

Attorney Huynh Van Dong: Vietnamese Human Rights Defender

Huynh Van Dong is one of Vietnam's few practicing human rights lawyers. Despite harassment from authorities, he has taken on high profile political cases, defending democracy and religious activists.

Attorney Dong is known for insisting that authorities adhere to the Vietnamese criminal procedure code. Unique to most defense lawyers, he has argued for the innocence of his clients rather than to merely seek clemency from the court.

He has spoken out when clients were denied due process. In interviews with international media, he helped inform the Vietnamese public and outside world of vital information which authorities suppressed such as the nature of the charges.

Attorney Dong has been involved in the following prominent cases:

- March 2009 & January 2011: represented the Thai Ha and Con Dau parishioners at their appeals trials respectively. The defendants were convicted of causing public disorder after protesting the confiscation of Catholic Church properties.
- October 2009 & January 2010: represented democracy activists Pham Van Troi and Tran Duc Thach at the preliminary hearing (for Troi) and appeals trial (for Troi and Thach). Both were imprisoned for anti-state propaganda after displaying banners in public calling for multi-party democracy and Vietnamese sovereignty over the disputed Paracel and Spratly Islands.
- May 2011: represented democracy activists Tran Thi Thuy and Pham Van Thong at their preliminary trial. They along with five others were convicted of "attempting to overthrow the people's administration" based on their peaceful political activities.

Attorney Dong has been repeatedly harassed by police and summoned for questioning. In June 2011, authorities directed the Bar Association to expel him for allegedly disrespecting Vietnamese law. His so-called offenses (presented in Annex 4) are essentially the oral arguments he made in court contesting the charges of the prosecution.

Born in 1978, Huynh Van Dong graduated from Ho Chi Minh City University of Law in 2001 and joined the Dac Lac Province Bar Association in 2003.



Annex 1: The Attorney Profession in Vietnam by Huynh Van Dong

In the course of practicing law, I discovered a painful truth that I once wanted to leave the attorney profession. The Laws of Vietnam are being applied illegally by Vietnamese agencies conducting proceedings, particularly in political cases.

I have been involved in many political cases from North to South, all have one common characteristic, which is:

The case has no evidence or the evidence cannot prove the criminal behaviors of the defendants;

The verdict for the defendants are not based on objective evidence and on the basis of argument;

Interpretation that is subjective in nature is used by the Public Security agency, the Procuracy, the Courts of Vietnam applied thoroughly in order to charge individuals who championed freedom and democracy for Vietnam.

The Government of Vietnam has gone completely contrary to what was stipulated in the Constitution and the International Covenant on Civil and Political Rights. In Vietnam, the right to express viewpoints that are not the same as the state's is prosecuted and tried by laws that are very vague (Article 88, 79 of the Penal Code) or speaking specifically, in Vietnam human rights are not respected by the State.

A clear fact that everyone recognizes is that more and more intellectuals, attorneys, lawyers went to jail just for expressing their own personal opinion, even the right to patriotism has to wait for the state's approval.

The demands of freedom speech, freedom of the press, freedom of assembly, freedom of political parties are demands that are "luxury" in nature in Vietnam currently.

The terms: "approved sentence", "pocket sentence," "predetermined sentence" are not unknown to people familiar with the judicial system of Vietnam.

Facing such reality, when participating in political cases, attorneys' rights are always limited when performing their responsibility. The most proactive role of attorneys in these cases is merely as a bridge between the families and the accused, the defendants in custody, but few lawyers have the courage to do this. Due to one reason, (for a long period of time since 1975 people were used to trial without a lawyer, and after that time, people see lawyers as the people who manage the sentence, or plea for relief, clemency) the consequences for attorneys, who are dedicated to their profession when participating in these cases are not bright; mild punishment shall be deprived of the right to practice the profession, and severe punishment is jail (Attorneys Le Quoc Quan, Le Tran Luat, Nguyen Van Dai, Le Cong Dinh, Dr. Cu Huy Ha Vu, lawyer Ta Phong Tan ...)

