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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: 85 /VNM.2013

Geneva, 03 April 2013

Dear Special Rapporteurs,

With reference to your letter ref. UA/G/SO 218/2, G/SO 214 (67-17) VNM 2/2013 of 01.02.2013, regarding the information you received on the situation of blogger Le Anh Hung, we would like to provide further information and observations as follows:

1. Three years ago, a report from Hanoi Central Institute of Forensic of Psychiatry indicated that Mr. Le Anh Hung "was suffering from a chronic paranoid disorder, losing cognizance and behavioral control".

Later, on 11.10.2012 and 14.12.2012, Mr. Le's mother, Madam Tran Thi Niem, wrote letters requesting concerned institutions to support bringing Mr. Le to care and treatment facilities. Again, on 17.12.2012, Mdm. Tran sent a letter to Hanoi Labor and War-invalids Service, to the Labor and War-invalids Department of Thanh Xuan District and to the People's Committee of Khuong Dinh Precinct, Thanh Xuan District, Hanoi, requesting that "Mr. Le Anh Hung be taken care of at a social support center".

Therefore, on 09.01.2013, Hanoi Labor and War-invalids Service of Hanoi City had the Decision No. 05/QĐ-LĐT BXH "to receive beneficiary to the Social Support Center No.2", Ung Hoa, Hanoi. Then, on 24.02.2013, concerned authorities supported Mr. Le's family by escorting him from Hung Yen to the Center for care and treatment. During his stay in the Center, Mr. Le was well taken care of and received the same treatment as those provided to all others.

On 01.02.2013, Mdm. Tran had a letter requesting for Mr. Le to return home. Then, on 05.02.2013, the Social Support Center No. 2 had the Decision No. 04/QĐ-TTBBHXII on postponement of the support regime to Mr. Le and he was received by his family to return home.

2. In light of the above official information we have received from concerned authorities in Viet Nam, we affirm that, most of the claims and allegations quoted in your letter are inaccurate and do not fully reflect Mr. Le's situation. The fact is that Mr. Le suffered from a chronic paranoid disorder, and in response to the request from Mr. Le's family, related institutions provided supports for bringing Mr. Le to the Social Support Center for care and treatment. There was no coercion in this case.

**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.

**Ms. Margaret Sekaggya,**  
Special Rapporteur on the situation of human rights defenders.

OHCHR REGISTRY

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Despite of Mr. Le's acts and papers slandering other people, given his medical record, no administrative sanction has been imposed, according to Article 3.6 of the 2012 Ordinance 44/2002/UBTVQH of the National Assembly on "Handling administrative violations". On voluntary request from his family, he was brought to the Social Support Center for care and treatment. He was not arrested and detained by authorities and current situations have no link to any of his previous activities.

3. For the question on "complaint logged by Mr. Le or on his behalf", it is confirmed that, until the date, authorities have not received any complaint from Mr. Le or other person acting on his behalf concerning his stay for care and treatment in the Social Support Center.

4. Regarding the question on "whereabouts of Mr. Le", again, we would like to reaffirm that Mr. Le was not arrested and detained.

5. Mr. Le's stay at the Social Support Center No.2 was made in response to the request from his family. The legal bases for Mr. Le's case include:

Degree 67/2007/NĐ-CP "on support policies and regimes for social protection of beneficiaries", including patients suffering from schizophrenia or mental disorder who have been treated many times by psychiatric institutions but shown no signs of recovery and filed chronic disease records, and person who live alone without any support or are members of poor households;

Circular 09/2007/TT-BLDTBXH on receiving beneficiaries to social support centers for person with mental disorder on the request from their family.

6. Regarding the question on legal grounds and measures and their conformity with international documents on human rights, as in previous our communication, we would like to reaffirm that Viet Nam's consistent laws and policies advocate respect, promotion and protection of human rights, 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. This content and spirit can be found in the following excerpts:

Article 69 of the Constitution, which states "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".

Article 4 of the 1989 Law on Press, where citizens shall have the rights to access via the press the information on all aspects of domestic and world affairs; to express opinions on domestic and world affairs and to present views on the formation and implementation of the Party directives and policies and of the laws. Article 10 requires that the press and press organizations abstain from inciting the people to rebel against the authorities and harm the nation unity; abstain from inciting violence, from disseminating information untruthful, distorted, or slanderous and harmful to the reputation of organizations or dignity of people.

Article 6 of the "Law on Amendment and Supplementation of the Law on the Press" regulates that "press shall have to convey true information on the domestic and world situation in conformity with the interests of the country and the people". Article 19 also requires that press organisations shall operate only after obtaining permits from the State management agencies in charge of the press and any press organization being rejected for license may lodge a complaint to the competent agency or initiate a lawsuit at court.

It is clear that Viet Nam's legislations and laws strictly follow international norms and practices on human rights, including the rights and responsibilities of people when exercising freedom of opinion, expression and freedom of the press, such as freedom to seek, receive and impart information and ideas of all kinds on domestic and international affairs. The same as in

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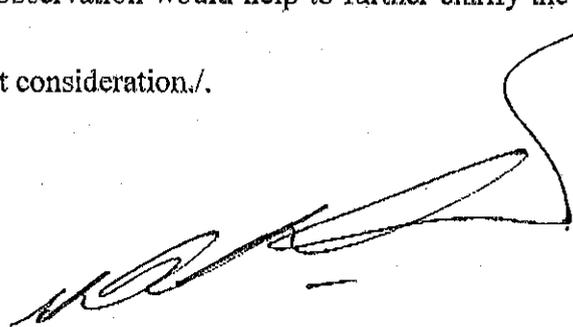
other countries, laws of Viet Nam also regulate activities on conveying untrue or distorted information, infringing upon the prestige of organizations, the honor or dignity of individuals, destroying national fine customs and traditions, instigating violence and riots causing social disorder and political instability.

- Those laws and regulations follows the spirit of the Universal Declaration of Human Rights (UDHR) and International Covenant on Civil and Political Rights (ICCPR), including Article 29 of UDHR and Article 19 of ICCPR, which bind the rights and special duties and responsibilities, subject to certain restrictions and when necessary, to "secure due recognition and respect for the rights and freedoms of others", meet the just requirements of morality, public order and the general welfare in a democratic society", to "respect the rights or reputations of others" and "to protect national security or of public order or of public health or morale".

7. For the question on other investigation and prosecution against Mr. Le, in 12.2009 the Police of Quang Tri Province instituted the investigation on "slander" by Mr. Le, according to Article 122 of the 1999 Penal Code (during this time, Mr. Le resided in his wife's hometown in Dong Ha, Quang Tri Province). Mr. Le composed and distributed via Internet untruthful, distorting and slandering papers against other people, including several leaders of Viet Nam. On 04.05.2010, basing on the conclusion in the medical report from the Central Institute of Forensic Psychiatry in Hanoi indicating Mr. Le Anh Hung "was suffering from a chronic paranoid disorder and losing cognizance and behavioral control", the Police of Quang Tri Province decided to suspend the investigation.

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