

**H.E. Le Thanh Long**  
Minister of Justice, Viet Nam

**H.E. General To Lam**  
Minister of Public Security, Viet Nam

9 May 2023

Your Excellencies,

**Re: Continued criminal investigations against human rights lawyers Dang Dinh Manh and Nguyen Van Mieng**

I write on behalf of the International Commission of Jurists (ICJ) to follow up on our letter dated 13 March 2023 regarding the criminal investigation against human rights lawyer Dang Dinh Manh. We continued to be concerned at the continued criminal investigations of Dang Dinh Manh, as well as human rights lawyer Nguyen Van Mieng.

The ICJ considers that the undue criminal investigations against Dang Dinh Manh and Nguyen Van Mieng aim to impair their work as lawyers and their exercise of the right to freedom of expression, protected under international human rights law. We have received credible information that Dang Dinh Manh has received two additional letters on 6 March 2023 and 26 April 2023 summoning him for an interrogation by the Long An Police. Similarly, Nguyen Van Mieng has received three letters summoning him for an interrogation by the Long An Police on 6 March 2023, 7 April 2023 and 26 April 2023.

Dang Dinh Manh and Nguyen Van Mieng are reportedly being investigated pursuant to article 331 of Vietnam's Penal Code, for allegedly "abusing democratic freedoms to infringe on the interests of the State, organizations and individuals" by spreading images, words and articles online through video clips.

The criminal investigations against Dang Dinh Manh and Nguyen Van Mieng appear to be related to their work representing their clients in the Tinh That Bong Lai Temple case. Dang Dinh Manh and Nguyen Van Mieng have expressed their concerns publicly through social media posts and videos about apparent due process violations by investigative agencies in the Tinh That Bong Lai Temple case.

We further note with concern that there have been reports that the three other lawyers who worked with Dang Dinh Manh and Nguyen Van Mieng on the Tinh That Bong Lai Temple case are also being investigated under article 331.

The ICJ stresses that under international human rights law, lawyers, like other individuals, enjoy the right to freedom of expression. This right is protected by article 19 of the International Covenant on Civil and Political Rights (ICCPR), to which Vietnam is a State party. The UN Human Rights Committee, the body of experts mandated by the ICCPR to monitor its implementation, has emphasized in its General Comment No. 34 that protections for freedom of expression and opinion should extend to political discourse, commentary of public affairs, canvassing, and discussion of human rights. This protection also extends to online expression and information, as the UN Human Rights Council has reaffirmed in its June 2012 Resolution 20/8 that the same rights that people have offline must also be protected online. Additionally, Principle 23 of the United Nations Basic Principles on the Role of Lawyers states clearly that a lawyer should be free to participate in public discussions of matters concerning the law, the administration of justice and the promotion and protection of human rights. Principle 16 also specifies that governments must ensure that lawyers are able to

perform all of their professional functions without intimidation, hindrance or improper interference and must not face sanctions for discharging their duties in accordance with professional standards and ethics.

Furthermore, the UN Special Rapporteur on the independence of judges and lawyers has urged public prosecutors to “closely monitor situations and cases in which lawyers might be criminalized for performing their duties” and when such circumstances arise, “appropriate orders should be issued to prevent public prosecutors from maliciously prosecuting members of the legal profession who criticize State officials and institutions in the exercise of their independence and freedom of expression.” The Special Rapporteur’s comments came in an April 2022 report on protecting lawyers against undue interference in the free and independent exercise of the legal profession.<sup>1</sup>

The ICJ is also concerned that article 331 of the Penal Code, which is being used to investigate Dang Dinh Manh, Nguyen Van Mieng and other human rights defenders, is inconsistent with international human rights law protecting the right to freedom of expression under the ICCPR. In fact, article 19(3) of the ICCPR provides that freedom of expression may only be subjected to certain restrictions that shall be provided by law and are necessary for respect of the rights or reputations of others, or for the protection of national security, public order, public health or public morals. The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, and the UN Special Rapporteur on the situation of human rights defenders have previously noted the “lack of clarity and precision” in the formulation of article 331, and have expressed concern that it “unnecessarily and disproportionately limit[s] the legitimate activities of human rights defenders, civil society actors and social media activists in the country”.<sup>2</sup>

We therefore urgently request that your offices take immediate steps to:

- Cease the use of arbitrary criminal investigations against Dang Dinh Manh, Nguyen Van Mieng and other lawyers that are aimed at impairing their work as human rights lawyers and their right to freedom of expression;
- Take measures with a view to repealing or substantially amending article 331 of the Penal Code, in compliance with international human rights law that protect the right to freedom of expression and information; and
- Take all necessary measures to ensure the free exercise of the legal profession, in all circumstances, so that lawyers may exercise their legitimate professional rights and duties without fear of reprisals and free from all restrictions, including harassment through legal processes.

We appreciate your urgent attention to this matter. Please do not hesitate to contact us if you have any comments or questions. We stand by to provide any assistance required.

Yours Sincerely,



**Ian Seiderman**  
Legal and Policy Director  
International Commission of Jurists

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<sup>1</sup> Human Rights Council, *Protection of lawyers against undue interference in the free and independent exercise of the legal profession*, UN Doc. A/HRC/50/36, 22 April 2022, para. 123.

<sup>2</sup> *Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders*, Reference AL VNM 4/2021, 1 November 2021.