

July 25, 2012

VIA FAX: +41 (0) 22 917.90.06  
and VIA EMAIL: [wgad@ohchr.org](mailto:wgad@ohchr.org)  
ORIGINAL TO FOLLOW

Mr. Malick Sow  
Chair-Rapporteur  
Working Group on Arbitrary Detention  
c/o Office of the High Commissioner for Human Rights  
United Nations Office at Geneva  
CH-1211, Geneva 10  
Switzerland

Dear Mr. Sow,

Please find attached the petition to the Working Group on Arbitrary Detention entitled “**In the Matter of Francis Xavier DANG Xuan Dieu et al. v. Government of the Socialist Republic of Viet Nam**” (Petition).

We hereby request that the Working Group on Arbitrary Detention examine this Petition pursuant to Resolutions 1991/42 and 1997/50 of the Commission on Human Rights and affirmed by Resolutions 6/4 and 15/18 of the Committee on Human Rights.

This Petition is submitted on behalf of family members of the Petitioners. A letter of engagement is attached to the Petition as Annex II.

On behalf of the Petitioners, I look forward to working with you and the Working Group and thank you for your prompt attention to this case. Should you need any further information with respect to this Petition and any related matter, please contact me at [aweiner@stanford.edu](mailto:aweiner@stanford.edu).

Sincerely,



Allen S. Weiner  
Senior Lecturer in Law  
Stanford Law School<sup>†</sup>  
Crowd Quadrangle  
559 Nathan Abbott Way  
Stanford, CA 94305-8610  
United States of America

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<sup>†</sup> Affiliation for identification purposes only; the comments in this petition do not necessarily reflect the views of Stanford Law School or Stanford University.

**PETITION TO:**  
**UNITED NATIONS**  
**WORKING GROUP ON ARBITRARY DETENTION**

Mr. Malick Sow (Senegal)  
Ms. Shaheen Ali (Pakistan)  
Mr. Vladimir Tochilovsky (Ukraine)  
Mr. Roberto Garretón (Chile)  
Mr. Mads Andenas (Norway)

**HUMAN RIGHTS COUNCIL**  
**UNITED NATIONS GENERAL ASSEMBLY**

In the matter of

**Mr. Francis Xavier DANG Xuan Dieu, Mr. Peter HO Duc Hoa,**  
**Mr. John the Baptist NGUYEN Van Oai, Mr. Anthony CHU Manh Son,**  
**Mr. Anthony DAU Van Duong, Mr. Peter TRAN Huu Duc,**  
**Mr. Paulus LE Van Son, Mr. NONG Hung Anh,**  
**Mr. John the Baptist NGUYEN Van Duyet, Mr. Peter NGUYEN Xuan Anh,**  
**Mr. Paul HO Van Oanh, Mr. John THAI Van Dung,**  
**Mr. Paul TRAN Minh Nhat, Ms. Mary TA Phong Tan,**  
**Mr. TRAN Vu Anh Binh, Mr. Peter NGUYEN Dinh Cuong, and**  
**Mr. John the Baptist HOANG Phong**  
(“The Petitioners”)

v.

Government of the Socialist Republic of Viet Nam

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Petition for Relief Pursuant to Commission on Human Rights Resolutions 1997/50, 2000/36, 2003/31, and  
Human Rights Council Resolutions 6/4 and 15/18

*Submitted by:*  
Allen S. Weiner,  
Senior Lecturer in Law,  
Stanford Law School<sup>†</sup>

July 25, 2012

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<sup>†</sup> Affiliation for identification purposes only; the comments in this petition do not necessarily reflect the views of Stanford Law School or Stanford University.

### **BASIS FOR REQUEST**

The Petitioners are all citizens of the Socialist Republic of Viet Nam, which acceded to the *International Covenant on Civil and Political Rights* (ICCPR) on September 24, 1982. Viet Nam is also bound by those principles of the Universal Declaration of Human Rights (UDHR) that have acquired the status of customary international law.<sup>1</sup>

The Petitioners have all been arbitrarily arrested and detained while they were exercising – or in situations connected to the exercise of – their right to freedom of thought, conscience and religion (Article 18 ICCPR and UDHR; Article 27, ICCPR), freedom of opinion and expression (Article 19 ICCPR and UDHR), freedom of association (Article 22 ICCPR and Article 20 UDHR), and the right to take part in the conduct of public affairs (Article 25 ICCPR and Article 21 UDHR).

For the reasons stated herein, the Petitioners' arrest and detention violates the fundamental guarantees enshrined in international law and constitute Category II and Category III arbitrary detention as defined by the Working Group on Arbitrary Detention. They should be immediately released from detention.

Therefore, the Petitioners hereby request that the Working Group on Arbitrary Detention consider this Petition to be a formal request for an opinion of the Working Group pursuant to Resolutions 1991/42 and 1997/50 of the Commission on Human Rights and Resolution 15/18 of the Committee on Human Rights.

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<sup>1</sup> See, Richard B. Lillich, *The Growing Importance of Customary International Human Rights Law*, 25 GEORGIA J. INT'L & COMP. L. 1 (1995).

**MODEL QUESTIONNAIRE**

The information concerning the identity and circumstances of arrest and detention of the Petitioners is presented individually and in chronological order based on the date of arrest. We have endeavored to present all information requested in the Model Questionnaire, but limited access to the Petitioners, and their own limited access to information about the reasons for their arrest and/or basis for their ongoing detention, has made this difficult. We submit that this should not affect the admissibility or final outcome of this Petition, consistent with the position of this Working Group in this regard.<sup>2</sup> Unless otherwise indicated, the families of the Petitioners have supplied the information to Counsel via trusted civil society organizations.

**Petitioner 1 of 17: Mr. Francis Xavier DANG Xuan Dieu****I. IDENTITY**

1. Family name:	<b>DANG</b>
2. First name:	<b>Francis Xavier Xuan Dieu</b>
3. Sex: (Male) (Female)	Male
4. Birth date or age (at the time of detention):	July 8, 1979
5. Nationality/Nationalities:	Vietnamese
6. (a) Identity document (if any):	Unavailable
(b) Issued by:	Unavailable
(c) On (date):	Unavailable
(d) No.:	Unavailable
7. Profession and/or activity (if believed to be relevant to the arrest/detention):	<ul style="list-style-type: none"> <li>▪ Community organizer active in mobilizing access to education for poor students and assistance for victims of typhoons and disabled persons</li> <li>▪ Contributing citizen journalist for the <i>Vietnam Redemptorist News</i></li> <li>▪ Signatory to petition calling for release of Dr. Cu Huy Ha Vu<sup>3</sup> and against bauxite mining</li> <li>▪ Member of the Congregation of the Most Holy Redeemer and the John Paul II Group for Pro-Life in the Xuan My Parish, Vinh Diocese</li> <li>▪ Member of the Catholic Professional Business Society<sup>4</sup></li> </ul>

<sup>2</sup> This Working Group stated in its first report to the Commission on Human Rights, when establishing its methods of work, that “failure to comply with all formalities [regarding the presentation of information about a petitioner and the use of the model questionnaire] shall not directly or indirectly result in the inadmissibility of the communication.” U.N.G.A., H.R. Council, Working Group on Arbitrary Detention, *Question of the Human Rights of All Persons Subjected to Any Form of Detention or Imprisonment: Report of the Working Group on Arbitrary Detention*, U.N. Doc. No. E/CN.4/1992/20 (Jan. 21, 1992), ¶ 13 (emphasis added) [hereinafter *First Report of the Working Group on Arbitrary Detention*].

<sup>3</sup> We refer to the opinion of this Working Group that the deprivation of liberty of Dr. Cu Huy Ha Vu is arbitrary. See U.N.G.A., H.R. Council, Working Group on Arbitrary Detention, *Opinions adopted by the Working Group on Arbitrary Detention at its sixty-first session, 29 August-2 September 2011*, U.N. Doc. No. A/HRC/WGAD/2011/24, Feb. 28, 2012 [hereinafter *Opinion on Dr. Cu Huy Ha Vu*], ¶ 27; *Vietnam: Arrest and incommunicado detention of eight human rights defenders*, FRONT LINE DEFENDERS, <http://www.frontlinedefenders.org/node/16563> (Nov. 14, 2011) [hereinafter *Vietnam: Arrest and incommunicado detention*].

8. Address of usual residence:	Vinh City, Nghe An Province, Viet Nam (further details are not available at this time)
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**II. ARREST**

1. Date of arrest:	July 30, 2011
2. Place of arrest (as detailed as possible):	Tan Son Nhat International Airport, Tan Binh District, Ho Chi Minh City, Viet Nam <sup>5</sup>
3. Forces who carried out the arrest or are believed to have carried it out:	Public security officers at Tan Son Nhat International Airport <sup>6</sup>
4. Did they show a warrant or other decision by a public authority? (Yes) (No)	No <sup>7</sup>
5. Authority who issued the warrant or decision:	Not applicable (no supporting warrant or decision shown)
6. Relevant legislation applied (if known):	Not applicable (no supporting warrant or decision shown)

**III. DETENTION**

1. Date of detention:	Unavailable (as information/documentation about detention is unavailable at this time)
2. Duration of detention (if not known, probable duration):	Exact duration unknown (as information/documentation about detention is unavailable at this time), but as at date of this Petition, at least 334 days <sup>8</sup>
3. Forces holding the detainee under custody:	Ministry of Public Security, Government of the Socialist Republic of Viet Nam
4. Places of detention (indicate any transfer and present place of detention):	B14 Detention Center, Thanh Liet Ward, Thanh Tri District, Hanoi, Viet Nam <sup>9</sup>

<sup>4</sup> Viet Tan, Voices of Conscience (Jan. 2012), [http://www.viettan.org/IMG/pdf/VOC\\_January\\_2012.pdf](http://www.viettan.org/IMG/pdf/VOC_January_2012.pdf), at 7; Posting by Phai Len Tieng, “Urgent news about the arrest of 7 Catholics from attorney Le Quoc Quan”, *Tumblr*, <http://www.tumblr.com/tagged/english?before=1316480304> (Aug. 4, 2011) [hereinafter “Update from attorney Le Quoc Quan”]; *In Vietnam, crackdown on journalists in past six months*, COMM. TO PROTECT JOURNALISTS (Oct. 3, 2011), <http://www.cpj.org/2011/10/in-vietnam-crackdown-on-journalists-in-past-six-mo.php> [hereinafter *Vietnam journalist crackdown*]; Thanh Nien Cong Giao, Catholic Youth: List of Arrested Youths (Sep. 4, 2011), <http://thanhnienconggiao.wordpress.com> [hereinafter *List of Arrested Youths*], at 1; INT’L SOC. FOR H.R., ISHR LIST OF POLITICAL PRISONERS IN VIETNAM (February 2012), at 4.

<sup>5</sup> Phai Len Tieng, “Update from attorney Le Quoc Quan”, *supra* note 2; COMM. TO PROTECT JOURNALISTS, *Vietnam journalist crackdown*, *supra* note 4.

<sup>6</sup> *Id.*

<sup>7</sup> *Trial ‘imminent’ for 11 detained activists*, RADIO FREE ASIA (Apr. 12, 2012), <http://viettan.org/Trial-Imminent-for-11-Detained.html> [hereinafter *Trial ‘imminent’*]; COMM. TO PROTECT JOURNALISTS, *Vietnam journalist crackdown*, *supra* note 4.

<sup>8</sup> Under Article 87 of the Criminal Procedure Code of the Socialist Republic of Vietnam, persons may be legally held in custody for up to six days after their initial arrest, or nine days in special cases, which are defined under Article 18 as situations “where State secrets should be kept or the fine national customs and practices should be preserved or the involved parties’ secrets must be kept.” It is not clear whether the definition of “special cases” in Article 18 is exhaustive, nor is there any indication in any of the information that we have, including the three Temporary Detainment Orders of which we do have copies, to suggest that the Petitioners’ cases constitute “special cases.” Therefore, for the purposes of determining the duration of detention of a Petitioner, where we do not have either a Temporary Detainment Order or other information about the order of detention against him or her, we have assumed that the Petitioner was held in custody for the usual maximum limit of six days before being transferred to detention. Accordingly, unless otherwise indicated, the approximate duration of detention periods specified in this Petition are calculated six days from the date of arrest.

5. Authorities that ordered the detention:	Security Investigative Department of the Ministry of Public Security, Government of the Socialist Republic of Viet Nam <sup>10</sup>
6. Reasons for the detention imputed by the authorities:	Accusation of membership or involvement in the Viet Tan political party <sup>11</sup>
7. Relevant legislation applied (if known):	Article 79 (“Carrying out activities aimed at overthrowing the people’s administration”) of the Penal Code of the Socialist Republic of Viet Nam <sup>12</sup>

<sup>9</sup> Viet Tan, Voices of Conscience, *supra* note 4, at 7; *Update – Front Line Defenders informed of the locations of detained human rights defenders*, FRONT LINE DEFENDERS (Oct. 10, 2011), <http://www.frontlinedefenders.org/node/16039> [hereinafter *Update - Locations of detainees*]; INT’L SOC. FOR H.R., *supra* note 4, at 4; RADIO FREE ASIA, *Trial ‘imminent’*, *supra* note 7; COMM. TO PROTECT JOURNALISTS, *Vietnam journalist crackdown*, *supra* note 4.

<sup>10</sup> Memorandum, Viet Tan, Untitled (Jun. 26, 2012) (on file with author) [hereinafter *Factual Update on Petitioners*].

<sup>11</sup> *Id.*; INT’L SOC. FOR H.R., *supra* note 4, at 4; The Working Group has previously held that detaining anyone merely due to their membership in Viet Tan and activities associated with this group violates the right to freedom of association and to participate in public affairs: U.N.G.A. H.R. Council, Working Group on Arbitrary Detention, *Opinions adopted by the Working Group on Arbitrary Detention at its sixty-first session, 29 August-2 September 2011*, U.N. Doc. No. A/HRC/WGAD/2011/46 (Feb. 29, 2012), ¶ 20-21 [hereinafter *Opinion 46/2011*].

<sup>12</sup> Viet Tan, Voices of Conscience, *supra* note 4, at 7; RADIO FREE ASIA, *Trial ‘imminent’*, *supra* note 7; INT’L SOC. FOR H.R., *supra* note 4, at 4; COMM. TO PROTECT JOURNALISTS, *Vietnam journalist crackdown*, *supra* note 4.

**Petitioner 2 of 17: Mr. Peter HO Duc Hoa****I. IDENTITY**

1. Family name:	<b>HO</b>
2. First name:	<b>Peter Duc Hoa</b>
3. Sex: (Male) (Female)	Male
4. Birth date or age (at the time of detention):	March 6, 1974
5. Nationality/Nationalities:	Vietnamese
(b) Issued by:	Unavailable
6. (a) Identity document (if any):	Unavailable
(c) On (date):	Unavailable
(d) No.:	Unavailable
7. Profession and/or activity (if believed to be relevant to the arrest/detention):	<ul style="list-style-type: none"> <li>▪ Community organizer and social activist active in mobilizing access to education for poor students and assistance for victims of typhoons and disabled persons</li> <li>▪ Contributing citizen journalist for the <i>Vietnam Redemptorist News</i></li> <li>▪ Signatory to petition calling for release of Dr. Cu Huy Ha Vu and against bauxite mining</li> <li>▪ Member of the John Paul II Group for Pro-Life in the Yen Hoa Parish, Vinh Diocese<sup>13</sup></li> </ul>
8. Address of usual residence:	Vinh City, Nghe An Province, Viet Nam (further details unavailable at this time)

**II. ARREST**

1. Date of arrest:	July 30, 2011 <sup>14</sup>
2. Place of arrest (as detailed as possible):	Tan Son Nhat International Airport, Tan Binh District, Ho Chi Minh City, Viet Nam <sup>15</sup>
3. Forces who carried out the arrest or are believed to have carried it out:	Public security officers at Tan Son Nhat International Airport <sup>16</sup>
4. Did they show a warrant or other decision by a public authority? (Yes) (No)	No <sup>17</sup>
5. Authority who issued the warrant or	Not applicable (no supporting warrant or decision shown)

<sup>13</sup> Viet Tan, Voices of Conscience, *supra* note 4, 9; Thanh Nien Cong Giao, *List of Arrested Youths*, *supra* note 4, at 1; FRONT LINE DEFENDERS, *Vietnam: Arrest and incommunicado detention*, *supra* note 4; INT'L SOC. FOR H.R., *supra* note 4, at 4; COMM. TO PROTECT JOURNALISTS, *Vietnam journalist crackdown*, *supra* note 4.

<sup>14</sup> Viet Tan, Voices of Conscience, *supra* note 4, at 9; FRONT LINE DEFENDERS, *Vietnam: Arrest and incommunicado detention*, *supra* note 4; INT'L SOC. FOR H.R., *supra* note 4, at 4; COMM. TO PROTECT JOURNALISTS, *Vietnam journalist crackdown*, *supra* note 4.

<sup>15</sup> FRONT LINE DEFENDERS, *Vietnam: Arrest and incommunicado detention*, *supra* note 4; Phai Len Tieng, "Update from attorney Le Quoc Quan," *supra* note 4; COMM. TO PROTECT JOURNALISTS, *Vietnam journalist crackdown*, *supra* note 4.

<sup>16</sup> Phai Len Tieng, "Update from attorney Le Quoc Quan," *supra* note 4.

<sup>17</sup> RADIO FREE ASIA, *Trial 'imminent'*, *supra* note 7; COMM. TO PROTECT JOURNALISTS, *Vietnam journalist crackdown*, *supra* note 4.

decision:	
6. Relevant legislation applied (if known):	Not applicable (no supporting warrant or decision shown)

**III. DETENTION**

1. Date of detention:	Unavailable (as information/documentation about detention is unavailable at this time)
2. Duration of detention (if not known, probable duration):	Exact duration unknown (as information/documentation about detention is unavailable at this time), but as at date of this Petition, at least 334 days
3. Forces holding the detainee under custody:	Ministry of Public Security, Government of the Socialist Republic of Viet Nam
4. Places of detention (indicate any transfer and present place of detention):	B14 Detention Center, Thanh Liet Ward, Thanh Tri District, Hanoi, Viet Nam <sup>18</sup>
5. Authorities that ordered the detention:	Security Investigative Department of the Ministry of Public Security, Government of the Socialist Republic of Viet Nam <sup>19</sup>
6. Reasons for the detention imputed by the authorities:	Accusation of membership or involvement in the Viet Tan political party <sup>20</sup>
7. Relevant legislation applied (if known):	Article 79 (“Carrying out activities aimed at overthrowing the people’s administration”) of the Penal Code of the Socialist Republic of Viet Nam <sup>21</sup>

<sup>18</sup> Viet Tan, Voices of Conscience, *supra* note 4, at 7; FRONT LINE DEFENDERS, *Update – Locations of detainees*, *supra* note 9; INT’L SOC. FOR H.R., *supra* note 4, at 4; RADIO FREE ASIA, *Trial ‘imminent’*, *supra* note 7; COMM. TO PROTECT JOURNALISTS, *Vietnam journalist crackdown*, *supra* note 4.

<sup>19</sup> Viet Tan, Factual Update on Petitioners, *supra* note 10.

<sup>20</sup> Viet Tan, Factual Update on Petitioners, *supra* note 10 ; INT’L SOC. FOR H.R., *supra* note 4, at 4.

<sup>21</sup> Viet Tan, Voices of Conscience, *supra* note 4, at 9; INT’L SOC. FOR H.R., *supra* note 4, at 4.



**Petitioner 3 of 17: Mr. John the Baptist NGUYEN Van Oai****I. IDENTITY**

1. Family name:	NGUYEN
2. First name:	John the Baptist Van Oai
3. Sex: (Male) (Female)	Male
4. Birth date or age (at the time of detention):	June 18, 1981
5. Nationality/Nationalities:	Vietnamese
6. (a) Identity document (if any):	Unavailable
(b) Issued by:	Unavailable
(c) On (date):	Unavailable
(d) No.:	Unavailable
7. Profession and/or activity (if believed to be relevant to the arrest/detention):	<ul style="list-style-type: none"> <li>▪ Member of the Congregation of the Most Holy Redeemer and of the Yen Hoa Parish, Vinh Diocese</li> <li>▪ Participant in citizen journalism training by the <i>Vietnam Redemptorist News</i> and helped report on anti-China protests in Vietnam in 2011</li> <li>▪ Signatory to petition calling for release of Dr. Cu Huy Ha Vu and against bauxite mining</li> <li>▪ Active in protecting victims of social injustice and protesting violations to religious freedom<sup>22</sup></li> </ul>
8. Address of usual residence:	Di An, Binh Duong Province, Viet Nam (further details unavailable at this time)

**II. ARREST**

1. Date of arrest:	July 30, 2011 <sup>23</sup>
2. Place of arrest (as detailed as possible):	Tan Son Nhat International Airport, Tan Binh District, Ho Chi Minh City, Viet Nam <sup>24</sup>
3. Forces who carried out the arrest or are believed to have carried it out:	Public security officers at Tan Son Nhat International Airport <sup>25</sup>
4. Did they show a warrant or other decision by a public authority? (Yes) (No)	No <sup>26</sup>
5. Authority who issued the warrant or decision:	Not applicable (no supporting warrant or decision shown)

<sup>22</sup> Viet Tan, Voices of Conscience, *supra* note 4, at 9; Thanh Nien Cong Giao, *List of Arrested Youths*, *supra* note 4, at 1; FRONT LINE DEFENDERS, *Vietnam: Arrest and incommunicado detention*, *supra* note 4; INT'L SOC. FOR H.R., *supra* note 4, at 4.

<sup>23</sup> Viet Tan, Voices of Conscience, *supra* note 4, at 9; FRONT LINE DEFENDERS, *Vietnam: Arrest and incommunicado detention*, *supra* note 4; INT'L SOC. FOR H.R., *supra* note 4, at 4.

