UPR SUBMISSION – VIET NAM – JULY 2018

A. Introduction

1. Lawyers for Lawyers ("L4L") and Lawyers' Rights Watch Canada ("LRWC") jointly submit this report on the state of human rights in Viet Nam, especially in respect of the legal profession, with recommendations for the 32nd session of the UPR Working Group in the UN Human Rights Council in January-February 2019. This report was co-signed by Viet Tan.

2. L4L is an independent and non-political Netherlands foundation, which was established in 1986 and is funded by lawyers' donations. L4L promotes the proper functioning of the rule of law through the free and independent exercise of the legal profession around the world. L4L has special consultative status with ECOSOC since 2013.

3. LRWC is a committee of Canadian lawyers and other human rights defenders who promote human rights and the rule of law through advocacy, education, and legal research. LRWC is a volunteer-run NGO in special consultative status with the Economic and Social Council of the United Nations.

4. This submission highlights key concerns regarding Viet Nam's compliance with its international human rights obligations to guarantee the right to independent counsel as set out in the UN Basic Principles on the Role of Lawyers[1] ("Basic Principles") and other international human rights instruments, focusing the lack of effective guarantees for the functioning of lawyers, including the lack of freedom of expression and association of lawyers. Non-compliance with the Basic Principles undermines the proper functioning of the judicial system, in particular the right to fair trial and effective access to justice.

B. Inadequate Implementation of International Norms into Domestic Institutional Frameworks

5. The adequate protection of human rights and fundamental freedoms requires that every citizen has effective access to justice and legal assistance. Legal assistance can only be provided effectively in a judicial system where lawyers, along with judges and prosecutors, are free to carry out their professional duties independently of the government and political pressure. This follows inter alia from the Charter of the United Nations, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights ("ICCPR").

6. Furthermore, on 22 June 2017, the Human Rights Council (HRC) passed a resolution condemning in general "the increasingly frequent attacks on the independence of [lawyers], in particular threats, intimidation and interference in the

[1] Basic Principles on the Role of Lawyers, adopted by the Eight United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

discharge of their professional functions". The HRC expressed its deep concern "about the significant number of attacks against lawyers and instances of arbitrary or unlawful interference with or restrictions to the free practice of their profession" and called upon States "to ensure that any attacks or interference of any sort against lawyers are promptly, thoroughly and impartially investigated and that perpetrators are held accountable".[2]

7. In its task of promoting and ensuring the proper role of lawyers, the Government of Viet Nam (Viet Nam) should respect and take into account the Basic Principles within the framework of its national legislation and practice. The Basic Principles provide a concise description of international standards relating to key aspects of the right to independent counsel. Adherence to the Basic Principles is considered a fundamental pre-condition to fulfilling the requirement that all persons have effective access to independent legal assistance.[3]

8. During the Universal Periodic Review ("UPR") 2nd cycle in 2014, Viet Nam received and accepted two recommendations[4] regarding ensuring a favourable environment for the activities of human rights defenders, and the right to freedom of expression of human rights defenders[5].Viet Nam also received and accepted one recommendation with respect to effective and equal access to lawyers.[6] In its mid-term report for the assessment on the implementation of recommendations made during the UPR in 2014, issued in February 2017, Viet Nam stated that by February 2017 it had implemented 129 out of 182 recommendations made during the review in 2014[7].

9. However, reports gathered by L4L and LRWC, including information received from Viet Nam demonstrate Viet Nam's failure to uphold the necessary guarantees for the proper functioning of the legal profession as set out in the Basic Principles. Consequently, lawyers encounter difficulties in carrying out their professional duties independently. This also undermines the proper functioning of the judicial system, including the right to fair trial.

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[2] UN Human Rights Council, Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers A/HRC/RES/35/12, 22 June 2017, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/35/L.20

[3] During its 29th session (from 15 June – 3 July 2015), the Human Rights Council adopted without a vote a resolution on the independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers. While recalling the Basic Principles on the Role of Lawyers and condemning the increasingly frequent attacks on the independence of lawyers, in particular threats, intimidation and interference in the discharge of their professional functions, the Human Rights Council reminded all States of their duty "to uphold the integrity of [lawyers] and to protect them, as well as their families and professional associates, against all forms of violence, threat, retaliation, intimidation and harassment resulting from the discharging of their functions, and to condemn such acts and bring the perpetrators to justice". See UN Human Rights Council, Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers A/HRC/RES/29/6, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/29/L.11

[4] Report of the Working Group on the Universal Periodic Review of Viet Nam, A/HRC/26/6, 2 April 2014, p. 21-24.

