



# **TORTURE AND INHUMANE TREATMENT OF POLITICAL PRISONERS IN VIETNAM**

## **2018 - 2019**

**A Report by The 88 Project**



**THE 88 PROJECT**  
FOR FREE SPEECH IN VIETNAM

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## EXECUTIVE SUMMARY

This report details incidents of torture and other inhumane treatment of prisoners detained under national security provisions, i.e. political prisoners, by the Vietnamese government. In addition to documented cases of torture, we also highlight examples of cases in which the denial of legal safeguards facilitated the use of torture:

- Prolonged incommunicado pre-trial detention
- Denial of legal representation and unfair trials
- Denial of adequate medical treatment
- Harsh physical and administrative conditions in prison
- Denial of family visits/punitive transfers
- Infliction of physical and psychological pain
- Solitary confinement

Focusing this report on the absolute right of freedom from torture and ill-treatment, and mindful of the leverage that ought to result from Vietnam's recent ratification of the United Nations Convention Against Torture (UNCAT), we aim to highlight the harsh conditions that the Vietnamese state has imposed upon political prisoners in recent years and advocate for the Vietnamese government to:

- implement concrete actions that are clearly stated in the Committee Against Torture's Concluding Observations in the Initial Report of Viet Nam (December 2018) [1]
- follow up on Universal Periodic Review (UPR) recommendations that Vietnam accepted in 2019 [2]
- observe the CCPR General Comments No. 20 which lays out specific recommendations for State members to implement the International Covenant on Civil and Political Rights' (ICCPR) Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment) [3]
- accept visits by the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as visits by State members' consular representatives to conduct investigations of prison conditions in multiple localities.

We argue that Vietnam has continued practices amounting to torture of political prisoners against the recommendation of the Committee Against Torture and concerned EU State members who participated in the 2019 Vietnam UPR (France, UK, Hungary, Czechia, Denmark). We call upon respective MEPs to take concrete actions to hold Vietnam accountable before international law, starting with implementing the necessary legislative amendments and improvements in detention conditions as highlighted in the Concluding Observations. Given the continued practice of torture in prison, we urge in particular that MEPs push for Vietnam's acceptance of a visit by the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in the near future. In the meantime, we urge that respective EU countries' consular officers request to visit prisons to conduct independent investigations of prison conditions in multiple localities in Vietnam.

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[1] Committee Against Torture, Concluding Observations on the Initial Report of Viet Nam [hereinafter CAT Concluding Observations], December 28, 2018, available at [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT/C/VNM/CO/1&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT/C/VNM/CO/1&Lang=En), last accessed October 11, 2020

[2] Report of the Working Group on the Universal Periodic Review, Viet Nam, Addendum, Views on Conclusions and/or Recommendations, Voluntary Commitments and Replies Presented by the State under Review [hereinafter Vietnam UPR Replies], June 26, 2019, available at [http://lib.ohchr.org/HRBodies/UPR/Documents/Session32/VN/A\\_HRC\\_41\\_7\\_Add.1\\_VietNam\\_E.docx](http://lib.ohchr.org/HRBodies/UPR/Documents/Session32/VN/A_HRC_41_7_Add.1_VietNam_E.docx), last accessed October 11, 2020

[3] CCPR, General Comment No. 20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment), March 10, 1992, available at <https://www.refworld.org/docid/453883fb0.html>, last accessed October 11, 2020

Graphic 1: Visual representation of prison locations in Vietnam that are mentioned in this report



## DOMESTIC AND INTERNATIONAL LEGAL FRAMEWORK

International human rights law defines the limits of a state's power over individuals and imposes positive obligations owed by the state to individuals. Many states, including Vietnam, have voluntarily signed and ratified treaties that recognize and ensure the rights of every person, and therefore submit themselves to the jurisdiction of related treaties and treaty-organs.

The prohibition against torture or inhumane treatment in international law is absolute. Torture is impermissible regardless of a state's justifications, such as war, public emergencies, national security, or terrorist threat. This concept first materialized in Article 5 of the 1948 Universal Declaration of Human Rights: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." This article is widely regarded as expressing customary international law.

Other UN treaties, especially the International Covenant on Civil and Political Rights (ICCPR), which Vietnam ratified in 1982, and the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), which Vietnam ratified in 2015, also repeatedly assert the obligation of states to respect and ensure not only that their citizens are not subjected to torture or degrading, inhumane treatments (Article 7 - ICCPR), but also that persons deprived of their liberty are "treated with humanity and with respect for the inherent dignity of the human person" (Article 10.1 - ICCPR). UNCAT specifically defines torture as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person..." This creates a necessarily high threshold to which states must adhere.

Vietnamese legislation does formally prohibit torture. Article 20 of Vietnam's 2013 Constitution [4] lays the domestic foundation of the prohibition, stating that "Everyone ... is protected against torture, violence, coercion, corporal punishment or any form of treatment harming his or her body and health and offence against honour and dignity." Prohibition of torture is also noted as a basic principle of Vietnam's 2015 Criminal Procedure Code [5] in Article 10: "Torture, extortion of deposition, corporal punishment or any treatments violating a person's body, life and health are inhibited [sic]."

[4] The Constitution of the Socialist Republic of Vietnam (2013), Unofficial Translation from Vietnamese by International IDEA, available at [http://constitutionnet.org/sites/default/files/tranlation\\_of\\_vietnams\\_new\\_constitution\\_enuk\\_2.pdf](http://constitutionnet.org/sites/default/files/tranlation_of_vietnams_new_constitution_enuk_2.pdf), last accessed October 11, 2020

[5] Socialist Republic of Vietnam, National Assembly, Law No. 101/2015/QH13 Criminal Procedure Code [hereinafter 2015 Criminal Procedure Code], November 27, 2015, English translation available at <https://vanbanphapluat.co/law-no-101-2015-gh13-criminal-procedure-code>, last accessed October 11, 2020



The legal framework is clear. Yet, it is the lack of an independent judicial system and other checks and balances against the powerful public security forces, and the absence of a meaningful complaint procedure, that allow torture and inhumane treatment of dissenters and political activists to persist as a common practice in Vietnam. When activists are arrested, they are typically charged and convicted under “national security” or “public order” provisions of the 2015 Criminal Code such as:

- Article 109 (previously Article 79 in the 1999 Penal Code): “activities aiming to overthrow the people’s administration”
- Article 116 (previously 87): “undermining the national unity policy”
- Article 117 (previously 88): “conducting propaganda against the State”
- Article 118 (previously 89): “disrupting security”
- Article 318 (previously 245): “causing public disorder”
- Article 331 (previously 258): “abusing democratic freedoms to infringe upon the interests of the State”

Arrested and incarcerated, dissenters and political activists are often deprived of legal safeguards against torture and inhumane treatment and suffer physical and psychological pain inflicted to coerce them into admitting guilt. They are often detained in prolonged detention without any contact with family or lawyers, or in solitary confinement. They suffer, consequently, from harsh physical conditions and administrative policies that sap their health and crush their spirit. Typically they are denied adequate medical care and visits from their families if they continue to insist on their innocence. Prisoners in Vietnam who are charged under these criminal provisions become a different class of citizen and inmates upon whom a harsher treatment is applied, which often amounts to torture and inhumane treatment [6].

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[6] Campaign to Abolish Torture in Vietnam, Circular 37: Harsh Treatment of Prisoners of Conscience in 'Prisons Within Prisons', [http://www.stoptorture-vn.org/circular-37-harsh-treatment-of-prisoners-of-conscience.html?fbclid=IwAR2n0T\\_BC-2zTZQFF6sSBC0Jzk\\_OOTnDI8HEvHaDdyuYgf8Qr6BahTrYV8](http://www.stoptorture-vn.org/circular-37-harsh-treatment-of-prisoners-of-conscience.html?fbclid=IwAR2n0T_BC-2zTZQFF6sSBC0Jzk_OOTnDI8HEvHaDdyuYgf8Qr6BahTrYV8), last accessed October 12, 2020

The Vietnamese government has been warned about its failure to meet its obligations against torture. After studying Vietnam’s Initial Report, The Committee Against Torture[7] stressed the importance of proper criminalization of torture, fundamental legal safeguards, direct applicability of UNCAT by domestic courts, and independent investigation concerning allegations of excessive use of force or deaths of people while in custody. During the 2019 Universal Periodic Review for Vietnam, a number of states raised their concerns about allegations of torture in Vietnam, and the Vietnamese government voluntarily agreed to several important recommendations [8], such as making sure that evidence obtained through torture is inadmissible at trial and taking steps to prohibit harassment and torture during the investigation process and detention (see the Appendix for all relevant recommendations).

