ This article reads: "The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration."

⁶ This article reads: "Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their

instruments that are universally applicable. Moreover, this conduct is contrary to article 9⁷ of the International Covenant on Civil and Political Rights, which treaty Vietnam has ratified, and by which Vietnam is therefore legally bound.

In view of the gravity of this situation, we hereby kindly urge you to take action in the framework of your mandate. Accordingly, we appeal to you to intervene urgently to secure the immediate release of Mr. Dinh and to declare his conviction and continuing detention a violation of his human rights.

We thank you for your attention to this important matter.

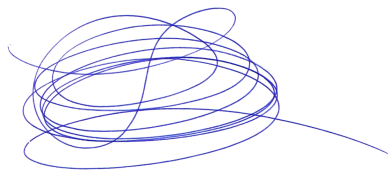
Sincerely,

Lawyers for Lawyers



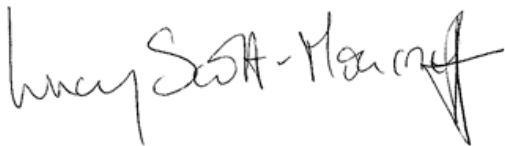
Adrie van de Streek
Executive director

Lawyers Rights Watch Canada



Gail Davidson
Executive Director

The Law Society of England and Wales



Lucy Scott-Moncrieff
President

membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession."

⁷ This article reads: "Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law."