



FREEDOM NOW

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VIA FAX AND E-MAIL

February 27, 2009

Ms. Manuela Carmena Castrillo
Chairperson-Rapporteur
Working Group on Arbitrary Detention
Office of the High Commissioner for Human Rights
United Nations Office at Geneva
8-14 Avenue de la Paix
1211 Geneva 10
Switzerland

Dear Ms. Castrillo:

Please find attached the petition to the Working Group on Arbitrary Detention entitled "In the Matter of Father Thadeus Nguyen Van Ly v. Government of the Socialist Republic of Vietnam." We hereby request that the Working Group examine this petition pursuant to Resolution 1997/50 as affirmed by Resolutions 2000/36, 2003/31, and 6/4.

For your information, Freedom Now is submitting this petition on behalf of Father Ly's family. A letter of engagement [REDACTED] is attached to the petition as Exhibit A.

We look forward to working with you and the Working Group and thank you for your prompt attention to this case. If you need any further information with respect to this matter, please contact us at gkaminsky@freedom-now.org or winterkornm@sullcrom.com.

Best regards,

Glenn H. Kaminsky
Margaret Winterkorn-Meikle

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PETITION TO:

UNITED NATIONS

WORKING GROUP ON ARBITRARY DETENTION

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**HUMAN RIGHTS COUNCIL
UNITED NATIONS GENERAL ASSEMBLY**

In the Matter of:
Father Thadeus Nguyen Van Ly,
Citizen of Vietnam

v.

Government of the Socialist Republic of Vietnam

Petition for Relief Pursuant to Resolutions 1997/50, 2000/36, 2003/31, and 6/4

Submitted by:

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February 27, 2009

MODEL QUESTIONNAIRE¹

I. IDENTITY OF THE PERSON ARRESTED OR DETAINED

1. **Family name:** Ly
2. **First name:** Thadeus (Nguyen Van)
3. **Sex:** Male
4. **Birth date or age (at the time of detention):** May 14, 1946
5. **Nationality/Nationalities:** Citizen of Vietnam
6. **Identity document (if any):** Male ID No. 190061567
7. **Profession and/or activity (if believed to be relevant to the arrest/detention):** Father Thadeus Nguyen Van Ly is a Roman Catholic priest who is a peaceful advocate for democracy and religious freedom.
8. **Address of usual residence:** 69 Phan Dinh Phung Street, Hue, Vinh Ninh District, Thua Thien-Hue Province, Vietnam.

II. ARREST

1. **Date of arrest:** Father Ly was arrested on February 18, 2007.
2. **Place of arrest (as detailed as possible):** 69 Phan Dinh Phung Street, Hue, Vinh Ninh District, Thua Thien-Hue Province, Vietnam.
3. **Forces who carried out the arrest or are believed to have carried it out:** Police of the city of Hue.
4. **Did they show a warrant or other decision by a public authority?:** Unknown.
5. **Authority who issued the warrant or decision:** It is unknown who issued the order to raid Father Ly's home and place him under strict house arrest on February 18, 2007. The Chairman of the Thua Thien-Hue Provincial People's Committee issued the decision to change the place of Father Ly's administrative detention to the town of Ben Cui, Phong Dien District, Thua Thien-Hue Province, Vietnam.²
6. **Relevant legislation applied (if known):** Unknown.

¹ Lack of access to Father Ly renders it impossible at this time to obtain all the information requested in the Working Group's model questionnaire. The Working Group has consistently stated that inability to provide all the information requested in the model questionnaire "shall not directly or indirectly result in the inadmissibility of the communication." *See, e.g.*, Report of the Working Group on Arbitrary Detention, E/CN.4/1997/4 (Dec. 17, 1996), Annex 1, at ¶ 8. Therefore, this lack of information should not jeopardize the outcome of this petition.

² Dinh Nhu Hoan, *Nguyen Van Ly's Sabotage Scheme Smashed*, *Nhan Dan*, May 27, 2008, available at http://www.nhandan.com.vn/english/news/260207/domestic_ng.htm [hereinafter *Scheme Smashed*].

III. DETENTION

1. **Date of detention:** Father Ly has been detained since February 18, 2007.
2. **Duration of detention (if not known, probable duration):** The Government has kept Father Ly under detention since February 18, 2007.
3. **Forces holding the detainee under custody:** Government of Vietnam, acting through the Hue police.
4. **Places of detention (indicate any transfer and present place of detention):** On February 18, 2007, the Hue police raided Father Ly's home and subsequently placed him under strict house arrest at 69 Phan Dinh Phung Street, Hue, Vinh Ninh District, Thua Thien-Hue Province, Vietnam. On February 24, 2007 he was transferred to the rural town of Ben Cui, Phong Dien District, Thua Thien-Hue Province, where he was held until his trial on March 30, 2007. Since his conviction and sentencing on March 30, 2007, Father Ly has been imprisoned at Ba Sao Prison in Phu Ly District, Ha Nam Province, which is in Northern Vietnam, approximately 600 miles from his home in the Hue province.
5. **Authorities that ordered the detention:** The Thua Thien-Hue Provincial People's Court, acting through Chief Judge Bui Quoc Hiep, sentenced Father Ly to prison for eight years for "carrying out propaganda against the Socialist Republic of Vietnam," followed by five years of house arrest.
6. **Reasons for the detention imputed by the authorities:** Father Ly was convicted of the following acts: a) answering interviews by overseas anti-communist radio stations and newspapers, in which he maligned the Government of Vietnam and distorted the truth about the policies of the CPV and the Government; b) purchasing equipment and tools to collect, compose, edit, and disseminate propaganda against the Government of Vietnam; c) collecting, composing, printing, storing, and disseminating materials and articles maligning the leadership and Government of Vietnam, misrepresenting the state of religious freedom in Vietnam, and distorting the policies and laws of the Government, with the intent to undermine the Government of Vietnam; d) inducing others to join "Bloc 8406," form the "Vietnam Progression Party," and form the "Lac Hong Coalition" in order to amass a political force opposing the Government of Vietnam; e) inducing others to assist him in collecting, composing, editing, and disseminating propaganda maligning the Government of Vietnam; and f) encouraging others to boycott the 2007 National Assembly elections of the Government of Vietnam.
7. **Relevant legislation applied (if known):** Vietnamese Penal Code, Article 88.³

³ Article 88: Conducting propaganda against the Socialist Republic of Vietnam.

1. Those who commit one of the following acts against the Socialist Republic of Vietnam shall be sentenced to between three and twelve years of imprisonment:

- a) Propagating against, distorting and/or defaming the people's administration;
- b) Propagating psychological warfare and spreading fabricated news in order to foment confusion among people;
- c) Making, storing and/or circulating documents and/or cultural products with contents against the Socialist Republic of Vietnam.

Vietnamese Penal Code, at Art. 88 (unofficial translation).

IV. DESCRIBE THE CIRCUMSTANCES OF THE ARREST AND/OR THE DETENTION AND INDICATE PRECISE REASONS WHY YOU CONSIDER THE ARREST OR DETENTION TO BE ARBITRARY

The Statement of Facts set forth in Part A of this section provides details regarding the arrest, detention, and trial of Father Thadeus Nguyen Van Ly. The analysis in Part B of this section sets forth the specific basis upon which Father Ly asserts that his detention is an arbitrary deprivation of liberty.

A. Statement of Facts

1. Background Information on Father Thadeus Nguyen Van Ly

Father Ly was born on May 14, 1946 in the Quant Tri Province of Vietnam. As an adult, Father Ly committed himself to the Roman Catholic faith and became an ordained priest in 1974. In attempting to practice his religion, Father Ly discovered many legal and political barriers to free worship in Vietnam. The Government of Vietnam has repeatedly arrested, harassed, and jailed Father Ly for his advocacy of religious freedom.⁴ From 1977 to 1978 he was detained without charge or trial for distributing statements critical of the Government's treatment of Catholics. He subsequently spent nine more years in prison, deportation, and forced-labor camps between May 1983 and July 1992 as punishment for his advocacy on behalf of religious groups. He was imprisoned once again from October 2001 to February 2005 for advocating religious freedom in Vietnam. On November 27, 2003, the United Nations Working Group on Arbitrary Detention ("Working Group") issued Opinion No. 20/2003, stating that Father Ly's detention was arbitrary and requesting the Government of Vietnam to take the necessary steps to remedy Father Ly's situation. On February 1, 2005, Father Ly was released from prison and his prison sentence was commuted. However, he was still required to complete his sentence of five years administrative probation at his parish in Hue, located at 69 Phan Dinh Phung Street, Hue, Vinh Ninh District, Thua Thien-Hue Province.⁵

In 2006, Father Ly became a founding member and representative of a pro-democracy organization called Bloc 8406, named after the date (April 8, 2006) on which the group released its mission statement. At its inception in April 2006, Bloc 8406 consisted of 116 Vietnamese citizens who supported a multi-party political system, freedom of religion, freedom of association, and respect for basic human rights in Vietnam. After only one month, the group had grown to 424 citizens.⁶ Bloc 8406 implored people both inside and outside Vietnam for support and assistance in bringing

⁴ A detailed account of Father Ly's prior detentions is set forth in the petition submitted to the Working Group on Arbitrary on Father Ly's behalf on September 25, 2003 and the Working Group's opinion in *Thadeus Nguyen Van Ly v. Viet Nam*, Opinion No. 20/2003, attached as Exhibit B.

⁵ Bureau of Democracy, Human Rights, and Labor, U.S. Dep't of State, 2006 Country Reports on Human Rights Practices: Vietnam (Mar. 6, 2007), available at <http://www.state.gov/g/drl/rls/hrrpt/2006/78796.htm>. Under the terms of his administrative probation, Father Ly was allowed to travel within the country only with the prior approval of the Thua Thien-Hue provincial officials. *Id.*

⁶ Human Rights Watch, *Vietnam: Fledgling Democracy Movement Under Threat: Hundreds Join Groundbreaking Calling for Basic Rights* (May 10, 2006), available at www.hrw.org/en/news/2006/05/10/vietnam-fledgling-democracy-movement-under-threat.

democracy to Vietnam.⁷ As an Interim Representative of Bloc 8406, Father Ly signed his own name to several public documents that the group released.⁸

Father Ly also founded and served as editor of two underground publications, *Tu Do Ngon Luan* (“Freedom of Expression”) and *Tu Do Dan Chu* (“Freedom and Democracy”), whose goal was to advocate democracy and change in Vietnam.

Furthermore, Father Ly was a founding member of the Vietnam Progression Party, an alternative, non-communist party that seeks ties with foreign democracy activists and began to operate publicly in Vietnam on September 8, 2006.

2. Father Ly’s Arrest and Detention on February 18, 2007

On February 18, 2007, the Lunar New Year day in Asia, approximately 60 Vietnamese policemen, led by a colonel who specializes in religious matters, raided Father Ly’s parish home in Hue during what they called an “administrative check.”⁹ During this raid, the authorities confiscated a significant number of items, including eight computers, six printers, nine cell phones, and 147 cell phone SIM cards, and almost 200 kg of documents from Father Ly’s home.¹⁰ At the end of the raid, the authorities increased their surveillance of Father Ly, effectively placing him under strict house arrest.

On February 24, 2007, the Hue Police concluded that there was evidence of criminal activity and transferred Father Ly’s file and material evidence to the Office of Security and Investigation of the Thua Thien-Hue Province Police to investigate and prosecute the case.¹¹ The authorities also transferred Father Ly to a small church in Ben

⁷ Bloc 8406, *2006 Appeal of 116 Democracy Advocates for Rights to Freedom of Political Association in Vietnam* (Apr. 6, 2006) [hereinafter *Appeal of 116 Democracy Advocates*] (reaching out to “All Vietnamese Compatriots Inland and Overseas,” “the World Community of Advocates for Democracy in Vietnam,” and “governments and international organizations around the world,” among others).

⁸ See, e.g., *id.*; Bloc 8406, *Manifesto 2006 on Freedom and Democracy for Vietnam by 118 Democracy Activists inside Vietnam* (Apr. 8, 2006), available at http://www.hrw.org/legacy/pub/2006/manifesto_040606.pdf, an unofficial translation of which is attached as Exhibit C; Bloc 8406, *Group 8406 Initiates Campaign to Boycott 2007 Single-party National Assembly Election* (May 23, 2006) (calling on “Vietnamese compatriots overseas, international human rights organizations, parliaments and governments around the world, especially the United Nations, to intervene on behalf of the people of Vietnam.”); Bloc 8406, *Declaration on 10 Fundamental Conditions for a truly free, democratic and multi-party National Assembly Election in 2007* (June 20, 2006) (calling for a large-scale boycott of Vietnam’s National Assembly Election in 2007, as long as it continues to be orchestrated by the CPV); Bloc 8406, *Open Letter of Bloc 8406 to the Leaders of APEC Nations* (Aug. 15, 2006) (asking for foreign leaders’ attention to Vietnam’s political, economic, and social problems when they were to attend the APEC summit meeting in Hanoi in November 2006); Bloc 8406, *Progress to Democratise Viet Nam (in 4 Stages & 8 Steps)* (Aug. 22, 2006) (outlining a strategy for bringing democracy to Vietnam, beginning with realizing freedom of speech and of the press and establishing democratic political parties).

