

PETITION TO:

**UNITED NATIONS
HUMAN RIGHTS COUNCIL
WORKING GROUP ON ARBITRARY DETENTION**

Mr. Malick El Hadji Sow (Senegal), Ms. Shaheen Sardar Ali (Pakistan), Mr. Roberto Garretón (Chile),
Mr. Mads Andenas (Norway), Mr. Vladimir Tochilovsky (Ukraine)

In the Matter of:

**Ms. Tran Thi Thuy, Mr. Pham Van Thong, Pastor Duong Kim Khai,
Mr. Cao Van Tinh, Mr. Nguyen Thanh Tam, Mr. Nguyen Chi Thanh, Ms. Pham Ngoc Hoa
("Petitioners")**

v.

Government of the Socialist Republic of Vietnam

Submitted by:

Viet Tan
1969 Tully Road, Suite 50 #299
San Jose, CA 95122, USA
+1.202.470.0845
contact@viettan.org

June 9, 2011

Basis for Request

The Petitioners are seven peaceful Vietnamese democracy and land rights activists.

They were detained arbitrarily for exercising their fundamental right to freedom of association. Petitioners were arbitrarily convicted recently in a closed, one-day tribunal on May 30, 2011 in violation of their fundamental right to an open and fair trial.

For the reasons stated herein, the Petitioners' detention and conviction violate guarantees found in both international and Vietnamese law. They should be immediately released from detention.

As such, the Petitioners hereby request that the Working Group consider this Petition to be a formal request for an opinion of the Working Group pursuant to Resolution 1997/50 of the Commission on Human Rights as affirmed by Resolutions 2000/36, 2003/31 and Resolution 6/4.

It is submitted that UN Human Rights Bodies compel the Government of the Socialist Republic of Vietnam ("GVN")¹ to take the necessary steps to remedy the situation and conform with the standards and principles set forth in the Universal Declaration of Human Rights ("UDHR") and International Covenant on Civil and Political Rights ("ICCPR").

¹ The Socialist Republic of Vietnam ratified the ICCPR on September 24, 1982

Model Questionnaire

The identifying information and circumstances of arrest and detention (Sections I-III of the Model Questionnaire) of the seven petitioners² are presented individually, in the order of severity of jail sentences. Because the nature of their prosecution was carried out as a group, Sections IV-V will address their cases as such.

I. IDENTITY

1. Family name: **Tran**
2. First name: **Thi Thuy**
3. Sex: Female
4. Birth date: Feb 2, 1971
5. Nationality/Nationalities: Vietnamese
6. Identity document (if any): Not available
7. Profession and/or activity: Merchant, land rights activist, Hoa Hao Buddhist
8. Address of usual residence: Number 476, Group 16, Long Thai Ward, Long Khanh B Commune, Hong Ngu District, Dong Thap Province

II. ARREST

1. Date of arrest: August 16, 2010
2. Place of arrest (as detailed as possible):
On the 10th of August 2010, at 18:30 hours, a group of police forced their way into the home of Tran Thi Thuy and handcuffed her and her brother, Tran Thanh Tuan. Her brother was beaten and sustained severe head injuries. Afterwards, police took Tran Thi Thuy away, giving her family no information of her whereabouts.³
3. Forces who carried out the arrest or are believed to have carried it out: Public Security of Dong Thap and Ben Tre Province
4. Did they show a warrant or other decision by a public authority? Unknown
5. Authority who issued the warrant or decision: Senior Colonel Nguyen Van Long, Public Security of Ben Tre Province
6. Relevant legislation applied (if known): Article 79 of Vietnamese Penal Code

III. DETENTION

1. Date of detention: August 16, 2010
2. Duration of detention: 8 years imprisonment and 5 years probation
3. Forces holding the detainee under custody: Ministry of Public Security
4. Places of detention (indicate any transfer and present place of detention): Ministry of Public Security Detention Center in Ben Tre Province
5. Authorities that ordered the detention: Ministry of Public Security
6. Reasons for the detention imputed by the authorities:
According to the indictment: *“Tran Thi Thuy joined the organization ‘Viet Tan’, frequently contacted and met the organization ‘Viet Tan’ to receive documents, slogans to distribute and often times received money from ‘Viet Tan’ to pay for operational expenses totaled in 8.000.000dong VNĐ and \$350USD.”*
7. Relevant legislation applied (if known): Article 79 of Vietnamese Penal Code

² See Exhibit 1, List of Petitioners

³ See Exhibit 2, Letter from Bui Thi Nu (mother of Tran Thi Thuy)

I. IDENTITY

1. Family name: **Pham**
2. First name: **Van Thong**
3. Sex: Male
4. Birth date: June 1, 1962
5. Nationality/Nationalities: Vietnamese
6. Identity document (if any): Not available
7. Profession and/or activity: Evangelist in the Mennonite Church, land rights activist
8. Address of usual residence: 123/PT, Group 1 (Phu Thanh), Phu Le Commune, Ba Tri District, Ben Tre Province

II. ARREST

1. Date of arrest: July 19, 2010
2. Place of arrest (as detailed as possible): Unknown
3. Forces who carried out the arrest or are believed to have carried it out: Public security of Ben Tre Province
4. Did they show a warrant or other decision by a public authority? Unknown
5. Authority who issued the warrant or decision: Senior Colonel Nguyen Van Long, Public Security of Ben Tre Province
6. Relevant legislation applied (if known): At time of arrest, Pham Van Thong was detained for violating Article 88 of the Vietnamese Penal Code

III. DETENTION

1. Date of detention: July 19, 2010
2. Duration of detention: 7 years imprisonment and 5 years probation
3. Forces holding the detainee under custody: Ministry of Public Security
4. Places of detention (indicate any transfer and present place of detention): Ministry of Public Security Detention Center in Ben Tre Province
5. Authorities that ordered the detention: Ministry of Public Security
6. Reasons for the detention imputed by the authorities:
According to the indictment: "Pham Van Thong received documents, slogans to distribute, established the 'Vietnamese friendship association for mutual support' all over the nation and received money from 'Viet Tan' to pay for expenses totaled in 900.000dong – VNĐ."
7. Relevant legislation applied (if known): Article 88 at time of arrest, Article 79 on the indictment

I. IDENTITY

1. Family name: **Duong**
2. First name: **Kim Khai**
3. Sex: Male
4. Birth date: June 17, 1958
5. Nationality/Nationalities: Vietnamese
6. Identity document (if any): Not available
7. Profession and/or activity: Pastor in the Mennonite Church, land rights activist
8. Address of usual residence: Number 37/6, Group 3, Ward 28, Binh Thanh District, Ho Chi Minh City

II. ARREST

1. Date of arrest: August 16, 2010
2. Place of arrest (as detailed as possible): at his place of work
3. Forces who carried out the arrest or are believed to have carried it out: Public Security of Ho Chi Minh City
4. Did they show a warrant or other decision by a public authority? Unknown
5. Authority who issued the warrant or decision: Senior Colonel Nguyen Van Long, Public Security of Ben Tre Province
6. Relevant legislation applied (if known): Article 79 of Vietnamese Penal Code

III. DETENTION

1. Date of detention: August 10, 2010
2. Duration of detention: 6 years imprisonment and 5 years probation
3. Forces holding the detainee under custody: Ministry of Public Security
4. Places of detention (indicate any transfer and present place of detention): Ministry of Public Security Detention Center in Ben Tre Province
5. Authorities that ordered the detention: Ministry of Public Security
6. Reasons for the detention imputed by the authorities:
According to the indictment: "Duong Kim Khai joined the organization 'Viet Tan', received documents, slogans, directions, organized the distribution and receiving of money from 'Viet Tan' to pay for operational expenses totaled in \$700USD."
7. Relevant legislation applied (if known): Article 79 of Vietnamese Penal Code

I. IDENTITY

1. Family name: **Cao**
2. First name: **Van Tinh**
3. Sex: Male
4. Birth date: September 3, 1974
5. Nationality/Nationalities: Vietnamese
6. Identity document (if any): Not available
7. Profession and/or activity: Farmer, land rights activist
8. Address of usual residence: No. 77, hamlet Thanh Xuan, ward Thanh Phu, district Co Do, Can Tho City

II. ARREST

1. Date of arrest: February 22, 2011
2. Place of arrest (as detailed as possible): Unknown
3. Forces who carried out the arrest or are believed to have carried it out: Public security of Ho Chi Minh City
4. Did they show a warrant or other decision by a public authority? Unknown
5. Authority who issued the warrant or decision: Unknown
6. Relevant legislation applied (if known): Article 79 of Vietnamese Penal Code

III. DETENTION

1. Date of detention: February 22, 2011
2. Duration of detention: 5 years imprisonment and 4 years probation
3. Forces holding the detainee under custody: Ministry of Public Security
4. Places of detention (indicate any transfer and present place of detention): Ministry of Public Security Detention Center in Ben Tre Province
5. Authorities that ordered the detention: Ministry of Public Security
6. Reasons for the detention imputed by the authorities:
According to the indictment: "Cao Van Tinh joined the organization 'Viet Tan', often times contacted, met the organization 'Viet Tan', received and distributed documents, slogans, an received money from the organization 'Viet Tan' to pay for operation expenses totaled in 1.700.000dong – VNĐ."
7. Relevant legislation applied (if known): Article 79 of Vietnamese Penal Code

I. IDENTITY

1. Family name: **Nguyen**
2. First name: **Thanh Tam**
3. Sex: Male
4. Birth date: October 10, 1953
5. Nationality/Nationalities: Vietnamese
6. Identity document (if any): Not available
7. Profession and/or activity: Farmer, land rights activist
8. Address of usual residence: Group 1, An Ngai Tay Commune, Ba Tri District, Ben Tre Province

II. ARREST

1. Date of arrest: July 20, 2010
2. Place of arrest (as detailed as possible): Unknown
3. Forces who carried out the arrest or are believed to have carried it out: Public security of Ben Tre Province
4. Did they show a warrant or other decision by a public authority? Unknown
5. Authority who issued the warrant or decision: Senior Colonel Nguyen Van Long, Public Security of Ben Tre Province
6. Relevant legislation applied (if known): Article 88 of Vietnamese Penal Code

III. DETENTION

1. Date of detention: July 20, 2010
2. Duration of detention: 2 years imprisonment and 3 years probation
3. Forces holding the detainee under custody: Ministry of Public Security
4. Places of detention (indicate any transfer and present place of detention): Ministry of Public Security Detention Center in Ben Tre Province
5. Authorities that ordered the detention: Ministry of Public Security
6. Reasons for the detention imputed by the authorities:
According to the indictment: "Nguyen Thanh Tam joined the organization 'Viet Tan', received documents, slogans to distribute, formed the organization 'Vietnamese friendship association for mutual support' throughout the country, received money from 'Viet Tan' to pay for operational expenses totaled in 900.000dong – VNĐ."
7. Relevant legislation applied (if known): Article 88 at time of arrest, Article 79 on the indictment

I. IDENTITY

1. Family name: **Nguyen**
2. First name: **Chi Thanh**
3. Sex: Male
4. Birth date: June 17, 1958
5. Nationality/Nationalities: Vietnamese
6. Identity document (if any): Not available
7. Profession and/or activity: Bricklayer, evangelist in the Mennonite Church, land rights activist
8. Address of usual residence: No. 332/128/1B, Duong Quang Ham Street, Ward 5, District Go Vap, Ho Chi Minh City

II. ARREST

1. Date of arrest: November 19, 2010
2. Place of arrest (as detailed as possible): Unknown
3. Forces who carried out the arrest or are believed to have carried it out: Public security of Ben Tre Province
4. Did they show a warrant or other decision by a public authority? Unknown
5. Authority who issued the warrant or decision: Senior Colonel Nguyen Van Long, Public Security of Ben Tre Province
6. Relevant legislation applied (if known): Article 79 of Vietnamese Penal Code

