

URGENT ACTION

LE CONG DINH COULD FACE DEATH PENALTY

Human rights lawyer Le Cong Dinh has been charged with attempting to overthrow the state. For this, he could face the death penalty. Two others are facing the same charge.

Le Cong Dinh has been held in custody awaiting trial since 13 June, when he was arrested at his law firm office in Ho Chi Minh City. He was first charged with "conducting propaganda" against the state. However the authorities are now using the more serious Article 79 of the Penal Code, charging him with "carrying out activities aimed at overthrowing the people's administration". His trial is apparently due to take place in the next few weeks.

Four other people were arrested around the same date. At least two of them have also now been charged under Article 79, including IT engineer Nguyen Tien Trung and former army officer Tran Anh Kim. Amnesty International considers all three men prisoners of conscience.

The Ministry of Foreign Affairs stated in a 26 June press release that Le Cong Dinh is accused of contacting and colluding "with some exiled Vietnamese organizations and groups abroad, including those listed by the Vietnamese government as terrorist groups, in an attempt to prepare for riots and cause social instability and public disorder with the ultimate goal of overthrowing the State of Viet Nam".

After he was arrested, Le Cong Dinh was held incommunicado for at least six weeks. During this time the Ministry of Public Security made public details of his "confession" at a press conference. His "confession," and those of Nguyen Tien Trung and Tran Anh Kim, were later broadcast on television. It is not known whether any of them has been given full and regular access to a lawyer of his own choosing, or to his family, since then.

PLEASE WRITE IMMEDIATELY in English, Vietnamese or your own language:

- √ Expressing concern that prisoners of conscience Le Cong Dinh, Nguyen Tien Trung and Tran Anh Kim have been charged under Article 79 of the Penal Code, which can carry the death penalty, solely for the peaceful exercise of their right to freedom of expression;
- √ Calling on the authorities to release them immediately and unconditionally, and drop all charges against them;
- √ Calling on the authorities to ensure that they are allowed access to their families, and lawyers, and are provided with any medical attention they may require;
- √ Calling on the authorities to either repeal or amend provisions in the 1999 Penal Code which criminalize peaceful political dissent.

PLEASE SEND APPEALS BEFORE 8 FEBRUARY 2010 TO:

Prime Minister

Nguyen Tan Dung
Government Office
1 Hoang Hoa Tham St.
Ba Dinh district, Ha Noi
Viet Nam
Fax: + 8443 804 4130
Email: vpcp@chinhphu.vn

Salutation: Dear Prime Minister

Minister of Foreign Affairs

Pham Gia Khiem
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

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date. This is the second update of UA 155/09. Further information: <http://www.amnesty.org/en/library/info/ASA41/002/2009/en>

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ADDITIONAL INFORMATION

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 two other prominent prisoners of conscience, human rights lawyers Nguyen Van Dai and Le Thi Cong Nhan, in their appeal against their sentences. He 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.

Nguyen Tien Trung, 26, is an IT engineer, and Tran Anh Kim, 60, is a former army officer. Like Le Cong Dinh, they are said to be affiliated to the Democratic Party of Viet Nam, an exile political group which speaks out for multi-party democracy. All three have publicly criticised business deals and border issues relating to China, including a controversial bauxite mining operation in the Central Highlands, and a territorial agreement over the Spratly and Paracel archipelagos in the South China Sea.

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 most frequently 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).

Viet Nam retains the death penalty for 21 offences, including seven which fall under the national security section of the 1999 Penal Code. Publication of statistics on the death penalty and executions is classified as a "state secret," which means that the number of death sentences handed down and executions carried out is not known.

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, as well as to release prisoners of conscience.

Further information on UA: 155/09 Index: ASA 41/012/2009 Issue Date: 22 December 2009

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