⁹ Scheme Smashed, *supra* note 2.

¹⁰ Police of the Province of Thua Thien-Hue Security and Investigation Office, *Conclusion of Investigation No. 02/KLDT* (Mar. 13, 2007) [hereinafter *Conclusion of Investigation*]. An unofficial translation is attached as Exhibit D.

¹¹ *Id.*

Cui, approximately 20 km from Hue, where he continued to be held under house arrest until his trial.¹²

On March 15, 2007, the President of the People's Procuracy of Thua Thien-Hue Province formally charged Father Ly with disseminating propaganda against the Government, in particular "[m]aking, storing and/or circulating documents and/or cultural products with contents against the Socialist Republic of Vietnam," in violation of Article 88(1)(c) of the Vietnamese Penal Code.¹³ According to the indictment, Father Ly allegedly committed the following offenses during the time of his administrative detention: a) directly answering interviews by overseas anti-communist radio stations and newspapers, in which he spoke ill of the Government of Vietnam and distorted the truth about the policies of the CPV and the Government; b) actively purchasing equipment and tools to collect, compose, edit, and disseminate propaganda against the Government of Vietnam; c) collecting, composing, printing, storing, and disseminating—on the Internet and directly to people who came to see him at his residence and other local areas—materials and articles maligning the leadership and Government of Vietnam, misrepresenting the state of religious freedom in Vietnam, and distorting the policies and laws of the Government, with the intent to undermine the Government of Vietnam; d) actively inducing others to join "Bloc 8406," form the "Vietnam Progression Party," and form the "Lac Hong Coalition" in order to amass a political force opposing the Government of Vietnam; e) actively inducing others to assist him in collecting, composing, editing, and disseminating propaganda maligning the Government of Vietnam; and f) encouraging others to boycott the 2007 National Assembly elections of the Government of Vietnam.¹⁴ Four other pro-democracy activists who had helped Father Ly prepare and disseminate information about the Vietnam Progression Party and Bloc 8406 were indicted at the same time as Father Ly.¹⁵ However, the Conclusions of the Police Investigation referred to Father Ly as the "ringleader," noting that "it is necessary to prosecute the ringleader (Nguyen Van Ly) strictly and clearly in the eyes of the law."¹⁶

3. Trial and Sentencing of Father Ly on March 30, 2007

On March 30, 2007, five weeks after his arrest and a mere two weeks after being formally charged, Father Ly was put on trial in the Thua Thien-Hue Provincial People's Court.

¹² Scheme Smashed, *supra* note 2. We note that while the relocation of a Catholic priest is generally the sole authority of the bishop, the Vietnamese authorities removed Father Ly without the consent of the Archbishop of Hue.

¹³ The Supreme People's Procuracy of Thua Thien-Hue Province, Indictment No. 13/KSDT-HS (Mar. 15, 2007) [hereinafter Indictment]. An unofficial translation is attached as Exhibit E.

¹⁴ *Id.*

¹⁵ Nguyen Phong, Nguyen Binh Thanh, Hoang Thi Anh Dao, and Le Thi Le Hang were accused of assisting Father Ly and were tried alongside Father Ly on March 30, 2007. Nguyen Phong was sentenced to six years in prison and three years under house arrest. Nguyen Binh Thanh was sentenced to five years in prison and two years under house arrest. Hoang Thi Anh Dao and Le Thi Le Hang received suspended sentences. *Counter-revolutionary sentenced to eight years in prison*, Nhân Dân, May 27, 2008, available at http://www.nhandan.com.vn/english/life/310307/life_an.htm.

¹⁶ Conclusion of Investigation, *supra* note 10.

Father Ly was refused access to counsel, both before and during his trial, and he was precluded from presenting any form of defense.¹⁷ He was not permitted to make any statements in his own defense or examine adverse witnesses.

The police led Father Ly into the courtroom in handcuffs and kept him handcuffed throughout the trial.¹⁸ At one point during his trial, Father Ly shouted “down with the Communist Party of Vietnam!”¹⁹ A police officer immediately turned off Father Ly’s microphone, covered his mouth, and hustled him out of the courtroom.²⁰ Father Ly was removed to a separate room where he listened to the trial over a loudspeaker.²¹ Later, he was brought back into the courtroom but he was only permitted to answer “yes” or “no” to questions.²² When he shouted “Vietnam practices the law of the jungle,” he was once again removed from the courtroom.²³

For the first time ever in the trial of a high-profile dissident, the authorities allowed a handful of diplomats and international journalists to observe the trial.²⁴ However, they were permitted inside the courtroom only during the prosecutor’s opening statement and the judge’s verdict; for the rest of the trial, they were taken to a separate room to watch the trial via closed-circuit television.²⁵ Moreover, neither Father Ly’s family nor any religious representatives were permitted to be present in the courtroom during his trial.²⁶

After a four-hour trial and twenty minutes of deliberation, the judge convicted Father Ly of “carrying out propaganda against the Socialist Republic of Vietnam,” in violation of Article 88 of the Vietnam Penal Code, and sentenced him to eight years in

¹⁷ Kay Johnson, *A Show (and Tell) Trial in Vietnam*, Time, Mar. 30, 2007, available at www.time.com/time/world/article/0,8599,1605455,00.html [hereinafter Show (and Tell) Trial]; *Dissident Vietnamese Priest Sentenced to Eight Years in Prison*, Voice of America, Mar. 30, 2007 [hereinafter Priest Sentenced to Eight Years].

¹⁸ *Around the World: Catholic priest assails communism, is jailed*, Buffalo News, Mar. 31, 2007; Bloc 8406, *Letter of Protest No. 14 of Bloc 8406 Regarding the Vietnamese Communist Government’s Verdict on Father Nguyen Van Ly and 4 Peaceful Pro-Democracy Fighters’ Trial on March 30, 2007 at Hue* (Apr. 4, 2007) [hereinafter Letter of Protest].

¹⁹ *World Briefing Asia: Vietnam: Dissident Priest Sent to Prison*, N.Y. Times, Mar. 31, 2007, at A7 [hereinafter Priest Sent to Prison].

²⁰ *Id.* A photograph of Father Ly being muzzled by the police officer circulated widely over the Internet and is attached as Exhibit F. In Vietnamese, the colloquial phrase for censorship is “bit mieng,” which literally means to cover the mouth. Mike Bengé, *Vietnam and communism’s victims*, Washington Times, June 17, 2007, at B5.

²¹ Priest Sent to Prison, *supra* note 19; Letter of Protest, *supra* note 18.

²² Letter of Protest, *supra* note 18.

²³ Ben Stocking, *Vietnam Court Sentences Priest to 8 Yrs.*, The Associated Press, Mar. 30, 2007, available at <http://www.washingtonpost.com/wp-dyn/content/article/2007/03/29/AR2007032902386.html>; Priest Sentenced to Eight Years, *supra* note 17.

²⁴ *Id.*

²⁵ Bureau of Democracy, Human Rights, and Labor, U.S. Dep’t of State, 2007 Country Reports on Human Rights Practices: Vietnam (Mar. 11, 2008), available at <http://www.state.gov/g/drl/rls/hrrpt/2007/100543.htm> [hereinafter Country Report 2007]; Letter of Protest, *supra* note 18.

²⁶ Letter of Protest, *supra* note 18.

prison, to be followed by five years of house arrest.²⁷ Father Ly was not present in the courtroom when his sentence was announced.²⁸

Father Ly's family members report that he is currently being held in a small, isolated cell in Ba Sao Camp in Phu Ly District, Ha Nam Province, which is in Northern Vietnam, approximately 600 miles from his home in the Hue province. Father Ly is kept in solitary confinement in a cell that measures roughly 30 square feet. While he is provided with enough food to survive, he does not have a bed or separate bathroom so he sleeps on the floor and goes to the bathroom in his cell. He does not have books, television, or radio, and he has been denied access to a Bible because prison officials fear he would convert other inmates to Christianity.²⁹

The Government allows Father Ly's family to visit once every two months for between thirty minutes to one hour. The most recent visit was on November 14, 2008, when Father Ly's sister and nephew visited him. It took them six days to travel from their home in Hue to the prison where Father Ly is detained. When they arrived, they were made to wait for over an hour before being led to the visiting room to see Father Ly. When they gave Father Ly a pamphlet written by the President of the Council of Vietnamese Bishops, the prison guard overseeing the visit took the document and made a copy of it. Nevertheless, Father Ly's family members report that Father Ly's spirits are strong and he continues to pray for religious freedom, democracy, and human rights in Vietnam.

B. Analysis

The Government's detention of Father Ly constitutes an arbitrary deprivation of liberty,³⁰ falling within both Category II and Category III of the classification of cases as defined by the Working Group.³¹

²⁷ Priest Sent to Prison, *supra* note 19; Reporters Without Borders, *Priest who edited dissident newspaper gets eight years*, Mar. 30, 2007, available at http://www.rsf.org/print.php?id_article=21490; Letter of Protest, *supra* note 18.

²⁸ Show (and Tell) Trial, *supra* note 17.

²⁹ Country Report 2007, *supra* note 25; see also Bureau of Democracy, Human Rights, and Labor, U.S. Dep't of State, 2008 Country Reports on Human Rights Practices: Vietnam (Feb. 25, 2009), available at <http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119063.htm> (stating that Father Ly continues to be denied access to a Bible).

³⁰ An arbitrary deprivation of liberty is defined as any "depriv[ation] of liberty except on such grounds and in accordance with such procedure as are established by law." International Covenant on Civil and Political Rights, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16), at 52, U.N. Doc A/6316 (1966), 999 U.N.T.S. 171, entered into force 23 March 1976, at art. 9(1) [hereinafter ICCPR]. Arbitrary detention is expressly prohibited by international law: "Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention." *Id.*; "No one shall be subjected to arbitrary arrest, detention or exile." Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc. A/810, at art. 9 (1948) [hereinafter UDHR].

³¹ A Category II case exists "[w]hen the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights." Office of the High Comm'r for Human Rights, United Nations, Fact Sheet No. 26: The Working Group on Arbitrary Detention, pt. IV(B). A Category III case exists "[w]hen the total or partial non-observance of the international norms relating to the right to a fair trial, spelled out in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character." *Id.*

This case meets the requirements of Category II based on the Government's arbitrary deprivation of Father Ly's liberty as a result of his exercise of his fundamental right to freedom of opinion embodied by Article 19 of the Universal Declaration of Human Rights ("UDHR") and freedom of expression guaranteed by Article 19 of the International Covenant on Civil and Political Rights ("ICCPR"), to which Vietnam is a signatory.³² Moreover, Father Ly's detention falls under Category II because it resulted from the exercise of his right to freedom of association protected by Article 20 of the UDHR and Article 22 of the ICCPR. Finally, his detention is arbitrary under Category II because it punishes the exercise of his right to take part in the conduct of public affairs, enshrined in Article 21 of the UDHR and Article 25 of the ICCPR.

This case also meets the requirements of Category III because the Government failed to observe international norms relating to a fair trial, embodied in Articles 9 and 14 of the ICCPR, Article 10 of the UDHR, and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment ("Body of Principles"), when it arbitrarily deprived Father Ly of his liberty.³³

- 1. The Government's Detention of Father Ly is Arbitrary Because He Was Detained as a Result of His Exercise of His Right to Freedom of Opinion and Freedom of Expression.**
 - a. Through The Use of Article 88 of the Vietnamese Penal Code, The Government of Vietnam Violated Father Ly's Right To Freedom of Opinion and Freedom of Expression As Defined in Article 19 of the ICCPR and Article 19 of the UDHR.**

The Government's detention of Father Ly pursuant to Article 88 of the Vietnamese Penal Code is arbitrary because it results from Father Ly's exercise of his rights under Article 19 of the ICCPR and Article 19 of the UDHR, which guarantee freedom of opinion and expression. Article 19 of the ICCPR provides that "[e]veryone shall have the right to hold opinions without interference" and "[e]veryone shall have the right to freedom of expression [which includes] freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice." Article 19 of the UDHR provides that "[e]veryone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

As described in more detail above, the actions for which Father Ly was detained include collecting, composing, editing, and disseminating information about democracy and critical of the CPV and the Government of Vietnam, and giving interviews to radio stations about the human rights situation in Vietnam. In response to Father Ly's statements and actions, and in contravention of his rights under international law, the Government searched his home, confiscated his property, and placed him under arrest. He was ultimately tried and convicted under Article 88 of the Vietnamese Penal Code,

³² Vietnam ratified the ICCPR on December 24, 1982.

³³ Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, G.A. Res. 43/173, annex, 43 U.N. GAOR Supp. (No. 49) at 298, U.N. Doc. A/43/49 (1988) [hereinafter Body of Principles].

which prohibits “[m]aking, storing and/or circulating documents and/or cultural products with contents against the Socialist Republic of Vietnam.”³⁴

However, Father Ly’s activities fall within the realm of protected speech that may not be legally curtailed unless a law addresses a legitimate governmental end and the means chosen are necessary for its achievement.³⁵ The ICCPR recognizes that there are some circumstances where expression may be curtailed, as long as any limits are “prescribed by law” and are “necessary” to achieve a legitimate end.³⁶ The ICCPR specifically provides that a Government may restrict the right to freedom of opinion and expression when the restriction is provided by law and is necessary “[f]or respect of the rights or reputations of others” or “[f]or the protection of national security or of public order (ordre public), or of public health or morals.”³⁷

In enacting and enforcing Article 88, the Vietnamese Government purports to protect national security and national unity. However, in actuality it imposes a severe limitation on the exercise of freedom of expression by its citizens. In the Working Group’s 2003 opinion finding Father Ly’s prior detention to be arbitrary, it stated, “[a]s the Working Group has indicated in several opinions concerning Viet Nam and in the report following its visit to this country, vague and imprecise charges as those mentioned in articles 87 and 269 of the Penal Code carry the disadvantage not to allow distinction between armed and violent acts that endanger national security and the peaceful exercise of the rights and freedom of opinion and expression. This is why the Group is convinced that Thadeus Nguyen Van Ly has been arrested and detained only for his opinions, in violation of article 19 of the Universal Declaration of Human Rights and of article 19 of the International Covenant on Civil and Political Rights, to which Viet Nam is a party.”³⁸ Likewise, in the present case, Father Ly was prosecuted and convicted under Article 88, a similarly broad and vague provision that does not distinguish between armed and violent acts and is therefore subject to manipulation for political reasons.

The non-violent manner in which Father Ly expressed his political views presented no threat to the national security of Vietnam and therefore falls under those actions protected by international law. His non-violent criticism of the Government through letters, magazine articles, and interviews did not amount to advocating or plotting to overthrow the Government. Father Ly’s fundamental right to freedom of opinion and expression was wholly denied by the actions of the Government in this case. The Government’s arrest and detention of Father Ly in response to his peaceful expression of his political opinions and his dissemination of literature peacefully promoting a multi-party system in Vietnam contravenes the protections set forth in Article 19 of the UDHR and Article 19 of the ICCPR.

³⁴ Vietnamese Penal Code, at Art. 88.

³⁵ See, e.g., *Dr. Pham Hong Son v. Viet Nam*, Opinion No. 13/2007, at ¶ 30 (stating that a national law that prohibits writing and disseminating online statements promoting democracy and criticizing the government cannot be regarded as consistent with the UDHR and the ICCPR).

³⁶ ICCPR, *supra* note 30, at Art. 19(3).

³⁷ *Id.* at Art. 19(3)(a)-(b).

³⁸ *Thadeus Nguyen Van Ly v. Viet Nam*, Opinion No. 20/2003, at ¶ 19.

b. Through The Use of Article 88 of the Vietnamese Penal Code, The Government of Vietnam Violated Father Ly’s Right To Freedom of Opinion and Freedom of Expression Enshrined in Article 69 of the Vietnamese Constitution.

As applied by the Government in this case, Article 88 of the Vietnamese Penal Code contradicts Article 69 of the Vietnamese Constitution, which guarantees freedom of opinion and speech.³⁹ Article 69 provides that all citizens “shall enjoy freedom of opinion and speech, freedom of the press, the right to be informed, and the right to assemble, form associations and hold demonstrations in accordance with the provisions of the law.”⁴⁰ Father Ly relied upon the guarantees provided by Article 69 when he collected, composed, edited, and disseminated information about democracy and critical of the CPV and the Government of Vietnam, and gave interviews to radio stations about the human rights situation in Vietnam.

When Father Ly collected, composed, edited, and distributed information promoting freedom and democracy in Vietnam, he acted fully within his rights under Article 69. Nevertheless, the Government arrested, tried, and convicted Father Ly as a direct result of his political speech. The Government’s arrest and detention of Father Ly in response to his peaceful expression of his political opinions directly contradicts the guarantees provided by Article 69 of the Vietnamese Constitution.

2. The Government’s Detention of Father Ly is Arbitrary Because He Was Detained as a Result of His Exercise of His Fundamental Right to Freedom of Association

a. Through The Use of Article 88 of the Vietnamese Penal Code, The Government of Vietnam Violated Father Ly’s Right To Freedom of Association As Defined in Article 22 of the ICCPR and Article 20 of the UDHR.

The Government’s detention of Father Ly as a result of his efforts to form and encourage others to join political associations promoting democracy and human rights violates his fundamental right to freedom of association, enshrined in Article 22 of the ICCPR and Article 20 of the UDHR.⁴¹

Father Ly was accused of inducing others to assist him in disseminating pro-democracy literature, as well as encouraging others to join political groups such as Bloc 8406, the Vietnam Progression Party, and the Lac Hong Coalition, which he helped establish in order to promote a multi-party state, free democratic elections, and human

³⁹ In its 2002 Concluding Observations regarding Vietnam’s compliance with its responsibilities in implementing the ICCPR, the Human Rights Committee noted its concern “that certain constitutional provisions would appear to be incompatible with the [ICCPR] and [that] the Vietnamese Constitution does not enumerate all [ICCPR] rights, nor the extent to which they may be limited and the criteria used.” Concluding Observations of the Human Rights Committee: Viet Nam, CCPR/CO/75/VNM, 26 July 2002 [hereinafter Concluding Observations]. While we share the concerns of the Commission in this regard, this Petition assumes an interpretation of Vietnam’s Constitution that is consistent with Vietnam’s obligations as a signatory to the ICCPR.

⁴⁰ Constitution of the Socialist Republic of Vietnam, at Art. 69.

⁴¹ “Everyone shall have the right of association with others, including the right to form and join trade unions for the protection of his interests.” ICCPR, *supra* note 30, at Art. 22(1). “Everyone has the right to freedom of peaceful assembly and association.” UDHR, *supra* note 30, at Art. 20(1).

rights in Vietnam. For committing these acts, Father Ly was convicted under Article 88 of the Vietnamese Penal Code, which criminalizes “conducting propaganda against the [Government of Vietnam].”⁴²

The U.S. Department of State has expressed concern about the authoritarian nature of the Vietnamese Government, finding that the Government severely restricts freedom of association by outlawing opposition political parties and prohibiting the establishment of private, independent organizations.⁴³ Instead, the Government “insist[s] that persons work within established, party-controlled mass organizations, usually under the aegis of the [CPV’s Vietnam Fatherland Front].”⁴⁴ Furthermore, the U.S. Department of State’s 2007 Report on Human Rights Practices in Vietnam noted that members of Bloc 8406 faced “severe harassment for their peaceful political activities” and many were even arrested or jailed in the Government’s “crackdown” on groups of political activists.⁴⁵

Article 22 of the ICCPR recognizes that restrictions may be placed on the right to freedom of association, as long as they are “prescribed by law.”⁴⁶ These may include those “necessary in a *democratic* society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.”⁴⁷ However, Father Ly’s right to association was restricted precisely because he was promoting a “*democratic* society,” which does not exist in Vietnam. The Conclusions of the Police Investigation contain only a conclusory statement that Father Ly’s actions “have caused serious detrimental effects to the local political and social stability and have caused harm to national security.”⁴⁸ The Government did not explain how this harm was caused or why it was necessary to curtail and punish Father Ly’s peaceful actions. The Government detained Father Ly as a direct result of his peaceful association with others and therefore his detention is arbitrary under international law.

3. The Government’s Detention of Father Ly is Arbitrary Because He Was Detained as a Result of His Right to Participate in Public Affairs

a. Through The Use of Article 88 of the Vietnamese Penal Code, The Government of Vietnam Violated Father Ly’s Right To Take Part in the Conduct of Public Affairs and the Government As Set Forth in Article 25 of the ICCPR, Article 21 of the UDHR, and Article 53 of the Vietnamese Constitution

Father Ly’s detention on account of his participation in a political movement violates his right to take part in the conduct of public affairs, enshrined in Article 25 of

⁴² Vietnamese Penal Code, at Art. 88.

⁴³ Country Report 2007, *supra* note 25.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ ICCPR, *supra* note 30, at Art. 22(2).

⁴⁷ *Id.* (emphasis added).

⁴⁸ Conclusion of Investigation, *supra* note 10.

the ICCPR and Article 21 of the UDHR.⁴⁹ Furthermore, as applied in Father Ly's case, Article 88 of the Vietnamese Penal Code contravenes Article 53 of the Vietnamese Constitution, which provides every Vietnamese citizen "the right to participate in the administration of the State and management of society, the discussion of problems of the country and the region."⁵⁰

Father Ly's work as a founding member of Bloc 8406 and the Vietnam Progression Party falls squarely under his rights protected by international law and the Vietnamese Constitution. He did not advocate or plot to overthrow the Government. On the contrary, he formed associations with people who wished to participate in the Government through democratic elections. He supported a boycott of the 2007 election as a peaceful demonstration of dissatisfaction with the Government and the way elections are run and controlled by the CPV. He advocated a multi-party system and democratic elections precisely so that he and other citizens could participate in the conduct of public affairs in Vietnam.

The Human Rights Committee has expressed concern about the absence of legislation on political parties in Vietnam and at the fact that only the Communist Party is permitted.⁵¹ In 2002, the Committee noted its "[concern] at reported obstacles imposed on the registration and free operation of non-governmental human rights organizations and political parties (arts. 19, 22 and 25)."⁵² Father Ly was harassed, arrested, and ultimately imprisoned for forming a political group not controlled by the CPV. His detention in response to his peaceful efforts to take part in the political process in Vietnam contravenes his right to participate in the administration of government and the conduct of public affairs.

4. The Government's Detention of Father Ly is Arbitrary Because He Was Denied The Right To A Fair Trial In Accordance With International Norms As Set Forth In The UDHR, The ICCPR, And The Body Of Principles.

a. The Government of Vietnam Denied Father Ly the Right to be Tried in His Presence

The court that conducted Father Ly's trial deprived him of the fundamental right to be tried in his own presence. Article 14(3)(d) of the ICCPR provides that every criminal defendant has the right "[t]o be tried in his presence, and to defend himself in person or through legal assistance of his own choosing." The Human Rights Committee has further elaborated that the right of the accused to be present during the determination of any charge against him includes "the right to act diligently and fearlessly in pursuing all available defences and the right to challenge the conduct of

⁴⁹ "Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions . . . [t]o take part in the conduct of public affairs, directly or through freely chosen representatives." ICCPR, *supra* note 30, at Art. 25(a). "Everyone has the right to take part in the government of his country, directly or through freely chosen representatives." UDHR, *supra* note 30, at Art. 21(1).

⁵⁰ Constitution of the Socialist Republic of Vietnam, at Art. 53.

⁵¹ Concluding Observations, *supra* note 39, at ¶ 20.

