

HOW DID LAW ENFORCEMENT AGENCIES VIOLATE THE LAW IN THE CASE OF LÊ ANH HÙNG?

**(Accompanied by the Petition for Review under Cassation Procedure regarding Court
Judgment No. 325/2022/HS-ST dated 30/8/2022 by the Hanoi Municipal People's Court)**

On 23 May 2018, I displayed a banner on a pedestrian bridge over Tây Sơn Street, Hanoi, accusing Mr. Hoàng Trung Hải, then a Politburo Member and Secretary of the Hanoi Party Committee, of espionage under Article 110 of Vietnam's Penal Code, and Mr. Nguyễn Phú Trọng, then the General Secretary of the Communist Party of Vietnam (CPV), of high treason under Article 108 of the Penal Code.

As a result, on 5 July 2018, I was prosecuted and arrested by the Hanoi Municipal Public Security Department under Article 331 of the Penal Code ("Abusing democratic freedoms to infringe upon the interests of the State, and legitimate rights and interests of organizations and individuals").

Vietnamese law contains no provision prohibiting citizens from hanging banners. Thus, whether or not my action constituted a legal violation depended solely on the truthfulness of the banner's content. According to common legal logic, the Hanoi Municipal Public Security Department should have initiated legal proceedings under the case title "Lê Anh Hùng hanging a banner...", and subsequently summoned me to provide grounds, evidence, and arguments in support of my accusations. After investigation, if my accusations were substantiated, the accused parties should have been prosecuted; if not, I could have been charged with libel under Article 156 of the Penal Code. (In fact, in 2009, the Quảng Trị Provincial Public Security Department prosecuted me for libel.)

However, instead of adhering to this proper legal process, Hanoi's law enforcement agencies prosecuted and arrested me under a vague and loosely-defined article of the Penal Code, without affording me any opportunity to defend my accusations. Thus, they committed a serious violation of due process in handling an accusation case.

Even more seriously, after prosecuting and arresting me, the Hanoi municipal authorities also breached a fundamental principle of criminal investigation: the right to confrontation, as stipulated in Article 189 of the Criminal Procedure Code. Article 189(1) mandates that "If testimonies from two or more persons conflict despite the application of various investigative measures, investigators must conduct a confrontation."

In my case, I have consistently stated that my ex-wife had been an active member in a drug ring operated by Hoàng Trung Hải, and that she had provided me with detailed information forming the basis of my accusations. (My ex-wife was also a victim; she was trapped into participating in the ring. And with evidence of her committing crimes in their hands, she was easily manipulated.) I possessed sufficient evidence to substantiate this claim. Nevertheless, the investigation agency relied on my ex-wife's contradictory testimony to conclude that I had broken the law, while repeatedly refusing my requests for confrontation — a blatant violation of my legal rights.

The principle of confrontation is so fundamental that it is enshrined in the Sixth Amendment of the U.S. Constitution. The investigators' refusal to allow confrontation clearly constituted a serious breach of Vietnamese law.

The Basis for My Accusations

My accusations against Hoàng Trung Hải and Nguyễn Phú Trọng was not groundless, but based on the following grounds:

- 1) Article 46 of Vietnam's Constitution requires citizens to participate in safeguarding national security, social order, and safety. Article 4 of the Penal Code mandates that citizens must engage in preventing and combating crime;
- 2) For thousands of years, China has constantly harboured malicious designs to annex Vietnam, which suffered more than a thousand years under Chinese rule. Recently, China staged a border war with Vietnam for ten years, from 1979 to 1989. Currently, China occupies the whole Paracel Islands (which they invaded in 1974) and parts of the Spratly Islands (which they invaded in 1988), and claims nearly 90% of the South China Sea;
- 3) During the Vietnam-Sino war (1979-1989), ethnic Chinese living near Vietnam's borders became a destructive local force embracing and assisting the invasion armies;
- 4) On 26 October 2007, the Minister of Public Security issued Decision No. 1275/QĐ-BCA which prohibits public security officers and soldiers from marrying individuals "who come from families, or are themselves, of Chinese origin". Over the past decades, Vietnam has brought to trial so many Chinese espionage cases related to those Vietnamese that have been bought off and infiltrated in Vietnam's political system. (Considering that even an ordinary soldier is not permitted to marry a spouse of Chinese origin, why Hoàng Trung Hải, whose father was a Chinese both by birth and by blood, has for decades been able to hold various critical positions sensitive to national security?)
- 5) The "Letter of Heart and Blood", dated 7 May 2007, by some high ranking officials in the CPV's Central Organization Department, Central Commission for Disciplinary Inspection, and other vital agencies of Vietnam's Party-State apparatuses, which was sent to the Politburo, the Secretariat, and members of the 10th Central Committee, accusing Hoàng Trung Hải of being a Chinese falsifying himself as Vietnamese. It was a collective letter, represented by Mr. Nguyen Binh Giang (former CPV's Central Committee member, former first vice director of the Central Internal Political Security Bureau), who had served as head of the panel charged with inspecting Hoàng Trung Hải's biography in 2001. (The letter is available at <https://vuhuyduc.blogspot.com/2012/05/tam-huyet-thu-to-cao-hoang-trung-hai.html>);
- 6) On 5 August 2012, Colonel Pham Hien (at No.5, Alley 2/245/6, Khuong Trung Street, Hanoi) sent a letter to leaders of the CPV, the State, the Government, and the National Assembly, denouncing then Deputy PM Hoàng Trung Hải as a Chinese who had engaged in drug trafficking. (The letter is available at <https://danlambaovn.blogspot.com/2012/08/mot-pho-thu-tuong-goc-hoa-khai-man-ly.html#.Usoee9IW01M>);
- 7) On 23 April 2016, Mr. Nguyen Tien Dan, a teacher in Hanoi, published an article titled "Hoàng Trung Hải, the Trojan Horse in the Vietnam Sinicization Strategy" (<https://anhbasam.wordpress.com/2016/04/23/7930-hoang-trung-hai-con-bai-tu-trong-chien-luoc-han-hoa-viet-nam/>);

- 8) On 2 July 2017, Colonel Nguyen Van Tuyen (at No. 106 C19, Thanh Xuan Bac Ward, Thanh Xuan District, Hanoi) sent a letter to General Secretary Nguyễn Phú Trọng, requesting that Hoàng Trung Hải be removed due to suspicions about his background (<https://baotienngdan.com/2017/08/07/ong-nguyen-van-tuyen-cuu-dai-ta-quan-doi-de-ngh-i-xu-ly-ong-hoang-trung-hai/>);
- 9) Numerous activities by Hoàng Trung Hải that have systematically been harmful to Vietnam and beneficial to China since his becoming Minister of Industry (from 2002 to 2007), Deputy PM in charge of industry, agriculture, trade, construction, transport, natural resources and the environment (from 2007 to 2016), and Hanoi's CPV Committee Secretary (from 2016 to 2020): buying electricity from China at exorbitant prices and with harsh conditions; 90% projects of national importance (under Hoàng Trung Hải's authority) were handed to Chinese bidders; the danger of Formosa Ha Tinh (which controls an especially sensitive strategic location and caused the most catastrophic environmental disaster in 2016; Hoàng Trung Hải signed both the approval of investment policy and the decision to approve the project); hundreds of thousands of hectares of border and watershed forests were handed to Chinese companies (Hoàng Trung Hải was Deputy PM in charge of directing the Ministry of Agriculture and Rural Development cum Head of the National Steering Committee for Forest Protection and Development Plan), and so on. The threat of Formosa Ha Tinh is just the tip of the iceberg of multiple crimes committed by Hoàng Trung Hải and his accomplices. These crimes are still posing great threats to Vietnam in the coming decades, if not centuries;
- 10) Since 21 April 2008, I have been accusing Hoàng Trung Hải of multiple heinous crimes (drug trafficking, multiple homicide, arms smuggling, selling sensitive documents to China, operating organized crime gangs) with the cover-up, complicity, and facilitation by General Secretary Nông Đức Mạnh (2001-2011), Prime Minister Nguyễn Tấn Dũng (2006-2016), and General Secretary Nguyễn Phú Trọng (since 2011). Nguyễn Phú Trọng also had to bear responsibility when he, as Chairman of the National Assembly, approved Hoàng Trung Hải as Deputy PM on 2 August 2007, despite the fact that he had been accused of many offences in the above-mentioned "Letter of Heart and Blood".
- 11) On 7 July 2007, the Politburo issued Directive No. 15 which stipulates that "Upon detection of offences by Party members, laws enforcement agencies shall inform in writing the Party organizations and/or Party executive committees directly responsible for them, and upon that Party organizations' and/or Party executive committees' permission to investigate, prosecute, arrest ... then the concerned laws enforcement agencies are to proceed with proceeding measures." Thus, if laws enforcement agencies (i.e. Public Security Ministry, Supreme People's Procuracy) are to investigate Hoàng Trung Hải, they have first to obtain permission by the Politburo, which is led by General Secretary Nguyễn Phú Trọng, who has simply ignored this over the past 12 years.¹