III. DETENTION

1. Date of detention: November 19, 2010
2. Duration of detention: 2 years imprisonment and 3 years probation
3. Forces holding the detainee under custody: Ministry of Public Security
4. Places of detention (indicate any transfer and present place of detention): Ministry of Public Security Detention Center in Ben Tre Province
5. Authorities that ordered the detention: Ministry of Public Security
6. Reasons for the detention imputed by the authorities:
According to the indictment: "Nguyen Chi Thanh joined the organization 'Viet Tan', joined the directing and distributing of documents, slogans, and received money from 'Viet Tan' to pay for operational expenses totaled in 1.800.000dong –VNĐ."
7. Relevant legislation applied (if known): Article 79 of Vietnamese Penal Code

I. IDENTITY

1. Family name: **Pham**
2. First name: **Ngoc Hoa**
3. Sex: Female
4. Birth date: November 8, 1954
5. Nationality/Nationalities: Vietnamese
6. Identity document (if any): Not available
7. Profession and/or activity: Merchant, land rights activist
8. Address of usual residence: 106/10/4B, Nguyen Lam Street, Ward 3, District Binh Thanh, Ho Chi Minh City

II. ARREST

1. Date of arrest: November 19, 2010
2. Place of arrest (as detailed as possible): Unknown
3. Forces who carried out the arrest or are believed to have carried it out: Public security of Ben Tre Province
4. Did they show a warrant or other decision by a public authority? Unknown
5. Authority who issued the warrant or decision: Senior Colonel Nguyen Van Long, Public Security of Ben Tre Province
6. Relevant legislation applied (if known): Article 79 of Vietnamese Penal Code

III. DETENTION

1. Date of detention: November 19, 2010
2. Duration of detention: 2 years imprisonment and 3 years probation
3. Forces holding the detainee under custody: Ministry of Public Security
4. Places of detention (indicate any transfer and present place of detention): Ministry of Public Security Detention Center in Ben Tre Province
5. Authorities that ordered the detention: Ministry of Public Security
6. Reasons for the detention imputed by the authorities:
According to the indictment: "Pham Ngoc Hoa joined the organization 'Viet Tan, received money from 'Viet Tan' as operation expenses and distribute it to the operational group in Ho Chi Minh City and Ben Tre totaled in \$500USD and 1.500.000 dong – VNĐ."
7. Relevant legislation applied (if known): Article 79 of Vietnamese Penal Code

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

The GVN's detention and conviction of Petitioners constitutes an arbitrary deprivation of liberty, under both the Category II and Category III classifications as defined by the Working Group.

This case meets the requirements of Category II based on the GVN's arbitrary deprivation of Petitioners' liberty as a result of their exercise of their fundamental right to freedom of association and their right to take part in the conduct of public affairs.

This case also meets the requirements of Category III because the Government failed to observe international norms relating to an open and fair trial, when it arbitrarily deprived Petitioners of their liberty.

A. Circumstances of the arrest/detention

Popular opposition to government policies has increased in Vietnam in recent years. This has triggered an ongoing crackdown in which GVN has detained bloggers, democracy activists, and social justice advocates.⁴

In one of the largest suppressions of dissent to date, GVN targeted land rights activists in the Mekong Delta area. According to the Mennonite Church in Vietnam, police interrogated and detained scores of people beginning in the summer of 2010. Most, but not all, belonged to Mennonite house churches and had homes or farmlands seized by government officials over the years.⁵

Among those arrested were the Petitioners, who were detained and held incommunicado from July 2010 onward despite requests by family and defense lawyers for access. All seven Petitioners were brought to trial on May 30, 2011 at the People's Court of Ben Tre Province and sentenced to two to eight year prison terms followed by probation.

Petitioners were convicted under Article 79⁶ of the Vietnamese Penal Code based on their association with Viet Tan (Vietnam Reform Party), an opposition party. The GVN's arbitrary detention and conviction

⁴ Human Rights Watch, *Vietnam: Intensifying repression of human rights*, January 25, 2011, available at <http://www.hrw.org/en/news/2011/01/25/vietnam-intensifying-repression-human-rights>

⁵ Viet Tan, *Travesty of Justice: Seven land rights activists on trial in Vietnam*, May 23, 2011, available at www.viettan.org/travestyofjustice

⁶ Article 79 of Vietnamese Penal Code - Carrying out activities aimed at overthrowing the people's administration: 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 twelve and twenty years of imprisonment, life imprisonment or capital punishment;
2. Other accomplices shall be subject to between five and fifteen years of imprisonment.

of Petitioners has been criticized by human rights groups⁷, elected officials⁸ and foreign embassies⁹ as violating freedom of association.

Viet Tan, with members in Vietnam and among the Vietnamese diaspora, aims to establish democracy and reform Vietnam through peaceful means. Viet Tan's activities focus on empowering the Vietnamese people to seek social justice and defend their basic rights through nonviolent civic action.

The GVN routinely rejects political pluralism.¹⁰ It has promulgated vague national security laws that criminalize participation in pro-democracy organizations as "attempting to overthrow the government" and public criticism of the communist party-state as "anti-state propaganda."¹¹

B. Why the arrest/detention is arbitrary

1. Through the use of Article 79 of the Vietnamese Penal Code, the Government of Vietnam violated Petitioners' internationally-recognized human rights.

The GVN's detention and conviction of Petitioners pursuant to Article 79 of the Vietnamese Penal Code is arbitrary because it results from Petitioners exercise of their rights under Article 22 of the ICCPR and Article 20 of the UDHR, which guarantees freedom of association.

Article 22 of the ICCPR provides that "[e]veryone shall have the right to freedom of association with others."

Article 20 of the UDHR provides that "[e]veryone has the right to freedom of peaceful assembly and association."

The GVN failed to prove that Petitioners engaged in a single illegal act under international law and justified the detention and conviction primarily on Petitioners' affiliation with Viet Tan, an opposition political party.

2. Article 79 of the Vietnamese Penal Code is subject to manipulation for political purposes.

Article of 79 of the Vietnamese Penal Code is exceptionally vague and does not distinguish between violent acts that endanger national security and peaceful political advocacy. It is therefore subject to manipulation for political reasons.

⁷ FrontLine, Vietnam: Trial of seven human rights defenders currently being held incommunicado to take place on 30 May 2011, May 27, 2011 available at <http://humanrightsdefenders.net/node/15211>

⁸ Agence France-Presse, *US lawmakers urge Vietnam to free activists*, May 27, 2011 available at http://news.yahoo.com/s/afp/20110527/pl_afp/usvietnamrightsreligion

⁹ Radio Free Asia, *Seven activists ordered jailed*, May 30, 2011, available at <http://www.rfa.org/english/news/vietnam/activists-05302011160343.html>

¹⁰ Roger Mitton, *The bad news and then the really bad news in Vietnam*, Phnom Penh Post, August 23, 2010 available at <http://www.phnompenhpost.com/index.php/pdf/2010082341412/World-news/the-bad-news-and-then-the-really-bad-news-in-vietnam.pdf>

¹¹ IBA Human Rights Institute, IBAHRI condemns arrest and conviction of human rights defenders in Vietnam, December 7, 2010, available at <http://www.ibanet.org/Article/Detail.aspx?ArticleUid=9dc483fa-2193-4795-9dae-f30ed39f6ef2>

In practice, the GVN considers membership in groups that advocate for multi-party democracy as “attempting to overthrow the people’s administration.” The manner in which Article 79 of the Vietnamese Penal Code is implemented is in violation of Article 25 of the ICCPR and Article 21 of the UDHR, which guarantees the right to participate in national affairs.

Article 25 of the ICCPR provides that “[e]very citizen shall have the right and the opportunity...to take part in the conduct of public affairs, directly or through freely chosen representatives.”

Article 21 of the UDHR provides that “[e]veryone has the right to take part in the government of his country, directly or through freely chosen representatives.”

When Petitioners advocated for social justice and democratic change they acted fully within their rights under international law. Nevertheless, the GVN arrested, tried, and convicted Petitioners as a direct result of their peaceful efforts to participate in national affairs.

3. Activities labeled as “criminal acts” in the indictment are protected by international law.

The non-violent activities conducted by the Petitioners, as contained in the indictment¹² by the People’s Procuracy of Ben Tre Province, presented no threat to the national security of Vietnam and therefore fall under those actions protected by international law.

According to the indictment, Petitioners are accused of the following so-called “criminal acts”:

- (i) attending seminars on nonviolent struggle in Thailand and Cambodia.
- (ii) producing and disseminating signs bearing the “HS.TS.VN” logo which stands for Hoang Sa, Truong Sa, Viet Nam.¹³
- (iii) organizing farmers to protest against corruption.

According to international law, all of the above activities are entirely legal and within the right of each individual:

- (i) With respect to traveling abroad to attend training courses, Article 12 of the ICCPR provides that “[e]veryone shall be free to leave any country, including his own.”
- (ii) With respect to producing and disseminating logos, Article 19 of the ICCPR provides that “[e]veryone shall have the right to freedom of expression.”
- (iii) With respect to organizing farmers to protest against government policies, Article 22 of the ICCPR provides that “[e]veryone shall have the right to freedom of association with others.”

Therefore, the supposed “criminal acts” listed in the indictment are perfectly acceptable and legal under international law.

¹² See Exhibit 8 for an unofficial translation of the indictment.

¹³ Hoang Sa (Paracel) and Truong Sa (Spratly) are islands historically belonging to Vietnam but claimed by China. For background on why the Vietnamese Communist Party is reluctant to allow citizens to discuss territorial issues, see *Uncomfortable anniversary in Vietnam*, available at http://www.atimes.com/atimes/Southeast_Asia/JI10Ae01.html

4. The Government of Vietnam denied Petitioners access to legal counsel and opportunity to prepare and present a defense in violation of international and Vietnamese laws.

Six of the seven Petitioners had defense attorneys arranged by their families shortly following their arrests.¹⁴ The GVN prevented these attorneys from meeting with Petitioners during the entire investigative phase of the case which concluded on or before March 21, 2011. The defense attorneys were only able to briefly meet with Petitioners a few days before the trial on May 30, 2011. As of a week prior to the trial, defense attorneys were still denied from obtaining a copy of the indictment and other essential documents relating to the case.¹⁵

These obstacles created by the GVN constitute a violation of Article 14 of the ICCPR which provides that “everyone shall be entitled to...have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing.”

Legal rights promised under Vietnamese law were also violated in this case. Article 58 of the Vietnamese Criminal Procedure Code stipulates that defense counsels shall participate during each stage of the criminal proceedings. Article 166 of the Criminal Procedure Code promises that the prosecution must notify the accused and defense counsels within three days of the decision to prosecute the case and hand over the indictments. According to Article 166, defense counsels may read the indictments, take notes and copy documents from the case files.

None of the aforementioned international and Vietnamese due process protections were respected by the GVN.

5. The Government of Vietnam denied Petitioners an open and fair trial in violation of international and Vietnamese laws.

The Petitioners were convicted in a one-day closed trial in violation of Article 14 of the ICCPR, Article 11 of the UDHR and Article 18 of the Vietnamese Criminal Procedure Code.

Article 14 of the ICCPR provides that “everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.”

Article 11 of the UDHR provides that “[e]veryone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

Article 18 of the Vietnamese Criminal Procedure Code promises that “[c]ourts shall conduct trial in public, everybody shall have the right to attend such trial, unless otherwise prescribed by this Code.”¹⁶

¹⁴ Petitioner Nguyen Thanh Tam did not have a defense attorney.

