

**MLDI**

Media Legal  
Defence Initiative



*Present*

**A WORKSHOP: Securing Freedom of Expression  
through the UN Human Rights Special Procedures**

A journalist is arrested and detained under security legislation for tweeting comments critical of Government policy, what can you do to secure and defend his/her freedom of expression? Learn how the use of the UN Human Rights Special Procedures can secure and defend Freedom of Expression and have a go at a case study yourself.

**Speakers**

**Dr Nazila Ghanea**, University Lecturer in Human Rights Law, University of Oxford,

**Ms Nani Jansen**, Senior Legal Officer, Media Legal Defence Initiative,

**Ms Smita Shah**, Barrister, Garden Court Chambers

**Thursday 11<sup>th</sup> April 2013, 4.00 – 6.00 pm**  
**Seminar Room A – Manor Building**

RSVP attendance to: [paolo.cavaliere@cls.ox.ac.uk](mailto:paolo.cavaliere@cls.ox.ac.uk)

## INTRODUCTION

Thank you for attending this workshop on Securing Freedom of Expression through the United Nations Special Procedures.

You've been fortunate to have some great speakers' outline how the Special Procedures can be used to secure and defend human rights; now it's your turn to have a go.

Instructions:

Read through the email chain of documents below:

Consider the following:

- Has there been a violation? More than one? Does it fall within the mandate?
- How much information do you have? Do you need more?
- Consent of a family member?
- How reliable is your information? Credibility?
- What happened? To Whom? By Whom? When? Where? Why?
- What do you want the Special Rapportuer to do and ask the Government to do?

In order to assist you in drafting your letter have a look at the Questionnaire and the Guidelines for the Submission of Information to the Special Rapportuer

Try and draft your own Urgent Action appeal in the matter of Le Quoc Quan.

***If you were the Special Rapportuer, would you accept the Urgent Action just drafted?***

## E-mail 27 December 2012

Everyone,  
Here is an AFP article re. the arrest of atty. Le Quoc Quan today.  
Best

# Vietnam detains dissident lawyer: family

AFPDecember 28, 2012, 2:04 am

- 
- [tweet1](#)
- [Email](#)
- **Error! Hyperlink reference not valid.**



AFP © <p>Le Quoc Quan, a prominent dissident lawyer pictured here at an anti-China rally in Hanoi on August 21, 2012, was detained Thursday by Vietnamese police while dropping off his daughter at school, his brother told AFP.</p>

HANOI (AFP) - A prominent dissident lawyer was detained Thursday by Vietnamese police while dropping off his daughter at school, his brother told AFP.

Le Quoc Quan, who blogs on a range of sensitive topics including civil rights, political pluralism and religious freedom, was taken away by police in Hanoi on Thursday morning, his brother Le Quoc Quyet said.

"Many police took him when he dropped his daughter off at school. They also searched his office and took documents, and searched his home also," he said by telephone.

"He was arrested because of his political views," Quyet said, adding that police had told the family he was to be charged under article 161, which covers tax evasion.

There was no immediate comment from Vietnamese authorities.

Allegations of tax dodging have previously been levelled at activists.

High profile dissident blogger Nguyen Van Hai, alias Dieu Cay, was initially jailed for tax evasion but then sentenced in September to 12 years in jail for spreading anti-state propaganda.

A court in southern Ho Chi Minh City is expected to hear his appeal on Friday, along with those of two other bloggers who were also handed lengthy prison terms on the same charges.

Prime Minister Nguyen Tan Dung this week restated the government's commitment to crack down on online dissent, ordering authorities to fight against anyone using the internet to "defame and spread propaganda against the party and state".

Vietnamese lawyers, bloggers and activists are regularly subject to arbitrary arrest and detention, according to New York-based Human Rights Watch, which has said Quan is being targeted for his work. Quan, a Catholic in the majority Buddhist nation, was jailed for three months in 2007 for participating in "activities to overthrow the people's government", but he was released following protests from the United States.

In August this year Quan was beaten by police in an attack which prompted Human Rights Watch to call for a full investigation.

