

Case BPSOS-08: Mr. Trinh Xuan Thanh

Prepared by BPSOS, September 8, 2017

Updated on October 3, 2017

Significant corruption:

Being exposed by Trinh Xuan Thanh, a former Communist apparatchik, vice governor of Hau Giang Province and member of the National Assembly, Communist Party Chief Nguyen Phu Trong ordered his kidnapping on German soil. This has resulted in a diplomatic crisis between Vietnam and Germany, which called the incident "unprecedented and blatant violation of German and international law."

Perpetrators:

- (1) **Nguyễn Phú Trọng**, General Secretary of Vietnam's Communist Party (b. 04/14/1944 in Dong Anh District, Hanoi City): Accused by Trinh Xuan Thanh of significant corruption, Trong directly ordered his arrest and extradition.



- (2) **Trần Quốc Vương**, Director of Vietnam's Communist Party's Central Discipline Committee (b. February 5, 1953 in Thai Binh Province): Trong's right-hand man, Vương led the effort to arrest and extradite Trinh Xuan Thanh.



- (3) **General Tô Lâm**, Minister of Public Security (b. July 10, 1957 in Nghĩa Trụ Commune, Văn Giang District, Hưng Yên Province): He was responsible for issuing the arrest warrant against Trinh Xuan Thanh, and pressuring his wife to disclose his whereabouts.

Case BPSOS-08: Mr. Trinh Xuan Thanh

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- (4) **Trương Minh Tuấn**, Minister of Information and Communications (b. 09/23/1960 in Dong Hoi, Quang Binh Province): He ordered the closure of PetroTime's online edition and sacked its Chief Editor Nguyen Nhu Phong after the latter republished part of Trinh Xuan Thanh's exposé of high-level corruption, cronyism and misdeeds among Communist party leadership.



- (5) **Đoàn Xuân Hưng**, Vietnamese ambassador to Germany (b. 1957 in City of Hai Phong): He facilitated the kidnapping operation. The GPS tracking device on the van used by the kidnappers showed that it was driven straight to the Vietnamese embassy in Berlin after the kidnapping and parked there overnight before heading to Prague, the Czech Republic. The intelligence attaché at Vietnamese embassy was expelled by Germany.



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Case summary

Vietnam's kidnapping of Trinh Xuan Thanh, a former Communist apparatchik who was applying for asylum in Germany, has rocked the relationship between the two countries. Germany immediately expelled the intelligence attaché at the Vietnamese embassy, placed under investigation a Vietnamese employee of its Federal Office for Migration and Refugees (BAMF), and successfully secured the Czech Republic's extradition of a Vietnamese suspect to Berlin for investigation under the charges of espionage and being an accessory to unlawful detention. Germany has threatened sanctions if Vietnam does not allow Thanh to return to Germany to complete his asylum application process.

Thanh escaped Vietnam when there were clear signs that the Secretary General of the Vietnamese Communist Party (VCP), Nguyen Phu Trong, was going after him because he knew too much. Safe in Berlin, Thanh produced evidence that the Vietnamese government's investigation concluded that he was not responsible for the loss of US \$125 million during the time he was Chairman of state-owned PetroVietnam Construction Joint Stock Corporation, as accused by Trong.

In September 2016, Thanh collaborated with Vietnamese blogger Nguoi Buon Gio (The Wind Trader) to publish a 15-part exposé of high-level corruption involving Trong and his cronies. Nguoi Buon Gio, whose real name is Bui Thanh Hieu, is a well known blogger and author in Vietnam and internationally. Under threat of imminent arrest, in April 2013 Hieu came to Germany at the invitation of the mayor of the City of Weimar. See: <https://republica.com/en/16/contribution/press-freedom-vietnam-powerless-without-net>

Titled "The Sacrificial Lamb," the exposé revealed many insider's details about alleged corruption at the highest echelons in the Communist party. For example, according to Thanh's allegation, during his tenure as Commissar of Hanoi City, in 2002 Trong received as gift from the developer of the Ciputra condominium complex two units with estimated worth of US \$220,000; this was kickback for Trong's support for the development project. Thanh also disclosed that in April 2016, then-CVP Secretary for Ha Tinh Province Vo Kim Cu set up for Formosa Plastics, a Taiwanese company, to gift Trong a large statue of Ho Chi Minh, weighing 50 kg in gold with worth estimated at US \$2 million. In Part 11 of his exposé series, Thanh also alluded to kickbacks that Trong had received from the Bauxite mining project, worth US \$10 billion, and the Ecopark project, worth US \$250 million. See: <http://baotreonline.com/trinh-xuan-thanh-con-de-te/11/>