<sup>24</sup> FRONT LINE DEFENDERS, *Vietnam: Arrest and incommunicado detention*, *supra* note 4; Phai Len Tieng, "Update from attorney Le Quoc Quan," *supra* note 4.

<sup>25</sup> Phai Len Tieng, "Update from attorney Le Quoc Quan," *supra* note 4.

<sup>26</sup> RADIO FREE ASIA, *Trial 'imminent'*, *supra* note 7; COMM. TO PROTECT JOURNALISTS, *Vietnam journalist crackdown*, *supra* note 4.

6. Relevant legislation applied (if known):	Not applicable (no supporting warrant or decision shown)
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**III. DETENTION**

1. Date of detention:	Unavailable (as information/documentation about detention is unavailable at this time)
2. Duration of detention (if not known, probable duration):	Exact duration unknown (as information/documentation about detention is unavailable at this time), but as at date of this Petition, at least 334 days
3. Forces holding the detainee under custody:	Ministry of Public Security, Government of the Socialist Republic of Viet Nam
4. Places of detention (indicate any transfer and present place of detention):	B14 Detention Center, Thanh Liet Ward, Thanh Tri District, Hanoi, Viet Nam <sup>27</sup>
5. Authorities that ordered the detention:	Security Investigative Department of the Ministry of Public Security, Government of the Socialist Republic of Viet Nam <sup>28</sup>
6. Reasons for the detention imputed by the authorities:	Accusation of membership or involvement in the Viet Tan political party <sup>29</sup>
7. Relevant legislation applied (if known):	Article 79 (“Carrying out activities aimed at overthrowing the people’s administration”) of the Penal Code of the Socialist Republic of Viet Nam <sup>30</sup>

<sup>27</sup> Viet Tan, Voices of Conscience, *supra* note 4, at 7; FRONT LINE DEFENDERS, *Update – Locations of detainees*, *supra* note 9; INT’L SOC. FOR H.R., *supra* note 4, at 4; RADIO FREE ASIA, *Trial ‘imminent’*, *supra* note 7.

<sup>28</sup> Viet Tan, Factual Update on Petitioners, *supra* note 10.

<sup>29</sup> Viet Tan, Factual Update on Petitioners, *supra* note 10; INT’L SOC. FOR H.R., *supra* note 4, at 4.

<sup>30</sup> Viet Tan, Voices of Conscience, *supra* note 4, at 9; INT’L SOC. FOR H.R., *supra* note 4, at 4.

**Petitioner 4 of 17: Mr. Anthony CHU Manh Son****I. IDENTITY**

1. Family name:	<b>CHU</b>
2. First name:	<b>Anthony Manh Son</b>
3. Sex: (Male) (Female)	Male
4. Birth date or age (at the time of detention):	1989 (further details unavailable at this time)
5. Nationality/Nationalities:	Vietnamese
6. (a) Identity document (if any):	Unavailable
(b) Issued by:	Unavailable
(c) On (date):	Unavailable
(d) No.:	Unavailable
7. Profession and/or activity (if believed to be relevant to the arrest/detention):	<ul style="list-style-type: none"> <li>▪ Participant in anti-China protests in Hanoi during the summer of 2011</li> <li>▪ Participant in volunteer activities including encouraging women not to have abortions, donating blood and volunteering to help orphans and victims of natural disasters</li> <li>▪ Participant in citizen journalism training by the <i>Vietnam Redemptorist News</i></li> <li>▪ Member of Duc Lan Parish, Vinh Diocese and the Catholic Students Association in Vinh</li> <li>▪ Threatened by Nghe An authorities several time due to his participation in religious activities<sup>31</sup></li> </ul>
8. Address of usual residence:	Vinh City, Nghe An Province, Viet Nam (further details unavailable at this time)

**II. ARREST**

1. Date of arrest:	August 2, 2011 <sup>32</sup>
2. Place of arrest (as detailed as possible):	Vinh City, Nghe An Province, Viet Nam <sup>33</sup> (further details unavailable at this time)
3. Forces who carried out the arrest or are believed to have carried it out:	Unavailable

<sup>31</sup> Viet Tan, Voices of Conscience, *supra* note 4, at 6; *Vietnam: Free Catholic activists*, H.R. WATCH (May 22, 2012), <http://www.hrw.org/news/2012/05/22/vietnam-free-catholic-activists>; Thanh Nien Cong Giao, *List of Arrested Youths*, *supra* note 4, at 2; *Court sentences four Catholic students*, UCA NEWS (May 25, 2012), <http://www.ucanews.com/2012/05/25/court-sentences-four-catholic-students>; INT'L SOC. FOR H.R., *supra* note 4, at 4; *Vietnam: Four Catholic students jailed for distributing leaflets*, INDEP. CATHOLIC NEWS (May 25, 2012), <http://www.indcatholicnews.com/news.php?viewStoryPrinter=20475>.

<sup>32</sup> Viet Tan, Voices of Conscience, *supra* note 4, 6; INT'L SOC. FOR H.R., *supra* note 4, at 4; H.R. WATCH, *Vietnam: Free Catholic activists*, *supra* note 31.

<sup>33</sup> INT'L SOC. FOR H.R., *supra* note 4, at 4.

4. Did they show a warrant or other decision by a public authority? (Yes) (No)	No <sup>34</sup>
5. Authority who issued the warrant or decision:	Not applicable (no supporting warrant or decision shown)
6. Relevant legislation applied (if known):	Not applicable (no supporting warrant or decision shown)

### III. DETENTION

1. Date of detention:	Unavailable (as information/documentation about detention is unavailable at this time)
2. Duration of detention (if not known, probable duration):	<ul style="list-style-type: none"> <li>Exact duration unknown (as information/documentation about detention is unavailable at this time), but as at date of this Petition, at least 331 days</li> <li>On May 24, 2012, the petitioner was sentenced to three years' imprisonment, thereafter to be followed by one year's probation. Therefore, it is expected that his detention will continue until May 24, 2015<sup>35</sup></li> </ul>
3. Forces holding the detainee under custody:	Ministry of Public Security, Government of the Socialist Republic of Viet Nam
4. Places of detention (indicate any transfer and present place of detention):	Nghi Kim Detention Center, Nghi Loc District, Nghe An Province, Viet Nam <sup>36</sup>
5. Authorities that ordered the detention:	<ul style="list-style-type: none"> <li>Pre-trial detention ordered by Security Investigative Department of the Ministry of Public Security, Government of the Socialist Republic of Viet Nam<sup>37</sup></li> <li>Custodial sentence imposed by People's Court of Nghe An Province, Government of the Socialist Republic of Viet Nam<sup>38</sup></li> </ul>
6. Reasons for the detention imputed by the authorities:	Distributing leaflets demanding a multiparty system, rejecting the national election results, promoting freedom of religion and expression, the fight against abortion, blood donation, aid to orphans and victims of natural disasters <sup>39</sup>
7. Relevant legislation applied (if known):	Article 88 ("Conducting propaganda against the Socialist Republic of Vietnam") of the Penal Code of the Socialist Republic of Viet Nam <sup>40</sup>

<sup>34</sup> RADIO FREE ASIA, *Trial 'imminent'*, *supra* note 7.

<sup>35</sup> *Activists jailed for anti-state propaganda*, RADIO FREE ASIA (May 24, 2012), <http://www.rfa.org/english/news/vietnam/catholic-05242012153439.html> [hereinafter *Activists jailed*]. See, also, UCA NEWS, *Court sentences four Catholic students*, *supra* note 31; INDEP. CATHOLIC NEWS, *supra* note 31.

<sup>36</sup> Viet Tan, *Voices of Conscience*, *supra* note 4, at 6; INT'L SOC. FOR H.R., *supra* note 4, at 4.

<sup>37</sup> Viet Tan, *Factual Update on Petitioners*, *supra* note 10.

<sup>38</sup> UCA NEWS, *Court sentences four Catholic students*, *supra* note 31; INDEP. CATHOLIC NEWS, *supra* note 31; H.R. WATCH, *Vietnam: Free Catholic activists*, *supra* note 31.

<sup>39</sup> *Id.*

<sup>40</sup> Viet Tan, *Voices of Conscience*, *supra* note 4, 6; INT'L SOC. FOR H.R., *supra* note 4, at 4; H.R. WATCH, *Vietnam: Free Catholic activists*, *supra* note 31; UCA NEWS, *Court sentences four Catholic students*, *supra* note 31; INDEP. CATHOLIC NEWS, *supra* note 31.

**Petitioner 5 of 17: Mr. Anthony DAU Van Duong****I. IDENTITY**

1. Family name:	DAU
2. First name:	Anthony Van Duong
3. Sex: (Male) (Female)	Male
4. Birth date or age (at the time of detention):	1986 (further details unavailable at this time)
5. Nationality/Nationalities:	Vietnamese
6. (a) Identity document (if any):	Unavailable
(b) Issued by:	Unavailable
(c) On (date):	Unavailable
(d) No.:	Unavailable
7. Profession and/or activity (if believed to be relevant to the arrest/detention):	<ul style="list-style-type: none"> <li>▪ Signatory to petition calling for release of Dr. Cu Huy Ha Vu and against bauxite mining</li> <li>▪ Participant in volunteer activities including encouraging women not to have abortions, donating blood and volunteering to help orphans and victims of natural disasters</li> <li>▪ Attendee at trial of Dr. Cu Huy Ha Vu in April 2011</li> <li>▪ Participant in anti-China protests in Hanoi during the summer of 2011</li> <li>▪ Participant in citizen journalism training by the <i>Vietnam Redemptorist News</i></li> <li>▪ Member of the Van Loc Parish, Vinh Diocese<sup>41</sup></li> </ul>
8. Address of usual residence:	Vinh City, Nghe An Province, Viet Nam (further details unavailable at this time)

**II. ARREST**

1. Date of arrest:	August 2, 2011 <sup>42</sup>
2. Place of arrest (as detailed as possible):	Home of the petitioner in Vinh City, Nghe An Province, Viet Nam <sup>43</sup> (further details unavailable at this time)
3. Forces who carried out the arrest or are believed to have carried it out:	Public Security officers in the Nghe An Police Department <sup>44</sup>

<sup>41</sup> Viet Tan, *Voices of Conscience*, *supra* note 4, at 6; H.R. WATCH, *Vietnam: Free Catholic activists*, *supra* note 31; Thanh Nien Cong Giao, *List of Arrested Youths*, *supra* note 4, at 2; UCA NEWS, *Court sentences four Catholic students*, *supra* note 31; INT'L SOC. FOR H.R., *supra* note 4, at 4; INDEP. CATHOLIC NEWS, *supra* note 31.

<sup>42</sup> Viet Tan, *Voices of Conscience*, *supra* note 4, at 6; INT'L SOC. FOR H.R., *supra* note 4, at 4; FRONT LINE DEFENDERS, *Vietnam: Arrest and incommunicado detention*, *supra* note 4; H.R. WATCH, *Vietnam: Free Catholic activists*, *supra* note 31.

<sup>43</sup> FRONT LINE DEFENDERS, *Vietnam: Arrest and incommunicado detention*, *supra* note 4; Phai Len Tieng, "Update from attorney Le Quoc Quan," *supra* note 4.

<sup>44</sup> Phai Len Tieng, "Update from attorney Le Quoc Quan," *supra* note 4.

4. Did they show a warrant or other decision by a public authority? (Yes) (No)	No <sup>45</sup>
5. Authority who issued the warrant or decision:	Not applicable (no supporting warrant or decision shown)
6. Relevant legislation applied (if known):	Not applicable (no supporting warrant or decision shown)

### III. DETENTION

1. Date of detention:	Unavailable (as information/documentation about detention is unavailable at this time)
2. Duration of detention (if not known, probable duration):	<ul style="list-style-type: none"> <li>Exact duration unknown (as information/documentation about detention is unavailable at this time), but as at date of this Petition, at least 331 days</li> <li>On May 24, 2012, the petitioner was sentenced to three and a half years' imprisonment, thereafter to be followed by one year's probation. Therefore, it is expected that his detention will continue until November 24, 2015<sup>46</sup></li> </ul>
3. Forces holding the detainee under custody:	Ministry of Public Security, Government of the Socialist Republic of Viet Nam
4. Places of detention (indicate any transfer and present place of detention):	Nghi Kim Detention Center, Nghi Loc District, Nghe An Province, Viet Nam <sup>47</sup>
5. Authorities that ordered the detention:	<ul style="list-style-type: none"> <li>Pre-trial detention ordered by Security Investigative Department of the Ministry of Public Security, Government of the Socialist Republic of Viet Nam<sup>48</sup></li> <li>Custodial sentence imposed by People's Court of Nghe An Province, Government of the Socialist Republic of Viet Nam<sup>49</sup></li> </ul>
6. Reasons for the detention imputed by the authorities:	Distributing leaflets demanding a multiparty system, rejecting the national election results, promoting freedom of religion and expression, the fight against abortion, blood donation, aid to orphans and victims of natural disasters <sup>50</sup>
7. Relevant legislation applied (if known):	Article 88 ("Conducting propaganda against the Socialist Republic of Vietnam") of the Penal Code of the Socialist Republic of Viet Nam <sup>51</sup>

<sup>45</sup> RADIO FREE ASIA, *Trial 'imminent'*, *supra* note 7; COMM. TO PROTECT JOURNALISTS, *Vietnam journalist crackdown*, *supra* note 4.

<sup>46</sup> UCA NEWS, *Court sentences four Catholic students*, *supra* note 31; INDEP. CATHOLIC NEWS, *supra* note 31.

<sup>47</sup> Viet Tan, *Voices of Conscience*, *supra* note 4, at 6; INT'L SOC. FOR H.R., *supra* note 4, at 4; FRONT LINE DEFENDERS, *Update – Location of detainees*, *supra* note 6.

<sup>48</sup> Viet Tan, *Factual Update on Petitioners*, *supra* note 10.

<sup>49</sup> RADIO FREE ASIA, *Activists jailed*, *supra* note 35. *See, also*, UCA NEWS, *Court sentences four Catholic students*, *supra* note 31; INDEP. CATHOLIC NEWS, *supra* note 31; H.R. WATCH, *Vietnam: Free Catholic activists*, *supra* note 31.

<sup>50</sup> *Id.*

<sup>51</sup> Viet Tan, *Voices of Conscience*, *supra* note 4, at 6; INT'L SOC. FOR H.R., *supra* note 4, at 4; H.R. WATCH, *Vietnam: Free Catholic activists*, *supra* note 31; UCA NEWS, *Court sentences four Catholic students*, *supra* note 31; INDEP. CATHOLIC NEWS, *supra* note 31.

**Petitioner 6 of 17: Mr. Peter TRAN Huu Duc****I. IDENTITY**

1. Family name:	TRAN
2. First name:	Peter Huu Duc
3. Sex: (Male) (Female)	Male
4. Birth date or age (at the time of detention):	Unavailable
5. Nationality/Nationalities:	Vietnamese
6. (a) Identity document (if any):	Unavailable
(b) Issued by:	Unavailable
(c) On (date):	Unavailable
(d) No.:	Unavailable
7. Profession and/or activity (if believed to be relevant to the arrest/detention):	<ul style="list-style-type: none"> <li>▪ Signatory to petition calling for release of Dr. Cu Huy Ha Vu and against bauxite mining</li> <li>▪ Participant in volunteer activities including encouraging women not to have abortions, donating blood and volunteering to help orphans and victims of natural disasters</li> <li>▪ Protester of Nghe An police's harassment of students organizing religious activities</li> <li>▪ Attendee at trial of Dr. Cu Huy Ha Vu in April 2011</li> <li>▪ Participant in anti-China protests in Hanoi during the summer of 2011</li> <li>▪ Member of the Van Loc Parish, Vinh Diocese<sup>52</sup></li> </ul>
8. Address of usual residence:	Vinh City, Nghe An Province, Viet Nam (further details unavailable at this time)

**II. ARREST**

1. Date of arrest:	August 2, 2011 <sup>53</sup>
2. Place of arrest (as detailed as possible):	Home of the petitioner in Vinh City, Nghe An Province, Viet Nam <sup>54</sup>
3. Forces who carried out the arrest or are believed to have carried it out:	Nghe An local police officers and Ministry of Public Security officers <sup>55</sup>
4. Did they show a warrant or other	No <sup>56</sup>

<sup>52</sup> Viet Tan, *Voices of Conscience*, *supra* note 4, at 28; H.R. WATCH, *Vietnam: Free Catholic activists*, *supra* note 31; Thanh Nien Cong Giao, *List of Arrested Youths*, *supra* note 4, at 2; UCA NEWS, *Court sentences four Catholic students*, *supra* note 31; INT'L SOC. FOR H.R., *supra* note 4, at 3; INDEP. CATHOLIC NEWS, *supra* note 31.

<sup>53</sup> Viet Tan, *Voices of Conscience*, *supra* note 4, at 28; INT'L SOC. FOR H.R., *supra* note 4, at 3; FRONT LINE DEFENDERS, *Vietnam: Arrest and incommunicado detention*, *supra* note 4; H.R. WATCH, *Vietnam: Free Catholic activists*, *supra* note 31.

<sup>54</sup> FRONT LINE DEFENDERS, *Vietnam: Arrest and incommunicado detention*, *supra* note 4; Phai Len Tieng, "Update from attorney Le Quoc Quan," *supra* note 4.

<sup>55</sup> Phai Len Tieng, "Update from attorney Le Quoc Quan," *supra* note 4.

decision by a public authority? (Yes) (No)	
5. Authority who issued the warrant or decision:	Not applicable (no supporting warrant or decision shown)
6. Relevant legislation applied (if known):	Not applicable (no supporting warrant or decision shown)

**III. DETENTION**

1. Date of detention:	Unavailable (as information/documentation about detention is unavailable at this time)
2. Duration of detention (if not known, probable duration):	<ul style="list-style-type: none"> <li>▪ Exact duration unknown (as information/documentation about detention is unavailable at this time), but as at date of this Petition, at least 331 days</li> <li>▪ The petitioner was sentenced on May 24, 2012, to three years and three months' imprisonment, thereafter to be followed by one year's probation. Therefore, it is expected that his detention will continue until August 24, 2015<sup>57</sup></li> </ul>
3. Forces holding the detainee under custody:	Ministry of Public Security, Government of the Socialist Republic of Viet Nam
4. Places of detention (indicate any transfer and present place of detention):	Nghi Kim Detention Center, Nghi Loc District, Nghe An Province, Viet Nam <sup>58</sup>
5. Authorities that ordered the detention:	<ul style="list-style-type: none"> <li>▪ Pre-trial detention ordered by Security Investigative Department of the Ministry of Public Security, Government of the Socialist Republic of Viet Nam<sup>59</sup></li> <li>▪ Custodial sentence imposed by People's Court of Nghe An Province, Government of the Socialist Republic of Viet Nam<sup>60</sup></li> </ul>
6. Reasons for the detention imputed by the authorities:	Distributing leaflets demanding a multiparty system, rejecting the national election results, promoting freedom of religion and expression, the fight against abortion, blood donation, aid to orphans and victims of natural disasters <sup>61</sup>
7. Relevant legislation applied (if known):	Article 88 ("Conducting propaganda against the Socialist Republic of Vietnam") of the Penal Code of the Socialist Republic of Viet Nam <sup>62</sup>

<sup>56</sup> RADIO FREE ASIA, *Trial 'imminent'*, *supra* note 7; COMM. TO PROTECT JOURNALISTS, *Vietnam journalist crackdown*, *supra* note 4.

<sup>57</sup> RADIO FREE ASIA, *Activists jailed*, *supra* note 35. *See, also*, UCA NEWS, *Court sentences four Catholic students*, *supra* note 31; INDEP. CATHOLIC NEWS, *supra* note 31.

<sup>58</sup> Viet Tan, *Voices of Conscience*, *supra* note 4, at 28; INT'L SOC. FOR H.R., *supra* note 4, at 3; FRONT LINE DEFENDERS, *Update – Location of detainees*, *supra* note 6.

<sup>59</sup> Viet Tan, *Factual Update on Petitioners*, *supra* note 10.

<sup>60</sup> UCA NEWS, *Court sentences four Catholic students*, *supra* note 31; INDEP. CATHOLIC NEWS, *supra* note 31; H.R. WATCH, *Vietnam: Free Catholic activists*, *supra* note 31.

<sup>61</sup> *Id.*

<sup>62</sup> Viet Tan, *Voices of Conscience*, *supra* note 4, at 28; INT'L SOC. FOR H.R., *supra* note 4, at 4; H.R. WATCH, *Vietnam: Free Catholic activists*, *supra* note 31; UCA NEWS, *Court sentences four Catholic students*, *supra* note 31; INDEP. CATHOLIC NEWS, *supra* note 31.