In my opinion, I do not accept that attorneys are just ornaments, decorative objects for the judiciary system to use in order to show a false democracy and furthermore, do not accept becoming an actor and joining in performing the pre-arranged act. Therefore, following the footsteps of forefathers before me, I ended the thought of abandoning the profession. I still continue to participate in the cases in order to achieve the goal; justice must be done, the laws must be brought into life.

It cannot be the case that the Constitution is subjected to being dominated and imposed by the laws as well as documents under the laws. No way, in a democratic and civilized society that when citizens exercise their basic rights as stipulated in Article 69 of the Constitution to be jailed by articles 79, 88, 257, 258 ... of the Penal Code.

The State belongs to the people, by and for the people but when people peacefully condemn the illegal acts of state agencies the government in turn brutally suppresses those people and then the state identifies those people with disruptive behaviors, destruction of property. If the government acts within the law, according to the wishes of the people, then why would there be dozens of people granted refugee status by the United Nations High Commissioner, there wouldn't be two shameful gardens as many people have seen, have said. Thai Ha, Con Dau are two exemplary cases which illustrate one of the most violent crackdowns in the early 21st century that people have seen. When the victims denounced and criticized the illegal treatment by Public Security, criticized the cowardly attitude before the invasion of foreign power, they are deemed as propaganda against the state. The right to join organizations and parties that are not the Communist Party in according to the constitution and international laws is attributed to operating to overthrow the government.

It has been shown through the cases, the people of Vietnam wanting "to be left alone" must be silent about all social injustices or be banded with them. If you want to eliminate them you must be permitted by the state and even the expression of patriotic attitude and spirit have to wait for the state's "license" otherwise it will be seen as being listened to instigation, incitement from hostile forces, opposition. In the eyes of the state, Vietnamese citizens are childish, silly, if not ignorant.

The Vietnamese Nation is heroic and the Vietnamese People are very unfortunate.

I am a son and citizen of the Vietnamese Nation therefore I have the right and responsibility to love our country, love our people so when our country is hurt, our people is persecuted, even as a lawyer with a poor level of experience, I still have the obligation to defend, even advocate for what is right despite its bringing me many risks, which everyone can predict.

Someone said: "Freedom, justice are not gifts from Heaven down, in order to have them, there must be struggle." And there is no struggle without loss.

Living in a country lacking freedom and where justice is being trampled rudely, the obligation of an attorney with a conscience is to speak out. The voice might be lonely. It might be lost among the crowd that has reached "the pinnacle of intellect" but that voice is really necessary because it is the right to conscience and responsibility.

Attorney Huynh Van Dong
July 16, 2011

Annex 2: BBC interview of Huynh Van Dong following the May 30, 2011 trial of seven democracy activists

** Original content available at BBC Vietnamese:*

http://www.bbc.co.uk/vietnamese/av/2011/05/110531_huynhvandong_bentre.shtml. Translated by Viet Tan

The trial of 7 Ben Tre activists.

BBC: The seven activists were given a total of 33 years in prison and 28 years of house arrest after being convicted under Article 79 of the criminal code in a trial that lasted one day in Ben Tre.

Duong Kim Khai, Tran Thi Thuy, Nguyen Thanh Tam, Pham Van Thong, Nguyen Chi Thanh, Cao Van Tinh, and Pham Ngoc Hoa have been under custody since the middle of last year until their trial on May 30, 2011.

Attorney Huynh Van Dong from the law office Thien Tue, who defended Ms. Tran Thi Thuy and Mr. Pham Van Thong, commented that while the accused were represented by attorneys, their prosecution was far from thorough.

Attorney Huynh Van Dong spoke to the BBC about the accusation of “attempting to overthrow the government” by the seven activists in the following interview.

Huynh Van Dong: In my opinion, this court has violated the law from the very beginning, a serious violation of the law in a very blatant manner. We did not have access to the legal documents nor could we make photocopy, or to have custody of the files as required by law, because the court has not allowed us to do so during pre-trial proceedings. In the court room itself, any of our statements, like in the other proceedings, were cut off. Toward the end of the argument stage, I was taken outside by the police.

