

VIET NAM

Civil Society Report on the Implementation of the ICCPR (Replies to the List of Issues CCPR/C/VNM/Q/3)

For the Review of the third State Report of Viet Nam (CCPR/C/VNM/3)
At the 125th session of the Human Rights Committee
(Geneva, 4 – 29 March 2019)



Con Dau Parishioners Association

Jointly prepared by:

Vietnam Coalition Against Torture
Vietnamese Women for Human Rights,
Con Dau Parishioners Association

INTRODUCTION AND EXECUTIVE SUMMARY

Vietnam Coalition Against Torture (VN-CAT), Vietnamese Women for Human Rights (VNWHR), and Con Dau Parishioners Association jointly submit these replies to the List of Issues (LOIs) published by the UN Human Rights Committee on August 16, 2018 in relation to the third periodic report of Viet Nam on its implementation of the International Covenant on Civil and Political Rights (ICCPR). Our replies specifically focus on practices that are in violations of the Vietnamese government's obligations to the ICCPR:

- Prohibition of torture and other cruel, inhuman or degrading treatments
- The rights to liberty and security of the person
- The right to a fair trial and independence of the judiciary
- Freedom of movement

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment, treatment of persons deprived of their liberty, including prisoners of conscience (arts. 2, 6, 7, 9, 10 and 26)

(With reference to paragraph 10 of the List of Issues (CCPR/C/VNM/Q/3) and paragraphs 32 – 36 of the State party's Reply to List of Issues (CCPR/C/VNM/Q/3/Add.1))

10. With reference to paragraph 74 of the State party's report, please provide information on the concrete steps taken towards defining and criminalizing the offence of torture in line with the Covenant and other relevant international standards. Please also clarify the interpretation given by the national courts to "circumstances other than those in which infliction of bodily harm is permitted by law" in article 137 of the Penal Code. Please comment on allegations that torture and ill-treatment by law enforcement personnel are a widespread phenomenon used to obtain information or extract confessions. Please also respond to comments on allegations that (a) torture and ill-treatment of individuals frequently result in deaths in custody; (b) such deaths are commonly reported as suicides; and (c) families are pressured not to challenge such conclusions. With reference to paragraph 74 of the State party's report, please provide data on the number of reported cases of torture and ill-treatment during the reporting period, the number of investigations and prosecutions initiated, the number of convictions, the sentences imposed and the remedies granted to victims.

1. Vietnam references its State party's report on the implementation of CAT to the UN Committee on Torture (CAT/C/VNM/1) and the legal framework mentioned in such report as evidence of Vietnam's commitment to the prohibition of torture and forced confession, the protection of the rights of persons in custody, and the prevention of reprisals against victims' families who challenged police conclusion of suicide as cause of death.
2. However, with information provided by the Vietnam's delegation during the review session on Nov 14 and 15, 2018 and by NGOs in private meetings, UNCAT evaluated the situation on Vietnam in regard to CAT and expressed serious concerns about the gap in practice of the legal framework and the implementation of CAT. The Committee still considers torture and death in police custody a principal subject of concern. The Concluding Observations includes more than twenty specific areas and a long list of recommendations for Vietnam.¹

¹ CAT – Vietnam: Concluding Observations,

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/VNM/CO/1&Lang=en

3. Regrettably, paragraph 32-36 of CCPR/C/VNM/Q/3/Add.1 provided neither specific information nor direct answers to the issues raised. In reality, it appears not only that Vietnam has not made sufficient efforts to improve the situation but has also failed to rectify the specific cases and concerns raised in the UNCAT's Concluding Observations.
4. At the time of this report, Vietnamese police are still trying to track down the whereabouts of **Nguyen Huu Tan's family members**, who have been living in hiding since his death in police custody on May 3rd 2017 to avoid threats of persecution and imprisonment by the authorities. This case was raised in the submission for LOIs by VN-CAT and also in the Concluding Observations by UNCAT for the review session on Vietnam in November 2018. (See **Appendix 1**: Statement by the victim's family in response to the reply by the Vietnamese authority to the UN special procedures on the gruesome death of Hoa Hap Buddhist Nguyen Huu Tan.)
5. Another example of the persecution by State's authorities against families who request investigation into suspicious deaths in police custody is the case of **Ma Seo Sung**. Ma Seo Sung is a **Protestant of Hmong ethnic** who died on May 5, 2017 as a result of torture inflicted while being held in the Dak Lak provincial police detention center under accusation of cocaine use. The police notified family members that Ma Seo Sung had committed suicide by hanging himself. However, the rope marks on his body were inconsistent with the stated cause of death and there were bruises on his neck, chest, thighs, and legs having the appearance of being caused by blunt trauma to the body. Family members were not provided with any documents regarding his arrest and detention. Ma Seo Sung's wife, who is illiterate, sought help from relatives to submit requests for an investigation into the alleged reason for his arrest and the failure of the authority bodies responsible for the safety of persons in custody. The requests went unanswered and family members escalated the grievance from local to provincial and up to the Ministry of Public Security to no avail. Not only did authorities never open an investigation, but they also harassed and threatened Ma Seo Sung's wife and the relatives who assisted her. The situation became so intense that seven members of the family, including Ma Seo Sung's widow and their two small children, uncle and cousins, had to flee to a neighbouring country seeking asylum. Both of the cases of **Nguyen Huu Tan** and **Ma Seo Sung** were specifically mentioned in paragraph 22 and 23 of UNCAT's Concluding Observations. (See paragraph 3, above.)
6. Torture and ill-treatment are common practices used by law enforcement personnel to obtain information or extract confessions. In the early morning of April 14, 2016, **Mrs. Tran Thi Hong, the religious and women rights defenders** and a member of the civil society organization "Vietnamese Women for Human Rights" was abducted from her home by police of Gia Lai province and brought to the office of the People's Committee of Hoa Lu Ward, where for three hours she was interrogated and severely beaten by several plainclothes agents. At this office, two women pulled Mrs. Hong's hair and held her arms and legs while the men repeatedly kicked and pounded on her with their hands and feet. They attempted to extract information about her meeting two weeks earlier with a United States delegation led by Ambassador At Large on International Religious Freedom *David Saperstein*. As a result of the beating, Mrs. Hong suffered injuries to her head, knees, legs, hands, and feet. After releasing Mrs. Hong that day, the police guarded her house for several days, preventing her from seeking treatments for her injuries. For the next two months, she was repeatedly arrested, detained, and tortured.
7. In a press release on June 2, 2016 the UN Special Rapporteur on torture and the Special Rapporteur on freedom of religion or belief urged the Government of Viet Nam to stop the persecution and torture of Mrs. Hong. The appeal was also endorsed by the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on violence against women, its causes and consequences, and the Working Group on Arbitrary Detention.²

² UN experts urge Viet Nam to stop the persecution and torture of religious leaders and rights defenders,

8. However, the Vietnamese authorities did not take any action to investigate the incident and the response Vietnam sent to the UN experts was not satisfactory. For example, the reply the permanent mission of Vietnam sent to the UN claimed that “On the way to the Office of the People’s Committee, Mrs. Hong struck her head onto the taxi car and so, got injured by herself”.³ In the Sixth Report, the Special Rapporteur on the rights to freedom of peaceful assembly and of association reiterates his serious concern regarding the alleged persecution and torture against Mrs. Tran Thi Hong.⁴
9. **The violent and bloody land expropriation at Con Dau parish**, a 135 years old Catholic community in Da Nang city was alarmingly cruel and denounced by a group of UN human rights experts. The brutal land grabbing for the benefit of private entrepreneur was backed by high-level government officials who authorized, tolerated or knowingly ignored the commission of acts of torture of several parishioners and **the extra-judicial killing of Mr. Nguyen Thanh Nam**.
10. On May 4, 2010, some 400 members of the public security and mobile unit forces violently assaulted Con Dau parishioners. Sixty-two (62) Con Dau parishioners were arrested during and in the aftermath of this assault; during detention from a week to almost three months, they were repeatedly tortured and forced to sign statements admitting to crimes they did not commit. Mr. Nguyen Thanh Nam avoided arrest but later was captured and tortured to death.
11. Another parishioner, **Mr. Tran Thanh Tien was subjected to torture** at Cam Le District Police Station in Da Nang city. People dressed in civilian clothes and with their faces covered attacked and beat Tien up. Tien was then handcuffed behind his back and pushed onto the police truck. At the District Police Station, Tien was brought into the investigating room and beaten until unconscious; his interrogators threw water over his face to wake him up. An officer then beat him in the back with a stack of chairs so hard that the chairs were broken. As Tien refused to admit to false allegations, he was repeatedly called in for interrogation and forced to write a self-incriminating report. A police lieutenant named Thanh handcuffed one of his hands to the upper rim of the interrogation room’s window, causing him to stand on his toes. This interrogator used batons, electric rods to beat Tien. On another day, a police officer with civilian clothes ordered Tien to undress. Pointing to the bruises on his body, this officer asked what happened. When Tien answered that he was beaten by the police, this officer beat him up badly and screamed: “Which police who beats you? I am a civilian, you bastard. I’ll beat you to death!” On the seventh day Tien succumbed and signed the statement prepared by the police. He was released but ordered to not leave home or seek medical care.
12. Another parishioner, **Mr. Nguyen Lieu, was also subjected to torture** at the same police station. He was beaten with an electric baton, kicked and punched in the head until he fell unconscious. Each time he passed out, his interrogator poured water over his face and interrogated him again. He was physically assaulted until he signed a statement admitting to the police’s allegation of causing a public disturbance and interfering with officers on duty. He was released the next day. He suffered multiple injuries and could not walk for days but was ordered not to seek medical care.
13. Some other victims in the same incident were:
 - **Mr. Tran Thanh Lam**, who was beaten until he threw up blood. He was detained for several months and later sentenced to 12 months of suspended sentence and 12 months of probation.
 - **Mr. Tran Thanh Viet**, who was beaten on the head and body with police baton and kicked in his sides and back until he became unconscious. As punishment for his refusal to admit guilt, he was placed in

³ Reply of Vietnam to the communication UA VNM 03/2016, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33454>

⁴ Viet Nam Communications: Sixth Report (March 1, 2016 To February 28, 2017), <http://freeassembly.net/reports/viet-nam-communications/>

solitary confinement in a cell with no light and with poor ventilation for 3 months and 9 days. He was beaten every 2 or 3 days. He was not allowed to hire a lawyer. He was sentenced to 12 months of suspended sentence and 12 months of probation.

- **Mr. Nguyen Huu Liem**, who was interrogated and tortured for seven days and held in solitary confinement for 101 days. Despite his innocence, he was sentenced to 12 months of suspended sentence and 12 months and 2 weeks of probation.

- **Ms. Phan Thi Nhan**, who was detained from May 4, 2010 until August 3, 2010. At the beginning tortures occurred daily. Later on, she was tortured once every 3 days during interrogation. In one occurrence, on May 5, 2010, an interrogator named Dang Hong Phuc smashed a chair onto her shoulder so hard the chair broke into 3 pieces. The perpetrators hit her repeatedly with a wooden stick and smashed her fingers with the metal handcuffs. The victim was in such excruciating pain that she passed out. When she regained her consciousness, they continued the interrogation. They pulled out their belts and slashed her repeatedly. Then they told her to spread out her legs and kicked her genitals. On May 10 Dang Hong Phuc and other interrogators made Ms. Nhan scoop excrement into several nylon bags and sniff them one by one while they stood watching from 3-4 meters away. When she could no longer stand the stench, they hit her with their batons and stomped on her lower belly to force her to continue on, Ms. Nhan did not recall how long that cruel torture lasted until the torturers hit her knees with their batons repeatedly so hard that she passed out.

