

Vietnam Indicts Activist Pham Doan Trang After One Year of Pretrial Detention

Her family and lawyers learned only recently that the investigation of Trang was completed in August.

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In a file photo, journalist Pham Doan Trang display the books she wrote that were banned by the Vietnamese government

Authorities in Vietnam are ready to try activist and author Pham Doan Trang after more than a year of pretrial detention, but her family and lawyers told RFA that they have not had access to Trang or been shown the indictment against her.

Pham Doan Trang was arrested at an apartment in Ho Chi Minh City in October 2020 and charged under article 117 of the Vietnamese Penal Code, accused of “making, storing, distributing, or disseminating information, documents and items against the Socialist Republic of Vietnam.

For three years prior to her arrest, she had constantly moved and changed her residence to avoid being intimidated and arrested by Vietnamese public security officers.

Rights groups at the time of her arrest condemned her apprehension and warned that the blogger faced the risk of torture in custody.

After the family asked permission to meet with Trang, the Hanoi Procuracy told them the indictment was completed on August 30, and sent to the court in early October, Trang’s representative Trinh Huu Long told RFA’s Vietnamese Service.

“This is a serious violation of legal procedures. It’s serious because responsible agencies detained Pham Doan Trang and kept her in complete isolation from outside information as well as denied her the right to legal access,” Long said.

Long said the prosecution had an unfair advantage in the case, because they have access to the investigation file and the full strength and resources of the legal system, while Trang has not been able to meet even with her family, let alone with lawyers with access to the indictment.

“I think these are serious and major violations in a criminal case,” said Long.

Lawyers are typically allowed to participate in a case only after the investigation is complete, Dang Dinh Manh, one of Trang’s lawyers, told RFA.

“Therefore, we can only do registration procedures to be defense lawyers at the procuracy’s prosecution stage. We submitted our registrations in early September,” said Manh.

“However, we recently received a notice from the procuracy saying they had already sent the file to the court as well as completed their indictment.”

“They also said that they could not grant the permits for us to work as defense lawyers as they no longer kept the file. We had no choice but to register ourselves again with the court, and so far we haven’t heard back,” he said.

Manh said that without a permit defense lawyers would not be able to access the indictment or visit with Trang to provide legal advice.

“When defense lawyers’ preparations are limited, the trial will have a lot of shortcomings. Limited access to the file of the case and the client would prevent us from making necessary recommendations,” he said.

“For example, it may stop us from making requests for additional investigations or for clarification of circumstances and details. In general, all of what we can request as defense lawyers will be limited,” said Manh.

Trang was a cofounder of Legal Initiatives for Vietnam, a California-based NGO that says its mission is “to build a democratic society in Vietnam through independent journalism, research, and education.”

The group condemned the Vietnamese government in a statement for “continuously harassing” Trang on the one-year anniversary of her arrest.

“Her arrest and detention was a flagrant violation of the freedom of expression. Speaking more broadly, this is an attack on press freedom and independent journalism,” the statement said.

The group called on its supporters to demand Trang’s immediate release.

Brad Adams, Asia Director at the New York-based Human Rights Watch, described Trang’s lengthy pretrial detention as “horrible.”

“It’s horrible to detain a person for a whole year without a court trial. Pham Doan Trang is innocent. She only wants Vietnamese people’s lives to be better and has used her right to freedom of expression to do that,” Adams told RFA.

“A year has passed, and if the Vietnamese Government fails to present specific, clear evidence of what it has called a violation of the law by Pham Doan Trang, she must be set free immediately,” Adams said.

Vietnam’s already low tolerance of dissent deteriorated sharply last year with a spate of arrests of independent journalists, publishers, and Facebook personalities as authorities continued to stifle critics in the run-up to the ruling Communist Party Congress in January. But arrests continue in 2021.

Reported by RFA’s Vietnamese Service. Translated by Anna Vu. Written in English by Eugene Whong.