

PETITION TO:

UNITED NATIONS WORKING GROUP ON ARBITRARY DETENTION

Mr Mads Andenas (Norway)

Mr José Guevara (Mexico)

Mr Seong-Phil Hong (Republic of Korea)

Mr Sètondji Roland Adjovi (Benin)

Mr Vladimir Tochilovsky (Ukraine)

HUMAN RIGHTS COUNCIL UNITED NATIONS GENERAL ASSEMBLY

in the matter of

Nguyen Dang Minh Man  
(the "Petitioner")

v.

Government of the Socialist Republic of Vietnam

Petition for Relief Pursuant to Commission on Human Rights Resolutions 1997/50, 2000/36, 2003/31, and Human Rights Council Resolutions 6/4 and 15/1

---

Submitted by:

Media Legal Defence Initiative

The Foundry

17-19 Oval Way

London SE11 5RR

United Kingdom

*This Petition was prepared by students participating in the Freedom of Expression Law Clinic at the University of Zagreb, Faculty of Law, with Media Legal Defence Initiative, Smita Shah, Garden Court Chambers. The project is in collaboration with Programme in Comparative Media Law and Policy (PCMLP), Oxford University.<sup>1</sup>*

---

<sup>1</sup> More information about the Law Clinic can be found at <http://pricemootcourt.socleg.ox.ac.uk/law-clinic/>. More information about Garden Court Chambers can be found at <http://www.gardencourtchambers.co.uk> and about PCMLP at <http://pcmlp.socleg.ox.ac.uk/>.

## EXECUTIVE SUMMARY

The Petitioner requests that the United Nations Working Group on Arbitrary Detention (the “Working Group”) render an Opinion that her arrest and detention amount to arbitrary detention as defined by the Working Group.

The Petitioner is a citizen of the Socialist Republic of Vietnam (“Vietnam”) and is a young freelance photojournalist and human rights activist. The Petitioner’s photography primarily featured peaceful protests and graffiti slogans that were critical of the Vietnamese authorities. On 31 July 2011, the Petitioner was arrested without being presented with a warrant and was detained for over 17 months without trial. On 9 January 2013, the Petitioner was sentenced to eight years of imprisonment and five years of house arrest after a two-day trial.

It is submitted that the Petitioner’s arrest and detention have resulted from the exercise of her right to freedom of expression and freedom of association as guaranteed by Article 19 and Article 22 of the International Covenant for Civil and Political Rights (the “ICCPR”) and enshrined in Article 19 and Article 20 of the Universal Declaration of Human Rights (the “UDHR”). Her arrest and detention, therefore, constitute Category II arbitrary detention as defined by the Working Group. Vietnam has also not complied with norms relating to the Petitioner’s right to a fair trial recognised by Articles 9 and 14 of the ICCPR, and Articles 9 and 10 of the UDHR. As a result, her detention also constitutes Category III arbitrary detention as defined by the Working Group.

Therefore, the Petitioner respectfully requests that the Working Group render an Opinion requesting the Government of Vietnam to terminate her arbitrary detention and bring the situation in conformity with the principles set forth in the ICCPR and UDHR. This request is all the more pressing given the Petitioner’s hunger strike, which commenced on 28 November 2014 to protest the dire conditions of her detention. The Petitioner therefore requests the Working Group to take urgent action on her case.

## BASIS FOR REQUEST

The Petitioner is a citizen of Vietnam, which acceded to the ICCPR on 24 September 1982.<sup>2</sup> By acceding to the ICCPR, Vietnam has explicitly recognised the legally binding nature the principles therein. Vietnam is also bound by those principles of the UDHR which have acquired the status of customary international law.

The Petitioner has been arbitrarily arrested and detained while she was exercising – or in situations connected to the exercise of – her right to freedom of opinion and expression (Articles 19 ICCPR and UDHR), and her right to freedom of association (Article 22 ICCPR and Article 20 UDHR). Furthermore, Vietnam has not complied with the international norms relating to the Petitioner's right to a fair trial (Article 9 and 14 ICCPR and Article 9 and 10 UDHR).

For the reasons stated herein, the Petitioner's arrest and detention violate the fundamental guarantees enshrined in international law and constitute Category II and Category III arbitrary detention as defined by the Working Group.

Therefore, the Petitioner respectfully submits that the Working Group consider this Petition to be a formal request for an Opinion of the Working Group pursuant to Resolutions 1991/42 and 1997/50 of the Commission on Human Rights and Resolution 15/18 of the Committee on Human Rights.

---

<sup>2</sup> UN Treaty Collection, *Chapter IV Human Rights, 4. International Covenant on Civil and Political Rights* (4 December 2014) ("ICCPR"), available at [https://treaties.un.org/pages/ShowMTDSGDetails.aspx?src=UNTSOnline&tabid=1&mtdsg\\_no=IV-4&chapter=4&lang=en#Participants](https://treaties.un.org/pages/ShowMTDSGDetails.aspx?src=UNTSOnline&tabid=1&mtdsg_no=IV-4&chapter=4&lang=en#Participants).

## MODEL QUESTIONNAIRE

Petitioner: Nguyen Dang Minh Man

### I. IDENTITY

Family name	Nguyen
First name	Minh Man Dang
Sex	Female
Birth date or age (at the time of detention)	10 January 1985
Nationality/Nationalities	Vietnamese
Identity document: (a) Issued by  (b) On (date)  (c) No.	a) Tra Vinh Province  b) 9 March 2001  c) CMND 334220020
Profession and/or activity	Freelance photo-journalist
Address of usual residence	511 Nhan thi Kien Street, Bloc 3, District 7, city of Tra Vinh

### II. ARREST

Date of arrest	31 July 2011
Place of arrest	Tan Son Nhat Airport in Ho Chi Minh City
Forces who carried out the arrest or are believed to have carried it out	Security and Investigation Department of the Ministry of Public Security
Did they show a warrant or other decision by a public authority?	No
Authority who issued the warrant or decision	No supporting warrant or decision was shown.
Relevant legislation applied	No supporting documentation was shown, and no legislation was cited upon arrest. However, the police alleged that the Petitioner was involved with Viet Tan.

### III. DETENTION

Date of detention	31 July 2011
Duration of detention	40 months and ongoing
Forces holding the detainee under custody	Ministry of Public Security, Government of the Socialist Republic of Vietnam

Places of detention	<ul style="list-style-type: none"> <li>a) Tan Son Nhat Airport in Ho Chi Minh City, 31 July 2011-2 August 2011.</li> <li>b) Tra Vinh Camp, 2 August 2011.</li> <li>c) B-34 Centre in Saigon, 2 August 2011-12 August 2012.</li> <li>d) B-14 Centre in Hanoi, 12 August 2012-5 January 2013.</li> <li>e) Nghe An, prison camp, 5 January 2013-8 January 2013.</li> <li>f) Camp 5, Yen Dinh, Thanh Hoa rehabilitation camp, 8 January 2013-present.</li> </ul>
Authorities that ordered the detention	<ul style="list-style-type: none"> <li>a) Security Investigation Agency of the Ministry of Public Security issued temporary detention order on 4 August 2011 (2 August 2011 - 5 August 2011).</li> <li>b) Security Investigation Agency of the Ministry of Public Security issued two orders on extension of temporary detention. The first order was issued on 4 August 2011 (5 August 2011 – 8 August 2011). The second order was issued on 8 August 2011 (8 August 2011 – 11 August 2011).</li> <li>c) Supreme People's Procuracy issued detention order on 11 August 2011 (11 August 2011 – 29 November 2011).</li> <li>d) Supreme People's Procuracy issued three orders on extension of detention. The first order was issued on 28 November 2011 (30 November 2011 – 29 March 2012). The second order was issued on 26 March 2012 (29 March 2012 – 26 July 2012). The third order was issued on 25 July 2012 (27 July 2012 – 23 August 2012).</li> <li>e) People's Court of Nghe An Province issued two orders on extension of detention. The first order was issued on 20 September 2012 (20 September 2012 - 5 January 2013). The second order was issued on 28 December 2012 (5 January 2013 – the first instance trial).</li> </ul>

Reasons for the detention imputed by the authorities	The Petitioner was alleged to be an “active participant” in criminal activities aimed at overthrowing the people's administration pursuant to Article 79(1) of the Penal Code of the Socialist Republic of Vietnam.
Relevant legislation applied	Article 79(1) of the Penal Code of the Socialist Republic of Vietnam

#### 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

##### A. Circumstances of the arrest and detention

This section presents an overview of the broader context in which the arrest and detention of the Petitioner took place, introduces her background, and summarises the most relevant facts of her arrest and her detention. We respectfully refer the Working Group to the responses to sections I (Identity), II (Arrest) and III (Detention) of the Model Questionnaire on pages 4-6 of this Petition for additional information in this regard.

A.1 The Petitioner was arrested and detained amidst a climate of restrictions in Vietnam on freedom of expression and association, and the arbitrary persecution of those who seek to exercise these freedoms

The Constitution of the Socialist Republic of Vietnam (the “Constitution”) at the time of the Petitioner’s arrest and detention explicitly recognised the fundamental right to freedom of expression and association. Article 53 of the Constitution stated that;

“[c]itizens have the right to take part in managing the State and society, in debating on general issues of the whole country or of the locality, and make petitions or recommendation to the state offices and vote at any referendum held by the State.”<sup>3</sup>

Article 69 of the Constitution recognised that;

“[c]itizens are entitled to freedom of speech and freedom of the press; they have the right to receive information and the right of assembly, association and demonstration in accordance with the law.”<sup>4</sup>

---

<sup>3</sup> Assembly of the Socialist Republic of Vietnam, *Constitution of the Socialist Republic of Vietnam*, amended by Resolution 51-2001-QH10 of Legislature X of the National Assembly at its 10th Session (25 December 2001) (the “Constitution”), available at <http://www.vietnamlaws.com/freelaws/Constitution92%28aa01%29.pdf>.

<sup>4</sup> *Id.*

The Constitution has undergone a process of revision since the arrest and detention of the Petitioner.<sup>5</sup> The revised Constitution of Vietnam was adopted on 28 November 2013 and came into force on 1 January 2014. Nonetheless, the right to freedom of expression and association is still constitutionally recognised in Vietnam. Article 25 of the Constitution of the Socialist Republic of Vietnam 2013 (the “revised Constitution”) states that;

“[c]itizens have the right to freedom of speech and freedom of the press, and have the right of access to information, the right to assembly, the right to association, and the right to demonstrate. The exercise of those rights shall be prescribed by law.”<sup>6</sup>

The Constitution at the time of the Petitioner’s trial also recognised the existence of an independent judiciary. Articles 129 and 130 of the Constitution recognised that;

“[t]rials at People’s Courts shall be held with the participation of people’s assessors (...) [d]uring trials, judges and people’s assessors are independent and subject only to the law.”<sup>7</sup>

The Constitution also recognised that proceedings in the People’s Courts would be open to the public unless otherwise stipulated by law.<sup>8</sup> These provisions are reflected in the revised wording of the Constitution.<sup>9</sup>

Vietnam has been under the leadership of the Communist Party of Vietnam (the “CPV”) since 1954.<sup>10</sup> Despite its continuing constitutional commitment to freedom of expression and association, the Vietnam government has increasingly suppressed fundamental rights and freedoms, including the right to freedom of opinion and expression. Reports from a broad range of sources, including UN bodies, document a trend of deteriorating human rights protection in the region. Most notably it has been reported that Vietnam has imposed significant limitations on free expression; subjecting pro-democracy and human rights activists to harassment, arbitrary arrest and detention.<sup>11</sup>

This was recognised in the report submitted by the Office of the High Commissioner for Human Rights for Vietnam’s first Universal Periodic Review, in which they quote concerns expressed by the Human Rights Committee expressed its concerns over the prevalence of laws that sought to restrict the right to freedom of expression in Vietnam;

---

<sup>5</sup>Bloomberg, *Vietnam Seeks Constitutional Revision to Support Economic Change* (24 January 2013), available at, <http://www.bloomberg.com/news/2013-01-24/vietnam-seeks-constitutional-revision-to-support-economic-change.html>; ICONnect, *Petition 72: The Struggle for Constitutional Reforms in Vietnam* (28 March 2013), available at <http://www.iconnectblog.com/2013/03/petition-72-the-struggle-for-constitutional-reforms-in-vietnam/>.

<sup>6</sup> Assembly of the Socialist Republic of Vietnam, *Constitution of the Socialist Republic of Vietnam*, adopted by the National Assembly on 28 November 2013, (the “revised Constitution”), available at [http://www.constitutionnet.org/files/final\\_constitution\\_of\\_vietnam\\_2013-english.pdf](http://www.constitutionnet.org/files/final_constitution_of_vietnam_2013-english.pdf), art. 25.

<sup>7</sup> Constitution, art. 129, 130.

<sup>8</sup> *Id.*, art. 131.

<sup>9</sup> Constitution, art. 103.

<sup>10</sup> Constitution, Preamble.

<sup>11</sup> Human Rights Watch, *World Report 2013: Vietnam*, <http://www.hrw.org/world-report/2013/country-chapters/vietnam>.

"[t]he HR Committee was concerned at reports of the extensive limitations on the rights to freedom of expression in the media and the fact that the Press Law does not allow the existence of privately owned media. It recommended Vietnam to put an end to restrictions on freedom of expression and that the press laws should be brought into compliance with article 19 of the ICCPR."<sup>12</sup>

Vietnam has similarly failed to comply with its constitutional principles recognising an independent judiciary, as is clear from the second Universal Periodic Review of Viet Nam which took place in February 2014.<sup>13</sup> The report prepared by the Office of the High Commissioner of Human Rights highlighted concerns with both the persistent lack of judicial independence and increasingly harsh conviction and sentencing of government critics;

"[the United Nations Country Team] stated that the Vietnamese judicial system was marked by a lack of independence of judges. It noted that the overall progress of judicial reform had been slow and lagged behind the legislative changes and the process of simplifying public administrative procedures. Many tasks related to creating enabling conditions for the promotion and protection of human rights as set forth in the judicial reform strategy – such as the introduction of an adversarial system in court adjudication, and the strengthening of independent judicial adjudication – had not yet been sufficiently translated into concrete actions.

(...)

The United Nations High Commissioner for Human Rights expressed deep concern about the conviction and harsh sentencing of some prominent journalists and bloggers, noting this reflected a trend of increasing restrictions on freedom of expression, especially against those who used the Internet to voice their criticisms."<sup>14</sup>

Similarly, the United States Department of State's Human Rights Report 2011 noted that:

"[t]he law provides for the independence of judges and lay assessors, but the CPV controlled the courts at all levels through its effective control of judicial appointments and other mechanisms and in many cases, determined verdicts. As in past years, political influence, endemic corruption, and inefficiency strongly distorted the judicial system. Most, if not all, judges were members of the CPV and chosen at least in part for their

---

<sup>12</sup> Working Group on the Universal Periodic Review, *Compilation Prepared by the Office of the High Commissioner for Human Rights, in accordance with paragraph 15 (B) of the annex to Human Rights Council Resolution 5/1, Viet Nam*, UN Doc. No. A/HRC/WG.6/VNM/2 (16 March 2009), quoting the Committee, *Concluding Observations of the Human Rights Committee for Viet Nam* CCPR/CO/75/VNM (5 August 2002), available at [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/CO/75/VNM&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/CO/75/VNM&Lang=En).

<sup>13</sup> Working Group on the Universal Periodic Review, *Report of the Working Group on the Universal Periodic Review, Viet Nam*, Human Rights Council, 26<sup>th</sup> Sess., UN Doc A/HRC/26/6 (2 April 2014), <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/129/10/PDF/G1412910.pdf?OpenElement>.

<sup>14</sup> Office of the High Commissioner for Human Rights, *Compilation prepared by the Office of the High Commissioner for Human Rights*, Human Rights Council, 18<sup>th</sup> Sess., UN Doc A/HRC/WG.6/18/VNM/2 (7 November 2013), <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/184/45/PDF/G1318445.pdf?OpenElement>, par. 46 and 56.



political views. The party's influence was particularly notable in high-profile cases and other instances in which authorities charged a person with challenging or harming the party or state." <sup>15</sup>

In the Human Rights Watch World Report 2013, it was noted that the Vietnam government also systematically suppressed freedom of association and peaceful assembly. The report noted that:

"Vietnam bans all political parties, labour unions, and human rights organizations independent of the government or CPV. The authorities require official approval for public gatherings and refuse to grant permission for meetings, marches, or protests they deem politically or otherwise unacceptable." <sup>16</sup>

The human rights situation remains unchanged since the adoption of the revised Constitution in 2013. Brad Adams, director of the Human Rights Watch Asia division, has observed that:

"[w]hile proposed amendments were vigorously debated, hard-liners prevailed and the new constitution has tightened the ruling party's grip. Instead of responding to popular demands and international human rights commitments, Vietnam remains a one-party state with a constitution that allows authorities to restrict basic rights on vague grounds whenever it suits them." <sup>17</sup>

In fact, in the Human Rights Watch World Report 2014, it was noted that the human rights situation in Vietnam has worsened since the coming into force of its revised Constitution. It reported that:

"[t]he human rights situation in Vietnam deteriorated significantly in 2013, worsening a trend evident for several years. The year was marked by a severe and intensifying crackdown on critics, including long prison terms for many peaceful activists whose "crime" was calling for political change." <sup>18</sup>

(i) Examples of Vietnam's continuing suppression of freedom of expression and association

As the human rights situation worsens in Vietnam, there have been numerous examples of the government suppressing the right to freedom of expression and association. Independent

---

<sup>15</sup> United States Department of State; Bureau of Democracy, Human Rights and Labor, *Human Rights Report 2011 Vietnam*, available at

[http://www.state.gov/j/drl/rls/hrrpt/2011humanrightsreport/index.htm?dynamic\\_load\\_id=186319#wrapper](http://www.state.gov/j/drl/rls/hrrpt/2011humanrightsreport/index.htm?dynamic_load_id=186319#wrapper); Library of Congress, Federal Research Division, *Country Profile: Vietnam* (December 2005), available at <http://lcweb2.loc.gov/frd/cs/profiles/Vietnam.pdf>.

<sup>16</sup> Human Rights Watch, *World Report 2013: Vietnam*, available at <http://www.hrw.org/world-report/2013/country-chapters/vietnam>.

<sup>17</sup> Human Rights Watch, *Vietnam: Amended Constitution a Missed Opportunity on Rights* (3 December 2013), available at <http://www.hrw.org/news/2013/12/02/vietnam-amended-constitution-missed-opportunity-rights>.

<sup>18</sup> Human Rights Watch, *World Report 2014: Vietnam* (2014), available at <http://www.hrw.org/world-report/2014/country-chapters/vietnam?page=1>.

writers, bloggers and human rights activists have been routinely subject to police harassment, intrusive surveillance, arbitrary detention, and have been sentenced to increasingly long prison terms for violating vague national security laws.<sup>19</sup>

In 2009, the government increased its practice of targeting pro-democracy bloggers and lawyers.<sup>20</sup> In 2010, Human Rights Watch reported that Vietnam had launched a sophisticated and sustained two-pronged attack against online dissent.<sup>21</sup> The government would detain and intimidate independent Vietnamese bloggers, while it would also permit cyber attacks aimed at websites that were critical of the government.<sup>22</sup>

The Vietnamese authorities have often targeted specific individuals and organisations that question government policies, expose official corruption, or call for democratic alternatives to one-party rule. In particular, the government has targeted individuals linked to organisations such as Bloc 8406, the Democratic Party of Vietnam and the Independent Workers' Union of Vietnam and the Vietnam Reform Party (otherwise known as Viet Tan).<sup>23</sup>

The Vietnam government often resorts to vaguely defined criminal offences for the purpose of suppressing these critical voices. Human Rights Watch in its World Report 2013 recognised the widespread reliance on these vaguely defined offences to prosecute those exercising their right to freedom of expression:

“[d]uring 2012, the Vietnam government used vaguely defined articles in the penal code that criminalize exercise of civil and political rights to send at least 33 activists to prison and arrest at least another 34 political and religious advocates. At least 12 other rights campaigners detained in 2011 were still being held, awaiting trial at this writing.”<sup>24</sup>

This policy of using ill-defined offences was similarly recognised by Amnesty International in its Annual Report on the State of the World's Human Rights in 2013. In that report, Amnesty International observed that:

“[L]ong prison terms were handed down to bloggers in an apparent attempt to silence others. They were charged with “conducting propaganda” and aiming to “overthrow” the

---

<sup>19</sup> Human Rights Watch, *World Report 2012: Events on 2011* (2012), available at <http://www.hrw.org/sites/default/files/reports/wr2012.pdf>; Freedom house, *Freedom in the World 2013: Vietnam* (2013), available at <https://freedomhouse.org/report/freedom-world/2013/vietnam#.VIBeZMtybug>.

<sup>20</sup> Human Rights Watch, *World Report, Events of 2009* (2010), available at [http://www.hrw.org/sites/default/files/reports/wr2010\\_0.pdf](http://www.hrw.org/sites/default/files/reports/wr2010_0.pdf).

<sup>21</sup> Human Rights Watch, *Vietnam: Stop Cyber Attacks Against Online Critics* (26 May 2010), available at <http://www.hrw.org/news/2010/05/26/vietnam-stop-cyber-attacks-against-online-critics>

<sup>22</sup> *Id.*

<sup>23</sup> Freedom House, *Countries at the Crossroads 2010: Vietnam*, available at <https://freedomhouse.org/report/countries-crossroads/2010/vietnam#.VIBQGTGsWSo>.

<sup>24</sup> Human Rights Watch, *World Report 2013: Vietnam* (2013) available at <http://www.hrw.org/world-report/2013/country-chapters/vietnam>, p. 3.

government. Dissidents were held in lengthy pre-trial detention, often incommunicado and sometimes beyond the period allowed under Vietnamese law.”<sup>25</sup>

In their submission to the UN Universal Periodic Review in 2014, Amnesty International highlighted the continued use of a number of core offences in the Penal Code that are typically relied on to suppress dissenting opinions.<sup>26</sup> These were, namely, Articles 79 (Activities aimed at overthrowing the people’s administration),<sup>27</sup> 80 (Spying),<sup>28</sup> 87 (Undermining the unity policy),<sup>29</sup> 88 (Conducting propaganda against the Socialist Republic of Viet Nam),<sup>30</sup> 91 (Fleeing abroad or defecting to stay overseas with a view to opposing the people’s administration) and 258 (Abusing democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens).<sup>31</sup>

There have been a number of recent examples of Vietnam’s arbitrary use of these articles to suppress free speech, particularly online. On 27 October 2010, Vi Duc Hoi, a human rights activist, writer and member of Bloc 8406, was arrested and subsequently prosecuted under Article 88 of the Penal Code.<sup>32</sup> It was argued by the Vietnamese authorities that his internet postings advocating human rights and democratic reforms constituted a threat to national security.<sup>33</sup> Vi Duc Hoi was released on 12 April 2014 following international campaigns for his release.<sup>34</sup>

On 24 September 2012, Nguyen Van Hai (otherwise known as Dieu Cay) was sentenced to 12 years in prison pursuant to Article 88 of the Penal Code.<sup>35</sup> Dieu Cay had been an outspoken blogger and co-founder of the independent Free Journalists Network in Vietnam.<sup>36</sup> Through his

---

<sup>25</sup> Amnesty International, *Annual Report 2013: Viet Nam* (2014) available at <http://www.amnesty.org/en/region/viet-nam/report-2013>.

<sup>26</sup> Amnesty International, *Submission to the UN Universal Periodic Review: Vietnam, January–February 2014* (June 2013), available at <http://www.amnesty.org/en/library/asset/ASA41/004/2013/en/ac717d22-5b73-4d3b-98f1-9963230b9842/asa410042013en.pdf>;

<sup>27</sup> Assembly of the Socialist Republic of Vietnam, Penal Code No. 15/1999/QH10 (21 December 1999) (“Penal Code”), art. 79; Working Group on Arbitrary Detention (the “Working Group”), *Communication addressed to the Government on 24 June 2011*, UN Doc. No. 46/2011 (24 June 2011).

<sup>28</sup> Penal Code, art. 80.

<sup>29</sup> *Id.*, Art. 87; Working Group, *Civil and Political Rights, Including the Question of Torture and Detention, Opinions adopted by the Working Group on Arbitrary Detention*, U.N. Doc. No. E/CN.4/2005/6/Add.1 (Nov. 19, 2004), par. 4-7.

<sup>30</sup> *Id.*, art. 88; Working Group, *Communication addressed to the Government on 28 February 2011*, UN Doc. No. 24/2011 (28 February 2011).

<sup>31</sup> *Id.*, art. 258.

<sup>32</sup> Frontline Defenders, *Vietnam: Upcoming trial of detained human rights defender Mr Vi Duc Hoi* (21 January 2011), available at <http://www.frontlinedefenders.org/node/14361>; IFEX, *Two Vietnamese netizens released from prison, 31 others still held* (15 April 2014), available at [http://www.ifex.org/vietnam/2014/04/15/netizens\\_released/](http://www.ifex.org/vietnam/2014/04/15/netizens_released/).

<sup>33</sup> Human Rights Watch, *Vietnam: Free Influential Democracy Activist* (22 April 2011), available at <http://www.hrw.org/news/2011/04/22/vietnam-free-influential-democracy-activist>.

<sup>34</sup> Vietnam Right Now, *Two political prisoners released early* (13 April 2014), available at <https://www.vietnamrightnow.com/two-political-prisoners-released-early/>.

<sup>35</sup> BBC News Asia, *Vietnam jails dissident bloggers* (24 September 2012), available at <http://www.bbc.co.uk/news/world-asia-19697905>.

<sup>36</sup> Radio Free Asia, *Jailed Blogger Loses Arm* (27 July 2011), available at <http://www.rfa.org/english/news/vietnam/blogger-07272011172815.html>.

blog, Yahoo 360, he called for an end to injustice and corruption in Vietnam.<sup>37</sup> He was also one of the first Vietnamese bloggers to write about the territorial dispute between China and Vietnam over the Paracel and Spratly islands.<sup>38</sup> Dieu Cay was released on 21 October 2014 after sustained international pressure for his release, but only on the condition that he left the country immediately. He was driven straight from prison to the airport and now resides abroad.<sup>39</sup>

Dieu Cay was sentenced alongside two co-defendants. One of his co-defendants was Ta Phong Tan, a Vietnamese Blogger whose articles had been published accross the globe. Ta Phong Tan was sentenced to 10 years imprisonment pursuant to Article 88 of the Penal Code.<sup>40</sup> The Vietnamese authorities sought to punish her for using her own experience as a police officer in Vietnam to expose police abuses, corruption and abuses of power.<sup>41</sup> Ta Phong Tan remains in prison, and was awarded the US Government's 2013 International Women of Courage award in absentia.<sup>42</sup>

On 30 May 2011, seven land rights activists<sup>43</sup> were arrested and prosecuted under Article 79 of the Penal Code for acts aimed at "overthrowing the government".<sup>44</sup> The charges that were brought against them were based on their association with Viet Tan. The prosecution also relied on the fact that they had produced and disseminated signs bearing the "HS.TS.VN" logo, which stood for "Hoang Sa, Truong Sa, Vietnam". This is roughly translated as "Paracel and Spratly Islands belong to Vietnam". The petitioners had been sentenced to between two and eight years in prison.<sup>45</sup> The trial lasted only a day, without a legal representative or access to their case file.<sup>46</sup> The Working Group found that their arrest and detention amounted to Category II and III arbitrary detention.<sup>47</sup>

---

<sup>37</sup>Global Voices Advocacy, *Free Blogger Dieu Cay* (22 October 2010), available at <http://advocacy.globalvoicesonline.org/2010/10/22/free-blogger-dieu-cay>.

<sup>38</sup>Radio Free Asia, *Jailed Blogger Loses Arm* (27 July 2011), available at <http://www.rfa.org/english/news/vietnam/blogger-0727201172815.html>;  
Global Voices Advocacy, *Free Blogger Dieu Cay* (22 October 2010), available at <http://advocacy.globalvoicesonline.org/2010/10/22/free-blogger-dieu-cay>.

<sup>39</sup> Amnesty International, *Vietnamese blogger Dieu Cay released*, available at <http://www.amnesty.ca/our-work/good-news/vietnamese-blogger-dieu-cay-released>.

<sup>40</sup> Amnesty International, *Urgent Appeal: Bloggers Sentenced to Prison in Vietnam* (4 October 2012), available at [http://www.amnestyusa.org/sites/default/files/uaa13211\\_1.pdf](http://www.amnestyusa.org/sites/default/files/uaa13211_1.pdf).

