



VIETNAM

# The Party vs. Legal Activist Cu Huy Ha Vu

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# **Vietnam: The Party vs. Legal Activist Cu Huy Ha Vu**

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## The Party vs. Legal Activist Cu Huy Ha Vu

<b>Introduction</b> .....	<b>1</b>
<b>I. Dr. Cu Huy Ha Vu's Arrest</b> .....	<b>2</b>
<b>II. A Legal Activist</b> .....	<b>4</b>
<b>III. Family of Noted Revolutionaries</b> .....	<b>6</b>
<b>IV. Vigorous Responses from the Family and Defense Team</b> .....	<b>8</b>
<b>V. Use of the Internet in the Case</b> .....	<b>11</b>
Disseminating Dr. Vu's Views .....	11
Circulating Information in Dr. Vu's Defense.....	14
<b>VI. Mixed Messages: The Official Responses to Dr. Vu</b> .....	<b>15</b>
<b>VII. The April 4 Trial</b> .....	<b>19</b>
Procedural Violations at the Trial.....	21
<b>VIII. Conclusion</b> .....	<b>24</b>
<b>IX. Recommendations</b> .....	<b>26</b>
<b>Acknowledgements</b> .....	<b>27</b>
<b>Appendix A: Key Figures</b> .....	<b>28</b>
Family Members .....	28
Non-Family Members .....	28
Radio Stations, Newspapers, Websites, Journalists, and Bloggers .....	28
Vietnamese Public Officials.....	29
<b>Appendix B: Chronology of Events</b> .....	<b>30</b>
Timeline of Dr. Vu's Activities Preceding his Arrest on November 5, 2010 .....	30
Timeline of Events Prior to Dr. Vu's Trial on April 4, 2011 .....	33
<b>Appendix C: Indictment of Dr. Vu</b> .....	<b>42</b>
<b>Appendix D: Testimony by Dr. Vu from B14 Detention Center</b> .....	<b>50</b>
<b>Appendix E: Statement in Defense of Dr. Vu by Lawyer Le Quoc Quan</b> .....	<b>53</b>
<b>Appendix F: Declaration by Dr. Vu</b> .....	<b>56</b>

## Introduction

The arrest and detention of Dr. Cu Huy Ha Vu in November 2010 and his trial in April 2011 has attracted more media coverage than any other dissident case in recent memory in Vietnam, and for good reason. The case pits an unusually powerful and well-connected legal activist against the highest political figures in the country, and involves a wide range of human rights issues including police misconduct, arbitrary detention, violation of privacy, land grabbing, neglect of due process, and repression of freedom of expression. There is little doubt it will have a lasting impact on the ongoing struggle between the Vietnamese government and its critics.

There are several reasons why Dr. Vu's case may well evolve into one of the most important cases involving a political dissident in the recent history of the Socialist Republic of Vietnam. First, Dr. Vu comes from a prominent family that includes high-ranking members of the Vietnamese Communist Party (VCP), revolutionary heroes, famous poets, and high-level government officials. Second, his family has waged a vigorous fight for his freedom, especially his wife, lawyer Nguyen Thi Duong Ha, and his sister, Cu Thi Xuan Bich. His defense team launched creative legal maneuvers such as requesting the presence of Vietnam's president, Nguyen Minh Triet, at his trial on the grounds that as president he should be present to represent the "victim" and plaintiff in the case, the Socialist Republic of Vietnam.



Dr. Vu's wife and sister at a vigil at Thai Ha Parish on April 3, 2011. © J.B. Nguyen Huu Vinh

Finally, unprecedented popular support for Dr. Vu has emerged and continues to grow online from diverse sectors of Vietnamese society, including Catholic parishioners from Hanoi and Nam Dinh; urban bloggers, academics, writers, journalists, and dissidents; senior Vietnamese Communist Party members; technocrats, land rights petitioners, and ordinary citizens such as teachers, small business owners, workers, farmers, and taxi drivers.

## I. Dr. Cu Huy Ha Vu's Arrest

A little after midnight on November 5, 2010, police burst into the Mach Lam Hotel in Ho Chi Minh City after “being informed by the people” about possible prostitution and drug activities in Room 101.<sup>1</sup> The police discovered a couple in the room who were not married to each other and checked their ID cards. The man was Dr. Cu Huy Ha Vu, one of Vietnam’s most outspoken legal activists. The woman was Ho Le Nhu Quynh, a real estate entrepreneur.

Police took the pair to Ward 11 police station where they searched Dr. Vu’s laptop and two USBs. In his computer they found documents they described as promoting “the elimination of the leading role of the Vietnamese Communist Party and article four of the Constitution,” the latter being the legal rationale for one-party rule in Vietnam.<sup>2</sup> The case was then transferred to the Security Investigation Agency of the Ministry of Public Security. At 4:20 p.m. the same day, the agency dispatched a team of officers with a warrant to search Dr. Vu’s home in Hanoi, where they confiscated a number of documents, floppy discs, cassette tapes, and CDs.<sup>3</sup> The Security Investigation Agency then issued an order to temporarily detain Dr. Vu, pending further investigation.

At 7:10 a.m. on November 6, the Ho Chi Minh City police newspaper, *Cong An Thanh Pho Ho Chi Minh*, published an article about Dr. Vu’s arrest. Headlined “Lawyer Commits Administrative Violation and Threatens to Assault Officers on Public Duty,” it featured an incriminating photo of a shirtless Cu Huy Ha Vu seated in a room together with a fully-dressed woman. It stated:

At midnight on November 4, 2010, during a routine administrative check, the police of Ward 11 District 6 discovered a couple in Room 101 of the Mach Lam

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<sup>1</sup> In Dr. Vu’s case, the police dismissed widespread rumors that they had been keeping him under close surveillance for some time by initially claiming that the search at Mach Lam hotel was a part of a routine check. However, this story changed a month and a half later. In the indictment of Dr. Vu (published on the website *Dan Luan*), the police claimed that they were “informed by the people” about certain illegal activities at the Mach Lam hotel. It is a common practice in Vietnam that the police often claim that they act upon “being informed by the people” when arresting dissidents. Typically, no further information is forthcoming about these sources of information.

<sup>2</sup> Article 4 of Vietnam’s 1992 Constitution states: “The Communist Party of Vietnam, the vanguard of the Vietnamese working class, the faithful representative of the rights and interests of the working class, the toiling people, and the whole nation, acting upon the Marxist-Leninist doctrine and Ho Chi Minh’s thought, is the force leading the state and society. All Party organisations operate within the framework of the Constitution and the law.” Constitution of 1992, Embassy of the Socialist Republic of Vietnam in the United States of America, [http://www.vietnamembassy.us/learn\\_about\\_vietnam/politics/constitution/](http://www.vietnamembassy.us/learn_about_vietnam/politics/constitution/) (accessed March 31, 2011); “Indictment of the case Cu Huy Ha Vu propagandizing against the state of the Socialist Republic of Vietnam” (Cao trang vu an Cu Huy Ha Vu tuyen truyen chong pha nha nuoc Cong hoa Xa hoi Chu nghĩa Viet Nam), dated December 17, 2010, published online by the website *Dan Luan*, January 31, 2011, <http://danluan.org/node/6730> (accessed January 31, 2011). For an English translation of the indictment, see Appendix B of this report.

<sup>3</sup> Nguyen Thi Duong Ha, “An Urgent Denunciation” (Don To cao khan cap), *Bauxite Vietnam*, November 9, 2010, <http://www.boxitvn.net/bai/13030> (accessed November 9, 2010).

hotel. [...] Cu Huy Ha Vu and Q (born in 1974, lives in Ward 11, District 6, a lawyer and a member of the Ho Chi Minh City Bar Association, without a marriage certificate).<sup>4</sup> The man was bare-chested and wore only a pair of underwear; the woman was fully clothed. The contents of the room included a small suitcase, a laptop, and personal clothes and belongings. In the trash bin police found two used condoms (the Public Security office has proposed to have the contents of the condoms examined). The police officers produced a report, witnessed and signed by the owner of the hotel; however, only Ho Le Nhu Quynh signed the document. Cu Huy Ha Vu protested and refused to sign. Vu appeared uncooperative and threatened to assault members of the inspection team. After finishing the procedures to record the administrative violations that occurred at the hotel, the ward police took the two subjects to the police station to work with them, but both refused to provide information. The police office is currently investigating the case.<sup>5</sup>

On the afternoon of November 6, two high-ranking Ministry of Public Security (MPS) officials, Lt. Gen. To Lam and Lt. Gen. Hoang Kong Tu, held a press conference to announce that charges had been filed against Dr. Vu. The officials stated that Dr. Vu had “produced documents that opposed the state of Vietnam, employed propagandistic rhetoric as a form of a psychological warfare, demanded the overthrow of the regime and the realization of pluralism and a multi-party system, opposed the interest of the nation and called for foreign intervention.”<sup>6</sup> Dr. Vu was also accused of “producing documents that spread false and fabricated information, distorted the [role of the] leadership and management of the state; [thereby] causing confusion for the people, and provoking, advocating for, and exhorting against the state, and slandering and offending the honor of the leaders of the state.”<sup>7</sup>

The incriminating documents referred to at the press conference included two lawsuits that Dr. Vu had filed in June 2009 and October 2010 against Prime Minister Nguyen Tan Dung for approving two controversial decisions: a 2007 Decision permitting bauxite mining in the Central Highlands of Vietnam and a 2006 Decree prohibiting class-action petition.

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<sup>4</sup> This information later proved to be incorrect; Ho Le Nhu Quynh is not a lawyer.

<sup>5</sup> Ho Chi Minh City Police newspaper, “Lawyer commits administrative violation and threatens to assault officers on public duty” (*Luat su vi pham hanh chinh con de doa hanh hung nguoi thi hanh cong vuoc*) *Cong an TP Ho Chi Minh*, November 6, 2010, [http://www.congan.com.vn/vie/news/news\\_printpreview.php?catid=681&id=177077](http://www.congan.com.vn/vie/news/news_printpreview.php?catid=681&id=177077); (accessed February 3, 2011.)

<sup>6</sup> Vietnam News Agency, “Arrest Cu Huy Ha Vu for activities against the state” (*Bat Cu Huy Ha Vu vi hanh vi chong pha nha nuoc*). *Vietnamese News Agency*, November 6, 2010: <http://www.vietnamplus.vn/Home/Bat-Cu-Huy-Ha-Vu-vi-hanh-vi-chong-pha-Nha-nuoc/201011/66926.vnplus>; (accessed February 3, 2011.)

<sup>7</sup> Vietnam News Agency, *Ibid.*

## II. A Legal Activist

Dr. Vu became nationally known in May 2005 when he filed a lawsuit against the People's Committee of Thua Thien-Hue for granting permission to build a hotel resort on Vong Canh Hill, a protected cultural heritage site. Developers eventually abandoned the project.

A year later, in May 2006, Dr. Vu caused another stir by attempting to nominate himself for the position of minister of culture, an effort which ultimately proved unsuccessful.

Dr. Vu is also known for his work as a legal advisor for the controversial website *Bauxite Vietnam*. A group of Vietnamese intellectuals and experts established the site in 2009 to campaign against bauxite mining in the Central Highlands.

In October 2010, Dr. Vu's law firm took on another controversial case: the defense of Catholics from Con Dau parish in Da Nang who were arrested in May 2010 after police forcibly dispersed a funeral procession to a cemetery located on disputed land. The People's Court of Cam Le district refused to grant permission for his law firm to represent the families.<sup>8</sup>

In addition to these bold moves, Dr. Vu is known for denouncing Lt. Gen. Vu Hai Trieu of the Ministry of Public Security in June 2010 for allegedly authorizing cyber-attacks against politically sensitive websites,<sup>9</sup> and for condemning Le Thanh Hai, the VCP general secretary of Ho Chi Minh City, in September 2010 for allegedly confiscating land from relatives of Vietnamese soldiers killed during the French war with Vietnam.<sup>10</sup>

He is perhaps most famous for his two lawsuits against Prime Minister Nguyen Tan Dung. While Lt. Gen. To Lam and Lt. Gen. Hoang Kong Tu made reference to the lawsuits as part of the basis for the charges against Dr. Vu during the November 6 press conference, the two

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<sup>8</sup> Six villagers were prosecuted for “causing public disorder” and “resisting on-duty officials” under penal code articles 245 and 257, respectively. Penal Code of the Socialist Republic of Vietnam, cited in *A Selection of Fundamental Laws of Vietnam* (Hanoi: The Gioi Publishers, 2001).

<sup>9</sup> Cu Huy Ha Vu, “A Denunciation and a Call for the Prosecution and Indictment of Lt. Gen. Vu Hai Trieu, deputy director of the Security General Department, Ministry of Public Security for the crimes of [conducting] ‘activities aiming to overthrow the people’s administration’, ‘to disrupt the unity policy’, and ‘to destroy or intentionally damage properties’” (*To cao va de nghi khoi to va truy to Trung tuong Vu Hai Trieu, Pho tong cuc truong Tong cuc An ninh – Bo Cong an ve “toi hoat dong nham lat do chinh quyen nhan dan”, “toi pha hoai chinh sach doan ket” va “toi huy hoai hoac co y lam hu hong tai san”*), *Bauxite Vietnam*, June 2, 2010, <http://www.boxitvn.net/bai/4862> (accessed March 25, 2011).

<sup>10</sup> Cu Huy Ha Vu, “Bring to the Dock Vietnamese Communist Party Politburo Member Le Thanh Hai and his Clique who Knocked down the House and Stole the Land of Ms. Duong Thi Kinh, a Family Member of Three Martyred Soldiers!” (*Hay dua ra vanh mong ngua ten Le Thanh Hai, Uy vien Bo Chinh tri Dang Cong san Viet Nam, va dong bon da dap nha, cuop dat cua ba Duong Thi Kinh, than nhan cua ba liet si*), *Bauxite Vietnam*, September 6, 2010, <http://www.boxitvn.net/bai/10483> (accessed March 25, 2011).



lawsuits were not included in the indictment against him issued on December 17, 2010.<sup>11</sup> The first lawsuit targeted the prime minister for signing Decision 167, dated November 1, 2007, which authorized bauxite mining in Vietnam's Central Highlands. On June 11, 2009, the case was sent to the Hanoi People's Court, which dismissed it on June 15.<sup>12</sup> The lawsuit was then sent to the Supreme People's Court on July 3, 2009.<sup>13</sup>

The second lawsuit targeted the prime minister for issuing Decree 136 preventing class-action petitions.<sup>14</sup> The lawsuit was sent to the Supreme People's Court on October 21, 2010.<sup>15</sup> Dr. Vu never received a response to this second lawsuit. Both lawsuits were posted on the *Bauxite Vietnam* website and reposted on various websites.

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<sup>11</sup> For a complete list of the documents listed in the December 17, 2010 indictment that underlie the Article 88 charge, see "Indictment of Dr. Vu," translated by Human Rights Watch, Appendix B.

<sup>12</sup> Cu Huy Ha Vu, "A lawsuit against the Prime Minister of the Socialist Republic of Vietnam for illegally issuing Decision 167/2007/QĐ-TTg dated November 1, 2007 permitting the Plan for zoning exploration, exploitation, processing and usage of bauxite for the period of 2007-2015, with 2025 in mind" (*Đon khai kiến Thủ tướng Chính phủ nước CHXHCNVN – Do đã ban hành trái pháp luật Quyết định số 167/2007/QĐ-TTg ngày 01/11/2007 phê duyệt Quy hoạch phân vùng thăm dò, khai thác, chế biến, sử dụng quặng bauxite giai đoạn 2007-2015, có xét đến năm 2025*), *Dan Luan*, June 12, 2009, <http://danluan.org/node/6944> (accessed March 25, 2011); Hoang Khue and Hoang Anh, "Dismiss the Lawsuit against the Decision regarding the Bauxite Plan issued by the Prime Minister" (*Bác don kiến quyết định của Thủ tướng về quy hoạch boxit*), *VNExpress*, June 23, 2009, <http://vnexpress.net/gl/phap-luat/2009/06/3ba106fd/>; accessed March 25, 2011).

<sup>13</sup> "Vietnamese Police Hold Press Conference about Mr. Cu Huy Ha Vu," (*Công an Việt Nam họp báo về ông Cu Huy Ha Vu*), *BBC Vietnamese*, November 6, 2010, [http://www.bbc.co.uk/vietnamese/vietnam/2010/11/101106\\_cuhuyhavu\\_update.shtml](http://www.bbc.co.uk/vietnamese/vietnam/2010/11/101106_cuhuyhavu_update.shtml) (accessed March 25, 2011).

<sup>14</sup> Decree 136/2006/ND-CP, "Detailing and Guiding Some Provisions of the Law on Complaints and Denunciations and the Law Amending and Supplementing Some Articles of the Law on Complaints and Denunciations," November 14, 2006.

<sup>15</sup> Cu Huy Ha Vu, "A Lawsuit against Prime Minister Nguyen Tan Dung for issuing a decree, which prohibits citizens to file a collective petition, against the law and the Constitution" (*Đon khai kiến Thủ tướng Chính phủ Nguyễn Tấn Dũng về hành vi ban hành nghị định cam công dân khiếu nại tap the trái Hiến pháp và pháp luật*), *Bauxite Vietnam*, October 28, 2010, <http://boxitvn.blogspot.com/2010/10/on-khai-kiem-thu-tuong-chinh-phu-nguyen.html> (accessed November 8, 2010).

### III. Family of Noted Revolutionaries

Cu Huy Ha Vu was born in 1957 to a family of famous revolutionaries. His father, Cu Huy Can, was the former minister of agriculture and farming, former deputy minister of culture, and an influential poet. One of three provisional government representatives sent to accept the resignation of Emperor Bao Dai in August 1945, Cu Huy Can was among the most important members of the communist government in its early days. He was also a member of Vietnam's first National Assembly, which ratified the 1946 constitution.

Dr. Vu's mother, Ngo Thi Xuan Nhu, was the younger sister of Xuan Dieu, one of Vietnam's most famous twentieth century poets. She was also a private nurse in the team of health professionals serving President Ho Chi Minh.

Two of Dr. Vu's uncles are high-ranking party members. Cu Huy Thuoc is a senior VCP member who has served for 61 years. His other uncle, Cu Huy Chu, was a secretary of the central subcommittee for theories, culture and education under the late Prime Minister Pham Van Dong. He was also a member of the VCP's Central Committee for Propaganda and Training, and chair of the Faculty of Developing Culture at the Ho Chi Minh National Political Institute.

Dr. Vu's circle of acquaintances includes the late Prime Minister Vo Van Kiet, former President Le Duc Anh, retired Gen. Vo Nguyen Giap, and former VCP General Secretary Nong Duc Manh.



Dr. Vu and retired Gen. Vo Nguyen Giap, one of Vietnam's most famous revolutionary heroes and the architect of key military victories during the wars with France and the United States. © Cu Huy Ha Vu and family

Cu Huy Ha Vu earned a Master of Literature degree from Paris VII and a Doctorate in Law at the Sorbonne. He is also an artist whose portraits of Gen. Vo Nguyen Giap have been widely circulated on the internet. He was a member of the Vietnam Fine Arts Associations until the association issued a statement in early 2011 suspending his membership.<sup>16</sup> From 1979 to

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<sup>16</sup> "The Fine Arts Association of Vietnam – One Year of activities and Tasks for the Year 2011" (Hoi My thuat Viet Nam mot nam hoat dong va nhung nhien vu cong tac nam 2011). Hoi My thuat Viet Nam (The Fine Arts Association of Vietnam), February 1, 2011, <http://webcache.googleusercontent.com/search?q=cache:KbZtsbYp6wUJ:www.vietnamfineart.com.vn/printContent.aspx%3FID%3D2737+&cd=1&hl=en&ct=clnk&gl=us&source=encrypted.google.com> (accessed March 31, 2011).

2009, Dr. Vu worked at various positions in the Ministry of Foreign Affairs.<sup>17</sup> Although he has a law degree from the Sorbonne, he is not a member of the Hanoi Bar Association, and thus technically not authorized to practice law in Vietnam.<sup>18</sup> However, his wife Nguyen Thi Duong Ha, who is a lawyer and member of the Hanoi Bar Association, established the Cu Huy Ha Vu Law Firm in 2007.

Despite technical limitations on Dr. Vu's right to practice law, he was able to serve as an attorney in at least one case according to official state media sources. On December 25, 2006, Dr. Vu served as a legal representative in a high-profile case before the Hanoi People's Court, where he represented literary scholar Nguyen Quang Tuan in a lawsuit regarding copyright infringement.<sup>19</sup> After Dr. Vu filed his first lawsuit against the prime minister in June 11, 2009, the Hanoi Bar Association announced that he was not a member.<sup>20</sup>

In 2010, a district court in Da Nang refused the Cu Huy Ha Vu Law Firm's request to defend six Catholic villagers from Con Dau Parish who were arrested in May 2010 after clashing with local officials over disputed church properties.

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<sup>17</sup> Dr. Vu started working for Ministry of Foreign Affairs (MFA) in 1979, and when he went to France to study in 1984 he continued to be an official staff member of the MFA. However, when Dr. Vu returned to Vietnam in 1999, The MFA did not give him a position or actual work to do, and did not pay him a salary. In 2004, Dr. Vu threatened to sue the MFA for failing to assign him duties and not paying him. The MFA then assigned him to be a librarian but he refused to accept the position. The MFA then gave him a research position which did not require him to go to work on a daily basis. On November 19, 2009, after Dr. Vu filed his first lawsuit against Prime Minister Dung, the MFA issued a decision dismissing him from the ministry, and he protested against the decision. However neither he nor his family ever received a copy of any official decision from the MFA regarding his dismissal. Thanh Vi, "What Kind of a Person is Cu Huy Ha Vu?" (*Cu Huy Ha Vu la nguoi nhu the nao?*), *An Ninh The Gioi* (World Security), no. 1010, posted online by *Cong an Nhan dan* (The People's Police), November 13, 2010, <http://www.cand.com.vn/vi-VN/binhluan/2009/11/139859.cand> (accessed November 15, 2011); Human Rights Watch telephone conversations with members of Dr. Vu's family, March 2011.

<sup>18</sup> According to article 18 of the Law of Lawyers (Luật Luật sư 65/2006/QH11, dated June 29, 2006), one cannot practice law if one is a cadre, a government official or employee, a military officer, or a soldier. Up until 2010 Dr. Vu was an employee at the MFA and thus unable to apply to become a lawyer.

<sup>19</sup> "The First Trial in regard to a Copyright Lawsuit related to "The Tale of Kieu" (*Lan dau tien xet xu vu kien ban quyên lien quan den truyen Kieu*), *Viet Bao*, December 26, 2006, <http://vietbao.vn/Van-hoa/Lan-dau-tien-xet-xu-vu-kien-ban-quyen-lien-quan-den-truyen-Kieu/40179661/181/> (accessed January 31, 2011). Also see, Bich Ngoc, "Is this the Last Episode in the Case Involving Two Scholars of 'The Tale of Kieu'" (*Lieu da la hoi ket cho vu an hai nha Kieu hoc*), *VnMedia*, <http://vnmedia.vn/newsdetail.asp?NewsId=93720&Catid=58>, reposted in Tin 247, June 15, 2007, [http://www.tin247.com/lieu\\_da\\_la\\_hoi\\_ket\\_cho\\_vu\\_an\\_hai\\_nha\\_kieu\\_hoc-8-21272748.html](http://www.tin247.com/lieu_da_la_hoi_ket_cho_vu_an_hai_nha_kieu_hoc-8-21272748.html) (accessed April 18, 2011).