**Petitioner 7 of 17: Mr. Paulus LE Van Son****I. IDENTITY**

1. Family name:	<b>LE</b>
2. First name:	<b>Paulus Van Son</b>
3. Sex: (Male) (Female)	Male
4. Birth date or age (at the time of detention):	October 20, 1985
5. Nationality/Nationalities:	Vietnamese
6. (a) Identity document (if any):	Unavailable
(b) Issued by:	Unavailable
(c) On (date):	Unavailable
(d) No.:	Unavailable
7. Profession and/or activity (if believed to be relevant to the arrest/detention):	<ul style="list-style-type: none"> <li>▪ Blogger and journalist writing on social justice, human rights, and sovereignty issues on his own popular blog <a href="http://www.paulusleson.wordpress.com">www.paulusleson.wordpress.com</a></li> <li>▪ Journalist for the <i>Vietnam Redemptorist News</i></li> <li>▪ Participant and course organizer in citizen journalism training by the <i>Vietnam Redemptorist News</i></li> <li>▪ Attendee of the trial of Thai Ha parishioners</li> <li>▪ Attendee of and journalist covering trial of Dr. Cu Huy Ha Vu, and had attempted to attend the appeal hearing of Dr. Vu the day before his arrest; had previously been arrested (in April 2011) while attempting to attend the sentencing hearing of Dr. Vu</li> <li>▪ Signatory to petition calling for the release of Dr. Cu Huy Ha Vu and against bauxite mining</li> <li>▪ Community organizer for issues including HIV and public education</li> <li>▪ Member of the John Paul II Group for Pro-Life and Thanh Hoa Diocese<sup>63</sup></li> </ul>
8. Address of usual residence:	357 Bui Xuong Trach Street, Dinh Cong Ward, Hoang Mai District, Hanoi, Viet Nam

**II. ARREST**

1. Date of arrest:	August 2, 2011 <sup>64</sup>
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<sup>63</sup> Viet Tan, Voices of Conscience, *supra* note 4, at 23; *Police kidnapping: Blogger Paulus Le Son arrested again amid mounting tension*, REPORTERS WITHOUT BORDERS (Aug. 4, 2011), <http://en.rsf.org/vietnam-blogger-paulus-le-son-arrested-04-08-2011,40751.html>; FRONT LINE DEFENDERS, *Vietnam: Arrest and incommunicado detention*, *supra* note 4; Thanh Nien Cong Giao, *List of Arrested Youths*, *supra* note 4, at 1; Phai Len Tieng, "Update from attorney Le Quoc Quan," *supra* note 4.

<sup>64</sup> Sec. Investigative Dep't, Ministry of Pub. Sec., Gov't of the Socialist Republic of Vietnam, *Communique Regarding Temporary Detainment Order*, Doc. No. 153/ANDT, Aug. 11, 2011, *unofficial translation* [hereinafter *Paulus LE Van Son Temporary Detainment Order*]; Viet Tan, Voices of Conscience, *supra* note 4, 23; REPORTERS WITHOUT BORDERS, *supra* note 63; FRONT LINE DEFENDERS, *Vietnam: Arrest and incommunicado detention*, *supra* note 4; Phai Len Tieng, "Update from attorney Le Quoc Quan," *supra* note 4.

2. Place of arrest (as detailed as possible):	Bui Xuong Trach Street, Dinh Cong Ward, Hoang Mai District, Hanoi, Viet Nam; outside the home of the Petitioner. The Petitioner was made to fall from his motorcycle and was then tossed into a waiting police car <sup>65</sup>
3. Forces who carried out the arrest or are believed to have carried it out:	Hanoi police officers <sup>66</sup>
4. Did they show a warrant or other decision by a public authority? (Yes) (No)	No <sup>67</sup>
5. Authority who issued the warrant or decision:	Not applicable (no supporting warrant or decision shown)
6. Relevant legislation applied (if known):	Not applicable (no supporting warrant or decision shown)

### III. DETENTION

1. Date of detention:	August 11, 2011 <sup>68</sup>
2. Duration of detention (if not known, probable duration):	As at date of this Petition, 328 days <sup>69</sup>
3. Forces holding the detainee under custody:	Ministry of Public Security, Government of the Socialist Republic of Viet Nam
4. Places of detention (indicate any transfer and present place of detention):	<ul style="list-style-type: none"> <li>▪ Since arrest, B14 Detention Center, Thanh Liet Ward, Thanh Tri District, Hanoi, Viet Nam<sup>70</sup></li> <li>▪ Recently moved to Detention Center 1 (Hoa Lo Prison), Xuan Phuong Ward, Tu Liem District, Hanoi, Viet Nam (further details unavailable at this time)<sup>71</sup></li> </ul>
5. Authorities that ordered the detention:	Colonel Nguyen Ngoc Phi, Deputy Head of Department, Security Investigative Department, Ministry of Public Security <sup>72</sup>

<sup>65</sup> Sec. Investigative Dep't, Ministry of Pub. Sec., Gov't of the Socialist Republic of Vietnam, *Paulus Le Van Son Temporary Detainment Order*, *supra* note 64; REPORTERS WITHOUT BORDERS, *supra* note 63; FRONT LINE DEFENDERS, *Vietnam: Arrest and incommunicado detention*, *supra* note 4; Phai Len Tieng, "Update from attorney Le Quoc Quan," *supra* note 4.

<sup>66</sup> Sec. Investigative Dep't, Ministry of Pub. Sec., Gov't of the Socialist Republic of Vietnam, *Paulus Le Van Son Temporary Detainment Order*, *supra* note 64; REPORTERS WITHOUT BORDERS, *supra* note 63; FRONT LINE DEFENDERS, *Vietnam: Arrest and incommunicado detention*, *supra* note 4; Phai Len Tieng, "Update from attorney Le Quoc Quan," *supra* note 4.

<sup>67</sup> RADIO FREE ASIA, *Trial 'imminent'*, *supra* note 7; COMM. TO PROTECT JOURNALISTS, *Vietnam journalist crackdown*, *supra* note 4.

<sup>68</sup> Sec. Investigative Dep't, Ministry of Pub. Sec., Gov't of the Socialist Republic of Vietnam, *Paulus Le Van Son Temporary Detainment Order*, *supra* note 64.

<sup>69</sup> In addition, the Petitioner was held in custody for 3 days beyond the permissible period under domestic Vietnamese law prior to the issuance of charges. Under Article 87 of the *Criminal Procedure Code* of the Socialist Republic of Vietnam, persons may be legally held in custody for a maximum of six days after their initial arrest. It is also possible that this period may be extended to nine days in "special cases" (*see supra* note 8), but there is nothing in the Temporary Detainment Order issued in respect of the Petitioner to suggest that the case against him is such a case. Therefore, we argue that the Petitioner could only be legally held in custody up to and including August 8, 2011, without being charged. The period indicated in this Model Questionnaire response includes the three days in which the Petitioner was held in police custody in violation of Vietnamese law, namely between August 9, 2011, and August 11, 2011.

<sup>70</sup> Sec. Investigative Dep't, Ministry of Pub. Sec., Gov't of the Socialist Republic of Vietnam, *Paulus Le Van Son Temporary Detainment Order*, *supra* note 64; Viet Tan, *Voices of Conscience*, *supra* note 4, at 23; FRONT LINE DEFENDERS, *Update – Location of detainees*, *supra* note 9; COMM. TO PROTECT JOURNALISTS, *Vietnam journalist crackdown*, *supra* note 4; RADIO FREE ASIA, *Trial 'imminent'*, *supra* note 7.

<sup>71</sup> Thanh Nien Cong Giao, *Paulus Le Son is removed from the Detention Center B14* (Jul. 24, 2012), <http://thanhnienconggiao.blogspot.fr/2012/07/paulus-le-son-bi-chuyen-khoi-trai-tam.html>, n.p.

6. Reasons for the detention imputed by the authorities:	Accusation of committing the act of joining the subversive “Viet Tan party” attempting to overthrow the people’s administration pursuant to Article 79 of the Penal Code of the Socialist Republic of Viet Nam <sup>73</sup>
7. Relevant legislation applied (if known):	Article 79 (“Carrying out activities aimed at overthrowing the people’s administration”) of the Penal Code of the Socialist Republic of Viet Nam <sup>74</sup>

<sup>72</sup> Sec. Investigative Dep’t, Ministry of Pub. Sec., Gov’t of the Socialist Republic of Vietnam, *Paulus Le Van Son Temporary Detainment Order*, *supra* note 64.

<sup>73</sup> Sec. Investigative Dep’t, Ministry of Pub. Sec., Gov’t of the Socialist Republic of Vietnam, *Paulus Le Van Son Temporary Detainment Order*, *supra* note 64.

<sup>74</sup> Sec. Investigative Dep’t, Ministry of Pub. Sec., Gov’t of the Socialist Republic of Vietnam, *Paulus Le Van Son Temporary Detainment Order*, *supra* note 64; Viet Tan, *Voices of Conscience*, *supra* note 4, at 23; FRONT LINE DEFENDERS, *Update – Location of detainees*, *supra* note 9; RADIO FREE ASIA, *Trial ‘imminent’*, *supra* note 7.

**Petitioner 8 of 17: Mr. NONG Hung Anh****I. IDENTITY**

1. Family name:	<b>NONG</b>
2. First name:	<b>Hung Anh</b>
3. Sex: (Male) (Female)	Male
4. Birth date or age (at the time of detention):	1988 (further details unavailable at this time)
5. Nationality/Nationalities:	Vietnamese
6. (a) Identity document (if any):	Unavailable
(b) Issued by:	Unavailable
(c) On (date):	Unavailable
(d) No.:	Unavailable
7. Profession and/or activity (if believed to be relevant to the arrest/detention):	<ul style="list-style-type: none"> <li>▪ Author of post about unfair elections posted on the Internet</li> <li>▪ Blogger on bauxite mining issues for prominent blogs including <a href="http://www.boxitvn.net">www.boxitvn.net</a>, a blog for environmental activists, and <a href="http://baokhongle.wordpress.com">baokhongle.wordpress.com</a> (Newspaper Without Lanes)</li> <li>▪ Participant in religious activities organized by his Baptist church</li> <li>▪ Participant in class on communication by the Hanoi Redemptorists</li> <li>▪ Participant in anti-China protests<sup>75</sup></li> </ul>
8. Address of usual residence:	Lang Son Province, Viet Nam (further details unavailable at this time)

**II. ARREST**

1. Date of arrest:	August 5, 2011 <sup>76</sup>
2. Place of arrest (as detailed as possible):	Hanoi <sup>77</sup> (further details unavailable at this time)
3. Forces who carried out the arrest or are believed to have carried it out:	Unavailable
4. Did they show a warrant or other decision by a public authority? (Yes) (No)	No <sup>78</sup>
5. Authority who issued the warrant or decision:	Not applicable (no supporting warrant or decision shown)
6. Relevant legislation applied (if known):	Not applicable (no supporting warrant or decision shown)

<sup>75</sup> Viet Tan, *Voices of Conscience*, *supra* note 4, at 23; INT'L SOC. FOR H.R., *supra* note 4, at 1; Thanh Nien Cong Giao, *List of Arrested Youths*, *supra* note 4.

<sup>76</sup> Viet Tan, *Voices of Conscience*, *supra* note 4, at 23; INT'L SOC. FOR H.R., *supra* note 4, at 1.

<sup>77</sup> INT'L SOC. FOR H.R., *supra* note 4, at 1.

<sup>78</sup> RADIO FREE ASIA, *Trial 'imminent'*, *supra* note 7.

**III. DETENTION**

1. Date of detention:	Unavailable (as information/documentation about detention is unavailable at this time)
2. Duration of detention (if not known, probable duration):	Exact duration unknown (as information/documentation about detention is unavailable at this time), but as at date of this Petition, at least 328 days
3. Forces holding the detainee under custody:	Ministry of Public Security, Government of the Socialist Republic of Viet Nam
4. Places of detention (indicate any transfer and present place of detention):	B14 Detention Center, Thanh Liet Ward, Thanh Tri District, Hanoi, Viet Nam <sup>79</sup>
5. Authorities that ordered the detention:	Security Investigative Department of the Ministry of Public Security, Government of the Socialist Republic of Viet Nam <sup>80</sup>
6. Reasons for the detention imputed by the authorities:	Accusation of membership or involvement in the Viet Tan political party <sup>81</sup>
7. Relevant legislation applied (if known):	Article 79 (“Carrying out activities aimed at overthrowing the people’s administration”) of the Penal Code of the Socialist Republic of Viet Nam <sup>82</sup>

<sup>79</sup> Viet Tan, Voices of Conscience, *supra* note 4, at 23; INT’L SOC. FOR H.R., *supra* note 4, at 1; RADIO FREE ASIA, *Trial ‘imminent’*, *supra* note 7.

<sup>80</sup> Viet Tan, Factual Update on Petitioners, *supra* note 10.

<sup>81</sup> *Id.*

<sup>82</sup> Viet Tan, Voices of Conscience, *supra* note 4, at 23; INT’L SOC. FOR H.R., *supra* note 4, at 1; RADIO FREE ASIA, *Trial ‘imminent’*, *supra* note 7.

**Petitioner 9 of 17: Mr. John the Baptist NGUYEN Van Duyet****I. IDENTITY**

1. Family name:	NGUYEN
2. First name:	John the Baptist Van Duyet
3. Sex: (Male) (Female)	Male
4. Birth date or age (at the time of detention):	September 14, 1980
5. Nationality/Nationalities:	Vietnamese
6. (a) Identity document (if any):	Unavailable
(b) Issued by:	Unavailable
(c) On (date):	Unavailable
(d) No.:	Unavailable
7. Profession and/or activity (if believed to be relevant to the arrest/detention):	<ul style="list-style-type: none"> <li>▪ President of Association of Catholic Workers of Vinh in Hanoi (Giuse Tho)</li> <li>▪ Participant in anti-China protests in Hanoi in the summer of 2011</li> <li>▪ Journalist for the <i>Vietnam Redemptorist News</i></li> <li>▪ Participant and course organizer in citizen journalism training by the <i>Vietnam Redemptorist News</i></li> <li>▪ Attendee of and journalist covering trial of Dr. Cu Huy Ha Vu</li> <li>▪ Member of the Yen Hoa Parish, Vinh Diocese<sup>83</sup></li> </ul>
8. Address of usual residence:	Vinh City, Nghe An Province, Viet Nam (further details unavailable at this time)

**II. ARREST**

1. Date of arrest:	August 7, 2011
2. Place of arrest (as detailed as possible):	Vinh City, Nghe An Province, Viet Nam <sup>84</sup> (further details unavailable at this time)
3. Forces who carried out the arrest or are believed to have carried it out:	Unavailable
4. Did they show a warrant or other decision by a public authority? (Yes) (No)	No <sup>85</sup>
5. Authority who issued the warrant or decision:	Not applicable (no supporting warrant or decision shown)
6. Relevant legislation applied (if known):	Not applicable (no supporting warrant or decision shown)

<sup>83</sup> Viet Tan, *Voices of Conscience*, *supra* note 4, 19; INT'L SOC. FOR H.R., *supra* note 4, at 5; Thanh Nien Cong Giao, *List of Arrested Youths*, *supra* note 4, at 2; COMM. TO PROTECT JOURNALISTS, *Vietnam journalist crackdown*, *supra* note 4; FRONT LINE DEFENDERS, *Vietnam: Arrest and incommunicado detention*, *supra* note 4.

<sup>84</sup> COMM. TO PROTECT JOURNALISTS, *Vietnam journalist crackdown*, *supra* note 4; INT'L SOC. FOR H.R., *supra* note 4, at 5; FRONT LINE DEFENDERS, *Vietnam: Arrest and incommunicado detention*, *supra* note 4.

<sup>85</sup> RADIO FREE ASIA, *Trial 'imminent'*, *supra* note 7; COMM. TO PROTECT JOURNALISTS, *Vietnam journalist crackdown*, *supra* note 4.

**III. DETENTION**

1. Date of detention:	Unavailable (as information/documentation about detention is unavailable at this time)
2. Duration of detention (if not known, probable duration):	Exact duration unknown (as information/documentation about detention is unavailable at this time), but as at date of this Petition, at least 326 days
3. Forces holding the detainee under custody:	Ministry of Public Security, Government of the Socialist Republic of Viet Nam
4. Places of detention (indicate any transfer and present place of detention):	B14 Detention Center, Thanh Liet Ward, Thanh Tri District, Hanoi, Viet Nam <sup>86</sup>
5. Authorities that ordered the detention:	Security Investigative Department of the Ministry of Public Security, Government of the Socialist Republic of Viet Nam <sup>87</sup>
6. Reasons for the detention imputed by the authorities:	Accusation of conducting activities to overthrow the government and accusation of membership or involvement in the Viet Tan political party <sup>88</sup>
7. Relevant legislation applied (if known):	Article 79 (“Carrying out activities aimed at overthrowing the people’s administration”) of the Penal Code of the Socialist Republic of Viet Nam <sup>89</sup>

<sup>86</sup> FRONT LINE DEFENDERS, *Update – Location of detainees*, *supra* note 9; RADIO FREE ASIA, *Trial ‘imminent’*, *supra* note 7; INT’L SOC. FOR H.R., *supra* note 4, at 5; COMM. TO PROTECT JOURNALISTS, *Vietnam journalist crackdown*, *supra* note 4.

<sup>87</sup> Viet Tan, *Factual Update on Petitioners*, *supra* note 10.

<sup>88</sup> INT’L SOC. FOR H.R., *supra* note 4, at 5; Viet Tan, *Factual Update on Petitioners*, *supra* note 10.

<sup>89</sup> Viet Tan, *Voices of Conscience*, *supra* note 4, at 19; INT’L SOC. FOR H.R., *supra* note 4, at 5; RADIO FREE ASIA, *Trial ‘imminent’*, *supra* note 7.

**Petitioner 10 of 17: Mr. Peter NGUYEN Xuan Anh****I. IDENTITY**

1. Family name:	NGUYEN
2. First name:	Peter Xuan Anh
3. Sex: (Male) (Female)	Male
4. Birth date or age (at the time of detention):	September 14, 1982
5. Nationality/Nationalities:	Vietnamese
6. (a) Identity document (if any):	Unavailable
(b) Issued by:	Unavailable
(c) On (date):	Unavailable
(d) No.:	Unavailable
7. Profession and/or activity (if believed to be relevant to the arrest/detention):	<ul style="list-style-type: none"> <li>▪ Social activist, particularly in the Catholic movement to protect the rights of unborn children as a member of the John Paul II Group for Pro-Life</li> <li>▪ Member of the Yen Dai Parish, Vinh Diocese<sup>90</sup></li> </ul>
8. Address of usual residence:	Block 4, Nghi Phu Ward, Vinh City, Nghe An Province, Viet Nam

**II. ARREST**

1. Date of arrest:	August 7, 2011 <sup>91</sup>
2. Place of arrest (as detailed as possible):	Vinh City, Nghe An Province, Viet Nam <sup>92</sup> (further details unavailable at this time)
3. Forces who carried out the arrest or are believed to have carried it out:	Security Investigative Department, Ministry of Public Security <sup>93</sup>
4. Did they show a warrant or other decision by a public authority? (Yes) (No)	No <sup>94</sup>
5. Authority who issued the warrant or decision:	Not applicable (no supporting warrant or decision shown)
6. Relevant legislation applied (if known):	Not applicable (no supporting warrant or decision shown)

**III. DETENTION**

1. Date of detention:	August 11, 2011 <sup>95</sup>
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<sup>90</sup> INT'L SOC. FOR H.R., *supra* note 4, at 3; Thanh Nien Cong Giao, *List of Arrested Youths*, *supra* note 4, at 2.

<sup>91</sup> Sec. Investigative Dep't, Ministry of Pub. Sec., Gov't of the Socialist Republic of Vietnam, *Communique Regarding Temporary Detainment Order*, Doc. No. 155/ANDT, Aug. 11, 2011, *unofficial translation* [hereinafter *Peter NGUYEN Xuan Anh Temporary Detention Order*]; Viet Tan, *Voices of Conscience*, *supra* note 2, at 22; INT'L SOC. FOR H.R., *supra* note 4, at 3.

<sup>92</sup> INT'L SOC. FOR H.R., *supra* note 4, at 3.

<sup>93</sup> Sec. Investigative Dep't, Ministry of Pub. Sec., Gov't of the Socialist Republic of Vietnam, *Peter NGUYEN Xuan Anh Temporary Detention Order*, *supra* note 91.

<sup>94</sup> RADIO FREE ASIA, *Trial 'imminent'*, *supra* note 7.



2. Duration of detention (if not known, probable duration):	As at date of this Petition, 328 days
3. Forces holding the detainee under custody:	Ministry of Public Security, Government of the Socialist Republic of Viet Nam
4. Places of detention (indicate any transfer and present place of detention):	B14 Detention Center, Thanh Liet Ward, Thanh Tri District, Hanoi, Viet Nam <sup>96</sup>
5. Authorities that ordered the detention:	Colonel Nguyen Ngoc Phi, Deputy Head of Department, Security Investigative Department, Ministry of Public Security <sup>97</sup>
6. Reasons for the detention imputed by the authorities:	Accusation of committing the act of joining the subversive “Viet Tan party” attempting to overthrow the people’s administration pursuant to Article 79 of the Penal Code of the Socialist Republic of Viet Nam <sup>98</sup>
7. Relevant legislation applied (if known):	Article 79 (“Carrying out activities aimed at overthrowing the people’s administration”) of the Penal Code of the Socialist Republic of Viet Nam <sup>99</sup>

<sup>95</sup> Sec. Investigative Dep’t, Ministry of Pub. Sec., Gov’t of the Socialist Republic of Vietnam, *Peter NGUYEN Xuan Anh Temporary Detention Order*, *supra* note 91.

<sup>96</sup> Sec. Investigative Dep’t, Ministry of Pub. Sec., Gov’t of the Socialist Republic of Vietnam, *Peter NGUYEN Xuan Anh Temporary Detention Order*, *supra* note 91; Viet Tan, *Voices of Conscience*, *supra* note 4, at 19; INT’L SOC. FOR H.R., *supra* note 4, at 5; RADIO FREE ASIA, *Trial ‘imminent’*, *supra* note 7.

<sup>97</sup> Sec. Investigative Dep’t, Ministry of Pub. Sec., Gov’t of the Socialist Republic of Vietnam, *Peter NGUYEN Xuan Anh Temporary Detention Order*, *supra* note 91.

<sup>98</sup> Sec. Investigative Dep’t, Ministry of Pub. Sec., Gov’t of the Socialist Republic of Vietnam, *Peter NGUYEN Xuan Anh Temporary Detention Order*, *supra* note 91.

<sup>99</sup> Sec. Investigative Dep’t, Ministry of Pub. Sec., Gov’t of the Socialist Republic of Vietnam, *Peter NGUYEN Xuan Anh Temporary Detention Order*, *supra* note 91; *Voices of Conscience*, *supra* note 4, at 19; INT’L SOC. FOR H.R., *supra* note 4, at 5; RADIO FREE ASIA, *Trial ‘imminent’*, *supra* note 7.

