

PERMANENT MISSION OF THE  
SOCIALIST REPUBLIC OF VIET NAM  
to the United Nations Office,  
the World Trade Organization  
and Other International Organizations at Geneva



MISSION PERMANENTE DE LA  
REPUBLIQUE SOCIALISTE DU VIET NAM  
auprès de l'Office des Nations Unies,  
de l'Organisation Mondiale du Commerce  
et des autres Organisations Internationales à Genève

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

OHCHR REGISTRY

Ref: 194 /VNM.2013

29 AUG 2013

Geneva, 27 August 2013

Recipients :.....S.P.O.....

Dear Mr. El Hadji Malick Sow,

We thank you for your letter of 25.06.2013 and your valuable spirit of constructive dialogue, consultation and cooperation. With reference to the communication submitted to the Working Group on Arbitrary Detention concerning the case of Mr. Le Quoc Quan, we would like to reply as follows:

1. Mr. Quan, born 13.09.1971 in Nghe An Province, with the residence registered in [REDACTED] Ha Noi. He is a lawyer and Director of the Viet Nam Solutions Company Ltd., at 22B Do Quang, Trung Hoa, Cau Giay, Ha Noi.

2. With regards to "previous periods of detention and alleged harassment of Mr. Quan" (para 8 to 12 in the communication), your kind attention is drawn to our letter of 21.03.2013, reference 78/VNM.2013, which provided information on this case (section 4, Case 2, concerning Mr. Le Quoc Quan).

3. As regards the claim that Mr. Quan was arrested and detained on reasons that "he sought to express his views and opinions on democracy, other political issues, and a wide range of human rights issues" and that "there is no substance to the charge of tax evasion that has been levied against him" (para 19 of the communication), further information appears now as follows:

3.1. In relation to the charge of tax evasion, investigations by authorities show that from 2009-2011, Mr. Quan directed employees to contact and collect business and personal information of officials and economic experts for making fake expert consultation and coordination business contracts, with the purpose of formalizing the company's "increased" input costs and then claiming the taxes with tax authorities in order to evade the company's income taxes. The new figure of tax evasion amounts to VND 649 million, showing enough evidence of violation of Clause 3, Article 161 of the Penal Code on Tax Evasion. Mr. Quan is a lawyer, with knowledge and duty of defending laws and justice, working in areas of credibility rating of businesses, but his actions of using sophisticated and fraudulent tricks to deceive the authorities for tax evasion have seriously violated the laws and business ethics.

3.2 On the claim of arbitrary detention: on 25.12.2012, the Investigation Bureau of Ha Noi Public Security issued an order to proceed the criminal case against, and to arrest Mr. Quan, on the tax evasion charge (in accordance with Article 161 of the Penal Code). On 27.12.2012, Mr. Quan was arrested for temporary detention.

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



3.3 Regarding the claims on family visitation and supplies (para 4 of the communication), during the investigation period, no request for visitation from Mr. Quan's family was registered. Otherwise, Mr. Quan's wife and his brother monthly meet and provide him with supplies, following the same regime as other detainees and the regulations of the Center. While in the Detention Center, Mr. Quan, shows opposition, making disorder in his room, disobeying rules and regulations of the Center. At the start of his detention, Mr. Quan refused the meals from the Center but still used the supplies from his family. Therefore, the information that he was on hunger strike for 15 days (para 3) and that "Mr. Quan lost a lot of weight as result of his hunger strike", and that "the current state of his health is unknown but of great concern" (para 4) is groundless. It can be confirmed that currently Mr. Quan is in normal health condition.

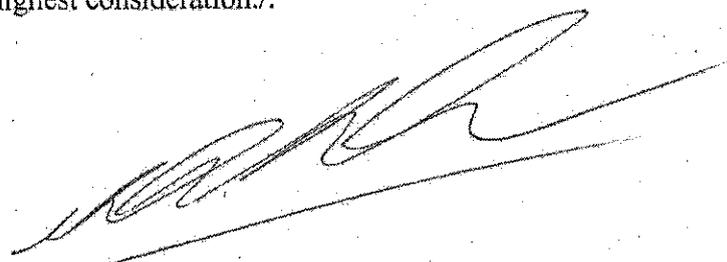
4. For the current situation and guaranteed rights of Mr. Quan, he is currently held in the temporary Detention Center No. 1 of Ha Noi Public Security. In the Center, Mr. Quan has been treated and guaranteed all the rights stipulated by existing laws for the detainees, accused and defendants. Defense attorneys for the rights and legitimate interest of Mr. Quan include 03 lawyers, namely Mr. Tran Thu Nam (head of Tin Viet & Associates Law Office), Ha Huy Son (director of the Ha Son Law Firm Ltd.) and Mr. Bui Quang Nghiem (deputy manager of the Ho Chi Minh City Bar Association). Above attorneys have several times been working with Mr. Quan, and with investigators from Ha Noi Public Security, procurators from Ha Noi People's Procuracy during the first interrogation session of Mr. Quan on 01.03.2013, the second session on 07.03.2013, the third session on 15.03.2013, the fourth session on 25.03.2013, the fifth on 20.06.2013, the sixth on 26.7.2013 etc.

5. Regarding proceeding process, on 22.02.2013, Ha Noi People's Procuracy issued the Decision No. 114-QD/VKSND to institute the case against the activities of Mr. Quan, in accordance to Clause 3, Article 161 of the Penal Code. On 10.06.2013, Ha Noi People's Court issued the decision for the first-instance trial against Mr. Quan, scheduled on 09.07.2013. On 08.07.2013, the Court sent the notice No. 1571/TB-THS to Mr. Quan, his relatives and attorney, informing the postpone of the trial, with the reason that judge Le Thi Hop caught a sudden cold and was in emergency treatment in hospital.

It can be reaffirmed that the arrest, detention and investigation of Mr. Le Quoc Quan has been carried out in strict compliance with the sequence and procedures stipulated in current Vietnamese laws, international norms and practices on human rights.

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

Please accept the assurances of our highest consideration./.



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