

TIME RECEIVED

March 3, 2017 10:31:34 AM GMT+01:00

REMOTE CSID

+41227980724

DURATION

201

PAGES

5

STATUS

Received

03 Mar 17 10:24

Viet Nam Mission

+41227980724

p.1

PERMANENT MISSION OF THE
SOCIALIST REPUBLIC OF VIET NAM
to the United Nations Office,
the World Trade Organization
and Other International Organizations at Geneva



MISSION PERMANENTE DE LA
REPUBLIQUE SOCIALISTE DU VIET NAM
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: *035* /HR.VNM.2017

The Permanent Mission of the Socialist Republic of Viet Nam to the United Nations Office, the World Trade Organization and Other International Organizations in Geneva presents its compliments to the Special Procedures Branch of the Office of the United Nations High Commissioner for Human Rights and has honour to hereby transmit the Replies of Viet Nam to the Communication of the Special Procedures of the Human Rights Council (01 attachment).

The Permanent Mission of the Socialist Republic of Viet Nam to the United Nations Office, the World Trade Organization and Other International Organizations in Geneva avails itself of this opportunity to renew to the Special Procedures Branch of the Office of the UN High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, *28* February 2017



Special Procedures Branch
Office of the United Nations High Commissioner for Human Rights
GENEVA

REPLY OF VIET NAM TO THE COMMUNICATION UA VNM 05/2016

Regarding the information and allegations that Special Procedures received and mentioned in the letter UA VNM 05/2016 of the Special Procedure Branch, your kind attention is drawn to the replies from the relevant authorities of Viet Nam as follows:

1. With regards to allegations concerning the case of Mr. Huynh Thanh Binh

A thorough verification ascertained that no gathering "aiming to prepare for an environmental demonstration" was recorded on 29 April 2016 in Vinh City, Nghe An province. No claim has been made on a situation of threatening and pushing a man whose name is Huynh Thanh Binh out of his wheelchair.

A man on wheelchair in Vinh City, Nghe An province was identified as Mr. Huynh Thanh Binh. Mr. Huynh Thanh Binh is the elder brother of the Vice president of Nghe An People's Committee, Mr. Huynh Thanh Dien. Mr. Huynh Thanh Binh was born in 1954 with permanent residence in Hung Dung ward, Vinh City, Nghe An province. He is on wheelchair because of psychomotor disorder. He affirmed that no similar attack happened to him.

2. With regards to allegations concerning cases of Ms. Doan Truong Anh Thu, Ms. Doan Truong Vinh Phuoc, Ms. Trinh Thi Xuyen and her child [REDACTED]

At around 8 o'clock 8 May 2016 in Hoan Kiem District, Ha Noi, a group of people including Ms. Doan Truong Vinh Phuoc and Ms. Trinh Thi Xuyen gathered, shouted and jumped into the heavily trafficked roadway. They were disrupting the traffic and public order, let alone endangering their minor sister, children and their own life. Traffic disturbance caused by them spread from Opera House Square to all over Hoan Kiem lake area. Traffic policemen on duty met them, explained the situation and asked them to obey the rules, but the group insisted, continued to disrupt traffic and public order. To ensure traffic flow and public order in rush hour, the Police isolated some extremist people, including Ms. Doan Truong Vinh Phuoc and Ms. Trinh Thi Xuyen and asked them to go to the police station. As these two persons were accompanied by children, the police decided to ask all of them to go to the police station, not to separate them from their accompanying children.

The above mentioned group of people, including Ms. Doan Truong Vinh Phuoc and Ms Trinh Thi Xuyen were fined for the act of "disrupting public order on the roadway or other public places", in accordance with sub-paragraph b, paragraph 1 Article 5 of Decree No 167/2013/ND-CP of the Government. During the handling of this administrative violation case, the police have obeyed the law. The police did not threaten or attacked those persons. The children, [REDACTED] were in the care of their guardian the whole time Ms. Doan Truong Vinh Phuoc and Ms Trinh Thi Xuyen underwent

administrative violations sanctioning procedure. Since 8 May 2016, the Police have not received any claim, appeal or complain on this case from the concerned citizens.

3. With regards to allegations concerning the cases of Mr. Huynh Anh Tu and Mr. Pham Thanh Nghiem

On 1 May 2016, Ho Chi Minh City police intercepted a group of persons riding motorcycle in row in a way that endangered road traffic safety, stopped them to remind them of the rules and ask them to show their identity card. Two persons were unable to show their identity card and were invited to the police station, they resisted and made angry phone calls to their relatives, asking them to go the police station to protest. These two persons were later identified as Mr. Huynh Thanh Tu and Ms. Pham Thanh Nghiem.

The Police has made written record of administrative violations committed by these two persons, subsequently issued a Decision on sanctioning administrative violations and fined them for "being unable to present ID card when required by a competent agent", in accordance with Article 9 paragraph 1 subparagraph of Decree 167/2013/ND-CP dated 12 November 2013. The whole process was done strictly in accordance with the law, Mr. Huynh Anh Tu and Ms. Pham Thanh Nghien were not handcuffed or beaten, unlike what was said in the allegations.