- **Mr. Nguyen Thanh Nam**, who was summoned to the police station repeatedly and tortured to extract information about parishioners who posted on the internet photos and videos of police brutality during the bloody land-grabbing on May 4. Because Nam refused to disclose the identity of the videographer, he was beaten severely at each interrogation session. On July 2nd he was again summoned to the police station for the fifth time. Fearing torture, he ran away from home but was caught by the militia. He was beaten savagely and died from internal bleeding the following day. His widow, Mrs. Doan Thi Hong Anh testified in a US House hearing in June 2015 about this painful experience of hers.⁵

14. Ill-treatments of individual in custody remain common, in some cases allegedly with sanction by prison officials. A brother of **Nguyen Van Duc Do**, who is serving a 11-year imprisonment sentence for his alleged tie to the Coalition for Self-determined Vietnamese People and accused of anti-state activities, reached out to VN-CAT and reported that during a visit at Chi Hoa Detention Center in Hochiminh city, Do informed his family that he had been severely beaten by three prisoners. According to Do, on November 15, 2018 when he was beaten by his three cellmates, he kicked the cell door and asked officials to transfer him to another cell for his safety. A warden came into the cell but did not take any action and told him to keep quiet. As soon as the warden left, Nguyen Van Duc Do was beaten again to the point of unconsciousness. When Do woke up, he found himself in the medical clinic of the detention center with many bruises and swelling over his face and body. The negligence of prison warden despite Do's plea for intervention fit the definition of torture stipulated in Article 1 of CAT: *"pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity."* Prior to that incident, on November 22, 2016 Amnesty International released an Urgent Action due to concern about Do and Vinh's incommunicado detention and risk of torture and other ill-treatments.⁶

15. While in paragraph 36 of the replies to LOIs (CCPR/C/VNM/Q/3/Add.1) Vietnam acknowledged "several instances of forced confession in the judicial proceedings", it appears Vietnam has not taken action to rectify the situation.

16. On August 16, 2018, at the hearing of environmental activist Le Dinh Luong, human rights defender **Nguyen Viet Dung** and **Nguyen Van Hoa**, a videographer with U.S. government-funded Radio

⁵ Statement of Doan Thi Hong Anh, June 17, 2015, <https://docs.house.gov/meetings/FA/FA16/20150617/103650/HHRG-114-FA16-Wstate-Hong-AnhD-20150617.pdf>

⁶ Nguyen Van Duc Do – Amnesty International Urgent Action, <https://www.amnesty.org/en/documents/asa41/5190/2016/en/>

Free Asia, informed the presiding Judge that their written confessions against Le Dinh Luong had been obtained through torture. They had been brought to the trial of Luong as witnesses for the prosecutor at a court in central Vietnam's Nghe An province. However, both men retracted their earlier testimony and denounced the duress. The court immediately adjourned. When the trial resumed later in the day, Hoa and Dung were absent. Nguyen Viet Dung was allegedly put in a chokehold so tight that he had a sore throat and temporarily lost his voice. On August 21, detention facility officers refused to allow Nguyen Viet Dung's father to see his son, on the basis that he had failed to cooperate with authorities at the trial of Le Dinh Luong.

17. In a letter to his sister dated September 19, 2018 Nguyen Van Hoa confirmed that he was beaten by the deputy supervisor of Nghe An provincial police detention center right in the quarantine room of the court where he was forced to testify against Mr. Le Dinh Luong. Hoa informed his sister that on September 1, 2018, he sent a denunciation of that unlawful act against a witness at the court of law to the People's Procuracy of Nghe An province via the Supervisory Board of An Diem prison in Quang Nam province where he is being held. But as of present time, Nguyen Van Hoa has not received notification from the Supervisory Board on forwarding the denunciation to the People's Procuracy at his request. Furthermore, Hoa reported that on September 1, 2018 he also sent a request to the Supervisory Board to receive treatment for a mass on his foot. He was then visually examined by medical staff at the prison clinic, but they did not perform any tests or provide treatment. Hoa, therefore, is still suffering from pain. It is in the opinion of VN-CAT that the withholding of pain treatment by the officials and medical staff at An Diem prison constitutes cruel and inhuman treatment.

18. On May 15, 2017, **environmental rights activist Hoang Duc Binh** was violently arrested by the police. While detained in Nghe An province, Binh was reportedly forced to sign a confession statement, which was then used during his trial on February 6, 2018. Hoang Duc Binh was sentenced to 14 years in prison.⁷

19. Ill-treatments and police brutality do not just happen to Vietnamese citizens. On June 16, 2018, **Mr. Tee Dang, an American of Vietnamese descent** fell victim to torture when the police in Hochiminh City (HCMC) arrested him on suspicion of participating in a demonstration. In fact, there was no demonstration happening on that day, and Mr. Tee simply stopped his moped and pulled over to the curb to take some photos of the Turtle Lake, a popular city landmark. In an interview with VN-CAT, Mr. Tee stated that he was confronted by two traffic police who called for backup. A police-marked pickup truck arrived with several plainclothes and uniformed police as well as militia members on it. They took him to the police station of Ward 6, District 3, HCMC where they confiscated his phone and demanded him to unlock it for searching. When Mr. Tee declined to do so, he was beaten viciously by at least five individuals, causing extreme chest pain and difficulty breathing. Then a police officer wearing a name tag that read Nguyễn Hữu Pháp carefully wrapped Mr. Tee's wrists with a cotton facemask before slapping handcuffs on the victim and was about to hang him onto the window bars. Mr. Tee believes police officer Pháp is experienced with torture technique and planning on torturing him without leaving marks on his wrists as evidence of torture. At this point, Mr. Tee was so frightened that he let the police know he was a US citizen. The beating ceased but Mr. Tee was still held in the interrogation room. He felt excruciating pain in the ribcage and chest. He suspected his ribs might have been fractured and requested to have a medical examination. But his request was declined. Furthermore, the police told him that no one had beaten him and that he fell and hurt himself. More police arrived later, both plainclothes and uniformed, and took turns continuing to interrogate, threaten and coerce Mr. Tee to write the confession of wrongdoings despite his repeated requests to contact the US General Consulate to inform them about his situation. Mr. Tee was detained overnight and interrogated throughout the next day until late at night when he was ordered to pay an administrative

⁷ "Maximum prison sentence for anti-Formosa activist," Amnesty International, February 28, 2018,

<https://www.amnesty.org/download/Documents/ASA4179622018ENGLISH.pdf>

fine and released from police custody. Upon his release, Mr. Tee reported the incident to the diplomats at the US General Consulate. And on November 12, 2018, Mr. Tee sent a formal request to the Ministry of Public Security and the police of Ward 6, District 3, HCM City in care of the Embassy of Vietnam in Washington DC, United States. He requested an investigation into the unlawful arrest, detention, interrogation, and torture against him on June 16 and 17, 2018 and demanded an apology and compensation for the psychological and physical harm inflicted on him. In an email correspondence on January 23, 2019 the Embassy of Vietnam confirmed that Mr. Tee letter of request had been received by the Embassy and forwarded to the appropriate authorities in Vietnam for handling.

(With reference to paragraph 11 of the List of Issues (CCPR/C/VNM/Q/3) and paragraphs 37 – 38 of the State party's Reply to List of Issues (CCPR/C/VNM/Q/3/Add.1))

11. With reference to implementation of the 2004 law on the enforcement of criminal judgment, please elaborate on whether and how the regulations establishing classifications of prisoners are used to facilitate the use of appropriate conditions of incarceration and treatment, in particular circular No. 37 issued by the Ministry of Public Security in 2011. Please comment on allegations that prisoners of conscience are subject to (a) torture and ill-treatment, including incommunicado detention, enforced disappearances, the infliction of severe physical and mental pain and suffering, solitary confinement, denial of medical treatment and punitive prison transfers; and (b) abuses committed by fellow prisoners (antennae) acting at the instigation or with the consent or acquiescence of police or officials.

20. While Vietnam continues to insist that “there is no such thing as ‘prisoners of conscience’” (POCs), researches and reports by reputable international organizations show the contrary. In April 2018, a research by Amnesty International documented nearly 100 prisoners of conscience. But by year end, after the massive arrests and prosecution as the results of a series of demonstrations beginning in June, NOW! Campaign, an initiative including prominent champions of human rights such as OMCT, Frontline Defenders, Civil Rights Defenders, Christian Solidarity Worldwide, Stefanus Alliance International, Asian Parliamentarians for Human Rights, etc ..., puts the estimated number as 244 in prisons or detentions. Those include bloggers, lawyers, unionists, land rights and human rights activists, political dissidents, and followers of non-registered minority religions. Despite those facts and figures, during the 3rd Universal Periodic Review (UPR) of Vietnam, a representative of the Ministry of Public Security refuted the concern raised by several member countries and stated that, “*There is no such thing as the increase in arrest and sentencing of human rights defenders*”.⁸

21. Amnesty International and Campaign to Abolish Torture in Vietnam well documented the practice of “prisons within prisons” in Vietnam legalized by legislation such as Circular 37 under which prisoners are classified, segregated, and treated differently. **Blogger Dieu Cay (Nguyen Van Hai)**, who was one of the former prisoners of conscience interviewed by Amnesty International, denounced the isolation of PoCs from general inmate population in prisons, prolonged solitary confinement, revocation of prisoners’ family visitation rights, prohibition from leaving their cells and going outside. He related his experience with what Mrs. Tran Thi Nga, another PoC currently endures at Gia Trung prison in Gia Lai province.

22. **Mrs. Tran Thi Nga, a labor activist and a blogger** who had covered many issues including police brutality, human trafficking, unlawful land grabbing and labour abuses, was sentenced to nine years imprisonment plus an additional five years of house arrest after she was convicted under Article 88 of the 1999 Penal Code for spreading “anti-state propaganda” in online videos and articles she posted. Tran Thi Nga was arbitrarily transferred by the authorities to Gia Trung prison in Gia Lai province, a distance of over 1,000 km from her home in Ha Nam. Nga was denied the rights to receive visitations

⁸ "Viet Nam Review - 32nd Session of Universal Periodic Review - Minute 1:19:00", <http://webtv.un.org/live-now/watch/viet-nam-review-32nd-session-of-universal-periodic-review/5992471091001>

from her family members. When Tran Thi Nga's family asked why she was being disciplined and denied family visits since July 2018, the officials declined to provide a specific reason for the disciplinary actions or to show Nga's family a copy of the discipline decision, which should be issued and filed by prison wardens in accordance with Article 38 of the Law on Execution of Criminal Judgments (No. 53/2010/QH12).⁹ Article 38 also stipulates that the inmates who violate regulations may be confined to the disciplinary room for only up to 10 days, during which time he or she is not allowed to meet his/her relatives. Yet, Nga was held incommunicado for almost three months.

