



**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 and has the honour to hereby transmit the reply of Viet Nam to the latter's Joint Communication AL VNM 2/2023 (dated 28 April 2023) concerning Y Khiu Nie and Y Si Eban.

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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Reply of Viet Nam to the Joint Communication concerning Y Khiu Nie and Y Si Eban (Viet Nam)

Ref. AL VNM 2/2023 (dated 28 April 2023)

The substance of the Joint Communication AL VNM 2/2023 is not accurate, and the allegations mentioned concerning Y Khiu Nie and Y Si Eban are untrue. Vietnamese authorities do not "arbitrarily detain", harass, restrict travel, or prevent individuals from cooperating with NGOs or United Nations human rights mechanisms. Viet Nam is of the view that these allegations have intentionally cut-out content, providing dishonest information, leading to biased and negative views about Viet Nam's human rights protection and promotion policies.

In accordance with the legal framework of Viet Nam and consistent with the International Covenant on Civil and Political Rights (ICCPR), the protection of human rights of an individual could not be at the expense of the rights of other individuals, social stability, national security and public health. The laws of Viet Nam do not criminalize the exercise of fundamental freedoms but rather warrants the prosecution of individuals abusing democratic freedoms to infringe upon national security, the rights and legitimate interests of individuals and organizations.

The aforementioned individuals frequently abuse their democratic freedoms to intentionally post on the internet articles and videos sharing false information about Viet Nam's policies and laws, falsely accusing the government of repressing ethnic minorities, and inciting ethnic minorities to fight for "self-determination", to promote rebellion and secession, threatening national sovereignty and security. Additionally, these individuals contact extremist organizations against Vietnam abroad, frequently inciting ethnic hatred and promoting terrorism, separatism, and territorial division in Viet Nam. One such organization directed people to illegally enter Viet Nam to incite and recruit some ethnic minority individuals to carry out a terrorist attack on the government headquarters and residents in Cu Kuin district, Dak Lak province on June 11, 2023, causing particularly serious consequences, resulting in 9 deaths and 2 injuries.

1. On the allegation that there were acts of intimidation or reprisals against any individual who seeks to cooperate with United Nations human rights entities:

- Viet Nam does not prohibit citizens from cooperating with non-governmental organizations and United Nations human rights mechanisms, provided such cooperation complies with Vietnamese laws and ensures the legitimate rights and interests of other related organizations and individuals.

- The Vietnamese government has issued numerous legal documents for the creation of a legal framework for foreign NGOs and United Nations organizations to operate in Viet Nam, such as Decree 58/2022/ND-CP and Decree 80/2020/ND-CP... Currently, there are 15 United Nations organizations and over 400 foreign NGOs registered to operate and cooperate normally with Vietnamese civil organizations to promote and protect human rights. Additionally, during visits and working sessions in Viet Nam by the United Nations' Special Procedures on human

rights, the Vietnamese government always facilitates and responds to the requests of the Special Procedures and United Nations human rights mechanisms to meet with relevant individuals to understand and assess the human rights situation in Viet Nam.

2. On the allegations that there were no legal basis to prevent Y Khiu Nie and Y Si Eban from traveling to attend the conference in Bali:

- Regarding Y Khiu Nie, the information in the joint communication is confirmed to be untrue. On November 6, 2022, Y Khiu Nie had not yet completed exit procedures at the airport; thus, there was no incident of authorities preventing Y Khiu Nie from leaving the country. The requirement for a Covid-19 vaccination certificate for exit stemmed from entry regulations of the destination country (in this case, Indonesia) and the airlines, not from Viet Nam's exit restrictions.

- The case of Y Si Eban falls under "Cases of Temporary Exit Suspension" for reasons of national defense and security as prescribed in Article 36 of the Law on Exit and Entry of Vietnamese Citizens.

