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June 24, 2015



Re: End of Arbitrary Detention of Mr. Le Quoc Quan



Your Excellencies,



The signatory organizations welcome the anticipated release of Mr. Le Quoc Quan, a well-respected human rights lawyer and blogger, and urge the Government of Viet Nam to respect his human rights, to reinstate his license to work as a lawyer, and that reparation is granted to him for the arbitrary detention he suffered.



The Government of Viet Nam has long persecuted Mr. Le Quoc Quan for his human rights work. In 2007, after representing numerous victims of human rights violations, he was disbarred from practicing as a lawyer on suspicion of engaging in “activities to overthrow the regime”. He has been arrested several times for continuing his human rights advocacy. Following an attack by unknown assailants in August 2012, he was hospitalised. The attack was never investigated by the police.



Mr. Le Quoc Quan was arrested on 27 December 2012 on alleged charges of tax evasion. Following his arrest, he was held incommunicado and denied permission to see his lawyer for two months. Repeated requests by his family to visit him were also denied. Mr. Le Quoc Quan first saw a family member at his trial on 2 October 2013, at which he was convicted of evading corporate income tax and sentenced to 30 months imprisonment and a fine of 1.2 billion dong (approximately USD 59,000). His imprisonment will end on 27 June 2015. By then, he will have served the full sentence of 30 months, without any deduction.



In 2013, the United Nations Working Group on Arbitrary Detention condemned Mr. Le Quoc Quan's detention as violating his right to freedom of expression and his right to a fair trial.<sup>1</sup> It found that Mr. Le Quoc Quan had been targeted for his work as an activist and as a blogger and called for his immediate release or for the charges against him to be determined by an independent and impartial tribunal in proceedings conducted in strict compliance with the provisions of the ICCPR. It found that he had been held incommunicado, refused access to his lawyer and denied pre-trial release in violation of ICCPR fair trial rights. It also recommended that Viet Nam pay damages to Mr. Le Quoc Quan for his arbitrary detention. The Government of Viet Nam never responded to this decision.

Viet Nam's human rights record was reviewed at the United Nations on 5 February 2014, during the Universal Periodic Review. The case of Mr. Le Quoc Quan was explicitly mentioned as an example of numerous lawyers engaged in defending or promoting human rights who have been intimidated, hindered and harassed by the Viet Nam government.<sup>2</sup> Many states, including the United Kingdom, the Netherlands, Ireland and Australia called for Viet Nam to cease its crackdown on free speech. The United States recommended to unconditionally release all political prisoners including Mr. Le Quoc Quan.<sup>3</sup>

In February 2014, Mr. Le Quoc Quan launched a hunger strike to protest the refusal by prison authorities to provide him access to legal counsel, access to legal and religious books, and access to a priest for spiritual guidance, ahead of his appeal trial.

On 18 February 2014, the Court of Appeal in Hanoi upheld Mr. Le Quoc Quan's conviction. The decision of the United Nations Working Group on Arbitrary Detention was not taken into account.

The EU recognizes Mr. Le Quoc Quan as a Prisoner of Concern and it formally expressed its concern over the judgment of the Appeal Court.<sup>4</sup> The US Embassy issued a statement following the sentence calling on the Government of Viet Nam to release Mr. Le Quoc Quan and other political prisoners.<sup>5</sup>

In September 2014, a broad coalition of NGO's filed a new petition regarding Mr. Le Quoc Quan with the Working Group on Arbitrary Detention.<sup>6</sup> The opinion following this new petition is still pending.

During the 27<sup>th</sup> session of the UN Human Rights Council on 16 September 2014, an oral statement was delivered specifically demanding attention for the situation of Le Quoc Quan.<sup>7</sup>

Since the arrest on 27 December 2012, many organizations and individuals have repeatedly raised Mr. Le Quoc Quan's case. The Government of Viet Nam never responded.

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<sup>1</sup> Opinion adopted by the Working Group on Arbitrary Detention at its sixty-seventh session, 26–30 August 2013, No. 33/2013 (Viet Nam), 12 November 2013, A/HRC/WGAD/2013/ [http://www.advocatenvooradvocaten.nl/wp-content/uploads/UN-WGAD-decision\\_Le-Quoc-Quan.pdf](http://www.advocatenvooradvocaten.nl/wp-content/uploads/UN-WGAD-decision_Le-Quoc-Quan.pdf)

<sup>2</sup> <http://www.advocatenvooradvocaten.nl/wp-content/uploads/UPR-Vietnam-Joint-Submission-L4L-LRWC-The-Law-Society-January-February-2014-1.pdf>

<sup>3</sup> The United States recommended Viet Nam to revise vague national security laws that are used to suppress universal rights, and unconditionally release all political prisoners, such as Dr. Cu Huy Ha Vu, Le Quoc Quan, Dieu Cay and Tran Huynh Duy Thuc [http://www.upr-info.org/sites/default/files/document/viet\\_nam/session\\_18\\_-\\_january\\_2014/a\\_hrc\\_26\\_6\\_e.pdf](http://www.upr-info.org/sites/default/files/document/viet_nam/session_18_-_january_2014/a_hrc_26_6_e.pdf)

<sup>4</sup> Message from the Delegation of the European Union to Vietnam on lawyer Le Quoc Quan's appeal trial, Hanoi, 18 February 2014, [http://eeas.europa.eu/delegations/vietnam/documents/press\\_corner/2014/20140218\\_quan\\_appealtrial\\_en.pdf](http://eeas.europa.eu/delegations/vietnam/documents/press_corner/2014/20140218_quan_appealtrial_en.pdf)

<sup>5</sup> <http://www.wsj.com/articles/SB10001424052702304906704579110930351434834>

<sup>6</sup> <http://www.advocatenvooradvocaten.nl/wp-content/uploads/Petition-Le-Quoc-Quan-2014-09-05.pdf>

<sup>7</sup> Petition for Relief Pursuant to Commission on Human Rights Resolutions 1997/50, 2000/36, 2003/31, and Human Rights Council Resolutions 6/4 and 15/1, submitted by Media Legal Defence Initiative on 5 September 2014, <http://www.advocatenvooradvocaten.nl/wp-content/uploads/Oral-Statement-L4L-HRC-15-September-2014.pdf>

Mr. Le Quoc Quan's release is imminent. On 27 June 2015, he will be released after having served the full term of his 30 months imprisonment sentence.

The signatory organizations urge the Government of Viet Nam to respect and protect Mr. Le Quoc Quan's internationally protected rights, and specifically:

- (a) to refrain from any further persecution, harassment and/or unlawful arrest of Mr. Le Quoc Quan;
- (b) to reinstate his license to work as a lawyer and to undo his disbarment; and
- (c) to grant reparation to him for the arbitrary detention he suffered.

We thank you for your attention to this matter and we appreciate receiving a reply.

A copy of this letter is being sent to the President of the United States and to the representative of the European Union in Hanoi.

Yours sincerely,

**Amnesty International USA**

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Lawyer Le Quoc Quan (centre) speaks during his appeal trial at Hanoi People's Court of Appeals. He was more than two weeks into a hunger strike and looked weak, but strongly insisted on his innocence. Photo: AFP