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Ref: 170 /VNM.2013

Geneva, 02 July 2013

Dear Special Rapporteurs,

With reference to your letter Ref. AL G/SO 214 (67-7) Assembly & Association (2010-1), 214 (56-23), 214(107-9 VNM 4/2013 of 12.04.2013, concerning "alleged harassment and threats against Mr. Le Cong Cau", we would like to convey to you the information and comments as follows:

Concerned authorities in Viet Nam have seriously looked into the observations, claims and allegations therein. However, their findings show that most of the claims and accusations you received and mentioned in the letter appear to be inaccurate and misleading.

1. In recent years, Mr. Le Cong Cau has often committed law violations:

Mr. Le composed and distributed articles with the content inciting violence, hatred among communities and religions in Viet Nam; calling for dignitaries, clergies and religious followers to participate in activities disturbing public order and social security, abusing demonstrations to distort, slander and sow division among Buddhism and other religions.

From March 13 to 15, 2013, while the Police of Thua Thien-Hue province was working with Mr. Le on his law violations, he admitted of his law violation activities that caused harm to local public order and social security. The acts of the local authorities were normal law enforcement requirements, in line with the current laws of Viet Nam. It can be confirmed that there were no threats and house encirclement by police as alleged in the letter you received and mentioned. As a matter of fact, Mr. Le has, in his freewill, written an undertaking not to re-commit law breaches.

**Mr. Frank La Rue,**

Special Rapporteur on the promotion and protection of the rights to freedom of opinion and expression

**Mr. Maina Kiai,**

Special Rapporteur on the rights to freedom of peaceful assembly and of association.

**Mr. Heiner Bielefeldt**

Special Rapporteur on freedom of religion or belief.

**Ms. Margaret Sekaggya,**

Special Rapporteur on the situation of human rights defenders.

OHCHR REGISTRY

- 8 JUL 2013

Recipients : SPD

Viet Nam-Candidate au Conseil des Droits de l'Homme

2. Local authorities always respect the rights and freedoms of speech and freedom of religions of Mr. Le. However, while exercising those rights, Mr. Le has committed law violations and abused the rights to spread violence, hatred among communities and religions, incited activities against the authority and infringed upon the honor, dignity of other people and organizations. With the public order and security management functions, the local authorities summoned Mr. Le to remind him to observe the laws and not to distribute false information.

Acts of the local authorities conform to the provisions of international documents on human rights, including regulations on exercising the rights and freedoms of speech, expression, peaceful assembly and association with regards to respecting the legitimate rights and freedoms of others and the community, especially the Universal Declaration of Human Rights (UNHR) and the Covenant Political and Civil Rights.

In details, Article 20 of UDHR, Articles 10, 20 of ICCPR state that, the exercise of freedoms of expression and opinions carries with it special duties and responsibilities, and it is subject to certain restrictions "for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society", "for respect of the rights or reputations of others" and for "the protection of national security or of public order, or of public health or morals" and that "any propaganda for war shall be prohibited by law" and "advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law".

3. Vietnamese laws recognize and respect the rights and freedoms of expression, of press, of Internet access and freedom of peaceful assembly and association.

In fact, these rights and freedoms have adequately been protected and promoted, as it is reflected by the fast development of Internet and mass media, open forums and debates at the National Assembly, popular contributions to Constitution amendments and to the policy making process, thus demonstrating a vivid example of a democratic and open society with its full promotion and protection of these rights. Media and press in Viet Nam have become social forums for people and organizations to express their opinions. They are also important channels for critical discussions and effective means for combatting corruption and solving hot issues in the society.

By law, the commitments of Viet Nam on promotion and protection of human rights and freedoms, including the rights and freedoms of expression and opinion, are enshrined in her fundamental legal documents, including the 1992 Constitution, 1989 Law on Press and the 2002 Law on Publishing.

- Article 69 of the Constitution stipulates that "citizen shall enjoy freedom of opinion and speech, freedom of the press, the right to be informed, and the right to assemble, form associations and hold demonstrations in accordance with the provisions of the law".

- In addition, Article 4 of the 1989 Law on Press further states that citizens "have the rights to be to be informed through the media of all aspects of domestic and world current affairs", "to express opinions on domestic and world current affairs" and "to express constructive opinions on building and implementing the Party's lines and policies, as well as State's laws".

- Article 5 of 2002 Law on Publishing further reads "the State shall assure the right to distribute works in the form of publications by publishing houses and shall assure protection of copyright" and "the State shall not censor works prior to their publication".

In brief, Mr. Le Cong Cau's law violations are evident. He is not a human rights defender or a person expressing his opinions in a peaceful manner. He has in fact committed activities of disturbing social stability, national security and public order. The same as in other countries, law enforcement and prosecution against offenders is normal, in order to ensure the respect of laws, the law-ruled state and to maintain the social stability and guarantee the rights of other people, common interests of peace, security and development for the society.

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

Please accept the assurances of our highest consideration././ VT,

A handwritten signature in black ink, consisting of several fluid, overlapping strokes, positioned above a horizontal line.

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