3. On the allegations that Y Khiu Nie and Y Si Eban were arbitrarily arrested and interrogated by law enforcement authorities without legal counsel:

Extremist organizations abroad frequently post distorted and false information accusing Viet Nam of repressing ethnic minorities in the Central Highlands. To clarify activities causing social disorder and national security issues locally, on November 6, 2022, Dak Lak Provincial Police invited Y Khiu Nie and Y Si Eban for a working session. This is a normal activity of the Vietnamese police to invite citizens to cooperate and provide information to clarify certain events, not a detention or criminal investigation procedure. Therefore, it does not require the presence of a lawyer. Vietnamese law does not prohibit citizens from inviting lawyers to participate in the working session with authorities. During the working session, Y Khiu Nie and Y Si Eban admitted to acting under the direction of some extremist organizations against Vietnam abroad, expressed regret for their legal violations, and committed not to repeat their actions. Vietnam rejects the false, baseless allegations about "authorities handcuffing, assaulting, threatening imprisonment, and demanding cessation of religious activities" against Y Khiu Nie and Y Si Eban.

4. Information on concrete steps taken by the Vietnamese Government to protect and promote the rights of religious minorities:

- The consistent view of the State of Viet Nam is that all ethnicities and religions are equal, respectful, and united, contributing together to the development of the economy, culture, and society, ensuring full and harmonious individual and community rights. Acts of discrimination, racial and religious hatred, and incitement to hatred are strictly prohibited in Viet Nam. This view is stipulated in the 2013 Constitution (Articles 16 and 24) and concretized in numerous legal documents, such as the 2016 Law on Belief and Religion; the Criminal Code; and the Criminal Procedure Code...

- Every Vietnamese citizen is guaranteed by law to live and operate in a safe environment; any harassment or violation of the legitimate freedom of citizens is strictly prohibited by law. This view is concretized in the 2013 Constitution of Vietnam and related legal documents. Accordingly, acts violating others' legitimate freedom, depending on their nature and severity, will be legally responsible, from administrative sanctions to criminal prosecution. The 2015 Criminal Code of Viet Nam has dedicated one chapter (Chapter XV) with 11 articles to stipulate crimes violating human freedom and democratic rights. Alongside legal measures, Viet Nam actively propagates through mass media to raise public awareness about human rights, civil rights, and respect for others' legitimate interests; implements complaint and denunciation rights of its citizens; strictly prohibits acts of abusing positions to infringe on citizens' freedom and democracy...

- The Socialist Republic of Viet Nam is a unified nation of various ethnic groups living together in Vietnam. Ethnic groups are equal, united, respectful, and help each other develop together. Ethnic groups live intermixed across Vietnamese territory; there are no separate lands for any ethnic group. Ethnic minorities are preserved and promoted for their traditional cultural values, language, and script based on policies and laws issued by the state, supported in social security, economy, education, and vocational training, and enjoy civil and political rights like all other citizens.

- Viet Nam's consistent policy ensures ethnic groups are always equal, united, respectful, and help each other progress; ethnic groups, whether majority or minority, highly or lowly developed, are equal in rights and obligations in all aspects of social life and guaranteed by the Constitution and laws. In addition to fully enjoying human and civil rights, ethnic minorities also enjoy special priority rights as prescribed by law. Since the 2013 Constitution was passed, the Vietnamese National Assembly has issued 62 laws related to promoting and protecting ethnic minority rights. The Party and State of Viet Nam have issued many policies supporting the development of ethnic minority regions, such as the "National Target Program for Socio-Economic Development in Ethnic Minority and Mountainous Areas for 2021-2030"; the "Ethnic Affairs Strategy for 2021-2030"; and the project "Strengthening International Cooperation to Support Socio-Economic Development in Ethnic Minority Areas" until 2025...

- Specific policies to promote and protect ethnic minority rights in the Central Highlands region include: (i) On November 15, 2022, the government issued the Government's Action Program on the orientation for socio-economic development and ensuring national defense and security in the Central Highlands until 2030 with a vision to 2045; (ii) Policies on production loan support for extremely difficult ethnic minority households; (iii) Policies on resolving production and residential land for ethnic minorities in the Central Highlands... along with many other support policies in all aspects of social life such as education, health, vocational training, culture, and economy./.