



Nguyen Tan Dung
Socialist Republic of Vietnam
Office of the State
1 Bach Thao
Hanoi, Vietnam

12 March 2012

Re: Request for the immediate release of Dang Xuan Dieu, Ho Duc Hoa, Nguyen Van Duyet, Nong Hung Anh and Paulus Le Van Son, and the dismissal of all charges

Dear Prime Minister Nguyen Tan Dung,

We write to express our deep concern over the unfounded arrest and detention of bloggers and human rights defenders Dang Xuan Dieu, Ho Duc Hoa, Nguyen Van Duyet, Nong Hung Anh and Paulus Le Van Son. We call on the Government of Vietnam for their immediate release.

The five are among a group of youth activists belonging to the Congregation of the Most Holy Redeemer that have been arrested in one of the largest crackdowns in recent years. Mr. Dieu and Mr. Hoa were arrested in the late days of July 2011 and Mr. Duyet, Mr. Anh and Mr. Son were arrested in the beginning of August 2011. Since then, they have been held in detention in Hanoi. None of the five arrested has had access to legal counsel. During their detention, only Mr. Duyet, Mr. Hoa and Mr. Anh have once been allowed a brief visit from their family. Mr. Dieu and Mr. Son have not been allowed any visitors at all; they have been held incommunicado since their arrest.

No details of the reasons for their arrest have been given, other than that the five are suspected of "carrying out activities aimed at overthrowing the people's administration" under Article 79 of Vietnam's Penal Code.

There are no grounds for such charges against any of the five. Mr. Dieu is an engineer and community organizer. Mr. Hoa is also a community organizer, Mr. Duyet is the President of the Association of Catholic Workers of Vinh, and Mr. Anh is a student at Hanoi University. Mr. Son is a blogger. All are active contributors to prominent citizen journalist sites, including Vietnam Redemptorist News (VRNs). Their blogging and social activities are grounded in the promotion of human rights. Their detention on the basis of an alleged violation of Article 79 is therefore unjustified and unfounded.

We would like to remind the Government of Vietnam that as an ASEAN Member State, it is obliged to respect the principle contained in Article 2 sub 2(i) of the ASEAN Charter, which requires “respect for fundamental freedoms, the promotion and protection of human rights, and the promotion of social justice.” We do not believe that the ongoing detention of these five men can be justified in light of this obligation.

We would furthermore remind the Government of Vietnam that as a State Party to the International Covenant on Civil and Political Rights, it is legally bound to respect the right to freedom of expression; the right to liberty and security of the person; and the right to be free from torture and inhuman or degrading treatment.

Arbitrary deprivation of liberty violates Article 9 of the International Covenant on Civil and Political Rights. The UN Working Group on Arbitrary Detention has found that the prolonged or indefinite nature of detention contributes to its arbitrary nature. Mr. Dieu, Mr. Hoa, Mr. Duyet, Mr. Anh and Mr. Son have been in detention for over 6 months now, without any indication as to when their detention might come to an end.

This type of detention, for no apparent reason, without any set limits of its duration, and with severe restrictions on any form of communication with the outside world also amounts to a violation of Article 7 of the International Covenant on Civil and Political Rights, which proscribes torture and cruel, inhuman and degrading treatment; as well as Article 10 of the International Covenant on Civil and Political Rights, which provides for humane treatment during detention. This applies all the more so to the case of Mr. Dieu and Mr. Son, who are being held incommunicado.

Finally, refusing access to legal counsel violates Article 14(3) of the International Convention on Civil and Political Rights.

We call on the Vietnamese Government to dismiss any charges against Mr. Dieu, Mr. Hoa, Mr. Duyet, Mr. Anh and Mr. Son, to immediately release them from custody, and to allow them immediate access to a legal counsel of their choice.

Sincerely,

Christine Laroque, Asia Programs Manager, ACAT France
Brett Solomon, Executive Director, Access Now
Agnès Callamard, Executive Director, Article 19
Jillian York, Director for International Freedom of Expression, Electronic Frontier Foundation
Mary Lawlor, Director, Front Line Defenders
Rohan Jayasekera, Deputy CEO, Index on Censorship
H.R. Dipendra, Executive Director, Media Defence – Southeast Asia
Peter Noorlander, Executive Director, Media Legal Defence Initiative
Gayathry Venkiteswaran, Executive Director, Southeast Asian Press Alliance (SEAPA)

CC:

ASEAN Chair, the Kingdom of Cambodia
Attn.: H.E. Samdech Hun Sen

Australian Embassy, Hanoi
Attn.: HE Mr. Allaster Cox

British Embassy, Hanoi
Attn.: Dr Antony Stokes

Embassy of Canada, Hanoi
Attn.: Her Excellency Deborah Chatsis

Embassy of France, Hanoi
Attn.: H.E Jean-François Girault

Royal Norwegian Embassy, Hanoi
Attn.: H.E. Ståle Torstein Risa

Embassy of Switzerland, Hanoi
Attn.: H.E Andrej Motyl

Embassy of the United States, Hanoi
Attn.: Ambassador David Shear

General Secretariat of the Council of the European Union
Attn.: High Representative of the European Union for Foreign Affairs and Security Policy Catherine Ashton