## Petitioner 11 of 17: Mr. Paul HO Van Oanh

## I. IDENTITY

1. Family name:	HO
2. First name:	Paul Van Oanh
3. Sex: (Male) (Female)	Male
4. Birth date or age (at the time of detention):	August 9, 1985
5. Nationality/Nationalities:	Vietnamese
6. (a) Identity document (if any):	Unavailable
(b) Issued by:	Unavailable
(c) On (date):	Unavailable
(d) No.:	Unavailable
7. Profession and/or activity (if believed to be relevant to the arrest/detention):	<ul style="list-style-type: none"> <li>▪ Previously arrested in April 2011 for attempting to attend trial of Dr. Cu Huy Ha Vu</li> <li>▪ Involved in promoting human rights through his parish</li> <li>▪ Participant in citizen journalism training by the <i>Vietnam Redemptorist News</i></li> <li>▪ Member of Yen Hoa Parish, Vinh Diocese</li> <li>▪ Active in defending the rights of factory workers in Binh Duong Province<sup>100</sup></li> </ul>
8. Address of usual residence:	Vinh City, Nghe An Province, Viet Nam (further details unavailable at this time)

## II. ARREST

1. Date of arrest:	August 16, 2011 <sup>101</sup>
2. Place of arrest (as detailed as possible):	Thu Duc, Ho Chi Minh City, Viet Nam <sup>102</sup> (further details unavailable at this time)
3. Forces who carried out the arrest or are believed to have carried it out:	Ho Chi Minh City security police officers (one in uniform, one in plainclothes) <sup>103</sup>
4. Did they show a warrant or other decision by a public authority? (Yes) (No)	No <sup>104</sup>
5. Authority who issued the warrant or decision:	Not applicable (no supporting warrant or decision shown)
6. Relevant legislation applied (if known):	Not applicable (no supporting warrant or decision shown)

<sup>100</sup> Viet Tan, *Voices of Conscience*, *supra* note 4, at 10; Thanh Nien Cong Giao, *List of Arrested Youths*, *supra* note 4, at 2; INT'L SOC. FOR H.R., *supra* note 4, at 4; FRONT LINE DEFENDERS, *Vietnam: Arrest and incommunicado detention*, *supra* note 4.

<sup>101</sup> FRONT LINE DEFENDERS, *Vietnam: Arrest and incommunicado detention*, *supra* note 4; Posting by Phai Len Tieng, "Untitled," *Tumblr*, <http://www.tumblr.com/tagged/ho+van+oanh> (n.d.) [hereinafter "Update on Paul HO Van Oanh"]; *Voices of Conscience*, *supra* note 4, 10; INT'L SOC. FOR H.R., *supra* note 4, at 4.

<sup>102</sup> Phai Len Tieng, "Update on Paul HO Van Oanh", *supra* note 101; *Voices of Conscience*, *supra* note 4, at 10; INT'L SOC. FOR H.R., *supra* note 4, at 4.

<sup>103</sup> Phai Len Tieng, "Update on Paul HO Van Oanh," *supra* note 101.

<sup>104</sup> RADIO FREE ASIA, *Trial 'imminent'*, *supra* note 7; COMM. TO PROTECT JOURNALISTS, *Vietnam journalist crackdown*, *supra* note 4.

**III. DETENTION**

1. Date of detention:	Unavailable (as information/documentation about detention is unavailable at this time)
2. Duration of detention (if not known, probable duration):	Exact duration unknown (as information/documentation about detention is unavailable at this time), but as at date of this Petition, at least 317 days
3. Forces holding the detainee under custody:	Ministry of Public Security, Government of the Socialist Republic of Viet Nam
4. Places of detention (indicate any transfer and present place of detention):	<ul style="list-style-type: none"> <li>▪ Between August 16, 2011 and April 12, 2012: in B34 Detention Center, 237 Nguyen Van Cu, District 1, Ho Chi Minh City, Viet Nam</li> <li>▪ Since April 12, 2012: transferred to and presently detained in B14 Detention Center, Thanh Liet Ward, Thanh Tri District, Hanoi, Viet Nam<sup>105</sup></li> </ul>
5. Authorities that ordered the detention:	Security Investigative Department of the Ministry of Public Security, Government of the Socialist Republic of Viet Nam <sup>106</sup>
6. Reasons for the detention imputed by the authorities:	Accusation of membership or involvement in the Viet Tan political party <sup>107</sup>
7. Relevant legislation applied (if known):	Article 79 (“Carrying out activities aimed at overthrowing the people’s administration”) of the Penal Code of the Socialist Republic of Vietnam <sup>108</sup>

<sup>105</sup> RADIO FREE ASIA, *Trial ‘imminent’*, *supra* note 7; FRONT LINE DEFENDERS, *Update – Location of detainees*, *supra* note 6; Viet Tan, *Voices of Conscience*, *supra* note 4, at 10; INT’L SOC. FOR H.R., *supra* note 4, at 4.

<sup>106</sup> Viet Tan, *Factual Update on Petitioners*, *supra* note 10.

<sup>107</sup> *Id.*

<sup>108</sup> RADIO FREE ASIA, *Trial ‘imminent’*, *supra* note 7; Viet Tan, *Voices of Conscience*, *supra* note 4, at 10; INT’L SOC. FOR H.R., *supra* note 4, at 4.

**Petitioner 12 of 17: Mr. John THAI Van Dung****I. IDENTITY**

1. Family name:	<b>THAI</b>
2. First name:	<b>John Van Dung</b>
3. Sex: (Male) (Female)	Male
4. Birth date or age (at the time of detention):	June 3, 1988
5. Nationality/Nationalities:	Vietnamese
6. (a) Identity document (if any):	Unavailable
(b) Issued by:	Unavailable
(c) On (date):	Unavailable
(d) No.:	Unavailable
7. Profession and/or activity (if believed to be relevant to the arrest/detention):	<ul style="list-style-type: none"> <li>▪ Participant in citizen journalism training by the <i>Vietnam Redemptorist News</i></li> <li>▪ Attendee of covering trial of Dr. Cu Huy Ha Vu, gathering outside the court<sup>109</sup></li> <li>▪ Member of the Congregation of the Most Holy Redeemer and the Vinh Diocese, and at Thai Parish<sup>110</sup></li> </ul>
8. Address of usual residence:	Hanoi, Vietnam (details unavailable at this time)

**II. ARREST**

1. Date of arrest:	August 19, 2011 <sup>111</sup>
2. Place of arrest (as detailed as possible):	Hanoi, Viet Nam <sup>112</sup> (further details unavailable at this time)
3. Forces who carried out the arrest or are believed to have carried it out:	Unavailable
4. Did they show a warrant or other decision by a public authority? (Yes) (No)	No <sup>113</sup>
5. Authority who issued the warrant or decision:	Not applicable (no supporting warrant or decision shown)
6. Relevant legislation applied (if known):	Not applicable (no supporting warrant or decision shown)

**III. DETENTION**

1. Date of detention:	Unavailable (as information/documentation about detention is unavailable at this time)
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<sup>109</sup> Viet Tan, Factual Update on Petitioners, *supra* note 10.

<sup>110</sup> Viet Tan, Voices of Conscience, *supra* note 4, at 27; Thanh Nien Cong Giao, *List of Arrested Youths*, *supra* note 4, at 3; INT'L SOC. FOR H.R., *supra* note 4, at 4.

<sup>111</sup> Viet Tan, Voices of Conscience, *supra* note 4, at 27; INT'L SOC. FOR H.R., *supra* note 4, at 4.

<sup>112</sup> INT'L SOC. FOR H.R., *supra* note 4, at 4.

<sup>113</sup> RADIO FREE ASIA, *Trial 'imminent'*, *supra* note 7.

2. Duration of detention (if not known, probable duration):	Exact duration unknown (as information/documentation about detention is unavailable at this time), but as at date of this Petition, at least 314 days
3. Forces holding the detainee under custody:	Ministry of Public Security, Government of the Socialist Republic of Viet Nam
4. Places of detention (indicate any transfer and present place of detention):	B14 Detention Center, Thanh Liet Ward, Thanh Tri District, Hanoi, Viet Nam <sup>114</sup>
5. Authorities that ordered the detention:	Security Investigative Department of the Ministry of Public Security, Government of the Socialist Republic of Viet Nam <sup>115</sup>
6. Reasons for the detention imputed by the authorities:	Accusation of conducting activities to overthrow the government and accusation of membership or involvement in the Viet Tan political party <sup>116</sup>
7. Relevant legislation applied (if known):	Article 79 (“Carrying out activities aimed at overthrowing the people’s administration”) of the Penal Code of the Socialist Republic of Viet Nam <sup>117</sup>

<sup>114</sup> RADIO FREE ASIA, *Trial ‘imminent’*, *supra* note 7; Viet Tan, Voices of Conscience, *supra* note 4, at 27; INT’L SOC. FOR H.R., *supra* note 4, at 4.

<sup>115</sup> Viet Tan, Factual Update on Petitioners, *supra* note 10.

<sup>116</sup> INT’L SOC. FOR H.R., *supra* note 4, at 4; Viet Tan, Factual Update on Petitioners, *supra* note 10.

<sup>117</sup> RADIO FREE ASIA, *Trial ‘imminent’*, *supra* note 7; Viet Tan, Voices of Conscience, *supra* note 4, at 27; INT’L SOC. FOR H.R., *supra* note 4, at 4.

**Petitioner 13 of 17: Mr. Paul TRAN Minh Nhat****I. IDENTITY**

1. Family name:	<b>TRAN</b>
2. First name:	<b>Paul Minh Nhat</b>
3. Sex: (Male) (Female)	Male
4. Birth date or age (at the time of detention):	1988 (further details unavailable at this time)
5. Nationality/Nationalities:	Vietnamese
6. (a) Identity document (if any):	Unavailable
(b) Issued by:	Unavailable
(c) On (date):	Unavailable
(d) No.:	Unavailable
7. Profession and/or activity (if believed to be relevant to the arrest/detention):	<ul style="list-style-type: none"> <li>▪ Journalist for the <i>Vietnam Redemptorist News</i></li> <li>▪ Participant in anti-China and anti-bauxite mining protests</li> <li>▪ Participant in communication class by the Hanoi Redemptorists</li> <li>▪ Member of the Ngoc Long Parish, Vinh Diocese<sup>118</sup></li> </ul>
8. Address of usual residence:	Ho Chi Minh City, Viet Nam (further details unavailable at this time)

**II. ARREST**

1. Date of arrest:	August 27, 2011 <sup>119</sup>
2. Place of arrest (as detailed as possible):	Ho Chi Minh City University of Foreign Languages and Information Technology, 155 Su Van Hanh, Ward 13, District 10, Ho Chi Minh City, Viet Nam <sup>120</sup>
3. Forces who carried out the arrest or are believed to have carried it out:	Unavailable
4. Did they show a warrant or other decision by a public authority? (Yes) (No)	No <sup>121</sup>
5. Authority who issued the warrant or decision:	Not applicable (no supporting warrant or decision shown)
6. Relevant legislation applied (if known):	Not applicable (no supporting warrant or decision shown)

<sup>118</sup> Viet Tan, *Voices of Conscience*, *supra* note 4, at 29; Thanh Nien Cong Giao, *List of Arrested Youths*, *supra* note 4, at 5; INT'L SOC. FOR H.R., *supra* note 4, at 5.

<sup>119</sup> Viet Tan, *Voices of Conscience*, *supra* note 4, at 29; INT'L SOC. FOR H.R., *supra* note 4, at 5.

<sup>120</sup> Viet Tan, *Voices of Conscience*, *supra* note 4, at 29.

<sup>121</sup> RADIO FREE ASIA, *Trial 'imminent'*, *supra* note 7.

**III. DETENTION**

1. Date of detention:	Unavailable (as information/documentation about detention is unavailable at this time)
2. Duration of detention (if not known, probable duration):	Exact duration unknown (as information/documentation about detention is unavailable at this time), but as at date of this Petition, at least 306 days
3. Forces holding the detainee under custody:	Ministry of Public Security, Government of the Socialist Republic of Viet Nam
4. Places of detention (indicate any transfer and present place of detention):	<ul style="list-style-type: none"> <li>▪ Between 27 August 2011 and 12 April 2012: in B34 Detention Center, 237 Nguyen Van Cu, District 1, Ho Chi Minh City</li> <li>▪ Since 12 April 2012: transferred to and presently detained in B14 Detention Center, Thanh Liet Ward, Thanh Tri District, Hanoi<sup>122</sup></li> </ul>
5. Authorities that ordered the detention:	Security Investigative Department of the Ministry of Public Security, Government of the Socialist Republic of Viet Nam <sup>123</sup>
6. Reasons for the detention imputed by the authorities:	Accusation of membership or involvement in the Viet Tan political party <sup>124</sup>
7. Relevant legislation applied (if known):	Article 79 (“Carrying out activities aimed at overthrowing the people’s administration”) of the Penal Code of the Socialist Republic of Viet Nam <sup>125</sup>

<sup>122</sup> RADIO FREE ASIA, *Trial ‘imminent’*, *supra* note 7; Viet Tan, Voices of Conscience, *supra* note 4, at 29; INT’L SOC. FOR H.R., *supra* note 4, at 5.

<sup>123</sup> Viet Tan, Factual Update on Petitioners, *supra* note 10.

<sup>124</sup> *Id.*

<sup>125</sup> RADIO FREE ASIA, *Trial ‘imminent’*, *supra* note 7; Viet Tan, Voices of Conscience, *supra* note 4, at 29; INT’L SOC. FOR H.R., *supra* note 4, at 5.

**Petitioner 14 of 17: Ms. Mary TA Phong Tan****I. IDENTITY**

1. Family name:	<b>TA</b>
2. First name:	<b>Mary Phong Tan</b>
3. Sex: (Male) (Female)	Female
4. Birth date or age (at the time of detention):	September 15, 1968
5. Nationality/Nationalities:	Vietnamese
6. (a) Identity document (if any):	Unavailable
(b) Issued by:	Unavailable
(c) On (date):	Unavailable
(d) No.:	Unavailable
7. Profession and/or activity (if believed to be relevant to the arrest/detention):	<ul style="list-style-type: none"> <li>▪ Freelance journalist with more than 700 articles on social issues including mistreatment of children, official corruption, unfair taxation of the poor, grievances connected to illegal land confiscations by local officials and widespread abuse of power</li> <li>▪ Published in many mainstream newspapers in Viet Nam and BBC's Vietnamese news service website</li> <li>▪ Prolific blogger on her own blog, "Justice &amp; Truth" (conglysuthat.blogspot.com)</li> <li>▪ Published an analysis on her blog six days before her arrest in which she argued that the arrest of fellow Petitioner Paulus LE Van Son was illegal and arbitrary</li> <li>▪ Former police officer and Communist Party member, which revoked her membership</li> <li>▪ In 2011, awarded Human Rights Watch's Helmann/Hammett grant for writers who are the victims of political persecution</li> <li>▪ Convert to the Redemptorist Church and attendee of the Our Lady of Perpetual Help Church, Ho Chi Minh City</li> <li>▪ Denied lawyer's practising certificate upon completion of the requisite training<sup>126</sup></li> </ul>
8. Address of usual residence:	Ho Chi Minh City, Viet Nam (further details unavailable at this time)

**II. ARREST**

1. Date of arrest:	September 5, 2011 <sup>127</sup>
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<sup>126</sup> *Vietnam: Free religious activists immediately*, H.R. WATCH (Sep. 30, 2011), <http://www.hrw.org/node/102031>; *Ongoing arbitrary detention and upcoming trial of Mr. Nguyen Van Hai (alias Dieu Cay), Mr. Phan Thanh Hai and Ms. Ta Phong Tan*, INT'L FED'N FOR H.R. (Apr. 30, 2012), <http://www.fidh.org/ongoing-arbitrary-detention-and>; Viet Tan, *Voices of Conscience*, *supra* note 4, at 26; *Officials yet to allow visit to jailed blogger*, UCA NEWS (May 15, 2012), <http://www.ucanews.com/2012/05/15/officials-yet-to-allow-visit-to-ailing-blogger>; INT'L SOC. FOR H.R., *supra* note 4, at 7-8.



2. Place of arrest (as detailed as possible):	Ho Chi Minh City, Viet Nam <sup>128</sup> (further details unavailable at this time)
3. Forces who carried out the arrest or are believed to have carried it out:	Unavailable
4. Did they show a warrant or other decision by a public authority? (Yes) (No)	No <sup>129</sup>
5. Authority who issued the warrant or decision:	Not applicable (no supporting warrant or decision shown)
6. Relevant legislation applied (if known):	Not applicable (no supporting warrant or decision shown)

### III. DETENTION

1. Date of detention:	April 15, 2012 <sup>130</sup>
2. Duration of detention (if not known, probable duration):	As at the date of this Petition, 86 days <sup>131</sup>
3. Forces holding the detainee under custody:	Ho Chi Minh Security Police Investigations Department, Ministry of Public Security, Government of the Socialist Republic of Viet Nam
4. Places of detention (indicate any transfer and present place of detention):	Phan Dang Luu Prison (PA 24), 4 Phan Dang Luu Street, Binh Thanh District, Ho Chi Minh City, Viet Nam <sup>132</sup>
5. Authorities that ordered the detention:	Ho Chi Minh Security Police Investigations Department, <sup>133</sup> Ministry of Public Security, Government of the Socialist Republic of Viet Nam <sup>134</sup>
6. Reasons for the detention imputed by the authorities:	According to State-run media coverage of charges laid on 15 April 2012, denigration, distortion and opposition of the State <sup>135</sup>

<sup>127</sup> H.R. WATCH, *Vietnam: Free religious activists immediately*, *supra* note 126; INT'L FED'N FOR H.R., *supra* note 126; Viet Tan, *Voices of Conscience*, *supra* note 4, at 26; INT'L SOC. FOR H.R., *supra* note 4, at 8.

<sup>128</sup> *Id.*

<sup>129</sup> RADIO FREE ASIA, *Trial 'imminent'*, *supra* note 7.

<sup>130</sup> *Three Vietnamese journalists given antistate charges*, COMM. TO PROTECT JOURNALISTS (Apr. 16, 2012), <http://cpj.org/2012/04/three-journalists-given-antistate-charge.php#more>; *Vietnam must free bloggers Dieu Cay, Phan Thanh Hai and Ta Phong Tan*, VIETNAM COMM. ON H.R. (Apr. 16, 2012), [http://www.queme.net/eng/news\\_detail.php?numb=1816](http://www.queme.net/eng/news_detail.php?numb=1816).

<sup>131</sup> In addition, the Petitioner was held in custody for 217 days beyond the permissible period under domestic Vietnamese law prior to the issuance of charges. Under Article 87 of the *Criminal Procedure Code* of the Socialist Republic of Vietnam, persons may be legally held in custody for a maximum of six days after their initial arrest. It is also possible that this period may be extended to nine days in "special cases" (*see supra* note 8), but there is nothing in the Temporary Detainment Order issued in respect of the Petitioner to suggest that the case against him is such a case. Therefore, the Petitioner could only be legally held in custody up to and including September 10, 2011, without being charged. The period indicated in this Model Questionnaire response includes the three days in which the Petitioner was held in police custody in violation of domestic Vietnamese law, namely between September 11, 2011, and April 15, 2012.

<sup>132</sup> H.R. WATCH, *Vietnam: Free religious activists immediately*, *supra* note 126; INT'L FED'N FOR H.R., *supra* note 126; Viet Tan, *Voices of Conscience*, *supra* note 4, at 26; INT'L SOC. FOR H.R., *supra* note 4, at 8; UCA NEWS, *Officials yet to allow visit to jailed blogger*, *supra* note 126.

<sup>133</sup> INT'L FED'N FOR H.R., *supra* note 126.

<sup>134</sup> Viet Tan, *Factual Update on Petitioners*, *supra* note 10.

<sup>135</sup> COMM. TO PROTECT JOURNALISTS, *Three Vietnamese journalists given antistate charges*, *supra* note 130; VIETNAM COMM. ON H.R., *supra* note 130.

7. Relevant legislation applied (if known):	Article 88 (“Conducting propaganda against the Socialist Republic of Vietnam”) of the Penal Code of the Socialist Republic of Viet Nam <sup>136</sup>
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<sup>136</sup> *Id.*

**Petitioner 15 of 17: Mr. TRAN Vu Anh Binh****I. IDENTITY**

1. Family name:	<b>TRAN</b>
2. First name:	<b>Vu Anh Binh</b>
3. Sex: (Male) (Female)	Male
4. Birth date or age (at the time of detention):	1974 (further details unavailable at this time)
5. Nationality/Nationalities:	Vietnamese
6. (a) Identity document (if any):	Unavailable
(b) Issued by:	Unavailable
(c) On (date):	Unavailable
(d) No.:	Unavailable
7. Profession and/or activity (if believed to be relevant to the arrest/detention):	<ul style="list-style-type: none"> <li>▪ Catholic songwriter</li> <li>▪ Member of Patriotic Youth, a network of college students, young professionals and young artists who promote public consciousness about social justice and civic engagement, including advocating for the respect of human rights, freedom and free elections</li> <li>▪ Participant in anti-China protests in Ho Chi Minh City</li> <li>▪ Member of the Congregation of the Most Holy Redeemer and the Saigon Parish<sup>137</sup></li> </ul>
8. Address of usual residence:	Ho Chi Minh City, Viet Nam (further details unavailable at this time)

**II. ARREST**

1. Date of arrest:	September 19, 2011 <sup>138</sup>
2. Place of arrest (as detailed as possible):	The petitioner's home in Ho Chi Minh City <sup>139</sup> (further details unavailable at this time)
3. Forces who carried out the arrest or are believed to have carried it out:	Unavailable
4. Did they show a warrant or other decision by a public authority? (Yes) (No)	No <sup>140</sup>
5. Authority who issued the warrant or decision:	Not applicable (no supporting warrant or decision shown)
6. Relevant legislation applied (if known):	Not applicable (no supporting warrant or decision shown)

<sup>137</sup> Viet Tan, *Voices of Conscience*, *supra* note 4, at 30; INT'L SOC. FOR H.R., *supra* note 4, at 14.

