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REFERENCE: G/SO/2182
YOUR REFERENCE: N° 147.

3 August 2004

Dear Mr. Genser,

I refer to your letter dated 3 June 2004 by which you transmitted to the Working Group on Arbitrary Detention of the United Nations Commission on Human Rights the case of the detention in Vietnam of Dr. Nguyen Dan Que.

The Working Group on Arbitrary Detention, in accordance with its methods of work, transmitted the case of Dr. Nguyen Dan Que to the Government of the Socialist Republic of Vietnam.

The Government of Vietnam has now submitted the attached reply. In order to consider this case during its forthcoming 40th session, the Working Group would like to know your comments or observations to the attached reply, if possible, before 6 September 2004.

Please accept, dear Mr. Genser, the assurances of our highest consideration.

Yours sincerely



Miguel de la Lama
Secretary

Working Group on Arbitrary Detention

Mr. Jared Genser
President
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Geneva, 17 June 2004

Mr. Leila Zerrougui
Chairperson/Rapporteur
Working Group on Arbitrary Detention

OHCHR

22 JUN 2004

Receptants : SPB

Dear Sir,

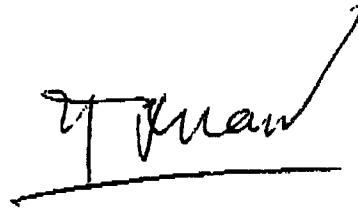
In response to your letter dated 11 June 2004 under the reference code G/SO 218/2 concerning the case of Dr. Nguyen Dan Que, I would like to convey to you the following:

In Vietnam, the rights to freedom of expression and freedom of information of Vietnamese citizens are clearly enshrined in the Constitution and laws. Article 69 of the 1992 Constitution of the Socialist Republic of Vietnam specifies that "The citizen shall enjoy freedom of opinion and speech, freedom of the press, the right to be informed, and the right to assemble, form associations and hold demonstrations in accordance with the provisions of the law". Also by law, torture and any other form of inhumane treatment and punishments are strictly forbidden. Article 71 of the 1992 Constitution of Vietnam clearly states: "The citizen shall enjoy inviolability of the person and the protection of the law with regard to his life, health, honor and dignity ... It is strictly forbidden to use any form of harassment and coercion, torture, violation of his honor and dignity, against a citizen". The Penal Code of Vietnam contains provisions on penalties for those who infringe upon the above-mentioned rights (Chapter XII). In practice, these rights are guaranteed and strictly observed.

With regard to the case of Dr. Nguyen Dan Que, the information and allegations contained in your communication are not true. The fact is that Dr Que was arrested for having committed acts in violation of article 80 of the Criminal Code of Vietnam. As a result, he will be brought to trial when investigation procedures are completed. I would like to assure you that, like in any other cases, the right of the defendant to a fair proceeding before the court shall be guaranteed in strict accordance with the law. Mr. Nguyen Dan Que is now held in custody and also in good health.

I much hope that my reply would help you with a better understanding on the case of Nguyen Dan Que.

Please accept, Sir, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'N. Xuan', written over a horizontal line. The signature is stylized and cursive.

Ngo Quang Xuan
Ambassador
Permanent Representative