



**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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*Geneva, 26 June 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 the Special Procedures dated 22 November 2021 Ref. AL VNM 6/2021.

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 from the Special  
Procedures dated 22 November 2021 Ref. AL VNM 6/2021**

1. Viet Nam has repeatedly provided information about regarding the legal basis for the arrest and trial of the cases mentioned in the Joint Communication in its previous responses to the Communication sent by the Special Procedures, some of which were provided by Viet Nam many years ago. However, the information provided by Viet Nam was not taken into account by the Special Procedures.

2. Viet Nam wants to reaffirm that in Viet Nam there is no so-called “model of restriction, detention and conviction of human rights defenders and dissident voices”, and that there is no criminalization of exercising and protecting the right to freedom of opinion and expression in a legitimate way. The State of Viet Nam welcomes and creates all legal conditions for people to exercise their right to freedom of opinion and expression, and express their criticisms of the State’s policies and laws in various forms both in the media and on social media. However, the expression of criticisms and debates should be based on the spirit of cooperation, constructiveness, and respect for the objective truth, in order to help the State and people’s administrations to detect and overcome the shortcomings in the promotion and protection of human rights. Freedom of opinion and expression cannot be excused as acts of fabricating, posting untrue information, distorting, mutilating information, or distorting the State’s lines, policies and laws in order to smear or demean the prestige and honor of public authorities, incite hatred, and distort Vietnam’s revolutionary history for the purpose of overthrowing the people’s government. Any activity that takes advantage of or conceals the right to freedom of opinion and expression to infringe upon the legitimate rights and interests of other individuals and organizations in the society must be held responsible before the law.

3. The right to freedom of expression is not an absolute right and the exercise of this right is subject to certain restrictions provided by the law. This has been confirmed in the International Covenant on Civil and Political Rights (ICCPR) (Article 19(3)) and the Universal Declaration of Human Rights (Article 29). Accordingly, the right to freedom of expression cannot include acts of intentionally propagating false information or distorting information for the purpose of infringing upon the legitimate rights and interests of other organizations and individuals in the society. The exercise of the right to freedom of expression should be associated with the responsibility of each individual for the information he or she gives out in order to ensure a democratic and civilized society.

4. Untrue news has been appearing rampant on social networking sites, the internet, affecting the security and order in many countries around the world. Fake news becomes an existential threat to the national security and social order when it not only infringes on the rights and interests of citizens, but also directly affects and degrades trust in the people, weakens the pillar relationships of the society, thereby create risks and seeds of instability in security and order. Deliberately spreading fake news to infringe upon the legitimate rights and interests of other individuals and organizations in the society is not exercising the right to freedom of expression. Handling and preventing fake news is an indispensable need of countries around the world, including Viet Nam.

5. Viet Nam would like to reiterate that each country has different requirements for national security protection and social order and safety. Respect for each country's sovereignty is one of the most important principles in international relations. For Viet Nam, ensuring the national security and social order is not just about preventing violent acts or threats of violence. Existing threats to national security stemming from non-violent activities such as spreading fake news, disinformation, misrepresentation and distortion of information is a reality that is taking place in Viet Nam and many other countries in the world. Handling acts of spreading fake news, distorting information for the purpose of defamation, lowering the honor and reputation of others is necessary to ensure a clean, civilized and responsible information environment.

6. Viet Nam emphasizes that the provisions of the chapter of infringement of national security of Viet Nam's Criminal Code of 2015 do not criminalize democratic freedoms. The content of the provisions has clearly defined the boundaries in identifying criminals and only handles acts of propagating untrue information, distorting and fabricating documents, conducting psychological warfare for the purpose of overthrowing the people's government. The fact that the Special Procedures only considers the manifestations and forms of acts of exercising the right to freedom of expression (posting information and videos on social networks) but ignores the nature of the matter as the content contains the false and fabricated information with the aim of overthrowing the people's government has led to inaccurate judgments about the legal system and judicial activities in Viet Nam.

