



P.O. Box 7113,  
1007 JC AMSTERDAM  
The Netherlands  
info@lawyersforlawyers.org  
www.lawyersforlawyers.org

## Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations  
Promoting human rights by protecting those who defend them  
[www.lrwc.org](http://www.lrwc.org) – [lrwc@portal.ca](mailto:lrwc@portal.ca) – Tel: +1 604 738 0338 – Fax: +1 604 736 1175  
3220 West 13<sup>th</sup> Avenue, Vancouver, B.C. CANADA V6K 2V5

**BY AIRMAIL**

H.E. Mr. Ha Hung Cuong  
Minister of Justice  
56-60 Tran Phu St.,  
Ba Dinh District,  
HANOI, VIETNAM

Amsterdam, 15 January 2013

Re: Mr. Le Quoc Quan

Your Excellency,

The Dutch Lawyers for Lawyers Foundation (*Stichting Advocaten voor Advocaten*) and Lawyers Rights Watch Canada (LRWC) are to express our continuing concern at the arrest of our colleague, Mr. Le Quoc Quan, a respected human rights lawyer.

Lawyers for Lawyers Foundation (L4L) is committed to helping lawyers around the world who are threatened or suppressed in the execution of their profession.

LRWC is a committee of lawyers who promote human rights and the rule of law internationally by protecting advocacy rights. LRWC has Special Consultative status with the Economic and Social Council of the United Nations.

According to our information, on 27 December 2012, Mr. Le Quoc Quan was arrested by the police in Hanoi while dropping off his daughter at school. The police also searched his office and home and confiscated some documents. The police apparently read out a warrant, but did not give a copy to Mr. Le Quoc Quan's family. The police told his family that he would be charged under Article 161 of the Criminal Code, which relates to tax evasion. If convicted, he risks three years in prison plus a fine.

Mr. Le Quoc Quan, who began a hunger strike on December 28, is currently detained incommunicado in Hoa Lo Prison No. 1. Neither his lawyer nor his family have been able to visit him to date.

Mr. Le Quoc Quan is a prominent lawyer and human rights defender. Since his disbarment, he has continued to defend civil rights in Vietnam through his blogs and other peaceful actions.

Like many Vietnamese human rights lawyers, bloggers and activists, Mr. Le Quoc Quan has regularly been subject to arbitrary arrest and unreasonable surveillance. L4L and LRWC believe that the purpose of the recent arrest of Mr. Le Quoc Quan as well as the previous arbitrary arrests and harassment was solely to obstruct him when exercising his freedom of expression and to prevent his legitimate and peaceful human rights advocacy. There is no evidence that the arrests and harassment have been in response to a reasonable apprehension of criminal activity by Le Quoc Quan.

The United Nations Working Group on Arbitrary Detention has defined arbitrary detention as including:

1. Where there is no legal basis for the deprivation of liberty (for example when a person is kept in detention after the completion of their prison sentence or despite an amnesty law applicable to them);

2. When a person is deprived of their liberty because they have exercised the rights and freedoms guaranteed in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR).

LRWC and L4L therefore consider the detention of Mr. Le Quoc Quan to be arbitrary and intend to make a complaint to the Working Group on Arbitrary Detention.

Freedom of expression is guaranteed by the UDHR which contains international principles adopted by the United Nations and which remains the cornerstone of the UN human rights system. Freedom of expression is also guaranteed by the ICCPR, which Vietnam has ratified on 24 December 1982 and is legally binding.

Supplementary provisions protecting the right and duty to engage in human rights advocacy are enshrined in paragraphs 16 and 17<sup>1</sup>, and 23<sup>2</sup>, of the Basic Principles on the role of Lawyers, and article 6c<sup>3</sup> and 12 paragraph 2<sup>4</sup> of the UN Declaration on Human Rights Defenders.

In this context, we urge the Vietnamese authorities to:

- Release Mr. Le Quoc Quan immediately and unconditionally, and;
- To ensure effective protection of the internationally protected rights of Mr. Le Quoc Quan including freedom of expression and the right to engage in human rights advocacy and criticism of government actions; and
- Ensure that the liberty of Mr. Le Quoc Quan is not arbitrarily breached.

We thank you for your attention to this very important matter and look forward to receiving your reply. L4L and LRWC will continue to monitor this case closely.

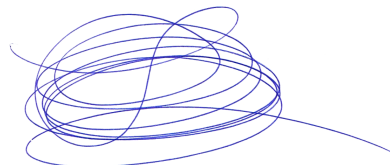
Sincerely,

**Lawyers for Lawyers**

**Lawyers Rights Watch Canada**



Adrie van de Streek  
Executive director



Gail Davidson  
Executive Director

---

<sup>1</sup> These paragraphs state that the Government is under an obligation to 'ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics'.

<sup>2</sup> This paragraph reads: "Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession."

<sup>3</sup> This article reads: "Everyone has the right, individually and in association with others to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms."

<sup>4</sup> This article reads: "The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration."