



INTERNATIONAL  
OBSERVATORY  
FOR LAWYERS

# APPEAL

**Huynh Van Dong, a Vietnamese lawyer arbitrarily disbarred by his Bar Association**



The International Observatory for Lawyers expresses its greatest indignation regarding Mr. Huynh Van Dong's arbitrary disbarment from Dak Lak Bar Association in Vietnam.

## **Description of the situation :**

Mr. Huynh Van Dong is a Vietnamese human rights lawyer. He has taken up cases of several religious and pro-democracy activists. He has often denounced violations of the right to a fair trial and he has claimed the innocence of his clients.

Mr. Dong has continually been subjected to intimidation and harassment from the authorities and the police because of his professional activities.

On 30<sup>th</sup> May 2011, Mr. Dong appeared before Ben Tre Court to defend seven pro-democracy activists who were accused of attempts to overthrow the current regime. As he was attempting to defend his clients and to prove that the charges brought against them were unfounded, Me. Dong was interrupted several times by the President of the Court who claimed that his arguments were irrelevant to the case. Mr. Dong wanted to prove that his clients' activities were legal and did not negatively affect the Vietnamese state. He mentioned Vietnam-China relations in order to demonstrate his clients' patriotism towards Vietnam, and he evoked Vietnam's international human rights obligations. He was interrupted



several times while he was presenting these arguments and ended up slamming the table as a sign of frustration. He was eventually forcibly taken out of the courtroom by police forces.

Following this incident, the People's Court of Ben Tre Province requested Vietnamese authorities and Dak Lak Bar Association to take measures against Mr. Dong for the "multiple violations of his professional duties". The Court accused Mr. Dong of taking advantage of his lawyer activities in order to infringe upon the interests of the state. It also considered that Mr. Dong did not possess the qualifications required for lawyers, namely "to be loyal to Vietnam" and to "show morals".

Furthermore, the Bar Association accused him of failing to represent a client to whom he had been assigned and of not paying the annual fee to the Association. Mr. Dong explained he could not defend that client since his case had been assigned to him two days before the hearing, and while he was out of town. He added that he had always paid his annual fee to the Bar Association.

On 12<sup>th</sup> August 2011, the disciplinary commission of Dak Lak Bar Association decided to disbar Mr. Dong. Mr. Dong defended himself alone before the commission. When asked about the disbarment, the chair of the commission did not give any objective explanation or legal basis to justify it.

Mr. Dong has been thus prevented from practicing as a lawyer and a human rights defender following an extremely unfair procedure.

#### **Appeal of the International Observatory for Lawyers:**

The Observatory would like to reiterate that the independence of lawyers is one of the core principles of democracy and of the effectiveness of the rule of law. The Observatory would like to draw Vietnamese authorities' attention to the **Basic Principles on the Role of Lawyers** which were adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana (Cuba) from 27 August to 27 September 1990.

#### **Principle 16**

"Governments shall 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".

#### **Principle 18**

"Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions"

#### **Principle 20**

"Lawyers shall enjoy civil and penal immunity for relevant statements made in good faith in written or oral pleadings or in their professional appearances before a court, tribunal or other legal or administrative authority".

#### **Principle 27**

"Charges or complaints made against lawyers in their professional capacity shall be processed expeditiously and fairly under appropriate procedures. Lawyers shall have the right to a fair hearing, including the right to be assisted by a lawyer of their choice".



## INTERNATIONAL OBSERVATORY FOR LAWYERS

### Principle 28

“Disciplinary proceedings against lawyers shall be brought before an impartial disciplinary committee established by the legal profession, before an independent statutory authority, or before a court, and shall be subject to an independent judicial review”.

### **The International Observatory for Lawyers urges:**

#### **-The Vietnamese authorities,**

-to guarantee an efficient and impartial legal remedy for Mr. Dong to challenge his disbarment from Dak Lak Bar Association, and to take all measures to enable Mr. Dong and Vietnamese lawyers to freely and safely perform their duties as lawyers.

-to guarantee lawyers' independence and freedom and to protect them from any harassment and interference. .

**-The United Nations, the European Commission and other international organizations,** to urgently prompt Vietnamese national authorities to guarantee Mr. Dong an efficient and impartial legal recourse to challenge his disbarment from Dak Lak Bar Association.

**-Bar Associations and lawyers organizations,** to assist and support Mr. Dong and to use all their available means to draw Vietnamese authorities' attention to the necessity of ensuring lawyers' freedom and independence in Vietnam.

The Observatory urges in particular lawyers' organizations to approach the Dak Lak Bar Association concerning the unfair decision taken against Mr. Dong.

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