⁵² *Id.*

the case if they believe it to be unfair.”⁵³ Furthermore, the Committee noted that “[w]hen exceptionally for justified reasons trials *in absentia* are held, strict observance of the rights of the defence is all the more necessary.”⁵⁴ In a later comment, the Human Rights Committee explained that trials *in absentia* “may in some circumstances be permissible in the interest of the proper administration of justice, i.e., when accused persons, although informed of the proceedings sufficiently in advance, decline to exercise their right to be present. Consequently, such trials are only compatible with article 14, paragraph 3(d) if the necessary steps are taken to summon accused persons in a timely manner . . . and to request their attendance.”⁵⁵

During Father Ly’s trial, he was twice muzzled and dragged out of the courtroom by police officers. Furthermore, Father Ly spent most of his trial outside of the courtroom in a separate room, where he could only listen to the proceedings over a loudspeaker. In contrast to the standards outlined by the Human Rights Committee, Father Ly never declined to exercise his right to be present; on the contrary, he actively struggled to stay in the room when the guards dragged him away. Furthermore, even if the reasons for excluding Father Ly from the courtroom were justified, the court’s failure to observe strictly his overarching right to defend himself, described in more detail below, make his removal from the courtroom even more troubling. As a result, the Government denied Father Ly the most basic right to be present at his own trial.

b. The Government of Vietnam Denied Father Ly Legal Counsel and the Opportunity to Prepare and Present a Defense

Father Ly was denied legal counsel, the opportunity to prepare a defense, and the opportunity to examine witnesses against him, in violation of his rights under the ICCPR, the Body of Principles, and the Vietnamese Constitution. Article 14(3)(b) of the ICCPR clearly states the right to prepare a defense and to legal counsel.⁵⁶ Article 14(3)(e) affirms the right of a criminal defendant to examine adverse witnesses.⁵⁷ Principles 17 and 18 of the Body of Principles also recognize the right to counsel and to prepare a defense.⁵⁸ Furthermore, Article 132 of the Vietnamese Constitution provides

⁵³ U.N. Human Rights Comm., *CCPR General Comment No. 13: Article 14 (Administration of Justice), Equality before the courts and the right to a fair and public hearing by an independent court established by law*, ¶ 11 (Apr. 13, 1984).

⁵⁴ *Id.*

⁵⁵ U.N. Human Rights Comm., *CCPR General Comment No. 32: Article 14, Right to equality before courts and tribunals and to a fair trial*, ¶ 36, U.N. Doc. CCPR/C/GC/32 (Aug. 23, 2007) [hereinafter General Comment No. 32].

⁵⁶ “In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality . . . [t]o have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing.” ICCPR, *supra* note 30, at Art. 14(3)(b).

⁵⁷ “In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality . . . [t]o examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him.” *Id.* at Art. 14(3)(e).

⁵⁸ “A detained person shall be entitled to have the assistance of a legal counsel. He shall be informed of his right by the competent authority promptly after arrest and shall be provided with reasonable facilities for exercising it.” Body of Principles, *supra* note 33, at Principle 17(1). “A detained or imprisoned person shall be entitled to communicate and consult with his legal counsel.” *Id.* at Principle 18(1). “A detained or imprisoned person shall be allowed adequate time and facilities for consultation with his legal counsel.” *Id.* at Principle 18(2).

that “[t]he right of the defendant to be defended is guaranteed[;] [t]he defendant can either conduct his own defense or ask someone else to do it.”⁵⁹

Father Ly was denied his right to present a defense, either through counsel or by himself. The Working Group has previously held that the right to engage a lawyer of one’s choosing is essential, and if violated casts doubt on the fairness of the entire trial.⁶⁰ The Government’s entire denial of the right to counsel is an even more grave offense.⁶¹

The Government denied Father Ly legal counsel or representation before and during his trial. His family members and representatives of the Catholic Church were also barred from the courtroom. Moreover, throughout his trial, the court precluded Father Ly from speaking in his own defense. Both times he attempted to say anything other than “yes” or “no,” he was immediately muzzled by a police officer and ushered out of the courtroom. As a result, Father Ly spent most of his trial listening to it via a loudspeaker broadcast into a separate room. Furthermore, he was not permitted to cross-examine any witnesses against him, present any witnesses in his favor, or present any evidence that might explain his actions or exonerate him. Under these circumstances, Father Ly was completely denied an opportunity to defend himself.

Furthermore, even if he had been permitted to present a defense, the Government did not afford Father Ly adequate time to prepare one. Article 14(3)(b) of the ICCPR affirms the right of any criminal defendant “[t]o have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing.” The President of the People’s Procuracy of Thua Thien-Hue Province issued its indictment on March 15, 2007, only two weeks before Father Ly’s trial, affording him insufficient time to prepare. As a result, he was denied his right to adequate time to prepare a defense.

The Government presented no legitimate reason to deny Father Ly legal representation and the opportunity to prepare and present a defense. Therefore, the Government did not meet its obligation under international law to respect and ensure Father Ly’s rights to legal representation and his right to defend himself.

c. The Government of Vietnam Denied Father Ly an Independent Court and the Presumption of Innocence

Father Ly was tried before a biased tribunal and was not accorded the presumption of innocence required by international law. The ICCPR and the UDHR both contain the right to a hearing in an independent and impartial tribunal.⁶² Article

⁵⁹ Constitution of the Socialist Republic of Vietnam, at Art. 132.

⁶⁰ See *Makhbuba Kasymova v. Uzbekistan*, Opinion No. 32/2000, at ¶ 10 (Government of Uzbekistan failed to provide notice of the trial. As a result, Ms. Kasymova did not engage a lawyer or otherwise prepare a defense).

⁶¹ See *Youssef Al-Rai and Ashaher Al-Rai v. Palestine*, Opinion No. 14/1999, at ¶ 9.

⁶² “Everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.” ICCPR, *supra* note 30, at Art. 14(1). “Everyone is entitled to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.” UDHR, *supra* note 30, at Art. 10. The Human Rights Committee has explained that “[t]he notion of a ‘tribunal’ in article 14, paragraph 1, designates a body, regardless of its denomination, that is established by law, is independent of the executive and legislative

130 of the Vietnamese Constitution provides that “[d]uring a trial the judges and assessors are independent and shall obey the law.”⁶³ Article 72 provides that “[n]o one shall be regarded as guilty and be subjected to punishment before the sentence of the Court has acquired full legal effect.”⁶⁴ Furthermore, the ICCPR, the UDHR, and the Body of Principles expressly state the right to be presumed innocent until proven guilty.⁶⁵

The proceedings in Father Ly’s case belie the court’s lack of impartiality toward Father Ly. He was brought into the courtroom in handcuffs and he remained handcuffed throughout his trial, like a convicted criminal.⁶⁶ He was guarded closely by police officers, who silenced him and ushered him out of the courtroom when he attempted to speak. The court permitted all of this to occur and did to give Father Ly an opportunity to present his defense.

Furthermore, the short trial and the court’s speedy conviction show that Father Ly was not afforded the presumption of innocence. The court convicted Father Ly after a trial lasting only four hours. It then deliberated for only twenty minutes before returning with a conviction and sentence of eight years in prison followed by five years of house arrest. Such a severe conclusion, based on a short and incomplete trial, reflects the court’s lack of impartiality and its conviction of Father Ly before his trial even began.

In its 2002 Concluding Observations regarding Vietnam’s compliance with its obligations to implement the ICCPR, the Human Rights Committee expressed concern about the quality and fairness of the judicial system in Vietnam.⁶⁷ For example, the Committee noted that the judiciary is susceptible to political pressure and “the Supreme People’s Court is not independent of government influence.”⁶⁸ Furthermore, judges lack job security and are subject to discipline for “errors in judicial decision.”⁶⁹ In addition, the Committee expressed concern that the “judiciary seeks the opinion of the National Assembly’s Standing Committee in regard to the interpretation of laws and that the Standing Committee is responsible for setting criteria and instructions which

branches of government or enjoys in specific cases judicial independence in deciding legal matters in proceedings that are judicial in nature.” General Comment No. 32, *supra* note 55, at ¶ 18.

⁶³ Constitution of the Socialist Republic of Vietnam, at Art. 130.

⁶⁴ *Id.* at Art. 72.

⁶⁵ “Everyone charged with a criminal offense shall have the right to be presumed innocent until proved guilty according to law.” ICCPR, *supra* note 30, at Art. 14(2). “Everyone charged with a penal offense has the right to be presumed innocent until proved guilty according to law in a public tribunal at which he has had all the guarantees necessary for his defense.” UDHR, *supra* note 30, at Art. 11(1). “A detained person suspected of or charged with a criminal offense shall be presumed innocent and shall be treated as such until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.” Body of Principles, *supra* note 33, at Principle 36(1).

⁶⁶ “Defendants should normally not be shackled or kept in cages during trials or otherwise presented to the court in a manner indicating that they may be dangerous criminals.” General Comment No. 32, *supra* note 55, at ¶ 30. A photograph of Father Ly being led into the courtroom in handcuffs is attached as Exhibit F.

⁶⁷ Concluding Observations, *supra* note 39, at ¶ 9.

⁶⁸ *Id.*

⁶⁹ *Id.* at ¶ 10.

are binding for the judiciary.”⁷⁰ In other words, the accused is denied real guarantees of judicial independence and impartiality.

Based on the conduct of Father Ly’s trial, there is no basis to presume that the Government extended the presumption of innocence to Father Ly. On the contrary, it is clear that the Government of Vietnam condemned Father Ly to prison long before his trial began. Therefore, Father Ly was denied his right to a fair and impartial trial and his detention on this basis is arbitrary.

5. Conclusion

For the reasons stated herein, Father Ly’s detention and arrest violate guarantees found in both Vietnamese and international law. His case qualifies for Category II and Category III consideration by the Working Group. Father Ly should be immediately released from detention.

V. INDICATE INTERNAL STEPS, INCLUDING DOMESTIC REMEDIES, TAKEN ESPECIALLY WITH THE LEGAL AND ADMINISTRATIVE AUTHORITIES, PARTICULARLY FOR THE PURPOSE OF ESTABLISHING THE DETENTION AND, AS APPROPRIATE, THEIR RESULTS OR THE REASONS WHY SUCH STEPS OR REMEDIES WERE INEFFECTIVE OR WHY THEY WERE NOT TAKEN.

The Thua Thien-Hue Provincial Court convicted Father Ly after a four-hour trial. Father Ly was not permitted to defend himself or use a lawyer, and during most of his trial he was not even permitted to be present in the courtroom. Unfortunately, we cannot provide a complete description of the trial or discuss any internal steps Father Ly might have already attempted because of the shroud of secrecy surrounding his conviction and imprisonment.

We submit that based on what is known, the Government is likely to deny any real access to internal justice. Father Ly did not receive a fair trial, and subsequent appeals are futile in this situation. Father Ly’s only real opportunity to appeal the actions of the Government will come through external means.

⁷⁰ *Id.* at ¶ 9.

VI. FULL NAME AND ADDRESS OF THE PERSON(S) SUBMITTING THE INFORMATION (TELEPHONE AND FAX NUMBER, IF POSSIBLE).

Glenn Kaminsky
Margaret Winterkorn-Meikle
Freedom Now
P.O. Box 30155
Bethesda, Maryland 20824
United States of America
Telephone: (001) 202-629-3385
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gkaminsky@freedom-now.org


Date: Feb 27, 2009... Signature: 

Exhibit A



FREEDOM NOW

P.O. Box 30155 • Bethesda, Maryland 20824 • 202 629-3385 • info@freedom-now.org • www.freedom-now.org

October 8, 2008

On behalf of Father Nguyen Van Ly
BY EMAIL: [REDACTED]

Freedom Now Letter of Engagement

Dear [REDACTED]

Honorary Co-Chairs

The Honorable
Václav Havel

The Most Reverend
Desmond M. Tutu

Board of Directors

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AIRE Centre

Prof. A.W. Brian Simpson
Michigan Law School

Prof. Christopher
McCrudden
Oxford University

The Honorable
Patricia M. Wald

Executive Director

Maran Turner

We are pleased to confirm that Freedom Now will represent Father Nguyen Van Ly in seeking his release from arbitrary detention on the *pro bono* basis described herein. This letter is intended to formalize our retention, as required by applicable Rules of Professional Conduct. Below is an explanation of the terms of the services ("Services") that Freedom Now has agreed to perform on behalf of Father Ly.

Description of Services

Freedom Now will represent Father Ly with the aim to secure his release from detention. As part of our efforts, Freedom Now may provide legal representation to Father Ly before international, regional and/or local bodies, commissions and courts. If Father Ly is represented by local counsel in connection with domestic legal proceedings, Freedom Now at its discretion may collaborate with local counsel. In connection with the pursuit of legal measures, Freedom Now also will design and implement an advocacy plan. Specific advocacy endeavors will vary but may include soliciting the support of government officials, coordinating efforts with local and international non-governmental organizations, furnishing information and materials to the media, and working with international bodies.

Nature of Representation

You agree that Father Ly is our client for the specific matter on which we are engaged as described above. The Services are the only services Freedom Now has agreed to provide to Father Ly. Should the scope or nature of this representation change, a separate agreement will need to be reached. Any proposed expansion of the representation to include other persons or entities shall be subject to and contingent upon execution of an engagement letter directly with those persons or entities.

Voluntary Lawyer/Law Firm Assistance

Freedom Now often asks private lawyers and law firms for assistance in representing Freedom Now clients. Freedom Now may ask a lawyer or law firm to provide Services on behalf of Father Ly and references in this letter to "the Law Firm" will apply to such law firm.