Petition for Cassation Review

¹ Hoàng Trung Hải, with the help of Chinese espionage network in Vietnam, had trapped both General Secretary Nông Đức Mạnh and PM Nguyễn Tấn Dũng into committing crimes. With the evidence of their committing crimes in Hoàng Trung Hải's hands, both Nông Đức Mạnh and Nguyễn Tấn Dũng were effectively controlled by him. Before the 11th National Party Congress in 2011, Nguyễn Phú Trọng compromised with Nông Đức Mạnh, Nguyễn Tấn Dũng and Hoàng Trung Hải in order to win both their support and Beijing's approval for his bid to replace Nông Đức Mạnh.

On 25 February 2023, from Nam Ha Prison, I submitted a petition for cassation review of Court Judgment No. 325/2022/HS-ST to the Hanoi-based High People's Court.

According to Article 370 of the Criminal Procedure Code, the cassation procedure applies when there is evidence of serious violations of legal procedure affecting the case outcome. Article 371 specifies that serious breaches during investigation, prosecution, or trial are grounds for cassation.

I formally request that the Hanoi-based High People's Court allow me to confront the key witness (my ex-wife) — the source of information underlying the accusations. If I am proven correct, the accused individuals must be prosecuted; if I am wrong, I accept being charged with libel.

More than 4 months have passed since my submission, but I still haven't received any response from the authorities. If necessary, I will personally approach the High People's Court to seek clarification.

I reaffirm: no one shall be liable to be tried or punished again for an offence for which he or she has already been finally acquitted or convicted. I am entitled to be vindicated and compensated for the enormous physical and moral damages I have suffered in the past 5 years, particularly 3 harrowing years in the Central Institute for Forensic Psychiatry.

More importantly, those who have committed serious crimes against their own country, against their own people, must be brought to justice. I will therefore pursue this case to the end.

Request for Protection

Article 484 of the Criminal Procedure Code stipulates that accusers, witness testifiers, crime victims, and their family members are entitled to legal protection. I therefore respectfully request that the Ministry of Public Security ensure the physical and moral safety of myself and my family.

Those that I have been accusing since 2008 are all Vietnamese leaders, previously (former) General Secretary Nông Đức Mạnh, (former) PM Nguyễn Tấn Dũng, and now incumbent General Secretary Nguyễn Phú Trọng (apart from Hoàng Trung Hải, whose Chinese origin disqualifies him from being considered a Vietnamese leader). They have all shaped the course of the country; they will all become historical figures. My case, therefore, inevitably carries historical significance. I strongly believe that, in any case, no member of the CPV would wish for the Party or the nation to be led by an individual guilty of high treason. This is a lasting insult to our country, to our people, and especially to the Communist Party of Vietnam.²

Hanoi, 11 July 2023

(signed)

Lê Anh Hùng

² This document has been submitted, together with my petition, to the Hanoi-based High People's Court on 25 September 2023, and to the Supreme People's Court on 11 July 2024. It was published on 17 July 2023 at <https://baotienngdan.com/2023/07/17/cac-co-quan-to-tung-da-vi-pham-phap-luat-trong-vu-an-le-anh-hung-nhu-the-nao/>