Despite these international warnings, in its responses to the CAT’s comments and recommendations from the 2018 Concluding Observations, issued in September 2020, Vietnam continued to maintain that “allegations of the widespread use of torture and ill-treatment, particular in police stations, and in certain places where persons are deprived of their liberty [...] are all unsubstantiated and inaccurate claims, presenting non-objective perspectives about the situation in Viet Nam.” [9] This, however, is not the finding that our report will present.

The deadline for Vietnam to submit its next UNCAT periodic report is December 7, 2022. The UPR mid-term and full cycle examination will be held respectively in July 2021 and January 2024. The Vietnamese government needs to take its obligations seriously to address systematic torture and inhumane treatment in a timely manner.

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[7] CAT Concluding Observations, supra note 1

[8] Vietnam UPR Replies, supra note 2

[9] Committee Against Torture, Information Received from Viet Nam on Follow-up to the Concluding Observations on Its Initial Report [hereinafter Concluding Observations Follow-up], September 11, 2020, para. 27,

[https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/VNM/CAT\\_C\\_VNM\\_FCO\\_1\\_35014\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/VNM/CAT_C_VNM_FCO_1_35014_E.pdf), last accessed October 12, 2020



# TORTURE AND INHUMANE TREATMENT OF POLITICAL PRISONERS IN 2018 AND 2019

According to The 88 Project Database of Persecuted Activists (hereafter, the Database) [10], as of September 4, 2020, 257 political prisoners were incarcerated by the Vietnamese state, including lawyers, religious leaders and practitioners, bloggers, reporters, environmental activists, land rights petitioners, Facebook users, and human rights and pro-democracy activists. There is evidence that many of them are being tortured or otherwise inhumanely treated. This report addresses incidents reported in 2018 and 2019. Most of the facts relayed below are based on testimonies of the families of current political prisoners and by former political prisoners themselves. Other details are drawn from The 88 Project Database. Further details on incidents we mentioned in this report can be found in each prisoner's profile in our Database.

## Prolonged Incommunicado Detention

Vietnam continues to maintain that “[t]here is no incommunicado detention in Viet Nam,” [11] while acknowledging that for national security cases, “a very special measure” applies, under which national security detainees are not allowed to see their defense counsels until the investigation is concluded. [12] Article 74 of the 2015 Criminal Procedure Code authorizes the head of the Procuracy, “when confidentiality of investigations into national security breach is vital, to sanction defense counsels' engagement in legal proceedings after investigations end.” [13] However, an investigation can last for as long as the public security wants it to be. Article 173 of the Criminal Procedure Code basically allows for the Procuracy to extend indefinitely the “temporary” detention for investigation of a person charged with national security crimes. The time limit for detention for investigation is four months, which can be extended four times - so 20 months in detention in total. Yet even after that, “[i]f no grounds for termination of detention exist in a special case of extremely severe felony of national security breach, the head of the Supreme People's Procuracy shall decide to maintain detention until the investigation closes,” [14] which means, after a person has been detained for 20 months, her detention can still continue until whenever the investigation is completed. Which means that national security detainees might not be able to see their defense lawyers for two years or even more.

[10] The 88 Project, Database of Persecuted Activists in Vietnam, <https://the88project.org/database/>, last accessed October 12, 2020

[11] Concluding Observations Follow-up, supra note 9, para. 109

[12] Concluding Observations Follow-up, supra note 9, para. 47

[13] 2015 Criminal Procedure Code, supra note 5, Art. 74

[14] 2015 Criminal Procedure Code, supra note 5, Art. 173

Of the activists arrested in 2018 and 2019, seven people were as of September 2020 still in pre-trial detention. All have been detained incommunicado for eight months or longer. Four were arrested in 2018 and three in 2019. Several others arrested before 2018 have faced prolonged incommunicado detention as well. Isolation during the pre-trial investigation period breaks down activists' connections with their support networks. Typically they are subjected to unobservable interrogation and often to conditions that begin to break down activists' emotional and physical health. It also removes their plight from the public eye, as information about their condition during pre-trial detention is sporadic and incomplete at best.

Ngo Van Dung [15], Doan Thi Hong [16], Hoang Thi Thu Vang [17], Ho Dinh Cuong [18], and Tran Thanh Phuong [19] were all arrested in September 2018 and remained in pre-trial detention until their trials in July 2020. Their families claim that they were not notified of the various extensions of the five prisoners' investigation periods. When Doan Thi Hong's family was finally able to visit her one year after her arrest, in September 2019, they reported that her health had notably declined.

Many of these activists were arrested without the knowledge of their families. The families typically didn't know their whereabouts for three weeks or more. In the case of Huynh Thi To Nga [20], who was allegedly forcibly disappeared by plainclothes agents from the hospital where she worked on January 28, 2019, the family did not learn where she was until several months later.

In an alleged overseas disappearance case, Truong Duy Nhat [21] went missing on January 26, 2019, while seeking asylum in Bangkok, Thailand. His family did not know until March 20 that Nhat was taken by Vietnamese security agents and returned to Vietnam.

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[15] The 88 Project, Ngo Van Dung profile, available at <https://the88project.org/profile/182/ngo-van-dung/>, last accessed October 12, 2020

[16] The 88 Project, Doan Thi Hong profile, available at <https://the88project.org/profile/208/doan-thi-hong/>, last accessed October 13, 2020

[17] The 88 Project, Hoang Thi Thu Vang profile, available at <https://the88project.org/profile/192/hoang-thi-thu-vang/>, last accessed October 13, 2020

[18] The 88 Project, Ho Dinh Cuong profile, available at <https://the88project.org/profile/401/ho-dinh-cuong/>, last accessed October 13, 2020

[19] The 88 Project, Tran Thanh Phuong profile, available at <https://the88project.org/profile/206/tran-thanh-phuong/>, last accessed October 13, 2020

[20] The 88 Project, Huynh Thi To Nga profile, available at <https://the88project.org/profile/313/huynh-thi-to-nga/>, last accessed October 13, 2020

[21] The 88 Project, Truong Duy Nhat profile, available at <https://the88project.org/profile/314/truong-duy-nhat/>, last accessed October 13, 2020

## Denial of Legal Representation and Unfair Trials

Political prisoners are often denied legal representation, not only during the investigation period, but also at trials. The 88 Project records at least 13 who were denied legal representation in 2018 or 2019: four in 2018 and nine in 2019, including four women. When political prisoners are denied legal representation, they are often less aware of their rights and lack a critical communication channel to their families and the outside world. Most of the time, the families did not know about the trial dates well in advance; sometimes, the families do not know about the trials until after the activists have been sentenced and sent to different prisons.

The family of Truong Huu Loc [22], who was arrested on June 11, 2018 under Article 118 of 2015 Penal Code for “disrupting security” and tried on June 28, 2019, did not know about the trial until he was already sentenced. They found out about the trial only by reading state media.

Female activists Vu Thi Dung [23] and Nguyen Thi Ngoc Suong [24] were denied lawyers [25] at their first instance trial in May 2019 and sentenced to six and five years in prison respectively.

Catholic activist and member of the Brotherhood for Democracy Tran Thi Xuan [26] was tried without a lawyer in a 2018 trial unannounced to the public -- including her own family.

Rah Lan Hip, a Montagnard in Gia Lai Province, was sentenced to seven years [27] in prison on August 9, 2019, under Article 116 for “undermining the unity policy” in a mobile trial without a lawyer. The Montagnards, who are often sentenced under this charge, usually do not have lawyers to represent them.