¹⁵ BBC, Interview with attorney Huynh Van Dong, May 31, 2011, available at http://www.bbc.co.uk/vietnamese/av/2011/05/110531_huynhvandong_bentre.shtml

¹⁶ According to the Vietnamese Criminal Code, the right to a public trial is waived: “In special cases where State secrets should be kept or the fine national customs and practices should be preserved or the involved parties’ secrets must be kept at their legitimate requests, courts shall conduct trial behind closed door but must pronounce the judgments publicly.”

Contrary to the above protections enshrined in international and Vietnamese law:

- (i) The GVN stopped numerous family members of the defendants from attending the trial.¹⁷
- (ii) Supporters of the Petitioners, including members of the Mennonite Church and other aggrieved citizens, report being harassed or placed under house arrest by security police in the days leading up to the trial to prevent them from attending the proceedings.¹⁸
- (iii) Some individuals who gathered in front of the courthouse on May 30, 2011 were forcibly taken away by police. There were reports that authorities blocked cell phone signals in the vicinity of the People's Court of Ben Tre throughout the day to prevent witnesses from communicating with one another or to give interviews with international media.¹⁹
- (iv) Requests by foreign embassies to have diplomats observe the trial were denied by the GVN.²⁰
- (v) During the one-day trial, each of the Petitioners appeared in court separately, despite being listed in the same indictment and considered by the persecution as belonging to the same case. The apparent reason for this unprecedented tactic was to deny each Petitioner adequate knowledge of the court proceedings and to reinforce the sense of isolation among the Petitioners.²¹
- (vi) Attorney Huynh Van Dong, representing Tran Thi Thuy and Pham Van Thong, was ejected from the courtroom while arguing on behalf of his clients, leaving these two defendants without legal counsel for the remainder of the trial. Attorney Dong was explaining that the slogan "HS.TS.VN" promoted by Viet Tan was not subversive, as alleged by the prosecution, but instead signified Vietnam's sovereignty over the Paracel (Hoang Sa) and Spratly (Truong Sa) islands when the presiding judge cut him off and ordered him immediately removed from the courtroom.²²

¹⁷ Voice of America, *Seven land activists convicted to 8 years in prison for attempting to overthrow the government* (translation), May 30, 2011, available in Vietnamese at <http://www.voanews.com/vietnamese/news/7-nha-hoat-dong-bi-tuyen-8-nam-tu-5-30-11-122823804.html>

¹⁸ Deutsche Presse-Agentur, *Vietnam court sentences farmers to total 32 years in prison*, May 30, 2011, available at http://www.monstersandcritics.com/news/asiapacific/news/article_1642409.php/Vietnam-court-sentences-farmers-to-total-32-years-in-jail

¹⁹ Radio Free Asia, *Seven activists ordered jailed*, May 30, 2011, available at <http://www.rfa.org/english/news/vietnam/activists-05302011160343.html>

²⁰ Associated Press, *US condemns conviction of 7 Vietnamese activists, including pastor, during 1-day trial*, May 30, 2011, available at http://www.washingtonpost.com/world/us-condemns-conviction-of-7-vietnamese-activists-including-pastor-during-1-day-trial/2011/05/30/AGVgB6EH_story.html?wprss=rss_world

²¹ According to a defense lawyer present in the courtroom.

²² See exhibit 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

Petitioners were detained and held incommunicado until the trial. The families of Tran Thi Thuy²³ and Duong Kim Khai²⁴ attested to the brutal tactics of public security police and how they were kept in the dark regarding the whereabouts of both Petitioners.

Following the trial on May 30, 2011, GVN denied access to the Petitioners from their families and defense lawyers. Such visits are important on humanitarian grounds and for proceeding with legal remedies such as appealing the conviction.

While the Petitioners may eventually submit an appeal, it is unlikely that will have any real access to justice in the Socialist Republic of Vietnam.

²³ See exhibit 2

²⁴ See exhibit 3

Exhibit 1: List of Petitioners

Petitioner	Age	Occupation	Date of arrest	Sentence	Notes
Thuy Thi Thuy	40	Merchant	November 19, 2010	8 years imprisonment and 5 years probation	Was without legal representation during legal proceedings as lawyer was dismissed from court; experienced violence during arrest
Pham Van Thong	59	Farmer	July 19, 2010	7 years imprisonment and 5 years probation	Was without legal representation during legal proceedings as lawyer was dismissed from court
Duong Kim Khai	53	Pastor in the Mennonite Church	August 16, 2010	6 years imprisonment and 5 years probation	
Cao Van Tinh	37	Farmer	February 22, 2011	5 years imprisonment and 4 years probation	
Nguyen Thanh Tam	58	Farmer	July 20, 2010	2 years imprisonment and 3 years probation	Did not have a lawyer throughout the detention and trial
Nguyen Chi Thanh	38	Bricklayer	November 19, 2010	2 years imprisonment and 3 years probation	
Pham Ngoc Hoa	47	Merchant	November 19, 2010	2 years imprisonment and 3 years probation	

Exhibit 2: Letter from Bui Thi Nu, mother of Petitioner Tran Thi Thuy

** With permission from the family, Viet Tan translated this letter and made it available online at <http://www.viettan.org/spip.php?article10228>.*

September 13, 2010

Regarding the security police arresting and detaining my daughter, Tran Thi Thuy, and harassing my family.

Dear:

- Members of media outlets internationally and in Vietnam,
- Human rights organizations,
- Vietnamese people all around the world,

My name is Bui Thi Nu, I am the mother of victimized Tran Thi Thuy, at Long Thai Ward, Long Khanh B Commune, Hong Ngu District, Dong Thap Province. I am sending you this letter to inform you of the situation and circumstances of my daughter being arrested by the police. Our family has been constantly harassed, assaulted and terrorized for many months now.

From 1992 until now, my family has been trying to reclaim the land that the authorities of Tam Nong ward stole from us. We live in poor and impoverished conditions, with not enough means to live on therefore it is vital to us that we are given back our land so that we may cultivate it in hopes of nurturing our entire family. Many times my daughter, Tran Thi Thuy, has travelled all the way to the Hanoi to submit our application papers, and on the 26/7/2005, Mr Nong Duc Manh (General Secretary) received our application and promised that Mr Nguyen Tan Dung (Prime Minister) would consider it, however, since then there has been no word nor answer for my family.

Not only that, my family are followers of the Hoa Hao Buddhist church, and even the simple act of congregating in groups for our religious activities has long been made difficult by the government. From March 2010, we have been met with even more unjust treatment with the police constantly causing difficulties for my family such as interrogation, threats to our financial wellbeing, physical assault, to the point that my son, Tran Thanh Binh, when taken to the hospital while sick during the fifth month of the lunar calendar, died under very suspicious circumstances.

On the 10th of August 2010, at 18:30 hours, a group of police forced their way into my house and handcuffed my children. My son, Tran Thanh Tuan was beaten and sustained severe head injuries. After that, they took my daughter, Tran Thi Thuy away, giving us no information of her whereabouts. Not until the 20th August 2010 did we receive a letter from the security office of Ben Tre province, signed 16th August, informing us that my daughter was being held at the Detention Center B34 Ministry of Public Security, on the grounds that she violated Article 79 of the Socialist Republic of Vietnam's Criminal Law.

Since my daughter's arrest, my family continues to be the victim of terrorising, oppression, threats to our livelihood and we still have not received any further information on my daughter or been granted permission to visit her. Twice we have written letters detailing the situation to the Office of Government Investigation and Security; however we have not yet had any official response or reaction from the government.

Today, I am writing this letter to inform and alert you of the dire situation of my family, we sincerely ask for your concern and help so that we, victims of injustice may soon be allowed a peaceful life, and especially, so my daughter, Tran Thi Thuy, will quickly be returned her freedom.

Please allow me to attach the letters I have written as mentioned above as well as the papers from the security police detailing my daughter's detention so that you may clearly see our hardships and the conditions of oppression under which my family has been subjected to for so many years.

I sincerely thank you for your consideration and concern.

Bui Thi Nu

Dong Thap, Viet Nam

Exhibit 3: Letter from Duong Manh Hung, son of Petitioner Duong Kim Khai

** With permission from the family, Viet Tan translated this letter and made it available online at <http://viettan.org/spip.php?article10400>.*

COMPLAINT LETTER

To let my family know where my father is currently detained?
Until when? – and request to allow the family to visit my father.

To:

- Head of Binh Thanh District Police Department
- Investigation Unit, Binh Thanh District Police Department

Dear Sir:

My name: **DUONG MANH HUNG** – 17 years old

Student of: Thanh Da high school

Current residential address: 37/6 Group 33, Ward 3, Commune 28, Binh Thanh District, HCM City

I am the son of Mr. DUONG KIM KHAi

On August 10, 2010, when working as a tailor at the premise opposite No. 025 Group K, Thanh Da Residential Ward, Commune 27, Binh Thanh District, HCM City, my father was lead away by 2 civilian-clothed personnel.

5 minutes later, there were about 5-6 people including:

- 2 civilian-clothed personnel.
- 3, 4 uniform policemen.
- Mr. Thien - Commune 27 local policeman.

They came back to my father's sewing machine to search and took away all documents and papers of peasants from Ben Tre District, whom my father had helped in filling out complaint letters – because these people are from the country and not able to do it themselves. There was no witness to this ransacking and confiscating of the documents nor there was any warrant on the arrest! Afterward, they arranged a 7-seater car to take everyone away; this car had number plate 71 – a Ben Tre authority number plate.

I know for certain that Binh Thanh District police were involved with my father's arrest because of the following reasons:

- The presence of Mr. Thien, Commune 27, Binh Thanh District local policeman when searching my father's working place, but why did they take him away in a car plate 71. Where did they take my father? Why did they carry out such an important procedure only with verbal order and there was no warrant of arrest?
- Twice, on September 24 and 26, 2010, two policemen named Mr. Tam and Mr. Tot summoned me to the café opposite Binh Thanh District Fire Department and told me that "my father (Mr. Khai) was arrested due to the involvement with some political party that I don't know, and they will temporary detain him for 4 months and asked me not to reveal to anyone that my father was arrested". That day, Mr. Tam called Mr. Tot – Deputy Head of the Investigation Unit, Binh Thanh District Police Department – as "Boss".

For the last 2 months, my family has no news of my father. My mother is paralyzed and has been confined in bed, desperately needing my father's support. I am still going to school while trying to help my mother, as well as trying to make a living for the two of us. The situation is extremely desperate. My mother and I are still in shock: Who took my father away and where? What did they do to him? When will they release my father home to help my mother? Where could I find my father to see if he is well or not, is he still alive? My father is very gentle. He always goes out of his way to help people without asking for any return. I strongly believe that he is innocent!

1. According to:

REGULATIONS ON TEMPORARY DETAINMENT ON THE ADMINISTRATIVE PROCEDURES

(Issued with Decree No. 162/2004/ND-CP dated 07 September 2004 by the Government)

Article 10. Informing the decision to temporary detain

1. Upon request of the temporary detainee, the entity who decrees the decision to temporary detain has to inform the family, organization, workplace or study place of the detainee. If for any objective reasons that could not be told, then the detainee has to be formally informed and the fact has to be logged onto a temporary detaining book.

2. According to:

Criminal Law, number 19/2003/QH11 -

Article 143. Searching residential place, workplace, premises

- Item 2. When searching a residential place or premise, there must be witness presence, either the owner of the place, or an adult of the family, with the commune's or town's representative, and the presence of a neighbor; in case the subjected person and family members are deliberately absent, run away or have been away for a long period of time that the search could not be possibly postponed any further then there must be representative of the authority and presence of 2 neighbors.
- When searching at a workplace, there must be witness from the organization that the subjected person is working for.

