Viet Nam: Immediately and unconditionally release democracy activist Nguyên Việt Dũng

Amnesty International calls on Viet Nam to immediately and unconditionally release Nguyên Việt Dũng, who is a prisoner of conscience. Nguyên Việt Dũng was convicted of ‘causing public disorder’ solely for peacefully exercising his rights to freedom of expression and peaceful assembly under Article 245 on 14 December 2015 and sentenced to 15 months in prison.

Dũng was arrested on 12 April 2015 after taking part in the ‘Save the Trees’ protest in Hanoi. The protest, which was attended by approximately 150 people, called on the authorities in Hanoi to abandon plans to cut down thousands of trees lining the capital’s boulevards, plans that have since been shelved but not until after hundreds of trees had already been felled.

Dũng was arrested with four friends at a café after the protest. The five young men are members of the Republic Party of Viet Nam, which Dũng launched on 2 April 2015. The unregistered party calls for democracy and human rights in one-party Viet Nam. At the demonstration, the five wore t-shirts bearing the logo of the former Republic of Viet Nam, the name for the pre-unification state of South Viet Nam from 1955-1975. Dũng also wore the military clothing of the former Republic of Viet Nam. The four friends were released without charge. Dũng has been charged because of his political beliefs and for peacefully exercising the right to freedom of expression. In addition, advocates within Viet Nam say Dũng was beaten in custody.

Amnesty International is concerned by the proceedings leading to Dũng’s conviction which did not comply with the right to a fair trial: a request for postponement on the grounds that Dũng was unwell and too weak to participate in the proceedings was rejected while one of Dũng’s defence lawyers was ejected from the court after complaining that the defence’s arguments and evidence were ignored. Three other lawyers acting for Dũng walked out of the hearing in protest at the flawed proceedings.

Article 245 of the Penal Code criminalises acts which “foment public disorder causing serious consequences” and carries a maximum sentence of seven years imprisonment. Dũng was convicted solely for peacefully exercising his rights to freedom of expression, peaceful assembly and his political opinions or beliefs. The right to peaceful assembly is guaranteed by Article 21 of the International Covenant on Civil and Political Rights (ICCPR), to which Viet Nam is a party. Dũng’s attending the protest and expressing his political opinion and belief (including through founding a political party and wearing clothing that could be perceived as a political statement) is protected by the right to freedom of opinion and belief and freedom of expression; a right which is guaranteed by Articles 18 and 19 of the ICCPR. The rights to freedom of expression and peaceful assembly are also protected under Article 25 of Viet Nam’s Constitution.
**Background**

Nguyễn Việt Dũng is a 30-year-old engineer graduate from Nghệ An province. After his arrest in April, Dũng’s home was searched by police who confiscated several of his belongings which are said to have included paraphernalia relating to the Republic of Vietnam.

Viet Nam has a longstanding history of detaining human rights and democracy activists for peacefully exercising their right to freedom of expression, and charging them under vaguely worded provisions of the criminal code. In recent months, a spate of brutal attacks against activists by masked and plain-clothes men have gone unpunished. Regardless of who has carried out these attacks, the authorities have an obligation to protect human rights defenders from acts of violence under international human rights law.

The Communist Party of Viet Nam’s (CPV) National Congress will take place sometime in early 2016, when it will decide on the new CPV leadership. This will be followed by national elections and the appointment of a new President and Prime Minister.

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