23. During the country review in November 2019, in his response to questions from members of UN Committee on Torture, Mr. Nguyen Ngoc Anh of the Vietnamese delegation stated that there was no "solitary confinement" in Vietnam. There were only separate quarters to hold those who repeatedly violated prison regulations for 3 or 6 months.¹⁰ **Dr. Jens Modvig (the Country Rapporteur)**, however, pointed out that if prisoners who broke prison rules were sent to separate quarters alone, that would constitute solitary confinement. Another CAT member was similarly troubled by delegation's replies with regard to this matter.¹¹

Liberty and security of person (arts. 2, 9 and 14)

(With reference to paragraph 14 of the List of Issues (CCPR/C/VNM/Q/3) and paragraphs 45 – 52 of the State party's Reply to List of Issues (CCPR/C/VNM/Q/3/Add.1))

14. With reference to paragraph 8 of the Committee's previous concluding observations, please report on the measures taken to ensure that in practice, arrests are based on warrants or judicial decisions. Please also provide information on the measures taken to ensure that (a) arrested persons are afforded fundamental legal safeguards from the very outset of the deprivation of their liberty, including the right to notify family members or third persons and the right to have access to a lawyer, including in cases related to national security; and (b) persons arrested on a criminal charge are brought promptly before a judge. With reference to paragraph 96 of the State party's report, please provide further information on the regulations regarding temporary detention, on the maximum length of pretrial detention, including for "national security offences", and on measures in that regard to ensure that the Covenant is respected in practice. Please comment on allegations that the authorities use lengthy periods of pretrial detention to extract confessions. With reference to paragraph 101 of the State party's report, please provide further information on avenues open to detainees for challenging the lawfulness of their detention before a court. Please elaborate on the steps and measures taken to (a) implement opinions adopted by the Working Group on Arbitrary Detention, in particular regarding the arbitrary detention of Nguyen Ngoc Nhu Quynh (opinion No.

⁹ Vietnam's Law on Execution of Criminal Judgments (No. 53/2010/QH12), Article 38: Handling of violating inmates, <https://vanbanphapluat.co/law-no-53-2010-qh12-on-execution-of-criminal-judgments>

¹⁰ Day 2 – Consideration of Viet Nam - 1688th Meeting 65th Session of Committee Against Torture - Minute 00:26:30, webtv.un.org/search/consideration-of-viet-nam-contd-1688th-meeting-65th-session-of-committee-against-torture/5967798758001

¹¹ "Summary record of the 1688th meeting, Committee against Torture - Sixty-fifth session" (paragraph 27, 37, and 42), https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/SR.1688&Lang=en

27/2017), who blogs under the pen name “Me Nam” (Mother Mushroom); and (b) release all individuals arbitrarily detained in connection with “national security offences” and grant compensation to them. Please comment on allegations that administrative detention, particularly in drug detention centres, and house arrest are still a common practice.

24. Unfortunately, Vietnam’s response (paragraphs 45 - 50) reflects the gap between the country’s legal framework and the actual implementation of such laws. While Vietnamese law limits pre-trial detention for investigation of “less serious” criminal offenses to three months (extendable to five months), political and religious detainees indicted on national security charges can be detained for investigation up to 24 months or more if the procuracy secures approval for additional periods of detention and investigation. Examples of prolonged pre-trial detention for prisoners of conscience held on national security charges include **human rights lawyer Nguyen Van Dai**, who was held in pre-trial detention for 27 months; **blogger Nguyen Huu Vinh (aka Anh Ba Sam)**, held for 22 months; and **pro-democracy activist Luu Van Vinh**, who was held for 23 months.

25. In the opinion No. 35/2018, the Working Group on Arbitrary Detention (WGAD) reiterated that the deprivation of liberty of Mr. Luu Van Vinh resulted from the exercise of his rights to freedom of opinion and expression, peaceful assembly and association, therefore, was arbitrary under category II. WGAD further emphasised that *“Mere assertions by the Government that lawful procedures have been followed are not sufficient to rebut the source’s allegations”*. Mr. Luu Van Vinh is a social activist, environmentalist, prodemocracy campaigner and human rights defender. He founded the Coalition of Self-Determined Vietnamese People, aimed at promoting multiparty democracy. He was arrested on November 6, 2016 by Ho Chi Minh City police and charged with subversion in violation of article 79 of the Penal Code 1999. He was held incommunicado until October 24, 2017, when the investigation relating to Mr. Vinh was completed by the police. During his incommunicado detention, Mr. Vinh was denied access to lawyers for nearly one year, including during the pretrial investigation, in violation of his right to legal assistance guaranteed by articles 10 and 11 (1) of the Universal Declaration of Human Rights, and article 14 (3) (b) of the Covenant. Mr. Luu Van Vinh’s case is just another example of the use of detention to silence human rights defenders. In recent years, **WGAD issued multiple opinions such as opinions No. 75/2017 (Tran Thi Nga), No. 27/2017 (Nguyen Ngoc Nhu Quynh), No. 40/2016 (Nguyen Dang Minh Man) and No. 46/2011 (Tran Thi Thuy and others)**.

26. In paragraph 52 (CCPR/C/VNM/Q/3/Add.1), Vietnam asserted that *“The so called “house arrest” does not exist under Viet Nam’s law”*. Whereas, the prolonged house arrest of **the Most Venerable Thich Quang Do of the Unified Buddhist Church of Vietnam (UBCV)** is a known fact to the free world. The Supreme Patriarch has been jailed numerous times for leading non-violent protests against the Vietnamese government and calling for religious freedom and democracy in Vietnam. In 1982, he was exiled for 10 years. In 1995, he was sentenced to five years in prison and five years' house arrest for organizing a rescue mission for flood victims in the Mekong Delta. His sentence was cut short due to international pressure in 1998. However, the Vietnamese authorities confined him to Thanh Minh Zen Monastery where he remained under constant surveillance and effective house arrest until October 5, 2018, when he was expelled and forced to return to his home province of Thai Binh in the North of Vietnam. There, he was again closely monitored but without the support system of his fellow UBCV members. His niece and some of his followers staged a covert "rescue mission" and brought him back to HCMC and he now resides at Tu Hieu Pagoda, where Vietnamese authorities continue to regularly surveil him. On November 28, 2018, the *United States Commission on International Religious Freedom (USCIRF)* issued a statement calling on the government of Vietnam to respect the freedom of movement and religious freedom of the Supreme Patriarch.¹² The first-hand account of the Most

¹² “USCIRF Statement on New Restrictions by Vietnamese Government on Religious Leader Patriarch Thich Quang Do”, <https://www.uscifr.gov/news-room/press-releases-statements/uscifr-statement-new-restrictions-vietnamese-government>

Venerable Thich Quang Do was recorded in a rare interview in 2010 by a small camera crew for the Oslo Freedom Forum who risked capture and travelled covertly to HCM to have an audience with him.¹³

27. **Father Phan Van Loi**, a Catholic Priest at the Archdiocese of Hue, has been placed under effective house arrest after having served 7 years in prison (1981 – 1988) on charge of “anti-revolutionary propaganda” for performing in a skit at his seminary that the government deemed as poking fun at the Communist regime. After release, he was ordered to return to his parents’ home in Hue. Discreetly, he assisted other priests from 1988 to 2000.

28. In 2000 he started to speak out on human rights issues. Along with other priests including Father Chan Tin, Father Nguyen Van Ly, Father Nguyen Huu Giai... he published a newsletter with a focus on human rights. In early 2001, the public security confiscated his computer and printer and ordered him to report to working sessions twice a day. At these sessions, he chose to remain silent. After ten days, the authorities placed him under house arrest, without a formal decision. In April 2001, when he tried to leave home to go to the Bishop’s House, a public security officer in civilian clothes chased after him and ordered him to stay home because “for failing to report to the police’s working session, you may not leave home.” This officer stayed silent when Father Loi asked him for a written house arrest order. Since April 2001 he can no longer go to monasteries to offer mass and to give sermons. Police went to religious places and threateningly forbid the monastery residents to invite Father Loi for his services. They also set up watch posts in the allies leading to his house (at Number 16/46 on Tran Phu street in Hue city).

29. In 2004, *then-US Senator Sam Brownback* and a delegation made an attempt to visit Father Phan Van Loi at night but were blocked by the police on guard. In March 2007, the US Consulate delegation from HCMC went to visit him but was also stopped on the street. There was only a total of three times, with permission from the authorities of Thua Thien – Hue province and accompanied by government’s officials, that the delegation of the *US Commission on International Religious Freedom*, *US Representative Christopher Smith* and his team, and the delegation led by the *Assistant Ambassador* from Hanoi were allowed to visit Father Loi. Other than that, most Vietnamese who attempted to visit him were blocked or detained at the police station for questioning after their visit; some were beaten and had their phone searched. The landline of his home phone remains disconnected. SIM cards for his mobile phones are frequently locked (at least 30 were deactivated). Father Loi’s name and his siblings’ and friends’ names in Hue city are placed on the “blacklist” by the police and they are not allowed to receive international money transfers. In 2006, daily police monitoring was temporarily lifted but the police had locals keep watch and report to them Father Loi’s activities and movement. Even drivers who gave him rides were summoned to the police station where they were threatened and forbidden from giving him rides. Since 2014, police monitoring has increased. He was blocked twice, and when he managed to evade police blockage, his house was vandalized with filthy waste three times. The police also poured super glue into his key hole six times to prevent him from opening his gate to go out.

30. Human rights activists are often kept under effective house arrest when there are events considered “sensitive” by the authorities. Recent examples are the incidents that happened to **Mrs. Duong Thi Tan**, the ex-wife of former prisoner of conscience Dieu Cay (Nguyen Van Hai), who was his avid advocate during his time in prison. Mrs. Tan has been a supporter who frequently shares her experience and knowledge of advocating for prisoners’ rights with families of other prisoners of conscience. In the first three weeks of January 2019, Mrs. Tan was physically assaulted three times by unidentified men with their faces covered when she tried to leave her house. That was when *the illegal*

¹³ Oslo Freedom Forum: Thich Quang Do - Forbidden Faith in Vietnam, <https://www.youtube.com/watch?v=blq7q06bpWU>

demolition of Loc Hung vegetables garden happened and the day of commemoration of the Battle of the Paracel Islands. During that time period, there were up to ten unidentified individuals who kept watch at her house. On January 7, when Mrs. Tan was so worried to hear that her son was arrested at his residence without any cause, she tried to go out to look for news about him. But she was stopped, verbally insulted and physically attacked by those men. On Jan 19, she was attacked again, so fiercely that she was hospitalized and diagnosed with spine dislocation. Upon return home, she continued to be kept under house arrest. On January 20, when she tried to leave her house to buy pain medication the doctor had prescribed to treat her injury, the unidentified men blocked her and beat her again.¹⁴

31. Vietnam has been using controversial articles in the national security provisions of the Penal Code (Articles 79, 87, 88, 89, and 258 of the 1999 Penal Code or Articles 109, 116, 117, 118 and 331 of the 2015 Penal Code) to imprison peaceful human rights defenders, government critics and people who advocate for freedom of religion and beliefs. 45 activists have been convicted on or charged with subversion under Article 79/109, 28 are convicted on or charged with “conducting anti-state propaganda” under Article 88/117, and 53 religious activists were convicted on “undermining the unity’s policies under Article 87/116. (See **Appendix 2**: List of prisoners of conscience who were convicted or charged with controversial articles of the national security provisions in the Penal Code)

Right to a fair trial and independence of the judiciary (art. 14)

(With reference to paragraph 15 and 16 of the List of Issues (CCPR/C/VNM/Q/3) and paragraphs 53 – 62 of the State party’s Reply to List of Issues (CCPR/C/VNM/Q/3/Add.1))

15. With reference to paragraphs 9–10 of the Committee’s previous concluding observations, please report on concrete measures to ensure in practice the full independence and impartiality of judges from the ruling party and the executive branch, including the procedures for appointing and dismissing judges. Please comment on allegations that (a) most of the high-level positions in the judicial system are held by current or former officials from the Ministry of Public Security and the Communist Politburo; and (b) judges commonly seek the opinion of other judges who have not heard the case in question on how to decide on a case. With reference to paragraph 150 of the State party’s report, please provide further information on concrete measures to (a) ensure access to justice for all and ensure awareness of the right to legal aid, particularly among the most vulnerable groups; (b) restore citizens’ trust in national courts; and (c) expand the pool of qualified lawyers and legal advisers capable of assisting people in enforcing their rights.

