

Report to the Human Rights Committee for the ICCPR review of Viet Nam

Prepared by Vietnam Coalition Against Torture (VN-CAT)



INTRODUCTION

Vietnam-Coalition Against Torture (VN-CAT) is a grassroot civil society organization, officially launched on International Human Rights Days, December 10, 2016, by a group of Vietnamese human rights activists living in Vietnam and abroad who wish to raise awareness about Vietnamese citizens continue to be subjected to abuses, torture, degrading, cruel and inhumane treatments by their government.

In this report, VN-CAT aims to focus on the following on the List of Issues:

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment and treatment of persons deprived of their liberty (arts. 2, 6–8, 10 and 24),

Liberty and security of persons (arts. 2 and 9), and 8. Access to justice, independence of the judiciary and fair trial (arts. 2, 9 and 14).

NOTABLE INCIDENTS OF VIOLATIONS

Within that context we'd like to bring to your attention the following cases.

Phan Tat Thanh, the former administrator of the popular "Diary of Patriots" Facebook page, with hundreds of thousands of followers.

Thanh was accused of posting content that criticized the draft law on Special Economic Zones, characterized the government as a totalitarian regime, and criticized many of its socio-economic policies. He was charged with "conducting anti-state propaganda", under Article 117 of Vietnam's penal code.

Thanh was arbitrarily detained for 8 days, from July 5 to July 12, 2023, without an arrest warrant. The police did not issue a temporary detention notice until July 13, after numerous demands from Thanh's family about his whereabouts. During the initial 8

days, Thanh allegedly endured continuous beatings by police investigators and was forced to confess.

Thanh was brought to trial on May 8, 2024 and sentenced to eight years imprisonment, followed by three years of probation. According to Thanh's father, in the trial Thanh denounced the torture and duress he was subjected to during custody and detention periods. ^[1]

Bui Tuan Lam (also known as Peter Lam Bui), democracy advocate.

Lam is a well-known activist in Vietnam. In addition to human rights work, he participated in grass root humanitarian projects to provide assistance to impoverished people in remote areas and victims of natural disasters in Vietnam. In 2014, he travelled to Geneva to participate in a civil society campaign for human rights during Vietnam's Universal Periodic Review session. Upon his return to Vietnam, he was detained at the airport and interrogated by state security agents for several hours. His passport was confiscated and he was banned from travel abroad since.

In September 2022, Lam was arrested and charged with “conducting anti-state propaganda”, under Article 117 of Vietnam's penal code. He was held incommunicado for more than seven months and was denied access to a lawyer until two weeks before his trial on May 25, 2023. His wife was not allowed to attend her husband's trial. In the middle of his argument, the defense lawyer, Ngo Anh Tuan, was abruptly removed from the courtroom at the order of the presiding judge. Outside the courthouse, the police apprehended Lam's wife who was waiting for news about her husband from the lawyer. They knocked her on the ground and dragged her in the street, causing injuries to her legs. She was thrown into a police van and taken to a government office where she was detained for several hours, verbally abused, and had her body searched. She was not released until several hours after the trial ended. ^[2]

Bui Tuan Lam was sentenced to five and a half years in prison. Since then, he has been subjected to punitive prison transfers, disciplinary punishments, including solitary confinement without communication and visitation from family. Most recently, on May 11 2025 his wife shared on her personal Facebook page the notice she had received from Xuan Loc prison about her husband being disciplined by being shackled and held in

¹ RFA: “Facebook page administrator sentenced to 8 years for ‘anti-state’ posts”, <https://www.rfa.org/english/news/vietnam/article-117-facebook-page-administrator-8-year-sentence-phan-tat-thanh-05082024164150.html>

² Project88: Bui Tuan Lam's Profile, <https://www.hrw.org/video-photos/interactive/2025/05/22/free-vietnams-political-prisoners#popup-idx-4>

solitary confinement for 10 days from April 30 to May 10. He is forbidden from buying goods at the prison canteen for 3 months and only allowed visitation every other month until being certified that he makes improvement. There were no specific details provided about the reason Lam was disciplined.