<sup>41</sup> PEN America, *Ta Phong Tan, Vietnam* (4 December 2014), available at <http://www.pen.org/defending-writers/ta-phong-tan>.

<sup>42</sup> Democratic Voice of Vietnam, *Ta Phong Tan honored by Michelle Obama with 2013 International Women of Courage Award*, (12 March 2013), available at <http://dvov.org/2013/03/12/ta-phong-tan-honored-by-michelle-obama-with-2013-international-women-of-courage-award/>.

<sup>43</sup> Tran Thi Thuy, Pham Ngoc Hoa, Pham Van Thong, Duong Kim Khai, Cao Van Tinh, Nguyen Thanh Tam and Nguyen Chi Thanh.

<sup>44</sup>Working Group, *Communication addressed to the Government concerning Tran Thi Thuy, Pham Ngoc Hoa, Pham Van Thong, Duong Kim Khai, Cao Van Tinh, Nguyen Thanh Tam and Nguyen Chi Thanh*, Opinion no. 46/2011 (24 June 2011), [http://unwgadatabase.org/un/Document.aspx?id=2798&terms=\(+Viet+Nam+\)](http://unwgadatabase.org/un/Document.aspx?id=2798&terms=(+Viet+Nam+)).

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

On 9 January 2013, 14 individuals<sup>48</sup> were charged and sentenced under Article 79 of the Penal Code.<sup>49</sup> This was deemed the largest subversion case to have taken place in Vietnam for a number of years.<sup>50</sup> The Petitioner was one of those sentenced. The defendants were human rights activists, bloggers, land rights activists and people who had been involved supporting poor people and people with disabilities.<sup>51</sup> A number of the defendants, not including the Petitioner, filed a petition with the Working Group. The Working Group found that their detention constituted Category II and III arbitrary detention.<sup>52</sup> One of those detained, Dang Xuan Dieu, also remains in prison and has reportedly been forced to sleep and eat next to his excrement, denied access to food and clean water, and has been subjected to humiliating treatment and torture.<sup>53</sup>

The Vietnam government's mounting attacks against those who wish to exercise their right to freedom of expression and association have resulted in Vietnam dropping significantly in press freedom rankings. On 11 November 2013, a report published by PEN America recorded that there were 28 women still in prison in Vietnam for using digital media. This number was greater than any other country in the world.<sup>54</sup> The Reporters Without Borders' World Press Freedom Index 2014 ranks Vietnam as number 174 out of 180 countries surveyed in terms of press freedom.<sup>55</sup> Vietnam is also named as one of Reporters Without Borders' "Enemies of the Internet" because of their continued use of criminal law to suppress online speech, including Articles 79 and 88 of the Penal Code.<sup>56</sup>

(ii) Examples of Vietnam's failure to abide by internationally recognised standards of fairness and due process in its judicial procedures

With regard to Vietnam's criminal justice system, Vietnam has failed to comply with international standards recognising the right to a fair trial. This is despite the fact that an

---

<sup>48</sup> Dang Xuan Dieu, Dang Ngoc Minh, Ho Duc Hoa, Ho Van Oanh, Le Van Son, Nguyen Dang Minh Man, Nguyen Dang Vinh Phuc, Nguyen Dinh Cuong, Nguyen Van Duet, Nguyen Van Oai, Nguyen Xuan Oanh, Nong Hung Anh, Thai Van Dung, and Tran Minh Nhat.

<sup>49</sup>The New York Times, *Activists Convicted in Vietnam Crackdown on Dissent* (9 January 2013), available at [http://www.nytimes.com/2013/01/10/world/asia/activists-convicted-in-vietnam-crackdown-on-dissent.html?\\_r=1&](http://www.nytimes.com/2013/01/10/world/asia/activists-convicted-in-vietnam-crackdown-on-dissent.html?_r=1&).

<sup>50</sup>*Id.*

<sup>51</sup>Article 19, *"Vietnam: Jailing of thirteen pro-democracy activists is an abuse of fundamental rights"* (9 January 2013), available at <http://www.article19.org/resources.php/resource/3578/en/vietnam:-jailing-of-thirteenpro-democracy-activists-is-an-abuse-of-fundamental-rights#sthash.QEBcvuum.dpuf>

<sup>52</sup> Working Group, *Opinion 26/2013 Communication addressed to the Government on 8 October 2012 concerning Francis Xavier Dang Xuan Dieu, Peter Ho Duc Hoa, John the Baptist Nguyen Van Oai, Anthony Chu Manh Son, Anthony Dau Van Doung, Peter Tran Huu Duc, Paulus Le Van Son, Hung Anh Nong, John the Baptist Van Duet, Peter Nguyen Xuan Anh, Paul Ho Van Oanh, John Thai Van Dung, Paul Tran Minh Nhat, Mary Ta Phong Tan, Vu Anh Binh Tran, Peter Nguyen Dinh Cuong* (26-30 August 2013).

<sup>53</sup> IFEX, *Life of Vietnamese activist in danger due to gross mistreatment in prison* (28 October 2014), available at [https://www.ifex.org/vietnam/2014/10/28/dang\\_xuan\\_dieu/](https://www.ifex.org/vietnam/2014/10/28/dang_xuan_dieu/).

<sup>54</sup> PEN America, *Digital Freedom Spotlight: Ta Phong Tan* (11 November 2013), available at <http://www.pen.org/infographic/infographic-ta-phong-tan>.

<sup>55</sup> Reporters Without Borders, *Press Freedom Index 2014*, available at <http://rsf.org/index2014/en-index2014.php>.

<sup>56</sup> Reporters Without Borders, *Vietnam Targeting Bloggers* (10 March 2014), available at <http://12mars.rsf.org/2014-en/2014/03/10/vietnam-targeting-bloggers/>.

independent judiciary, that is subject only to the law, is a constitutionally recognised principle in Vietnam.

On 2 October 2013, Le Quoc Quan, a human rights lawyer and blogger, was sentenced to 30 months imprisonment following a trial that had been undermined by significant elements of procedural unfairness.<sup>57</sup> The court ordered that the trial was to take place in public, however only a small number of foreign diplomats were allowed to observe the proceedings through a television screen. No independent journalists were allowed to enter the courtroom for the duration of the trial.<sup>58</sup>

Freedom House has noted that many trials relating to freedom of expression cases last only a few hours.<sup>59</sup> Nonetheless, this is further undermined by the lack of any truly independent or impartial judiciary in Vietnam. The US Department of State has been particularly critical of the politicisation of the judicial process and the impact this has on the right to a fair trial in Vietnam. In its Human Rights Report on Vietnam in 2013, the US Department of State noted that the CPV controls the courts at all levels. This has distorted the judicial system by increasing political influence, endemic corruption, and inefficiency.<sup>60</sup> Many lawyers have complained that this politicisation has often resulted in judges presuming the guilt of the accused.<sup>61</sup>

In its World Report 2014, Human Rights Watch recognised the procedural unfairness that pervades the criminal justice system in Vietnam:

“[v]ietnamese courts lack the independence and impartiality required by international law. Where the party or government has an interest in the outcome of a case, they—not the facts and the law—dictate the outcome. Trials are often marred by procedural and other irregularities that go along with achieving a politically pre-determined outcome.”<sup>62</sup>

This is particularly true when criminal prosecutions are being taken against those who are critical of the government. Amnesty International, in its submission to the UN Universal Periodic Review in 2014, observed that the trials of human rights activists are often prone to unfairness and procedural irregularities:

“[t]rials of peaceful activists are falling short of international standards of fairness. There is no presumption of innocence, a lack of effective defence and no opportunity to call

---

<sup>57</sup> Frontline Defenders, *Vietnam: Update – Human rights defender Mr Le Quoc Quan sentenced to 30 months' imprisonment* (7 October 2013), available at <http://www.frontlinedefenders.org/node/23982>.

<sup>58</sup> International Commission of Jurists, *Vietnam: Le Quoc Quan did not receive fair trial* (2 October 2013), available at <http://www.icj.org/vietnam-le-quoc-quan-did-not-receive-fair-trial/>.

<sup>59</sup> Freedom House, *Freedom of the press 2013: Vietnam* (2013), available at <https://www.freedomhouse.org/report/freedom-press/2013/vietnam#.VH7xhTGsWSo>.

<sup>60</sup> United States Department of State: Bureau of Democracy, *Vietnam 2012 Human Rights Report* (2012), available at <http://www.state.gov/documents/organization/204463.pdf>, p. 9.

<sup>61</sup> *Id.*, p. 10.

<sup>62</sup> Human Rights Watch, *World Report 2014: Vietnam* (2014), available at <http://www.hrw.org/world-report/2014/country-chapters/vietnam?page=1>.



witnesses. Attempts by defendants to make statements in court are often cut short. Judgements appear to be decided beforehand and trials commonly last only a few hours.”<sup>63</sup>

Therefore, the Vietnamese judiciary has been consistently criticised for its inability to abide by internationally recognised norms on the right to a fair trial.

A.2 The Petitioner is a young photojournalist who publishes photographs of protests and graffiti

The Petitioner was born 10 January 1985 in Vinh Long City, Vinh Long Province, Vietnam. On 19 April 1989, when she was only four years old, she left Vietnam with her family and stayed in a refugee camp run by the United Nations High Commission for Refugees in Thailand.<sup>64</sup> In October 1996, she returned to Vietnam and started her education. She finished high school by 2006 and continued her education at the Pharmacy School in Tra Vinh Province.

Shortly before her arrest, the Petitioner became a photojournalist and utilised her photography skills to promote human rights and social justice. The Petitioner primarily worked for a Vietnamese radio station, Radio Chan Troi Moi (Radio New Horizon), as a freelance photojournalist. Her photos were also used by overseas media outlets for the purpose of reporting issues in Vietnam.<sup>65</sup> Her work was also published on her own Facebook page. Through her photo-journalistic activities she would report on issues and events not covered by the state-run media in Vietnam. By publishing her photography online, the Petitioner provided an alternative news source for those inside and outside of Vietnam.

The Petitioner was particularly critical of China's annexation of the Paracel and Spratlys islands which were claimed by Vietnam. The Paracel and Spratly islands dispute was a much-debated subject in Vietnam and a trend had developed of writing the “HS.TS.VN” slogan on buildings across Vietnam in protest. Many Vietnamese citizens resorted to spraying graffiti as a way of spreading awareness of the Paracel and Spratlys dispute and promoting open public debate and discussion on its annexation. Between April 2010 and July 2011, the Petitioner photographed this graffiti as a way of further fuelling public debate on the issue.

The Petitioner would also travel to places where political protests and civil unrest occurred, photograph those events and publish the photos online.<sup>66</sup> For example, on 5 June 2011 she took pictures of the anti-China protests in Ho Chi Minh City. The Petitioner was never a participant in protests or demonstrations, other than as a photographer. Her photo-journalistic work was a form of activism in itself. Her contribution to journalism has subsequently been recognised by the Assembly of Delegates of PEN International.<sup>67</sup>

---

<sup>63</sup>Amnesty International, *Submission for the UN Universal Periodic Review 18 th session of the UPR Working Group, January-February 2014* (June 2013), available at <http://www.refworld.org/pdfid/52f2051b4.pdf>.

<sup>64</sup>Communication with defence team.

<sup>65</sup>*Id.*

<sup>66</sup>*Id.*

<sup>67</sup> PEN International, *Vietnam: The Assembly of Delegates of PEN International, meeting at its 79th World Congress in Reykjavik, Iceland, 9th to 13th September 2013*, available at <http://www.pen-international.org/wp-content/uploads/2013/09/Viet-Nam.pdf>.

### A.3 The Petitioner was detained without legal justification and in a manner that violates international law

On 31 July 2011, the Petitioner was arrested by plain-clothed policemen at Tan Son Nhat Airport in Ho Chi Minh City. The policemen did not present a warrant but only verbally stated the reason and need for temporary arrest as being that the Petitioner was involved with Viet Tan, an organisation that is banned by the Vietnam government.<sup>68</sup> The Petitioner was kept in an isolated room for two days and questioned each day for a number of hours by four or five interrogators in the absence of any legal representation.<sup>69</sup>

Despite the fact that the Petitioner has been detained since her arrest on 31 July 2011, the first official document recognising her arrest was issued on 2 August 2011 and that was deemed to be the official starting date of her temporary detention thereafter.<sup>70</sup> On 2 August 2011, the Petitioner's home was searched and a number of items were confiscated by the police, including her camera and other photojournalistic materials.

Following the search of her home, the Petitioner was brought to Tra Vinh Camp for a few hours. She was then moved to the B-34 Centre in Ho Chi Minh City, a prison that is primarily used to detain political prisoners. It is located in the south of Vietnam.<sup>71</sup> The centre was hot and humid, and it had minimal sanitation. The Petitioner was detained here for a 12-month period.

On 12 August 2012, the Petitioner was moved to B-14 Centre in Hanoi, located in the far north of Vietnam.<sup>72</sup> This was for a five-month period prior to the Petitioner's trial. This transfer made it harder for her family to visit her since they live in Tra Vinh city in the southern part of Vietnam.

The Petitioner had been detained for over 16 months before the "decision to go to trial" was formally issued on 17 December 2012.<sup>73</sup> The Petitioner's offence was deemed to be a serious threat to national security and therefore she had not been granted bail prior to her trial. During this period the authorities managed to gather sparse pieces of evidence to secure a conviction against the Petitioner. The authorities mainly relied on her alleged membership of Viet Tan, participation in three seminars held in Thailand and two in Cambodia on "non-violent methods" of struggle, and the writing of slogan "HS.TS.VN" on a building.<sup>74</sup>

---

<sup>68</sup> Communication with defence team.

<sup>69</sup> *Id.*

<sup>70</sup> Annex I, Arrest and Search Report, 2 August 2011.

<sup>71</sup> Annex II, Decision to Extend the Temporary Detention, 4 August 2011; Annex III, Decision to Extend Temporary Detention, 8 August 2011; Annex IV, Order to Temporary Detain, 10 August 2011; Annex V, Decision Detention Extension, 28 November 2011; Annex VI, Decision Detention Extension, 26 March 2012; Annex VII, Order to Temporary Detain, 25 July 2012. These Decisions and Orders all refer to the Petitioner being detained in B-34 Centre.

<sup>72</sup> Annex IX, Order of Temporary Detention, 20 September 2012; Annex XI, Order of Temporary Detention, 28 December 2012.

<sup>73</sup> Annex X, Decision to go to Trial, 17 December 2012.

<sup>74</sup> Annex XII, Judgment (Translation), 9 January 2013.



On 5 January 2013, the Petitioner and 13 co-defendants were transferred separately to Vinh City during the night to avoid publicity. The Petitioner's trial was held 8 and 9 January 2013 in Vinh City, Nghe An Province, almost a year and a half after her arrest.<sup>75</sup> Even though there were 14 co-defendants, the trial itself only lasted two days. The government sent over 1200 policemen with armoured vehicles to barricade Vinh City for the duration of the trial to prevent foreign observers and journalists from accessing the courtroom.<sup>76</sup> This was despite the fact that the "decision to go to trial" clearly stated that the trial was to be held in public. Police even temporarily detained and manhandled a number of bloggers who attempted to attend the trial.<sup>77</sup> The courtroom itself was filled with police officers, while international journalists and observers were refused access.<sup>78</sup>

The Petitioner's father was dissuaded by a local police inspector from seeking legal support or representation for his daughter. On the morning of the trial the Petitioner was appointed a public legal representative.<sup>79</sup> This was the first time since her arrest that the Petitioner was offered any legal representation. However, she refused his service due to lack of time to prepare the defence, as well as lack of trust that her interests would be properly represented by the public legal representative.<sup>80</sup>

The Petitioner was given five minutes to address the judge during her trial. She could only answer questions put to her with "yes" or "no" answers. If the Petitioner tried to say any more she would be gagged by court officers.<sup>81</sup> The Petitioner was also not allowed to summon or examine her own witnesses. The Petitioner and her co-defendants experienced technical difficulties with their microphones during the course of the hearing, while the Prosecution's microphones worked without disruption.<sup>82</sup>

The judgment was handed down on 9 January 2013; the Petitioner was sentenced to eight years imprisonment and five years house arrest.<sup>83</sup> The Petitioner was sentenced as an "active participant" in committing "criminal activities aimed at overthrowing the people's administration pursuant to Article 79(1) of the Penal Code. The judgment made reference to the Petitioner's photojournalism, most notably her photographs of HS.TS.VN graffiti and the anti-China protest in Ho Chi Minh City. The judgment accused the Petitioner of being a member of Viet Tan, and accused her of distributing her photographs to the organisation. The judgment also referred to the non-violent and peaceful methods of Viet Tan.<sup>84</sup> The Petitioner did not appeal as she was warned that if she filed an appeal she would risk an additional six months detention.

---

<sup>75</sup> *Id.*

<sup>76</sup> Communication with defence team.

<sup>77</sup> Human Rights Watch, *Vietnam: Release Convicted Activists* (9 January 2013), available at <http://www.hrw.org/news/2013/01/09/vietnam-release-convicted-activists>.

<sup>78</sup> *Annex XIV*, Photograph Taken at the Petitioner's Trial, 8/9 January 2013..

<sup>79</sup> Communication with defence team.

<sup>80</sup> *Id.*

<sup>81</sup> Communication with defence team.

<sup>82</sup> *Id.*

<sup>83</sup> *Annex XII*, Judgment (Translation), 9 January 2013, page 20.

<sup>84</sup> Communication with defence team.

The Petitioner remains detained in Camp 5, Yen Dinh, Thanh Hoa rehabilitation camp, where she is forced to do physical labour.<sup>85</sup> Even though political prisoners are detained alongside other prisoners, the prison authorities attempt to maintain an environment that ensures the social isolation of political prisoners. If prisoners are seen to be developing a friendly relationship with the Petitioner, they would be called to the prison office and would be issued with a warning. “Moles” are also frequently used to pass information on to prison officers. This can heighten the sense of paranoia and fear during detention.

Furthermore, the Petitioner has recently been subjected to near-solitary confinement for unknown reasons. On 16 November 2014, the Petitioner and three other female prisoners were transferred to the “disciplinary zone” of the detention site, a newly constructed building with walls consisting of three layers of concrete and a locked gate. The innermost zone of this building is wired, as one would see in high-security detention facilities. Minh Man and the three other detainees are being kept in rooms with two prisoners each for 24 hours per day, seven days per week. This treatment led to the Petitioner going into hunger strike on 28 November 2014 in protest against the unfair treatment she was experiencing in detention. The Petitioner was able to alert her family of this during a five-minute, monitored phonecall on 5 December 2014. In light of the deteriorating treatment the Petitioner is suffering, and her precarious health condition, it is of utmost importance that the Petitioner be released from detention without delay.

## B. Reasons why the arrest and detention are arbitrary

The arrest and detention are arbitrary as they fall within Categories II and III arbitrary detention as articulated by the Working Group. The following section details the reasons that arrest and detention are arbitrary by category, addressing each category in turn. It is noted that Vietnam is a party to the ICCPR; consequently this Petition sets out the various ICCPR articles that Vietnam has breached as a result of its treatment of the Petitioner. The Petition also notes that Vietnam has breached principles of customary international law reflected in the UDHR.

B.1 The detention of the Petitioner constitutes Category II arbitrary detention because her deprivation of liberty results from the exercise of her right to freedom of opinion and expression (Article 19 ICCPR, Article 19 UDHR)

Although the charges against the Petitioner relate to her alleged involvement in Viet Tan and the spraying of graffiti on a public school, it is submitted that, given the ongoing trend of Vietnam detaining bloggers and human rights activists who are critical of the political regime (see above A.1), and also due to the Petitioner’s background as a photo-journalist and human rights activist (see above under A.2), the real purpose of the arrest and detention is to punish the Petitioner for exercising her rights under Article 19 ICCPR and to deter others from doing so. This point is exemplified by the fact that a number of her photo-journalistic materials were confiscated

---

<sup>85</sup> Annex XIII, Decision – Execution Imprisonment, 21 February 2013.

following her arrest and not returned. Furthermore, her arrest occurred less than two months after her work on the anti-China protest in Ho Chi Minh City.

The right to freedom of expression is a fundamental right guaranteed by Article 19 of the ICCPR and enshrined in Article 19 of the UDHR. Furthermore, it is a right that can only be restricted under very limited circumstances. The Human Rights Committee (the “Committee”) has stated that freedom of opinion and expression are “indispensable conditions for the full development of the person. They are essential for any society.”<sup>86</sup> The Committee has also recognised that freedom of expression is a necessary condition for the realisation of the principles of transparency and accountability which are, in turn, essential for the promotion and protection of human rights.<sup>87</sup>

All forms of opinion are protected by Article 19(1) of the ICCPR. This includes those views which are critical of a political power or regime.<sup>88</sup> The right to freedom of opinion is absolute and cannot be derogated from in any circumstance.<sup>89</sup> The Committee has stated that it is incompatible with Article 19(1) of the ICCPR to criminalise the holding of an opinion or to intimidate, arrest or detain an individual for reasons of the opinions they may hold.<sup>90</sup>

Article 19(2) of the ICCPR explicitly recognises that “[e]veryone shall have the right of freedom of expression; this right includes freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in form of art, or through any media of their choice.”<sup>91</sup> According to the Committee, the right of freedom of expression includes the right to seek, receive and impart “all forms of audio-visual as well as electronic and internet-based modes of expression”,<sup>92</sup> including images.<sup>93</sup> Therefore, the journalistic activities of bloggers and photojournalists are encompassed within the breadth of the protection of freedom of expression in Article 19(2) of the ICCPR.<sup>94</sup>

Furthermore, the right of freedom of expression includes the expression and receipt of communications of every form of idea and opinion capable of transmission to others.<sup>95</sup> The Committee has acknowledged that:

“[t]he free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. This implies a free press and other media able to comment on public issues without censorship or restraint

---

<sup>86</sup> UN Human Rights Committee (the “Committee”), General Comment No. 34, Article 19: Freedoms of opinion and expression, UN Doc. No. CCPR/C/GC/34 (12 September 2011) (“General Comment No. 34”), par. 2.

<sup>87</sup> *Id.*, par. 3.

<sup>88</sup> *Id.*, par. 42.

<sup>89</sup> *Id.*, par. 5.

<sup>90</sup> *Id.*, par. 9.

<sup>91</sup> ICCPR, art. 19(2); UN General Assembly, *Universal Declaration of Human Rights*, adopted on December 10, 1948, art. 19.

<sup>92</sup> General Comment No. 34, par. 12.

<sup>93</sup> *Id.*

<sup>94</sup> UNHRC, *Movlonov et. al. v. Uzbekistan*, , Communication No. 1334/2004, U.N. Doc. CCPR/C/95 (2009).

<sup>95</sup> General Comment No. 34, par. 11.

and to inform public opinion. The public also has a corresponding right to receive media output.”<sup>96</sup>

Therefore, the right to freedom of expression includes the right to disseminate journalistic material that is critical of the government or the political regime either online or through the traditional press.<sup>97</sup>

The Petitioner was arrested whilst pursuing a career as a freelance photo-journalist whose work was often critical of government policy. When the Petitioner was charged, one of the activities listed in her indictment was her photo-journalistic work.<sup>98</sup> Her photo-journalism often gave publicity to contested political issues such as land seizures and China’s annexation of the Paracel and Spratlys islands. The judgment handed down by the People’s Court made reference to Minh Man’s photography, including those of the “HS.TS.VN.” slogan and the anti-China march in Ho Chi Minh City. By criminalising such activity, the Vietnamese authorities have sought to punish the Petitioner for legitimately exercising her right to freedom of expression and opinion as recognised by Article 19 ICCPR and Article 19 UDHR, and to deter others from doing so. This is consistent with the government’s wider attempts to suppress independent journalists, bloggers, and opposition activists who have been critical of the political regime. Such activity clearly constitutes a restriction of Article 19 of the ICCPR.

The right to freedom of expression may legitimately be restricted, but only in limited circumstances prescribed by Article 19(3) of the ICCPR. However, the Committee observed that:

“[p]aragraph 3 may never be invoked as a justification for the muzzling of any advocacy of multi-party democracy, democratic tenets and human rights. Nor, under any circumstance, can an attack on a person, because of his exercise of his or her freedom of opinion or expression, including such forms of attack as arbitrary arrest [...] be compatible with article 19.”<sup>99</sup>

Restrictions on the right to freedom of expression must be provided by law and strictly necessary for either respecting the rights or reputations of others, or for the protection of national security, public order, or public health and morals.<sup>100</sup>

The Committee has stated that for a restriction to be “provided by law” that law has to attain a level of certainty that ensures that it does not confer unfettered discretion for the restriction of freedom of expression. The Committee also recognised that the law;

“must be formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly (...).”<sup>101</sup>

---

<sup>96</sup> *Id.*, par. 18.

<sup>97</sup> Committee, *Marques de Moraes v. Angola*, Communication No. 1128/2002, U.N. Doc. CCPR/C/83/D/1128/2002 (2005), par. 6.7.

<sup>98</sup> Annex VIII, Indictment, 18 September 2012.

<sup>99</sup> *Id.*, par. 23.

<sup>100</sup> ICCPR, art. 19(3).

The Petitioner was charged under Article 79(1) of the Penal Code which states that;

“Those who carry out activities, establish or join organizations with intent to overthrow the people’s administration shall be subject to the following penalties:

1. Organizers, instigators and active participants or those who cause serious consequences shall be sentenced to between twenty years of imprisonment, life imprisonment or capital punishment;
2. Other accomplices shall be subject to between five and fifteen years of imprisonment.”<sup>102</sup>

This provision is both defined vaguely and overly broad. Article 79(1) for example does not delineate with certainty what activities are capable of falling within this provision. A restriction on the basis of this provision cannot, therefore, be properly considered as “provided by law”.

Furthermore, the arrest and detention of the Petitioner did not pursue a legitimate aim. The Committee has determined that “[t]he penalisation of a (...) journalist solely for being critical of the government or the social system espoused by the government can never be considered to be a necessary restriction of freedom of expression.”<sup>103</sup> The provision on the basis of which the Petitioner has been prosecuted, Article 79(1), falls under Chapter XI “Crimes of infringing upon national security” of the Penal Code.<sup>104</sup> In Opinion No. 46/2011, the Working Group has already considered the application of Article 79(1) of the Penal Code and found that it should not be used for the purpose of limiting rights in absence of any violence connected to the type of activities carried out by the Petitioner.<sup>105</sup>

The Petitioner exercised her right to freedom of expression in a peaceful manner, and no violence occurred as a direct result of her photojournalism.<sup>106</sup> Instead, the purpose of her photojournalism was to raise social awareness and promote public debate on issues that she believed were important to Vietnamese society. It provided a vitally important alternative to the state-run media in Vietnam.

The Vietnam government has also failed to demonstrate the necessity and proportionality of the arrest and detention.<sup>107</sup>

It is averred that the real reason for the Petitioner’s arrest and detention was not because her work amounted to a threat to national security, instead the Vietnam government sought to restrict the dissemination of information that was critical of its regime and advocated for human

---

<sup>101</sup>General Comment No. 34, par. 25.

<sup>102</sup> Penal Code, art. 79.

<sup>103</sup> *Id.*, par. 42.

<sup>104</sup> IFEX, *IFEX members call for release of 13 Vietnamese activists* (14 January 2013), available at [https://www.ifex.org/vietnam/2013/01/14/free\\_activists/](https://www.ifex.org/vietnam/2013/01/14/free_activists/).

<sup>105</sup> Working Group, *Opinion no. 46/2011* (24 June 2011).

<sup>106</sup> *Annex XV*, Examples of the Petitioner’s photojournalism.

<sup>107</sup> See also General Comment No. 34, par. 35; Committee, *Sohn v. Republic of Korea*, Communication No. 518/1992, U.N. Doc. CCPR/C/OP/5 (1995), par. 10.4.

rights. Therefore, the Petitioner was detained as a result of her legitimate exercise of her right to freedom of expression guaranteed by Article 19 of the ICCPR and enshrined in Article 19 of the UDHR, which renders her arrest and detention a Category II form of arbitrary detention.

B.2 The detention of the Petitioner constitutes Category II arbitrary detention because her deprivation of liberty results from the exercise of her right to freedom of association (Article 22 ICCPR, Article 20 UDHR)

Further or in the alternative, the Petitioner's arrest and detention were also linked to her association with other individuals who opposed government policy and promoted democratic principles in a peaceful manner. As discussed above, the Petitioner was charged for her alleged involvement with an organisation called Viet Tan. Viet Tan is an opposition party that seeks to empower the Vietnamese people to seek social justice and defend their rights through non-violent civic action.<sup>108</sup> However, the Vietnam government accuses it of being a terrorist organisation. If this were the real reason for her arrest, then her subsequent detention would amount to Category II arbitrary detention because her deprivation of liberty resulted from the exercise of her right to peaceful association.