16. Please comment on allegations that defence lawyers are frequently (a) prevented from consulting with clients until the beginning of the trial; (b) provided with insufficient time to prepare legal arguments; (c) prevented from obtaining access to evidence; and (d) unaware of the witnesses to be called during a trial and unable to cross-examine or challenge their statement. Please also comment on allegations of violations of the equal status principles for the prosecution and the defence, in particular that judges arbitrarily (a) silence or expel defence lawyers from courtrooms; and (b) refuse to summon experts and witnesses called by the defence. Please report on the existence of remedies for persons whose right to a fair trial has been violated. Please also elaborate on the provisions of article 19.3 of the Penal Code, which may require lawyers to violate lawyer-client confidentiality. Please comment on reports that trials resulting in harsh criminal penalties are frequently conducted within one day or less. Please provide information on allegations of recurrent denials of the presumption of innocence in practice, in particular in national security cases and that article 74 of the Criminal Procedure Code allows for postponing the participation of defence counsel until the conclusion of the investigation.

32. Regrettably, numerous testimonies gathered from current or former prisoners of conscience have shown that Vietnam’s reply to this issue lacks the specific and rather just uses direct quotes from law books. In many political cases, detainees have been held incommunicado for many months or years and permitted access to legal consultation only a few weeks before being tried. For example, **human rights activist Dang Xuan Dieu** was denied the right to meet with his lawyers for the entirety of his 16-month stay in pre-trial detention center and in prison, where he spent five years before being exiled

¹⁴ VN-CAT interview with Mrs. Duong Thi Tan, January 2019.

to France in January 2017. The lawyer appointed by Dieu's family was only given access to the 4,000 pages file shortly before the court hearing in January 2013, leaving no time to prepare his defense. **Human rights lawyer Nguyen Van Dai** was only allowed to see his attorney two months before his trial, after more than two years in pre-trial detention.¹⁵ Similarly, **human rights activist Nguyen Thi Thuy Quynh**, arrested in February 2014 on the trumped-up charge of "causing public disorder", was not allowed to meet with her lawyer until the day before her trial in August 2014, and only for half an hour. In the case of **20 peaceful demonstrators in Dong Nai province**, local authorities reportedly requested them not to challenge the court's decision in their trial on July 30 in which the People's Court of Bien Hoa town convicted them and sentenced 15 of them to 8 to 18 months in prison just because they exercised their right to peaceful demonstration. Policemen reportedly threatened the convicted that they would receive higher sentences if they appealed, and in fact, the People's Court of Dong Nai province upheld their sentences in the appeal hearing. (See **Appendix 3**: The list of 15 citizens from Dong Nai province convicted for their peaceful demonstration in mid-June 2018.)

Human rights defenders (arts. 6, 7, 9, 12, 14 and 19)

(With reference to paragraphs 21 and 22 of the List of Issues (CCPR/C/VNM/Q/3) and paragraphs 89 – 92 of the State party's Reply to List of Issues (CCPR/C/VNM/Q/3/Add.1))

21. Please comment on reports of politically motivated cases of torture and ill-treatment of human rights defenders, activists, bloggers and journalists by plainclothes police officers or groups of thugs, in total impunity. Please provide detailed information on detailed or planned measures to protect human rights defenders, activists, bloggers and journalists from violence, harassment and intimidation.

22. Please provide further information on decree No. 136/2007/ND-CP and comment on allegations that activists and human rights defenders are commonly banned from international travel under decree No. 136. Please also comment on allegations that activists and human rights defenders are placed on probation or under house arrest when released from custody in order to restrict their movements.

33. In contrary to paragraph 89 in Vietnam's reply (CCPR/C/VNM/Q/3/Add.1), in many incidents the perpetrators are groups of thugs who acted violently without any consequences. On May 2, 2017, approximately ten unidentified men broke into a private residence on Tran Nao street, Ho Chi Minh City, where **activist Le My Hanh** was staying with two female friends, and viciously assaulted the three women. The assailants recorded the violent attack and posted the video clip on social media. One man could be heard in the clip asking the victim, "You are a reactionary, aren't you?"¹⁶ Le My Hanh received a medical report of her injuries and requested the District 2 Police Department to investigate the attack and prosecute the assailants but as of yet, the case has not been investigated.

34. In another incident, on September 4, 2017, a group of thugs carrying red flags, a pistol, electric batons, and tear gas dispensers entered Tho Hoa Parish in Dong Nai Province. They demanded retribution against **Father Nguyen Duy Tan**, the Catholic parish priest, who had posted on his personal Facebook about the government's oppression of independent religions. The parishioners were able to disarm the intruders. They called the police and prepared an official incident report, then requested a full investigation into the attack. However, the authorities only imposed an administrative fine on the intruders, including an equivalent of 40 USD fine against one member of the group for "possessing a

¹⁵ WGAD: Opinion No. 26/2017 concerning Nguyen Van Dai (Viet Nam), https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session78/A_HRC_WGAD_2017_26.pdf

¹⁶ The assault of human rights activist Le My Hanh, <https://www.youtube.com/watch?v=8hANDhBNdog>

dangerous toy gun”.¹⁷

35. In a more recent example, on June 22, 2018, three days before **Cao Dai religious freedom activist Hua Phi** was to brief Australian diplomats for an upcoming human rights dialogue, plainclothes police broke into his home in Duc Trong district of Lam Dong province and beat him so brutally that he lost consciousness.¹⁸ He suffered from hemorrhages of the urinary tract and the gastrointestinal tract, which required surgery. The assailants also humiliated him by cutting off his long beard, a common tradition of his religion. Currently, the local police have not taken any action to investigate the serious attack.

36. Paragraph 91 of Vietnam’s reply (CCPR/C/VNM/Q/3/Add.1) affirmed the right to freedom of movement is recognized in the Constitution. But in reality, Vietnam has been blocking human rights activists, independent religious practitioners and leaders from going abroad to meet with foreign diplomats, international human rights organizations and even UN representatives or to participate in professional training courses or conferences. “Protecting national security, social order and safety” is often invoked as ground for confiscation of passport or prohibition of international travel. (See **Appendix 4**: List of activists barred from going out of the country.)

37. On June 27, 2017 **Father Nguyen Ngoc Nam Phong of Thai Ha Church in Hanoi** was to board a flight to Australia but he was stopped by Noi Bai airport security agents who issued the order to cease his international travel due to the aforementioned reason. On June 11, 2018 **Father Nguyen Duy Tan of Tho Hoa parish in Dong Nai province** was stopped by Tan Son Nhat airport security agents in HCMC when he was traveling to Malaysia with a tourist group. He was told that at the request of Dong Nai provincial police, he was not yet allowed to travel abroad. Father Tan believes he was targeted as the result of his meeting on May 16 with a diplomatic delegation including the United States consulate, and the missions of European Union countries such as Germany, Sweden, England, France, Italy, Spain, and the Netherlands. Prior to that, on May 11, 2018 **Father Dinh Huu Thoai of the Redemptorists of Da Nang diocese**, who is a member of the *Interfaith Council*, was stopped by the border guards of Bo Y border entrance in Kon Tum province when he was traveling to the US via Cambodia. The border guards did not provide a specific reason and only told Father Thoai that they received the order from the *department of Social Security Protection (Code name: A88)* of the Ministry of Public Security. Father Thoai believes he was punished for speaking up on issues of freedom of speech and freedom of religion as well as his charitable work to assist the disabled veterans of the former Republic of Vietnam regime.

38. Of the 28 advocates who were invited from Vietnam to attend the 4th *South-East Asia Freedom of Religion or Belief (SEAFORB IV) Conference* in Bangkok, Thailand in August 2018, two received police warnings against attending the conference, five were blocked from travel at border checkpoints or at the airport, two were detained and interrogated at the airport with their passports and cell phones confiscated, and eight participants were “invited” to the police station or visited by the police for questioning about their participation in the conference. Additionally, the police harassed the family

¹⁷ “Red Flag Associations: An Emerging Threat to Catholic Communities in Vietnam,” BPSOS Religious Freedom Project, March 27, 2018, available at <http://dvov.org/wp-content/uploads/2018/03/BPSOS-Report-on-Red-Flag-Associations-03-27-18.pdf>

¹⁸ “Submission to the Australia-Vietnam Human Rights Dialogue,” Human Rights Watch, July 2018, <https://www.hrw.org/news/2018/07/10/submission-australia-vietnam-human-rights-dialogue>; “Chức sắc Cao Đài tố cáo Công an địa phương đánh đập trước đối thoại nhân quyền Việt – Úc” (Cao Dai Leader Denounces Beating by Police Before Vietnam-Australia Human Rights Dialogue), Radio Free Asia, June 23, 2018, <https://www.rfa.org/vietnamese/news/vietnamnews/cao-dai-leader-beaten-by-police-06232018091127.html>

members of three participants while they were at the conference. (See **Appendix 5**: Details of restriction of movement of advocates who attended SEAFORB IV.)

(With reference to paragraph 23 of the List of Issues (CCPR/C/VNM/Q/3) and paragraphs 93 – 94 of the State party's Reply to List of Issues (CCPR/C/VNM/Q/3/Add.1))

23. Please comment on allegations that lawyers representing activists, human rights defenders or any other cases related to “national security offences” are arbitrarily arrested, detained, threatened with disciplinary sanctions and disbarment, disbarred, wrongfully prosecuted on fake charges, such as tax evasion, and are subject to harassment, retaliation and physical attacks, including by the police authorities, with complete impunity for the perpetrators. Please provide detailed information on the introduction of any safeguards to prevent such occurrences, ensure the full independence of lawyers and protect them from retaliation.

39. By targeting attorneys, Vietnam is depriving victims of abuse of a voice and directly affecting their chances to be properly represented in courts and to access justice.

40. According to **attorney Vo An Don**, a well-respected human rights attorney in Vietnam's central province of Phu Yen, there are about 14,000 attorneys in Vietnam, but very few dare to take on "sensitive" cases and several of those who do get disbarred. On November 26, 2017, the Bar Association of Phu Yen province issued a decision to revoke Vo An Don's license to practice for allegedly abusing the right to freedom of expression (by giving interviews to foreign press with slandering opinions toward the judicial system, the Vietnam Communist Party and the State). Notably, the decision came four days before the Appeal Court proceeding for the case of popular blogger **Mother Mushroom (Nguyen Ngoc Nhu Quynh)**, for whom Attorney Vo An Don was the defense counsel. Due to the disciplinary decision, attorney Vo could not be present in court. More than a hundred lawyers wrote to request the Standing Committee of the Vietnam Bar Federation (VBF) to reconsider the disciplinary action, but in May 2018 VBF upheld the decision to revoke his practice license.¹⁹ In November 2018, Minister Le Thang Long of the Ministry of Justice rejected Vo An Don's appeal and upheld VGF's decision. On December 4, 2018, Vo An Don filed an administrative lawsuit against Minister Le Thang Long at the People's Court of Phu Yen province. Judge Luong Quang quickly declined to hear the case. His reasoning was the decision issued by the Ministry of Justice was an internal decision of a professional organization and not the subject for an administrative lawsuit. This series of events raised doubt in the public about the impartiality of the judicial system in Vietnam.

