

Vietnam
**Lawyer and
Human Rights Defender
Nguyen Van Dai**



Lawyer NGUYEN Van Dai was arrested ¹ in Hanoi on Dec. 16, 2015 on the charge of „conducting propaganda against the Socialist State Vietnam“ (Art. 88 of the Penal Code of the Socialist Republic of Vietnam) when he was on his way to meet with members of the European Union delegation who were in Hanoi for the annual human rights dialogue with Vietnam.²

Officers of the Ministry of Public Security searched his home afterwards and confiscated many computers, laptops, cell phones, hard disks, USB sticks and documents. On the same day Ms. LE Thu Ha, his assistant, was also arrested in his office in Hanoi. Both are currently in investigative custody in camp B14 in Hanoi. If convicted under Art.88 of the Vietnam’s Penal Code, they could face up to twenty years in prison.

The human rights defender Dai has been living in constant danger of physical harm. Only in 2015, he was assaulted three times by public security officers and apparently hired thugs. On December 6, 2015, on the occasion of the International Human Rights Day, he gave a lecture about "Human Rights in Vietnam’s Constitution" in Nghe An Province. After the presentation, a group of masked persons assaulted him and three of his colleagues, and injured them severely.³

Since more than a decade, lawyer NGUYEN Van Dai, born in 1969, has been one of the most famous civil rights activists in Vietnam. Already in 2007, he was sentenced to four years in prison and four years of house arrest for anti-socialist propaganda. The house arrest just ended in March 2015.

From contract worker in the GDR to human rights lawyer in Vietnam

In 1989 at the age of 20 the former electrical technician Nguyen Van Dai came to the German Democratic Republic (GDR) as a contract worker. He witnessed the fall of the Wall and the peaceful reunification of Germany, a decisive impact on his life as he later said. In 1990 he returned to Vietnam, when many of the people’s enterprises in the GDR went bankrupt. He studied law, subsequently worked as a lawyer in Hanoi. His commitment to human rights started in 2000 when he took on the defense of a leader of an evangelical house church who was sentenced to one and a half year in prison for allegedly "resistance against officials on duty" when her worship service was dissolved. He engaged himself later to defend many persecuted Christians. Until his arrest in 2007 lawyer Dai offered pro bono legal advice to religious communities, dissidents, political groups and independent labor unions.

Focus on human rights education and arrest in 2007

Already at a very early stage lawyer Dai recognized the importance of human rights education. His project to translate the compilation of human rights instruments of the United Nations into Vietnamese and to spread it failed, due to lack of printing permission from the government. Another project to enrich the human rights knowledge of young lawyers and students came to an end after ten months: following a one-month interrogation, lawyer Dai and lawyer LE Thi Cong Nhan were arrested on March 6, 2007 and prosecuted for allegedly "conducting propaganda against the Socialist State Vietnam" according to Art. 88 of the Vietnam’s Penal Code. Their lawyers were given access to the files only seven days before the trial. Both were tried in close court and sentenced to five and four years of imprisonment with additional four and three years of house arrest respectively.⁴ The prison sentences were reduced by one year in the appeal trial in both case.

Following their arrests, the lawyers were excluded from the Bar Association of Hanoi, charged with "abuse of profession to act against the interests of the state and to violate the law severely". Their law office was shut down.

Continuation of human rights activities after imprisonment

After his release in 2011, lawyer Dai was placed for four more years under house arrest. During this time he was not allowed to leave his residential area and also in general his apartment without official permit. Nevertheless he coordinated assistance programs for Christians among the ethnic minorities in South Vietnam, who had to serve long prison sentences in remote detention camps in North Vietnam because of their commitment to freedom of religion.⁵

Lawyer Dai advocates for the right to freedom of opinion and expression, freedom of the press, freedom of association and freedom of movement in Vietnam.⁶ In 2013 he co-founded the "Brotherhood for Democracy Association", which is committed to human rights and a "just, democratic and progressive Vietnam". Furthermore, lawyer Dai is chairman of the "Vietnam Human Rights Committee"⁷, founded in 2006 and renamed "Vietnam Human Rights Center"⁸ in 2015.