Article 22 of the ICCPR recognises and protects the right to freedom of association with others. In fact, the right to freedom of association is necessary for the promotion of the right to freedom of expression. The Committee has observed that:<sup>109</sup>

"(...) the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. (...) It requires the full enjoyment and respect for the rights guaranteed in articles 19, 21 and 22 of the [ICCPR], including freedom to engage in political activity individually or through political parties and other organisations."

The right to freedom of association is the freedom to pursue collective action.<sup>110</sup> It protects the right of individuals to form associations for common purposes without interference from the government.<sup>111</sup> Therefore, the right encompasses the freedom to form trade unions and also recognises other associations for common purposes, be they cultural, social or political.

Furthermore, the right to freedom of association is an essential adjunct to the right to take part in public affairs (Article 25 ICCPR). Membership in parties, particularly political parties, plays a significant role in the conduct of public affairs and the election process.<sup>112</sup> The Committee has

---

<sup>108</sup> According to the spokesperson for the UN High Commissioner on Human Rights, Viet Tan is "a peaceful organization advocating for democratic reform;" see UN High Commissioner for Human Rights, *Press briefings notes on Saudi Arabia, Viet Nam and Mexico* (11 January 2013), available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12920&LangID=E>

<sup>109</sup> Committee, *General Comment No. 25: The right to participate in public affairs, voting rights and the right of equal access to public service* (Art. 25), UN Doc. No. CCPR/C/21/Rev.1/Add.7 (12 July 1996) ("General Comment No. 25"), par. 26.

<sup>110</sup> D. Moeckli, S. Shah, and S. Sivakumaran, *International Human Rights Law* (1st edn, 2010, Oxford University Press), p. 231.

<sup>111</sup> *Id.*

<sup>112</sup> *Id.*, par. 27.

stated that no distinction is permitted between citizens in the enjoyment of this right on the grounds of political or other opinion.<sup>113</sup>

Article 22(2) of the ICCPR states that restrictions are not to be placed on the right to freedom of association, other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.<sup>114</sup>

The Working Group has already considered the application of Article 79(1) of the Penal Code to prosecute those who alleged members of Viet Tan. The Working Group found that “in the absence of any information as to any violence involved in the Petitioners’ activities, the Working Group holds that their detention based on the provision contained in Article 79 of the Vietnamese Penal Code falls short of their rights and freedoms recognised under the ICCPR and UDHR.”<sup>115</sup> Summary trials and long prison sentences have been found to be a disproportionate response to the allegations levelled against such individuals.<sup>116</sup>

It is clear from the present case, and other cases that have been considered by the Working Group,<sup>117</sup> that there is an ongoing pattern of arbitrary detention in Vietnam pursuant to Article 79 of the Penal Code. The Petitioner was charged along with 13 others for attempting “to overthrow the people’s administration” due to her alleged membership to Viet Tan.<sup>118</sup> The government is of the view that such membership constitutes a threat to national security.<sup>119</sup> The charges against the Petitioner sought to link her activity as a freelance photojournalist to that of Viet Tan. There has been no clear link between the activity of the Petitioner, and acts of violence or threats to national security. In fact, the judgment itself notes the “non-violent” activity of Viet Tan in general, which is in conformity with earlier findings of the Working Group. It is clear from the facts of the case, that by detaining the Petitioner, the Vietnam government has sought to deprive the Petitioner of her liberty for exercising her right to freedom of association.

Therefore, the arrest and detention of the Petitioner constitutes a Category II form of arbitrary detention as it violates the rights guaranteed by Article 22 of the ICCPR, and the principles set out in Article 20 of the UDHR.

---

<sup>113</sup> *Id.*, par. 3.

<sup>114</sup> ICCPR, art. 22(2).

<sup>115</sup> UNWGAD, *Opinion no. 46/2011*, 29 August- 2 September 2011, par. 22.

<sup>116</sup> UNWGAD, *Opinion no. 26/2013*, 26-30 August 2013, par. 67.

<sup>117</sup> Working Group, *Opinion no. 26/2013*, 26-30 August 2013; Working Group, *Opinion no. 46/2011*, 29 August- 2 September 2011; Working Group, *Opinion no. 27/2012*, 23 November 2012; Working Group, *Opinion no. 24/2011*, 29 August- 2 September 2011; Working Group, *Opinion no. 1/2009* 4 March 2010; Working Group, *Opinion no. 13/2007*, 16 January 2008; Working Group, *Opinion no. 1/2003* 26 November 2003.

<sup>118</sup> Annex VIII, Indictment, 18 September 2012, p. 23.

<sup>119</sup> *Id.*

B.3 The detention of the Petitioner constitutes Category III arbitrary detention because it violates her right to a fair and public hearing by an independent and impartial tribunal (Article 14 ICCPR, and Article 10 UDHR)

Article 14(1) of the ICCPR guarantees that “in the determination of any criminal charge (...) everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.”<sup>120</sup>

The Committee has emphasised the importance of a public hearing for the purpose of ensuring transparency, recognising that it is an important safeguard for the interest of the individual and to society at large.<sup>121</sup> The Committee also recognised that courts should “provide for adequate facilities for the attendance of interested members of the public, within reasonable limits, taking into account, inter alia, the potential interest in the case and the duration of the oral hearing.”<sup>122</sup>

However, Article 14(1) of the ICCPR also acknowledges that courts may exclude all or part of the public from a hearing for reasons of morals, public order, national security, or when the interest of the private lives of the parties so requires or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would be prejudicial to the interests of justice. If a hearing does not fall within one of these categories then the hearing “must be open to the general public, including members of the media, and must not, for instance, be limited to a particular category of person.”<sup>123</sup>

The transparency and independence of the Petitioner’s hearing were significantly endangered by the actions of the Vietnam government. The Petitioner’s right to a public hearing was unjustifiably denied as it did not fall within any of the special circumstances recognised by Article 14(1) the ICCPR which allowed for limited public access to hearings. In fact, the People’s Court itself held that the hearing would be conducted in public.<sup>124</sup> Despite its commitment to holding the trial in public, access to the courtroom on the days of the hearing was severely limited by the Vietnamese authorities. The government sent out over 1200 policemen to restrict the access of international media and foreign observers to the trial.<sup>125</sup> Furthermore, the government filled the courtroom with a significant number of police officers.<sup>126</sup> The police officers also detained a number of bloggers who wanted to attend the trial.<sup>127</sup> The hearing was, therefore, conducted in a way that was contrary to the requirements of Article 14(1) of the ICCPR, which clearly states that hearings should take place in public and has been interpreted as requiring that courts provide for adequate facilities for interested parties to attend hearings.

---

<sup>120</sup> ICCPR, art. 14 (1).

<sup>121</sup> Committee, *General Comment No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial*, U.N. Doc. CCPR/C/GC/32 (9-27 July 2007) (“General Comment No. 32”), par. 28.

<sup>122</sup> *Id.*, see also: Committee, *Van Meurs v. The Netherlands*, Communication No. 215/1986, par. 6.2.

<sup>123</sup> General Comment No. 32, par. 29.

<sup>124</sup> Annex X, Decision to go to Trial, 17 December 2012, p. 2.

<sup>125</sup> Communication with defence team.

<sup>126</sup> Annex XIV, Photograph Taken at the Petitioner’s Trial, 8/9 January 2013.

<sup>127</sup> Human Rights Watch, *Vietnam: Release Convicted Activists (January 9, 2013)* available at <http://www.hrw.org/news/2013/01/09/vietnam-release-convicted-activists>.



Article 14(1) of the ICCPR also requires that a hearing be held by a competent, independent and impartial tribunal. The Committee has recognised that a tribunal cannot be considered as independent if executive power is able to control or direct judiciary.<sup>128</sup> Given the reported lack of independence and impartiality in the Vietnamese court system (see above at A.1 (ii)), it is submitted that the Petitioner's hearing was not held by a competent, independent and impartial tribunal.

For the reasons set out above, the detention of the Petitioner constitutes a Category III form of arbitrary detention as it violates her right to a fair and public hearing by an independent and impartial tribunal as guaranteed by Article 14(1) of the ICCPR and the principles recognised in Article 10 UDHR.

B.4 The detention of the Petitioner constitutes Category III arbitrary detention because it violates her right to be presumed innocent until proved guilty (Article 14 ICCPR and Article 11 UDHR)

Article 14 (2) ICCPR guarantees that "everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law."<sup>129</sup> The Committee has stated that:

"[i]t is a duty for all public authorities to refrain from prejudicing the outcome of a trial, e.g. by abstaining from making public statements affirming the guilt of the accused. Defendants should normally not be shackled or kept in cages during trials or otherwise presented in court in a manner indicating that they may be dangerous criminals."<sup>130</sup>

The Petitioner's hearing was conducted in such a way that suggested that her guilt had already been presumed. Furthermore, the Petitioner was presented at trial in a way that indicated that she was a dangerous and subversive criminal.

During the course of the Petitioner's trial, the Petitioner and her co-defendants were surrounded by an overwhelming number of police officers. Presenting the defendants in this manner undoubtedly indicated that the authorities believed the defendants to be dangerous individuals. It could also be inferred from the fact that the trial of 14 persons lasted only two days, during which the Petitioner was only able to address the judge for five minutes, that the outcome of her trial was already pre-determined.

For the reasons set out above, the detention of the Petitioner constitutes a Category III form of arbitrary detention as it violates her right to be presumed innocent until proved guilty as enshrined in Article 14(2) of the ICCPR and the principles recognised in Article 11 UDHR.

---

<sup>128</sup> General Comment No. 32, par. 31.

<sup>129</sup> ICCPR, art. 14 (2).

<sup>130</sup> General Comment No. 32, par. 30.

B.5 The detention of the Petitioner constitutes Category III arbitrary detention because it violates her right to adequate time and facilities for the preparation of her defence and to communicate with counsel of her own choosing without restriction (Article 14 ICCPR, Article 11 UDHR)

Article 14(3) of the ICCPR guarantees certain minimum standards in criminal trials. Article 14(3)(b) of the ICCPR states that one of those standards is that the accused person should have adequate time and facilities for the preparation of their defence and to communicate with counsel of their own choosing. The Committee has recognised that the right to communicate with counsel “requires that the accused is granted prompt access to counsel.”<sup>131</sup> Another minimum standard that must be met in criminal trials under Article 14(3)(d) is that the accused person should be entitled to defend himself in person or through legal assistance of his own choosing.

The Committee has held that those accused of criminal offences must be effectively assisted by a lawyer at all stages of criminal proceedings.<sup>132</sup> A failure to allow access to a lawyer during police questioning in the course of pre-trial detention will amount to the violation of both Article 14(3)(b) and Article 14(3)(d) ICCPR.<sup>133</sup>

The Petitioner did not have access to a lawyer during the period of her pre-trial detention. Furthermore, she was questioned for a number of hours by four or five interrogators whilst she was in pre-trial detention following her arrest. In fact, the Petitioner was not given access to legal counsel for the whole year in which an investigation was conducted against her. Therefore, the Petitioner had not been granted prompt access to counsel as required under Article 14 of the ICCPR.

The Petitioner was eventually appointed a public legal representative on the morning before her trial. Due to the lack of adequate time to prepare her defence, she refused the services of the public legal representative as she believed that he would not properly represent her best interests. By having a legal representative appointed so late in the process and having been denied the opportunity to choose her own counsel, the Petitioner was not able to access the relevant proceedings or participate in them in a meaningful way.<sup>134</sup>

For the reasons set out above, the detention of the Petitioner constitutes a Category III form of arbitrary detention as it violates her right to adequate time and facilities for preparation of her defence and to communicate with counsel of her choosing without restriction as guaranteed by Article 14(3) of the ICCPR and recognised as a principle of customary international law under Article 11 of the UDHR.

---

<sup>131</sup> *Id.*, par. 33.

<sup>132</sup> Open Society Foundations, *International Standards on Criminal Defence Rights: UN Human Rights Committee Decisions APRIL 2013*, par. 3.2, available at <http://www.opensocietyfoundations.org/sites/default/files/digests-arrest%20rights-human-rights-committee-20130419.pdf>.

<sup>133</sup> Committee, *Toshev v. Tajikistan No. 1499/2006* (30 March 2011).

<sup>134</sup> General Comment No. 32, par. 10.

B.6 The detention of the Petitioner constitutes Category III arbitrary detention because it violates her right to equality before courts and tribunals (Article 14 ICCPR, Article 10 UDHR) including her right to examine, or have examined, the witnesses against her and to obtain the attendance and examination of witnesses on her behalf under the same conditions as witnesses against her (Article 14(3)(e) ICCPR)

Article 14(1) of the ICCPR states clearly that all persons shall be equal before the courts. The Committee has interpreted Article 14(1) of the ICCPR as recognising equality of arms. This means that:

“the same procedural rights are to be provided to all the parties unless distinctions are based on law and can be justified on objective and reasonable grounds, not entailing actual disadvantage or other unfairness to the defendant.”<sup>135</sup>

A vital aspect of the right to equality of arms is that an accused person has the right to examine, or have examined, the witnesses against her and to obtain the attendance and examinations of her own witnesses under the same conditions. This is recognised by Article 14(3)(e) of the ICCPR, which the Committee has acknowledged as being important for ensuring an effective defence.<sup>136</sup> This right guarantees the accused the same legal powers of compelling the attendance of witnesses and of examining or cross-examining any witnesses as are available to the prosecution.<sup>137</sup>

The Petitioner was not granted the same procedural rights by the court as the prosecution during the course of her trial. The Petitioner was only given five minutes in which she could address the court and she could only answer questions put to her with a “yes” or “no” answer. The Petitioner was gagged if she tried to elaborate on her defence. In addition, the Petitioner experienced technical difficulties with her microphone when she presented her defence, while the Prosecution presented its case without interruption. These procedural flaws, considered together, amount to an interference with the Petitioner’s right to equality of arms as recognised by Article 14(1) of the ICCPR during the course of her trial.

At no point during the hearing was the Petitioner for instance allowed to call witnesses. This put the Petitioner at a substantial disadvantage to the prosecution.

For the reasons set out above, the detention of the Petitioner amounts to a Category III form of arbitrary detention as it violates her right to equality before courts and tribunals as guaranteed by Article 14(1) ICCPR and acknowledged by Article 10 UDHR, including her right to examine, or have examined, the witnesses against her and to obtain the attendance and examination of witnesses on her behalf under the same conditions as witnesses against her as recognised by Article 14(3)(e) of the ICCPR.

---

<sup>135</sup> *Id.*, par. 13; see also: Committee, *Dudko v. Australia* No. 1347/2005, par. 7.4.

<sup>136</sup> *Id.*, par. 39.

<sup>137</sup> *Id.*

B.7 The detention of the Petitioner constitutes Category III arbitrary detention because it violates her right to be tried without undue delay (Article 14 ICCPR, Article 11 UDHR)

The right to be tried without due delay is provided for by Article 14(3)(c) ICCPR. The Committee has enumerated the purpose and nature of the right. It has stated that the purpose of the right is to:

“avoid keeping persons too long in a state of uncertainty about their fate and, if held in detention during the period of the trial, to ensure that such deprivation of liberty does not last longer than necessary in the circumstances of the specific case, but also to serve the interests of justice. What is reasonable has to be assessed in the circumstances of each case, taking into account mainly the complexity of the case, the conduct of the accused, and the manner in which the matter was dealt with by the administrative and judicial authorities.”<sup>138</sup>

Moreover, the Committee has stated that “if bail is denied because the accused is charged with a serious offence, he or she must be tried as expeditiously as possible”.<sup>139</sup>

The Petitioner was detained from 31 July 2011 to the 8 January 2013 without trial. The Petitioner was held in pre-trial detention for over 17 months. As the Petitioner was charged under Article 79 of the Penal Code, which is considered an especially serious offence that threatens national security, she was denied bail. However, the judicial authorities failed to hold her trial as expeditiously as possible as required by Article 14(3)(c) of the ICCPR.

For the reasons set out above, the detention of the Petitioner amounts to a Category III form of arbitrary detention as it violates her right to be tried without undue delay as guaranteed by Article 14 of the ICCPR and recognised as a principle of customary international law under Article 11 of the UDHR.

---

<sup>138</sup> Committee, *Krasnova v. Kyrgyzstan* 1402/2005 (2011), par. 8.7.

<sup>139</sup> Committee, *Smantser v Belarus*, Communication No 1178/2003, UN Doc CCPR/C/94/D/1178/2003, IHRL 3122 (UNHRC 2008), 23rd October 2008, par. 10.4.

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

On 9 January 2013, the Petitioner was sentenced to eight years in prison and five years of house arrest. She has not appealed her sentence because she was told that she may face up to a further six months imprisonment if she appealed her conviction. This has significantly impeded her ability to pursue a domestic remedy and has essentially rendered the pursuit of such domestic remedies ineffective.

VI. REQUESTED ACTION FROM THE WORKING GROUP

For the reasons set out above, the detention of the Petitioner is rendered arbitrary under Categories II and III. The Petitioner therefore requests the Working Group to:

- a) render an opinion that the detention of the Petitioner is arbitrary for being in contravention to Article 19 and 22 ICCPR and Article 19 and 20 UDHR and therefore falls within Category II of the categories of arbitrary detention defined by the Working Group;
- b) render an opinion that the detention of the Petitioner is arbitrary due to failure by the Government of Vietnam to ensure the Petitioner's rights to a fair trial guaranteed by Article 14 ICCPR and by Article 10 and 11 UDHR and therefore falls within Category III of the categories of arbitrary detention defined by the Working Group;
- c) recommend that the Government of Vietnam release the Petitioner and withdraw the charges against her, or ensure the charges are determined by an independent and impartial tribunal in proceedings conducted in strict compliance with the provisions of the ICCPR, and provide just compensation to him for the arbitrary detention that he suffered; and
- d) request that the Government of Vietnam take such steps as are necessary to prevent further violations of the Petitioner's freedom to expression and association as recognised and guaranteed by the ICCPR and the UDHR.

VI. FULL NAME AND ADDRESS OF THE PERSON(S) SUBMITTING THE INFORMATION

Media Legal Defence Initiative  
The Foundry  
17-19 Oval Way  
London SE11 5RR  
United Kingdom

T. +442037525550  
E. nani.jansen@mediadefence.org

## Table of Annexes

Annex I: Arrest and Search Report, 2 August 2011 .....	32
Annex II: Decision to Extend the Temporary Detention, 4 August 2011.....	34
Annex III: Decision to Extend Temporary Detention, 8 August 2011 .....	35
Annex IV: Order to Temporary Detain, 10 August 2011 .....	36
Annex V: Decision Detention Extension, 28 November 2011 .....	37
Annex VI: Decision Detention Extension, 26 March 2012 .....	38
Annex VII: Order to Temporary Detain, 25 July 2012.....	39
Annex VIII: Indictment, 18 September 2012 .....	40
Annex IX: Order of Temporary Detention, 20 September 2012.....	65
Annex X: Decision to go to Trial, 17 December 2012 .....	66
Annex XI: Order of Temporary Detention, 28 December 2012.....	69
Annex XII: Judgment (Translation), 9 January 2013 .....	70
Annex XIII: Decision – Execution Imprisonment, 21 February 2013 .....	93
Annex XIV: Photograph Taken at the Petitioner’s Trial, 8/9 January 2013 .....	94
Annex XV: Examples of the Petitioner’s photojournalism .....	95

**SOCIALIST REPUBLIC OF VIETNAM**

**Independence – Freedom – Happiness**

**ARREST AND SEARCH REPORT**

At 22:50, 2 August, 2011

At No 511, Kien Thi Nhan street, Cluster 3, District 7, Tra Vinh city, Tra Vinh province.

I am Le Manh Tien, Officer of the Security and Investigation Office, Ministry of Public Security.

Together with Ms. Nguyen Thi Son Thuy, Officer of the Security and Investigation Office, Ministry of Public Security and Mr. Le Van Nhung, vice director of Public security office of district No 7, Tra Vinh city, Tra Vinh province on behalf of local authorities.

Mr. Tran Thanh Bang, leader of Hamlet No 3, district No 7 is the eyewitness

Mr. Nguyen Van Loi, representative of the family

Enforcement of emergency arrest and search warrant no.119/ANDT dated 2nd August, 2011 of the Security and Investigation Office, Ministry of Public Security for:

Name: DANG NGOC MINH                      Sex: Female

Other nickname: Mi

Born on 4th April, 1957 at Vinh Long

Permanent Resident Registration: No 511, Kien Thi Nhan street, Cluster 3, District 7, Tra Vinh city, Tra Vinh province.

Residence: as above address.

Occupation: Housewife

Nationality: Vietnam                      Ethnic group: Kinh

After confirmed the identity of the person of interest named in the arrest and search warrant, I read the arrest and search warrant for Dang Ngoc Minh, explained about the rights and obligations of the detainees to her and other attendants.

Those who named above had observed the arrested and search.

Action and statement of the detainees: Co-operative

At the search, we found and retained the following documents and assets:

1) 01 (one) passport – No. B3202536 of Dang Ngoc Minh issued by Immigration Department, Ministry of Public Security on 27th September 2009



2) 01 (one) notebook with 17 pages of phone numbers with signature of Mrs. Dang Ngoc Minh, dated 02nd August, 2011.

Total: 02 (two) object.

We did not retained any other assets except for the above 2 items.

Mr. Nguyen Van Loi has checked all properties of the family and confirmed that nothing was damaged or lost.

The enforcement of emergency arrest and search warrant finished at 23:50, 02nd August, 2011.

This report has read to all presented and named above, confirmed and signed hereby.

This report has made into 4 copies, one given to Mr. Nguyen Van Loi, one submitted to the [Supreme People's Procuratorate of Vietnam](#) (Supreme No.2), one given to the office that manage assets and documents that were occupied, and one is included in the case file.

**DETAINEES:**

(signature)

Dang Ngoc Minh

**INVESTIGATION OFFICER:**

(signature)

Le Manh Tien

**FAMILY**

**REPRESENTATIVE:**

(signature)

Nguyen Van Loi

**REPRESENTATIVE OF**

**LOCAL AUTHORITIES:**

(signature)

Le Van Nhung

**EYEWITNESS:**

(signature)

Tran Thanh Bang

**REPORTING OFFICER:**

(signature)

Nguyen Thi Son Thuy

MINISTRY OF PUBLIC SECURITY    SOCIAL REPUBLIC OF VIETNAM  
SECURITY AND INVESTIGATION OFFICE    Independent – Freedom – Happiness

Number: 137/AN\_T    HoChiMinh-City, 4th August 2011

**DECISION TO EXTEND THE TEMPORARY DETENTION**  
(The first time)

**I. Colonel LE Duc Hiep**

Position: Vice Director of the Security and Investigation Office, Ministry of Public Security.

According to the Pre – trial detention decision number 130/AN\_T dated August 2nd, 2011 by Security and Investigation office.

According to the investigation need;

Based on the criminal procedure code, article No. 34, 79, 86 and 87 of the Social Republic of Vietnam,

**DECIDED**

Extending 03 days pre - trial detention, from 21:00 August 5th, 2011 to 21:00 August 8th, 2011 for:

Name: NGUYEN DANG MINH MAN Sex: Female

Other nickname: Mi

Date of Birth: January 10th, 1985    at: Vinh Long

Permanent Resident Registration: No 511, Kien Thi Nhan street, Cluster 3, District 7, Tra Vinh city, Tra Vinh province.

Residence: as above address.

Occupation: Nails care

Nationality: Vietnam    Ethnic minority: Kinh

Prison administrations of detention centre No B34 are in charge of implementing this decision.

This decision is copied to the Supreme People's Procuracy of Vietnam

Receive by:

- The Supreme People's Procuracy of Vietnam
- Detention centre No B34
- Detainees
- 2 copies

**VICE DIRECTOR**

**Colonel LE Duc Hiep**

this decision has been delivered to the detainee on ... August 2011.

Person to be detained  
(signature)

Annex III: Decision to Extend Temporary Detention, 8 August 2011

MINISTRY OF PUBLIC SECURITY  
SECURITY AND INVESTIGATION OFFICE

SOCIAL REPUBLIC OF VIETNAM  
Independent – Freedom – Happiness

Number: 146/ANDT

HoChiMinh-City, 8<sup>th</sup> August 2011

## DECISION TO EXTEND TEMPORARY DETENTION

(Second Time)

I: **Colonel Le Duc Hiep**

Title: **Deputy Chief, Security Investigation Agency, Ministry of Public Security.**

Following the decision to temporary detain for the first time No. 137/ANDT, dated August 4, 2011 by the Security Investigation Agency – Ministry of Public Security;

Determined it is necessary for the investigation;

According to Articles 34, 79, 86 and 87 of the Criminal Procedural Code of the Socialist Republic of Vietnam;

### DECIDED

Extend the temporary detention period of 3 days, from 2100 hour, August 8, 2011 to 2100 hour, August 11, 2011 against:

Name: **Nguyen Dang Minh Man** Sex: Female

Other name: Ty

Born on 10 January 1985 At: Vinh Long

Registered residence: No 511, Kien Thi Nhan street, Cluster 3, District 7, Tra Vinh city, Tra Vinh province.

Place of residence: as above.

Occupation: Nails care

Nationality: Vietnam Ethnicity: Kinh

Temporary Detention Center B34 Supervisor – Ministry of Public Security executes this Decision.  
This Decision is sent to the People's Supreme Procuracy (Section 2)/.

**Receive by:**

- The Supreme People's Procuracy of Vietnam
- Detention centre No B34
- Detainees
- 2 copies

**VICE DIRECTOR**

**Colonel LE Duc Hiep**

---

this decision has been delivered to the detainee on ... August 2011.  
Person to be detained  
(signature)

Annex IV: Order to Temporary Detain, 10 August 2011

**MINISTRY OF PUBLIC SECURITY  
SECURITY AND INVESTIGATION OFFICE**

**SOCIAL REPUBLIC OF VIETNAM  
Independent – Freedom – Happiness**

Number: 20/ANDT

HoChiMinh-City, 10<sup>th</sup> August 2011

## **ORDER TO TEMPORARY DETAIN**

I: Colonel Nguyen Ngoc Phi

Title: Deputy Chief, Security Investigation Agency, Ministry of Public Security

According to the Decision to prosecute the accused No. 15/ANDT dated August 10, 2011 by the Security Investigation Agency – Ministry of Public Security against Nguyen Dang Minh Man who demonstrated behaviors of joining the reactionary organization “Vietnam Reform Party” violating Article 79 – Penal Code of the Socialist Republic of Vietnam;

According to Articles 34, 79, 88, and Article 120 of the Criminal Procedural Code of the Socialist Republic of Vietnam,

### **ORDERED:**

Temporary detain for a period of 111 days, from August 11, 2011 to November 29, 2011 against the accused:

Name: **Nguyen Dang Minh Man** Gender: Female

Other name:

Born on 10 January 1985 at Vinh Long

Registered residency and living at: No 511, Kien Thi Nhan street, Cluster 3, District 7, Tra Vinh city, Tra Vinh province.

Occupation: Free lance

Nationality: Vietnam Ethnicity: Kinh

Temporary Detention Center B34 Supervisor executes this Order.

This Order is sent to the Supreme People's Procuracy./.

**DEPUTY CHIEF  
SECURITY INVESTIGATION AGENCY, MPS**

**Colonel Nguyen Ngoc Phi**

(\*) temporary holding time counts toward the temporary detention time

Recipients:

- SPP, (Sec. 2)
- Temporary Detention Center B34
- The accused
- Copy to file

A copy of this order has been given to the accused on 11 hr 40 Day 10 Month 8 Year 2011

THE ACCUSED  
(Sign and write name clearly)  
(signed)  
*Nguyen Dang Minh Man*

**SUPREME PEOPLE'S  
PROCURATE**

No. 45 / QD-VKSTC-V2

**SOCIAL REPUBLIC OF VIETNAM  
Independence - Freedom - Happiness**

Hanoi 28<sup>th</sup> November 2011

## **DECISION DETENTION EXTENSION**

**First time**

### **HEAD OF THE SUPREME PEOPLE'S PROCURATORATE**

- Pursuant to Articles 36, 88, and 120 of the Code of Criminal Procedure.

- Base Arrest Warrant 20 / ANDT August 10, 2011 of the Security Investigation Agency  
Ministry of Public Security to: **Nguyen Dang Minh Man**.