In my father's case, both conditions above had been violated resulting in significant concern to my family: my mother has been skipping meals; extremely upset and continually crying. I am constantly worrying that am barely able to concentrate on my study.

I am writing this request letter to you – the Head of Binh Thanh District Police Department and the Binh Thanh Investigation Unit, with the following requests:

In writings:

1. Let my family know where my father is currently detained?
2. Which authorities currently detain my father?
3. When will my father be released back to our family?
4. Allow my family to visit him so that we can be somewhat reassured.

Sincerely thanks.

Binh Thanh, September 30, 2010

DUONG MANH HUNG

(Signed)

Exhibit 4: Translation of BBC interview with Huynh Van Dong, lawyer for Petitioners Tran Thi Thuy and Pham Van Thong

** Original content available at BBC Vietnamese: http://www.bbc.co.uk/vietnamese/av/2011/05/110531_huynhvandong_bentre.shtml. Translated by Viet Tan*

The trial of 7 Ben Tre activists.

BBC: The seven activists were given a total of 33 years in prison and 28 years of house arrest after being convicted under Article 79 of the criminal code in a trial that lasted one day in Ben Tre.

Duong Kim Khai, Tran Thi Thuy, Nguyen Thanh Tam, Pham Van Thong, Nguyen Chi Thanh, Cao Van Tinh, and Pham Ngoc Hoa have been under custody since the middle of last year until their trial on May 30, 2011.

Attorney Huynh Van Dong from the law office Thien Tue, who defended Ms. Tran Thi Thuy and Mr. Pham Van Thong, commented that while the accused were represented by attorneys, their prosecution was far from thorough.

Attorney Huynh Van Dong spoke to the BBC about the accusation of “attempting to overthrow the government” by the seven activists in the following interview.

Huynh Van Dong: In my opinion, this court has violated the law from the very beginning, a serious violation of the law in a very blatant manner. We did not have access to the legal documents nor could we make photocopy, or to have custody of the files as required by law, because the court has not allowed us to do so during pre-trial proceedings. In the court room itself, any of our statements, like in the other proceedings, were cut off. Toward the end of the argument stage, I was taken outside by the police.

As an attorney, we wanted to defend our clients, we just want to prove to the court that those documents that the Vietnamese government considered to be subversive or anti-government was provided to our client by Viet Tan Party. The documents contained the words HS-TS-VN which means Hoang Sa-Truong Sa-Viet Nam. Those documents were considered to be subversive by the government and we just wanted to make clear on that point as well as the origin of those words.

When we spoke of Hoang Sa and Truong Sa, the court did not want us to speak, but as a defending attorney, we have to make clear on that issue. I was not given permission to speak on the issue and the judge ordered me out of the court. At this point, I was willing to accept the judge's decision to remove me from the court, however, they had police officer pull and drag me out of court. I find such manner extremely odd from the court.

BBC: There was a worry that the accused was not prepared for the legal proceeding, do you think that was accurate?

Huynh Van Dong: That is exactly the problem. From the day of the arrest up until the court date yesterday, the accused only have access to their attorney at the jail. Through the investigation and temporary custody phase, the accused could not meet their relatives nor attorney, only the police.

Through the prosecutorial stages, with the exception of going to court to plead to the charges and ask for leniency, they were fairly comfortable with making statements on the issue. My clients and Mr.

Dang's client did not admit to any wrong doing since they believe that their actions were correct and that the court was suppressing their freedom of speech.

BBC: What do you think of the final verdict of the court?

Huynh Van Dong: The final verdict reached by the court was not based on the law of Vietnam. The range of punishment from severe to fairly light was based on whether or not the accused admitted to any wrongdoing. These two things are completely different. The prosecution of a wrong doing and the admission to such wrong doing are two different things, but the punishment was based on admission of guilt, not on the merit of the arguments because the verdict was decided on three factor: whether there was any participation in Viet Tan Party, whether they attended Viet Tan's non-violence civil disobedience seminar, and disseminating signs with the words HS-TS-VN.

Those 3 actions alone accounted for the verdict of attempting to overthrow the government, which is an extremely serious crime, that I believe, the accused themselves, even up to the time that they stand before the court, cannot imagine what overthrowing the government means. They are simply farmers, construction workers, or they just sell sugarcane drinks. Without much of an education, how can they overthrow the government.

This verdict is extremely serious and unjust for the accused.

Exhibit 5: US Members of Congress call for the release of Petitioners

Congress of the United States
Washington, DC 20515

May 26, 2011

His Excellency
Prime Minister Nguyen Tan Dung
c/o Embassy of Vietnam
1233 20th Street, NW #400
Washington, DC 20036

Dear Prime Minister Dung:

We write to express our deep concern over the treatment and upcoming trial of seven peaceful Vietnamese activists:

1. Pastor Duong Kim Khai
2. Ms. Tran Thi Thuy
3. Mr. Nguyen Thanh Tam
4. Mr. Pham Van Thong
5. Mr. Nguyen Chi Thanh
6. Ms. Pham Ngoc Hoa
7. Mr. Cao Van Tinh

We understand that they have been held for months without any access to legal counsel and have been denied family visits. We are deeply concerned that these seven peaceful activists are being charged with subversion under Article 79 of the penal code based on their involvement with a Christian house church and a pro-democracy party.

According to human rights organizations, Pastor Khai is a long time political prisoner and religious activist. In 2004, security police seized his home, which was being used as an "unsanctioned" place of worship and was jailed for two years.

The persecution of Pastor Khai and his fellow Mennonites is a stain on your government's increasingly troublesome religious freedom record. It further indicates that the Socialist Republic of Vietnam warrants designation as a "Country of Particular Concern," based on the continuing violations of religious freedom.

We remind you that your government is a signatory to the International Covenant on Civil and Political Rights, which guarantees freedom of association. That the individuals above may have been involved with Viet Tan (Vietnam Reform Party) is their basic right.

We urge you to cease arresting and detaining citizens for peaceful organization, whether it be for religious or political purposes. We hope you will dismiss the subversion charges against these seven peaceful activists.

PRINTED ON RECYCLED PAPER

Sincerely,



EDWARD R. ROYCE



DANA ROHRABACHER



LORETTA SANCHEZ



FRANK R. WOLF



ZOE LOFGREN

Exhibit 6: Canadian MP Wayne Marston calls for the release of Petitioners

Ottawa
La Promenade Building
Room 1050
Ottawa, Ontario
K1A 0A6
Tel: (613) 992-6535
Fax: (613) 992-7764



Constituency
40 Centennial Parkway North
Suite 2
Hamilton, Ontario
L8E 1H6
Tel: (905) 662-4763
Fax: (905) 662-2285

Wayne Marston
Member of Parliament for Hamilton East-Stoney Creek

May 24, 2011

His Excellency
Prime Minister Nguyen Tan Dung
c/o Embassy of Vietnam
470 Wilbrod Street
Ottawa, Ontario K1N 6M8

Dear Prime Minister Dung:

I am writing on behalf of seven land rights activists who will be brought to trial on May 30, 2011 in Ben Tre Province.

1. Pastor Duong Kim Khai
2. Ms. Tran Thi Thuy
3. Mr. Nguyen Thanh Tam
4. Mr. Pham Van Thong
5. Mr. Nguyen Chi Thanh
6. Ms. Pham Ngoc Hoa
7. Mr. Cao Van Tinh

It is my understanding that they are peaceful activists whose only "crime" is to have advocated on behalf of aggrieved farmers who have, among other things, been victims of local land seizures.

Their current status raises deep concerns: all have been held incommunicado since July 2010 despite requests from family and defense lawyers for access. The security police have reportedly used violence against some of the defendants and their families.

Charged with subversion under Article 79 of the penal code based on their involvement with a pro-democracy party, their persecution is a grave miscarriage of justice. As Vietnam is a signatory to the International Covenant on Civil and Political Rights in which freedom of association is guaranteed, it is the activists' basic right to support or be associated with Viet Tan (Vietnam Reform Party).

I urge you to cease using any violence against these peaceful activists and their families and to immediately release them.

Sincerely,

A handwritten signature in blue ink that reads "Wayne Marston".

Wayne Marston, M.P.
Hamilton East-Stoney Creek

Exhibit 7: Australian MP Luke Donnellan calls for the release of Petitioners



Luke Donnellan MP

State Member for Narre Warren North
Shadow Minister for Child Safety
Shadow Minister for Sport and Recreation



His Excellency
Prime Minister Nguyen Tan Dung
c/o Embassy of Vietnam
6 Timbarra Crescent
O'Malley, ACT, 2606

27th of May, 2011

Dear Prime Minister Dung,

I write to express my concerns regarding the treatment of the following Vietnamese citizens who are currently under arrest awaiting trial:

- Pastor Duong Kim Khai
- Ms. Tran Thi Thuy
- Mr. Nguyen Thanh Tam
- Mr. Pham Van Thong
- Mr. Nguyen Chi Thanh
- Ms. Pham Ngoc Hoa
- Mr. Cao Van Tinh.

Regardless of whether the prisoners are found innocent or guilty of any charge, their treatment is causing great concern in Australia and around the world. Many people around the world are watching the case very closely and hoping for justice.

It has been reported that the prisoners have been denied access to their lawyers and that their lawyers have been prevented from examining many key documents regarding the trial.

Full access to legal representation is regarded as a fundamental human right and without it, any trial would be unjust. Furthermore, it's been reported that they have gone without family visits, so we are entirely unable to gauge the physical health of the prisoners and the conditions of their imprisonment. I find this unacceptable.

I have been to Vietnam and find it one of the most beautiful countries and peoples in the world, so it saddens me to see continued efforts by the Vietnamese authorities to attack religious institutions and beliefs and silence those with differing political views.

I call on Vietnamese authorities to release all seven prisoners immediately and to treat all Vietnamese people according to international human rights laws by offering your citizens the dignity and personal autonomy that all people deserve.

Yours Sincerely,

Luke Donnellan MP
State Member for Narre Warren North

Shop 101 Endeavour Hills Shopping Centre Cnr Heatherton Rd & Matthew Flinders Ave Endeavour Hills 3802
PO Box 126 Endeavour Hills VIC 3802 Tel (03) 9706 0566 Fax (03) 9706 0388
luke.donnellan@parliament.vic.gov.au www.lukedonnellan.com www.facebook.com/luke.donnellan

Exhibit 8: Indictment

**Unofficial translation by Viet Tan*

**The People's Procuracy
Ben Tre Province
No. 09/KSDT-AN**

**The Socialist Republic of Vietnam
Independence – Freedom – Happiness
Ben Tre, March 21, 2011**

INDICTMENT

Chief Prosecutor of the People's procuracy of Ben Tre Province

- Pursuant to Article 36, 166, 167 of the Criminal Proceedings Code.

- Pursuant to the Decision to prosecute the criminal case No. 01/ANĐT on 7/28/2010 of the Security Investigation Agency – Ben Tre Province Public Security on the crime of “Activities to overthrow the people's government” based on regulations of Article 79 of the Penal Code of the Socialist Republic of Vietnam.

- Pursuant to the Decisions to prosecute the accused No. 01, 02/ANĐT on 7/28/2010, for Nguyen Thanh Tam, Pham Van Thong; No. 03, 04/ANĐT on 8/17/2010, for Tran Thi Thuy, Duong Kim Khai; No. 05, 06/ANĐT on 11/17/2010, for Nguyen Chi Thanh, Pham Ngoc Hoa and No. 07/ANĐT on 5/1/2011, for Cao Van Tinh for the crime of “activities to overthrow the people's government” based on the regulations of Article 79 of the Penal Code of the Socialist Republic of Vietnam.

