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Dear Special Rapporteurs,

We thank you for your valuable dialogue, consultation and cooperation with states, including Viet Nam on matters of mutual concerns.

With reference to your letter Ref. AL G/SO 214 (67.17) Assembly & Association (2010-1) G/SO 214 (107-9) VNM 5/2014, concerning allegations of the denial of Mr. Pham Chi Dung from travelling to Geneva to attend a side-event during the Human Rights Council Session 25<sup>th</sup> of March 2014, your kind attention is drawn to the replies from the relevant authorities of Viet Nam as follows:

1. Viet Nam reaffirms its consistent policy of respecting and promoting all human rights and fundamental freedoms and such advocacy is firmly guaranteed by laws and in practice. The 2013 Constitution as the most important document in the legal system of Viet Nam reserves the whole Chapter II with 36/120 specific clauses on human rights and civil rights in compliance with international norms and practice on human rights. This new framework aims at better response to more demand on rights and freedoms of the people, especially in the context of higher living conditions, improved socio-economic situation and further regional and international integration of the country.

- Freedom of movement and residence is stipulated in Article 23, which reads "citizens have the right to free movement and residence within the country, and the right to leave the country and to return home from abroad". Such stipulation follows Article 13 of the Universal Declaration of Human Rights (UDHR) and Article 12 of the International Covenant on Civil and Political Rights (ICCPR).

- However, personal rights and freedoms are not absolute. The exercise of such rights must not be abused to affect the rights and freedoms of others, to harm national security or public order, public health or morals. In addition, Clause 3 of Article 12 of the ICCPR also stipulates that, in certain cases, these rights would be subject to restrictions by laws, in order to protect national security, public order, public health or morals or the rights and freedoms of others.

**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.

- To implement the rights and freedoms of movement and residence guaranteed by the Constitution, Viet Nam has issued several normative acts, including the Decree 136/2007/ND-CP of August 17, 2007 for Vietnamese citizens' exit and entry (leaving and entering the country).

- The same as in other countries, the activity of exit and enter one's country carries with its responsibility and subject to certain limit. Article 21 of the Decree regulates that: Vietnamese citizens are not permitted to leave the country if they fall into one of the following cases: (1) they are being examined for penal liability or involved in criminal investigation; (2) they are obliged to serve criminal sentences; (3) they are obliged to serve civil or economic sentences; or are awaiting the settlement of civil or economic disputes; (4) they are obliged to comply with decisions on sanctioning administrative violations, pay taxes or perform other financial obligations, except for cases in which they have made monetary or property deposits or taken other measures to secure the performance of these obligations; (5) On grounds of prevention of infection of dangerous epidemics; (6) on grounds of safeguarding national security and social order and safety and (7) they commit acts of administrative violation related to exit and entry according to the Government's regulations.

2. The allegations, as mentioned in the letter, of the denial of Mr. Pham Chi Dung from travelling to Geneva because of "his legal human protecting activities", are inaccurate. The concerned authorities of Viet Nam did follow strict legal bases, regarding the case that Mr. Pham Chi Dung was not allowed to board the flight in February 2014 to Geneva. In fact, in 2012, the first legal proceedings against Mr. Pham Chi Dung was initiated for his law violations on inciting, encouraging violence and disturbing public order. However, the court drop the case and did not charge him for the violation because Mr. Pham Chi Dung had a letter requesting for the leniency, with his declaration not to repeat the violation. Despite of his pledge, after being granted the leniency and not being sentenced to jail, Mr. Pham Chi Dung continued to repeat his law violations on inciting, encouraging violence and disturbing public order. Such facts lay the concerned authorities under necessity to postpone Mr. Pham Chi Dung from leaving the country, as a preventive measure to ensure public order and security, and to avoid possible harmful consequences and effects to the other citizens, according to Article 21 of the Decree 136/2007/ND-CP.

It can be confirmed that this normal law enforcement of authorities did not relate to other activities of Mr. Pham Chi Dung. It can also be confirmed that such procedures are necessary and strictly follow legal framework of Viet Nam, as well as common international norms and practices, especially in the field of immigration.

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



**THANH T. NGUYEN**  
Ambassador, Permanent Representative