<sup>138</sup> *Id.*

<sup>139</sup> *Id.*

<sup>140</sup> RADIO FREE ASIA, *Trial 'imminent'*, *supra* note 7.

**III. DETENTION**

1. Date of detention:	Unavailable (as information/documentation about detention is unavailable at this time)
2. Duration of detention (if not known, probable duration):	Exact duration unknown (as information/documentation about detention is unavailable at this time), but as at date of this Petition, at least 289 days
3. Forces holding the detainee under custody:	Ministry of Public Security, Government of the Socialist Republic of Viet Nam
4. Places of detention (indicate any transfer and present place of detention):	Phan Dang Luu Prison (PA 24), 4 Phan Dang Luu Street, Binh Thanh District, Ho Chi Minh City, Viet Nam <sup>141</sup>
5. Authorities that ordered the detention:	Security Investigations Department, Ministry of Public Security, Government of the Socialist Republic of Viet Nam <sup>142</sup>
6. Reasons for the detention imputed by the authorities:	Unavailable
7. Relevant legislation applied (if known):	Article 88 (“Conducting propaganda against the Socialist Republic of Vietnam”) of the Penal Code of the Socialist Republic of Viet Nam <sup>143</sup>

<sup>141</sup> Viet Tan, Voices of Conscience, *supra* note 4, at 30; Viet Tan, Factual Update on Petitioners, *supra* note 10; INT’L SOC. FOR H.R., *supra* note 4, at 14.

<sup>142</sup> Viet Tan, Factual Update on Petitioners, *supra* note 10.

<sup>143</sup> *Id.*

**Petitioner 16 of 17: Mr. Peter NGUYEN Dinh Cuong****I. IDENTITY**

1. Family name:	NGUYEN
2. First name:	<b>Peter Dinh Cuong</b>
3. Sex: (Male) (Female)	Male
4. Birth date or age (at the time of detention):	February 22, 1981
5. Nationality/Nationalities:	Vietnamese
6. (a) Identity document (if any):	Unavailable
(b) Issued by:	Unavailable
(c) On (date):	Unavailable
(d) No.:	Unavailable
7. Profession and/or activity (if believed to be relevant to the arrest/detention):	<ul style="list-style-type: none"> <li>▪ Helped to publicize arrests of the other Petitioners</li> <li>▪ Member of the John Paul II Group for Pro-Life and Yen Dai Parish</li> <li>▪ Participant in protests against local government's seizure of church land<sup>144</sup></li> </ul>
8. Address of usual residence:	Block 4, Nghi Phu Ward, Vinh City, Nghe An Province, Viet Nam

**II. ARREST**

1. Date of arrest:	December 24, 2011 <sup>145</sup>
2. Place of arrest (as detailed as possible):	Abducted while on the street en route home from a friend's house in Vinh City, Nghe An Province, Viet Nam <sup>146</sup> (further details unavailable at this time)
3. Forces who carried out the arrest or are believed to have carried it out:	Security Investigative Department, Ministry of Public Security officers in plainclothes <sup>147</sup>
4. Did they show a warrant or other decision by a public authority? (Yes) (No)	No <sup>148</sup>
5. Authority who issued the warrant or decision:	Not applicable (no supporting warrant or decision shown)
6. Relevant legislation applied (if known):	Not applicable (no supporting warrant or decision shown)

<sup>144</sup> Viet Tan, *Voices of Conscience*, *supra* note 4, at 14; INT'L SOC. FOR H.R., *supra* note 4, at 3.

<sup>145</sup> Sec. Investigative Dep't, Ministry of Pub. Sec., Gov't of the Socialist Republic of Vietnam, *Communique Regarding Temporary Detainment Order*, Doc. No. 219/ANDT, Aug. 11, 2011, *unofficial translation* [hereinafter *Peter NGUYEN Dinh Cuong Temporary Detainment Order*]; *Young Vinh Catholic kidnapped by police on Christmas Eve*, ASIANEWS (Jan. 6, 2012), <http://www.asianews.it/view4print.php?l=en&art=23555>.

<sup>146</sup> Sec. Investigative Dep't, Ministry of Pub. Sec., Gov't of the Socialist Republic of Vietnam, *Peter NGUYEN Dinh Cuong Temporary Detainment Order*, *supra* note 145; ASIANEWS, *supra* note 145.

<sup>147</sup> Sec. Investigative Dep't, Ministry of Pub. Sec., Gov't of the Socialist Republic of Vietnam, *Peter NGUYEN Dinh Cuong Temporary Detainment Order*, *supra* note 145.

<sup>148</sup> RADIO FREE ASIA, *Trial 'imminent'*, *supra* note 7; ASIANEWS, *supra* note 145.

**III. DETENTION**

1. Date of detention:	December 27, 2011 <sup>149</sup>
2. Duration of detention (if not known, probable duration):	As at date of this Petition, 194 days
3. Forces holding the detainee under custody:	Ministry of Public Security, Government of Viet Nam
4. Places of detention (indicate any transfer and present place of detention):	B14 Detention Center, Thanh Liet Ward, Thanh Tri District, Hanoi, Viet Nam <sup>150</sup>
5. Authorities that ordered the detention:	Colonel Nguyen Ngoc Phi, Deputy Head of Department, Security Investigative Department, Ministry of Public Security <sup>151</sup>
6. Reasons for the detention imputed by the authorities:	Accusation of committing the act of joining the subversive “Viet Tan party” attempting to overthrow the people’s administration pursuant to Article 79 of the Penal Code of the Socialist Republic of Viet Nam <sup>152</sup>
7. Relevant legislation applied (if known):	Article 79 (“Carrying out activities aimed at overthrowing the people’s administration”) of the Penal Code of the Socialist Republic of Viet Nam <sup>153</sup>

<sup>149</sup> Sec. Investigative Dep’t, Ministry of Pub. Sec., Gov’t of the Socialist Republic of Vietnam, *Peter NGUYEN Dinh Cuong Temporary Detainment Order*, *supra* note 145.

<sup>150</sup> *Id.*

<sup>151</sup> *Id.*

<sup>152</sup> *Id.*

<sup>153</sup> *Id.*; RADIO FREE ASIA, *Trial ‘imminent’*, *supra* note 7; Viet Tan, *Voices of Conscience*, *supra* note 4, at 14; INT’L SOC. FOR H.R., *supra* note 4, at 3.

**Petitioner 17 of 17: Mr. John the Baptist HOANG Phong****I. IDENTITY**

1. Family name:	<b>HOANG</b>
2. First name:	<b>John the Baptist Phong</b>
3. Sex: (Male) (Female)	Male
4. Birth date or age (at the time of detention):	1985 (further details unavailable at this time)
5. Nationality/Nationalities:	Vietnamese
6. (a) Identity document (if any):	Unavailable
(b) Issued by:	Unavailable
(c) On (date):	Unavailable
(d) No.:	Unavailable
7. Profession and/or activity (if believed to be relevant to the arrest/detention):	<ul style="list-style-type: none"> <li>▪ Community organizer and member of the John Paul II Group for Pro-Life</li> <li>▪ Active in mobilizing against local authorities' harassment of students of faith and recently organized candlelit vigils at the Vinh Diocese</li> <li>▪ Participant in volunteer activities including encouraging women not to have abortions, donating blood and volunteering to help orphans and victims of natural disasters</li> <li>▪ Arrested in August 2011 but released after three days<sup>154</sup></li> </ul>
8. Address of usual residence:	Vinh City, Nghe An Province, Viet Nam (further details unavailable at this time)

**II. ARREST**

1. Date of arrest:	December 29, 2011
2. Place of arrest (as detailed as possible):	Local Nghe An Post Office, Quynh Lu District, Nghe An Province, Viet Nam <sup>155</sup> (further details unavailable at this time)
3. Forces who carried out the arrest or are believed to have carried it out:	Ministry of Public Security, Government of Viet Nam <sup>156</sup>
4. Did they show a warrant or other decision by a public authority? (Yes) (No)	No <sup>157</sup>
5. Authority who issued the warrant or decision:	Not applicable (no supporting warrant or decision shown)

<sup>154</sup> Viet Tan, Voices of Conscience, *supra* note 4, at 11; H.R. WATCH, *Vietnam: Free Catholic activists*, *supra* note 31; UCA NEWS, *Court sentences four Catholic students*, *supra* note 31; INT'L SOC. FOR H.R., *supra* note 4, at 3; INDEP. CATHOLIC NEWS, *supra* note 31.

<sup>155</sup> Viet Tan, Voices of Conscience, *supra* note 4, at 11; INT'L SOC. FOR H.R., *supra* note 4, at 3.

<sup>156</sup> Viet Tan, Factual Update on Petitioners, *supra* note 10.

<sup>157</sup> RADIO FREE ASIA, *Trial 'imminent'*, *supra* note 7.

6. Relevant legislation applied (if known):	Not applicable (no supporting warrant or decision shown)
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**III. DETENTION**

1. Date of detention:	Unavailable (as information/documentation about detention is unavailable at this time)
2. Duration of detention (if not known, probable duration):	<ul style="list-style-type: none"> <li>Exact duration unknown (as information/documentation about detention is unavailable at this time), but as at date of this Petition, at least 186 days</li> <li>On May 24, 2012, the petitioner was sentenced to 18 months' probation.<sup>158</sup> However, it is reported that since then, he has been held under house arrest<sup>159</sup></li> </ul>
3. Forces holding the detainee under custody:	Ministry of Public Security, Government of the Socialist Republic of Viet Nam
4. Places of detention (indicate any transfer and present place of detention):	Nghi Kim Detention Center, Nghi Loc District, Nghe An Province, Viet Nam <sup>160</sup>
5. Authorities that ordered the detention:	<ul style="list-style-type: none"> <li>Pre-trial detention ordered by Security Investigative Department of the Ministry of Public Security, Government of the Socialist Republic of Viet Nam<sup>161</sup></li> <li>(Suspended) custodial sentence imposed by People's Court of Nghe An Province, Government of the Socialist Republic of Viet Nam<sup>162</sup></li> </ul>
6. Reasons for the detention imputed by the authorities:	Distributing leaflets demanding a multiparty system, rejecting the national election results, promoting freedom of religion and expression, the fight against abortion, blood donation, aid to orphans and victims of natural disasters <sup>163</sup>
7. Relevant legislation applied (if known):	Article 88 ("Conducting propaganda against the Socialist Republic of Vietnam") of the Penal Code of the Socialist Republic of Viet Nam <sup>164</sup>

<sup>158</sup> RADIO FREE ASIA, *Activists jailed*, *supra* note 35.

<sup>159</sup> UCA NEWS, *Court sentences four Catholic students*, *supra* note 31; INDEP. CATHOLIC NEWS, *supra* note 31; Viet Tan, Factual Update on Petitioners, *supra* note 10.

<sup>160</sup> Viet Tan, Voices of Conscience, *supra* note 4, at 28; INT'L SOC. FOR H.R., *supra* note 4, at 3.

<sup>161</sup> Viet Tan, Factual Update on Petitioners, *supra* note 10.

<sup>162</sup> UCA NEWS, *Court sentences four Catholic students*, *supra* note 31; INDEP. CATHOLIC NEWS, *supra* note 31; H.R. WATCH, *Vietnam: Free Catholic activists*, *supra* note 31.

<sup>163</sup> *Id.*

<sup>164</sup> Viet Tan, Voices of Conscience, *supra* note 4, at 28; INT'L SOC. FOR H.R., *supra* note 4, at 4; H.R. WATCH, *Vietnam: Free Catholic activists*, *supra* note 31; UCA NEWS, *Court sentences four Catholic students*, *supra* note 31; INDEP. CATHOLIC NEWS, *supra* note 31.



#### **IV. DESCRIBE THE CIRCUMSTANCES OF THE ARREST AND/OR THE DETENTION AND INDICATE PRECISE REASONS WHY YOU CONSIDER THE ARREST OR DETENTION TO BE ARBITRARY**

##### **A. Circumstances of the arrest and detention**

This section presents an overview of the broader context in which the arrests and detention of the Petitioners has taken place, introduces their backgrounds, and summarizes the most relevant facts of their arrest and detention. We respectfully refer the Working Group to the responses to sections I (Identity), II (Arrest), and III (Detention) of the Model Questionnaire on pages 3 to 39 of this Petition for additional information in this regard.

**(a) The Petitioners have been arrested and detained amidst a climate of restrictions in Viet Nam on the freedoms of participation in political affairs, expression, thought, religion, and association, and the persecution of those who seek to exercise these freedoms.**

The Constitution of Viet Nam protects the right to participate in public affairs, and freedom of expression, thought, religion, and association.<sup>165</sup> However, according to reports from a wide range of sources, including numerous UN bodies, in recent years Viet Nam has instead systematically and emphatically suppressed these fundamental rights.<sup>166</sup>

According to members of the unsanctioned opposition party, Viet Tan, the Vietnamese democracy opposition movement has flourished through the use of the Internet as a political space, and has generally become more organized and operates more openly through political organizations, such as the online pro-democracy movement Bloc 8406 and political parties.<sup>167</sup> In response, there are credible allegations that the government of Viet Nam has “embarked on a serious and extended crackdown on political dissent [and has] a sharply reduced tolerance for open criticism and prodemocracy activism.”<sup>168</sup>

Critics of the government and its policies reportedly face severe repression<sup>169</sup> and are routinely harassed and imprisoned. Indeed, during 2011, it was reported that nine trials were held of some 20 defendants,<sup>170</sup> and another 24 individuals were arrested<sup>171</sup> on political grounds (including, among that number, the 17 Petitioners).

<sup>165</sup> Gov’t of the Socialist Republic of Vietnam, Constitution, Arts. 69, 70, and 53.

<sup>166</sup> U.N. bodies which have commented on restrictions to the freedoms of religion or belief, expression, association and peaceful assembly, and the right to participate in public life are this Working Group, together with the Special Rapporteur on freedom of religion or belief, the U.N. Human Rights Committee, the Special Rapporteur on the right to freedom of opinion and expression and the Special Representative of the Secretary-General on human rights defenders: *see*, U.N.G.A., H.R. Council, *Compilation Prepared by the Office of the High Commissioner of Human Rights, in Accordance with Paragraph 15 (B) of the Annex to Human Rights Council Resolution 5/1* \*: Viet Nam, U.N. Doc. No. A/HRC/WG.6/5/VNM/2 (Mar. 16, 2009), ¶ 36-41; U.S. STATE DEP’T, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 2011: VIETNAM (2011 H.R. WATCH, COUNTRY SUMMARY: VIETNAM (Jan. 2012), 1; AMNESTY INT’L, COUNTRY REPORT: VIET NAM (May 2012), <http://www.amnesty.org/en/region/viet-nam/report-2012>; FREEDOM HOUSE, FREEDOM IN THE WORLD: VIETNAM (2011), <http://www.freedomhouse.org/report/freedom-world/2011/vietnam>; FREEDOM HOUSE, FREEDOM OF THE PRESS: VIETNAM (2011), <http://www.freedomhouse.org/report/freedom-press/2011/vietnam>.

<sup>167</sup> DUY HOANG AND ANGELINA HUYNH, RULE BY LAW: HOW COMMUNIST VIETNAM SUPPRESSES POLITICAL OPPOSITION, VIET TAN (Nov. 2010).

<sup>168</sup> FREEDOM HOUSE, FREEDOM IN THE WORLD: VIETNAM, *supra* note 166.

<sup>169</sup> AMNESTY INT’L, COUNTRY REPORT: VIET NAM, *supra* note 166.

<sup>170</sup> *Id.*

<sup>171</sup> H.R. WATCH, COUNTRY SUMMARY: VIETNAM (Jan. 2012), 1.

Individuals are typically charged under one of three Penal Code articles: Article 79, which prohibits “activities aimed at overthrowing the people’s administration”; Article 87, which prohibits the “undermining of national unity”; or Article 88, which prohibits the conduct of “propaganda against the Socialist Republic of Vietnam.”

We note that this Working Group has previously determined that arrest and detention under each of these three Vietnamese articles constitutes arbitrary detention where those arrested and detained possessed similar characteristics as those of the Petitioners (namely, where persons are affiliated with Viet Tan, have published on the Internet on human rights and religious freedom, and/or are active on social justice issues within Viet Nam).<sup>172</sup> In particular, the Working Group has found that the legal prohibition on membership in Viet Tan violates the right to freedom of association and the right to take part in public affairs protected by Articles 22 and 25 of the ICCPR, and that the detention of members of this group “solely for their exercise of the right to freedom of association and the right to take part in public affairs” constitutes Category II arbitrary detention.<sup>173</sup> Indeed, as discussed below, several of the Petitioners appear to have been arrested and detained, in part, due to their attempts to attend and report on the trial of Dr. Cu Huy Ha Vu, who was the subject of one of those Working Group determinations.

Viet Nam imposes significant limitations on the freedom of expression. Independent or privately owned media is prohibited.<sup>174</sup> Numerous measures curtail journalistic freedom, including a law that requires journalists to pay damages to people allegedly harmed by their articles (even when the assertions in the articles are true), as well as the government practice of imposing disciplinary sanctions on foreign journalists when they cover politically sensitive topics.<sup>175</sup>

The Internet is the main target for government crackdowns. Since 2008, Internet use and particularly blogosphere activity in Viet Nam have been monitored by a dedicated agency. Internet cafés, for example, are required to record personal information and browsing activity of their customers.<sup>176</sup> As a result, online journalists and bloggers are particularly vulnerable to interrogation, arrest, and detention in respect of their online activities.<sup>177</sup>

Despite government assurances to the United Nations that it is committed to religious freedom,<sup>178</sup> religious minorities face significant repression<sup>179</sup> and restrictive government regulation.<sup>180</sup> Religious groups must obtain permission for most activities<sup>181</sup> and religious adherents from several

<sup>172</sup> On Article 79, *see*, U.N.G.A. H.R. Council, Working Group on Arbitrary Detention, *Opinion 46/2011*, *supra* note 11; on Article 87, *see*, U.N.G.A. H.R. Council, Working Group on Arbitrary Detention, *Civil and Political Rights, Including the Question of Torture and Detention, Opinions adopted by the Working Group on Arbitrary Detention*, U.N. Doc. No. E/CN.4/2005/6/Add.1 (Nov. 19, 2004), 4-7; on Article 88, *see*, U.N.G.A., H.R. Council, Working Group on Arbitrary Detention, *Opinion on Dr. Cu Huy Ha Vu*, *supra* note 1.

<sup>173</sup> U.N.G.A. H.R. Council, *Opinion 46/2011*, *supra* note 11.

<sup>174</sup> H.R. WATCH, COUNTRY SUMMARY: VIETNAM, *supra* note 166, at 1.

<sup>175</sup> FREEDOM HOUSE, FREEDOM OF THE PRESS: VIETNAM, *supra* note 166.

<sup>176</sup> *Id.*

<sup>177</sup> *Id.*

<sup>178</sup> U.N.G.A., H.R. Council, *Report of the independent expert on minority issues, Gay McDougall*, U.N. Doc. No. A/HRC/16/45/Add.2 (Jan. 24, 2011), ¶ 61.

<sup>179</sup> H.R. WATCH, COUNTRY SUMMARY: VIETNAM, *supra* note 166, at 3; AMNESTY INT’L, COUNTRY REPORT: VIET NAM, *supra* note 166; FREEDOM HOUSE, FREEDOM IN THE WORLD: VIETNAM, *supra* note 166.

<sup>180</sup> FREEDOM HOUSE, FREEDOM IN THE WORLD: VIETNAM, *supra* note 166.

<sup>181</sup> FREEDOM HOUSE, FREEDOM IN THE WORLD: VIETNAM, *supra* note 166; H.R. WATCH, COUNTRY SUMMARY: VIETNAM, *supra* note 166, at 3; AMNESTY INT’L, COUNTRY REPORT: VIET NAM, *supra* note 166.

faiths, including Roman Catholics, Buddhists, and Protestants, are frequently sanctioned and in some cases imprisoned.<sup>182</sup> Places of worship have also been a target, with reports of police blocking access to Unified Buddhist Church of Viet Nam pagodas in Da Nang City in May and August 2011,<sup>183</sup> and a mob of police officers, militiamen, and civilians breaking into and ransacking the Hanoi Redemptorist Monastery.<sup>184</sup>

**(b) The Petitioners are all activists, online journalists, and bloggers, who are active with the Redemptorist Church and undertake activities relating to a range of political and social justice issues.<sup>185</sup>**

Each of the 17 Petitioners has been an active participant in the realm of Vietnamese political affairs. Some have engaged on issues directly related to the political system, such as multi-party democracy,<sup>186</sup> electoral fairness,<sup>187</sup> official corruption,<sup>188</sup> Sino-Vietnamese relations,<sup>189</sup> and the arrest and trial of Vietnamese individuals such as Dr. Cu Huy Ha Vu on political grounds.<sup>190</sup> Furthermore, almost all of the Petitioners have served as activists and community organizers working for the protection of human rights and social justice,<sup>191</sup> including such wide-ranging issues as opposition to abortion,<sup>192</sup> bauxite mining,<sup>193</sup> unfair taxation,<sup>194</sup> and land-grabbing,<sup>195</sup> advocacy for labor rights,<sup>196</sup> access to education,<sup>197</sup> mistreatment of children,<sup>198</sup> assistance to the disabled, orphans, and victims of natural disasters<sup>199</sup> and HIV infection;<sup>200</sup> and blood donations.<sup>201</sup>

<sup>182</sup> *Id.*

<sup>183</sup> H.R. WATCH, COUNTRY SUMMARY: VIETNAM, *supra* note 166, at 3.

