



JUSTICE FOR THE PEOPLE OF DONG TAM

8 October 2020

Nguyen Xuan Phuc
Prime Minister
Socialist Republic of Vietnam
16 Le Hong Phong Street
Ba Dinh District
Hà Nội VIETNAM

Re: Dong Tam Trial

Dear Mr. Prime Minister,

We are writing to express grave concerns over the trial of the citizens of Dong Tam, which was held in Vietnam from September 7 to 14, 2020.

Before the trial began on September 3, 13 defense lawyers made a written request to the judge to postpone the trial and reopen the investigation. Their seven-page letter points to unclear and conflicting elements in the investigation file.

Throughout the trial, the rights of the defense, including the rights and privileges of the defense lawyers, were not respected, as provided for in Article 14 of the International Covenant on Civil and Political Rights to which Vietnam acceded to in 1982. Examples include the following:

- Defense lawyers had no access to their clients until indictment, and thereafter only in the presence of prison guards, violating the principle of lawyer-client confidentiality.
- The case files were not accessible to defense lawyers until a few days before the trial, and only after the Hanoi Bar Association intervened and requested such access.
- Defense lawyers were prevented from discussing with their clients during court proceedings, except during the second day of the trial.
- The families of the defendants were prevented from attending the trial.
- At the start of the trial a "documentary" film produced by the Ministry of Public Security was broadcast which suggested the guilt of the accused.
- 19 of the 29 defendants alleged that they were tortured in order to obtain forced confessions.

- The intimidation and harassment carried out by members of the Public Security against certain defense lawyers inside and outside of the Hanoi court.
- The court's refusal to bring certain witnesses to the stand requested by the defense lawyers.
- No reconstruction of the events was made to shed light on the circumstances of the death of Mr. Le Dinh Kinh and the 3 police officers.
- Vietnam's independent reporters and foreign journalists have been kept away from the court's hearings, violating the fundamental principle of open debate.

The right to access to lawyers and the safeguards in criminal justice matters are also enshrined in the United Nations Basic Principles¹ on the Role of Lawyers (Basic Principles).

The defendants with the most severe sentences (death penalty, life imprisonment, long years in prison) have decided to appeal. In view of these irregularities, we ask you to fully respect the rights of the defense before, during, and after the appeal proceedings, in full compliance with Article 14 of the Covenant and the Basic Principles.

Sentencing people to death sentences under these conditions is not acceptable, especially since the last Universal Periodic Review, many countries called on Vietnam to abolish the death penalty.

The sustainable development of a country cannot take place without independent and impartial justice.

Signed,

Political Representatives:

Hon. Chris Hayes, Member of Parliament, Deputy Chair, Human Rights Subcommittee, Australia

Hon. Julian Hill, Member of Parliament, Deputy Chair of Joint Committee of Public Accounts and Audit, Australia

Hon. Luke Donnellan, Minister for child protection, Minister for Ageing, Disability and Carers, Australia

Dr Tien Dung Kieu, MLC, Member of the Victorian Legislative Council, Australia

Ms Maria Arena, Member of the European Parliament, Belgium

Ms Saskia Bricmont, Member of the European Parliament, Belgium

Ms Frédérique Ries, Member of the European Parliament, Belgium

¹ The UN Basic Principles on the Role of Lawyers provide a concise description of international norms relating to the key aspects of the right to independent counsel. The Basic Principles were unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba on 7 September 1990. Subsequently, the UN General Assembly "welcomed" the Basic Principles in their 'Human rights in the administration of justice' resolution, which was adopted without a vote on 18 December 1990 in both the session of the Third Committee and the plenary session of the General Assembly.

Hon. Judy A. Sgro, Member of Parliament, Chair International Trade, Former Minister of Citizenship and Immigration, Canada

Ms Anna Cavazzini, Member of the European Parliament, Germany

Mr. Michael Gahler, Member of the European Parliament, Germany

Ms Jutta Paulus, Member of the European Parliament, Germany

Mr. Ingo Röthlingshöfer, Mayor of Neustadt, Germany

Mr. Brando Benifei, Member of the European Parliament, Italy

Ms Alviina Alametsä, Member of the European Parliament, Netherlands

Mr. Jean-Luc von Arx, Geneva City Councillor, Switzerland

Ms Delphine Bachmann, Member of Geneva Parliament, Chairwoman of Christian-Democrat Party, Switzerland

