



Tran Dai Quang
President of the Socialist Republic of Vietnam
Office of the President
Số 2 Hùng Vương, Ba Đình
Hà Nội, Việt Nam

Le Minh Tri
Prosecutor General of the Supreme People's Procuracy of Vietnam
c/o The Supreme People's Procuracy of Vietnam
No. 9 Pham Van Bach Street, Cau Giay
Hanoi, Vietnam

Nguyen Hoa Binh
Chief Justice of Vietnam
The Supreme People's Court
48 Lý Thường Kiệt, Trần Hưng Đạo, Hoàn Kiếm,
Hà Nội, Việt Nam

Paris, 16 August 2018

Re: Request for a trial by cassation for Dang Van Hien

Your Excellency,
Hon. Le Minh Tri,
Hon. Nguyen Hoa Binh,

ACAT-France would like to bring to your attention the case of Mr. **Dang Van Hien**.

Mr. Dang Van Hien has been convicted of murder charge under Article 93 of the Criminal Code and sentenced to death by the People's Court of Dak Nong on 3 January 2018. His conviction and sentence were confirmed on 12 July 2018 by the Supreme's People Court in Ho Chi Minh City.

We believe that criminal procedures were not correctly followed by the lower courts and the prosecutorial bodies, leading to a death penalty unjustly imposed on Dang Van Hien.

Both the trial court and the appeal court refused to consider the extenuating circumstances. Several mitigating factors made available by the country's Criminal Code should have been considered by the courts : legitimate defense (Article 46, Clause 1. c), the fact that Dang Van Hien was incited by illegal acts of the victims (1.e), that he turned himself in (1.n) and made honest declarations (1.o), and that he and his family have made financial reparation to the victims' families (1.b), among others. Had these extenuating circumstances been taken into consideration, Dang Van Hien would not be facing death penalty.

No torture. No death penalty. ACAT is striving for a world of dignity.

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Courts should also have considered alternative sentences. The Criminal Code does not impose mandatory death penalty and explicitly states alternative penalties for violating Article 93. Courts are instructed to take into account extenuating circumstances in sentencing, providing them with the discretion to resort to less severe alternatives, which both the trial court and the appeal court failed to do in Dang Van Hien's case.

In addition, the prosecution should also have considered other charges as alternatives to Article 93 in bringing their case against him. At least two other charges would be more appropriate to use in Dang Van Hien's case, given the facts and evidence presented in this case. They are Article 95 - Murdering people under provocation, and Article 96 - Murder beyond the limit of legitimate defense. The facts and circumstances surrounding his case demanded that the prosecution and the courts consider these charges.

In view of the above, we believe that Dang Van Hien's right to a fair trial was not met, which constitutes grounds for requesting a trial by cassation. The courts' sentences and rulings do not correspond with objective facts of the case, resulting in Dang Van Hien being handed an unnecessarily harsh punishment.

Therefore, pursuant to Article 371 of the 2015 Criminal Procedure Code, we are hereby asking that you consider initiating a trial of cassation for Mr. Dang Van Hien with the Judges Council of the Supreme People's Court.

Respectfully,

Action by Christians for the Abolition of Torture (ACAT-France)

Action by Christians for the Abolition of Torture (ACAT-France) is an ecumenical organisation fighting against torture and the death penalty around the world and defending asylum rights. It is affiliated to the International Federation of ACAT (FIACAT) which has consultative status with the UN, the Council of Europe and the African Commission on Human and Peoples' Rights.

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