7. The cases mentioned in the Joint Communication are all violations of Vietnamese law, proven with sufficient evidence in open and transparent first-instance and appellate trials, and in compliance with criminal procedure law. The defendants are provided with favorable conditions to approach lawyers and visit their families in accordance with the criminal procedure law. At the court hearing,

the defense and litigation rights of the accused and lawyers are fully guaranteed by the Courts at all levels, and all arguments are answered. The results of the trials are publicly posted on the mass media. Allegations about the closed trial model in Viet Nam are unfounded.

**8.** Viet Nam rejects groundless accusations that Viet Nam discriminates, harasses, threatens to retaliate against citizens for reasons of cooperation with the United Nations's human rights mechanisms or conducting human rights protection activities. Viet Nam emphasizes that the Viet Nam's Criminal Code contains provisions that criminalize infringing crimes, restricting citizens' freedom and democracy rights; any violation will be strictly handled by the law.

**9.** Allegations about prisoners serving sentences being denied medical care are inaccurate and lack specific information. Viet Nam reaffirms that the subjects are periodically examined by the prisons, given treatment drugs in accordance with regulations, and have health monitoring books. The cases of declaring a hunger strike did not receive the rations provided by the prison, but still used food sent by their relatives and bought at the prison canteen.

**10.** Of the 43 cases mentioned in the Joint Communication, there are nine cases where prison terms have been released, sentence suspended or never been detained (Bui Thi Kim Phuong, Nguyen Thi Kim Thanh, Nguyen Thi Lanh, Rmah Hlach, Nguyen Van Oai, Nguyen Van Dai, Vu Minh Khanh, Le Thu Ha, Tran Thi Nga). The remaining subjects are in stable health, capable of serving sentences, are guaranteed medical care by the detention facility in accordance with law, and are vaccinated against Covid-19 (voluntary).

#### **11. Information regarding some specific cases**

##### **11.1. Truong Duy Nhat**

- In 2004, while holding the position of Head of the Central Central Office, Dai Doan Ket Newspaper, Truong Duy Nhat took advantage of his position and authority to sign many documents sent to the People's Committee of Da Nang City to to ask for buying a house and public land at No. 82 Tran Quoc Toan, Da Nang City for the headquarters of the Representative Office in Da Nang City of Dai Doan Ket Newspaper.

On 19 July 2004, the People's Committee of Da Nang City issued the decision No. 5755/QD-UB to sell the above public house and land to Dai Doan Ket Newspaper at a preferential price of VND 674,483,400 for the headquarters. However, on 25 November 2004, Truong Duy Nhat illegally signed a contract to transfer this house to another company, causing a loss of more than VND 13.1 billion to the State budget.

Because Truong Duy Nhat's behavior committed the crime of "abusing position and power to embezzle property", on 16 January 2019, the authorities initiated a criminal case and prosecuted Truong Duy Nhat for the above crime. After being approved by the Supreme People's Procuracy, on 28 January 2019, the authorities executed the arrest warrant for Truong Duy Nhat.

- On 09 March 2020, the Ha Noi People's Court held a first-instance trial of the case, sentenced Truong Duy Nhat to 10 years in prison for the crime of "abusing position and power to embezzle property" according to Article 355 of the Criminal Code of 2015. On 14 August 2020, the High People's Court in Ha Noi held an appellate hearing of the case and upheld the first-instance judgment against Truong Duy Nhat.

### 11.2. Nguyen Van Hoa

- Under the direction of terrorist organization "Viet Tan", taking advantage of environmental incidents in 04 central provinces in May 2016, Nguyen Van Hoa and many other subjects participated in inciting people to gather illegally, causing disorder, blocking National Highway 1A; assaulting law enforcement officers and preventing them from being taken to the emergency room; collecting information, recording videos and images of illegal gatherings in the province, and then distributing them on social networks to incite trouble and distort the State's guidelines and policies; propagating hateful and violent statements, spreading fabricated news to cause confusion among the people, spreading suspicion and discontent with the State and the authorities.

- On 25 November 2017, the People's Court of Ha Tinh province tried and sentenced Nguyen Van Hoa to 7 years in prison and 3 years of probation under Article 88 of the Criminal Code. Nguyen Van Hoa is being held at the Ha Tinh Provincial Police Detention Center, in normal health; fully guaranteed rights as prescribed by law.

