

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. UA VNM 10/2018 dated 05 November 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.

Geneva, 26 April 2019



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

REPLY OF VIET NAM TO THE COMMUNICATION

Ref. UA VNM 10/2018 (dated 05 November 2018)

1. On the conditions of detention of Tran Thi Nga

Tran Thi Nga committed the offence of "conducting propaganda against the Socialist Republic of Viet Nam" under Article 88 of the Criminal Code of 1999. She was arrested on 21 January 2017 and tried on 25 July 2017. Her appeal was heard on 22 December 2017. She was sentenced to 09 years imprisonment.

Tran Thi Nga started serving her sentence at Gia Trung Prison, Gia Lai Province since 27 February 2018 and shared her room with two other inmates, namely [REDACTED] and [REDACTED]

[REDACTED] These two prisoners are classified as having good behaviors, for which [REDACTED] sentence had been commuted 3 times, a total of 22 months and finished serving her sentence in February 2019.

Since serving her sentence at Gia Trung prison, Tran Thi Nga frequently refused to obey the orders of the prison officials, not wearing prison clothes, instead using those ordinary clothes that she brought from outside, whereas refused to let the prison officials to stamp the prison stamp on those clothes, which is a violation of the detention regulations. Moreover, she did not participate in working or vocational training, regularly use bad, dirty words to insult prison officials and the authority, disturbed the prison order and thus violated the prison regulations.

Though prison officials had had several talks with her and other prisoners had tried to advise and encourage her to obey the prison regulations, she refused to follow any advices and continued to insult the prison officials and other inmates. On 23 July 2018, she was disciplined in the form of a warning for not complying with prison officials' orders, causing disorder and insulting officials as well as other prisoners.

For the fact that Tran Thi Nga's acts disturbed other prisoners' life and activities, on 28 July 2018, she was moved to another room but still in the same bloc, which could not be considered as incommunicado detention. Every day, she receives meals provided by the prison and can still buy additional food if she wants at the canteen. On 15 November 2018, she was checked up by a prison doctor and was found to be in normal health.

2. On family visits

Gia Trung Prison has organized family visits in accordance with national laws and regulations. However, Tran Thi Nga refused to comply with the regulations on family visits. In particular, she did not wear prison clothes nor allow the prison officials to stamp on her ordinary clothes, which is in violation of Article 6, paragraph 2 of the Circular No. 07/2018/TT-BCA dated 12 February 2018 on prisoners' family visits, sending and receiving letters, receiving personal supplies and money, and phone calls to family members.

In June and July 2018, Mr. [REDACTED] [REDACTED] [REDACTED] contacted the prison authority to request a visit. The Supervisor of the Gia Trung Prison had agreed to arrange a visit in which Tran Thi Nga met [REDACTED] [REDACTED] After the visit, Nga still refused to obey the prison regulations.

On 17 November 2018, [REDACTED] visited her again. This time, she wore the prison clothes and obeyed the rules on family visits. [REDACTED] was not allowed to visit Nga as he was unable to present any paper which proves his relationship with Tran Thi Nga.

3. On family phone calls and supplies

Gia Trung Prison allowed Tran Thi Nga to make phone calls to [REDACTED] [REDACTED] and receiving their supplies in accordance with national laws and regulations, in particular Articles 46 and 47 of the Law on the Enforcement of Criminal Sentences, Articles 9 and 13 of the Circular no. 07/2018/TT-BCA dated 12 February 2018 on prisoners' family visits, sending and receiving letters,

receiving personal supplies and money, and phone calls to family members. During the period of June - October 2018, Tran Thi Nga made phone calls to [REDACTED] 6 times and received [REDACTED] supplies 6 times, as follows:

- She talked to [REDACTED] 4 times via the phone number [REDACTED] on 05 June, 28 July, 18 August and 25 September 2018.

- She talked to [REDACTED] 2 times via the phone number [REDACTED] on 25 September and 22 October 2018.

- She received 06 books from [REDACTED] on 15 June 2018.

- She received tea, mushrooms and lotus seeds from [REDACTED] on 08 September 2018.

- She met [REDACTED] on 09 June 2018 and received from him Dried jackfruit, dried beef, dried fish, slippers, coffee, boiled chicken and [REDACTED]

- She met [REDACTED] on 26 July 2018 and received from him an anti-chapping cream, a facial cleanser, a women hygiene liquid, a vegetarian bologna, fresh lemons, dried mushrooms, peanuts and brown rice.

- She met [REDACTED] on 22 August 2018 and received from him longan, a dietary supplement used for improving blood circulation, jujubes, Pía cakes, coconut candies and biscuits.

- She met [REDACTED] on 17 November 2018 and received from him oranges, milk, bread and candies.

In conclusion, the conditions of detention and treatment of Tran Thi Nga have met the standards required by the national laws and regulations and been in line with Viet Nam's international obligations.