

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 with reference to the letter Ref. UA VNM 2/2017 Rev.1 dated 21 March 2017, has the honour to hereby transmit to the latter the reply of Viet Nam (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 United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 26 July 2017



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

**REPLY OF VIET NAM TO THE JOINT URGENT APPEAL
FROM SPECIAL PROCEDURES REF. UA VNM 2/2017 Rev.1**

1. On the allegations that the police arrested protestors, deployed roadblock and used force against peaceful protestors

1.1. These allegations are totally fabricated. Following is what truly happened on that day:

- On 14 February 2017, about 500 people from Song Ngoc parish, Quynh Ngoc commune, Quynh Luu district, Nghe An Province moved onto national route N^o. 1, raised placards and traditional festival flags, shouted out loud and blocked traffic. As all these actions disturbed peace, public order and other traffic users, the authority of Nghe An Province called on the protestors to disperse in order to ensure the national route traffic fluidity and safety. In response to that, about 200 people agreed to return to Song Ngoc parish by buses hired by the authority.

- As about 300 others continued moving on the national route, when they reached to Dien Hong commune, Dien Chau district, traffic police set up a specific lane on the national route for the crowd so as to prevent traffic jams. However, the protestors broke the lane, continued to move in horizontal lines, hindered other traffic user's movement and thus caused disruption of many businesses and production activities (It should be noted that the national route N^o. 1 is the longest, most important route for transportation of goods and passengers from the North to the South and vice versa).

- Nghe An authority asked the protestors and their vehicles to move to a vacant ground on the roadside so that the authority could talk to them. However, a seven-seat car parked right in the middle of national route N^o.1, the 9 individuals on board the car refused to open the doors or to move their vehicle to one side of the national route, thus caused severe traffic jam. The traffic police then decided to tow the car off the road away to enable traffic.

- Taking advantage of the above-mentioned incident, priest Nguyen Dinh Thuc made a phone call to [REDACTED] neighboring parishes, slandered that he was attacked and asked them to come along to exert pressure on the authority. Some people began to have provocative acts and instigated clash with the police. They threw bricks and stones towards the police, injured 16 police officers and broke three police cars' glasses. The police and other competent authorities tried to persuade the protestors to stop but failed, which led

to the police's use of necessary measures in accordance with applicable laws to disperse the crowd and to re-establish security and order. Twenty-one people were arrested for resisting against law enforcement officers. Nghe an authority also persuaded priest Nguyen Dinh Thuc and other church dignitaries to call on the followers to return to their parishes. Some images and videos relating to the above incident could be found at <http://truyenhinhnghean.vn/xa-hoi/201702/du-luan-bat-binh-truoc-viec-nguyen-dinh-thuc-kich-dong-dam-dong-gay-roi-696592/>; and <http://truyenhinhnghean.vn/xa-hoi/201702/giao-dan-bi-kich-dong-di-khoi-kien-formosa-696504/>

1.2. There were no such acts as threats from the authority to the bus companies as alleged in the Joint Urgent Appeal. The fact that bus companies or owners and priest Nguyen Dinh Thuc did not reach an agreement on the hiring contracts is their own private business. The authority made no threat to or pressure on them to influence the agreements between priest Nguyen Dinh Thuc and the bus companies.

1.3. Article 15, paragraph 4 of the Vietnamese Constitution of 2013 stipulates that 'the exercise of rights of a human being and citizen may not violate national interests or others' lawful rights and interests'. International law does not tolerate the acts of violating national security, public order or community interests in the name of exercising human rights. Article 19, paragraph 3 of ICCPR provides that the exercise of the right to freedom of expression carries with it special duties and responsibilities, especially the duty and responsibility not to infringe upon the rights of others or national security and public order, which are provided for in national laws. In addition, Article 20, paragraph 2 of the ICCPR stipulates that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law. Article 21 clearly points out the right of States to impose restrictions in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order or the protection of the rights and freedoms of others.

