

State President Nguyễn Xuân Phúc
Số 2 Hùng Vương,
Ngọc Hồ, Ba Đình 11100,
Hà Nội,
VIETNAM

Your Excellency,

I am writing to call for the immediate and unconditional release of Trần Huỳnh Duy Thức as he is a prisoner of conscience held solely for exercising his right to freedom of expression and opinion.

Mr. Thức was sentenced to 16 years imprisonment followed by five years' house arrest on 20 January 2010 for blogging about political and economic issues in Viet Nam. He was charged with "activities attempting to overthrow the government" under Article 79 of Viet Nam's Criminal Code 1999. He declared during his trial that he was tortured while in detention to force him to plead guilty.

The Penal Code 2015, together with resolutions No. 109/2015/QH13, 144/2016/QH13, and 41/2017/QH14 of the National Assembly, resolutions of the Council of Judges of the Supreme People's Court of Vietnam, which created a legal ground for Mr. Thuc to be released immediately. Accordingly, if the 2015 Penal Code stipulates a lighter penalty or exemption from criminal liability or penalty, that provision will be applied to the offender even though they are serving a sentence.

Mr. Thuc has been convicted of preparing to commit the crime of "activities attempting to overthrow the government" under the 1999 Penal Code. Therefore, Mr. Thuc's case is eligible for applying favorable provisions of the 2015 Penal Code based on the legal grounds of the law and resolutions mentioned above.

While in prison, Mr. Thuc made a letter requesting exemption of the remaining penalty and sent it twice to the Chief Justice of the Supreme People's Court and the Judicial Council of the Supreme People's Court on July 7, 2018, and August 2020. Mr. Thuc's family sent this request to the Supreme People's Court, the Supreme People's Procuracy, the Prime Minister, and the National Assembly to release Mr. Thuc.

By last May, Mr. Thuc had spent 13 years in prison, although under Vietnamese law, Mr. Thuc could have been released. Mr. Thuc has gone on hunger strike many times to demand the government respect law enforcement. This caused Mr. Thuc's health to be severely depleted and almost life-threatening.

With the grave concerns above, we urge you to:

- Apply Viet Nam's law and amnesty mechanism in special cases to immediately release Trần Huỳnh Duy Thức to fulfill Viet Nam's duty following the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR).
- While detained, Trần Huỳnh Duy Thức is treated in accordance with the UN Nelson Mandela Rules for the treatment of prisoners and is not subjected to torture or other ill-treatment.
- While he is detained, he is moved to a detention facility closer to his family, allowing full access to them through visits and correspondence and to a lawyer and medical treatment as necessary.

Yours sincerely,