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[22] The 88 Project, Truong Huu Loc profile, available at <https://the88project.org/profile/298/truong-huu-loc/>, last accessed October 13, 2020

[23] The 88 Project, Vu Thi Dung profile, available at <https://the88project.org/profile/364/vu-thi-dung/>, last accessed October 13, 2020

[24] The 88 Project, Nguyen Thi Ngoc Suong profile, available at <https://the88project.org/profile/363/nguyen-thi-ngoc-suong/>, last accessed October 13, 2020

[25] The 88 Project, Two Female Activists Sentenced for Anti-State Propaganda Without Defense Counsel in Dong Nai Province, May 11, 2019, available at <https://the88project.org/two-female-activists-sentenced-for-anti-state-propaganda-without-defense-counsel-in-dong-nai-province/>, last accessed October 12, 2020

[26] The 88 Project, Tran Thi Xuan profile, available at <https://the88project.org/profile/8/tran-thi-xuan/>, last accessed October 13, 2020

[27] The 88 Project, Vietnam Free Expression Newsletter No. 42/2019 - Week of October 14-20, October 21, 2019, available at <https://the88project.org/vietnam-free-expression-newsletter-no-42-2019-week-of-october-14-20/>, last accessed October 13, 2020

After Le Dinh Luong's [28] trial in August 2018, news surfaced that journalist Nguyen Van Hoa [29] had been beaten and forced into giving testimony [30] used against Le Dinh Luong in court. Hoa recanted on the witness stand, saying the statements were made under duress. Luong was nonetheless sentenced to 20 years in prison. In February 2019, Hoa had undertaken a 12-day hunger strike to protest the authorities' refusal to relay a complaint letter addressed to competent authorities regarding the abuse he suffered while being detained and during fellow political prisoner Le Dinh Luong's trial, when Hoa was beaten in a court isolation room and prohibited from giving testimony. Moreover, Hoa alleges that two investigators from Ha Tinh Province, when interrogating him about incidents he was not involved with, threatened that he would be prosecuted in other cases if he did not cooperate with the questioning.

There is also a report that another political prisoner, Nguyen Viet Dung [31], was coerced into giving a false testimony, and then recanted it as well. Luong's lawyers were not allowed to meet with either witness. After Dung recanted, his family was denied a visit with him in prison.

No action was taken by the authorities to investigate these allegations of obtaining testimony under duress. In fact, in responding to the Committee Against Torture's Recommendation 9b of the 2018 Concluding Observations, [32] Vietnam acknowledged that "[f]rom January 1, 2018 (when the 2015 Criminal Code entered into force) to December 31, 2019, People's Courts [...] did not try any case for the offence of obtainment of testimony by duress." [33]

Political prisoners often receive long jail sentences after speedy trials, as in the case of Le Dinh Luong. [34] Luong, charged under Article 79, received a 20-year prison sentence after a very short trial in August 2018.

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[28] The 88 Project, Le Dinh Luong profile, available at <https://the88project.org/profile/18/le-dinh-luong/>, last accessed October 13, 2020

[29] The 88 Project, Nguyen Van Hoa profile, available at <https://the88project.org/profile/36/nguyen-van-hoa/>, last accessed October 13, 2020

[30] The Committee to Protect Journalists, Vietnamese videographer beaten and harassed in prison, August 20, 2018, available at <https://cpj.org/2018/08/vietnamese-videographer-beaten-and-harassed-in-pri.php>, last accessed October 13, 2020

[31] The 88 Project, Nguyen Viet Dung profile, available at <https://the88project.org/profile/19/nguyen-viet-dung/>, last accessed October 13, 2020

[32] Recommendation 9b asks Vietnam to "[p]rovide information to the Committee as to whether the entry into force on 1 January 2018 of amendments to the Criminal Code has resulted in an increase in the number of prosecutions brought in cases of torture and whether further amendments to the Criminal Code are envisaged in order to provide a simpler and clearer basis for the prosecution of torture." CAT Concluding Observations, *supra* note 1

[33] Concluding Observations Follow-up, *supra* note 9, para. 9

[34] Le Dinh Luong profile, *supra* note 28

## Denial of Adequate Medical Treatment

The 88 Project has tracked incidents of inadequate healthcare treatment for at least 18 political prisoners in 2018 and 2019. This includes five people affected in 2018, eight in 2019, and five who were affected in both years. Three of these people are women: Tran Thi Xuan [35], Doan Thi Hong [36] and Nguyen Ngoc Nhu Quynh [37]. Several of these cases involved torture under international legal definitions, including the cases of Nguyen Trung Ton, Dao Quang Thuc [38], and Doan Dinh Nam, highlighted later in this section.

Prisoners are supposed to have access to basic health care, but many times they are denied medical treatment, which is especially dangerous for people who have pre-existing medical conditions. In many cases, authorities prevent family members from providing medication to political prisoners. Many who have experienced health problems while imprisoned have claimed that inadequate medical treatment resulted in greater long-term health complications.

Pastor Nguyen Trung Ton [39] was arrested on July 30, 2017, and sentenced to 12 years in prison on April 5, 2018. His family sent him some medicine because he had been ill in prison. However, the prison returned the medicine to the family. Authorities also ignored the family's offer to pay for his medical treatment. Pastor Ton was suffering from a leg injury, the result of a 2017 attack by unknown thugs who were armed with special police equipment that may have been provided to them by the government. Consequently, he required surgery, but, Ton's wife reported in April 2019, detention officers still had not allowed Ton to have a check-up or basic medical care.

Sometimes the authorities use medical treatment as a bargaining tool, and prisoners are refused medical care until they “confess” to the crimes for which they were convicted. For a period of time, Pastor Ton was pressured to write confession letters every day, but he refused and maintained his innocence. His family believes that he has been denied medical treatment because of his refusal.

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[35] Tran Thi Xuan profile, supra note 26

[36] Doan Thi Hong profile, supra note 16

[37] The 88 Project, Nguyen Ngoc Nhu Quynh profile, available at <https://the88project.org/profile/2/nguyen-ngoc-nhu-quynh/>, last accessed October 13, 2020

[38] The 88 Project, Dao Quang Thuc profile, available at <https://the88project.org/profile/7/dao-quang-thuc/>, last accessed October 13, 2020

[39] The 88 Project, Nguyen Trung Ton profile, available at <https://the88project.org/profile/13/nguyen-trung-ton/>, last accessed October 13, 2020

Many political prisoners enter prison in good health, or with only minor illnesses, but leave with serious illnesses or even die in prison. Huynh Anh Tri [40], a former Vietnamese political prisoner who was infected with the HIV virus during his 14-year imprisonment, passed away from AIDS six months after being released. On October 5, 2019, Doan Dinh Nam [41] passed away at the Xuyen Moc Detention Center. He died of kidney failure. In June 2019, his family petitioned the authorities to commute Nam's sentence and allow him to be taken care of in the last days of his life at home. However, instead of approving the family's request, the public security authorities in Phu Yen Province went to their house and warned them not to attempt to generate support for Nam. Nam's family is so poor that they were barely able to visit him in prison. It is reported that the family asked prison authorities to send Nam's body home for a funeral, but that request was also refused.

Dao Quang Thuc [42] also passed away in prison, just two years into a 13-year prison sentence for "subversion." His official cause of death [43] was a brain hemorrhage and lung infection. Prison authorities transferred Thuc from Prison No. 6 in Nghe An Province to a hospital on December 3, 2019, as he showed signs of pain, but only notified his family the day after the transfer. His family was able to go to take care of him in the hospital, but Thuc passed away a week later. Prior to imprisonment, he had no history of health issues.

The family wished to receive his body for a proper burial in their hometown, but the authorities denied the request. Thuc was known as an outspoken but peaceful and cheerful dissenter. Before his trial, while being held in Hoa Binh Province, Thuc was reportedly tortured [44] and beaten by interrogation officers and had to be treated in a hospital. He was also denied food and supplies sent by his family [45]. After being transferred to Prison No. 6, Thuc participated in a hunger strike with other prisoners in 2019 to protest the removal of fans during a heat wave.

