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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: **78** /VNM.2013

Geneva, 21 March 2013

Dear Special Rapporteurs,

We thank you for your valuable spirit of constructive dialogue, consultation and cooperation. With reference to your letter Ref. UA G/SO 218/2, G/SO 214(67-17) Assembly & Association (2010-1) G/SO 214 (107-9) VNM 1/2013 of 14.01.2013, regarding information you had received on "sentencing of pro-democracy activists on 'charges of carrying our activities aimed at overthrowing the people's administration' and reported continued detention of another on charges of 'tax evasion'", we would like to bring to your kind attention the detailed information and observations as follows:

1. Further to our letter Ref 461/VNM.2012 of 18.09.2012, also pertaining to this case of 14 people in Nghe An province, we again reaffirm Viet Nam's consistent policies of encouraging and providing favorable conditions for people to participate in every aspect of the society and exercise their rights, including the rights to freedom of opinion and expression, peaceful assembly and association, as well as freedom of religions.

2. Viet Nam's Constitution and existing laws have guiding principles of respect, promotion and protection of human rights. In line with the foreign policy of full regional and international integration as an active and responsible member of the international community, Viet Nam's legislation and law enforcement have further been streamlined with regional and international norms, practices and instruments, consistently upholding her commitments to fundamental principles of human rights promotion and protection, including Article 1, 2 of the Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Human Rights and Fundamental Freedoms, and Article 19, 21 of the ICCPR.

3. It is regrettable that most information and claims you received and mentioned in the letter, except personal details and charge description on each individual, are incomplete, inaccurate and do not fully reflect the law violations of these persons.

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. 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

22 MARS 2013

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Recipients : *SPD*
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4. For these two specific law cases, including the case of 14 persons trialed on 09.01.2013 in Nghe An province and the case of Mr. Le Quoc Quan, we would like to provide further update as follows:

+ *Case 1, concerning 14 people at Nghe An province, charged of overthrowing the people's administration.*

- On 10.08.2011, the Investigation Bureau of Ministry of Public Security issued the order to institute and investigate the criminal case of "Mr. Ho Duc Hoa and accomplices with activities to overthrow the people's administration" at Nghe An and other provinces; instituted the case of 17 offenders with the ratification of the Supreme People's Procurary, including the arrest decision of 14 cases. The offenders include: Mr. Ho Duc Hoa (born 1974, in Nghe An province, a Christian), Dang Xuan Dieu (1979, Nghe An, Christian), Le Van Son (1985, Thanh Hoa, Christian), Nguyen Dinh Cuong (1981, Nghe An, Christian), Nguyen Van Oai (1981, Nghe An, Christian), Nong Hung Anh (1983, Lang Son, official status of no religion but some other sources claim he is a Christian or a Protestant), Nguyen Xuan Anh (1982, Nghe An, Christian), Ho Van Oanh (1985, Nghe An, Christian), Thai Van Dung (1988, Nghe An, Christian), Nguyen Van Duyet (1980, Nghe An, Christian), Nguyen Dang Minh Man (1985, Vinh Long, Christian), Dang Ngoc Minh (1957, Vinh Long, official status of no religion), Nguyen Dang Vinh Phuc (1985, Vinh Long, official status of no religion). Mr. Nguyen Xuan Kim, Thai Van Tu and Le Sy had escaped and are currently under pursuit warrants.

- On 09.01.2013, People's Court of Nghe An province sentenced Mr. Ho Duc Hoa, Le Van Son, Dang Xuan Dieu 13 years in prison for each individual; Mr. Dang Minh Man 08 years, Nguyen Van Oai, Nguyen Van Duyet, Thai Van Dung, Tran Minh Nhat, Nguyen Dinh Cuong 4 year for each; Dang Ngoc Minh, Nguyen Xuan Anh, Ho Van Oanh, Nong Hung Anh 03 year for each; all offenders will follow 2-5 years of probation. Mr. Nguyen Dang Vinh Phuc received 03 years of suspended judgment.

