

2019 Report on Political Prisoners and Activists at Risk in Vietnam



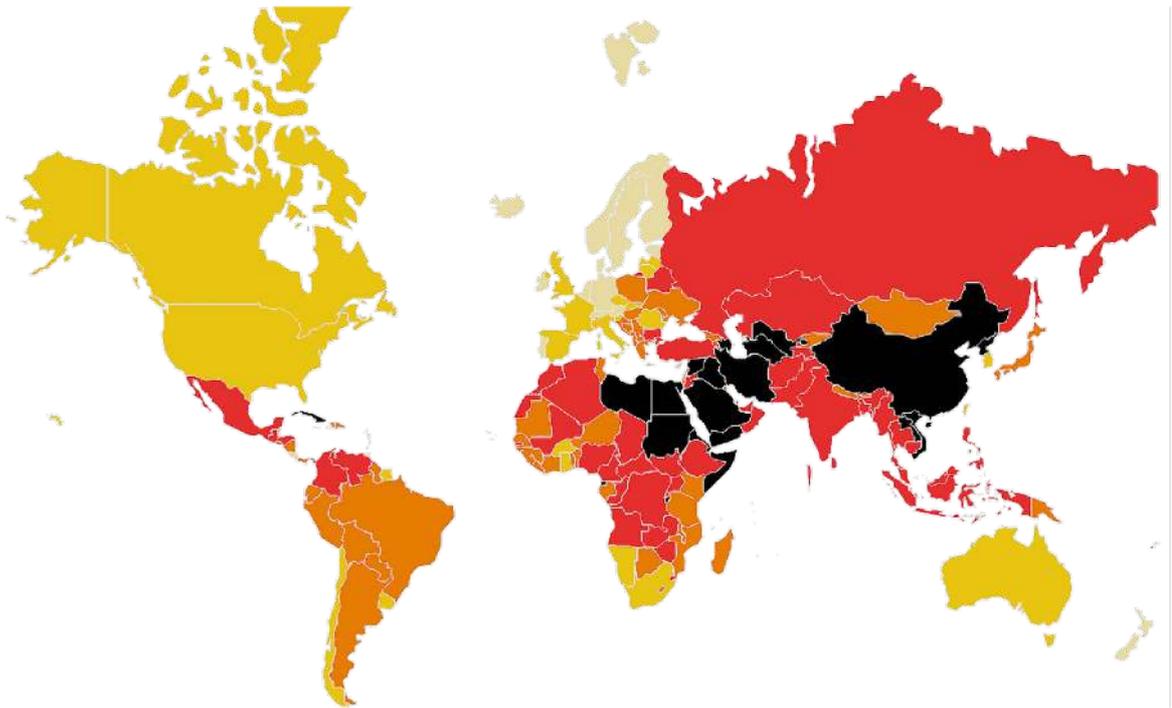
2019 Report on Political Prisoners and Activists at Risk in Vietnam

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About Us

The 88 Project ("the Project") is a 501(c)(3) nonprofit organization that supports and encourages freedom of expression in Vietnam by advocating for and sharing the stories of Vietnamese activists who are persecuted because of their peaceful dissent. Our vision is that one day the Vietnamese people will be able to freely express themselves and actively take part in sociopolitical processes to bring about the changes they desire without fear of discrimination or persecution. More at <http://the88project.org/>



*2020 World Press Freedom Index. Picture: RSF**

**Vietnam is number 175 out of 180 countries in the world rankings in 2020. The color categories are assigned as follows: good (white), fairly good (yellow), problematic (orange), bad (red) and very bad (black)."*

Executive Summary

In recent years, the Vietnamese government launched a concerted crackdown on dissent inside the country. It has done this with the assistance of surveillance monitoring and special relationships with technology companies. Regardless of background, location, or type of activism, people from all communities were subjected to both physical and psychological harassment, arrests, and prosecution in 2019. The crackdown worsened during the year in several notable areas.

Last year saw an increasing number of arrests of people under Article 117 of the 2015 Criminal Code for “conducting propaganda against the state.” Many of those charged with this crime had no history of activism and were solely targeted for their peaceful expression online. Forty percent of the people arrested in 2019 were online commentators. This is a sharp departure from recent years in which the majority of people targeted were public protesters or people who were accused of affiliating with banned civil society groups.

The 41 people arrested in 2019 came from a wide variety of backgrounds, both well known and some not so well known. Several activists were kidnapped and subjected to excessive force during their arrests and initial detentions. Others were held under unproven allegations of violence or fake non-political charges meant to silence political activities. There was also a continued lack of legal representation and other illegal trial procedures in the cases of the 61 people tried last year.

Dozens of political prisoners are languishing behind bars under drastic physical conditions and psychological mistreatment. Furthermore, there are 16 documented cases of torture. The intersection of these factors led to severe health issues and even death in two cases. Solitary confinement and threats from cellmates and prison administration were common in 2019. In addition, several political prisoners went on hunger strikes during the year.