In early December Quan told AFP that his family was under "much pressure... It is terrible", with both his brother and a female cousin being held in detention.

In addition to his blogs, Quan was heavily involved in a string of anti-China demonstrations last year over Beijing's territorial claims in the South China Sea.

<http://au.news.yahoo.com/thewest/a/-/world/15727421/vietnam-detains-dissident-lawyer-family/>

### **E-mail 2 January 2013**

Thank you, [REDACTED], and apologies for the late reply.

This is sad news. Have you already been in touch with the organisations looking out for lawyers, such as [REDACTED] and [REDACTED] already? Perhaps [REDACTED] could join forces with them since Quan is both a blogger and a lawyer. Do you know if he has retained outside counsel or is Quan representing himself?

Best,

Nani

### **E-mail 2 January 2013**

Hi Nani,

We've been in touch with both these organizations in the past regarding Quan and have alerted them to the recent developments. Most people are just getting back from the holiday break -- I'll follow up with them to suggest the idea of joining forces for a letter. [REDACTED] will also be interested as they're very involved as well. I'll make sure to connect everyone once all is on board.

Re: legal counsel

We're unsure whether Quan has sought counsel; usually this early into the case, he'll could be held for "investigation" up to four months.

Best,

[REDACTED]

### **E-mail 3 January 2013**

Dear [REDACTED],

Thank you very much for sending this on.

[...]

Regarding Le Quoc Quan: I was in touch with a member of [REDACTED]'s relevant working group earlier this week about another case and flagged the issue as well. In Quan's case, MLDI could possibly contribute as well since he is not only a lawyer but also a blogger. We'd be happy to take the lead in taking his case to a number of international

mechanisms, but we'd need to have some more information first. Let's discuss when you are ready?

Best wishes,  
Nani

### **E-mail 3 January 2013**

Hi Nani,

[...]

What kind of information do you need about LQQ? I can put together some more biographical information for you. In the meantime, I'm sending along the previous letters from his 2007 arrest.

Best,



2007

Joint\_statement\_LOC



2007 NED-Quan.pdf

### **E-mail 3 January 2013**

Hi ,

[...]

Regarding Quan: thank you so much for the letters. Some more biographical information would be very helpful, as well as any documentation or information we could get regarding the arrest, charges, procedure, detention, access to counsel, etc. I know it's very difficult to get official documents and detailed information, but whatever we could find would be useful.

There are several avenues we could try internationally, but we should probably also try to find out if Quan would be happy for us to do so. Is there any way we could find this out, for example via his relatives?

Best,  
Nani

### **E-mail 3 January 2013**

I'll gather as much as possible for you and send it over. We're in connection with his family. His wife, Nguyen Thi Thu Hien has appealed for international help.

**E-mail 4 January 2013**

Dear [REDACTED],

That would be great, many thanks.

My suggestion would be to do the following:

- send a letter of allegation to the Special Rapporteur on Freedom of Expression, Special Rapporteur on Human Rights Defenders and the Special Rapporteur on the Independence of Judges and Lawyers
- submit a Petition to the UN Working Group on Arbitrary Detention
- submit a communication to the UNESCO Committee on Conventions and Recommendations

These are all avenues that can be tried without violating the jurisdictional rules of the respective bodies. Using all forums would increase pressure on the Vietnamese government on as many fronts as possible. We should also try to seek publicity for each action point.

If you can confirm with certainty that Quan's wife approves of us taking action on his behalf, we would be happy to start working on these petitions once we have all the possible information.

Best wishes,  
Nani

**E-mail 4 January 2013**

**URGENT APPEAL - THE OBSERVATORY**

**VNM 001 / 0113 / OBS 001**

Incommunicado detention /

Judicial harassment

**Viet Nam**

January 4, 2013

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), requests your urgent intervention in the following situation in **Viet Nam**.

**Brief description of the situation:**

The Observatory has been informed by the Vietnam Committee on Human Rights (VCHR) about the arbitrary detention of Mr. **Le Quoc Quan**, a human rights lawyer and blogger.