With the crime: "*Action to overthrow the people's administration*", as stipulated in article 79  
of the Criminal Code.

Whereas: The detention period extended to serve the investigation is grounded and necessary,  
and lawfully.

### **DECIDED**

1 / - Extend the detention for the first time 4 more months.  
(From the date of November 30, 2011 until March 29, 2012)

For the accused: **Nguyen Dang Minh Man** born on 10 January 1985 at Vinh Long.

Resident Registration at: No. 511, Kien Thi Nhan Street, Cluster 3, Ward 7, City of Tra Vinh,  
Tra Vinh Province.

Residence: As Above

Occupation: worker

Citizenship: Vietnam

Ethnic minority: Kinh

2 / - Require Security Agency Investigation and B34 detention center, the Ministry of Public  
Security implement this decision under the provisions of the Code of Criminal Procedure.

#### **Receiving:**

- Police Investigation
- Profile Cases
- Profile K. S.
- Defendant
- Save

**TU/Q HEAD OF S.P.P  
PROCURATOR - DEPARTMENT HEAD**

**Nguyen Hong Vinh**

*Nguyen Dang Minh Man's signature*  
~~30/11/2011~~  
01/12/2011

**SUPREME PEOPLE'S  
PROCURATE**

No. 06 / QD-VKSTC-V2

**SOCIAL REPUBLIC OF VIETNAM  
Independence - Freedom - Happiness**

Hanoi 26<sup>th</sup> March 2012

## **DECISION DETENTION EXTENSION**

**Second time**

**HEAD OF THE SUPREME PEOPLE'S PROCURATORATE**

- Pursuant to Articles 36, 88, and 120 of the Code of Criminal Procedure.
- Base Arrest Warrant 20 / ANDT on 10<sup>th</sup> August 2011 the Security Investigation Agency Ministry of Public Security.

**To: Nguyen Dang Minh Man.**

With the crime: "*Action to overthrow the people's administration*", as stipulated in article 79 of the Criminal Code.

Whereas: The detention period extended to serve the investigation is grounded and necessary, and lawfully.

### **DECIDED**

1 / - Extension of detention (second times) within 4 more months.  
(From the date of March 29, 2012 until July 26, 2012)  
for the accused: **Nguyen Dang Minh Man** born on 10 Januray 1985 in Vinh Long.

Resident Registration at: No. 511, Road Town Kien Rings, Cluster 3, Ward 7, City of Tra Vinh, Tra Vinh Province.

Residence: As Above

Occupation: Worker

Citizenship: Vietnam

Ethnic minority: Kinh

2 / - Require Security Agency Investigation and B34 detention center, the Ministry of Public Security implement this decision under the provisions of the Code of Criminal Procedure.

**Receiving:**

- Police Investigation
- Profile Cases
- Profile K. S.
- Defendant
- Save

**TU/Q HEAD OF S.P.P  
PROCURATOR - DEPARTMENT HEAD**

**Nguyen Hong Vinh**

**SUPREME PEOPLE'S  
PROCURATE**

No. 26 / KSDT

**SOCIAL REPUBLIC OF VIETNAM  
Independence - Freedom - Happiness**

Hanoi 25<sup>th</sup> July 2012

## **ORDER TO TEMPORARY DETAIN**

### **SUPREME PEOPLE'S PROCURATE**

- According to the articles 36, 88 of the Criminal Procedural Code.  
- According to the Decision to prosecute number 15 on 10th August 2011 of the Security and Investigation Office, Ministry of Public Security  
Against **Nguyen Dang Minh Man**  
Had "Acting to overthrow the people's government", in violation of Article 79 of the Penal Code.  
Considering: Need to maintain in temporary detention for prosecution.

## **ORDER**

1. Temporary detention for 28 days, from 27<sup>th</sup> July 2012 until 23<sup>rd</sup> August 2012.  
Against accused **Nguyen Dang Minh Man**, born 1985  
Registered residency: No 511, Kien Thi Nhan street, Cluster 3, District 7, Tra Vinh city, Tra Vinh province.  
Address : same above  
Nationality: Vietnam Ethnicity: Kinh
2. Demand the Detention Center B34 to execute the order against **Nguyen Dang Minh Man** until a new order.

**TU/Q HEAD OF S.P.P  
PROCURATOR - DIRECTOR**

**Nguyen Hong Vinh**

**Recipients:**

- Detention Center B34
- Security and Investigation Office
- File for trial
- Accused
- Archive



**SUPREME PEOPLE'S PROCURACY OF VIETNAM**

**SOCIALIST REPUBLIC OF VIETNAM**  
**Independence – Freedom – Happiness**

**No: 09/VKSTC - V2**

**Hanoi, September 18, 2012**

**INDICTMENT**

**CHIEF PROSECUTOR OF THE SUPREME PEOPLE'S PROCURACY**

- Pursuant to Articles 36, 166 and 167 of the Criminal Procedure Code
- Pursuant to the Decision to Prosecute No. 05/ANDT dated August 10, 2011 by the investigative arm of the Ministry of Public Security for the crime of "carrying out activities aimed at overthrowing the people's administration" as stated in Article 79 of the Criminal Procedure Code
- Based on the Decisions to Prosecute by the investigative arm of the Ministry of Public Security nos. 09/ANDT, 10/ANDT, 11/ANDT, 12/ANDT, 13/ANDT, 14/ANDT, 15/ANDT, 16/ANDT, 17/ANDT and 18/ANDT dated August 10, 2011 regarding defendants Ho Duc Hoa, Dang Xuan Dieu, Nguyen Van Oai, Nguyen Van Duyet, Nguyen Xuan Anh, Dang Ngoc Minh, Nguyen Dang Minh Man, Nguyen Dang Vinh Phuc, Nong Hung Anh, Le Van Son; no. 19/ANDT dated August 18, 2011 regarding Ho Van Oanh; no. 20/ANDT dated August 27, 2011 regarding Thai Van Dung; no. 21/ANDT dated September 1, 2011 regarding Tran Minh Nhat; no. 31/ANDT dated December 26, 2011 regarding Nguyen Dinh Cuong; nos. 01/ANDT, 02/ANDT and 03/ANDT dated January 5, 2012 regarding Nguyen Xuan Kim, Thai Van Tu and Le Sy Sang for the crime of "carrying out activities aimed at overthrowing the people's administration" as stated in Article 79 of the Criminal Procedure Code of the Socialist Republic of Vietnam

**Based on the results of the investigation it has been confirmed as follows:**

At the beginning of 2009, Ho Duc Hoa found and made contact, through the Internet, with Luong Van My (alias Duong), a member of "Viet Tan", an organization in the United States, and through these contact Hoa learned about "Viet Tan" and their methods of nonviolent



struggle. After researching "Viet Tan" and after giving his personal information, in June 2009 Ho Duc Hoa was prompted by Luong Van My to travel to Thailand to meet members of "Viet Tan" in person. Also during this time, Ho Duc Hoa spoke to Dang Xuan Dieu about his activities mentioned above and encouraged Dieu to learn more about methods of nonviolent struggle. Dieu agreed to go to Thailand with Hoa. Before leaving Vietnam, per Luong Van My's request for confidentiality, Ho Duc Hoa was given the alias "Thin," and Dang Xuan Dieu, "Tat." From August 26-31, 2009, Ho Duc Hoa and Dang Xuan Dieu crossed the Cau Treo checkpoint in Ha Tinh Province to enter Laos and eventually Thailand. There, Ho Duc Hoa and Dang Xuan Dieu met with core members of "Viet Tan" residing abroad such as Nguyen Ngoc Duc (alias Quang), Nguyen Kim (alias Tan), Ngo Trong Duc (alias Minh), Nguyen Hoang Thanh Tam (alias Thanh), Luong Van My (alias Duong), and a priest simply known as Hung. They were introduced to "Viet Tan" and were trained on the methods of "nonviolent struggle," leadership skills, computer security, how to recruit new members for "Viet Tan," how to use aliases and how to contact each other (through secure methods over Skype, email, sim card and password). "Viet Tan" provided for all the travelling and training expenses. On August 29, 2009, the core members of "Viet Tan" held a ceremony to admit Ho Duc Hoa and Dang Xuan Dieu as official members of "Viet Tan." After becoming members, Ho Duc Hoa and Dang Xuan Dieu made several trips abroad in order to attend training courses and to report the progress of their assigned tasks. Ho Duc Hoa made a total of 4 trips: twice to the U.S., once to Thailand and once to the Philippines; Dang Xuan Dieu made 2 trips: once to Thailand and once to the Philippines. To support his activities for recruiting new members, leading members of "Viet Tan" residing abroad gave Ho Duc Hoa 2 cameras disguised as lighters, and \$ 9,553.75 USD and \$500 CAD (Canadian currency). Ho Duc Hoa admitted to having spent this money to purchase camera, for his own travel expenses and for new recruits during his trips abroad to attend training courses. During a training course in Thailand called "Quang Trung 711," Dang Xuan Dieu was gifted a laptop from Nguyen Ngoc Duc (BL 2045, 2081-2083, 2242).

To recruit new members, Ho Duc Hoa actively sought out, preached, and selected among his friends and acquaintances individuals who Hoa judged to share his political view and interest who were also activists in matters relating to politics, civil society, democracy and human rights in order to introduce them to "Viet Tan". Besides Dang Xuan Dieu, Ho Duc Hoa personally recruited 8 other individuals for "Viet Tan", specifically:



- At the end of 2009, Ho Duc Hoa approached his acquaintance Nguyen Dinh Cuong and spoke about "Viet Tan" and their methods of nonviolent struggle to promote democracy in Vietnam. Ho Duc Hoa encouraged Nguyen Dinh Cuong to go to Thailand to meet with "Viet Tan" members in order to learn about their methods of nonviolent struggle. "Viet Tan" paid for all travel expenses. Nguyen Dinh Cuong agreed and introduced Nguyen Xuan Anh to Ho Duc Hoa, with the intent to bring Nguyen Xuan Anh along for the trip. Ho Duc Hoa met with Nguyen Xuan Anh in person to promote "Viet Tan" and approved of Nguyen Xuan Anh's accompanying Cuong. Also within this time period, Ho Duc Hoa preached and persuaded Nguyen Van Duyet (Hoa's cousin) to go to Thailand to learn about methods of nonviolent struggle. When Nguyen Dinh Cuong, Nguyen Xuan Anh and Nguyen Van Duyet all agreed to go to Thailand, Ho Duc Hoa reported to "Viet Tan" and was instructed by Nguyen Ngoc Duc to arrange to meet in Thailand at the end of February 2010. Before the trip, Ho Duc Hoa gave Nguyen Dinh Cuong the alias "Tuy," Nguyen Xuan Anh the alias "Hai", Nguyen Van Duyet the alias "Khoi" and assigned Nguyen Dinh Cuong as the leader of the group. On February 23, 2010, Nguyen Dinh Cuong, Nguyen Van Duyet and Nguyen Xuan Anh crossed the Cau Treo checkpoint in Ha Tinh Province to enter Laos and eventually arrived in Thailand. However, because Cuong did not hold an entry visa to Thailand, core "Viet Tan" members such as Luong Van My, Nguyen Ngoc Duc, Nguyen Thi Thanh Van (alias Thao) came to Vientiane, Laos to meet with and trained the new arrivals. During the training course, on February 28, 2012 Nguyen Dinh Cuong was admitted into "Viet Tan". Afterwards, on August 29, 20120 and November 26, 20120, Nguyen Van Duyet was admitted into "Viet Tan" at a training course in the Philippines, Nguyen Xuan Anh and Nguyen Van Oai (another defendant) were admitted into "Viet Tan" at Hai Au hotel, Cua Lo town, Nghe An Province. After becoming members, these individuals made several trips abroad to attend training courses held by "Viet Tan". Specifically: Nguyen Dinh Cuong made 2 trips (once to the Philippines and once to Thailand); Nguyen Van Duyet made 3 trips (twice to Thailand and once to the Philippines); Nguyen Xuan Anh made 1 trip to Thailand. During the training course "Quang Trung 711" in Thailand on July 25, 2011, Nguyen Xuan Anh and Le Van Son (another defendant) held "Viet Tan" flags during the ceremony to admit Nong Hung Anh and Nguyen Dang Vinh Phuc (other defendants) (BL 2450, 2563, 2083, 3000). To provide for travel expenses, "Viet Tan" gave Nguyen Dinh Cuong \$700 USD and 7,000,000 VND



(Vietnamese currency), Nguyen Van Duyet \$1,700 USD and 9,000,000 VND (BL 2611, 2428).

- At the end of April 2010, Ho Duc Hoa introduced Thai Van Tu (a college friend of Ho Duc Hoa's since 1998 from a university in Vinh, Nghe An Province) to "Viet Tan". On May 9, 2010, Ho Duc Hoa organized a trip to Thailand via the Cau Treo checkpoint in Ha Tinh Province for Thai Van Tu (alias "Tam") and Le Dinh Luong to meet with Nguyen Ngoc Duc and attend a training course. Upon returning to Vietnam, Thai Van Tu actively worked to recruit new members, and together with Le Dinh Luong attended the ceremony to admit Nguyen Van Oai and Nguyen Xuan Oanh into "Viet Tan" on November 26, 2010 at Hai Au hotel, Cua Lo town in Nghe An Province, presided over by "Viet Tan" members from abroad (BL 2081, 2713, 3012).
- In November 2009, after a trip to the U.S. to meet with core members of "Viet Tan", Ho Duc Hoa contacted and met with Nguyen Van Oai (a relative of Ho Duc Hoa's who was applying for a job at Tran Dinh Investment and Trade Joint Stock Company whose executive director was Ho Duc Hoa); Le Sy Sang (a cousin of Ho Duc Hoa's) and Ho Van Oanh (a fellow countryman of Ho Duc Hoa's from Quynh Vinh town, Quynh Luu District, Nghe An Province) to introduce and encourage them to join "Viet Tan". With the agreement of these individuals, on June 28, 2010, Ho Duc Hoa organized an air trip to Thailand ("Viet Tan" paid for these flight expenses) for Nguyen Van Oai (alias Ty), Ho Van Oanh (alias Su), Le Sy Sang (alias Ly) to meet with Nguyen Quoc Quan (alias Long) and Nguyen Thi Thanh Van, to be introduced to "Viet Tan" and to attend a training course on methods of nonviolent struggle. During the training course, on July 10, 2010 Ho Van Oanh signed an application form to join "Viet Tan", and on November 26, 2010 Nguyen Van Oai and Nguyen Xuan Anh were admitted into "Viet Tan" at Hai Au hotel, Cua Lo town, Nghe An Province (BL 2015, 2713). After the training course mentioned above, Nguyen Van Oai and Ho Van Oanh made several trips abroad to meet with members of "Viet Tan" and attend training courses held by "Viet Tan". Specifically: Nguyen Van Oai made 3 trips abroad (twice to Thailand and once to the Philippines); Ho Van Oanh made one trip to Thailand (BL 2714, 3097). Furthermore, after Ho Duc Hoa, Nguyen Van Oai and Dang Xuan Dieu were arrested, Ho Van Oanh sought out information on their arrest and reported it to "Viet Tan", as instructed by Nguyen Thi Thanh Van. During the trips abroad, Nguyen Van Oai was given a camera (which he claimed had been lost) by



Nguyen Thi Thanh Van, a camera disguised as a lighter by Ho Duc Hoa, and \$800 USD by Nguyen Ngoc Duc, to support Oai's activities in Vietnam (BL 2013, 2745).

- To carry out his assigned tasks, in April 2011 Dang Xuan Dieu introduced Tran Minh Nhat and Nguyen Xuan Kim (a friend of Dieu's) to Ho Duc Hoa for introduction about "Viet Tan" (as instructed by Luong Van My; for security purpose, Ho Duc Hoa was responsible for introducing new recruits to "Viet Tan"). As for Nguyen Xuan Kim, besides agreeing to make trips abroad to meet with core members of "Viet Tan", he also actively encouraged and introduced Thai Van Dung to Luong Van My. After agreeing on a time and location, from July 5-11, 2011, Ho Duc Hoa and "Viet Tan" members residing abroad arranged a trip to Thailand for Tran Minh Nhat, Nguyen Xuan Kim and Thai Van Dung to get trained by Nguyen Kim and Luong Van My on the history of "Viet Tan", methods of nonviolent struggle, digital security, and how to deal with the Vietnamese police. On July 10, 2011, Tran Minh Nhat signed an application to join "Viet Tan". Before their return to Vietnam, Nguyen Kim gave Tran Minh Nhat \$200 USD and 2,000 Bahts (Thai currency) and Thai Van Dung \$250 USD (BL 2139, 3206, 3216).

Besides Ho Duc Hoa's group mentioned above, "Viet Tan" also recruited other individuals, among them the groups led by Nguyen Dang Minh Man and Le Van Son (these two groups attended training courses held by "Viet Tan" at the same time and location as Ho Duc Hoa's group), specifically: in or about October 1996, Nguyen Dang Minh Man and Dang Ngoc Minh frequently listened to radio broadcasts by VOA, BBC, and Radio New Horizon, and visited "Viet Tan's" website. Through the Internet, Nguyen Dang Minh Man and Dang Ngoc Minh met with an individual known as Anh, a member of "Viet Tan." In or about April 2009, Anh introduced Nguyen Dang Minh Man and Dang Ngoc Minh to Nguyen Ngoc Duc and Nguyen Thi Thanh Van, core members of "Viet Tan". Nguyen Thi Thanh Van introduced Nguyen Dang Minh Man and Dang Ngoc Minh to "Viet Tan" and their methods of nonviolent struggle. Per Nguyen Thi Thanh Van's invitation, from September 5-7, 2009, Nguyen Dang Minh Man and Dang Ngoc Minh made a trip to Cambodia, met with Nguyen Ngoc Duc and Nguyen Thi Thanh Van, were introduced to "Viet Tan," were trained on their methods of nonviolent struggle, and were charged with recruiting new members, organizing "aggrieved citizens" in their protests against the government, and gathering news and information in their community and within Vietnam to write articles for "Viet Tan." During this time, Nguyen Ngoc Duc and Nguyen Thi Thanh Van offered Nguyen Dang Minh Man and Dang Ngoc Minh to



join "Viet Tan", which Nguyen Dang Minh Man and Dang Ngoc Minh accepted and signed an application to join. After this trip, per instruction and arrangement by "Viet Tan", Nguyen Dang Minh Man made 4 other trips abroad (3 times to Thailand and once to Cambodia) in order to make progress reports and attend training courses. "Viet Tan" admitted Nguyen Dang Minh Man (on November 17, 2008 in Thailand) and Dang Ngoc Minh (on March 6, 2010 in Cambodia) as official members. Under the instructions of "Viet Tan," in April 2010 Dang Ngoc Minh and Nguyen Dang Minh Man purchased black paint and painted the slogan "HS.TS.VN" (which according to the defendants means "Hoang Sa, Truong Sa, Viet Nam" – Paracel and Spratly Islands belong to Vietnam) on manhole covers and on walls at a primary school in Trung Ngai town, Vung Liem District, Vinh Long Province, in order to incite protests, and took pictures and sent them to Nguyen Thi Thanh Van; collected information, took pictures, compiled reports on anti-China protests in Ho Chi Minh city and sent them to "Viet Tan." Furthermore, Dang Ngoc Minh and Nguyen Dang Minh Man introduced Nguyen Dang Vinh Phuc (Dang Ngoc Minh's son and older brother of Nguyen Dang Minh Man) to "Viet Tan;" arranged for Nguyen Dang Vinh Phuc to make 2 trips abroad (once to Cambodia and once to Thailand) in order to meet core members of "Viet Tan" and attend training courses. On July 25, 2011 at the training course "Quang Trung 711" held by "Viet Tan" in Thailand, Nguyen Dang Vinh Phuc and Nong Hung Anh (another defendant) became members of "Viet Tan" (BL 2342, 2498, 3250). Throughout this period, Nguyen Thi Thanh Van on many occasions gave Dang Ngoc Minh money totaling \$1,200 USD and 2,000 Bahts; Nguyen Dang Minh Man \$300 USD and 3,700 VND, one laptop, one cell phone; Nguyen Dang Vinh Phuc \$192.67 USD (BL 2518, 2354).

From 2010 to 2011, Le Van Son wrote, collected, and disseminated information subverting the government of Vietnam on his personal blog. With his connection to Nong Hung Anh, Son introduced the latter to Nguyen Thi Thanh Van who persuaded Nong Hung Anh to join "Viet Tan." Per instructions of "Viet Tan," Le Van Son gave Nong Hung Anh 3,000,000 VND to purchase a plane ticket to Thailand (June 28 - July 3, 2010). Le Van Son himself made 3 trips abroad: the first trip on November 3, 2010 via the Cau Treo checkpoint in Ha Tinh Province to Laos and eventually Thailand, the second trip from March 21-25, 2010 to Thailand, the third trip on July 12, 2011 via the Moc Bai checkpoint in Tay Ninh Province to Cambodia and eventually Thailand. Le Van Son and other defendants attended the training course "Quang Trung 711" held by "Viet Tan" in Thailand from July 25-30, 2011. Here, Le Van Son and Nguyen Xuan Anh were the individuals holding the "Viet Tan" flags during the ceremony to admit Nong Hung Anh and Nguyen Dang Vinh Phuc into "Viet Tan" on July 25,



2011. Based on evidence gathered during the investigation, it is determined that Le Van Son has been involved with "Viet Tan" since before June 2010 and was given by "Viet Tan" \$543.05 USD to support his activities. (BL 2076, 2323-2329).

As for Nong Hung Anh, from the beginning of 2010, he wrote and disseminated information subverting the policies of the Party and government on the Internet and in his community. Around June 2010, thanks to Le Van Son's introduction, Nong Hung Anh made contact with Nguyen Thi Thanh Van who encouraged him to join "Viet Tan." Nong Hung Anh made 3 trips abroad in order to meet with core members of "Viet Tan" and attend training courses (twice in Thailand and once in the Philippines). On July 25, 2011 at the training course "Quang Trung 711" in Thailand, Nong Hung Anh and Nguyen Dang Vinh Phuc were admitted into "Viet Tan." "Viet Tan" paid for expenses of the trips. Among the expenses, Nong Hung Anh was given \$500 USD by Nguyen Thi Thanh Van and \$1,000 USD by Nguyen Hoang Thanh Tam. Just for his first trip to Thailand on June 28-July 3, 2010, Nong Hung Anh was given 3,000,000 VND by Le Van Son (BL 2874, 2882, 2888, 2911).

During the investigation, the investigative arm of the Ministry of Public Security confiscated several documents and devices relating to "Viet Tan" and the criminal acts of the defendants (BL 3264-3266).

During the investigation, all defendants, except for Le Van Son who refused cooperation, admitted to having committed the criminal acts.

Based on the evidence above, there is sufficient foundation for:

## **CONCLUSION**

The organization "Vietnam Reform Party" ("Viet Tan" for short) is an exiled reactionary organization abroad, whose activities are aimed at overthrowing the government of Vietnam. After its failure to use military and terrorist tactics, "Viet Tan" shifted its activity to "peaceful evolution" and "nonviolent resistance" to continue to sabotage the Government of the Socialist Republic of Vietnam. Beside increasing its advocacy, recruiting new members in order to operate openly in the country, "Viet Tan" fully exploits information technology to communicate, make contact with those in-country in order to bring them abroad for training, recruit them as party members and task them activities aimed at overthrowing the

Government of Vietnam. In this case, the 17 defendants, all "Viet Tan" participants, carried out assignments in conformity with the principle and objective that the organization has put forward, namely: Ho Duc Hoa, Dang Xuan Dieu, Nguyen Van Oai, Nguyen Van Duyet, Nguyen Xuan Oanh, Ho Van Oanh, Le Van Son, Nong Hung Anh, Thai Van Dung, Tran Minh Nhat, Nguyen Dinh Cuong, Dang Ngoc Minh, Nguyen Dang Minh Man, Nguyen Dang Vinh Phuc, Nguyen Xuan Kim, Thai Van Tu, and Le Sy Sang. In process of participating with "Viet Tan," Ho Duc Hoa and his accomplices (in the group) travelled abroad 15 times to learn about "Viet Tan," participated in several training workshops by the leaders of "Viet Tan," specifically:

(1) From August 26-31, 2009, Ho Duc Hoa and Dang Xuan Dieu went to Thailand to participate in a "Viet Tan" training workshop conducted by Nguyen Ngoc Duc, Nguyen Kim, Ngo Trong Duc, Nguyen Hoang Thanh Tam, Luong Van My about methods of "nonviolent struggle and leadership skills and digital security."

(2) From September 5-7, 2009, Nguyen Dang Minh Man and Dang Ngoc Minh travelled to Cambodia to participate in a "Viet Tan" training workshop conducted by Nguyen Ngoc Duc and Nguyen Thi Thanh Van about "propagandizing people to join the organization and mobilizing "aggrieved citizens" to demonstrate."

(3) From November 8-19, 2009, Ho Duc Hoa travelled to the United States to participate in a "Viet Tan" training workshop conducted by Nguyen Kim and Luong Van My about the methods of "nonviolent struggle" and "propaganda techniques to introduce and draw people into the organization."

(4) From November 16-22, 2009, Nguyen Dang Minh Man travelled to Thailand to participate in a "Viet Tan" training workshop conducted by Nguyen Ngoc Duc and Nguyen Thi Thanh Van on the methods of "nonviolent struggle".

(5) From February 23 to March 2, 2010, Nguyen Dinh Cuong, Nguyen Van Duyet, and Nguyen Xuan Anh travelled to Laos to participate in a "Viet Tan" training workshop conducted by Nguyen Ngoc Duc, Luong Van My, and Nguyen Thi Thanh Van on the methods of "nonviolent struggle," introduction to the history of "Viet Tan" and several web sites of this organization.



(6) From March 3-8, 2010, Nguyen Dang Minh Man, Dang Ngoc Minh, and Nguyen Dang Vinh Phuc travelled to Cambodia to participate in a "Viet Tan" training workshop conducted by Nguyen Ngoc Duc and Nguyen Thi Thanh Van on the methods of "nonviolent struggle" and ways to mobilize other sympathetic organizations and other people to participate with "Viet Tan."

(7) From May 9-16, 2010, Thai Van Tu and Le Dinh Luong travelled to Thailand to meet with Nguyen Ngoc Duc and participate in a "Viet Tan" training workshop about the methods of "nonviolent struggle." Since Thai Van Tu fled capture and the testimony of defendant Le Dinh Luong has not been obtained, it is not possible to determine the content and objective of this training.

(8) From June 28-July 3, 2010, Nguyen Van Oai, Ho Van Oanh, Le Sy Sang, and Nong Hung Anh travelled Thailand to participate in a "Viet Tan" training workshop conducted by Nguyen Quoc Quan and Nguyen Thi Thanh Van, introducing the method of "nonviolent struggle" and several web sites of "Viet Tan."

(9) From August 26-29, 2010, Dang Ngoc Minh and Nguyen Dang Minh Man travelled to Thailand to participate in a training workshop conducted by Nguyen Ngoc Duc and Nguyen Thi Thanh Van about "ways to deal with security forces."

(10) From August 25 to September 4, 2010 Ho Duc Hoa, Dang Xuan Dieu, Thai Van Tu, Nguyen Van Oai, Nguyen Dinh Cuong, Le Sy Sang, Nguyen Van Duyet, and Le Hung Anh travelled to the Philippines to participate in a "Viet Tan" training workshop conducted by Do Hoang Diem, Nguyen Do Thanh Phong, Nguyen Ngoc Duc, Nguyen Hoang Thanh Tam and one individual by the name "Tuong" about "circumventing firewalls and digital security" and "international current events and the situation in Vietnam."

(11) From November 11 to December 15, 2010, Ho Duc Hoa travelled to the United States to report to "Viet Tan" on the progress of activities, review lessons on Internet security, and receive further guidelines about recruiting new members for "Viet Tan," a training workshop conducted by Nguyen Kim, Luong Van My, Ngo Trong Duc, and "Tuong".

(12) From January 16-24, 2011, Nguyen Van Oai, Nguyen Van Duyet, Nguyen Dinh Cuong, and Thai Van Tu travelled to Thailand to participate in a "Viet Tan" training workshop



conducted by Nguyen Ngoc Duc and Luong Van My on the methods of "nonviolent struggle," "public speaking, recruiting techniques," and was introduced to several "Viet Tan" websites.

(13) From May 1-6, 2011, Ho Van Oanh went to Thailand to participate in a training workshop conducted by Nguyen Thi Thanh Van on the method of "nonviolent struggle," how to deal with oppression by security forces, and was taught the meaning of "Viet Tan's" flag.

