

# Pham Doan Trang case: What does the indictment say?

My Hang  
BBC News Vietnamese

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OTHER

| Pham Thi Doan Trang was arrested on October 6, 2020 in Saigon

**The Hanoi People's Procuracy has just issued an indictment against journalist and democracy activist Pham Thi Doan Trang for "conducting propaganda against the State of the Socialist Republic of Vietnam, as stipulated in article 88 of the Ministry of Public Security." criminal law 1999".**

It is expected that the trial of Ms. Trang will be opened on November 4 in Hanoi.

The world press spoke out about Pham Doan Trang's arrest in October 2020

Ms. Pham Doan Trang won the Press Freedom Award 2019

Activist Pham Doan Trang is arrested

Commenting on the indictment, Trinh Huu Long, co-founder and editor-in-chief of Law Khoa Magazine, told the BBC that it was likely that Pham Doan Trang would receive a light sentence.

According to Mr. Long, the indictment "provides a lot of previously unknown information about the case".

## **'Likely to receive a light sentence'**

According to Trinh Huu Long, the indictment states that Doan Trang committed crimes continuously, lasting from 2017 to 2019, meaning that both the old Penal Code and the new Penal Code (effective from January 1, 2018) are may apply at the same time to this case.



However, the indictment said that because Ms. Trang did not confess to the crime, moreover the old Penal Code was in favor of Ms. Trang because it stipulates the starting level of the penalty frame is lower than the new Penal Code (3 years). in the old law instead of 5 years in the new law), the investigating agency changed its decision to prosecute a criminal case, dropping the prosecution under Article 117 of the new law and only prosecuting it under Article 88 of the old law.

The indictment only prosecutes Ms. Trang in Clause 1, Article 88 instead of in Clause 2. Clause 1 has a much lighter penalty frame, ranging from 3-12 years. Clause 2, the sentence is much heavier, from 10-20 years.

"Many people used to worry that Pham Doan Trang is an effective activist, believed to be the top in Vietnam, then she will be accused in the heaviest bracket, possibly from 16-20 years in prison like Mr. Tran Huynh. Duy Thuc.

"However, based on the indictment, Ms. Trang is likely to receive a lighter sentence, maybe 3-5 years," Mr. Long said.

## **The 'political logic' of the case**

Also according to Mr. Trinh Huu Long, Article 88 of the Criminal Code (old) stipulates the crime of propaganda against the state, whose illogical and unreasonable points have been analyzed by many lawyers.

"The law itself is often used to silence those who are believed to be critical of leaders or individuals in the government. The charges brought so far based on this law are only to protect the state and It is an act that directly puts the government above the law, and gives government officials more protection than the average citizen, which goes against the principle of the rule of law - all citizens are equal. equality before the law," Mr Long told the BBC.

Mr. Long said that it is absurd to make an indictment based on an 'absurd' law, but the indictment itself also has many illogical points, especially the reason why the investigating agency chooses this fact. 88 instead of 117 is not really clear.

"But I think this is a political case, so the logic we're talking about here is political logic.

"The political logic here is" Maybe the government wants to treat Pham Doan Trang lightly, instead of being harsh as originally intended. And they're trying to make an indictment that looks reasonable," Mr Long said.

With the changes in this indictment, Mr. Long commented that the 'trend' of the trial will be 'mildly'.

Regarding the trial on November 4, Mr. Long said that it would be no different from previous political trials.

"It will not be open to the public, not even family members. The international press can attend, but the independent press will not. The public will definitely not have access. And the trial will be over within a day. "

"Article 88 itself is an absurd law, so whether it is heavy or light to sentence Doan Trang, it will be unfair to Doan Trang. The only right thing is to immediately and unconditionally release Doan Trang, co. time to compensate for the damage she has suffered during the past year of detention," Mr. Trinh Huu Long told the BBC.

## **Domestic, international pressure and Covid**

One of the reasons Pham Doan Trang can be given a light trial this time, according to Mr. Long, may be because the Vietnamese government is having to negotiate with Western countries, especially the US and EU, Canada, Australia, etc. to get more vaccines and quickly stabilize the current economic situation.

Besides, it is possible that the Vietnamese government is trying to keep Western businesses - which are shifting business activities to other countries due to the difficult business situation because of the Covid epidemic.

"Therefore this may be detrimental to the Vietnamese government regarding human rights, but beneficial to current political cases," Mr. Long said.

According to Mr. Long, interventions and opinions from the United Nations are still very important, although it is difficult to say exactly how effective they are.

"For a long time, many people have criticized the United Nations as an ineffective organization. However, I think their opinions are still very valuable, and are opinions that the Vietnamese government must pay attention to and must. feedback."

Besides, Mr. Long emphasized the role of 'domestic pressure'. He said:

"How effective our advocacy activities have been so far is really difficult to say. But I think this is the pressure that the Vietnamese government is most afraid of. Just by pressuring us Only those who have committed themselves to fight for democracy can be protected."

"Therefore I hope the Vietnamese public will pay more attention to political cases, including the case of journalist Pham Doan Trang, and speak out about this case by any means you have."

