



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

No. 176/VNM.24

*Geneva, 01 November 2024*

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 honor to hereby transmit the reply of Viet Nam to the latter's Joint Communication AL VNM 01/2023 (dated 31 March 2023) concerning Dang Dinh Manh.

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**

### **Dang Dinh Manh (Viet Nam)**

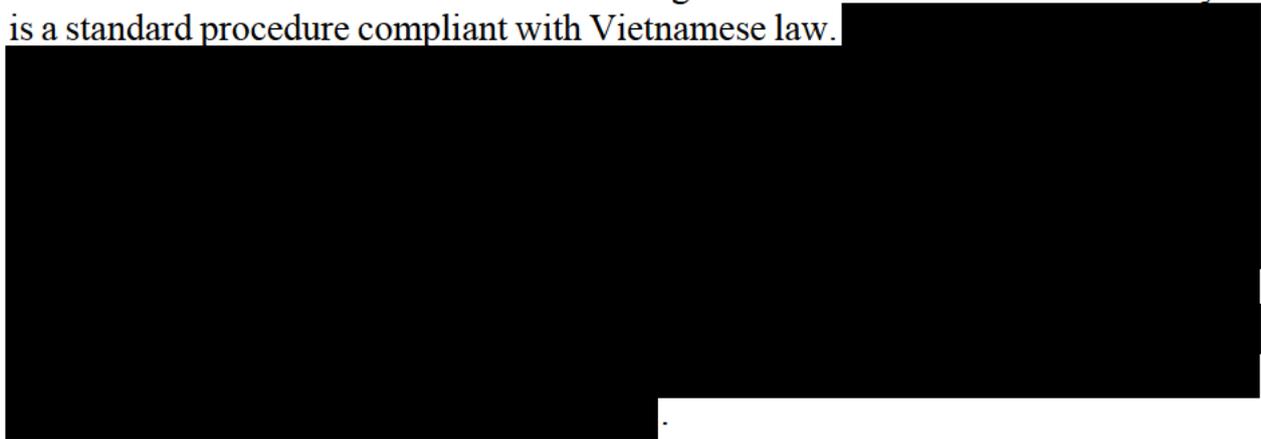
*Ref. AL VNM 1/2023 (dated 31 March 2023)*

#### **1. On the allegation that Viet Nam conducted a criminal investigation against Mr. Dang Dinh Manh**

Viet Nam rejects the false accusations of the Joint Communication AL VNM 1/2023 alleging that Vietnamese authorities conducted a criminal investigation as "retaliation" against lawyer Dang Dinh Manh. Regarding the case of lawyer Dang Dinh Manh, Vietnamese authorities have not initiated any criminal investigation or procedural activities against Dang Dinh Manh and related individuals. Vietnamese law clearly states that any individual, organization, or entity has the right to report signs of legal violations to competent authorities (Article 143 of the Criminal Procedure Code outlines six grounds for determining the signs of a crime). This mechanism is a crucial component of Vietnam's judicial and criminal procedure system, mobilizing all social resources to participate in the fight against and prevention of crime. Therefore, the Cybersecurity and High-Tech Crime Prevention Bureau of the Ministry of Public Security's report on the actions of five lawyers posting content on social networks that shows signs of violating Article 331 of the Penal Code is lawful. However, this is only an initial report on signs of criminal conduct and is not the final conclusion of judicial authorities, nor has it initiated any criminal procedural actions.

Based on the aforementioned report, the relevant authorities conduct checks and verifications to assess whether there are signs of legal violations. One of the measures for verification, as prescribed in the Criminal Procedure Code, includes notifying and inviting relevant individuals to cooperate in providing information and clarifying the matter. This allows the concerned individuals to present statements, opinions on the reported content, and provide evidence for the authorities to evaluate; they can also appeal decisions or actions of competent authorities to protect their rights and interests (Article 57 of the Criminal Procedure Code).