### 11.3. Nguyen Van Tuc

- On 10 September 2008, Nguyen Van Tuc was urgently arrested by the Security Department - the Ministry of Public Security and on 19 September 2008, prosecuted for the acts of hanging slogans, spreading anti-government leaflets against the State of the Socialist Republic of Viet Nam, and making, storing and distributing material with anti-State content. On 9 and 10 October 2009, the People's Court of Hai Phong city opened a first-instance trial and sentenced Nguyen Van Tuc to 4 years in prison and 3 years of probation after his prison term was released under Article 88 of the Criminal Code. On 22 January 2010,

the Court of Appeal of the Supreme People's Court in Hai Phong opened an appellate trial and upheld the first-instance judgment against Nguyen Van Tuc.

- On 10 September 2012, Nguyen Van Tuc's prison sentence expired. Returning to the locality, Nguyen Van Tuc continued to act against the authorities, violated the obligations of the person serving the probation sentence, regularly used the internet to continue to post and distribute false documents facts, distorting the situation in Viet Nam and policies of the State, causing confusion in public opinion. On 01 September 2017, Nguyen Van Tuc was arrested and detained for investigation under Article 79 of the Criminal Code of 1999.

- On 10 April 2018, the People's Court of Thai Binh province opened a first-instance trial and sentenced Nguyen Van Tuc to 13 years in prison and 5 years of probation under Article 79 of the Criminal Code of 1999. On 14 September 2018, the High People's Court in Hanoi opened an appellate trial and upheld the first-instance judgment. Currently, Nguyen Van Tuc is serving a sentence at camp No. 6, Thanh Chuong, Nghe An province, with normal health.

#### 11.4. Nguyen Bac Truyen, Truong Minh Duc, Nguyen Trung Ton

- From March 2023 to July 2017, Nguyen Bac Truyen, Nguyen Trung Ton, Truong Minh Duc and other subjects (Nguyen Van Dai, Le Thu Ha) initiated and established the so-called "Brotherhood for Democracy", emphasizing the goal of building forces to confront the government, which is contrary to the Constitution of Viet Nam; associated with illegal organizations in the country, sought financial support and funding from abroad (VOICE organizations and "Former Vietnamese prisoners of conscience") to organize anti-State activities: riots, disorderly conduct towards overthrowing the people's administration; regularly writing articles, giving interviews with distorted and untrue content about the socio-political situation in Viet Nam; organizing training courses on how to organize activities to incite people to gather and cause public disorder.

- On 05 April 2018, the People's Court of Ha Noi opened a trial of the "Brotherhood for Democracy" to punish the defendants for "criminal activities aimed at overthrowing the people's administration" specified in Clause 1 of Article 79 of the Criminal Code, specifically: (1) Nguyen Bac Truyen 11 years in prison, 03 years of probation; (2) Nguyen Trung Ton 12 years in prison, 03 years of probation; (3) Truong Minh Duc 12 years in prison, 03 years of probation. On 04 June 2018, the High People's Court in Ha Noi held an appellate trial, upholding the first-instance judgment on the crimes and punishments for the defendants.

- Nguyen Bac Truyen is currently serving his sentence at An Diem prison, Quang Nam province; Nguyen Trung Ton is serving his sentence at Gia Trung prison, Gia Lai province; Truong Minh Duc is serving his sentence at prison number 6, Thanh Chuong, Nghe An province. Subjects with normal health are entitled to full rights as prescribed by law such as eating, drinking, medical care, visiting relatives, making phone calls, and receiving items sent by relatives. With the remaining two subjects in the “Brotherhood for Democracy” cases, on 07 June 2018, Nguyen Van Dai and Le Thu Ha were temporarily suspended from execution.

#### 11.5. Nguyen Van Dai, Le Thu Ha

- Nguyen Van Dai has attracted and incited petitioners, organized gatherings, caused illegal disturbances, colluded with reactionary objects, opposed Viet Nam at home and abroad, and opposed the State, threatening the security situation, social order and safety in the locality.

