



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

No. 53/VNM.23

Geneva, 06 April 2023

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 has the honour to hereby transmit the response of Viet Nam to the Joint Communication from Special Procedures dated 02 November 2022 Ref. AL VNM 6/2022 regarding Nguyen Lan Thang, Bui Tuan Lam, Dang Dang Phuoc, Truong Chau Huu Danh, Bui Van Thuan, Le Anh Hung, Can Thi Theu, Trinh Ba Tu, Trinh Ba Phuong, Nguyen Thi Tam, Pham Doan Trang, Nguyen Thuy Hanh, Do Nam Trung, Dinh Van Hai, Le Trong Hung, Le Van Dung, Tran Quoc Khanh, Le Chi Thanh.

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 Nguyen Lan Thang, Bui Tuan Lam,
Dang Dang Phuoc, Truong Chau Huu Danh, Bui Van Thuan, Le Anh Hung,
Can Thi Theu, Trinh Ba Tu, Trinh Ba Phuong, Nguyen Thi Tam, Pham Doan
Trang, Nguyen Thuy Hanh, Do Nam Trung, Dinh Van Hai, Le Trong Hung,
Le Van Dung, Tran Quoc Khanh, Le Chi Thanh**
Ref. AL VNM 6/2022 (dated 02 November 2022)

1. Nguyen Lan Thang

- Nguyen Lan Thang was born in 1975 and resides at 32/221 Thinh Quang alley, Dong Da district, Ha Noi city.

- On 05 July 2022, the Police of Ha Noi city issued a warrant to arrest Nguyen Lan Thang for temporary detention for his acts with signs of crime “Making, storing, spreading information, materials, items for the purpose of opposing the State of Socialist Republic of Viet Nam” according to Article 117 of the Criminal Code. Decisions and orders related to the arrest process had been approved by the People’s Procuracy of Ha Noi city (According to Article 107 of the Constitution, the People’s Procuracy is the agency that exercises the right to prosecute and supervise judicial activities). The process of arrest was carried out according to the provisions of the law.

- The case is currently in criminal proceedings, awaiting trial. Nguyen Lan Thang’s health is normal.

2. Bui Tuan Lam

- Bui Tuan Lam was born in 1984 and resides in Thanh Binh ward, Hai Chau district, Da Nang city.

- According to the initial investigation, since 2013, Lam had regularly used social networks [REDACTED] to post many articles and livestreams which distorted the State’s policies and guidelines; infringed upon the lawful rights and interests of organizations and individuals; caused confusion among the people.

- On 07 September 2022, the Police of Da Nang city issued a Decision to prosecute the case, prosecute the accused and an arrest warrant against Bui Tuan Lam to investigate acts with signs of violation of Article 117 of the Criminal Law of 2015. The above decisions and orders had been approved by the People’s Procuracy of Da Nang city; the process arrest was carried out according to the provisions of law.

- The case is currently in criminal proceedings, awaiting trial. Bui Tuan

Lam's health is normal.

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[REDACTED]

4. Truong Chau Huu Danh

- Truong Chau Huu Danh was born in 1982 and resides in Long An province.

- Truong Chau Huu Danh could not be considered as a journalist operating in accordance with regulations because his journalist card (in 2019) was revoked for violating the law. Previously, Truong Chau Huu Danh's participation in protesting BOT charging stations had caused disorder, difficulties and traffic jams.

- According to the assessment results, many articles and videos of Truong which were posted by Chau Huu Danh and his accomplices on the Facebook page "Clean newspaper", Group "Clean newspaper and YouTube channel", "BS Chanel" had untrue content, lacked of verification, distorted, infringed upon the interests of the State, the lawful rights and interests of organizations and individuals. In addition, these inaccurate contents were spread and shared quickly, causing confusion and frustration among the people. The articles of Truong Chau Huu Danh violated prohibited acts and did not strictly comply with Decree 72/2023 of the Government. At trial, Truong Chau Huu Danh admitted his actions.

- On 28 October 2021, the People's Court of Thoi Lai district (Can Tho)

tried defendants who are members of the Group “Clean newspaper” for the crime of “Abusing democratic freedoms to infringe upon the interests of the State, lawful rights and interests of organizations and/or citizens” according to Article 331 of the Criminal Code of 2015; sentenced Truong Chau Huu Danh to 4 years and 6 months in prison. On 27 January 2022, the People’s Court of Can Tho city held an appellate hearing of the case and upheld the first-instance judgment. The trial took place publicly, transparently and was widely reported by the press. Currently, Truong Chau Huu Danh is serving a sentence, in good health.

