

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
RÉPUBLIQUE SOCIALISTE DU VIET NAM
auprès de l'Office des Nations Unies,
de l'Organisation Mondiale du Commerce
et des autres Organisations Internationales à Genève

30, Chemin des Corbillettes, 1218 Grand-Saconnex, Genève
Tel: (41 22) 799 14 00 Fax: (41 22) 798 07 24 E-mail: geneva@mofa.gov.vn

Ref: 72 /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 Communications of the Special Procedures of the Human Rights Council (07 attachments).

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, 13 April 2017



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

REPLY OF VIET NAM TO THE COMMUNICATION UA VNM 02/2015

Regarding the information and allegations that Special Procedures received and mentioned in the letter UA VNM 02/2015 of the Special Procedures Branch dated in relation to the cases of Mr. Tran Thu Nam and Mrs. Do Thi Mai, your kind attention is drawn to the reply from the relevant authorities of Viet Nam as follows:

1. With regards to the investigation and handling of the incident happened to the two lawyers – Mr. Tran Thu Nam and Mr. [REDACTED] on 03/11/2015

On 03/11/2015, Mr. Tran Thu Nam and Mr. [REDACTED] were beaten by 08 persons and had serious injuries in the commune Dong Phuong Yen, Chuong My District, Ha Noi City. The incident resulted from spontaneous reaction of these 8 persons after the car of the two lawyers shot dirt and mud on the group while moving on the road. According to the group, the two lawyers had inappropriate behavior, deliberately teased and despised them. Both sides argued and had verbal assault on each other. That group of 08 persons beaten and injured Mr. Tran Thu Nam and Mr. [REDACTED].

On 12/11/2015, the Investigation Division of Ha Noi City Police issued the decision to prosecute 08 accused for "intentionally causing injury to or harm to health of" Mr. Tran Thu Nam and Mr. [REDACTED] under Article 104 of the Penal Code (Hanoi People's Procuracy approved the decision of prosecution).

2. With regards to the allegation that a police officer had participated in the attack against Mr. Tran Thu Nam and Mr. [REDACTED]

i) The information that Mr. [REDACTED] (born in 1982, a police officer in Dong Phuong Yen commune, Chuong My district, Ha Noi) had participated in the attack against Mr. Tran Thu Nam and Mr. [REDACTED] is inaccurate. In relation to this, at the office of the investigating body, the two lawyers declared that Mr. [REDACTED] was the one who opened the car door to allow other men to enter and beat the victims. However, through investigations, competent authorities has found that the man who opened the car door is Mr. [REDACTED] – one of 08 persons prosecuted for intentionally causing injury to the two lawyers as mentioned above.

At the time where the group of 08 persons blocked the car and beaten the two lawyers, Mr. [REDACTED] was riding a motorcycle from his residence (in Tan Phuong village) to the police station of Dong Phuong Yen Commune for works. He completely did not know or involve in the incident.

ii) The case "Mr. Tran Thu Nam and Mr. [REDACTED] were beaten on 03/11/2015" was investigated and handled in accordance with the law to ensure justice for these two lawyers. The information sent to the Special Rapporteurs that

Vietnamese authorities arranged the attack against two attorneys Tran Thu Nam and [REDACTED] is totally fabricated with the view to intentionally misrepresenting actual situation and slandering Vietnamese competent authorities. Viet Nam has always created and maintained enabling environment for all individuals and organizations to take part in the promotion and protection of human rights in accordance with relevant laws.

Furthermore, in Viet Nam, lawyers are guaranteed all favorable conditions to conduct their professional activities. Article 9 of the 2012 Law on Lawyers stipulates "strict prohibition of agencies, organizations and individuals from obstructing professional activities of lawyers"

3. With regards to the allegation that Mrs. Do Thi Mai was forced to replace Mr. Tran Thu Nam with another lawyer

After thorough verification, it needs to confirm that the police forces did not harass or threaten Mrs. Do Thi Mai to force her to replace Mr. Tran Thu Nam with the lawyer assigned by the competent authority. During the investigation process, the Investigation Division of Ha Noi City Police received many letters under the name of Mrs. Do Thi Mai accompanied by applications from different law offices and law firms in Ha Noi for defense certificate in order to represent Mr. [REDACTED] (the son of Mrs. Do Thi Mai).

In order to ensure that these correspondences are true of Mrs. Do Thi Mai, the competent authorities have repeatedly summoned Mrs. Do Thi Mai to their offices, but Mrs. Mai did not come to the appointments. For this reason, the competent authorities did not have enough evidence to issue defense certificate for requesting lawyers.

On 18/11/2015, upon the request of Mrs. Do Thi Mai, Investigation Division – Ha Noi City Police issued defense certificates for following lawyers: Tran Thu Nam, [REDACTED], [REDACTED], [REDACTED] and [REDACTED].

In conclusion, the information sent to the Special Rapporteurs that Mrs. Do Thi Mai was forced by the Vietnamese authorities to replace Mr. Tran Thu Nam with the lawyer appointed by investigating body is completely distorted to mispresent the truth. Mrs. Mai is guaranteed the right to freely choose defense lawyers in accordance with the law.

On the basis of the foregoing, Viet Nam strongly requests the Special Rapporteurs to discontinue the consideration of the case.