



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

No. 75/VNM.23

Geneva, 10 May 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 18 October 2022 Ref. AL VNM 5/2022 regarding Duong Khai, Thach Cuong, Danh Set, Tang Thuy and Thach Rine.

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.



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

**Response of Viet Nam to the Joint Communication
sent by Special Procedures concerning Duong Khai, Thach Cuong, Danh Set,
Tang Thuy and Thach Rine**

Ref. AL VNM 5/2022 (dated 18 October 2022)

1. General information and arguments

- The consistent view of the State of Viet Nam is that all ethnic groups are equal, respect each other, unite, and harmoniously resolve relations between ethnic groups, help each other to develop together to fully ensure individual and community rights, create remarkable changes in economic, cultural and social development in regions with a large number of ethnic minorities. Along with other ethnic groups in the region, the Khmer people have a long tradition of solidarity in fighting against foreign invaders, conquering nature and building their homeland and country. The State of Viet Nam has promulgated many policy documents with increasingly diverse and extensive contents and mobilized many resources to invest in comprehensive socio-economic development of ethnic minority areas, in which the State of Viet Nam is interested in preserving and promoting the national identity, traditional beliefs and religions of the nation, ensuring the use of languages and education of ethnic minorities.

- The accusations stated in the Joint Communication distort the history and socio-economic development situation with many false information about the State of Viet Nam's policies and laws towards the ethnic minority communities in guaranteeing and promoting the rights as well as taking care of the lives of ethnic minorities, including the Khmer people. In addition, the accusations about the individuals mentioned in the Joint Communication are also untrue, stem from unofficial sources, bear heavy arbitrariness and lack objectivity.

2. Specific information and arguments

a) In connection with the general accusations

- **Viet Nam rejects the accusations related to “the right to self-determination of indigenous peoples”**. Viet Nam agrees with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in the international spirit of promoting and protecting human rights in general. The UNDRIP itself does not provide a specific definition of indigenous peoples. Therefore, countries can understand and apply differently depending on the specific conditions and circumstances in each country; there can be no imposition in the application of the UNDRIP. The concept of “indigenous peoples” is not

suitable with the characteristics, history of establishment and development of ethnic groups in Viet Nam. In other words, in Viet Nam, there is no concept of indigenous peoples. The Vietnamese peoples live together, unite, fight against foreign invaders, build and develop the country throughout the historical process. The term “ethnic minority” is used without racism connotations.

- **Viet Nam rejects accusations of “the collectivization of indigenous Khmer agricultural lands after 1975” and “indigenous peoples in Viet Nam”.** In Viet Nam, there is no such thing as “separately owned land by ethnicity”, because in Viet Nam there is also no definition of indigenous peoples, but only the concept of ethnic minorities is used to refer to ethnic groups other than Kinh. Because Viet Nam does not apply the form of a federation or a separate territory of ethnic groups, land is owned by the entire people and is uniformly managed by the State (according to the 2013 Constitution of Viet Nam, which was approved by the National Assembly); the land of the Khmer people as well as other ethnic groups has always been owned by the ethnic groups in particular and the Vietnamese people in general. Therefore, the accusations of “the collectivization of indigenous Khmer agricultural lands after 1975” are groundless and stem from a lack of understanding of Viet Nam’s land ownership and legal basis.

- **Viet Nam rejects accusations related to “restriction of Khmer people’s right to freedom of expression”.** Despite Viet Nam’s achievements in ensuring the rights of ethnic minorities, several organizations and individuals have taken advantage of the UNDRIP to integrate, propagate and distort, cause conflicts and divide ethnic groups, stimulate ideological movement of secession and self-rule in the territory of Viet Nam. These organizations and individuals often misinterpret the meaning of the UNDRIP, integrate it with fabricated and untrue information about the policies and laws of the State of Viet Nam, create conflicts between the government and ethnic minorities to serve their illegal political intentions. The above acts directly create risks of destabilizing the social order and national security, threatening Viet Nam’s right to territorial integrity. Such conduct is not a right to freedom of expression or other democratic freedoms recognized by international law.

- **Viet Nam rejects the allegation regarding the “right to education in the indigenous languages”.** Ethnic minorities in Viet Nam are allowed to preserve and promote their traditional cultural values, voices and scripts on the basis of determining policies and laws promulgated by the State, and they are

supported in terms of social security, economics, educations and profession and are permitted to exercise political and civil and political rights like all other Vietnamese citizens. The State of Viet Nam has also developed a uniform program and regulation on teaching and enrollment content for the Pali and Khmer Language Complementary School at all levels and the Khmer Theravada Buddhist Academy, etc. Provinces and cities with many Khmer people are always interested in teaching and learning the Khmer language, and the programs to teach Khmer language and writing have been included in the system of boarding schools for ethnic minorities and local training institutions. The support and creating conditions to maintain and promote the movement of teaching Khmer letters at pagoda sites during the summer are carried out regularly. Currently, the Khmer language books used in local training institutions have been appraised and promulgated by the Ministry of Education and Training, the local competent agency.