<sup>184</sup> JB An Dang, Vietnam: Mob attacks Redemptorist monastery, INDEP. CATHOLIC NEWS (Nov. 4, 2011), <http://www.indcatholicnews.com/news.php?viewStory=19246>.

<sup>185</sup> Unless otherwise indicated, the information about the Petitioners listed here is drawn from the information set out in sections I (Identity), II (Arrest) and III (Detention) of the Model Questionnaire.

<sup>186</sup> Five of the Petitioners: Mr. Anthony CHU Manh Son (Petitioner 4); Mr. Anthony DAU Van Duong (Petitioner 5); Mr. Peter TRAN Huu Duc (Petitioner 6); Mr. TRAN Vu Anh Binh (Petitioner 15); Mr. John the Baptist HOANG Phong (Petitioner 17).

<sup>187</sup> Four of the Petitioners: Mr. Anthony CHU Manh Son (Petitioner 4); Mr. Anthony DAU Van Duong (Petitioner 5); Mr. Peter TRAN Huu Duc (Petitioner 6); Mr. NONG Hung Anh (Petitioner 8).

<sup>188</sup> Three of the Petitioners: Ms. Mary TA Phong Tan (Petitioner 14); Mr. TRAN Vu Anh Binh (Petitioner 15); Mr. John the Baptist HOANG Phong (Petitioner 17).

<sup>189</sup> Six of the Petitioners: Mr. John the Baptist NGUYEN Van Oai (Petitioner 3); Mr. Anthony CHU Manh Son (Petitioner 4); Mr. Peter TRAN Huu Duc (Petitioner 6); Mr. NONG Hung Anh (Petitioner 8); Mr. Paul TRAN Minh Nhat (Petitioner 13); Mr. TRAN Vu Anh Binh (Petitioner 15).

<sup>190</sup> 11 of the Petitioners: Mr. Francis Xavier DANG Xuan Dieu (Petitioner 1); Mr. Peter HO Duc Hoa (Petitioner 2); Mr. John the Baptist NGUYEN Van Oai (Petitioner 3); Mr. John the Baptist NGUYEN Van Oai; Mr. Anthony DAU Van Duong (Petitioner 5); Mr. Peter TRAN Huu Duc (Petitioner 6); Mr. Paulus LE Van Son (Petitioner 7); Mr. John the Baptist NGUYEN Van Duet (Petitioner 9); Mr. Paul HO Van Oanh (Petitioner 11); Mr. John THAI Van Dung (Petitioner 12); Ms. Mary TA Phong Tan (Petitioner 14).

<sup>191</sup> Four of the Petitioners: Mr. John the Baptist NGUYEN Van Oai (Petitioner 3); Mr. Paulus LE Van Son (Petitioner 7); Mr. Paul HO Van Oanh (Petitioner 11); Mr. TRAN Vu Anh Binh (Petitioner 15).

<sup>192</sup> Eight of the Petitioners: Mr. Francis Xavier DANG Xuan Dieu (Petitioner 1); Mr. Peter HO Duc Hoa (Petitioner 2); Mr. Anthony CHU Manh Son (Petitioner 4); Mr. Anthony DAU Van Duong (Petitioner 5); Mr. Peter TRAN Huu Duc (Petitioner 6); Mr. Paulus LE Van Son (Petitioner 7); Mr. Peter NGUYEN Dinh Cuong (Petitioner 16); Mr. John the Baptist HOANG Phong (Petitioner 17).

<sup>193</sup> Eight of the Petitioners: Mr. Francis Xavier DANG Xuan Dieu (Petitioner 1); Mr. Peter HO Duc Hoa (Petitioner 2); Mr. John the Baptist NGUYEN Van Oai (Petitioner 3); Mr. Anthony DAU Van Duong (Petitioner 5); Mr. Peter TRAN Huu Duc (Petitioner 6); Mr. Paulus LE Van Son (Petitioner 7); Mr. NONG Hung Anh (Petitioner 8); Mr. Paul TRAN Minh Nhat (Petitioner 13).

<sup>194</sup> One of the Petitioners: Ms. Mary TA Phong Tan (Petitioner 14).

<sup>195</sup> Two of the Petitioners: Ms. Mary TA Phong Tan (Petitioner 14); Mr. Peter NGUYEN Dinh Cuong (Petitioner 16).

<sup>196</sup> One of the Petitioners: Mr. Paul HO Van Oanh (Petitioner 11).

<sup>197</sup> Three of the Petitioners: Mr. Francis Xavier DANG Xuan Dieu (Petitioner 1); Mr. Peter HO Duc Hoa (Petitioner 2); Mr. Paulus LE Van Son (Petitioner 7).

<sup>198</sup> One of the Petitioners: Ms. Mary TA Phong Tan (Petitioner 14).

<sup>199</sup> Five of the Petitioners: Mr. Francis Xavier DANG Xuan Dieu (Petitioner 1); Mr. Peter HO Duc Hoa (Petitioner 2); Mr. Anthony CHU Manh Son (Petitioner 4); Mr. Anthony DAU Van Duong (Petitioner 5); Mr. John the Baptist HOANG Phong (Petitioner 17).

In addition, each of the Petitioners has sought to exercise his or her freedoms of expression, assembly, and expression through a range of activities. Several of the 17 Petitioners have either been active online journalists or bloggers<sup>202</sup> or have at least participated in communications training facilitated by the Redemptorist Church and the *Vietnam Redemptorist News*, a faith-based news website.<sup>203</sup> Some have facilitated such training.<sup>204</sup> Several petitioners have participated in public, nonviolent demonstrations,<sup>205</sup> joined as signatories to petitions,<sup>206</sup> or sought to attend trials of individuals prosecuted on political grounds,<sup>207</sup> with one Petitioner being arrested apparently for his activities to publicize the earlier arrests of other Petitioners.<sup>208</sup> Some of the Petitioners are members of community associations including faith-based,<sup>209</sup> workers', students', journalists', or youth associations.<sup>210</sup>

Each of the Petitioners is also a religious adherent. 16 are practicing Roman Catholics and specifically member of the Redemptorist Church, while one Petitioner (Petitioner 8) is a practicing Protestant who has undertaken journalism training with the *Vietnam Redemptorist News*. Several undertake activities through faith-based publications such as the *Vietnam Redemptorist News*<sup>211</sup> or associations such as the John Paul II Group for Pro-Life,<sup>212</sup> and several participate in or organize demonstrations associated particularly with religious freedoms and beliefs.<sup>213</sup>

<sup>200</sup> One of the Petitioners: Mr. Paulus LE Van Son (Petitioner 7).

<sup>201</sup> Four of the Petitioners: Mr. Anthony CHU Manh Son (Petitioner 4); Mr. Anthony DAU Van Duong (Petitioner 5); Mr. Peter TRAN Huu Duc (Petitioner 6); Mr. John the Baptist HOANG Phong (Petitioner 17).

<sup>202</sup> Eight of the Petitioners: Mr. Francis Xavier DANG Xuan Dieu (Petitioner 1); Mr. Peter HO Duc Hoa (Petitioner 2); Mr. John the Baptist NGUYEN Van Oai (Petitioner 3); Mr. Paulus LE Van Son (Petitioner 7); Mr. NONG Hung Anh (Petitioner 8); Mr. John the Baptist NGUYEN Van Duet (Petitioner 9); Mr. Paul TRAN Minh Nhat (Petitioner 13); Ms. Mary TA Phong Tan (Petitioner 14).

<sup>203</sup> Eight of the Petitioners: Mr. John the Baptist NGUYEN Van Oai (Petitioner 3); Mr. Anthony CHU Manh Son (Petitioner 4); Mr. Anthony DAU Van Duong (Petitioner 5); Mr. NONG Hung Anh (Petitioner 8); Mr. John the Baptist NGUYEN Van Duet (Petitioner 9); Mr. Paul HO Van Oanh (Petitioner 11); Mr. John THAI Van Dung (Petitioner 12); Mr. Paul TRAN Minh Nhat (Petitioner 13).

<sup>204</sup> Two of the Petitioners: Mr. Paulus LE Van Son (Petitioner 7); Mr. John the Baptist NGUYEN Van Duet (Petitioner 9).

<sup>205</sup> Eight of the Petitioners: Mr. Anthony CHU Manh Son (Petitioner 4); Mr. Anthony DAU Van Duong (Petitioner 5); Mr. Peter TRAN Huu Duc (Petitioner 6); Mr. NONG Hung Anh (Petitioner 8); Mr. John the Baptist NGUYEN Van Duet (Petitioner 9); Mr. Paul TRAN Minh Nhat (Petitioner 13); Mr. TRAN Vu Anh Binh (Petitioner 15); Mr. John the Baptist HOANG Phong (Petitioner 17).

<sup>206</sup> Six of the Petitioners: Mr. Francis Xavier DANG Xuan Dieu (Petitioner 1); Mr. Peter HO Duc Hoa (Petitioner 2); Mr. John the Baptist NGUYEN Van Oai (Petitioner 3); Mr. Anthony DAU Van Duong (Petitioner 5); Mr. Peter TRAN Huu Duc (Petitioner 6); Mr. Paulus LE Van Son (Petitioner 7).

<sup>207</sup> Four of the Petitioners: Mr. Anthony DAU Van Duong (Petitioner 5); Mr. Peter TRAN Huu Duc (Petitioner 6); Mr. Paulus LE Van Son (Petitioner 7); Mr. John the Baptist NGUYEN Van Duet (Petitioner 9).

<sup>208</sup> One of the Petitioners: Mr. Peter NGUYEN Dinh Cuong (Petitioner 16).

<sup>209</sup> All Petitioners are members of at least one faith-based association.

<sup>210</sup> Six of the Petitioners: Mr. Francis Xavier DANG Xuan Dieu (Petitioner 1); Mr. Anthony CHU Manh Son (Petitioner 4); Mr. Peter TRAN Huu Duc (Petitioner 6); Mr. John the Baptist NGUYEN Van Duet (Petitioner 9); Ms. Mary TA Phong Tan (Petitioner 14); Mr. TRAN Vu Anh Binh (Petitioner 15).

<sup>211</sup> 12 of the Petitioners: Mr. Francis Xavier DANG Xuan Dieu (Petitioner 1); Mr. Peter HO Duc Hoa (Petitioner 2); Mr. John the Baptist NGUYEN Van Oai (Petitioner 3); Mr. Anthony CHU Manh Son (Petitioner 4); Mr. Anthony DAU Van Duong (Petitioner 5); Mr. Paulus LE Van Son (Petitioner 7); Mr. NONG Hung Anh (Petitioner 8); Mr. John the Baptist NGUYEN Van Duet (Petitioner 9); Mr. Paul HO Van Oanh (Petitioner 11); Mr. John THAI Van Dung (Petitioner 12); Mr. Paul TRAN Minh Nhat (Petitioner 13); Ms. Mary TA Phong Tan (Petitioner 14).

<sup>212</sup> Nine of the Petitioners: Mr. Francis Xavier DANG Xuan Dieu (Petitioner 1); Mr. Peter HO Duc Hoa (Petitioner 2); Mr. Anthony CHU Manh Son (Petitioner 4); Mr. Peter TRAN Huu Duc (Petitioner 6); Mr. Paulus LE Van Son (Petitioner 7); Mr. Peter NGUYEN Xuan Anh (Petitioner 10); TRAN Vu Anh Binh (Petitioner 15); Mr. Peter NGUYEN Dinh Cuong (Petitioner 16); Mr. John the Baptist HOANG Phong (Petitioner 17).

<sup>213</sup> 10 of the Petitioners: Mr. John the Baptist NGUYEN Van Oai (Petitioner 3); Mr. Anthony CHU Manh Son (Petitioner 4); Mr. Peter TRAN Huu Duc (Petitioner 6); Mr. NONG Hung Anh (Petitioner 8); Mr. Peter NGUYEN Xuan Anh (Petitioner 10); Mr. Paul HO Van Oanh (Petitioner 11); TRAN Vu Anh Binh (Petitioner 15); Mr. Peter NGUYEN Dinh Cuong (Petitioner 16); Mr. Peter NGUYEN Dinh Cuong (Petitioner 16); Mr. John the Baptist HOANG Phong (Petitioner 17).

**(c) The Petitioners were detained without legal justification and in a manner that violates international law.**

The Petitioners were detained either without reason being provided to them or on the basis of their non-violent and legitimate activities in relation to a range of political and social justice issues. All were arrested without warrants. One was detained without charges,<sup>214</sup> while some<sup>215</sup> were held in custody beyond the legal limit provided for under Vietnamese law for pre-indictment detention.<sup>216</sup> Most of the Petitioners were detained incommunicado or with limited access to the outside world and to counsel. Four of them have now been convicted.

The Petitioners were steadily arrested over a five-month period, starting in July 2011 (around the time of the trial of Dr. Cu Huy Ha Vu).<sup>217</sup> Eleven of the Petitioners are charged with violating Article 79 of the Penal Code, which prohibits “activities aimed at overthrowing the people’s administration.”<sup>218</sup> Five Petitioners were or are charged with violating Article 88, which prohibits the conduct of “propaganda against the Socialist Republic of Vietnam,”<sup>219</sup> with four Petitioners having recently been convicted of this offense.

The alleged criminal act underlying the charges against the Petitioners is not always certain as Petitioners’ temporary detainment orders have not always been available. However, there are varying degrees of information available about the criminal acts allegedly committed by 16 of the 17 Petitioners, as set out below, which indicates that the Petitioners were arrested due to their activities in a range of legitimate political and social justice issues.

- Three Petitioners were able to provide copies of Temporary Detainment Orders: Mr. Paulus LE Van Son (Petitioner 7), Mr. Peter NGUYEN Xuan Anh (Petitioner 10), and Mr. Peter NGUYEN Dinh Cuong (Petitioner 16). These orders indicate that the Petitioners are accused of “joining the subversive ‘Viet Tan [P]arty’ attempting to overthrow the people’s administration pursuant to Article 79 of the Penal [C]ode of the Socialist Republic of Vietnam.”<sup>220</sup>
- Viet Tan reports that eight other Petitioners (Mr. Francis Xavier DUAN Xuan Dieu (Petitioner 1), Mr. Peter HO Duc Hoa (Petitioner 2), Mr. John the Baptist NGUYEN Van Oai (Petitioner 3), Mr. NONG Hung Anh (Petitioner 8), Mr. John the Baptist NGUYEN Van Duyet (Petitioner 9), Mr. Paul HO Van Oanh (Petitioner 11), Mr. John THAI Van

<sup>214</sup> Mr. TRAN Vu Anh Binh (Petitioner 15).

<sup>215</sup> Mr. Paulus LE Van Son (Petitioner 7); Ms. Mary TA Phong Tan (Petitioner 14).

<sup>216</sup> See *supra* note 8 concerning Article 87 of the Criminal Procedure Code of the Socialist Republic of Vietnam.

<sup>217</sup> See Phai Len Tieng, “Update from attorney Le Quoc Quan,” *supra* note 2.

<sup>218</sup> Mr. Francis Xavier DANG Xuan Dieu (Petitioner 1); Mr. Peter HO Duc Hoa (Petitioner 2); Mr. John the Baptist NGUYEN Van Oai (Petitioner 3); Mr. Paulus LE Van Son (Petitioner 7); Mr. NONG Hung Anh (Petitioner 8); Mr. John the Baptist NGUYEN Van Duyet (Petitioner 9); Mr. Peter NGUYEN Xuan Anh (Petitioner 10); Mr. Paul HO Van Oanh (Petitioner 11); Mr. John THAI Van Dung (Petitioner 12); Mr. Paul TRAN Minh Nhat (Petitioner 13); TRAN Vu Anh Binh (Petitioner 15); Mr. Peter NGUYEN Dinh Cuong (Petitioner 16).

<sup>219</sup> Mr. Anthony CHU Manh Son (Petitioner 4); Mr. Anthony DAU Van Duong (Petitioner 5); Mr. Peter TRAN Huu Duc (Petitioner 6); Mr. John the Baptist HOANG Phong (Petitioner 17); Ms. Mary TA Phong Tan (Petitioner 14).

<sup>220</sup> Sec. Investigative Dep’t, Ministry of Pub. Sec., Gov’t of the Socialist Republic of Vietnam, *Paulus LE Van Son Temporary Detention Order*, *supra* note 64; Sec. Investigative Dep’t, Ministry of Pub. Sec., Gov’t of the Socialist Republic of Vietnam, *Peter NGUYEN Xuan Anh Temporary Detention Order*, *supra* note 91; Sec. Investigative Dep’t, Ministry of Pub. Sec., Gov’t of the Socialist Republic of Vietnam, *Peter NGUYEN Dinh Cuong Temporary Detention Order*, *supra* note 145.

Dung (Petitioner 12), and Mr. Paul TRAN Minh Nhat (Petitioner 13)) were also arrested on the basis of their alleged involvement in the Viet Tan Party.<sup>221</sup>

- The Petitioner Ms. Mary TA Phong Tan (Petitioner 14) has not received formal notification of the basis on which she has been charged, but reports in State-run media have indicated that it is on the basis of denigration, distortion, and opposition of the State.<sup>222</sup>
- Four Petitioners (Mr. Anthony CHU Manh Son (Petitioner 4), Mr. Anthony DAU Van Duong (Petitioner 5), Mr. Peter TRAN Huu Duc (Petitioner 6), and Mr. John the Baptist HOANG Phong (Petitioner 17)) have not been able to provide copies of the Temporary Detainment Orders issued against them, but were convicted by the People's Court of Nghe An Province on May 25, 2012, in relation to the act of distributing leaflets demanding a multiparty system, rejecting the national election results, promoting freedom of expression, opposing abortion and blood donation, and aiding orphans and victims of natural disasters.<sup>223</sup> Therefore, it is assumed that their participation in these acts formed the basis of the charges against them.

There is no available information about the alleged criminal acts committed by Mr. TRAN Vu Anh Binh (Petitioner 15). However, given the similarity between his background and that of the 16 other Petitioners, as well as the overall pattern of arrests of all Petitioners, it is likely that this Petitioner was arrested for similar acts, namely, political and social justice activities.

According to the families of the Petitioners and media reports, each of the Petitioners was arrested without an arrest warrant being served.<sup>224</sup> Some were reportedly arrested violently, including Mr. Paulus LE Van Son (Petitioner 7), who was made to fall off his motorcycle and then thrown into a waiting vehicle,<sup>225</sup> and Mr. Peter NGUYEN Dinh Cuong (Petitioner 16), who was abducted on the street by three plainclothes police officers on Christmas Eve and bundled into a waiting taxi.<sup>226</sup>

Two Petitioners were charged after the expiration of the six-day custody time limit for detention without charge under domestic Vietnamese law. Ms. Mary TA Phong Tan (Petitioner 14), whose custody should not have extended beyond September 10, 2011, without being charged, was only formally charged some seven months later, on April 15, 2012.<sup>227</sup> Mr. Paulus LE Van Son (Petitioner 7), whose custody should not have extended beyond August 8, 2011, was not charged until August 11, 2011.

It is reported that all 17 Petitioners were, at least initially, held incommunicado.<sup>228</sup> In addition:

<sup>221</sup> See, Factual Update on Petitioners, *supra* note 10; this is also corroborated in a non-governmental organization report: see, INT'L SOC. FOR H.R., *supra* note 2, at 4-5.

<sup>222</sup> COMM. TO PROTECT JOURNALISTS, *Three Vietnamese journalists given antistate charges*, *supra* note 130; VIETNAM COMM. ON H.R., *supra* note 130.

<sup>223</sup> UCA News, Court sentences four Catholic students, *supra* note 31, Indep. Catholic News, *supra* note 31; H.R. Watch, Vietnam: Free Catholic activists, *supra* note 31.

<sup>224</sup> RADIO FREE ASIA, *Trial 'imminent'*, *supra* note 7; COMM. TO PROTECT JOURNALISTS, *Vietnam journalist crackdown*, *supra* note 4.

<sup>225</sup> REPORTERS WITHOUT BORDERS, *supra* note 63; FRONT LINE DEFENDERS, *Vietnam: Arrest and incommunicado detention*, *supra* note 4; Phai Len Tieng, "Update from attorney Le Quoc Quan", *supra* note 4.

<sup>226</sup> ASIANews, *supra* note 145.

<sup>227</sup> COMM. TO PROTECT JOURNALISTS, *Three Vietnamese journalists given antistate charges*, *supra* note 130; VIETNAM COMM. ON H.R., *supra* note 130.

<sup>228</sup> RADIO FREE ASIA, *Trial 'imminent'*, *supra* note 7.

- Seven Petitioners had their requests for legal representation rejected (Mr. Francis Xavier DANG Xuan Dieu (Petitioner 1), Mr. Peter HO Duc Hoa (Petitioner 2), Mr. John the Baptist NGUYEN Van Oai (Petitioner 3), Mr. Paulus LE Van Son (Petitioner 7), Mr. John the Baptist NGUYEN Van Duyet (Petitioner 9), Mr. Peter NGUYEN Xuan Anh (Petitioner 10), and Mr. John THAI Van Dung (Petitioner 11)). In particular, the Ministry of Public Security sent a letter dated March 13, 2012, to the Tin Viet va Cong Su law firm, a member of the Hanoi Bar Association, rejecting that law firm's request to represent the seven Petitioners on the basis that the case is still under investigation and involves a national security charge. The Ministry of Public Security cited, in this respect, Article 58 of the Criminal Procedure Code, which permits the delay of defense counsel participation in a case that involve "crimes of infringing on national security" until the termination of the investigation.<sup>229</sup>
- One Petitioner, Mr. John the Baptist HOANG Phong (Petitioner 17), was tried and convicted without legal representation at all,<sup>230</sup> and the remaining nine have had limited access to legal representation.<sup>231</sup>
- The families of all Petitioners repeatedly went to the prisons in which the Petitioners were held to request visits with the Petitioners. All of these requests which were denied for several months before finally being granted.<sup>232</sup> In particular, four Petitioners were only allowed to meet with a representative of their families on December 22, 2011, four to five months after their initial arrest (Mr. John the Baptist NGUYEN Van Oai (Petitioner 3), Mr. John the Baptist NGUYEN Van Duyet (Petitioner 9), Mr. Peter NGUYEN Xuan Anh (Petitioner 10), and Mr. John THAI Van Dung (Petitioner 12)).<sup>233</sup> The Petitioner Mr. Peter HO Duc Hoa (Petitioner 2) was only permitted his first family visit in January 2012,<sup>234</sup> six months after his arrest and detention. Since then, each Petitioner has met with their family only once or twice (with the exception of Mr. Francis Xavier DANG Xuan Dieu (Petitioner 1)).