<sup>20</sup> In an official notice dated on June 10, 2009 (a day before Dr. Vu filed his first lawsuit against Prime Minister Dung), Office Chief of the Hanoi Bar Association Vu Van Thang stated that they received a number of phone calls regarding the status of Dr. Vu as a lawyer. In response, the association issued a notice confirming that Dr. Vu is not a lawyer and stating that a number of people assumed Dr. Vu was a lawyer because of the existence of the Cu Huy Ha Vu Law Firm. Despite the fact that the notice was supposed to be issued on June 10, 2009, Dr. Vu claimed that it was posted at least on or after June 11, 2009, since it appeared after notices the association issued on June 11, 2009, not before. In addition, he also accused the Hanoi Bar Association of having no right to publish such a notice about a citizen who had no relationship with them. See Cu Huy Ha Vu, "A Petition regarding the No Number Notice dated June 10, 2009 of the Board of Managers, Hanoi Bar Association, which has Seriously Violated the Name and Prestige of Citizen Cu Huy Ha Vu" (*Don Khieu nai v/v Thong bao khong so ngay 10/6/2009 cua Ban Chu nhiem Doan Luật sư Thanh pho Ha Noi xam pham nghiêm trong danh du, uy tin cua cong dan Cu Huy Ha Vu*), Dan Luan, July 2, 2009, <http://danluan.org/node/1782> (accessed May 3, 2011). Although the Hanoi Bar Association did not respond to Dr. Vu's petition, the notice was subsequently taken off the website. For a copy of the notice, see "Cu Huy Ha Vu is Not a Lawyer" (*Anh Cu Huy Ha Vu khong phai la mot luật sư*), website of Cong ty Luật Dragon (a member of the Hanoi Bar Association), <http://ngheluatvu.vn/modules.php?name=News&op=viewst&sid=91> (accessed May 3, 2011).

#### IV. Vigorous Responses from the Family and Defense Team

Just as Dr. Vu's legal campaigns against the government prior to his arrest in 2010 have few precedents in recent history, his family's public fight for his freedom is relatively unique in the history of the Socialist Republic of Vietnam.

On November 6, 2010, the day after his arrest, his wife, Nguyen Thi Duong Ha and his sister, Cu Thi Xuan Bich, filed formal applications for his immediate release, pending the police investigation. On November 7, Nguyen Thi Duong Ha submitted a request to be Dr. Vu's defense lawyer, and on November 8, she submitted another request for information about her husband's detention. Also on November 8, Nguyen Thi Duong Ha submitted an urgent denunciation to the Justice Committee of the National Assembly, outlining serious violations that police committed during her husband's arrest and the search of their house.

Not a week has passed since Dr. Vu's arrest in which his family has not submitted a petition to the police, the National Assembly, or to various government offices and agencies calling for his release and for charges against him to be dropped.



Catholics and non-Catholics alike joined prayer vigils at Thai Ha Parish in Hanoi prior to Dr. Vu's trial. Shown above are his wife, Nguyen Thi Duong Ha (middle, in black), and sister, Cu Thi Xuan Bich (left, in gray jacket) on April 2, 2011.  
© 2011 Wind Merchant

Perhaps the most controversial step that Dr. Vu, his family, and his lawyers took was to formally request that President Nguyen Minh Triet represent the government in the case. According to this line of legal argument, because Dr. Vu is accused of "propagandizing against the Socialist Republic of Vietnam," the victim and plaintiff in the case is thus the Socialist Republic of Vietnam, which should be represented by the president. On March 23, 2011, Ha Huy Son, one of Dr. Vu's defense lawyers, submitted a request to the Hanoi People's Court formally asking the court to summon President Nguyen Minh Triet, Lt. Gen. Hoang Kong Tu of the Ministry of Public

Security, and Ho Le Nhu Quynh to participate in the legal proceedings, because they were either “victims” or individuals with “interests and responsibilities related to the case.”<sup>21</sup>

Dr. Vu and his defense lawyers also asked for other parties to be allowed to participate in his trial because they were mentioned in the indictment against him. These organizations and individuals are Radio Free Asia’s (RFA) Vietnamese Service; Voice of America’s (VOA) Vietnamese Service; and Nguyen Thi Tram Oanh, a member of Journalists Without Borders in Germany. Nguyen Thi Tram Oanh agreed to participate. Independent bloggers Bui Thanh Hieu (“Wind Merchant”) and Nguyen Ngoc Nhu Quynh (“Mother Mushroom”) both published open letters on their websites urging RFA and VOA to respond to Dr. Vu’s request. On January 25, 2011, RFA issued a letter to the Hanoi People’s Court to “urge that Mr. Ha Vu be released immediately, the charges against him dropped, and Mr. Ha Vu be allowed to express himself without further interference.”<sup>22</sup> VOA did not submit a statement to the court.

On March 27, 2011, lawyer Vuong Thi Thanh of the defense team submitted a request asking the Hanoi People’s Court to resolve a number of issues before the trial began on April 4. According to her request, the court had not provided the defense team with names of people who would be summoned as witnesses, nor had it specified what evidence, if any, needed to be present at court for examination. Vuong Thi Thanh also stated that Dr. Vu had not received a written copy of his indictment.<sup>23</sup> Unless these problems were addressed before the trial opened, she stated, “there will be no guarantee for an objective trial and it will also seriously violate the law.”<sup>24</sup>

On March 29, Dr. Vu’s family published an open letter calling on “the people of Vietnam” and “those who love justice and truth, and support progress and the sovereignty of

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<sup>21</sup> Ha Huy Son, “A Request to Summon People to Participate in the Legal Proceedings of the Case (supplemental)” (*Yeu cau trieu tap nguoi tham gia to tung cua vu an [co bo sung]*), *Bauxite Vietnam*, March 25, 2011, <http://www.boxitvn.net/bai/19062> (accessed March 28, 2011).

<sup>22</sup> Radio Free Asia, “Letter to Request the Hanoi People’s Court to Release Mr. Cu Huy Ha Vu Immediately,” *Cu Huy Ha Vu* website, February 9, 2011: <http://chhv.wordpress.com/2011/02/09/dai-rfa-vi%E1%BA%Bft-th%C6%Bo-yeu-c%E1%BA%A7u-toa-an-nhan-dan-ha-n%E1%BB%99i-tr%E1%BA%A3-t%E1%BB%B1-do-ngay-cho-ts-cu-huy-ha-vu/#more-2104> (accessed March 11, 2011).

<sup>23</sup> Cu Huy Ha Vu was allegedly presented with a copy of the written indictment by the procurators during investigation period, but he refused to accept it unless his lawyers were also present. The indictment was thus read aloud to him instead. See Ho Thu Hong, “A Stone Thrown into a Pond of Weeds” (*Hon da nem xuong ao beo*), April 4, 2011, blog *Beo*, [http://webcache.googleusercontent.com/search?q=cache:AQomTZDyQFoj:vn.360plus.yahoo.com/thuhong\\_1960/article%3Fmid%3D2337+&cd=1&hl=en&ct=clnk&gl=us&source=encrypted.google.com](http://webcache.googleusercontent.com/search?q=cache:AQomTZDyQFoj:vn.360plus.yahoo.com/thuhong_1960/article%3Fmid%3D2337+&cd=1&hl=en&ct=clnk&gl=us&source=encrypted.google.com) (accessed April 25, 2011); see also “Dr. Cu Huy Ha Vu’s Wife Talks about the Trial” (*Vo Ts Luat Cu Huy Ha Vu noi ve phien xu*), *BBC*, March 31, 2011, [http://www.bbc.co.uk/vietnamese/vietnam/2011/03/110331\\_cuhuyhavu\\_update.shtml](http://www.bbc.co.uk/vietnamese/vietnam/2011/03/110331_cuhuyhavu_update.shtml) (accessed April 2, 2011).

<sup>24</sup> Vuong Thi Thanh, “A Request asking the Court to Solve a Number of Problems before Opening the Preliminary Criminal Trial on April 4, 2011 to Try the Defendant Cu Huy Ha Vu” (*Yeu cau Toa an giai quyet mot so van de truoc khi mo phien toa hinh su so tham ngay 04/4/2011 doi voi bi cao Cu Huy Ha Vu*), *Cu Huy Ha Vu*, March 27, 2011, <http://chhv.wordpress.com/2011/03/27/yeu-c%E1%BA%A7u-toa-an-gi%E1%BA%A3i-quy%E1%BA%Bft-m%E1%BB%99t-s%E1%BB%91-v%E1%BA%A5n-d%E1%BB%81-tr%E1%BB%9Bc-khi-m%E1%BB%9F-phien-toa-hinh-s%E1%BB%B1-s%C6%A1-th%E1%BA%A9m-xet-x%E1%BB%AD-ts-cu-hu/> (accessed March 28, 2011).

Vietnam” to support and pray for him. Entitled “A Call for Help,” the letter asserts that “this is a case that has seriously violated the law of the Socialist Republic of Vietnam from the beginning to now.” It urged people to go to court on the trial day to “witness a man of fairness and integrity being tried” (*mot phien toa xet xu nguoi cong chinh*).<sup>25</sup>

During the months before the trial, family members sent numerous requests to the police newspaper, *Cong An Nhan Dan*, demanding the correction of false news about their family and a public apology. Dr. Vu’s wife, sister, and uncles also gave interviews on BBC Vietnamese Service, RFA Vietnamese Service, VOA Vietnamese Service, RFI Vietnamese Service, and the overseas Vietnamese website *Dan Chim Viet Online*.<sup>26</sup> Vietnamese government officials consider all these media outlets sufficiently sensitive that they face internet firewalls in various parts of Vietnam.

On February 8, 2011, Dr. Vu’s sister, Cu Thi Xuan Bich, gave an interview on RFA’s Vietnamese Service in which she expressed anxiety about her brother’s health in detention. Dr. Vu has heart disease and police had refused to let his family send him medicine. In an interview with RFA, she expressed her frustration at the police’s silence, despite multiple requests from the family, and asserted her firm belief in her brother’s innocence.<sup>27</sup>

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<sup>25</sup> Nguyen Thi Duong Ha & Cu Thi Xuan Bich, “A Call for Help” (*Loi keu cuu*), *Cu Huy Ha Vu*, March 29, 2011, <http://chhv.wordpress.com/2011/03/29/loi-keu-cuu/> (accessed March 29, 2011).

<sup>26</sup> “Dan Chim Viet’s Governing Board” (*Dan chim Viet, Ban Dieu Hanh*), *Dan Chim Viet*, <http://www.danchimviet.info/governing-board> (accessed April 1, 2011).

<sup>27</sup> Viet Hung interviews Cu Thi Xuan Bich, “The Situation of Dr. Cu Huy Ha Vu These days” (*Tinh hình TS Cu Huy Ha Vu hien nay*), *Radio Free Asia*, [http://www.rfa.org/vietnamese/in\\_depth/dr-cu-huy-ha-vu-s-health-condition-is-getting-worst-while-he-is-in-jail-vh-02082011153908.html](http://www.rfa.org/vietnamese/in_depth/dr-cu-huy-ha-vu-s-health-condition-is-getting-worst-while-he-is-in-jail-vh-02082011153908.html) (accessed February 9, 2011).

## V. Use of the Internet in the Case

The internet has played a crucial role in Dr. Vu's case, both before and after his arrest.

Dr. Vu has used the internet to widely circulate his views on various matters, thus frustrating the authorities' attempts to keep discussions on sensitive topics behind closed doors. His family and defense lawyers have also used the internet to publicly disseminate information about the measures they are taking to win his release, which in turn has inspired scholars, lawyers, writers, artists, bloggers, doctors, engineers, teachers, businessmen, and commoners in Vietnam – and their overseas supporters - to speak up in his defense. The internet has also served as an organizing and information-sharing tool that has united different socio-political groups and individuals into an unprecedented wave of support for Dr. Vu.

### Disseminating Dr. Vu's Views

Prior to his arrest, many of Dr. Vu's commentaries, articles, and interviews were published and circulated on the internet. These included his June 2010 denunciation of the alleged role of Lt. Gen. Vu Hai Trieu of the Ministry of Public Security in cyber-attacks against political websites,<sup>28</sup> as well as his August 2009 condemnation of the People's Court of Da Nang's decision to compel Maj. Gen. Tran Van Thanh to be brought to court on a hospital stretcher after he suffered a stroke.<sup>29</sup> Even the two lawsuits that he filed against Prime Minister Nguyen Tan Dung were posted online.<sup>30</sup>

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<sup>28</sup> Cu Huy Ha Vu, "A Denunciation and a Call for the Prosecution and Indictment of Lt. Gen. Vu Hai Trieu, deputy director of Security General Department – Ministry of Public Security for the Crimes of 'activities aiming to overthrow the people's administration', 'to disrupt unity policy', and 'to destroy or intentionally damage properties'" (*To cao va de nghi khai to va truy to Trung tuong Vu Hai Trieu, Pho tong cuc truong Tong cuc An ninh – Bo Cong an ve "toi hoat dong nham lat do chinh quyen nhan dan", "toi pha hoai chinh sach doan ket" va "toi huy hoai hoac co y lam hu hong tai san"*), *Bauxite Vietnam*, June 2, 2010, <http://www.boxitvn.net/bai/4862> (accessed March 25, 2011).

<sup>29</sup> Cu Huy Ha Vu, "Bring the Unconscious Maj. Gen. Police Tran Van Thanh to Trial: the Judge of Da Nang Court sets a Record for Human Rights Violations" (*Dua tuong cong an Tran Van Thanh hon me ra xet xu: Chanh an Toa Da Nang lap ky luc vi pham nhan quyen*). Originally published on *Bauxite Vietnam*. Republished on *Tran Nhuong* website, August 1, 2009, [http://trannhuong.com/news\\_detail/2133/%C4%90%C6%Boa-t%C6%Bo%E1%BB%9Bng-c%C3%B4ng-an-Tr%E1%BA%A7n-V%C4%83n-Thanh-h%C3%B4n-m%C3%AA-ra-x%C3%A9t-x%E1%BB%AD-Ch%C3%A1nh-%C3%A1n-T%C3%B2a-%C4%90%C3%Ao-N%E1%BA%B5ng-l%E1%BA%ADp-k%E1%BB%B7-l%E1%BB%A5c-vi-ph%E1%BA%A1m-nh%C3%A2n-quy%E1%BB%81n](http://trannhuong.com/news_detail/2133/%C4%90%C6%Boa-t%C6%Bo%E1%BB%9Bng-c%C3%B4ng-an-Tr%E1%BA%A7n-V%C4%83n-Thanh-h%C3%B4n-m%C3%AA-ra-x%C3%A9t-x%E1%BB%AD-Ch%C3%A1nh-%C3%A1n-T%C3%B2a-%C4%90%C3%Ao-N%E1%BA%B5ng-l%E1%BA%ADp-k%E1%BB%B7-l%E1%BB%A5c-vi-ph%E1%BA%A1m-nh%C3%A2n-quy%E1%BB%81n) (accessed March 14, 2011).

<sup>30</sup> Cu Huy Ha Vu, "A lawsuit against the Prime Minister of the Socialist Republic of Vietnam for illegally issuing Decision 167/2007/QĐ-TTg dated November 1, 2007 permitting the Plan for partitioning exploration, exploitation, process and usage of bauxite for the period of 2007-2015, with 2025 in mind" (*Don khai kien Thu tuong Chinh phu nuoc CHXHCNVN – Do da ban hanh trai phap luat Quyét dinh so 167/2007/QĐ-TTg ngay 01/11/2007 phe duyet Quy hoach phan vung tham do, khai thac, che bien, su dung quang bauxite giai doan 2007-2015, co xet den nam 2025*), *Dan Luan*, June 12, 2009, <http://danluan.org/node/6944> (accessed March 25, 2011); Cu Huy Ha Vu, "A Lawsuit against Prime Minister Nguyen Tan Dung for issuing a Decree, which Prohibits Citizens from Filing a Collective Petition, against the Law and the Constitution" (*Don khai kien Thu tuong Chinh phu Nguyen Tan Dung ve hanh vi ban hanh nghi dinh cam cong dan khieu nai tap the trai Hien phap va phap luat*), *Bauxite Vietnam*, October 28, 2010, <http://boxitvn.blogspot.com/2010/10/on-khoi-kien-thu-tuong-chinh-phu-nguyen.html> (accessed November 8, 2010).

The internet's role in Dr. Vu's case was highlighted by the Hanoi People's Procuracy indictment against him, dated December 17, 2010. The narrative section of the indictment begins:

On October 21, 2010, the Department of Information and Communications of Hanoi sent an official letter to the Hanoi Municipal Department of Public Security, requesting to conduct an investigation to follow up on findings that an individual self-claimed to be Cu Huy Ha Vu had given interviews on the internet, whose contents called for the elimination of the leading role of the Vietnamese Communist Party, the removal of Article 4 of the constitution of the Socialist Republic of Vietnam, and a multi-party, plural political system; and which distorted the course of resistance by the Vietnamese people against the invading US imperialists.<sup>31</sup>

According to the indictment, the Hanoi People's Procuracy prosecuted Dr. Vu in connection with ten documents found on his laptop and at his home, eight of which have been published on the internet. These documents are:

- Two interviews with Radio Free Asia: "A Multi-party System is a Prerequisite for Preventing Abuse of Authority" on February 1, 2010;<sup>32</sup> and "Petition to Free All Ex-military and Civilian Officials of the Former Republic of Vietnam, Using 'Vietnam' as the Country Title for National Reconciliation" on August 31, 2010.<sup>33</sup>
- Three interviews with Voice of America: "The Vietnam War and the Day of April 30 in the Eyes of Dr. Cu Huy Ha Vu" on April 29, 2010;<sup>34</sup> and "Dr. Cu Huy Ha Vu - from Suing the Prime Minister to Requesting Removal of Article 4 of the Constitution" in June 2010<sup>35</sup>. The third interview, "The North-South High Speed Train – A Project of Corruption" has not yet been broadcast.<sup>36</sup>

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<sup>31</sup> The Hanoi People's Procuracy, "Indictment for the Case Cu Huy Ha Vu Propagandizing against the Socialist Republic of Vietnam" (Cao trang vu an Cu Huy Ha Vu tuyen truyen chong pha Nha nuoc Cong hoa xa hoi chu nghĩa Viet Nam), *Dan Luan*, January 31, 2011: <http://danluan.org/node/6730> (accessed January 31, 2011).

<sup>32</sup> [http://www.rfa.org/vietnamese/in\\_depth/Multiparty-can-fight-the-abuse-of-power-%28part%20%29-Tvan-02012010111424.html?searchterm=None%3Cbr%20/%3E](http://www.rfa.org/vietnamese/in_depth/Multiparty-can-fight-the-abuse-of-power-%28part%20%29-Tvan-02012010111424.html?searchterm=None%3Cbr%20/%3E)

<sup>33</sup> This is a mistake. The interview with RFA and the petition are two different documents. The petition that Dr. Vu sent to the National Assembly (post-marked August 30, 2010) was published on *Bauxite Vietnam* on August 30, 2010. The interview with RFA was conducted the next day.

<sup>34</sup> <http://www.voanews.com/vietnamese/news/vietnam-war-a-perspective-from-hanoi-4-29-10-92469969.html>

<sup>35</sup> <http://www.voanews.com/vietnamese/news/vietnam/hanoi-lawyer-vietnam-needs-a-multi-party-system-06-19-2010-96724789.html>

<sup>36</sup> Police found the transcript of the unpublished interview on Dr. Vu's laptop, which had been sent to him for fact-checking prior to it being broadcast. Because of his arrest, the interview was not broadcast.



- An interview with journalist Nguyen Thi Tram Oanh from Journalists without Borders, Germany, in October 2010.<sup>37</sup>
- Two essays published on *Bauxite Vietnam*: “Three Un-separate Branches’ Conspire to Harm the People” in March 2010;<sup>38</sup> and “The Case in which Ms. Tran Khai Thanh Thuy ‘Deliberately Injures Others’; Signs of ‘Entrapment to Commit Crime’”<sup>39</sup> in October 2009.
- An unfinished essay, “On the Party in Power.”
- Authorities also indicted him for storing an essay at his home entitled “Thermo-pressure Bomb Exploded in the Center of Ba Dinh,” written by the U.S based author Nguyen Thanh Ty. According to the indictment, the essay “distorts the Vietnamese Communist Party and slanders the government.”<sup>40</sup>

Using these documents as evidence, the authorities indicted Dr. Vu for calling for “the removal of the leadership of the Vietnamese Communist Party” and “the removal of article 4 of the Constitution,” which affirms the leadership of the Vietnamese Communist Party. He was charged for “distorting the truth about the national liberation resistance” by calling for a genuine reconciliation with Vietnamese people who lived in the Republic of Vietnam (commonly referred to as “South Vietnam” prior to 1975). He was also indicted for defaming the government for writing that “...the government, the courts and the National Assembly, all executive, judiciary and legislative branches conspire to harm the people.”<sup>41</sup>

With the exception of an unfinished article and an interview with VOA which has not been aired, the other eight documents listed as evidence in Dr. Vu’s indictment have been published and circulated widely online, some as early as October 2009.<sup>42</sup> The indictment was leaked by an undisclosed source and published on the *Dan Luan* website on January 31, 2011.

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<sup>37</sup> Cu Huy Ha Vu was interviewed at least six times in October 2010 by Nguyen Thi Tram Oanh; the indictment does not specify any particular interview but only states that it “distorted Marxism-Leninism.”

<sup>38</sup> <http://boxitvn.blogspot.com/2010/03/tam-quyen-nhat-lap-ong-long-hai-dan.html>

<sup>39</sup> <http://danluan.org/node/2917>

<sup>40</sup> <http://nguoivietboston.com/?p=27523>

<sup>41</sup> For a complete translation of the indictment, see Appendix C.

<sup>42</sup> Cu Huy Ha Vu, “The Case in which Ms. Tran Khai Thanh Thuy ‘Deliberately Injures Others’; Signs of ‘Entrapment to Commit Crime’” (*Vu ba Tran Khai Thanh Thuy “co y gay thuong tich” va dau hieu “bay nguoi khac pham toi”*), originally published on *Bauxite Vietnam*, reposted on *Dan Luan*, October 14, 2009, <http://danluan.org/node/2917> (accessed March 28, 2011).

