



Per email:

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To the Delegation of the European Union and the Ambassadors of the EU Member States

Re: Arbitrary Arrest and Detention of Lawyers Nguyễn Văn Đài and Lê Thu Hà

Lawyers for Lawyers¹ (L4L) and other international observers are concerned over the *incommunicado* detention of lawyers Nguyễn Văn Đài and Lê Thu Hà. We are writing to ask you or a representative from your office, to visit Nguyễn Văn Đài and Lê Thu Hà in prison and report on the condition of each of them.

Nguyễn Văn Đài is a lawyer and the founder of the Brotherhood for Democracy and Lê Thu Hà, also a lawyer, is the Secretary of the organization. Both of these lawyers are involved in peaceful human rights education and advocacy. Neither has any involvement with activities that could reasonably be considered criminal.

They were both arrested on 16 December 2016: Nguyễn Văn Đài while enroute to meet with European Union representatives and Lê Thu Hà at her office. Both have since been held *incommunicado* in, we believe, B14 prison in Hanoi. They are being denied visiting by family and access to legal counsel.

It is believed that the two were arrested under Article 81 of the Criminal Procedure Code which purports to allow the arrest, after compliance with certain procedures, of anyone persons 'preparing to commit very serious or exceptionally serious offenses.' Neither Nguyễn Văn Đài or Lê Thu Hà can reasonably be characterized as fitting into such a category.

L4L shares the concern of Amnesty International that Nguyễn Văn Đài and Lê Thu Hà are at imminent risk of torture and other prohibited treatment at the hands of Vietnamese authorities. In addition to being wrongfully deprived of liberty, due process, right to pre-trial release, the presumption of innocence and freedom from torture, the arbitrary and *incommunicado* detention of these lawyers impairs their opportunity to effectively defend against any charges levied.

Articles 7 and 8 of the UN Basic Principles on the Role of Lawyers state that:

Governments shall further ensure that all persons arrested or detained, with or without criminal charge, shall have prompt access to a lawyer, and in any case not later than forty-eight hours from the time of arrest or detention.

All arrested, detained or imprisoned persons shall be provided with adequate opportunities, time and facilities to be visited by and to communicate and consult with a

¹ Lawyers for Lawyers is an independent and non-political Dutch foundation that seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession. For more information please visit: www.lawyersforlawyers.org



lawyer, without delay, interception or censorship and in full confidentiality. Such consultations may be within sight, but not within the hearing, of law enforcement officials.

This arrest and detention violates Vietnam's international human rights obligations, including the International Covenant on Civil and Political Rights (ICCPR), to which Vietnam is a party.

We request that you to or someone from your office visit Nguyễn Văn Đài and Lê Thu Hà in prison and report on their condition. We also invite you to urge Viet Nam to ensure its laws and actions comply with its international obligations and to call for the release immediate Nguyễn Văn Đài and Lê Thu Hà.

Sincerely,

Adrie van de Streek
Executive Director L4L
on behalf of the L4L President Phon van den Biesen