

Reply of Viet Nam to the Joint Communication concerning

Hoang Thi Minh Hong (Viet Nam)

Ref. AL VNM 4/2023 (dated 28 July 2023)

1. On the allegation that Viet Nam is targeting people, NGOs working on environmental protection

Viet Nam dismisses speculative allegations that the government is cracking down on environmental activists and civil society organizations working on climate change mentioned in the joint communication AL VNM 4/2023. Viet Nam affirms that combating climate change and protecting the environment is a consistent and unwavering policy in its pursuit of green and sustainable development. Viet Nam's leadership has reiterated its strong commitments in this field at relevant international conferences and has concretized these commitments through documents and policies, particularly the recently approved National Power Development Plan for 2021-2030, with a vision to 2050 (which includes policies for the development of renewable energy and the gradual phase-out of coal-fired power).

In Viet Nam, hundreds of social organizations and NGOs are actively increasing and diversifying their activities in environmental protection and climate change response, including policy consultation, law-making, social criticism, recommendations for addressing environmental issues, as well as monitoring and supervising environmental protection, especially at the local level. In the process of formulating and updating policies, such as the National Strategy on Climate Change and the National Action Plan on Climate Change, Viet Nam consistently organizes multiple rounds of consultation with stakeholders, including NGOs, research institutions, and development partners. The contributions of NGOs and development partners are always seriously considered by Viet Nam to improve these documents. Therefore, the negative assessments and claims that Viet Nam suppresses activists in the environmental field are unfounded, false, and reflect a biased and negative view of Viet Nam's human rights situation.

All individuals and organizations in Vietnam are equal before the law and must be held accountable for their actions; there are no exceptions in any case. NGOs operating in the field of environmental protection are given every condition to operate in accordance with the law. Hoang Thi Minh Hong herself and the organization CHANGE, established in 2013, have operated normally without any obstruction or limitation. The prosecution and temporary detention of Hoang Thi Minh Hong were due to the authorities discovering criminal violations of tax law, and the related legal decisions were approved by the Ho Chi Minh City People's Procuracy. During the process of detention, trial, and execution of the sentence, Hoang Thi Minh Hong was ensured all her legal rights.

2. Information on the legal grounds for the arrest and detention of Ms. Hoang Thi Minh Hong

Viet Nam would like to assert that the arrest of Hoang Thi Minh Hong is not related to activities involving the exercise of freedom of speech, freedom of expression, environmental protection, or combating climate change. On 28 September 2023, the Ho Chi Minh City People's Court held a first-instance trial and sentenced Hoang Thi Minh Hong to 3 years in prison for Tax Evasion. The investigation revealed that Hoang Thi Minh Hong committed the crime of Tax Evasion as stipulated in Article 200 of the Penal Code of Vietnam. Specifically, from 2012 to 2022, CHANGE generated a revenue of 69 billion VND, but Hoang Thi Minh Hong instructed her staff not to issue value-added tax invoices or declare taxes, thereby evading taxes amounting to more than 6.7 billion VND. During the trial, Hoang Thi Minh Hong admitted that the above amount resulted from the center's service activities, not from funds received from foreign organizations or individuals. To date, she has not appealed, is complying with the sentence, and has so far remedied 3.5 billion VND. The arrest and trial of Hoang Thi Minh Hong were conducted in accordance with the laws of Viet Nam.

The handling of Hoang Thi Minh Hong's legal violations is necessary to demonstrate the seriousness and rule of law, ensuring that organizations and individuals comply with tax laws in economic activities. This is completely unrelated to human rights or environmental protection, as some distorted claims suggest. During the investigation, Hoang Thi Minh Hong admitted to her tax evasion activities and filed a request to remedy the situation in hopes of receiving leniency from the law. During the trial, the court applied several mitigating circumstances for Hoang Thi Minh Hong.

Currently, Hoang Thi Minh Hong's health condition is stable, and she is being provided with full detention conditions, medical care, and the ability to receive gifts from relatives in accordance with the law. Regarding access to a lawyer, the Ho Chi Minh City Police Department's Investigation Agency has approved lawyer [REDACTED] [REDACTED] full participation in the case in accordance with the law.