Arrest of Ms. LE Thu Ha



Ms. LE Thu Ha, born in 1982, is a member of the „Brotherhood for Democracy Association“ and was targeted by the Vietnamese security service since early 2015. She lived in the former law office of lawyer Dai in Hanoi and held English classes for the human rights activists. End of January 2015 Public Security officers surrounded the law office and intimidated her students. For many days Ms. Ha was not allowed to leave her apartment.⁹ On April 3, 2015 she was detained by the police at Hanoi airport when she was trying to leave for a human rights meeting in Sweden. Her passport was withheld because of alleged "activities that endanger national security".¹⁰ As a staff member of the new TV channel "Conscience TV" on YouTube she was arrested together with five other activists by the police on September 23, 2015, interrogated one day long and warned. The technical equipment of the TV team was confiscated.¹¹

At the time of her arrest on December 16, 2015 Ms. Ha was alone in her apartment. Thus the reason for her arrest is still unclear.

VETO! urges the Vietnamese government to

- Release the human rights defenders, lawyer NGUYEN Van Dai and Ms. LE Thu Ha immediately and unconditionally;
- Abolish the Art. 88 of Vietnam's Penal Code about „conducting propaganda against the Socialist State Vietnam“;
- Meet the obligations of a member state of the International Covenant on Civil and Political Rights and respect the right to freedom of expression and association, and
- Protect the human rights defenders from threats to health and life.

1 AFP, Vietnam arrests high-profile lawyer on anti-state charges, 16.12.2015, <http://www.dailymail.co.uk/wires/afp/article-3362080/Vietnam-arrests-high-profile-lawyer-anti-state-charges.html>

2 EU Ambassador in Vietnam protested against the arrest of lawyer Nguyen Van Dai on behalf of all EU Member States, 17.12.2015, http://eeas.europa.eu/delegations/vietnam/press_corner/all_news/news/2015/20151217_en.htm

3 UN High Commissioner for Human Rights, Press Release about the violent attacks on lawyer Nguyen Van Dai, 11.12.2015, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16865&LangID=E>

4 Reuters, Vietnam jails activist lawyers for up to 5 years, 12.05.2007, <http://asia.news.yahoo.com/070511/3/31plp.html>

5 Report about lawyer Nguyen Van Dai after his release from Nam Ha prison, 10.04.2011, <http://davidlovinguyen.blogspot.de/2011/04/tay-nguyen-1.html>

6 Website „The Brotherhood for Democracy“, <http://www.hoidanchu.org/p/gioi-thieu-ve-hoi-anh-em-dan-chu.html>, available from 22.12.2015

7 Website „Vietnam Human Rights Committee“: <https://vietnamhumanrightscommitte.wordpress.com/>, available from 22.12.2015

8 Website „Vietnam Human Rights Center“: <http://vnhr.org/>. This site is no more available since the arrest of lawyer Nguyen Van Dai. Radio Free Asia (RFA) reported about an event of „Brotherhood for Democracy Association“ and „Vietnam Human Rights Center“ on 05.12.2015 in Hanoi: <http://www.rfa.org/vietnamese/blog/aedc-vietnam-human-rights-center-celebrate-humanrights-day-12112015111337.html/>

9 Facebook Nguyen Van Dai, Assaults on members of „Brotherhood for Democracy Association“, 31.01.2015,

<https://www.facebook.com/photo.php?fbid=329543640586877&set=a.123882327819677.1073741828.100005937302699&type=1&theater>

10 Facebook Le Thu Ha, Report about prohibition of leaving the country, 03.04.2015, <https://www.facebook.com/le.thuha.7169>

11 Author Nguyen Tuong Thuy, One cannot muzzle „Conscience TV“, 01.10.2015, <http://www.rfavietnam.com/node/2825>