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PERMANENT MISSION OF THE
SOCIALIST REPUBLIC OF VIETNAM
to the United Nations Office,
the World Trade Organization
and Other International Organizations at Geneva



MISSION PERMANENTE DE LA
REPUBLIQUE SOCIALISTE DU VIETNAM
auprès de l'Office des Nations Unies,
de l'Organisation Mondiale du Commerce
et des autres Organisations Internationales à Genève

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Ref: 395/VNM.2012

Geneva, 14 September 2012

Excellencies,

With reference to your letter Ref. UAG/SO 218/2 G/SO 214(67-17) Assembly and Association of 14.06.2012 regarding three cases of Mr. Nguyen Van Hai, Mr. Phan Thanh Hai and Ms. Ta Phong Tan, I have the honour to convey to you the following information:

I hope that the above information would help to further clarify the above-mentioned cases.

Please accept, Excellencies, the assurances of my highest consideration.

Pham Quoc Tru
Chargé d'Affaires

OHCHR REGISTRY

13 SEP 2012

Recipients: SPB
S. Lideme (encl.)
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Ms. Gabriela Klaul
Special Rapporteur on the independence of judges and lawyers.

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1. Viet Nam reaffirms its consistent policy of respecting and promoting human rights and fundamental freedoms. In Viet Nam, people are both the ultimate objective and driving force of all social and economic development policies. This guiding principle is reflected in the Constitution and laws, national policies and their implementation mechanisms as well as international engagement of Viet Nam. Viet Nam's active participation in the Human Rights Council and other related UN mechanisms, its aspiration to be a member of the Council for the period of 2014-2016 and a large number of recent achievements in this field have reflected all those commitments.

2. As in other states of laws, violations of law, threatening or causing harm to national security and public order must be punished, in order to ensure the respect of law and guarantee the rights of people, common interests of peace, security and development for the society.

3. International documents on human rights set forth the basic rights for people, including the rights to freedom of expression and freedom of press, but at the same time, stipulate that the exercise of these rights shall be carried with it special duties and responsibilities in order to ensure national security, social order, interests of the community, individuals and organizations. The Universal Declaration of Human

Mr. El Hadji Malick Sow

Chair-Rapporteur of the Working Group on Arbitrary Detention.

Mr. Frank La Rue

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

Mr. Maina Kiai

Special Rapporteur on the rights to freedom of peaceful assembly and of association

Ms. Margaret Sekaggya

Special Rapporteur on the situation of human rights defenders

Ms. Gabriela Klaul

Special Rapporteur on the independence of judges and lawyers.

0227980724

Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR) have enunciated these principles. The Article 19 of UDHR and Articles 19, 20 of ICCPR link the exercise of these rights to freedom of expression, freedom of opinion with special duties and responsibilities, and may necessarily subject to certain restrictions, in order: a) to respect the rights or reputations of others; b) to protect the national security or of public order, or of public health or morals (Clause 3, Article 19 ICCPR).

4. Vietnamese laws recognize and respect the rights to freedom of expression, of press, of Internet and freedom of association. However, the same as international documents on human rights, Vietnamese laws prohibit the abuse of these freedoms to cause harm to national security, legitimate rights and interests of the others.

5. For the above-mentioned 03 cases, their activities of establishing the illegal "Free Journalists Club", participating in the activities of Viet Tan terrorist group with the aim to overthrow the legal Government of Viet Nam, writing and publishing on the Internet articles with misleading information to defame the State, call on and incite people to disrupt social order and undermine the national security, have violated the Article 88 of the 2003 Criminal Code of Viet Nam. The arrest, provisional detention and proceedings against these persons are carried out in strict compliance with the sequences and procedures stipulated in current Vietnamese laws, particularly the 2003 Criminal Procedures Code and also in line with international standards and practices on human rights, including UDHR and ICCPR.

They, under the titles of bloggers, free journalists and exercisers of freedom of opinion and under the cover of freedom of expression, freedom of Internet, have carried out activities against the legal Government of Viet Nam, causing harm to public security and social order. Their violations are extremely serious. Therefore, according to the Article 120 of the 2003 Criminal Procedure Code, the custody and provisional detention extension of 03 persons above are strictly in conformity with the current Vietnamese laws, international human rights laws and practices. In addition, according to the Article 3, Clause 9 of the ICCPR, the custody and provisional detention period subject to national laws of each country.

During the provisional detention, they are free from discrimination, torture and they enjoy normal services provided to all prisoners, such as food portion, healthcare and entertainment in strict compliance with the sequences and procedures stipulated in current Vietnamese laws.

6. We wish to confirm that the information received and mentioned in the communication is incorrect, bases on unofficial sources and has ill intentions and political motivations. The information is fabricated and aims to falsely accuse Viet Nam on human rights.

More details on each person:

+ Mr. Nguyen Van Hai (blogger Dieu Cay): born 23.9.1952, residence at No. 84 Tran Quoc Toan, precinct 8, district 3, Ho Chi Minh city. In September 2007, Mr. Hai with some others established the illegal Free Journalists Club, and under the name of this Club, carried out a large number of activities opposing the people's administration. In particular: (i) Mr. Hai directly led other members of the Free Journalists Club to write, publish on Internet many misleading articles, among those

0227980724

26 articles have been assessed and concluded by authority to have the content against the Government; (ii) Mr. Hai received direction and guidance from some individuals and overseas organizations working against the Government of Viet Nam. Mr. Hai also participated in trainings on measures to overthrow the Government of Viet Nam organized in Thai Land in 2008 by Viet Tan terrorist group.

+ Mr. Phan Thanh Hai (blogger Anhbasaigon): born 11.6.1969, residence at No. 63/2, road 36, Linh Dong precinct, Thu Duc district, Ho Chi Minh city, was member of the Free Journalists Club, creator of Anhbasaigon blog. Mr. Hai wrote and published 20 articles on Internet with the content against the Government of Viet Nam, and with Mr. Nguyen Van Hai participated in the trainings organized in Thai Land in 2008 by Viet Tan terrorist group to over throw of Government of Viet Nam.

+ Ms. Ta Phong Tan: born 15.09.1968, temporary residence at No. 84D Tran Quoc Toan, precinct 8, District 3, Ho Chi Minh city, was member of the Free Journalists Club, wrote and published articles against the Government of Viet Nam, with Mr. Nguyen Van Hai and Phan Thanh Hai organized and instigated riots, social instability and disorder.

On 14.10.2012, Ho Chi Minh city's police decided to institute the criminal case named "Conducting propaganda against the Socialist Republic of Vietnam", according to the Article 88 of the 2003 Criminal Code. Mr. Phan Thanh Hai was in provisional detention from 18.10.2010, Mr. Nguyen Van hai from 20.10.2010 and Ms. Ta Phong Tan from 05.09.2011. All these persons are in wait for their trials.

I hope that the above information would help to further clarify the above-mentioned cases.

Please accept, Excellencies, the assurances of my highest consideration.



Pham Quoc Tru
Chargé d'Affaires