- On 06 March 2007, Nguyen Van Dai was detained by the Ha Noi City’s Police for 4 months for violating Article 88 of the Criminal Code. At his residence and workplace, the police obtained many documents and five disks containing many reactionary documents and evidence of the case. On 11 March 2007, the Bar Association removed the name of Dai from the list of the Bar Association and revoked its practice card because he violated Articles 16.40 of the Ordinance on Lawyers and Article 36 of the Decree guiding the implementation of Ordinance. On 11 May 2007, Nguyen Van Dai was sentenced to 5 years in prison and 4 years of probation by the Hanoi People’s Court for “conducting propaganda against the State of the Socialist Republic of Viet Nam” according to Article 88, Clause 1, Points a, c, Article 92 of the Criminal Code; Article 321, Article 324 of the Criminal Procedure Code. At the appeal court on 27 January 2007, Dai was reduced to 4 years in prison and 4 years of probation.

- When he returned to his locality after serving the prison sentence, Nguyen Van Dai continued to commit illegal acts, leading the establishment of the so-called “Brotherhood for Democracy” to plot to overthrow the Socialist Republic of Viet Nam. On 16 December 2015, Nguyen Van Dai was prosecuted and taken into custody to investigate violations of the law under Article 88 of the Criminal Code. The arrest for investigation was approved by the Supreme People’s Procuracy and implemented in accordance with legal regulations and procedures. Le Thu Ha, an accomplice with Nguyen Van Dai, was detained for investigation under Article 88 of the Criminal Code on 15 December 2015.

- On 05 April 2018, the People's Court of Ha Noi City opened a trial of "Brotherhood for Democracy", sentenced Nguyen Van Dai to 15 years in prison and 5 years of probation, Le Thu Ha to 9 years in prison and 2 years of probation according to Article 79 of the Criminal Code for "Crimes of activities aimed at overthrowing the peoples's administration" specified in Article 79 of the Criminal Code. Currently, Nguyen Van Dai and Le Thu Ha have been temporarily suspended from execution.

#### 11.6. Tran Huynh Duy Thuc

- Since the end of 2005, Tran Huynh Duy Thuc has established the so-called "Chan Research Group" to create a separate organization with the aim of changing political institutions in Viet Nam; setting up offensive blogs that misrepresent the Government's policies; initiated plans to change the political regime in Viet Nam in 2010-2011; wrote the book "Vietnam Road" as a platform to overthrow the regime.

- On 20 January 2010, the People's Court of Ho Chi Minh City opened a first-instance trial and sentenced Tran Huynh Duy Thuc to 16 years in prison and 5 years of probation under Article 79 of the Criminal Code of 1999. On 11 May 2010, the Supreme People's Court heard the appellate court and upheld the first-instance judgment. Tran Huynh Duy Thuc is currently serving his sentence at Prison No. 6 (Thanh Chuong, Nghe An) with normal health.

- Information that Tran Huynh Duy Thuc was "on hunger strike" is incorrect. Tran Huynh Duy Thuc only did not receive food provided by the prison (according to the general regime for all prisoners), still used food provided by relatives. Related photos and reports showed that during the execution of the sentence, Tran Huynh Duy Thuc lived normally, had good health, and showed no signs of abuse. In fact, on 3 November 2021, Vietnamese authorities had a direct inspection team to visit Tran Huynh Duy Thuc; at that time Mr. Thuc was in normal health, in good physical condition, with a clear mind, he could communicate normally with the delegation, confirming that he fully implemented the regime in the prison.

#### 11.7. Le Dinh Luong

- Le Dinh Luong was admitted to Viet Tan in May 2010. From 2016-2017, Le Dinh Luong provoked people many times to illegally protest in public places, causing insecurity and disorder; posting articles on his personal facebook page containing content opposing the Socialist Republic of Viet Nam, inciting hatred, defaming the State, calling for the overthrow of the people's government, calling

for a boycott of the election of National Assembly deputies and People’s Council deputies at all levels in 2016.

- On 16 August 2018, the People’s Court of Nghe An province opened a first-instance trial, sentenced Le Dinh Luong to 20 years in prison and 5 years of probation for the crime of “activities aimed at overthrowing the people’s administration” according to Article 79 of the Criminal Code of 1999. On 10 August 2018, the High Peoples’s Court in Ha Noi held an appellate trial and upheld the first-instance judgment. Le Dinh Luong is serving a sentence at Nam Ha prison, Ha Nam province, with normal health.

