

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

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](mailto:geneva@mofa.gov.vn)

Ref: *M5* /HR.VNM.2018

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. UA VNM 3/2018 dated 13 March 2018 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. *[Signature]*

Geneva, 09 July 2018



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

## **REPLY OF VIET NAM TO THE COMMUNICATION**

**Ref. UA VNM 3/2018 (dated 13 March 2018)**

The allegations mentioned in the communication are untrue and unfounded. Nguyen Ngoc Nhu Quynh was arrested and tried for her violations of law, not for the exercising of her right to freedom of speech and expression.

The observation that Vietnamese laws criminalize rights and fundamental freedoms are not true. Vietnamese law recognizes and protects all human rights and fundamental freedoms. The limitations to the exercise of human rights, in line with international human rights treaties that Viet Nam is a party to, are determined by law only and solely for the purpose of promoting the general welfare in a democratic society including protection of the rights and freedoms of the others.

The Government has provided information and legal basis for the arrest, conviction and ensuring the rights of Nguyen Ngoc Nhu Quynh in its reply to the communications No. 01/2017 and No. 04/2017 from the Special Procedures. The Government is of the view that the facts of the case, the information provided by the Government and its view were not reflected in the Opinion No. 27/2017 dated 25 April 2017. The Opinion was based on false, groundless, unverified and one-sided information.

### **1. Legal grounds for the arrest and conviction of Nguyen Ngoc Nhu Quynh**

Nguyen Ngoc Nhu Quynh committed acts which violated Vietnamese laws. She was arrested on 10 October 2016 and tried by the first-instance court on 29 June 2017, by the appellate court on 30 November 2017. The arrest and trial of Nguyen Ngoc Nhu Quynh are in compliance with Vietnamese law as well as international human rights treaties which Viet Nam is a party to.

At the appellate court, the people's high court based at Da Nang hold that the first-instance court's findings against Quynh for the offence of "conducting propaganda against the Socialist Republic of Viet Nam" under Article 88 of the Penal Code are justified; the sentence are compatible with the nature and the consequences by the acts of Ms. Quynh.

At the appellate court, there is no new factor mitigating criminal liabilities. The High Court therefore rejected Ms. Quynh's appeal and upheld the first-instance sentence.

According to the indictment, from 2012 to October 2016, Nguyen Ngoc Nhu Quynh used her Facebook account to disseminate false, fabricated information distorting the State's policies and laws and the revolutionary history of Viet Nam, seeking to undermine the national unity and inciting others to overthrow the national administration. Her acts caused harm to the national security and public order and safety.

In 2014, Quynh took information on e-newspapers, edited, removed and modified details, distorted the content thereof, then compiled into a document titled "Stop police killing civilians" to post on her Facebook page with an aim to defaming and inciting hatred against the police.

In 2015, Quynh together with 162 individuals and 27 organizations initiated the 'Campaign for freedom, democracy and human rights of 2015' to incite others to reject the leadership of the Communist Party in violation of the Constitution.

Nguyen Ngoc Nhu Quynh took part in other activities and events to incite people against the State. She also stored in her place of residence documents inciting people to act against the State, incite people and harm the national unity. At the appellate court, she admitted all her acts, though she argued that she had no intention to act against the State.

## **2. Ensuring rights of Quynh during legal proceedings and enforcement of sentence**

During the arrest, search, detention, investigation, trial and enforcement of sentence, Nguyen Ngoc Nhu Quynh's rights under the laws have been fully ensured.

In the morning of 05 February 2018, she met her mother Nguyen Thi Tuyet Lan from 9:20 to 9:45 a.m. The time of the visit satisfied the requirements of Article 4, Circular 34/2017/TT-BCA issued on 19 September 2017.

Since the beginning of her sentence, the authority has not received any information from her or her family on her blood pressure condition or any request for medication for such condition. She received medical check-up and visit by health care professionals on a regular basis as required by law. Her health is in normal, stable condition.

On 08 February 2018, Nguyen Ngoc Nhu Quynh was transferred to Detention Center No.5. Medical check-up at Detention Center No. 5 at the time of transferring shows that she is in normal health and no medical conditions are

identified. Her family has sent her supplements which she has been given on a regular basis in accordance with medical instructions.

From 08 February 2018 to May 2018, Nguyen Ngoc Nhu Quynh met her family on 08 March 2018, contacted them via telephone twice, and received 02 letters and 02 postal packages. On 11 February 2018, the Detention Center issued the Notification of reception of prisoner and sent it to Quynh's mother, Mrs. Nguyen Thi Tuyet Lan. The transfer of prisoners from one facility to another is neither unusual in Viet Nam nor in other countries.

The detention conditions at Center No. 5 satisfy the statutory requirements. The allegations of poor conditions of detention and denial of appropriate medication are untrue and unfounded. The decision to transfer Ms. Quynh for the purpose of prisoner management is lawful. It should be noted that while serving their sentences, all prisoners have equal rights and obligations under national legislations in consistence with Viet Nam's human rights obligations.