

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 communication Ref. AL VNM 6/2017 dated 21 September 2017 from the Special Procedures, has the honour to hereby transmit 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, 05 January 2018



**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 6/2017  
(dated 21 September 2017)**

***1. General information***

a. Le Dinh Luong, born 1965 in Nghe An, was arrested by the Investigation Security Agency of Nghe An Province on 24 July 2017 for investigation of the charges of ‘conducting activities to overthrow the people’s administration’ against him under Article 79 of the Criminal Code. The Investigation Security Agency prosecuted the case, the suspect and issued a decision of detention for 04 months on 26 July 2017 to investigate the mentioned charges against Le Dinh Luong. The decision was approved by the competent People’s Procuracy. Le Dinh Luong is currently under detention for investigation at the Detention Center of Public Security Department of Nghe An.

b. Nguyen Bac Truyen, born 1968, was a former member of the US-based, anti-Vietnamese Government organization "People's Democratic Party". In 2007, he was sentenced to 04 years in prison and 02 years of probation for the offence under Article 88 of the Criminal Code by the People's Court of Ho Chi Minh City. At the appellate trial, the competent Court sentenced him to 3 years and a half in prison and 02 years of probation. After being released from prison, he became a member of the 'Brotherhood for Democracy' group. Nguyen Bac Truyen was prosecuted and arrested for investigation of charges against him under Article 79 of the Criminal Code on 30 July 2017. He is currently under detention at the Detention Center of Nghe An Department of Public Security.

c. Truong Minh Duc, born 1960, was sentenced to 05 years imprisonment in 2008 for the offence under Article 258 of the Criminal Code. After being released from prison, he also became a member of the 'Brotherhood for Democracy' group. Truong Minh Duc was prosecuted and arrested for investigation of charges against him under Article 79 of the Criminal Code on 30 July 2017. He is currently under detention at the B14 Detention Center of the Ministry of Public Security in Ha Noi.

d. Nguyen Trung Ton, born 1971, was sentenced to 02 years in prison and 02 years of probation in 2011 for the offence under Article 88 of the Criminal Code. After being released from prison, he became a member of the 'Brotherhood for Democracy' Group. Nguyen Trung Ton was prosecuted and arrested for

investigation of charges against him under Article 79 of the Criminal Code on 30 July 2017. He is currently under detention at the B14 Detention Center of the Ministry of Public Security in Ha Noi.

e. Pham Van Troi, born 1972, was sentenced to 04 years in prison and 04 years of probation in 2009 for the offence under Article 88 of the Criminal Code. After being released from prison, he also became a member of the 'Brotherhood for Democracy' group. Pham Van Troi was prosecuted and arrested for investigation of charges against him under Article 79 of the Criminal Code on 30 July 2017. He is currently under detention at the B14 Detention Center of the Ministry of Public Security in Ha Noi.

f. Nguyen Van Tuc, born 1964 in Thai Binh province, was sentenced to 04 years in prison and 03 years of probation in 2009 for the offence under Article 88 of the Criminal Code. After being released from prison in 2012, he became a member of the 'Brotherhood for Democracy' group. Nguyen Van Tuc was arrested and detained by the police of Thai Binh province to investigate the charges against him under Article 79 of the Criminal Code. He is currently under detention at the Detention Center of the Department of Public Security of Thai Binh.

## ***2. Legal grounds for the arrest and detention of the above-mentioned individuals***

Nguyen Bac Truyen, Truong Minh Duc, Nguyen Trung Ton, Pham Van Troi, Nguyen Van Tuc and Le Dinh Luong formed the 'Brotherhood for Democracy' group to carry out activities aiming at overthrowing the Government. They tempted people to become a member of the group and disseminated distorted information with a view to inciting people to overthrow the Government. They also illegally gathered people to disturb public order and made plans to overthrow the Government. By these acts, they are suspected of having committed the offence of 'overthrowing the people's administration' under Article 79 of the Criminal Code. The decisions of prosecution, arrest and detention of these individuals have been issued and approved by the competent authorities of Viet Nam in accordance with the national legislation. The enforcement of these decisions is also made known to the public by the online media. It is due to the fact that this case concerns national security that the Prosecutor General of the Supreme People's Procuracy makes the decision that the defending counsel(s) shall involve in the proceedings upon the

completion of the investigation phase, which is in line with Article 58 paragraph 1 of the Criminal Procedures Code of Viet Nam.

The case and the suspects are currently still under investigation. Therefore, the Government only considers giving relevant information and evidences concerning the suspected violations of law of these individuals after the completion of investigation and trial.

Any acts aiming at overthrowing the Government and/or causing harm to national security must be sanctioned under applicable laws and regulations. With that in mind, Article 79 of the Criminal Code of Viet Nam is in line with international human rights law in general and the international human rights covenants to which Viet Nam is a party.

### ***3. Regarding the allegation that Nguyen Bac Truyen has been refused medication***

During the period of detention, all rights of the suspects have been fully ensured in accordance with national laws and regulations. Their rights as detainees have been respected in line with Decree No. 89/1998/ND-CP dated 07 November 1998 of the Government promulgating the regulations on temporary custody and detention, including diet and accommodation treatment, medical care and check-up, family supplies, etc. They are currently in normal health condition. The allegation that Nguyen Bac Truyen has been refused medication for the treatment of pre-existing medical conditions is untrue and unfounded.

### ***4. Measures to ensure that human rights defenders in Viet Nam are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort***

Article 14 of the Constitution of 2013 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.*” Viet Nam holds the view that the promotion and protection of human rights in one State are first and foremost the obligation and responsibility of that State. In Viet Nam, both the State and people contribute to the promotion and protection of human rights. The fact that the title of 'human rights defenders' only goes to some individuals is not reasonable and appropriate.

Every Vietnamese citizen is ensured a safe and enabling environment to lead their life. Any acts of harassment, assault or violation of others' rights and freedoms shall be sanctioned in accordance with applicable laws and regulations. Depending on the nature and severity of the violations, the sanctions may range from administrative fines to criminal prosecution. A whole Chapter of the Criminal Code (amended) of 2015, which shall be in effect from 01 January 2018, is devoted to provisions on eleven offences against human rights and citizens' rights, including illegal arrest, detention of a person (Article 157), intrusion into private residence (Article 158), violation of the right to assembly and association (Article 163), infringement upon the right to complain and/or denounce (Article 166), infringement upon freedom of speech, freedom of the press, the right of access to information and the right to protest (Article 167), etc. Besides legislative measures, Viet Nam has been actively disseminating information on human rights on the media with a view to raising people's awareness in the field of human rights and citizens' rights and the exercise of these rights in a manner that respects other people's rights and legitimate interests. Workshops and training courses have been organized to enhance capacity and knowledge of enforcement officers with regard to human rights aspects of their duties. The abuse of powers to infringe upon others' rights and freedoms are strictly prohibited and shall entail personal responsibility.

However, the abuse of rights and freedoms to cause damage to national security or to infringe upon others' rights and legitimate interests are strictly prohibited. This is totally in line with international human rights treaties to which Viet Nam is a party, including the International Covenant on Civil and Political Rights./.