## Circulating Information in Dr. Vu's Defense

Since Dr. Vu's arrest, numerous applications, allegations, complaints, and requests sent by members of his family have been posted on the *Bauxite Vietnam* and *Dan Luan* websites, and re-posted by many others. For example, on November 8, 2010, Dr. Vu's wife, Nguyen Thi Duong Ha, sent an "Urgent Denunciation" (*don to cao khan cap*) to the president of Vietnam regarding serious violations that police committed while arresting her husband and searching their house. The document was posted on *Bauxite Vietnam* the next day.<sup>43</sup>

Similarly, on November 16, 2010, Dr. Vu's aunt-in-law, Dang Thi Kim Hoan, sent a request to the editor-in-chief of *World Security* newspaper, Lt. Gen. Huu Uoc of the Ministry of Public Security, demanding that he correct and publicly apologize for publishing erroneous information about her family. The request was posted on *Bauxite Vietnam* two days later.<sup>44</sup> Even the proposals to President Nguyen Minh Triet and to RFA and VOA to participate in the legal proceedings were published on the internet after they were sent to their intended recipients on December 28, 2010.<sup>45</sup>

Most surprisingly, Dr. Vu managed to send an open letter on January 18, 2011, from B14 Detention Center in Hanoi, to his country fellows that confirmed his long-held belief in the need to adopt a multi-party system.<sup>46</sup> The letter, published by *Bauxite Vietnam*, has been widely circulated on multiple internet sites. (For a translation, see Appendix D.)<sup>47</sup>

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<sup>43</sup> Nguyen Thi Duong Ha, "Denunciation filed by Lawyer Nguyen Thi Duong Ha, the wife of Doctor of Law Cu Huy Ha Vu" (*Don to cao cua Luat su Nguyen Thi Duong Ha, vo cua Tien si Luat Cu Huy Ha Vu*), *Bauxite Vietnam*, November 9, 2010, <http://www.boxitvn.net/bai/13030> (accessed November 8, 2010 – US time).

<sup>44</sup> Dang Thi Kim Hoan, "Request for an Apology and Correction" (*Don yeu cau bao xin loi va cai chinh*), *Bauxite Vietnam*, November 18, 2010, <http://www.boxitvn.net/bai/13662> (accessed November 18, 2010).

<sup>45</sup> Cu Thi Xuan Bich, "Three documents related to the case of Dr. Cu Huy Ha Vu" (*Ba van ban lien quan den vu an Tien si Cu Huy Ha Vu*), *Bauxite Vietnam*, December 30, 2010, <http://www.boxitvn.net/bai/15436> (accessed December 31, 2010).

<sup>46</sup> Nguyen Thi Duong Ha, "Doctor of Law Cu Huy Ha Vu Presents his View to his Defense Lawyer" (*TS Luat Cu Huy Ha Vu trinh bay ro quan diem cua minh voi cac Luat su bao chua cho ong*), *Bauxite Vietnam*, January 24, 2011, <http://www.boxitvn.net/bai/16528> (accessed January 25, 2011).

<sup>47</sup> International groups have also made public statements in support of Dr. Vu, with some disseminating their letters and documents in both English and Vietnamese via the internet. On March 15, the Environmental Defender Law Center (EDLC) published an amicus brief, which was sent to the Hanoi People's Court on February 24, calling for the immediate and unconditional release of Dr. Vu. EDLC also sent letters to President Nguyen Minh Triet, Prime Minister Nguyen Tan Dung and Le Thi Thu Ba, chair of the National Assembly's Judicial Committee, "calling their attention to the illegality of the arrest and urging them to take action for the immediate release of Mr. Cu Huy Ha Vu." Environmental Defender Law Center, "Amicus Curiae – Human Rights Violations Related to the Arbitrary Detention and Indictment of Cu Huy Ha Vu," *Bauxite Vietnam*, March 15, 2011: <http://www.boxitvn.net/wp-content/uploads/2011/03/Bai-1c-Cu-Huy-Ha-Vu-Amicus-brief-English-version.pdf>, (accessed March 17, 2011); Environmental Defense Law Center, "EDLC Sent Letters to Urge the Vietnamese Government to Immediately Release Cu Huy Ha Vu" (Trung tam Luat Bao ve Moi truong gui thu thuc giuc chinh quyen Viet Nam tha ong Cu Huy Ha Vu ngay lap tuc), *Dan Luan*, February 28, 2011, <http://danluan.org/node/7957> (accessed February 28, 2011). See also: "USCIRF Condemns Detention of Vietnam Human Rights Lawyer, Calls for CPC Designation," United States Commission on International Religious Freedom, November 18, 2010, <http://www.uscirf.gov/news-room/press-releases/3461--uscirf-condemns-detention-of-vietnam-human-rights-lawyer-calls-for-cpc-designation.html> (accessed March 16, 2011).

## VI. Mixed Messages: The Official Responses to Dr. Vu

The authorities' attitude towards Dr. Vu has hardened over time.

In 2005, he faced no official repercussions for his controversial lawsuit against the People's Committee of Thua Thien-Hue, or, in 2006, for his audacious self-nomination for the position of the minister of culture. In January 2007, the police newspaper, *Cong An Nhan Dan*, ran a long, fairly even-handed article entitled "The Artist and Legal Activist Cu Huy Ha Vu Stirs Public Opinion Three Times This Past Year."<sup>48</sup> Even when Dr. Vu first filed his lawsuit against Prime Minister Nguyen Tan Dung in June 2009 regarding approval of bauxite mining in the Central Highlands, the Hanoi People's Court responded promptly to him on June 15. Although it rejected his lawsuit on grounds that it lacked sufficient legal foundation, the official response from the Hanoi People's Court could be seen as a sign that the authorities were willing to engage in dialogue. State-controlled media initially ignored the controversial lawsuit. However, all major online newspapers reported dispassionately on its official dismissal by the Hanoi People's Court.<sup>49</sup>

There are several explanations for the government's initial tolerance of Dr. Vu. His family background and his personal relationships with a number of important figures in the government certainly helped. But probably of more significance was his lack of relationships with other political dissidents and activists. Although loosely associated with the *Bauxite Vietnam* website and its co-founders Nguyen Hue Chi and Pham Toan, Dr. Vu appeared to operate independently of any political groups and organizations. While openly expressing his support for a multi-party system, he has apparently never attempted to form any political parties, associations, or clubs. Many of his lawsuits and denunciations of important figures in the government were sent to government offices and agencies before they were published online. It is also possible that in filing lawsuits against Prime Minister Nguyen Tan Dung, Dr. Vu appeared to be acting as a single, courageous citizen, making authorities more hesitant

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<sup>48</sup> Pham Khai, "The Artist and Legal Activist Cu Huy Ha Vu Stirs Public Opinions Three Times within a Year" (*Hoa si, luat gia Cu Huy Ha Vu, mot nam ba lan khuay dong cong luan*). *Cong An Nhan Dan*, January 26, 2007, <http://vnca.cand.com.vn/vi-vn/doisongvanhoa/2007/1/51697.cand?Page=1> (accessed on February 9, 2011).

<sup>49</sup> "The Court of Hanoi dismissed the lawsuit against the decision of the Prime Minister about the bauxite planning" (*Toa an TP Ha Noi bac don kien quyết định của Thủ tướng về quy hoạch bauxit*), *Youth (Tuoi Tre)*, June 23, 2009, <http://tuoiitre.vn/Chinh-tri-Xa-hoi/322948/Toa-an-TP-Ha-Noi-bac-don-kien-quyet-dinh-cua-Thu-tuong-ve-quy-hoach-bo-xit.html> (accessed May 8, 2011); Journalist (PV – abbreviation for Phong Vien), "Dismissing the Lawsuit against the Prime Minister for issuing Decision regarding the Bauxite plan" (*Bac don kien quyết định ban hành QĐ về quy hoạch bauxit*), *Cong an Nhan dan* (The People's Police), June 23, 2009, <http://www.baomoi.com/Home/PhapLuat/cand.com.vn/TAND-TP-Ha-Noi-giu-nguyen-quyet-dinh-tra-lai-don-khoi-kien-cua-ong-Cu-Huy-Ha-Vu/2860147.epi> (accessed May 8, 2011); Hoang Khue – Hoang Anh, "Dismissing the Lawsuit against the Prime Minister's Decision regarding the Planning of Bauxite Mining" (*Bac don kien quyết định của Thủ tướng về quy hoạch bauxit*), *VnExpress*, June 23, 2009, <http://vnexpress.net/gl/phap-luat/2009/06/3ba106fd/> (accessed June 25, 2009).

to retaliate and appear to be persecuting him. The indictment does not mention the two lawsuits against the prime minister, even though they were listed on the inventory of Dr. Vu's documents that Lieutenant General Tu pointed to as constituting a violation of article 88 of the penal code during the November 6, 2010 press conference after Dr. Vu's arrest.

By moving against Dr. Vu, the authorities may have been seeking to make him a less sympathetic figure. In addition to declaring that Vu had violated article 88, Lieutenant General Tu also informed journalists that Vu was "responsible for the lustful and perverted relationship committed by Vu in the night of November 4, 2010 in room 101 at Mach Lam hotel, Ho Chi Minh City" and that he had a "lustful relationship with a woman who has a clear address and profession and who is not a prostitute." While Dr. Vu was not prosecuted for these alleged acts, his indictment by the Hanoi People's Procuracy stated that the Hanoi police investigation office had transferred the documents related to Ho Le Nhu Quynh to its counterpart in Ho Chi Minh City "to deal with in accordance with its authority."<sup>50</sup> So far, however, Dr. Vu has not been formally charged with any offence related to being found in a hotel room with a woman who was not his wife.

At the November 6 press conference, Lieutenant General Tu insisted that police had not followed Vu from Hanoi to Ho Chi Minh City and only discovered the alleged tryst after a routine resident household registration check. During the press conference, Le Van Dinh, chairman of the People's Committee of Ba Dinh district where Dr. Vu lives, announced that "Cu Huy Ha Vu had continuously violated laws" including beating and cursing his younger sister and that he "appeared arrogant and disrespected the law."<sup>51</sup>

The government seriously miscalculated if it thought that portraying Dr. Vu as an adulterer and thug would dampen public interest and sympathy. Vietnam citizens online quickly ridiculed the police's obsession with salacious details of the case, including mention of used condoms and the lack of a marriage certificate in a hotel. They began to post comments and even marriage certificates on forums, chat rooms, and the social network Facebook, begging police not to arrest them.<sup>52</sup> Both women involved in the case—Dr. Vu's wife, Nguyen Thi Duong Ha, and the woman in the hotel, Ho Le Nhu Quynh—remain firmly in

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<sup>50</sup> "Indictment of the Case Cu Huy Ha Vu Propagandizing against the State of the Socialist Republic of Vietnam" (*Cao trang vu an Cu Huy Ha Vu tuyen truyen chong pha nha nuoc Cong hoa Xa hoi Chu nghia Viet Nam*), *Dan Luan*, January 31, 2011, <http://danluan.org/node/6730> (accessed January 31, 2011).

<sup>51</sup> "Arrest Cu Huy Ha Vu for Activities against the State" (*Bat Cu Huy Ha Vu vi hanh vi chong pha nha nuoc*). *Vietnamese News Agency*, November 6, 2010: <http://www.vietnamplus.vn/Home/Bat-Cu-Huy-Ha-Vu-vi-hanh-vi-chong-pha-Nha-nuoc/201011/66926.vnplus> (accessed February 3, 2011).

<sup>52</sup> HatKa, "The Condom's Court" (*Toa an cong dam*), *Dan Lam Bao* (Citizen Journalism), March 27, 2011, <http://danlambaovn.wordpress.com/2011/03/27/toa-an-cong-dam/> (accessed March 27, 2011). Caption: The two defendants obviously plotted to overthrow government of the Socialist Republic of Condom.

support of him. Ho Le Nhu Quynh contacted Dr. Vu's wife and consulted the lawyer Tran Dinh Trien regarding a potential lawsuit against media outlets for violating her right to privacy.<sup>53</sup>

Not only has treatment of Dr. Vu's activities been mixed, but the government's handling of the case since his arrest has also been inconsistent. Pressured by multiple requests from his family, authorities granted five lawyers permission to defend Dr. Vu, and allowed them access to the defendant in detention.<sup>54</sup>

In addition, at the request of Dr. Vu and one of his defense lawyers, Ha Huy Son, the Hanoi People's Court decided to postpone the original March 24 trial date to April 4, 2011.<sup>55</sup> These steps differ from the norm applied to other dissidents who are held incommunicado<sup>56</sup> and/or pressured not to hire defense lawyers.<sup>57</sup>

But the government's responses have not all been positive. First, authorities ignored multiple requests from lawyer Nguyen Thi Duong Ha regarding procedural violations committed during Dr. Vu's arrest and the search of his house on November 5, 2010. Authorities have also not responded to his family's repeated petitions seeking his release from jail pending the investigation and trial.

On February 18, the Hanoi People's Court notified Nguyen Thi Duong Ha that it was revoking the certification it had issued in December 2010 authorizing her to represent her husband as defense counsel. Issued by the Hanoi People's Court, decision 191/2011/HS-THAN cited her "abuse of the practice of law and use of information in the case to negatively influence

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<sup>53</sup> BBC Vietnamese, "The Person in the Same Room with Mr. Ha Vu' files a suit" (*"Nguoi trong phong ong Ha Vu" khoi kien*), *BBC Vietnamese*, November 11, 2010, [http://www.bbc.co.uk/vietnamese/vietnam/2010/11/101111\\_viet\\_lawsuit.shtml](http://www.bbc.co.uk/vietnamese/vietnam/2010/11/101111_viet_lawsuit.shtml) (accessed March 26, 2011); also see Thanh Truc, "Ms. Quynh Sues Newspapers in regards to the Case of Cu Huy Ha Vu" (*Ba Quynh kien bao chi trong vu Cu Huy Ha Vu*), *RFA*, November 13, 2010, [http://www.rfa.org/vietnamese/in\\_depth/The-woman-arrested-with-cu-huy-ha-vu-to-sue-newspaper-for-misrepresenting-news-ttruc-11132010135640.html](http://www.rfa.org/vietnamese/in_depth/The-woman-arrested-with-cu-huy-ha-vu-to-sue-newspaper-for-misrepresenting-news-ttruc-11132010135640.html) (accessed March 27, 2011).

<sup>54</sup> According to state media, there are five defense lawyers for Cu Huy Ha Vu. But the lawyer Tran Lam did not participate due to a decision made by Dr. Vu. The other four lawyers are Tran Dinh Trien, Tran Vu Hai, Ha Huy Son and Vuong Thi Thanh. All of them are members of the Hanoi Bar Association. See Cong Ly, "5 Defense Lawyers for Mr. Cu Huy Ha Vu" (*5 luat su bao chua cho ong Cu Huy Ha Vu*), *An Ninh Thu Do* (Capital's Security), March 27, 2011, <http://www.anninhthudo.vn/Tianyong/Index.aspx?ArticleID=97836&ChannelID=80> (accessed March 27, 2011); Thomas Viet, "Interview with the Lawyer Duong Ha" (*Luat su Duong Ha tra loi phong van*), *Dong Chua Cuu The Viet Nam* (Vietnam Redemptorist News), March 28, 2011, <http://www.chuacuuthe.com/vietnam-news/lu%E1%BA%ADt-s%C6%Bo-d%C6%Bo%C6%A1ng-ha-tr%E1%BA%A3-l%E1%BB%9Di-ph%E1%BB%8Fng-v%E1%BA%A5n/> (accessed March 28, 2011).

<sup>55</sup> Wind Merchant, "Notice of the Delay of the Trial of Cu Huy Ha Vu (with official document)" (*Thong bao hoan xu vu Cu Huy Ha Vu [co van ban chinh thuc]*), blog *Nguoi Buon Gio*, March 22, 2011, <http://nguoiuongio1972.multiply.com/journal/item/262/262> (accessed March 29, 2011).

<sup>56</sup> Mac Lam, "The Current Situation of Blogger Dieu Cay and Blogger Anh Ba Sai Gon" (*Tinh trang blogger Dieu Cay va Anh Ba Sai Gon hien nay*), *Radio Free Asia*, March 29, 2011, [http://www.rfa.org/vietnamese/in\\_depth/trial-of-bloggers-ml-03292011161805.html](http://www.rfa.org/vietnamese/in_depth/trial-of-bloggers-ml-03292011161805.html) (accessed March 29, 2011).

<sup>57</sup> Human Right Watch, "Vietnam: Overturn Labor Activists' Harsh Prison Sentences," press release on March 16, 2011, <http://www.hrw.org/en/news/2011/03/16/vietnam-overturn-labor-activists-harsh-prison-sentences> (accessed March 29, 2011).

national security and infringe upon state interests.” In particular, it cited the publication of Dr. Vu’s testimony from B14 Detention center which was recorded by Nguyen Thi Duong Ha on January 18, 2011<sup>58</sup> on “*Bauxite Vietnam*, media and electronic webpages in and outside the country” as evidence for her violation of the law.<sup>59</sup>

In addition, authorities have been clumsy in dealing with the growing support for Dr. Vu. On March 20 and 21, 2011, anonymous supporters sent bouquets of flowers to the Cu Huy Ha Vu Law Firm, expressing solidarity with his family. Adorned with banners proclaiming, “The Fatherland and the People of Vietnam are always with you” (*To quoc va Nhan dan VN luon ben anh chi*), the flowers were placed outside the law firm’s door.<sup>60</sup> Within a few hours, police from Dien Bien ward sent a truck, officers, and members of the ward’s civil defense force, to confiscate the floral arrangements.<sup>61</sup> Online citizens quickly ridiculed the heavy-handed move, which ultimately proved ineffective.<sup>62</sup> The next day, more bouquets arrived at the law firm, this time with banners that proclaimed: “Cu Huy Ha Vu loves his country and the people” (*Cu Huy Ha Vu yeu nuoc thuong dan*).<sup>63</sup>

Police and civil defense forces in Hanoi confiscate flowers sent by anonymous supporters to Cu Huy Ha Vu’s law firm, March 21, 2011. © 2011 Wind Merchant



<sup>58</sup> Nguyen Thi Duong Ha, “Doctor of Law Cu Huy Ha Vu Presents his View to his Defense Lawyers” (*Tien si Luat Cu Huy Ha Vu trình bày rõ quan điểm của mình với các Luật sư bào chữa cho ông*), *Bauxite Vietnam*, January 24, 2011, <http://www.boxitvn.net/bai/16528> (accessed May 3, 2011). For a translation of this testimony, see Appendix B.

<sup>59</sup> “Verbal order to Prohibit Ms. Duong Ha from Attending the Trial” (“*Lenh mieng*” *cam ba Duong Ha den phien toa*), *Nguoi Viet Online*, March 22, 2011, <http://www.nguoi-viet.com/absolutenm2/templates/?a=128545&z=2> (accessed March 28, 2011). Nguyen Thi Duong Ha, “Petition in regard to the Decision to Revoke the Certification of a Defender” (*Khieu nai quyet dinh thu hoi Giay Chung nhan Nguoi Bao chua*), *Dan Luan*, March 14, 2011, <http://danluan.org/node/8153> (accessed May 3, 2011).

<sup>60</sup> “Flowers of Gratitude” (*Nhung lang hoa tinh nghia*), *Dan Lam Bao*, March 21, 2011, <http://danlambaovn.wordpress.com/2011/03/21/nh%E1%BB%AFng-l%E1%BA%B5ng-hoa-tinh-nghia/> (accessed March 29, 2011).

<sup>61</sup> Wind Merchant, “The Police of Dien Bien Ward Took Away Sister Duong Ha’s Flowers of” (*Cong an phuong Dien Bien lay hoa cua nha chi Duong Ha*), blog *Nguoi Buon Gio*, March 21, 2011, <http://nguoibuongio1972.multiply.com/journal/item/259/259> (accessed March 22, 2011); Wind Merchant, “Photos of the Police of Dien Bien Ward ‘Lifted Away’ Flowers from Sister Duong Ha’s” (*Chum anh cong an phuong Dien Bien “nang” hoa nha chi Duong Ha*), blog *Nguoi Buon Gio*, March 21, 2011, <http://nguoibuongio1972.multiply.com/journal/item/260/260> (accessed March 22, 2011).

<sup>62</sup> For example, some internet postings joked that the authorities were probably searching for used condoms in the flower bouquets, and that the government is so paranoid about a possible so-called “jasmine revolution” similar to the recent people’s uprisings in Egypt and Tunisia that they cannot tolerate any flowers.

<sup>63</sup> Dan Lam Bao, “Despite the Police ‘Robbing’ Flowers, the People Continue to Send More Flowers to the Cu Huy Ha Vu Law Firm” (*Bat chap cong an “cuop” hoa, nhan dan tiep tục mang hoa den VP Luat su Cu Huy Ha Vu*), *Dan Lam Bao*, March 22, 2011, <http://danlambaovn.wordpress.com/2011/03/22/b%E1%BA%A5t-ch%E1%BA%A5p-ca-c%C6%Bo%E1%BB%9Bp-hoa-nhan-dan-ti%E1%BA%B5p-t%E1%BB%A5c-mang-hoa-d%E1%BA%BFn-vp-lu%E1%BA%ADt-s%C6%Bo-cu-huy-ha-vu/> (accessed March 29, 2011).

## VII. The April 4 Trial

During the three weeks before the trial, Vietnam witnessed an outpouring of popular support for Dr. Vu. Catholic churches in Hanoi and Nam Dinh held vigils attended by thousands of people praying for his freedom. Local religious leaders including Mennonite pastors Than Van Truong and Nguyen Hong Quang,<sup>64</sup> Buddhist monks of the Unified Buddhist Church such as Thich Khong Tanh,<sup>65</sup> and Hoa Hao Buddhist leader Le Quang Liem<sup>66</sup> issued public statements supporting Dr. Vu. Current and former political prisoners including Ha Si Phu, Pham Hong Son, Nguyen Van Dai, and Father Nguyen Van Ly also called for Dr. Vu's release.

Some of Vietnam's most popular in-country bloggers urged people to go to court on the day of the trial or to take a day off work in protest. Wind Merchant's blog provided a detailed map of the area around the court, showing where to park motorbikes and bicycles and the location of nearby public bathrooms. Other bloggers posted suggestions about how protesters should respond to police harassment.<sup>67</sup>

Unprecedented numbers of Vietnamese attended prayer vigils in Hanoi and Nam Dinh in support of Dr Vu before his trial. In Hanoi, more than 5,000 people joined candlelight prayer vigils on April 2 and 3 for Dr. Vu at Thai Ha Redemptorist Church and Ham Long Church. Show above is a vigil at Thai Ha on Sunday, April 3, 2011. © 2011 J.B Nguyen Huu Vinh



<sup>64</sup> "Protestant Mennonite Groups Voice their Communion with Dr. Cu Huy Ha Vu" (Giao hoi Tin Lanh Mennonite len tieng hiep thong cung TS Cu Huy Ha Vu), originally published on Dan Lam Bao, reposted on Cu Huy Ha Vu, April 3, 2011, <http://chhv.wordpress.com/2011/04/03/giao-h%E1%BB%99i-tin-lanh-mennonite-len-ti%E1%BA%Bfng-hi%E1%BB%87p-thong-cung-ts-cu-huy-ha-vu/> (accessed April 4, 2011).