Lam previously described to his wife the solitary confinement he had suffered when placed a small stuffy cell without even a sleeping mat. The air is thick with foul smell of feces and urine where he would suffer from scabies rash and sleepless days and nights because the shackles would cut into his ankles and put him in a position that he could only sit and could not lie down. ^[3]

Trinh Ba Tu, land rights defender who has sought to raise public attention about land grabbing and its impact on small-scale farmers across the country.

In June 2020, Tu along with his mother (Can Thi Theu) and his brother (Trinh Ba Phuong) - at a different residence - were arrested and charged with “conducting anti-state propaganda”, under Article 117 of Vietnam’s penal code. According to state media, among the evidence collected were books with titles such as "Prisoner's Handbook", "Non-violent Resistance". ^[4]

In May 2021, Tu and his mother were sentenced to eight years in prison, followed by three years of probation.

While in prison, Tu is often denied family visitation. On numerous occasions, he told his father that he continued to be subjected to hard labor, disciplinary actions amounting to torture and ill-treatment including incommunicado detention and solitary confinement with his feet shackled. In one incident, Trinh Ba Tu was “placed in solitary confinement for ten days, during which he was severely beaten and denied access to the toilet, as a punishment for writing a complaint against the prison authorities for allegations of ill treatment against other detainees”, as reported by the World Organisation Against Torture (OMCT). ^[5]

³ Facebook post by Bui Tuan Lam’s wife,

<https://www.facebook.com/MimosaThanhLam/posts/pfbid0Szn2LcA64wrggPvFLAhwTcwZbnjPX5ZtZ1voMMhVpHHAQhn8MS7PRQKWYVKStuMDI>

⁴ The People’s Public Security online news, <https://cand.com.vn/Ban-tin-113/Bat-tam-giam-doi-tuong-tuyen-truyen-chong-pha-Nha-nuocTrinh-Ba-Tu-i570434/>

⁵ OMCT: “Vietnam: Land rights defender Trinh Ba Tu continues to be tortured in prison”, <https://www.omct.org/en/resources/urgent-interventions/vietnam-land-rights-defender-trinh-ba-tu-continues-to-be-subjected-to-torture-in-prison>

Trinh Ba Phuong, land rights activist, older brother of Trinh Ba Tu.

Trinh Ba Phuong is also a well-known activist who is very active in issues of land rights in his own community as well as advocating for the Dong Tam residents in the aftermath of the deadly police raid there in January 2020. ^[6] Similarly to his mother and brother, Phuong is arrested and charged with “conducting anti-state propaganda”, under Article 117 of Vietnam’s penal code. His wife had given birth just a few days ago prior to his arrest.

In December 2021, Trinh Ba Phuong was sentenced to 10 years in prison, followed by five years of probation. His wife was not allowed to attend his trial. She was allegedly harassed and beaten by plainclothes security police outside the courthouse.

His family was not allowed to visit him until 26 months after his arrest, and was for a total of only 20 minutes. During the visitation, Phuong confirmed to his wife that he was tortured during his pretrial detention. On several occasions, the police severely beat him, even kicked in the groin, to extract a confession from him.

In February 2023, without notice to his family Trinh Ba Phuong was forced to spend a month at the Central Psychiatric Evaluation Center where he was kept in a small cell almost the entire time, was always under watch by the police, and not allowed to go outside like other patients. Out of fear for his life, Phuong refused to take the daily medication prescribed to him. He was forced to undergo an MRI and psychiatric tests. He was sent back to his prison cell after a month. ^[7]

In September 2023, Trinh Ba Phuong and 3 other prisoners of conscience were beaten up by prison guards for peacefully protesting against the Vietnamese government’s human rights record by holding banners made with pieces of paper. Phuong was grabbed by the neck and slammed against the wall, causing bruises on his chest. He was then handcuffed and taken to a disciplinary cell, where he was detained in solitary confinement with his feet shackled for 10 days. ^[8]

In April 2025, the Quang Nam Provincial Security Investigation Agency launched a new case against him under Clause 1 of Article 117 because prison guards at A Diem Prison allegedly found a 2023 document in Phuong’s cell with the phrase “Down with the