11.8. Pham Chi Dung, Nguyen Tuong Thuy, Le Huu Minh Tuan (“Viet Nam Independent Journalists Association”)

- Since 2014, Pham Chi Dung (Ho Chi Minh City) established the so-called “Viet Nam Independent Journalists Association”<sup>1</sup>, held the role of Chairman; enticed and gathered members to join this group. Pham Chi Dung also directed the establishment of websites, blogs, facebook, twitter to receive, approve and post articles; enticed and developed members to engage in anti-State activities; mobilized from outside and directly managed the group’s operating funds; published 1530 articles with 23 articles with misleading propaganda content. Nguyen Tuong Thuy (Ha Noi) held the role of Vice President; there were 245 posts with 5 posts with defamatory content. Le Huu Minh Tuan (Quang Nam) was in charge of web administration; at the same time, there were 534 articles with 6 articles with offensive and slanderous content.

- On 05 January 2021, the People’s Court of Ho Chi Minh City conducted a first-instance trial against Pham Chi Dung, Nguyen Tuong Thuy, and Le Huu Minh Tuan for the crime of “making, processing, speading information, materials, items for the purpose of opposing the State of the Socialist Republic of Viet Nam” according to Article 117 of the Criminal Code of 2015; sentenced Pham Chi Dung to 15 years in prison, 3 years of probation; Nguyen Tuong Thuy, Le Huu Minh Tuan together with 11 years in prison, 3 years of probation under Clause 2, Article 117 of the Criminal Code of 2015. On 28 February 2022, the High People’s Court in Ho Chi Minh City appellate trial according to the appeal of Le Huu Minh Tuan; the trial panel upheld the first-instance verdict. The proceedings were conducted in accordance with the law.

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<sup>1</sup>The “Viet Nam Independent Journalists Association” operates in violation of the law. The “Declaration of the Establishment of the Viet Nam Independent Journalists Association” clearly states the point of view, the purpose of operation is to fight to change the current political regime in Viet Nam.

- Pham Chi Dung is serving his sentence at Xuan Loc Prison (Dong Nai); Nguyen Tuong Thuy is serving his sentence at An Phuoc Prison (Binh Duong province); Le Huu Minh Tuan is serving his sentence at Xuyen Moc Prison (Ba Ria - Vung Tau province) with normal health.

#### 11.9. Nguyen Trung Truc

- Nguyen Trung Truc is the “spokesperson” of the “Brotherhood for Democracy”, whose activities aimed to overthrow the people’s government; propagate and misrepresent the guidelines, policies and laws of the State of Viet Nam, affect the local security and order situation, create a direct risk of infringing upon the national security. Nguyen Trung Truc was arrested on 04 August 2017.

- On 12 September 2017, the People’s Court of Quang Binh province conducted a first-instance trial and sentenced Nguyen Trung Truc to 12 years in prison for the crime of “activities aimed at overthrowing the people’s administration” under Article 79 of the Criminal Code. Nguyen Trung Truc is currently serving a sentence at Prison No. 5, Thanh Hoa, with normal health.

#### 11.10. Tran Thi Xuan

- Tran Thi Xuan is the President of the “Central Region Democratic Brotherhood”, participated in activities aimed at overthrowing the government. Notably, on 02 and 04 April 2017, Tran Thi Xuan was the leader who took advantage of the central environmental incident to incite people to gather illegally, disrupt security and order, incite people to use violence against the government in Ha Tinh province.

- On 12 April 2018, the People’s Court of Ha Tinh province conducted a first-instance trial and sentenced Tran Thi Xuan to 9 years in prison and 5 years of probation under Article 79 of the Criminal Code. Currently, Tran Thi Xuan is serving a sentence at the Ha Tinh Provincial Police Prison, her health is normal.