According to Thanh, no wonder Trong defended Formosa after its steel plant in Ha Tinh Province was found, in early April 2016, to have dumped an estimated 300 tons of toxic waste into the ocean, causing mass fish death in four provinces. While demonstrations by affected fisherfolks were suppressed across the country, Trong was shown on television touring the steel plant and lauding its management. See: <http://www.baomoi.com/tong-bi-thu-nguyen-phu-trong-tham-va-lam-viec-tai-ha-tinh/c/19196859.epi>

Reacting to the news that Vietnam's Public Security Ministry had issued an arrest warrant against him, on September 11, 2016 Thanh wrote to Nguyen Phu Trong and Tran Quoc Vuong, Director of the Central Discipline Committee of the VCP, expressing willingness to return to Vietnam and face the Central Discipline Committee on condition that the hearing is open to the public, covered by

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the international media, and attended by foreign diplomats and representatives of international human rights organizations. In case such a meeting was not convened, Thanh wrote, he would consider bringing the matter to an international court on the ground of human rights violations. "I will return to Vietnam when kangaroo court trials are no longer staged there," he affirmed. See: <http://baotreonline.com/trinh-xuan-thanh-con-de-te/13/>

In December 2016, Trong publicly announced that Thanh's arrest and extradition was of highest priority. Four months later, Trong called on the Public Security Ministry to make that happen. General Tô Lâm, Public Security Minister, sent his deputy to Thanh's home to pressure his wife to convince him to turn himself in. At the G-20 summit in Hamburg on July 7-8, 2017 Vietnamese Prime Minister Nguyen Xuan Phuc asked his German counterpart to extradite Thanh, but did not get a favorable response. Two weeks later Thanh was kidnapped and taken back to Vietnam, where he faces long term imprisonment or even the death penalty. Either way, he has been silenced. Also kidnapped was Thanh's girlfriend, a Vietnamese national.

According to German investigators, the two were taken by their kidnappers to the Vietnamese embassy in Berlin and kept there overnight. On the following day, they were driven to Prague, Czech Republic. They were then taken back to Vietnam in a private jet.

Trinh Xuan Thanh (born c. 1966) is currently detained in Vietnam. He is the former head of the state-owned Petrovietnam Construction Joint Stock Corporation (a subsidiary of PetroVietnam, the state-owned energy company) and the former deputy-chairman of the Hau Giang Province People's Committee. He was accused of causing massive losses at the state-owned company, although the Vietnamese government committees tasked with investigating the losses have not been able to pin the blame on Thanh as the main cause of the losses.

International References

<http://www.bbc.com/news/world-europe-40806193>



[Germany expels Vietnam attache over suspected kidnap - BBC ...](http://www.bbc.com/news/world-europe-40806193)

www.bbc.com

Germany has expelled Vietnam's press attache over the suspected kidnapping of a man allegedly bundled into a car by armed men at Berlin Zoo. Trinh Xuan Thanh, who was ...

Case BPSOS-08: Mr. Trinh Xuan Thanh

Prepared by BPSOS, September 8, 2017

Updated on October 3, 2017

<http://www.dw.com/en/trinh-xuan-thanh-kidnapping-german-immigration-suspends-vietnamese-worker/a-40194898>



[Trinh_Xuan_Thanh_kidnapping:
German immigration suspends
Vietnamese worker | Germany |
DW | 22.08.2017](http://www.dw.com/en/trinh-xuan-thanh-kidnapping-german-immigration-suspends-vietnamese-worker/a-40194898)

www.dw.com

Day work in a German agency while moonlighting for Vietnam's Communist Party? Such is the alleged double-life of the suspended worker who may have helped Vietnamese spies abduct businessman Trinh Xuan Thanh in Berlin.