<sup>65</sup> "The Vietnam Unified Buddhist Church Voices its Support of Dr. Cu Huy Ha Vu" (Giao hoi Phat giao Viet Nam Thong nhat len tieng cho TS Cu Huy Ha Vu), Dan Lam Bao, April 3, 2011, <http://webcache.googleusercontent.com/search?q=cache:J5dZLPagOYIJ:danlambao4.wordpress.com/2011/04/03/giao-h%E1%BB%99i-ph%E1%BA%ADt-giao-vi%E1%BB%87t-nam-th%E1%BB%91ng-nh%E1%BA%A5t-len-ti%E1%BA%Bfng-cho-ts-cu-huy-ha-vu/+&cd=1&hl=en&ct=clnk&gl=us&source=encrypted.google.com> (accessed May 4, 2011).

<sup>66</sup> "A Plea regarding the Case of Cu Huy Ha Vu by the Elderly Le Quang Liem" (Loi keu goi ve vu an Cu Huy Ha Vu cua cu Le Quang Liem), Tin tuc Hang ngay, April 2, 2011, <http://dailyvnews1.wordpress.com/2011/04/02/l%E1%BB%9Di-keu-g%E1%BB%8Di-v%E1%BB%81-x%E1%BB%AD-an-ong-cu-huy-ha-vu-c%E1%BB%A7a-c%E1%BB%A5-le-quang-liem/> (accessed May 4, 2011).

<sup>67</sup> See the posting by blogger Kami on March 14, 2011, in which he urged people to go to the courthouse on the day of the trial. The blog includes a photograph of the court house for those unfamiliar with the area and a link to the address and phone numbers of the court. It also suggests how people should respond if stopped by police depending on the direction one was going. For example, if one tried to approach from Ly Thuong Kiet street, one could say he/she was going to the Viet Duc hospital on Trang Thi street, etc. Kami, "What One Should Do on the Trial Day of Mr. Cu Huy Ha Vu" (Nen lam gi vao ngay xu an ong Cu Huy Ha Vu), Kami blog, March 14, 2011, <http://nguoiduatinkami.wordpress.com/2011/03/14/nen-lam-gi-vao-ngay-xu-an-ong-cu-huy-ha-vu/> (accessed March 15, 2011). See also Wind Merchant (Nguoi Buon Gio), "The Hanoi People's Court" (Toa an Nhan dan Thanh pho Ha Noi), blog Nguoi Buon Gio, March 19, 2011 <http://nguoiuongio1972.multiply.com/journal/item/258/258> (accessed March 20, 2011).

The trial of Dr. Vu started at 8:00 am on April 4 and lasted less than six hours. Although state media reported that the trial of Dr. Vu would be open to public,<sup>68</sup> the court claimed there was “limited space” and only allowed one family member, Dr. Vu’s wife, three representatives of foreign media, and four diplomats to attend the trial.<sup>69</sup>

Police and civil defense forces cordoned off the area surrounding the court. Nevertheless, hundreds of people gathered at different intersections and street corners nearby and attempted to approach the court.<sup>70</sup> Dozens of people were arrested.<sup>71</sup> Among them were attorney Le Quoc Quan, Dr. Pham Hong Son, and blogger Paulus Le Son.<sup>72</sup> Various accounts by witnesses described the police using their batons to intimidate and disperse peaceful bystanders.<sup>73</sup> They also confiscated cameras from a number of people on the street who attempted to take photos or video.<sup>74</sup>

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<sup>68</sup> Thai Uyen, “Public Trial of Cu Huy Ha Vu” (Xet xu cong khai vu Cu Huy Ha Vu), Thanh Nien (Youth), March 16, 2011, <http://www.thanhvien.com.vn/Pages/20110316/Xet-xu-cong-khai-vu-Cu-Huy-Ha-Vu.aspx> (accessed March 16, 2011).

<sup>69</sup> The journalists were from Kyodo, AFP and AP and the diplomats were from the United States, Australia, Finland and Switzerland. DPA, “Vietnam: Space Limited for Foreign Press at Rights Lawyer’s Trial,” Monsters and Critics, March 31, 2011, [http://www.monstersandcritics.com/news/asiapacific/news/article\\_1629841.php/Vietnam-Space-limited-for-foreign-press-at-rights-lawyer-s-trial](http://www.monstersandcritics.com/news/asiapacific/news/article_1629841.php/Vietnam-Space-limited-for-foreign-press-at-rights-lawyer-s-trial) (accessed April 25, 2011).

<sup>70</sup> Kami, “Direct Report from Hanoi of the Trial of Dr. Cu Huy Ha Vu” (*Tuong trinh truc tiep tu Ha Noi ve phien toa xet xu TS Cu Huy Ha Vu*), blog *Kami*, April 4, 2011, <http://nguoiduatinkami.wordpress.com/2011/04/04/t%C6%B0%E1%BB%9Dng-trinh-tr%E1%BB%B1c-ti%E1%BA%Bf-p-t%E1%BB%AB-ha-n%E1%BB%99i-v%E1%BB%81-phien-toa-xet-x%E1%BB%AD-ts-cu-huy-ha-vu/> (accessed April 4, 2011); Nguyen Xuan Dien, “Report from Hai Ba Trung Street, Hanoi” (*Tuong thuat tu duong Hai Ba Trung, Ha Noi*), blog *Nguyen Xuan Dien*, April 4, 2011, <http://nguyenuandien.blogspot.com/2011/04/tuong-thuat-tu-duong-hai-ba-trung-hn.html> (accessed April 4, 2011); Pham Toan, “Disgrace and Dignity,” (*Chuyen o nhuc va chuyen cao ca*), *Bauxite Vietnam*, April 5, 2011, <http://boxitvn.wordpress.com/2011/04/05/chuy%E1%BB%87n-nh%E1%BB%A5c-v-chuy%E1%BB%87n-cao-c%E1%BA%A3/> (accessed April 6, 2011); Nguyen Thuong Long, “Stories noted outside the gate of the trial of Cu Huy Ha Vu” (*Nhung cau chuyen ghi duoc truoc cong phien toa xu Cu Huy Ha Vu*), *Dan Luan*, April 5, 2011, <http://danluan.org/node/8394> (accessed April 25, 2011); CunhanLuat (A graduate of law school), “Diary notes, April 4, 2011” (Nhat ky ngay 04-04-2011), *Dan Lam Bao*, April 5, 2011, <http://danlambaovn.blogspot.com/2011/04/nhat-ky-ngay-04-04-2011.html> (accessed April 7, 2011); Nguyen Xuan Binh, “Ha Vu, the red storm becomes further and further” (*Ha Vu... Con dong do cu xa dan*), blog *Xuan Binh*, April 7, 2011, <http://xuanbinhfrelance.wordpress.com/2011/04/07/ha-vu-%E2%80%A6c%E1%BB%8F-c%E1%BB%A9-xa-d%E1%BA%A7n/> (accessed April 25, 2011); Do Viet Khoa, “The Trial of Cu Huy Ha Vu Brings Disgrace to the Country” (*Phien toa xu Cu Huy Ha Vu lam mat the dien quoc gia*), blog *Do Viet Khoa*, April 4, 2011, [http://vn.36oplus.yahoo.com/vietkhoa\\_ht/article?mid=921](http://vn.36oplus.yahoo.com/vietkhoa_ht/article?mid=921) (accessed April 6, 2011).

<sup>71</sup> “Directly Narrating the Events of the Trial of Dr. Cu Huy Ha Vu” (*Tuong thuat truc tiep dien bien phien toa xu an Ts luat Cu Huy Ha Vu*), *Dan Lam Bao*, April 4, 2011, <https://danlambao2011.wordpress.com/2011/04/04/chao-v/> (accessed April 26, 2011).

<sup>72</sup> While many people were released later that day or the next day, attorney Le Quoc Quan and Dr. Pham Hong Son were detained for nine days for “opposing persons performing official duties,” and were finally released on April 13, 2011. See Human Rights Watch, “Vietnam: Free Political and Religious Detainees,” Human Rights Watch press release, April 7, 2011, <http://www.hrw.org/en/news/2011/04/07/vietnam-free-political-and-religious-detainees> (accessed April 26, 2011). Also see, Wind Merchant, “Le Quoc Quan and Pham Hong Son released from jail” (Le Quoc Quan va Pham Hong Son ra khoi tu), blog *Nguoi Buon Gio*, April 13, 2011, <http://nguoiuongio1972.multiply.com/journal/item/287/287> (accessed April 14, 2011).

<sup>73</sup> Cong doan Vinh, “Announcement from the Vinh Community in Hanoi” (*Tuyen cao cua Cong doan Vinh tai Ha Noi*), The Community of Vinh Parish in Hanoi (Cong doan Giao phan Vinh tai Ha Noi), April 4, 2011, <http://congdoanvinhhn.net/Default.aspx?tabid=5709&ArticleId=1552&language=vi-VN> (accessed May 6, 2011); Phung Quang, “Collective sStories on the Sidelines of the ‘Open’ Trial” (*Luom lat ben le phien toa xet xu “cong khai”*), *Bauxite Vietnam*, April 7, 2011, <http://www.boxitvn.net/bai/19773> (accessed April 7, 2011); Chim Quoc Quoc, “Interview with Lawyer Le Quoc Quan after 10 Days in detention” (Phong van Luat su Le Quoc Quan sau khi bi bat giam trong 10 ngay). The interview was conducted via paltalk, reposted on Cu Huy Ha Vu, April 15, 2011, <http://chhv.wordpress.com/2011/04/15/ph%E1%BB%8Fng-v%E1%BA%A5n-lu%E1%BA%ADt-s%C6%Bo-le->





Police disperse supporters of Dr. Cu Huy Ha Vu near the Hanoi People's Court, April 4, 2011.  
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## Procedural Violations at the Trial

At the beginning of the trial, Dr. Vu requested that the trial panel<sup>75</sup> be replaced due to a conflict of interest. Dr. Vu contended that he was prosecuted for “demanding to abolish the leading role of the Vietnamese Communist Party and article 4 of the Constitution”<sup>76</sup> [which affirms the leading role of the VCP]; thus it would be unfair for him to be judged by a trial panel which he claimed was made up of members of the Vietnamese Communist Party.<sup>77</sup> When this request was rejected, Dr. Vu requested that the court replace Vu Dang Hieu, one of the two procurators, on grounds of conflict of interest.<sup>78</sup> According to Dr. Vu, he had denounced this procurator in 2008 in a separate case.<sup>79</sup> Vietnam’s Criminal Procedure Code

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qu%E1%BB%91c-quan-sau-khi-b%E1%BB%8B-b%E1%BA%Aft-giam-trong-10-ngay/ (accessed April 16, 2011); Ngo Duy Phong, “Impression of an Older Person who Wished to Attend the Open Trial of Cu Huy Ha Vu – What was on Trial at that Court?” (An tuong cua mot cu gia uoc ao di du phien xu cong khai Cu Huy Ha Vu – Cai phien toa ay xu gi?), Bauxite Vietnam, April 10, 2011, <http://www.boxitvn.net/bai/19913> (accessed April 11, 2011); Duong Thi Xuan, “The Terrifying Fate of Human Beings under the Rule of Police in the Middle of the Capital Hanoi” (Rung ron phan con nguoi ngay nay duoi che do cong an tri giua thu do Ha Noi), Viet Vung Vinh, April 20, 2011, [http://vietvungvinh.com/index.php?option=com\\_content&view=article&id=2344:rung-ron-phan-con-nguoi-ngay-nay-duoi-che-do-cong-an-tri-giua-thu-do-ha-noi&catid=47:dien-dan&Itemid=83](http://vietvungvinh.com/index.php?option=com_content&view=article&id=2344:rung-ron-phan-con-nguoi-ngay-nay-duoi-che-do-cong-an-tri-giua-thu-do-ha-noi&catid=47:dien-dan&Itemid=83) (accessed April 21, 2011).

<sup>74</sup> Cong doan Vinh, “Announcement from the Vinh Community in Hanoi” (*Tuyen cao cua Cong doan Vinh tai Ha Noi*), The Community of Vinh Parish in Hanoi (*Cong doan Giao phan Vinh tai Ha Noi*), April 4, 2011, <http://congdoanvinhnhn.net/Default.aspx?tabid=5709&ArticleId=1552&language=vi-VN> (accessed May 6, 2011);

<sup>75</sup> Vietnam’s Criminal Procedure Code stipulates that “A first-instance trial panel shall be composed of one judge and two jurors. For serious and complicated cases, the trial panel may be composed of two judges and three jurors,” Criminal Procedure Code, 19/2003/QH11, issued on December 10, 2003. Article 185, <http://www.asianlii.org/vn/legis/laws/cp167/> (accessed May 19, 2011). For the trial of Cu Huy Ha Vu, the three members of the trial panel were Judge Nguyen Huu Chinh who was the chair of the council, juror Bui Quy Thien and juror Nguyen Thanh Ha.

<sup>76</sup> Nguyen Minh Tuan, “A Fair and Legal Trial” (Phien toa nghiem minh, dung phap luat), Peoples’s Army (Quan doi Nhan dan), April 10, 2011, <http://www.qdnd/qdndsite/vi-VN/61/43/5/5/144603/Default.aspx> (accessed April 10, 2011).

<sup>77</sup> Dao Tuan, “Cu [or the story told by a journalist at work at the trial of Cu Huy Ha Vu]” (Cu [hay chuyen cua mot nha bao tac nghiep tai phien toa CHHV]), originally published on the blog Dao Tuan DDK, reposted on Dan Luan, April 4, 2011, <http://danluan.org/node/8390> (accessed May 8, 2011). Also see Ho Thu Hong, “A Stone thrown into a Pond of Weeds” (Hon da nem xuong ao beo), April 4, 2011, blog Beo, [http://webcache.googleusercontent.com/search?q=cache:AQomTZDyQFo:vn.360plus.yahoo.com/thuhong\\_1960/article%3Fmid%3D2337+&cd=1&hl=en&ct=clnk&gl=us&source=encrypted.google.com](http://webcache.googleusercontent.com/search?q=cache:AQomTZDyQFo:vn.360plus.yahoo.com/thuhong_1960/article%3Fmid%3D2337+&cd=1&hl=en&ct=clnk&gl=us&source=encrypted.google.com) (accessed April 25, 2011).

<sup>78</sup> Criminal Procedure Code, 19/2003/QH11, issued on December 10, 2003. Article 189 states that “Procurators of the procuracies of the same level must participate in court sessions. For serious and complicated cases, two procurators may together participate in court sessions. In case of necessity, there may be alternate procurators.” <http://www.asianlii.org/vn/legis/laws/cp167/> (accessed May 19, 2011). For the trial of Cu Huy Ha Vu, there were two procurators: Vu Dang Hieu and Dang Tien.

<sup>79</sup> Ho Thu Hong, “A Stone thrown into a Pond of Weeds” (Hon da nem xuong ao beo), April 4, 2011, blog Beo, [http://webcache.googleusercontent.com/search?q=cache:AQomTZDyQFo:vn.360plus.yahoo.com/thuhong\\_1960/article%3Fmid%3D2337+&cd=1&hl=en&ct=clnk&gl=us&source=encrypted.google.com](http://webcache.googleusercontent.com/search?q=cache:AQomTZDyQFo:vn.360plus.yahoo.com/thuhong_1960/article%3Fmid%3D2337+&cd=1&hl=en&ct=clnk&gl=us&source=encrypted.google.com) (accessed April 25, 2011); also see Tran Kien Ky, “(A Stone thrown into

states that judicial officials must decline involvement or be replaced in proceedings in which there are “clear grounds that they may not be impartial while carrying out their duties.”<sup>80</sup> The court rejected the request.

During the trial, the four defense lawyers requested that the court make public the ten documents cited in the indictment as evidence against Dr. Vu. The defense’s argument was based on article 214 of the Criminal Procedure Code which affirms that “All documents filed in a [court] case as well as new documents need to be made public at the trial.”<sup>81</sup> However, Judge Nguyen Huu Chinh rejected the request on the grounds that, according to the judge, the evidence had been clearly published in the indictment prepared by the Hanoi People’s Procuracy, that Dr. Vu had acknowledged that those 10 documents were his, and that Dr. Vu had signed on those documents.<sup>82</sup>

When defense lawyer Tran Vu Hai continued to insist that the court provide the ten documents, Judge Nguyen Huu Chinh ordered him to be ejected from the court by the police. The three other defense lawyers –Tran Dinh Trien, Ha Huy Son, and Vuong Thi Thanh –continued to request that the judge act in accordance with article 214 and release the ten documents to the defense. When the judge rejected their requests, they walked out of the trial in protest.

One possible reason that the defense team insisted that the ten documents be made public is that the Hanoi People’s Procuracy made a serious mistake when they prepared the indictment. Cu Huy Ha Vu’s sister, Cu Thi Xuan Bich, first reported this in her urgent denunciation on March 29, submitted to the National Assembly and various government offices, in which she alleged illegal use of a petition to the National Assembly as evidence against her brother. The indictment claimed one of the 10 documents was an interview Dr. Vu did with Radio Free Asia on August 31, 2010, in which he called for genuine reconciliation with members of the government of the former Republic of Vietnam. However, the quote

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a Pond of Weeds) Who is Beo?” ([Hon da nem xuong ao beo] Beo la ai?), blog Bao Bien, April 13, 2011, <http://baobien.wordpress.com/2011/04/13/hon-da-nem-xu%E1%BB%91ng-ao-beo-beo-la-ai/> (accessed April 25, 2011); Wind Merchant, “A Stone thrown into a Pond of Weeds– The way Beo Writes about the Trial of April 4” (Hon da nem xuong ao beo – Chuyen cua Beo viet ve phien toa 4-4), blog Nguoi Buon gio, April 12, 2011, <http://nguoibuongio1972.multiply.com/journal/item/286/286> (accessed April 25, 2011).

<sup>80</sup> Article 45 of the Criminal Procedure Code states that “Procurators must refuse to conduct the procedure or be changed if ...[T]hey fall into one of the cases prescribed in article 42 of this code”; Meanwhile article 42 states that “Procedure-conducting persons must refuse to conduct the procedure or be changed if ...[T]here are explicit grounds to believe that they may not be impartial while performing their duties,” <http://www.asianlii.org/vn/legis/laws/cp167/> (accessed May 19, 2011).

<sup>81</sup> Article 214 of the Criminal Procedure Code states that “Documents contained in the case files or just presented during the inquiry shall all have to be announced at court sessions.” And “Procurators, defendants, defense counsels and other participants in court sessions shall have the right to give their remarks on such documents and inquire further about related matters,” <http://www.asianlii.org/vn/legis/laws/cp167/> (accessed May 19, 2011).

<sup>82</sup> Dr. Nguyen Minh Tuan, J.D., “A Fair and Legal Trial” (*Phien toa nghiem minh, dung phap luat*), *Peoples’s Army (Quan doi Nhan dan)*, April 10, 2011, <http://www.qdnd/qdndsite/vi-VN/61/43/5/5/144603/Default.aspx> (accessed April 10, 2011).

cited in the indictment was not from the RFA interview, but from a petition that Dr. Vu had sent the National Assembly on August 30, 2010. His sister argued that, according to the law, citizens have the right to submit complaints and petitions to the National Assembly, and thus the content of this petition could not be used as evidence against him.<sup>83</sup>

Ultimately, the court ruled that Dr. Vu was guilty of violating article 88 of the penal code for propagandizing against the state of the Socialist Republic of Vietnam. He was sentenced to seven years in prison, to be followed by another three years on probation after his release.

On the afternoon of April 4, 2011, the four defense lawyers submitted a petition to various offices including the Judicial Committee of the National Assembly, the Supreme People's Court, and the Vietnam Bar Federation, in which they alleged that Judge Nguyen Huu Chinh had violated the procedures established in the Criminal Procedure Code.<sup>84</sup>

On April 21, state media reported that Dr. Vu had filed an appeal against the verdict issued on April 4. As of this writing, the authorities have not permitted his family to see him since the trial.

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<sup>83</sup> Cu Thi Xuan Bich, "Urgent Denunciation" (Don to cao khan cap), Cu Huy Ha Vu, March 29, 2011, <http://chhv.wordpress.com/2011/03/29/d%C6%A1n-t%E1%BB%91-cao-kh%E1%BA%A9n-c%E1%BA%A5p-c%E1%BB%A7a-ba-cu-th%E1%BB%8B-xuan-bich-g%E1%BB%ADi-qu%E1%BB%91c-h%E1%BB%99i/> (accessed March 29, 2011). For a comparison of the narratives in the indictment, Cu Huy Ha Vu's petition, and his interview with Radio Free Asia, see: 1) "Indictment of the Case Cu Huy Ha Vu Propagandizing against the State of the Socialist Republic of Vietnam" (Cao trang vu an Cu Huy Ha Vu tuyen truyen chong pha nha nuoc Cong hoa Xa hoi Chu nghia Viet Nam), Dan Luan, January 31, 2011, <http://danluan.org/node/6730> (accessed January 31, 2011). For an English translation of the indictment, see Appendix B of this report; 2) Cu Huy Ha Vu, "Petition to Free All Ex-military and Civilian officials of the former Republic of Vietnam, using 'Vietnam' as the Country's Name for National Reconciliation" (Kien nghi tra tu do cho tat ca tu nhan cuu quan nhan va vien chuc chinh quyen Viet Nam Cong Hoa, lay "Viet Nam" lam quoc hieu), Dan Luan, September 1, 2010, <http://danluan.org/node/6279> (accessed March 29, 2011); and 3) Mac Lam, "Petition to give amnesty to all civil officials of the Republic of Vietnam" (Kien nghi dai xa toan bo vien chuc VNCH), interview with Cu Huy Ha Vu, Radio Free Asia, August 31, 2010, <http://www.rfa.org/vietnamese/vietnam/xa-hoi/Dr-Cu-Huy-Ha-Vu-proposes-to-National-Assembly-to-grant-amnesty-for-former-officer-regime-MLam-o8312010220823.html?searchterm=None> (accessed March 29, 2011). Vietnam's Constitution (1992 version), article 53 states that "Citizens have the right to take part in managing the state and society, in debating on general issues of the whole country or of the locality, and make petitions or recommendation to the state offices and vote at any referendum held by the state." <http://www.vietnamlaws.com/freelaws/Constitution92%28aa01%29.pdf> (accessed May 19, 2011).

<sup>84</sup> Cu Thi Xuan Bich, "Petition from the Four Defense Lawyers of Dr. of Law Cu Huy Ha Vu" (*Kien nghi cua 4 luat su bao chua cho TS luat Cu Huy Ha Vu*), *Bauxite Vietnam*, April 5, 2011, <http://www.boxitvn.net/bai/19679> (accessed April 5, 2011).

## VIII. Conclusion

The Vietnamese government's efforts to silence Dr. Vu have backfired, and helped to create an unprecedented movement of popular support for him that continues to grow online, as well as in large numbers of people gathering for peaceful vigils to show their solidarity. Indeed, the case gives reason for hope amid Vietnam's typically bleak human rights environment.

