

Trial of Doan Van Vuon and family is a travesty of justice

PARIS, 4 April 2013 (VIETNAM COMMITTEE) - The **Vietnam Committee on Human Rights (VCHR)** strongly denounces the grossly flawed legal process and unfair trial of fish farmer Doan Van Vuon and his family which began on 2 April and ends on 5 April in the northern province of Hai Phong. Doan Van Vuon and three male relatives, **Doan Van Quy, Doan Van Sinh** and **Doan Van Ve** are accused of “*murder of persons on public duties*” under Article 93, paragraph 1(d) of the Criminal Code, which carries penalties of up to twenty years in prison, life imprisonment or the death penalty. Doan Van Vuon’s wife and sister-in-law, **Nguyen Thi Thuong** and **Pham Thi Bau** are accused on lesser charges of “*resisting persons in performance of their official duties*”, and risk up to seven years in prison.

“The trial in Hai Phong shows the hypocrisy and fraudulence of both the judicial and political systems in Vietnam” said VCH President Vo Van Ai. ***“Whilst the use of violence cannot be condoned, these farmers face the death penalty for defending land that was rightly their own. Moreover, where else but in Vietnam can citizens be accused of “murder” when there is no dead body to be found!”***

The case of Doan Van Vuon and his family, who used landmines and a shotgun to resist forced eviction from their farm in Tien Lang District in the outskirts of Hai Phong in January 2012 triggered off widespread protests in Vietnam, and became a symbol of deep popular discontent over state confiscations of land. The family had been allocated swamplands in 1993 which they had worked hard to transform into a flourishing fish and shrimp farm. In 2009, the authorities told Doan Van Vuon that they were taking back the land without compensation. On 5 January 2012, some 100 police and soldiers stormed his lands. He and his family resisted, wounding four police officers and two soldiers in the process. The four men have been held in detention, unable to meet their families, since January 2012.

Vo Van Ai enumerated several gross irregularities which invalidate the whole legal process, and called for the immediate release of Doan Van Vuon and his family;

a/ Doan Van Vuon and his three relatives risk the death penalty for murder. **Yet no one was killed in the incident.** On 2 April 2013, the Vietnamese Communist Party’s online newspaper said that the men had been heard to say “*let’s shoot the bastards*” as the Police sought to evict them. ***“Although they did not realize their plan, this is enough evidence to convict them of murder”***, the VCP official paper said. This is a gross violation of the Criminal

Procedures Code, which requires the prosecution to produce tangible evidence of the crime (Article 10);

b/ In January 2012, Prime Minister Nguyen Tan Dung commissioned an inquiry into the incident. Based on the finding of the report, he concluded that *“the decision to take back the land and the forced eviction of the farm were both illegal”*. The Prime Minister also declared that the destruction of Doan Van Vuon’s home was illegal. Doan Van Vuon was thus legitimately defending his property, and the case against him should have been dropped;

c/ The criminal investigation was confided to the Hai Phong local authorities and Security Police, the very state organs who were accused of wrong conduct during the eviction. Indeed, the head of the Tien Lang District People’s Committee Le Van Hien and his deputy Nguyen Van Khanh were fired, scores of officials in Hai Phong have been disciplined and five are awaiting trial. This procedural irregularity alone is sufficient to invalidate the whole legal process, as the Criminal Procedures Code stipulates that investigating bodies must be “objective” (Article 10).

Mr. Vo Van Ai called upon the judges at the trial in Hai Phong to ensure that justice is done: ***“The judicial system is not independent in Vietnam. But the judges have the opportunity to prove that they are not mere tools of the Party and state. They should live up to their ethical and legal responsibility and acquit these people who have done nothing other than struggle against injustice and defend their fundamental rights.”***

The case of Doan Van Vuon is but one illustration of a widespread pattern of forced evictions and state land-grabbing in Vietnam. Under Vietnam’s socialist system, *“land is the property of the entire people”*, but it is *“uniformly managed by the State”*. The state thus leases land to the farmers, who are issued with “Land Use Rights Certificates” (LURCs). This system, coupled with endemic official corruption and power abuse has resulted in mass abuses of land rights. Farm lands are increasingly confiscated with little or no compensation to build golf courses and tourist resorts for the rich, leaving the rural population, where three quarters of the population live, in abject poverty. Women are a major victim of this policy, as LURCs are mostly made out in the husbands’ name. After years of work on their husband’s land, many women suddenly find themselves homeless, expropriated without the slightest compensation when their husband dies. Also, if their name is not on the LURC, they cannot obtain loans from the bank.

In recent years, a mass protest movement of dispossessed farmers has formed, many

Quê Me

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

<http://queme.org/en>

of them women, named *Dân Oan* (Victims of Injustice). They march regularly to Hanoi and Ho Chi Minh City to seek a remedy for their grievances, often camping outside government buildings for months. They have filed millions of complains to the local authorities, but few have obtained satisfaction, and many have suffered harassments and detention by Police because of their peaceful protests.