[5] Article 9.3 of the UN Declaration on Human Rights Defenders reads: '[…] everyone has the right, individually and in association with others, inter alia: (c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms'. We therefore understand human rights defenders to include lawyers. The recommendations on human rights defenders are also applicable to lawyers.

[6] Report of the Working Group on the Universal Periodic Review of Viet Nam, A/HRC/26/6, 2 April 2014, p. 21-24, and Addendum 1: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review.

[7] Information paper – New developments in national legislation on human rights and updates on the implementation of 2nd UPR cycle recommendations accepted by Viet Nam, 29 March 2017, available on: https://lib.ohchr.org/HRBodies/UPR/Documents/Session18/VN/VietNam2ndCycle.pdf

C. No Effective Guarantees for the Functioning of Lawyers[8]

10. In the last years, the crackdown on freedom of expression has intensified. Reports indicate that in 2017, Viet Nam authorities have detained or exiled many peaceful activists and bloggers.[9] Human rights lawyers who work on sensitive cases frequently face reprisals either in relation to their own human rights advocacy or their legal representation of people seen as critical of the Government. They are the subject of, amongst other things, threats, harassment, intimidation and assaults. This is illustrated in the following cases:

Tran Thu Nam and Le Luan

On 3 November 2015, human rights lawyers Tran Thu Nam and Le Luan were physically assaulted by eight masked men. Both Tran Thu Nam and Le Luan sustained several injuries, including to their faces, requiring medical treatment in the local hospital. It is believed that they were targeted in connection to their legitimate activities as lawyers.

Tran Thu Nam and Le Luan are well-known Hanoi-based human rights lawyers who provide legal support to victims of police brutality and other human rights abuses perpetrated by state authorities. At the time of the attack, they were providing legal support to the family of Do Dang Du, who died on 10 October 2015 in police custody after being held there for two months on a charge of theft. The lawyers questioned the validity of the autopsy carried out on Do Dang Du's body as it failed to include an examination of internal organs, which could prove that he died as a result of injuries sustained in a beating.

The attack on Tran Thu Nam and Le Luan happened right after their meeting with the family of Do Dang Du to discuss further steps in the legal proceedings regarding his death in police custody. Do Thi Mai, Du's mother, witnessed the attack.[10]

Vo An Don

Vo An Don provides free legal services to different groups including people who live in poverty, people who are members of ethnic minorities, and children in conflict with the law (youth accused of crimes). He has acted as legal representative in more than 200 court cases on a pro-bono basis.

In 2012, Vo An Don represented the wife of a victim of police brutality. Her husband was beaten to death by the police while in custody. As a result of his work as a lawyer representing victims of police brutality, Vo An Don has been subjected to harassment and retaliation by the authorities. He has received several death threats

[8] Basic Principles on the Role of Lawyers, principles 16, 17, 18, 19, 20, 21, 22.
[9] Open Letter to Reject the EU-Vietnam FTA: NO FREE TRADE WITH UNFREE REGIMES, available at: http://www.advocatenvooradvocaten.nl/wp-content/uploads/EU-open-letter-to-reject-FTA.pdf
[10] http://www.advocatenvooradvocaten.nl/11293/vietnam-human-rights-lawyers-tran-thu-nam-and-le-luan-attacked/

from the police and hired thugs. Moreover, on 8 January 2015, Vo An Don received an order from the authorities to audit his law practice. As his law office was the only law office in the city to be audited in 2015, this may constitute another act of harassment.