- Pursuant to the decision to combine the criminal case, No. 01/ANĐT on 02/24/2011 of the Security Investigation Agency – Ben Tre Province Public Security, regarding the combination of the criminal case based on the decision to prosecute No. 01/ANĐT on 7/28/2010 with the criminal case separated by the decision No. 01/ANĐT on 2/11/2011, for behavior of Cao Van Tinh. Now collectively called the case of Tran Thi Thuy and accomplices on the crime of “Activities to overthrow the people's government” based on regulations of Article 79 of the Penal Code of the Socialist Republic of Vietnam.

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

In past time, hostile forces and reactionary organizations inside and outside the country have been non-stop in carrying out activities against the people's government of Vietnam. Within that is the organization “Vietnam Reform Party” (in short is “Viet Tan” or “Viet Tan Party”) an exile reactionary organization currently acting against the Communist Party of Vietnam and the Government of the Socialist Republic of Vietnam. Individuals such as Do Hoang Diem, Nguyen Ngoc Duc, Nguyen Trong Viet (Bao) and Truong Tan Lac (Hung, Dung) are the leaders, currently living overseas and operating effectively, frequently connect with, draw, agitate, and incite the opposition individuals inside Vietnam and bring them to nearby countries for training on non-violent struggle and providing tasks to carry out back in Vietnam.

To implement the above plots and intentions, around 2007, Truong Tan Lac, called himself Hung from the Radio station “New Horizon” telephoned Tran Thi Thuy to interview, gather information, and asked Thuy to go to Thailand. By acquaintance, Thuy asked Duong Kim Khai to make a passport to go to Thailand, which Khai agreed. From 8/27 to 9/1/2009, Thuy and Khai went to Thailand to meet with the organization “Viet Tan”. Thuy and Khai testified that they received training from Bao (Nguyen Trong Viet) and Dung (Truong Tan Lac) on non-violent struggle demand for multi-party pluralism; for

abolishing the leadership of the Communist Party of Vietnam, abolishing Article 4 of the Constitution of Vietnam, drawing the discontent elements to join peaceful struggle, non-confrontational, mobilizing, gathering people in masses, protesting for democracy and human rights, demanding for rights to form associations into a unified organization in order to demand for multi-party pluralism. Training and guiding on communication: purchasing computer to connect to the internet, creating email account to connect with each others and with “Viet Tan”, buying a new SIM card each time when communicating over the phone, every time after contacting over the phone SIM card is bended and threw away. Thuy and Khai have signed application and went through the ceremony joining “Viet Tan Party”. Thuy was given the alias “Lan”, Khai’s alias was “Kim Chi”. Thuy was given the task of going back to the country to propagate methods on non-violent struggle and finding people to join “Viet Tan”. When return Truong Tan Lac gave Thuy money in Thai Baht equal to 4.000.000 VNĐ to take care of travel expenses.

02/25/2010, Thuy went to Thailand alone (through the Lao Bao – Quang Tri gate) and met Truong Tan Lac. Lac informed her that he will transfer the slogan “HS-TS-VN” back to Vietnam, when the transfer happened he will call to inform Thuy. *The slogan “HS-TS-VN” when receiving training, Thuy and Khai was clearly explained by the trainer about the “6 words campaign” of the organization “Viet Tan”: the source of the campaign came from the Vietnam – China relations in regard to the extraction of bauxite in Tay Nguyen, the sovereignty over the Paracel and Spratley Islands belong to Vietnam but the government has allowed China to occupy: the purpose was to carry out propaganda, libelous, degrading the credibility of the Communist Party of Vietnam and the Government of Vietnam. After propaganda is the training on the accused methods on making, posting, and drawing the slogan “HS-TS-VN”.* On this trip, Thuy went and returned in the same day, before returning Lac gave Thuy money in Thai Baht – equal to 2.000.000dong VNĐ.

At the start of 3/2010, Tran Thi Thuy and Cao Van Tinh went to Cambodia following the request of Truong Tan Lac through the gate Long Binh – An Giang. In Cambodia, Thuy also met another person named Tinh in Da Nang. Tinh, Tinh received training from Truong Tan Lac and Nguyen Trong Viet similar to the training for Thuy and Khai and the two have signed application and went through the ceremony joining the organization “Viet Tan”. Thuy and Tinh also received from Lac about 10 t-shirts and about 17-18 hats with the printing of the 6 words “HS-TS-VN”: these items were later asked by Thuy for Tinh to bring them back and keep at home, after that Lac telephoned Thuy and Thuy telephoned asking Tinh to send all the shirts and hats over to Australia.

5/2010, Truong Tan Lac continued telephone asking Thuy to go to Cambodia to receive items from “Viet Tan”. Thuy asked Tinh to go and receive. Thuy gave Tinh 1.2000.000dong for travel expenses, when return, Tinh called to let Thuy know that the items were hats and t-shirts with the slogan “HS-TS-VN”. This time in receiving the slogan, Lac sent Thuy \$100USD from a woman that Thuy does not know her name or address who came to her house to give her the money. After that, Lac called and asked Thuy to give some of the slogans to Khai. At the end of 6/2010, Thuy telephoned and asked Tinh to give some of the hats and t-shirts to Khai. A few days after, Lac called Thuy. Thuy called to ask Tinh to destroy the remaining hats and t-shirts.

Regarding Duong Kim Khai, acquaintances with Pham Van Thong, Nguyen Thanh Tam, Pham Ngoc Hoa and Nguyen Chi Thanh, then in the beginning of 4/2010, Truong Tan Lac telephoned to Khai asking Khai to bring people over to Thailand. Khai telephoned to ask Thong, Tam, Hoa, and Thanh to make passports to go to Thailand. On 4/22/2010, Khai took Tam, Thong, Thanh, and Hoa to Thailand, until 4/24/2010, the entire group left the country via the Lao Bao – Quang Tri gate, on 4/25/2010 arrived in Thailand. Tam, Thanh, and Hoa received training just like the accused Thuy and Khai and have signed application and went through the ceremony joining “Viet Tan”. Tam was given the alias “Thanh”,

Thanh was given the alias “Tam”, Hoa was given the alias “Thu Van”. Although Thong did not join the organization “Viet Tan” but he was unanimously given the alias “Thanh”. All of the accused received assigned tasks.

- Pham Van Thong and Nguyen Thanh Tam was given the tasks to return to the country, mobilize, gather the people who've been complaining the government to form a group to fight for democracy, human rights, and other rights.

- Pham Ngoc Hoa was given the task to return to the country and mobilize workers (primarily female workers) from factories, plants, to organize labor strikes.

- Nguyen Chi Thanh was given the task to return to the country and establish martial arts academy to teach martial arts to children and later use these children to post, draw slogans “HS-TS-VN”.

- Particularly, Duong Kim Khai was approached by Truong Tan Lac and Nguyen Trong Viet and given a secret task. All those accused do not know and Khai did not give deposition.

During the time of training the entire group met Do Hoang Diem – the head of the organization “Viet Tan”. Before returning, Lac gave Khai \$200USD to pay for travel expenses and gave everyone a bottle of shampoo, a bottle of medicated oil. Until 4/30/2010 the entire group re-entered Vietnam also through the Lao Bao-Quang Tri gate.

Approximately between mid June to July 2010, Truong Tan Lac contacted Khai over the phone letting him know that he will send money back to the group that went to the training in Thailand with Khai, through the address of Pham Ngoc Hoa. Hoa twice received money sent by Lac, each time \$250USD. In total Hoa received \$500USD. Hoa gave the entire amount to Khai. This money was later divided by Khai for Pham Ngoc Hoa \$100USD, Nguyen Chi Thanh 1.800.000dong – VNĐ (equal to \$100 USD), Nguyen Thanh Tam and Pham Van Thong each 900.000dong – VNĐ (equal to \$50 USD).

After receiving training in Thailand and returned, Khai twice met and let Hoa know that Truong Tan Lac requested and rushed the group that went to training in Thailand to carry out the task of posting the slogan “HS-TS-VN”. Due to the pressure, Hoa telephoned to let Lac know that the 6-word slogans “HS-TS-VN” have been printed but cannot post due to the control of Public Security (in reality Hoa did not print the slogans). Lac also contacted Hoa many times asking about the progress of approaching workers, mobilizing strikes, and non-violent struggle. Hoa answered has not been able to approach workers and mobilize strikes.

At the start of 7/2010, Thuy telephoned to report to Khai that there will be someone bringing “gift” to Khai, asking Khai to give it to Thong, Tam. After that, Thuy called Cao Van Tinh to give to Khai about 10 documents with the 6 words “HS-TS-VN”. On 7/13/2010, Khai and Nguyen Chi Thanh and Nguyen Manh Hung (a follower of Khai) went to the house of Nguyen Thanh Tam in Ba Tri, Ben Tre. Here, Khai gave Thong, Tam 10 printed slogans “HS-TS-VN” and told Thong, Tam to go post. Khai and Thong, Tam discussed the task of posting “HS-TS-VN” at the shrine of Nguyen Thi Dinh, area honoring Dong Van Cong and Rach Mieu bridge. Khai was also given by Thong to review a sample application requesting to form the “Vietnamese friendship association for mutual support” following the guidance and training from Thailand. Thong informed that he already formed a complain association in Ben Tre. Thong called on Khai to register and join but Khai did not agree. Khai gave Tam 500.000dong. Aside from that, Khai also gave Tam 3 documents: Document titled: “Former National Assembly Chairman

Nguyen Van An wants to speak on behalf of the Communist Party of Vietnam words of penitent” and document titled: “Pastor Duong Kim Khai preaching in cattle shed” by pastor Than Van Thuong with content badmouthing the Party, leaders and the Government of the Socialist Republic of Vietnam; writing and document by Bui Tin with reactionary contents. After that Tam made many copies of these documents and gave some to Thong. Khai inspected Tam’s computer and confirmed that the machine was broken and promised to give money to buy a new one, asking Tam to buy new cellular phone SIM to contact with overseas.

When Thong and Tam were arrested in Ben Tre, Khai received call and was informed of this situation by Nguyen Thi Chuyen (wife of Tam). Khai informed Hoa to announce it to Truong Tan Lac. Hao reported to Lac regarding the situation of Thong and Tam being arrested.

(BL: 01- 64; 681-690; 891-1040; 1041-1141; 1406-1499; 1500-1569; 1570-1739; 1740-1820; 3532-3619)

Regarding Pham Van Thong, in the trip to receive training in Thailand, even though Thong has not signed the application to join the organization “Viet Tan”, but Thong was given the task by “Viet Tan” to return to Vietnam and establish an Organization aiming at gathering people in masses to implement non-violent struggle. On 5/17/2010, Thong met Le Thi Ngoc Da (in Long An) to discuss the formation of an organization. Da gave Thong an application with the title “Friendship association for mutual support of Vietnam” drafted by Nguyen Van Nhon (in Tien Giang). Thong reviewed the application and thought that the content in the application was not completely appropriate. Thong took it home and corrected the title to be “Vietnamese friendship association for mutual support” (later referred to as “Friendship association for short) and rewrote the content to be more specific, afterward Thong typed up the document on computer and made many photocopies of it. Thong gave Tran Thi Tiem (in Ba Tri- Ben Tre) and other potential people who’ve been complaining against the government the sample application to establish “Friendship association”. Thong requested Tiem to mobilize the people who’ve been complaining against the government in Ben Tre to join the association, guided Tiem methods in mobilizing, and created a list of people who have agreed to join the association. Thong requested Tiem to become the chairman and select vice chairman of the association. Tiem agreed to be the chairman and chose Dang Thi Kinh (in Ba Tri- Ben Tre) to be the vice chairman.