- **Viet Nam rejects the accusations related to “freedom of religion and belief”**. The State of Viet Nam respects and guarantees everyone’s right to freedom of belief and religion, and religions are equal before the law. Followers of beliefs and religions are free to express their faith at home, at a place of worship or at a group meeting registered with the government. Religious organizations operating in accordance with their charters and regulations, may open religious training schools, publish scriptures, be ordained, etc. Religious groups that have not been recognized in terms of organizing or registered for activities are facilitated by the local government for religious activities and are allowed to gather at lawful places. The formulation and promulgation of the Law on Belief and Religion of 2016 were carried out in strict accordance with the procedures prescribed by law, and the people, including dignitaries and believers, were consulted widely. The Law on Belief and Religion focuses on simplifying administrative procedures and creating favorable conditions for religious organizations and individuals to carry out religious activities when a lot of contents moves from the form of registration - licensing, request - approval to the form of notification. From 2018 until now, the Law has been strictly implemented by religious organizations and organizations. The right to freedom of religion and belief of ethnic minorities has been guaranteed. More than 800,000 ethnic minorities in the Central Highlands and Northern mountainous areas conduct religious activities at about 3,600 churches and meeting points. The scriptures are published in 13 national languages. The Viet Nam Buddhist Sangha built the Khmer Theravada Buddhist Academy in Can Tho City. In fact, Viet Nam has

gained many achievements in ensuring everyone's right to freedom of religion, the number of dignitaries, positions, and places of worship is increasing; scale of belief and religious activities is large; authorities at all levels ensure security, order, fire prevention, food hygiene and safety for religious activities attended by many people and foreigners.

b) Regarding the case of specific individuals

- **Regarding the cases of Duong Khai, Danh Set, and Tang Thuy**, these are three individuals who have had many complicated activities on local security and order. These individuals also have many relationships with extremist organizations that are anti-Vietnamese, often incite national hatred, demand secession, autonomy, and division of Viet Nam's territory. The above individuals also circulated false and misleading information about local government policies and laws, slandered the government regarding suppressing Khmer people, incited Khmer people, caused the threat to the sovereignty of Viet Nam, and affected the rights and interests of other organizations and individuals. This is not an act of exercising human rights recognized by international and Vietnamese laws.

- Due to the above violations, based on the nature and extent of the behavior, the local government invited Duong Khai, Danh Set, and Tang Thuy to the headquarters to provide information, verify and clarify the facts, and at the same time remind the individuals not to continue their illegal acts. Inviting citizens to the headquarters to coordinate information collection and clarify matters related to security and order is a normal activity of Vietnamese authorities and is regulated in the system of law. This activity is not an arrest or criminal investigation, so a lawyer is not required according to the law. Citizens invited have the right to require lawyers, legal representatives and relatives to accompany them. During the meeting process, Vietnamese functional forces strictly complied with regulations, principles and procedures prescribed by law, clearly explained the rights and obligations of citizens. Therefore, Viet Nam denies false information that the functional forces beat, tortured, forced to sign confessions or "pointed a gun to the head to press on the car".

- **Viet Nam rejects incorrect accusations related to Thach Rine's arrest and trial.** Thach Rine took advantage of democratic freedoms when he posted on his personal Facebook page a picture that defamed and insulted President Ho Chi Minh. On 25 June 2021, the functional force invited Thach Rine to the headquarters to verify and clarify. At the meeting, Thach Rine admitted intentionally performing all the above acts. After investigating and collecting

evidence, the functional forces determined that Thach Rine's behavior had enough elements to constitute a crime according to Article 331 of the Viet Nam's Criminal Code. On 14 October 2021, the functional forces executed an arrest warrant for Thach Rine for temporary detention and investigation according to Article 331. The arrest was carried out in accordance with the procedures prescribed by law for criminal proceedings and approved by the People's Procuracy - the agency competent to control judicial activities, witnessed by the government and Thach Rine's relatives. During the temporary detention process, the investigative agency fully explained the rights and obligations of the accused in accordance with the law. Thach Rine did not invite a lawyer and decided to defend himself. Because the accused is an ethnic Khmer, during the investigation, the authorities have requested a Khmer interpreter in accordance with the law. Thach Rine's health is stable, the accusations that his health has declined, and he have not received medical examination are incorrect. Regarding the accusations that he was not allowed to meet relatives, at that time, the Covid-19 pandemic was spreading seriously and complicatedly in the locality, and to prevent the pandemic, the detention center stopped visiting and meeting all the accused and defendants. This is a measure to ensure the health of the accused and the safety of the detention facility./.