https://www.washingtonpost.com/world/europe/czechs-hand-over-suspect-in-vietnam-kidnapping-to-germany/2017/08/24/fba0dd02-88ad-11e7-96a7-d178cf3524eb_story.html?utm_term=.e37d17876f1b



[Czechs hand over suspect in
Vietnam kidnapping to Germany](https://www.washingtonpost.com/world/europe/czechs-hand-over-suspect-in-vietnam-kidnapping-to-germany/2017/08/24/fba0dd02-88ad-11e7-96a7-d178cf3524eb_story.html?utm_term=.e37d17876f1b)

www.washingtonpost.com

German prosecutors say a Vietnamese man suspected of hiring a van used to kidnap a former Vietnamese oil executive in Berlin has been handed over by the Czech Republic.

Germany steps up Vietnamese alleged kidnapping investigation

<https://uk.reuters.com/article/uk-germany-vietnam/germany-steps-up-vietnamese-alleged-kidnapping-investigation-idUKKBN1AQ1Y6?il=0>

‘We will not sweep this under the carpet’: Germany expels second Vietnamese diplomat over kidnapping of fugitive in Berlin

<http://www.scmp.com/news/world/europe/article/2112458/we-will-not-sweep-under-carpet-germany-expels-second-vietnamese>

Case BPSOS-08: Mr. Trinh Xuan Thanh

Prepared by BPSOS, September 8, 2017

Updated on October 3, 2017

Human rights at centre of Vietnam-EU trade talks

<http://www.thedailystar.net/business/human-rights-centre-vietnam-eu-trade-talks-1463299>

Exclusive: Scandal-hit Vietnam official had been cleared by previous government

<https://www.reuters.com/article/us-vietnam-security/exclusive-scandal-hit-vietnam-official-had-been-cleared-by-previous-government-idUSKCN1B00T7>

Case BPSOS-08: Mr. Trinh Xuan Thanh

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Stories/ news in the Vietnamese language media

1/ Article Posted on Ministry of Public Security website

Tổng Bí thư Nguyễn Phú Trọng: Phải bắt bằng được Trịnh Xuân Thanh

http://congan.com.vn/tin-chinh/chinh-tri-thoi-su/tong-bi-thu-nguyen-phu-trong-phai-bat-bang-duoc-trinh-xuan-thanh_30399.html

Translation

General Secretary Nguyễn Phú Trọng: We must apprehend Trịnh Xuân Thanh

Wednesday, 07/12/2016 10:35 | Thanh Hoà

When discussing the campaign against corruption and collusion, General Secretary Nguyễn Phú Trọng said that the fight against corruption is tough but necessary and requires persistence and determination. ...The General Secretary made it clear and also gave information about Mr. Trịnh Xuân Thanh – the former vice-chairman of the People’s Committee of Hau Giang Province who fled overseas, the competent authorities issued an international manhunt for Trịnh Xuân Thanh. Vietnam will coordinate with other countries and "we are determined to apprehend him, no way that he could escape, we will follow international law and this requires time“.

2/ Article Posted on Bao Moi News

Lý do khiến Trịnh Xuân Thanh phải ra đầu thú

<http://www.baomoi.com/ly-do-khien-trinh-xuan-thanh-phai-ra-dau-thu/c/22894963.epi>

31/07/2017 21:53 GMT+7

Translation

Why did Trịnh Xuân Thanh turn himself in?

To recap, in early June 2016, the country was abuzz with the fact that the vice-chairman of the People’s Committee of Hau Giang Province, Mr. Trịnh Xuân Thanh, was driving his private Lexus with a blue government tag.

This led to: on June 9, 2016, the Central Committee Office transmitted General Secretary Nguyễn Phú Trọng’s opinions to 9 agencies tasked with review, verify, and reach conclusions re. Newspaper articles related to the vice-chairman of the People’s Committee of Hau Giang Province, Mr. Trịnh Xuân Thanh. Subsequently General Secretary Nguyễn Phú Trọng tasked the Central Executive Committee of the Public Security to direct investigative units to find out the reason for the 3.3 trillion VNĐ loss (2011-2013) at PVC.

....On 9/15/2016, the Investigation Department of the Ministry of Public Security issued its decision to prosecute Trịnh Xuân Thanh for intentionally circumventing the government’s prescriptions for financial and economic management, leading to grave consequences; and concurrently, ordered the arrest of Trịnh Xuân Thanh and a search of his residence. Trịnh Xuân Thanh managed to escape as the government issued an international search warrant for him.