No Charge for Services

Neither Freedom Now nor the Law Firm will charge for any attorneys' fees relating to the Services or for any expenses incurred in connection with providing the Services, including photocopying, mailing, faxing, and telephone charges.

Waiver of Conflicts

Freedom Now represents many prisoners of conscience worldwide. As a consequence, there may be occasions where we separately represent two or more individuals detained in the same country or where the circumstances of the detention of another Freedom Now client are substantially similar to those of Father Ly; in either case, circumstances may compel similar courses of action. By signing this letter, you agree that, notwithstanding our representation of Father Ly, Freedom Now will not be prevented from representing, now or in the future, any other client, as long as such other representation does not require Freedom Now to use or divulge any confidential information learned in this representation and does not adversely affect its representation of Father Ly.

Attorney-Client Relationship

By signing this letter, you will be entering into an attorney-client relationship on behalf of Father Ly with Freedom Now. The information you provide to a Freedom Now lawyer about this case, and any advice given by such lawyer to you, is confidential. Confidential information cannot be given out or used as evidence in a legal proceeding without your permission. If, however, you or anyone else gives out that confidential information or advice to another person - even by mistake - your right to keep that information or advice confidential may be lost.

Withdrawal from Representation

If you no longer wish for Freedom Now to perform the Services on behalf of Father Ly, you must notify Freedom Now in writing. Under some limited circumstances, such as where further representation may jeopardize the wellbeing or case of a client, Freedom Now may need to terminate representation. Freedom Now will notify you promptly if such a decision has been made.

Certification

You certify that, to your knowledge, Father Ly has not engaged in or advocated the use of violence.

If you agree that this letter accurately describes the Services and the terms and conditions, please sign and date this letter below and return it to Freedom Now.

Maran Turner, Executive Director

I HAVE READ THIS LETTER AND AGREE TO ITS TERMS AND CONDITIONS:

_____ on behalf of Father Nguyen Van Ly

10/16/2008
Date

NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS



Téléfax: (41-22) 917 90 06
Télégrammes: UNATIONS, GENEVE
Téléphone: (41-22) 917 92 89

REFERENCE: G/SO/218 (2)

Palais des Nations
CH 1211 Geneva 10

15 January 2004

Dear Mr. Kaminsky,

I would like to refer to the thirty-eighth session of the Working Group on Arbitrary Detention, in which the Working Group adopted several Opinions on cases of detention submitted to it. The Working Group decided, *inter alia*, to transmit its Opinions, after having transmitted them to the governments concerned, to the sources of information which had submitted the cases to the Group.

In accordance with the Working Group's methods of work, I am sending to you, attached herewith, the text of Opinion N° 20/2003 (Viet Nam) regarding a case submitted by you (Father Thadeus Nguyen Van Ly). This Opinion will be reproduced in the Working Group's report to the Commission on Human Rights at its sixty-first session.

Yours sincerely,

Miguel de la Lema
Secretary

Working Group on Arbitrary Detention

Mr. Glenn Kaminsky
Freedom Now
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Bethesda, Maryland 20824-0126
United States of America

(Fax 301 279 95 36-
202 689 85 07)

OPINION No 20/2003 (VIET NAM)

Communication addressed to the Government on 28 May 2002.

Concerning: Thadeus Nguyen Van Ly, a Catholic priest

The State is a party to the International Covenant on Civil and Political Rights

1. The Working Group on Arbitrary Detention was established by Commission on Human Rights resolution 1991/42. The mandate of the Working Group was clarified by resolution 1997/50 and extended by resolution 2003/31. Acting in accordance with its methods of work, the Working Group forwarded to the Government the above-mentioned communication.
2. The Working Group conveys its appreciation to the Government for having submitted information concerning the case.
3. The Working Group regards deprivation of liberty as arbitrary in the following cases:
 - (i) When it manifestly cannot be justified on any legal basis (such as continued detention after the sentence has been served or despite an applicable amnesty act) (category I);
 - (ii) When the deprivation of liberty is the result of a judgement or sentence for the exercise of the rights and freedoms proclaimed in articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and also, in respect of States parties, in articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights (category II);
 - (iii) When the complete or partial non-observance of the international standards relating to a fair trial set forth in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned is of such gravity as to confer on the deprivation of liberty, of whatever kind, an arbitrary character (category III).
4. In the light of the allegations made, the Working Group welcomes the co-operation of the Government. It has transmitted the reply provided by the Government to the source, which provided the Working Group with its comments. The Working Group believes that it is in a position to render an opinion on the facts and circumstances of the case, in the context of the allegations made and the response of the Government thereto.
5. According to the information received, Thadeus Nguyen Van Ly a Vietnamese citizen, Catholic priest, professor at the Christian Seminary of Hue and former secretary of the Bishop of Hue, was arrested on 17 May 2001 in central Thua Thien-Hue Province, by police officers under order of the provincial People's Executive Committee, for his alleged "failure to abide by the decisions on his probation issued by authorized State agencies". It was alleged that at the moment of his arrest the police made an excessive use of the force, beating some parishioners. Police officers were armed with electric whips, rifles and pistols. Thadeus Nguyen Van Ly had just published on the Internet a testimony on the situation of human

rights and religious freedom in Viet Nam. It was said that this document was widely available internationally but unlikely to be read by the majority of Vietnamese people.

6. Thadeus Nguyen Van Ly had been sentenced in December 1983 to 10 years' imprisonment for "opposing the revolution and destroying the people's unity". He had previously spent one year in prison from 1977 to 1978, without charge or trial. He spent nine more years in prison, deportation and forced-labour camps, between May 1983 and July 1992. Released, he was kept under strict police surveillance.

7. Authorities first detained Father Ly in 1977, after he distributed copies of a bishop's letter criticizing arrests of Buddhist monks and alleged religious intolerance in Viet Nam. In November 1994, he published a "ten points statement on the state of the Catholic Church in the Hue Diocese", criticizing the alleged State's appropriation of church property, the interference of the State in Church teaching and the lack of places in seminaries for men to train for the priesthood. In 1999, he organized relief distributions to people who had lost basic necessities in the heavy flooding that affected Vietnam during that year, and established various relief projects after the flooding. According to the source, these activities, financed with aid from abroad, were regarded with suspicion by the authorities.

8. In December 2000, Father Ly became involved in a stand-off with the authorities over the right of villagers to cultivate Church land, which the authorities reportedly wished to confiscate, he then issued several appeals calling for more religious freedom; for the return of Church properties; for the end of the State interference in religious affairs and for the release of all prisoners detained for their religious beliefs.

9. The official media in Viet Nam has on several occasions waged a public denunciation campaign against Thadeus Nguyen Van Ly. On 26 March 2001, an article was published in Quan Doi Nhan Dan, the army newspaper, accusing him of be "a puppet for the reactionary and hostile forces in foreign countries", and asking why, in spite of the surveillance order imposed on him, he continued to display provocative behaviour and spreading words against the party and the State, with the intention to incite and cause rifts among Catholic followers.

10. On 19 October 2001, Father Ly was sentenced to 15 years in prison and five years in probationary detention by a People's Court in Hue in application of articles 87 and 269 of the Penal Code. He was found guilty of undermining the national unity, sabotaging the national solidarity police and refusing to obey his house arrest order. Father Ly was then transferred to Thua Phu Prison at Hue. In November 2001, he was taken to Ba Sao Nam Ha Camp in Phu Ly District, Ha Nam Province, in North Vietnam, a forced-labour camp under the authority of the Ministry of Interior.

11. It was alleged that Father Ly's last trial took only four hours and was held in closed session. He was not allowed to be assisted by a defence lawyer nor allowed to call witnesses in his favour. According to the source, his trial did not conform to international minimum standards for a fair trial.

12. Father Thadeus Nguyen Van Ly has spent much of the last 27 years attempting to exercise peacefully his rights to freedom of expression, freedom of belief and worship. He has never used or advocated violence. He has been detained and sentenced solely for his non-violent religious and political views.

13. In its reply the Government stated that it is totally untrue that Nguyen Van Ly's detention and sentence are a punishment for peacefully exercising his rights and freedoms, that in Vietnam no one shall be detained or punished for exercising his legal rights and freedoms and that only those who are charged with having violated the law, shall be tried in strict compliance with the law.

14. According to the Government, Nguyen Van Ly is a recidivist. In 1983 he was convicted by the provincial People's Court of Binh Tri Thien province to 10 years of imprisonment for having violated the law by committing crimes of undermining the people unity bloc and provoking serious public disorder. On 17 May 2001, Ly was arrested for repeating acts in violation of the law as such. After a thorough investigation process, a public trial on his case was held on 19 October 2001 by the People's Court of Thua Thien – Hue province. The trial was conducted in strict accordance with the law. There were two procurators defending for Ly, whose names are: Hoang Minh Duc and Tran Dinh Chau. The Court convicted Nguyen Van Ly for having committed crimes of undermining the national unity policy (article 87, 1 of the Penal Code of the Socialist Republic of Viet Nam) and rejected to abiding to relevant administrative decisions of competent State agencies (article 269 of the Penal Code of Viet Nam.)

15. Acting in accordance with its methods of work, the Working Group forwarded the information supplied by the Government to the source, so that it could make additional comments, which it has done. The source stated that the Government response failed to supply facts or additional information to support allegations regarding compliance with Vietnamese laws and procedures, and also failed to provide any documentation and information to support their assertions. The source concluded that the Government detained Nguyen Van Ly in connection with the peaceful expression of their beliefs and has failed to afford him the procedural protections guaranteed by domestic law and international treaties.

16. It results that the Government has declared that Thadeus Nguyen Van Ly has been condemned for endangering national unity and disrupting public order and that the national law has been applied accordingly, without giving any specific details on the nature of the charges against him and without invalidating any argument submitted by the source, in which the detention and sentence of Nguyen Van Ly followed his peaceful exercise of religious, trade union and political activities.

17. The Government has not presented convincing arguments to invalidate the allegations from the source who argues that Nguyen Van Ly was sentenced to 13 years of detention because he had published articles critical of the Government and of the Communist Party and had not benefited from the norms of a fair trial.

18. Consequently, the Working Group is led to conclude that Father Nguyen Van Ly was arrested and sentenced to jail for having peacefully exercised his right of freedom of opinion and expression guaranteed in article 19 of the Universal Declaration of Human Rights and article 19 of the International Covenant on Civil and Political Rights.

19. As the Working Group has indicated in several opinions concerning Viet Nam and in the report following its visit to this country, vague and imprecise charges as those mentioned in articles 87 and 269 of the Penal Code carry the disadvantage not to allow distinction between armed and violent acts that endanger national security and the peaceful exercise of the rights of freedom of opinion and expression. This is why the Group is convinced that Thadeus Nguyen Van Ly has been arrested and detained only for his opinions, in violation of

article 19 of the Universal Declaration of Human Rights and of article 19 of the International Covenant on Civil and Political Rights, to which Viet Nam is a party.

20. In the light of the foregoing, the Working Group renders the following opinion:

The deprivation of liberty of Father Thadeus Nguyen Van Ly is arbitrary, as being in contravention of article 19 of the Universal Declaration of Human Rights and article 19 of the International Covenant on Civil and Political Rights, and falls within category II of the applicable categories to the consideration of the cases submitted to the Working Group.

21. Consequent upon the opinion rendered, the Working Group requests the Government to take the necessary steps to remedy the situation, and bring it in conformity with the standards and principles set forth in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights.

Adopted on 27 November 2003.

Manifesto 2006
on
Freedom and Democracy for Vietnam
by 118 Democracy Activists inside Vietnam

April 8, 2006

Dear Compatriots inside and outside of Vietnam,

We, the undersigned, representing hundreds of Vietnamese democracy activists inside Vietnam and all those Vietnamese citizens yearning for **True Democracy for Vietnam**, hereby unanimously proclaim the following:

I. The Current Realities of Vietnam

1. In the August 1945 Revolution, the entire Vietnamese nation made a choice for **national independence** and not **socialism**. Vietnam's Declaration of Independence on September 2, 1945 did not contain a single word about socialism or communism. The two mainsprings behind the success of that Revolution were **the Vietnamese people's aspiration for national independence** and also the desire to fill **the power vacuum** that existed after the Japanese surrender on August 15, 1945, following their overthrow of the French colonial administration on March 9, 1945.