⁶ Safeguard Defenders: "New report on Vietnam’s deadly Dong Tam incident", <https://safeguarddefenders.com/en/blog/new-report-vietnams-deadly-dong-tam-incident>

⁷ Project88: Trinh Ba Phuong’s Profile, <https://the88project.org/profile/449/trinh-ba-phuong/>

⁸ FIDH: "Vietnam: Land rights defender Trinh Ba Phuong continues to be tortured in prison", <https://www.fidh.org/en/issues/human-rights-defenders/vietnam-land-rights-defender-trinh-ba-phuong-continues-to-be-tortured>

Vietnamese Communist Party for violating human rights” to protest harsh prison conditions. This marks the first known instance of a Vietnamese political prisoner facing prosecution for political expression while in prison. Since April 16, Phuong’s family visits and phone calls have been halted.

Nguyen Thi Bich-Hanh, former human rights advocate while living in Vietnam and lost her teaching job as a result of retaliation by the government.

Hanh’s husband, Thai Van Tu, was also considered a political dissident by the government in Vietnam. He was a key member of the Catholic Youth Movement, which defended environmental justice for victims of the worst human-made ecological disaster in Vietnam’s contemporary history. ^[9] Many of his fellow members of the Catholic Youth Movement were arrested and sentenced to long prison terms. ^[10]

Tu was able to escape arrest by fleeing to Thailand. After his resettlement as a refugee to the U.S., Tu sponsored his wife and older son, now 13, as derivative refugees. Their second son, now 5, was born in the United States.

VN-CAT is familiar with the couple and their ordeal as we assisted him in the early days of his resettlement in the US and we also collaborated with his pro-bono attorney to work on his case file for sponsoring his wife and child.

Mrs. Bich-Hanh and her two children were detained at the Tan Son Nhat Airport, Ho Chi Minh City, Vietnam. Although being American citizens, they were tortured and then expelled from the country.

In June 2024, Mrs. Bich-Hanh brought her two sons to Vietnam to visit her ailing mother, who might not have long to live. They travelled from North Carolina to Ho Chi Minh City, Vietnam via Seoul, South Korea. On June 7, 2024, the three of them landed at Tan Son Nhat Airport but were denied entry into Vietnam on the ground of “national security” and ordered to take the next flight back to South Korea. Mrs. Hanh’s younger son, then 4-years old, suffered a bout of acute asthma. But the ventilator she brought along from the United States did not work due to the difference in voltage. She refused to take the flight back to South Korea fearing that her son might not make it on the long flight. She insisted on access to medical care at a local hospital, which the Vietnamese

⁹ Communication from UN human rights experts to the Vietnamese government, May 16, 2024, available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29057>

¹⁰ Viet Nam: UN rights experts urge release of activists jailed for protesting toxic spill, February 23, 2018, available at: <https://www.ohchr.org/en/press-releases/2018/02/viet-nam-un-rights-experts-urge-release-activists-jailed-protesting-toxic>

police denied. Over a dozen police officers used force to shovel her onto the plane. A police officer yanked her 4-years old son away from her.

Two other police officers carried her then 12-years old son onto the plane. As she resisted, the police beat her up and dragged her as if he was dragging an animal to the slaughterhouse. She passed out. The Korean Airlines crew told the police that they would not fly passengers against their will.

The police locked Mrs. Bich-Hanh and her two children in a closed room at the airport where they could not communicate with Mr. Tu in the United States, their relatives in Vietnam, or the U.S. political officer in Ho Chi Minh City. During their detention at the airport, they were not allowed any food. Whenever Ms. Bich-Hanh opened the door to ask for food or water, she was beaten by the police.

In her own words, Mrs. Bich-Hanh recalled her ordeal:

“I opened the door and asked for water. They grabbed my hair, they pulled it back, they hit me in the chest. They slapped me in the face. They pointed their fingers directly at my forehead, insulting me. Hit, slap, punch.

“When my older son saw that, he ran towards me and said, 'My mother just asked for water, Sir.' The security man yelled, cursed, and beat my son. He said, 'You and your mother, I have to hit you. Otherwise, your mother and you won't learn the lesson.' So, he hit my son and when he cried, the security man picked him up and threw him to the ground; his head flipped and hit the hard floor.”