As an attorney, we wanted to defend our clients, we just want to prove to the court that those documents that the Vietnamese government considered to be subversive or anti-government was provided to our client by Viet Tan Party. The documents contained the words HS-TS-VN which means Hoang Sa-Truong Sa-Viet Nam. Those documents were considered to be subversive by the government and we just wanted to make clear on that point as well as the origin of those words.

When we spoke of Hoang Sa and Truong Sa, the court did not want us to speak, but as a defending attorney, we have to make clear on that issue. I was not given permission to speak on the issue and the judge ordered me out of the court. At this point, I was willing to accept the judge’s decision to remove me from the court, however, they had police officer pull and drag me out of court. I find such manner extremely odd from the court.

BBC: There was a worry that the accused was not prepared for the legal proceeding, do you think that was accurate?

Huynh Van Dong: That is exactly the problem. From the day of the arrest up until the court date yesterday, the accused only have access to their attorney at the jail. Through the investigation and temporary custody phase, the accused could not meet their relatives nor attorney, only the police. Through the prosecutorial stages, with the exception of going to court to plead to the charges and ask for leniency, they were fairly comfortable with making statements on the issue. My clients and Mr. Dang’s client did not admit to any wrong doing since they believe that their actions were correct and that the court was suppressing their freedom of speech.

BBC: What do you think of the final verdict of the court?

Huynh Van Dong: The final verdict reached by the court was not based on the law of Vietnam. The range of punishment from severe to fairly light was based on whether or not the accused admitted to any wrongdoing. These two things are completely different. The prosecution of a wrong doing and the admission to such wrong doing are two different things, but the punishment was based on admission of guilt, not on the merit of the arguments because the verdict was decided on three factor: whether there was any participation in Viet Tan Party, whether they attended Viet Tan's non-violence civil disobedience seminar, and disseminating signs with the words HS-TS-VN.

Those 3 actions alone accounted for the verdict of attempting to overthrow the government, which is an extremely serious crime, that I believe, the accused themselves, even up to the time that they stand before the court, cannot imagine what overthrowing the government means. They are simply farmers, construction workers, or they just sell sugarcane drinks. Without much of an education, how can they overthrow the government.

This verdict is extremely serious and unjust for the accused.

Annex 3: AsiaNews.it article on Con Dau appeals trial

* Original content available at <http://www.asianews.it/news-en/Con-Dau-Catholics-sentence-confirmed-on-appeal-20616.html#>

Con Dau Catholics sentence confirmed on appeal

AsiaNews.it - January 27, 2011

VIETNAM

A sham trial in which the court did not even examine the evidence submitted by counsel for the six defendants, who this time had a lawyer. A story that smacks of corruption, exemplary of how the authorities take advantage of rising land prices and violate the citizens' rights.

Hanoi (AsiaNews) – A sham trial has confirmed the sentences on appeal for the six accused in the [Con Dau](#) parish episode. The defendants entered the Danang People's Court at 7.45 yesterday, Jan. 26, at 10.20 the sentence was read.

Catholics in Vietnam had waited with mounting anticipation for the outcome of the appeal, not only those in Con Dau, since the story is an exemplary case of how authorities exploit the enormous growth in land values and violate the rights of citizens. In a story that wafts the scent of corruption, the faithful have been deprived of their homes, and even the cemetery of the parish to make way for a property investment. Beaten and arrested, during the trial they were denied the right to defense, their lawyers in turn, threatened and detained by police. The [U.S. ambassador](#) had cited the same Con Dau case as one that raises "suspicions about the administration and use of the law by the government."

In the days leading up to the appeal, prayer vigils were held, especially [the parish of Thai Ha](#), in Hanoi, the victim of a similar story of expropriated land, police violence, prosecutions and convictions.

This probably explains why the government press, reporting the trial, argued that the Court has reduced the sentences for two Catholics in prison. But it gives no further information.

In fact, as reported by Eglises d'Asie, the court decided to release, Nguyen Huu Minh and Phan Thi Nhan, who had been held in prison. Now they are on conditional probation. But the first had only three months of his prison term left to serve, the second had already served the full sentence. The other four, Nguyen Huu Liem, Le Thanh Lam, Tran Thi Thanh and Nguyen Viet Thê saw their sentence confirmed, on probation, as it was before.