It is thus clear that the Vietnamese communists had abandoned the main objective of the August Revolution. As a result, the Vietnamese peoples' aspiration for **self-determination was disregarded**. There have been two occasions, one in 1954 in North Vietnam and the other in 1975 in all of Vietnam, when there were good opportunities for the Vietnamese nation to set a new course towards a true democracy. Sadly, the Communist Party of Vietnam (CPV), failed to take advantage of those opportunities. This failure is due to the well-known fact, as propounded by Lenin, that once a dictatorship of the proletariat has been installed, its very first function is to foster **violence and repressive terror!**

2. On September 2, 1945 in Hanoi, Ho Chi Minh, President of the Interim Government of the Democratic Republic of Vietnam, solemnly declared to the [Vietnamese] nation and the world that: ***"All men are created equal, endowed by their Creator with certain inalienable Rights, among them the Right to Life, Liberty and the pursuit of Happiness,"*** undying words taken from the **U.S. Declaration of Independence** of 1776. Interpreted broadly, this sentence can mean that all nations are created equal and that they are entitled to Life, Freedom and Happiness. The 1791 French **Declaration on Human and Civil Rights** also proclaims: ***"All people are born free and have equal rights, and they must remain free and equal in all rights."*** These are undeniable truths..." (This quote is taken directly from the September 2, 1945 Vietnamese Declaration of Independence).

Nevertheless, the communist government of Vietnam began to trample upon these sacred rights the moment they came to power.

3. By February 1951, the Vietnam Workers Party (VWP, now rechristened the CPV) proclaimed in a Manifesto at its Second Party Congress that: *“The ideology of the VWP is Marxism-Leninism.”* This was something that was even more clearly expressed in the Party Bylaws, under the rubric of “Goal and Leading Principles”: *“The Vietnam Workers Party takes the ideology of Marx-Engels-Lenin-Stalin and the thought of Mao Zedong in combination with the revolutionary realities of Vietnam to be its ideological foundation and compass for all Party activities.”*

Since then, especially in the North after 1954, and in the entire country after April 30, 1975, the specter of Communism has been imposed on the Vietnamese nation. For all practical purposes, this specter has been used to deprive the Vietnamese people of all their human rights. And even today, its overwhelming influence is evident in the spiritual as well as the material spheres of the Vietnamese nation.

II. Universal Laws Affecting All Societies

1. History has demonstrated that under every totalitarian regime, whether communist or non-communist, all democratic rights and freedoms are **mercilessly repressed**, the difference being only in the degree of repression. Unfortunately, to this day the Vietnamese nation is still one of the few that is under the rule of a totalitarian communist regime. This fact is unabashedly declared in Article 4 of the Socialist Republic of Vietnam (SRV) Constitution, which says: *“The CPV... follows Marxism-Leninism and the thought of Ho Chi Minh, and it is the leading force of the state and society.”* It is on the basis of this article that democratic rights and freedoms of the Vietnamese people have been extremely curtailed.

2. The power structure in Vietnam rejects **competition and totally minimizes the possibility of its replacement by something else. This record has helped** accelerate the degeneration of government, and its transformation from what it started out to be. Because there are no rules and principles regarding fair competition in the current political culture of the country, election after election, people have not been allowed to choose the most deserving individuals and political parties to represent them. For that reason the leadership, management and operational set-ups become ever more corrupt, and can now be compared to a creaky piece of equipment from the center down to the localities. As a result, Vietnam is now a nation that has fallen way behind other nations in the region and in the world. In the prevailing environment, this shameful national performance and other nation-wide problems are beyond correction. **The problem of all problems, the source of all evils**, resides in the fact that the CPV is now the one and only political force leading Vietnam! The realities of history have shown that any country, once it has fallen into the orbit of communism, **ends up in ruin and misery**. The Soviet Union itself, the very cradle of world communism, has, together with other former Eastern European countries **valiantly overcome its own weaknesses** to rediscover the correct path leading them forward.

3. We all understand that no one can remake history, but it is possible to redirect its course. What is even more important is that through history’s lessons, one can find the correct orientation for the nation’s future. The path chosen by the CPV for the Vietnamese nation was designed in haste, and thoughtlessly imposed. That is why today, it is necessary to choose once again a new path for our nation. **And a path chosen by the entire nation must necessarily be better than the one chosen by just one person or one group of persons.** Given that the CPV is, after all, only one component of the nation, it should not claim to speak on behalf of the entire nation!

Considering that for almost half a century, from 1954 to 2006, the ruling party in Vietnam has **usurped the voice of the nation**, it is **by no means a legitimate government!** Why? Because there had simply not been a single free election during all that time in Vietnam.

On the basis of the above realities and the stated universal laws, being fully conscious of our responsibilities as citizens, and faced with the nation's fate, we would like to declare the following to our Compatriots both inside and outside of Vietnam:

III. Objective, Methods and Significance of Our Struggle

1. The highest objective in the struggle to fight for freedom and democracy for the Vietnamese nation today is **to make sure that the present political regime in Vietnam is changed in a fundamental way**, not through incremental "renovation" steps or, even worse, through insignificant touch-ups here and there. Concretely speaking, it must be a change from the monolithic, one-party, non-competitive regime that we have at the present time to **a pluralistic and multiparty system**; one in which there is healthy competition, in accordance with the legitimate requirements of the nation, including at least **a clear separation of powers among the Legislative, Executive and Judicial branches of government**. This would be in tune with international criteria and the experiences and lessons Mankind has learned from highly respected and successful democracies.

The concrete objective is **to re-establish the following fundamental rights of the people:**

- **The Freedom of Information and Opinion** as defined in the **United Nations' International Covenant on Civil and Political Rights**, ratified on December 16, 1966, and endorsed by Vietnam on September 24, 1982, Article

19.2: *"Everyone shall have the right to freedom of opinion; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."*

This means that political parties, organizations and individuals all have the freedom to express their opinions through the printed media, radio, television and any other mass media without having to wait for prior approval by the government.

- **The Freedom of to Assemble, form Associations, Political Parties, Vote and Stand for Elected Offices** as defined in the **International Covenant on Civil and Political Rights**, Article 25: *"Every citizen shall have the right and the opportunity (a) to take part in the conduct of public affairs, directly or through freely chosen representatives; (b) to vote and to be elected in genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors."* This means that political parties of every orientation are allowed to fairly compete in a genuine pluralistic and multiparty democracy.

- **The Freedom to participate in Independent Labor Unions and the Right to Legitimate Strikes** in accordance with the **International Covenant on Economic, Social and Cultural Rights** ratified by the United Nations on December 16, 1966, Articles 7 and 8: *"The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favorable conditions of work..., the right of everyone to form trade unions and join the trade union of his choice, subjects only to the rules of the organization concerned, for the promotion*

and protection of his economic and social interests...[including] the right to strike...” These Labor unions must be independent of, and in practice, not subservient to the state.

- **The Freedom of Religion** as defined in the **International Covenant on Civil and Political Rights**, Article 18: *“Everyone shall have the right to freedom of thought, conscience and religion. This right shall include the freedom to have or adopt a Religion or Belief of his choice, and the freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”* These religions must also operate independently; they cannot be made the instruments of the state.

2. **The method** of this struggle must be **peaceful and non-violent**. The Vietnamese nation must itself be actively engaged in it. Of course, we are extremely thankful for the warm and ever more effective support of all our friends in the world. Using modern information media and through ever larger international exchanges, we will seek in every way to **help our compatriots to fully understand the issues involved. Once this has been achieved, they surely will know how to act appropriately and effectively.**

3. This struggle is meant to **make the Right Cause triumph over the Bad Cause, and, Progress over Backwardness**. There are popular movements that are currently trying to use the laws of life and the tendencies of our time in order to defeat those evil forces that are trying to go against these tendencies and laws. Whether the CPV marches hand-in-hand with the Nation or not will depend on whether it is objective, fair, enlightened and modest enough to accept the principle of equality in a fair competition. **The one-party political regime must be once and for all buried in the dustbin of history**. From such a departing point, the Vietnamese nation will be able to find its best citizens and the most capable political organizations after each election to lead it. The “total triumph of the right cause” principle will be established, and one’s individual life will become better, our society more humane, and our Compatriots will live together on more friendly terms.

We hope that this Manifesto would foster **the positive contributions of our compatriots living outside of Vietnam and the support of our international friends**. We are sincerely grateful and call on the United Nations, national parliaments, governments, international organizations and our friends all over the world to continue supporting enthusiastically and effectively this fully legitimate struggle. This will soon help bring our Fatherland, Vietnam, to stand shoulder-to-shoulder with civilized, moral, prosperous and free countries in today’s community of Mankind.

Unanimously declared in Vietnam on 8 April 2006

1. Dr. Nguyen Xuan An, Hue
2. Teacher Dang Hoai Anh, Hue
3. Teacher Dang Van Anh, Hue
4. Dr. Le Hoai Anh, Nha Trang
5. Prof. Nguyen Kim Anh, Hue
6. Prof. Nguyen Ngoc Anh, Da Namg
7. Writer Trinh Canh, Vung Tau
8. Rev. F.X. Le Van Cao, Hue
9. Teacher Le Can, Hue

10. Rev. Giuse Hoang Can, Hue
11. Teacher Tran Thi Minh Cam, Hue
12. Rev Giuse Nguyen Van Chanh, Hue
13. Teacher Nguyen Thi Linh Chi, Can Tho
14. Prof. Hoang Minh Chinh, Hanoi
15. Teacher Nguyen Viet Cu, Quang Ngai
16. Dang Quoc Cuong, MA, Hue
17. Writer Nguyen Dac Cuong, Phan Thiet
18. Businessman Ho Ngoc Diep, Da Nang
19. Teacher Tran Doan, Quang Ngai
20. Ms. Le Thi Phu Dung, Saigon
21. Teacher Ho Anh Dung, Hue
22. Prof. Truong Quang Dung, Hue
23. Dr. Ha Xuan Duong, Hue
24. Ex-Col. Pham Que Duong, Hanoi
25. Attorney Nguyen Van Dai, Hanoi
26. Kt (Architect?) Tran Van Don, Phan Thiet
27. Dr. Ho Dong, Vinh Long
28. Rev. Phero Nguyen Huu Giai, Hue
29. Businessman Tran Van Ha, Da Nang
30. Teacher Le Thi Bich Ha, Can Tho
31. Dr. Le Thi Ngan Ha, Hue
32. Teacher Le Nguyen Xuan Ha, Hue
33. (Mrs.) Vu Thuy Ha, Hanoi
34. Eng. Do Nam Hai, Saigon
35. Teacher Tran Thach Hai, Haiphong
36. Kt (Architect?) Tran Viet Hai, Vung Tau
37. Eng. Doan Thi Dieu Hanh, Vung Tau
38. Businesswoman Nguyen Thi Hanh, DaNang
39. Teacher Phan Thi Minh Hanh, Hue
40. Prof. Dang Minh Hao, Hue
41. Writer Tran Hao, Vung Tau
42. Writer Tran Manh Hao, Saigon
43. Teacher Le Le Hang, Hue
44. Rev. Giuse Nguyen Duc Hieu, Bac Ninh
45. Nurse Che Minh Hoang, Nha Trang
46. Teacher Van Dinh Hoang, Hue
47. Teacher Le Thu Minh Hung, Saigon
48. Prof. Nguyen Minh Hung, Hue
49. Rev Gk Nguyen Van Hung, Hue
50. Teacher Phan Ngoc Huy, Hue
51. Teacher Le Thi Thanh Huyenh, Hue
52. Teacher Do Thi Minh Huong, Hue
53. Mai Thu Huong, MA, Haiphong
54. Nurse Tran Thu Huong, Da Nang
55. Candidate Nguyen Ngoc Ke, Hue