According to the information received, on December 27, 2012, Mr. Le Quoc Quan

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

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

In addition, Mr. Le Quoc Quan's arrest follows a recent order by Prime Minister Nguyen Tan Dung that authorities renew the fight against anyone using the Internet to "defame and spread propaganda against the State".

Mr. Le Quoc Quan has been harassed constantly since 2007 by the Vietnamese authorities because of his human rights activities[1]. On October 3, 2012, some 50 security police and plain-clothed militia forced entry into the head office of VietNam Credit in Hanoi and its branch office in Saigon. The firm belongs to Mr. Le Quoc Quan and his two brothers Messrs. Le Dinh Quan and Le Quoc Quyet. Police seized files and documents belonging to the firm, assaulted the staff and detained the brothers for interrogation. On October 30, they returned and arrested Le Dinh Quan, also for alleged "tax evasion". He is currently detained in Hoa Lo Prison No. 3. In addition, on August 18, 2012, Mr. Le Quoc Quan was brutally beaten by two unidentified men with iron bars outside his home in Hanoi.

The Observatory strongly condemns Mr. Le Quoc Quan's detention, as it seems to merely aim at sanctioning his legitimate human rights activities, and recalls that allegations of tax evasion have previously been levelled against human rights defenders. Blogger Nguyen Van Hai, alias Dieu Cay, founding member of the Club of Free Journalists, was initially jailed for tax evasion but then sentenced in September 2012 to 12 years in jail for spreading anti-State propaganda under Article 88 of the Criminal Code, along with two other bloggers and members of the Club of Free Journalists, Ms. Ta Phong Tan and Mr. Phan Thanh Hai[2]. On December 28, 2012, an appeals court upheld the 12-year prison sentence for Dieu Cay, the 10-year sentence for Ms. Ta Phong Tan and reduced to three-year that against Mr. Phan Thanh Hai.

**Actions requested:**

Please write to the authorities in Viet Nam urging them to:

- i. Guarantee in all circumstances the physical and psychological integrity of Messrs. Le Quoc Quan, Dieu Cay, Phan Thanh Hai and Ms. Ta Phong Tan, as well as of all human rights defenders in Viet Nam;
- ii. Release Messrs. Le Quoc Quan, Dieu Cay, Phan Thanh Hai and Ms. Ta Phong Tan immediately and unconditionally as their detention seems to merely sanction their human rights activities and is contrary to national and international law;

iii. Put an end to all acts harassment, including at the judicial level, against Messrs. Le Quoc Quan, Dieu Cay, Phan Thanh Hai and Ms. Ta Phong Tan, as well as against all human rights defenders in Viet Nam;

iv. Comply with the provisions of the UN Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998, in particular:  
- its Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels”,  
- as well as Article 12.2, which provides that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;

v. More generally, ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international and regional human rights instruments ratified by Viet Nam.

**Addresses:**

· H.E. Mr. Pham Binh Minh, Minister of Foreign Affairs, 1 Ton That Dam St., Ba Dinh District, Hanoi, Vietnam; Tel: 84-4-37992000; 080 48235; Fax: 84-4-38231872 – 84-4-37992682, Email: [bc.mfa@mofa.gov.vn](mailto:bc.mfa@mofa.gov.vn)

· H.E. Mr. Nguyen Thai Binh, Minister of Interior, 37A Nguyen Binh Khiem St., Hai Ba Trung District, Hanoi, Vietnam; Tel: 84-4-39764116 – 84-4-39764278; Fax: 84-4-39781005

· H.E. Mr. Ha Hung Cuong, Minister of Justice, 56-60 Tran Phu St., Ba Dinh District, Hanoi, Vietnam; Tel: 84-4-37336213 – 84-4-37338068; Fax: 84-4-38431431

· H.E. Mr. Tran Dai Quang, Minister of Public Security, 44 Yet Kieu St., Hoan Kiem District, Hanoi, Vietnam; Tel: 84-4-069 42545 - 84-4-048 226602; Fax: 84-4-9420223

· H.E. Mr. Vu Duc Dam, Minister, Office of the Government (OOG), 1 Hoang Hoa Tham St. Ba Dinh District, Hanoi, Vietnam; Tel: 84-4-80 43100; 84-4-80 43569; Fax: 84-4-80 44130