11. Article 16 of the Basic Principles states that governments must "ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference … and shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics". Some lawyers in Viet Nam have even been subjected to arrests and prosecution in connection to their professional activities or in relation to their human rights advocacy. This is demonstrated by the following examples:

Le Quoc Quan

Le Quoc Quan was arrested on 27 December 2012 on alleged charges of tax evasion. Following his arrest, he was held incommunicado and denied permission to see his lawyer for two months. Repeated requests by his family to visit him were also denied. Le Quoc Quan first saw a family member at his trial on 2 October 2013, at which time he was convicted of evading corporate income tax and sentenced to 30 months imprisonment and a fine of 1.2 billion dong (approximately USD $59,000.00).

In 2013, the United Nations Working Group on Arbitrary Detention ("UNWGAD") determined that the detention of Le Quoc Quan was arbitrary and in violation of Articles 9 and 14 of the ICCPR. The UNWGAD stated that his detention might be the result of his peaceful exercise of human rights. It found that Le Quoc Quan had been targeted for his work as an activist and blogger and called for his immediate release or for his conviction to be reviewed by an independent court. It also recommended that Viet Nam pay damages to Le Quoc Quan for his arbitrary detention. The UNWGAD emphasized Viet Nam's obligations as a state party to the ICCPR and urged Viet Nam to bring its laws in conformity with international law, in particular international human rights law.

On 18 February 2014, the Court of Appeal in Hanoi upheld Le Quoc Quan's conviction. The decision of the UNWGAD was not considered in the judgment.[11] *Le Quoc Quan served his full sentence of 30 months in jail. He was released from prison on 27 June 2015. He has been under continuous surveillance since that time.*

[11] On 16 September 2014, L4L made an oral statement[11] during the General Debate of the Human Rights Council. L4L pointed at the fact that Viet Nam is a member[11] of the Human Rights Council and called on Council to insist:
- that Viet Nam protect its lawyers, instead of detaining them,
- that Viet Nam comply with the Opinions of the WGAD, and
- that Viet Nam release Le Quoc Quan immediately.

His license to practice law has not been reinstated. Effectively, this means that he is unable to work as a lawyer.

Lawyer Nguyen Van Dai together with seven other human rights defenders[12]

Nguyen Van Dai has provided legal assistance to government critics and members of religious minorities. On 16 December 2015, Nguyen Van Dai was arrested[13] *while he was on his way to a meeting with delegates from the European Union as part of the annual EU-Viet Nam Dialogue on Human Rights.*[14] *His house was searched, items of property seized, and he was transferred immediately to a detention centre. Hereafter, Nguyen Van Dai was held incommunicado for a long period of time.*

The UN High Commissioner for Human Rights, the European Parliament, the United States' State Department, and a coalition of 26 non-government organizations criticized Nguyen Van Dai's ongoing detention and called for his release. The UNWGAD in an Opinion released in June 2017, called for his immediate and unconditional release after determining that his arrest and detention were arbitrary and designed to prevent him from exercising his right to freely express his views on the political and human rights situation in Viet Nam. According to the UNWGAD "the repetitive and systematic harassment, assault and detention of Mr. Dai by the Vietnamese authorities for more than 10 years, which was alleged by the source and not contested by the Government, indicate that Mr. Dai's present detention is part of a pattern of persecution for his activities as a human rights defender." Notably the UNWGAD also recognized that the arbitrary deprivation of liberty of persons in Viet Nam is a systemic problem and cautioned that "widespread or systematic imprisonment or other severe deprivation of liberty in violation of the rules of international law may constitute crimes against humanity."[15]

In April 2018, lawyer Nguyen Van Dai and seven other human rights defenders, were summarily convicted of "carrying out activities aimed at overthrowing the people's administration" under the Penal Code Article 109[16]*. All eight persons were sentenced to lengthy prison sentences, ranging from seven to 15 years in prison.*[17]

[12] The eight human rights defenders were arrested and subjected to prolonged detention prior to being summarily convicted and sentenced. Each was continually detained from the date of arrest: Nguyễn Văn Đài and Lê Thu Hà were arrested 16 December 2015; Trương Minh Đức, Nguyễn Bắc Truyền, and Pham Văn Trội were arrested in July 2017; Nguyễn Văn Tuc was arrested 1 September 2017; and, Trần Thị Xuân was arrested 17 October 2017.