## **What does the indictment say?**

According to the indictment, from November 16, 2017 to December 5, 2018, Ms. Doan Trang had the act of creating, storing and circulating documents and articles with content aimed at sabotaging the State of the Socialist Republic of Vietnam. Vietnamese Socialists.

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Pham Doan Trang won the Press Freedom Award, Influence category, of Reporters Without Borders, 2019

### Some notable points in the indictment:

- Doan Trang did not provide the computer password to the police, so the police could not extract data from here.
- Doan Trang did not declare that the Facebook account "Pham Doan Trang" was hers, so the investigative agency did not handle the speech acts on this Facebook account.
- Doan Trang confessed to being the author of the document "Report - research: Evaluation of the law on belief and religion 2016 and the situation of exercising the right to freedom of religion and belief" (both Vietnamese and English versions), published in Law Faculty magazine.
- On February 19, 2021, the Information Security Administration (Ministry of Information and Communications) sent a dispatch to the investigating agency stating that "the owner of the domain name cannot be identified, so there is no basis for verification of the domain name." object to establish and maintain the operation of the website <http://luatkhoa.org> for handling in accordance with the law".
- Circumstances aggravating criminal liability: Committing the crime more than once.
- Extenuating circumstances of criminal liability: No.
- According to the indictment, Doan Trang committed consecutive crimes, lasting from 2017 to 2019, meaning that both the old Penal Code and the new Penal Code (effective from January 1, 2018) can be applied at the same time. time for this case.
- However, the indictment said that because Doan Trang did not confess to the crime, moreover the old Penal Code was more favorable to Doan Trang because it stipulates a lower starting level of the penalty frame than the new Penal Code (3). years in the old law instead of 5 years in the new law), so on July 12, 2021, the investigating agency changed its decision to prosecute a criminal case, dropping the prosecution under Article 117 of the new law, but only prosecuted the case. under Article 88 of the old law.

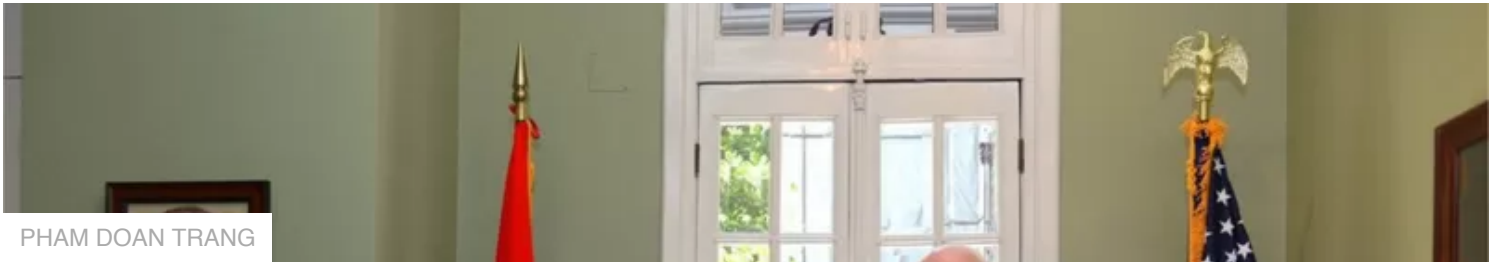
| "Dong Tam may be one of the direct reasons for Doan Trang's arrest"

## **The evidence used to charge Pham Doan Trang**

- English document "Brief report on the marine life disaster in Vietnam";
- English document "General Assessments on human rights situation in Vietnam";
- English document "Report Assessment of the 2016 Law on Belief and Religion in relation to the exercise of the right to Freedom of Religion and Belief in Vietnam";
- Vietnamese document: "Report - research: Evaluation of the 2016 law on belief and religion and the situation of exercising the right to freedom of religion and belief";
- Two interviews with BBC News Vietnamese and Radio Free Asia (RFA) in 2018

## **Pham Doan Trang's activities**

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PHAM DOAN TRANG

| Dissident journalist Pham Doan Trang (centre) in a meeting with international politicians

Ms. Doan Trang has written many famous books such as Popular Politics, Prison Raising Manual, Non-Violent Resistance.

Ms. Trang received the 2018 Homo Homini Award from the Czech Republic-based human rights organization People In Need.

In September 2019, Pham Doan Trang was awarded the Press Freedom Award by Reporters Without Borders, "Influence" category.

Ms. Trang is the co-founder of the blog Luat Khoa Magazine, which provides information on legal issues to help Vietnamese people protect their rights.

She, along with Vietnamese-American activist Will Nguyen, published a bilingual Dong Tam Report in English and Vietnamese.

In a letter dated May 27, 2019 from Pham Doan Trang published by Will Nguyen, Ms. Trang wrote about three aspirations she wanted the community to fulfill: Advocating for the adoption of a new election law, a new law on organization of the National Assembly; Promote her books; Turning her imprisonment into an opportunity for democrats to negotiate with the state; Demand the passage of a new electoral law and a new parliamentary organization law.

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