In April 2017, General Secretary Nguyễn Phú Trọng requested that the appropriate government organizations continue to investigate with a broadened scope cases involving the circumvention of government prescriptions on financial and economic management leading to grave consequences

Case BPSOS-08: Mr. Trinh Xuan Thanh

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Updated on October 3, 2017

at the PetroVietnam Construction Joint Stock Corporation (PVC); searching for, using extradition to bring back Trịnh Xuân Thanh for investigation and prosecution....

3/ Article Posted on Nhan Dan News, the official organ of Vietnam's Communist Party

Tổng Bí thư Nguyễn Phú Trọng chủ trì cuộc họp Thường trực Ban Chỉ đạo T.Ư về phòng, chống tham nhũng

<http://www.nhandan.com.vn/chinhtri/item/32633602-tong-bi-thu-nguyen-phu-trong-chu-tri-cuoc-hop-thuong-truc-ban-chi-dao-t-u-ve-phong-chong-tham-nhung.html>

Thứ Ba, 18/04/2017, 01:42:26

Translation

General Secretary Nguyễn Phú Trọng led a meeting of the Central Steering Committee on Preventing and Fighting Corruption

...Government organizations diligently investigated and initiated the prosecution of 11 suspects for "corruption", "intent to circumvent government prescriptions on financial and economic management leading to grave consequences" at PetroVietnam Construction Joint Stock Corporation (PVC), particularly, Trịnh Xuân Thanh is being prosecuted on both charges... The General Secretary requested the organizations to continue their efforts in diligently and proactively coordinating, overcoming bottlenecks, further accelerating investigations, prosecutions, and court trials, finding facts and completing cases that are monitored by the Steering Committee, focusing on...investigation with a broadened scope cases involving the circumvention of government prescriptions on financial and economic management, leading to grave consequences at PetroVietnam Construction Joint Stock Corporation (PVC); searching for, using extradition to bring back Trịnh Xuân Thanh for investigation and prosecution....

4/ Article Posted by Radio Free Asia

Vietnam Sacked Editor After Publication of Blogger's Corruption Reports

<http://www.rfa.org/english/news/vietnam/vietnam-sacked-editor-10042016145636.html>

2016-10-04

Translation

Nguyen Nhu Phong, the editor of state-run website PetroTimes, was fired and stripped of his press card "for committing wrongdoing in press activities," the Ministry of Information and Communications said in a statement late Monday.

In the excerpts, which have since been taken down from the website, the activist reportedly shared documents defending Trinh Xuan Thanh, a government official accused of mismanagement while he was an executive with PetroVietnam, the state oil company.

Trinh Xuan Thanh is a hot topic in Vietnam because his story focuses on anti-corruption and more people read Nguoi Buon Gio's blog to find out information about the case than read heavily-controlled state media, Huynh Ngoc Chanh explained.

5/ Article Posted by Voice of Vietnam, Vietnam's state radio program

Case BPSOS-08: Mr. Trinh Xuan Thanh

Prepared by BPSOS, September 8, 2017

Updated on October 3, 2017

Lý do ông Nguyễn Như Phong bị cách chức Tổng biên tập báo Petrotimes

<http://m.vov.vn/xa-hoi/ly-do-ong-nguyen-nhu-phong-bi-cach-chuc-tong-bien-tap-bao-petrotimes-556944.vov>

Vũ Hạnh/VOV.VN - 20:06 ngày 04/10/2016

Translation

Why was Mr. Nguyễn Như Phong dismissed from his job as the chief editor of Petrotimes

... Mr. Trương Minh Tuấn, Minister of Information and Communications, said: “The cause for the disciplinary action was clearly stated in the decision to discipline. yết định kỷ luật. Featuring the interview of Mr. Bùi Thanh Hiếu (nick name: “Người buôn gió” on social media) re Trịnh Xuân Thanh’s communication with him in Germany is just one of the causes”.

....Re. the interview on Trịnh Xuân Thanh, Minister Trương Minh Tuấn said that presenting excerpted information that had no basis and incorrect observations, to make readers lean towards deducing that Trịnh Xuân Thanh was innocent. Petrotimes, in disseminating excerpts from that article, inadvertently led readers to the link where they could read the entire article and other material.

