

**United Nations Human Rights Council
23rd Regular Session, 27 May to 14 June 2013
Agenda Item 3**

**ICJ Oral Statement in the Interactive Dialogue with the Special Rapporteur
on the independence of judges and lawyers, Gabriela Knaul**

PROTECTION OF THE LEGAL PROFESSION IN VIET NAM

30 May 2013

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Madam Special Rapporteur on the independence of judges and lawyers,

The International Commission of Jurists (ICJ) welcomes your report and especially appreciates the fact that it emphasizes the important role legal aid plays in ensuring the protection of victims of human rights violations.

The ICJ emphasises that legal aid is often ineffective without proper protection of the legal profession. We therefore draw your attention, and that of this Council, to certain challenges faced by human rights lawyers in Viet Nam, particularly those who have been disbarred and not allowed to practice law in their work representing victims of discrimination and land confiscation. These lawyers include Le Quoc Quan, Nguyen Van Dai, Huynh Van Dong, Le Thi Cong Nhan, Le Cong Dinh and Le Tran Luat. Many of them were charged and convicted under articles 79 and 88 of the Viet Nam's Penal Code, which criminalises conduct by those who seek to overthrow the Government or those who conduct propaganda against the Government. Currently, Le Cong Dinh and Nguyen Van Dai are under house arrest, while Huynh Van Dong, Le Thi Cong Nhan and Le Tran Luat are no longer under arrest or in detention, but are under constant surveillance. What are alleged to be fabricated charges of tax evasion have been made against Le Quoc Quan, who was arrested in December 2012 and is still awaiting trial.

The ICJ recalls that article 16 of the UN Basic Principles on the Role of Lawyers states that "governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference and that they shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognised professional duties, standards and ethics". Articles 17 and 18 affirm that "where the security of lawyers is threatened... they shall be adequately safeguarded by the authorities" and that "lawyers shall not be identified with their clients' or their clients' causes...". Without adherence to these principles, access to justice through legal aid is typically frustrated.

Against this background, Madam Special Rapporteur, we urge the Government of Viet Nam to extend to you an invitation to undertake a mission to Viet Nam and to cooperate with you and allow you to effectively consider these and other obstacles to the effective functioning of the legal profession in the country.

Finally, Madam Rapporteur, the ICJ wishes to reiterate its support to the mandate you hold and to remind States of their obligation to cooperate with your and all other Special Procedure mandates, including with respect to allegation letters and urgent appeals.

I thank you.

<p>Statement delivered by: Ms Ilaria Vena, ICJ Centre for the Independence of Judges and Lawyers Further contact: Ms Emerlynne Gil (emerlynne.gil@icj.org), ICJ Asia Pacific Programme</p>