· H.E. Mr Vũ Dũng, Ambassador Extraordinary and Plenipotential, Permanent Representative, 30 chemin des Corbillettes, 1218 Grand-Saconnex, Geneva, Switzerland; Tel (Assistant): +41 022-791 85 40; Phone: +41 (0) 22 791 85 40; Fax: +41 (0) 22-798 07 24; Email : [info@vnmission-ge.gov.vn](mailto:info@vnmission-ge.gov.vn)

· HE Mr. PHAM Sanh Chau, Ambassador, Boulevard Général Jacques 1, 1050 Brussels, Belgium. Tel: +32 (0)2 379 27 37; Fax : +32 (0)2 374 93 76; Email: [vnemb.brussels@skynet.be](mailto:vnemb.brussels@skynet.be) / [unescochau@yahoo.com](mailto:unescochau@yahoo.com)

Please also write to the embassies of Viet Nam in your respective country.

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Paris-Geneva, January 4, 2013



Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

To contact the Observatory, call the emergency line:

- E-mail: [Appeals@fidh-omct.org](mailto:Appeals@fidh-omct.org)
- Tel and fax FIDH + 33 (0) 1 43 55 25 18 / +33 1 43 55 18 80
- Tel and fax OMCT + 41 (0) 22 809 49 39 / + 41 22 809 49 29

[1] In 2007, Mr. Le Quoc Quan returned to Viet Nam, after a five-month study in the US on a Reagan-Fascell scholarship, funded by the National Endowment for Democracy (NED). After his study he published a report titled Democracy in Vietnam: the role of society. Only four days after his return, he was arrested on suspicion of engaging in “activities to overthrow the regime”. He was finally released after 100 days in prison, but no longer permitted to leave Viet Nam. Subsequently, Mr. Le Quoc Quan was arrested three more times. He was also disbarred and placed under constant surveillance. Despite this, he continued to blog on issues of human rights, democracy and social justice and took part in demonstrations in Hanoi denouncing Chinese encroachments on Vietnamese territories.

[2] See Observatory Urgent Appeal VNM 001/ 0212 / OBS 018.2, issued on September 27, 2012.

#### **E-mail 4 January 2013**

Dear [REDACTED],

Many thanks for this. We were planning to draft submissions to a number of international bodies on behalf of Le Quoc Quan. Since he is also a blogger in addition to being a lawyer, we would be happy to take up his case.

Do you know if anyone else is planning similar steps? It might be good to coordinate efforts in that case.

Best wishes,  
Nani

#### **E-mail 4 January 2013**

Dear Nani,

I believe [REDACTED] and some other U.S. based organizations are working on his case now. Quan used to be in D.C. on a scholarship with NED and they're actively advocating for his release.

Peter, I trust that you remember Quan. He was at the Trial Observation Training in Bangkok, together with Le Cong Dinh, and others in the region. That was the last time he was allowed to travel outside the country.

I'll contact some of these organizations and update you more on progress at the moment, Nani.

Thank you so much again for your valuable support,

■

**E-mail 4 January 2013**

Dear ■,

Thank you for your quick reply.

It would be good to know what these organisations are doing exactly -- it would be a shame to duplicate efforts and there also may be an opportunity for our organisations to join forces. Perhaps you could put me in touch with the people working on his case so we could coordinate or provide them with my contact details so they can get in touch themselves?

Many thanks,  
Nani

**E-mail 4 January 2013**

Dear Nani,

I don't know all of them well. It was through friends of Le Quoc Quan in D.C. Quan is a member of a Vietnamese diaspora political party in the States and it's his party that gets in touch with the U.S based Human rights organizations, and so I don't contact them directly but can definitely ask for them to connect with you.

I'll get back to you on this in my next email,

■

**E-mail 4 January 2013**

Dear ■,

I understand. It would be great if you could alert them of our plans, so they have the opportunity to connect with us.

I look forward to further updates and will keep you posted on efforts from our side as well.

