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Geneva, 30 May 2014

Dear Special Rapporteurs,

We thank you for your valuable spirit of dialogue and cooperation with States, including Viet Nam, on the issues of multilateral concern.

With reference to your communication, ref. UA G/SO 218/2 G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (56-23) G/SO 214 (107-9) G/SO 214 (89-15) VNM 4/2014, regarding the information you received concerning 05 individuals (Mr. Nguyen Bac Truyen, Ms. Bui Thi Kim Phuong, Ms. Bui Thi Minh Hang, Ms. Nguyen Thuy Quynh and Mr. Nguyen Van Minh), please find further information and reply from the relevant authorities in Viet Nam as follows:

1. Legal ground for the arrest and detention of the abovementioned persons.

It could be noted that measures applied to these individuals were based on their law violations, for ensuring public order, social security and legitimate interests of the others. Procedures were carried out in strict compliance to current regulations and legal practices.

a) With regard to Mr. Nguyen Bac Truyen (born 1968 in Ben Tre Province, residence at the room P299, 23th Ly Tu Trong building, District 1, Ho Chi Minh City):

Basing on the letter from persons denouncing Mr. Nguyen Bac Truyen swindling and appropriating VND1.2 billions and USD8,000 (total appx. USD59,000), on 14.11.2013, the Procuracy and Investigation Bureau of Ho Chi Minh City initiated the case of "Abusing trust

Mr. Mads Andenas,

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.

Mr. Heiner Bielefeldt,

Special Rapporteur on freedom of religion or belief.

Ms. Margaret Sekaggya,

Special Rapporteur on the situation of human rights defender.

Ms. Rashida Manjoo,

Special Rapporteur on violence against women, its cause and consequences.

in order to appropriate property", according to Article 140 of 2009 Penal Code. Due to Mr. Truyen's frequent absence from his residence, according to current legal regulation, the Investigation Bureau announced on relevant public media the request for Mr. Truyen to present and settle the claim at the Bureau. However, Mr. Truyen did not fulfill the requirement.

On 09.02.2014, understanding Mr. Truyen was living in Hung Nhon hamlet, Long Hung B commune of Dong Thap Province, the Investigation Bureau invited Mr. Truyen to the Bureau for his statements against the claims but he rejected cooperation, locked out the door, issued insulting words and violently resisted law enforcement officers. After several hours unsuccessfully persuading Mr. Truyen, on late afternoon of 09.02.2014, under their law-bound duty, the authority decided a temporary administrative custody against Mr. Truyen and took him to the Bureau for further investigation formalities. After the completion of statements, Mr. Truyen was released on bail.

It is confirmed that the allegation you received that Mr. Truyen's home was violently raided and he was beaten by police is incorrect.

b) With regard to Ms. Bui Thi Minh Hang, Ms. Nguyen Thuy Quynh and Mr. Nguyen Van Minh:

On 11.02.2014, while on patrol on roads of An Quoi hamlet, My An Hung B village, Lap Vo District, traffic police observed dozen of motorcycles running in twin and triple lines, causing congestion and traffic jam, thus violating traffic safety. Police decided to stop the group for ID check, as routine. However, the crowd did not obey the order, delivered insulting words with behavior of resistance against the police and disturbing public order. Lo Vap police then decided to disperse the crowd and kept 21 persons in administrative custody within 24 hours (from 19h of 11.02.2014 to 19h of 12.02.2014) under the current laws.

With collected evidences and statements of involved persons, determining that acts of Ms. Bui Thi Minh Hang, Nguyen Thuy Quynh and Mr. Nguyen Van Minh consisted elements constituting law offence, Lo Vap police issued the decision No. 01 of 12.02.2014 "Transferring the file of administrative violation with criminal signs for examination of penal liability". Then, Lo Vap Procuracy issued warrants for the arrest of 03 persons above for investigation.