41. Similarly, on March 12, 2018 the Bar Association of Ho Chi Minh City issued the decision to **remove Attorney Pham Cong Ut from the roster of the defense counsel**, allegedly due to his failure to resolve a complaint by one of his clients. But Pham's removal is very likely retribution for his role as the founder of the Defense Council, a group of attorneys from many regions in Vietnam who provide pro-bono legal defense for wrongful convictions, victims of possible duress, or those who cannot afford legal defense.²⁰

¹⁹ *Vietnamese Rights Lawyer Stripped of His License to Practice*, Radio Free Asia, May 24, 2018, <https://www.rfa.org/english/news/vietnam/license-05242018152904.html>

²⁰ “*Luật sư ở Việt Nam có thể bị kỷ luật bất cứ lúc nào?*” (*Lawyers in Vietnam can get disciplined anytime?*), Radio Free Asia, March 15, 2018, https://www.rfa.org/vietnamese/in_depth/lawyer-in-vietnam-can-get-disciplined-any-time-dt-03152018140303.html

42. Moreover, a section of the 2015 Criminal Code has been criticized by lawyers and human rights organizations for threatening the right to defense. **The revised Code's Article 19, section 3**, which was introduced by the Vietnamese National Assembly on June 20, 2017 now holds lawyers criminally responsible for not reporting clients to the authorities for a number of crimes related to national security. Considering that any criticism or opposition to the government or Communist Party can be qualified a "national security" matter, this provision makes it even more difficult for lawyers to take on "sensitive" cases related to human rights.²¹

CONCLUSION AND SUGGESTED RECOMMENDATIONS

Considering the facts presented in this report, we recommend that the Human Rights Committee call on the Government of the Socialist Republic of Vietnam to promptly and effectively implement the following measures in order to comply with its obligations under the International Covenant on Civil and Political Rights:

Legal Safeguards against Torture:

- Amend domestic laws to comply with UNCAT, including national security provisions in the Penal Code that criminalize peaceful exercise of internationally protected human rights.
- Strictly prohibit the practice of duress and disallow "confessions" extracted by the use of torture in all trials and legal proceedings.
- Promptly, thoroughly, and impartially investigate all cases of injury and death in police custody, including forensic examinations by independent medical professionals, and ensure that all persons found guilty of committing acts of torture are subjected to criminal prosecution, and not only disciplinary measures, commensurate with the gravity of the crime committed. Ensure that victims of such abuses are appropriately rehabilitated and compensated.
- Establish an independent mechanism enabling victims and their relatives the opportunity to lodge complaints without fear of reprisal and exercise oversight over the police and other relevant authorities so that there is no institutional or hierarchical connection between the investigators and the alleged perpetrators.

Arrest, Police Custody, and Detention:

- End the practices of enforced disappearances, incommunicado detention, and prolonged solitary confinement. Investigate all cases of arbitrary detention directed against human rights activists, journalists, bloggers, government critics, and religious persons. Ensure that perpetrators of such abuses are held accountable and subjected to criminal prosecution.
- End the practices of punitive prison transfer. Ensure that all prisoners are placed in prisons close to their homes, and uphold their rights to regular visits, telephone calls, and correspondence with their families.

²¹ "Vietnam: New Law Threatens Right to a Defense," Human Rights Watch, June 21, 2017, <https://www.hrw.org/news/2017/06/21/vietnam-new-law-threatens-right-defense>

- Prison wardens and officials must not pressure prisoners into admitting their guilt or use that requirement as grounds for disciplinary actions or withholding medical treatment.

The Right to Justice and a Fair Trial:

- Ensure that all detainees have immediate and confidential access to legal counsel of their own choosing, that trials are open to the public, that confessions are not obtained via duress.
- Amend the Penal Code 2015 to ensure compliance with Vietnam’s obligations under international human rights law, specifically Article 14 of the ICCPR. Repeal provisions of article 19.3 of the Penal Code, which may require lawyers to violate lawyer-client confidentiality.

Signatories



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Appendix 1:

Statement and objection by Mr. Nguyen Huu Tan's family to the investigation conclusion of the authorities in Vinh Long province and to the reply by the Vietnamese authority to the UN special procedures on his gruesome death and alleged reprisal against his family.

UN Communication to Vietnam – Ref UA VNM 5/2017

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23245>

Dear Sir/Madam,

My name is Nguyen Huu Tai, the younger brother of Mr. Nguyen Huu Tan. On behalf of our family I would like to sincerely thank you for requesting the Vietnamese government to open an independent and impartial investigation into the unjust and horrible death of my brother via communication number Ref UA VNM 5/2017 and the reprisals we have been suffered. We are devastated by the loss of my brother and we are outraged by the untruthful statement by the Vietnamese government, to which I would like to have the opportunity to provide further information for your consideration.

Our family is a family of Hoa Hao faith. We have always obeyed the laws. Prior to the arrest and subsequent death in police custody of my older brother, Nguyen Huu Tan, we lived our lives in accordance to our religious guidance, cultivating moral virtues and participating in charitable missions even though the authorities often harassed, prevented and caused difficulties for us to practice our faith as well as going on pilgrimage trips or joining religious ceremonies held at private residence of our fellow adherents. We have never affiliated with any political faction or involving in any unlawful activities.

But in the morning of May 2 2017, my older brother was abducted on the street. That evening, he was escorted home by the police who conducted an emergency search of our home until about 11:00 PM. After that the police read the arrest warrant and took my brother to the temporary detention center of Vinh Long Provincial Police, where the next morning he was announced death due to suicide.

On behalf of our family, I am writing this letter to express our objection to the conclusion of the investigation into the death of my brother by Vinh Long police and to reject the response by the Vietnamese authorities to the communication sent by the UN Special Rapporteurs and the Working Group on Arbitrary Detention. I would like to state the events of the incident as follow.

From the time my brother was arrested until when our house was searched and my brother detained.

In the morning of May 2, 2017 my brother was abducted arbitrarily with force by plainclothes police, without any arrest warrant, any evidence or justification of his arrest. At around 8:00 PM a large number of police took him back to our home and searched the house. I objected and tried to record the scene using my mobile phone. But the police immediately seized my phone and prohibit me from

taking photos or video recording. I asked my brother if the police presented the arrest warrant or invitation letter when they arrested my brother. He told me there was not any arrest warrant or official document. The police used force to abduct him.

During the house search, close to two hundred of police surrounded our house. None of our neighbors is allowed to come into our house, but there were about ten plainclothes police inside, one of them was intoxicated. I could smell strong alcohol odor in his breath. I held his hand and took him outside so that our neighbors could witness their wrongdoing. But a group of police immediately subdued me so that he could make his way out.

The house search did not yield any evidence of what my brother was accused of: “conducting propaganda against the Socialist Republic of Vietnam” under Article 88 of the Criminal Code, nor did the police find any “yellow flag” (of the former Republic of Vietnam) as the response letter by the Vietnamese authorities falsely stated. The police only confiscated common household items like a broken mobile phone, a reel of kite-flying string, a piece of yellow cloth which was the lining of a giftbox my sister had bought for our mother., a yellow-color pillow, a red marker (from the box of color markers, which was the school supply of my brother’s little son), and a spool of red thread for sewing (among other spools of color threads).

There was nothing to implicate my brother of “conducting propaganda against the State”. He was a kind and gentle, soft-spoken man. Yet they also accused him of “carrying out activities aimed at overthrowing the people’s administration” under Article 79 of the Criminal Code without having any evidence against him.

The biased investigation by Vinh Long police into their own unlawful acts.

Our family disagree with the conclusion of the investigation into my brother’s death by Vinh Long police. Based on the extremely serious injuries on his body, we have reason to believe that his death was due to duress, corporal punishment and torture. It is important to point out that when our father was allowed into the room to see my brother’s body, he saw my brother laying on the floor in a pool of almost dry blood. There was blood splashing all over the wall, but there was no blood on my brother’s hands. How could he cut his own throat with such force that his head almost severed but there was no blood on his hands? If my brother committed suicide as the police claimed, how do they explain why his forehead was bruised and the skull around the forehead and the side of his head was soft?

The video the police showed to our family was blurry. The face of the man in the video was unclear and he was wearing prison uniform. But my brother was detained for interrogation only. He was not yet brought to trial, convicted and sentenced. If it was really him in the video as the authorities told us, why was he wearing prison uniform? The police also showed the video to some locals who were members of the state-run religious organizations who were used by the authorities to help back up their fabrication and cover up the crime.

The Law on Temporary Detention and Custody of 2015 prohibits all acts of torture, corporal punishment or any forms of treatment in violations of the rights and legitimate interests of the detainees and persons in custody. Only the investigators Vo Hoang Khai and Pham Tin Nguong were

lightly demoted. None of the police involved in the gruesome death of my brother, Nguyen Huu Tan, was prosecuted.

On the contrary, we are the victims still in mourning the sudden and unjust death of my brother, but we are harassed and threatened with arrest and prosecution. Previously I provided for the submission to the UN Special Rapporteurs and Working Group on Arbitrary Detention a diagram illustrating up to 10 security cameras, police gathering places and monitoring posts within a 100-m radius of our house. We are frightened and fear for our safety and our lives, but we wish to speak up for my poor brother and hoping that justice will prevail.

Appendix 2:

List of prisoners of conscience who were convicted or charged with controversial articles of the national security provisions in the Penal Code

(Source: NOW! Campaign)

<https://www.vietnampocs.com/>

| No. | Name | Birth year | Day of arrest | Sentence |
|----------|--|------------|---------------|-------------------|
| A | Charged with subversion under Article 79 (1999 Penal Code) or Article 109 (2015 Penal Code) | | | |
| 1 | Phan Van Thu (M) | 1948 | 05/02/2012 | Life imprisonment |
| 2 | Le Dinh Luong (M) | 1965 | 24/7/2017 | 20 years |
| 3 | Vuong Tan Son (M) | 1953 | 10/02/2012 | 17 years |
| 4 | Tran Huynh Duy Thuc (M) | 1966 | 24/05/2009 | 16 years |
| 5 | Ta Khu (M) | 1947 | 06/02/2012 | 16 years |
| 6 | Vo Ngoc Cu (M) | 1951 | 06/02/2012 | 16 years |
| 7 | Vo Thanh Le (M) | 1955 | 05/02/2012 | 16 years |
| 8 | Vo Tiet (M) | 1952 | 05/02/2012 | 16 years |
| 9 | Tu Thien Luong (M) | 1950 | 23/11/2012 | 16 years |
| 10 | Doan Dinh Nam (M) | 1951 | 06/02/2012 | 16 years |
| 11 | Luu Van Vinh (M) | 1967 | 06/11/2016 | 15 years |
| 12 | Ngo Hao (M) | 1943 | 02/2013 | 15 years |
| 13 | Le Xuan Phuc (M) | 1951 | 05/02/2012 | 15 years |
| 14 | Dao Quang Thuc (M) | 1960 | 17/10/2017 | 14 years |
| 15 | Doan Van Cu (M) | 1962 | 10/02/2012 | 14 years |
| 16 | Nguyen Dinh (M) | 1968 | N/A | 14 years |
| 17 | Nguyen Quoc Hoan (M) | 1977 | 06/11/2016 | 13 year |
| 18 | Nguyen Van Tuc (M) | 1974 | 01/9/2017 | 13 years |
| 19 | Huynh Huu Dat (M) | 1970 | 01/02/2017 | 13 years |
| 20 | Tran Anh Kim (M) | 1949 | 21/9/2015 | 13 years |
| 21 | Ho Duc Hoa (M) | 1974 | 08/2011 | 13 years |
| 22 | Do Thi Hong (F) | 1957 | 14/02/2012 | 13 years |
| 23 | Tran Phi Dung(M) | 1984 | 10/02/2012 | 13 years |
| 24 | Tran Quan (M) | 1966 | 10/02/2012 | 13 years |

