



30, Chemin des Corbillettes, 1218 Grand-Saconnex, Genève
Tél: (41 22) 798 24 85 / 791 85 40 Fax: (41 22) 798 07 24 E-mail: info@vnmission-gc.gov.vn

Ref: 90 /VNM.2013

Geneva, 08 April 2013

Dear Special Rapporteurs,

With reference to your communication, ref. UA G/SO 218/2, G/SO 214(67-17) Assembly & Association (2010-1) G/SO 214 (107-9) VNM 3/2013 of 07.02.2013, regarding the case of "Bia Son Council for Public Law and Affairs", we would like to reply and provide further information and our observations as follows:

1. Concerned authorities of Viet Nam have looked into the claims you received and mentioned in the letter and it appears that most of those allegations are biased, inaccurate and do not fully reflect the serious nature of law violations of the individuals in this case. More details appear hereinafter, as our reply to your second question in page 3 of the communication.

2. This case has received close attention for its serious law violations, with potential impacts on social stability and national security. Investigations show that all 22 individuals have committed the organized crime by establishing a reactionary political organization called "Dai Nam Kinh Chau", with their ultimate aims to subvert people's administrations and establish a new state. The organisation has produced a large number of documents inciting confusion among people and division between the population's communities, slandering against the administration and distorting the guidelines and policies of the State. In fact, they have formed a quasi- state with organized structure, conferred military ranks and prepared the new flag, emblem and even a national day for a new state.

3. With their plans and action, the leaders and their organization have seriously violated the current legislations and laws of Viet Nam, especially on the provisions pertaining to Viet Nam's ethnic solidarity and national security. The investigation, prosecution and trial of those persons are necessary, against the right persons and right offenses, in compliance with current laws of Viet Nam and international norms and practices on human rights, including Article 22 of the International Covenant on Civil and Political Rights (ICCPR).

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.

OHCHR REGISTRY

9 APR 2013

Recipients:
.....
.....
.....

4. In the trail on 04.02.2013, lawyers were provided for defendants, along with defendants' rights to defend for themselves. All procedures were strictly following domestic laws and regulations and in conformity to international norms and practices on judiciary. The convictions and charges for each individual are suitable to their offenses.

5. Your kind attention is also drawn to more details below:

- The "Bia Son Council for Public Law and Affairs" organization, headed by Mr. Phan Van Thu and 21 others, was established in 2004 and operated under the cover of a branch office of Quynh Long Co. Ltd. Mr. Phan and his accomplices set up the headquarters and command center of the organization in Da Bia tourist resort (i.e. Bia Son/Bia mountain) in Dong Hoa District, Phu Yen Province.

- From 2003 to 2012, they were secretly recruiting members for the organization and expanding the network in the Phu Yen area and other provinces in the country. This political organization chose a nonviolent working method, masking under political pluralism, democracy and human rights. During this time, they were publishing a large number of articles to distort State's guidelines and policies, with aims to incite confusion among people, defame the administration, cause social disorder and wait for a suitable juncture to overthrow the people's administration and form a new state. In fact, they had established a quasi-state structure, with a political platform and work statutes. They also formed a governing body of 12 divisions which function similarly to a government cabinet. They even planned the name for a new state (Dai Nam Kinh Chau), with the flag, emblem and a new national day. Until their arrest in 02.2012, the organization had mobilized around 29 billion VND (approx. \$1.3 million) and had the network of 293 members all over the country.

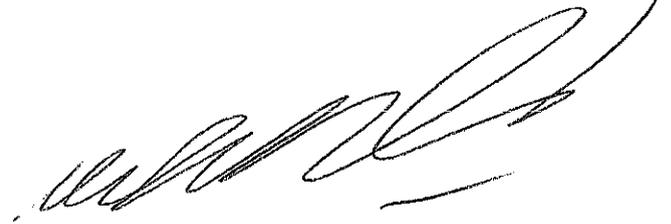
- In 02.2012, the Police of Phu Yen Province have arrested 22 persons as leaders of the organization. Other followers, being recruited to the organization and partly incongnized the reactionary of the organization, were waived from penal liability.

- On 04.04.2012, the People's court of Phu Yen Province opened the trial of first instance against these 22 persons, according to Article 79 of the Penal code 1999 "Carrying out activities aimed at overthrowing the people's administration".

6. During their arrest, custody and detention, all persons in this case have been treated the same and equally as other offenders. They are free from discrimination, torture and receive normal services provided to all prisoners such as foods, health care, entertainment, in compliance with the sequence and procedures stipulated in existing Vietnamese laws.

We hope that the above information would help to further clarify the questions of your concerns.

Please accept the assurances of our highest consideration./.



THANH T. NGUYEN
Ambassador, Permanent Representative