On 21.02.2014, Lo Vap People's Procuracy issued a decision initiating the case of "opposing officers on public duty and Causing public disorder", and initiating criminal proceedings against Mr. Nguyen Van Minh on the charge of resisting persons in the performance of their official duties, according to Article 254 of 2009 Penal Code; Ms. Bui Thi Minh Hang and Ms. Nguyen Thuy Quynh on the charge of causing public disorder. The temporary detention orders were then issued to these 03 persons.

The investigation, custody and proceedings of the case were conducted in strict compliance to current laws. Recently, media in Viet Nam carried news on illegal motorcycle racing, with serious traffic violation and even violent resistance against traffic police. Arresting persons with such violation is a normal, lawful duty of police. The arrest of Ms. Bui Thi Minh Hang, Nguyen Thuy Quynh and Mr. Nguyen Van Minh do not relate to their so-called activities of "defending human rights" in any way.

c) "On allegations that Mr. Nguyen Bac Truyen and his wife were physically assaulted:

As regards the allegations posted in some websites and social networks that Mr. Truyen and his wife, Mrs. Phuong, had been physically assaulted by police officers on Dao Tan Street, Ha Noi on their way to the Australian Embassy on 24.02.2014, the Police Department of Hanoi immediately investigated the case. Investigation results show that on 24

and 25.02. 2014, there was no accusation or report on any physical assault on people filed with authorities of the wards of Ngoc Khanh, Lieu Giai and Cong Vi (which surrounds the facility of the Australian Embassy and Dao Tan Street). Until now, authorities have not received any formal accusation or report filed by Mr. Truyen or any other citizen on the allegation. Without solid evidence, the Police Department of Ha Noi couldn't conduct further investigation nor initiate any other legal procedures.

2. On rights to family visit, access to lawyers and health care services of Ms. Bui Thi Minh Hang, Ms. Nguyen Thi Thuy Quynh and Mr. Nguyen Van Minh.

As in temporary detention for investigation, Ms. Hang, Ms. Quynh and Mr. Minh enjoyed all rights of family visit, access to lawyers and health care services in accordance with relevant laws of Viet Nam and international human rights norms and standards.

Police Department of Lap Vo District has licensed Mr. Tran Thu Nam, lawyer of Viet Tin Law Office (at Z134, C15, Trung Kinh road, Cau Giay District, Ha Noi) to act as counsel for Ms. Bui Thi Minh Hang. Mr. Tran Thu Nam attended interrogations on Ms. Hang on 31.03.2014. Mr. Nguyen Van Minh did not file a specific request for counsel while Ms. Nguyen Thi Thuy Quynh and her family are in consultation to find a defense lawyer.

Family visits and health care services are granted to Ms. Bui Thi Minh Hang, Ms. Nguyen Thi Thuy Quynh and Mr. Nguyen Van Minh on the basis of Decree No. 89/1998/ND-CP of 07.11.1998 on Regulations on Temporary Arrest and Detention. According to this Decree, persons under temporary arrest and detention shall receive adequate family visits and health care services, presents or supplies. During their temporary detention, these 03 persons are seen by health care staffs. On 21.02.2014 and 24.02.2014, Ms. Nguyen Thi Thuy Quynh was visited by her mother Mdm. Tran Thuc Anh.

3. Rights of Human Rights Defenders.

In Viet Nam, every citizen enjoys the rights to take part in activities of protection and promotion of human rights, including civil, political, economic, social and cultural rights. Their participation can be direct or indirect through diversified forms of social activities. Fundamental freedoms and human rights enshrined by the UDHR such as freedoms of expression, assembly, association, etc., are protected by the Constitution and laws and ensured in reality.

To enhance the rule of law, in particular to guarantee public services' legal obligation, Viet Nam has adopted a number of legal and administrative measures to ensure accountability of public services and to protect citizens from the possibilities that their rights might be abused or violated by public officers.

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

Please accept the assurances of our highest consideration./.



THANH T. NGUYEN
Ambassador, Permanent Representative