

PERMANENT MISSION OF THE  
SOCIALIST REPUBLIC OF VIET NAM  
to the United Nations Office,  
the World Trade Organization  
and Other International Organizations at Geneva



MISSION PERMANENTE DE LA  
REPUBLIQUE SOCIALISTE DU VIET NAM  
auprès de l'Office des Nations Unies,  
de l'Organisation Mondiale du Commerce  
et des autres Organisations Internationales à Genève

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Ref: 43 /HR.VNM.2019

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 with reference to the communications Ref. UA VNM 6/2018 dated 17 July 2018 and Ref. UA VNM 9/2018 dated 31 August 2018 from the Special Procedures, has the honour to hereby transmit the reply of Viet Nam (02 attachments).

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.

Geneva, 25 April 2019



**Special Procedures Branch**  
**Office of the United Nations High Commissioner for Human Rights**  
**GENEVA**

## **REPLY OF VIET NAM TO THE COMMUNICATION**

**Ref. UA VNM 9/2018 (dated 31 August 2018)**

### **1. Information in connection with the individuals residing in Dak Lak**

#### **a. Y Pum Bya and Y min Ksor**

Y Pum Bya, born 1964, resides at Kmien Village, Ea Drong Commune, Buon Ho District, Dak Lak Province.

Y min Ksor, born 1956, resides at Ea Kjoh B Village, Ea Drong Commune, Buon Ho District, Dak Lak Province.

On 10 April 2018, the Investigation Security Unit of the Public Security Department of Dak Lak Province issued the Decision to initiate the criminal case, the Decision to initiate the legal proceedings and the Arrest Warrant against the two above individuals for the charge of 'undermining national unity policy under Article 87 of the Criminal Code.

These individuals conducted propaganda to incite and entice people to participate in activities advocating for separating, establishing an autonomous area or an independent State. They disseminated distorted information on the policies of the State to mislead the local people about the State policies regarding ethnic minorities, defaming the State by making up stories about Government's violation of human rights and repression of religious or ethnic groups. In meetings with the local authority, Y Pum Bya and Y min Ksor acknowledged their acts and cooperate with the police by giving details of these acts.

On 28 September 2018, the Investigation Security Unit of the Public Security Department of Dak Lak Province finished investigation and transferred their case to the People's Procuracy of Dak Lak, suggesting the Procuracy prosecute the two individuals for "undermining the unity policy' under Article 87 of the Criminal code. During the investigation phase and while in detention, these two individuals are ensured of all their rights under the Law on Detention and Temporary Custody,

free from extortion, torture or any other form of corporal punishment. The prosecution of Y Pum Bya and Y min Ksor would ensure no omission of crime and embrace the rule of law.

**b. Regarding five other individuals residing in Dak Lak Province**

After verifying the information given in the communication of the Special Procedures, the Government would like to affirm that only Y Thun Bdap and Y Wen Nie were summoned to the police station.

Y Thun Bdap, Y Wen Nie, Y Bhuar Bdap, Y Krit Bdap and Y Ciu Bkrong are followers of the Gospel Evangelical Church led by Pastor Doan Trung Tin as General Superintendent. This religious group has not been recognized by the State as it has not fulfilled the obligation of registering for operation under the law on Religion and Belief of 2016. The five individuals organize a number of religious activities in Dak Lak province, during which they suspectedly disseminated false information, defaming the State with false allegations of arresting, attacking and suppressing religious activities on the Internet. That's the reason why they were summoned to the police station.

Y Ciu Bkong, born 1984, resides at Ea Khit village, Ea Bhok commune, Cu Kuin District, Dak Lak province. He was imprisoned from 2004-2013 for the offence of 'undermining the national unity' under Article 87 of the Criminal Code, not for having participated in a non-violent protest to demand human rights, religious freedom and fair treatment of minorities.

The meeting with the police was to clarify whether they had used religious activities to disguise any unlawful acts, such as disseminating false, distorted information to defame the State. The police reminded them of the national regulations on conducting religious activities, and advised them to concentrate on working to earn money, improving their family economy, practicing religion purely for religion, and complying with local policies and regulations. They were advised not to use religious activities to defame the State by disseminating distorted, false information on the State's laws and policies.

The individuals invited to the police station are aware of the nature of their acts. Contrary to the allegation mentioned in the communication of the Special Procedures, during the meeting with the police, they were not detained, threatened, tortured nor forced to sign any commitments to stop worshipping while belonging to the Gospel Evangelical Church. After the interview, these individuals are not detained and have returned to their localities, leading their normal life.

## **2. Information in connection with Hua Phi**

Hua Phi, born 25 May 1948, is a Cao Dai religion follower. He resides at Residential Group No. 13, Bong Lai hamlet, Hiep Thanh commune, Duc Trong district, Lam Dong province. He had been a follower of the Cao Dai Tay Ninh until 1977 when he took part in opposition activities against the Management Council of the Cao Dai Tay Ninh. In 2010, the Sacerdotal Council of Cao Dai issued Notice No. 1 notifying that Hua Phi was expelled from the Cao Dai Tay Ninh. After that, he self-proclaims as the “Chief Representative of Nhon Sanh Block of Cao Dai”. He travels to different parts of the country to entice Cao Dai followers to participate in the movement of restoring Cao Dai as it was before 1975. He conducted an anti-State propaganda, disseminating distorted information, defaming the State by groundless allegations of suppressing religions, violating human rights, democracy.

