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Contact

Allen Weiner
Director, Stanford Program in International and Comparative Law
Stanford Law School
Phone: 650 724-5892
Email: aweiner@stanford.edu

Stanford Law School's Allen Weiner, Director of Stanford Program in International and Comparative Law, Files Update with the United Nations Working Group on Arbitrary Detention regarding the Unlawful Detention of Seventeen Vietnamese Social and Political Activists

STANFORD, Calif., January 4, 2013—Allen Weiner, director of the Stanford Program in International and Comparative Law at Stanford Law School, today filed an update to the petition initially submitted to the United Nations Working Group on Arbitrary Detention (UNWGAD) in Geneva in July 2012 contesting the illegal arrest and on-going detention of seventeen Vietnamese social and political activists. The update highlights the deteriorating condition for those engaged in non-violent forms of political and social activism in Vietnam and the Vietnamese government's increasing reliance on detention powers as a means of suppressing established international human rights.

All seventeen of the activists were arrested and detained by the government of the Socialist Republic of Vietnam (SRV) for violating several Vietnamese criminal laws that outlaw "activities aimed at overthrowing the people's administration," the "undermining of national unity," and participating in "propaganda against the Socialist Republic of Vietnam." The detainees have suffered a range of human rights violations, including violations of their fundamental rights of expression, assembly, and association, in reaction to their participation in online and in-person activities that advocate for governmental action on a broad range of human rights, social justice, and other political issues.

The recent update notes that since the submission of the original petition (which is still under consideration by the UNWGAD), five of the petitioners have either been convicted of the offense of "propaganda against the state," or have had earlier convictions upheld on appeal. The trial and appeals proceedings in these cases have been brief, pro forma affairs.

The update also notes that eleven of the petitioners who are accused of "carrying out activities aimed at overthrowing the people's administration" are scheduled to go on trial on January 8, 2013. The indictment charges them with membership in Viet Tan, a Vietnamese pro-democracy political party.

"The SRV continues to use its legal system as a tool for the repression of the exercise of civil and political rights that are protected under international law," said Allen Weiner, senior lecturer at Stanford Law School and counsel for the petitioners. "Most of the petitioners have been jailed for an extended period of time without meaningful judicial process. Those petitioners who have been brought to court have been convicted after perfunctory hearings lasting only a few hours," he noted. "I am deeply concerned that the petitioners who are scheduled to go on trial on January 8 cannot expect a fair trial. By bringing the plight of these petitioners to the UN Working Group on Arbitrary Detention, we hope to remind the SRV that the world is watching. Above all, we hope to reaffirm that peaceful political advocacy is not a crime."

This petition before the UNGWAD, which is responsible for examining cases of arbitrary detention, emphasizes that the petitioners' arrest and detention violated international due process and fair trial rights guaranteed under the International Covenant of Civil and Political Rights (ICCPR) and other international legal instruments. These international law violations include, among others things, warrantless arrests, lengthy pre-trial detention without the filing of charges and in violation of domestic time limits on detention, and little to no access to legal counsel and family members throughout their detention.

The petitioners are as follows: Mr. DANG Xuan Dieu, Mr. HO Duc Hoa, Mr. NGUYEN Van Oai, Mr. CHU Manh Son, Mr. DAU Van Duong, Mr. TRAN Huu Duc, Mr. LE Van Son, Mr. NONG Hung Anh, Mr. NGUYEN Van Duyet, Mr. NGUYEN Xuan Anh, Mr.

HO Van Oanh, Mr. THAI Van Dung, Mr. TRAN Minh Nhat, Ms. TA Phong Tan, Mr. TRAN Vu Anh Binh, Mr. NGUYEN Dinh Cuong, and Mr. HOANG Phong. Pursuant to UNWGAD rules, if the petition is deemed admissible by the Working Group, the SRV will be given an opportunity to respond before the UNWGAD issues a decision on the matter, which may include recommendation to SRV on the petitioners' cases.

About Allen S. Weiner

Allen S. Weiner is senior lecturer in law, director of the Stanford Program in International and Comparative Law, and co-director of the Stanford Center on International Conflict and Negotiation at Stanford University. He is an international legal scholar with expertise in such wide-ranging fields as international and national security law, the law of war, international conflict resolution, and international criminal law (including transitional justice). His scholarship focuses on international law and the response to the contemporary security threats of international terrorism and the proliferation of weapons of mass destruction. He also explores the relationship between international law and the invocation of domestic "war powers" in connection with the U.S. response to terrorism. In the realm of international conflict resolution, his highly multidisciplinary work analyzes the barriers to resolving violent political conflicts. Weiner's scholarship is deeply informed by experience; he practiced international law in the U.S. Department of State for more than a decade advising government policymakers, negotiating international agreements, and representing the United States in litigation before the International Criminal Tribunal for the former Yugoslavia, the International Court of Justice, and the Iran-United States Claims Tribunal. Before joining the Stanford Law School faculty in 2003, Weiner served as legal counselor to the U.S. Embassy in The Hague and attorney adviser in the Office of the Legal Adviser of the U.S. Department of State. He was a law clerk to Judge John Steadman of the District of Columbia Court of Appeals.

About Stanford Law School

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EDITORIAL CONTACTS

For comment:

Allen Weiner
Director, Stanford Program in International and Comparative Law
Stanford Law School
Phone: 650 724-5892
Email: aweiner@stanford.edu

For assistance:

Lisa Woodcock
Administrative Assistant
Stanford Law School
Phone: 650 723-4039
Email: lwoodcock@law.stanford.edu