The vigorous defense that his family launched has kept the government off-guard and contributed to public sympathy for Dr. Vu. More remarkable still is the exceptional array of public support that Dr. Vu has attracted from disparate opposition groups that rarely address issues of common concern. Catholic support for him is especially notable in this regard. The Thai Ha Redemptorist church and the Ham Long church in Hanoi and the Bao Long church in Nam Dinh have held vigils to pray for Dr. Vu.<sup>85</sup> Catholic villagers from Con Dau parish in Da Nang have travelled to Hanoi to express their support<sup>86</sup> and many Catholics have signed online petitions demanding his release.<sup>87</sup> The intensity of this engagement is extraordinary given that Dr. Vu is not a Catholic and Catholic churches in Vietnam do not usually expend their limited political resources on issues that do not directly affect their own communities.<sup>88</sup>

Other prominent supporters of Dr. Vu include moderate technocrats and academics affiliated with the *Bauxite Vietnam*, local groups of land rights activists, and the dedicated political

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<sup>85</sup> J.B Nguyen Huu Vinh, "Brilliant Flames to Pray for the Fatherland, for Truth and Justice, and for Doctor of Law Cu Huy Ha Vu" (Ruc sang anh lua cau nguyen cho To quoc, cho Su that – Cong ly, va Ts Luat Cu Huy Ha Vu), blog J.B Nguyen Huy Vinh, April 3, 2011, <http://jbnghuyenhuuvinh.wordpress.com/2011/04/03/r%E1%BB%B1c-sang-anh-l%E1%BB%ADa-c%E1%BA%A7u-nguy%E1%BB%87n-cho-t%E1%BB%95-qu%E1%BB%91c-cho-s%E1%BB%B1-th%E1%BA%ADt-cong-ly-va-ts-lu%E1%BA%ADt-cu-huy-ha-vu/> (accessed April 17, 2011). Also see Wind Merchant, "Candles were Lit to Pray for Dr. Cu Huy Ha Vu at Bao Long Parish" (Giao su Bao Long thap nen cau nguyen cho tien si Cu Huy Ha Vu), blog Nguoi Buon Gio, April 3, 2011, <http://nguoibuongio1972.multiply.com/journal/item/273/273> (accessed April 4, 2011).

<sup>86</sup> Wind Merchant, "Catholic Villagers of Con Dau Visit Sister Duong Ha" (Giao dan Con Dau den tham chi Duong Ha), blog Nguoi Buon Gio, March 24, 2011, <http://nguoibuongio1972.multiply.com/journal/item/264/264> (accessed March 25, 2011). Also see VRNs, "Con Dau victims sent their letters of communion to Dr. Cu Huy Ha Vu" (Nan nhan Con Dau gui thu hiep thong voi tien si Cu Huy Ha Vu), Dong Chua Cuu The, March 22, 2011, <http://www.chuacuuthe.com/vietnam-news/n%E1%BA%A1n-nhan-c%E1%BB%93n-d%E1%BA%A7u-g%E1%BB%9Fi-th%C6%Bo-hi%E1%BB%87p-thong-v%E1%BB%9Bi-ts-cu-huy-ha-vu/> (accessed March 23, 2011).

<sup>87</sup> "Round Two of Signatures to Petition for the Freedom of Doctor of Law Cu Huy Ha Vu" (*Ky ten Thinh nguyen thu dot hai cho su tu do cua Ts Luat Cu Huy Ha Vu*), *Nu Vuong Cong Ly*, March 28, 2011, <http://www.nuvuongcongly.net/cong-ly/ky-ten-th%E1%BB%89nh-nguy%E1%BB%87n-th%C6%Bo-d%E1%BB%A3t-hai-cho-s%E1%BB%B1-t%E1%BB%B1-do-c%E1%BB%A7a-ts-lu%E1%BA%ADt-cu-huy-ha-vu/> (accessed April 18, 2011).

<sup>88</sup> Government press campaigns in recent years against Catholic protests in Hanoi at St. Joseph Cathedral and Thai Ha Church of the Redemptorists have been carefully crafted to isolate protesters by stressing the sectarian nature of the Church's political agenda and challenging its leaders' patriotism and loyalty. See: "Vietnam: End Crackdown on Catholics," Human Rights Watch press release, October 6, 2008, <http://www.hrw.org/en/news/2008/10/06/vietnam-end-crackdown-catholics> (accessed March 31, 2011). Also see "Warning [to] Mr. Ngo Quang Kiet, Archbishop of Hanoi Parish" (*Canh cao ong Ngo Quang Kiet, Tong giam muc giao phan Hanoi*), originally published on *Vietnam News Agency*, reposted on *Tuoi Tre*, September 21, 2008, <http://tuoitre.vn/Chinh-tri-Xa-hoi/279593/Canh-cao-ong-Ngo-Quang-Kiet-Tong-giam-muc-giao-phan-Ha-Noi.html> (accessed April 18, 2011).

dissidents of pro-democracy group Bloc 8406. Dozens of influential bloggers have covered the case extensively, including Wind Merchant (Nguoi Buon Gio), Mother Mushroom (Me Nam), Nguyen Trong Tao, Kami, Dong A, Nguyen Xuan Dien, Tran Dong Duc, J.B Nguyen Huu Vinh, Le Dien Duc, Vu Dong Ha, Song Chi, Nguyen Hung Quoc, Bui Tin, and many others. The Vietnamese community abroad has followed the case closely through regular reporting including interviews, analysis, and thousands of readers' comments posted online.

This diversity of support provides further evidence that the case's unusual dynamics are effectively undermining tactics that the government has successfully employed for years to weaken and divide its opponents. Moreover, the growth of pro-Vu online petitions signed by ordinary citizens unaffiliated with any larger organization suggests the government's mishandling of the case has tapped into a broader vein of popular dissatisfaction with pervasive corruption in the legal system and security forces' ham-handed brutality.<sup>89</sup>

The unusual diversity of Cu Huy Ha Vu's supporters is clearly a function of the wide assortment of legal campaigns that he has championed during the most recent phase of his career. But it also owes something to the rapid spread of information about the case on the internet, spearheaded by a barely visible army of bloggers, citizen-journalists, and Facebook devotees. Indeed, the ground swell of energy created by the case must be understood as an important byproduct of the gradual development in Vietnam in recent years of a nascent legal culture independent of the communist state, and the spontaneous, uncoordinated growth of a dynamic online civil society.

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<sup>89</sup> For examples of popular unrest over police brutality and corruption, see "Vietnam: Widespread Police Brutality, Deaths in Custody," Human Rights Watch press release, September 22, 2010, <http://www.hrw.org/en/news/2010/09/22/vietnam-widespread-police-brutality-deaths-custody> (accessed May 19, 2011).

## IX. Recommendations

Dr. Cu Huy Ha Vu's arrest, detention, and indictment are based on his peaceful exercise of his right to information, and his right to freedom of opinion, expression, and association, enshrined in the Universal Declaration on Human Rights, and in the International Covenant on Civil and Political Rights, to which Vietnam acceded in 1982.

Dr. Vu's arrest and detention is arbitrary and unlawful, and plainly flies in the face of the 1998 UN Declaration on Human Rights Defenders, which reiterates the rights of citizens under international human rights law to criticize and protest governments' failures to enforce human rights standards.<sup>90</sup> The government has failed to answer requests and denunciation by Dr. Vu's lawyers and family members alleging that various aspects of his arrest, police and judicial investigation, indictment, and trial have been marked by due process violations.

The Vietnamese government is violating its obligations under international law by arresting, prosecuting, and sentencing Dr. Vu to seven years in prison for peacefully criticizing the government's actions and Communist Party leaders. Human Rights Watch calls for the immediate and unconditional release of Dr. Cu Huy Ha Vu.

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<sup>90</sup> U.N. Declaration on the Rights and Responsibilities of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. <http://www2.ohchr.org/english/law/freedom.htm> (accessed May 19, 2011).

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## Appendix A: Key Figures

### Family Members

- Dr. Cu Huy Ha Vu, defendant, Doctor of Law, Sorbonne.
- Nguyen Thi Duong Ha, lawyer and member of the Hanoi Bar Association, head of Cu Huy Ha Vu Law Firm, Dr. Vu's wife.
- Cu Thi Xuan Bich, Dr. Vu's younger sister.
- Cu Huy Thuoc, senior party member, Dr. Vu's uncle.
- Cu Huy Chu, senior party member, Dr. Vu's uncle.
- Dang Thi Kim Hoan, younger sister-in-law of the poet Xuan Dieu—one of Vietnam's most influential twentieth century poets—and Dr. Vu's aunt-in-law.

### Non-Family Members

- Lawyer Tran Dinh Trien, member of the Hanoi Bar Association, defense lawyer of Dr. Vu. Tran Dinh Trien is considered by many to be a rising star in the legal field as a defense lawyer for politically sensitive cases.
- Lawyer Ha Huy Son, member of the Hanoi Bar Association, Dr. Vu's defense lawyer.
- Lawyer Tran Vu Hai, member of the Hanoi Bar Association, Dr. Vu's defense lawyer.
- Lawyer Vuong Thi Thanh, member of the Hanoi Bar Association, Dr. Vu's defense lawyer.
- Lawyer Tran Lam, a defense lawyer for many cases involving dissidents, including the recent trial of Vi Duc Hoi of *Fatherland Journal*.
- Ho Le Nhu Quynh, the woman with Dr. Vu when he was arrested on November 5, 2010.

### Radio Stations, Newspapers, Websites, Journalists, and Bloggers

- *Cong An Nhan Dan* (People's Police), the Ministry of Public Security's newspaper.
- *Bauxite Vietnam*, a controversial in-country website devoted to environmental and social issues, especially the mining of bauxite in the Central Highlands and the alleged criminal mismanagement of the state-owned Vinashin Corporation. The website is spearheaded by the humanities scholar Nguyen Hue Chi, the education activist Pham Toan and Prof. Nguyen The Hung of Da Nang Polytechnic University.
- Radio Free Asia—Vietnamese Service.
- Voice of America—Vietnamese Service.
- British Broadcasting Corporation—Vietnamese Service.
- *Dan Luan* (Citizen Discussions), an overseas website that promotes citizen journalism, administered by Editor-in-Chief Nguyen Cong Huan.



- Nguyen Ngoc Nhu Quynh (a.k.a. Mother Mushroom), an independent blogger based in Nha Trang.
- Bui Thanh Hieu (a.k.a Wind Merchant), an independent blogger based in Hanoi.
- Pham Tran, reporter for Saigon Broadcasting Television Network, United States.
- Nguyen Thi Tram Oanh, member of Journalists Without Borders, Germany.

### **Vietnamese Public Officials**

- President Nguyen Minh Triet.
- Prime Minister Nguyen Tan Dung.
- Lt. Gen. Vu Hai Trieu, deputy director of General Department II, Ministry of Public Security.
- Le Thanh Hai, Politbureau member and VCP general secretary of Ho Chi Minh City.
- Nguyen Ba Thanh, VCP general secretary of the city of Da Nang.
- Lt. Gen. Huu Uoc, Editor-in-Chief of *Cong An Nhan Dan* (People's Police) newspaper.
- Judge Nguyen Huu Chinh, Hanoi People's Court.

## Appendix B: Chronology of Events

### Timeline of Dr. Vu's Activities Preceding his Arrest on November 5, 2010

- **November 3, 2010** – Dr. Vu is interviewed by journalist Nguyen Thi Tram Oanh<sup>91</sup> about the possibility that the Cu Huy Ha Vu Law Firm will represent 6 Catholic villagers from Con Dau Parish to appeal the verdict of the People's Court of Cam Le district on October 27.
- **October 27, 2010** – Dr. Vu is interviewed by journalist Nguyen Thi Tram Oanh<sup>92</sup> of *Vietnam Exodus* about the outcome of the trial of the 6 Catholic villagers from Con Dau Parish who were charged for causing public disorder.
- **October 25, 2010** - Dr. Vu is interviewed by journalist Nguyen Thi Tram Oanh<sup>93</sup> prior to the trial of 6 Catholic villagers from Con Dau Parish.
- **October 24, 2010** – “Dr. Cu Huy Ha Vu: the Verdicts for the six Catholic Villagers of Con Dau were Pre-approved”<sup>94</sup> - Interview with Dr. Vu by Thomas Viet of *Vietnam Redemptorist News*.
- **October 21, 2010** – Dr. Vu files lawsuit against Prime Minister Nguyen Tan Dung<sup>95</sup> with the Supreme People's Court for signing Decree 136/2006/ND-CP preventing class-action petitions.
- **October 14, 2010** - Dr. Vu is interviewed by journalist Nguyen Thi Tram Oanh<sup>96</sup> of *Vietnam Exodus* about the January 2011 Vietnamese Communist Party's 11<sup>th</sup> Congress.
- **October 7, 2010** – Dr. Vu sends a petition to the National Assembly<sup>97</sup> entitled, “Recommendations not to hang hammer and sickle flags and other symbols of the Vietnamese Communist Party during the Great Celebration of 1000 years of the capital Thang Long – Hanoi and during other celebrations of the country, the nation and the community.”

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<sup>91</sup> <http://www.nuvuongcongly.net/tin-tuc/ph%E1%BB%8Fng-v%E1%BA%A5n-ts-lu%E1%BA%ADt-cu-huy-ha-vu-32-gi%E1%BB%9D-tr%C6%Bo%E1%BB%9Bc-khi-b%E1%BB%8B-b%E1%BA%Aft-b%E1%BA%B1ng-m%E1%BB%99t-man-k%E1%BB%8Bch-hen-h%E1%BA%A1-va-b%E1%BA%A9n-th%E1%BB%89u/>

<sup>92</sup> <http://exodusforvietnam.wordpress.com/2010/10/27/ph%E1%BB%8Fng-v%E1%BA%A5n-ti%E1%BA%BFn-si-cu-huy-ha-vu/>

<sup>93</sup> <http://www.vietnamexodus.info/vne0508/modules.php?name=News&file=article&sid=5833>

<sup>94</sup> <http://thongtinberlin.net/allg/tscuhuyhavusaugiaodancondaubanandaduyet.htm>

<sup>95</sup> <http://danluan.org/node/6832>

<sup>96</sup> <http://exodusforvietnamauvi.blogspot.com/2010/10/phong-van-tien-si-luat-cu-huy-ha-vu.html>

<sup>97</sup> <http://danluan.org/node/6605>

- **September 11, 2010** – Dr. Vu sends a complaint<sup>98</sup> to Prime Minister Nguyen Tan Dung for signing Decree 136/2006/ND-CP preventing class-action petitions.
- **September 10, 2010** – “Doctor of Law Cu Huy Ha Vu: Multi-party or death”<sup>99</sup> – interview with Dr. Vu by Thomas Viet of *Vietnam Redemptorist News*, republished on *Bauxite Vietnam*.
- **September 6, 2010** – Dr. Vu files a denunciation against Politbureau member Le Thanh Hai, the VCP general secretary of Ho Chi Minh City,<sup>100</sup> for authorizing the confiscation of land from Ms. Duong Thi Kinh for a business development project.
- **August 31, 2010** – Mac Lam of *Radio Free Asia* conducts an interview with Dr. Vu regarding the petition<sup>101</sup> to grant amnesty to all former officials of the Republic of Vietnam that he sent to the National Assembly the day before.
- **August 30, 2010** – Cu Huy Ha Vu’s petition, “Petition to Free All Ex-military and Civilian Officials of the Former Republic of Vietnam, using ‘Vietnam’ as the Country Title for National Reconciliation,”<sup>102</sup> is sent to the National Assembly.
- **June 19, 2010** – “Dr. Cu Huy Ha Vu: from Suing the Prime Minister to Requesting Removal of Article 4 of the Constitution”<sup>103</sup> – Dr. Vu interview with *Voice of America Vietnamese Service*.
- **June 1, 2010** – Dr. Vu calls for the prosecution of Lt. Gen. Vu Hai Trieu of the Ministry of Public Security for allegedly directing cyber-attacks against politically sensitive websites. The document, entitled “A Denunciation and a Proposal to Prosecute Police Lt. Gen. Vu Hai Trieu,”<sup>104</sup> is sent to various government leaders and published on the website Bauxite Vietnam.
- **May 16, 2010** – The website Bauxite Vietnam publishes “An Open Letter to Lt. Gen. Vu Hai Trieu”<sup>105</sup> by Dr. Vu, in which he requests an official response from Lt. Gen. Vu Hai

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<sup>98</sup> <http://danluan.org/node/6402>

<sup>99</sup> <http://boxitvn.blogspot.com/2010/09/tien-si-luat-cu-huy-ha-vu-ang-hay-la.html>

<sup>100</sup> <http://boxitvn.wordpress.com/2010/09/06/hy-d%C6%Boa-ra-vnh-mng-ng%E1%BB%B1a/>

<sup>101</sup> [http://www.rfa.org/vietnamese/in\\_depth/Dr-Cu-Huy-Ha-Vu-proposes-to-National-Assembly-to-grant-amnesty-for-former-officer-regime-MLam-08312010220823.html](http://www.rfa.org/vietnamese/in_depth/Dr-Cu-Huy-Ha-Vu-proposes-to-National-Assembly-to-grant-amnesty-for-former-officer-regime-MLam-08312010220823.html)

<sup>102</sup> <http://www.boxitvn.net/bai/10233>

<sup>103</sup> <http://www.voanews.com/vietnamese/news/vietnam/hanoi-lawyer-vietnam-needs-a-multi-party-system-06-19-2010-96724789.html>

<sup>104</sup> <http://www.boxitvn.net/bai/4862>

<sup>105</sup> <http://boxitvn.wordpress.com/2010/05/17/th%C6%Bo-ng%E1%BB%8F-c%E1%BB%A7a-ts-lu%E1%BA%ADt-cu-huy-ha-vu-g%E1%BB%ADi-trung-t%C6%Bo%E1%BB%9Bng-vu-h%E1%BA%A3i-tri%E1%BB%81u/>

Trieu of the Ministry of Public Security regarding allegations that Lt. Gen. Vu Hai Trieu had directed cyber-attacks against politically sensitive websites.

- **April 29, 2010** – “The Vietnam War and the Day of April 30 in the Eyes of Dr. Cu Huy Ha Vu”<sup>106</sup> – interview with Dr. Vu by *Voice of America Vietnamese Service*.
- **March 23, 2010** – Article by Dr. Vu, “‘Three Un-separate Branches’ Conspire to Harm the People”<sup>107</sup> (Tam quyen nhat lap, dong long hai dan), *Bauxite Vietnam*.
- **February 1, 2010** – “A Multi-party System is a Prerequisite for Preventing Abuse of Power”<sup>108</sup> – interview with Dr. Vu by *Radio Free Asia Vietnamese Service*.
- **January 18, 2010** – Article by Dr. Vu, “Discussing the Multi-Party System,”<sup>109</sup> is published on *BBC Vietnamese Service*.
- **October 13, 2009** – Article by Dr. Vu, “The case in which Ms. Tran Khai Thanh Thuy ‘Deliberately Injures Others’; Signs of ‘Entrapment to Commit Crime’”<sup>110</sup> Originally published on *Bauxite Vietnam* (bauxitevn.info) and reposted on *Dan Luan* and many other websites.
- **August 3, 2009** – “Where Did the Judge of the Court of Da Nang Study Law?”<sup>111</sup> – an interview with Dr. Vu by *Radio Free Asia*.
- **August 1, 2009** – Article by Dr. Vu, “Bring the Unconscious Brig. Gen. Police Tran Van Thanh to Trial: the Judge of Da Nang Court Sets a Record for Human Rights Violations”<sup>112</sup> (*Dua tuong cong an Tran Van Thanh hon me ra xet xu: Chanh an Toa Da Nang lap ky luc vi pham nhan quyen*). Originally published on *Bauxite Vietnam*.
- **July 3, 2009** – Dr. Vu files a lawsuit with the Supreme People’s Court<sup>113</sup> against Prime Minister Nguyen Tan Dung for signing Decision 167/2007/QĐ – TTg dated November 1, 2007 allowing bauxite mining in Vietnam’s Central Highlands.

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<sup>106</sup> <http://www.voanews.com/vietnamese/news/vietnam-war-a-perspective-from-hanoi-4-29-10-92469969.html>

<sup>107</sup> <http://boxitvn.wordpress.com/2010/03/23/%E2%80%99Tam-quyen-nhat-lap%E2%80%99D-dong-long-hai-dan/>

<sup>108</sup> [http://www.rfa.org/vietnamese/in\\_depth/Multiparty-can-fight-the-abuse-of-power-%28part%202%29-Tvan-02012010111424.html](http://www.rfa.org/vietnamese/in_depth/Multiparty-can-fight-the-abuse-of-power-%28part%202%29-Tvan-02012010111424.html)

<sup>109</sup> [http://www.bbc.co.uk/vietnamese/forum/2010/01/100118\\_caotrang\\_chhv.shtml](http://www.bbc.co.uk/vietnamese/forum/2010/01/100118_caotrang_chhv.shtml)

<sup>110</sup> <http://danluan.org/node/2917>

<sup>111</sup> [http://www.rfa.org/vietnamese/in\\_depth/Attorney-at-law-explains-why-judge-seriously-violated-indictee-rights-08032009171446.html](http://www.rfa.org/vietnamese/in_depth/Attorney-at-law-explains-why-judge-seriously-violated-indictee-rights-08032009171446.html)

<sup>112</sup> <http://danlientieng.wordpress.com/2009/08/01/dua-tuong-cong-an-tran-van-thanh-hon-me-ra-xet-xu-chanh-an-toa-da-nang-lap-ky-luc-vi-pham-nhan-quyen/>

<sup>113</sup> [http://viet-studies.info/kinhte/CuHuyHaVu\\_ToaNDTC.pdf](http://viet-studies.info/kinhte/CuHuyHaVu_ToaNDTC.pdf)

- **June 26, 2009** – Article by Dr. Vu “The Prime Minister is the Right Person to be Sued,”<sup>114</sup> on the *BBC Vietnamese Service*.
- **June 11, 2009** – Dr. Vu files a lawsuit with the Hanoi People’s Court<sup>115</sup> against Prime Minister Nguyen Tan Dung for signing Decision 167/2007/QĐ – TTg dated November 1, 2007 allowing bauxite mining in Vietnam’s Central Highlands. The Hanoi People’s Court dismisses the lawsuit on June 19, 2009.
- **April 3, 2007** – Dr. Vu nominates himself for the National Assembly, but he is eliminated from consideration by the party caucus at the neighborhood (to dan pho) level.
- **May 8, 2006** – Dr. Vu files an application to nominate himself for the position of minister of culture.
- **May 19, 2005** – Dr. Vu files a lawsuit against the People’s Committee of Thua Thien-Hue for granting permission for the construction of a resort at the Hue cultural heritage site, Vong Canh hill.

