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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
REPUBLICQUE 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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Geneva, 16 April 2012

Excellencies,

With reference to your letter under the reference code G/SO 218/2 G/SO 214(67-17) Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214 (3-3-16) VNM 7/2011 dated 1 December 2011 regarding the cases of Dang Xuan Dieu, Ho Duc Hoa, Nguyen Van Oai, Tran Huu, Dau Van Duong, Le Van Son, Nguyen Van Duyet, Ho Van Oanh and Pham Minh Hoang, I have the honour to convey to you the following information:

1. Dang Xuan Dieu, Ho Duc Hoa, Nguyen Van Oai, Le Van Son, Nguyen Van Duyet, Ho Van Oanh were arrested on the second half of 2011 and accused of "carrying out activities aimed at overthrowing the people's administration" according to Article 79 of the 1999 Penal Code. Investigations results show that those persons produced and circulated wrong information regarding to governmental and local authorities' policies aiming to incite suspicion, frustration, violence and hatred among the population which seriously harmed the public order.

Dau Van Duong and Tran Huu Duc were also arrested on the second half of 2011. According to the investigation results, those two persons tried to prevent other people to exercise their right to vote during the XIII National Assembly Election.

The eight persons have been provisionally detained for investigation by Nghe An Province Investigation Agency. The provisional detention for investigation is up to four months and could be extended up to four months. During the investigation process, the families of those persons have been fully informed about the reasons of their arrest, the locations they have been provisionally detained and could be monthly

Mr. El Hadji Malick Sow

Chairperson-Rapporteur of the Working Group on Arbitrary Detention

Ms. Gabriela Knaul

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visited them. Their families also are free to find lawyers to assist them. The arrest, provisional detention and criminal proceedings initiation against those persons are carried out in strict compliance with the sequence and procedures stipulated in existing Vietnamese laws, particularly the 2003 Criminal Procedures Code and also in line with international standards on human rights, particularly the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights.

Allegations that those persons are not allowed to be visited by their families and are prevented to be assisted by lawyers are totally not true.

2. Mr. Pham Minh Hoang was born in 1955 in Ba Ria, Vung Tau, Viet Nam. He has both French and Vietnamese nationality. He was arrested on 13 August 2010. According to investigation results, Mr. Pham is member of Viet Tan, an exile Vietnamese organization those who has been listed by the Vietnamese Government as terrorist group, since 1998. In 2000, Mr. Pham came back to Viet Nam to prepare for activities of Viet Tan in Viet Nam. In November 2009, Mr. Pham and his wife also attended a training course on rioting and violence operations organized by Viet Tan in Malaysia and then, organized such courses for more than 40 peoples in Viet Nam in 2010. The ultimate goal of Viet Tan group by organizing the aforementioned courses is to overthrow the State of Viet Nam through riots, social instability and public disorder.

At the first instance organized by the People's Court of Ho Chi Minh City, Mr. Pham has confessed his violations and was sentenced of 3 year in prison and 3 years of probation. On 29 November 2011, the People's Court of Ho Chi Minh City opened the trial on the appeal and decided to reduce Mr. Pham's sentence to 17 months in prison and 3 years of probation. On 12 January 2012, Mr. Pham was released from prison after finishing his jail sentence and starts to exercise his sentence of probation in his living location.

The trials were opened to public with the participation of his family, lawyers, media and foreign diplomats from General Consulates of France, the United States, Australia in the Ho Chi Minh City and a representative of EU's delegation in Viet Nam. All the arrest, detention and criminal proceedings initiation against Mr. Pham are carried out in strict compliance with the sequence and procedures stipulated in existing Vietnamese laws, particularly the 2003 Criminal Procedures Code and also in line with international standards on human rights, particularly the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights. Allegations that the trials were not opened to public and the appeal hearing was postponed are totally not true.

I hope that the above information would help clarify information about the above-mentioned case.

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



Vu Anh Quang

Minister, Deputy Permanent Representative
Chargé d'Affairs a.i.