| | | | | |
|----------|---|------|------------|---------------------|
| 25 | Le Duc Dong (M) | 1983 | 05/02/2012 | 12 years |
| 26 | Luong Nhat Quang (M) | 1987 | 03/2012 | 12 years |
| 27 | Nguyen Trung Truc (M) | 1963 | 04/8/2017 | 12 years |
| 28 | Nguyen Trung Ton (M) | 1971 | 30/7/2017 | 12 years |
| 29 | Truong Minh Duc (M) | 1960 | 30/7/2017 | 12 years |
| 30 | Nguyen Thai Binh (M) | 1986 | 23/11/2012 | 12 years |
| 31 | Phan Thanh Y (M) | 1948 | 23/11/2012 | 12 years |
| 32 | Le Thanh Tung (M) | 1968 | 15/12/2015 | 12 years |
| 33 | Le Trong Cu (M) | 1966 | 05/02/2012 | 12 years |
| 34 | Le Duy Loc (M) | 1956 | 15/02/2012 | 12 years |
| 35 | Nguyen Ky Lac (M) | 1956 | 06/02/2012 | 12 years |
| 36 | Nguyen Van Duc Do (M) | 1975 | 06/11/2016 | 11 years |
| 37 | Nguyen Bac Truyen (M) | 1968 | 30/7/2017 | 11 years |
| 38 | Pham Thi Phuong (F) | 1945 | 04/2010 | 11 years |
| 39 | Phan Thanh Tuong (M) | 1987 | 28/02/2012 | 10 years |
| 40 | Tu Cong Nghia (M) | 1993 | 06/11/2016 | 10 years |
| 41 | Tran Thi Xuan (F) | 1976 | 17/10/2017 | 9 years |
| 42 | Nguyen Dang Minh Man (F) | 1985 | 02/8/2011 | 8 years |
| 43 | Phan Trung (M) | 1976 | 06/11/2016 | 8 years |
| 44 | Pham Van Troi (M) | 1972 | 30/7/2017 | 7 years |
| 45 | Huynh Duc Thanh Binh (M) | 1996 | 07/7/2018 | Pre-trial detention |
| B | Charged with anti-state propaganda under Article 88 (1999 Penal Code) or Article 117 (2015 Penal Code) | | | |
| 1 | Ta Tan Loc (M) | 1975 | 16/02/2017 | 14 years |
| 2 | Nguyen Quang Thanh (M) | 1983 | 16/02/2017 | 14 years |
| 3 | Nguyen Van Nghia (M) | 1977 | 16/02/2017 | 12 years |
| 4 | Nguyen Van Tuan (M) | 1984 | 16/02/2017 | 12 years |
| 5 | Tran Thi Nga (F) | 1977 | 21/2/17 | 9 years |
| 6 | Vu Quang Thuan (M) | 1966 | 02/3/2017 | 8 years |
| 7 | Nguyen Dinh Thanh (M) | 1991 | 08/6/2018 | 7 years |
| 8 | Nguyen Van Hoa (M) | 1995 | 11/01/17 | 7 years |
| 9 | Nguyen Van Dien (M) | 1980 | 02/3/2017 | 6.5 years |
| 10 | Pham Long Dai (M) | 1996 | 16/02/2017 | 6 years |
| 11 | Nguyen Viet Dung (M) | 1976 | 27/9/2017 | 6 years |
| 12 | Tran Hoang Phuc (M) | 1994 | 29/6/2017 | 6 years |
| 13 | Phan Kim Khanh (M) | 1983 | 21/3/17 | 6 years |
| 14 | Huynh Truong Ca (M) | 1971 | 04/9/2017 | 5.5 years |
| 15 | Doan Thi Bich Thuy (F) | 1972 | 16/02/2017 | 5 years |
| 16 | Nguyen Tan An (M) | 1992 | 30/4/2017 | 5 years |
| 17 | Bui Hieu Vo (M) | 1962 | 03/2017 | 4.5 years |
| 18 | Ho Van Hai (Ho Hai) (M) | 1957 | 02/11/2016 | 4 years |
| 19 | Truong Thi Thu Hang (F) | 1984 | 16/02/2017 | 4 years |
| 20 | Huynh Thi Kim Quyen (F) | 1979 | 30/4/2017 | 4 years |
| 21 | Nguyen Ngoc Quy (M) | 1992 | 30/4/2017 | 4 years |
| 22 | Tran Thi Bich Ngoc (F) | 1994 | 16/02/2017 | 3 years |
| 23 | Pham Van Trong (M) | 1994 | 30/4/2017 | 3 years |
| 24 | Nguyen Thanh Binh (M) | 1994 | 30/4/2017 | 3 years |
| 25 | Nguyen Huu Dang (M) | 1983 | 24/3/2017 | Pre-trial detention |
| 26 | Nguyen Van Quang (M) | 1987 | 12/6/2018 | Pre-trial detention |

| | | | | |
|----------|---|------|------------|---------------------|
| 27 | Nguyen Trung Linh (M) | 1968 | 05/2018 | Pre-trial detention |
| 28 | Nguyen Ngoc Anh (M) | 1980 | 30/8/2018 | Pre-trial detention |
| C | Charged with disruption of security under Article 89 (1999 Penal Code) or Article 118 (2015 Penal Code) | | | |
| 1 | Nguyen Hoang Quoc Hung (M) | 1981 | 02/2010 | 9 years |
| 2 | Nguyen Thi Ngoc Hanh (F) | 1976 | 03/9/2018 | Pre-trial detention |
| 3 | Ho Van Cuong (M) | N/A | 04/9/2018 | Pre-trial detention |
| 4 | Ngo Van Dung (M) | 1969 | 04/9/2018 | Pre-trial detention |
| 5 | Doan Thi Hong (F) | 1983 | 02/9/2018 | Pre-trial detention |
| 6 | Hoang Thi Thu Vang (F) | 1966 | 03/9/2018 | Pre-trial detention |
| D | Charged with "abusing democratic freedom" under Article 258 (1999 Penal Code) or Article 331 (2015 Penal Code) | | | |
| 1 | Hoang Duc Binh (M) | 1983 | 15/5/2017 | 14 years |
| 2 | Do Cong Duong (M) | 1964 | 24/01/2018 | 8 years |
| 3 | Nguyen Huu Vinh (M) | 1956 | 05/5/2014 | 5 years |
| 4 | Nguyen Van Thien (M) | 1961 | N/A | 4 years |
| 5 | Bui Manh Dong (M) | 1978 | 9/2018 | 30 months |
| 6 | Doan Khanh Vinh Quang (M) | 1976 | 9/2018 | 27 months |
| 7 | Nguyen Hong Nguyen (M) | 1980 | 6/2018 | 2 years |
| 8 | Truong Dinh Khang (M) | 1992 | 6/2018 | 1 year |
| 9 | Nguyen Danh Dung (M) | 1987 | 16/12/2016 | Pre-trial detention |
| 10 | Le Minh The (M) | 1963 | 10/10/2018 | Pre-trial detention |
| 11 | Le Anh Hung (M) | 1973 | 05/7/2018 | Pre-trial detention |
| 12 | Nguyen Duy Son (M) | 1981 | 08/5/2018 | Pre-trial detention |
| 13 | Nguyen Van Truong (M) | 1976 | 09/02/2018 | Pre-trial detention |
| E | Charged with "undermining unite policies" under Article 87 (1999 Penal Code) or Article 116 (2015 Penal Code) | | | |
| 1 | Thao A Vang (M) | 1986 | 16/10/2012 | 20 years |
| 2 | Vang A Phu (M) | 1977 | 16/10/2012 | 20 years |
| 3 | Vang A Phu (M) | 1988 | 16/10/2012 | 20 years |
| 4 | Vang A De (M) | 1990 | 16/10/2012 | 20 years |
| 5 | Thao A Vang (M) | 1962 | 16/10/2012 | 18 years |
| 6 | Pastor Y Ngun Knul (M) | 1968 | 29/4/2004 | 18 years |
| 7 | Phang A Vang (M) | 1988 | 16/10/2012 | 15 years |
| 8 | Pastor Y Yich (M) | 1969 | 13/5/2013 | 12 years |
| 9 | Noh (M) | 1959 | N/A | 12 years |
| 10 | Rmah Hlach (aka Ama Blut) (M) | 1968 | N/A | 12 years |
| 11 | Siu Ben (aka Ama Yon) (M) | | N/A | 12 years |
| 12 | Siu Hlom (M) | 1967 | N/A | 12 years |
| 13 | A Tach (aka Ba Hloi) (M) | 1959 | N/A | 11 years |
| 14 | Siu Brom (M) | 1967 | N/A | 10 years |
| 15 | Nhi (aka Ba Tiem) (M) | 1958 | N/A | 10 years |
| 16 | Siu Thai (aka Ama Thuong) (M) | 1978 | N/A | 10 years |
| 17 | John "Chinh" (M) | 1952 | N/A | 10 years |
| 18 | Roh (M) | 1962 | N/A | 10 years |
| 19 | A Quyn (M) | 1973 | N/A | 9.5 years |
| 20 | Siu Koch (aka Ama Lien) (M) | 1985 | N/A | 9 years |
| 21 | Pinh (M) | 1967 | N/A | 9 years |
| 22 | Ro Lan Ju (aka Ama Suit) (M) | 1968 | N/A | 9 years |

| | | | | |
|----|--------------------------|------|------------|-----------|
| 23 | A Yen (M) | 1984 | N/A | 9 years |
| 24 | Kpa Binh (M) | 1976 | N/A | 9 years |
| 25 | Run (M) | 1971 | N/A | 9 years |
| 26 | Buyk (M) | 1963 | N/A | 9 years |
| 27 | Kpuil Mel (M) | N/A | N/A | 9 years |
| 28 | Rah Lan Mlih (M) | 1966 | N/A | 9 years |
| 29 | Rah Lan Blom (M) | 1976 | N/A | 9 years |
| 30 | Y Lao Mlo (M) | 1987 | N/A | 8 years |
| 31 | Kpa Sinh (M) | 1959 | N/A | 8 years |
| 32 | A Ly (M) | 1979 | N/A | 7 years |
| 33 | Y Yem Hwing (M) | 1972 | 29/10/2012 | 8 years |
| 34 | A Yum (aka Balk) (M) | 1940 | N/A | 8 years |
| 35 | Ro Mah Klit (M) | 1946 | N/A | 8 years |
| 36 | Y Bhom Kdoh (M) | 1965 | 08/10/2012 | 8 years |
| 37 | Y Chon Nie (M) | 1968 | 29/10/2012 | 8 years |
| 38 | Ro Mah Pro (M) | 1964 | N/A | 8 years |
| 39 | Buyk/Byuk (M) | 1945 | N/A | 8 years |
| 40 | A Hyum, (aka Ba Kol) (M) | 1940 | N/A | 8 years |
| 41 | Kpuil Le (M) | N/A | N/A | 8 years |
| 42 | A Hung (M) | 1980 | N/A | 8 years |
| 43 | A Tik (M) | 1952 | N/A | 8 years |
| 44 | Y Drim Nie (M) | 1979 | 29/10/2012 | 8 years |
| 45 | Dinh Ku (M) | 1972 | N/A | 7 years |
| 46 | A Ngo (M) | 1998 | | 7 years |
| 47 | A Chi (M) | 1983 | N/A | 7 years |
| 48 | Y Hriam Kpa (M) | 1976 | 30/7/2015 | 6.5 years |
| 49 | A Gyun (M) | 1980 | N/A | 6 years |
| 50 | A Thin (M) | 1979 | N/A | 6 years |
| 51 | Pastor A Byo (M) | 1967 | N/A | 4 years |
| 52 | Rmah Pro (M) | 1964 | N/A | Unclear |

Notes:

Article 109 (79 in Penal Code 1999): Activities against the people's government/Carrying out activities aimed to overthrow the government.

