

Vietnamese lawyers Dang Dinh Manh, Dao Kim Lan and Nguyen Van Mieng forced to flee their country

Laywers for Lawyers is concerned about the judicial harassment of the Vietnamese lawyers Dang Dinh Manh, Dao Kim Lan and Nguyen Van Mieng. The three lawyers were summoned by the police in the Long An province on suspicion of abusing democratic freedoms to infringe on the interests of the state. On 11 June 2023 the Provincial Police of Long An posted a search notice for the three lawyers.

Lawyers Dang Dinh Manh, Dao Kim Lan and Nguyen Van Mieng are part of a group of five lawyers representing members of an unregistered Buddhist group, who were targeted by the Vietnamese government with persecution. The group is known as Thiên Am Bên Bờ Vũ Trụ (TABBVT) and formerly as Tịnh Thất Bồng Lai (TTBL) in the Long An Province.

In February 2023, the group of lawyers was notified by the Long An police that they were under investigation on the basis of article 331 of Vietnam's Penal Code. On the basis of this article, the lawyers could potentially be charged for "abusing democratic freedoms to infringe on the interests of the State, organizations and individuals". This was followed by several summons for the lawyers to appear for questioning.

On 11 June 2023, the Provincial Police has posted a search notice on its website for Dang Dinh Manh, Dao Kim Lim and Nguyen Van Mieng. The lawyers were able to flee the country and have since safely arrived in the United States.

The grounds for the allegations against the lawyers appear to be rooted in the video clips that were shared by the lawyers online. According to the Department of Cybersecurity and High-Tech Crime Prevention under Vietnam's Ministry of Public Security, with the videos the attorneys showed signs of violating article 331 of Vietnam's Penal Code. In these video clips the lawyers gave updates of their legal defense work for the TABBVT in Long An province and expressed their concerns regarding alleged due process violations by the investigative agencies handling the matter. In this case, six members of TABBVT were convicted for an infringement of article 331 of Vietnam's Penal Code; the same article for which their lawyers are currently under investigation.

Laywers for Lawyers is alarmed by the investigation, summoning and search notice of Dang Dinh Manh, Dao Kim Lan and Nguyen van Mieng on the basis of article 331 of Vietnam's Penal Code.

Lawyers play a vital role in the protection of the rule of law and human rights. Lawyers have the responsibility to defend their clients and in order for lawyers to fulfil their professional duties effectively, lawyers should be enabled to practice law freely and independently, without any fear of reprisal by the government. As article 16 of the United Nations Basic Principles on the Role of Lawyers unequivocally states, governments must ensure that lawyers:

(i) *"are able to perform all of their professional functions without intimidation, hindrance or improper interference"*; and

(ii) *"shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics"*.

Based on article 18 of the UN Basic Principles *"Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions"*.

Pursuant to article 23 of the UN Basic Principles on the Role of Lawyers, "*Lawyers like other citizens are entitled to freedom of expression, belief, association, and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.*"

In order to maintain the rule of law and allow legal professionals to fulfil their role in protecting rights and freedoms, Lawyers for Lawyers calls on the authorities in Vietnam to

- take immediate measures to cease the arbitrary criminal investigations against Dang Dinh Manh, Dao Kim Lan and Nguyen Van Mieng, which are connected to their legitimate work as human rights lawyers;
- take immediate measures to ensure that sufficient safeguards are in place, both in law and in practice, to guarantee the full independence and safety of lawyers and their effective protection against any form of retaliation in connection with their professional activity;
- refrain from any actions that may constitute harassment, persecution, or undue interference in the work of lawyers, including their criminal prosecution on improper grounds such as the expression of critical views or the nature of the cases that the lawyer is involved in; and
- take immediate measures to guarantee the effective protection of the right of freedom of expression of lawyers as set out in principle 23 of the Basic Principles, in particular their right to take part in public discussions on matters concerning the law, the administration of justice and the promotion and protection of human rights.