5. Bui Van Thuan

- Bui Van Thuan was born in 1981 and resides in Mai Lam ward, Nghi Son town, Thanh Hoa province.

- According to the indictment, from 2016 to 2021, Bui Van Thuan had used the Facebook account “Thuan Van Bui” and the fanpage “The Father of the Nation - International Cultural Businessman of Viet Nam” to insult the honor, reputation of individuals and organizations; distort the lines and policies of the Party and State of Viet Nam; propagate fabricated and untrue information, incite confusion among the people.

- On 01 September 2021, the Police of Thanh Hoa province executed the arrest warrant against Bui Van Thuan for investigation under Article 117 of the criminal Code. The proceedings were conducted in accordance with the law.

- On 17 and 18 November 2022, the People’s Court of Thanh Hoa province held a trial for Bui Van Thuan, sentenced to 8 years in prison, 5 years of probation under Article 117 of the Criminal Code of 2015. Bui Van Thuan is currently serving sentence at Prison No. 6 (Thanh Chuong district, Nghe An province); and in normal health.

6. Le Anh Hung

- Le Anh Hung was born in 1973 and resides in Khuong Dinh ward, Thanh Xuan District, Hanoi City.

- In June 2018, through information from the public and the authorities, the Police of Ha Noi city discovered that Le Anh Hung had committed acts with signs of violations of the law. Based on the collected documents and evidence, on 05 July 2018, the Police of Ha Noi city prosecuted and detained Le Anh Hung and searched his residence, seized many related evidence and documents. Proceedings were conducted in accordance with the provisions of the law.

During the investigation, the authorities held an assessment and concluded that the documents drafted by Le Anh Hung contained fabricated, untruthful, slanderous, and insulting contents to the honor and dignity of the individuals. Le Anh Hung intentionally took advantage of his right to freedom of speech and expression of opinions to conduct activities that violate the law and adversely affect the security and order. By his acts, he committed the crime of “Abusing democratic freedoms to infringe upon the interests of the State, lawful rights and interests of organizations and/or citizens” according to Article 331 of the Criminal Code of 2015.

- *Regarding the application of compulsory medical treatment for Le Anh Hung:* After the investigation had been over, due to his history of mental illness and suspicion of his criminal liability capacity, the authorities had issued a decision to solicit a psychiatric assessment for Le Anh Hung. On 24 April 2019, the Central Institute of Forensic Psychiatry concluded: “Before, while committing the offence, and at the time of examination, Le Anh Hung had persistent delusional disorder; According to international classification, the disease has code F22. Before, during the commission of the offence, the disease was in the stage of relapse, the accused had limited cognitive ability and behavior control. At the time of assessing again, the disease was in an advanced stage, the accused lost the ability to perceive and control behavior”. Although at the time of committing the crime, Hung was limited in his ability to perceive and control his behavior, but he was not in the case of incapacitated criminal responsibility, so he was still responsible for the crime and the limitation in his ability to perceive and control his behavior was considered as a mitigating circumstance for him. Pursuant to the provisions of Article 449 of the Criminal Procedure Code, on 03 May 2019, the authorities applied the measure of compulsory medical treatment to Le Anh Hung and proposed to cancel the temporary detention measure. Therefore, the allegations that Le Anh Hung was forced to receive psychiatric treatment without legal procedures is clearly unfounded.

- On 30 August 2022, the People’s Court of Ha Noi city held a trial and sentenced Le Anh Hung to 5 years in prison. Le Anh Hung is currently serving his sentence at Nam Ha Prison (Ha Nam province).

7. Can Thi Theu and Trinh Ba Tu

- Can Thi Theu (was born in 1962) and their son Trinh Ba Tu (was born in 1989) resides in Ngoc Luong commune, Yen Thuy district, Hoa Binh province.

- According to the indictment, between 09- 14 January 2020, Can Thi Theu

and Trinh Ba Tu (Hoa Binh) used their personal Facebook accounts to stream many (08) videos, the contents of which carried out propaganda against the State, called for and incited people to oppose the government; spread misinformation about the incident in Dong Tam commune, Ha Noi city in October 2020; slandered, insulted the reputation of organizations and individuals. During the search of his residence, the Investigative Police Agency also discovered and seized many documents with distorted, defamatory, and fabricated contents aimed at fighting the State.

