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Võ Văn Thường
President
No 2, Hùng Vương, Ba Đình District
Hà Nội
Việt Nam

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OPEN LETTER: 10 ORGANISATIONS DEMAND THE DROPPING OF CHARGES AGAINST JOURNALIST NGUYEN LAN THANG AND THE GUARANTEE OF THE RIGHT TO A FAIR TRIAL BY ADMITTING THE PRESS AND PUBLIC TO OBSERVE THE TRIAL

Dear President Võ Văn Thường,

We are writing to express our concern about the ongoing persecution of Mr Nguyen Lan Thang, a journalist, and we demand that he be released immediately, and all charges dropped against him. Mr Nguyen Lan Thang is a victim of persecution by the Vietnamese government and has been criminally charged due to his work as a journalist. Mr Nguyen Lan Thang is one of many journalists and activists throughout the country who is facing ongoing persecution for reporting of the government of Viet Nam in a critical manner.

On 5 July 2022, Mr. Thang was arrested for "making, storing, distributing, or disseminating information, documents, and items against the State" under article 117 of the 2015 Criminal Code. He has been held in incommunicado detention in Hanoi's Detention Centre No. 1 for more than seven months, during which time he was prohibited from meeting with his family members and legal counsel. After being arrested in July 2022, he did not meet his lawyer for the first time until 16 February 2023.

According to his lawyers, Mr. Thang will be tried on 12 April 2023 at a closed hearing at Hanoi's People's Court. Failing the dropping of charges and release of Mr Nguyen Lan Thang before the trial commences, we demand that his right to a fair trial be upheld, at least in part, by ensuring that media and the public may observe it, as is the obligation of the state of Viet Nam under the International Covenant on Civil and Political Rights (ICCPR).

The right to a public trial is guaranteed under Article 14 of the ICCPR with few exceptions. We understand that Mr Nguyen Lan Thang has been denied this human right. According to Article 14 of the ICCPR:

"the press and the public may be excluded from all or part of a trial for reasons of morals, public order (order public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgment rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children."

Paragraph 28 of General Comment No 32 of the Human Rights Committee clarifies that the importance of public hearings "ensures the transparency of proceedings and thus provides an important safeguard for the interest of the individual and of society at large". The Committee has made clear in paragraph 29 that the special circumstances

that allow exclusion of the press and public from a trial are “exceptional circumstances”, and otherwise a trial must be open to ensure transparency and assist in guaranteeing the human right to a fair trial.

Despite efforts to obtain further information on the charges and the rationale the court has adopted in excluding the press and public from the trial of Mr Nguyen Lan Thang, there is no information that we possess that indicates any exceptional circumstances exist that would allow the closed nature of this trial under international human rights law.

Accordingly, we demand that the right to fair trial is respected and that members of the public, the press, the United Nations, and the diplomatic community be allowed to monitor the proceedings. We call on the government of Viet Nam, including its courts, to uphold their international obligations and ensure the human rights of those within the justice system.

Yours sincerely,

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Amnesty International
ARTICLE 19
Asian Forum for Human Rights and Development (FORUM-ASIA)
CIVICUS: World Alliance for Citizen Participation
Front Line Defenders
Human Rights Watch
People In Need
The Project 88
Vietnamese Advocates for Change