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[40] Radio Free Asia, Ex-Vietnamese Political Prisoner Blames Jail Conditions for HIV Infection, July 2, 2014, available at <https://www.rfa.org/english/news/vietnam/aids-07022014213833.html/>, last accessed October 13, 2020

[41] The 88 Project, Doan Dinh Nam profile, available at <https://the88project.org/profile/107/doan-dinh-nam/>, last accessed October 13, 2020

[42] Dao Quang Thuc profile, supra note 38

[43] The 88 Project, Teacher Dao Quang Thuc Died in Prison of a Brain Hemorrhage and Bronchitis after Two Year Detention, December 11, 2019, available at <https://the88project.org/teacher-dao-quang-thuc-died-in-prison-of-a-brain-hemorrhage-and-bronchitis-after-two-years-in-detention/>, last accessed October 13, 2020

[44] Defend the Defenders, Prisoner of Conscience Dao Quang Thuc Dies While Serving His 13-Year Imprisonment, December 10, 2019, available at <https://www.vietnamhumanrightsdefenders.net/2019/12/10/prisoner-of-conscience-dao-quang-thuc-dies-while-serving-his-13-year-imprisonment/>, last accessed October 13, 2020

[45] Defend the Defenders, Trial against Retired Teacher Dao Quang Thuc on Subversion Set on Sept 19, September 8, 2018, available at <https://www.vietnamhumanrightsdefenders.net/2018/09/08/trial-against-retired-teacher-dao-quang-thuc-on-subversion-set-on-sept-19/>, last accessed October 13, 2020



There are also well-documented cases of prison authorities refusing medical treatment to prisoners even when their injuries have been inflicted upon them in prison, such as the case of Nguyen Ngoc Anh [46]. Anh was assaulted by a cellmate who had previously been verbally abusive towards him. Anh's wife reported that he was having trouble walking and using his hands during a recent visit. Anh revealed that the detention center ignored his requests to change cells prior to the attack. Thus, it seems that authorities likely knew about the imminent risk to Anh's safety and did nothing.

Anh complained in writing of his cellmate's aggression, inter alia requesting examination to determine if any of his limbs were broken. In response, the detention center's medical staff just quickly checked Anh over and concluded that the pains he felt were symptoms of osteoarthritis. Anh's pain was so severe that he was unable to eat and sleep. Despite this, a senior detention official advised him to accept the reality of his situation and comply with the detention center's regulations. The incident against Anh came at a time when he was still trying to appeal his six-year sentence, which could explain why he was targeted for mistreatment.

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[46] The 88 Project, Nguyen Ngoc Anh profile, available at <https://the88project.org/profile/191/nguyen-ngoc-anh/>, last accessed October 13, 2020

## Harsh Physical and Administrative Conditions

Vietnam asserted, in September 2020, that prison conditions have been improved, and that “[t]he cells are properly lit, ventilated and cleaned, and inmates are sufficiently provided with quality food suitable to each individual, in accordance with the law.” [47] This, however, is not the situation reported by political prisoners and their families.

Vietnam’s prisons are often unsanitary. Unclean food, overcrowding, lack of access to potable water, poor sanitation, and lack of lighting remain serious problems. It is important to note that virtually all prisoners suffer from harsh prison conditions, and that those conditions often exacerbate health issues or psychological suffering. Verifiable information exists for 17 cases we note here: three were in 2018, 11 were in 2019, and three in both years. Three women were affected in total, including Nguyen Dang Minh Man [48], who was worried about food safety and feared she would be poisoned just before her release from prison in August 2019.

Tran Hoang Phuc [49], who was arrested on June 29, 2017 under Article 88 of 1999 Penal Code, and now serving a six-year sentence, has refused to eat prison food and only eats food that is sent from his family. Phuc claimed [50] that the detention center processes food with rusty knives and scissors, which can infect the food with tetanus and cause heavy metals toxicity.

Political prisoners are also deprived of basic necessities. At Camp No. 6 in Thanh Chuong, Nghe An Province, the prison authorities removed all of the electric fans in summer 2019 while the temperature outside was up to 40° C, leading to inside temperatures of up to 50° C. The political prisoners decided to go on a month-long hunger strike [51] to demand better conditions in the prison facility. One of the prisoner’s wives told a prison guard that the family would buy a fan, but the guard stopped her from discussing the problem further.

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[47] Concluding Observations Follow-up, *supra* note 9, para. 144.

[48] The 88 Project, Nguyen Dang Minh Man profile, available at <https://the88project.org/profile/130/nguyen-dang-minh-man/>, last accessed October 13, 2020

[49] The 88 Project, Tran Hoang Phuc profile, available at <https://the88project.org/profile/14/tran-hoang-phuc/>, last accessed October 13, 2020

[50] The 88 Project, Petition to An Phuoc Prison from the Family of Tran Hoang Phuc, June 14, 2019, available at <https://the88project.org/petition-to-an-phuoc-prison-from-the-family-of-tran-hoang-phuc-june-1-2019/>, last accessed October 13, 2020

[51] The 88 Project, Prisoners Go on Collective Hunger Strike to Protest Abusive Conditions in Prison Camp No. 6, Nghe An, June 27, 2019, available at <https://the88project.org/prisoners-go-on-collective-hunger-strike-to-protest-abusive-conditions-in-prison-camp-no-6-nghe-an/>, last accessed October 13, 2020

## Denial of Family Visits/Punitive Transfers

De facto, if not de jure, the authorities often cut off family visitation rights and support systems. Detaining political prisoners in places that are far away from their homes makes it extremely difficult for the families to visit. Another way to torture prisoners without using force is through cutting them off from family and support networks.

At least 32 individuals in 2018 and 2019, four of whom are women, were denied family visits or communications or were arbitrarily transferred to remote prisons. Sixteen people were affected in 2018, 13 in 2019, and three in both years. Some prisoners have been transferred or denied contact multiple times in one year. This can seriously affect a prisoner's treatment in prison. If a prisoner experiences severe mistreatment or even torture behind bars, he or she may not be able to easily communicate this to the outside world or request assistance from family.

Sometimes, families will travel a long distance to the prison camps only to find out that they are not allowed to visit because the political prisoners have been locked in isolation as a punishment. For example, Vuong Van Tha has not been allowed to see his family since November 5, 2018, and the prison authorities denied food supplies that were sent by his family for several months. The authorities told the family that Tha refused to see or accept anything from the family. The same thing happened to Tha when he was arrested in 2012, and he spent three years in jail. After he was released from his previous imprisonment, he told the family that the prison authorities had fabricated the story.

This category of treatment also includes authorities' failure to notify the families of important events, such as their failure to inform the families of Tran Thi Xuan and Truong Huu Loc about their trial dates. Authorities also failed to alert Ngo Hao's [53] family that he had suffered from a stroke in prison. Hao's case also highlights the intersection of various types of mistreatment in prison. Not only was his family not notified, but his wife's request for him to receive medical treatment was denied.

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[52] The 88 Project, Vuong Van Tha profile, available at <https://the88project.org/profile/37/vuong-van-tha/>, last accessed October 13, 2020

[53] The 88 Project, Ngo Hao profile, available at <https://the88project.org/profile/151/ngo-hao/>, last accessed October 13, 2020

## Infliction of Physical and Psychological Pain

The 88 Project has identified at least 15 individuals subjected to psychological and/or physical pain: 10 in 2018, four in 2019, and one in both years. Two were women. Many of these cases amount to torture as defined under international law, that is, psychological or physical pain inflicted by prison authorities for the purpose of coercing confessions, obtaining information, or punishing political dissidents for their opinions.

Activists Nguyen Ngoc Nhu Quynh [54], Tran Thi Nga [55], Nguyen Ngoc Anh [56], Hoang Duc Binh [57], and Nguyen Van Tuc [58] were harassed by cellmates, often at the apparent urging of prison authorities, in 2018 and 2019. These harassments can amount to torture when the prisoner's life is threatened or the prisoner is attacked and the authorities fail to investigate the incident.

