

PUBLIC

AI Index: ASA 41/002/2009

17 June 2009

UA 155/09 Prisoner of conscience

VIET NAM Le Cong Dinh (m), human rights lawyer

Human rights lawyer Le Cong Dinh was arrested at his office in Ho Chi Minh City on 13 June by Public Security police. He has been charged with "conducting propaganda" against the state, under Article 88 of the Penal Code. If convicted, he faces a three- to 20-year prison sentence. He is a prisoner of conscience, detained solely for the peaceful exercise of his right to freedom of expression.

The Investigation Agency of the Ministry of Public Security told a press conference the day he was arrested that Le Cong Dinh had "connived with overseas subversives to publish documents distorting the socio-economic policies" of the government. Officials also accused him of communicating with international media, including the BBC and Radio Free Asia, and of conveying "distorted" information about the rule of law in Viet Nam in the course of his work as a defence lawyer.

Le Cong Dinh is a prominent lawyer and former deputy president of the Ho Chi Minh City Bar Association. He runs a private law firm in Ho Chi Minh City. In November 2007 he represented human rights lawyers Nguyen Van Dai and Le Thi Cong Nhan, two other prominent prisoners of conscience, at the appeal court hearing against their sentences. At the hearing he and other lawyers argued that Article 88, under which the two were charged, is unconstitutional and contravenes international human rights treaties that Viet Nam has ratified, such as the International Covenant on Civil and Political Rights (ICCPR), and should therefore be reviewed. He also represented Nguyen Hoang Hai, a blogger known as Dieu Cay, who was tried in September 2008 on politically motivated criminal charges for writing critical articles and calling for human rights.

Le Cong Dinh has also been an outspoken critic of recent bauxite-extraction in the Central Highlands, as well as calling for political reform in Viet Nam.

BACKGROUND INFORMATION

The Vietnamese authorities have sentenced at least 30 dissidents, including a number of lawyers, to long prison terms since 2006 in an attempt to stifle freedom of expression and association. Most are supporters of an internet-based pro-democracy movement, Bloc 8406, or other unauthorized groups calling for democracy and human rights. The majority have been sentenced to imprisonment under the national security section of the 1999 Penal Code, with additional sentences of up to five years of house arrest on release from prison. An unknown number of dissidents are in custody awaiting trial.

Articles of the Penal Code used to criminalize peaceful political dissent include Article 80 (Spying), 87 (Undermining the unity policy), and 88 (Conducting propaganda against the Socialist Republic of Viet Nam).

In May 2009, the UN Human Rights Council considered Viet Nam under the Universal Periodic Review (UPR). Viet Nam rejected the recommendations of other states to allow greater freedom of expression and to reform national security laws which limit freedom of expression, among others.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Vietnamese, French or your own language:

- expressing concern that lawyer and human rights advocate Le Cong Dinh has been arrested under Article 88 of the Penal Code solely for the peaceful exercise of his right to freedom of expression, and is therefore a prisoner of conscience;
- calling on the authorities to release him immediately and unconditionally, and drop the charges against him;
- calling on them to ensure that he is allowed immediate access to a lawyer of his choosing and his family, and that he is provided with any medical attention he may require;
- calling on the authorities to either repeal or amend provisions in the 1999 Penal Code which criminalize peaceful political dissent;
- calling on the authorities to uphold the rights to freedom of expression and association, in line with human rights treaties Viet Nam has ratified.

APPEALS TO:

Le Hong Anh
Minister of Public Security
Ministry of Public Security
44 Yet Kieu Street
Ha Noi
VIET NAM

Fax: +8443 942 0223

Salutation: Dear Minister

Pham Gia Khiem
Minister of Foreign Affairs
Ministry of Foreign Affairs
1 Ton That Dam Street
Ba Dinh District
Ha Noi
VIET NAM

Fax: +8443 823 1872

Email: bc.mfa@mofa.gov.vn

Salutation: Dear Minister

COPIES TO: diplomatic representatives of Viet Nam accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 29 July 2009.