



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

Ref: 232 /VNM.2013

Geneva, 11 October 2013

Dear Special Rapporteurs,

We thank you for your letter of 07.08.2013 and your valuable spirit of constructive dialogue, consultation and cooperation. With reference to the information you received and mentioned in the letter, regarding “the alleged arbitrary detention and torture of Mr. Nguyen Van Hai and Mr. Cu Huy Ha Vu” and “the ill-treatment of Mr. Nguyen Xuan Nghia”, we would like reply as follows:

1. As regards to the health condition and guaranteed rights of Mr. Hai, Mr. Vu and Mr. Nghia during imprisonment and trial processes.

It is confirmed that the offenders are not tortured and discriminated. They fully enjoy normal regimes, such as meal portions, relatives' visits and medical cares, as stipulated by current laws of Viet Nam. Every three months, health check is organized for all offenders, according to current imprisonment regulations in Viet Nam.

+ The information that Mr. Nguyen Van Hai went on hunger strike is incorrect. From 24.06-26.07.2013, Mr. Hai refused meal portions from the detention camp, while he was still using the supplies and the conservation from his family. From 27.07.2013, Mr. Hai started resuming meal portion reception. His latest health check of 26.07.2013 showed all normal health indicators for him. Mr. Nguyen Van Hai is currently in normal health condition.

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. Anand Grove,
Special Rapporteur on everyone to the enjoyment of the highest attainable standard of physical and mental health.

Ms. Magaret Sekaggya,
Special Rapporteur on the situation of human rights defenders.

Ms. Gabriela Knaul,
Special Rapporteur on the independence of judges and lawyers.

Mr. Juan E. Médez,
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

OHCHR REGISTRY

14 OCT 2013

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

+ Mr. Nguyen Xuan Nghia has a worse hemorrhoids (level 3). During serving his sentence, Mr. Nghia often has to go to Nghe An polyclinic hospital for medical examinations and treatments. Mr. Nghia is also in normal health condition. The claims on and Mr. Nghia's trifling ailment and bad health due to imprisonment conditions are baseless.

+ The claim that Mr. Cu Huy Ha Vu's health suffered as result of hunger strike is incorrect. From 27.05-21.06.2013, Mr. Vu refused meal portions from the detention center, while he was still using the supplies from his family. Mr. Vu did so, with the purpose of putting pressure on the management board of the detention camp to allow him to meet his wife on 24h-private regime. Mr. Vu has resumed meal reception since then. In fact, Mr. Vu's health suffers from a mild blood pressure tension (level 1) and the clinic of prison has to daily carry out medical examinations and provide treatments for him. Mr. Vu is also in normal health condition.

2. On the application of Article 88 against the offenders.

+ Mr. Nguyen Van Hai did illegally establish the "Club of Free Journalists", edited and disseminated a large number of documents distorting and defaming the Government, inciting violence, involving and gathering people to form the opposition against the authorities, causing harms to national security and organizing illegal demonstration in order to rally forces in an attempt to overthrow the legitimate Government.

+ Mr. Nguyen Xuan Nghia also edited, stored and distributed a great number of material with contents against the State of Viet Nam, distorting historical facts, inciting demonstration, propagating against and defaming the people's administration.

+ Mr. Cu Huy Ha Vu, with the same violation, edited and distributed material with contents against the State of Viet Nam, distorting laws and policies, defaming authorities with aims overthrowing the people's administration.

Viet Nam's laws and regulations respect and ensure the rights to freedom of opinion and expression. However, exercises of those rights must be carried with responsibility and compliance to laws and regulations. All abuse of the rights to freedom of opinion and expression, which infringes upon rights and legal interests of individuals and organizations, must be dealt with justice. Such activities of the above persons have violated Article 88 of the Penal Code, for offences disturbing public order and breaching national security. The arrest and trials of these individuals were necessary; the institution, investigation, prosecution and trials were conducted against the right persons and right offenses, in strict compliance with Vietnamese laws and with international norms and practices on human rights.

In addition, Article 19 of the Universal Declaration of Human Rights (UDHR), Article 19 and 20 of (ICCPR) also prescribes that the exercise of rights to freedom of expression carries with it special duties and responsibilities, may be subject to certain restrictions in order to: a) respect the rights or reputations of others; b) protect national security, public order, public health or morals.

