

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

Research Response Number: VNM31658
Country: Vietnam
Date: 14 June 2007

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Questions

- 1. Under the laws of Vietnam is a sentence of 10 years imprisonment for the offence of sabotaging the telecommunications system of a province provided for/proportionate to the offence?**
- 2. If not, is it likely that a person has been more severely penalised than another perpetrator would be, because of his known anti-government political and religious views and activities?**

RESPONSE

- 1. Under the laws of Vietnam is a sentence of 10 years imprisonment for the offence of sabotaging the telecommunications system of a province provided for/proportionate to the offence?**
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A search of the sources consulted found no information specifically on these matters.

A Country Information Request was sent to DFAT on 17 April 2007, seeking information regarding sentencing in relation to a charge of damaging buildings or facilities that are significant in terms of national security and seeking any reports on cases where sentencing exceeds normal recommended or maximum charges (Attachment 1). In response, DFAT provided a report on 14 June 2007 (Attachment 2).

With regard to question one, the report stated that:

Our understanding is that a person committing such an act may be charged under two different sections of the Vietnamese Penal Code, depending on the circumstances. Article 85 “Sabotaging the material-technical foundations of the Socialist Republic of Vietnam” allows for offenders to be sentenced to “between 12 and 20 years of imprisonment, life imprisonment or capital punishment”. In the case of less serious crimes under this Article offenders “shall be sentenced to between 5 and 15 years of imprisonment”.

Under Article 143 “Destroying or deliberately damaging property” an offender could receive “non custodial reform for up to 3 years or a prison term of between 6 months and 3 years”. Offenders found guilty of “damaging the State’s property valued at 500 million dong or higher” (around AUD\$35,000) could receive a sentence of “between 7 and 15 years of imprisonment”.

In relation to question two, the report advised that:

We are aware of only one recent case in which the accused received a higher penalty than the ‘normal recommended or maximum charges’, a political dissident who received 2½ years probation instead of the recommended 2 years.

List of Sources Consulted

Internet Sources:

Government Information & Reports

US Department of State website <http://www.state.gov>

Search Engines

Copernic search engine

Vivisimo search engine

Databases:

FACTIVA (news database)

BACIS (DIMA Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

List of Attachments

1. MRT-RRT Country Research 2007, *Country Information Request – VNM31658*, 17 April.
2. Department of Foreign Affairs and Trade 2007, *DFAT Report 658 – RRT Information Request: VNM31658*, 14 June.