[13] http://www.advocatenvooradvocaten.nl/11372/vietnam-nguyen-van-dai-attacked-and-arrested/

[14] *http://eeas.europa.eu/statements-eeas/2015/151216_02_en.htm*

[15] http://www.advocatenvooradvocaten.nl/12748/vietnam-wgad-calls-for-immediate-release-of-nguyen-van-dai/

[16] http://www.advocatenvooradvocaten.nl/13272/vietnam-nguyen-van-dai-sentenced-to-15-years-in-prison/

[17] Nguyễn Văn Đài, Trương Minh Đức, Nguyễn Trung Tôn, Nguyễn Bắc Truyền, Lê Thu Hà, and Pham Văn Trội were convicted and sentenced by a Ha Noi court in a one-day proceeding on 5 April 2018. Nguyễn Văn Tuc and Trần Thị Xuân were convicted by courts in Thai Binh and Nghe An respectively on 10 and 11 April 2018. Sentences imposed:
Lawyer Nguyễn Văn Đài - 15 years in prison and 5 years' probation;
Nguyễn Văn Tuc, Deputy Chari, Brotherhood for Democracy - 13 years in prison and 3 years' probation;
Journalist Trương Minh Đức and pastor Nguyễn Trung Tôn - 12 years in prison and 3 years' probation;

Accusations against the defendants arose from their peaceful exercise of rights to expression, association, assembly, participate in public affairs and engage in human rights advocacy. Accusations included advocating for the establishment of a free market economy and a democratic government, calling on international organizations to speak out against human rights violations and giving legal support to dispossessed farmers and victims of the Formosa pollution disaster.

Nguyễn Văn Đài and Lê Thu Hà were released from prison and exiled to Germany on 6 June 2018.

12. Governments must protect lawyers from unfair or arbitrary disciplinary proceedings. Disciplinary action against lawyers must be based solely upon a code of professional conduct which is consistent with recognized ethical and professional standards including the Basic Principles[18]. Before the UPR review of Viet Nam in 2014, several leading human rights lawyers had been disbarred, including lawyers Le Cong Dinh, Nguyen Van Dai, and Le Quoc Quan. More recently, other lawyers in Viet Nam have been disbarred or are facing disbarment or other disciplinary actions on improper grounds. The case of Vo An Don is an example of this:

Vo An Don

Vo An Don provides free legal services to people who live in poverty, members of ethnic minorities, and youth charged with crimes. He has acted as legal representative in more than 200 court cases on a pro-bono basis.

In 2012, Vo An Don represented the wife of a victim of police brutality. Her husband was beaten to death by the police while in custody. Several Vietnamese government offices, such as the police, prosecutors, and the court of Tuy Hoa City, where the trial took place, requested the Phu Yen Bar Association to cancel Vo An Don's license to practice law. On 21 January 2012, the Phu Yen Bar Association sent a communication to the police, prosecutors, and the court of Tuy Hoa City, in which they asked authorities to withdraw the request for cancellation of Vo An Don's license to practice law. According to the Phu Yen Bar Association, the request to withdraw Vo An Don's license was ill- founded and authorities had no jurisdiction to make such a request.

On 26 November 2017, the Phu Yen Bar Association announced its decision to disbar Vo An Don. Vo An Don was part of the legal team representing Nguyen Ngoc Nhu Quynh (also known as "Me Nam" or "Mother Mushroom") and was set to represent his client on 30 November 2017. The Phu Yen Bar Association gave the following reasons for the disbarment: "[for] abusing freedom of speech, producing

Lawyer Nguyễn Bắc Truyển - 11 years in prison and 3 years' probation; Lê Thu Hà, Secretary and translator, Brotherhood for Democracy - 9 years in prison and 2 years' probation;
Pham Văn Trội, Engineer - 7 years in prison and 1 year probation; Trần Thị Xuân - 9 years in prison and 5 years probation.