6/ Article Posted by Blogger Bùi Thanh Hiếu (nickname: Người Buôn Gió)

Trịnh Xuân Thanh, con dê tế thần

<http://baotreonline.com/trinh-xuan-thanh-con-de-te/>

By Người Buôn Gió

September 17, 2016

Translation

Trịnh Xuân Thanh, the sacrificial lamb

Trong only accepted gifts, including houses, envelopes or briefcases containing U.S. dollars, gold, diamonds, etc., and the like.

In 2000 he was appointed the party’s secretary in Hanoi. In 2002 the construction of a world-class neighborhood was launched in Hanoi. Billions of dollars were invested in the development of Ciputra, the name of the project. The developer bribed Trong with 2 of the new houses (information provided by Trịnh Xuân Thanh). Trong quickly let his relatives sell them to make things less obvious as he was aiming for the chairmanship of the National Assembly, a promotion.

In his successive positions as Hanoi party secretary, chairman of the National Assembly, and general secretary, Trong steered clear of direct linkage to corruption. He only accepted gifts from those who wanted him to turn a blind eye to their own corruption. We should picture the situation: a faction planning to start a project has to give Trong a present even Trong is not a decision maker for the project. However, Trong could hamper it if he wanted to. All those who grease palms understand the need to give presents to officials with the kind of reach that Trong has.

Case BPSOS-08: Mr. Trinh Xuan Thanh

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Background information

Formosa Plastics Group

<http://www.chinapost.com.tw/taiwan/national/national-news/2017/05/05/496817/formosa-plastics.htm>

<https://www.theguardian.com/global-development/2017/aug/14/vietnamese-fishermen-jobless-fish-poisoning-battle-justice>

A Taiwanese conglomerate, Formosa Plastics Group produces plastics, other chemicals, and steel. In 2016 the company agreed to pay \$500 million after its steel plant in Ha Tinh Province, Vietnam, polluted 150 km of coastal waters in central Vietnam and ruined the fishing industry in several coastal provinces. Fishermen and other residents affected by the pollution demonstrated against Formosa Plastics Group, but were ruthlessly suppressed by Vietnamese police. It is unclear whether the company really paid the "fine" because most victims have not seen any compensation from the deal between their government and the company.

Political Scene in Vietnam

<https://www.forbes.com/sites/riskmap/2017/08/02/politicized-enforcement-in-vietnam-anti-corruption-campaign-under-cpv-general-secretary-trong/#612ee29f1b14>

Driving these cases is CPV General Secretary Nguyen Phu Trong ("Trong"), often hailed for his anti-corruption stance in Vietnam. However, country observers have suggested Trong's recent probes are a consequence of the much-discussed rivalry between Trong and Dung. Individuals implicated so far, such as Thang and Hoang, have allegedly enriched themselves politically and economically under Dung's patronage. It is plausible to construe Trong's anti-corruption push as a targeted campaign to consolidate his own position by unraveling Dung's patronage network and limiting Dung's residual political influence.

Another view suggests the acceleration of Vietnam's anti-corruption push is a move by the government to divert public attention from economic issues and three massive environmental disasters in 2016 affecting the waters off several provinces in central Vietnam.

<http://baotreonline.com/trinh-xuan-thanh-con-de-te/8/>

Trinh Xuan Thanh wrote in his letter to Hau Giang Province officials (Thanh was last demoted to the position of vice-chairman of the province's government before he fled to Germany)

"...However, as you already knew, in June the General Secretary directed the UBKTTW (Central Review Committee) to discipline me, using all means. On 9/9/2016, he had the Committee of Party Secretaries to dismiss me from the Party (although I had previously submitted my resignation from the Party). Previously, the Committee had held numerous meetings with our province's executive and standing committees, and party secretary. You already knew what transpired. I am thankful to you all for your objective assessment of my good and bad points and your pushing back against the General Secretary's directions allowed me to stay and contribute. However, as you knew, the General Secretary kept directing the Central Review Committee, the Committee of Party Secretaries, and the media to slander me and make up reasons supporting disciplinary actions

Case BPSOS-08: Mr. Trinh Xuan Thanh

Prepared by BPSOS, September 8, 2017

Updated on October 3, 2017

against me...With such findings from the Committee of Party Secretaries and the Central Review Committee, the Ministry of Public Security had no choice but issue an unlawful prosecution notice..."