### Timeline of Events Prior to Dr. Vu’s Trial on April 4, 2011

- **April 4, 2011** – Cu Huy Ha Vu’s sister, Cu Thi Xuan Bich, publishes a written statement from her brother. Entitled “Statement from Dr. Cu Huy Ha Vu,”<sup>116</sup> it affirms Cu Huy Ha Vu’s view that he is innocent and that the history, fatherland and the people of Vietnam will clear his case.
- **April 3, 2011** – Bao Long church in Nam Dinh holds a vigil session<sup>117</sup> to pray for Dr. Vu’s freedom; Mennonite pastors including Nguyen Hong Quang and Than Van Truong issue statement in support of Dr. Vu.<sup>118</sup>
- **April 2, 2011** - Thai Ha Redemptorist Church and Ham Long Church in Hanoi hold vigils to pray for Dr. Vu’s freedom;<sup>119</sup> the Pure Hoa Hao Buddhist leader Le Quang Liem issues a public statement supporting Dr. Vu.<sup>120</sup>

<sup>114</sup> [http://www.bbc.co.uk/vietnamese/forum/2009/06/090629\\_cuhuyhavu\\_letter.shtml](http://www.bbc.co.uk/vietnamese/forum/2009/06/090629_cuhuyhavu_letter.shtml)

<sup>115</sup> <http://danluan.org/node/6944>

<sup>116</sup> <http://chhv.wordpress.com/2011/04/04/l%C6%A1%CC%80i-tuyen-bo%CC%81-cu%CC%89a-ts-lu%E1%BA%ADt-cu-huy-ha-vu/>

<sup>117</sup> <http://chhv.wordpress.com/2011/04/04/giao-x%E1%BB%A9-b%E1%BA%A3o-long-thanh-ph%E1%BB%91-nam-d%E1%BB%8Bnh-hi%E1%BB%87p-thong-c%E1%BA%A7u-nguy%E1%BB%87n-cho-ti%E1%BA%BFn-s%E1%BB%B9-lu%E1%BA%ADt-cu-huy-ha-vu-va-cho-cong-ly-s%E1%BB%B1-th/>

<sup>118</sup> <http://chhv.wordpress.com/2011/04/03/giao-h%E1%BB%99i-tin-lanh-mennonite-len-ti%E1%BA%BFng-hi%E1%BB%87p-thong-cung-ts-cu-huy-ha-vu/>

<sup>119</sup> <http://jbnghuyenhuuvinh.wordpress.com/2011/04/03/r%E1%BB%B1c-sang-anh-l%E1%BB%ADa-c%E1%BA%A7u-nguy%E1%BB%87n-cho-t%E1%BB%95-qu%E1%BB%91c-cho-s%E1%BB%B1-th%E1%BA%ADt-cong-ly-va-ts-lu%E1%BA%ADt-cu-huy-ha-vu/>

<sup>120</sup> <http://chhv.wordpress.com/2011/04/02/l%E1%BB%9Di-keu-g%E1%BB%8Di-v%E1%BB%81-v%E1%BB%A5-an-cu-huy-ha-vu-c%E1%BB%A7a-c%E1%BB%A5-le-quang-liem/>

- **April 1, 2011** – the Hanoi People’s Court sends an official notice to Dr. Vu’s wife, allowing her to attend the trial of her husband; attorney Le Quoc Quan publishes an article<sup>121</sup> in defense of Dr. Vu.
- **March 31, 2011** – Foreign Ministry official announces that only two foreign journalists<sup>122</sup> will be allowed to attend the trial of Dr. Vu on April 4.
- **March 30, 2011** - blogger Vu Dong Ha publishes an entry entitled “V Day – Belief and Act”<sup>123</sup> (*Ngay V - Niem tin va hanh dong*) urging people to support Dr. Vu in numerous ways.
- **March 29, 2011** – Thai Ha Parish in Hanoi announces that it will hold two vigils on April 2 and April 3 to pray for Dr. Vu.<sup>124</sup>
- **March 27, 2011** – Vuong Thi Thanh, the defense lawyer of Dr. Vu, sends a request to the Hanoi People’s Court,<sup>125</sup> asking that the court solve a number of issues before the trial opens on April 4.
- **March 25, 2011** – Bloc 8406 publishes an announcement in support of Dr. Vu.<sup>126</sup>
- **March 24, 2011** – Catholic villagers of Con Dau Parish,<sup>127</sup> Da Nang, fly to Hanoi to visit Dr. Vu’s wife Nguyen Thi Duong Ha.
- **March 23, 2011** – Ha Huy Son, defense lawyer of Dr. Vu, sends a document to the Hanoi People’s Court,<sup>128</sup> requesting the participation of President Nguyen Minh Triet, Lt. Gen. Hoang Kong Tu and Ho Le Nhu Quynh in the legal proceedings; A resident of Rach Dua ward, Vung Tau, submits a petition to various government offices calling for the release of Dr. Vu.<sup>129</sup>

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<sup>121</sup> <http://lequocquan.blogspot.com/2011/04/loi-bao-chua-cho-tien-sy-luat-cu-huy-ha.html>

<sup>122</sup> <http://www.voanews.com/vietnamese/news/vietnam/vietnam-ha-vu-trial-03-31-2011-118983294.html>

<sup>123</sup> <http://danbaovn.blogspot.com/2011/03/ngay-v-niem-tin-va-hanh-ong.html>

<sup>124</sup> [http://www.giaoxuthaiha.org/index.php?option=com\\_content&view=article&id=111:kinh-mi-n-tham-hip-dang-thanh-l-va-hip-thong-thp-nn-cu-nguyn-cho-cong-ly-va-s-tht-vao-ti-th-by-va-ti-chua-nht-2-3-042011-ti-n-c-m-thai-ha-ha-ni&catid=3:tin-giao-xu&Itemid=2](http://www.giaoxuthaiha.org/index.php?option=com_content&view=article&id=111:kinh-mi-n-tham-hip-dang-thanh-l-va-hip-thong-thp-nn-cu-nguyn-cho-cong-ly-va-s-tht-vao-ti-th-by-va-ti-chua-nht-2-3-042011-ti-n-c-m-thai-ha-ha-ni&catid=3:tin-giao-xu&Itemid=2)

<sup>125</sup> <http://chhv.wordpress.com/2011/03/27/yeu-c%E1%BA%A7u-toa-an-gi%E1%BA%A3i-quy%E1%BA%Bft-m%E1%BB%99t-s%E1%BB%91-v%E1%BA%A5n-d%E1%BB%81-tr%C6%Bo%E1%BB%9Bc-khi-m%E1%BB%9F-phien-toa-hinh-s%E1%BB%B1-s%C6%A1-th%E1%BA%A9m-xet-x%E1%BB%AD-ts-cu-hu/>

<sup>126</sup> <http://chhv.wordpress.com/2011/03/25/kh%E1%BB%91i-8406-tuyen-b%E1%BB%91-nhan-phien-toa-x%E1%BB%AD-an-lu%E1%BA%ADt-s%C6%Bo-cu-huy-ha-vu-ngay-04-04-2011/>

<sup>127</sup> <http://chhv.wordpress.com/2011/03/24/giao-dan-c%E1%BB%93n-d%E1%BA%A7u-tham-ch%E1%BB%8B-d%C6%Bo%C6%A1ng-ha/>

<sup>128</sup> <http://www.boxitvn.net/bai/19062>

<sup>129</sup> <http://chhv.wordpress.com/2011/03/23/ngo-th%E1%BB%8B-h%E1%BB%93ng-lam-d%C6%A1n-th%E1%BB%89nh-c%E1%BA%A7u-tr%E1%BA%A3-t%E1%BB%B1-do-cho-cong-dan-cu-huy-ha-vu/>

- **March 22, 2011** – Former Editor-in-Chief of *Lao Dong* (Labor) newspaper Tong Van Cong writes a poem dedicated to Dr. Vu and his wife;<sup>130</sup> Catholic villagers from Con Dau Parish,<sup>131</sup> Da Nang, send a letter to express their solidarity with Dr. Vu.
- **March 21, 2011** – The Hanoi People’s Court decides to postpone the trial date<sup>132</sup> from March 24 to April 4, 2011; the police of Dien Bien ward confiscate flower bouquets<sup>133</sup> sent to the Cu Huy Ha Vu Law Firm.
- **March 20, 2011** – Blogger Tran Dong Duc campaigns for “A day for Cu Huy Ha Vu”<sup>134</sup>; A song entitled “I love my Fatherland”<sup>135</sup> (Toi yeu To quoc toi) composed by Nghiem Thai Hoa is dedicated to Dr. Vu.
- **March 19, 2011** – Blogger Bui Thanh Hieu (Wind Merchant) publishes a detailed map and description of the neighborhood of the Hanoi People’s Court.<sup>136</sup>
- **March 17, 2011** – Dr. Vu’s wife Nguyen Thi Duong Ha submits a second request<sup>137</sup> to have Dr. Vu’s health examined and treated.
- **March 16, 2011** – *Thanh Nien* (Youth) newspaper publishes information that the trial of Dr. Vu will be an open trial.<sup>138</sup>
- **March 15, 2011** – The Environmental Defender Law Center publishes an amicus brief sent to the Hanoi People’s Court<sup>139</sup> requesting the immediate release of Dr. Vu; the Catholic website *Nu Vuong Cong Ly* publishes a letter<sup>140</sup> urging its readers to support Dr. Vu.
- **March 14, 2011** – Blogger Kami publishes an entry entitled “What One Should Do on the Trial day of Mr. Cu Huy Ha Vu?”<sup>141</sup> urging people to go to the court; Dr. Vu’s sister Cu Thi

<sup>130</sup> <http://chhv.wordpress.com/2011/03/22/t%E1%BB%91ng-van-cong-ca-ng%E1%BB%A3i/>

<sup>131</sup> <http://chhv.wordpress.com/2011/03/22/n%E1%BA%A1n-nhan-c%E1%BB%93n-d%E1%BA%A7u-g%E1%BB%9Fi-th%C6%Bo-hi%E1%BB%87p-thong-v%E1%BB%9Bi-ts-cu-huy-ha-vu/>

<sup>132</sup> <http://chhv.wordpress.com/2011/03/21/hoan-x%E1%BB%AD-v%E1%BB%A5-cu-huy-ha-vu-sang-thang-4/>

<sup>133</sup> <http://chhv.wordpress.com/2011/03/21/ng%C6%Bo%E1%BB%9Di-buon-gio-cong-an-ph%C6%Bo%E1%BB%9Dng-di%E1%BB%87n-bien-t%E1%BB%8Bch-thu-hoa-c%E1%BB%A7a-nha-ch%E1%BB%8B-d%C6%Bo%C6%A1ng-ha/>

<sup>134</sup> <http://www.rfvietnam.com/node/481>

<sup>135</sup> <http://www.boxitvn.net/bai/18777>

<sup>136</sup> <http://nguoibuongio1972.multiply.com/journal/item/258/258>

<sup>137</sup> <http://chhv.wordpress.com/2011/03/17/d%C6%A1n-d%E1%BB%81-ngh%E1%BB%8B-d%C6%Bo%E1%BB%A3c-kham-va-ch%E1%BB%Afa-b%E1%BB%87nh-cho-ong-cu-huy-ha-vu/>

<sup>138</sup> <http://www.baomoi.com/Home/PhapLuat/www.thanhnien.com.vn/Xet-xu-cong-khai-vu-Cu-Huy-Ha-Vu/5877488.epi>

<sup>139</sup> <http://chhv.wordpress.com/2011/03/15/trung-tam-lu%E1%BA%ADt-b%E1%BA%A3o-v%E1%BB%87-moi-tr%C6%Bo%E1%BB%9Dng-edlc-ti%E1%BA%BFp-t%E1%BB%A5c-yeu-c%E1%BA%A7u-chinh-quy%E1%BB%81n-vi%E1%BB%87t-nam-tr%E1%BA%A3-t%E1%BB%B1-do-cho-ong-cu-huy-ha-v/>

<sup>140</sup> <http://www.nuvuongcongly.net/tin-tuc/th%C6%Bo-c%E1%BB%A7a-ba-cu-th%E1%BB%8B-xuan-bich-em-gai-ong-cu-huy-ha-vu/>

<sup>141</sup> <http://rfvietnam.com/node/464>

Xuan Bich publishes an open letter to all Vietnamese,<sup>142</sup> affirming that her brother has not violated any law and that everything he did was for the interest of the nation.

- **March 13, 2011** – Veteran Nguyen Tuong Thuy of Vinh Quynh commune, Thanh Tri district, Hanoi submits a petition to various government offices<sup>143</sup> asking for Dr. Vu to be released.
- **March 12, 2011** – Dr. Vu’s wife Nguyen Thi Duong Ha submits her complaint a second time<sup>144</sup> regarding the revoking of permission to defend her husband.
- **March 10, 2011** – Attorney at Law Nguyen Xuan Phuoc sends a “Complaint of Arbitrary Detention of Cu Huy Ha Vu to the United Nations’ Working Group on Arbitrary Detention.”<sup>145</sup>
- **March 1, 2011** – Dr. Vu’ sister, Cu Thi Xuan Bich, submits a request to the Hanoi People’s Court demanding a response to her application<sup>146</sup> for Dr. Vu to be conditionally released (*duoc tai ngoa*), submitted on November 6 and December 30, 2010.
- **February 20, 2011** - Dr. Vu’s wife Nguyen Thi Duong Ha submits a complaint regarding the revoking of permission<sup>147</sup> to defend her husband.
- **February 18, 2011** – The Hanoi People’s Court revokes the permission of the lawyer Nguyen Thi Duong Ha<sup>148</sup> to defend Dr. Vu. According to the court, Ms. Duong Ha “abuses the practice of law and uses information to negatively affect national security and infringe upon the interests of the state.” The document cited by the court as evidence of Ms. Duong Ha’s abuse of the practice of law is (the publication of) Dr. Vu’s letter dated January 18, 2011 (see January 18).
- **February 7, 2011** – Maj. Gen. Nguyen Trong Vinh expresses support for Dr. Vu<sup>149</sup> during a conversation with *Bauxite Vietnam* co-founder Pham Toan.

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<sup>142</sup> <http://chhv.wordpress.com/2011/03/14/th%C6%Bo-c%E1%BB%A7a-cu-th%E1%BB%8B-xuan-bich-em-cu-huy-ha-vu-g%E1%BB%ADi-c%E1%BB%99ng-d%E1%BB%93ng-dan-t%E1%BB%99c-vn/>

<sup>143</sup> <http://chhv.wordpress.com/2011/03/14/d%C6%A1n-xin-tr%E1%BA%A3-t%E1%BB%B1-do-cho-ong-cu-huy-ha-vu/>

<sup>144</sup> <http://chhv.wordpress.com/2011/03/14/ls-d%C6%Bo%C6%A1ng-ha-khi%E1%BA%BFu-n%E1%BA%A1i-vv-khong-d%C6%Bo%E1%BB%A3c-bao-ch%E1%BB%Afa-cho-ch%E1%BB%93ng/>

<sup>145</sup> <http://chhv.wordpress.com/2011/03/13/h%E1%BB%93-s%C6%A1-khi%E1%BA%BFu-n%E1%BA%A1i-t%E1%BB%9Bi-%E1%BB%A7y-ban-d%E1%BA%B7c-trach-nhan-quy%E1%BB%81n-lien-hi%E1%BB%87p-qu%E1%BB%91c/>

<sup>146</sup> <http://chhv.wordpress.com/2011/03/01/yeu-c%E1%BA%A7u-toa-ha-n%E1%BB%99i-tr%E1%BA%A3-l%E1%BB%9Di-d%C6%A1n-b%E1%BA%A3o-linh/>

<sup>147</sup> <http://chhv.wordpress.com/2011/03/14/ls-d%C6%Bo%C6%A1ng-ha-khi%E1%BA%BFu-n%E1%BA%A1i-vv-khong-d%C6%Bo%E1%BB%A3c-bao-ch%E1%BB%Afa-cho-ch%E1%BB%93ng/>

<sup>148</sup> <http://chhv.wordpress.com/2011/03/14/ls-d%C6%Bo%C6%A1ng-ha-khi%E1%BA%BFu-n%E1%BA%A1i-vv-khong-d%C6%Bo%E1%BB%A3c-bao-ch%E1%BB%Afa-cho-ch%E1%BB%93ng/>

<sup>149</sup> <http://www.dienan.org/viet-nam/ngay-111au-xuan-cu-nguyen-trong-vinh-nhan-xet-cu-huy-ha-vu/>



- **January 31, 2011** – The website *Dan Luan* publishes the indictment of Dr. Vu<sup>150</sup> by the Hanoi People’s Procuracy dated December 17, 2010. *Dan Luan* does not disclose its source of information.
- **January 27, 2011** – Nguyen Thi Duong Ha sends a request to the Ministry of Public Security to demand a response to her requests<sup>151</sup> submitted on November 8, 2010 and on December 5, 2010.
- **January 18, 2011** – From B14 Detention Center in Hanoi, Dr. Vu sends a public letter<sup>152</sup> reconfirming three main points 1) he rejects the [Party’s] equation of socialism to the Fatherland; 2) he advocates for a multi-party system; and 3) he supports a military alliance between Vietnam and the United States.
- **January 18, 2011** – Blogger Bui Thanh Hieu (who blogs under the name Wind Merchant) sends an open letter to the Vietnamese-language services of *Radio Free Asia* and *Voice of America*, requesting a public response from the two radio stations<sup>153</sup> to Dr. Vu’s request that they participate in the legal proceedings as parties with interests and duties related to the case of Dr. Vu.
- **January 15, 2011** - From B14 Detention Center in Hanoi Dr. Vu sends a request to the newspaper *Cong An Nhan Dan*,<sup>154</sup> demanding a public apology for slandering him.
- **January 15, 2011** – journalist Pham Tran sends a proposal to the Cu Huy Ha Vu Law Firm to offer to serve as a witness in the case<sup>155</sup> based on the premise that he conducted four interviews with Dr. Vu on behalf of Saigon Broadcasting Television Network.
- **January 13, 2011** – The website Bauxite Vietnam sends a petition to the leaders of the Vietnamese Communist Party and the Socialist Republic of Vietnam asking<sup>156</sup> 1) for Dr. Vu to be conditionally released (*duoc tai ngoai*); and 2) for Dr. Vu to be tried openly and fairly.

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<sup>150</sup> <http://danluan.org/node/6730>

<sup>151</sup> <http://boxitvn.wordpress.com/2011/01/28/you-c%E1%BA%A7u-tr%E1%BA%A3-l%E1%BB%9Di-hai-d%C6%A1n-t%E1%BB%91-co/>

<sup>152</sup> <http://danluan.org/node/7598>

<sup>153</sup> <http://nguoibuongio1972.multiply.com/journal/item/216/216>

<sup>154</sup> <http://chhv.wordpress.com/2011/01/16/vpls-cu-huy-ha-vu-yeu-c%E1%BA%A7u-bao-cong-an-nhan-dan-xin-l%E1%BB%97i-vi-vu-cao/>

<sup>155</sup> <http://boxitvn.wordpress.com/2011/01/15/nh-bo-ph%E1%BA%A1m-tr%E1%BA%A7n-cng-dn-hoa-k%E1%BB%B3-d%E1%BB%81-ngh%E1%BB%8B-d%C6%B0%E1%BB%A3c-tham-gia-t%E1%BB%91-t%E1%BB%A5ng-trong-v%E1%BB%A5-n-c-hu/>

<sup>156</sup> <http://boxitvn.wordpress.com/2011/01/13/l%E1%BB%9Di-khuyn-chn-tnh/#more-18883>

- **January 13, 2011**- Blogger Nguyen Ngoc Nhu Quynh (a.k.a Mother Mushroom) sends a collective letter with names, addresses, and signatures of many individuals to<sup>157</sup> the Vietnamese-language services of Radio Free Asia and Voice of America requesting a public response from the two radio stations<sup>158</sup> to Dr. Vu's request for their participation in the legal proceedings (*tham gia to tung*) as a party who has interests and duties related to the case of Dr. Vu.
- **January 12, 2011** – Cu Huy Ha Vu Law Firm sends a request on behalf of Dr. Vu<sup>159</sup> from B14 Detention Center to the Hanoi People's Court, reconfirming his innocence, demanding the termination of his prosecution, and his immediate release.
- **January 5, 2011** – Lawyer Nguyen Thi Duong Ha gives an interview on a Vietnamese overseas website DCVOnline.net<sup>160</sup> about the case of Dr. Vu.
- **January 3, 2011** - Blogger Nguyen Ngoc Nhu Quynh (Mother Mushroom) sends an open letter to the Vietnamese-language services of Radio Free Asia and Voice of America, requesting a public response from the two radio stations<sup>161</sup> to Dr. Vu's request for their participation in the legal proceedings as parties who have interests and duties related to the case of Dr. Vu; Catholic priest Nguyen Huu Giai of An Bang parish in Hue prays<sup>162</sup> in communion with Dr. Vu.
- **January 2, 2011** – Journalist Nguyen Thi Tram Oanh sends her consent to participate in Dr. Vu's legal proceedings<sup>163</sup> to Cu Huy Ha Vu Law Firm. Nguyen Thi Tram Oanh is a member of Journalists without Borders, Germany (*Reporter ohne Grenzen*) and a journalist with the US-based online website *Vietnam Exodus* and the US-based *The gioi Ngay nay* (World Today) magazine.
- **December 30, 2010** - Cu Huy Ha Vu Law Firm sends a proposal on behalf of Dr. Vu to *Radio Free Asia* asking for its participation<sup>164</sup> in the legal proceedings as a party who has interests and duties related to the case of Dr. Vu based on the premise that *Radio Free Asia* was listed in Dr. Vu's indictment.

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<sup>157</sup> <http://www.rfa.org/vietnamese/programs/ListenerForum/listener-s-forum-01-13-2011-mlam-01142011032512.html>

<sup>158</sup> <http://menamo.multiply.com/journal/item/421/421>

<sup>159</sup> <http://www.boxitvn.net/bai/16010>

<sup>160</sup> <http://chhv.wordpress.com/2011/01/08/lu%E1%BA%ADt-s%C6%B0-d%C6%B0C6%A1ng-ha-ch%C6%B0a-nh%E1%BA%ADn-d%C6%B0E1%BB%A3c-tr%E1%BA%A3-l%E1%BB%9Di-tham-gia-t%E1%BB%91-t%E1%BB%A5ng/>

<sup>161</sup> <http://menamo.multiply.com/journal/item/415/415>

<sup>162</sup> <http://chhv.wordpress.com/2011/01/03/hi%E1%BB%87p-thong-c%E1%BA%A7u-nguy%E1%BB%87n-cho-ti%E1%BA%BFn-si-cu-huy-ha-vu/#more-1337>

<sup>163</sup> <http://chhv.wordpress.com/2011/01/03/tram-oanh-nh%E1%BA%ADn-l%E1%BB%9Di-tham-gia-t%E1%BB%91-t%E1%BB%A5ng/>

<sup>164</sup> <http://boxitvn.wordpress.com/2011/01/01/b%E1%BB%91n-van-b%E1%BA%A3n-v%E1%BB%81-vi%E1%BB%87c-d%E1%BB%81-ngh%E1%BB%8B-di-chu-t%E1%BB%B1-do-v-b-trm-oanh-phng-vin-bo-khocir/>

- **December 30, 2010** - Cu Huy Ha Vu Law Firm sends a proposal on behalf of Dr. Vu to Nguyen Thi Tram Oanh,<sup>165</sup> a member of *Reporter ohne Grenzen*, asking for her participation in the legal proceedings as a party who has interests and duties related to the case of Dr. Vu based on the premise that Nguyen Thi Tram Oanh was listed in Dr. Vu's indictment.
- **December 30, 2010** – Dr. Vu's wife, Nguyen Thi Duong Ha, and his sister, Cu Thi Xuan Bich, file a second application for him to be conditionally released<sup>166</sup> while awaiting his trial.
- **December 28, 2010** - Cu Huy Ha Vu Law Firm sends a proposal on behalf of Dr. Vu to the President of Vietnam, Nguyen Minh Triet, asking for his participation in the legal proceedings of Dr. Vu's case<sup>167</sup> based on the premise that Dr. Vu was prosecuted for “propagandizing against the state of Socialist Republic of Vietnam” and thus President Nguyen Minh Triet as the head of state should represent the plaintiff in the case against defendant Cu Huy Ha Vu.
- **December 27, 2010** – From B14 Detention Center, Dr. Vu sends a proposal to *Voice of America*,<sup>168</sup> asking for its participation in the legal proceedings as a party who has interests and duties related to the case of Dr. Vu based on the premise that *Voice of America* was listed in Dr. Vu's indictment.
- **December 21, 2010** – The Hanoi People's Court approves Nguyen Thi Duong Ha as defense lawyer for her husband.<sup>169</sup>
- **December 17, 2010** – The Hanoi People's Procuracy completes the indictment of Cu Huy Ha Vu<sup>170</sup> on charges of “propagandizing against the state of Socialist Republic of Vietnam.”
- **December 12, 2010** – Dr. Vu's younger sister, Cu Thi Xuan Bich, and his aunt-in-law, Dang Thi Kim Hoan, send their requests a second time to Lt. Gen. Huu Uoc, editor-in-chief of the police newspaper *Cong An Nhan Dan* to demand an apology and correction<sup>171</sup> for slandering Dr. Vu and violating his privacy.