What was different about this trial was the presence of a defence lawyer, Huynh Van Dong. But only in a formal capacity. Ahead of the trial, in fact, the lawyer had claimed to have evidence of the total innocence of her clients and that she could demonstrate that the authorities had taken possession of the land to achieve their real estate projects. She claimed to have evidence, witnesses and even video of the May incident. But the court has not even taken the evidence into consideration.

Annex 4: DPA article on Pham Van Troi & Tran Duc Thach trial

** Original content available at <http://www.earthtimes.org/articles/news/289211,vietnamese-court-sentences-third-democracy-activist.html>*

Vietnamese court sentences third democracy activist DPA - October 8, 2009

Hanoi - A Hanoi court sentenced a democracy activist Thursday to four years in prison and four years of probation for writings that advocated multiparty democracy, the third such trial in three days. Pham Van Troi, 37, was sentenced for violating Article 88 of Vietnam's legal code, which forbids "spreading propaganda against the Socialist Republic of Vietnam."

While other activists have been convicted under Article 88 for posts on blogs or websites, Troi was accused only of sending emails and exchanging documents with acquaintances. Some of Troi's writings were posted on websites, but he was not accused of posting them himself.

Prosecutors said that investigators had restored some documents on Troi's computer that showed he had distributed them to others. Troi's defence lawyer, Huynh Van Dong, argued that those documents had been sent to Troi's inbox, and that he had deleted them.

"I only implemented my rights as a citizen," Troi said. "The documents the security investigation agency found are real, but they are only documents I shared with my friends relating to the state's policies."

Prosecutors also said Troi had slandered police by accusing them of beating him when he was arrested on a trip to Lang Son in 2007. Judges rejected Dong's request to present evidence showing that police had in fact beaten Troi.

Troi's was one of nine trials of bloggers and democracy activists taking place this week in Hanoi and Haiphong.

On Tuesday in Hanoi, poet Tran Duc Thach, 57, was sentenced to three years' prison and three years' probation, also for violating Article 88.

On Wednesday, Vu Van Hung, a 43-year-old high school teacher, was sentenced to three years in prison and two years of probation on similar charges.

On Thursday and Friday, six other democracy activists are being tried in Haiphong. They are the writers Nguyen Xuan Nghia and Nguyen Van Tinh, university student Ngo Quynh, former Communist Party member Nguyen Manh Son, land rights activist Nguyen Van Tuc and electrician Nguyen Kim Nhan.

Vietnamese police Thursday reportedly detained Tran Khai Thanh Thuy, another democracy activist, as she was driving to Haiphong to attend the trials. Thuy, who spent 9 months in jail in 2008, had attended Hung's trial in Hanoi the day before.

Annex 5: Recommendation from People's Court of Ben Tre to disbar Huynh Van Dong

* translation by Viet Tan

THE SUPREME PEOPLE'S COURT
PEOPLE'S COURT OF BEN TRE PROVINCE

SOCIALIST REPUBLIC OF VIETNAM
Independence – Freedom – Happiness

No.: 284/TA

Ben Tre, June 30, 2011

“Re: recommendation to handle
Attorney Huynh Van Dong”

To:

- Department of Justice;
- Vietnam Bar Federation;
- Dac Lac Province Department of Justice;
- Dac Lac Province Bar Association.

Recently **Attorney Huynh Van Dong**, born 8/5/1978 residing at No. 159, block 12, Phuoc An town, Krong Pak district, Dac Lac province, head of the Thien Tue Law office, No. 117, Tran Hung Dao street, Phuoc An town, Krong Pak district, Dac Lac province, was the defense counsel for the accused Tran Thi Thuy and the accused Pham Van Thong at the initial open trial of the case: ***Tran Thi Thuy and accomplice guilty of: “Operate to overthrow the people’s government”***, took place on 5/30/2011 at the Ben Tre Province People’s Court. The accused individuals went overseas, voluntarily asked to join Viet Tan (Vietnam Reform Party), were trained, assigned task to receive money and documents to return to the country to operate.

Through following the progress of the court proceedings above and through the collection of information, documents, the People’s Court of Ben Tre Province recognizes: Attorney Huynh Van Dong had behaviors that violated Attorney’s Laws and took advantage of freedom and democracy rights to infringe upon the interests of the state...

