

## **Vietnam: Immediately release independent journalist and human rights defender Pham Doan Trang**

Ahead of her upcoming trial on 4 November, the undersigned 28 human rights and freedom of expression organizations today condemn the ongoing arbitrary detention of independent journalist and woman human rights defender Pham Doan Trang. We call on the Vietnamese authorities to immediately and unconditionally release and drop all charges against her. The persecution of Doan Trang and other human rights defenders, including independent writers and journalists, is part of the worsening assault on the rights to freedom of expression and information in Vietnam.



Pham Doan Trang © Paul Mooney

Pham Doan Trang was

arrested more than a year ago in Ho Chi Minh City, on 7 October 2020, and initially charged under Article 88 of the 1999 Penal Code and its successor provision, Article 117 of the 2015 Penal Code, which both criminalize ‘making, storing, distributing or disseminating information, documents and items against the Socialist Republic of Vietnam.’ She is now being charged under Article 88 of the 1999 Penal Code, according to the indictment made public on 18 October 2021.

A month before her arrest, Doan Trang was the subject of a joint communication issued by five UN Human Rights Council Special Rapporteurs (independent experts) responding to mounting harassment against her and other independent writers and journalists. In its December 2020 response, the government of Vietnam denied all allegations of wrongdoing and, without providing evidence, justified Doan Trang’s arrest as a response to her alleged abuse of the internet to overthrow the State.

It is clear that Pham Doan Trang is being persecuted for her long-standing work as an independent journalist, book publisher, and human rights defender, known for writing about topics ranging from environmental rights to police violence, as well as for her advocacy for press freedom. Vietnamese authorities have regularly used Article 88 (and later Article 117) of the Penal Code to punish human rights defenders, independent journalists and writers, and others who have peacefully exercised their human rights.

International human rights experts have repeatedly called on Vietnam to amend the non-human rights compliant provisions of its Penal Code and bring them into line with international law. In 2021, four UN Special Rapporteurs noted that Article 117 is ‘overly broad and appears to be aimed at silencing those who seek to exercise their human right to freely express their views and share information with others.’ In 2019, the UN Human Rights Committee called on Vietnam ‘as a matter of urgency’ to revise vague and broadly formulated legislation, including Article 117, and to end violations of the right to freedom of expression offline and online.

In June 2021, the UN

Working Group on Arbitrary Detention, responding to the detention of an Independent Journalist Association of Vietnam member, pointed to a ‘familiar pattern of arrest that does not comply with international norms, which is manifested in the circumstances of the arrest, lengthy detention pending trial with no access to judicial review, denial or limiting of access to legal counsel, incommunicado detention, prosecution under vaguely worded criminal offences for the peaceful exercise of human rights, and denial of access to the outside world. This pattern indicates a systemic problem with arbitrary detention in Vietnam which, if it continues, may amount to a serious violation of international law.

Since her arrest, Doan

Trang has been held incommunicado, until 19 October 2021, when she was finally allowed to meet with one of her lawyers after having been denied access to her family and legal representation for over a year. Prolonged incommunicado detention is a form of prohibited ill-treatment under international law under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and Article 7 of the International Covenant on Civil and Political Rights (ICCPR), which Vietnam has ratified. As a result of this denial of her rights to a fair trial, liberty, and security, she has faced increased risk of torture and other ill treatment.

On 30 August 2021,

following the conclusion of the police investigation, the Hanoi Procuracy Office issued its formal indictment against Doan Trang. Alarming, her family did not learn of this until more than a month later, on 7 October, and only after having requested information from the authorities. The family and lawyers were again denied visitation. Authorities at the time also refused to provide Doan Trang’s lawyers with a copy of the indictment or access to the evidence they had prepared against her. This undue delay in the proceedings and refusal to grant access to a lawyer of her choosing amounts to a violation of her right to a fair trial under Article 14 of the ICCPR.

According to the

indictment, which was only made public on 18 October—more than a year after her arrest—Doan Trang is being charged under Article 88 of the Penal Code, for alleged dissemination of anti-State propaganda. The authorities dropped the similar charge under Article 117 of the amended Penal Code.

The indictment calls attention to three specific pieces of writing. It mentions a book-length report Doan Trang wrote with Green Trees, an environmental rights group, about the 2016 Formosa Ha Tinh Steel disaster; a 2017 report on the freedom of religion in Vietnam; and an undated article titled ‘General assessment of the human rights situation in Vietnam.’ The indictment also accuses her of speaking with two foreign media, Radio Free Asia and the British Broadcasting Corporation (BBC), to allegedly defame the government of Vietnam and fabricate news. These publications highlight Doan Trang’s vital work as an author, journalist, and human rights defender who has worked tirelessly for a more just, inclusive, and sustainable Vietnam. Her peaceful activism should be protected and promoted, not criminalized, in line with the UN Declaration on Human Rights Defenders, the undersigned organizations said.