Regarding the allegations that Mr. Hua Phi was detained several times and his property was damaged, the competent authority has verified the information and found that no State agency, including the police, has ever issued any order to detain him or damage his property.

Regarding the information that Mr. Hua Phi was beaten by a group of 10 unknown individuals on 22 June 2018, the police in Lam Dong province has never been reported or received any complaint or denunciation from him or his family. The police invited him to come to the police station several times but he refused by reason of ill health. As a result, the police has no way to further verify this information or open any investigation.

Regarding the allegation that his family took him to a hospital in Ho Chi Minh City by taxi but they were stopped by the traffic police and the taxi driver was forced to drive them home: On 23 June 2018, Mr. Hua Phi went to Ho Chi Minh while he has fulfilled his obligation under a decision on administrative sanction issued against him on 18 April 2018. At that time, the police asked him to fulfill his obligation before leaving and told him that they would get him a doctor. However, he refused to cooperate and left for his home. On 25 June 2018, he went to Hoan My Hospital in Ho Chi Minh city for a check-up, during which he was diagnosed with spondylosis, degenerative spine, spinal disc herniation, kidney stones and hypertension. After that, he was under medical treatment at home for 2 weeks and came back to his normal gardening. His health since has been in stable condition.

### **3. On measures taken to prevent acts of intimidation, harassment or reprisals against religious minorities and human rights defenders for their legitimate peaceful activities in exercising their rights to freedom of religion or belief**

Vietnam has 54 ethnic groups, of which 13.4 million are ethnic minorities, accounting for 14.6% of the country's population. Article 5 of the Constitution states that the Socialist Republic of Vietnam is a unified nation of all ethnicities living together in the country of Vietnam, and that all ethnicities are equal and united, respect and assist one another for mutual development; all acts of discrimination or division are prohibited. The equality between ethnicities are also reflected in Vietnamese laws and by-laws.

Viet Nam has always paid attention to the promotion and protection of the rights of ethnic minorities. Over the past years, it has focused on improving the legal and policy system in connection with ethnic minorities, giving priority to comprehensive and sustainable socio-economic development in ethnic minority areas. Huge investments have been made in infrastructure development, human resource development, poverty reduction and implementation of social security

policies. These efforts have brought about positive results which are welcomed by the international community.

The State of Viet Nam recognizes religion and belief as a legitimate spiritual need and one of the fundamental human rights, consistently pursuing the policy of respecting and creating favorable conditions for all citizens to exercise their right to freedom of belief and religion, prohibiting all forms of stigma and discrimination based on religious reasons, promoting respect and harmony among religions, and providing legal protection to religious organizations. The respect for and protection of freedom of worship and religious practices has been reflected in all Constitutions of Viet Nam across different periods of time. Article 24 of the Constitution of 2013 states that 'Everyone shall enjoy freedom of belief and religion; he or she can follow any religion or follow none.' All religions are equal before the law. The State respects and protects freedom of belief and religion. No one has the right to infringe on the freedom of belief and religion or to take advantage of belief and religion to violate the law".

On 18 November 2016, the National Assembly passed the Law on Belief and Religion. With 68 Articles in 9 Chapters, the Law provides for the freedom of religion and belief in details, the religion or belief activities, as well as the rights and responsibilities of Government agencies, organizations and individuals in connection with these activities. The Law again recognizes that everyone has the right to freedom of belief and religion, following any religion or following none; everybody has the right to exercise religious practices and attend religious festivals, to take part in religious training and to follow their religion's law and rules.

The State of Viet Nam respects and ensures freedom and equality of belief and religion of ethnic minorities, supporting them in their religious and belief activities. Besides that, the Government has actively disseminated information on the media to raise awareness of people about human rights and citizens' rights, about the respect for others' legitimate rights and interests. Seminars, workshops, training courses have been organized to enhance the capacity and knowledge of

governmental officials who engage in religious affairs. Abuses of positions and powers by Governmental officials to infringe upon the freedom of religion and belief are strictly prohibited.

In the provinces of the Central Highland and Binh Phuoc, there are roughly 440,000 Protestants under 33 Protestant organizations, denominations and groups regularly practice their religion at 304 chapters and over 1300 house churches. The number of religious followers in Viet Nam increases rapidly, with over 1 million Protestants, 800,000 Cao Dai followers for example. About 8500 religious festivals at local or national levels are organized every year.

The majority of religious organizations have published their own newspapers, magazines and news-sheets. According to statistical data, since 2006, the Religion Publishing House has granted publication permits to 8,683 publications, including 4,725 books printed into 14,535,464 copies. On average, over 1000 religious publications are granted permission for printing each year with 2 million print copies; 1,118 VCDs, CDs, DVDS; posters, images, flags, calendars of 2,546,201 copies in different languages, such as English, French, Khmer, Ede, Gia-rai, Bana, etc.