

PRESS RELEASE - THE OBSERVATORY

VIET NAM: Human rights defender Cu Huy Ha Vu's sentence upheld in appeal

Geneva-Paris, August 3, 2011. *The Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), expresses its deepest concern following yesterday's decision of the Supreme People's Court in Hanoi to uphold the seven-year jail term for Mr. Cu Huy Ha Vu.*

On August 2, 2011, the Supreme People's Court upheld the sentence against Mr. **Cu Huy Ha Vu**, a prominent human rights legal expert, to seven years of imprisonment and three years of house arrest for "propaganda against the Socialist Republic of Viet Nam", under Article 88 of Viet Nam's Criminal Code, saying there was no basis for dismissing the case. The trial only lasted half a day. The proceedings were closed to foreign media and were held under tight security with uniformed and plainclothes security officers surrounding the court house.

Mr. Cu Huy Ha Vu was arrested on November 5, 2010 and sentenced in first hearing by Hanoi People's Court on April 4, 2011, following a trial during which he was denied his right to a fair and public hearing by a competent, independent and impartial tribunal.

Mr. Ha Vu is a peaceful defender of cultural, environmental and civil and political rights and has consistently used the courts to seek justice for those whose rights have been violated by the Government and private actors. In July 2009, he initiated a lawsuit against Prime Minister Nguyen Tan Dung for signing Decision 167 in November 2007, which allowed controversial bauxite mining operations in Viet Nam's Central Highlands. On October 21, 2010, Mr. Ha Vu filed a second lawsuit against the Prime Minister for signing Decree 136 in 2006, which prohibits class-action petitions.

The charges brought against Mr. Ha Vu are utterly politically motivated and are based on deeply flawed legislations that are routinely used to silence legitimate and peaceful critics. In particular, Article 88 has repeatedly been denounced by the United Nations Human Rights Committee as incompatible with international law and in violation of the rights to freedoms of opinion and expression and the right to participate in public affairs.

"This case is sadly yet another example of the ongoing repression of fundamental rights in Viet Nam, and human rights defenders in particular have borne the brunt of such repression. Criminalising the peaceful expression of democratic ideals and legitimate actions to seek redress for rights violations makes a mockery of justice and the rule of law", said today Eric Sottas, OMCT Secretary General.

"Although Viet Nam stated in its national report submitted in February 2009 to the UN Human Rights Council for the Universal Periodic Review process that "protecting and promoting human rights are always the Government's consistent policy", the conviction of Mr. Ha Vu clearly contradicts Viet Nam's adherence to human rights", added Souhayr Belhassen, FIDH President.

Accordingly, the Observatory calls on the Vietnamese authorities to guarantee in all circumstances the physical and psychological integrity of Mr. Ha Vu, to immediately and unconditionally release him and overturn his conviction as it only aims at sanctioning his human rights activities, as well as, more generally, to put an end to all forms of harassment against human rights defenders in Viet Nam, in conformity with the provisions of the UN Declaration on Human Rights Defenders and international human rights standards and international instruments ratified by Viet Nam.

For more information please contact:

- OMCT: Delphine Reculeau: + 41 22 809 49 39
- FIDH: Karine Appy, Arthur Manet: + 33 1 43 55 25 18