Huynh Truong Ca [59] was physically abused after refusing to talk about his friends during the investigation. Public security agents tried to get him to incriminate other activists during questioning in prison. He was pressured to talk about friends in Ho Chi Minh City but refused. Although Ca suffered from many health issues, prison authorities put him in a cell with aggressive prisoners who reportedly assaulted him.

According to Article 119 of the 2015 Criminal Procedure Code [60], in a case where the accused is raising a child under 36 months old, he/she should be put under other preventive measures instead of detention. However, authorities have still imprisoned mothers of young children for long periods without allowing them to see their children. Both Doan Thi Hong [61] and Huynh Thi To Nga [62] are single mothers who had children under two years old at the time of their arrest. Hong did not get to see her daughter until September 8, 2019, a year after her arrest. And Nga, in custody since January 2019, was not allowed to see her family until after her trial in November 2019.

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[54] Nguyen Ngoc Nhu Quynh profile, supra note 37

[55] The 88 Project, Tran Thi Nga profile, available at <https://the88project.org/profile/3/tran-thi-nga/>, last accessed October 13, 2020

[56] Nguyen Ngoc Anh profile, supra note 46

[57] The 88 Project, Hoang Duc Binh profile, available at <https://the88project.org/profile/32/hoang-duc-binh/>, last accessed October 13, 2020

[58] The 88 Project, Nguyen Van Tuc profile, available at <https://the88project.org/profile/9/nguyen-van-tuc/>, last accessed October 13, 2020

[59] The 88 Project, Huynh Truong Ca profile, available at <https://the88project.org/profile/209/huynh-truong-ca/>, accessed October 13, 2020

Another form of psychological abuse is sending political prisoners to a mental health institution against their will, even though they have no history of mental illness. The practice can crush one's spirit. Le Anh Hung [63], a blogger and reporter, often wrote articles sharply critical of the Vietnamese government and its corruption. He was detained in a mental health facility for 13 days in 2013 [64] after the police arrested him at his workplace. Hung was arrested again on July 8, 2018, under Article 331 of the 2015 Criminal Code for "abusing democratic freedoms to infringe upon the interests of organizations and individuals" and has been in pre-trial detention since then. When he went on a hunger strike, the authorities force-fed him via a naso-gastric tube so violently that his nose and mouth bled. Besides thwarting Hung's hunger strike, the authorities also forcibly gave him injections, allegedly to "heal mental illness."

On April 1, 2019, the investigation agency suddenly transferred Hung to the Central Mental Hospital where he was evaluated until April 24. Again in May 2019, Hung was sent to a mental health hospital. After being treated so brutally, Hung looked very thin, unhealthy, and completely exhausted. He called on people to protest for him and to request the authorities stop his forced mental health treatment. In June 2019, Hung's mother petitioned the authorities to release her son so he could be cared for at the family's home. Prior to his detention, she confirmed that Hung was healthy physically and mentally. When we interviewed Hung's mother [65] in early 2020, she recounted to us Hung's several mental health evaluations, his being held down and injected with drugs, not being given an adequate amount of food, and sometimes arbitrarily being denied items that his mother sent.

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[60] 2015 Criminal Procedure Code, *supra* note 5, Art. 119, clause 4: "If suspects or defendants have clear information of residence and identity and are gestating, raising a child less than 36 months of age, suffering from senility or serious diseases, detention shall be replaced by other preventive measures, except that: [...] d) Suspects or defendants breach national security and detention evidently prevents them from transgressing national security." Both Doan Thi Hong and Huynh Thi To Nga are peaceful activists who simply voiced their political opinion and it is unclear how their political opinion transgresses national security. See also The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (The Bangkok Rules), available at [https://www.unodc.org/documents/justice-and-prison-reform/Bangkok\\_Rules\\_ENG\\_22032015.pdf](https://www.unodc.org/documents/justice-and-prison-reform/Bangkok_Rules_ENG_22032015.pdf), last accessed October 12, 2020, Rule 64 ("Non-custodial sentences for pregnant women and women with dependent children shall be preferred where possible and appropriate, with custodial sentences being considered when the offence is serious or violent or the woman represents a continuing danger, and after taking into account the best interests of the child or children, while ensuring that appropriate provision has been made for the care of such children").

[61] Doan Thi Hong profile, *supra* note 16

[62] Huynh Thi To Nga profile, *supra* note 20

[63] The 88 Project, Le Anh Hung profile, available at <https://the88project.org/profile/157/le-anh-hung/>, last accessed October 13, 2020

[64] Radio Free Asia, Vietnamese Blogger Awaiting Trial Moved from Prison to Mental Institution, April 4, 2019, available at <https://www.rfa.org/english/news/vietnam/le-mental-hospital-04042019145951.html>, last accessed October 13, 2020

[65] The 88 Project, Interview with Le Anh Hung's Mother, February 7, 2020, <https://the88project.org/interview-with-le-anh-hung-mother/>, last accessed October 13, 2020

## Solitary Confinement

Another harsh aspect of prison treatment amounting to torture and inhumane treatment is the use of solitary confinement. Vietnam continues to assert that “there is also no use of ‘solitary confinement’ and no such concepts as ‘solitary confinement’ or ‘security rooms’ in Viet Nam’s legal system,” and that only “disciplinary rooms” exist and are stipulated for in the law [66]. This difference in terminology, however, cannot conceal the existence of the inhumane practice of isolating political prisoners as a punishment for the prisoners’ assertion of their rights.

Article 38 of the Law on Execution of Judgments authorizes prison officials to discipline an inmate for “violating prison regulations or committing an illegal act” to “confinement to a disciplinary room for up to 10 days.” And “[w]hen confined to a disciplinary room, the inmate is not allowed to meet his/her relatives and may have his/her legs put in stocks,” although “[h]aving legs put in stocks is not applied to female, minor and old and weak inmates.” [67]

The Mandela Rules refer to solitary confinement as “confinement of prisoners for 22 hours or more a day without meaningful human contact,” and to “prolonged solitary confinement” as “solitary confinement for a time period in excess of 15 consecutive days” (Rule 44). Rule 45 specifies that “the imposition of solitary confinement should be prohibited in the case of prisoners with mental or physical disabilities when their conditions would be exacerbated by such measures.”

In practice, prison officials often violate their own domestic law and put political prisoners in prolonged solitary confinement with conditions that amount to inhumane treatment and even torture. At least five prisoners were forced into solitary confinement in 2019: Tran Huynh Duy Thuc [68], Nguyen Van Hoa [69], Nguyen Viet Dung [70], Nguyen Trung Ton [71], and Nguyen Ngoc Anh [72].

Political prisoners who speak out about prison abuses or refuse to sign admissions of guilt can be locked in solitary confinement for months. During the solitary confinement, the prisoners are not allowed to have visits from their families or receive supply packages sent by their families.

[66] Concluding Observations Follow-up, *supra* note 9, para. 145

[67] Socialist Republic of Vietnam, National Assembly, Law on Execution of Criminal Judgment, June 17, 2010, English translation available at <http://vbpl.vn/TW/Pages/vbpgen-toanvan.aspx?ItemID=10495>, last accessed October 12, 2020, Art. 38

[68] The 88 Project, Tran Huynh Duy Thuc profile, available at <https://the88project.org/profile/44/tran-huynh-duy-thuc/>, last accessed October 13, 2020

[69] Nguyen Van Hoa profile, *supra* note 29

[70] Nguyen Viet Dung profile, *supra* note 31

[71] Nguyen Trung Ton profile, *supra* note 39

[72] Nguyen Ngoc Anh profile, *supra* note 46



One of the most recent cases is Nguyen Ngoc Anh [73]. In September 2019, he was verbally abused and severely beaten by a cellmate. He sought treatment in prison but was refused. His wife reported that he was having trouble walking and using his hands during a recent visit with him. Instead of treating Anh after the attack, the authorities put him in solitary confinement when he complained about the cellmate's illegal actions.