(14) From July 5-11, 2011, Thai Van Dung, Nguyen Xuan Kim, Le Hai Chau, and Tran Minh Nhat travelled to Thailand to participate in a "Viet Tan" training workshop conducted by Nguyen Kim and Luong Van My on the history and development of "Viet Tan," the methods of "nonviolent struggle," and "methods of information security and ways to deal with security forces."

(15) From July 25-30, 2011, Ho Duc Hoa, Dang Xuan Dieu, Nguyen Van Oai, Nguyen Van Duyet, Nguyen Xuan Anh, Thai Van Tu, Le Van So, Nong Hung Anh, Nguyen Dang Minh Man, Dang Ngoc Minh, and Nguyen Dang Vinh Phuc travelled to Thailand to participate in a "Viet Tan" training workshop titled "Quang Trung 711" conducted by Do Hoang Diem, Nguyen Ngoc Duc, Luong Van My, Nguyen Thi Thanh Van, Nguyen Kim, Ngo Trong Duc, Nguyen Hoang Thanh Tam on the history of "Viet Tan," the position of "Viet Tan" and the Communist Party of Vietnam on the international scene, the position and strength of "Viet Tan," the organizational structure "Viet Tan," practicing of leadership skills, and ways to deal with suppression by security forces.

The investigation have turned over sufficient evidence to determine that the defendants in this case have been enticed by propaganda by core members of "Viet Tan" and drawn into participation with the aim to subvert the government of Vietnam. The actions of the defendants in this case are in service to "Viet Tan," the number of individuals participating in criminal activities is high, operating in many localities nationwide and abroad; under close coordination and guidance of members outside of Vietnam. Based on documents and evidence on file, there are enough evidence to conclude the criminal actions of the defendants, namely:

**1. Ho Duc Hoa** (alias Thin) born March 6, 1974 in Nghe An; registered permanent residence Hamlet 4, Quynh Vinh Village, Quynh Luu District, Nghe An Province; current residence: No. 21, Alley 6, Tran Quoc Toan Street, Ha Huy Tap Ward, Vinh City, Nghe An

Province. Education level 12/12; profession before arrest: Director at Tran Dinh Investment and Trade Joint Stock Company.

Nationality: Vietnam      Ethnicity: Kinh      Religion: Catholic

Father: Do Minh Hien, born 1946.

Mother: Nguyen Thi Tuyet, born 1953.

Past activity: From 1974-1991 lived with family and finished high school at Quynh Luu District, Nghe An Province; from 1991-1996 lived with and supported family; from 1996-2000 studied foreign languages at Vinh University; from 2001-2010, staff for non-government organization ANESVAD Foundation (Spanish organization); from 2009-2011 worked for Tran Dinh Investment and Trade Joint Stock Company; from 2011 until arrest Director at Tran Dinh Investment and Trade Joint Stock Company.

Arrested on August 2, 2011 by the Investigation Department of the Ministry of Public Security and charged with participation in "Viet Tan" in order to subvert the government, currently detained.

Previous criminal record: None.

Criminal activity: participated and competently carried out activities for "Viet Tan" and joined the organization on August 28, 2009 in Thailand; travelled abroad five times to meet with several core members of "Viet Tan" to give progress reports on activities and participated in training workshops organized by "Viet Tan" (in the United States: 2 times, in Thailand: 2 times, in the Philippines: 1 time); directly or with accomplices, through propaganda, recruited 9 members for "Viet Tan" including Dang Xuan Dieu, Nguyen Van Duyet, Nguyen Van Oai, Nguyen Xuan Anh, Tran Minh Nhat, Ho Van Oanh, Nguyen Dinh Cuong, Le Sy Sang, and Thai Van Tu; received \$9,553.75 USD and 500 \$CAD (Canadian dollars) and was equipped with 2 cameras disguised as lighters to carry out criminal activities.

**2. Dang Xuan Dieu** (alias *Taf*) born July 8, 1979, in Nghe An; registered permanent residence: Hamlet 4, Nghi Dong Village, Nghi Loc District, Nghe An Province; current



residence: 3 Dinh Le Street, Hung Phuc Precinct, Vinh City, Nghe An Province; education level: 12/12; profession before arrest: Director of the Tien Thanh Public Construction Company.

Nationality: Vietnam      Ethnicity: Kinh      Religion: Catholic

Father: Dang Xuan Tram (deceased).

Mother: Nguyen Thi Nga, born 1945.

Past activity: From 1979-1999, lived with family and attended high school in Nghi Loc District, Nghe An Province; from 1997-2002 attended Da Nang University of Technology, studied bridge and road engineering; from 2002-2009, self-employed in Nghe An Province; from 2009 until the time of arrest, founded and served as director of the Tien Thanh Public Construction Company.

Arrested on August 2, 2011 by the Investigation Department of the Ministry of Public Security and charged with participation in "Viet Tan" in order to subvert the government, currently detained.

Previous criminal record: None.

Criminal activity: Actively participated in "Viet Tan" and joined the organization on August 28, 2009 in Thailand together with Ho Duc Hoa; travelled abroad 3 times to meet with core members of "Viet Tan" and participated in training workshops organized by "Viet Tan" (in Thailand: 2 times, in the Philippines: 1 time); introduced Nguyen Xuan Kim and Tran Minh Nhat to Ho Duc Hoa to be considered and admitted to the organization; was given a laptop computer by "Viet Tan" to carry out criminal activities.

**3. Le Van Son**, born October 20, 1985 in Thanh Hoa; registered permanent residence: Hamlet 2, Trinh Ha, Hoang Trung Village, Hoang Hoa District, Thanh Hoa Province; current residence: 357 Bui Xuong Trach, Dinh Cong Ward, Hoang Mai District, city of Hanoi; Education level 12/12; profession before arrest: Freelance.

Nationality: Vietnam      Ethnicity: Kinh      Religion: Catholic

Father: Le Nhu Doan, born 1955.

Mother: Do Thi Tan, born 1963.

Past activity: From 1992-2004, lived with family and attended public schools in Hoang Trung Ward, Hoang Hoa District, Thanh Hoa Province; from 2004-2006 studied at the Hanoi Tourism College; from 2006 until arrest, freelance tour guide in Hanoi.

Arrested on August 3, 2011 by the Investigation Department of the Ministry of Public Security and charged with participation in "Viet Tan" with activities aimed at overthrowing the people's administration, currently detained.

Previous criminal record: None.

Criminal activity: Le Van Son has been an active member of "Viet Tan" since 2010; introduced Nong Hung Anh to meet Nguyen Thi Thanh Van; persuaded him to participate in "Viet Tan"; provided 300,000 VND to help Nong Hung Anh participate in a "Viet Tan" training workshop in Thailand. From July 25 to July 30, Le Van Son participated in the "Quang Trung 711" training workshop in Thailand, at which Son and Nguyen Xuan Anh held the "Viet Tan" flag during the initiation ceremony for Nong Hung Anh and Nguyen Dang Vinh Phuc; received \$543.05 USD to carry out criminal activities.

**4. Nguyen Dang Minh Man** (female) born January 10, 1985 in Vinh Long, registered permanent residence and current residence: 511 Kien Thi Nhan St, Bloc 3, Ward 7, city of Tra Vinh; education level: 12/12; profession before arrest: Freelance.

Nationality: Vietnam Ethnicity: Kinh Religion: Catholic

Father: Nguyen Van Loi, born 1955.

Mother: Dang Ngoc Minh, born 1957 (the accused in the same case).

Past activity: From 1985-1989, lived with parents at a young age in Vung Liem District, Vinh Long Province; from April 1989 to October 1996, fled with parents by boat to



Thailand and lived in a UN refugee camp in Thailand; October 1996 returned to Vietnam with parents; finished high school in 2006; from 2006-2007 completed first year studies at Pharmacy School in Tra Vinh Province; did freelance work from 2007 until time of arrest.

Arrested on August 2, 2011 by the Investigation Department of the Ministry of Public Security and charged with participation with in "Viet Tan" with activities aimed at overthrowing the people's administration, currently detained.

Previous criminal record: None

Criminal activity: Actively participated in "Viet Tan" and was admitted into the organization on November 17, 2009 in Thailand; travelled abroad five times to meet with core leaders of "Viet Tan" and participated in training workshops organized by "Viet Tan" (in Thailand: 3 times, in Cambodia: 2 times); assigned by "Viet Tan" the task to recruit members and distribute propaganda to incite "aggrieved citizens" to protest; graffitied subversive propaganda slogans with her mother in the area of an (old) elementary school in Trung Ngai village, Vung Liem District, Vinh Long Province; directly reported to and updated "Viet Tan" on the protests regarding the East Sea and introduced Nguyen Dang Vinh Phuc for admission to the party and received \$300 USD, 3,700 VND, was given 1 laptop computer and 1 cellphone to carry out criminal activities.

**5. Nguyen Dinh Cuong**, born on February 22, 1981 in Nghe An; registered permanent residence and current residence: Hamlet 4, Nghi Phu village, city of Vinh, Nghe An; education level: 12/12; profession before arrest: Director of Canh Tan Company, Ltd.

Nationality: Vietnamese                      Ethnicity: Kinh                      Religion: Catholic  
Father: Nguyen Van Bang, born 1960.  
Mother: Nguyen Thi Hoa, born 1960.

Past activity: From 1988 to 2000, lived with family and went to high school in the city of Vinh, Nghe An Province; from 2000 to 2005, took exams and studied in the Department of Sociology of the Ho Chi Minh City Open University; from 2005 to 2009, opened a small mechanical workshop from home making door shutters; served as the Director of Canh Tan Company, Ltd. from October 2009 until the time of arrest.

Arrested on December 24, 2011 by the Investigation Department of the Ministry of Public Security and charged with participation with in "Viet Tan" with activities aimed at overthrowing the people's administration, currently detained.

Previous criminal record: None.

Criminal activity: Participated in "Viet Tan" and was admitted to the organization on February 28, 2010 in Laos; travelled abroad 3 times to participate in training courses organized by "Viet Tan" (in Laos: 1 time; in the Philippines: 1 time; in Thailand: 1 time); directly introduced Nguyen Xuan Anh to Ho Duc Hoa for "Viet Tan" to consider, admit; was provided by "Viet Tan" \$700 USD and 9,000,000 VND to carry criminal activities.

**6. Dang Ngoc Minh** (female) was born on April 4, 1957 in Vinh Long; registered permanent residence and current residence: No. 511, Kien Thi Nhan Street, Hamlet 3, Ward 7, the city of Tra Vinh, Tra Vinh Province; education level: 12/12; profession before arrest: Housewife.

Nationality: Vietnamese

Ethnicity: Kinh

Religion: Catholic

Father: Dang Van Tuan, born 1917 (deceased).

Mother: Luu Thi Day, born 1920 (deceased).

Husband: Nguyen Van Loi, born 1955.

Children: two children (older son Nguyen Dang Vinh Phuc, born 1980, younger son, Nguyen Dang Minh Man, born 1985, are the defendants in the case).

Past activity: From 1957 to 1967, lived with family and attended primary school in Trung Ngai, Vung Liem District, Tra Vinh Province; from 1967 to 1976, attended high school in Tra Vinh District, Tra Vinh Province; from 1976 to 1977, studied at Vinh Long Secondary school for Teachers, Vinh Long; from 1977 to 1979, served as a primary school teacher of grades 1 and 2 in Trung Ngai village, Vung Liem District, Tra Vinh Province; from 1979 to 1989, stayed at home to assist parents in the town of Tra Vinh, Tra Vinh Province; from 1989 to October 3, 1996, fled to Thailand with her husband and two children, stayed in a refugee camp run by the United Nations High Commission for Refugees in Thailand; from October 3, 1996 to the time of arrest, returned to Vietnam with her husband and two children and lived at 511 Kien Thi Nhan Road, Hamlet 3, Ward 7, city of Tra Vinh, Tra Vinh Province.



Arrested on August 2, 2011 by the Investigation Department of the Ministry of Public Security and charged with participation in "Viet Tan" with activities aimed at overthrowing the people's administration, currently detained.

Previous criminal record: None.

Criminal activity: Actively participated in "Viet Tan" and was admitted to this organization on May 3, 2010 in Cambodia; travelled abroad 4 times to meet a number of core leaders of "Viet Tan" organization and participated in training workshops organized by "Viet Tan" (in Thailand: 2 times; in Cambodia: 2 times); assigned by "Viet Tan" the task to recruit members and distribute propaganda to incite "aggrieved citizens" to protest; graffitied subversive propaganda slogans with her daughter in the area of an (old) elementary school in Trung Ngai village, Vung Liem District, Vinh Long Province; directly reported to and updated "Viet Tan" on the protests regarding the East Sea; along with daughter Nguyen Dang Minh Man, introduced "Viet Tan" to Nguyen Dang Vinh Phuc (son) and was provided by "Viet Tan" \$1,200 USD and 2,000 baht (Thai currency) to carry out criminal activities.

**7. Nguyen Van Duet**, born on November 2, 1980 in Nghe An; registered permanent residence and current residence: Hamlet 4, Quynh Vinh village, Quynh Luu District, Nghe An Province; education level: 12/12; profession before arrest: Freelance.

Nationality: Vietnamese      Ethnicity: Kinh      Religion: Catholic

Father: Nguyen Van Chuc, born 1935.

Mother: Ho Thi Kinh, was born in 1941.

Past activity: From 1992 to 2000, lived and studied in Quynh Luu District, Nghe An Province; from 2000 to 2002, studied at the parish church Bot Da in Da Son village, Do Luong District, Nghe An Province; from 2002 to 2007, studied in the Department of Computational Mathematics at the Continuing Education Center in Nghe An Province; from 2007 to the time of arrest, studied at Huyen Mon church of Thanh Da, Quynh Thanh village, Quynh Luu District, Nghe An Province.

Arrested on August 7, 2011 by the Investigation Department of the Ministry of Public Security and charged with participation in "Viet Tan" with activities aimed at overthrowing the people's administration, currently detained.

Previous criminal record: None.

Criminal activity: Participated in "Viet Tan" and was admitted to the organization on August 29, 2010 in the Philippines; travelled abroad 4 times to meet a number of core leaders of "Viet Tan" and participated in the training workshops organized by "Viet Tan" in Thailand: 2 times; in the Philippines: 1 time; Laos: 1 time); was assigned by "Viet Tan" the task to recruit members and was provided with \$1,700 USD and 9,000,000 VND to carry out criminal activities.

**8. Nguyen Van Oai**, born on June 18, 1981 in Nghe An; registered permanent residence: Hamlet 4, Quynh Vinh village, Quynh Luu District, Nghe An Province; current residence: 31/12A, Thong Nhat Quarter 2, Di An ward, town of Di An, Binh Duong Province; education level: 12/12; profession before arrest: Freelance.

Nationality: Vietnamese      Ethnicity: Kinh Religion: Catholic

Father: Nguyen Van Thong, born 1944 (deceased).

Mother: Tran Thi Lieu, born 1947.

Past Activity: From 1981 to 2000, lived with his family and studied in Quynh Luu District, Nghe An Province; from 2000 to 2002, farmed in Quynh Vinh village, Quynh Luu District, Nghe An Province; from 2002 to 2007, was a student of the Hanoi University of Science - Vietnam National University (opened in the city of Vinh, Nghe An Province); from 2008 to July 2010, worked at the President Company in the Song Than Industrial Zone, town of Di An, Binh Duong Province; from July 2010 to February 2011 worked as a stockbroker for the Tran Dinh Investment and Trade Joint Stock Company, city of Vinh, Nghe An Province; from February 2011 until the time of arrest, was job-seeking in the town of Di An, Binh Duong Province.

Arrested on August 2, 2011 by the Investigation Department of the Ministry of Public Security and charged with participation in "Viet Tan" with activities aimed at overthrowing the people's administration, currently detained.



Previous criminal record: None.

Criminal activity: Participated in "Viet Tan" and was admitted to this organization on November 26, 2010 at Hai Au hotel, town of Cua Lo, Nghe An Province with Nguyen Xuan Anh; travelled abroad 4 times to meet a number of core leaders of the "Viet Tan" organization and participated in the training workshops organized by "Viet Tan" (in Thailand: 3 times; in the Philippines: 1 time); directly followed the situation of the protests related to the islands issues to report to "Viet Tan"; was assigned by "Viet Tan" the task to recruit members among University students and intelligentsia, and was equipped with 1 camera, 1 lighter-shaped camera, \$800 USD to carry out criminal activities.

**9. Nong Hung Anh**, born on February 26 1983 in Lang Son; registered permanent residence: 16 10A Lane, Bac Son Road, Hoang Van Thu ward, city of Lang Son, Lang Son Province; current residence: 18, Thanh Nhan Road, Thanh Nhan Ward, Hai Ba Trung District, Hanoi; education level: 12/12; profession before arrest: Student.

Nationality: Vietnamese      Ethnicity: Nung      Religion: None

Father: Nong Van Khoa, was born in 1956.

Mother: Hoang Thi Hoa, was born in 1958.

Past activity: From 1983 to 2002, lived with family and studied in the city of Lang Son, Lang Son Province; from 2002 and 2005, student at South China University, Guangzhou, China; from 2005 to 2008, worked as a freelance in Lang Son; was a student at Hanoi University from 2008 until the time of arrest.

Arrested on August 5, 2011, by the Investigation Department of the Ministry of Public Security and charged with participation in "Viet Tan" with activities aimed at overthrowing the people's administration, currently detained.

Previous criminal record: None.

Criminal activity: Participated in "Viet Tan" and was admitted to the organization on July 25, 2011 in Thailand with Nguyen Dang Vinh Phuc; travelled abroad 3 times to meet with core leaders of "Viet Tan" and participated in the training workshops organized by "Viet

Tan" (in Thailand: 2 times; in the Philippines: 1 time); was assigned by "Viet Tan" the task to recruit members; wrote and disseminated on the Internet 1 article with propaganda content that distorted the guidelines and policies of the State during the National Assembly election and called for multi-party pluralism; was provided by "Viet Tan" \$1,500 USD and 3,000,000 VND to carry out criminal activities.

**10. Nguyen Xuan Anh**, born September 14, 1982 in Nghe An; registered permanent residence and current residence: Hamlet 4, Nghi Phu village, city of Vinh, Nghe An Province; education level: 12/12; profession before arrest: Freelance.

Nationality: Vietnamese      Ethnicity: Kinh Religion: Catholic

Father: Nguyen Xuan Hien, born 1939 (deceased).

Mother: Nguyen Thi Thiem, was born 1960.

Wife: Dinh Thi Oanh, born 1982, profession: Housewife.

2 children: older son born 2008, younger child born 2010.

Past activity: From 1982 to 2002, lived with family and studied in the city of Vinh, Nghe An Province; from 2002 to the time of arrest, did local freelance labor work.

Arrested on August 7, 2011 by the Investigation Department of the Ministry of Public Security and charged with participation in "Viet Tan" with activities aimed at overthrowing the people's administration, currently detained.

Previous criminal record: None.

Criminal activity: Participated in "Viet Tan" and was admitted to the organization on November 26, 2010 at Hai Au hotel, town of Cua Lo, Nghe An with Nguyen Van Oai; travelled abroad twice to meet a number of core leaders of "Viet Tan" and participated in training workshops organized by "Viet Tan" (in Thailand: 1 time; Laos: 1 time); held the flag of "Viet Tan" along with Le Van Son to assist in the admission ceremony of Nong Hung Anh and Nguyen Dang Vinh Phuc; was assigned by "Viet Tan" the task of recruiting members, collecting news and information.

**11. Ho Van Oanh**, born on August 9, 1985 in Nghe An; registered permanent residence: Hamlet 4, Quynh Vinh village, Quynh Luu District, Nghe An Province; current



residence: 115/12D, Nguyen Kiem, Ward 3, Go Vap District, Ho Chi Minh City; education level: 12/12; occupation before arrest: Student.

Nationality: Vietnamese      Ethnicity: Kinh Religion: Catholic

Father: Ho Huan, born 1940 (deceased).

Mother: Vu Thi Loan, born 1945.

Past activity: From 1985 to 2004, lived with family and studied in Quynh Vinh village, Quynh Luu District, Nghe An Province; from 2004 to 2006, worked as a farmer in Quynh Vinh village, Quynh Luu District, Nghe An Province; from 2006 until the time of arrest, was studying as a fourth year student majoring in graphic design at Bach Viet College, Ho Chi Minh City.

Arrested on August 16, 2011 by the Investigation Department of the Ministry of Public Security and charged with participation in "Viet Tan" to overthrow the people's administration, currently detained.

Previous criminal record: None.

Criminal activity: Participated in "Viet Tan" on July 1, 2010 in Thailand; went to Thailand 2 times to meet a number of core members of "Viet Tan and participated in training workshops organized by "Viet Tan"; early August 2011 collected and reported information to Nguyen Kim and Nguyen Thi Thanh Van regarding to the arrest of Ho Duc Hoa, Dang Xuan Dieu, and Nguyen Van Oai; was assigned by "Viet Tan" the task of recruiting members.

**12. Thai Van Dung**, born on June 3, 1988 in Nghe An; registered permanent residence and current residence: Hamlet 4, Dien Hanh village, Dien Chau District, Nghe An Province; education level: 12/12; profession before arrest: Farmer.

Nationality: Vietnamese      Ethnicity: Kinh Religion: Catholic.

Father: Thai Van An, born 1958 (deceased).

Mother: Han Thi Phu, born 1960.

Past activity: From 1988 to 2008, lived with family and studied in Dien Chau District, Nghe An Province; from 2008 to June 2011, lived at home and worked on the family farm; from June 2011 until the time of arrest, was learning English in Hanoi.

Arrested on August 19, 2011 by the Investigation Department of the Ministry of Public Security and charged with participation in "Viet Tan" with activities aimed at overthrowing the people's administration, currently detained.

Previous criminal record: None.

Criminal activity: Participated in "Viet Tan" organization and was admitted to the organization on July 10, 2011 in Thailand; went abroad to Thailand once to meet a number of core leaders of "Viet Tan" and participated in the training workshops organized by "Viet Tan"; joined protests on the island issues 4 times, caused a disturbance to security forces, was provided by "Viet Tan" \$250 USD for criminal activities.

**13. Tran Minh Nhat**, born on January 1, 1988 in Nghe An; registered permanent residence: Thon Yen Thanh, Da Don village, Lam Ha District, Lam Dong Province; education level: 12/12; profession before arrest: Student.

Nationality: Vietnamese      Ethnicity: Kinh Religion: Catholic.

Father: Tran Khac Chin, born 1951.

Mother: Nguyen Thi Huong, born 1954.

Past activity: From 1988 to 2008, lived with family and studied in Lam Ha District, Lam Dong Province; from 2008 until the time of arrest, was studying at the Ho Chi Minh City University of Foreign Languages and Information Technology.

Arrested on August 27, 2011 by the Investigation Department of the Ministry of Public Security and charged with participation in "Viet Tan" with activities aimed at overthrowing the people's administration, currently detained.

Previous criminal record: None.



Criminal activity: Participated in "Viet Tan" on July 11, 2011 in Thailand; went to Thailand 1 time to meet a number of core leaders of "Viet Tan" and participated in training workshops organized by "Viet Tan"; was assigned by "Viet Tan" the task of recruiting members and was provided with \$200 USD, 2,000 baht (Thai currency) to carry out the criminal activities.

**14. Nguyen Vinh Phuc Dang**, born on February 2, 1980 in Vinh Long; registered permanent residence and current residence: 511, Kien Thi Nhan Road, Hamlet 3, Ward 7, the city of Tra Vinh, Tra Vinh Province; education level: 12/12; profession before arrest: Worker.

Nationality: Vietnamese      Ethnicity: Kinh      Religion: None.

Father: Nguyen Van Loi, born 1955.

Mother: Dang Ngoc Minh, born 1957 (the accused in the same case).

Past activity: From 1980 to 1989, lived with family in Vung Liem District, Vinh Long Province; from April 1989 to October 1996, fled with parents by boat to Thailand, stayed in a refugee camp run by the United Nations High Commission for Refugees in Thailand; October 1996, returned to Vietnam with parents; from October 1996 to the time of arrest, studied cultural enrichment, was trained and worked as a welder in the city of Tra Vinh, Tra Vinh Province.

Arrested on August 2, 2011 by the Investigation Department of the Ministry of Public Security and charged with participation in "Viet Tan" to overthrow the people's administration, currently detained.

Previous criminal record: None.

Criminal activity: Participated in "Viet Tan" and was admitted to this organization on July 25, 2011 in Thailand; travelled abroad 2 times to meet a number of core leaders of "Viet Tan" and participated in training workshops organized by "Viet Tan" (in Cambodia: 1 time; in Thailand: 1 time); was assigned by "Viet Tan" the task of recruiting members and was provided \$192.67 USD to carry out criminal activities.

The actions listed above of the accused **Ho Duc Hoa, Dang Xuan Dieu, Le Van Son and Nguyen Dang Minh Man**, who participated in the reactionary organization "Viet Tan" with the roles of active participants aiming to overthrow the people's administration, have committed "*Criminal activities aimed at overthrowing the people's administration*", Clause 1, Article 79 of the Criminal Code of the Socialist Republic of Vietnam; the actions of the accused **Nguyen Dinh Cuong, Dang Ngoc Minh, Nguyen Van Duyet, Nguyen Van Oai, Nong Hung Anh, Nguyen Xuan Anh, Ho Van Oanh, Thai Van Dung, Tran Minh Nhat, and Nguyen Dang Vinh Phuc**, who participated in "Viet Tan" as an accomplice actively aiming to overthrow the people's administration, have committed the "*Criminal activities aimed at overthrowing the people's administration*", Clause 2, Article 79 of the Criminal Code of the Socialist Republic of Vietnam. Article 79 of the Penal Code provides: "*Criminal activities aimed at overthrowing the people's administration*"

**1. Organizers, instigators, active participants or those who cause grave consequences, shall be sentenced to between twelve and twenty years, life imprisonment or the death penalty;**

**2. Other accomplices shall be sentenced to between five and fifteen years.**

In this case, the accused Nguyen Xuan Kim, Thai Van Tu and Le Sy Sang are prosecuted for "*Crime of activities aimed at overthrowing the people's administration*," under Article 79 of the Penal Code, but the accused had fled before being detected. Therefore, the Investigation Department of the Ministry of Public Security issued a Decision to suspend the investigation against the accused, and when they are caught the investigation will resume, followed by a trial.

Regarding the related subjects, including:

- The core leaders of "Viet Tan" currently living overseas whose actions have included the distribution of propaganda, recruitment, initiation and direct training of the accused in the case, as the Investigation Department of the Ministry of Public Security does not yet have the means to verify, all related documents will be transferred to expert units of the Ministry of Public Security to continue the investigation process.



- Nguyen Quoc Quan, a core member of "Viet Tan" has directly trained the accused Nguyen Van Oai, Nong Hung Anh, Ho Van Oanh and Le Sy Sang in the period between June 28 to July 3, 2010 in Thailand; currently, Nguyen Quoc Quan is being investigated by the Investigation Department and is being prosecuted by the Ministry of Public Security and held in detention for a separate case of "*Crime of terrorism against the people's government*." Therefore, the Investigation Department of the Ministry of Public Security has transferred all documents and evidence relating to the offense of Nguyen Quoc Quan to investigate and try in the above case.
- Regarding Le Hai Chau and Le Dinh Luong (both residing in neighborhood 9, Hop Thanh village, Yen Thanh District, Nghe An Province), the Investigation Department of the Ministry of Public Security has transferred related documents to functional units to continue to resolve.

Due to the reasons above,

#### DECISION

1. Prosecute the accused **Ho Duc Hoa, Dang Xuan Dieu, Le Van Son and Nguyen Dang Minh Man** before the Nghe An Province People's Court for the "*Crime of activities aimed at overthrowing the people's administration*" under Clause 1 of Article 79 of the Penal Code of the Socialist Republic of Vietnam; **Nguyen Dinh Cuong, Dang Ngoc Minh, Nguyen Van Duyet, Nguyen Van Oai, Nong Hung Anh, Nguyen Xuan Anh, Ho Van Oanh, Thai Van Dung, Tran Minh Nhat and Nguyen Dang Vinh Phuc** for the "*Crime of activities aimed at overthrowing the people's administration,*" under Clause 2 of Article 79 of the Penal Code of the Socialist Republic of Vietnam.

2. Authorize the Nghe An Province People's Procuracy to exercise the right to prosecute and supervise the initial trial of the case.