- On 05 May 2021, the People's Court of Hoa Binh province held a first-instance trial against Can Thi Theu and Trinh Ba Tu for the crime of "Making, storing, spreading information, materials, items for the purpose of opposing the State of Socialist Republic of Viet Nam" according to Article 117 of the Criminal Code of 2015. Based on the indictment, evidence and results of litigation at court, the Court sentenced Can Thi Theu and Trinh Ba Tu the same sentence of 8 years in prison, 3 years of probation under Article 117 of the Criminal Code of 2015. On 24 December 2021, the High People's Court in Ha Noi adjudicated the case and upheld the first-instance judgment. The court hearings took place openly and transparently in accordance with the law, ensured the legitimate rights and interests of Can Thi Theu and Trinh Ba Tu. Currently, Can Thi Theu and Trinh Ba Tu are in the normal health; their rights to meet their relatives and receive medical care have been guaranteed in accordance with regulations.

8. Trinh Ba Phuong, Nguyen Thi Tam

- Trinh Ba Phuong (was born in 1985, son of Can Thi Theu) and Nguyen Thi Tam (was born in 1972), and resides in Ha Dong district, Ha Noi city.

- Trinh Ba Phuong and Nguyen Thi Tam took advantage of the incident that happened in Dong Tam commune, Ha Noi in January 2020 to intentionally post and distribute on social networking sites articles and video clips with contents which were fabricated, slandered for the purpose of confusing the public opinions to incite the overthrow of the Socialist Republic of Viet Nam, violating Article 117 of the Criminal Code of 2015.

- On 23 June 2020, the Police of Ha Noi city coordinated with the Police of Hoa Binh province prosecuted, executed a temporary detention order to investigate and search against Trinh Ba Phuong and Nguyen Thi Tam to investigate acts with signs of crime of "Making, storing, spreading information, materials, items for the purpose of opposing the State of Socialist Republic of Viet Nam" according to Article 117 of the Criminal Code of 2015. The execution

of the above order was consistent with the Criminal Procedure Code of Viet Nam and there is a record with the signatures of the witnessing parties.

- On 15 December 2021, the People's Court of Ha Noi city heard the case, sentenced Trinh Ba Phuong to 10 years in prison, 5 years of probation, Nguyen Thi Tam to 6 years, and 3 years of probation under Article 117 of the Criminal Code of 2015. On 17 August 2022, the High People's Court in Ha Noi held an appellate hearing of the case and upheld the first-instance judgment. Trinh Ba Phuong is currently serving a sentence at Prison No. 6 (Nghe An province); Trinh Ba Phuong and Nguyen Thi Tam's health is normal.

9. Pham Thi Doan Trang

- Pham Thi Doan Trang was born in 1978 and resides in Dong Da district, Ha Noi city.

- Pham Thi Doan Trang is not a journalist and was adjudicated for serious and repeated illegal activities, not for exercising her right to freedom of the press. The investigation and proceedings have been carried out in accordance with the law; her behavior is dangerous to society. The mass media in Viet Nam in recent years have also discovered and publicly reported on this individual who have had connections with overseas organizations and individuals with the intention of working to overthrow the people's government (including Viet Tan); published illegal publications with propaganda contents that instruct how to gather forces, deal with the law enforcement forces... to conduct riots to overthrow the State.

Pham Thi Doan Trang had the act of storing documents that distorted the lines and policies of the State of the Socialist Republic of Viet Nam.¹ In addition, she had many times responded to foreign media with contents that distorted the lines and policies of the State, slandered the people's government, spread fabricated news, and caused confusion among the people.

- On 07 October 2020, the Investigative Security Agency of the Police of Ha Noi city executed the arrest warrant for temporary detention, the search warrant against Pham Thi Doan Trang to investigate her behaviors showing signs of violations of Articles 88 of the Criminal Code of 1999 and Article 117 of the Criminal Code of 2015 (crimes of "Conducting propaganda against the State" and "Making, storing, spreading information, materials, items for the purpose of

¹ "Summary report on marine environmental disaster in Viet Nam", "General assessment of human rights situation in Viet Nam", "Report on assessment of law on religion and belief in Viet Nam" with many misrepresentations on human rights situation in Viet Nam.

opposing the State of Socialist Republic of Viet Nam”).

The prosecution and temporary detention of Pham Thi Doan Trang had been approved by competent authorities and been carried out in accordance with the procedures prescribed by law; information had been published in the media.

- On 14 December 2021, the People’s Court of Ha Noi city held a first-instance trial, sentenced Pham Thi Doan Trang to 9 years in prison for the crime of “Conducting propaganda against the State” according to Article 88 of Criminal Code of 1999. The trial was open and transparent, ensuring the legitimate rights and interests of Ms. Trang.