Another case of solitary confinement is that of freelance blogger Nguyen Van Hoa [74], who was arrested in 2017 and who is currently serving a seven-year sentence. Hoa has been a determined advocate for his rights in prison and has met with reprisals for exercising these rights. Hoa has asked embassies and international organizations to visit political prisoners to understand more about their lives in prison.

Hoa was placed in solitary confinement in An Diem Prison as punishment for his refusal to cooperate with prison authorities. On May 13, 2019, political prisoner Hoang Duc Binh, held in An Diem Detention Center with Hoa, phoned his family and revealed that detention officers gripped Hoa's neck and beat him harshly. On May 14, Hoa's family went to visit him. However, the detention center staff only informed them that Hoa had been punished and was not allowed to meet with them. Hoa was reported to have been put into solitary confinement because he refused to sign a report with many blank spaces, despite a detention center officer's coercion. Hoa worried that the authorities could later fill those blank spaces with false information to punish him.

After Hoa refused to sign the document, public security officers and detention officers beat him harshly, causing bruises, and took him away without providing a legal basis for the punishment. In late May, he was released from formal solitary confinement but was still isolated in one room. He was not released from isolation until September 14, after over four months. On September 20, Nguyen Thi Hue, Hoa's sister, reported that prison authorities threatened Hoa in July 2019-- while he was still in solitary confinement-- that they would cut the tendons in his legs. Hue also reported that during his four months of confinement, he wasn't allowed to go outside and was also put under camera surveillance.

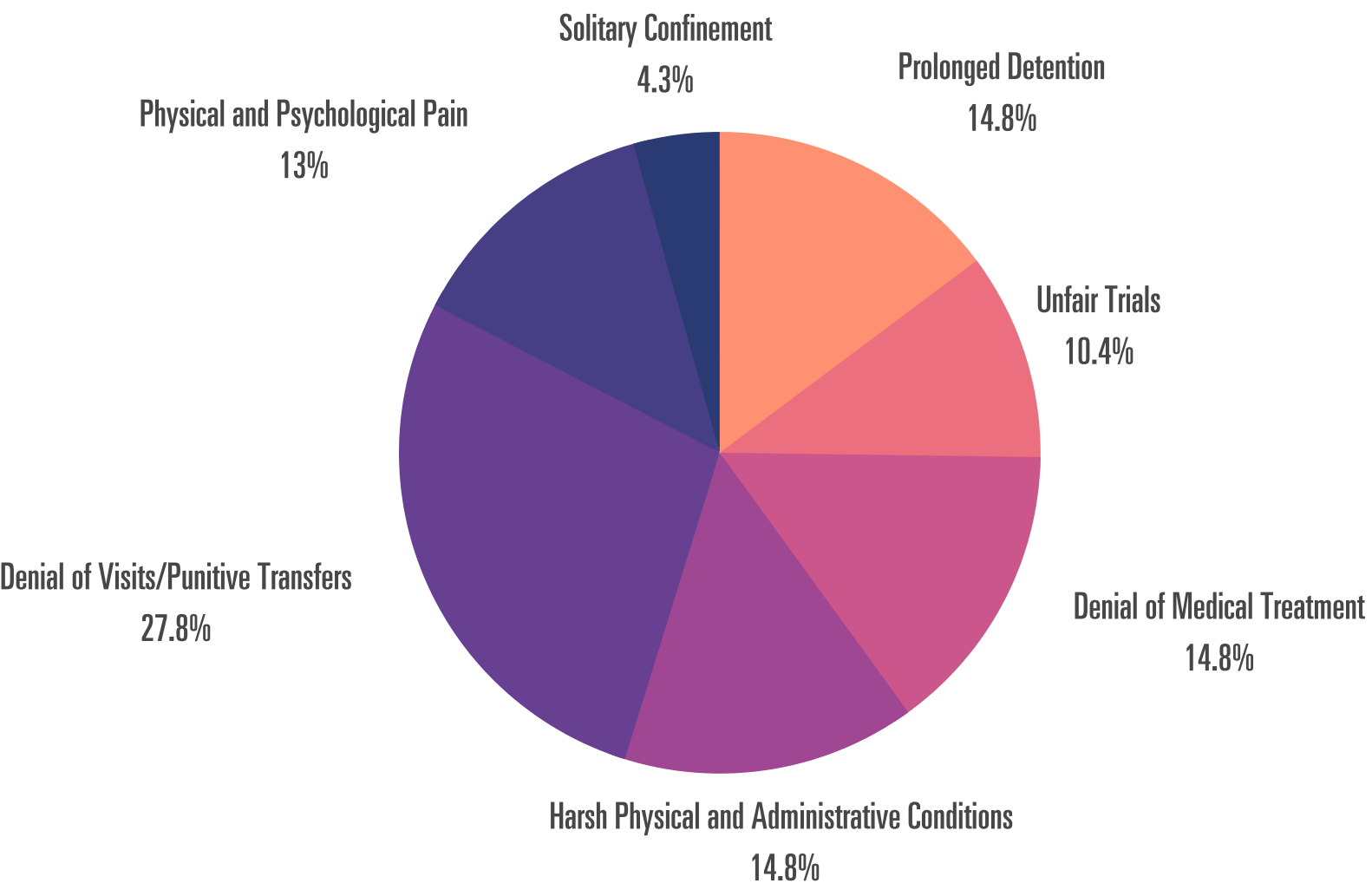
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[73] Nguyen Ngoc Anh profile, supra note 46

[74] Nguyen Van Hoa profile, supra note 29

A final example concerns political prisoner Nguyen Viet Dung [75], who was arrested in 2018 and is currently serving a six-year sentence. Dung's family reported that he was put in solitary confinement in May 2019 without any reason being given to the family. On June 28, 2019, Dung's family went to visit him at Nam Ha Prison, in Ha Nam Province, but most of them were not allowed to see Dung because he was still being disciplined at that time. However, due to the fact that the family had traveled far in hot temperatures, Dung's father was allowed to see him.

The prior month, Dung's family had not been allowed to see him when they went to the prison on May 28. Prison guards said he was being disciplined, had been transferred to another section of the prison and was not allowed to receive visitors. It is unclear why he was being disciplined. During the last phone call before Dung was put into solitary confinement, Dung told his father that he was sending a petition to the Vietnamese Parliament to plead for his release because he is innocent. Often, prisoners can be subjected to abnormally harsh treatment for appealing to the government or the international community in regards to their detention.