<http://www.tintuchangngayonline.com/2017/03/trinh-xuan-thanh-vo-kim-cu-moi-gioi-cho.html>

Trinh Xuan Thanh posted this article on Trong's responsibility regarding Formosa Plastics's environmental disaster and his corruption in that case:

"However, on 21/02/2017 I read Vietnamese news on line and learned that the Party's Central Committee had decided to discipline a number of individuals and groups implicated in the Formosa affair. The punished individuals, like me, are mid-level officials who had to shoulder the lion's share of the blame whereas the most powerful officials stood on the side. Worse, they pretend innocence and even pushed the Party to press on with the anti-corruption campaign. Their intent is to give the appearance of being good, patriotic, and mindful of the people's welfare..."

1, Formosa received its permit to operate in Kỳ Anh District in Hà Tĩnh Province in 2008. Nguyễn Thanh Bình was the province's Party secretary (2007 – 2015). A few months before the Formosa disaster, Mr. Nguyễn Phú Trọng moved Bình to the position of vice- chairman of the Central Organization Committee.

Mr. Võ Kim Cự (then the president of Hà Tĩnh Minerals Corporation, a supplier of titanium ore to Formosa, therefore with close ties to Formosa) introduced Formosa to Bình with this request: Bình was to take the Formosa representatives to Hà Nội to see Prime Minister Nguyễn Tấn Dũng and General Secretary Nông Đức Mạnh.

Following that meeting, Nguyễn Thanh Bình had Võ Kim Cự appointed to the position of chairman of Vũng Áng Industrial Zone Management Committee, paving the way for Cự's subsequent promotions to Hà Tĩnh Province vice-chairman, chairman, and party secretary, all in just 7 years, 2008-2015.

It is clear that the highest official involved with Formosa's misdeed in Hà Tĩnh was Nguyễn Thanh Bình, currently very close to Nguyễn Phú Trọng, and possibly the next chairman of the Central Organization Committee, succeeding Phạm Minh Chính.

2, Formosa had to have then General Secretary Nông Đức Mạnh's backing for the Politburo to approve Formosa's lease of Vũng Áng, initially for 50 years and later increased to 70 years, as the site for its steel plant. Mr. Nông Đức Mạnh must bear the largest share of responsibility.

After the Vũng Áng environmental disaster, Võ Kim Cự arranged for Formosa representatives to meet Nguyễn Phú Trọng, the beginning of the golden statue episode which is not such a simple story.

Võ Kim Cự advised Formosa on casting a Ho Chi Minh statue in 24-carat gold of the same size as the largest Ho Chi Minh statue that exists (in plaster).....

Case BPSOS-08: Mr. Trinh Xuan Thanh

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Updated on October 3, 2017

----Mr. Nguyễn Phú Trọng went to Hà Tĩnh to meet Formosa representatives two days after they delivered the statue to his home.

Reportedly, Mr. Trọng's family had the statue taken to an industrial facility in Northern Vietnam where it was melted down into gold blocks.

When meeting with Formosa, it was noticeable that he only praised Formosa for their good work while avoiding any mention of the disastrous fish kill.

Mr. Trọng ordered Hà Tĩnh Province authorities to ensure that Formosa was free to continue its operation. He ordered the news media and government agencies to spread disinformation on the reasons for the massive fish kill, e.g., the "red" tide, sea floor seismic events, insinuations that even in the U.S. there were fish kills. He also ordered the poisoning of fish in Bưởi River, Thanh Hoá Province, Hồ Tây Lake, and the like, to lead people to believe that other locations could also experience fish kills, in an effort to deflect the blame from Formosa.

Only after Taiwan legislators managed to pressure Formosa to accept responsibility did General Secretary Trọng and Prime Minister Phúc accept Formosa's apologies and propose the company to pay \$US 500 million to the government of Vietnam. Therefore, Messrs. Nguyễn Phú Trọng and Nông Đức Mạnh are the highest Party officials who must be held accountable".