



**PERMANENT MISSION OF THE
SOCIALIST REPUBLIC OF VIET NAM**
TO THE UNITED NATIONS OFFICE,
WORLD TRADE ORGANIZATION AND
OTHER INTERNATIONAL ORGANIZATIONS IN GENEVA

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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. Further to its Note Verbale No. 43/VNM.22 dated 18 April 2022 which requests an extension of the deadline for providing a response to the Joint Communication from Special Procedures dated 18 February 2022 Ref. AL VNM 2/2022 regarding Huynh Thuc Vy and Dang Dinh Bach, the Permanent Mission of Viet Nam has the honour to hereby transmit the response of Viet Nam to the above-mentioned Joint Communication.

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.



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Response of Viet Nam to the Joint Communication
sent by Special Procedures concerning Huynh Thuc Vy and Dang Dinh Bach
Ref. AL VNM 2/2022 (dated 18 February 2022)

1. Information about Huynh Thuc Vy's violations of the law
1.1. General information

On 01 September 2017, Huynh Thuc Vy used a white paint can to spray on 03 Vietnamese national flags hanging on Hung Vuong street, Thong Nhat ward, Buon Ho town on the occasion of National Day 02 September 2017, then took photos and posted them on a personal Facebook account, accompanied by libelous comments, slandering the Party and State, insulting the National Flag. On 30 November 2018, the People's Court of Buon Ho town held a trial and sentenced Huynh Thuc Vy to 2 years and 9 months in prison for the crime of "desecration of national flag" according to Article 351 of the Criminal Code; and at the same time issued a ban on leaving the place of residence and a decision to suspend exit until the time of judgment execution. However, because Huynh Thuc Vy was raising a child under 36 months old, the People's Court of Buon Ho town issued a decision to postpone the execution of the prison sentence for her, the postponement period is until 16 October 2019. On 01 June 2019, Huynh Thuc Vy gave birth to a second child. Therefore, on 18 October 2019, the People's Court of Buon Ho town continued to issue a decision to postpone the execution of the prison sentence for Huynh Thuc Vy for the second time, the postponement period is until 01 June 2022.

According to the Court's decision and the Criminal Judgment Execution Law of 2019, Huynh Thuc Vy personally could not leave the place of residence during the postponement of serving the sentence without the consent of the local authority and must be present upon request to summon. However, during the postponement period of serving the sentence, Huynh Thuc Vy did not comply with the above regulations, many times voluntarily left the place of residence without the consent of the local authority (16 times), went away from local residence (04) times, was not present when there was a summon. The authority of her residence reminded many times and issued three decisions to sanction administrative violations against Huynh Thuc Vy for the act of "the person entitled to the postponement of the execution of the prison sentence leaving the place of residence without consent of the People's Committee of the commune" in accordance with the provisions of the law. However, Huynh Thuc Vy has not yet complied with the above fine payment.

During the outbreak of the Covid-19 pandemic, Huynh Thuc Vy repeatedly

violated the Government's regulations on the prevention of the pandemic, such as failing to make medical declarations, making false medical declarations, violating regulations on quarantine of the local authority.

Huynh Thuc Vy's violations of the law took place for a long time, although she was reminded many times by the government but did not comply, showing a sense of disregard for the law and non-cooperation with local authorities. Pursuant to the provisions of Article 25 of the Law on Criminal Judgment Execution of 2019, on 30 November 2021, the People's Court of Buon Ho town issued a decision to cancel to the decision to postpone the execution of the prison sentence for her. On 01 December 2021, the People's Court of Buon Ho town notified the above-mentioned decision in the witness of the local authorities and her relatives (Husband of Huynh Thuc Vy). Huynh Thuc Vy herself directly received the decision. After that, Huynh Thuc Vy left her place of residence to go to Ho Chi Minh City, showing signs of running away from the execution of her prison sentence. The competent force promptly discovered and invited Huynh Thuc Vy to the commune police headquarters to remind. After the meeting, Huynh Thuc Vy voluntarily served the sentence.

