

Prime Minister Nguyen Xuan Phuc  
Government of the Socialist Republic of Vietnam

01 Hoang Hoa Tham  
Ba Dinh District  
Hanoi  
S.R. Vietnam

30 June 2020

**Human rights organisations jointly call  
for the immediate and unconditional release of Dr. Phạm Chí Dũng,  
Nguyễn Tường Thụy and Lê Hữu Minh Tuấn**

Dear Prime Minister,

We, the undersigned international human rights organisations, are writing to express our grave concern about the November 2019 arrest of human rights defender **Dr. Phạm Chí Dũng** and the recent arrests of his fellow activists, and their incommunicado detentions. We call on the responsible authorities in your government to secure their immediate and unconditional release.

Dr. Phạm Chí Dũng is a founding member and, since 2014, Chairman of the Independent Journalists Association of Vietnam (IJAVN). He was arrested on 21 November 2019 in Ho Chi Minh City on the charge of "making, storing, spreading information, materials, items for the purpose of opposing the State of Socialist Republic of Vietnam" under Article 117 of the Vietnamese Criminal Code (VCC).

After his arrest, a number of persons have been subjected to various forms of harassment up to and including arrest and prosecution in connection with their IJAVN membership. In May and June 2020, two other IJAVN members, journalist Nguyễn Tường Thụy and law student Lê Hữu Minh Tuấn, were arrested on the same charges in Hanoi and Quang Nam Province.

From 2013 till his arrest, Dr. Phạm Chí Dũng wrote daily analyses and commentaries on important human rights and legislative issues - notably on freedom of expression, detention of human rights defenders, the lack of independent labour unions and other labour rights and harassment of independent civil society - for various domestic and international media outlets. As a doctor of economics, many of his articles in 2019 were focused on labour unions, the Vietnamese Labour Law, the forthcoming ratification of the Conventions of the International Labour Organization (ILO), of the EU-Vietnam Free Trade Agreement (EVFTA) and Investment Protection Agreement (EVIPA). We fear that his arrest was arbitrary and undertaken for the exercise of his fundamental freedoms, protected under international human rights law.

It is noteworthy that Dr. Phạm Chí Dũng had been arbitrarily arrested for the first time in July 2012 on the charge of "plotting to overthrow the government" which was later changed to "propaganda against the socialist state." He was released without explanation in February 2013 after seven months in prison and without trial. In 2014 he was the subject of a [communication sent by the Special Procedures](#) after he had been prevented from traveling to Geneva to participate in a side-event in connection with the second cycle of

the Universal Periodic Review of Vietnam. His passport was confiscated to prevent him from traveling since.

In January 2020, [four Special Procedure mandate holders of the UN Human Rights Council](#) expressed their concern about his arbitrary and incommunicado detention with the Vietnamese Government. In their reply dated 18 February 2020 the [Permanent Mission of the S.R. Vietnam to the United Nations](#) confirmed the charge under VCC's Article 117 claiming that Dr. Phạm Chí Dũng had allegedly "posted 63 articles that distort the truth, incite individuals to rise up and overthrow the people's government, incite hatred and extremism, mislead people on the socio-economic situation with view to causing anxiety and social instability." The reply cited Article 74 of the Vietnamese Criminal Procedure Code (VCPC) to justify his incommunicado detention, despite concerns this provision is a violation of fundamental procedural safeguards and Vietnam's obligations under the International Covenant on Civil and Political Rights (ICCPR).

We believe that the current arrest of Dr. Phạm Chí Dũng is in relation to the ratification of EVFTA and EVIPA by the European Parliament (EP). In 2019 and especially in November 2019 shortly before his arrest, he had repeatedly asked the EP to postpone the ratification not because he objected the EVFTA and EVIPA per se but because he wanted to link the ratification to tangible human rights improvements, notably the release of "political prisoners" and the implementation of the [EP resolution 2018/2925\(RSP\)](#). He believed that his writings on human rights are in full compliance with the right to freedom of opinion and expression, press and association provided by Article 25 of the Vietnamese Constitution, and Articles 19, 21, and 22 of the ICCPR.

We consider the arrest on 21 November 2019 and detention of Dr. Phạm Chí Dũng to be in contravention of [recommendations No. 26, 46, 50 and 52 of the UN Human Rights Committee on the Third Periodic Review of Vietnam on 28 March 2019](#) and according to criteria adopted by the UN Working Group on Arbitrary Detention.

Vietnam is a State party to the International Covenant on Civil and Political Rights (ICCPR) and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and is obligated to uphold the rights of all persons deprived of their liberty.

The prolonged incommunicado detention of Dr. Phạm Chí Dũng, which has now lasted almost seven months, constitutes a violation of the prohibition on torture and other ill-treatment under ICCPR's Article 7 and CAT, the right to liberty under ICCPR's article 9, as well as the ICCPR's Article 10 which guarantees persons deprived of their liberty the right to be treated with humanity and dignity.

While the VCPC's Article 74 on time for the participation of legal counsel provides for the suspension of the participation of legal counsel in cases involving charges of infringing national security until the conclusion of the investigation, this provision itself violates the right of access to legal counsel under international human rights law, namely ICCPR's Article 14 above.

The VCC's Article 117 is a vague and broadly formulated offence which is used to curtail the right to freedom of opinion and expression guaranteed by ICCPR's Article 19. The allegation of publishing with intent to oppose the government may be motivated by the circumstance of Dr. Phạm Chí Dũng's quitting the ruling Communist Party of Vietnam in 2013. He has been blamed as an [extremely dangerous "recoloured red seed" by the press organ of the Vietnamese Public Security](#) right after his arrest, and the new Article 117

charge appear to be intended to discourage others from defecting and dissenting.

A 2019 [report](#) of the International Commission of Jurists showed how VCC's Article 117 and other national security-related provisions in Vietnam's criminal law are non-compliant with Vietnam's international human rights obligations, both on its face and as implemented. The report called attention to the law's vague and overbroad provisions; and excessively severe penalties. It showed how the absence of effective independent oversight or accountability mechanisms in these criminal law provisions, including Article 117, violate the principles of legality and proportionality under international law.

We recall that under the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders), Vietnam has a responsibility to protect and facilitate the work of human rights defenders, not curtail it.

Dr. Phạm Chí Dũng is a human rights defender who has peacefully exercised his right to freedom of expression to advocate for the rights of others, and has been detained solely for his beliefs and the peaceful exercise of rights protected under international human rights standards. We call on the government of Vietnam to immediately and unconditionally release Dr. Phạm Chí Dũng, Nguyễn Tường Thụy and Lê Hữu Minh Tuấn and to cease harassment of his fellow activists.

Sincerely and respectfully yours,

**Human Rights Watch**  
**International Commission of Jurists**  
**VETO! Human Rights Defenders' Network**