[18] This follows from Basic Principles 16 and 29.

many articles, video clips, speeches, and giving interviews to foreign newspapers and foreign entities, making up stories to denigrate lawyers and judicial offices, the Party, and the State of Viet Nam. [He] aimed to stir, propagandize, and distort the truth, which seriously blackened the prestige of the Party, the State, judicial offices, and Vietnamese lawyers".[19]

13. Lawyers play a fundamental role in defending human rights by providing independent legal services. Subjecting lawyers and other human rights defenders to arbitrary conviction, prolonged and arbitrary detention, harassment, disciplinary proceedings, and arrests has a chilling effect on lawyers, human rights defenders, and human rights advocacy. In the absence of lawyers and other human rights defenders, who are vital for promoting the enforcement of internationally protected rights and accountability for violations, abuses of rights will proliferate.

D. Freedom of expression and assembly of lawyers and other human rights defenders

14. Lawyers, like any other individual, have the right to freedom of expression. In particular, they have the right to take part in public discussion of matters concerning the law, the administration of justice, and the promotion and protection of human rights.[20] The freedom of expression that lawyers enjoy in connection to their professional functions should not only be guaranteed in light of the rights of the lawyer, but also in protection of the rights of their clients. The lawyer should be enabled to effectively protect the rights and interests of his or her client.

15. As was demonstrated by the case of Nguyen Van Dai and other human rights defenders above, articles 109 and 117 (formerly articles 79 and 88) of the Penal Code ("conducting propaganda" against the State and statements aiming to "overthrow" the State) are frequently invoked to imprison lawyers, bloggers and human rights defenders for the peaceful exercise of their rights to free expression.[21] Many international human rights groups have condemned Viet Nam for non-compliance with international standards of freedom of expression.[22] During the

[19] From Human Rights Watch's article "Vietnam: EU should press for release of political prisoners" 28 November 2017, (available at: https://www.hrw.org/news/2017/11/28/vietnam-eu-should-press-release-political-prisoners)

[20] This follows from Article 23 of the Basic Principles.

[21] Amnesty International, Annual Report 2015/2016: Vietnam, available at https://www.amnesty.org/en/countries/asia-and-the-pacific/viet-nam/report-viet-nam/; Freedom House, Freedom of the Press 2015: Vietnam, available at https://freedomhouse.org/report/freedom-press/2015/vietnam.

[22] See, for example: HRW, *World Report 2018: Vietnam, Events of 2017* https://www.hrw.org/world-report/2018/country-chapters/vietnam: 'Vietnam frequently used vaguely worded penal code provisions during the year to crack down on dissent…during 2017, authorities arrested at least 21 rights bloggers and activists…for exercising their civil and political rights in a way that the government views as threatening national security…at least 10 additional people had already been put on trial, convicted, and sentenced to between 5 to 10 years in prison'; Amnesty International, *Annual Report 2017/2018: Vietnam*, available at https://www.amnesty.org/en/countries/asia-and-the-pacific/viet-nam/report-viet-nam/: 'The crackdown on freedom of expression and criticism of government actions and policies intensified, causing scores of peaceful activists to flee the country. At least 29 activists were arrested during the year.' OHCHR, *Summary prepared by the OHCHR in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21: Viet Nam*, Human Rights Council Working Group on the Universal Periodic Review, 18th Sess., UN Doc. No. A/HR Committee/WG.6/18/VNM/3 (4 November 2013), ('OHCHR Summary for the UPR Viet Nam November 2013') par. 52; *See also* Amnesty International, *Annual Report 2017/2018: Vietnam*, available at https://www.amnesty.org/en/countries/asia-and-the-pacific/viet-nam/report-viet-nam/; Freedom House, *Freedom in the World 2018: Vietnam*, https://freedomhouse.org/report/freedom-world/2018/vietnam.

second cycle UPR of Viet Nam, several states recommended Viet Nam to make changes to the Penal Code and the judicial system to ensure compliance with Viet Nam's international law obligations and prevent further use of the criminal law system to criminalize the peaceful exercise of protected rights.[23]