During the temporary detention period at Gia Trung Detention Center, Gia Lai province for the execution of prison sentences, due to the prolonged complicated situation of the Covid-19 pandemic and taking preventive measures according to the general regulations of prison facilities nationwide, the Detention Center stopped organizing prisoners to visit their relatives. Before voluntarily serving the sentence, Vy had a history of depression. However, through examination and medical examination, the Detention Center determined that Huynh Thuc Vy's health was normal and eligible to serve the sentence. During serving the sentence, Huynh Thuc Vy was allowed called to her husband twice on 20 February 2022 and 26 March 2022; received money sent by her husband and father three times; received 03 letters sent by her husband and father; received 03 postal packages sent by her husband, including medicine (health supplements and antidepressants). In addition, there are some antidepressants brought by Huynh Thuc Vy brought when she was transferred from Dak Lak Provincial Police Detention Center to Gia Trung Detention Center to serve her sentence.

1.2. Regarding the allegations mentioned in the Joint Communication

On the above basis, Viet Nam rejects the incorrect allegations related to Huynh Thuc Vy's case and recalls that the trial of Huynh Thuc Vy was not for the sake of exercising the right to freedom of expression and opinion. Although

her sentence was postponed for raising her child, Huynh Thuc Vy herself showed a very poor sense of law compliance. The cancellation of the decision to postpone the execution of the sentence for Huynh Thuc Vy is necessary to ensure the strictness of Vietnamese law.

2. Information about Dang Dinh Bach's violations of the law

2.1. General information

Dang Dinh Bach was arrested and adjudicated for the crime of “Tax evasion” under Article 200 of the Criminal Code. All of the criminal procedure decisions were approved by the competent authority controlling judicial activities – the People’s Procuracy of Ha Noi City and notified to Dang Dinh Bach in accordance with regulations. At the trial, Dang Dinh Bach and his defense lawyer did not have any opinions or complaints about the process of arrest, prosecution and temporary detention; Dang Dinh Bach himself admitted that he was not forced to bow and tortured during the investigation and interrogation.

After the first-instance trial, Dang Dinh Bach appealed the entire case. Currently, the case is being studied by the High People’s Court in Ha Noi City for settlement according to the appellate procedure.

2.2. Regarding the allegations mentioned in the Joint Communication

Dang Dinh Bach’s acts were fully and comprehensively considered by the Court of Viet Nam in a public and transparent trial with sufficient evidence to prove the crime strictly complying with the provisions of the Criminal Procedure Code of Viet Nam. The adjudication of the crime of tax evasion is a normal activity in all countries and the provisions of Vietnamese law relating to the above crime are fully compatible with International Conventions on human rights to which Viet Nam is a contracting party. The allegation that the trial of Dang Dinh Bach lacked objectivity and did not meet international standards because there were no witnesses and no jury is untrue and is not in line with Viet Nam’s judicial system.

The content of the allegations claims that the activities of Dang Dinh Bach’s “Law and Policy of Sustainable Development Research Center – LPSD” are not subject to corporate income tax, as well as the allegations that non-profit non-governmental organizations do not have to pay tax are not consistent with the provisions of Vietnamese law. The field of operation of LPSD is not eligible for tax exemption under Decree No. 218/2013/ND-CP of the Government. In the process of receiving funding from abroad, Dang Dinh Bach did not go through

the procedures for approval; the process of receiving funding from abroad was not approved by the competent authorities; Dang Dinh Bach directly requested his employees not to submit tax profile, to evade taxes and to leave out the books of money received from abroad. At the trial, Dang Dinh Bach admitted that there was tax evasion at the LPSD.

The allegations that Dang Dinh Bach was arrested for exercising his rights to freedom of expression and human rights activities are baseless, untrue, negative inference, prejudices about the human rights situation Viet Nam. Viet Nam requests the Special Procedures to consider inconstructive information mentioned above.

3. Regarding allegations of violating the rights of detainees and prisoners

The rights of detainees and prisoners to meet relatives, health care, and legal aid are guaranteed by Vietnamese detention facilities in accordance with the provisions of the Criminal Procedure Code, Law on Temporary Detention and Custody, Law on Execution of Criminal Judgments. In 2021, due to the complicated development of the Covid-19 pandemic, to limit the risk of disease spread and ensure the health of detainees, Vietnamese functional forces have temporarily suspended detainees' face-to-face meeting with their relatives; this suspension is applied to all detention facilities nationwide. The prevention measures of the Covid-19 pandemic were taken seriously, prison staffs themselves also lived, worked at the detention facility, did not come home for many months. Detainees were still guaranteed to contact their relatives by mail, phone, or receive gifts according to regulations./.