#### 11.11. Hoang Duc Binh

- Hoang Duc Binh often posted and shared on his personal Facebook false information about the State’s policies. From February to May 2017, taking advantage of the Formosa marine environmental incident that occurred in the central provinces, Hoang Duc Binh promoted and established the “Central Region Fishermen’s Association”, along with many other objects attracted and stimulated parishioners and fishermen in the Central region to disrupt security and order, caused serious traffic jams on National Highway 1; destroyed property, attacked police officers on duty.

- On 06 February 2018, the People's Court of Nghe An province held the first-instance and sentenced him to 14 years in prison for two charges of "abusing democratic freedoms to infringe upon the interests of the State, legitimate rights and interests of individuals and organizations" and "resisting a law enforcement officer in performance of his/her official duties". On 24 April 2018, the High People's Court in Ha Noi city opened an appellate trial at the People's Court of Nghe An province, declaring the verdict. Hoang Duc Binh is currently serving his sentence at An Diem Prison, Quang Nam province; his health is normal.

#### 11.12. Ho Duc Hoa

- Ho Duc Hoa and 12 other subjects in Nghe An province joined and were members of the Viet Tan terrorist organization, many times went abroad to participate in a training course on fighting methods aimed at overthrowing the State of Viet Nam, enticing people, inciting protests against the regime, disseminating propaganda, slandering the State's policies, skills in dealing with authorities... by "Viet Tan" organization. Ho Duc Hoa and his accomplices were assigned tasks, finance and means by Viet Tan to overthrow the people's government.

- On 09 January 2013, the People's Court of Nghe An province sentenced Ho Duc Hoa to 13 years in prison and 5 years of probation under Article 79 of the Criminal Code of 1999. On 23 May 2013, the People's Supreme Court opened an appellate trial and upheld the first-instance judgment. Ho Duc Hoa is serving his sentence at Nam Ha Prison, Ha Nam province; he is in normal state of health, fully enjoys the rights prescribed by law such as food, clothing, accommodation, medical care, visiting relatives, receiving gifts... Ho Duc Hoa has now been temporarily suspended from his sentence execution.

#### 11.13. Tran Hoang Phuc

- On 04 July 2017, Tran Hoang Phuc was detained by the Hanoi Police Investigation Agency for investigation under Article 88 of the Criminal Code for the act of "conducting propaganda against the State" due to suspicion of being involved in illegal activities of Vu Quang Thuan and Nguyen Van Dien. On 31 January 2018, the People's Court of Ha Noi opened a first-instance trial and sentenced Tran Hoang Phuc to 6 years in prison and 4 years of probation under Article 88 of the Criminal Code.

- On 10 July 2018, the High People's Court in Ha Noi City opened an appellate court, pronounced the verdict, and the trial took place in public. Currently, Tran Hoang Phuc is serving a sentence at An Phuoc prison, Binh Duong, with normal health.

#### 11.14. Tran Anh Kim

- Tran Anh Kim (former Lieutenant Colonel of the Viet Nam People's Army) was sentenced to 5 years and 6 months in prison by the People's Court of Thai Binh Province and 3 years of probation under Article 79 of the Criminal Code in December 2009. After being released from prison on 07 January 2015, Tran Anh Kim continued to receive money and vehicles from exiled reactionary organizations to gather forces and conduct anti-State activities; together with Le Thanh Tung established the force "the Nation raises the democratic flag", compiled the program and action plan of this organization with the goal of overthrowing the government, in order to build the so-called "Southeast Asian Federal State".

- On 16 December 2016, the People's Court of Thai Binh Province held the first-instance trial of Tran Anh Kim, sentenced to 13 years in prison and 4 years of probation under Article 79 of the Criminal Code. On 22 May 2017, the High People's Court in Ha Noi upheld the verdict of Tran Anh Kim. Currently, Tran Anh Kim is serving a sentence at Camp 5, Thanh Hoa Province, with normal health.

#### 11.15. Trinh Ba Phuong, Nguyen Thi Tam

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

- On 23 June 2020, the Ha Noi City's Police in coordination with the Hoa Binh Province's Police prosecuted and executed the arrest warrant for investigation and search against Trinh Ba Phuong and Nguyen Thi Tam to investigate acts with signs of violation of "making, processing, spreading information, materials, items for the purpose of opposing the State of the Socialist Republic of Viet Nam" according to Article 117 of the Criminal Code of 2015. The process of implementing decisions and orders in accordance with the provisions of the Criminal Procedure Code of Viet Nam, with a record of the incident with the signatures of the witnessing parties.

