



**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 Joint Communication AL VNM 1/2026 (dated 27 January 2026) concerning the individual Hồ Sỹ Quyết.

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
Mr. Ho Sy Quyet in Viet Nam.**

Ref. AL VNM 1/2026 (dated 27 January 2026)

1. The Government of Viet Nam takes note of the allegations raised and appreciates the opportunity to provide information and clarification. Viet Nam remains committed to constructive dialogue and cooperation with Special Procedures, in accordance with its international human rights obligations. Regarding the content of the Joint Communication, Viet Nam categorically rejects the false allegations contained in the communication concerning the case of Mr. Hồ Sỹ Quyết. The competent authorities of Viet Nam have sufficient legal grounds to initiate criminal proceedings against and arrest Mr. Hồ Sỹ Quyết. The relevant provisions of Vietnamese law are fully consistent with the international human rights treaties to which Viet Nam is a party. The case is currently under investigation, with a view to clarifying the facts in an objective and comprehensive manner, while ensuring fairness and transparency.

2. The entire criminal procedure conducted to date in respect of Mr. Hồ Sỹ Quyết has been carried out in strict compliance with procedures clearly prescribed in Viet Nam's legal system. The procedural measures have been approved by the competent judicial authorities, implemented in a transparent manner, duly recorded in written minutes and witnessed, and notified to the concerned individuals and organizations in accordance with the law. Therefore, the allegations of "enforced disappearance" and "incommunicado detention" are unfounded.

3. With regard to the temporary custody of Mr. Hồ Sỹ Quyết, following receipt of criminal denunciation information, from 30 August 2025 to 3 September 2025, the competent authorities summoned Mr. Hồ Sỹ Quyết to give statements in his capacity as a participant in criminal proceedings, namely as a "person denounced or recommended for prosecution" as provided under Article 57 of the Criminal Procedure Code. This is a normal law-enforcement activity in Viet Nam in the process of handling criminal denunciations and reports submitted by individuals or organizations concerning acts showing signs of criminal offences. The procedures, order and time limits for handling such information are clearly prescribed in the legal system.

4. On the basis of the results of examination and verification, on 4 September 2025, the competent authority issued an order to hold Mr. Hồ Sỹ Quyết in an urgent

case, with a temporary custody period of three days. From 5 September 2025 to 10 September 2025, the competent authority extended the temporary custody twice, for a total extension period of six days. On 10 September 2025, the competent authority issued a decision to institute criminal proceedings and an order for temporary detention against Mr. Hồ Sỹ Quyết for the offence of “making, storing, disseminating or propagandizing information, materials or items for the purpose of opposing the State of the Socialist Republic of Viet Nam” under Article 117 of the Penal Code. All of the above-mentioned procedural documents were approved by the Supreme People’s Procuracy prior to implementation.

5. In order to ensure the proper conduct of the investigation, and pursuant to Article 116 of the Criminal Procedure Code, the competent authority sent notifications to Mr. Hồ Sỹ Quyết’s relatives and the local authorities concerning the application of procedural measures. The notification stated as follows: “holding of a person, arrest of a person held in an urgent case, temporary custody, institution of criminal proceedings against the accused, and application of the preventive measure of temporary detention against Mr. Hồ Sỹ Quyết from 13 September 2025 to 1 January 2026; place of detention: B34 Temporary Detention Facility of the Ministry of Public Security, located at Hamlet 5, Nhuận Đức Commune, Ho Chi Minh City.”

6. During the investigation of the case, the Chief Procurator of the Supreme People’s Procuracy issued a decision that defence counsel for the accused persons in the case would participate in the proceedings from the conclusion of the investigation, pursuant to Article 74 of the Criminal Procedure Code. Article 74 of the Criminal Procedure Code of Viet Nam provides that defence counsel may participate in proceedings from the time charges are brought against the accused. In cases where confidentiality of the investigation must be maintained for offences involving national security, the Chief Procurator of the competent People’s Procuracy has the authority to decide that defence counsel may participate in proceedings from the conclusion of the investigation.

This provision is necessary in view of the particularly serious nature of national security cases, in order to ensure the proper collection of evidence and prevent the risk of disclosure of information relating to national security, which could seriously affect the handling of the case. Such decisions are approved by the People’s Procuracy, the judicial body vested by the State of Viet Nam with the authority to supervise judicial activities.