## **B. Reasons why the arrest and/or detention are arbitrary**

The arrest and detention of all Petitioners are arbitrary as they fall within Categories II and III as articulated by the Working Group.<sup>235</sup> The following section details the reasons that the arrest and detention are arbitrary by category, addressing Category II and then Category III. It is noted that Viet Nam is a party to the ICCPR, and as such, this Petition details various ICCPR Articles that Viet Nam has breached as a result of its treatment of the Petitioners. The Petition also notes that Viet Nam has breached principles of customary international law reflected in the UDHR.<sup>236</sup>

### **(a) The arrest and detention of all of the Petitioners constitutes Category II arbitrary detention because their deprivation of liberty results from the exercise of the rights or freedoms**

<sup>229</sup> Viet Tan, Factual Update on Petitioners, *supra* note 10.

<sup>230</sup> UCA NEWS, *Court sentences four Catholic students*, *supra* note 31.

<sup>231</sup> RADIO FREE ASIA, *Trial 'imminent'*, *supra* note 7.

<sup>232</sup> Viet Tan, Factual Update on Petitioners, *supra* note 10. See, also, FRONT LINE DEFENDERS, *Update – Location of detainees*, *supra* note 6 and UCA NEWS, *Officials yet to allow visit to jailed blogger*, *supra* note 126.

<sup>233</sup> ASIANEWS, *supra* note 145.

<sup>234</sup> RADIO FREE ASIA, *Trial 'imminent'*, *supra* note 7.

<sup>235</sup> U.N.G.A., H.R. Council, Working Group on Arbitrary Detention, *First Report of the Working Group on Arbitrary Detention*, *supra* note 2, Annex I, 10.

<sup>236</sup> *Supra* note 1.

**guaranteed by Articles 18, 19, 22, 25, and 27 of the ICCPR and reflected in Articles 18, 19, 20, and 21 of the UDHR.**

- (i) **The Petitioners have been arrested and detained for exercising their freedom to take part in the conduct of public affairs (ICCPR Article 25, UDHR Article 21).**

Each of the Petitioners was arrested and detained due to his or her activities in relation to a range of political and social justice issues, which the Vietnamese government has charged as attempting to overthrow the people's administration (Article 79 of the Penal Code) or spreading propaganda against Viet Nam (Article 88 of the Penal Code). As detailed above, in particular, eleven Petitioners are alleged to have committed the criminal act of being members of the unsanctioned Viet Tan Party, a political party that advocates for multi-party democracy and active participation of all Vietnamese citizens in political life through non-violent means. As noted previously, the Working Group has previously held that membership in Viet Tan alone does not justify an individual's detention or conviction.<sup>237</sup>

One Petitioner, a renowned journalist and blogger who writes about a range of political and social justice issues, was arrested and accused of denigrating, distorting, and opposing the State through these activities. Four others were arrested and convicted for distributing leaflets advocating, among other things, multiparty democracy, free and fair elections, and freedom of expression. In addition to the official reasons offered by Viet Nam, the many similarities between the backgrounds of the Petitioners and the systematic pattern of their arrest over a five month period clearly indicates that they were all arrested for their active participation in public affairs and their activities in relation to issues such as advocacy for multiparty democracy, protests of the prosecution of others on similar charges, and opposition to abortion and bauxite mining policies.

The arrest and detention of the Petitioners on this basis is a clear violation of ICCPR Article 25(a), which protects the freedom of each citizen to take part in the conduct of public affairs. The Human Rights Committee of the ICCPR (the ICCPR Committee)<sup>238</sup> has defined this conduct to include "exerting influence through public debate and dialogue with their representatives or through their capacity to organise themselves."<sup>239</sup> This freedom must be able to be exercised without distinction on any basis (including political or other opinion or religion),<sup>240</sup> and only objective and reasonable restrictions on this freedom are permissible.<sup>241</sup> The right of citizens to take part in the government of their country is also reflected in Article 21 of the UDHR. In violation of these internationally protected guarantees, the Petitioners were apparently targeted by Viet Nam for arrest and detention on the basis of their political opinions, their opinions on matters of social justice, and their religious beliefs. Therefore, the

<sup>237</sup> *Id.*

<sup>238</sup> Article 28 and 40 of the ICCPR provides for the establishment of a Human Rights Committee to carry out specified functions regarding implementation of the ICCPR and the Optional Protocols thereto, including the issuance of General Comments regarding the interpretation of the Covenant and the consideration of communications alleging violations of the Covenant.

<sup>239</sup> U.N.G.A., U.N. H.R. Committee, General Comment No. 25: The right to participate in public affairs, voting rights and the right of equal access to public service (Art. 25), U.N. Doc. No. CCPR/C/21/Rev.1/Add.7 (Jul. 12, 1996), ¶ 8.

<sup>240</sup> ICCPR Arts. 2, 14.

<sup>241</sup> U.N.G.A., U.N. H.R. Committee, General Comment No. 25, ¶ 4.



arrest and detention of all of the Petitioners constitutes Category II arbitrary detentions in violation of ICCPR Article 25 and the principles in UDHR Article 21.

The arrest and detention of the Petitioners on this basis also violates their rights guaranteed under Viet Nam's Constitution. Specifically, their arrest and detention is a direct violation of Article 53 of that instrument, which provides that "[c]itizens 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."

**(ii) The Petitioners were arrested and detained for exercising their freedoms of opinion and expression (ICCPR Article 19, UDHR Article 19) and association (ICCPR Article 22, UDHR Article 20).**

Each of the arrested and detained Petitioners actively exercised their freedoms of opinion, expression, and association with others. On the basis of nothing more, the Vietnamese government has charged them with attempting to overthrow the people's administration (Article 79 of the Penal Code) or spreading propaganda against Viet Nam (Article 88 of the Penal Code).<sup>242</sup> As detailed above, several are online journalists, bloggers, or participants in communications training for such activities. Several have participated in nonviolent demonstrations, signed petitions, or sought to monitor trials. Several are also members of a range of community associations.

Arrest and detention of the Petitioners on these grounds is a clear violation of ICCPR Articles 19 and 22. These articles protect the freedom of persons to hold opinions without interference, express themselves, and associate with others. These rights are also reflected in Articles 19 and 20 of the UDHR; these provide that everyone has the right to freedom of opinion and expression, and that everyone has the right to freedom of peaceful assembly and association. While ICCPR Article 19(3) permits certain restrictions on the freedom of opinion and expression, the ICCPR Committee expressly provided that "[p]aragraph 3 may never be invoked as a justification for the muzzling of any advocacy of multi-party democracy, democratic tenets and human rights. Nor, under any circumstance, can an attack on a person, because of his exercise of his or her freedom of opinion or expression, including such forms of attack as arbitrary arrest ... be compatible with article 19."<sup>243</sup> In addition, the ICCPR Committee has opined that "[t]he penalization of a ... journalist solely for being critical of the government or the political social system espoused by the government can never be considered to be a necessary restriction of freedom of expression."<sup>244</sup>

However, it is for precisely such prohibited reasons that all of the Petitioners were arrested and detained. The Petitioners sought to express their opinions on democracy, other political issues, and a wide range of human rights issues, and they did so through various nonviolent

<sup>242</sup> None of the Petitioners have engaged in acts of expression that violates the prohibition on propaganda or constitutes hate speech within the meaning of Article 20 of the ICCPR.

<sup>243</sup> U.N.G.A., U.N. H.R. Committee, General Comment No. 34: Article 19: Freedoms of opinion and expression, U.N. Doc. No. CCPR/C/GC/34 (Sep. 12, 2011), ¶ 23.

<sup>244</sup> *Id.* at ¶ 42.

means. Therefore, the arrest and detention of all of the Petitioners constitutes a Category II form of arbitrary detention as it violates ICCPR Articles 19 and 22 and the principles in UDHR Articles 19 and 20.

The arrest and detention of the Petitioners on these grounds also violates rights guaranteed them under their own Constitution. Specifically, their arrest and detention is a direct violation of Article 69 of that instrument, which provides that “[c]itizens are entitled to freedom of speech and freedom of the press; they have the right to receive information and the right of assembly, association and demonstration in accordance with the law.”

**(iii) The Petitioners were arrested and detained for exercising their freedom of thought, conscience and religion (ICCPR Articles 18 and 27, UDHR Article 18).**

Each of the Petitioners is also a religious adherent. 16 are practicing Roman Catholics and specifically member of the Redemptorist Church, while one Petitioner (Petitioner 8) is a practicing Protestant who has undertaken journalism training with the *Vietnam Redemptorist News*. As detailed above, several undertake activities through faith-based publications or associations, or organize demonstrations associated with religious freedoms and beliefs. While the Vietnamese government has charged them with attempting to overthrow the people’s administration (Article 79 of the Penal Code) or spreading propaganda against Viet Nam (Article 88 of the Penal Code), the absence of any evidence supporting these allegations and the consistent pattern of discrimination in Viet Nam against Roman Catholics, and allegations of discrimination against Protestants, suggests that their arrest and detention were effectuated on improper and discriminatory motives.

The arrest and detention of the Petitioners on this basis is a clear violation of ICCPR Articles 18 and 27. Article 18 protects the freedoms of thought, conscience and religion, including in community with others and to manifest his or her religion or belief in worship, observance, practice, or teaching, while Article 27 reiterates those rights for minorities within a State, including religious minorities, such as Roman Catholics and Protestants in Viet Nam. The right to religious freedom is also reflected in Article 18 of the UDHR, which provides that everyone has the right to freedom to manifest his religious or belief in teaching, practice, worship, and observance.<sup>245</sup>

The Petitioners appear to have been targeted for arrest and detention in part due to their religious beliefs. This can be construed from considering the common factors in each of the Petitioners’ situations. In particular, all Petitioners are religious adherents, with 16 being members of the Redemptorist Church (and several are from the same diocese) and one additional Petitioner (Petitioner 8) being a Protestant who has also participated in activities with the Redemptorist Church. Many of the Petitioners are also active in religious activities, including serving as journalists or training to be journalists for faith-based publications such as the *Vietnam Redemptorist News*, are active participants in faith-based associations such as the John Paul II Group for Pro-Life, and participate and organize demonstrations associated

<sup>245</sup> U.N.G.A., U.N. H.R. Committee, General Comment No. 22: The right to freedom of thought, conscience and religion (Art. 18), U.N. Doc. No. CCPR/C/21/Rev.1/Add.4, (Jul. 30, 1993), ¶ 8.

particularly with religious freedoms and beliefs.<sup>246</sup> Therefore, the arrest and detention of all of the Petitioners constitutes Category II arbitrary detention as it violates ICCPR Articles 18 and 27 and the principles in UDHR Article 18.

The arrest and detention of the Petitioners on this basis also violates rights guaranteed under their own Constitution. Specifically, their arrest and detention is a direct violation of Article 70 of that instrument, which provides that “[c]itizens have the right to freedom of belief and religion, and may practise or not practise any religion. All religions are equal before the law.”

**(b) The arrest and detention of all of the Petitioners constitutes Category III arbitrary detention because their deprivation of liberty results from the partial non-observance of the international norms relating to the right to a fair trial articulated in the ICCPR, the UDHR, and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (BPPP).**

While the BPPP, as a statement of principles, does not itself have independent binding legal effect,<sup>247</sup> this Petition nevertheless refers to relevant principles from the BPPP because such an instrument is regarded, at the least, as having moral force<sup>248</sup> and as containing “authoritative interpretations of states’ obligations under international law.”<sup>249</sup> Moreover, this Working Group has, since its inception, identified these principles as a source it will consider in determining arbitrariness of detention.<sup>250</sup>

**(i) The arrest and detention of the Petitioners violates their right to be promptly informed of the reasons for arrest and the charges against them (ICCPR Articles 9(2) and 14(3)(a), UDHR Article 9, and BPPP Principles 2, 10 and 12).**

All of the Petitioners were arrested without a warrant provided to them at the time of arrest,<sup>251</sup> and they were only informed of the charges against them through the issuance of Temporary Detainment Orders after their arrest. At least two Petitioners were kept in custody and only informed of charges against them, and the alleged criminal act underlying those charges, after the legal time limit for pre-indictment custody in Viet Nam had expired. Mr. Paulus LE Van Son (Petitioner 7) was informed two days after the limit and Ms. Mary TA Phong Tan (Petitioner 14) was informed seven months after the limit. It may be that other Petitioners have been held beyond the legal custody time limit established under domestic Vietnamese law before being charged, but as their Temporary Detainment Orders or other information about their detention are unavailable, this information is currently unknown.

<sup>246</sup> See *supra* notes 211, 212, and 213.

<sup>247</sup> U.N. Office of the High Comm’r for H.R., *International Law*, n.d., available at <http://www2.ohchr.org/english/law/> (last accessed Jul. 22, 2012).

<sup>248</sup> *Id.*

<sup>249</sup> GRADUATE INSTITUTE GENEVA, GLOBAL DETENTION PROJECT, *MIGRATION-RELATED DETENTION AND INTERNATIONAL LAW* (2011), n.p.

<sup>250</sup> U.N.G.A., H.R. Council, U.N. Working Group on Arbitrary Detention, *First Report of the Working Group on Arbitrary Detention*, *supra* note 2, ¶ 7, Annex I, ¶¶ A1-A14 and B1-B3. See, also, U.N. Office of the High Comm’r for H.R., *Fact Sheet No. 26: The Working Group on Arbitrary Detention*, n.d., available at <http://www.ohchr.org/Documents/Publications/FactSheet26en.pdf> (last accessed Jul. 22, 2012).

<sup>251</sup> RADIO FREE ASIA, *Trial ‘imminent’*, *supra* note 7; COMM. TO PROTECT JOURNALISTS, *Vietnam journalist crackdown*, *supra* note 5.

Arrest and detention of the Petitioners under such conditions is a clear violation of ICCPR Articles 9 and 14(3)(a), the principles in UDHR Article 9, and BPPP Principles 2, 10, and 12. Article 9(1) of the ICCPR states clearly that “[n]o one shall be subjected to arbitrary arrest or detention”; the same principle is reflected in UDHR Article 9 and BPPP Principle 2. Article 9(2) of the ICCPR requires that persons be informed of the reasons for arrest “at the time of arrest,” and Article 14(3)(a) of the ICCPR reaffirms the requirement that a person must be informed promptly of the nature and cause of the charge against him or her. BPPP Principle 10 similarly requires that a person be informed of the reasons for his or her arrest “at the time of arrest,” while BPPP Principle 12 requires that the reasons for arrest be recorded and communicated to the detained person. The arrest of all of the Petitioners without being informed promptly of the reasons renders the detention of all of them arbitrary under Category III, and is not cured by the fact that many Petitioners were eventually informed of the reasons for their arrest.

The violation is even more flagrant in the case of two Petitioners – Mr. Paulus LE Van Son (Petitioner 7) and Ms. Mary TA Phong Tan (Petitioner 14) – who were informed of the reasons for their arrest after the custody time limit provided under Article 87 of the Vietnamese Criminal Procedure Code. In the former case, the Petitioner was held for two days beyond the expiration of the custody time limit, while in the latter case, the Petitioner was only informed of the reasons for her arrest 217 days after the expiration of the custody time limit.

It is also noted that the absence of arrest warrants to provide a legal justification for the arrest of the Petitioners, and the delay or failure to inform some Petitioners of the charges against them or the alleged criminal acts underlying those charges, violates Article 6 of the Vietnamese Criminal Procedure Code, which provides that “[n]obody shall be arrested without a court decision, decision made or approved by the procuracies, except for cases where offenders are caught red-handed.”

**(ii) The arrest and detention of the Petitioners violates their right to time and facilities for the preparation of their defense and to communicate with counsel of their own choosing without restriction (ICCPR Article 14(3)(b), UDHR Article 11, BPPP Principles 15 and 18).**

It is reported that all Petitioners were held, at least initially, incommunicado.<sup>252</sup> Seven Petitioners have had their request for legal representation rejected (Mr. Francis Xavier DANG Xuan Dieu (Petitioner 1), Mr. Peter HO Duc Hoa (Petitioner 2), Mr. John the Baptist NGUYEN Van Oai (Petitioner 3), Mr. Paulus LE Van Son (Petitioner 7), Mr. John the Baptist NGUYEN Van Duyet (Petitioner 9), Mr. Peter NGUYEN Xuan Anh (Petitioner 10), and Mr. John THAI Van Dung (Petitioner 11));<sup>253</sup> one Petitioner, Mr. John the Baptist HOANG Phong (Petitioner 17), was tried and convicted without any legal representation at all;<sup>254</sup> and the remaining nine Petitioners have each faced limited access to legal representation.<sup>255</sup> Detention

<sup>252</sup> RADIO FREE ASIA, *Trial ‘imminent’*, *supra* note 7.

<sup>253</sup> Viet Tan, *Factual Update on Petitioners*, *supra* note 10.

<sup>254</sup> UCA NEWS, *Court sentences for four Catholic students*, *supra* note 31.

<sup>255</sup> RADIO FREE ASIA, *Trial ‘imminent’*, *supra* note 7.

of the Petitioners under such conditions is a clear violation of ICCPR Article 14(3)(b), the principles in UDHR Article 11, and BPPP Principles 15 and 18.

Article 14(1) of the ICCPR provides that in the determination of any criminal charge, all persons “shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.” Article 14(3) makes clear that such a fair trial requires that accused persons be afforded certain procedural “minimum guarantees.” This general principle is also reflected in UDHR Article 11, which requires that a person charged with a penal offense be tried with all the guarantees necessary for his defense. ICCPR Article 14(3)(b) articulates that the required guarantees include adequate time and facilities for the preparation of an accused person’s defense and the right to communicate with counsel of his or her own choosing. BPPP Principles 15 and 18 add to this by providing that communication with counsel “shall not be denied for more than a matter of days” (Principle 15) and that the right to communicate with legal counsel is exercisable “without delay ... [and] may not be suspended or restricted save in exceptional circumstances, to be specified by law or lawful regulations, when it is considered indispensable by a judicial or other authority in order to maintain security and good order” (Principle 18).

Seven Petitioners (Mr. Francis Xavier DANG Xuan Dieu (Petitioner 1), Mr. Peter HO Duc Hoa (Petitioner 2), Mr. John the Baptist NGUYEN Van Oai (Petitioner 3), Mr. Paulus LE Van Son (Petitioner 7), Mr. John the Baptist NGUYEN Van Duyet (Petitioner 9), Mr. Peter NGUYEN Xuan Anh (Petitioner 10), and Mr. John THAI Van Dung (Petitioner 11)) were denied access to legal counsel on the basis of Article 58 of the Criminal Procedure Code, which permits the delay of defense counsel participation in a case until the termination of the investigation where cases involve “crimes of infringing on national security.” However, the restrictions in Article 58 cannot be considered compatible with Article 14(3)(b) of the ICCPR or a legitimate limitation of the right to representation pursuant to BPPP Principle 18 since it is too sweeping and general in nature. It fails to identify with precision the necessary “exceptional circumstances” or explain how restriction on the right to representation in such cases will help to “maintain security and good order.” Moreover, the BPPP contemplates restricting the right to representation for “[not] more than a matter of days” (Principle 18). Denying the right to representation until the termination of the investigation extends well beyond that contemplated period and would mean that the Petitioners would not have legal representation during the criminal procedure process until the commencement of trial.

That these seven Petitioners have been denied access to legal counsel during the investigation period, that Mr. John the Baptist HOANG Phong (Petitioner 17) was tried and convicted without any legal representation at all, and that all other Petitioners have had limited access to legal counsel, renders the detention of all Petitioners under such conditions arbitrary pursuant to Category III.

**(iii) The arrest and detention of the Petitioners violates their right to communicate with the outside world, particularly with their family (BPPP Principles 15 and 19).**

All Petitioners had visitation requests by their families repeatedly denied by prison officials for several months before they were finally granted. In some cases, Petitioners were only able

to meet their families between four and six months after their initial arrest. Since these visits, each Petitioner has been able to meet with his or her family only once or twice (with the exception of Mr. Francis Xavier DANG Xuan Dieu (Petitioner 1)).

Detention of the Petitioners under such conditions is a clear violation of BPPP Principles 15 and 19. These Principles provide that communication with the outside world, particularly with family, “shall not be denied for more than a matter of days” (Principle 15) and that a detained or imprisoned person shall have the right to be visited by and communicate with members of his family in particular, and be given adequate opportunity to communicate with the outside world (Principle 19). This renders detention of these 11 Petitioners arbitrary under Category III.

