

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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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 04/2016

Regarding the information and allegations that Special Procedures received and mentioned in the letter UA VNM 04/2016 of the Special Procedures Branch, your kind attention is drawn to the reply from the relevant authorities of Viet Nam as follows:

1. General information relating to Mr. Tran Huynh Duy Thuc

Tran Huynh Duy Thuc was born on 11.29.1966 and usually resides at No 14/13/48 Than Nhan Trung Street, Ward 13, Tan Binh District, Ho Chi Minh City. On 20/01/2010, the People's Court of Ho Chi Minh City held the first instance trial and sentenced Tran Huynh Duy Thuc to 16 years of imprisonment and 05 months of probation for the offense of conducting "activities aiming to overthrow the people's administration" under Article 79 of the Penal Code. Currently, Tran Huynh Duy Thuc is serving his sentence in Prison No. 6 in Nghe An Province.

2. With regards to allegations in relation to Mr. Tran Huynh Duy Thuc

The allegations stated in the Appeal are totally inaccurate. Information was sent to Special Procedures with ill intention to slander Viet Nam for human rights violations and mispresent the image of Viet Nam before the international community.

2.1. In connection to the allegation that Tran Huynh Duy Thuc was ill-treated, harassed or deprived of basic rights of prisoners

The rights of Tran Huynh Duy Thuc as well as those of all inmates while serving their sentences are protected by law. Accordingly, all inmates shall

(i) be provided with a standard meal ration, safe drinking water; receive and use gifts sent by family members; participate in physical training, sports, culture and art activities in accordance with prison regulations;

(ii) be periodically visited by family and relatives at visits' rooms of each prison; receive gifts, correspondences and money, and can send two letters per month to the family;

(iii) be guaranteed necessary conditions for health care, periodic health checks and be provided with medicine and treatment for illness.

2.2. About the information that Tran Huynh Duy Thuc went on a hunger strike

On 24th May 2016, Tran Huynh Duy Thuc refused to eat the meal provided by prison, but still received food sent by the family and bought food at the canteen of the prison.

Prison officers, on one hand, explained and encouraged Tran Huynh Duy Thuc to eat food rations provided by prison and on the other hand organized medical examination for Tran Huynh Du Thuc on daily basis at the prison's clinic.

At present, the physical and mental health of Mr. Tran Huynh Duy Thuc are completely normal and qualified to continue serving his sentence in Prison No. 6 (Nghe An province).

2.3. Regarding the allegation that the transfer of Tran Huynh Duy Thuc from Xuyen Moc Prison in Ba Ria-Vung Tau Province to Prison No. 6 in Nghe An Province is a punishment for his complaints and activities in defense of human rights of detainees

This is a misleading information. During the execution of the sentence, Tran Huynh Duy Thuc has always expressed his opposition and refused to abide by the regulations of the prison. Moreover, he incited some other prisoners to engage in activities in violation of prison regulations.

In order to ensure the normal running of the detention center, penitentiary authorities decided to transfer Tran Huynh Duy Thuc from Xuyen Moc Prison (Ba Ria - Vung Tau Province) to Prison No. 6 (Nghe An Province). This is normal operation of prison authorities in accordance with the law.

During the execution of his sentence at the Xuyen Moc Prison and Prison No. 6 as well as during the transfer, Tran Huynh Duy Thuc has completely been free from torture or harassment.

3. With regards to the compatibility between Vietnamese law and international law on the rights of prisoners

Viet Nam's consistent policy and national legislation are to recognize and protect the fundamental rights and freedoms of persons serving imprisonment sentence in accordance with international human rights law, including the Standard Minimum Rules for the Treatment of Prisoners, adopted at the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders held in Geneva in 1955 and approved by ECOSOC by its Resolution 663C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977.

The Constitution and laws of Vietnam clearly stipulate the respect for and protection of the basic rights of prisoners in detention camps. All acts of infringing upon life, health, property, dignity of the detainees, prisoners are strictly prohibited. Law on Execution of Criminal Judgments also sets out the principle of respect for human dignity, the legitimate rights and interests of the person serving a sentence (Article 4). In addition, the Government has issued several guiding documents in this field, such as: Decree No. 117/2011/ND-CP dated 15/12/2011 regulating some new points on the organization of prisoners management and ensuring the regime for prisoners in prisons and temporary

detention centers; Inter-ministerial Circular No. 4/2010/TTLT-BTC-BCA-BQP dated 12 January 2010 detailing regulations on labor and wages of prisoners resulting from their labor; Decree No. 09/2011/ND-CP dated 25 January 2011 amending and supplementing a number of articles of Decree 89/1998/ND-CP of 7 November 1998 on meals and medical examination for prisoners and detainees; Decree No. 80/2011/ND-CP dated 16 September 2011 providing for measures to support community reintegration for those who have served their sentences in order help their quick resettlement.

The above-mentioned regulations are strictly implemented in prisons and detention camps, contributing to the remarkable improvement of the regime of food, clothing, accommodation, health care and medical treatment for prisoners. Material conditions have also been step by step improved to meet the needs in physical and cultural activities of prisoners during the time of serving their sentences.

Prisons organize for inmates and detainees to study prison regulations, rules of law. Inmates receive general culture education, civic education, vocational guidance, vocational training and law enforcement guidance. In the period from 2010 to 2015, there are more than 43,500 prisoners who had shown positive improvement and active engagement in study and education have been granted special amnesty or early released.

Many prisoners who returned to their normal life after having been granted special amnesty or having finished their sentence have brought into full play of what they were trained in prison, quickly re-settled their life, got jobs and legitimate income, and have not repeated their offense. Prison's classes are notified to the inmates' families for a better coordination with families in the encouragement and education of convicted criminals with a view to helping them to return to the community.

The working time of inmates shall be in accordance with the provisions of the Labor Code and the time spent for classes and study shall be deducted from the working time. The prison cells are guaranteed adequate light and sanitation. The prisoners and detainees have the right to see his/her family members, lawyers or legal counsel in accordance with regulations; they shall have access to information through press, radio and television systems in detention houses; shall have the right to lodge complaints and denunciations against acts of law violation (s) and violation (s) of detainees' and prisoners' rights.

Regarding the prevention of torture, extortion, corporal punishment and other abuses by penitentiary officers in the performance of their duties: Paragraph 1, Article 20 of the 2013 Constitution prohibits any form of torture, violence, infringement upon the body, health, honor and dignity of everyone. All violations shall be investigated and properly handled in accordance with Articles 157, 373 and 374 of the amended Penal Code.

4. In relation to the question of "human rights defenders"

Everyone is responsible for the promotion and protection of human rights in accordance with applicable laws. In this line, the enjoyment, promotion and protection of fundamental freedoms shall not affect national security, social order and safety and shall not infringe upon the legitimate rights and interests of the community, other individuals and organizations in accordance with the International Covenant on Civil and Political Rights.

Vietnamese law recognizes and respects fundamental human rights but also prohibits acts of abusing fundamental rights and freedoms to undermine national security or infringe upon legitimate rights and interests of people.

In Viet Nam, no one is arrested or tried for his or her participation in the the protection and promotion of human rights. However, if an individual uses the promotion and protection of human rights as context to violate the law, he/she will be prosecuted for the act of law violation in order to ensure the rule of law and protect the rights and legitimate interests of other individuals and community as a whole, including the right to live in a safe and stable environment. This provision is totally in line with the norms and standards of international human rights law as well as common practice in all countries of the world.

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