The Criminal Investigation Police Department of Long An Province's notification and invitation to work with Dang Dinh Manh and several other lawyers is a standard procedure compliant with Vietnamese law.



## **2. Detailed information on the legislative and other measures adopted by Viet Nam to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference**

The consistent policy of Viet Nam is to create all conditions to ensure the operation of lawyers and law practice organizations in providing legal services in and out of criminal proceedings, in accordance with international human rights conventions to which Vietnam is a party and consistent with the International Covenant on Civil and Political Rights (ICCPR).

Specifically, this policy is embodied in the 2015 Criminal Procedure Code and the 2015 Law on Lawyers, which affirm the important role of the legal profession in protecting justice, defending citizens' democratic freedoms, and the legal rights and interests of organizations and individuals in society. These laws contain clear and stringent provisions, creating a legal framework that guarantees the rights and obligations of lawyers in providing legal services and participating in law practice organizations, while strictly prohibiting any acts by individuals, organizations, or entities that obstruct the legal practice activities of lawyers. With such legal conditions, the number of lawyers in Vietnam has steadily increased. As of January 2024, there were 18,000 lawyers operating in more than 5,300 law practice organizations nationwide. Additionally, over 5,000 individuals are undergoing training to become lawyers.

The Criminal Procedure Code dedicates one chapter with 13 Articles specifically detailing the issue of defense and the protection of the legal rights and interests of victims and parties. Lawyers have the freedom to present their views on evidence, documents, and objects in a case, participate in questioning and arguments at trial, and appeal the procedural decisions and actions of competent authorities. Regarding the right to assemble and form associations, the Law on Lawyers provides two chapters with 28 Articles that ensure the rights and interests of lawyers when establishing and participating in organizations providing legal services, and participating in the social-professional organizations of lawyers in accordance with Articles 21 and 22 of the ICCPR.

However, like all other individuals and organizations in society, lawyers and law practice organizations must be accountable under the law for their actions and must adhere to professional ethics principles. Accordingly, the Criminal Procedure Code (Article 73) and the Law on Lawyers (Article 9) specifically prohibit certain actions by lawyers, such as: providing legal services to clients with conflicting interests in a criminal or civil case; disclosing investigation secrets while exercising the right to defense; deliberately providing or instructing clients to provide false evidence; using the lawyer's title to negatively affect national security, public order, and social safety, or infringing the rights and legitimate interests of the State, organizations, or individuals. These provisions fully comply with the international human rights conventions to which Viet Nam is a member.

In criminal proceedings, lawyers are free and protected by law when presenting their defense arguments to ensure the legitimate rights of their clients before judicial authorities. However, Vietnamese law also strictly prohibits individuals from abusing the lawyer's title and the internet to provide unverified or false information, or to manipulate public opinion, criticize organizations, or slander those participating in crime reporting, or disrespect the reputation and honor of judicial bodies. Any intentional violations are subject to legal responsibility depending on their severity.

### **3. On the allegation that Mr. Dang Dinh Manh fears being arrested if met with authorities**

The claim that Dang Dinh Manh fears being arrested if he meets with authorities is unfounded. The authorities are currently conducting checks and verifying the report and have not reached any official conclusions, hence there is no basis for arrest or prosecution.

[REDACTED]

[REDACTED]

[REDACTED]. However, to date, the lawyers have remained uncooperative.

[REDACTED]

[REDACTED] on June 3, 2023, the investigative police department decided to temporarily suspend the crime report investigation due to the expiration of the verification period. Regarding the resolution of the complaint letters from the lawyers, on March 29, 2023, the Long An Province Criminal Investigation Police Department issued a written response to [REDACTED] letter in accordance with the law.

[REDACTED]

[REDACTED]. Vietnamese authorities are verifying this information.

[REDACTED]

[REDACTED]. Viet Nam considers such behavior unacceptable in a rule-of-law, civilized and progressive society.