**V. INDICATE INTERNAL STEPS, INCLUDING DOMESTIC REMEDIES, TAKEN ESPECIALLY WITH THE LEGAL AND ADMINISTRATIVE AUTHORITIES, PARTICULARLY FOR THE PURPOSE OF ESTABLISHING THE DETENTION AND, AS APPROPRIATE, THEIR RESULTS OR THE REASONS WHY SUCH STEPS OR REMEDIES WERE INEFFECTIVE OR WHY THEY WERE NOT TAKEN**

The Petitioners have been limited in their ability to pursue domestic remedies with legal and administrative authorities because of significant restrictions on their right to representation and to meet with the outside world. As stated above:

- Seven Petitioners have had their request for legal representation rejected (Mr. Francis Xavier DANG Xuan Dieu (Petitioner 1), Mr. Peter HO Duc Hoa (Petitioner 2), Mr. John the Baptist NGUYEN Van Oai (Petitioner 3), Mr. Paulus LE Van Son (Petitioner 7), Mr. John the Baptist NGUYEN Van Duyet (Petitioner 9), Mr. Peter NGUYEN Xuan Anh (Petitioner 10), and Mr. John THAI Van Dung (Petitioner 11)). In particular, the Ministry of Public Security sent a letter dated March 13, 2012, to the Tin Viet va Cong Su law firm, a member of the Hanoi Bar Association, rejecting that law firm's request to represent the seven Petitioners on the basis that the case was at the time still under investigation and involves a national security charge. The Ministry of Public Security cited, in this respect, Article 58 of the Criminal Procedure Code, which permits the delay of defense counsel participation in a case until the termination of the investigation where cases involve "crimes of infringing on national security."<sup>256</sup> However, Viet Nam cannot be relieved of its duty to comply with its obligations under international law through reliance on its domestic law.
- One Petitioner, Mr. John the Baptist HOANG Phong (Petitioner 17) was tried and convicted without legal representation at all,<sup>257</sup> and the remaining nine have had limited access to legal representation.<sup>258</sup>
- The families of all Petitioners repeatedly went to the prisons in which the Petitioners were held to request visits with the Petitioners. All of these requests were denied for several months before finally being granted.<sup>259</sup> In particular, four Petitioners were only allowed to meet with a representative of their families on December 22, 2011, four to five months after their initial arrest (Mr. John the Baptist NGUYEN Van Oai (Petitioner 3), Mr. John the Baptist NGUYEN Van Duyet (Petitioner 9), Mr. Peter NGUYEN Xuan Anh (Petitioner 10), and Mr. John THAI Van Dung (Petitioner 12)).<sup>260</sup> The Petitioner Mr. Peter HO Duc Hoa (Petitioner 2) was only permitted his first family visit in January 2012,<sup>261</sup> six months after his arrest and detention. Since then, each Petitioner has been able to meet with their family only once or twice (with the exception of Mr. Francis Xavier DANG Xuan Dieu (Petitioner 1)).

<sup>256</sup> Viet Tan, Factual Update on Petitioners, *supra* note 10.

<sup>257</sup> UCA NEWS, *Court sentences four Catholic students*, *supra* note 31.

<sup>258</sup> RADIO FREE ASIA, *Trial 'imminent'*, *supra* note 7.

<sup>259</sup> Viet Tan, Factual Update on Petitioners, *supra* note 10. See, also, FRONT LINE DEFENDERS, *Update – Location of detainees*, *supra* note 6 and UCA NEWS, *Officials yet to allow visit to jailed blogger*, *supra* note 126.

<sup>260</sup> ASIANEWS, *supra* note 145.

<sup>261</sup> RADIO FREE ASIA, *Trial 'imminent'*, *supra* note 7.

**VI. FULL NAME AND ADDRESS OF THE PERSON(S) SUBMITTING THE INFORMATION  
(TELEPHONE AND FAX NUMBER, IF POSSIBLE)**

Allen S. Weiner  
Senior Lecturer in Law  
Stanford Law School<sup>†</sup>  
Crowd Quadrangle  
559 Nathan Abbott Way  
Stanford, CA 94305-8610  
United States of America  
Telephone: +1 650 724 5892  
Facsimile: +1 650 725 0253  
Email: [aweiner@stanford.edu](mailto:aweiner@stanford.edu)

Date: July 25, 2012

Signature:



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<sup>†</sup> Affiliation for identification purposes only; the comments in this petition do not necessarily reflect the views of Stanford Law School or Stanford University.



## **APPENDIX 1**

Summary Table of Key Petitioners' Details and Applicable Grounds for Category II and Category III  
Arbitrary Detention

PETITIONER DETAILS		ARBITRARY DETENTION GROUNDS ALLEGED IN PETITION	
No.	Petitioner Name; Date of Birth; Date of Arrest; Basis of Charge/Conviction	Category II Arbitrary Detention	Category III Arbitrary Detention
1	<b>Mr. Francis Xavier DANG Xuan Dieu</b> Born: Jul. 8, 1979; Arrested: Jul. 30, 2011; Charged under: Art. 79, Vietnamese Penal Code	<p><b>(i) Detained for exercising their freedom to take part in the conduct of public affairs</b> (ICCPR Art. 25, UDHR Art. 21)</p> <p><b>(ii) Detained for exercising their freedoms of opinion and expression</b> (ICCPR Art. 19, UDHR Art. 19) <b>and association</b> (ICCPR Art. 22, UDHR Art. 20)</p> <p><b>(iii) Detained for exercising their freedom of thought, conscience and religion</b> (ICCPR Arts. 18 and 27, UDHR Art. 18)</p>	<p><b>(i) Detained in violation of their right to be promptly informed of the reasons for their arrest and the charges against them</b> (ICCPR Arts. 9(2) and 14(3)(a), UDHR Art. 9, BPPP Principles 2, 10 and 12)</p> <p><b>(ii) Detained in violation of their right to time and facilities for the preparation of their defense and to communicate with counsel of their own choosing without restriction</b> (ICCPR Art. 14(3)(b), UDHR Art. 11, BPPP Principles 15 and 18)</p> <p><b>(iii) Detained in violation of their right to communicate with the outside world, particularly with their family</b> (BPPP Principles 15 and 19)</p>
2	<b>Mr. Peter HO Duc Hoa</b> Born: Mar. 6, 1974; Arrested: Jul. 30, 2011; Charged under: Art. 79, Vietnamese Penal Code		
3	<b>Mr. John the Baptist NGUYEN Van Oai</b> Born: Jun. 18, 1981; Arrested: Jul. 30, 2011; Charged under: Art. 79, Vietnamese Penal Code		
4	<b>Mr. Anthony CHU Manh Son</b> Born: 1989; Arrested: Aug. 2, 2011; Convicted under: Art. 88, Vietnamese Penal Code		
5	<b>Mr. Anthony DAU Van Duong</b> Born: 1986; Arrested: Aug. 2, 2011; Convicted under: Art. 88, Vietnamese Penal Code		
6	<b>Mr. Peter Tran HUU Duc</b> Born: Unavailable; Arrested: Aug. 2, 2011; Convicted under: Art. 88, Vietnamese Penal Code		
7	<b>Mr. Paulus LE Van Son</b> Born: Oct. 20, 1985; Arrested: Aug. 2, 2011; Charged under: Art. 79, Vietnamese Penal Code		
8	<b>Mr. NONG Hung Anh</b> Born: 1988; Arrested: Aug. 5, 2011; Charged under: Art. 79, Vietnamese Penal Code		
9	<b>Mr. John the Baptist NGUYEN Van Duyet</b> Born: Sep. 14, 1980; Arrested: Aug. 7, 2011; Charged under: Art. 79, Vietnamese Penal Code		
10	<b>Mr. Peter NGUYEN Xuan Anh</b> Born: Sep. 14, 1982; Arrested: Aug. 7, 2011; Charged under: Art. 79, Vietnamese Penal Code		
11	<b>Mr. Paul HO Van Oanh</b> Born: Aug. 9, 1985; Arrested: Aug. 16, 2011; Charged under: Art. 79, Vietnamese Penal Code		
12	<b>Mr. John THAI Van Dung</b> Born: Jun. 3, 1988; Arrested: Aug. 19, 2011; Charged under: Art. 79, Vietnamese Penal Code		
13	<b>Mr. Paul TRAN Minh Nhat</b> Born: 1988; Arrested: Aug. 27, 2011; Charged under: Art. 79, Vietnamese Penal Code		
14	<b>Ms. Mary TA Phong Tan</b> Born: Sep. 15, 1968; Arrested: Sep. 5, 2011; Charged under: Art. 88, Vietnamese Penal Code		
15	<b>Mr. TRAN Vu Anh Binh</b> Born: 1974; Arrested: Sep. 19, 2011; Charged under: Art. 88, Vietnamese Penal Code		
16	<b>Mr. Peter NGUYEN Dinh Cuong</b> Born: Feb. 22, 1981; Arrested: Dec. 24, 2011; Charged under: Art. 79, Vietnamese Penal Code		
17	<b>Mr. John the Baptist HOANG Phong</b> Born: 1985; Arrested: Dec. 29, 2011; Convicted under: Art. 88, Vietnamese Penal Code		

## **APPENDIX 2**

Letter of Engagement between Reverend Anthony Le Ngoc Thanh, CSsR (for Families of the Petitioners)  
and Allen S. Weiner

Crowd Quadrangle  
559 Nathan Abbott Way  
Stanford, CA 94305-8610  
UNITED STATES

24 July 2012

Reverend Anthony Le Ngoc Thanh, CSsR  
Ho Chi Minh City, Vietnam

Dear Father Anthony:

Further to our recent communications, I am pleased to confirm that I will represent you and the following members of your community who have been arrested and detained by the Government of the Socialist Republic of Viet Nam: Mr. Francis Xavier DANG Xuan Dieu; Mr. Peter HO Duc Hoa; Mr. John the Baptist NGUYEN Van Oai; Mr. Anthony CHU Manh Son; Mr. Anthony DAU Van Duong; Mr. Peter TRAN Huu Duc; Mr. Paulus LE Van Son; Mr. NONG Hung Anh; Mr. John the Baptist NGUYEN Van Duet; Mr. Peter NGUYEN Xuan Anh; Mr. Paul HO Van Oanh; Mr. John THAI Van Dung; Mr. Paul TRAN Minh Nhat; Ms. Mary TA Phong Tan; Mr. TRAN Vu Anh Binh; Mr. Peter NGUYEN Dinh Cuong; and Mr. John the Baptist HOANG Phong.

In particular, I will provide representation in connection with the preparation and submission of a petition to be filed on behalf of the above-named persons with the United Nations Working Group on Arbitrary Detention. In addition, the scope of my representation will include public and media relations and similar activities concerning the detention of the above-named persons.

As I am providing these services on a *pro bono* basis, there will be no charge to you or the members of your community I will represent.

I am pleased about the opportunity to be of service to you and the members of your community I will represent. Please sign and return a copy of this letter, ideally as a PDF document transmitted via e-mail.

If you have any questions, either about this letter of engagement or about the representation of the members of your community, please feel free to contact me by e-mail at [aweiner@stanford.edu](mailto:aweiner@stanford.edu), by mail at this address, or by phone at: +1.650.724.5892.

Sincerely,

A handwritten signature in black ink, appearing to read 'Allen S. Weiner', with a long horizontal flourish extending to the right.

Allen S. Weiner

Acknowledged and Agreed to:

A handwritten signature in black ink, appearing to read 'Anthony Le Ngoc Thanh', with a long horizontal flourish extending to the right.

Reverend Anthony Le Ngoc Thanh, CSsR

**APPENDIX 3**

Unofficial Translation of Temporary Detainment Order Issued against Mr. Paulus LE Van Son (Petitioner 7)

**MINISTRY OF PUBLIC SECURITY**

Security Investigative Department

No.: 153/ANĐT

**SOCIALIST REPUBLIC OF VIETNAM**

**Independence – Freedom – Happiness**

Hanoi, 11 August 2011

**COMMUNIQUE**

Regarding Temporary Detainment Order

To:

- People's Committee of Hoang Trung ward, Hoang Hoa district, Thanh Hoa province;
- Mr. Le Nhu Doan residing at Hoang Trung ward, Hoang Hoa district, Thanh Hoa province.

2 August 2011, Security Investigative Department - Ministry of Public Security urgently arrested:

Name: **Le Van Son**

Gender: Male

Other names:

Born 20 October 1985 in Thanh Hoa

at DKHKTT: village 2 - Hoang Trung district - Hoang Hoa district - Thanh Hoa

Place of residence: 357 Bui Xuong Trach - Dinh Cong ward - Hoang Mai district - Hanoi

Profession: Independent

Nationality: Vietnamese

Ethnic group: Kinh

Committed the act of: joining the subversive "Viet Tan party" attempting to overthrow the people's administration pursuant to Article 79 of the Penal code of the Socialist Republic of Vietnam.

Currently being temporarily detained at the B14 Temporary Detention Center - Ministry of Public Security (Thanh Liet ward, Thanh Tri, Hanoi).

**DEPUTY HEAD OF DEPARTMENT**

**ANDT DEPARTMENT - MINISTRY OF PUBLIC SECURITY**

**(Signed & Sealed)**

Colonel Nguyen Ngoc Phi

Recipients

- As above

- Archive 2 copies

Số: 153/ANĐT

Hà Nội, ngày 11 tháng 8 năm 2011

**THÔNG BÁO**  
Về việc tạm giam bị can

**Kính gửi:**

- UBND xã Hoàng Trung, huyện Hoàng Hóa, tỉnh Thanh Hóa;
- Ông Lê Như Đoàn trú tại xã Hoàng Trung, huyện Hoàng Hóa, tỉnh Thanh Hóa.

Ngày 02/8/2011, Cơ quan An ninh điều tra - Bộ Công an đã bắt khẩn cấp đối với:

Họ tên: **Lê Văn Sơn** Giới tính: Nam;

Tên gọi khác:

Sinh ngày 20 tháng 10 năm 1985, tại Thanh Hóa

Nơi ĐKKHKT: Thôn 2 - xã Hoàng Trung - huyện Hoàng Hóa - Thanh Hóa

Chỗ ở: 357 Bùi Xương Trạch - P. Định Công - Q. Hoàng Mai - Hà Nội

Nghề nghiệp: Tự do

Quốc tịch: Việt Nam Dân tộc: Kinh

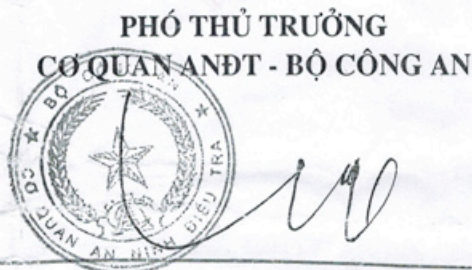
Đã có hành vi: tham gia tổ chức phản động "Việt Nam canh tân cách mạng đảng" hoạt động nhằm lật đổ chính quyền nhân dân Quy định tại Điều 79 Bộ luật hình sự nước CHXH Việt Nam;

Hiện đang bị tạm giam tại Trại tạm giam B14 - Bộ Công an (xã Thanh Liệt, Thanh Trì, Hà Nội)./ *TL*

Nơi nhận:

- Như trên;

- Lưu hồ sơ 2 bản.



Đại tá Nguyễn Ngọc Phi



**APPENDIX 4**

Unofficial Translation of Temporary Detainment Order Issued against Mr. Peter NGUYEN Xuan Anh  
(Petitioner 10)

**MINISTRY OF PUBLIC SECURITY**

Security Investigative Department

No.: 155/ANDT

**SOCIALIST REPUBLIC OF VIETNAM**

**Independence – Freedom – Happiness**

Hanoi, 11 August 2011

**COMMUNIQUE**

Regarding Temporary Detainment Order

To:

- People's Committee of Nghi Phu ward, Vinh city, Nghe An province;
- Mrs. Nguyen Thi Thieu residing Block 4, Nghi Phu ward, Vinh city, Nghe An province.

7 August 2011, Security Investigative Department - Ministry of Public Security urgently arrested:

Name: **Nguyen Xuan Anh**

Gender: Male

Other names:

Born 14 September 1982 in Nghe An

at DKHKTT: Block 4 – Nghi Phu ward – Vinh city – Nghe An province

Place of residence: Block 4 – Nghi Phu ward – Vinh city – Nghe An province

Profession:

Nationality: Vietnamese

Ethnic group: Kinh

Committed the act of: joining the subversive "Viet Tan party" attempting to overthrow the people's administration pursuant to Article 79 of the Penal code of the Socialist Republic of Vietnam.

Currently being temporarily detained at the B14 Temporary Detention Center - Ministry of Public Security (Thanh Liet ward, Thanh Tri, Hanoi).

**DEPUTY HEAD OF DEPARTMENT**

**ANDT DEPARTMENT - MINISTRY OF PUBLIC SECURITY**

**(Signed & Sealed)**

Colonel Nguyen Ngoc Phi

Recipients

- As above
- Archive 2 copies

BỘ CÔNG AN  
CƠ QUAN AN NINH ĐIỀU TRA

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM  
Độc lập - Tự do - Hạnh phúc

Số: 155/ANĐT

Hà Nội, ngày 11 tháng 8 năm 2011

**THÔNG BÁO**  
Về việc tạm giam bị can

**Kính gửi:**

- UBND xã Nghi Phú, TP. Vinh, Nghệ An;
- Bà Nguyễn Thị Thiệu trú tại, Xóm 4, xã Nghi Phú, TP. Vinh, tỉnh Nghệ An.

Ngày 07 tháng 8 năm 2011, Cơ quan An ninh điều tra - Bộ Công an đã bắt khẩn cấp đối với:

Họ tên: **Nguyễn Xuân Anh** Giới tính: Nam;  
Tên gọi khác:  
Sinh ngày 14 tháng 9 năm 1982 tại Nghệ An  
Nơi ĐKKHKT: Xóm 4 xã Nghi Phú - TP. Vinh - Nghệ An  
Chỗ ở: Xóm 4 xã Nghi Phú - TP. Vinh - Nghệ An

~~Nghề nghiệp:~~

Quốc tịch: Việt Nam Dân tộc: Kinh

Đã có hành vi: tham gia tổ chức phản động "Việt Nam canh tân cách mạng đảng" hoạt động nhằm lật đổ chính quyền nhân dân phạm vào Điều 79 Bộ luật hình sự nước CHXHCN Việt Nam;

Hiện đang bị tạm giam tại Trại tạm giam B14 - Bộ Công an (xã Thanh Liệt, Thanh Trì, Hà Nội)./1

Nơi nhận:  
- Như trên;  
- Lưu hồ sơ 2 bản.

**PHÓ THỦ TRƯỞNG**  
**CƠ QUAN ANĐT - BỘ CÔNG AN**



**Đại tá Nguyễn Ngọc Phi**

**APPENDIX 5**

Unofficial Translation of Temporary Detainment Order Issued against Mr. Peter NGUYEN Dinh Cuong  
(Petitioner 16)

**MINISTRY OF PUBLIC SECURITY**

Security Investigative Department

No.: 219/ANDT

**SOCIALIST REPUBLIC OF VIETNAM**

**Independence – Freedom – Happiness**

Hanoi, 27 December 2011

**COMMUNIQUE**

Regarding Temporary Detainment Order

To:

- People's Committee of Nghi Phu ward, Vinh city, Nghe An province;
- Mr. Nguyen Trong Bang residing Block 4, Nghi Phu ward, Vinh city, Nghe An province.

24 December 2011, Security Investigative Department - Ministry of Public Security urgently arrested:

Name: **Nguyen Dinh Cuong**

Gender: Male

Other names:

Born 22 February 1981 in Nghe An

at DKHKTT: Block 4 – Nghi Phu ward – Vinh city – Nghe An province

Place of residence: Block 4 – Nghi Phu ward – Vinh city – Nghe An province

Profession: CEO of NHNN Canh Tan

Nationality: Vietnamese

Ethnic group: Kinh

Committed the act of: joining the subversive "Viet Tan party" attempting to overthrow the people's administration pursuant to Article 79 of the Penal code of the Socialist Republic of Vietnam.

Currently being temporarily detained at the B14 Temporary Detention Center - Ministry of Public Security (Thanh Liet ward, Thanh Tri, Hanoi).

**DEPUTY HEAD OF DEPARTMENT**

**ANDT DEPARTMENT - MINISTRY OF PUBLIC SECURITY**

**(Signed & Sealed)**

Colonel Nguyen Ngoc Phi

Recipients

- As above
- Archive 2 copies

BỘ CÔNG AN  
CƠ QUAN AN NINH ĐIỀU TRA

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM  
Độc lập - Tự do - Hạnh phúc

Số: 219 /ANĐT

Hà Nội, ngày 27 tháng 12 năm 2011

**THÔNG BÁO**  
Về việc tạm giam bị can

**Kính gửi:**

- UBND xã Nghi Phú, Tp. Vinh, tỉnh Nghệ An;
- Ông Nguyễn Trọng Bằng trú tại Xóm 4, xã Nghi Phú, Tp. Vinh, tỉnh Nghệ An.

Ngày 24 tháng 12 năm 2011, Cơ quan An ninh điều tra - Bộ Công an đã bắt khẩn cấp đối với:

Họ tên: **Nguyễn Đình Cương** Giới tính: Nam;

Tên gọi khác:

Sinh ngày 22 tháng 02 năm 1981 tại Nghệ An

Nơi ĐKKHKT: Xóm 4, xã Nghi Phú, Tp. Vinh, tỉnh Nghệ An

Chỗ ở: Xóm 4, xã Nghi Phú, Tp. Vinh, tỉnh Nghệ An

Nghề nghiệp: Giám đốc Công ty TNHH canh tân

Quốc tịch: Việt Nam Dân tộc: Kinh

Đã có hành vi tham gia tổ chức "Việt Nam canh tân cách mạng đảng" hoạt động nhằm lật đổ chính quyền nhân dân phạm vào Điều 79 Bộ luật hình sự nước CHXHCN Việt Nam;

Hiện đang bị tạm giam tại Trại tạm giam B14 - Bộ Công an (xã Thanh Liệt, Thanh Trì, Hà Nội). *12/1*

**Nơi nhận:**

- Như trên;
- Lưu hồ sơ 2 bản.

**PHÓ THỦ TRƯỞNG**  
**CƠ QUAN ANĐT - BỘ CÔNG AN**



*Uy*  
**Đại tá Nguyễn Ngọc Phi**