



## Amnesty International Report 2017/18 - Viet Nam

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### Socialist Republic of Viet Nam

Head of state: **Trần Đại Quang**

Head of government: **Nguyễn Xuân Phúc**

**Arbitrary restrictions on the rights to freedom of expression, association and peaceful assembly continued. A crackdown on dissent intensified, causing scores of activists to flee the country. Human rights defenders, peaceful political activists and religious followers were subjected to a range of human rights violations, including arbitrary detention, prosecution on national security and other vaguely worded charges in unfair trials, and long-term imprisonment. Prominent activists faced restrictions on movement and were subject to surveillance, harassment and violent assaults. Prisoners of conscience were tortured and otherwise ill-treated. Suspicious deaths in police custody were reported, and the death penalty was retained.**

### BACKGROUND

Dozens of state company officials were arrested and prosecuted during an anti-corruption campaign, including those also holding government and Communist Party of Viet Nam positions. Several were sentenced to death for embezzlement. In July, state security officials abducted a former businessman and government official while he was seeking asylum in Germany, and forcibly returned him to Viet Nam to stand trial for embezzlement and economic mismanagement; Vietnamese authorities maintained that he had returned voluntarily.

During the assessment of Viet Nam's human rights record under the UN UPR process, the government stated that by February it had implemented 129 out of 182 recommendations made during the review in 2014. No amendments were made to vaguely worded national security legislation used against peaceful dissidents to bring it into line with international law and standards.

Viet Nam hosted meetings of the Asia-Pacific Economic Cooperation (APEC) forum throughout the year, including the leaders' summit in November.

### REPRESSION OF DISSENT

The crackdown on freedom of expression and criticism of government actions and policies intensified, causing scores of peaceful activists to flee the country. At least 29 activists were arrested during the year, and others went into hiding after arrest warrants were issued. They were charged mostly under vaguely worded provisions in the national security section of the 1999 Penal Code or detained on other spurious charges. Bloggers and pro-democracy activists were particularly targeted, as well as social and environmental

activists campaigning in the aftermath of the 2016 Formosa Plastics toxic spill that killed tonnes of fish and destroyed the livelihoods of thousands of people. At least five members of the independent Brotherhood for Democracy, co-founded by human rights lawyer and prisoner of conscience Nguyễn Văn Đài, were arrested between July and December.[1] They were charged under Article 79 (activities aimed at overthrowing the People's Administration), which carried a punishment of up to life imprisonment or the death penalty. Several were previous prisoners of conscience. In August, the same additional charge was brought against Nguyễn Văn Đài and his associate Lê Thu Hà, who had been held incommunicado since their arrests in December 2015 on charges of "conducting propaganda against the state" under Article 88.

At least 98 prisoners of conscience were detained or imprisoned, an increase on previous years despite some releases on completion of sentences. They included bloggers, human rights defenders working on land and labour issues, political activists, religious followers and members of ethnic minority groups. The authorities continued to grant early release to prisoners of conscience only if they agreed to go into exile. Đặng Xuân Diệu, a Catholic social activist and blogger arrested in 2011, was released in January after serving six years of a 13-year prison sentence. He was immediately flown into exile in France. In July, Pastor Nguyễn Công Chính was released four years before the end of his 11-year sentence and immediately flown to exile in the USA. Both men were tortured and otherwise ill-treated while imprisoned.

Trials of dissidents routinely failed to meet international standards of fairness; there was a lack of adequate defence as well as denial of the presumption of innocence. Human rights defender and blogger Nguyễn Ngọc Như Quỳnh, also known as Mẹ Nấm, (Mother Mushroom), was sentenced to 10 years' imprisonment for "conducting propaganda" (Article 88) in June. Land and labour activist Trần Thị Nga received a nine-year sentence on the same charge with five years' house arrest upon release in July.[2] In October, after a trial lasting just a few hours, student Phan Kim Khánh was sentenced to six years' imprisonment and four years' house arrest upon release, after conviction under Article 88. He had criticized corruption and lack of freedom of expression in Viet Nam on blogs and social media. He was also accused of being in contact with "reactionaries" overseas.

In May, the authorities revoked the Vietnamese citizenship of former prisoner of conscience Phạm Minh Hoàng, a member of Viet Tan, an overseas-based group peacefully campaigning for democracy in Viet Nam. He was forcibly deported to France in June.

## **TORTURE AND OTHER ILL-TREATMENT**

Reports continued of torture and other ill-treatment, including beatings and other assaults, of peaceful activists by individuals believed to be acting in collusion with security police. In September, Viet Nam's initial report on implementation of the UN Convention against Torture, ratified in November 2014, acknowledged challenges and difficulties in implementation due to an "incomplete legal framework on human rights", among other reasons.

Prisoners of conscience were routinely held incommunicado during pre-trial detention, lasting up to two years. Detainees were denied medical treatment and transferred to prisons distant from their family home.

The whereabouts of Nguyễn Bắc Truyển, a human rights defender arrested in secret in July, were not disclosed to his family until three weeks later. He was held incommunicado and denied access to medication for pre-existing medical conditions.[3]

Denial of medical treatment was used to try to force prisoners of conscience to "confess" to crimes. Đinh Nguyễn Kha, an activist sentenced to six years' imprisonment for distributing leaflets critical of Viet Nam's response to China's territorial claims in the region, was denied follow-up treatment after a medical operation. [4] Hòa Hảo Buddhist and land rights activist Trần Thị Thúy continued to be denied adequate treatment for serious medical conditions since April 2015.

## **FREEDOM OF ASSEMBLY**

The authorities used unnecessary or excessive force to disperse and prevent peaceful gatherings and protests, in particular those relating to the Formosa Plastics toxic spill in April 2016. In February, police and plain-clothes men attacked around 700 mainly Catholic peaceful protesters gathered in Nghệ An province before

marching to present legal complaints against Formosa Plastics. Several individuals were injured and required hospital treatment, and others were arrested.[5]

## DEATHS IN CUSTODY

Deaths in police custody in suspicious circumstances continued to be reported. Hòa Hảo Buddhist Nguyễn Hữu Tấn died after his arrest in May. Police claimed that he committed suicide, but his father said that the injuries on his body suggested that he was tortured before being killed.

## DEATH PENALTY

A Ministry of Public Security report published in February revealed the extent of implementation of the death penalty, with an average of 147 executions annually between August 2013 and June 2016. The report stated that five new lethal injection centres were to be built. Only one execution was reported by official media during 2017, but more were believed to have been carried out. Death sentences were handed down for drug offences and embezzlement.

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[1] Viet Nam: Four peaceful activists arrested in connection with long-detained human rights lawyer ([ASA 41/6855/2017](#))

[2] Viet Nam: Female activist sentenced to nine years in prison ([ASA 41/6833/2017](#))

[3] Viet Nam: Missing human rights defender at risk of torture – Nguyễn Bắc Truyển ([ASA 41/6964/2017](#))

[4] Viet Nam: Necessary medical treatment denied to prisoner – Đinh Nguyễn Kha ([ASA 41/5733/2017](#))

[5] Viet Nam: Hundreds of peaceful marchers attacked by police ([ASA 41/5728/2017](#))

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