

PERMANENT MISSION OF THE
SOCIALIST REPUBLIC OF VIETNAM
to the United Nations Office,
the World Trade Organization
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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Geneva, 06 October 2014

Dear Special Rapporteurs,

We thank you for your letter Ref UA VNM 8/2014, and your valuable dialogue and consultation with Viet Nam on matters of mutual concern.

Please accept our regret for this late reply, since almost all of our resources were drawn to the last 27th session of the Human Rights Council.

Regards the information you received and mentioned in the letter, your kind attention is drawn to the replies from the relevant authorities of Viet Nam as follows:

1. Legal grounds for the arrest, detention of and subsequent imposition of the death penalty against Mr. [REDACTED]

On [REDACTED] at the [REDACTED] Airport, the airport security unit detected that Mr. [REDACTED] illegally hid 03 plastic packages containing 1018.23g of white powder which was later identified as heroin preparation. According in his declaration, Mr. [REDACTED] claimed that he had borrowed USD 20,000 of a [REDACTED] (unknown identity up to now) in Las Vegas and that because of inability to pay the debt, Mr. [REDACTED] asked Mr. [REDACTED] to transport the above mentioned drugs from Viet Nam to Australia for paying off of debt.

With the acts, declaration and evidence collected at the scene, Ho Chi Minh City Investigation Police arrested and temporarily detained Mr. [REDACTED] to investigate the charge of "illegal transportation of narcotics" under Article 194 of the Penal Code.

On [REDACTED], the People's Court of Ho Chi Minh City held a first instance trial and sentenced Mr. [REDACTED] to death penalty by serious acts of law violation related to illegal transportation of large quantities of drugs, as specified in Clause 4, Article 194 of the Penal Code. The trial took place in public, in due process, as stipulated in law, and in conformity with international norms.

The trial and sentence of Mr. [REDACTED] were carried out in accordance with the provisions of the law of Viet Nam, specified in Article 194 of the Penal Code for "illegal transportation of narcotics" and in accordance with the international treaties on human rights, including the Convention on civil, political rights, as well as other international instrument such as Resolution No. 1984/50 dated 25/5/1984 of the United Nations Economic and Social Council.

Mr. Mads Andenas,
Chair-Rapporteur of the Working Group on Arbitrary Detention.

Mr. Christof Heyns,
Special Rapporteur on extrajudicial, summary or arbitrary executions.

2. Additional information

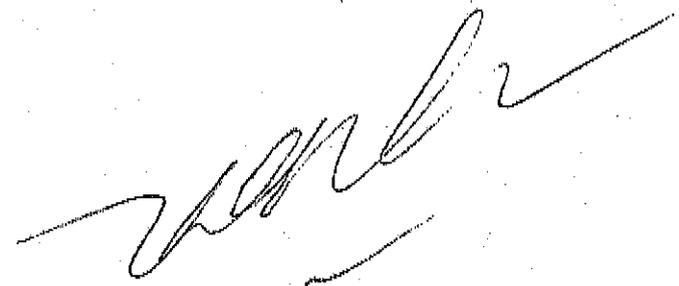
While being detained at Chi Hoa prison, Mr. [REDACTED] is in normal health condition, provided with normal health care. He can contact his family in accordance with procedures prescribed by the law of Viet Nam.

During the investigation and trial of first instance, Mr. [REDACTED] shows no expression of intellectual impairment or signs of mental illness. At the same time, Mr. [REDACTED] himself, his family members, lawyer and the Consulate General of the United States of America have not notified and provided any information to the investigating agencies in order to prove Mr. [REDACTED]'s alleged history of intellectual impairment and signs of mental illness nor request the investigating agencies to examine the mentality of Mr. [REDACTED].

After the court of first instance, Mr. [REDACTED] made an appeal. On [REDACTED], the Chi Hoa prison received the petition of Mr. [REDACTED], father of Mr. [REDACTED] which asked for Mr. [REDACTED] to make a power of attorney for sibling, [REDACTED] to contact the authorities of the United States to collect information on health condition and case history of Mr. [REDACTED].

As this case has passed the court of first instance, the appeal has been moved to the Court of Appeal of the Supreme People's Court in Ho Chi Minh City. Currently, the Supreme People's Court is studying to bring the case of Mr. [REDACTED] to trial at the earliest in accordance with the appeal procedures, ensuring the full rights and benefits of Mr. [REDACTED] in accordance with legal regulations and international norms.

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



THANH T. NGUYEN
Ambassador, Permanent Representative