- On 25 August 2022, the High People’s Court in Ha Noi city held an appellate hearing of Pham Thi Doan Trang’s case, upheld the first-instance judgment. Pham Thi Doan Trang is currently serving her sentence at An Phuoc Prison (Binh Duong province). Her detention conditions, rights to meet her relatives and receive regular medical checks have been guaranteed. Currently, Ms. Trang’s health is eligible to serve the sentence.

10. Nguyen Thuy Hanh

- Nguyen Thuy Hanh was born in 1963 and resides in Thuong Dinh ward, Thanh Xuan district, Ha Noi city.

- Since 2011, Nguyen Thuy Hanh had actively participated in many complicated activities such as: illegal mass gatherings; demanding the release of law-breakers; causing disorder in the State’s agencies; writing posts on Facebook that gave inaccurate information about negative events in order to misrepresent and slander individuals and organizations; joining groups called “civil society” to oppose; establishing a “prisoner of conscience fund” named “50K” to finance and encourage those who infringed upon the national security, including receiving funding from terrorist organizations, and oppose the Socialist Republic of Viet Nam.

- On 07 April 2021, Nguyen Thuy Hanh was arrested and detained for investigation of the crime of “Making, storing, spreading information, materials, items for the purpose of opposing the State of Socialist Republic of Viet Nam” according to Article 117 of the Criminal Code of 2015.

- The criminal proceedings have been carried out in accordance with the law, the case is in the process of investigation and clarification.

11. Do Nam Trung

- Do Nam Trung was born in 1981 and resides in Nghia Lam commune, Nghia Hung district, Nam Dinh province.

- Do Nam Trung has 02 previous convictions, of which in 2015 he was sentenced to 14 months in prison by the People’s Court of Dong Nai province for “abusing democratic freedoms to infringe upon the legitimate interests of the State, the rights and interests of organizations and citizens”. According to the indictment, since 2016, Do Nam Trung had posted videos with content that distorted Viet Nam’s lines and policies, gave false information, harmed the legitimate rights and interests of organizations and individuals.

- On 16 December 2021, the People’s Court of Nam Dinh province held the first-instance trial, sentenced him to 10 years in prison and 4 years of probation for the crime of “Making, storing, spreading information, materials, items for the purpose of opposing the State of Socialist Republic of Viet Nam” according to Article 117 of the Criminal Code of 2015. On 24 March 2022, the High People’s Court in Ha Noi held an appellate hearing of the case and upheld the first-instance judgment. Currently, Do Nam Trung’s health is normal, and he is eligible to serve the sentence.

12. Dinh Van Hai

- Dinh Van Hai was born in 1974 and resides in Ninh Hoa village, Ninh Gia commune, Duc Trong district, Lam Dong province.

- On 07 October 2021, the Police of Lam Dong province executed the decision to prosecute, the order to arrest the accused for temporary detention against Dinh Van Hai for investigation according to Article 117 of the Criminal Code of 2015. From 2020 to September 2021, Dinh Van Hai had posted many articles and videos with the contents that distorted history, gave false information, distorted information, smear, infringed on legitimate rights and interests of individuals and organizations, caused confusion in public opinion. During the proceedings, the authorities informed and fully explained the rights and obligations of Dinh Van Hai. Dinh Van Hai decided to refuse a lawyer and defended his own behaviors by himself. Dinh Van Hai’s family also refused to invite a defense lawyer.

On 26 April 2022, the People’s Court of Lam Dong province conducted a first-instance trial of the case, sentenced Dinh Van Hai to 5 years in prison and 3 years of probation for the crime of “Making, storing, spreading information,

materials, items for the purpose of opposing the State of Socialist Republic of Viet Nam” according to Article 117 of the Criminal Code of 2015. Currently, Dinh Van Hai’s health is normal.

13. Le Trong Hung

- Le Trong Hung was arrested for violating Vietnamese law, not for exercising “self-nomination for the National Assembly” or for exercising rights prescribed by the current law. Like in all countries under the rule of law, those who violate the law are handled according to the provisions of the law to ensure the fairness and strictness of the law.

- On 27 March 2021, Le Trong Hung was arrested and searched for the crime of “Making, storing, spreading information, materials, items for the purpose of opposing the State of Socialist Republic of Viet Nam” according to Article 117 of the Criminal Code of 2015.

- On 31 December 2021, the People’s Court of Ha Noi city heard the first instance of the case and sentenced Le Trong Hung to 5 years in prison and 5 years of probation according to Article 117 of the Criminal Law of 2015; the criminal proceedings and adjudication were carried out in accordance with the law. Currently, Le Trong Hung’s health is normal, and he is eligible to serve the sentence.

