

Public Statement

The Law Society of Ontario expresses grave concern about the sentencing of lawyer Nguyen Van Dai

Toronto, ON — The Law Society of Ontario expresses grave concern over the sentencing of lawyer Nguyen Van Dai. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

I write on behalf of the Law Society of Ontario* to voice our grave concern over the sentencing of lawyer Nguyen Van Dai. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

On April 5, 2018, Nguyen Van Dai was sentenced to 15 years in prison and 5 years of house arrest. Nguyen Van Dai was charged with “activities aimed at overthrowing the people’s administration” under Article 79 of the 1999 Penal Code.

Nguyen Van Dai is a human rights lawyer and a well-known defender of religious freedom. Nguyen Van Dai is the co-founder of the Vietnam Human Rights Committee and a prodemocracy activist. He has provided legal assistance to government critics and members of religious minorities. The Human Rights Monitoring Group has previously intervened on behalf of Nguyen Van Dai, in our letter to His Excellency Truong Tan Sang dated February 4, 2016, after he was severely beaten by a group of masked men and subsequently arrested at his home.

Nguyen Van Dai has been detained since approximately December 15, 2016. In its decision during its seventy-eighth session on April 19-28, 2017, the United Nations Working Group on Arbitrary Detention (UNWGAD) declared Nguyen Van Dai’s detention as arbitrary. The UNWGAD recommended that the Vietnamese government release Nguyen Van Dai immediately and provide an enforceable right to compensation. The UNWGAD found that his detention was arbitrary on four grounds: the absence of legal justification for detention; the deprivation of liberty resulted from the exercise of protected rights; the denial of protected fair trial rights was so grave as to render the detention arbitrary; and, the deprivation of liberty was discriminatory.

The UNWGAD also noted that the widespread imprisonment of Vietnamese activists violates international law and “may constitute crimes against humanity.”

The Law Society of Ontario is deeply troubled by Nguyen Van Dai’s situation and urges Your Excellency to comply with Vietnam’s obligations under international human rights laws, including the United Nations’ *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* 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.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

Furthermore, Article 23 provides:

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. immediately vacate the conviction and sentence against Nguyen Van Dai and release him unconditionally;
- b. guarantee that adequate reparation will be provided to Nguyen Van Dai if he is found to be a victim of human rights abuses;
- c. guarantee in all circumstances the physical and psychological integrity of Nguyen Van Dai;
- d. put an end to all acts of harassment against lawyers in Vietnam;
- e. ensure that all lawyers and judges in Vietnam are adequately safeguarded by the authorities such that they are able to carry out their professional duties and activities free from intimidation, hindrance, harassment, improper interference, the threat of criminalization, or other human rights violations; and
- f. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.