Pham Van Thong drafted on paper a logo of the “Friendship association” and that is 2 circles on top of each other, outer circle 11 cm in diameter, inner circle 10 cm, in the center of the circle there is a crescent with 3.5 cm in diameter and on top of the crescent there are 2 words “VT” and below the crescent there are the words “ĐL-TD-DQ” between the two circles on top of a map of Vietnam, below is a plum blossom, and on the two sides are 2 hearts. Thong explained the meaning of the logo to be: *Map of Vietnam*: The fatherland of Vietnam is above all; *The Heart*: the patriotic heart of the Vietnamese people; *The plum blossom*: the fortunate in life; *the crescent*: half of the Vietnamese people already lost democracy and property; *the word “VT”*: the voice of Vietnamese; *the word “DL”*: Independence; *the word “TD”*: Freedom; *the word: “DQ”*: the people’s rights; *the color blue*: non-confrontational, symbol of harmony, mediation; *the color white*: white shirt.

The organizational structure of “Friendship association” includes a central level and a provincial level. At the Central level, Pham Van Thong planned to elect Le Thi Ngoc Da to be the chairman, but if Thong has the trust then he will keep the position. On 6/1/2010, Thong, Tiem, Da, Le Thi Diep (in Long An), Nguyen Van Nhon, Dang Ngoc Chau (in Tien Giang) met at the home of Diep in Tan An-Long An City to form the association. Thong, Tiem announced that in Ben Tre there was already a “Friendship association” chaired by Tiem, and Dang Thi Kim as vice chair. The meeting decided unanimously to give the task to Nhon, Da to be responsible for the association in Long An. Thong, Tiem responsible for

Ben Tre; Chau responsible in Tien Giang, mobilize the people at various provinces to gather at 35 Ho Hoc Lam, Ho Chi Minh City on 7/19/2010 to sign the application and publicly announce the formation of association nationwide. Thong announced that he went to Thailand with a number of people to attend training on fighting for democracy and non-violent struggle from the organization “Viet Tan”. “Viet Tan” will sponsor financially the transporting of people from Vietnam to Thailand for training on operation. Thong called on the people who would like to go to Thailand for the training to register. After discussion and consensus, it was planned that in around 7/2010 the people joining Thong to go to Thailand through the Moc Hoa – Long An include: Thong, Da, Tiem, Chau. Before that, at around the beginning of 1/2010, Thuy gave Thong 1.000.000 dong. Thong gave Nguyen Thi Chuyen (wife of Nguyen Thanh Tam) 700.000 dong to have Chuyen transport the people to go complain against the government. Thong kept 300.000dong.

On 6/17/2010, Pham Van Thong met Nguyen Thi Bi and Dang Ngoc Chau (in Tien Giang); Huynh Kim Sa, Nguyen Ngoc Giau (in Dong thap); Dang Van Quang, Tran Ngoc Danh (in Can Tho City); Pham Van Kia (8 Dung – in Soc Trang)... to discuss, mobilize joining “Friendship association”. Thong gave to the people above sample applications to form association, guided them to make a list of people who agreed to join the association and made plan to meet on 7/19/2010 in Ho Chi Minh City to sign the application and publicly announce the formation of the association on nationwide.

In addition, Pham Van thong also directly telephoned a number of people in the Central and North to join the association such as: Pham Thi Ung (in Binh Thuan), Mr. Chien (in Da Nang), Nguyen Thi Hieu (in Tuyen Quang), Vu Kieu Trinh (in Lao Cai), Pham Thi Loc (in Bac Giang). Thong made appointment to go to Ha Noi to meet the potential people above to discuss the plan to form association. Thong was arrested before implementing the plan.

After carrying out activities to form the “Friendship association”, Thong and Tam sent progress report to “Viet Tan” informing the formation of the association nationwide, sent to “Radio Free Asia” the content: *“Dear Mr. Dung, Mr. Bao, doctor in DVT, Thanh, Tam in Ben Tre when met both of you at a store front shop we promised with you. When return we formed a system of distributing and selling prescriptions from North to South. Now we ask ACTD post this news on the internet for you to know. Thank you.”* Thong explained the purpose was to let the organization “Viet Tan” know the phone number of Tam and announce the formation of the “Vietnamese friendship association for mutual support.”

(BL: 1142-1405; 2286-3287)

In the investigation process the Security Investigation Agency of Public Security confiscated from the accused many documents with content against the Government of the Socialist Republic of Vietnam. Specific quantities are: Pham Van Thong 15 documents, Nguyen Thanh Tam 13 documents, Pham Ngoc Hoa 5 documents, Duong Kim Khai 4 documents and Nguyen Chi Thanh 1 document (BL: 1821-2285).

In the assessment conclusion statements No. 44/KLGĐTP on 11/24/2010 and No. 48/KLGĐTP on 12/15/2010, judicial assessment on culture of the Bureau of Culture, Sports, and Tourism of Ho Chi Minh included: *“The subjects’ documents contain malicious contents and information relating to security, public safety, demand for multi-party pluralism, incite opposition mobilization, overthrow the regime, degrading idols, offending great figures, distorting the nature of the Revolution and liberation of the race and building a Socialist society by the Party and people, spitting on the tradition of anti-colonial imperialism of the people under the leadership of the Party, condemned the Communist Party of Vietnam as arbitrary, monopolize power, party-rule, deny, darkened history, erase the just and unjust;*

copy, hijack fighting terminology, arguments of psychological warfare of hostile forces, remnant reactionary elements in exile or currently ambush in the country aiming at poisoning public opinion, encouraging opposition struggle, overthrow, destroy the peace of the nation, libel the results of the reform efforts created by the Communist Party and people:”.... Using churlish statements to talk about the Communist Party of Vietnam, using hatred language to talk about the Regime, the country, and the people.... Condemning, charging the Communist party, the Government of Vietnam, demanding multi-party pluralism.... Follow the tone of reactionary....distorting, fabricating, and denying history, self creating patriotism and righteousness in order to fool those who do not understand history, exposing the nature of colonial regime past and present...”; “Recommend treating the subjects according to current laws and regulations” (BL: 299-319).

On 3/8/2011, the Security Investigation Agency – Public Security of Ben Tre Province decided to confiscate 4 passports belong to the accused Nguyen Chi Thanh, Pham Ngoc Hoa, Pham Van Thong, and Nguyen Thanh Tam and gave them to the Immigration Agency of the Political Protection Bureau – Public Security of Ben Tre Province.

From the details and evidences listed above,

CONCLUSION

“Viet Tan” is a reactionary organization in exile acting against the Communist Party of Vietnam and the Government of the Socialist Republic of Vietnam. During the period of time from 8/2009 to 4/2010, the accused Tran Thi Thuy, Duong Kim Khai, Pham Van Thong, Cao Van Tinh, Pham Ngoc Hoa, Nguyen thanh Tam and Nguyen Chi Thanh were connected and transported by the organization “Viet Tan” to go over to Thailand and Cambodia to train, join, and receive tasks given by the organization “Viet Tan” to return to Vietnam and operate under the direction of the organization “Viet Tan” in order to overthrow the people’s government. Specifically the criminal acts are as follow:

1 – the accused Tran Thi Thuy:

Tran Thi Thuy joined the organization “Viet Tan”, frequently contacted and met the organization “Viet Tan” to receive documents, slogans to distribute and often times received money from “Viet Tan” to pay for operational expenses totaled in 8.000.000dong VNĐ and \$350USD.

2 – the accused Duong Kim Khai:

Duong Kim Khai joined the organization “Viet Tan”, received documents, slogans, directions, organized the distribution and receiving of money from “Viet Tan” to pay for operational expenses totaled in \$700USD.

3 – the accused Pham Van Thong:

Pham Van Thong received documents, slogans to distribute, established the “Vietnamese friendship association for mutual support” all over the nation and received money from “Viet Tan” to pay for expenses totaled in 900.000dong – VNĐ.

4 – the accused Cao Van Tinh:

Cao Van Tinh joined the organization “Viet Tan”, often times contacted, met the organization “Viet Tan”, received and distributed documents, slogans, an received money from the organization “Viet Tan” to pay for operation expenses totaled in 1.700.000dong – VNĐ.

5 – the accused Pham Ngoc Hoa:

Pham Ngoc Hoa joined the organization “Viet Tan, received money from “Viet Tan” as operation expenses and distribute it to the operational group in Ho Chi Minh City and Ben Tre totaled in \$500USD and 1.500.000 dong – VNĐ.

6 – the accused Nguyen Thanh Tam:

Nguyen Thanh Tam joined the organization “Viet Tan”, received documents, slogans to distribute, formed the organization “Vietnamese friendship association for mutual support” throughout the country, received money from “Viet Tan” to pay for operational expenses totaled in 900.000dong – VNĐ.

7 – the accused Nguyen Chi Thanh:

Nguyen Chi Thanh joined the organization “Viet Tan”, joined the directing and distributing of documents, slogans, and received money from “Viet Tan” to pay for operational expenses totaled in 1.800.000dong – VNĐ.

Thus, there is sufficient basis to confirm that the accused individuals with profiles below have committed the crimes as follow:

PROFILES OF THE ACCUSED INDIVIDUALS

1 – Tran Thi Thuy; gender: Female

- Alias: Lan
- Born: 2/2/1971
- DKTT: No. 476, group 16, hamlet Long Thai, ward Long Khanh, district Hong Ngu, province Dong Thap.
- Current residence: No. 476 group 16, hamlet Long Thai, ward Long Khanh, district Hong Ngu, province Dong Thap.
- Nationality: Vietnam; Race: Kinh (Vietnamese); Religion: Hoa Hao Buddhism
- Occupation: trading
- Cultural level: 9/12.

RELATIONSHIP AND FAMILY BACKGROUND

- Father: Tran Van Tam, born 1928 (died 1992).
- Mother: Bui Thi Nu, born 1942; DKTT: No. 476, group 16, hamlet Long Thai, ward Long Khanh, district Hong Ngu, province Dong Thap; Occupation: farming.
- The accused is the second child in the family of 5 siblings

THE ACCUSED'S OPERATION HISTORY

- Been living with parents since childhood at hamlet Long Thai, ward Long Khanh B, district Hong Ngu, province Dong Thap, went to school until grade 9 when quited school to stay at home and helped the family with farming, selling grocery; from 8/27 to 9/1/2009, left the country to Thailand with Duong Kim Khai to attend training on non-violent struggle and signed application, took oath to join the organization “Viet Tan Party”; on 2/25/2010, traveled alone to Thailand and met Truong Tan Lac, from “Viet Tan Party” to discuss the receiving and transporting the slogan “Hoang Sa – Truong Sa – Vietnam”; beginning of 3/2010, guided Cao Van Tinh on traveling to Cambodia to let Tinh attend the class on non-violent struggle and Tinh joined the “Viet Tan Party”.

- Prior sentencing: none

- The accused was temporary detained since 8/10/2010, changed to temporary arrest on 10/18/2010 until today.

2 – Duong Kim Khai; gender: Male

- Alias: Kim Chi
- Born: 6/17/1958
- DKTT: No. 2, Binh Quoi street, ward 27, district Binh Thanh, Ho Chi Minh city.
- Current residence: house without number, group 33, neighborhood 3, ward 28, district Binh Thanh, Ho Chi Minh City.
- Nationality: Vietnam; Race: kinh (Vietnamese); Religion: Protestant
- Occupation: textile worker
- Education level: 10/10

RELATIONSHIP AND FAMILY BACKGROUND

- Father: Duong Van Nhi, born: 1933; DKTT: in hamlet Quan My, ward Tan Dan, district Soc Son, Ha Noi City; Occupation: aged and fragile and lost strength to work.
- Mother: Dao Thi Noi, born 1940 (died 2004).
- The accused is the oldest child in the family of 5 siblings.
- Wife: Mai Thi Dung; born 1958; DKTT: No. 52 Binh Quoi street, ward 27, district Binh Thanh, Ho Chi Minh City; current residence: house without number, group 33, neighborhood 3, ward 28, district Binh Thanh, Ho Chi Minh City. Currently paralyzed at home.
- The accused has two children; Oldest born 1993, youngest born 1995.

