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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: **53** /VNM.2013

Geneva, 28 February 2013

Dear Special Rapporteurs,

With reference to your letter Ref. UA G/SO 218/2 Cultural rights (2009), 214/67-17), Assembly & Association (2010-1), 214 (101-9) VNM 5/2012 regarding "information concerning the trial and imprisonment of the two songwriters Mr. Vo Minh Tri and Mr. Tran Vu Anh Binh", we thank you for your valuable spirit of constructive dialogue, consultation and cooperation with Viet Nam.

Regarding the information you received and mentioned in the letter, concerned authorities in Viet Nam have looked into the issues and found that some claims you received appear to be inaccurate, biased on human rights situations in Viet Nam and have political motivations.

We would like to bring to your kind attention further information as follows:

1. Viet Nam has the consistent policy of respecting and promoting human rights and fundamental freedoms, including the rights to freedom of opinion and expression, freedom of press, freedom of information access and freedom of peaceful assembly and association. Viet Nam has no policy limiting, controlling freedom of opinion and expression, freedom for creative activities in cultural life and arts. No is arrested and detained for publishing their works on Internet. People have their rights for using media and Internet for their artistic and literature works, for expression of their views and opinion.

**Mr. El Hadji Malick Sow,**  
Chair-Rapporteur of the Working Group on Arbitrary Detention.

**Ms. Farida Shaheed,**  
Special Rapporteur in the field of cultural rights.

**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

- 1 MAR 2013

Recipients: SJD  
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The right and freedom of creative activities in cultural life and arts have been stipulated in Viet Nam's Constitution 1992 (Article 69: citizen shall enjoy freedom of opinion and speech, freedom of the press, the right to be informed, and the rights to assemble, form associations and hold demonstrations in accordance with the provisions of the law) and Publishing Law 2012 (Article 5: the State shall ensure the right of dissemination of work in the form of publications through the publisher and protection of copyright and related rights. The State shall not censor works before publication). It can again be reaffirmed that Viet Nam promotes and protects the rights for creative activities, as her commitment to the International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1982.

2. At the same time, following Article 19 of the International Covenant on Civil and Political Rights and Article 29 of the Universal Declaration on Human Rights, current laws of Viet Nam also require that all abuses of rights for creative activities causing harm to national security and public order must be met with justice, for respect of the rights or reputations of others, for the protection of national security or of public order, and the general welfare in a democratic society.

3. Regarding two specific cases of Mr. Vo Minh Tri and Mr. Vu Anh Binh, We would also like to provide further information as below:

+ Mr. Vo Minh Tri (i.e Viet Khang), born 1974, residence in Tien Giang province. From 04.2011, after being contacted by heads of exile groups hostile to Viet Nam, such as "Tuoi Tre Yeu Nuoc", Mr. Vo joined in and got financial support from the group for recruiting, grouping and inciting people to print leaflets with the contents against authorities, disturbing public order, opposing officials on public duties and obstructing activities of agencies and organizations. Mr Vo's songs, including "Where is my Viet Nam" and "Who are you", distort policies and laws of Viet Nam, conduct propaganda and incite activities against the Socialist Republic of Viet Nam.

+ Mr. Vu Anh Binh, born 1974, residence in Ho Chi Minh City. Mr. Vu was one of the leaders of the "Tuoi Tre Yeu Nuoc" group inside Viet Nam. Mr. Vu composed and published online songs with the contents against the State. He also participated in distributing leaflets falsely accusing authorities, fomenting confusion among people and causing unease in society.

+ Both Mr. Mr. Vo and Mr. Vu were members of the hostile organisation "Tuoi Tre Yeu Nuoc", abusing title of composers to publish songs on Internet with the contents inciting activities against the legal authorities of Viet Nam and seriously infringing upon provisions pertaining to national security. The violations of laws are obvious and have been admitted by them. The arrests and trials are based on their violations of laws, not on their exercises on the rights to freedom of opinion and expression, as well as rights and freedoms of creative activities. These legal proceedings are of necessity, with adequate bases, according to national laws and regulations and are carried out in strict compliance with current laws of Viet Nam and in conformity to international norms and practices, including the International Covenant on Civil and Political Rights and Article 29 of the Universal Declaration on Human Rights.

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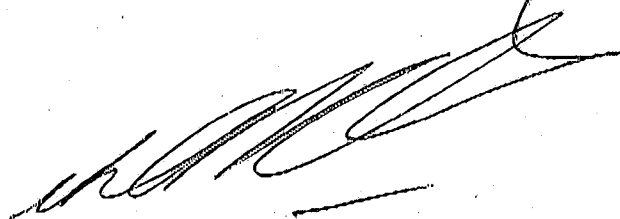
+ On 30.10.2012, the People's Court of Ho Chi Minh City opened the court of first instance trial against Mr. Vo and Mr. Vu, with the verdict of "Conducting propaganda against the Socialist Republic of Viet Nam", pursuant to Article 88 of the Penal Code. Mr. Vo Minh Tri received the charge of 02 years in prison and 02 years of probation. Mr. Vu Anh Binh received 06 years in prison and 02 years of probation.

4. The arrest, proceedings and trials have publicly been carried out with transparency and lawyers for defendants at the court. This represents the democracy, equality before justice, independence of judges and fair proceedings before an independent and impartial tribunal, as stipulated in article 9 and 10 of the Universal Declaration of Human Rights and article 9 and 14 of the International Covenant on Civil and Political Rights. For goodwill of enhancing constructive dialogues and relations, the requests to be present at the court from several embassies and consulates interested in the case, including Canada, New Zealand, Norway and Switzerland and the United States, were accepted.

5. During their custody, detention and imprisonment, two persons above are free from discrimination and torture. They are now in good health and have been provided with normal services as those with all other prisoners.

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