Ms Patricia Bidaux-Rodriguez, Member of Geneva Parliament, Switzerland

Ms Claude Bocquet-Thonney, Member of Geneva Parliament, Switzerland

Ms Natacha Buffet-Desfayes, Member of Geneva Parliament, Switzerland

Ms Alia Chaker Mangeat, Lawyer, Geneva City Councillor, Switzerland

Mr. Sébastien Desfayes, Member of Geneva Parliament, Switzerland

Mr. Jean-Marc Guinchard, Member of Geneva Parliament, Switzerland

Mr. Vincent Maître, Lawyer, Member of Swiss Parliament, Bern Councillor, Switzerland

Ms Christina Meissner, Member of Geneva Parliament, Switzerland

Mr. Souheil Sayegh, Member of Geneva Parliament, Switzerland

Mr. Alexandre de Senarclens, Member of Geneva Parliament, Switzerland

Mr. Philippe Schwarm, Administrative Councillor and Mayor of Pregny-Chambésy, Switzerland

International Organizations:

Ms Cécile Auriol, Board member ACAT Belgium

Ms Nathalie Seff, Executive Director, ACAT France

Mr. Christoph Schürhaus, ACAT Germany

Mr. M. Dominique Joris, ACAT Switzerland

Mr. Matthew Bugher, Head of Asia Programme, ARTICLE 19

Mr. Nguyen Le Hung, Bau Bi Tuong Than Association
Mr. Nguyen Van Dai, Chairman, Brotherhood for Democracy
Mr. Jean-Marc Comte, Deputy Chairman, Comité Suisse-Vietnam (Cosunam)
Ms Doreen Chen, Chairwoman, Destination Justice
Mr. Nguyen Van Hai, Free Journalists Club
Dr. Uta Kölle, German Doctors
Ms Sara Brandt, Political Advisor, Globalt Fokus
Ms Sophie de Graaf, Director, Lawyers for Lawyers
Ms Catherine Morris, Executive Director, Lawyers' Rights Watch Canada
Mr. Christophe Deloire, General Secretary, Reporters Without Borders
Mr. Peter Dahlin, Director, Safeguard Defenders
Mr. Do Hoang Diem, Chairman, Viet Tan
Mr. Benjamin Ismaïl, Watchdogs Unleashed

Public figures from the Civil Society:

Bishop Otto Georgens, Speyer diocese, Germany
Dr. Markus Leniger, Katholische Akademie Schwerte, Germany
Rev. Peter Bernd, Chief Parish Priest, Baselland, Germany
Dekan Alban Meißner, Ludwigshafen, Germany
Prof. Dr. Mathias Seifert, Hochschule Fresenius, Idstein, Germany
Dekan Johannes Pioth, Pirmasens, Germany
Mr. Markus Herr, Speyer diocese spokesperson, Germany
Dr. Thomas Fandel, Speyer diocese, Germany
Dr. Thomas Kiefer, Speyer diocese, Germany
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Dr. Christoph Götz, Neustadt, Germany
Prof. Dr. Joachim Schmiedl, Valendar, Germany
Prof. Dr. Stefan Grüne, chief doctor, Neustadt, Germany

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Dr. med. Helene Kamb, Germany

Rev. Jürgen Streuer, Münster, Germany

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Dr. Alexander Hammer, Germany

Dr. Walter Zwick, Speyer, Germany

Dr. Wilhelm Dreyer, Speyer, Germany

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Dr. Joachim Gehrman, Dortmund, Germany

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Mr. Helmut Hofrichter, Lawyer, Neustadt, Germany

Ms Katharina Hofrichter, Psychologist, Neustadt, Germany

Mr. Hartwig Witthöft, former school principal, Neustadt, Germany

Mr. François Longchamp, former Geneva State Councillor, Switzerland

Mr. Ali Benouari, Former minister of finance in Algeria, Switzerland

Mr. Michel Rossetti, Former Geneva Mayor, Switzerland

Mr. Marcel Monney, Former Grand-Saconnex Mayor, Switzerland

Ms Elizabeth Boehler-Goodship, Former Grand-Saconnex Mayor, Switzerland

Mr. Bernard Favre, Member of Cosunam, Switzerland

Ms Pascale Berry-Wavre, Member of Cosunam, Switzerland

Mr. Michel Goency, Senior official, Switzerland

Mr. Philippe Souaille, Journalist and movie maker, Switzerland

Mr. Bertrand Staempli, Former Geneva Airport spokesperson, Switzerland

Mr. Pierre Martin-Achard, lawyer, Switzerland