



CHRIS HAYES MP

Federal Member for Fowler
Chief Opposition Whip

Ref: RH
6 March 2020

Senator the Hon. Marise Payne
Minister for Foreign Affairs
Minister for Women
Senate
Parliament House
PO Box 6100
CANBERRA ACT 2600

By post and email: Senator.Payne@aph.gov.au

Dear Minister

I write to express my deep concern regarding the recent appeal of Australian citizen, Mr Van Kham Chau's 12-year jail sentence in Vietnam, on terrorism charges pursuant to Article 113 of the Vietnamese Penal Code.

Mr Chau was arrested in Ho Chi Minh City in January 2019, while meeting with a human rights activist in relation to human rights developments in Vietnam.

Mr Chau is a member of Viet Tan, considered by the United Nations and Human Rights Watch as a peaceful organisation advocating for democratic reform. Mr Chau is known by the Vietnamese authorities to be a member of Viet Tan, declared by the Vietnamese Government as a terrorist organisation.

The matter of Mr Chau is particularly concerning, given that he is 70 years old, his health is declining and he has been hospitalised twice since his detainment in Vietnam.

As I understand, while in detention Mr Chau was denied access to a legal defence counsel, until the end of the investigation period and almost immediately before his trial. This communication was restricted to a few short interviews with his lawyer.

Given the gravity of the allegations raised against him, we consider this would have had an adverse effect on his defence throughout the trial and appeal process and therefore significantly impaired his ability of a fair trial on both occasions.

The fact is that Mr Chau is a 70-year-old retired baker who lives in Western Sydney and has long taken an interest in the advancement of human rights. Together with his wife and family, Mr Chau has been in Australia for over 30 years and is known for his charitable works within the community. To my knowledge, Mr Chau has never been accused of improper activities by Australia's law enforcement or other government agencies.

I understand that the Department of Foreign Affairs and Trade has provided consular assistance to Mr Chau and has endeavoured to stay in contact with Mr Chau's immediate family. These are actions that Labor fully supports and communication that Mr Chau's family is extremely grateful for.

Nonetheless, the conclusion of Mr Chau's appeal process in Vietnam is causing increasing distress to Mr Chau's wife and his family, due to the lack of any further legal recourse for Mr Chau's release.

In view of the above, it is imperative that we continue to place pressure on the Vietnamese Government to uphold the rule of law and honour its commitments, as we would duly expect of any of our valued trading partners. On behalf of our concerned Australian Vietnamese community, I respectfully request the Government to take all possible steps to secure Mr Chau's safety and release.

Yours sincerely

A handwritten signature in black ink that reads "Chris Hayes". The signature is written in a cursive, flowing style.

Chris Hayes MP