56. Prof. Nguyen Chinh Ket, Saigon
57. Nguyen Quoc Khanh, MA, Hue
58. Teacher Nguyen Dang Khoa, Hue
59. Prof. Tran Khue, Saigon
60. Ex-Major Vu Kinh, Hanoi
61. Writer Bui Lang, Phan Thiet
62. Teacher Ton That Hoang Lan, Saigon
63. Mr. Le Quang Liem, Head, Traditional Hoa Hao Buddhist Church, Saigon
64. Dr. Vu Thi Hoa Linh, Saigon
65. Rev. G.B. Nguyen Cao Loc, Hue
66. Rev. Phero Phan Van Loi, Hue
67. Teacher Ma Van Luu, Haiphong
68. Teacher Nguyen Van Ly, Haiphong
69. Rev. Tadeo Nguyen Van Ly, Hue
70. Teacher Cai Thi Mai, Haiphong
71. Teacher Cao Thi Xuan Mai, Hue
72. Teacher Nguyen Van Mai, Saigon
73. Writer Ha Van Mau, Can Tho
74. Teacher Phan Van Mau, Hue
75. Writer Le Thi Thu Minh, Can Tho
76. Teacher Ma Van Minh, Hue
77. Teacher Nguyen Anh Minh, Saigon
78. Dr. Huyen Ton Nu Phuong Nhien, Da Nang
79. (Mrs.) Bui Kim Ngan, Hanoi
80. Dang Hoai Ngan, MA, Hue
81. Rev. G.B. Le Van Nghiem, Hue
82. Teacher Le Hong Phuc, Haiphong
83. Rev. Dominic Phan Phuoc, Hue
84. Eng. Vo Lam Phuoc, Saigon
85. Rev. Giuse Cai Hong Phuong, Hue
86. Pastor Nguyen Hong Quang, Saigon
87. Eng. Ta Minh Quan, Can Tho
88. Rev. Augustino Ho Van Quy, Hue
89. Rev. Giuse Tran Van Quy, Hue
90. Dr. Vo Van Quyen, Vinh Long
91. Dr. Tran Thi Sen, Nha Trang
92. Hoa Hao Lay preacher Le Van Soc, Vinh Long
93. Eng. Hoang Son, Haiphong
94. Rev. Phao Lo Ngo Thanh Son, Hue
95. Prof. Nguyen Anh Tai, Da Nang
96. Eng. Do Hong Tam, Haiphong
97. Dr. Ta Minh Tam, Can Tho
98. Prof. Nguyen Thanh Tam, Hue
99. Pastor Pham Ngoc Thach, Saigon
100. Teacher Nguyen binh Thanh, Hue
101. Teacher Van Ba Thanh, Hue

102. Hoa Hao Lay preacher Nguyen Van Tho, Dong Thap
103. Tran Manh Thu, MA, Haiphong
104. Prof. Dr. Tran Hong Thu, Saigon
105. Writer Hoang Tien, Hanoi
106. Ex-Officer Tran Dung Tien, Hanoi
107. Rev. Tephano Chan Tin, Saigon
108. Teacher Nguyen Khac Toan, Hanoi
109. Writer Ton Nu Minh Trang, Phan Thiet
110. Teacher Che Thi Hong Trinh, Hue
111. Dr. Nguyen Anh Tu, Da Nang
112. Dr. Doan Minh Tuan, Saigon
113. Teacher Le Tri Tue, Haiphong
114. Nurse Tran Thi Hoai Van, Nha Trang
115. Teacher Ngo Thi Tuong Vi, Quang Ngai
116. Teacher Nguyen Le Xuan Vinh, Can Tho
117. Ho Ngoc Vinh, MA, Da Nang
118. Eng. Lam Dinh Vinh, Saigon

Unofficial Translation obtained from Human Rights Watch
http://www.hrw.org/legacy/pub/2006/manifesto_040606.pdf

Exhibit D

Police of the Province of Thua Thien Hue
Security and Investigation Office
No: 02/KLDT

Socialist Republic of Vietnam
Independence - Freedom - Happiness

City Of Hue, March 13, 2007

Conclusion of Investigation

Case: Nguyễn Văn Lý and accomplices – Propagandizing against the Government of the Socialist Republic of Vietnam (SRVN), City of Hue, Province of Thua Thien Hue

According to the decision to prosecute the criminal case No. 02 of February 24, 2007, and the decisions, No. 3 to prosecute the accused on February 24, 2007 and No. 4, No. 5, No. 6, and No. 7 on the same day of February 23, 2007 at the Office of Security Investigation of the police of Province of Thua Thien Hue; and the approvals of the decisions to prosecute the accused No. 12 on February 24, 2007, and No. 14, 15, 16, and 17 on same day of February 23, 2007 at the Supreme People's Procures of the Province of Thua Thien Hue regarding the accused: Nguyen Van Ly, Nguyen Phong, Nguyen Binh Thanh, Hoang Thi Anh Dao, and Le Thi Le Hang to be investigated for the crime: Propagandizing against the government of the SRVN, stipulated in Article 88 of the Penal Code of the SRVN.

After the investigation completed, the following conclusions are drawn:

I. THE SUMMARY OF THE CASE

On February 1, 2005, Nguyen Van Ly was pardoned from his prison term and required to continue to serve the sentence No. 01/HSST of October 19, 2001 of the People's Court of the Province of Thua Thien Hue of a five-year administrative detention at the address of 69 Phan Dinh Phung street – Vinh Ninh hamlet – Hue City – Thua Thien Hue province. However, Nguyen Van Ly did not comply with the stipulation of the law, and continued to proceed with many activities propagandizing against the government of the SRVN.

On the days of the 16th, 18th, 19th and 20th of February 2007, the police of the City of Hue proceeded to search for the hiding places of items of equipment and documents which are administratively violating in nature regarding Nguyen Phong, Nguyen Van Ly, Nguyen Binh Thanh, Hoang Thi Anh Dao, and Le Thi Le Hang, and confiscated 8 computers, 6 printers, 9 cell phones, 147 SIM cell phone identity cards of various kinds, several other items of equipment and tools, and almost 200 kg of materials which contain propaganda against the government of SRVN.

- Concluding that there was indication of criminal activity, on February 23, 2007, police of the City of Hue transferred the file and material evidence to the office of Security and Investigation of the police of the province of Thua Thien Hue to investigate and prosecute the case according to their jurisdiction.

The investigating process has shown that: Nguyen Van Ly and his accomplices have carried out numerous activities to collect, compose, print, store, and disseminate materials having the tenor of propaganda against the government of SRVN such as: distorting the current religious freedom in Viet Nam, distorting the policies and laws of the government, inciting people to boycott the 2007 National Assembly elections of the government of SRVN; directly answered interviews by overseas anti-governmental radio with the tenor of distortion, speaking ill of the government of SRVN... To propagandize in order to draw people into participating in supporting the composing, storing, and disseminating of materials with the tenor of opposing the government of SRVN, Nguyen Van Ly contacted, prompted and drew the participation of individuals Nguyen Phong, Nguyen Binh Thanh, Hoang Thi Anh Dao, Le

Thi Le Hang, and Le Thi Cong Nhan and directed these individuals to carry out preparations for the means of collecting information, composing and disseminating materials, and forming an organization to build up a political force opposing the government of SRVN. Nguyen Van Ly delegated to the following people the following activities:

- Nguyen Phong: directly composed the platform and regulations of the “Vietnam Progression Party” and announced it on the Internet on September 8, 2006 as the chairman of the founding committee. The officially claimed headquarters of the “Vietnam Progression Party” is the residence of Phong’s family, but in reality, they worked in Ly’s room (at 69 Phan Dinh Phung street – Hue City). To attend to these activities, Nguyen Phong was equipped by Ly with one computer and one cell-phone, and from September 2006 to January 2007, Phong was paid by Ly 2,000,000 Vietnamese dong each month.

- Nguyen Binh Thanh: purchased a printer and other office supplies such as paper, ink, bags for materials, ... and each day came to Ly’s room to carry out the printing, organizing and boxing of materials having the tenor of propagandizing against the government of SRVN, repaired any tools and equipment used in composing and printing the materials, and also drove Ly to places to meet with people, receive money and purchase SIM cell phone identity cards... every month, Thanh was paid by Ly 1,200,000 Vietnamese dong.

- Hoang Thi Anh Dao: assisted Ly in composing, printing and disseminating materials having the tenor of propaganda against the government of SRVN on the Internet. Nguyen Van Ly purchased one computer for Hoang Thi Anh Dao to carry out the dissemination and storage of many materials having the tenor of propaganda against the government of SRVN. Hoang Thi Anh Dao was paid by Ly each month 500,000 Vietnamese dong.

- In addition, to increase the number of participants propagandizing against the government of SRVN among schoolteachers, Nguyen Van Ly prompted Le Thi Le Hang to participate in Bloc 8406 and the “Vietnam Progression Party”, and requested that Hang prompt her colleagues to join the “Vietnam Progression Party” and Bloc 8406, although she has not prompted anyone to do this yet. To carry out Ly’s request, Hang used her computer with an Internet connection to download approximately 10 sources of material, including many materials composed and compiled by Ly which have the tenor of propaganda against the government of SRVN. In approximately January 2007, Nguyen Van Ly gave 4 stacks of materials having the tenor of propaganda against the government of SRVN to Nguyen Van Thuong, living at Ngoc Ho hamlet, Huong Ho village, Huong Tra district, Thua Thien Hue province, to disseminate to others. Police from Huong Tra district were able to stop this dissemination and confiscate these materials. In addition, Ly also disseminated materials to other people as well.

II. CONCLUSION

With the chronic action of systematically opposing the government of SRVN, Nguyen Van Ly intentionally acted in violation of the law: he actively purchased many pieces of equipment and tools to collect information and to compose and edit materials having the tenor of propaganda against the government of SRVN, stored and disseminated these materials on the Internet and directly supplied them to many people who came to see him at 69 Phan Dinh Phung — Hue City and other local areas. Nguyen Van Ly actively contacted, drew and incited these individuals: Nguyen Phong, Nguyen Binh Thanh, Hoang Thi Anh Dao, and Le Thi Cong Nhan to assist in composing and compiling many materials having the tenor of distortion of the policies and laws of the government using numerous computers connected to the Internet in Ly’s and accomplices’ rooms; directly wrote many articles to speak ill of and smear the leadership and government of Vietnam; answered many interviews by overseas radio and newspapers with the tenor of distorting the truth about governmental policies. In this case, Nguyen van Ly is the ringleader, and the others accused, Phong, Thanh, Dao, and

Hang, were co-violators who enthusiastically helped Nguyen Van Ly in carrying out his criminal acts. Their violations of the law have caused serious detrimental effects to the local political and social stability and have caused harm to national security. The role each accused has played is different, but it is necessary to prosecute the ringleader (Nguyen Van Ly) strictly and clearly in the eyes of the law. The others accused need to be treated separately according to their nature, the levels and the effect of their violations in a way which is appropriate to the demands of the current politics, to have the effect of deterring other individuals and educating the people. At this time, the office of Security and Investigation has enough evidence to conclude:

1. Accused Nguyen Van Ly

Birth day: 15-5-1946 in Province tỉnh Quảng Trị.

Permanent register place: 69 Phan Đình Phùng – P. Vĩnh Ninh – TP Huế - tỉnh Thừa Thiên Huế.

Current arrest in: thôn Bến Cùi – xã Phong Xuân - huyện Phong Điền - tỉnh Thừa Thiên Huế.

Profession: priest

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2. Accused Nguyễn Phong:

Birth day: 28-01-1975 tại tỉnh Thừa Thiên Huế.

Permanent register place and address: Kiệt số 86 Lê Ngô Cát – commune Thủy Xuân – City Huế - Province Thừa Thiên Huế.

Profession: salesman.

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3. Accused Nguyễn Bình Thành:

Birth day: 13-08-1955 in province Thừa Thiên Huế.

Permanent register place and address: số nhà 87 Điện Biên Phủ - commune Trường An – City Huế - Province Thừa Thiên Huế.

Profession: electrician.

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4. Accused Hoàng Thị Anh Đào:

Birth day: 26-02-1986 in province Gia Lai.

Permanent register place and address: village Trung Thượng – commune Thủy Biều – City Huế - Province Thừa Thiên Huế.

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5. Accused Lê Thị Lệ Hằng:

Birth day: 04-03-1963 in Province Thừa Thiên Huế.

Permanent register place and address: số 1/16/16 Đoàn Hữu Trưng – commune Phước Vĩnh – TP Huế - tỉnh Thừa Thiên Huế.

Profession: teacher.

...

For Lê Thị Công Nhân und Hồng Trung: Although they have connection to the convicted, the authority for security and investigation decided to relay the case of these both persons to the police of the city of Hanoi and Gia-Lai to the other investigation and treatment.

For Nguyễn Văn Thượng:

...

On account of the articles 162 and 163 of the accusation code for criminal offences of the socialist republic of Vietnam

Decision

Forwarding of the Conclusion of Investigation and the whole documents of the process to the People's Procuracy of the province of Thua Thien Hue with the suggestion to sue 5

defendants Nguyễn Văn Lý, Nguyễn Phong, Nguyễn Bình Thành, Hoàng Thị Anh Đào, Lê Thị Lệ Hằng with the above curriculum vitae according to the above law articles.

It is further suggested taking up the following confiscating pieces of evidence in the state property:

- 5 (five) laptop computers, 1 (one) desktop computer, 6 (six) printers, 7 (seven) cell phones, 2 (two) regular telephones, 60 (sixty) pre-used SIM cell phone identity cards, 2 (two) antennas, 1 (one) Scanner, 1 (one) dial-up modem, 1 (one) combo-television box, 1 (one) telephone memory card, 1 (one) recording device, 1 (one) stapler, 2 (two) USB data storage units, 2 (two) Headphones, 1 (one) USB 200 card reader, 1 (one) 8-port HUB, 4 (four) computer cables, 5 (five) cell phone chargers. (are temporary confiscating properties of the Accused Nguyen Van Lý - order for the storage of the pieces of evidence are added).

