

DATE
08/01/2010

Prime Minister
Nguyen Tan Dung
Government Office
1 Hoang Hoa Tham St.
Ba Dinh district, Ha Noi
Viet Nam

Re: Concerns regarding the case of lawyer Le Cong Dinh.

Dear Prime Minister,

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 around one 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.

In reference to our letters dated 19 June 2009 and 6 July 2009, the CCBE writes to express its serious concerns over the prolonged detention of lawyer Mr. Le Cong Dinh, following his arrest on 13 June 2009 by the Public Security Police.

According to the information received, 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.

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 others, were later broadcast on television. It is not known whether he has been given full and regular access to a lawyer of his own choosing, or access to his family, since then.

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:

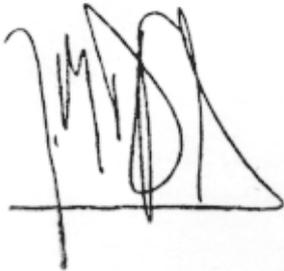
Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics 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 expresses concern that Le Cong Dinh has been charged under Article 79 of the Penal Code, which can carry the death penalty, solely for the peaceful exercise of his right to freedom of expression; respectfully urges the authorities to release him immediately and unconditionally, and drop all charges against him; calls on the authorities to ensure that he is allowed access to his family and lawyer, and is provided with any medical attention he may require; calls on the authorities to either repeal or amend provisions in the 1999 Penal Code which criminalize peaceful political dissent.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'J. M. Davó-Fernández', written over a horizontal line.

JOSÉ-MARÍA DAVÓ-FERNÁNDEZ
President