Attached to the indictment includes:

- The case file, including the book of records numbered from 01 to ...
- Exhibits bulletin.
- List of the individuals summoned to Court.

Recipients:

SIG. CHIEF PROSECUTOR  
PROCURATOR - DIRECTOR

- Nghe An Province People's Court;
- Nghe An Province People's Procuracy;
- The Capital Security Agency-Ministry of Public Security; Nguyen Hong Vinh
- The defendants;
- The case file;
- Profile KSDT;
- Save Service 2.



**People's Court  
of Nghe An Province**

Number: 190/2012/HSST-LTG

**The Socialist Republic of Vietnam  
Independence, Freedom, Happiness**

*Nghe An, 20<sup>th</sup> september 2012*

**ORDER OF TEMPORARY DETENTION  
PEOPLE'S COURT OF NGHE AN PROVINCE**

According to articles 38, 79, 80, 88, 176 and 177 of the Criminal Procedure Code.

According to criminal records registered under number 88/2012/HSST.

Considering it is necessary to maintain the accused under temporary detention to ensure the trial and completion of the sentence.

**ORDER:**

1. Temporary detained accused: Nguyen Dang Minh Man  
Born on 10/01/1985 at Vinh Long  
Registered residency and address 511 Nhan thi Kien Street, ward 03 district 07  
Tra Vinh city, Tra Vinh province  
Occupation: Freelance  
Is prosecuted for "*Activities aimed at overthrowing the people's administration*" by the Supreme People's Procurate according to clause 1 of the article 79 of the Penal Code.  
The duration of the temporary detention is 3 months and 15 days since 20.09.2012.
2. The Temporary Detention Center B14 have the responsibility to execute this order.

**DEPUTY JUDGE**

**Dang Thi Oanh**

**Copies to:**

- The Detention Center B14
- The Supreme People's Procurate
- The accused

**PEOPLE'S COURT  
OF NGHE AN PROVINCE**

**THE SOCIALIST REPUBLIC OF VIETNAM  
Independence, Freedom, Happiness**

Number: 164/2012/HSST-QDXX

*Nghe An, 17<sup>th</sup> december 2012*

**DECISION  
TO GO TRIAL  
PEOPLE'S COURT OF NGHE AN PROVINCE**

According to articles 39, 176 and 178 of the Criminal Procedural Code.

After examining the criminal case registered under number: 88/2012/HSST on 20/9/2012.

**DECISION**

**I. Bring to first trial the criminal case against the accused:**

1. Name and first-name: **Ho Duc Hoa** (alias Thin), born on 06/3/1974 at Nghe An  
Registered residency: neighbor 4, Qunh Vinh, Quynh luu, Nghe An Province  
Address: 21 /06 , Tran quoc Toan , ward Ha huy Tap, Nghe An province
2. Name and first-name: **Dang Xuan Dieu** (alias Tat), born on 08/7/1979 at Nghe An  
Registered residency: neighbor 4, Nghi Dong , ward Nghi loc, Nghe An provinve  
Address: 03, street Dinh Le, districk Hung phuc, Vinh city, Nghe An Province
3. Name and first-name: **Le Van Son**, born on 20/10/1985, at Thanh Hoa  
Registered residency: 02 , Trinh Ha, ward Hoang Trung district Hoang Hoa, Thanh Hoa province  
Address: 357 Trach Xuong Bui street, ward Dinh Cong, district Hoang mai, Ha Noi
4. Name and first-name: **Nguyen Dang Minh Man**, born on 10/01/1985 at Vinh Long.  
Registered residency and address 511 Nhan thi Kien Street, ward 03 distric 07 Tra Vinh city, Tra Vinh province
5. Name and first-name: **Nguyen Dinh Cuong**, born on 22/02/1981, at Nghe An  
Registered residency and address neighbor 04, ward Nghi Phu, Vinh city, Nghe An
6. Name and first-name: **Dang Ngoc Minh**, born on 04/4/1957, at Vinh Long  
Registered residency and address: neighbor 511, Kien thi Nhan street, ward 03, district 07, Vinh city, Vinh Province
7. Name and first-name: **Nguyen Van Duyet**, born on 02/11/1980, at Nghe An  
Registered residency and address: neighbor 04, ward Quynh Vinh, district Quynh Luu, Nghe An province
8. Name and first-name: **Nguyen Van Oai**, born on 18/6/1981, at Nghe An  
Registered residency: neighbor 04, ward Quynh Vinh, district Quynh luu, Nghe An province  
Address: 31/12A Thong Nhat street 02, district Di An, ward Di An, Binh Duong province
9. Name and first-name: **Nong Hung Anh**, born on 26/2/1983, at Lang Son

Registered residency: 16, neighbor 10 A, Bac Son street, district Hoang van Thu, Lang Son city

Address: 18/ neighbor 88, Thanh nhan street, district Thanh Nhan, Hai ba Trung, Ha Noi

10. Name and first-name: **Nguyen Xuan Anh**, born on 14/9/1982, at Nghe An.

Registered residency and address: neighbor 04, ward Nghi Phu, Vinh city Nghe An Province

11. Name and first-name: **Ho Van Oanh**, born on 09/8/1985, at Nghe An

Registered residency: neighbor 04, ward Quynh Vinh, district Quynh Luu, Nghe An Province

Address: 115/12D Nguyen Kiem street, ward 03, district Go vap, Ho chi Minh city

12. Name and first-name: **Thai Van Dung**, born on 03/6/1988, at Nghe An

Registered residency and address: neighbor 04, ward Dien Hanh, district Nien Chau, Nghe An province

13. Name and first-name: **Tran Minh Nhat**, born on 31/10/1988, at Nghe An

Registered residency: neighbor Yen Thanh, ward Da don, district Lam ha, Lam Dong Province

14. Name and first-name: **Nguyen Dang Vinh Phuc**, born on 02/2/1980, at Vinh Long.

Registered residency and address: 511, Kien thi Nhan street, ward 03, district 07 Tra Vinh City, Tra Vinh Province.

The accused **Ho Duc Hoa, Dang Xuan Dieu, Le Van Son and Nguyen Dang Minh Man** are prosecuted by the Supreme People's Procuratorate for "Activities aimed at overthrowing the people's administration", according to clause 1 of article 79 of the Penal Code of the Socialist Republic of Vietnam.

The accused **Nguyen Dinh Cuong, Dang Ngoc Minh, Nguyen Van Duyet, Nguyen Van Oai, Nong Hung Anh, Nguyen Xuan Anh, Ho Van Oanh, Thai Van Dung, Tran Minh Nhat and Nguyen Dang Vinh Phuc** are prosecuted by the Supreme People's Procuratorate for "Activities aimed at overthrowing the people's administration", according to clause 2 of article 79 of the Penal Code of the Socialist Republic of Vietnam.

The trial will start: 07:30 AM, 8<sup>th</sup> january 2013

The location of trial: People's Court of Nghe An province

The trial is public.

## **II. Persons to conduct the proceedings:**

The presiding judge: **Mr. Tran Ngoc Son**

Judge: **Mr. Vi Van Chat**

Substitute judges: **Mr. Tran Nhat Lam, Mr. Nguyen Gian Nam**

Juries: **Mr. Ngo Xuan Thanh, Mr. Tran Huy Loi and Mr. Tran Quang Hoa**

Substitute juries: **Mr. Tran Dinh Duong, Mr. Pham Ba Xanh, Ms Nguyen Thi Kim Lien**



Court clerk: **Mr. Ly Van Duong** and **Mr. Vuong Thanh Minh** – staff of People's Court of Nghe An province

Representative of the procuracy: **Mr. Tang Ngoc Tuan** and **Mr. Nguyen Quang Tien** – procurator - Supreme People's Procuratorate of Nghe An province.

### **III. Persons to participate the proceedings**

- The accused **Ho Duc Hoa**, **Dang Xuan Dieu**, **Le Van Son** and **Nguyen Dang Minh Man**, **Nguyen Dinh Cuong**, **Dang Ngoc Minh**, **Nguyen Van Duyet**, **Nguyen Van Oai**, **Nong Hung Anh**, **Nguyen Xuan Anh**, **Ho Van Oanh**, **Thai Van Dung**, **Tran Minh Nhat** and **Nguyen Dang Vinh Phuc**.

- Counsel for the defense:

1. Lawyer **Tran Thu Nam** - Tin Viet & Cong Su law firm – Ha Noi Bar: to defend for accused **Ho Duc Hoa**, **Thai Van Dung**, **Nguyen Van Oai** and **Nguyen Xuan Anh**.

2. Lawyer **Nguyen Thi Hue** - Tin Viet & Cong Su law firm – Ha Noi Bar: to defend for the accused **Le Van Son**.

3. Lawyer **Dao Anh Dung** - Tin Viet & Cong Su law firm – Ha Noi Bar: to defend for the accused **Dang Xuan Dieu**.

4. Lawyer **Ha Huy Son**: TNHH law firm Ha Son, Ha Noi Bar: to defend for the accused **Nguyen Dinh Cuong**, **Ho Van Oanh** and **Tran Minh Nhat**.

And the lawyers from the Nghe An Bar, appointed to defend the accused of clause 1 article 79 of the Penal Code.

**PEOPLE'S COURT OF NGHE AN PROVINCE**  
**JUDGE**

**Tran Ngoc Son**

**Copies to:**

- The People's Procuracy of Nghe An Province
- Counsel for the defense
- The accused
- Archive

**People's Court  
of Nghe An Province**

**The Socialist Republic of Vietnam  
Independence, Freedom, Happiness**

Number: 237/2012/HSST-LTG

*Nghe An, 28<sup>th</sup> december 2012*

**ORDER OF TEMPORARY DETENTION  
PEOPLE'S COURT OF NGHE AN PROVINCE**

According to articles 38, 79, 80, 88, 176 and 177 of the Criminal Procedure Code.

According to criminal records registered under number 88/2012/HSST on 20<sup>th</sup> september 2012.

Considering it is necessary to maintain the accused under temporary detention to ensure the trial and completion of the sentence.

**ORDER:**

1. Temporary detained accused: Nguyen Dang Minh Man  
Born on 10/01/1985 at Vinh Long  
Registered residency and address 511 Nhan thi Kien Street, ward 03 distric 07  
Tra Vinh city, Tra Vinh province  
Occupation: Freelance  
Is prosecuted for "*Activities aimed at overthrowing the people's administration*" by the Supreme People's Procurate according to clause 1 of the article 79 of the Penal Code.  
The duration of the temporary detention: from 05.01.2013 until the first instance trial.
2. The Temporary Detention Center B14 have the responsibility to execute this order.

**DEPUTY JUDGE**

**Tran Ngoc Son**

**Copies to:**

- *The Detention Center B14*
- *The Supreme People's Procurate*
- *The accused*
- *Archive*

Annex XII: Judgment (Translation), 9 January 2013

**People's Court  
of Nghe An Province**

**The Socialist Republic of Vietnam  
Independence, Freedom, Happiness**

The Judgment number: 01/2013/HSST  
09/01/2013

IN NAME OF  
SR OF VIETNAM  
**PEOPLE'S COURT OF NGHE AN**  
*The panel of judges includes the following:*

*The presiding judge: Mr. Tran Ngoc Son*

*Judge: Mr. Vi Van Chat*

*Juries: Mr. Ngo Xuan Thanh, Mr. Tran Huy Loi and Mr. Tran Quang Hoa*

*- Court clerk: Mr. Ly Van Duong and Mr. Vuong Thanh Minh*

- The Officers of Nghe An province

*- Representative of the procuracy supervision of Nghe An provincial to join the panel are*

**Mr. Tang Ngoc Tuan and Mr. Nguyen Quang Tien**

The hearing will be held on the 08 and 09/01/2013 at the People's court of Nghe An Province.

The open hearing for the judgment of 8/8/2012/HSST on 20/09/2012 against the accused:

1) First and Last name: **Ho Duc Hoa**, date of birth: 06/03/1974 at Nghe An

DKHKTT: neighbor 4, Qunh Vinh, Quynh luu, Nghe An Province

Address: 21 /06 , Tran quoc Toan , ward Ha huy Tap, Nghe An province

Education: 12/12

Occupation: Chairman of Tran Dinh investment trading company.

Vietnam citizen, Ethnic : Kinh. Religion: Catholic

Father: Mr. Ho Dinh Hien, born 1946

Mother: Mrs. Nguyen Thi Tuyet, born 1953

Criminal record: N/A

In temporary detention since 2 august 2011. Present at court.

2) First and Last name: **Dang Xuan Dieu**, date of birth: 08/07/1979 at Nghe An

DKHKTT: neighbor 4, Nghi Dong , ward Nghi loc, Nghe An provinve

Address: 03, street Dinh Le, district Hung phuc, Vinh city, Nghe An Province

Education: 12/12

Occupation: Chairman of the Tien Thanh construction company.

Vietnam citizen, Ethnic: Kinh. Religion: Catholic

Father: Tran Xuan Dang, deceased

Mother: Nguyen Thi Nga, born 1945

Criminal record: N/A

In temporary detention since 2 august 2011. Present at court.

- 3) First and Last name: **Le Van Son**, date of birth: 20/10/1985 at Thanh Hoa  
DKHKTT: 02 , Trinh Ha, ward Hoang Trung district Hoang Hoa, Thanh Hoa province  
Address: 357 Trach Xuong Bui street, ward Dinh Cong, district Hoang mai, Ha Noi  
Education: 12/12  
Occupation: N/A  
Vietnam citizen, Ethnic: Kinh. Religion: Catholic  
Father: Mr. Le Nhu Doan, born 1955  
Mother: Mrs. Do Thi Tan, born 1963  
Criminal record: N/A  
In temporary detention since 3 august 2011. Present at court.
- 4) First and last name: **Nguyen Dang Minh Man**, date of birth: 10/01/1985 at Vinh Long  
DKHKTT and address 511 Nhan thi Kien Street, ward 03 distric 07 Tra Vinh city, Tra Vinh province  
Education: 12/12  
Occupation: N/A  
Vietnam citizen, Ethnic : Kinh. Religion: Catholic  
Father: Mr. Nguyen Van Loi, born 1955. Mother: Mrs. Dang Ngoc Minh, born 1957  
Criminal record: N/A  
In temporary detention since 2 august 2011. Present at court.
- 5) First and Last name: **Nguyen Dinh Cuong**, date of birth: 22/02/1981 at Nghe An  
DKHKTT and address neighbor 04, ward Nghi Phu, Vinh city, Nghe An  
Education: 12/12  
Occupation: President of TNHH corporation.  
Vietnam citizen, Ethnic: Kinh. Religion: Catholic  
Father: Mr. Nguyen Van Bang, born 1960  
Mother: Mrs. Nguyen Thi Hoa, born 1960  
Criminal record: N/A  
In temporary detention since 24 december 2011. Present at court.
- 6) First and Last name: **Dang Ngoc Minh**, date of birth: 04/04/1957 at Vinh Long  
DKHKTT and address: neighbor 511, Kien thi Nhan street, ward 03, district 07, Vinh city, Vinh Province  
Education: 12/12  
Occupation: N/A  
Vietnam citizen, Ethnic: Kinh. Religion: None  
Father: Mr. Dang Van Tuan, deceased. Mother: Mrs. Luu Thi Day, deceased  
Husband: Mr. Nguyen Van Loi, born 1955  
Children: Nguyen Dang Vinh Phuc, born 1980; Nguyen Dang Minh Man, born 1985  
also are accused  
Criminal record: N/A  
In temporary detention since 2 august 2011. Present at court.
- 7) First and Last name: **Nguyen Van Duyet**, date of birth 02/11/1980 at Nghe An  
DKHKTT and address: neighbor 04, ward Quynh Vinh, district Quynh Luu, Nghe An province

Education: 12/12

Occupation: N/A

Vietnam citizen, Ethnic: Kinh. Religion: Catholic

Father: Mr. Nguyen Van Chuc, born 1935. Mother: Mrs. Ho Thi Kinh, born 1941

Criminal record: N/A

In temporary detention since 7 august 2011. Present at court.

8) First and Last name: **Nguyen Van Oai**, date of birth: 18/06/1981 at Nghe An  
DKHKTT : neighbor 04, ward Quynh Vinh, district Quynh luu, Nghe An province  
Address: 31/12A Thong Nhat street 02, district Di An, ward Di An , Binh Duong  
province

Education: 12/12

Occupation: N/A

Vietnam citizen, Ethnic: Kinh. Religion: Catholic

Father: Mr. Nguyen Van Thong, deceased. Mother: Mrs. Tran Thi Lieu, born 1947

Criminal record: N/A

In temporary detention since 2 august 2011. Present at court.

9) First and Last name: **Nong Hung Anh**, date of birth: 26/02/1983 at Lang Son  
DKHKTT: 16 , neighbor 10 A, Bac Son street, district Hoang van Thu, Lang Son city  
Address: 18/ neighbor 88, Thanh nhan street, district Thanh Nhan, Hai ba Trung, Ha Noi

Education: 12/12

Occupation: Student

Vietnam citizen, Ethnic: Kinh. Religion: None

Father: Mr. Nong Van Khoa, born 1956. Mother: Mrs. Hoang Thi Hoa, born 1947

Criminal record: N/A

In temporary detention since 5 august 2011. Present at court.

10) First and Last name: **Nguyen Xuan Anh**, date of birth: 14/09/1982 at Nghe An  
DKHKTT and address: neighbor 04, ward Nghi Phu, Vinh city Nghe An Province

Education: 12/12

Occupation: independent contractor

Vietnam citizen, Ethnic: Kinh. Religion: Catholic

Father: Mr. Nguyen Xuan Hien, deceased. Mother: Mrs. Nguyen Thi Thiem, born 1960

Wife: Mrs. Dinh Thi Oanh, born 1982 with two children the older child born in 2008, the  
younger born in 2010

Criminal record: N/A

In temporary detention since 7 august 2011. Present at court.

11) First and Last name: **Ho Van Oanh**, date of birth: 09/08/1985 at Nghe An  
DKHKTT: neighbor 04, ward Quynh Vinh, district Quynh Luu, Nghe An Province  
Address: 115/12D Nguyen Kiem street, ward 03, district Go vap, Ho chi Minh city

Education: 12/12

Occupation: College student

Vietnam citizen, Ethnic: Kinh. Religion: Catholic

Father: Mr. Ho Huan, deceased. Mother: Mrs. Vu Thi Loan, born in 1945

Criminal record: N/A

In temporary detention since 16 august 2011. Present at court.



12) First and Last name: **Thai Van Dung**, date of birth: 03/06/1988 at Nghe An DKHKTT and address: neighbor 04, ward Dien Hanh, district Nien Chau, Nghe An province

Education: 12/12

Occupation: Farmer

Vietnam citizen, Ethnic: Kinh. Religion: Catholic

Father: Mr. Thai Van An, deceased. Mother: Mrs. Han Thi Phu, born in 1960

Criminal record: N/A

In temporary detention since 19 august 2011. Present at court.

13) First and Last name: **Tran Minh Nhat**, date of birth: 31/10/1988 at Nghe An DKHKTT: neighbor Yen Thanh, ward Da don, district Lam ha, Lam Dong Province

Education: 12/12

Occupation: Student

Vietnam citizen, Ethnic: Kinh. Religion: Catholic

Father: Mr. Tran Khac Chin, born in 1951. Mother: Mrs. Nguyen Thi Huong, born in 1954

Criminal record: N/A

In temporary detention since 27 august 2011. Present at court.

14) First and last name: **Nguyen Dang Vinh Phuc**, date of birth: 02/02/1980 at Vinh Long

DKHKTT and address: 511, Kien thi Nhan street, ward 03, district 07 Tra Vinh City, Tra Vinh Province

Education: 12/12

Occupation: N/A

Vietnam citizen, Ethnic: Kinh. Religion: None

Father: Mr. Nguyen Van Loi, born 1955. Mother: Mrs. Dang Ngoc Minh, born 1957

Criminal record: N/A

**The defendants' lawyers present at court are the following:**

1- Lawyer Tran Thu Nam: from the Ha Noi law firm to defend for accused Ho Duc Hoa, Thai Van Dung, Nguyen Van Oai and Nguyen Xuan Anh.

2 – Lawyer Nguyen Thi Hue: from Tin Viet & Cong Su law firm to defend for the accused Le Van Son.

3- Lawyer Vuong Thi Thanh: from the Cu Huy Ha Vu law firm from Ha noi city to defend for the accused Nguyen Van Duyet and Dang Xuan Dieu.

4- Lawyer Ha Huy Son: TNHH law firm Ha Son, Ha noi city to defend for the accused Nguyen Dinh Cuong and Ho Van Oanh.

**The witness:** Mr. Nguyen Van Trieu, 64 years old, is present

Address: Dong ken, ward Tay Thanh, district Yen Thanh, Nghe An Province

**The Judgments from the Supreme People's Procuratorate charged to all these accused are:**

Ho Duc Hoa, Dang Xuan Dieu, Le Van Son, Nguyen Dang Minh Man, Nguyen Dinh Cuong, Dang Ngoc Minh, Nguyen Van Duyet, Nguyen Van Oai, Nong Hung Anh, Nguyen Xuan Anh, Ho Van Oanh, Thai Van Dung, Tran Minh Nhat and Nguyen Dang Vinh Phuc with the crime that they committed as follows:

In recent years the hostile forces, institutions, and foreign reactionaries do not stop there but all activities against Our Party and in which the organization “Việt Tân” (abbreviated “Viet Tan”) is a reactionary organization in exile abroad, activities aimed at overthrowing the state government CHHCN Vietnam. After the operation of armed terrorists failed in Vietnam, they quickly organized were diverted by the mode of operation "peaceful evolution struggle "nonviolence" to proceed against the Socialist Republic of Vietnam. In addition to promoting the propagation and development of destructive force for national organizations, institutions "Viet Tan "also fully take advantage of social media to communicate and involve the people in the country racing overseas for training, admitting new members for their organization to continue the promoting to overthrow the Socialist Republic of Vietnam. To implement the above schemes from 8/2009 to 07/2011, Ho Duc Hoa and his followers go with three other groups that include 17 people. Hoa Duc Ho, Dang Xuan Dieu, Nguyen Van Oai, Nguyen Van Duyet, Nguyen Xuan Anh, Ho Van Oanh, Le Van Son, Nong Hung Anh, Thai Van Dung, Tran Minh Nhat, Nguyen Dinh Cuong, Dang Ngoc Minh, Nguyen Dang Minh Man, Nguyen Dang Vinh Phuc, Nguyen Xuan Kim, Thai Van Tu and Le Sy Sang in turn going abroad to learn about the organization of “Viet Tan”, participate in training sessions led by “Viet Tan” leaders. Specifics are the following:

1 - From 26 to 31/08/2009, Ho Duc Hoa and Dang Xuan Dieu traveled to Thailand to participate in the training and teaching by “Viet Tan”. This training was conducted by Nguyen Ngoc Duc, Kim Nguyen, Ngo Trong Duc, Nguyen Hoang Thanh Tam, and Luong Van My direct teaching methods of “nonviolence” and the “leadership skills” with social media using computer security.

2 - From 05 to 07/09/2009, Man minh dang Nguyen and Minh ngoc Dang had gone to Kampuchea to participate in the same training by “Viet Tan” organization led by Mr. Nguyen Ngoc Duc and Nguyen Thi Thanh Van who introduced about propaganda, enticing others to join the organization to instigate and excite “petitioners to march”.

3 - From 08 to 19/11/2009, Ho Duc Hoa had gone to America to participate in the training created by “Viet Tan” and led by Mr. Kim Nguyen, Luong Van My directly to introduce the method of nonviolent struggle and communication skills to have more members join the organization.

4 - From the 16 to 22/11/2009, Ms. Nguyen Dang Minh Man had gone to Thailand to participate in the training sessions by “Viet Tan” led by Mr. Nguyen Ngoc Duc and Nguyen Thi Thanh Van directly to introduce the method of “nonviolent struggle”.

5 - From 23/2 to 02/03/2009, Nguyen Dinh Cuong, Nguyen Van Duyet and Nguyen Xuan Anh have gone to Laos to be in the training by “Viet Tan” led by Nguyen Ngoc Duc, Luong Van My and Nguyen Thi Thanh Van directly to introduce the method of “the nonviolent struggle” and also introduced the history of the Viet Tan organization, including many available websites of Viet Tan.

6 - From 03 to 08/03/2010, Nguyen Dang Minh Man, Dang Ngoc Minh and Nguyen Dang Vinh Phuc went to Kampuchea to attend in the training session by “Viet Tan”

organization led by Nguyen Ngoc Duc and Nguyen Thi Thanh Van directly to introduce the method of “nonviolent struggle” and the way to participate with the other organizations to mobilize and involve people to participants with “Viet Tan”.

7 - From 07 to 16/05/2010, Thai Van Tu and Le Dinh Luong went to Thailand to meet Mr. Nguyen Ngoc Duc and attended the training class by “Viet Tan” organization about “nonviolent struggle”. However, the accused Thai Van Tu escaped, no testimony from Le Dinh Luong was given. Therefore, It is not clear the content of the training.

8 - From 28/06 to 03/07/2010, Nguyen Van Oai, Ho Van Oanh, Le Sy Sang and Nong Hung Anh went to Thailand to attend the training class by “Viet Tan” led by Mr. Nguyen Quoc Quan and Mrs. Nguyen Thi Thanh Van directly to introduce the method of “nonviolent struggle” and to introduce more “Viet Tan” websites.

9 - From 26 to 29/08/2010, Dang Ngoc Minh and Nguyen Dang Minh Man attended a training course on “How to deal with security agencies” which introduced by Nguyen Ngoc Duc and Nguyen Thi Thanh Van in Thailand.

10 - From 05/08 to 04/09/2010, Ho Duc Hoa, Dang Xuan Dieu, Thai Van Tu, Nguyen Van Oai, Nguyen Dinh Cuong, Le Sy Sang, Nguyen Van Duyet and Nong Hung Anh attended a training course hosted by “Viet Tan” on “bypass internet firewall and safety on internet” and “how to notifies the world about the situation in Vietnam” which introduced by Do Hoang Diem, Nguyen Do Thanh Phong, Nguyen Hoang Thanh Tam and someone named “Tuong”.

11 - From 26/11 to 15/12/2010, Ho Duc Hoa went to American to update “Viet Tan” about assigned task and reviewed all what he learnt about “bypass internet firewall and safety on internet” and trained on how to recruit new member for “Viet Tan” by Nguyen Kim, Luong Van My, Ngo Trong Duc and “Tuong”.

12 - From 26/11 to 15/12/2010, Nguyen Van Oai, Nguyen Van Duyet, Nguyen Dinh Cuong and Thai Van Tu attended a training course hosted by “Viet Tan” on “Method of nonviolent action” and some other skills such as “Public speaking” “Humane resource development for Viet Tan”. They were introduced with some websites of “Viet Tan” as well.

13 - From 1 to 06/05/2011, Ho Van Oanh attended the training course on “Method of nonviolent action” and “how to deal with public security agencies” and learnt about the meaning of Viet Tan’s flag which are organized by Viet Tan in Thailand.

14 - From 5 to 11/07/2011, Thai Van Dung, Nguyen Xuan Kim, Le Hai Chau and Tran Minh Nhat attended the training course on “the development history of Viet Tan”, “Method of nonviolent action” and “bypass internet firewall and how to deal with security agencies” which are introduced by Nguyen Kim and Luong Van My.

15 - From 25 to 30/07/2011, Ho Duc Hoa, Dang Xuan Dieu, Nguyen Van Oai, Nguyen Van Duyet, Nguyen Xuan Anh, Thai Van Tu, Le Van Son, Nong Hung Anh, Nguyen Dang Minh Man, Dang Ngoc Minh, Nguyen Dang Vinh Phuc attended the training course name “Quang Trung 711” which is about the development history of the Viet Tan; the position of Viet Tan and Vietnam Communist party at international diplomacy; the position and resources of Viet Tan organization as well as its organizational cultural; practicing leadership skill and how to deal with the suppression of public security agencies which introduced by Do Hoang Diem,



Nguyen Ngoc Duc, Luong Van My, Nguyen Thi Thanh Van, Nguyen Kim, Ngo Trong Duc, Nguyen Hoang Thanh Tam.