Specifically:

- At the trial Attorney Huynh Van Dong had clearly shown his attitude opposing the trial of the accused individuals. Saying the accused individuals are not guilty for joining and receiving assignments from the organization: “The revolutionary party to reform Viet Nam”, “Viet Tan” for short, at the same time advocated for the behaviors of the accused individuals. The attorney was not concerned with bringing forth arguments, evidences to defend the accused individuals but clearly shown the intention to transform the trial into a public forum, degrade the credibility and offending the Communist Party and the Government of Vietnam, protecting the Viet Tan organization, and had disrespectful attitude toward the Hearing Council. At the trial, although repeatedly reminded but Attorney Dong failed to follow and had disorderly conducts in court (using hand to slam on table). Was asked to leave the court room by the Presiding Judge.

- Particularly, on 5/30/2011 Attorney Dong responded to interview by an individual referred to as reporter Hoang Long on Paltalk forum for about 35 minutes. The interview was posted on the webpage: **www.vrvradio.com** (news webpage of radio Vietnamese Refugee’s Voice) with very reactionary content,

clearly showing anti government attitude, anti the regime and distorting the facts about the initial trial of the accused individuals guilty of: “Operating to overthrow the people’s government”. Because the trial was conducted in open, according to laws, all accused individuals had defense attorneys, and well attended by reporters and ordinary citizens. (*Content of interview attached was re-recorded from audio file of the interview*).

Throughout before, during, and after the trial, Viet Tan Party and hostile forces carried out many opposition activities such as: calling for protests, telephoned various proceeding agencies and responsible parties, going on the Internet with many news, articles, interviews, threatening, offending, and bad mouthing the Party, Government and regime. The behaviors of Attorney Dong had lend strength opposing forces infringed on national security.

Seeing Attorney Dong violated point g, section 1 Article 9 of Attorney’s Laws, provisions on prohibited behaviors which are: *“Taking advantage of the practice of Attorney profession, the reputation of Attorney to negatively impact national security, order, public safety, infringement on the interests of the state, public benefits, rights, lawful benefits of agencies, organizations, and individuals”*.

Attorney Dong has also violated section 2 Article 25 of the Attorney’s Laws which is *“Attorney cannot use information from the client’s case obtained during practice on the case for the purpose of infringing on the interests of the state, public benefits, rights, lawful benefits of agencies, organizations, and individuals”*.

In addition, it was known that before the trial took place, Attorney Dong visited the temporary holding jail at Ben Tre Public Security and met the 2 accused Tran Thi Thuy and Pham Van Thong on 5/25/2011: Attorney Dong guided the accused individuals to announce denial of charges (investigation agency has evidence regarding this).

Attorney Dong’s behaviors had caused discontent, anger, and concern regarding national security among cadres and public employees in the People’s Court of Ben Tre Province and many local cadres and ordinary citizens.

According to regulations in Article 10, Attorney’s Laws regulations regarding qualifications of attorney, the first qualification of attorney is: “Citizen of Vietnam loyal to the Fatherland, comply with the Constitution and laws, has good moral characters...” Comparing the behaviors then Attorney Dong does not meet the qualifications to be an attorney.

The Peoples’ Court of Ben Tre Province recognizes the need to recommend: Department of Justice, Vietnam Bar Federation, Dac Lac Province Department of Justice, Dac Lac Province Bar Association examine the behaviors of Attorney Dong and have handling measures appropriate with the nature and level of Attorney Dong’s behaviors.

The People’s Court of Ben Tre Province has enclosed related documents for agencies, organizations with authorities to analyze including:

1 - Extract of minutes of court trial of the case of Tran Thi Thuy and accomplices guilty of “Operating to overthrow the people’s government” dated 5/30/2011 by the People’s Court of Ben Tre Province.

2 – Extract of content of Attorney Huynh Van Dong’s speech at the trial on 5/30/2011, from audio and video tapes of the court proceedings by Ben Tre Television Station broadcasting live.

3 – Content of the interview response of Attorney Huynh Van Dong on the forum “Vietnamese Refugee’s Voice”.