4. With regards to allegations related to the case of Ha Le Tuan

On May 1st, 2016, a group of people had committed acts of obstructing traffic, caused serious public disorder on several streets in the area of District 1 and District 3, Ho Chi Minh City. Police forces repeatedly reminded the group on security and safety requirements and gave warnings; but the group did not abide by the rules and showed aggressive attitude with police officers. The Police then invited these individuals (including Ha Le Tuan) to the police station for report.

After clarifying the misconduct of this group, the Police made records of administrative violations for act of "illegal gatherings on road lanes, obstructing traffic and causing public disorder and issued Decision on administrative sanction for these acts pursuant to sub-paragraph b, paragraph 1, Article 11 of Decree 171/2013/ND-CP of 13/11/2013 of the Government stipulating administrative sanctions in the field of road transport and railways "and subparagraph e, paragraph 2, Article 5 of Decree 167/2013/ ND-CP of 12 November 2013 of the Government on handling administrative violations in the field of security, public order, social safety, prevention of social wrongs, fire protection and prevention of domestic violence. Nobody in this group "was beaten" as claimed in the communication.

5. With regards to allegations related to the case of Mr. Lau Nhat Phong

On 5th May 2016, a group of people had gathered, stayed on the roadbed and screamed along Nguyen Hue Street (District 1, Ho Chi Minh City). They distributed pamphlets, which compromised hygiene and caused insecurity and public disorder. Traffic Police conducted administrative checks and asked them to abide by the rules. The Police invited a person who failed to present their ID card to the police office for checks and report.

After verification, name of the person invited to police station is Lau Nhat Phong who usually resides at 544/4 Lac Long Quan Street, Ward 11, District 5, Ho Chi Minh City.

Due to his misconduct, the Police made a record of acts of Mr. Phong Nhat Lau pursuant to sub-paragraph d, paragraph 1, Article 9 of Decree 167/2013/ND-CP of 12/11/2013).

On May 15th, 2016, the Police received information about two persons who committed acts of causing serious disorder in the area of Hung Vuong Street, Ho Chi Minh City. These two persons were standing on roadlane, screaming and so, causing public disorder, obstructing traffic. After receiving warnings of the police, these two individuals continued to show aggressive behaviors. The Police summoned them to the police headquarters for report. They continued to act against police officers during their transport to police headquarters.

After verification by the Police, one of these two persons is Mr. Lau Nhat Phong. Due to recurrent violations, the Police made records of administrative violation records of his act of "gathering many people in public places, causing public disorder" and issued a Decision on administrative sanctions of Mr. Lau Nhat Phong in accordance with sub-paragraph d, paragraph 2, Article 5 of Decree 167/2013/ND-CP of 12/11/2013.

6. With regards to the protection of the right of demonstration and march of people in Viet Nam

The 2013 Constitution of Viet Nam has recognised that demonstration is one of the human rights and one of the fundamental rights and obligations of citizens. Article 25 of the Constitution provides that "The citizen shall enjoy the right to freedom of opinion and speech, freedom of the press, to access to information, to assemble, form associations and hold demonstrations. The practice of these rights shall be provided by the law". At the same time, Article 14 of the 2013 Constitution also stipulates that "political, civil, economic, cultural and social human rights and citizen's rights are recognized, respected, protected, and guaranteed in concordance with the Constitution and the law. Human rights and citizen's rights shall only be restricted in imperative circumstances for the reasons of national defence, national security, social order and security, social morality, and the health of the community".

Thus, the right of demonstration and march – a legitimate right of people – is enshrined in the Constitution. This is a concretization of the relevant provisions of international conventions on human rights to which Viet Nam is party.

Currently, Viet Nam's authorities are studying and drafting Law on demonstrations to specify the provisions of the Constitution with the view to better guaranteeing the exercise of citizens of their fundamental freedoms and promoting better understandings of the rights, obligations and responsibilities of people in the exercise of human rights in a peaceful and lawful manner.

7. With regards to the question on "human rights defenders"

Everyone is vested with the responsibility to promote and protect human rights in accordance with the current legislation, which means, inter alia, that the enjoyment, promotion and protection of fundamental rights and freedoms shall not affect national security, social order and security and not infringe the rights and interests of communities, individuals and other organizations in accordance with the ICCPR.

Vietnamese law recognizes and respects all fundamental rights and freedoms but also prohibits the abuse of fundamental freedoms to undermine national security, infringe the rights and legitimate interests of the people.

In Viet Nam, no one was arrested, tried for participating in the protection and promotion of human rights. Similarly to other countries, violations of the law should be strictly handled in accordance with due process in order to ensure the rule of law and protect the legitimate rights and interests of all individuals and communities. This is also consistent with norms and standards of international law on human rights as well as practices in all countries of the world.

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