

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 United Nations High Commissioner for Human Rights and further to its Note Verbale No. 109/HR.VNM.2017 dated 18 May 2017, which requests for an extension of the deadline for replying the joint communication Ref. AL VNM 3/2017 dated 17 March 2017, has the honor to transmit the reply of Viet Nam to the mentioned communication (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 Working Group on Arbitrary Detention of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 16 June 2017



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

**REPLY OF VIET NAM TO THE JOINT COMMUNICATION
FROM SPECIAL PROCEDURES REF. AL VNM 3/2017**

1. On allegations of arrest, interrogation and confiscation of personal belongings of individuals by the police in connection of their participation in a training course delivered by VOICE in Ho Chi Minh City

The Law on Residence of Viet Nam recognizes citizen's right to freedom of residence in its territory. Moreover, it requires that every change in residence must be registered with competent authorities, and each person shall register his permanent residence and/or temporary residence at one address only. The Law also requires every person to notify the police of their stay overnight at another address other than his permanent or temporary residence.

In December 2016, the police of Phu My Ward, District 7, Ho Chi Minh City repeatedly received reports from residents of Era Town [REDACTED] on a group of strange people coming in and out the place, disturbing public security and order. As a result, the police of Phu My Ward checked the Era Town building on 26 December 2016 and found four individuals residing in the apartment no. A3-03-10 owned by [REDACTED] without registering residence or notifying their stay as required by law. At the time of the check, these people failed to present their identification papers.

The police issued an administrative violation ticket and imposed a fine on [REDACTED] for the above-mentioned violation and ordered the four individuals to come to the Phu My Ward police station. At the police station, their identifications were clarified as follows: Nguyen Thi Phuong Hoa [REDACTED], [REDACTED], Vu Ngoc Han [REDACTED], Cao Tran Quan [REDACTED] and Le Hong Phong [REDACTED].

The police reminded these people of the legal obligation of residency registration and requested them to obey the law. They left without being interrogated or confiscated of their personal belongings as alleged in the communication.

The whole process of administrative check to ensure the enforcement of the residency legislation and the order for those persons to come to the police station by the police are in line with national legislation.

According to the information provided by local authorities, the training course at the [REDACTED] of Era Town has not been approved by or made known to a competent authority; the location of training, which is inside a residential area, is inappropriate as it reportedly disturbed others' living environment and security. These facts, together with the fact that some participants of the training course did not fulfil their obligation of temporary residence registration, led to the request by the local authorities to discontinue the course. However, it should be noted that the organization of any training courses by any individual or entity is always encouraged in the country as long as they meet with the legal requirements on legal personality, training facilities and capability.

As a result of the verification of information provided in the joint communication, it was found that the allegations of threats, arrest and confiscation of personal belongings of the trainees are untrue.

2. On allegations of brutality, threats and surveillance by the police against the trainees and the result of an investigation, if any

The allegations of brutality, threats and surveillance by the police against the trainees are also untrue and unfounded. Up to now, the competent authorities have never received any complaint, report or information on such alleged brutality or surveillance. As a result, there has been no basis to launch an investigation into the mentioned allegations.

3. On allegation concerning Mr. Nguyen Ho Nhat Thanh's complaint

The information that Mr. Nguyen Ho Nhat Thanh filed a complaint to the Ho Chi Minh City Police Department and the complaint has been transferred to the Police of District 7 for review is untrue. The competent authorities of Ho Chi Minh City have not received any such complaint from anyone whose name is Nguyen Ho Nhat Thanh concerning the case mentioned in the joint communication.

4. On measures to ensure that human rights defenders, especially students and young activists are able to attend human rights training and operate in a safe and enabling environment without fear of threats or acts of harrassment of any sort

Article 25 of the Constitution of 2013 stipulates that "Citizens have the rights to freedom of expression, freedom of the press, freedom of access to information, the right to assembly, the right to association, and the right to demonstrate. The exercise of these rights shall be prescribed by law." In addition, Article 14 of the Constitution also provides that "Human rights and citizens' rights in the political, civil, economic, cultural and social fields shall be recognized, respected, protected and guaranteed in accordance with the Constitution and laws. Human rights and citizens' rights may not be limited unless by a law solely in case of necessity for reasons of national defense, national security, public order and safety, social morality and community well-being."

As mentioned before, the organization of and participation in education and training activities, including those relating to human rights are always encouraged by the State. However, these activities must be conducted in accordance with relevant laws. It is the responsibility of the State to ensure that the enjoyment or exercise of rights and freedoms by all persons are on an equal footing. In this connection, the governmental management of education and training activities and of residence are vital to ensure and protect the rights and interests of persons participating in such activities, particularly in relation to training qualities and facilities, as well as to ensure that the training activities do not affect others' rights and legitimate interests, especially their right to live in a safe, orderly and peaceful environment. This is totally in line with the relevant international treaties on human rights, including the International Covenant on Civil and Political Rights.