THE ACCUSED'S OPERATION HISTORY

- From 1970 to 1975, was a student at Kim Anh school, Soc Son, Ha Noi city; from 1975 to 1980 helped the family with farming in hamlet Quang My, ward Tan Dan, district Soc Son, Ha Noi City; from 1980 to 1983 studied at Ha Noi Middle School for Business Management; from 1983 to 1985 worked at the Food Company of ward Me Linh, province Vinh Phuc; from 1986 to 1997 lived at district Tan Binh, Ho Chi Minh City working as textile worker. From 2006 until now, lived at the house without number, Binh Quoi, ward 28, district Binh Thanh, Ho Chi Minh City, working in textile; from 8/27 to 09/1/2009, and from 4/25 to 4/30/2010, travelled to Thailand to attend the training on non-violent struggle by "Viet Tan Party" organized and signed application joining "Viet Tan Party".

- Prior sentencing: none
- The accused was temporary detained from 8/10/2010 and changed to temporary arrest from 10/18/2010 until today.

3 – Pham Van Thong; gender: Nam

- Alias Thanh
- Born: 6/1/1962
- DKTT: 123/PT, hamlet Phu Thanh, ward Phu Le, district Ba Tri, province Ben Tre.
- Current residence: 123/PT, hamlet Phu Thanh, ward Phu Le, district Ba Tri, province Ben Tre.
- Nationality: Viet Nam; Race: Kinh (Vietnamese); Religion: none
- Cultural level: 12/12
- Occupation: farming

RELATIONSHIP AND FAMILY BACKGROUND

- Father: Pham Van Thinh, born 1914 (deceased)
- Mother: Le Thi Giau, born 1914 (deceased)
- The accused is the youngest in a family of 4 siblings

THE ACCUSED'S OPERATION HISTORY

- Lived with family since childhood at hamlet Phu Thanh, ward Phu Le, district Ba Tri, province Ben Tre and went to school until grade 12 and stayed home and farmed; from 1985 to 1986, worked as the agricultural storekeeper of the Production Cooperation No. 3 in hamlet Phu Thanh, ward Phu Le, district Ba Tri, Ben Tre; from 1998 to 2003, went to work as a construction worker, living at Country Road 13, ward 16, district Tan Binh, Ho Chi Minh City, working while attending school at Mid-Level Construction Occupational School in Binh Thanh district, Ho Chi Minh City, graduated in 2004; from 2004 until now lived and farmed in hamlet Phu Thanh, ward Phu Le, district Ba Tri, Ben Tre; At the beginning of 2007, went to complain with the former Cooperation and demanded land to be returned; from 4/25 to 4/30/2010, travelled to Thailand to attend training on non-violent struggle organized by "Viet Tan".

- Temporary detained on 7/19/2010 and changed to temporary arrest from 7/27/2010 until now.
- Prior sentencing: none

4 – Cao Van Tinh; gender: Male

- Other name: Thinh
- Born: 1974
- DKTT: No. 77, hamlet Thanh Xuan, ward Thanh Phu, district Co Do, Can Tho City.
- Current residence: No. 77, hamlet Thanh Xuan, ward Thanh Phu, district Co Do, Can Tho City.
- Nationality: Vietnam; Race: Kinh (Vietnamese); Religion: Hoa Hao Buddhism
- Cultural level: 8/12
- Occupation: farming

RELATIONSHIP AND FAMILY BACKGROUND

- Father: Cao Van Nang, born 1914; DKTT: hamlet Thanh Xuan, ward thanh Phu, district Co Do, Can Tho City; currently in old age and lack labor strength.
- Mother: Nguyen Thi Ngan, born 1923; DKTT hamlet Thanh Xuan, ward thanh Phu, district Co Do, Can Tho City; currently in old age and lack labor strength.
- The accused is the youngest child in the family with 6 siblings
- Wife: Thach Thi Thuy; born 1977; separated since 2006 until now, currently living with family in hamlet Tan Phu, ward Thoi Binh, district Ca Mau.
- The accused has two children: oldest born 1997, youngest born 1999.

THE ACCUSED'S OPERATION HISTORY

- Lived with parents since childhood in hamlet Thanh Xuan, ward Thanh Phu, district Co Do, Can Tho city and went to school until grade 8 and quitted to stay home and helped the family. From 1992 to 1994 drafted into mandatory military service in the City of Cao Lanh, Dong Thap province; since 1996, married and returned to live in hamlet Truong Tho, ward Tan Loc, district Thot Not, Can Tho City, worked as a motorbike driver; Since 2000, began to join grievance campaign demanding the return of land from the Agricultural Company, district Co Do, Can Tho City; in 2009 returned and lived with parents in hamlet Thanh Xuan, Thanh Phu, Co Do, Can Tho city; in 3/2010, travelled to Cambodia

to attend training on non-violent struggle organized by “Viet Tan”; In 5/2010, continued to travel to Cambodia to receive slogans “HS-TS-VN” by “Viet Tan”.

- Prior sentencing: none
- Temporary detained on 2/23/2011 and moved to temporary arrest from 2/26/2011 until now.

5 – Pham Ngoc Hoa; gender: Female

- Alias: Thu Van
- Born: 11/8/1954
- DKTT: 106/10/4B Nguyen Lam road, ward 3, district Binh Thanh, Ho Chi Minh City
- Current residence: house without number, group 5, neighborhood 1, Dien Bien Phu road, ward 21, district Binh Thanh, Ho Chi Minh City.
- Nationality: Vietnam; Race: Kinh (Vietnamese); Religion: Christian
- Cultural level: 10/12
- Occupation: trading

RELATIONSHIP AND FAMILY BACKGROUND

- Father: Pham Van Tam, born 1930 (deceased)
- Mother: Duong Thi Tha, born 1930 (deceased)
- The accused is the second child in the family of 7 siblings.

- Husband: Tran Van Phuong; born 1951, currently farming in hamlet 4, ward Phu Son, district Tan Phu, Dong Nai province. Separated since 1988 until now. The accused currently living as spouses with Nguyen Thanh Chau; born 1966, in ward 27, district Binh Thanh, Ho Chi Minh City, occupation as selling sugar cane juice.

- The accused has 5 children, oldest born 1976, youngest born 1990.

THE ACCUSED’S OPERATION HISTORY

- During childhood studied at Nguyen Duy Khanh School (now is the Gia Dinh Normal Middle School, Binh Thanh district), until grade 10 and quitted to stay home and helped the family; from 1972 to 1991, followed husband and lived at 106/10/04B Nguyen Lam road, ward 3, district Binh Thanh; from 1991 to 2003 lived at Van Thanh canal, ward 21, district Binh Thanh; from 2003 until now, sell sugar cane juice and refreshments at No. 18/8 Binh Quoi road, Thanh Da Apartments, ward 27, district Binh Thanh; 4/2008 held the banner “Truong Sa, Hoang Sa are flesh and blood of Vietnam” at Pasteur road but was prevented, confiscated; from 4/25 to 4/30/2010, travelled to Thailand to attend the training on non-violent struggle organized by “Viet Tan” and signed the application to join Viet Tan party.

- Temporary arrested since 11/19/2010 until now.
- Prior sentencing: none

6 – Nguyen Thanh Tam; gender: Male

- Alias: Thanh, Chin Thanh
- Born: 10/10/1953
- DKTT: Hamlet 1, ward An Ngai Tay, district Ba Tri, Ben Tre province.
- Residence: No. 208, hamlet 3, ward An Ngai Trung, district Ba Tri, Ben Tre province
- Nationality: Vietnam; Race: Kinh (Vietnamese); Religion: none
- Cultural level: 5/12
- Occupation: farming

RELATIONSHIP AND FAMILY BACKGROUND

- Father: Nguyen Van Cang; born 1918 (deceased)
- Mother: Nguyen Thi La; born 1921 (deceased)
- The accused is the 5th son in the family of 10 siblings
- Wife: Nguyen Thi Chuyen; born 1954; currently living at No. 208, hamlet 3, ward An Ngai Trung, district Ba Tri
- The accused has 4 children: oldest born 1979, youngest born 1998

THE ACCUSED'S OPERATION HISTORY

Lived with family during childhood at hamlet 1, ward An Ngai Tay, district Ba Tri, went to school until finished grade 5 and quitted to stay home and helped the family; in 1976 married and lived together with parents at hamlet 1, ward An Ngai Tay, district Ba Tri, and worked on the farm; in 1996 temporarily lived at hamlet 3, An Ngai Trung, Ba Tri, Ben Tre until now; since 1998 until now, frequently participated in land grievances; from 4/25 to 4/30/2010, travelled to Thailand to attend the non-violent struggle training organized by "Viet Tan" and signed application to join "Viet Tan Party".

- Arrested on 7/20/2010 and changed to temporary arrest on 7/27/2010 until now.
- Prior sentencing: none

7 – Nguyen Chi Thanh; gender: male

- Alias: Tam
- Born: 5/5/1973
- DKTT: No. 18, Tan Da, ward 1, Tuy Hoa City, Phu Yen province.
- Current residence: No. 332/128/1B, Duong Quang Ham road, ward 5, district Go Vap, Ho Chi Minh City
- Nationality: Vietnamese; Race: Kinh (Vietnamese); Religion: Protestant
- Cultural level: 5/12
- Occupation: bricklayer

RELATIONSHIP AND FAMILY BACKGROUND

- Father: Nguyen Tan Tien; born 1950; DKTT: No. 18, Tan Da, ward 1, Tuy Hoa City, Phu Yen province; currently loss labor strength
- Mother: Chu O Kim Ngoc; born 1948; DKTT: ward 11, district Binh Thanh, Ho Chi Minh City; occupation: housewife.
- The accused is the second son in the family of 3 siblings.
- Wife: Pham Thi Nhao; born 1972; currently living at No. 332/128/1B, Duong Quang Ham road, ward 5, district Go Vap, Ho Chi Minh City; occupation: trading.
- Daughter: Nguyen Pham Tuyet Mai; born 1998; student, currently living with mother.

THE ACCUSED'S OPERATION HISTORY

From childhood growing up living with grandfather at No. 50, Bach Dang, ward Phuoc Hoa, Tam Ky City, Quang Nam province and went to school until grade 5 and quitted to return home and lived with father at No. 18, Tan Da, ward 1, Tuy Hoa City, Phu Yen province; from 1987 to 1997, entered Ho Chi Minh City to live with biological mother at No. 62/55, Huynh Tinh Cua, ward 19, district Binh Thanh, Ho Chi Minh City; from 1989 to 1997 worked as sanitation worker at Dan Lap in ward 11, district Binh

Thanh, Ho Chi Minh City; from 1997 to 2004, married and lived in a straw house area, Dinh Bo Linh road, ward 26, district Binh Thanh, Ho Chi Minh City; from 2004 to 2010, worked as bricklayer, rented a house to live with wife and children at Cau Den area, ward 5, district Go Vap, Ho Chi Minh City, participated in Protestant activities at the house of Duong Kim Khai; from 4/25 to 4/30/2010, travelled to Thailand to attend the non-violent struggle training organized by “Viet Tan” and signed application to join the Viet Tan party.