The police told me, “We have no responsibility to give you food or drink.”

Alarmed for not hearing from his wife and children after more than a day, Mr. Thai Van Tu contacted the U.S. consular officer and the U.S. political officer in Ho Chi Minh City to seek urgent intervention. On June 10, the Vietnamese police suddenly changed their attitude, probably due to the strong protest of the U.S. political officer. They gave Mrs. Bich-Hanh and her sons food and drink. She was then allowed to talk to the officials at the US Consulate General in Ho Chi Minh City. A doctor came, examined her younger son, and provided him with a ventilator. The next day, the police returned her phone. She and her sons took a flight home. ^[11] This incident was condemned by international

¹¹ “Tan Son Nhat Airport Security Allegedly Assaults Vietnamese-American Family After Refusing Them Entry,” The Vietnamese, June 17, 2024, available at: <https://www.thevietnamese.org/2024/06/tan-son-nhat-airport-security-allegedly-assaults-vietnamese-american-family-after-refusing-them-entry/>

human rights organizations, including Forum-Asia, a large coalition of human rights organizations in Asia. ^[12]

Dang Minh Ty (aka Tee Dang): an American citizen who was arrested and subjected to torture simply because he took photographs of the demonstrations in Ho Chi Minh City.

On June 10, 2018 mass demonstrations broke out in major cities across Vietnam to protest against the draft Cybersecurity Law and the draft Special Economic Zones Law. Hundreds of demonstrators were arrested. In Ho Chi Minh City, where at least 310 demonstrators were arrested, there were reports that plainclothes and uniformed police officers punched, kicked, beat with batons and stomped on people who were exercising their right to peaceful assembly.

Mr. Dang was taken to the police station of Ward 6, District 3. There, he was repeatedly punched by a public security officer named Nguyen Huu Phap, in the presence of many other public security officers. They wanted the password to his smartphone. He felt acute pain at one side of his ribcage and told his interrogators that one of his rib bones might have been broken. Phap continued to punch Ty and only stopped after Ty claimed that he was a U.S. citizen.

At that point the public security of Ho Chi Minh City took over the interrogation. They threatened to damage the other side of his rib cage. As Ty refused to disclose the password to his smartphone, they connected it to special equipment and opened his smartphone. For two days they interrogated him about many of the individuals that had communicated with him via texting or through his Facebook page. Only after he had admitted that he regretted having taken the photographs of the demonstration was he released. ^[13]

Upon being released, Mr. Dang immediately went to the US Consulate General of HCM City to report the interrogation and torture by the police. After he returned to the U.S., he also reported his experience to the U.S. Department of State's Bureau for Democracy, Human Rights and Labor. He also had the opportunity to meet with then U.S. Ambassador to Vietnam Daniel Kritenbrink at a town hall meeting hosted by Congresswoman Zoe Lofgren. Mr. Dang handed the entire dossier about his torture case to Ambassador Kritenbrink, who promised to look into it. Mr. Kritenbrink later

¹² "Vietnam: WHRD and her children kept in airport custody, denied entry," Forum-Asia, June 7, 2014, available at: <https://asianhrds.forum-asia.org/en/entity/cc7495n7s1>

¹³ BPSOS' joint submission to the UN Human Rights Council for 2019 Universal Periodic Review of Vietnam: https://upr-info.org/sites/default/files/documents/2019-01/js11_upr32_vnm_e_main.pdf

became the Assistant Secretary for East Asian and Pacific Affairs from September 2021 to January 2025, under President Joe Biden.

Simultaneously, Mr. Dang sent a request for investigation and criminal prosecution of the perpetrators to the Procuracy and Ministry of Public Security in Vietnam via the Vietnamese Embassy in Washington DC. He received an email notice that his request had been forwarded. Nothing has happened since.

On May 6-8 2025, Mr. Dang traveled to Kathmandu, Nepal for an in-person meeting with Dr. Alice Jill Edwards, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, where victims of torture from several countries had the opportunity to share their experiences.