Article 116 (87 in Penal Code 1999): Sabotaging implementation of solidarity policies/Undermining unity's policies.

Article 117 (88 in Penal Code 1999): Making, storing, spreading information, materials, items for the purpose of opposing the state/ Conducting anti-state propaganda.

Article 118 (89 in Penal Code 1999): Disruption of security.

Article 331 (258 in Penal Code 1999): Abusing democratic freedoms to infringe upon the interests of the State, lawful rights and interests of organizations and/or citizens. This article is in the Offence against Administrative Management Order.

Appendix 3:

List of 15 peaceful demonstrators in Dong Nai convicted in July 2018

| No | Name | DOB | Day of arrest | Charge | Sentence |
|----|----------------------------|------|---------------|--------|-----------|
| 1 | Nguyen Thi Lan Anh (F) | 1997 | 10/6/2018 | 318 | 10 months |
| 2 | Dinh Kha Ly (F) | 1987 | 10/6/2018 | 318 | 10 months |
| 3 | Tran Nguyen Duy Quang (M) | 1985 | 10/6/2018 | 318 | 18 months |
| 4 | Pham Ngoc Hanh (F) | 1994 | 10/6/2018 | 318 | 16 months |
| 5 | Nguyen Thi Ngoc Lieu (F) | 1973 | 10/6/2018 | 318 | 10 months |
| 6 | Nguyen Thi Ngoc Phuong (F) | 1988 | 10/6/2018 | 318 | 10 months |
| 7 | Nguyen Thi Truc Anh (F) | 1994 | 10/6/2018 | 318 | 10 months |
| 8 | Dinh Ma Phong (M) | 1990 | 10/6/2018 | 318 | 10 months |
| 9 | Nguyen Thi Thuy Dung (F) | 1999 | 10/6/2018 | 318 | 10 months |
| 10 | Ho Cong Di (M) | 1997 | 10/6/2018 | 318 | 10 months |
| 11 | Pham Ngoc Huyen (F) | 1997 | 10/6/2018 | 318 | 10 months |
| 12 | Vo Nhu Huynh (F) | 1995 | 10/6/2018 | 318 | 8 months |
| 13 | Doan Van Thuong (M) | 1974 | 10/6/2018 | 318 | 10 months |
| 14 | Nguyen Thanh Toan (M) | 1983 | 10/6/2018 | 318 | 10 months |
| 15 | Diep Ut Tien (F) | 1997 | 10/6/2018 | 318 | 10 months |

Note: Article 318: Disturbance of public order.

Appendix 4:

List of activists barred from going abroad (stopped at border gates, passport confiscated or denied of being granted with passport)

| No. | Name | Passport number | Day of notice | Treatment/Act | Authorities carrying out acts |
|-----|---------------------------|-----------------|---------------|-------------------------------|-------------------------------|
| 1 | Nguyen Ngoc Nam Phong (M) | | 27/6/2017 | Stopped at border | Hanoi Police |
| 2 | Nguyen Dinh Ha (M) | | 2014 | Passport confiscated | Ministry of Public Security |
| 3 | Huynh Thuc Vi (F) | B1622855 | 2015 | Stopped, passport confiscated | HCM City Police |
| 4 | Nguyen Trang Nhung (F) | B3887012 | 01/2014 | Stopped at border | HCM City Police |
| 5 | Nguyen Van Trang (M) | | 07/7/ 2014 | Stopped at border | HCM City Police |
| 6 | Nguyen Thi Nga (F) | B1914754 | 2016 | Denied passport granting | Haiphong City's Police |
| 7 | Tran Hoang Phuc (M) | B3919374 | 05/12/2015 | Stopped at border | Tay Ninh province's Police |
| 8 | Nguyen Thi Phuong Hoa | B4210867 | 30/9/2016 | Stopped at border | HCM City Police |
| 9 | Vo Van Tao (M) | | 05/8/ 2015 | Stopped at border | HCM City Police |

| | | | | | |
|----|---------------------------|-----------|-------------|-------------------------------|----------------------------|
| 10 | Nguyen Lan Thang (M) | B2449859 | 04/5/2014 | Stopped at border | Hanoi police |
| 11 | Nguyen Ho Nhat Thanh (M) | B4024651 | 15/01/2014 | Stopped, passport confiscated | HCM City Police |
| 12 | Nguyen Cong Thu (M) | B95751041 | 17/12/2014 | Stopped, passport confiscated | HCM City Police |
| 13 | Do Anh Tuan (M) | | 15/6/2013 | Denied passport extension | |
| 14 | Bui Tuan Lam (M) | B8427061 | 24/02/2014 | Stopped, passport confiscated | HCM City Police |
| 15 | Bui Quang Minh (M) | B9073822 | 07/11/2017 | Stopped, passport confiscated | HCM City Police |
| 16 | Hoang Van Dung (M) | B3777258 | 05/12/2013 | Stopped, passport confiscated | |
| 17 | Luu Van Minh (M) | B5981175 | 16/11/2014 | Stopped at border | |
| 18 | Vo Quoc Anh (M) | | 2013 | Stopped, passport confiscated | HCM City Police |
| 19 | Le Hong Phong (M) | B2855031 | 29/11/2014 | Stopped, passport confiscated | Moc Bai border gate Police |
| 20 | Huynh Cong Thuan (M) | | 05/3/2012 | Denied passport granting | HCM City Police |
| 21 | Duong Dai Trieu Lam (M) | B9618375 | 16/11/2014 | Stopped, passport confiscated | HCM City Police |
| 22 | Tran Thi Nga (F) | | 2012-2015 | Denied passport granting | Ha Nam Police |
| 23 | Nguyen Nu Phuong Dung (F) | B7480988 | 22/02/2014 | Stopped, passport confiscated | Moc Bai border gate Police |
| 24 | Le Thi Yen (F) | | 25/12/ 2015 | Stopped at border | Hanoi police |
| 25 | Nguyen Viet Hung (M) | B4114251 | 25/6/ 2013 | Stopped at border | Dien Bien police |
| 26 | Nguyen Van De (M) | N/A | 25/02/2015 | Stopped, passport confiscated | Hanoi police |
| 27 | Nguyen Van Thanh (M) | | 01/02/2014 | Stopped at border | Binh Dinh Police |
| 28 | Vu Quoc Ngu (M) | B7377206 | 07/12/2015 | Stopped at border | Hanoi police |
| 29 | Le Anh Hung (M) | B8355624 | 05/7/2015 | Stopped, passport confiscated | Hanoi police |
| 30 | Bui Quang Vien (M) | B3921136 | 05/01/2011 | Stopped, passport confiscated | HCMC Police |
| 31 | Nguyen Chi Tuyen (M) | B 9265243 | 26/5/2014 | Stopped at border | Hanoi police |
| 32 | Le Quoc Quyet (M) | 182191358 | 04/10/2010 | Stopped, passport confiscated | HCM City Police |
| 33 | Huynh Trong Hieu (M) | B1622826 | 16/12/2012 | Stopped, passport confiscated | HCM City Police |
| 34 | Hoang Duc Binh (M) | C036541 | 2015 | Stopped, passport confiscated | HCM City Police |
| 35 | Nguyen Thanh Anh (M) | B2429127 | 03/6/2013 | Stopped at border | Moc Bai border gate Police |
| 36 | Ton Phi (M) | 183969861 | 28/12/2015 | Stopped at border | Ha Tinh province |

| | | | | | |
|----|----------------------|----------|------------|-------------------|-----------------|
| 37 | Pham Ngoc Thach (M) | B5530522 | 30/7/2016 | Stopped at border | HCM City Police |
| 38 | La Viet Dung (M) | B8460434 | 27/7/2016 | Stopped at border | HCM City Police |
| 39 | Huynh Ngoc Tuan (M) | B2127961 | 12/11/2012 | Stopped at border | HCM City Police |
| 40 | Bui Thi Dien (F) | B8243702 | 14/8/ 2018 | Stopped at border | HCM City Police |
| 41 | Dinh Huu Thoai (M) | | 14/5/2018 | Stopped at border | Kon Tum Police |
| 42 | Do Thi Minh Hanh (F) | | 16/5/2018 | Stopped at border | HCM City Police |
| 43 | Nguyen Quang A (M) | | 09/2018 | Stopped at border | Hanoi Police |
| 44 | Nguyen Duy Tan (M) | | 11/6/2018 | Stopped at border | HCM City Police |
| 45 | Bui Minh Quoc (M) | | 20/3/2018 | Stopped at border | HCM City Police |

Appendix 5:

Details of restriction of movement of advocates who attended the 4th South-East Asia Freedom of Religion or Belief Conference

1) Mr. Lau A Thai, Nậm Vì Village, Nậm Vì Commune, Mường Nhé District, Điện Biên Province.

On October 3, 2018, the police issued an invite to Lầu A Thái, summoning him to the Chung Chai Commune Government Building. Please see the original and translated invitation in Appendix 16. He ignored the invitation. Subsequently, on October 8, 2018, Lầu A Thái brought his child to the hospital in Mường Nhé District. At approximately 8 am, police officers entered the hospital and took him to the police station in Mường Nhé District to interrogate him about his trip to Bangkok. When they asked about the purpose of his trip, he answered: for religious studies. Officer Mùa A Chu, Public Security Ministry's Intelligence Department, ordered Officer Thào A Tính, Mường Nhé District's Police Division, to hit the victim's face. As blood came out from his nose and the area around his eyes, the victim was ordered to clean up to show no trace of the beating. The officers continued interrogating him on the SEAFORB IV Conference as well as his past human rights work in collecting information about the Tá Pì Chà Village's persecuted Christians who were displaced when the government demolished their homes. He denied his involvement in either activity.

After this interrogation, another invitation was issued on October 26, 2018 summoning him to the office of the Task Group of Border Guards on October 27, 2018 (Appendix 18). After he ignored these invitations, the authorities arrived at his house on October 31, 2018 at 9:30 am to interrogate him. The police and local border guards continue to monitor him very closely, and he may be under suspicion for collecting and transmitting information on the government's persecution of H'Mong Christians for human rights organizations.

2) Mr. Cháng A Dơ: Đoàn Kết Village, Đăk Ngô Commune, Tuy Đức District, Đăk Nông Province.

On October 29, 2018 in Đoàn Kết Village, Mr. Lê Văn Minh, Central Communist Party Representative at the PA88 (Anti-reactionary Unit) of the police of Đăk Ngô Commune, went to Cháng A Dơ's house

and escorted him to the home of Mr. Hoàng Văn Cẩn, Secretary of Communist Party of Đắk Ngô Commune. There, they interrogated him about his activities at the SEAFORB IV Conference and threatened him that he must cooperate with them in the questioning session or risk arrest.

On October 30, 2018 police officer Giàng A Chá from PA88 telephoned Mr. Dơ and requested that he came to Điền Đu Village (4 km away) for interrogation. Dơ declined because he had to go and harvest his coffee beans crop. Later, Officer Chá went to Dơ's house but Dơ was still harvesting coffee beans. The policeman resorted to making several threatening phone calls to the victim, demanding the victim tell him about his activities in the recent months, including when he was in Thailand.