- 1 (one) microcomputer (without hard disk), 2 (two) cables, 2 (two) cables USP wire and headset, 1 (one) cell phone NOKIA 1110 i. (are temporary confiscating properties of the Accused Nguyen Phong, order for the storage of the pieces of evidence are added).

- 1 (one) micro computer, 1 (one) modem made by Speed Touch, 1 (one) small transformer, 4 (four) computers cable. (Are temporary confiscating properties of the Accused Hoàng Thị Anh Đào - order for the storage of the pieces of evidence is added)?.

- 1 (one) micro computer and 3 patch cords, 1 (one) modem, 1 (one) small transformer, 1 (one) telephone wire (are temporary confiscating properties of Lê Thị Lệ Hằng - order for the storage of the pieces of evidence are added).

- 1 (one) cell phone NOKIA.

It is suggested destroying the following confiscating pieces of evidence:

- 8 (eight) international calling cards (already used), 87 (87) used SIM cell phone identity cards (are temporary confiscating properties of Nguyễn Văn Lý, order for the storage of the pieces of evidence are added).

- 15 (fifteen) old floppy Disks, 6 (six) white Covers for ink cartridges, 3 (three) ink cartridges 12A-HP laser jet (used), 1 (one) blue cartridge, 1 (one) picture, 1 (one) book titled Statement on Religious Ordinance in 2004; 3 (three) used SIM cell phone identity cards. (Are temporary confiscating properties of Nguyễn Bình Thành – order for the storage of the pieces of evidence is added).

- Many materials which contain propaganda against the government of socialist republic of Vietnam.

The process documents are added to this investigation result. They are ... Sheets and are numbered from 1 to The list according to article 163, section 2 of the accusation code for criminal offences of the socialist republic Vietnam is also enclosed too.

Chairman of Office for Security and Investigation

(Signature and stamp)

Colonel Dương Chính Quy

Unofficial Translation

Exhibit E

The Supreme People's Procuracy
The People's Procuracy
Thua Thien Hue Province
No: 13/KSDT-HS

Socialist Republic of Vietnam
Independence - Freedom - Happiness

City of Hue, March 15, 2007

INDICTMENT

THE PRESIDENT OF THE PEOPLE'S PROCURACY OF THUA THIEN HUE

- According to Article 35, 166, 167 of the Accusation Code for criminal offences.
- According to the decision to prosecute the criminal case No. 02 of February 24, 2007 of the office of Security and Investigation of the police of Province Thua Thien Hue regarding the crime: Propagandizing against the government of the SRVN, stipulated in Article 88 of the Penal Code of the SRVN.

- According to the decisions, No. 3 to prosecute the accused, Nguyen Van Ly, on February 24, 2007, and No. 4, No. 5, No. 6, and No. 7 of February 23, 2007, at the Office of Security Investigation of the police of Province of Thua Thien Hue to prosecute the accused: Nguyen Phong, Nguyen Binh Thanh, Hoang Thi Anh Dao, and Le Thi Le Hang, for the crime: Propagandizing against the government of the SRVN, stipulated in Article 88 of the Penal Code of the SRVN.

The result of the investigation confirms the following:

On February 1, 2005, Nguyen Van Ly was pardoned from his prison term and required to continue to serve a five-year administrative detention for the charge of "destroying the people's unity" and the charge "Did not comply with the effective administrative decision of the governmental authority" at the address of 69 Phan Dinh Phung street – Vinh Ninh hamlet – Hue City – Thua Thien Hue province At this address, Nguyen Van Ly continued to pursue many activities in violation of the law.

On the days of the 16th, 18th, 19th and 20th of February 2007, the police of the City of Hue proceeded to search the residence of Nguyen Phong, Nguyen Van Ly, Nguyen Binh Thanh, Hoang Thi Anh Dao, and Le Thi Le Hang, and confiscated 8 computers, 6 printers, 9 cell phones, and 147 SIM cell phone identity cards of various kinds, several other items of equipment and tools, and almost 200 kg of materials which contain propaganda against the government of SRVN.

The process of investigation has confirmed that: during the time of his administrative detention, Nguyen Van Ly induced and prompted the individuals Nguyen Phong, Ngyen Binh Thanh, Hoang Thi Anh Dao, Le Thi Le Hang, and Le Thi Cong Nhan and directed these individuals to carry out preparations for the means of collecting information, composing and disseminating materials such as: distorting the current religious freedom in Viet Nam, distorting the policies and laws of the government, inciting people to boycott the 2007 National Assembly elections of the government of SRVN; directly answered interviews by oversea anti-governmental radio with the tenor of distortion, speaking ill of the government of SRVN... As the same time, he formed anti-governmental political entities such as "Bloc 8406", "Vietnam Progression Party", and

“Coalition-party Lac Hong”, to build up a force opposing the government of SRVN; disturbed the guidelines and policies of the Party and Government, “calling for a boycott of the 2007 National Assembly”, etc... with the intention of “causing the governing power of the Communist Party of Vietnam to crumble”, and “through that seize the power to govern and manage the country”. In the process of carrying out these unlawful activities, Nguyen Van Ly delegated to the following people as follows:

- Nguyen Phong: directly composed the platform and regulations of the “Vietnam Progression Party”, edited by Nguyen Van Ly before Phong announced it on the Internet on September 8, 2006, as the chairman of the founding committee; signed an agreement to form the “coalition party Lac Hong”, issued numerous documents and disseminated these documents on the Internet under the name of this organization. The officially claimed headquarters of the “Vietnam Progression Party” is the residence of Phong’s family, but in reality, they worked in Ly’s room (at 69 Phan Dinh Phung street – Hue City). Nguyen Phong was equipped by Ly with one computer and one cell-phone, and from September 2006 to January 2007, Phong was paid by Ly 2,000,000 Vietnamese dong each month to carry out these activities opposing the government of SRVN, at the request of Nguyen Van Ly. (Investigative notes: 226-247,248-274)

- Nguyen Binh Thanh: was assigned by Nguyen Van Ly the task of purchasing printers and other office supplies such as paper, ink, bags for materials, ... and every day came to Ly’s room to assist Ly in the printing, organizing and boxing of materials having the tenor of propagandizing against the government of SRVN, repairing any tools and equipment used in composing and printing these materials, and also driving Ly to places to meet with people, receive money and purchase SIM cell phone identity cards... to carry out these illegal activities of Ly and his accomplices. Every month, Thanh was paid by Ly 1,200,000 Vietnamese dong. (Investigative notes: 275-307)

- Hoang Thi Anh Dao: assisted Ly in composing (only in the layout of the documents,) printing and disseminating materials having the tenor of propaganda against the government of SRVN on the Internet. Nguyen Van Ly equipped Hoang Thi Anh Dao with one computer placed at her house to carry out the dissemination and storage of many materials having the tenor of propaganda against the government of SRVN. Hoang Thi Anh Dao was paid by Ly each month 500,000 Vietnamese dong. (Investigative notes: 308-329)

- To increase the number of participants propagandizing against the government of SRVN among schoolteachers, Nguyen Van Ly prompted Le Thi Le Hang to participate in Bloc 8406 and the “Vietnam Progression Party”, and requested that Hang prompt her colleagues to join the “Vietnam Progression Party” and Bloc 8406 (although she has not prompted anyone to do this yet.) To carry out Ly’s request, Hang used her computer with an Internet connection to download approximately 10 sources of material, including many materials composed and compiled by Ly which have the tenor of propaganda against the government of SRVN for others to read. (Investigative notes: 176,177,181,330-363.)

In addition, in approximately January 2007, Nguyen Van Ly gave 4 stacks of materials having the tenor of propaganda against the government of SRVN to Nguyen Van Thuong, living at Ngoc Ho hamlet, Huong Ho village, Huong Tra district, Thua Thien Hue province, to disseminate to others. Police from Huong Tra district were able to stop this dissemination and confiscate these materials. In addition, Ly also disseminated materials to other people as well. (Investigative notes: 363-377.)

*** During the process of investigation, the Police confiscated the following material evidence:**

+ Confiscated from Nguyen Van Ly:

- 5 (five) laptop computers, 1 (one) desktop computer, 6 (six) printers, 7 (seven) cell phones, 2 (two) regular telephones, 60 (sixty) pre-used SIM cell phone identity cards, 8 (eight) international calling cards (already used), 87 (eighty-seven) used SIM cell phone identity cards, 2 (two) antennas, 1 (one) scanner, 1 (one) dial-up modem, 1 (one) combo-television box, 2 (two) speakers, 1 (one) telephone memory card, 1 (one) recording device, 1 (one) stapler, 2 (two) USB data storage units, 2 (two) headphones, 1 (one) USB 200 card reader, 1 (one) 8-port HUB, 4 (four) computer cables, 5 (five) cell phone chargers and many materials which contain propaganda against the government of SRVN. (Investigative notes: 19-51).

+ Confiscated from Nguyen Phong:

- 1 (one) computer (without hard drive), 2 (two) power cables, 2 (two) USP wire and headset, 1 (one) NOKIA 1110i cell phone and many materials which contain propaganda against the government of SRVN. (Investigative notes: 84-96).

+ Confiscated from Hoang Thi Anh Dao:

- 1 (one) computer, 1 (one) modem made by Speed Touch, 1 (one) small transformer, 4 (four) computer cables and some materials which contain propaganda against the government of SRVN. (Investigative notes: 134-146).

+ Confiscated from Le Thi Le Hang:

- 1 (one) computer and 3 (three) power cords, 1 (one) model, 1 (one) small transformer, 1 (one) telephone wire and some materials which contain propaganda against the government of SRVN. (Investigative notes: 166-173).

+ Confiscated from Nguyen Binh Thanh:

- 1 (one) NOKIA cell phone, 15 (fifteen) old floppy disks, 6 (six) white cover of ink, 3 (three) ink cartridges for printer 12A-HP Laser Jet (already used), 1 (one) green-colored tube, 1 (one) photograph, 1 (one) book titled Commentary on Religious Ordinance 2004; 3 (three) used SIM cell phone identity cards. (Investigative notes: 112-121).

Based on the details and evidence stated above:

CONCLUSION

With the nature of systematically opposing the government of SRVN, immediately after being pardoned, even though still serving an administrative detention, Nguyen Van Ly purchased many pieces of equipment and tools to collect information, compose and edit materials having the tenor of propaganda against the government of SRVN, stored and disseminated these materials on the Internet, and directly supplied them to many people who came to see him at 69 Phan Dinh Phung — Hue City and other local areas; answered many interviews by overseas radio and newspapers with the tenor of distorting the truth about policies of the Party and the Government. In addition, Nguyen Van Ly actively induced and incited these individuals Nguyen Phong, Nguyen Binh Thanh, Hoang Thi Anh Dao, and Le Thi Le Hang to join “Bloc 8406”, form the “Vietnam Progression Party” and “coalition Lac Hong”, assist Nguyen Van Ly in composing and compiling many materials having the tenor of distortion of the policies and laws of the government using numerous computers connected to the Internet in Ly’s and accomplices’ rooms for the purpose of propagandizing against the government of SRVN. Thus, the accused in this case must accept their responsibility as follows:

....

Decision

The accused Nguyen van Ly is sued before the people's court of the province Thua-Thien-Hue because of "propaganda against the government of the SRVN" according to Article 88, paragraph a, c point 1 of the Penal Code. The accused Nguyen Phong, Nguyen Thanh are sued because of "propaganda against the government of the SRVN" according to Article 88, paragraph c point 1 of the Penal Code.

It is added to the indictment:

The process documents with ... sheets, they are numbered from 1 to ...

THE PRESIDENT OF THE PEOPLE'S PROCURACY OF THUA THIEN HUE

(Signature and stamp)

Hoàng Trọng Khâm

Receivers:

- VKSNDTC (Vụ 2,3);
- VKSPT in Đà Nẵng;
- HSPA, HSKS;
- PA24; the accused; archive.

Unofficial Translation

Exhibit F



Photograph of Father Ly being led in handcuffs into the courtroom for his trial on March 30, 2007.

Source: Kay Johnson, *A Show (and Tell) Trial in Vietnam*, Time, Mar. 30, 2007, available at www.time.com/time/world/article/0,8599,1605455,00.html.



Photograph of Father Ly being silenced by police officers during his trial on March 30, 2007.

Source: Widely circulated on the Internet.