3. On the claims that Mr. Nguyen Van Hai was in "solitary confinement".

The information you received and mentioned in the letter that Mr. Nguyen Van Hai was in "solitary confinement" is untrue. While serving his sentence, Mr. Hai was conducting propaganda, inciting inmates and making noise and disorder in the detention camp. Hence, the management board of the camp had to remove Mr. Hai from two other inmates in the Room No.1 (shared room) to the Room No. 4 (single room, adjacent to the Room No. 1). This action was necessary and followed current laws and regulations.

4. On investigation, prosecution and trials against Mr. Hai, Mr. Vu and Mr. Nghia, as well as on rights and responsibility of attorneys.

Trials against these individuals had been carried out publicly, followed current laws and regulations and with presence of local and foreign mass media, as well as diplomatic representatives. Attorneys had sessions to present their arguments and debate democratically with prosecutors before courts, for defending the rights of their clients. The trials have represented the transparency, democracy and justice of judiciary system of Viet Nam.

We hope that the above information would help to further clarify information in the communication.

Please accept the assurances of our highest consideration./.

A handwritten signature in black ink, appearing to read 'Thanh T. Nguyen', with a long horizontal stroke extending to the right.

THANH T. NGUYEN
Ambassador, Permanent Representative

NATIONS UNIES



UNITED NATIONS

OFFICE OF
THE HIGH COMMISSIONER FOR HUMAN RIGHTS

Palais des Nations
CH-1211 Geneva 10

Telex: 41 29 62
Fax: 00 41 22 917 90 06
Tel: 00 41 22 917 92 55

| | | |
|--|---|-----------------------|
| | From Dragana Korljan Officer-in-Charge Special Procedures Branch | |
| Room No. 3-017 | Tel No. 00 41 22 917 94 07 | Date 7 August 2013 |
| Priority IMMEDIATE | To: His Excellency Mr. Nguyen Trung Thanh Ambassador Extraordinary and Plenipotentiary Permanent Representative Permanent Mission of the Socialist Republic of Viet Nam to the United Nations Office in Geneva | |
| File No. UA G/SO 218/2 G/SO 214 (67-17) Health (2002-7) G/SO 214 (107-9) G/SO 214 (3-3- 16) G/SO 214 (53-24) VNM 5/2013 | Fax: 022 798 07 24 | |
| Subject: COMMUNICATION FROM SPECIAL PROCEDURES: JOINT URGENT APPEAL | | |

(13 PAGES ATTACHED)

Please find attached a joint urgent appeal sent by the Chair-Rapporteur of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

We would be grateful if this communication could be transmitted at your earliest convenience to His Excellency Mr. Pham Binh Minh,
Minister for Foreign Affairs.

NATIONS UNIES
HAUT COMMISSARIAT DES NATIONS UNIES
AUX DROITS DE L'HOMME



UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

Téléfax: (41-22)-917 90 06
Télégrammes: UNATIONS, GENEVE
Téléx: 41 29 62
Téléphone: (41-22)-917 9339
Internet: www.ohchr.org
E-mail: urgent-action@ohchr.org



Address:
Palais des Nations
CH-1211 GENEVE 10

REFERENCE: UA G/SO 218/2 G/SO 214 (67-17) Health (2002-7) G/SO 214 (107-9) G/SO 214 (3-3-16) G/SO 214 (53-24)
VNM 3/2013

7 August 2013

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the independence of judges and lawyers; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 15/18, 16/4, 15/22, 16/5, 17/2, and 16/23.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the alleged arbitrary detention and torture of Mr. **Nguyen Van Hai**, also known as Dieu Cay and Mr. **Cu Huy Ha Vu**. We would also like to draw the attention of your Excellency's Government to information we have received regarding ill-treatment of Mr. **Nguyen Xuan Nghia**.

Mr. Nguyen Van Hai, born on 23 September 1952, is an independent journalist and blogger, a founding member of the Club of Free Journalists in 2006, and recipient of the 2009 Hellman Mammert Award. Mr. Nguyen Van Hai was the subject of previous communications. On 15 August 2011, the Chair-Rapporteur of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right

H.E. Mr. Nguyen Trung Thanh
Ambassador Extraordinary and Plenipotentiary
Permanent Representative
Permanent Mission of the Socialist Republic of Viet Nam
to the United Nations Office in Geneva

.../2