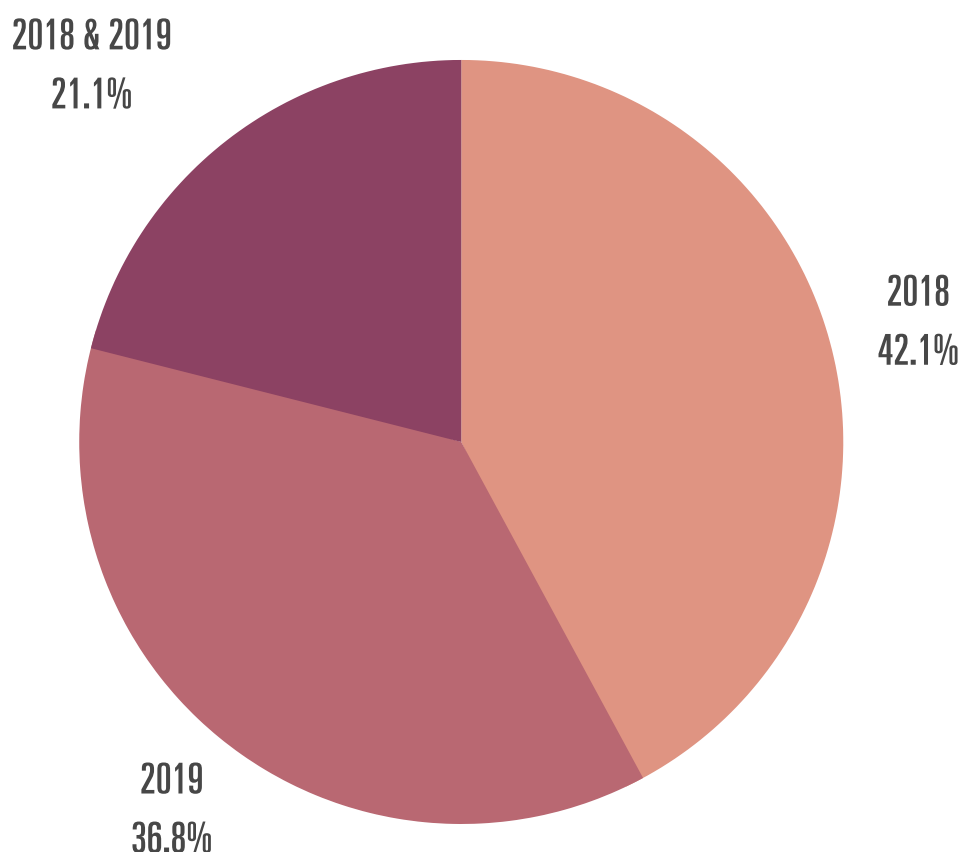


**Graphic 2: All instances of inhumane treatment by category**

[75] Nguyen Viet Dung profile, supra note 31

## DOCUMENTED CASES OF TORTURE AND INHUMANE TREATMENT

In total, we have recorded 19 cases of Vietnamese political prisoners in 2018 and 2019 that may amount to torture. Eight of these cases occurred in 2018, seven in 2019, and four in both years. Two women -- land and labor rights advocate Tran Thi Nga and blogger Nguyen Ngoc Nhu Quynh -- were affected. Many of those cases have been discussed above with specific reference to activities outlawed by the UNCAT. Below we summarize, with respect to each individual, treatment that may amount to torture and inhumane treatment. Detailed information on specific incidents can be found on each prisoner's profile in The 88 Project's online Database. The determination of whether those treatments actually constitute torture and inhumane treatment should be conducted by third parties who should have full access to the information on the conditions in prisons. The Vietnamese government can demonstrate that our assessment is unfounded or inaccurate by inviting the Special Rapporteur on Torture to conduct independent and unobstructed investigations into our claims, as well as by allowing foreign diplomats and human rights organizations to visit prisons to conduct fact-checking missions on a regular basis.



Graphic 3: Torture cases per year

## Documented Cases of Torture and Inhumane Treatment Against Political Prisoners 2018-2019



Tran Huynh Duy Thuc [76]

- Solitary confinement in extreme heat conditions (June-July 2019)
- Harsh prison conditions for which he went on hunger strikes (2018 and 2019)
- Administrative difficulties in appealing his sentence under new criminal code provisions (2018)
- Infliction of psychological pain in an alleged attempted poisoning and potential retaliation for his refusal to go into forced exile (2018)

[MORE](#)



- Solitary confinement (May-September 2019)
- Psychological and physical pain while in solitary confinement (2019)
- Punitive prison transfer (2018)
- Psychological and physical pain from authorities' attempts to coerce him to testify against a fellow political prisoner (2018)
- Harsh prison conditions due to the authorities' refusal to allow him to send a complaint letter, resulting in a hunger strike (2019)

[MORE](#)



Nguyen Van Hoa [77]



Nguyen Ngoc Anh [78]

- Solitary confinement after being the victim of a vicious attack (2019)
- Denied medical treatment (2019)
- Death threats and physical pain inflicted by a cellmate, as well as intimidation by prison officials (2019)
- Denied meetings with lawyer while trying to file an appeal (2019)

[MORE](#)



[76] Tran Huynh Duy Thuc profile, supra note 68

[77] Nguyen Van Hoa profile, supra note 29

[78] Nguyen Ngoc Anh profile, supra note 46



Ngo Hao [79]

- Medical treatment refused after having a stroke in prison (2019)
- Family not notified of his stroke (2019)

**MORE**



- Repeatedly denied medical treatment for severe leg injury and other ailments (2018 and 2019)
- Punitive prison transfer (2018)
- Isolated from other prisoners and forced to write letters admitting guilt (2018)

**MORE**



Nguyen Trung Ton [80]



Phan Van Thu [81]

- Petitions for adequate medical treatment denied (2019), despite having diabetes, hypertension, and arthritis, as well as suffering from heart failure

**MORE**



- Died in prison from kidney failure (2019)
- Petition to care for Nam at home was denied
- Request to send his body home for burial was denied (2019)
- Family threatened (2019)

**MORE**



Doan Dinh Nam [82]

[79] Ngo Hao profile, supra note 53

[80] Nguyen Trung Ton profile, supra note 39

[81] The 88 Project, Phan Van Thu profile, available at <https://the88project.org/profile/120/phan-van-thu/>, last accessed October 13, 2020

[82] Doan Dinh Nam profile, supra note 41



Huynh Truong Ca [83]

- Denial of adequate medical treatment (2019)
- Denial of supplies from family (2019)
- Harsh prison conditions resulting in hunger strike (2019)
- Psychological and physical pain inflicted to get him to incriminate other activists
- Housed with an aggressive cellmate (2019)

**MORE**



- Continued denial of adequate medical care for several conditions (2019)
- Harsh prison conditions including denial of family supplies
- Potentially unsafe food in prison (2019)

**MORE**



Ho Duc Hoa [84]



Nguyen Nam Phong [85]

- Psychological and physical pain inflicted against him for being a political dissident (2018)

**MORE**



- Psychological and physical pain as a result of forced mental health treatment (2019)
- Repeated denial of family visits (2018/2019)
- Prolonged incommunicado detention (2018)

**MORE**



Le Anh Hung [86]

[83] Huynh Truong Ca profile, supra note 59

[84] The 88 Project, Ho Duc Hoa profile, available at <https://the88project.org/profile/85/ho-duc-hoa/>, last accessed October 13, 2020

[85] The 88 Project, Nguyen Nam Phong profile, available at <https://the88project.org/profile/55/nguyen-nam-phong/>, last accessed October 13, 2020

[86] Le Anh Hung profile, supra note 63





Nguyen Viet Dung [87]

- Psychological and physical pain
- Forced to give testimony against another political prisoner (2018)
- Solitary confinement/isolation (2019)
- Punitive prison transfer (2018)

**MORE**



- Severely beaten by cellmates with prison officials declining to intervene (2018)
- Harsh prison conditions leading to hunger strike (2019)

**MORE**



Nguyen Van Duc Do [88]



Tran Thi Nga [89]

- Denied family communications and visits
- Punitive transfers (2018)
- Death threats from a cellmate (2018)

**MORE**



- Physical pain inflicted at Bang Lang Detention Center, Kien Giang Province, when Nam protested a fellow prisoner's transfer. Two officers shot at his eyes with electric rods, causing prolonged pain in his eyes and head (2018)
- Punitive prison transfer (2018)
- Hunger strike to protest harsh prison conditions (2019)

**MORE**



Nguyen Hoang Nam [90]

[87] Nguyen Viet Dung profile, supra note 31

[88] The 88 Project, Nguyen Van Duc Do profile, available at <https://the88project.org/profile/6/nguyen-van-duc-do/>, last accessed October 13, 2020

[89] Tran Thi Nga profile, supra note 55

[90] The 88 Project, Nguyen Hoang Nam profile, available at <https://the88project.org/profile/25/nguyen-hoang-nam/>, last accessed October 13, 2020



Nguyen Ngoc Nhu Quynh [91]

- Detained with extremely abusive cellmate
- Two hunger strikes to protest harsh prison conditions
- Denied medication, letters, and other supplies
- Punitive prison transfer (2018)

**MORE**



- Denial of family visits, medical treatment, and adequate nutrition (2018)
- Singled out for harsh prison conditions
- Conducted hunger strikes (2018 and 2019)
- Beaten in prison (2018)
- Detained with abusive cellmates (2018)
- Punitive prison transfer (2018)

**MORE**



Hoang Duc Binh [92]



Nguyen Van Tuc [93]

- Harassed by cellmates, allegedly in exchange for cellmates receiving leniency (2019)
- Continued inadequate treatment for severe medical issues (2018 and 2019)
- Hunger strike to protest harsh prison conditions (2019)
- Punitive prison transfer (2018)

**MORE**



- Tortured in pre-trial detention, leading to health issues (2018)
- Denied adequate food and supplies (2018)
- Went on hunger strike over an extreme heat wave (2019)
- Died in prison despite no prior health issues before imprisonment (2019)

**MORE**



Dao Quang Thuc [94]

[91] Nguyen Ngoc Nhu Quynh profile, supra note 37

[92] Hoang Duc Binh profile, supra note 57

[93] Nguyen Van Tuc profile, supra note 58

[94] Dao Quang Thuc profile, supra note 38

## Potential torture cases of former political prisoners

In addition to those 19 political prisoners listed above who were incarcerated in 2018 and 2019, several former political prisoners after their release reported conditions amounting to torture while imprisoned. These people include Tran Thi Thuy [95], who was denied adequate medical treatment for severe tumors. Authorities demanded a confession in exchange for treatment. By the end of her sentence, she could barely walk. The prison authorities also refused to talk to her family about her medical needs and denied Thuy phone calls with them. Thuy was also forced to work under extreme labor conditions while behind bars, despite her precarious health situation.