14. Le Van Dung

- Le Van Dung was born in 1970 and resides in Ha Dong district, Ha Noi city.

- Since 2011, Le Van Dung had participated in many gatherings to disrupt public order illegally; taken advantage of complex issues arising in society to spread misinformation and falsehoods to distort the actual situation and cause confusion among the people.

- On 26 April 2021, the Police of Ha Noi city issued a decision to prosecute a criminal case, prosecute the accused, arrest warrant, and search warrant against Le Van Dung for acts showing signs of the crime under Article 117 of the Criminal Code of 2015. During the period from April 2017 to September 2018, Le Van Dung had intentionally posted 12 videos online with false content and propagated misinformation regarding the guidelines and policies of the State of the Socialist Republic of Viet Nam; propagated fabricated information that caused confusion among the people; slandered, infringed on the rights and interests of individuals and organizations. Le Van Dung was wanted by the Police

of Ha Noi city on 28 May 2021 and arrested on 30 June 2021. The People's Procuracy of Ha Noi city had approved the above-mentioned procedural decisions.

Pursuant to Article 74 of the Criminal Procedure Code, on 07 July 2021, the People's Procuracy of Ha Noi city issued a decision to let the defense counsel participate in the proceedings from the end of the investigation.

- On 23 March 2022, the People's Court of Ha Noi city held the first-instance trial of Le Van Dung, sentenced him to 5 years in prison for "conducting propaganda against the State of the Socialist Republic of Viet Nam" according to the provisions of Article 88 of the Penal Code of 1999. On 16 August 2022, the High People's Court in Ha Noi city held an appellate hearing of the case and upheld the first-instance judgment. Currently, Le Van Dung's health is normal and he is eligible to serve the sentence.

15. Tran Quoc Khanh

- Tran Quoc Khanh was born in 1960; resides in Hai Ba Trung district, Ha Noi city.

- From September 2019 to January 2021, Tran Quoc Khanh had posted 22 videos with contents that distorted the history and policies of the State, fabricated information, insulted the honor and reputation of some individuals. On 28 October 2021, the People's Court of Ninh Binh province held a trial and sentenced Tran Quoc Khanh to 6 months in prison according to Article 117 of the Criminal Code. Tran Quoc Khanh is currently in good health, eligible to serve the sentence.

- Regarding the allegation that Tran Quoc Khanh was arrested for self-nominating for the National Assembly: On 26 February 2021, the People's Committee of Bach Khoa ward, Hai Ba Trung district (where Khanh resides) confirmed the curriculum vitae of the self-nominated candidate for the 15th National Assembly for Tran Quoc Khanh in accordance with regulations; without any obstacles to Tran Quoc Khanh in exercising his political rights. However, after that, Tran Quoc Khanh did not submit a self-nomination dossier to the Election Commission of Ha Noi city according to regulations. The allegation that Tran Quoc Khanh was arrested for running for himself as an independent candidate for the National Assembly is unfounded.

16. Le Chi Thanh

- Le Chi Thanh was born in 1983; resides in Ham Tan district, Binh Thuan

province.

- On 20 March 2021, Le Chi Thanh was driving a car but did not obey traffic signs, entered the wrong lane, did not present all required documents. The traffic police force made a record and sanctioned Le Chi Thanh for administrative violations in accordance with the law. However, during the settlement process, Thanh repeatedly obstructed the functional forces by acts and words, incited unrelated people to focus on obstructing the traffic police force from performing their duties, caused insecurity order and traffic jams. On that basis, the Police of Thu Duc city prosecuted and arrested Le Chi Thanh for investigation under Article 330 of the Criminal Code for the crime of “Resisting a law enforcement officer in performance of his/her official duties”.

On 14 January 2022, the People’s Court of Thu Duc city held a first-instance trial and sentenced Le Chi Thanh to two years in prison for resisting a law enforcement officers in performance of his/her official duties.

- On 10 February 2022, Le Chi Thanh was further prosecuted by the Police of Binh Thuan province for the crime of “Abusing democratic freedoms” under Article 331 of the Criminal Code of 2015. Accordingly, Le Chi Thanh had taken advantage of his personal rights to post many videos and articles with content that distorted the truth [REDACTED]

On 22 June 2022, the People’s Court of Ham Tan district, Binh Thuan province held a first-instance trial and sentenced Le Chi Thanh to 03 years in prison according to Article 331 of the Criminal Code. Le Chi Thanh himself at the trial admitted that his clips distributed on social networks had distorted and untrue content.

- Currently, Le Chi Thanh is serving a sentence at Chau Binh Detention Center, in good health./.