- According to authorities, the above offenders have joined Viet Tan terrorist group and several times went abroad for participating in the trainings on rioting and violence operations organized by Viet Tan to overthrow the people's administration, including the methods and skills for opposing officials on duties, involving people, inciting riots and protests, propagating against, distorting policies and defaming the people's administration. The offenders got supports, assignments and orders from Viet Tan group to overthrow the people's administration. The institution, investigation, prosecution and trial of those persons were necessary and were conducted against the right persons and right offenses, in compliance with current laws of Viet Nam and international norms and practices on human rights.

- The trial was carried out openly to public, with transparency and lawyers provided for defendants. Mr. Ho Duc Hoa acknowledged his laws violation, showed regret of being incognizant and exploited by Viet Tan group for activities violating the laws and pleaded for leniency. Considering the honesty and cooperation during investigation, the judging board reduced the charge from the heavier recommended by the People's Supreme Procurary for Mr. Ho Duc Hoa, Dang Ngoc Minh and others.

+ *Case 2, concerning Mr. Le Quoc Quan, charged of overthrowing the people's administration.*

- Mr. Le Quoc Quan, born 13.09.1971 in Nghe An, residence in Ha Noi, a lawyer and Director of Viet Nam Solutions company.

- In 05.2006, Mr. Le Quoc Quan participated in Viet Tan group's activities. He was in custody from 09-18.03.2007 for investigation. On 19.03.2007, the Investigation Bureau of

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Ministry of Public Security issued an order to institute and arrest Mr. Le Quoc Quan for the charge of "overthrowing the people's administration". On 16.06.2007, the People's Supreme Court decided to cancel the detention measures and released Mr. Le Quoc Quan.

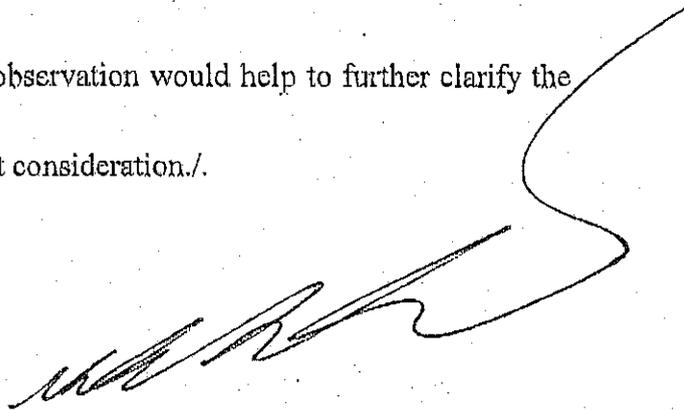
- On 27.12.2012, the Investigation Bureau of Ministry of Public Security issued an order to arrest Mr. Le Quoc Quan on tax evasion charge (Article 161 of Penal code). Preliminary investigation shows that his Viet Nam Solutions company, established 2011, has 13 times changed the purposes of business with the last time on 06.06.2012 applying for "update, search, store, process data and provide market information". On that legal status, Mr. Le Quoc Quan sought cooperation with economic experts, gathering information for making fake contracts on hiring experts and coordinators, then claimed with tax authorities in an attempt to evade business taxes. The total tax evasion has amounted to VND437,500,000. The concerned authorities continue working on this case and other implicated people.

- The arrest, detention and investigation of Mr. Le Quoc Quan was carried out in strict compliance with the sequence and procedures stipulated in current Vietnamese laws, international norms and practices on human rights. The current investigation against Mr. Le Quoc Quan relates to economic charges.

During their arrest, custody and detention, all persons in these two cases have been treated the same and equally as other detainees and offenders, free from discrimination and reserve their relevant rights stipulated by laws.

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

Please accept the assurances of our highest consideration./.



THANH T. NGUYEN
Ambassador, Permanent Representative