- Arrested and temporary detained from 11/19/2010 until now.
- Prior sentencing: none

In this case, the accused individuals committed organized crime and were the people implemented the crimes, with the proactive roles of the accused: Tran Thi Thuy is the most proactive one in the mobilizing, selecting, and encouraging the accused Duong Kim Khai and Cao Van Tinh for the organization “Viet Tan” to receive and direct the distribution of the slogan “HS-TS-VN”. The second most proactive is the accused Khai who mobilized, selected, and encouraged the accused Pham Van Thong, Pham Ngoc Hoa, Nguyen Thanh Tam, and Nguyen Chi Thanh to go to Thailand and received training. Pham Van Thong has a proactive role in forming the “Friendship association” nationwide.

The behaviors of Tran Thi Thuy, Duong Kim Khai, Pham Van Thong, Cao Van Tinh, Pham Ngoc Hoa, Nguyen Thanh Tam, and Nguyen Chi Thanh violated the crime of “Operate to overthrow the people’s government” outlined in Section 2, Article 79 of the Penal Code of the Socialist Republic of Vietnam.

Article 79 of the Penal Code of the Socialist Republic of Vietnam stated:

“Anyone who operate to form or join organization aiming at overthrowing the people’s government shall be punished as follow:

- 1. The organizer, the inciter, the efficient operator or causes serious consequences, shall be sentenced to jail from 12 years to 20 years, life sentence, or death penalty;*
- 2. Other accomplices shall be sentenced to jail from 5 years to 15 years.”*

Separately, we only know the individual named Tinh lives in Da Nang, not yet clear as to the full name and address therefore the Security Investigation Agency – Public Security of Ben Tre Province continues its investigation and treatment.

In addition, the Security Investigation Agency – Public Security of Ben Tre Province confirmed that Do Hoang Diem, Nguyen Ngoc Duc, Nguyen Trong Viet, and Truong Tan Lac are the ringleaders of the organization “Viet Tan” currently living overseas. The Security Investigation Agency – Public Security of Ben Tre Province continues to investigate in according to the Penal Code of the Socialist Republic of Vietnam.

Due to the reasons above,

RESOLUTION

Prosecute the case in front of the People’s Court of Ben Tre Province to put on trial the accused Tran Thi Thuy, Duong Kim Khai, Pham Van Thong, Cao Van Tinh, Pham Ngoc Hoa, Nguyen Thanh Tam, and Nguyen Chi Thanh on the crime of “Operating to overthrow the people’s government” outlined in Section 2 – Article 79 of the Penal Code of the Socialist Republic of Vietnam.

Applying Article 92 of the Penal Code of the Socialist Republic of Vietnam, recommending the court: sentence additional punishment with probation and police surveillance with the accused individuals.

In regard to the treatment of evidence: apply Article 76 of the Criminal Proceedings Code of the Socialist Republic of Vietnam, recommend the court to:

- **Record:** the decision of the Security Investigation Agency – Public Security of Ben Tre Province to confiscate 4 passports of the accused individuals Nguyen Chi Thanh, Pham Ngoc Hoa, Pham Van Thong, and Nguyen Thanh Tam, delivered to the Immigration Agency of the Political Protection Bureau of the Ben Tre Province Public Security to manage.

- Declaration of confiscation and destruction:

+ Twenty cellular phone SIM cards confiscated from the accused individuals (Include: Tran Thi Thuy: 2; Duong Kim Khai: 4; Pham Van Thong: 9; Pham Ngoc Hoa: 1; and Nguyen Thanh Tam: 4).

+ One simmobicard serial number 8401.1009.6558.0229 confiscated from the accused Cao Van Tinh.

+ Two telephone handbooks; Three papers with written telephone numbers; One piece of paper with written email addresses; One book on Dong Hai with Hoang Sa – Truong Sa; One colored picture 10x15; One photocopied photo with the caption “The voices of the children”; One suggestion form...”; One poem; One piece of paper station the goals of 2007-2008; One piece of paper titled “during the people reception”; One paper with signatures; One paper with title “You return via the method....”; Open letter to the United Nations Security Council; One accusation form; One Order for temporary arrest No. 42 dated 8/17/2004; One arrest minutes 8/19/2004 against Duong Kim Khai (confiscated at the house of Nguyen Chi Thanh) belonging to the accused Duong Kim Khai.

+ Six DVDs; 1 floppy disk (A); One suggestion form to have the right to property; One paper writing down with corrupted investigators; One paper writing address... ; One paper writing unified and Bach Dang...; One document of accusation against Public Security of district Ba Tri; roster....; One accusation form...; One roster or residents of Ben Tre... ; One form requesting to resolve the land issue of the cooperation; paper with the title “That’s the work of above...”; One paper wrote “On 11/27 at 4 o’clock...”; paper with “dear comrades....”; One roster of collective Ben Tre citizens requesting...”; One paper with the title “prevent corruption...”; One form requesting the cessation of land grab behaviors; One paper with the title “right then the cadre only receive...”; One form requesting the Province of Ben Tre to follow the order CV No. 205HD...”; One paper wrote “at 11 a.m. the interrogation....”; One paper wrote “farmers of Ben Tre go to claim in Ho Chi Minh City; One paper wrote the U.S. House of Representative passed Resolution 415...; One accusation form; One form requesting to resolve...; One paper wrote “Draft of the foundation of the Communist regime...”; One paper wrote “wish you always happy and healthy”; One paper wrote “land compensation in the form of blessing”; One paper wrote “following the trend”; One paper wrote “letter to President Obama”; One paper with phone numbers; six student notebooks; One guide book on how to use the telephone; One 2004 handbook; handbook with telephone numbers; One paper wrote “when cannot advance”; One petition “the right to live as people”; One document calling on the leadership of Vietnam to executive those who use jungle laws; One paper wrote “that’s the era to end the exploitation”; One paper wrote “the beautiful values of the race” by the accused Pham Van Thong.

+ One photo album on protests; One roster of telephone numbers... belonging to the accused Cao Van Tinh.

+ 13 DVDs; 8 cassette tapes; 1 white t-shirt wrote "the people of Ben Tre....demand the return of farm land"; one paper wrote "friendship association for the mutual support of Vietnam"; one paper wrote "internal policies of the friendship association for the mutual support of Vietnam"; One paper wrote co-sign to join the friendship association for the mutual support of Vietnam."; three forms demanding the replacement of the citizen receptionist... ; one roster with names; one roster with military officers who were granted National Defense lands; A letter to the leadership at all levels; One paper wrote "the people of Ben Tre demand the land of the cooperation; Petition stating "land that did not join the cooperation also got resolve..." One paper wrote "Dear multi-profession working group..."; three appeal forms... ; One petition stated "return the lands that were annexed illegally into cooperation...; One petition wrote "right to have property..." nine forms demanding the return of lands, appeal, sue, accuse... sent to provincial secretary, ending the behavior of VPPL; One paper wrote "cc sent to provincial People's Committee"; two rosters of co-witnesses; One paper wrote "v/v secretive behaviors"; One form recommending the deposition of Nguyen Van Son...;One paper wrote full name...; One paper wrote the names of Nguyen Thi Ba, Nguyen Thi Lem...; One paper with the title "head of the National Assembly delegation"...; One paper with the title "questioning according to the law..."; One paper titled "The Laws of Vietnam..."; One paper titled "Nguyen Trong Vinh..."; One paper titled "Parliament of European Union passed resolution on Vietnam..." One paper wrote "let's study economic"; one paper titled: "four poems that have been reviewed"; One paper titled "Dear Radio Free Asia"; One paper titled "the cries of the aggrieved citizens"; One paper wrote "Agreement to transfer the land"; One paper title "Mr. Thong..."; One paper titled "mobilizing letter"; Two papers titled "Government office, National Assembly office"; One paper titled "Information of Veterans No. 157, 8/2006"; Two Decisions of Ba Tri District People's Committee and Decision 411...; Two documents No. 4332, 141; Two student notebooks; One prescription drug cover with phone number written on it; One foil from tobacco box with phone number written on it; four letters of "Dear brothers at Radio Free Asia", "Human rights committee"; One paper wrote "I receive 1000m of land"; One paper wrote "based on the announcement"; One paper wrote WW@Radio chantroimoi.com; One paper wrote the name Nguyen Khanh Duong; One paper wrote "office of the directing committee"; One paper wrote "down with the inspector"; One paper wrote "law prohibit citizen... lead to..." belonged to the accused Nguyen Thanh Tam.

+ One document stating "opinion of the Politburo of the CPV" belonged to the accused Nguyen Chi Thanh

- Declaration to return:

+ One Identification card, one Embassy place business card to the accused Tran Thi Thuy.

+ One recording tape; one memory card; one business card; one colored picture 10x5; one express money transfer card; One confirmation letter ordaining Duong Kim Khai; one paper wrote "program guiding schedule"; one Universal Declaration of Human Rights to the accused Duong Kim Khai.

+ One photocopied of Cong An newspaper article "from land grievances to..."; One Decision to resolve the grievance of Pham Van Thong; One official document No. 1602/UB-NCNC; One Decision No. 1045/QD-UBND, dated 4/15/2009; One negotiation minutes; Announcement No. 321/TB-VPCP-21/11/2008; Guide No. 205/HD-TDTU-17/5/2010; One Decision No. 2241/QD-UBND dated

9/18/2009; Letter sent from Mai Van Tran USA; letter sent from Ms. Hang; envelop stating sender address "Van Tran 1707, New York" to the accused Pham Van Thong.

+ One vehicle registration No. 0674726; One car selling document dated 1/15/2011; one business card from the motorbike store Minh Luan to the accused Cao Van Tinh.

+ One computer hard drive; one paper wrote Le Thi Phan to the accused Pham Ngoc Hoa.

+ Decision of Ba Tri district People's Committee; one official document No. 4332; one official document No. 141; Decision 411; letter wrote "Auntie Chin"; three letters wrote "uncle and auntie Thanh"; three letters wrote "dear mom and Thanh Tam"; a paper wrote "US Department of Justice"; a paper wrote "First Vina Bank"; a paper wrote "information on trip preparation of HS travel"; a paper wrote "Affidavit of Support"; a paper wrote "request to resolve"; a paper wrote "Passport Nguyen Duke"; envelop from Nguyen Thai Duong; letter Reno.; Authorization paper; appointment slip for interview; telecommunications announcement; a paper wrote "address ww@ Radio chantroimoi.com"; an income and expense receipt booklet; article "The truth got tilted"; a paper wrote "Our address"; a paper wrote "action plan"; one letter wrote "beloved Thanh Tam"; a paper wrote "Nguyen Thanh Tam inherited..." to the accused Nguyen Thanh Tam.

- **Continue to temporary hold:** one cellular phone NOKIA 6070, one radio (belonged to the accused Tran Thi Thuy); one cellular phone, \$100USD, 1000d- VNĐ (belonged to the accused Duong Kim Khai); one cellular phone (belonged to the accused Pham Van Thong); one motorbike license plate 51L3-9222 (belonged to the accused Cao Van Tinh); one cellular phone (belonged to the accused Pham Ngoc Hoa); one cellular phone; one Sony recording device; one Micro cassette device (belonged to the accused Nguyen Thanh Tam) in order to ensure the prosecution of the case.

Remaining documents confiscated by the Security Investigation Agency – Public Security of Ben Tre Province have been confirmed as evidences, therefore recommend the Court to declare and file the documents of the case.

Including with the indictment there are:

- + Case file which includes: 3809 pages, numbered from 1 to 3809.
- + Roster of individuals required to be summoned to Court.
- + Inventory list of physical evidences./.

**SIG. CHIEF PROSECUTOR
DEPUTY PROSECUTOR**

Recipients:

- V2, V3, VPT – VTC;
- CQ, ANDT-CA BT;
- Office HSNV – CA BT;
- Case file
- Procuracy file
- The accused individuals
- Save

[SEAL]

[Signed]

Chau Dan Chin