



**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 honor to hereby transmit the reply of Viet Nam to the latter's Urgent Appeal UA VNM 8/2023 (dated 21 September 2023) by the Special Rapporteur on extrajudicial, summary or arbitrary executions concerning [REDACTED].

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 Urgent Appeal concerning

██████████ (Viet Nam)

*Ref. UA VNM 8/2023 (dated 21 September 2023)*

The substance of the Urgent Appeal UA VNM 8/2023 is not accurate, as the case of ██████████ was comprehensively reviewed by Vietnamese judicial authorities, with careful consideration of evidence, the defense arguments presented by lawyers, and the defendant's statements across multiple levels of proceedings, adhering to strict criminal procedure regulations. The case was also scrutinized by the National Assembly's judicial oversight agencies and the Inter-Agency Central Judicial Task Force. Information about the case and evaluations from judicial and oversight agencies were made public through press and media. Allegations that ██████████ was tortured, beaten, or coerced into confession during the investigation are untrue.

### **1. Information on the legal basis for the death sentence in the case of ██████████, considering allegations of procedural irregularities and consistency with international human rights law to which Viet Nam is part of**

██████████ born in ██████████, resided in ██████████, Thanh Hoa Province. On April 24, 2005, ██████████ was detained by the Thanh Hoa Provincial Police for investigation on charges of "Murder" and "Child Rape." He was also arrested under a warrant issued by the Dong Nai Provincial Police for the charge of "Robbery."

#### **On procedural process**

On 29 July 2005, the Thanh Hoa Provincial People's Court held the first-instance trial and sentenced ██████████ to death for three charges: "Murder," "Child Rape," and "Robbery." ██████████ appealed part of the sentence. On 27 October 2005, the Appellate Court of the Supreme People's Court in Hanoi annulled the charges of "Murder" and "Child Rape" for re-investigation. On 13 March 2006, the Thanh Hoa Provincial People's Court retried the case and sentenced ██████████ to death for two charges: "Murder" and "Child Rape." On 26 July 2006, the Appellate Court of the Supreme People's Court in Hanoi upheld the death sentence.

After ██████████ appealed, on 23 April 2007, the Chief Prosecutor of the Supreme People's Procuracy filed a cassation appeal against both the first-instance and appellate judgments, requesting their annulment and re-investigation by the Supreme People's Procuracy. The Supreme People's Court accepted this appeal. On 29 July 2008 and 25 November 2008, first-instance and appellate trials by the Thanh Hoa Provincial People's Court and the Supreme People's Court, respectively, upheld the death sentence for ██████████. The case continued to be reviewed by central judicial agencies to ensure objective and thorough evaluation of the evidence.

## **The death penalty in compliance with Viet Nam's domestic law and international human rights law to which Viet Nam is part of**

Viet Nam acknowledges the concerns raised by other nations and UN human rights mechanisms regarding the death sentence of [REDACTED]. The application of the death penalty is within Vietnam's sovereign rights under its criminal justice system. Like many countries, Viet Nam retains the death penalty as a necessary deterrent for severe crimes, in accordance with international law (Article 6 of the ICCPR).

Under Article 367 of the Criminal Procedure Code, death penalty judgments undergo a review process before execution. The case file for [REDACTED] was submitted to the Chief Justice of the Supreme People's Court and the Chief Prosecutor of the Supreme People's Procuracy for final review. On 16 September 2013, the Chief Justice decided not to appeal the appellate judgment of 25 November 2008. On 22 April 2014, the Chief Prosecutor also decided not to appeal the judgment.

Despite [REDACTED] continued claims of innocence, he did not submit a request for clemency. As a result, judicial agencies once again reviewed the case and confirmed that the death sentence was lawful and substantiated. The Thanh Hoa Provincial People's Court was instructed to execute the sentence in compliance with Vietnamese law.

### **2. On allegations of torture and coercion toward [REDACTED]**

Regarding the claim that [REDACTED] was beaten, coerced, and forced to write a confession letter sent to his family on 23 April 2005: Inmates [REDACTED], [REDACTED], and [REDACTED] confirmed that there was no beating or coercion. [REDACTED] admitted to these crimes while detained, recounting the robbery, rape, and murder of [REDACTED] to fellow inmates.

The content of Manh's letter acknowledged the rape and murder of [REDACTED]. During the investigation, Manh provided multiple confessions through five interrogation records and five handwritten statements (dated 23, 25, 26 April 2005), which were conducted in the presence of a prosecutor. These statements were consistent with the crime scene, evidence on the victim's body, and a diagram of the scene that [REDACTED] drew himself. These initial confessions, obtained objectively and without coercion, served as critical evidence.

Additionally, the investigation included statements from witnesses (neighbors, friends, and family of [REDACTED]) taken in the presence of guardians for minors. Reports from the victim's school and results from crime scene reenactments were also documented thoroughly.

### **3. Information on Viet Nam's efforts and measures to reduce the scope of application of the death penalty:**

Reducing the use of the death penalty is a long-term and humanitarian policy of the Vietnamese state. To date, numerous measures have been implemented, including:

- Gradually reducing the number of crimes subject to the death penalty, from 44 in the 1985 Penal Code to 18 in the 2015 Penal Code.

- Exempting certain individuals from the death penalty, such as minors, pregnant women, women with children under 36 months, or individuals aged 75 or older.

- Prohibiting executions in specific cases as stipulated in Article 40(3) of the Penal Code.

- Ensuring no restriction on review of death penalty judgments under Article 367 of the Criminal Procedure Code.

### **4. On clemency in death penalty cases:**

Under Vietnamese law, clemency requests to commute death sentences to life imprisonment fall under the authority of the President. This policy reflects Viet Nam's humanitarian principles, offering severe offenders an opportunity for reform.