

Facts Update (January 30, 2016)  
**Nguyen Huu Vinh (Blogger AnhBaSam)**

Arrested May 05, 2014, in Hanoi, Vietnam

Accused of "abusing democratic freedoms" (Art.258, Penal Code of Vietnam)

**SUMMARY**

- For more than 20 months, the civil rights activist Nguyen Huu Vinh who operated a popular website with numerous links to Vietnamese and foreign sources, has been in detention without trial in camp B14 in Hanoi (see case description);
- Health: no adequate treatment for a serious dermatological problem;
- Visitation right: Since November 2015 the family no longer gets visiting permits, although the offense of "abusing democratic freedoms" (Art.258, Penal Code of Vietnam) does not belong to the group of "crimes that endanger national security", for which visitation right is limited. The authorities did not answer the requests and complaints against the ban of visit of the family.

**ARBITRARY VIOLATIONS of DUE PROCESS**

- No evidence for an arrest on urgent suspicion (Art.81, Vietnam Criminal Procedure Code);
- Exceeding the maximum pre-trial detention period of 9 months;
- Five times the file was referred back to the investigating authority:
  - The Supreme Procuracy (Chief Public Prosecutor) delayed the prosecution by referring the file twice back to the investigating authority with the "request for additional investigation" ( November 27, 2014 and August 24, 2015);
  - The People's Court of Hanoi delayed the opening of the trial by referring the file three times back to the Supreme Procuracy with the "request for additional investigation" (on April 13, 2015, on July 08, 2015, and a third time with unknown date \*). According to the Vietnam Criminal Procedure Code, the People's Court may refer the file back twice at most (Art.121, Vietnam Criminal Procedure Code)
- The evidence against the defendant remains thin, since the investigating authority has not been able to give any adequate answer to the questions of the Supreme Procuracy and the People's Court in Hanoi ;
- The hearing scheduled on January 19, 2016 was canceled at the last moment, probably because of the opening of the National Congress of the Communist Party of Vietnam (CPV) Januar 20, 2016, with no new date set.
- No response from the Vietnamese authorities to:
  - 21 complaints of the detainee against his arbitrary arrest. These complaints are no longer recorded in the file;
  - Hundreds of demands, complaints, petitions of his relatives and lawyers, from Western embassies, members of the German Parliament, human rights organizations, etc.
  - No response to the demand of Martin Patzelt, member of German parliament, for trial monitoring, as well as of the American, Australian and the European Union embassies.

(\* According to the complaint of lawyer Trinh Minh Tan on December 28, 2015, Judge Nguyen Van Pho had informed him that the file was referred back to the Supreme Procuracy for the third time by the People's Court of Hanoi.