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<sup>165</sup> <http://boxitvn.wordpress.com/2011/01/01/b%E1%BB%91n-van-b%E1%BA%A3n-v%E1%BB%81-vi%E1%BB%87c-d%E1%BB%81-ngh%E1%BB%8B-di-chu-t%E1%BB%B1-do-v-b-trm-oanh-phng-vin-bo-khocir/>

<sup>166</sup> <http://danluan.org/node/7407>

<sup>167</sup> <http://danluan.org/node/7385>

<sup>168</sup> <http://danluan.org/node/7385>

<sup>169</sup> <http://boxitvn.blogspot.com/2010/12/ba-van-ban-lien-quan-en-vu-tien-si-cu.html#more>

<sup>170</sup> <http://chhv.wordpress.com/2010/12/17/hoan-t%E1%BA%A5t-cao-tr%E1%BA%A1ng-truy-t%E1%BB%91-ong-cu-huy-ha-vu/>

<sup>171</sup> <http://chhv.wordpress.com/2010/12/14/ba-cu-th%E1%BB%8B-xuan-bich-va-ba-d%E1%BA%B7ng-th%E1%BB%8B-kim-hoan-yeu-c%E1%BA%A7u-bao-an-ninh-th%E1%BA%BF-gi%E1%BB%9Bi-xin-l%E1%BB%97i-va-c%E1%BA%A3i-chinh-thong-tin-v%E1%BB%81-ti%E1%BA%BFn-si-lu/>

- **December 5, 2010** – Dr. Vu’s wife, Nguyen Thi Duong Ha, sends a request to the Supreme People’s Procuracy<sup>172</sup> affirming Dr. Vu’s innocence and urging that the case be dropped and Dr. Vu released.
- **December 5, 2010** – Dr. Vu’s wife, Nguyen Thi Duong Ha, sends a request to the National Assembly<sup>173</sup> calling for the release of Dr. Vu.
- **November 25, 2010** – Dr. Vu’s uncle, Cu Huy Thuoc, sends a request to the President of the Socialist Republic of Vietnam,<sup>174</sup> asking for Nguyen Thi Duong Ha to be allowed to visit her husband, Dr. Vu.
- **November 23, 2010** – Cu Huy Ha Vu Law Firm sends its second request for the approval of lawyer Nguyen Thi Duong Ha and lawyer Tran Dinh Trien<sup>175</sup> as the defense lawyers for Dr. Vu.
- **November 21, 2010** – Dr. Vu’s wife, Nguyen Thi Duong Ha, sends a denunciation to Minister Le Hong Anh of the Ministry of Public Security<sup>176</sup> denouncing the head of the Security Investigation Agency for violating Dr. Vu’s right to have legal representation; she demands a response to her complaints.
- **November 19, 2010** - From B14 Detention Center in Hanoi, Dr. Vu sends a letter inviting his uncle Cu Huy Chu to represent him as a legal advocate<sup>177</sup> (*nguoì bao chua*).
- **November 16, 2010** – Dr. Vu’s aunt-in-law, Dang Thi Kim Hoan, sends a request to Lt. Gen. Huu Uoc, editor-in-chief of the police newspaper *Cong An Nhan Dan*,<sup>178</sup> to demand an apology for publishing an article that slandered Dr. Vu and violated his privacy.
- **November 15, 2010** – Dr. Vu’s uncle, Cu Huy Thuoc, sends a request to the Ministry of Public Security,<sup>179</sup> requesting that the Security Investigation Agency inform the family about the condition of Dr. Vu and where he is being detained so that the family can visit him.

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<sup>172</sup> <http://danluan.org/node/7217>

<sup>173</sup> <http://danluan.org/node/7233>

<sup>174</sup> <http://chhv.wordpress.com/2010/11/26/d%C6%A1n-c%E1%BB%A7a-ong-cu-huy-th%C6%Bo%E1%BB%9Bc-d%E1%BB%81-ngh%E1%BB%8B-d%C6%Bo%E1%BB%A3c-tham-ti%E1%BA%BFn-si-lu%E1%BA%ADt-cu-huy-ha-vu/>

<sup>175</sup> <http://www.boxitvn.net/bai/14088>

<sup>176</sup> <http://boxitvn.wordpress.com/2010/11/22/d%C6%A1n-t%E1%BB%91-co-c%E1%BB%A7a-lu%E1%BA%ADt-s%C6%Bo-nguy%E1%BB%85n-th%E1%BB%8B-d%C6%Bo%C6%A1ng-h-v%E1%BB%A3-c%E1%BB%A7a-ti%E1%BA%BFn-si-lu%E1%BA%ADt-c-huy-h-vu-2/>

<sup>177</sup> <http://chhv.wordpress.com/2010/11/24/d%C6%A1n-c%E1%BB%A7a-lu%E1%BA%ADt-s%C6%Bo-nguy%E1%BB%85n-th%E1%BB%8B-d%C6%Bo%C6%A1ng-ha-va-d%C6%A1n-c%E1%BB%A7a-ti%E1%BA%BFn-si-lu%E1%BA%ADt-cu-huy-ha-vu-g%E1%BB%ADi-c%C6%A1-quan-an-ninh-di%E1%BB%81u/>

<sup>178</sup> <http://boxitvn.wordpress.com/2010/11/18/d%C6%A1n-c%E1%BB%A7a-b-d%E1%BA%B7ng-th%E1%BB%8B-kim-hon-emu-du-nh-th%C6%A1-xun-di%E1%BB%87u-yu-c%E1%BA%A7u-bo-an-ninh-th%E1%BA%BF-gi%E1%BB%9Bi-xin/>

<sup>179</sup> <http://boxitvn.wordpress.com/2010/11/16/d%C6%A1n-c%E1%BB%A7a-ng-c-huy-th%C6%Bo%E1%BB%9Bc-ch-ru%E1%BB%9gt-ti%E1%BA%BFn-si-lu%E1%BA%ADt-c-huy-h-vu/>

- **November 12, 2010** – Col. Nguyen Ngoc Phi of the Ministry of Public Security sends an official response to Dr. Vu’s wife,<sup>180</sup> Nguyen Thi Duong Ha, acknowledging receipt of her November 6, 2010 application for Dr. Vu to be conditionally released (*duoc tai ngoai*) pending investigation and her November 7, 2010 request to represent him.
- **November 8, 2010** – Dr. Vu’s wife, Nguyen Thi Duong Ha, sends an “Urgent Denunciation”<sup>181</sup> (*don to cao khan cap*) to the president of the Socialist Republic of Vietnam regarding serious violations committed by the police during the arrest of her husband as well as during the search of their house.
- **November 7, 2010** – Dr. Vu’s wife Nguyen Thi Duong Ha applies for permission<sup>182</sup> to be the defense lawyer for her husband.
- **November 6, 2010** – Dr. Vu’s wife, Nguyen Thi Duong Ha, and his sister, Cu Thi Xuan Bich, file an application for him to be conditionally released<sup>183</sup> (*duoc tai ngoai*).
- **November 5, 2010** – The webpage Cu Huy Ha Vu<sup>184</sup> is established on WordPress to post documents related to his case.

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<sup>180</sup> <http://danluan.org/node/7107>

<sup>181</sup> <http://boxitvn.wordpress.com/2010/11/09/d%C6%A1n-t%E1%BB%91-co-c%E1%BB%A7a-lu%E1%BA%ADt-s%C6%Bo-nguy%E1%BB%85n-th%E1%BB%8B-d%C6%Bo%C6%A1ng-h-v%E1%BB%A3-c%E1%BB%A7a-ti%E1%BA%BFn-si-lu%E1%BA%ADt-c-huy-h-vu/>

<sup>182</sup> <http://chhv.wordpress.com/2010/11/10/v%E1%BB%A3-ong-cu-huy-ha-vu-tham-gia-bao-ch%E1%BB%Afa-cho-ch%E1%BB%93ng/#more-39>

<sup>183</sup> <http://chhv.wordpress.com/2010/11/13/hai-la-d%C6%A1n-c%E1%BB%A7a-lu%E1%BA%ADt-s%C6%Bo-nguy%E1%BB%85n-th%E1%BB%8B-d%C6%Bo%C6%A1ng-ha-v%E1%BB%A3-c%E1%BB%A7a-ti%E1%BA%BFn-si-lu%E1%BA%ADt-cu-huy-ha-vu/>

<sup>184</sup> <http://chhv.wordpress.com/>

## Appendix C: Indictment of Dr. Vu

[Published on *Dan Luan*<sup>185</sup> on January 31, 2011]

The Hanoi People's Procuracy  
No. 18/CT-VKS-P2

Socialist Republic of Vietnam  
Independence-Freedom-Happiness  
Hanoi, December 17, 2010

### INDICTMENT

#### Chief Procurator, Hanoi People's Procuracy

- Based on articles numbers 36, 166, 167 of the Criminal Procedure Code.
- Based on the Decision to prosecute the criminal case No. 12/ANDT dated November 9, 2010 by the Security Investigation Agency of the Ministry of Public Security against the crime of propagandizing against the state of the Socialist Republic of Vietnam, stipulated in Article 88 of the Penal Code.
- Based on the Decision No. 01/KSDT – V2 dated November 11, 2010, by the Supreme People's Procuracy, to hand over the case "Cu Huy Ha Vu committed the crime of propagandizing against the state of the Socialist Republic of Vietnam" to the Security Investigation Agency under the Hanoi Municipal Department of Public Security to conduct an investigation in accordance with their authority.
- Based on the decision to prosecute the accused No. 65 dated November 12, 2010 of the Security Investigation Agency, under the Hanoi Municipal Department of Public Security against Cu Huy Ha Vu for the crime of propagandizing against the state of the Socialist Republic of Vietnam, stipulated in Article 88 of the Penal Code.

#### **Based on the investigation results, concludes the following:**

On October 21, 2010, the Department of Information and Communications of Hanoi sent an official correspondence to the Hanoi Municipal Department of Public Security, requesting to conduct an investigation to follow up on findings that an individual self-claimed to be Cu Huy Ha Vu had given interviews on the Internet, whose contents called for the elimination of the leading role of the Vietnamese Communist Party, the removal of Article 4 of the Constitution of the Socialist Republic of Vietnam, and a multi-party, plural political system; and which distorted the course of resistance by the Vietnamese people against the invading US imperialists.

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<sup>185</sup> <http://danluan.org/node/6730>

At 12:05 a.m. on November 5, 2010, after receiving a public tipoff regarding activities of prostitution and drug use taking place in room No. 101 of the Mach Lam hotel, located at No. 10, Street 28, Ward 11, District 6, Ho Chi Minh City, the public security forces of Ward 11, District 6, Ho Chi Minh City conducted an administrative inspection and found a couple inside the room without a marriage certificate. A check of their personal identification papers confirmed the two were Cu Huy Ha Vu and Ho Le Nhu Quynh. Cu Huy Ha Vu's belongings were inspected and found to consist of 212,231,000 dong; 1 laptop and 2 USBs. The ward public security officers took both subjects to the station for further clarification.

At the ward's Public Security station, inspection of Cu Huy Ha Vu's laptop and his two USBs revealed that they contained 40 documents, some written or responded to in interviews by Vu himself, whose contents called for the elimination of the leading role of the Vietnamese Communist Party, the removal of Article 4 of the Constitution of the Socialist Republic of Vietnam, and a multi-party, plural political system; and which distorted the course of resistance by the Vietnamese people against the invading US imperialists. Public Security officers of Ward 11 reported and transferred the whole case file to the Security Investigation Agency of the Ministry of Public Security for processing.

Based on the above-mentioned initial findings, on November 5, 2010, the Security Investigation Agency of the Ministry of Public Security conducted a search at Cu Huy Ha Vu's residence located at 24 Dien Bien Phu road, Ba Dinh district, Hanoi and seized numerous documents, including those with the content against the state of the Socialist Republic of Vietnam. As a result, on November 5, 2010, the Security Investigation Agency of the Ministry of Public Security issued the decision of detention; on November 9, 2010, issued the decision to prosecute the case; on November 11, 2010, the Supreme People's Procuracy issued the decision to hand over the case to the Security Investigation Agency of Hanoi Municipal Department of Public Security for investigation, in accordance with its authority, and on November 12, 2010, the Security Investigation Agency of Hanoi Municipal Department of Public Security issued the decision to prosecute Cu Huy Ha Vu for propagandizing against the state of the Socialist Republic of Vietnam for further investigation (Case Document numbers 51, 52, 53, 54, 82, 83, 84, 90, 91, 92, 122, 123).

At the Investigation Agency, Cu Huy Ha Vu acknowledged that: among the seized documents, there are essays he wrote and interviews that were conducted by Voice of America (VOA) and Radio Free Asia (RFA), having the content of calling for a multi-party, plural political system and the removal of Article 4 of the Constitution; and other reference material Vu gathered from the Internet to use for his writing. As for the given interviews, the foreign-based reporters contacted Vu by phone and informed him of the queries so that Vu could prepare

his response in advance, then the interview was conducted. Before release on the Internet, the reporter sent the interview content for Vu's approval. After that, Vu re-typed the content of the interviews and saved them on his laptop. Vu's writings that were stored at his home and published on the Internet through the website "Bauxite Vietnam" include:

- The interview, "A Multi-party System is a Prerequisite for Preventing Abuse of Authority," which Vu gave to Radio Free Asia (RFA) on February 1, 2010,<sup>186</sup> during which he distorted and slandered the government with words such as: "at present, in Vietnam, the budget is being used in a careless manner, and large sums from the state budget are even being used for Mafia-type affairs.... In order to take disciplinary measures against these broad-day-light robbers, I, Cu Huy Ha Vu, confirm: The only way is to have a multi-party system in Vietnam," (Case Document numbers 141, 148, 227 to 237, 255).
- The interview, "The Vietnam War and the Day of April 30 in the Eyes of Dr. Cu Huy Ha Vu," which Vu gave to VOA on April 29, 2010,<sup>187</sup> distorting the resistance against the invading US imperialists with words such as: "...In short, to maintain the leadership of the Vietnamese Communist Party over the country is nothing other than serving the illegal interests of a small group inside the Vietnamese Communist Party, which goes against the interests of the majority of the people, including millions of Communist Party members, and therefore should not be prolonged any further. By the way, I am once again beckoning the leaders of the Vietnamese Communist Party to promptly apply a multi-party system in Vietnam, otherwise, national integration and national conciliation will become national deception, with its foreseeable negative consequences..." (Case Document numbers 140, 141, 170 to 174, 238 to 242, 260 to 269, 909 to 915, 1144 to 1147).
- The interview, "Dr. Cu Huy Ha Vu - from Suing the Prime Minister to Requesting Removal of Article 4 of the Constitution," which Vu gave to VOA around June 2010<sup>188</sup>, calling for the elimination of the leading role of the Vietnamese Communist Party, and the removal of Article 4 of the Constitution with words such as: "...is definitely a false claim of the Vietnamese Communist Party, but not resulting from an election, hence is certainly not 'officially entitled'. Once the Party is without a 'de jure entitlement', it cannot be the leader of anyone." Vu confirms: "In short, article 4 of the Constitution is entirely inappropriate and therefore needs to be removed..." (Case Document numbers 139, 140, 148, 164 to 167, 213 to 226, 277 to 286, 333 to 342, 654 to 675, 696 to 702, 744 to 753, 1148 to 1152).

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<sup>186</sup> [http://www.rfa.org/vietnamese/in\\_depth/Multiparty-can-fight-the-abuse-of-power-%28part%202%29-Tvan-02012010111424.html?searchterm=None%3Cbr%20/%3E](http://www.rfa.org/vietnamese/in_depth/Multiparty-can-fight-the-abuse-of-power-%28part%202%29-Tvan-02012010111424.html?searchterm=None%3Cbr%20/%3E)

<sup>187</sup> <http://www.voanews.com/vietnamese/news/vietnam-war-a-perspective-from-hanoi-4-29-10-92469969.html>

<sup>188</sup> <http://www.voanews.com/vietnamese/news/vietnam/hanoi-lawyer-vietnam-needs-a-multi-party-system-06-19-2010-96724789.html>



- The interview, “Petition to Free all Ex-military and Civilian Officials of the Former Republic of Vietnam, using ‘Vietnam’ as the Country Title for National Reconciliation,” given by Vu to RFA on August 31, 2010, and simultaneously published on the webpage “Bauxite Vietnam.” Vu distorted the truth on the national liberation resistance, criticizing the state of the Socialist Republic of Vietnam for causing national resentment and disunity with words such as: “ *...Regretfully, the leadership of the state of a unified Vietnam has failed to do so, but has adversely – to speak the truth – added salt to the unhealed war-inflicted wounds by incarcerating for re-education hundreds of thousands of military and civil personnel of the Republic of Vietnam for years ... pushing not a small number of Vietnamese who belonged to the former regime into the whirlwind of resentment, causing some to turn to opposing the new regime and subsequently being charged with violating national security.*” (Case Document numbers 138, 139, 148, 156, 157, 158, 303, 304, 329 to 331, 431 to 460).<sup>189</sup>
- Interview with Cu Huy Ha Vu, conducted by reporter Tram Oanh in October 2010 with the content of propagandizing, distorting against Marxism-Leninism, calling for elimination of the leadership role of the Vietnamese Communist Party, with words such as: “ *...the present authority, under the leadership of the VCP is becoming more and more corrupt...*”, “ *...The eleventh Party Congress is the last one of the VCP...*” (Case Document numbers 142, 198 to 201, 255).
- The essay, “Three Un-separate Branches’ Conspire to Harm the People,”<sup>190</sup> written by Vu and forwarded to the webpage “Bauxite Vietnam,” having the content of propagandizing, distorting and slandering the authorities and regime of the state of the SRV with words such as: “ *...Hence the government, the court and the National Assembly, all executive, judiciary and legislative branches conspire to harm the people, [which is] a 180 degree opposition to the Constitution’s article 2... Who can suggest a solution to save those ‘bee-like, diligent’ civilians from the collective harm of the “three non-independent branches;” in other words, the “three un-separate branches” in Vietnam...*” (Case Document numbers 149, 243 to 248, 461 to 464).
- The essay, “The Case in which Ms. Tran Khai Thanh Thuy ‘Deliberately Injures Others’; Signs of ‘Entrapment to Commit Crime,’” written by Vu after some newspapers

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<sup>189</sup> This is a mistake. The interview with RFA and the petition are not the same. The petition that Dr. Vu sent to the National Assembly (post-marked August 30, 2010), “Petition to Free All Ex-military and Civilian Officials of the Former Republic of Vietnam, Using ‘Vietnam’ as the Country Title for National Reconciliation” (Kien nghi: Tra tu do cho tat ca tu nhan cuu quan nhan va vien chuc chinh quyen Viet Nam Cong Hoa – Lay “Viet Nam” lam quoc hieu de hoa giai dan toc), was published on Bauxite Vietnam on August 30, 2010. The interview with RFA was conducted the next day. See Mac Lam, “Petition to Give Amnesty to all Civilian Officials of the Republic of Vietnam” (Kien nghi dai xa toan bo vien chuc VNCH), interview with Cu Huy Ha Vu, Radio Free Asia, August 31, 2010, <http://www.rfa.org/vietnamese/vietnam/xa-hoi/Dr-Cu-Huy-Ha-Vu-proposes-to-National-Assembly-to-grant-amnesty-for-former-officer-regime-MLam-08312010220823.html?searchterm=None> (accessed March 29, 2011). The quote cited in the indictment was not from the interview with RFA.

<sup>190</sup> <http://boxitvn.blogspot.com/2010/03/tam-quyen-nhat-lap-ong-long-hai-dan.html>

- reported the arrest of Tran Khai Thanh Thuy and Do Ba Tan; having the content of distorting and slandering the authorities in the arrest and investigation against Tran Khai Thanh Thuy for deliberately injuring others, with words such as: "...only through the 'one-sided' source of information provided by the Dong Da district's Public Security police to the state media, the case of Ms. Tran Khai Thanh Thuy 'deliberately injured others' shows clear signs of inciting or entrapping others to commit a crime, conducted by the criminal enforcement agency itself." (Case Document numbers 141, 208 to 212).
- The interview, "The North-South High Speed Train – A Project of Corruption," given by Vu to Radio VOA in 2010, but because the content had not been approved by Vu, it therefore has not yet been broadcast by VOA. This document was stored by Vu in his laptop and USB. Its content slandered the government as implementing the project merely for the purpose of corruption, with words such as: "... however, in terms of corruption, there is a clear distinction between these two governments: the Saigon administration only embezzled non-refundable aid, in another word free gifts from the USA, while the communist government "bites" right into the Vietnamese people's property, taking the people's money, land, natural resources and foreign loans, causing future generations to suffer from back-breaking debts." (Case Document numbers 196, 197, 258, 259).
  - The unfinished essay, "On the Party in Power" which Vu is still writing and has not yet completed. Its content slanders and distorts the leading role of the Vietnamese Communist Party with words such as: "... Is the Vietnamese Communist Party a ruling party or a dictator?... in reality, the Vietnamese political system is a one-party regime or dictatorship" (Case Document numbers 141, 256, 257).
  - The essay, "Thermo-pressure Bomb Explodes in the Center of Ba Dinh,"<sup>191</sup> written by Nguyen Thanh Ty, stored by Vu at his home, with content that distorts the Vietnamese Communist Party and slanders the government. (Case Document numbers 192, 193, 194, 305 to 314).
  - The Security Investigation Agency requested a forensic test of the sound (voice) from the CDs provided by the Hanoi Municipal Department of Information and Communications recording interviews conducted by Tram Oanh – the reporter from a radio station in Germany with a man who claimed to be Dr. Cu Huy Ha Vu. The Criminal Science Institute of the Ministry of Public Security has concluded that it was the voice of Cu Huy Ha Vu. (Case Document number 39)

**Based on the gathered documents and evidence, it is concluded that:**

The above-mentioned essays and interviews by Cu Huy Ha Vu carry content that propagandizes against the state of the Socialist Republic of Vietnam, distorts the policies

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<sup>191</sup> <http://nguoivietboston.com/?p=27523>

and direction of the Party and the government, slanders the state’s authority and regime, distorts the Vietnamese people’s resistance against the invading US imperialists, calls for the elimination of the leading role of the Vietnamese Communist Party, calls for a multi-party and a plural political system and thus facilitating reactionary forces to use them against the state of the Socialist Republic of Vietnam.