In Receipt:

- Department of Justice (Judicial Support Services);
- Vietnam Bar Federation;
- Dac Lac Province Department of Justice;
- Dac Lac Province Bar Association;
- Ben Tre Party Standing Committee;
- Party Commission of the Supreme People’s Court;
- Ben Tre Province Public Security;
- Ben Tre Province Department of Justice;
- File

CHIEF JUSTICE

[Seal and signature]

Trinh Thi Thanh Binh

EXTRACT OF MINUTES CONTENT
trial of the case KH710 on 5/30/2011
debate portion of attorney Huynh Van Dong at

In the questioning period, attorney Dong asked a number of questions but briefly asked about the content of the case, there was no content worthy of attention. Below is the content of Attorney Dong participating in the arguments in Court (content extracted from minutes from the Court):

Attorney Dong asked the accused Khai: You joined the Viet Tan party for missionary purpose correct? You went on a missionary trip to Thailand and the Procuracy prosecute you on the crime of “Operating to overthrow the people’s government” what do you have to say?

The presiding officer asked attorney Dong not to question religion because it was not in the content of the case.

*** First arguing period:**

The Procuracy prosecutes the two accused Thuy and Thong guilty of “Operating to overthrow the people’s government” is injustice to the two accused individuals. The two accused individuals are not guilty.

The joining of the Viet Tan party by the two accused individuals is the freedom of citizens according to article 69 of the Constitution. Citizens have the right to peaceful assembly and association.

The revolutionary party to reform Viet Nam is not a reactionary organization, there has been no documentation stating which organizations are reactionary.

If the indictment stated that the two accused individuals received assignments from the Viet Tan party then suggest the Procuracy expose the evidence to prove it.

The fact that the Procuracy prosecuted without showing any specific evidence is extremely nonsense. Saying the materials of hats, t-shirts with the printing of the slogan “HS-TS-VN” that the accused individuals stored and brought back from Thailand and Cambodia are reactionary materials are groundless, because this is the slogan showing the patriotism of the two accused individuals when the two groups of islands Hoang Sa and Truong Sa of Vietnam once again occupied by China. They do not spread reactionary propaganda but have show their patriotism. In the Vietnam China relations.... ***(presiding officer asked attorney not to raise the issue of relations among nations but just provide defense against the accusations by the Procuracy and the indictment)***. The transporting of information to Radio Free Asia by the accused Thong is a clear and transparent exchange of information between the accused and Radio Free Asia. Since Radio Free Asia is an organization which operates openly therefore any act of participating in this organization is completely legal.

The confiscation of documents by the investigation agency from the houses of the accused individuals show that there were no documents so called reactionary and anti the Government of the Socialist Republic of Vietnam but those documents are appropriate in accordance with the laws of Vietnam and International conventions on human rights, freedom of assembly and association to demand legitimate rights, protest....

(Presiding officer cut off attorney Dong for a second time, asking attorney Dong to voice defense arguments and go straight to the content of the case)

The acts of the accused individuals did no harm to anyone, did not impact the rights of anyone.

The forming of the friendship association by the accused individuals did not affect the sovereignty and independence of Viet Nam.

The claims by the Procuracy are groundless, lacked scientific merits. The forming of the Association by the accused Thong, Ms. Tiem saw the regulations as appropriate therefore she joined in the forming of it. Saying the accused Thong forming the Association following the directive of Viet Tan is idiotic.

(Presiding officer warned attorney Dong not to use language that lacks culture in the court)

*** Second arguing period:**

I requested that Procuracy officer provide evidences in order to prosecute the two accused guilty of “Operating to overthrow the people’s government” and the Procuracy officer stated that simply joining the Viet Tan organization is already a crime whether carried out the acts or not. Then Thong has not joined the Viet Tan party so is he guilty or not?

The Official Document provided by the Procuracy officer from the Public Security stating that the Viet Tan organization is a reactionary organization is incorrect and the Government has to provide a list stating which organizations are reactionary.

Then whether joining organizations other than Viet Tan be viewed as activity aiming at overthrowing the government.