The change in behavior of those accused are as follow:

Early 2009, via internet, Ho Duc Hoa get acquainted with Luong Van My (alias Duong) – one member of Viet Tan and learnt about the organization, the method of nonviolent action. After a long time discuss and share personal information; in September 2009, Luong Van My invited Ho Duc Hoa for a meeting with members of Viet Tan in Thailand. At that time, Ho Duc Hoa has discussed with Dang Xuan Dieu about mentioned above activities and guided Dieu about nonviolent action and both went to Thailand. As required by, before depart, Hoa aliasd himself “Thin” and Dang Xuan Dieu is “Tat”. From 26th to 31st August, 2009, Ho Duc Hoa and Dang Xuan Dieu departed to Thai Lan and Lao via Cau Treo border checkpoint (Ha Tinh Province). At that place, Dang Xuan Dieu and Ho Duc Hoa were trained by some key members of Viet Tan such as Nguyen Ngoc Duc (alias Quang), Nguyen Kim (Tan), Ngo Trong Duc (Minh), Nguyen Hoang Thanh Tam (Thanh), Luong Van My (Duong) and someone named Hung (Hung Priest) about method of nonviolent action, leadership skills, internet safety and how to recruit new members for Viet Tan. The aliasd Dieu and Hoa and individual contact of each member was done via internet connection (such as skype, email, garbage mobile sim, and password). All expense for traveling, training was paid by “Viet Tan”. 29th August 2009, leaders of Viet Tan have launched the admission for Dang Xuan Dieu and Ho Duc Hoa to become members Viet Tan. After became official members of Viet Tan, Dang Xuan Dieu and Ho Duc Hoa have go abroad many times for training, meeting, and to report about what they did for the organization’s mission. To be counted, Ho Duc Hoa went abroad 4 times (2 times for American, 1 for Thailand, 1 for Philippine) Dang Xuan Dieu went abroad 2 times (1 for Thailand and 1 for Philippine). To support for the recruitment of new members, Ho Duc Hoa was equipped by Viet Tan 2 lighter shape cameras and 9.533,75 USD and 5.000 CAD (Canada currency). Ho Duc Hoa declared that he has used those mentioned amount of money to buy camera, pay for himself and other new members to attend oversea training courses. At the “Quang Trung 711” training course in Thailand, Dang Xuan Dieu was equipped a laptop (BL 2045, 2081 – 2083, 2242).

To recruit more members for the organization, Ho Duc Hoa has active in searching for friends and family members, those who have same point of view and those who active in social activities such as activities related to policy advocacy, democracy, and humane right to introduce for Viet Tan. Beside Dang Xuan Dieu, Ho Duc Hoa has introduced other 8 members for Viet Tan. In details:

At the end of 2009, Ho Duc Hoa has discussed with Nguyen Dinh Cuong about the movement of Viet Tan in supporting democracy in Vietnam using nonviolent action methodology. Guided for Nguyen Dinh Cuong to learn from website “viettan.org” and invited Cuong to Thailand to meet with Viet Tan’s members and learnt more about method of nonviolent action. Nguyen Dinh Cuong agreed and introduced Nguyen Xuan Anh for the mentioned above training. Ho Duc Ho has met with Nguyen Xuan Anh to introduce about Viet Tan and agreed to invite Nguyen Xuan Anh for the mentioned training in Thailand. At that same time, Ho Duc Hoa has convinced Nguyen Van Duyet (Hoa’s cousin) to go to Thailand to learn about “nonviolent action methodology”.



Nguyen Xuan Anh, Nguyen Van Duyet agreed to go to Thailand, Ho Duc Hoa reported and was directed by Nguyen Ngoc Duc to organize the meet up in Thailand at the end of February 2010. Before traveling abroad, Ho Duc Hoa gave Nguyen Dinh Cuong an alias as “Tuy”, Nguyen Xuan Anh as “Hai”, Nguyen Van Duyet as “Khoi” and assigned Nguyen Dinh Cuong as group leader, and responsible for travel arrangements for the group. On February 23, 2010, Nguyen Dinh Cuong along with Nguyen Van Duyet and Nguyen Xuan Anh travelled to Laos via the border crossing gate at Cau Treo, Ha Tinh in order to then travel to Thailand. However, because Cuong did not have a passport to enter Thailand, core individuals from the organization “Viet Tan” overseas such as Luong Van My, Nguyen Ngoc Duc, Nguyen Thi Thanh Van (alias Thao) travelled to Vientiane (Laos) to meet and train the group. During the time the group participated in the training, on February 28, 2010, Nguyen Dinh Cuong was recruited into the organization “Viet Tan”. For the period after that day, on August 29, 2010 and November 26, 2010, Nguyen Van Duyet was recruited into the organization “Viet Tan” at the training session in the Philippines, Nguyen Xuan Anh was recruited by the organization “Viet Tan” at the Hai Au Hotel, Cua Lo town, Nghe An Province along with Nguyen Van Oai. After being recruited, the accused individuals travelled overseas many times to carry out activities and attend trainings organized by the “Viet Tan” organization. In that, Nguyen Dinh Cuong travelled abroad twice (Philippines once, Thailand once), Nguyen Xuan Anh travelled to Thailand once. In the training session known as “Quang Trung 711” in Thailand on July 25, 2011, Nguyen Xuan Anh along with Le Van Son carried the flag of the organization “Viet Tan” when this organization hosted the recruiting ceremony for Nong Hung Anh, Nguyen Dang Vinh Phuc (BL 2450, 2563, 2083, 3000). In order to cover the traveling and attending trainings, the organization “Viet Tan” oversea provided Nguyen Dinh Cuong \$700 USD and 7,000,000 VND; Nguyen Van Duyet with \$1,700 USD and 9,000,000 VND (BL 2611, 2428)

- At the end of April 2010, Ho Duc Hoa propagate and introduced Thai Van Tu (schoolmate of Ho Duc Hoa since 1998 at Vinh College, Nghe An) to the organization “Viet Tan”. On September 5, 2010, Ho Duc Hoa organized for Thai Van Tu (alias as “Tam”) along with Le Dinh Luong to travel abroad via the border crossing gate of Cau Treo, Ha Tinh to Thailand to meet with Nguyen Ngoc Duc in order to attend the training session. After returning to Vietnam, Thai Van Tu became proactive in developing the force along with Le Dinh Luong and participated in the recruitment ceremony for Nguyen Van Oai, Nguyen Xuan Anh into the organization “Viet Tan” on November 26, 2010 at Hai Au Hotel, Cua Lo town, Nghe An province, which was presided by an individual from “Viet Tan” oversea. (BL 2081, 2713, 3012)

- November 2009, after traveling to the United States to meet with core individuals of the organization “Viet Tan”, Ho Duc Hoa then contacted and connected with Nguyen Van Oai (a relative of Ho Duc Hoa who was seeking help from Hoa to apply for employment at the Tran Dinh investment and business holding company, where Ho Duc Hoa is the manager); Le Sy Sang (son of the aunt of Ho Duc Hoa and Ho Van Oanh, who came from the same town hood as Ho Duc Hoa in the town of Quynh Vinh, Quynh Luu, Nghe An) to propagate and recruit for the organization “Viet Tan”. After these individuals agreed, on June 28, 2010, Ho Duc Hoa organized for Nguyen Van Oai (alias as “Ty”), Ho Van Oanh (alias as “Su”), Le Sy Sang (alias as “Ly”) to travel abroad to Thailand via air travel (flight tickets paid for by the organization “Viet Tan”) so that Nguyen Quoc Quan (alias Long), Nguyen Thi Thanh

Van could meet and introduce to the organization “Viet Tan” and providing training on “nonviolence” struggle method. During the training time, on July 1, 2010, Ho Van Oanh signed and affirmed on the application to join the organization “Viet Tan” and after that Nguyen Van Oai was recruited into the organization “Viet Tan” along with Nguyen Xuan Anh at the Hai Au Hotel, Cua Lo town, Nghe An province on November 26, 2010 (BL 2105, 2713). After attending the said training above, Nguyen Van Oai, Ho Van Oanh continued to travel overseas to meet with individuals from the organization. Specifically: Nguyen Van Oai travelled abroad three times (Thailand: twice; Philippines: once); Ho Van Oanh travelled abroad to Thailand once. (BL 2714, 3097). When the individuals Ho Duc Hoa, Nguyen Van Oai, Dang Xuan Dieu were arrested by the authority, Ho Van Oanh sought out information related to the arrests of the said individuals and supply the information to the organization “Viet Tan” according to the order from Nguyen Thi Thanh Van. During the overseas training trips, Nguyen Van Oai was given 1 camera by Nguyen Thi Thanh Van (the accused claims lost), was given 1 camera by Ho Duc Hoa, and also was given \$800 USD by Nguyen Ngoc Duc to carry out activities. (BL 2013, 2745).

- Carrying out the assigned duties, in April 2011, Dang Xuan Dieu introduced Tran Minh Nhat, Nguyen Xuan Kim (friend of Dieu) to Ho Duc Hoa so that Ho Duc Hoa could propagate and introduce the organization “Viet Tan” (following the guidance from Luong Van My, in order to ensure safety and secrecy, Ho Duc Ha served as the contact assigned with the duty to connect and introduce the organization “Viet Tan”). Particularly, Nguyen Xuan Kim proactively propagated and introduced Thai Van Dung with Luong Van My. After agreeing on the date, time and location, from July 5 to 11, 2011, Ho Duc Hoa along with individuals from the organization “Viet Tan” oversea organized for Tran Minh Nhat, Nguyen Xuan Kim, Thai Van Dung to travel abroad to Thailand so that Nguyen Kim, Luong Van My could train them on: history of the development of the organization “Viet Tan”, the method of “nonviolence” struggle, method to protect information, methods to combat against Vietnamese Public Security Agency. On July 10, 2011, Thai Van Dung, Nguyen Xuan Kim were recruited into the organization “Viet Tan”; on July 11, 2011, Tran Minh Nhat signed to affirm his application to join the organization “Viet Tan”. Before returning to Vietnam, Nguyen Kim gave Tran Minh Nhat \$200 USD, 2,000 bath (Thai currency) and Thai Van Dung \$250 USD. (BL 2139, 3206, 3216).

- Aside from Hoa Duc Hoa’s group stated above, the organization “Viet Tan” had also developed its forces via other individuals, including the group with Nguyen Dang Minh Man and Le Van Son (these two groups of accused individuals were trained by Viet Tan during the same time and location as Ho Duc Hoa’s group). Specifically: around October 1996, Nguyen Dang Minh Man and Dang Ngoc Minh frequently listened to VOA, BBC and New Horizon and visited the website of the organization “Viet Tan”. Through research on the Internet, Nguyen Dang Minh Man and Dang Ngoc Minh met and individual named “Anh” (member of “Viet Tan”) and until around April 2009, were introduced to Nguyen Ngoc Duc, Nguyen Thi Thanh Van (core member of “Viet Tan”) by “Anh” and through that, the mother Dang Ngoc Minh and daughter Nguyen Dang Minh Man were introduced to “Viet Tan” by Nguyen Thi Thanh Van. From September 5 to 7, 2009, Nguyen Dang Minh Man and Dang Ngoc Minh travelled abroad to Cambodia and met directly with Nguyen Ngoc Duc, Nguyen Thi Thanh Van where they were propagated about the organization “Viet Tan”, where they were

trained on method of “nonviolence” struggle, where they were given assignments to develop the force, and joining local folks to write articles and report for the organization “Viet Tan”. During this time, Nguyen Ngoc Duc, Nguyen Thi Thanh Van suggested to Nguyen Dang Minh Man, Dang Ngoc Minh on joining “Viet Tan” and both agreed and signed the application to join the organization “Viet Tan”. After this initial trip, following the order and arrangement of the organization “Viet Tan”, Nguyen Dang Minh Man travelled abroad four times (Thailand: three times; Cambodia: once); Dang Ngoc Minh: three times (Thailand: twice; Cambodia: once) to report on their activities and to attend trainings. “Viet Tan” also recruited Nguyen Dang Minh Man into its membership (on November 17, 2009 in Thailand) and Dang Ngoc Minh (on March 5, 2010 in Cambodia). Carrying out the orders from the organization “Viet Tan”, in April 2010, Dang Ngoc Minh and Nguyen Dang Minh Man bought black paint and painted the slogan “HS.TS.VN” (according to the testaments from the accused, these letters stood for “Hoang Sa, Truong Sa, Viet Nam”) on the gate and street in the area of the Elementary School (former) in Trung Ngai ward, Vung Liem district, Vinh Long province to incite people to protest and photograph the scene and send to Nguyen Thi Thanh Van; collect information, documentation, photographs, and reports on the protests against China in Ho Chi Minh City to send to the organization “Viet Tan”. In addition, Dang Ngoc Minh and Nguyen Dang Minh Man also propagated and introduced Nguyen Dang Vinh Phuc (son of Dang Ngoc Minh and brother of Nguyen Dang Minh Man) to the organization “Viet Tan” and attended training courses. On July 25, 2011, at the training course known as “Quang Trung 711” organized by “Viet Tan” in Thailand, Nguyen Dang Vinh Phuc and Nong Hung Anh (the accused in the case) were recruited into this organization (BL 2342, 2498, 3250). In the process of joining “Viet Tan”, Nguyen Thi Thanh Van directly provided money to Dang Ngoc Minh in total of \$1,200 USD and 2,000 bath (Thai currency); for Nguyen Dang Minh Man in total of \$300 USD, 3,700,000 VND, 1 laptop computer, 1 cellular phone; for Nguyen Dang Vinh Phuc in total of \$19,267 USD. (BL 2518, 2354)

In the period from 2010 to 2011, on one hand Le Van Son wrote, stored, and disseminated many documents with content against the Socialist Republic of Vietnam on personal blog; on another hand, since he already knew Nong Hung Anh, Son introduced Nong Hung Anh so that Nguyen Thi Thanh Van could contact and recruit into the organization “Viet Tan”. Following orders from the organization, Le Van Son supplied Nong Hung Anh 3,000,000 VND to buy air ticket to Thailand (trip from June 28 to July 3, 2010 via the border crossing point at Cau Treo, Ha Tinh into Laos, Thailand; 2<sup>nd</sup> time from March 21 to 25, 2011 to Thailand; 3<sup>rd</sup> time on July 12, 2011 via the border crossing point at Moc Bai, Tay Ninh into Cambodia, Thailand. Le Van Son attended the training course “Quang Trung 711” organized by “Viet Tan” in Thailand from July 25 to 30, 2011 along with other individuals in the case. There, Le Van Son and Nguyen Xuan Anh are two persons held “Viet Tan” flag for Admittance Ceremony of Nong Hung Anh, Nguyen Dang Vinh Phuc to “Viet Tan” Organization dated 25/07/2011. Based on the results of the investigation, there were sufficient proofs to determining Le Van Son have joint “Viet Tan” before 6/2010 and “Viet Tan” was offered to Son \$543.05 dollars for the operation cost. (BL 2076, 2323-2329).



For Nong Hung Anh, from the beginning of 2010 wrote, disseminate some documents content to distort the road map and policies of the Party, the State on the Internet and in public places. Approximately in 6/2010, through the introduction of Le Van Son, Nong Hung Anh was exposed, connected with Nguyen Thi Thanh Van. Thanh Van propagandized, induce and jointing “Viet Tan”. Nong Hung Anh was travel abroad 3 times to meet, contact some of the core members of the “Viet Tan” organization, and participated in training sessions (2 times in Thailand and in the Philippines 1 time). On 25/07/2011 in training Session of “Quang Trung 711” in Thailand, Nong Hung Anh has been admitted to “Viet Tan” along with Nguyen Dang Vinh Phuc. All of the cost for these trips were paid by the “Viet Tan” organization, which is Nong Hung Anh was offered \$500.00 USD by Nguyen Thi Thanh Van, Nguyen Hoang Thanh Tam provided \$1,000.00 USD. Especially on the first Thailand's trip from 28/6 to dated 07/03/2010, Nong Hung Anh is given directly 3,000,000 VND. (BL 2874, 2882, 2888, 2911) by Le Van Son.

In the course of the investigation, the Investigation Security Agency - Ministry of Public Security has seized some of the documents, materials associated with media to “Viet Tan” organization and the offense of the accused. (BL3264-3266).

At the Department of Investigation, Le Van Son refused to declare and admitted his guilt, the remaining defendants did admitted their offense and have determined the behavior of the defendants as follows:

**Ho Duc Hoa** behaving: Actively participate in the organization of “Viet Tan” and was admitted to this organization in Thailand on 29/08/2009; has travelled abroad 5 times to meet and report on the situation with some of the core leaders of the “Viet Tan” organization, and participated in training sessions organized by “Viet Tan” (in America : 2 times; in Thailand: 2 times, and in the Philippines: 1 time); have direct propaganda, inciting 9 subjects participating “Viet Tan” organization including Dang Xuan Dieu, Nguyen Van Duyet, Nguyen Van Oai, Nguyen Xuan Anh, Tran Minh Nhat, Ho Van Oanh, Nguyen Dinh Cuong, Le Sy Sang and Thai Van Tu, had been provide money and materials by “Viet Tan” to execute the criminal acts.

**Dang Xuan Dieu**, behaving: actively participation to “Viet Tan”, was admitted to this organization together with Ho Duc Hoa in Thailand on 29/08/2009. Dieu had travelled abroad 3 times to meet some of the core leaders of the “Viet Tan” organization, and participated in training sessions organized by “Viet Tan” organization (in Thailand: 2 times, Philippines 1 times); He introduced Nguyen Xuan Kim and Tran Minh Nhat to Ho Duc Hoa for “Viet Tan” to select and recruited; And “Viet Tan” equipped him with the means to carry out the crime.

**Le Van Son** acts: As an active member of “Viet Tan” organization from the beginning of 2010; directly dragged Nong Hung Anh to introduce him into “Viet Tan” ; provided Nong Hung Anh 3,000,000 VND to participate in training courses organized by “Viet Tan” in Thailand from the 25th to 07/30/2011. Le Van Son participated in training “Quang Trung 711”. In this course, Son and Nguyen Xuan Anh held the “Viet Tan” flag for Admittance Ceremony of Nong Hung Anh and Nguyen Dang Vinh Phuc ; had been provide money by “Viet Tan” to execute the criminal acts.



**Nguyen Dang Minh Man**, behaving: Join and operated effectively “Viet Tan”, was admitted to the organization in Thailand on 17/11/2009. Had travelled abroad 5 times to meet some of the core leaders of the “Viet Tan”, and participated in training sessions organized by “Viet Tan” (in Thailand: 3 times, Campuchia 2 times); Had been held a development task force of “Viet Tan”. Spread out provoke ideas to those whom they called “petitioners protests”; together with her mother, Dang Ngoc Minh wrote propaganda slogans, inciting dissent Trung Ngai commune, Vung Liem District, Vinh Long Province; Directly report on the offshore islands issues to the “Viet Tan”; Was introduced Nguyen Dang Vinh Phuc to the “Viet Tan” organization, had been provide money and materials by “Viet Tan” to execute the criminal acts.

**Nguyen Dinh Cuong** behavior: engaged to the “Viet Tan” organization and was admitted to the organization on 28/02/2010 in Laos; Had travelled abroad 3 times to meet some of the core leaders of the “Viet Tan” organization, and participated in training sessions organized by “Viet Tan” organization (in Laos 1 time, Phillippines 1 time and Thailand: 1 time); He introduced Nguyen Xuan Anh to Ho Duc Hoa for “Viet Tan” organization to select and recruited; And “Viet Tan” equipped him with cash to carry out the crime.

**Dang Ngoc Minh**, behaving: Join and operated effectively “Viet Tan” organization, was admitted to the organization in Campuchia on 05/03/2010. Had travelled abroad 4 times to meet some of the core leaders of the “Viet Tan” organization, and participated in training sessions organized by “Viet Tan” organization (in Thailand: 2 times, Campuchia 2 times); together her daughter, Nguyen Dang Minh Man wrote propaganda slogans, opposition in Trung Ngai, Vung Liem District, Vinh Long Province; directly reporting on the protest about the offshore island issues to “Viet Tan” organization; Was with his daughter, Nguyen Dang Minh Man together introduce “Viet Tan” organization to admitted Nguyen Dang Vinh Phuc.

**Nguyen Van Duyet**, behaving: Participating in “Viet Tan” and was admitted to the organization in the Philippines on 29/08/2010. Had travelled abroad 4 times to meet some of the core leaders of the “Viet Tan”, and participated in training sessions organized by “Viet Tan” (in Thailand: 2 times, Phillippines 1 time and Laos 1 time); was held “Viet Tan” development task force and had been supply of money to carry out the crime.

**Nguyen Van Oai**, which acts: Participating in “Viet Tan” and was admitted to the organization on 26/11/2010 at Hotel Seagull, Cua Lo Town, Nghe An with Nguyen Xuan Anh. Had travelled abroad 4 times to meet some of the core leaders of the “Viet Tan” organization, and participated in training sessions organized by “Viet Tan” organization (in Thailand: 3 times and Phillippines 1 time); directly decided over the reporting on the protest about the offshore island issues to “Viet Tan” organization; was held “Viet Tan” development task force on the students, intellectuals and equipped with one camera, one lighter camera and 800 USD to execute the criminal acts.

**Nong Hung Anh**, with offenses: Participating “Viet Tan” organization and was admitted to the organization on 25/07/2011 at Thailand with Nguyen Dang Vinh Phuc. Had travelled abroad 3 times to meet some of the core leaders of the “Viet Tan” organization, and participated in training sessions organized by “Viet Tan” organization (in Thailand: 2 times and Phillippines 1 time); Was held “Viet Tan” development tasked force . Has written 1 posts spread out on the internet for propaganda, distorting the roadmap, the policy of the State in the National Assembly

election, demanding pluralistic, multi-party, and received \$1,500 USD and VND 3,000,000 from “Viet Tan” organization to carry out the crime.

**Nguyen Xuan Anh**, with offenses: Participating in “Viet Tan” and was admitted to the organization on 26/11/2010 at Hotel Seagull, Cua Lo Town, Nghe An with Nguyen Van Oai. Had travelled abroad 2 times to meet some of the core leaders of the “Viet Tan” organization, and participated in training sessions organized by “Viet Tan” organization (in Thailand: 1 time and Laos 1 time); together with Le Van Son the head of “Viet Tan” organization organized the admittance ceremony of Nong Hung Anh and Nguyen Dang Vinh Phuc. He was held “Viet Tan” development task force member, gathering and collecting information.

**Ho Van Oanh**, with offenses: Participating in “Viet Tan” organization and was admitted to the organization on 01/07/2010 at Thailand. Had travelled to Thailand 2 times to meet some of the core leaders of the “Viet Tan” organization, and participated in training sessions organized by “Viet Tan”. Beginning of Aug/2011 Oanh had gathering and collecting information related to the arrested of Ho Duc Hoa, Dang Xuan Dieu, Nguyen Van Oai to Nguyen Kim and Nguyen Thi Thanh Van ; He was held “Viet Tan” development task force member.

**Thai Van Dung**, with offenses: Participating in “Viet Tan” and was admitted to the organization on 10/07/2011 at Thailand. Had travelled to Thailand 1 time to meet some of the core leaders of the “Viet Tan” organization, and participated in training sessions organized by “Viet Tan” organization. He had been protested 4 times regarding the offshore islands issues, disturbing public order, and was received \$250 USD from “Viet Tan” organization to carry out the crime.

**Tran Minh Nhat**, with offenses: Participating in “Viet Tan” organization and was admitted to the organization in Thailand on 11/07/2011. Had travelled to Thailand 1 time to meet some of the core leaders of the “Viet Tan”, and participated in training sessions organized by “Viet Tan” organization. He was a “Viet Tan” development task force member, and was received \$200 USD, plus 2,000 Bath (Thai currency) from “Viet Tan” to carry out the crime.

**Nguyen Dang Vinh Phuc**, with offenses: Participating “Viet Tan” organization and was admitted to the organization in Thailand on 25/07/2011. Had travelled abroad 2 times to meet some of the core leaders of the “Viet Tan”, and participated in training sessions organized by “Viet Tan” organization (in Campuchia 1 time and Thailand: 1 time); . He was a “Viet Tan” development task force member, and was received \$192.67 USD from “Viet Tan” organization to carry out the crime.

At the Indictment No. 9 on 18/09/2012 Supreme People's Procuratorate prosecuted Ho Duc Hoa, Dang Xuan Dieu, Le Van Son, Nguyen Dang Minh Man for: “Accused of working to overthrow the People's Administration ” under Clause 1, Article 79 of the Penal Code of Socialist Republic of Vietnam; The defendants Nguyen Van Oai Nguyen Van Duet, Nguyen Xuan Anh, Ho Van Oanh, Nong Hung Anh, Thai Van Dung, Tran Minh Nhat, Nguyen Dinh Cuong, Dang Ngoc Minh, Nguyen Dang Vinh Phuc were charged with “Committing acts with intent to revolt the people’s government” under Section 2 of the Article 79 of the Criminal Code of the People’s Democratic Republic of Vietnam.

At trial, after an evaluation of the totality of case, prosecutor has charged the penalties listed below:

- Ho Duc Hoa be imprisoned from 12 to 13 years. Thereafter, subject further to a 5 year house supervision restricting any physical movement away from domicile upon release from prison.

- Dang Xuan Dieu 14 to 15 year imprisonment, subject further to additional 5 year house supervision restricting the movement away from domicile upon release from prison.

- Le Van Son 15 to 16 year imprisonment, subject further to additional 5 year house supervision upon release from prison.

- Nguyen Dang Minh Man 9 to 10 year imprisonment, subject further to additional 5 year house supervision upon release from prison.

- Nguyen van Oai 5 to 6 year imprisonment, subject further to additional 4 year house supervision upon release from prison.

- Nong Hung Anh 5 to 6 year imprisonment, subject further to additional 4 year house supervision upon release from prison.

- Nguyen Dinh Cuong 5 to 6 year imprisonment, subject further to additional 4 year house supervision upon release from prison.

- Dang Ngoc Minh 5 to 6 year imprisonment, subject further to additional 4 year house supervision upon release from prison.

- Thai Van Dung 5 to 6 year imprisonment, subject further to additional 4 year house supervision upon release from prison.

- Tran Minh Nhat 4 to 5 year imprisonment, subject further to additional 4 year house supervision upon release from prison.

- Nguyen Van Duyet 4 to 5 year imprisonment, subject further to additional 4 year house supervision upon release from prison.

- Nguyen Xuan Anh 3 to 4 year imprisonment, subject further to additional 3 year house supervision upon release from prison.

- Ho Van Oanh 3 to 4 year, subject further to additional, subject further to additional 3 year supervision upon release from prison.

Matter of Evidence: Passport and flight tickets involved have been confiscated, and used in support of the case prosecution.

Money and confiscatory objects secured from defendants shown to have been provided by Viet Tan for use in the crime perpetration.

Attorney Ha Huy Son has pronounced the innocence of the defendants Nguyen Dinh cuong, Ho Van Oanh and request the immediate release from custody.

Attorney Nguyen Thi Hue has pronounced the innocence of defendant Le Van Son, demanding immediate release from custody.



Attorney Vuong Thi Thanh and attorney Tran Thu Nam propose case returned for more complete investigation. Additionally, the attorneys proclaimed wrongful detention, arrest and violation of prosecutorial procedures; allegation lacking crucial criminal elements.

Most of defendants admitted acts alleged by prosecutors, however, defendants Le Van Son, Dang Xuan Dieu, claimed their innocence, other defendants while admitting commission of acts alleged claimed that they were acting with intent to revolt the government nor aware of the Viet Tan's organization's objectives.

Based on the evidence, its further evaluation at trials as examination made, arguments raised, the opinions of the prosecutors, lawyers, defendants and witnesses.

## CONSIDERING

Most of defendants admitted as charged and alleged. Defendants Le Van Son and Dang Xuan Dieu claimed their innocence. Defendant Tran Minh Nhat, Ho Van Oanh claimed that for their part has never participated in Viet Tan, not introduced any one else to Viet Tan and have not committed acts as prosecutors alleged thereof; defendants Thai Van Dung, Nguyen Xuan Anh admitted acts prosecutors alleged, while believing that Viet Tan's objectives were peaceful, and not anti government and thus could not have been guilty as so charged.

