

# URGENT ACTION

## HUMAN RIGHTS LAWYER ARRESTED, AT RISK

**Vietnamese human rights lawyer Nguyễn Văn Đài was arrested on charges of “conducting propaganda” against the state on 16 December. He is in detention pending investigation and at risk of torture and other ill-treatment.**

**Nguyễn Văn Đài** was arrested in the morning of 16 December when he was on his way to meet with members of a delegation of European Union (EU) officials who were in Ha Noi for the EU-Viet Nam human rights dialogue that took place on 15 December. Security officers searched Nguyễn Văn Đài's home and confiscated personal belongings, including computers, phones and documents. He was taken to B-14 prison in Ha Noi where he will be detained for four months pending investigation under Article 88 of the Penal Code for “conducting propaganda” against the state. The four months detention period can be extended. If tried and convicted under Article 88, Nguyễn Văn Đài could face between three and 20 years in prison.

Nguyễn Văn Đài is a human rights lawyer and former prisoner of conscience well known both in Viet Nam and internationally. He founded the dissident Committee for Human Rights in Viet Nam in 2006 – now called the Vietnam Human Rights Centre – and was one of the original signatories to an online petition “Freedom and Democracy for Viet Nam” which garnered the support of thousands. In March 2007 Nguyễn Văn Đài was arrested after holding workshops and seminars on human rights law for university students. He was then sentenced to four years in prison after being convicted under Article 88. Following his release in March 2011, he continued advocating for human rights and in April 2013, he founded the Brotherhood for Democracy, an online pro-democracy discussion group.

Nguyễn Văn Đài is at risk of torture and other ill-treatment while in detention. Human rights defenders facing criminal charges are subject to severe and often brutal treatment during pre-trial detention and investigation.

### **Please write immediately in English, Vietnamese or your own language:**

- Urging the authorities to release Nguyễn Văn Đài immediately and unconditionally as he is a prisoner of conscience detained solely for exercising his right to freedom of expression and for his activities promoting human rights;
- Urging them to ensure that he is not subjected to torture and other ill-treatment while in detention;
- Urging them to treat him in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners and to ensure that he is given full access to lawyers, doctors and his family.

### **PLEASE SEND APPEALS BEFORE 28 JANUARY 2016 TO:**

#### Minister of Public Security

Gen Tran Dai Quang  
Ministry of Public Security  
44 Yet Kieu Street, Hoan Kiem district  
Ha Noi, VIET NAM  
Online contact form:  
[http://www.mps.gov.vn/web/guest/contact\\_english](http://www.mps.gov.vn/web/guest/contact_english)

**Salutation: Dear Minister**

#### Minister of Foreign Affairs

Pham Binh Minh  
Ministry of Foreign Affairs  
1 Ton That Dam Street, Ba Dinh district  
Ha Noi, VIET NAM  
Fax: + 844 3823 1872  
Email: [bc.mfa@mofa.gov.vn](mailto:bc.mfa@mofa.gov.vn)  
**Salutation: Dear Minister**

#### **And copies to:**

Minister of Justice  
Ha Hung Cuong  
Ministry of Justice  
60 Tran Phu Street, Ba Dinh district  
Ha Noi, VIET NAM  
Fax: + 844 627 3959  
Email: [botuphap@moj.gov.vn](mailto:botuphap@moj.gov.vn)

**Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:**

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY  
INTERNATIONAL**



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### ADDITIONAL INFORMATION

The arrest comes 10 days after Nguyễn Văn Đài and three colleagues were brutally assaulted by 20 men in plain clothes after they had delivered a small workshop on human rights. This attack is the latest in a series of physical assaults on human rights defenders in Viet Nam over the past 18 months which have been highlighted by the UN, among others. See *End wave of brutal attacks against human rights defenders*, <https://www.amnesty.org/en/latest/news/2015/12/viet-nam-end-wave-of-brutal-attacks-against-human-rights-defenders/> and *Arrest of human rights lawyer highlights spurious commitment to human rights*, <https://www.amnesty.org/en/latest/news/2015/12/viet-nam-arrest-of-human-rights-lawyer-highlights-spurious-commitment-to-human-rights/>

Viet Nam is a state party to the International Covenant on Civil and Political Rights which guarantees the rights to freedom of expression, association and peaceful assembly. However, these rights are severely restricted in law and practice in Viet Nam. Vaguely-worded articles in the national security section of Viet Nam's 1999 Penal Code are frequently used to criminalize peaceful dissenting views or activities. Those at risk include people advocating for peaceful political change, criticizing government policies, or calling for respect for human rights. Article 88 (Conducting propaganda against the Socialist Republic of Viet Nam) is one of several provisions in the Penal Code frequently used to detain, prosecute and imprison dissidents for their peaceful activism, including bloggers, labour rights and land rights activists, political activists, religious followers, human rights defenders and social justice activists, and even song writers.

Prison conditions in Viet Nam are harsh, with food and health care that fall short of the minimum requirements set out in the UN Standard Minimum Rules and other international standards. Human rights defenders facing criminal charges are subject to severe and often brutal treatment during pre-trial detention and investigation. This includes physical violence, intimidation, humiliation and isolation constituting torture and other cruel, inhuman or degrading treatment or punishment which is often unrelenting for periods of months and even years. The aim of this treatment is to force the victims to admit to wrongdoing and confess to the charges against them.

Treatment after trial and conviction is also harsh. Prisoners of conscience have been held in solitary confinement as a punishment or in isolation for lengthy periods. They have also been subjected to torture and other ill-treatment, including beatings by other prisoners with no intervention by prison guards. Some prisoners of conscience are frequently moved from one detention facility to another, often without their families being informed. Several prisoners of conscience have undertaken hunger strikes in protest at abusive treatment and poor conditions of detention.

Name: Nguyễn Văn Đài  
Gender m/f: M

UA: 292/15 Index: ASA 41/3098/2015 Issue Date: 17 December 2015