- On 15 December 2021, the People's Court of Ha Noi City held first-instance trial of the case, sentenced Trinh Ba Phuong to 10 years in prison, 5 years of probation, Nguyen Thi Tam was sentenced to 6 years in prison, 3 years of probation according to Article 117 of the Criminal Code of 2015. On 17 August

2022, the High People's Court in Ha Noi City 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) with normal health.

#### 1.16. Can Thi Theu, Trinh Ba Tu

- According to the indictment, between 09 January and 14 January 2020, Can Thi Theu and Trinh Ba Tu (Hoa Binh) used their personal facebook accounts to stream many (08) videos with content propaganda against the State, calling for and inciting people to oppose the government; giving false information about the incident in Dong Tam commune; slandering, insulted the reputation of organizations and individuals. Violating videos by Trinh Ba Tu and Can Thi Theu, which were broadcast and posted, were watched by many people with anti-regime and anti-State ideologies, and commented on, and defamed the government. During the search of the accused's residence, the Investigative Police Agency discovered and seized many documents with slanderous, defamatory and fabricated content to oppose the State.

- On 05 May 2021, the People's Court of Hoa Binh Province opened a first-instance trial against Can Thi Theu and Trinh Ba Tu for the crime of "making, processing, spreading information, materials, items for the purpose of opposing the State of the Socialist Republic of Viet Nam" according to Article 117 of the Criminal Code of 2015. Based on the indictment, evidence, and results of court litigation, the trial panel sentenced Can Thi. Emu and Trinh Ba Tu were sentenced to 8 years in prison and 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 City heard the case and upheld the judgment of first instance.

#### 11.17. Pham Thi Doan Trang<sup>2</sup>

- Ms. Trang was not a journalist and was tried for many serious and repeated illegal activities, not because of exercising her right to freedom of the press. Investigation and proceedings were carried out in accordance with the law; The defendant's conduct is dangerous to the society. The mass media in Viet Nam in recent years have also discovered and publicly reported on this individual's relationships with organizations and individuals abroad with the intention of working to overthrow the people's government (including Viet Tan terrorist organization); publishing illegal publications with propaganda contents instructing how to gather forces, deal with the law enforcement forces... to conduct riots to overthrow the State.

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<sup>2</sup> Pham Doan Trang has been repeatedly received the attention from the US, EU, UK, G4 Group (Canada, New Zealand, Norway, Switzerland), and United Nations' human rights agencies.

- Pham Thi Doan Trang had the act of storing documents that distort the lines and policies of the State of the Socialist Republic of Viet Nam,<sup>3</sup> in addition to many times responding to foreign press with content that distorts the line and policy of the State, defaming the people's administration, spreading fabricated news, causing confusion among the people.

- On 07 October 2020, the investigative security agency of the Ha Noi City's Police executed the arrest warrant for temporary detention, the search warrant for Pham Thi Doan Trang to investigate the behavior showing signs of violation of Article 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, processing, spreading information, materials, items for the purpose of opposing the State of the Socialist Republic of Viet Nam").

The prosecution and temporary detention of the accused had been approved by competent authorities and was carried out in accordance with the order and procedures prescribed by law; information was published in the media.

- On 14 December 2021, the People's Court of Ha Noi City opened a first-instance trial, sentenced Pham Thi Doan Trang to 9 years in prison for "Propaganda against the State of the Socialist Republic of Viet Nam" under Article 88 of the Penal Code of 1999. In the spirit of transparency, Vietnamese authorities facilitated and arranged the attendance of a number of foreign embassies in Ha Noi City, including Germany and the EU, at the trial.

- On 25 August 2022, the High People's Court in Ha Noi City held an appellate hearing of Pham Thi Doan Trang's case, upholding the first-instance judgment. Pham Thi Doan Trang is currently serving her sentence at An Phuoc Prison (Binh Duong Province); and guaranteed the detention regime and conditions; regular health check-ups. Currently, Ms. Trang's health is eligible to serve the sentence.