As far as Ho Le Nhu Quynh is concerned, considering the acts of Ho Le Nhu Quynh unrelated to the case, the Security Investigation Agency of Hanoi Municipal Department of Public Security has transferred the file to the SIA<sup>192</sup> of Ho Chi Minh City DPS<sup>193</sup> to process in accordance with their authority.

As for other essays and interviews by Cu Huy Ha Vu that have content that violates the interests of the state and citizens, the Security Investigation Agency of Hanoi Municipal Department of Public Security has set those aside for later investigation and handling. Based on the gathered evidence and materials, it is therefore valid to

## CONCLUDE

During the period from 2009 to October 2010, Cu Huy Ha Vu has produced multiple essays and interviews given to foreign radio stations VOA and RFA to circulate on the Internet with the content of propagandizing against the state of the Socialist Republic of Vietnam.

The investigation has identified the background of the accused as follows:

<b>Full Name:</b>	Cu Huy Ha Vu
<b>Born:</b>	On December 2, 1957 in Hanoi
<b>Registered and current residence:</b>	No. 24, Dien Bien Phu Road – Dien Bien Ward – Ba Dinh District – Hanoi City
<b>Occupation:</b>	Legal consultant
<b>Educational level:</b>	10/10
<b>Nationality:</b>	Vietnamese
<b>Ethnicity:</b>	Kinh
<b>Religion:</b>	None
<b>Father:</b>	Cu Huy Can, born 1919 (deceased)

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<sup>192</sup> SIA – Security Investigation Agency.

<sup>193</sup> DPS – Department of Public Security.

<b>Mother:</b>	Ngo Thi Xuan Nhu, born 1934 (deceased)
	His parents have four children, the accused is the eldest child.
<b>Wife:</b>	Nguyen Thi Duong Ha, born 1958, is a lawyer.
	Having two children, born in 1983 and 1988, both are currently students
<b>Criminal history:</b>	None
Arrested on November 5, 2010 At present the accused is being detained at B14 detention center of the Ministry of Public Security	
The aforementioned acts of Cu Huy Ha Vu have committed the crime of propagandizing against the state of the Socialist Republic of Vietnam. The crime description and punishment are stipulated in Article 88, section 1, point c of the Penal Code.	

**Article 88. The crime of propagandizing against the state of the Socialist Republic of Vietnam:**

- 1) Those who commit one of the following acts which aim to oppose the state of the Socialist Republic of Vietnam shall be punished with imprisonment from three to twelve years:
  - c. Produce, possess, or circulate documents and publications with content opposing the state of the Socialist Republic of Vietnam.

In view of the above, it is:

**DECIDED TO**

Indict the accused Cu Huy Ha Vu, with the above identification and background before the Hanoi People’s Court for trial with the charge of: Propagandizing against the state of the Socialist Republic of Vietnam, in pursuance to Article 88, section 1, point c of the Penal Code.

Attached to this indictment is the case profile, numbered from 01 to 1299.

The exhibits in this case include: laptop, USB, cell phone, and computer hard drive; currently in custody at the evidence storage facility of the Security Investigation Agency of Hanoi Municipal Department of Public Security.

By Proxy of the Chief Procurator

Deputy Chief

Nguyen Quang Thanh

**Sent to:**

- The Supreme People's Procuracy (Department No.2)
- The Security Investigation Agency (PA 92), Hanoi Municipal DPS
- Case file (3 copies)
- Criminal Procuracy Profile
- Professional files management bureau – Hanoi Municipal DPS
- The accused
- Files at Bureau No. 2.

## Appendix D: Testimony by Dr. Vu from B14 Detention Center

[Published on *Dan Luan* on January 22, 2011]<sup>194</sup>

Hanoi Bar Association  
Cu Huy Ha Vu Law Firm  
24 Dien Bien Phu, Ba Dinh Dist., Hanoi  
Tel.: (04)-37342679. Fax: (04) 38435793  
Email: havulaw@yahoo.com

Socialist Republic of Vietnam  
Independence-Freedom-Happiness

### RECORD OF TESTIMONY

Today, at 9:30 a.m. on January 18, 2011

At: B14 Detention Camp of the Ministry of Public Security, Kim Giang Road, Hanoi. We, comprised of:

- Lawyer: Nguyen Thi Duong Ha, from Cu Huy Ha Vu Law Firm, under the Hanoi Bar Association, proceed to take testimony from:
- Mr. Cu Huy Ha Vu, born 1957, registered residence at 24 Dien Bien Phu – Dien Bien Ward, Ba Dinh District, Hanoi.

The declarant pledges that his statements are true and takes full legal responsibility for his statements.

### CONTENT OF TESTIMONY

I, Cu Huy Ha Vu, Doctor of Law, request my defense attorneys and legal representatives to convey the following content to the website Bauxite Vietnam, the public media, the electronic news websites at home and abroad:

Thang Long – Hanoi, 18 January 2011,

Dear all compatriot Vietnamese,

I am Cu Huy Ha Vu, Doctor of Law, residing at 24 Dien Bien Phu – Hanoi, who was arrested by the Security Investigation Agency – Ministry of Public Security on 5 November 2010 (at present, I am being detained at B14 Detention Center – Ministry of Public Security) and indicted by the Hanoi People’s Procuracy under Indictment No. 18/CT-VKS-P2 dated

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<sup>194</sup> <http://danluan.org/node/7598>

December 17, 2010 with the charge of “propagandizing against the state of the Socialist Republic of Vietnam” according to article 88, item 1, point c of the Penal Code, for the views I expressed in my essays and interviews. Such views could be summarized as follows:

Firstly, for each and every Vietnamese, Vietnam is the only Fatherland. Socialism is not the Fatherland of Vietnamese!

Indeed, while “Fatherland” means “the state founded by ancestors,” “Socialism” is a political theory, and cannot be a “state,” less so be founded by the Hung Kings. Using the terms “the Socialist Republic of Vietnam Fatherland” or “the Socialist Republic Fatherland” is a definitional fallacy which distorts the essence of Fatherland.

It is based on this viewpoint of “Vietnam is the one and only Fatherland of every Vietnamese” that, on August 30, 2010, I sent a petition to the National Assembly to [recommend that it] select “Vietnam” as the country’s official name in order to implement national reconciliation, with the aim to unite all Vietnamese at home and abroad, regardless of political viewpoints, for the common cause of building and defending the Fatherland of Vietnam, [so that Vietnam] is on par with the current age.

Secondly, a multi-party system is the only way that Vietnam can become a country with true democracy, territorial integrity, prosperity, equality and civility.

Indeed, democracy is tantamount to living in harmony with diverse viewpoints, thus democracy is identical with a multi-party system. With a democratic, multi-party system, the goals of “territorial integrity,” “prosperity,” “equality” and “civility” will be inevitably achieved. In another words, democracy and a multi-party system will lead to achievement of everything.

Thirdly, a military coalition with the USA is urgent and crucial to upholding sovereignty over the national territory, in particular the securing of national territory and reclaiming of Vietnamese territories in the Eastern Sea that are occupied by foreign countries, including the Paracel and Spratly Islands. I determine to maintain the above viewpoints in all circumstances for the supreme interest of the Fatherland of Vietnam, of the Vietnamese nation and people as a whole.

On the occasion of the New Year of Tan Mao [the year of the Cat], as a patriotic Vietnamese, I cordially wish all of my compatriots a healthy, peaceful and prosperous new year!

I also ask all compatriots to convey my best wishes to the individuals and organizations who have supported me in the struggle for justice and democracy in Vietnam on the occasion of the New Year in the second decade of the third millennium.

The Fatherland of Vietnam or die!  
Cu Huy Ha Vu

These minutes were completed at 10:10 on January 18, 2011; it had been reviewed, accepted as true and signed by the respondent.

These minutes accurately record my testimony.

Testimony recorded by

(Signed and written in full name by Cu Huy Ha Vu)

Nguyen Thi Duong Ha



## Appendix E: Statement in Defense of Dr. Vu by Lawyer Le Quoc Quan

[Published on blog *Le Quoc Quan* on April 1, 2011]<sup>195</sup>

This coming April 4 will see the trial against Doctor of Law Cu Huy Ha Vu. He has been indicted under article 88 of the Penal Code. This article has been metaphorically referred to as two eight-shaped handcuffs used to imprison countless numbers of patriots.

On that date, the Procuracy, acting as the prosecutor at the trial, will continue to produce unconstitutional arguments to convict Dr. Vu in the same manner as many similar cases in the past.

Other lawyers have extensively discussed the legal acts and defense statements; therefore I am writing this statement not to go deeper into academic discussion, but in essence to express my respect for brother Vu, whom I believe should never have been called a criminal in the past, present, or future. I believe that those like brother Vu should never be tried under criminal law.

On the contrary, the state should be grateful for his concerns about the homeland and the nation. The voice of appreciation could spread from the coastal area occupied by a debt-ridden Vinashin to the Central Highlands where the bauxite disaster is waiting to strike; from the North where elderly mothers toil in back-breaking jobs to pay the taxes, to the South where war invalids are being spitefully discriminated against.

I consider the arrest of Vu a reactionary and unprofessional act. It is reactionary as it goes against the progressive trend of the country's movement towards international integration and the renovation efforts that Vietnam has achieved in the past 20 years. It is unprofessional when a powerful security force had to resort to a pretext of "*two used condoms*"<sup>196</sup> to arrest an individual who has openly expressed his political viewpoints. Furthermore, the arrest created the widespread perception that personal and petty revenge was at play, which harms the very reputations of the leaders in power.

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<sup>195</sup> <http://lequocquan.blogspot.com/2011/04/loi-bao-chua-cho-tien-sy-luat-cu-huy-ha.html>

<sup>196</sup> [Dr. Vu was originally arrested in a hotel room with a woman who was not his wife. State media reports that the police found two used condoms in the hotel room and planned to have them examined. The police attempt to sully the reputation of Dr. Vu has been counterproductive.]

I particularly admire Vu for his candid and lucid rationale in a “Westernized” way. He acted and spoke according to his professional forte. Similarly, the late lawyer Phan Van Truong decided to return to Vietnam because of his patriotism, but when he found disgraceful practices he became outspoken, despite being aware that doing so would cause frictions and troubles to himself. It is that simple. Vu’s worries about the risk of bauxite mining, his discontent with the discrimination against “*brothers*” who were formerly on the opposite side of the battle front, or his deep concern about corruption caused him to speak out. His outspokenness is spectacular and sincere.

I would also like to draw the judges’ attention to the trial of Phan Boi Chau – who was indicted with similar charges as Vu in 1925, almost 90 years ago, under the rule of the French colonial regime. “[*S*]ince early morning, waves of people flowed to the court to attend the trial open to the public. The court was inundated with people, from inside the courtroom to the outside yard,” (“*The Phan Boi Chau case*”, Bui Dinh, Tieng Viet Publishing House, Hanoi, 1950).

It is not only that. Before and after the trial, students walked out of class and merchants abandoned markets to express their support for the elder Phan and protest against the verdict. After nearly 90 years, the regime considered “*10,000 times more democratic than capitalism*” will likely “cover the mouths” of those inside the courtroom and “block the feet” of the public outside the courtroom.

I would also like to inform reporters who are reporting on the upcoming trial that during the Phan Boi Chau case, when the Communist Party had not yet been founded, contemporary newspapers exuberantly reported on the case, providing various perspectives, and creating a heated political debate in both the academic and patriotic spheres. If we were to have freedom of press today, the case would see many boisterous and creative debates, essays, news articles, and live reportage.

Technically speaking, brother Vu did not conduct any specific act that could be considered as propagandizing against the state. He simply criticized the government - any strong government is improved through criticism of its weaknesses.

The act of trying brother Vu is clearly unconstitutional. It plainly “bites” into article 69 of the Constitution. It goes against Article 19 of the United Nations’ Declaration on Human Rights which stipulates that citizens have the right to freely express their views. Just like Vu, many lawyers have been arrested and imprisoned on political charges. They are lawyer [Nguyen Van] Dai, lawyer Le Thi Cong Nhan, lawyer Le Cong Dinh, lawyer Nguyen Bac Truyen, legal activist Phan Thanh Hai, lawyer Le Quoc Quan, lawyer Tran Thi Thuy Trang, and so on. Why so?

Because just like him, we all believe that law was made for people to follow in every act. Law is the foundation, the boundary line, the foundational column and the hamstring to keep us in order. But when we candidly “*believe in the legal wording*” and not vigilant in “*observing the execution of law,*” we can easily fall into danger. As lawyers, we believe that the prime minister is also a citizen like all others under law, and we have the right to sue him. We believe that the state is truly serious in the fight against corruption, hence lawyers spend time and effort to look for evidence and initiate activities for the common goal, but end up being arrested.

Many lawyers, just like brother Vu, because of their patriotism and enthusiasm to devote to the common cause, have registered as candidates for the election, thrown themselves into the dirt of life, suffered from countless burdens to build the fatherland with sincerity. But punishment is the outcome.

Under the current law of Vietnam, another important legal factor is that, according to the constituent elements of the crimes described in article 88, the target of brother Vu’s act is national security. As such, it is impossible to try him without proving that his acts caused harm to national security, which must be quantified. It is impossible to charge someone with stealing if no one lost anything. On the contrary, it is necessary to conduct an urgent investigation into the arrest of Vu, whether such an act caused any harm to national security? If yes, those who arrested him are the true offenders since they have “*harmed the national security.*”

Lastly, it is clear that this verdict is not for Vu as an individual, but a common verdict for all compatriots and for the entire nation of Vietnam. The judge’s decision on April 4 will go down in history as an honorable or shameful act, depending on the innocent or guilty verdict delivered to Vu.

However, regardless of the verdict, in the history of our Vietnamese nation he is always the innocent Vu – or V, which stands for Vietnam and Victory!

*Three days before the trial of Vu*

*Lawyer Le Quoc Quan*

## Appendix F: Declaration by Dr. Vu

[Published on the website *Bauxite Vietnam* on April 4, 2011, before the trial of Dr. Vu]<sup>197</sup>

To:

- Website boxit.wordpress.com Vietnam;
- Voice of America (VOA)
- Radio Free Asia (RFA)
- Journalist Tram Oanh (Germany)
- The website Dan Luan
- British Broadcasting Corporation (BBC)
- Radia France Internationale (RFI)
- Deutsche Press-Agentur (DPA)
- Other domestic and international media

*Authorized by my brother, Doctor of Law Cu Huy Ha Vu, who was indicted by the Hanoi People's Procuracy for "propagandizing against the state of the Socialist Republic of Vietnam according to article 88, item 1, point c of the Penal Code of the Socialist Republic of Vietnam," I, Cu Thi Xuan Bich, would like to send you the following declaration from my brother regarding his case. This is to ensure the rights of my brother to have equal chance to express his own views in regard to the case with the judiciary agencies of Vietnam. I sincerely thank you.*

— Cu Thi Xuan Bich

"I, Cu Huy Ha Vu, reside at 24 Dien Bien Phu, Ba Dinh, Hanoi. The day before my trial at the Hanoi People's Court for "propagandizing against the state of the Socialist Republic of Vietnam" according to article 88, item 1, point c of the Penal Code, I am sending this to all my country fellows, to my wife –lawyer Nguyen Thi Duong Ha, to my children Cu Huy Xuan Duc and Cu Huy Xuan Hieu, to my father-in-law Nguyen Ba Phung, to my uncle Cu Huy Thuoc, to my aunt Cu Thi Bich Dieu, to my uncle and legal representative Cu Huy Chu, to my sister Cu Thi Xuan Bich and other members of my family as well as to those who care about my declaration.

All of my articles and interviews which are cited as evidence in the indictment prepared by the Hanoi People's Procuracy to charge me have inadvertently helped all Vietnamese people

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<sup>197</sup> <http://www.boxitvn.net/bai/19600>

as well as people of conscience all over the world to realize this one point: Cu Huy Ha Vu does not have any other ideology than this one: to serve the interest of the Fatherland and the people of Vietnam as the only goal. This is expressed in my three following points of view:

- 1) Democracy means the co-existence of different views, which equates to a multi party system, in other words, to implement a multi-party system is the only way to obtain democracy.
- 2) Marxist-Leninist socialism is clearly not the Fatherland of the Vietnamese people, since it [a Marxist-Leninist socialist Vietnam] is neither a country created by the Hung kings nor does it represent the future for Vietnamese in particular and for the world in general, because it goes against the natural law of social development – which rules that a new production mode will entail a new social regime. On the contrary, Marxists advocate for a new social regime which predates a new production mode. To be concrete, they want to abolish capitalism and establish socialism in order to create a socialist production mode.

Due to such efforts that go against the course of nature, the so-called socialism has been executed by means which are anti-democratic (resolving to establish proletarian dictatorship, i.e. imposing the rule of the working class by violence), disloyal to the country and the nation (communism – the higher level of socialism – aims to abolish the state, which also means to abolish the army. This [the abolition of the army] will inevitably lead to the destruction of the country and the nation for the lack of ability to defend itself from foreign invaders).

- 3) In my view, a military alliance with the United States is urgent and crucial in order to defend the sovereignty of our country and to reclaim the territory occupied by foreign countries, especially in regards to the Spratly and the Paracel islands in the Eastern Sea of Vietnam.

Considering these legitimate and rightful views, and the filing of a case of “Cu Huy Ha Vu propagandizes against the state of the Socialist Republic of Vietnam,” everyone can see that the case is nothing but repression and revenge from the forces that are disloyal to the country, harmful to the people and hostile to democracy and human rights.

I am a normal person, made of flesh and bone, not of stone or iron. I have a sweet home with my loved ones who I care for and do not wish to be separated from. But I will hold my head high and maintain my views for the interest of the country and the people, no matter how brutal the repression and revenge is, so that I will not shame the patriotic tradition of my family.

- My ancestor is Cu Ngoc Xan, a commander of the Huong Son base in Ha Tinh during Le Loi's uprising against the Ming invaders throughout the first six years of the resistance (1418-1424).
- My great grandfather is Cu Huy Quan, who participated in the uprising led by Phan Dinh Phung against the French.
- My grandfather is Cu Huy Truong, who participated in the Soviet – Nghe Tinh movement against the French, then became the chairman of the resistance committee in An Phu commune. President Ho Chi Minh personally present him with some gifts, including a portrait of himself and some money.
- My father Cu Huy Can was a minister in the founding government of the Democratic Republic of Vietnam who co-signed the Declaration of Independence on September 2, 1945 after President Ho Chi Minh. Later, he became Minister in charge of Culture and Art in the Council of Ministers. He received the Yellow Star Order.
- My maternal grandfather is Ngo Xuan Tho who collaborated with Phan Boi Chau in his anti-French activism. He helped spread communist propaganda through newspapers and books. He helped rescue the senior communist activist Ngo Duc De from French imprisonment.
- My uncle, who is also my godfather, is the poet Xuan Dieu (a.k.a. Ngo Xuan Dieu). He led pupils and students from the National School of Hue to welcome the representative delegations of the French Popular Front government... He also received the Independence Order, first class.
- My mother is Ngo Thi Xuan Nhu, who participated in spreading propaganda for the Viet Minh when she was a young girl. She joined the resistance movement at the Inspection Committee 12 (Presidential Palace and Prime Minister Headquarter) at the Viet Bac resistance zone. She directly participated in protecting and providing health care to President Ho Chi Minh. She received the Resistance Order.

I have lived my life:

- Not to dishonor the patriotic intellectual tradition of my family. My father, poet Huy Can, and my uncle and godfather, poet Xuan Dieu, are both progressive poets who were among the first group to receive the Ho Chi Minh Award;
- Not to dishonor myself as a Doctor of Law and a candidate for Doctor of Literature. The mandate of a learned man is to take part in transforming society using his opinions and thoughts. If one cannot live in such a way, one does not deserve to be a learned man;

- Not to dishonor Ha Tinh, my paternal and maternal homeland, the cradle of Vietnamese people, the sacred land of talented men including Nguyen Huy Tu, Nguyen Du, Nguyen Cong Tru, Phan Dinh Phung;
- Not to dishonor the Fatherland of Vietnam with its heroic history of 4000 years of building and defending its country; and
- Not to dishonor those who place their full belief in me in the struggle for justice, democracy and human rights in Vietnam.

The Vietnamese History, Fatherland and People will definitely overturn my case for me, citizen Cu Huy Ha Vu!

Thank you!

Cu Huy Ha Vu

## The Party vs. Legal Activist Cu Huy Ha Vu

On November 5, 2010, Ho Chi Minh City police arrested Dr. Cu Huy Ha Vu, a prominent legal activist and scion of an influential political family. The arrest marked the end of a 17-month struggle between Dr. Vu and some of the most powerful political figures in the country, including Prime Minister Nguyen Tan Dung. Five months later, on April 4, 2011, the Hanoi People's Court sentenced Dr. Vu to seven years in prison on the charge of conducting propaganda against the government under article 88 of Vietnam's penal code. Critics, however, charge that Dr. Vu was imprisoned simply for exercising his right to peaceful expression.

In June 2009, Dr. Vu filed a lawsuit against the prime minister for authorizing Chinese bauxite mining in Vietnam's Central Highlands, followed by a second lawsuit in October 2010 against the prime minister for prohibiting class-action petitions. Dr. Vu publicly denounced high-ranking leaders for corruption and illegal activities. In June 2010, he accused Lt. Gen. Vu Hai Trieu of the Ministry of Public Security of ordering cyber-attacks against approximately 300 websites opposed by the Vietnamese government. Three months later, he alleged that Le Thanh Hai, Ho Chi Minh City Communist Party general secretary, forcibly confiscated land from the relatives of "martyred" soldiers killed during the French-Vietnam War.

In the months following Dr. Vu's arrest, many sectors of Vietnamese society joined in a remarkable outpouring of support for him. Independent bloggers demanded his release in online petitions. Democratic advocacy groups, such as Bloc 8406, and local religious communities issued public statements of solidarity. Catholic parishes in Hanoi and Nam Dinh conducted candlelight vigils attended by thousands of people to pray for Dr. Vu's exoneration. Statements, appeals, and legal motions issued by his wife, the lawyer Nguyen Thi Duong Ha, and his extended family have drawn a remarkable level of public attention to the violation of Dr. Vu's rights.

*The Party vs. Legal Activist Cu Huy Ha Vu* illuminates Dr. Vu's background, depicts his past and present activities, and exposes the Vietnamese government's campaign to silence and suppress one of its most high-profile critics. It also sheds light upon the growing capacity and resourcefulness of Vietnamese lawyers, activists, bloggers, and ordinary citizens to struggle for civil rights, due process, and freedom of speech.



*Dr. Cu Huy Ha Vu is escorted by police after his trial by the Hanoi People's Court on April 4, 2011.*