Best wishes,  
Nani

**E-mail 5 January 2013**

Dear Nani,

Happy New Year!

Last Wednesday, I tried to draft an urgent appeal for Le Quoc Quan's case for the UN Special Rapporteur on Foe.

I understand the urgency of his situation. I am attaching it now. Of course, this draft is still subject to more revisions and comments. Hope it can help.

Sincerely,

■

**E-mail 6 January 2013**

Dear ■,

A very happy new year to you too! I hope you had a good time celebrating.

Thank you very much for this. I agree that we should get an urgent appeal out as soon as possible. It's not in the suggested action list below because I am not entirely sure what has already been done. Let me try to get that clarified and if nothing has been submitted yet, we should finalise your draft and send it out in in the next few days.

Let's touch base on Monday.

Best,  
Nani

**E-mail 6 January 2013**

Dear ■,

In addition to the below: if there are any other organisations that you know of that might be working on similar steps, it would be useful for us to know. I know that Quan has a network back in DC and if they are taking up his case with similar petitions, it would be good to coordinate so as not to duplicate efforts.

We're also thinking of sending out an urgent appeal to the Special Rapporteur on Freedom of Expression as soon as possible. It's the one avenue with the Special Mechanisms that we can employ immediately. As soon as I know from you that this hasn't been done yet, we can go ahead and finalise the draft we have and submit it (probably by Wednesday at the latest).

Many thanks,  
Nani

**E-mail 9 January 2013**

Dear [REDACTED] and [REDACTED],

I have been trying to find out through both [REDACTED] and [REDACTED] what actions have been undertaken on Quan's behalf, but so far I have not received any conclusive answers. I think there is no harm in sending an urgent appeal to the Special Rapporteur in the meantime, especially given the unique opportunity next week to give him a hardcopy of what we decide to send in now.

I've attached a draft, which contains more or less the same info as [REDACTED]'s previous draft, but presented a little differently. In my view, the urgent appeal should be a brief and easily accessible document, highlighting the case and piquing the Special Rapporteur's interest enough to hopefully take action on the case. Have a look and see if there is anything essential we should add, anything else we should ask the SR to do at this time?

We can/will dive into the matter more extensively once we know we can go ahead with the UNWGAD petition etc. Those will be full-blown petitions with the works, but for now I think it's important we make sure this case is on the Special Rapporteur's radar so he might speak out against the arrest.

I look forward to hearing your thoughts/comments.

Best wishes,  
Nani

**E-mail 9 January 2013**

Dear Nani,

Thanks for this and yes, I am in full agreement that a brief accessible document setting out the facts succinctly is useful to the Sp Rapp. I have no real comments to add as it appears that you have captured all the salient facts and I have only added my details at the bottom.

[REDACTED] - do you wish to add anything at all? If none, then this can be finalised and sent to FLR's office.

By the way, our Indonesian rep tells us that FLR may postpone his trip to February. [REDACTED] - can you confirm this?

Thanks again Nani.  
All the best

■

**E-mail 9 January 2013:**

LQQ's background info:



LE QUOC QUAN -  
background.docx

**E-mail 10 January 2013**

*To the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression*

Please find attached our request for urgent action on behalf of Mr Le Quoc Quan, a renowned Vietnamese blogger and human rights defender who was arrested on 27 December 2012. Mr Quan is being detained incommunicado and has gone into hunger strike 3 days after his arrest. The current condition of his health is unknown.

We respectfully request that the Special Rapporteur consider this appeal to undertake urgent action on Mr Quan's behalf in order to secure his immediate release. Should you have any questions, please do not hesitate to contact us.

Yours sincerely,  
Nani Jansen



Urgent Appeal Le  
Quoc Quan by MD-SE

---

**Draft Letter**

**To:**

**Date:**

**RE:**

**Dear,**

**What are you submitting, about who; asking for what based on what violations?**

**Background – factual matrix of allegations**

[Empty box for content]

**What action do you want the Special Rapportuer to take and why?**

[Empty box for response]

**Yours Sincerely,**

**Who are you? Contact details? Name of firm/organisation**

[Empty box for response]