However, based on the evidence presented thereof and after careful evaluation by arguments raised by defense counsels against those presented by prosecutors, as further supported by the evidence presented thereof, the court has concluded: Ho Duc Hoa, Dang Xuan Dieu, Nguyen Van Oai, Nguyen Van Duet, Nguyen Xuan Anh, Ho Van Oanh, Le Van Son, Nong Hung Anh, Thai Van Dung, Tran Minh Nhat, Nguyen Dinh Cuong, Dang Ngoc Minh, Nguyen Dang Minh Man, Nguyen Dang Vinh Phuc had committed acts as alleged and presented in this trial. As to defendants Le Van Son's claim of innocence at trial and throughout the investigative process, he still insists on his innocence, however, based on testimony provided by defendants Dang Xuan Dieu, Ho Duc Hoa, Nong Hung Anh, Nguyen Dang Minh Man, Dang Ngoc Minh, Nguyen Van Duet, Nguyen Van Oai, Nguyen Xuan Anh as reflected by Exhibit # 2244, 2216, 2190, 2864, 2340, 2492, 2510, 2573, 2699, 2739, 3002, collaborated the facts that Le Van Son has participated in Viet Tan organization since November 2010, having participated in the training namely "Quang Trung 711" organized by Viet Tan in Thailand from 25-30 of July 2011. Based on testimony obtained from Nguyen Van Trieu who was induced to participated in this training, that after graduation from the training (Class 2010), Son was accepted as a member. Expenses incurred by Nguyen Van Trieu for the trip to receive this training was covered by Le Van Son. Thus, defendant Le Van Son has committed acts of aiding, inducement of unlawful participation into Viet Tan, an unlawful organization; and, that Le Van Son has actively participated in furthering objectives Viet Tan's organization.

Contrasted to denial made Dang Xuan Dieu and Ho Van Oanh that neither has been recruited to Viet Tan, nor has done anything for Viet Tan, and thus has not violated criminal law as alleged against; however, testimony by Do Duc Hoa at trial and self-admitted statement made by Dang Xuan Dieu together with testimony given by Ho Van Oanh, Ho Van Duc, as incorporated in the Evidence # 2234 to 2237; 2242 to 2247; 2057, 2076, 2138; 2139, 2014, 3217, 3069 to 3103; 3116 to 3123 and other evidences thereof demonstrated that defendants Dang Xuan Dieu, Ho Van Oanh have committed acts delineated in the allegation made by the People's Supreme Prosecutorial Agency and thus so proved at trial. For purpose of evaluation



of the nature of the crimes and the criminal elements required, we must beforehand recognize that Vietnam Reform Party (Viet Tan) is an anti government organization, formed in exile with purpose of overthrowing the People Democratic Republic of Vietnam; its sole purpose and method of operandi is to establish organization with an aim of enhancing force inside Vietnam, organizing proselyte activities leading to crowds assembly, organizing mass complaints, creating forces to attack public armed forces, creating association, focused on forces building and multiplication for deteriorating the operation of the government of Vietnam, creating democratic movement uprising for a sudden and total revolution.

Article 79 of the Criminal Code of the Democratic Republic of Vietnam provides sanction for “Criminal acts perpetrated for overthrowing People’s government.” Any person creating organization or participation to activities fostered thereof for purpose of overthrowing the people government shall be subject to the below enumerated penalty:

1. Organizers, inciters, active aiders or those abetting such crimes perpetration shall be penalized in 12 to 20 years imprisonment, life-time or death sentence punishment.
2. Accomplice shall be subject to 5 to 15 year imprisonment.

At trial, there are many defendants, who claimed that they did not purposely act with clear intent of overthrowing the people’s government. However, to meet the requirement of the Code, defendant needs only either organize it or participate in such an organization. For purpose of the intent to overthrow the people’s government, it means political, economic regime, national defense, integrity of sovereignty of the Democratic Republic of Vietnam; as such an act of participation to such organization alone is enough to meet the requirements of the Code; here, defendants in committing acts of writing an application to become a member, commits acts of participating in crime perpetration; in recruitment of members, defendant commit acts of aiding or abetting the crime commission. These acts are sufficient to bring defendants into committing the crime defined under the Article; as such, where defendants brought themselves to active participation in “Viet Tan organization” knowing that it is a reactionary organization, where the ultimate goal is to overthrow the government of the People Democratic Republic of Vietnam defendants to a degree of variety in their confession somehow claim that they were not fully cognizant of objectives and purpose held by Viet Tan, such incidence is itself qualifies under the Article. A person thought in an abstract, however the motivation is only known by such person; however, acts accomplished manifests the person most natural tendency of the act in commission. Here, defendants volitionally brought themselves taking the training, taking further steps to recruit those of others to partake in the training, for purpose of furthering activities fostered by “Viet Tan.” Here, these defendants have been indoctrinated in using peaceful struggle movement methods, breaking the firewall controlling the internet, countering effectiveness of public security, such can only be understood of having an aim to subvert the government of the Democratic Republic of Vietnam, when committing such an act defendants should know or should have known the acts committed is one of government subversion. The argument defendants contended that “Viet Tan” is a “Peaceful” or “Non-violent” and in such a belief Viet Tan does not pursue goals of government subversion. Here, the court finds that “Non-violent” and “Peaceful” method is not a non-harmful act, rather it is an act utilizing different means, different method of operandi, with a goal of achieving destructive result. As such, act in disguise capable of bringing about “Peaceful Progress”, camouflaged under the clothes of “Democracy, human rights,” “green revolution” has happened in a number of

countries in the world. This is not a new trick, rather a modus operandi Viet Tan has chosen to adopt with an objective of overthrowing our lawful government form, worthy of being made noticeable to our people.

With respect to certain pronouncements raised by defense counsels that there appeared violation of criminal procedures involving detention made, interrogation taken leading to the subsequent arrests, court finds that facts raised by defense related to port security, for which incidence occurred was an incidence that was entirely independent to one this trial concerns. On the other hand, based on evidence examined at trial, the arrests were in conformance to the Investigation Agency's procedures.

With respect to the commission of the enumerated crime as defined in the Criminal Code, when defendant committed certain acts, is enough to be found guilty of the Crime. Here, the defendant acting in own volition bringing themselves to participate in training planned, organized by Viet Tan meets the full extent of the provision promulgated in the science of criminal law. The crime is the commission of such a defined act, not necessarily that the act committed leads to a successful overthrow of government, which is a consequence of such act. With respect to pronouncement made by attorney Vuong Thi Thanh that since there appears violation of defendant's rights in a manner of investigation conducted with defendant Dang Xuan Dieu, which is a cause for any further derived evidence to have sufficient validity in court, the case tried herein has not supported such contention. Thus, court finds not merit to such pronouncement.

With respect to the crime committed by defendants Ho Duc Hoa, Dang Xuan Dieu, Le Van Son, Nguyen Dang Minh Man, Nguyen Van Oai, Nguyen Van Duyet, Nguyen Xuan Anh, Ho Van Oanh, Nong Hung Anh, Thai Van Dung, Tran Minh Nhat, Nguyen Dinh Cuong, Dang Ngoc Minh, Nguyen Dang Vinh Phuc, as alleged in the Allegation Report, pursuant to the Criminal Code, where defendants acting in violation bringing themselves to be part of Viet Tan, furthering interest of Viet Tan, in a manner court finds sufficient reason for their conviction under the Article 79 of the Criminal Code with evidence examined and subject to cross-examination enabled at trial conformance to guidelines established by Resolution Number 04/1986 HDTPTANDTC 11/29/1986 of the Jurors Council of the People's Supreme Court. In view of the facts supporting that defendants Ho Duc Hoa, Dang Xuan Dieu, Le Van Son, Nguyen Dang Minh Man to have been active participants in Viet Tan organization, Prosecutor seeks punishment under Section 1. Acts committed by defendants Nguyen Van Oanh, Nguyen Van Duyet, Nguyen Xuan Anh, Ho Van Oanh, Nong Hung Anh, Thai Van Dung, Tran Minh Nhat, Nguyen Dinh Cuong, Dang Ngoc Minh, Nguyen Dang Vinh Phuc were those of accomplice, aiding and abetting of the enumerated crime, as such Prosecutor seeks punishment under Section 2.

Given the severity of the crime, the extent to which defendants committed, the extent to which danger would cause to the political, economic regime, culture, national defense, foreign affairs, sovereignty and the integrity of the People Democratic Republic of Vietnam, it is required that defendants are adequately sanctioned under the law for defendants proper re-education as a further crime deterrence. Yet, in balancing the severity of the crime committed against the cooperation displayed by defendants, such that awareness could be made in defendant that while law is strictly enforced for crime punishment, there is also a side of

generosity and benevolence exerted by our people to those whose remorse is evidenced for the regrettable commission of crimes.

The case at hand involved 14 defendants, each of which partook different roles, variety of degrees of participation, as such careful evaluation of each is important for appropriate adjudication.

Most severe extent of crime committed was defendant Ho Duc Hoa. Defendant Ho Duc Hoa committed acts to include: Having been admitted to Viet Tan as an active member on 8/29/2009; actively participated in Viet Tan's organization, to a point of 5 trips made abroad (twice in U.S.; twice in Thailand, and once in Philippine; has submitted report to the subject leader; has participated in the training conducted by Viet Tan. Defendant has proselyte to recruit<sup>9</sup> other defendants into Viet Tan including: Dang Xuan Dieu, Nguyen Van Duyet, Nguyen Van Oai, Nguyen Xuan Anh, Tran Minh Nhat, Ho Van Oanh, Nguyen Dinh Cuong, Le Sy Sang and Thai Van Tu. To the extent of the severity of the crime committed, defendant would have been punished at 15 to 16 year imprisonment. However, through cooperation defendant extended during investigation, and during trial, it deems acceptable to the punishment first sought.

With respect to defendants Le Van Son and Dang Xuan Dieu, these two were quite active participants to Viet Tan, however, at a level less intense than that of Ho Duc Hoa. Nevertheless, their cooperation was less than expected, resulting in not receiving in leniency, while they were not subject to more harsh punishment under the law, as such an application in the same extent to Do Duc Hoa should be fair.

Next, with respect to Nguyen Dang Minh Man, a rather active participant of Viet Tan, having been accepted as an active member since 11/17/2009 at Thailand; Having gone abroad five times for having meetings with leaders of Viet Tan; Having undertaken training conducted by Viet Tan; and, having recruited defendant Nguyen Dang Vinh Phuc to become a member of Viet Tan. Defendant has demonstrated acceptable level of cooperation during the investigation and during trial; his crime commission was more a result of lack of political clarity, and was therefore deceived through coercion thus should receive court's leniency consideration.

With respect to defendants Nguyen Van Cuong, Nguyen Van Oai, Nong Hung Anh, Dang Ngoc Minh, Thai Van Dung, Nguyen Dang Vinh Phuc, while modulating in the extent of cooperation in their initial confession, defendants have in the end demonstrated sufficient level of cooperation, demonstrating sufficient extent of remorse for the crime committed, thus should be sanctioned at the balanced extent of punishment, a level of punishment below those first sought by Prosecutors.

In particular for defendant Nguyen Dang Vinh Phuc, who has demonstrated a high level of cooperation during investigation, during trial and has illustrated high level of remorse for the crime committed worthy of receiving benevolent treatment showing the generosity the people bestowed on him for the inadvertent he has made. Thus, it is recommended that this defendant be considered for suspense sentence conformance to humanitarian policy pursued in consistent basis by our nation. Concurrently, in passing a suspense sentence, time defendant had served since arrest made should be counted as time serve allowance.

With respect to defendants Tran Minh Nhat, Ho Van Oanh, Nguyen Xuan Anh, Nguyen Van Duyet, these defendants have participated in a level lower than those adjudicated above;



have demonstrated sufficient level of cooperation, thus should be subject to the punishment first sought by Prosecutors. It is further recommended that defendant Nguyen Xuan Anh and Ho Van Oanh be considered for leniency for the reasons stated below:

Nguyen Xuan Anh has contributed his talents in sport, having his grandfather sacrificed as a hero in our struggle for freedom, his uncle sacrificed during the war. These contributions is note worthy of recognition as so bestowed in Section 1, and Section 2 under Article 46 of the Criminal Code. As for Ho Van Oanh, whose both parents were recognized as active participants in fighting against American aggression saving our nation, whose effort was awarded commendation by the Provincial People's Committee, suitable for consideration for a leniency as specified under Section 2 of the Criminal Code.

Incidental to this case defendants Nguyen Xuan Kim, Thai Van Tu and Le Sy Sang are still at large at this point, whose fate shall be prosecuted upon capture.

With respect to evidences secured: Evidence seized and secured have been maintained by Trial Proceeding Bureau of Nghe An Province, consisting of: telephone device, sim card affixed thereof, computer, flight tickets, passport, cash, camera. These were incorporated into 10/8/2012 Evidential Report in submission to court.

Remaining assets confiscated from defendants: Ho Duc Hoa, Dang Xuan Dieu, Le Van Son, Nguyen Dang Minh Man, Dang Ngoc Minh, Nguyen Van Duyet, Nguyen Van Oai, Nong Hung Anh, Ho Van Oanh, Thai Van Dung, Tran Minh Nhat, Nguyen Dang Vinh Phuc consisting of: Cash on hand, assets supplied by Viet Tan for support of its mission would be transferred to appropriate government assets management agency. Other subject confiscation shall be abolished including flash drive, USB, sim card (exception: Return camera memory card to defendant Nguyen Dang Minh Chau)

As to the \$500 Canadian dollar seized from defendant Ho Duc Hoa and \$300 U.S. dollar (U.S. dollar) seized from defendant Nguyen Van Oai are currently maintained still at the Ministry of Public Security, marked as: "Assets provided by Viet Tan to defendants for aiding their crimes perpetration required to be forwarded to government management."

Regarding request made by defendant Dang Ngoc Minh asking that a camera confiscated from Nguyen Dang Minh Man, in which a picture of the funeral of her father in law was stored be returned. Court finds that part could be return, where camera memory to be returned to her, while camera itself be transferred to government assets management agency.

With respect to request of returning the motorcycle used by defendant Le Van Son, Court has ordered it be returned to Do Van Pham (Uncle of Le Van Son pursuant to delegation authority established by defendant on 7/23/2012. As for the complaint filed by defendant Tran Minh Nhat concerning the motorcycle, there is no evidence to support such a claim.

With respect to court fee: Defendants shall bear court fees as stipulated in the court procedures.

*For the reasons stated above:*

### **DECISION:**

Conviction of defendants: Ho Duc Hoa, Dang Xuan Dieu, Nguyen Dang Minh Man, Nguyen Van Oai, Le Van Son, Nguyen Van Duyet, Nguyen Xuan Anh, Ho Van Oanh, Nong



Hung Anh, Thai Van Dung, Tran Minh Nhat, Nguyen Dinh Cuong, Dang Ngoc Minh, Nguyen Dang Vinh Phuc on the crime of: Over throw the government.

- In accordance to Section 1, Article 79; clause p Section 1 Article 46, Article 92 of the Criminal Codes, sentence **Ho Duc Hoa 13 (thirteen) years imprisonment**. To take effect from the date the defendant was in custody (02/8/2011). House arrest for 05 (five) years with full travelling restriction after completion of imprisonment sentence.

- In accordance to Section 1, Article 79; Article 92 of the Criminal Codes, sentence **Dang Xuan Dieu 13 (thirteen) years imprisonment**. To take effect from the date the defendant was in custody (02/8/2011). House arrest for 05 (five) years with full travelling restriction after completion of imprisonment sentence.

- In accordance to Section 1, Article 79; Article 92 of the Criminal Codes, sentence **Le Van Son 13 (thirteen) years imprisonment**. To take effect from the date the defendant was in custody (03/8/2011). House arrest for 05 (five) years with full travelling restriction after completion of imprisonment sentence.

- In accordance to Section 1, Article 79; clause p Section 1 Article 46, Article 47, Article 92 of the Criminal Codes, sentence **Nguyen Dang Minh Man 08 (eight) years imprisonment**. To take effect from the date the defendant was in custody (02/8/2011). House arrest for 05 (five) years with full travelling restriction after completion of imprisonment sentence.

- In accordance to Section 2, Article 79; clause p Section 1 Article 46, Article 47, Article 92 of the Criminal Codes, sentence **Nguyen Van Oai 04 (four) years imprisonment**. To take effect from the date the defendant was in custody (02/8/2011). House arrest for 04 (four) years with full travelling restriction after completion of imprisonment sentence.

- In accordance to Section 2, Article 79; clause p Section 1 Article 46, Article 47, Article 92 of the Criminal Codes, sentence **Nguyen Van Duyet 04 (four) years imprisonment**. To take effect from the date the defendant was in custody (07/8/2011). House arrest for 04 (four) years with full travelling restriction after completion of imprisonment sentence.

- In accordance to Section 2, Article 79; clause p Section 1 Article 46, Article 47, Article 92 of the Criminal Codes, sentence **Nguyen Dinh Cuong 04 (four) years imprisonment**. To take effect from the date the defendant was in custody (24/12/2011). House arrest for 04 (four) years with full travelling restriction after completion of imprisonment sentence.

- In accordance to Section 2, Article 79; clause p Section 1 Article 46, Article 47, Article 92 of the Criminal Codes, sentence **Tran Minh Nhat 04 (four) years imprisonment**. To take effect from the date the defendant was in custody (27/8/2011). House arrest for 03 (three) years with full travelling restriction after completion of imprisonment sentence.

- In accordance to Section 2, Article 79; clause p Section 1 Article 46, Article 47, Article 92 of the Criminal Codes, sentence **Thai Van Dung 04 (four) years imprisonment**. To take effect from the date the defendant was in custody (19/8/2011). House arrest for 04 (four) years with full travelling restriction after completion of imprisonment sentence.

- In accordance to Section 2, Article 79; clause p Section 1 Article 46, Article 47, Article 92 of the Criminal Codes, sentence **Nong Hung Anh 03 (three) years imprisonment**. To take

effect from the date the defendant was in custody (05/8/2011). House arrest for 04(four) years with full travelling restriction after completion of imprisonment sentence.

- In accordance to Section 2, Article 79; clause p Section 1 Article 46, Article 47, Article 92 of the Criminal Codes, sentence **Dang Ngoc Minh 03 (three) years imprisonment**. To take effect from the date the defendant was in custody (02/8/2011). House arrest for 04 (four) years with full travelling restriction after completion of imprisonment sentence.

- In accordance to Section 2, Article 79; clause p Section 1 Article 46, Article 47, Article 92 of the Criminal Codes, sentence **Nguyen Xuan Anh 03 (three) years imprisonment**. To take effect from the date the defendant was in custody (07/8/2011). House arrest for 03 (three) years with full travelling restriction after completion of imprisonment sentence.

- In accordance to Section 2, Article 79; clause p Section 1 Article 46, Article 47, Article 92 of the Criminal Codes, sentence **Ho Van Oanh 03 (three) years imprisonment**. To take effect from the date the defendant was in custody (16/8/2011). House arrest for 03 (three) years with full travelling restriction after completion of imprisonment sentence.

- In accordance to Section 2, Article 79; clause p Section 1 Article 46, Article 47, Article 60, Article 92 of the Criminal Codes, sentence **Nguyen Dang Vinh Phuc 03 (three) years imprisonment**, but on suspended sentence for 37 (thirty seven) months and 14 (fourteen) days. To take effect from the date the first hearing sentencing. The defendant is placed under the care and reform of People House Committee, Ward 7, Tra Vinh City of Tra Vinh Province. During this time, family has responsibility to co-operate with the authority to monitor the defendant. House arrest for 02 (three) years with full travelling restriction after completion of the suspended sentence. In accordance to Section 4, Article 227 of the Criminal Codes, the defendant Nguyen Dang Vinh Phuc is declared to be free if he did not commit any other crime.

Physical evidence: In accordance to Article 41 in the Criminal Codes and Article 76 of the Criminal Procedure Codes:

- Confiscated and transferred \$500CAND belonged to defendant Ho Duc Hoa and \$300USD belonged to defendant Nguyen Van Oai, currently kept at the Evidence registration office of Police Security and Investigation Department to appropriate government assets management agency. In accordance to the Confiscation of Evidence Order No. 173/LNK dated 06/9/2011 and Transfer of evidence document No. 275/PNK dated 18/01/2012, the Police Security and Investigation Department to hand over the evidences to Office of Execution of Civil and Criminal Judgements, Nghe An Province to carry out the court's order.

- Properties Confiscation and conversion to government assets:

Properties confiscated from defendant Ho Duc Hoa: 02 (two) mobile phones Nokia and Q-Mobile; 01 (one) Fujifilm digital camera in silver colour; 01 (one) camera (picture of a gas flame).

Properties confiscated from Dang Xuan Dieu: 01 (one) mobile phone Q-Mobile Q24i in gold colour; 01 (one) laptop still sealed with Dang Xuan Dieu's certified signature.

Properties confiscated from defendant Le Van Son: 01(one) black laptop model Acer (ASPTRE 5745G) (with mouse); 01 (one) Fujifilm camera with charger accessories; 01 (one) USB 3G models ENSOHO; 01 (one) mobile phone model K-Touch H888; 01 (one) secret camera of key-ring shape.

Properties confiscated from defendant Nguyen Dang Minh Man: 03 (three) mobile phones models Nokia, Samsung SGH X450, LG; 01 (one) Sony digital camera; 01 (one) laptop Dell D600 model.

Properties confiscated from defendant Dang Ngoc Minh: 01 (one) note book.

Properties confiscated from defendant Nguyen Van Duyet: 01 (one) mobile phone models Nokia 1616;

Properties confiscated from defendant Nguyen Van Oai: 01 (one) digital camera in red colour of model Aluratek; 01 (one) video camera with picture of a gas flame; 01 (one) white mobile phone models Nokia; 01 (one) Panasonic projector, series no. SB8210136

Properties confiscated from defendant Nong Hung Anh: 01 (one) black Nokia 3120 mobile phone; 01 (one) portable hard drive; 01 (one) Sony camera; 01 (one) Samsung mobile phone; 01 (one) IBM laptop still sealed (with charger accessories and mouse)

Properties confiscated from defendant Ho Van Oanh: 01 (one) Nokia 1200 mobile phone.

Properties confiscated from defendant Thai Van Dung: 01 (one) laptop of model ASUS which still sealed with Thai Van Dung's certified signature; 01 (one) Nokia mobile phone.

Properties confiscated from defendant Tran Minh Nhat: 01 (one) computer CPU of ASUS model; 01 (one) Nokia mobile phone.

Properties confiscated from defendant Nguyen Dang Vinh Phuc: 01 (one) Samsung mobile phone.

Confiscated Evidences to be destroyed: 02 (two) USB; 01 (one) memory card belonged to defendant Ho Duc Hoa; 02 (two) USB belonged to Dang Xuan Dieu; 01 (one) USB belonged to defendant Nguyen Dang Minh Man; 03 (three) sim cards belonged to defendant Nguyen Van Oai; 01 (one) Viettel sim card; 01 (one) camera memory card of 2G Sony SF-2C1; 01 (one) Trancend 4G USB belonged to defendant Nong Hung Anh, 04 (four) sim cards; 01 (one) 3G USB; 01 (one) memory card belonged to defendant Ho Van Oanh; 01 (one) USB; 02 (two) Beeline sim cards belonged to defendant Tran Minh Nhat; 01 (one) Viettel sim card belonged to defendant Nguyen Dang Vinh Phuc.

Returned 01 (one) memory card in Sony digital camera to the defendant Nguyen Dang Minh Man.

The above physical evidences were kept at Office of Execution of Civil and Criminal Judgements, Nghe An Province as documented in the handling and transferring of evidences between the Police Security and Investigation Department and Office of Execution of Civil and Criminal Judgements.

The following evidences presented in the case records:

Evidences from defendant Ho Duc Hoa: 01 (one) US entry visa – "Department of homeland Security US. Customs and Borden Protection" under the name Hoa Duc Hoa on 26/11/2010; 01 (one) e-ticket with the name Ho Duc Hoa of Air Asia (Return air tickets Ho Chi Minh city – Bang Kok – Ho Chi Minh city from 24/7/2011-30/7/2011); 01 (one) e-ticket from Ho Chi Minh city – Vinh city (one-way air ticket on 01/8/2011); 01 (one) document named "Money Transfer Order" (Association agent) of Vietnam Agricultural and Rural Development Bank, Vinh City branch, Nghe An. Sender: Duy Thi Nguyen "from Norway" and the amount was \$4,623.65 NOR, equivalent to \$800USD on 19/7/2011; 01 (one) passport named Ho Duc Hoa.

Evidences from defendant Dang Xuan Dieu: 01 (one) business card named Dang Xuan Dieu; 01 (one) passport named Dang Xuan Dieu.



Evidences from defendant Le Van Son: 01 (one) manual on Internet Security and Protection for Cyber Human Rights Advocates published by Frontline; 01 (one) passport named Le Van Son.

Evidence from defendant Nguyen Dang Minh Man: 01 (one) passport named Nguyen Dang Minh Man.

Evidence from defendant Dang Ngoc Minh: 01 (one) passport named Dang Ngoc Minh.

Evidences from Nguyen Van Oai: 01 (one) e-ticket; 02 (two) boarding tickets; 01 (one) passport named Nguyen Van Oai; 01 (one) temporary residence approval document.

Evidences from defendant Nong Hung Anh: entry ticket to the tourist park “Wat Yai Chaya Mongkol”, 01 (one) passport, No. B2450713 with the name Nong Hung Anh, issued date 04/8/2008.

Evidences from defendant Ho Van Oanh: 02 (two) boarding tickets under the name of Ho Van Oanh; 01 (one) passport named Ho Van Oanh, No. B4001645.

Evidences from defendant Tran Minh Nhat: 04 (four) pages document of the broadcasting schedule of BBC, RFA, VOA, RFI radio networks; 02 (two) yellow pieces of paper in Thai language, which were the entry tickets to the Golden Pergola in Thailand.

Evidence from defendant Nguyen Dang Vinh Phuc: 01 (one) passport No. B383769 named Nguyen Dang Vinh Phuc.

All the passports presented at Nghe An People Court accordance to the transferring documentation between Office of Execution of Civil and Criminal judgements, Nghe An Province and Nghe An People Court on 07/01/2013, other evidences remained at the Office of Execution of Civil and Criminal judgements, Nghe An Province in accordance to the transferring and handling of evidences document dated 08/10/2012.

Court fees: The following defendants Ho Duc Hoa, Dang Xuan Dieu, Nguyen Van Oai, Nguyen Van Duyet, Nguyen Xuan Anh, Ho Van Oanh, Le Van Son, Nong Hung Anh, Thai Van Dung, Tran Minh Nhat, Nguyen Dinh Cuong, Dang Ngoc Minh, Nguyen Dang Minh Man, Nguyen Dang Vinh Phuc pay 200.000d (two hundred thousand dong) each for the court fee on the first hearing trial.

The defendants have 15 days from the first hearing trial verdict to lodge an appeal with the People High Court.

**ON BEHALF OF THE COUNCIL OF FIRST-INSTANCE-TRIAL  
PRESIDING JUDGE**

**Tran Ngoc Son**

**Copies to:**

- The defendants
- The defendants' legal teams
- The People's Procuracy of Nghe An Province
- Department of Justice Nghe An Province
- Office of Execution of Civil and Criminal Judgements, Nghe An Province
- Cases records



**PEOPLE'S COURT  
OF NGHE AN PROVINCE**

Number: 22/2013/QĐ-CA

**THE SOCIALIST REPUBLIC OF VIETNAM  
Independence, Freedom, Happiness**

*Nghe An, 21<sup>th</sup> february 2013*

**DECISION  
EXECUTION IMPRISONMENT**

*(for people sentenced to imprisonment and under temporary detention)*

**JUDGE OF PEOPLE'S COURT OF NGHE AN PROVINCE**

According to articles 255, 256, 257 of the Criminal Procedure Code

According to articles 21, 22 of the Enforcement Criminal Law

**DECISION:**

1/ Execution of the sentence of 08 (eight) years imprisonment for the crime “Activities aimed at overthrowing the people's administration”. House arrest, forbidden to leave residency for Nguyen Dang Minh Man durant 05 (five) years after completion of imprisonment sentence.

Judgment of the first instance trial number 01/2013/HSST on 09/01/2013 of the People's Court of Nghe An province

For the accused: **Nguyen Dang Minh Man. Born on 10/01/1985**

Registered residency and address 511 Nhan thi Kien Street, ward 03 distric 07 Tra Vinh city, Tra Vinh province

Father: Mr. Nguyen Van Loi. Mother: Mrs. Dang Ngoc Minh

Currently under temporary detention at the Temporary Detention Center of the Nghe An's Public Security.

2/ The staff of the Temporary Detention Center of the Nghe An's Public Security execute this decision and inform the accused's family the location where the accused will complete the sentence.

**JUDGE**

**Pham Van Ha**

***Copies to:***

- *The staff of the Temporary Detention Center*
- *(02 copies including 01 for the accused)*
- *Supreme People's Procurate*
- *Archive THAHS*

Annex XIV: Photograph Taken at the Petitioner's Trial, 8/9 January 2013



Photograph of Ms Minh Man (women in the middle of picture with grey jacket) and some of the other defendants during the trial.

Source: widely circulated on the Internet

[illegible]