1.4. The authority and law enforcement officers had recourse to pacific measures to persuade parish members to respect the law. Traffic police worked very hard to prevent accidents and traffic jam by setting up traffic deviation and guiding protesters. Only when strictly necessary, the police took necessary measures towards some extremists to ensure and re-establish public order and security and traffic fluidity in accordance with applicable laws. Right after the re-

establishment of public order and security, 21 arrested individuals were released in the afternoon of 14 February 2017.

2. On the health conditions of the protestors

There was no person suffered from being 'physically assaulted and later taken to remote areas', or got 'fractured backbone, lost teeth, lost contact, taken to the hospital' as alleged in the Appeal. During the clash between protestors and the police, some extremists threw stones and caused injuries to both the protestors and law enforcement officers, but no one was severely injured. All the injured got proper medical care.

3. On the investigation of allegations of excessive use of force by the police and "men in plain clothes" against peaceful protestors

- The police officers present at the scene of the incident on 14 February 2017 comprised of around 400 officers, most of which are traffic police and other units, wearing uniforms to perform their duty of ensuring security and order. They had implemented all necessary measures to protect public safety, security, including that of the protestors. No policemen in plain clothes infiltrated the group. No tear gas nor fired flash grenades were used by the police during the incident.

- The allegations concerning 15 protestors "being captured, physically attacked and transported to remote and inaccessible area" are completely fabricated. Regarding the incident on 14 February 2017, a number of extremists violated the law, incited violence and triggered public disturbances in the area, thus leaving police officers no choice but to carry out necessary measures to restore security and order in accordance with applicable laws. Right after the re-establishment of public order and security, all 21 arrested individuals were released in the afternoon of 14 February 2017. Throughout their detention, they were not abused or tortured, their rights were fully respected pursuant to applicable laws and regulations, . All the injured got proper medical care. Priest Nguyen Dinh Thuc was not physically attacked by police officers as alleged in the Joint Urgent Appeal.

- No threats and acts of harassment were directed by the authority against the organizers, their families and employers.

4. On measures taken to ensure that human rights defenders and protestors in general can exercise their rights of freedom to peaceful assembly and freedom of expression in a safe and conducive environment;

- Human rights, fundamental rights and obligations of citizens are referred to in Chapter II of the Vietnamese Constitution of 2013, which includes, inter alia, the right to freedom of expression, right to freedom of assembly and association. Article 25 of the Constitution clearly provided that: *"Citizens have the rights to freedom of opinion and expression, freedom of the press, the right of access to information, the right to freedom of assembly and associations and the right to protest. The practice of these rights shall be provided by law."* Article 14 of the Constitution also stipulates that *"(...) human rights and citizen's rights in the political, civil, economic, cultural and social fields are recognized, respected, protected and guaranteed in concordance with the Constitution and other laws. Human rights and citizen's rights may not be restricted unless by a law in case of necessity for reasons of national defense, national security, public order and safety, social morality and community well-being."* Hence, the right to freedom of expression, the right to freedom of assembly and association, or the right to protest of the citizens are specifically provided for in the Constitution, in line with international treaties on human rights to which Viet Nam is a party. At present, the draft law on protest are being elaborated to implement relevant provisions of the Constitution to facilitate the peaceful exercise of citizens' fundamental rights..

- Vietnamese people may and can participate in any human rights protection activities in accordance with applicable laws. No one is detained or adjudicated for participating in activities relating to human rights protection and promotion. However, like other countries, any violation of law must be stopped and addressed pursuant to applicable laws and regulations so as to safeguard rights and legitimate interests of others and the community. This falls in line with international law on human rights and broad relevant State practice.

- The incident caused by extremists on 14 February 2017 cannot and should not be considered as an exercise of the right to freedom of expression and the right to peaceful assembly and of association. Many individuals intentionally used violence and triggered disturbances in the area, resisted and physically attacked law enforcement officers. Priest Nguyen Dinh Thuc and some other individuals also incited protestors, defamed the State and the national liberation wars, causing harm to national unity. These acts clearly infringe upon national security and entail responsibility pursuant to applicable national laws.