

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 1/2019 dated 18 April 2019 from the Special Procedures, has the honour to hereby transmit the reply of Viet Nam.

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, 30 January 2020



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

Reply of Viet Nam to the Special Procedures' Communication

Ref. UA VNM 1/2019, dated 18 April 2019

The allegations mentioned in the communication are untrue and unfounded. The two individuals, namely Truong Duy Nhat and Bach Hong Quyen have not been prosecuted for 'journalist activities and the exercise of the right to freedom of expression', but for their violations of Vietnamese laws. The procedures concerning these two persons have been carried out in accordance with the law and in consistence with the human rights treaties to which Viet Nam is a party.

1. On the case of Truong Duy Nhat

a. General information

Truong Duy Nhat, born 1964, has registered his residence at [REDACTED]. He is currently being detained for the investigation on the charge of 'abusing power and/or authority to appropriate property' under Article 355 of the Criminal Code of 2015. His arrest and detention is irrelevant to 'journalist activities' or 'the exercise of the right to freedom of expression' as alleged in the communication.

b. Legal grounds for the arrest and detention of Truong Duy Nhat

In 2004, while holding the position of the Chief of Middle Central Region Office, Đại Đoàn Kết Newspaper, Truong Duy Nhat abused his authority, signing a number of documents to the People's Committee of Da Nang City to ask for buying the lot of public land located at 82 Tran Quoc Toan, Da Nang City and the building thereon to turn it into the newspaper's Representative Office. On 19 July 2004, the People's Committee of Da Nang issued the Decision no. 5755/QĐ-UB selling the land and the building to Dai Doan Ket Newspaper with a preferential price of 674,483,400 VND for the purpose of a representative office. However, four months later, on 25 November 2011, Truong Duy Nhat signed a contract to sell the premises to another company, which causes a damage equivalent to 301,000,000 VND (as at 2004) to the State's budget. With such acts, Truong Duy Nhat allegedly committed the offence of 'abusing power and/or authority to appropriate property'. On 16 January 2019, criminal proceedings

were initiated against him for the alleged offence. After the decision to initiate the criminal case was approved by the People's Supreme Procuracy, on 28 January 2019, the authority executed the arrest warrant of Truong Duy Nhat.

Due to the evaluated risks of hindering the investigation and the collection of evidences if the notice of arrest is sent out early, in accordance with Article 116 of the Criminal Procedures Code of 2015, the police informed local authorities and the family of Truong Duy Nhat about his arrest on 11 June 2019.

2. On the case of Bach Hong Quyen

a. General information

Bach Hong Quyen, born 1989, registers his residence at [REDACTED]
[REDACTED] He is currently wanted for the charges of 'Disturbing public order' under Article 245 and 'illegally arresting and detaining a person' under Article 123 of the Criminal Code of 1999.

b. Legal grounds for the pursuit of Bach Hong Quyen

In the context of the environmental pollution incident caused by Formosa in April 2016, a number of people disseminated distorted information against the Government, incited and induced other people to cause insecurity and disorder in Ha Tinh and other neighbouring provinces. On 03 April 2017, Bach Hong Quyen led, enticed and provoked a group of approximately 2000 parishioners of parish Trung Nghia, Thach Bang commune, Loc Ha district and the sub-parishes of Kim Doi, Trung Cu (Thach Kim commune, Loc Ha district) to gather at the People's Committee Office of Loc Ha district to with a view to disrupting security and order. They shouted loudly with and hang banners with distorted content. In fact, Bach Hong Quyen incited people to oppose the government, causing traffic jam and completely stalled the operation of the district People's Committee. More seriously, he incited parishioners to besiege, arrest and beaten a policeman on duty, and later obstructed him from accessing emergency services, which caused the policeman injuries equal to 22% rate. On 2, 3 and 9 April 2017, some extremists, including Bach Hong Quyen also organized gatherings to carry out many acts of violence, committing serious law violations.

Photos and videos of the above-mentioned violations ... were recorded and reported by the media. These visual documents showed that many people holding

sticks and erecting barriers on National Highway 1A, causing serious traffic jam, blocking ambulances and thus endangering patients inside; those with sticks had swept through the gate to occupy the campus and the first floor of Loc Ha District People's Committee headquarters, smashed many glass doors, threw stones at the government office, demolished cars, destroyed the building. They even equipped children with sticks and bricks to destroy the properties at the Office of the People's Committee.

On 12 April 2017, the Ha Tinh provincial police issued the Decision to initiate a criminal case against Bach Hong Quyen, the Decision to prosecute the accused and an Arrest Warrant for his detention on the counts of "disturbing public order" and "illegally arresting and detaining a person". He had fled since then. On 12 May 2017, the Security Department of Ha Tinh Province issued a wanted notice for Bach Hong Quyen and announced it on the media. On 19 May 2017, the International Criminal Police Organization issued a Red Notice against him.

His actions allegedly violated Vietnamese law, causing serious consequences, and therefore, need to be strictly handled in accordance with the law and in consistence with Article 20 paragraph 2 and Article 21 of the International Covenant on Civil and Political Rights.