

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

30, Chemin des Corbillettes, 1218 Grand-Saconnex, Genève
Tel: (41 22) 799 14 00 Fax: (41 22) 798 07 24 E-mail: geneva@mofa.gov.vn

Ref: 67/HR.VNM.2020

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 honour to hereby transmit the reply of Viet Nam to the latter's Joint Urgent Appeal UA VNM 1/2020 (dated 31 March 2020) concerning Truong Thi Ha.

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 May 2020



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

**Reply of Viet Nam to the Joint Urgent Appeal
sent by Special Procedures concerning Truong Thi Ha**

Ref. UA VNM 1/2020 (dated 31 March 2020)

1. The allegations made in the Joint Urgent Appeal concerning Truong Thi Ha were drawn from unsubstantiated sources and thus were not accurate and did not reflect the true substance of the case. The Government of Viet Nam is concerned over the hasty allegation of the Special Procedures about the so-called “arbitrary arrest and detention and possible enforced disappearance of Ms. Truong Thi Ha” (Page 02 of the Urgent Appeal). These concerns of the Special Procedures were largely based on one-sided, unverified information without taking into account the official position of the state concerned. This practice is not compatible with Human Rights Council Resolution A/HRC/RES/5/2 on the Code of Conduct for Special Procedures. Even the sources of the Special Procedures acknowledged that Ms. Truong Thi Ha had been able to intermittently communicate by borrowing a phone from other individuals. As such, the allegation about the enforced disappearance of Ms. Truong Thi Ha is baseless.

2. In reality, as the Covid-19 outbreak continues to spread and hit many countries hard, the Government of Viet Nam puts in place many measures to protect people, including mandatory health quarantine for all entries to Viet Nam from March 21, 2020. These necessary measures are uniformly applicable to both foreigners and Vietnamese nationals. When the joint urgent appeal was made (March 31, 2020), approximately 75,085 people were under mandatory health quarantine in Viet Nam. As of May 18, 2020, nearly 11,000 people were still under mandatory health quarantine in Viet Nam. It is notable that mandatory quarantine in Viet Nam is provided at no costs to all people. Information on mandatory health quarantine measures and Covid-19 infections in the country has been regularly updated and made publicly available on mass media. These emergency measures undertaken by the Government of Viet Nam during a public health emergency as severe as Covid-19 are consistent with *Article 29.2 of the Universal Declaration of Human Rights* (limitations to the exercise of one’s rights and freedoms); *Article 12.2(c) of the International Covenant on Economic, Social and Cultural Rights* (steps taken by States Parties necessary for the prevention, treatment and control of epidemic, endemic, occupational and other diseases); *Article 4.1* (measures in time of public emergency) and *Article 12.3* (restrictions of the right to liberty of

movement during public health emergencies) *of the International Covenant on Civil and Political Rights*. In Viet Nam and in many other countries, public authorities must enforce business closures, social distancing and quarantine necessary to fight Covid-19, with many countries putting in place even stricter and more rigorous measures in this regard,

3. Ms. Truong Thi Ha made her entry to Viet Nam at the Cha Lo Border Gate of Quang Binh Province at 17h10 on 26 March 2020. Prior to her entry, as legally mandated by laws and regulations, the border guards asked Truong Thi Ha to provide personal identity documents, contact tracing information, health declaration and travel record for the purpose of health quarantine, monitoring and possible treatment, if need be. At that time, Truong Thi Ha brought no cell phones or communications devices in her personal belongings (though she had 04 phone SIM cards with her).

- At 21h50, 26 March 2020, after completing immigration procedures, 100 people including Truong Thi Ha were taken to the mandatory quarantine facility at Loc Ninh Commune, Dong Hoi City, Quang Binh Province.

- On 11 April 2020, when the mandatory 14-day quarantine was up and her Covid-19 test came back negative, the Covid-19 Task Force of Quang Binh Province arranged transportation for her and other Vietnamese nationals to their registered place of permanent residence. However, when the bus carrying her reached Hoa Binh Province, temperature checks by the provincial authority found a number of people with temperature higher than 38 degrees Celsius, prompting them to direct the bus to a provincial designated quarantine area for further testing and monitoring. After Covid-19 tests for all passengers aboard this bus came back negative, the authority of Hoa Binh province authorized the bus to continue its itinerary.

- At 18h00, 13 April 2020, Truong Thi Ha arrived at her registered place of permanent residence in Phuong Quan Hamlet, Van Con Commune, Hoai Duc District, Ha Noi.

4. On the allegations that Truong Thi Ha was kept in custody and interrogated by the border guards; arrested; subjected to reprisals and possible criminal prosecution for cooperation with the United Nations in the field of human rights.

- *These allegations are totally untrue.* It took a little over 04 hours for Truong Thi Ha and about 100 others to complete immigration, health

declaration and then be transported to mandatory quarantine facilities. It was not the case that Truong Thi Ha was kept in custody and questioned for 20 hours.

- During her time in mandatory health quarantine, Truong Thi Ha received the same treatment as others; her rights were respected, including having her health monitored, staying in touch with her family and provided with adequate accommodation and meals in accordance with relevant regulations. All services during mandatory health quarantine were provided at no costs to her.

- Currently, Truong Thi Ha is free and not a subject of any criminal detention or prosecution.

5. On the allegation that Truong Thi Ha's communications with family were restricted

The allegation that Truong Thi Ha was denied communications with family and friends is not true. At the time of her entry to Viet Nam, Truong Thi Ha did not bring with her any communications device. However, during her time in mandatory health quarantine, she borrowed phones from other individuals and used her personal Facebook account to stay in touch with family and friends, post and share updates on her status in the quarantine facility on March 30, March 31 and April 02 respectively.

6. The Government of Viet Nam is of the view that as the whole world expands great efforts to fight Covid-19 pandemic, any individual or organization that distorts or provides misleading information on this common cause is not helpful for the protection and enjoyment of human rights in general, especially given the current highest priority of every country to ensure the right of everyone to physical and mental health as stipulated in Article 12 of International Covenant on Economic, Social and Cultural Rights./.