Upon conclusion of the investigation, the competent procedural authorities are responsible for arranging the time and place for defence counsel to read, take notes

on and copy documents in the case file. Investigating authorities consistently facilitate the exercise of defence rights by lawyers in order to ensure that the investigation, prosecution and adjudication of cases are conducted objectively and in accordance with the law.

7. Given the complex and serious nature of the case involving national security, and in order to ensure the proper handling of the case, the Security Investigation Agency requested the temporary detention facility not to allow Mr. Hồ Sỹ Quyết to meet with his family members during the investigation stage, pursuant to Article 22 of the Law on the Execution of Temporary Detention and Custody. Other rights of the accused, Mr. Hồ Sỹ Quyết, including medical care, food and accommodation, continue to be guaranteed in accordance with the law.

8. Under Vietnamese law, the period of temporary detention for investigation shall not exceed four months for especially serious crimes. Where a case contains many complex circumstances and it is deemed necessary to allow additional time for the investigation, and where there are no grounds to cancel or change the temporary detention measure, the competent investigating authority may request the People's Procuracy to extend the period of temporary detention. For especially serious crimes, temporary detention may be extended twice, with each extension not exceeding four months.

On 23 December 2025, the Supreme People's Procuracy issued a decision extending the temporary detention of Mr. Hồ Sỹ Quyết for the first time, for a period of three months, starting from 2 January 2026. The extension of temporary detention in respect of Mr. Hồ Sỹ Quyết was necessary, and the competent authorities acted within their jurisdiction and in accordance with the law.

9. The provisions under Chapter XIII of the Penal Code, including Article 117, are necessary to safeguard national security and the national interests of the Vietnamese people for the following reasons:

(i) All States provide for and strictly punish acts that infringe upon national security, independence, sovereignty, unity and territorial integrity. In Viet Nam, democratic freedoms may only be restricted for the purposes of safeguarding national security, public order, social morality and public health. Such restrictions are specifically provided for in Viet Nam's legal system and are fully consistent with the spirit of the International Covenant on Civil and Political Rights.

(ii) The Penal Code of Viet Nam was developed on the basis of careful consideration of, and reference to, international law and Viet Nam's obligations as

a State party, while taking into account the country's cultural and social context, economic conditions, moral foundations and the coherence of its legal system. The Code was subject to broad public consultation, received the support and agreement of the overwhelming majority of the people, and was adopted by the National Assembly. This demonstrates that such restrictions are necessary, democratically grounded, consistent with the will of the people, and reflective of the consensus of society as a whole.

(iii) Article 117 establishes a clear distinction between the lawful exercise of freedoms and unlawful conduct by specifically defining the acts that constitute criminal offences, including making, storing, disseminating or propagandizing false, distorted, fabricated or defamatory information against the administration. It does not prevent the exercise of freedom of expression, the expression of dissenting views, freedom of assembly or other human rights.

These legal provisions apply to acts that abuse democratic freedoms in order to intentionally disseminate false information, distort or manipulate facts, and infringe upon the prestige, honour, rights and lawful interests of organizations, individuals and State agencies, with the ultimate aim of overthrowing the people's administration and opposing the State of the Socialist Republic of Viet Nam. Any person who abuses freedom of expression or other democratic freedoms to commit unlawful acts must be held accountable before the law.

10. All Vietnamese citizens are guaranteed by law the right to live and conduct their activities in a safe environment. Any act of harassment or infringement upon the lawful freedoms of citizens is strictly prohibited by law. This principle is reflected in the 2013 Constitution of Viet Nam and related legal instruments. Accordingly, acts infringing upon the lawful freedoms of others, depending on their nature and severity, are subject to legal liability, ranging from administrative sanctions to criminal prosecution.

The Penal Code of Viet Nam devotes an entire chapter, Chapter XV, comprising 11 articles, to offences infringing upon human freedom and the freedoms and democratic rights of citizens. In addition to legal measures, Viet Nam actively disseminates information through the mass media and raises public awareness regarding human rights, citizens' rights, respect for the lawful rights and interests of others, the exercise of the rights to lodge complaints and denunciations, and the prohibition of the abuse of official position or authority to infringe upon the freedoms and democratic rights of citizens./.