



The Law Society of
Upper Canada

Barreau
du Haut-Canada

February 4, 2016

H.E. Mr. Truong Tan Sang
President of the Socialist Republic of Viet Nam
02 Hung Vuong Street, Ba Dinh District
Ha Noi, Viet Nam

Office of the Treasurer

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Your Excellency:

Re: Attack, arrest and arbitrary detention of human rights lawyer Nguyen Van Dai

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the attack, arrest and arbitrary detention of human rights lawyer Nguyen Van Dai. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Nguyen Van Dai is a human rights lawyer and a well-known defender of religious freedom. He is the co-founder of the Vietnam Human Rights Centre.

It is our understanding that on 6 December 2015, Nguyen Van Dai and three human rights activists were attacked and severely beaten by an estimated 20 masked men, travelling in two cars without registration plates and five motorbikes. The attackers took mobile phones, wallets and other items of Nguyen Van Dai and his three associates. Reports indicate that Nguyen Van Dai and his three associates were returning to Hanoi from a human rights workshop they had conducted for residents of Nghệ An Province.

On 15 December 2015, 25 police officers arrested Nguyen Van Dai at his home in Hanoi. The officers searched his home and confiscated a number of items, including laptops, computers, USB sticks, cameras, camcorders, books on human rights, envelopes containing money used to support relatives of prisoners of conscience and Nguyen Van Dai's savings account bank book. The arrest took place as Nguyen Van Dai was preparing to meet with European Union delegates in Hanoi for the EU-Vietnam human rights dialogue scheduled for that day.

Nguyen Van Dai has been charged with “spreading propaganda against the Socialist Republic of Vietnam” under Article 88 of the Criminal Code. This charge appears to relate to his organization of meetings to discuss the 2013 Vietnamese Constitution. Nguyen Van Dai has been informed that he will be temporarily jailed for four months, pending trial. Should he be convicted, he will face three to 20 years in prison.

Human rights organizations believe that the attack, arrest and arbitrary detention of Nguyen Van Dai are as a result of his human rights work. This is not the first time Nguyen Van Dai has been persecuted due to the legitimate exercise of his duties. In 2007, Nguyen Van Dai was sentenced to five years’ imprisonment and four years of house arrest under Article 88 of the Criminal Code. His sentence was reduced to four years’ imprisonment and four years’ house arrest. He was released in 2011 and resumed his human rights work.

The Law Society of Upper Canada urges Your Excellency to consider Articles 16 and 23 of the United Nations’ *Basic Principles on the Role of Lawyers*.

Article 16 states:

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.

Moreover, Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right 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 organizations and attend their meetings, without suffering professional

restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society urges the government of Vietnam to:

- a. release Nguyen Van Dai immediately;
- b. provide Nguyen Van Dai with regular access to his lawyer, family, physician and medical care;
- c. guarantee all the procedural rights that should be accorded to Nguyen Van Dai and other human rights lawyers and defenders in Vietnam;
- d. conduct a fair, impartial and independent investigation into the attack on Nguyen Van Dai in order to identify all those responsible, bring them to trial and apply to them civil, penal and/or administrative sanctions provided by law;
- e. put an end to all acts of harassment against Nguyen Van Dai, as well as other human rights lawyers and defenders in Vietnam;
- f. guarantee in all circumstances the physical and psychological integrity of Nguyen Van Dai; and
- g. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours very truly,

Janet E. Minor
Treasurer

**The Law Society of Upper Canada is the governing body for more than 49,000 lawyers and 7,400 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

Mr. To Anh Dung

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Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Vincent Forest, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Vietnam Bar Federation

Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Gabriela Knaul, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Sarah Smith, Human Rights and Rule of Law Policy Adviser, The Law Society of England and Wales