Former political prisoner Nguyen Huu Quoc Duy [96] also revealed that he was frequently tortured by detention officials, causing prolonged anemia. In his first instance trial, he was not allowed to meet with his defense counsel.

Former prisoners often report mistreatment in more detail after their release, most likely due to prison restrictions on communications with the outside world, and possibly out of fear of retaliation for reporting on their situations while still imprisoned. These cases should make the international community question the treatment that current prisoners are facing and whether it may be even worse than what is reported in the news that reaches international outlets. For this reason, visiting the prisoners and speaking with their families are invaluable tools in promoting improved prison conditions for Vietnamese political prisoners.

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[95] The 88 Project, Tran Thi Thuy profile, available at <https://the88project.org/profile/52/tran-thi-thuy/>, last accessed on October 13, 2020

[96] The 88 Project, Nguyen Huu Quoc Duy profile, available at <https://the88project.org/profile/49/nguyen-huu-quoc-duy/>, last accessed October 13, 2020

## CONCLUSIONS AND RECOMMENDATIONS

The recent cases of torture and inhumane treatment documented above indicate that Vietnam still has a long way to go towards full compliance with its UNCAT obligations and 2019 UPR commitments against torture. While Vietnam continues to deny the existence of “prisoners of conscience,” “political prisoners,” and “human rights defenders,” the truth is that there is a different class of citizens/prisoners detained under national security provisions, who routinely face state-sponsored discrimination, torture, and other inhumane treatment while in detention. The Vietnamese government can argue about terminology, but it is apparent that the government is engaging in a systemic practice of discrimination based on political opinion -- a discrimination that is used to justify official use of torture and inhumane treatment. This is a worrisome practice for a State that is a signatory to major international human rights instruments and that is seeking further integration into the international community.

The 88 Project urges the international community, and especially all countries who are or may become major political or trade allies with Vietnam, to hold the Vietnamese government accountable for performance of the international obligations. The European Union should heed the recent appeal of its own MEPs that “all available tools should be used to trigger meaningful and positive human rights changes in Vietnam,” in light of the human rights violations that occurred after the ratification of the EVFTA. Given the absolute nature of the right to freedom from torture, the failure on the part of the Vietnamese government to address issues of torture and inhumane treatment of political prisoners should constitute a serious human rights breach that could trigger the Partnership and Cooperation Agreement’s human rights clause to suspend the deals. The United States, which is increasingly looking to ally with Vietnam in terms of both defense and trade, ought to consider the ramifications of strengthening a partnership with a country that flagrantly tortures its prisoners and silences dissenting viewpoints.

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[97] Defend the Defenders, Joint Letter of European Parliament’s Members on Vietnam, September 25, 2020, available at <https://www.vietnamhumanrightsdefenders.net/2020/09/26/joint-letter-of-european-parliaments-members-on-vietnam/>, last accessed October 13, 2020

[98] “In 2012, Vietnam also signed a Partnership and Cooperation Agreement(PCA) with the EU, which came into force in October 2016. It envisages closer cooperation on a wide range of areas including energy, migration and human rights. There is a link between the PCA and FTA: if Vietnam fails to meet its obligations under the PCA (for example, respecting human rights and democracy, Article1 PCA), the FTA can be suspended (Articles X.17(2) FTA, 57 PCA).” European Parliament, Briefing, EU-Vietnam Free Trade Agreement, available at [https://www.europarl.europa.eu/RegData/etudes/BRIE/2018/628248/EPRS\\_BRI\(2018\)628248\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2018/628248/EPRS_BRI(2018)628248_EN.pdf) , last accessed October 12, 2020

We urge the international community to hold Vietnam accountable for the continued practice of torture against political prisoners, those people arbitrarily deprived of liberty for peaceful exercise of political and civil rights, by insisting that the government of Vietnam:

**1. Implement concrete actions that have clearly been stated in the Committee Against Torture’s Concluding Observations on the Initial Report of Viet Nam (December 2018), particularly:**

- a. abolish legal provisions that prevent defense counsels to represent national security defendants during the investigation period, and allow for the presence of defense counsels immediately, without any exception, after a person’s arrest in national security cases
- b. investigate cases of obtainment of testimony under duress and prosecute and punish officials involved in such practices, accordingly
- c. abolish the practice of confining prisoners in “disciplinary rooms,” as it is the equivalent of solitary confinement outlawed by the UNCAT

**2. Implement relevant UPR recommendations Vietnam accepted in 2019**

**3. Observe the CCPR General Comments No. 20 which lays out specific recommendations for State members to implement the International Covenant on Civil and Political Rights’ (ICCPR) Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment)**

**4. Accept visits by the Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment, as well as visits by State members’ consular representatives to conduct investigation of prison conditions in multiple localities. If Vietnam is confident about its improved prison conditions, such visits and independent investigations will only strengthen the government’s credibility.**



## APPENDIX: UPR 2019 Recommendations Concerning Torture and UNCAT

UPR 2019 Recommendations Concerning Torture and UNCAT		
State(s) Recommending	Recommendation No. and Content	Acceptance Status by Vietnam <sup>99</sup>
Denmark Hungary Ukraine Czechia	No. 2: Ratify the Optional Protocol to the Convention against Torture (Denmark); Ratify and implement the Optional Protocol to the Convention against Torture, including by establishing a national preventive mechanism in accordance with the Protocol (Hungary); Ratify the Optional Protocol to the Convention against Torture (Ukraine); Strengthen protection against torture by, inter alia, ratifying the Optional Protocol to the Convention against Torture and stepping up efforts to end impunity for all perpetrators of torture (Czechia)	Not accepted
France	No. 6: Implement the recommendations contained in the concluding observations of the Committee against Torture of December 2018 (France)	Accepted in part: "Viet Nam will implement CAT's recommendations that suit the country's circumstances."
Mongolia	No. 18: Strengthen dissemination of fundamental provisions of the Convention against Torture and of Vietnam's regulations for preventing torture (Mongolia)	Accepted
Switzerland	No. 27: Strengthen its cooperation with the bodies of the Council and the various international instruments, including the special procedures, notably by accepting the visit of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (Switzerland)	Accepted in part: the accepted element of the recommendation is "Strengthen its cooperation with the bodies of the Council and the various international instruments, including the special procedures".
United Kingdom	No. 32: Draw up and publish a national plan of action, implementing recommendations from the Committee against Torture in 2018 (United Kingdom of Great Britain and Northern Ireland)	Accepted in part: Vietnam is reviewing all CAT recommendations; an action plan will be developed to implement accepted recommendations
New Zealand	No. 147: Ensure that evidence obtained through torture is inadmissible in trial in keeping with Vietnam's obligations under the Convention against Torture (New Zealand)	Accepted
Togo	No. 148: Take steps to prohibit harassment and torture during the investigation process and detention, and punish perpetrators (Togo)	Accepted

[99] Vietnam UPR Replies, supra note 2





# THE 88 PROJECT

FOR FREE SPEECH IN VIETNAM



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