Hoang Sa (Paracels), Truong Sa (Spratleys) are islands belonged to Viet Nam but invaded and occupied by China, the accused individuals only expressed their patriotism when they distributed the slogan “HS-TS-VN” but then the Procuracy saw them as betraying the Fatherland.

(Presiding officer of the trial warned that attorney Dong can only argue with the Procuracy and related issues stated in the indictment against the accused Thuy and Thong. Attorney Dong cannot talk about issues relating to Truong Sa (Spratleys) and Hoang Sa (Paracels) that the indictment did not include)

The issue of the two groups of islands Hoang Sa (Paracels) and Truong Sa (Spratleys) belonged to Vietnam now have been occupied by China is real and Chinese naval vessels are attacking the East Sea of Vietnam.

(Presiding officer requested that attorney Dong immediately stop the arguments, talks about contents that are not related to the case. Presiding officer warned attorney Dong for the second time but attorney Dong continued talking about the issue of Hoang Sa (Paracels) and Truong Sa (Spratleys), disobeyed the order of the Presiding officer. Attorney Dong not only disobeyed the order of the Presiding officer requesting to stop talking but attorney Dong used both hands and slammed the table and continued talking about Chinese naval vessels attacking and occupying the East Sea and when talked about the Communist Party of Vietnam, the Presiding officer cut off his speech. Attorney Dong continued to disobey order of the Presiding officer and continued talking about issues not relating to the case, the attorney disrupted order in court despite being warned multiple times by the Presiding officer, requesting him to cease his disorderly conducts. Presiding officer asked police to provide judicial support forcing attorney Dong to leave the trial court room.)

Ben Tre, June 3, 2011

Annex 6: Letter from Media Defence in support of Huynh Van Dong



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10 August 2011

Mr. Chu Duc Luu

Chairman, Daklak Bar Association
39 Ly Thuong Kiet St, Buon Me Thuot City
Daklak Province, Vietnam

By Fax/Email/Post

RE: ATTY. HUYNH VAN DONG – DISBARMENT THREATS

We write in regards to the above matter. We understand that Atty. Dong has been scheduled to meet with you on August 12, 2011 to respond to the Ben Tre Provincial Court's demand that he be disbarred for 'misusing democracy and freedom to harm the interests of the state'. It was alleged that Atty. Dong has done so at the recent trial of six civil rights activists in Ben Tre Province where he represented two of the six defendants as lead defense counsel.

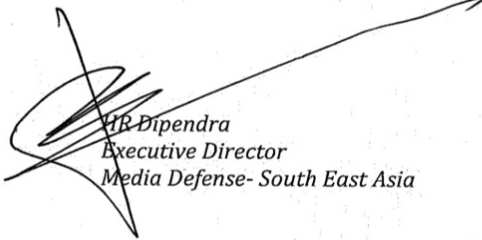
With all due respect, we write to express our dismay and disbelief that a court of law in Vietnam would write a letter of such nature. Not only it is contrary to the principle of separation of powers and judicial independence, a court of law, under international laws and norms, simply does not allege anyone, let alone one of its officers. Its job is to interpret the law, not to implement it regardless of what the law may be. That is the job of the state.

The Ben Tre Provincial Court's letter further indicates that in Vietnam, not only a court of law does not support its officers' work in representing defendants as expected of them professionally and of all courts, but it may, in Atty Dong's case, be the very perpetrator that damages the reputation and standing of the judicial system in Vietnam as a whole. Frankly, this is a worrying trend and is contrary to basic international legal standards and expectations especially in the context of increasing foreign investment in Vietnam.

We thus write this letter to you to strongly protest against the Ben Tre Provincial Court's letter and its allegations. We urge you to respond to the Ben Tre Court in the strongest terms for the above reasons and support Atty. Dong in his quest to represent his clients as best as he can professionally and without due pressure from any forces.

Thank you very much for your attention to this most pressing matter. Should you have any queries, please do not hesitate to contact us.

Best regards



J.R. Dipendra
Executive Director
Media Defense- South East Asia

- CC: (1) *Mr Le Thuc Anh, Chairman – Vietnamese Bar Association*
(2) *Ministry of Justice, Ministry of Public Security, Hanoi*
(3) *EU and US Embassy, Hanoi*