Similarly, on October 31, 2018 in Đoàn Kết Village at approximately 6 a.m., PA88 Officer Giàng A Chá and another plainclothes police officer went to Dơ's house to interrogate him about his activities and demand information about his Thailand trip and contacts he had developed there. The victim refused to comply. Additionally, Officer Chá requested that Dơ give him the phone numbers of the Protestant religious leaders in the village, but Dơ insisted he did not have the leaders' approval to reveal such private information. Officer Chá came to the conclusion that the victim was plotting to oppose the government and PA88 would continue to investigate; for now, he would allow the victim some time to reflect on this.

3) Mr. Trần Văn Quang, Cao Dai follower at Quarter 4, Ward 4, Go Cong Town, Tien Giang Province.

At about 1:00pm on October 26, 2018, Khanh, a local police officer, summoned Trần Văn Quang to the police office to write a commitment on social evils, where he was escorted by one man in plainclothes and two security officials named Thanh and Dung, both residents of Go Cong town. The officials then interrogated Quang on the activities and participants of the SEAFORB IV Conference, how he traveled to Thailand, and whom he met there. They threatened that because of his activities, there is no chance for him to visit the Holy See of his religion again. They ask that Quang not tell Mr. Trần Ngọc Sương, a well-respected local Cao Dai leader, about the questioning. Please see Appendix 21 for a more detailed report on the incident.

4) Mr. Nguyen Duc Manh: Cồn Sẻ Parish, Town of Ba Đồn, Quảng Lộc District, Quảng Bình Province.

Both Nguyễn Đức Mạnh and Nguyễn Văn Thanh (see case below), human rights defenders from Con Se Catholic Parish, were apprehended at Tan Son Nhat international airport in Ho Chi Minh City by the airport's security police on August 14, 2018 at around 3:00 pm as they were about to board the plane for Bangkok to attend the SEAFORB IV Conference. Despite the authorities' inability to find evidence of illicit activity after four hours of intense interrogation and arbitrary detention by four police officials, both men were banned from boarding the plane, with authorities citing reasons of "national security". The minutes stated that both were detained based on government decree 136-2007-ND-CP dated August 17, 2007, on the subject of the exit and reentry of Vietnamese nationals. The police confiscated both of their cellphones and passports during the interrogation, and issued a report forbidding them from traveling. They released Đức Mạnh and Văn Thanh at around 8:30 pm, ordering them to report back to the police station the following day for further investigation. Both men determined their detainment had no legal ground since there were no issued warrants or written orders for their interrogations, but feared arrest if they reported to the airport police station. They thus decided to leave Ho Chi Minh City (with Nguyễn Văn Kính, see case below) for their home the next morning. Since their return, they have not heard any follow up from the police on their cases; neither have they received any notice from the police about the return of their cell phones and passports.

5) Mr. Nguyen Van Thanh: Cồn Sẻ Parish, Town of Ba Đồn, Quảng Lộc District, Quảng Bình Province.

Since early 2015 there were at least a dozen times when Nguyễn Văn Thanh was harassed by the local security forces in Quang Binh and Ha Tinh provinces. He and his family have been detained, beaten, and/or threatened by the police many times for his human rights work defending his Catholic community. Furthermore, the authorities have banned him from traveling outside of his province, including forbidding any travel abroad. The earliest incident of detainment was in 2015 when he planned to attend an NGO conference in Taiwan but was stopped and detained at Noi Bai airport and forced to return home. At a later date on July 8, 2016, Thanh and some of his friends tried to travel from Quang Binh to Cua Lo, Nghe An, when they were kidnapped by civilian-clothed security forces and transported to Thanh Mai, Ha Tinh. There, they were severely beaten for several hours, robbed of all their personal belongings, and then were stripped of their clothes and left in the middle of a jungle near Ha Tinh Province. He has also faced detention regarding non-travel related matters—in 2016, he was ordered to report to the Ba Don police station (office number 113) where he was detained due to his participation in a demonstration protesting the severe ecological disaster caused by the Formosa Steel Plant in Ha Tinh Province. More recently in 2017, when expressing his view regarding XVD Company's attempt to seize the land of Con Se Parish, he received calls by unknown men who violently threatened him. He has evidence to believe these men were working with the local public security force to intimidate parishioners who opposed the land confiscation.

6) Mr. Pham Quoc Sach: 66A Nguyễn Huệ St, KP 3, P. 1, Town of Gò Công, Tiền Giang Province.

Due to his outright refusal to join the state-created Cao Dai Sect, the police have been monitoring Phạm Quốc Sách's religious activities for years. He has faced on-going persecution (by both state and non-state actors) for his religious practice. For example, on May 27, 2015, Quốc Sách and other independent Cao Dai Church adherents traveled to the Tây Ninh Holy See to participate in the Popular Council Congress, an event that the independent Cao Dai followers hoped to organize. Upon his arrival to the Holy See, a man dressed in the Cao Dai religious vestment (white tunic), sunglasses, and a motorbike helmet attacked him and took his Sony camera. Quốc Sách subsequently submitted a complaint with the local police department, which totally ignored the complaint. The Cao Dai Holy See was occupied by the 1997 Cao Dai Sect, which was created by the Vietnamese government for use as a non-state actor to crack down on independent Cao Dai followers. Prior to enforcing Phạm Quốc Sách's travel ban, the local police had sent him two invitations to "working sessions" on August 8 and August 9, 2018, both of which he did not attend. On August 12, 2018 at 10am, he attempted to travel to Bangkok for the SEAFORB IV Conference but was stopped at Mộc Bài Port of Entry. There, the police filed a report denying him the right to travel but did not state a specific reason for the ban. The police officers also showed him the list of the other Cao Dai followers targeted by the travel ban, which includes: Ms. Võ Thị Kim Vân, Mr. Trần Quốc Tiến, Ms. Trần Ngọc Sương, Ms. Nguyễn Thị Thu Hà, and Ms. Nguyễn Thị Mảnh.

7) Mrs. Luong Thi No: No. 19, 20th Street, Neighborhood 4, Hoa Phu Ward, Town of Thu Dau Mot, Binh Duong Province.

Lương Thị Nở, a Cao Dai adherent, has faced discrimination and persecution throughout the years because of her religious practice with the independent Cao Dai religion. For example, after returning from the 2015 SEAFORB Conference (also held in Bangkok), Police Lt. Colonel Đặng Phát Thành, chief of the Religious Affairs Branch of Bình Dương Province, threatened her during several interrogations and ordered the police to thwart and threaten her livelihood and resources. These incidents resulted in the police issuing Document No. 1441 on October 9, 2015 to suspend her right to travel.

On November 28, 2015, Lương Thị Nở attempted to travel to the Cao Dai Temple in Phnom Penh, Cambodia; however, because of the prior travel ban, Lt. Col. Thành came to Mộc Bài Checkpoint and worked with the checkpoint police to detain her. Thị Nở refused to let them detain her, as she

demanded to see an arrest warrant, which the police did not have. In yet another violation of her right to travel freely, on September 10, 2016, Mộc Bài police denied her travel once more to the Cao Dai Temple in Phnom Penh. Bình Dương police again suspended her right to travel abroad; she filed a complaint with the provincial court, but nothing came out of it.

The police had previously sent Nở an invitation to a “working session” at the police station on August 8, 2018 which she did not adhere to. Following this invitation, from August 12 to 15, 2018, a few days before the start of the SEAFORB IV Conference, the local police stood guard near her house and followed her whenever she left her property. Despite these incidents, she still attempted twice to travel to Bangkok for the SEAFORB IV Conference; both times she was denied the right to travel with no reason cited. The first time, she was blocked at Mộc Hóa Port of Entry on August 11, 2018 at 7:00 am. The second time was on August 13, 2018 as she tried to pass through Mộc Bài Port of Entry at 7:00 am.

8) Mrs. Nguyen Xuan Mai: 36C Nguyễn Văn Lâu St, Cluster 5, Ward 8, Vĩnh Long City.

The Vietnamese government has harassed and persecuted Nguyễn Xuân Mai several times in the past for exercising her freedom to travel and freedom to practice religion as a Cao Dai adherent. For example, in September 2015 for the 2015 SEAFORB Conference, she and other participants were forced to find another way to fly to Bangkok after the police denied them the right to travel at Mộc Bài Port of Entry. Upon her return after the conference, on September 12, 2015, five police officers (led by Mr. Đoàn Văn Nguyên, chief of the police’s anti-terrorism team) confronted her at her vending stall at Vĩnh Long Market where she was selling goods. They threatened and interrogated her for bypassing the travel ban, ignoring their requests for interrogation, and not using the local Cao Dai Temple (controlled by the government’s Cao Dai Sect) for religious activities. More recently, in early November 2017, while she was attending the 2017 SEAFORB Conference in Manila, the Philippines, the local government delivered an invitation to her house for a “working session” at the police station. Outside of these violations of her right to travel, on July 15, 2015 during a ceremony to install the Cao Dai Divine Eye Symbol in the home of an independent Cao Dai adherent in An Hòa Commune, Trảng Bàng District, approximately 40 individuals, including government officials and members of the government-created Cao Dai Sect, interrupted the religious ceremony and harassed the Cao Dai followers. During this conflict, a man wearing a shirt with black and white horizontal stripes and a motorbike helmet assaulted Mrs. Mai. The violence was led by Pious Thượng Tụ Thanh, the head of the management committee of An Hòa Temple, which is part of the government-created Cao Dai Sect.

When Xuân Mai attempted to leave for Bangkok to attend the SEAFORB IV Conference, she was stopped at Long Bình Port of Entry at 7:15 a.m. on August 12, 2018. Senior First Lieutenant Hải cited the reason for her travel ban as national security concerns. The travel ban, in effect from 30 July through 29 August, 2018, was clearly designed to stop her from attending the SEAFORB IV conference.

9) Mrs. Nguyen Thi Manh: Bình Ân Commune, Gò Công Đông District, Tiền Giang Province.

As a Cao Dai follower, Nguyễn Thị Mãnh has experienced on-going persecution for her religious activities. For example, in June 2018 the Gò Công district police frequently harassed her and other Cao Dai adherents who participated in home worship instead of worshipping at a temple controlled by the government-created Cao Dai Sect.

In the weeks leading up to the SEAFORB IV Conference, namely on August 1, 2018 and August 6, 2018, the police sent Nguyễn Thị Mãnh invitations to a “working session” at the police station, both of which she did not attend. In response, on August 14, 2018 (three days before the start of the SEAFORB IV Conference), a delegation of employees of the of Bình Ân Commune came to her house and inquired

about her refusal to show up to the interrogation requests. They also interrogated her on her religious activities and her foreign contacts. This delegation consisted of:

1. Đoàn Thanh Tâm - Security Branch of the police of Gò Công Đông District
2. Phan Quốc An - Security Branch of the police of Gò Công Đông District
3. Nguyễn Anh Phương - deputy chief of Bình Ân Commune Police
4. Đào Thị Bích Ngọc - vice chair of the Women's Alliance of Bình Ân Commune
5. Võ Thị Ngọc Huyền - vice chair of the People's Committee of Bình Ân Commune
6. Trần Thị Thanh Thủy - chair of the Patriotic Front Committee of Bình Ân Commune.

Mrs. Mãnh sent her written responses, along with the two police invitations, to Mr. Đoàn Thanh Tâm and the vice chair of Bình Ân Commune. Due to their intimidation tactics so close to the date of the SEAFORB IV Conference, she decided not to attend the conference. Since this interrogation, Thị Mãnh has not heard from the authorities.

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