

HE Ha Hung CUONG
Minister of Justice of the Socialist Republic of Vietnam
25A Cat Linh Street
Hanoi - Vietnam

Re: Concerns regarding human rights lawyer Mr Huynh Van Dong

Your Excellency

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents more than 1 million European lawyers. In addition to membership from EU bars, it has also observer representatives from a further eleven European countries' bars.

The CCBE, through its Human Rights Committee, places great emphasis on respect for human rights and the rule of law. The CCBE is particularly concerned by the situation of human rights defenders in the world.

The CCBE writes to express its serious concerns over the judicial harassment, police surveillance, and intimidation of Mr Huynh Van Dong, a prominent Vietnamese human rights lawyer and member of the Daklak Bar Association, who works primarily on cases concerning the protection of land rights and the right to freedom of expression.

The CCBE has been informed that on 22 July 2011, the Daklak Bar Association accused Mr Huynh Van Dong of violating the Vietnamese Lawyers' Code of Conduct, as well as damaging the interests of the Vietnamese Government because he provided legal representation to clients persecuted for being critical of the government.

On the same day, Mr. Huynh Van Dong received a letter from the Daklak Bar Association requesting that he present himself before the Association on 31 July 2011 in order to discuss his work.

It is reported that Mr. Huynh Van Dong was informally told by an official at the Daklak Bar Association that the Association wanted to terminate his membership and advised him to find another job. Mr. Huynh Van Dong subsequently informed the Daklak Bar Association that he would not attend the meeting. It is believed that the Daklak Bar Association has been put under considerable pressure from the Ministry of Public Security to terminate Mr. Huynh Van Dong's membership and expel him from the Association for taking up human rights-related cases.

Furthermore, the CCBE has learned that on 30 May 2011, two of Mr. Huynh Van Dong's clients, who are also human rights defenders, were brought before the Ben Tre Province court and sentenced to seven and eight years respectively for violating Article 79 of the Vietnamese Penal Code which prohibits "working to overthrow the people's administration". The court stated that in bringing these cases before the court and providing legal representation to the defendants, Mr. Huynh Van Dong had attempted to use the court as an anti-Government forum.

Since 2009, it is believed that Mr. Huynh Van Dong has been under police surveillance; his phone calls have been monitored and he has been summoned to present himself for questioning by the police on numerous occasions. The police allegedly asked Huynh Van Dong why he was involved in providing legal representation to his clients, and warned him several times to discontinue his legal representation of clients involved in land disputes cases.

The CCBE understands that the harassment and intimidation of Mr. Huynh Van Dong are directly related to his legitimate human rights work, in particular his legal representation of clients perceived by the Vietnamese Government to be a threat to the stability of the State.

In this context, the CCBE wishes to draw to your attention the following Articles of the United Nations Basic Principles on the Role of Lawyers (1990):

Article 16 states that:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Furthermore, Article 23 states that:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organisations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organisation. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognised standards and ethics of the legal profession.

In view of the above, the CCBE respectfully urges you to take immediate and effective steps to: carry out a thorough and impartial investigation into the harassment and intimidation of human rights lawyer Mr. Huynh Van Dong; take measures to guarantee his physical and psychological integrity; and guarantee in all circumstances that human rights lawyers in Vietnam are able to conduct their professional duties without fear of reprisals and free of all restrictions, in order to preserve the independence and integrity of the administration of justice.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'G. Dal', with a long horizontal line extending to the right from the end of the signature.

GEORGES-ALBERT DAL

President