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Appeal Trial of Vietnamese Activists: Bui Thi Minh Hang & Others

10 December 2014

On 26 August 2014, in a one-day trial, three human rights defenders were sentenced in Dong Thap Province, Vietnam under Article 245 of its Penal Code for “causing public disorder.” Ms. Bui Thi Minh Hang, a defender for land-lost farmers and religious groups, was sentenced to three years imprisonment, while her co-defendants, Mr. Nguyen Van Minh and Ms. Nguyen Thi Thuy Quynh, both religious workers of the independent but outlawed Hoa Hao Buddhist Church, were sentenced to two-and-a-half years and two years’ imprisonment, respectively. The defendants were 3 of 21 individuals who were beaten and detained while attempting to visit a fellow activist, human rights lawyer Nguyen Bac Truyen. With the upcoming appeal to be held on 12 December 2014, we would like to call on the Vietnamese government to ensure that the appeal proceedings are carried out in a way which complies with Vietnamese laws as well as the international law and standards on fair trial.

The first trial was neither open, nor fair. Although under Vietnamese law the trial was to be held publicly, no member of the public was allowed to attend. Human barricades made up of police officials were erected outside the courthouse to prevent the public from attending the trial while other well-known human rights defenders were stopped or taken into custody by security officials. Outside the courthouse, it is estimated that at least 33 individuals were detained and many activists in Hanoi and Ho Chi Minh City were also barred from leaving their homes days before the trial began.

On the day of the trial, several witnesses for the defendants were physically barred from entering the courthouse despite their receiving subpoenas issued by the court. Witnesses for the state, however, were allowed to attend and made allegations against the defendants without hindrance.

Further, although Article 162 of the Criminal Procedure Code requires that conclusions of any investigation be sent to both the prosecution and the defendants’ lawyers, it was not until days before the trial that the defendants’ lawyers received information relating to the charge and the police investigation’s conclusions. This lack of notice and clear violation of Vietnam’s own laws made it difficult for the lawyers to defend the defendants’ rights in court.

The People’s Supreme Court of Vietnam has confirmed a hearing date, after three changes to time and location. Under Vietnamese law, this will be the final appeal unless otherwise permitted by the court. As such, we urge the Vietnamese Government and its judiciary to respect the rule of law and ensure

international fair trial standards be applied in all forms and manners. Specifically, we urge the Vietnamese authorities to ensure that the proceedings are held in public and in particular that family members and trial observers can access the courtroom. We also request that all witnesses be summoned to court and that the lawyers be allowed to properly present their arguments without unreasonable interruption. Only then will faith in Vietnam's legal system begin to be restored. The international community and various human rights organizations will be watching.

SIGNED:

Amnesty International
Association of Political & Religious Prisoners of Vietnam
Brotherhood for Democracy
Civil Rights Defenders
Civil Society Forum
FORUM-ASIA
Freedom House
Hoa Hao Buddhist Church West branch
Human Rights Defenders Alert - India
Law & Society Trust
OT Watch Mongolia
United Workers-Farmers Organization of Vietnam
Vietnam Path Movement
Vietnamese Overseas Initiative for Conscience Empowerment