The use of human rights reports as evidence in a criminal prosecution sends a chilling message to civil society against engagement in human rights documentation and advocacy, and increases the risk of self-censorship. In light of the fact that Doan Trang’s report on Formosa was also part of direct advocacy with the UN Special Rapporteur on toxics and human rights in 2016, its inclusion as evidence against her may constitute an act of intimidation and reprisal for cooperation with the UN and consolidate an environment of fear, as already noted by several UN actors.

Ahead of her 4 November

2021 trial, Doan Trang was only granted her first meeting with her lawyer on 19 October 2021. While the lawyer noted Doan Trang’s overall positive attitude, he also recounted several serious medical concerns. Doan Trang’s legs, which were broken by the police in 2015, have been in greater pain as a result of the denial of adequate medical care during her detention. She has not been allowed to visit a doctor to treat other preexisting conditions, including low blood

pressure, and as a result she has lost 10 kilograms.

We denounce this unacceptable denial of her rights to a fair trial and freedom from torture and other cruel, inhuman, or degrading treatment and call for an immediate end to her arbitrary detention, and for all charges against her to be dropped.

### **Doan Trang's background as an independent journalist and human rights defender**

Doan Trang is among the leading voices and best-known independent writers in Vietnamese civil society and recognized internationally for her human rights advocacy. She is the author of thousands of articles, blog entries, Facebook posts, and numerous books about politics, social justice, and human rights.

She is the co-founder of the environmental rights group Green Trees, and the independent media outlets *Luat Khoa Magazine*, *The Vietnamese Magazine*, and the Liberal Publishing House. Doan Trang is the recipient of the 2017 Homo Homini Award presented by Czech human rights organization People in Need and the 2019 Reporters Without Borders Press Freedom Award Prize for Impact. In 2020, the International Publishers Association awarded her organization, the Liberal Publishing House, with their Prix Voltaire Award.

Pham Doan Trang is no stranger to harassment and intimidation by the State for her writing and human rights advocacy. This has included torture and other ill-treatment, including physical assault. In 2015, she was beaten so badly by security forces that she was left disabled and has since often needed crutches to aid her mobility. In 2018, she was hospitalized after being subjected to torture in police custody. For three years preceding her arrest, she was forced to move constantly and

lived in fear of intimidation and harassment by police and other State authorities.

**In view of the  
above, we call on the government of Vietnam to:**

- Immediately and unconditionally release and drop all charges against Pham Doan Trang and all other human rights defenders currently imprisoned solely for the peaceful exercise of their human rights and fundamental freedoms.
  
- Pending her immediate and unconditional release, guarantee humane treatment and conditions, and ensure prompt access to medical attention.
  
- Guarantee Doan Trang unrestricted access to and regular communication with her family and confidential access to legal assistance of her choosing.
  
- Ensure that her chosen lawyers are promptly provided with timely access to all relevant legal documentation and granted unrestricted communication and access in confidentiality with Doan Trang and adequate time and facilities to prepare for her defense.
  
- Ensure the trial is open to the public, including diplomatic and human rights civil society observers and the media, and refrain from any arbitrary restriction on travel or interference of trial observers, media, and civil society preceding and during the trial.

· Repeal or substantially amend the Penal Code and other non-human rights compliant legislation, used to harass and imprison individuals—including independent journalists and human rights defenders—for the exercise of their fundamental rights, and bring them in conformity with the International Covenant on Civil and Political Rights to which Vietnam has been a State Party since 1982, and other applicable international law and standards.

## **Signatories**

Access Now

ALTSEAN-Burma

Amnesty International

ARTICLE 19

Asia Democracy Chronicles

Asia Democracy Network

Asian Forum for Human Rights and Development (FORUM-ASIA)

Boat People SOS (BPSOS)

CIVICUS: World Alliance for Citizen Participation

Committee to Protect Journalists

Defend the Defenders

FIDH - International Federation for Human Rights, within the framework of the Observatory for the Protection of Human Rights Defenders

Front Line Defenders

Green Trees

Human Rights Watch

International Commission of Jurists

International Publishers Association

Legal Initiatives for Vietnam

Open Net Association

PEN America

People in Need

Que Me - Vietnam Committee on Human Rights

Reporters Without Borders

Safeguard Defenders

The 88 Project

**Quê Me**

Quê Me: Action for democracy in Vietnam & Vietnam Committee on Human Rights

<https://queme.org/en/>

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Vietnam Human Rights Network

Vietnamese Women for Human Rights

World Organisation Against Torture (OMCT), within the framework of the

Observatory for the Protection of Human Rights Defenders