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PLANNED EXECUTION OF LE VAN MANH ON 26 OCTOBER 2015

Your Excellency,

The International Commission of Jurists (ICJ) is composed of 60 eminent judges and lawyers from all regions of the world. Established in 1952, the ICJ is active on five continents, promoting and protecting human rights through the rule of law and using its unique legal expertise to develop and strengthen national and international justice systems.

As Secretary General of the ICJ, I write to you today to appeal that you definitively stop the execution of Le Van Manh¹ and that you initiate a prompt, independent and effective investigation into allegations that he was tortured by the police in order to compel him to make a confession, which was relied on in convicting him at trial.

Background

According to information provided to the ICJ, Le Van Manh was arrested on 20 April 2005 and charged with robbery and the murder and rape of a 13 year-old girl in Yen Thinh Ward, Yen Dinh District, Thanh Hoa Province. It is alleged that, during the investigation, he confessed to the crimes, but we are informed that he later retracted his confession alleging that he had been severely beaten by the police.

Le Van Manh went on to face three trials. He was convicted and sentenced to death at the first two trials, but his conviction and sentence were overturned on appeal. On 29 July 2008, he was tried a third time and convicted of murder and child rape and was sentenced to death. On 25 November 2008, the Appellate Jurisdiction of the People's Supreme Court in Hanoi affirmed Manh's conviction as well as his death sentence.

¹ Name: Le Van Manh; Date of Birth: 25 December, 1982; Hometown: Thanh Hoa Province; Address: Village 4, Yen Thinh Ward, Yen Dinh District, Thanh Hoa Province; Occupation: Laborer; Family background: Father: Le Van Chinh, Mother: Nguyen Thi Viet, Wife: Nguyen Thi Thanh Binh.

On 16 October 2015, the People's Court of Thanh Hoa Province notified Manh's family in writing that he would be executed on 26 October 2015.

The ICJ has been informed that, notwithstanding the allegations of torture, the confession evidence was among the primary evidence used to convict Le Van Manh at trial.

Death penalty

By continuing to implement the death penalty, Vietnam is defying the global trend towards the abolition of the death penalty and the establishment of a moratorium on the use of the death penalty.

Many governments, the United Nations and civil society organizations, including the ICJ, agree that the death penalty constitutes a denial of the right to life and is a form of cruel, inhuman or degrading punishment, and is therefore never justified. Countries where the death penalty is imposed must ensure, at a minimum, that it is only used in cases of "the most serious crimes" following a trial that meets the highest level of compliance with international law and standards of fairness.

In December 2014, the UN General Assembly adopted a resolution, for the fifth time since 2007, emphasizing that the use of the death penalty undermines human dignity and calling on those countries that maintain the death penalty to establish a moratorium on its use with a view towards its abolition. Some 117 UN Member States, a wide majority, voted in favor of a worldwide moratorium on executions as a step towards abolition of the death penalty.

The ICJ cannot emphasize enough that the imposition of the death penalty is a violation of the right to life and the absolute prohibition of torture and other forms of cruel, inhuman or degrading treatment or punishment.

Allegations of torture

The ICJ congratulates Vietnam for ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), earlier this year on 5 February 2015.

As you will no doubt be aware, as a State party to both the CAT and the International Covenant on Civil and Political Rights (ICCPR), Vietnam has a duty to respect the prohibition on torture and other forms of ill-treatment at all times.

International law also prescribes that States must provide prompt and effective remedies and full reparation for everyone whose rights have been violated. The right of victims to effective remedies and to reparation for acts of torture and other ill-treatment is enshrined in articles 12, 13 and 14 and 16 of the CAT.

Amongst other things, these articles require that "prompt and impartial" and thorough investigations are carried out when complaints of torture or other ill-treatment are made, or even in the absence of a complaint when the authorities have reasonable grounds to believe that such an act has been committed in any place or by a person under its jurisdiction. They also require reparation. These duties are considered to be inherent in the prohibition set out in article 7 of the ICCPR, including in conjunction with article 2 of the ICCPR, which more broadly requires States to provide an "effective remedy" for violations of the rights set out in the Covenant.

Article 15 of the CAT further places an obligation on States parties to "ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made".

The UN Human Rights Committee, the supervisory authority for the ICCPR, has in this regard emphasized that: "In cases of trials leading to the imposition of the death penalty scrupulous respect of the guarantees of fair trial is particularly important. The imposition of a sentence of death upon conclusion of a trial, in which the provisions of article 14 of the Covenant have not been respected, constitutes a violation of the right to life."

Appeal

In light of these concerns, I respectfully urge you to:

- Grant Le Van Manh a permanent reprieve from execution;
- Initiate a prompt, independent and effective investigation into the allegations that Le Van Manh was tortured and, if proven, bring the perpetrator(s) to justice and provide Le Van Manh with remedies and reparation in line with international law and standards; and
- Impose a moratorium on the imposition of the death penalty, with a view to abolishing, in law and in practice, the death penalty in Vietnam in the near future.

I thank you for your urgent consideration of these concerns and look forward to hearing from you soon.

Yours faithfully,


Wilder Tayler
Secretary General

For questions and clarifications please contact Mr Kingsley Abbott, International Legal Adviser, email: kingsley.abbott@icj.org or tel: +66 (0) 94 470 1345