16. The UNWGAD, in its Opinion 40/2016, urged Viet Nam to bring Article 79 (now Article 109) and other provisions which it described as "vague and overly broad and ... used to restrict the exercise of human rights" into conformity with the country's commitments under international human rights law.[24] Furthermore, in October 2016, the Office of the United Nations High Commissioner for Human Rights urged Viet Nam to repeal Article 88 (now article 117), as well as other provisions that breach international human rights standards such as articles 79 of the Penal Code. He also called for the immediate release of all individuals detained in connection with these provisions, on the basis that "[t]he overly broad, ill-defined scope of this law makes it all too easy to quash any kind of dissenting views and to arbitrarily detain individuals who dare to criticize Government policies."[25]

17. The international criminal law principle of legality (*nullum crimen sine lege*) provides that no crime or punishment can exist without a legal ground and that a person cannot be legitimately convicted for acts against which there are no enforceable laws and thus no notice of what is unlawful either before the impugned act takes place or before trial. This requirement of certainty and notice has its basis in customary international law and has been codified in many international instruments, including the UDHR Article 11(2) and the ICCPR Article 14 (3), 15.

[23] "Ensure that the 1999 Penal Code and 2003 Criminal Procedures Code, and their implementation are consistent with its international human rights obligations" (Norway);
"Expedite implementation of the reform of the judicial system and intensify within the system a culture of systematic respect of human rights" (Cape Verde);
"Take steps to amend its Penal Code to ensure that it cannot be applied in an arbitrary manner to prevent freedom of expression" (Finland);
"Repeal or amend ambiguous provisions relating to national security in the Penal Code to prevent those provisions being applied in an arbitrary manner to stifle legitimate and peaceful dissent, debate and freedom of expression" (Denmark);
"Give space to non-state media, and that make Criminal Code Articles 79, 88 and 258 more specific and consistent with international human rights obligations on freedom of expression" (Australia);
"Amend the provisions concerning offences against national security which could restrict freedom of expression, including on the Internet, particularly articles 79, 88 and 258 of the Penal Code, to ensure its compliance with Viet Nam's international obligations, including ICCPR" (Canada);
"Repeal or modify the Penal Code relating to national security particularly Articles 79, 88 and 258, in order to prevent those articles from being applied in an arbitrary manner to impede freedom of opinion and expression, including on the Internet" (France).

[24] Working Group, Nguyen Dang Minh Man v. Viet Nam, Opinion No. 40/2016, UN Doc. No. A/HRC/WGAD/2016 (20 September 2016).

[25] OHCHR, UN Human Rights Chief urges Viet Nam to halt crackdown on bloggers and rights defenders (14 October 2016), http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20679&LangID=E.

E. Recommendations to the Government of Viet Nam

- **Take immediate measures to ensure that sufficient safeguards are in place, both in law and in practice, to guarantee the full independence and safety of lawyers and their effective protection against any form of retaliation, including violence, in connection with their professional activity.**

- **Immediately take effective measures necessary to ensure that crimes, harassment, and other violations against lawyers and their families are effectively investigated and publicly condemned at all levels, and that the perpetrators of such acts are prosecuted.**

- **Refrain from any actions that may constitute harassment, persecution, or undue interference in the work of lawyers, including their suspension, disbarment, or other disciplinary actions or criminal prosecution on improper grounds such as the expression of critical views or the nature of the cases that the lawyer is involved in.**

- **Ensure protection and safeguarding of lawyers facing insecurity as a result of discharging their functions, in line with principle 17 of the Basic Principles.**

- **Immediately repeal sections of the Penal Code (particularly articles 109 and 117) and bring all sections of the Penal Code into compliance with international legal standards, as set out by the ICCPR and the Universal Declaration on Human Rights, including sections guaranteeing rights to notice, time, and opportunity to prepare a defense, freedom from *ex post facto* prosecution, and the right to have charges and rights determined.**

- **Take all steps necessary to reverse the wrongful convictions of Nguyen Van Dai, Le Thu Ha and other human rights defenders and redress violations of their internationally protected rights, including steps to ensure:**

    - **Immediate and unconditional release of these individuals, and in the case of Nguyen Van Dai and Le Thu Ha, their return to Viet Nam without risk of loss of liberty;**

    - **Immediate vacation of convictions and waiver of sentences imposed under Articles 109 or 79 and/or 88 or 117 of the Penal Code, for each individual;**

    - **Compensation for the violations of each individual's rights and their loss of liberty.**