#### 11.18. Pham Chi Thanh

- According to the indictment of the People's Procuracy of Ha Noi, since 2012, Pham Chi Thanh asked other people to create the blog "Ba Dam Xoe" to publish personal articles. By mid-2014, Pham Chi Thanh established a personal Facebook page named Pham Thanh and continued to post many articles online. Many articles were published with content that destroys the regime, distorts policies, guidelines, attacks or smears leaders of the Party and State.

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<sup>3</sup> "Summary report on Viet Nam's environmental disaster", "General assessment of human rights situation in Viet Nam", "Report on assessment of the law on religion and belief in Viet Nam" with many content misrepresenting the situation. human rights in Viet Nam.

In July 2019, Pham Chi Thanh collected articles, compiled into a book titled “Acting in the name of the God or the Great Contradictory Religion” and then printed it (hired a “Freelance Publisher” established by Pham Thi Doan Trang), distributing and selling books. Pham Chi Thanh also repeatedly gave interviews to foreign radio stations, newspapers and some domestic individuals, the content posted on the Internet and Facebook related to the distribution of the above book. In Pham Chi Thanh’s books and interviews, there were more than 20 articles identified that contain content that distorts and defames the people’s administration; propagate fabricated information, cause confusion in public opinion, propagate information causing psychological warfare. In May 2020, Pham Chi Thanh was arrested for investigation of his behavior with signs of committing propaganda against the State.

- On 9 July 2021, the People’s Court of Ha Noi City opened a first-instance trial to try Pham Chi Thanh for the crime of “making, processing, spreading information, materials, items for the purpose of opposing the State of the Socialist Republic of Viet Nam” according to Article 117 of the Criminal Code of 2015. The trial took place in accordance with the order and procedures; the rights of the accused and the defense lawyers were guaranteed in accordance with the law (there is a dispute in court, the defendant and the lawyer are given full opinions).

Because the trial took place in the context of the complicated development of the Covid-19 pandemic, to ensure the health of those attending the trial, only lawyers and defendants were directly involved in the prosecution process and attended the court hearings; no relatives of the accused were allowed to attend the court hearings. On the basis of the indictment and the results of the litigation at the Court, the trial panel sentenced Pham Thi Doan Trang to 5 years and 6 months in prison, accompanied by an additional penalty of 5 years of probation.

#### 1.19. Nguyen Thuy Hanh

- Since 2011, Nguyen Thuy Hanh (Ha Noi) has actively participated in many complicated activities such as: illegal mass gatherings; demanding the release of law-breakers; disorderly conducting at the State’s agencies; writing posts on facebook that give inaccurate information about negative events in order to misrepresent and slander individuals and organizations; established a fund called “50K” to sponsor and cheer for those who infringed on the national security, including receiving funding from Viet Tan terrorist organization and organizations and individuals with intentions and plots to overthrow the State of the Socialist Republic of Viet Nam...

- On 07 April 2021, Nguyen Thuy Hanh was arrested and detained for investigation of the act of “making, processing, spreading information, materials, items for the purpose of opposing the State of the Socialist Republic of Viet Nam” under Article 117 of the Criminal Code of 2015. Nguyen Thuy Hanh is currently being detained at Detention Center No. 2, Ha Noi City’s Police.

#### 11.20. Tran Thi Nga

- Tran Thi Nga had worked abroad in Taiwan from 2003-2008 and had contact with a member of the terrorist organization Viet Tan. After returning home, Tran Thi Nga continued to collude with terrorists to conduct activities against Viet Nam; published many documents and articles with distorted information, calling on the people to overthrow the Government. On 21 January 2017, Ha Nam Province’s Police decided to arrest Tran Thi Nga in custody under Article 88 of the Criminal Code.

- First instance trial of Tran Thi Nga was held on 25 July 2017 at the People’s Court of Ha Nam Province. Based on the results of litigation in the court, the trial panel sentenced Tran Thi Nga to 9 years in prison and 5 years of probation under Article 88 of the Criminal Code. On 22 December 2017, the High People's Court in Ha Noi City upheld the first-instance judgment. Tran Thi Nga has now been temporarily suspended from execution of her sentence./.