Communities and activists at risk were also subjected to both physical and psychological abuse. Such abuses increased substantially from 64 incidents in 2018 to 95 in 2019. The government also has turned its attention to targeting environmental and anti-corruption activists in a more coordinated effort than in previous years as those types of activism continue to gain media coverage and popularity in the country.

Vietnam has failed to uphold its international commitments made during its 2019 Universal Periodic Review. The crackdown on dissent shows no signs of slowing down in 2020, and it is highly unlikely that Vietnam will fulfill its human rights obligations moving forward.

Methodology

The data for this report was compiled from our [Database of Persecuted Activists in Vietnam](#) (“Database”) and [Map of Human Rights Violations](#) (“Map”). These tools track information about activists at risk and political prisoners.

The data includes a variety of topics, such as background information on each person (occupation, religion, etc.) and information about their specific arrest or incident of harassment against them (such as perpetrators of the incident, the authorities making the arrest, court of first instance, and rights that were violated in an incident/arrest).

We define a political prisoner as any person who has been jailed or had their freedom restricted because of their political or religious beliefs or activities. In Vietnam, this includes people who have expressed disapproval towards the government or Communist Party, engaged in peaceful protest or other non-violent forms of social or political activism, or belong to an organization, race, religion or other group not approved by or in conflict with the government.

Our Database, Map, [Timeline of Freedom of Expression in Vietnam](#), and other tools also closely monitor the situation of activists at risk. Activists at risk are those who are not currently in prison, but who are otherwise harassed. They have suffered from different types of harassment by the authorities, such as physical attacks, interrogation, administrative fines, forced eviction, and passport denial. Activists at risk in our database also include those who have been sentenced to probation and who have been released from a prison sentence but remain under surveillance inside the country (deemed to be “Released-- at risk”).

We determine who is an activist at risk not by the way they identify themselves, but by the nature of their actions. They might not identify themselves as an activist, but they are engaging in activism that has put them at risk of state persecution.

The actual number of political prisoners and activists at risk is likely much higher than what we report in the Database, as we only include information that is independently verifiable. Further, some activists’ stories may not reach social media or external media sources due to fears of retribution or an inability to connect with those resources.

While we stress the importance of non-violent methods of activism, our team also acknowledges the need to include activists whom the state intentionally accuses of using violence in order to exclude them from international attention or legal protection. In an authoritarian country like Vietnam, where independent media does not exist, it is far too easy for the state to produce false information against the activists; we have seen that happen often. Thus, such accusations cannot be taken for granted, and we urge the international community to look beyond the official narrative and ask for an independent investigation whenever possible.

In our tools, we include people who are accused of violence by state media when there is a reasonable basis to believe that the accusation of violence by the state is not well-founded, such as when allegations of violence exist without evidence and can be aimed at discrediting activists. In such cases, we make notes of such concern in corresponding profiles and explain why we don't exclude the person from the database only based on the official narrative. There is also a section in our Database search fields that allows users to filter out profiles concerned with allegations of violence (Highlighted Human Rights Concerns search field under "Prosecution Characteristics").

The information in both the Database and Map is vetted through our rigorous research process. We rely on firsthand accounts from those affected and their families, news reports from foreign and state media, information from international organizations, and social media to track the latest news on political prisoners and activists at risk. We only include information that comes from reputable sources. Having multiple people on our research team also allows us to cross-check information before making it public.

Our Database and Map are both searchable and easy to use. We created them with the goal in mind that any person reading this report will be able to replicate the numbers presented in this report.

International and Domestic Context

In 2019, there was a step up in the crackdown against activists, human rights defenders, and free thinkers in Vietnam. We believe this is explained by several reasons and that this situation will continue into the foreseeable future.

International Level

At the international level, Vietnam has successfully secured one temporary seat within the United Nations Security Council (UNSC). Many believed that the new role would result in greater pressure on the Vietnamese government to improve human rights protection. This optimism, however, is unfounded. Vietnam held a seat in the UNSC in 2008 - 2009, and their human rights record did not improve then¹. A vote in the most powerful chamber of the United Nations actually gives the regime certain political leverage in responding to other countries and international entities that might voice their concerns about the human rights situation in Vietnam.

The success of the EU-Vietnam Free Trade Agreement (EVFTA), even though it is still early to judge, does not seem to have brought about positive changes to the human rights situation in Vietnam. The possibility of establishing free unions and increasing worker rights were the cause of some optimism. However, there are also concerns that Vietnam has entered into hundreds of free trade agreements, yet little relief has resulted for human rights defenders. Some observers also point out that with no effective mechanism to monitor Vietnam's track record, and the fact that no such remedy is provided by EVFTA, this agreement might just become another document that strengthens the rule of the Vietnamese Communist Party.

Domestic Level

At the national level, the Vietnamese Ministry of Public Security has been equipped with even more powers to control freedom of thought and expression, especially with the implementation of the controversial Law on Cybersecurity, which came into effect in January 2019. The legislation provides the legal framework for harassment and privacy intrusion against many activists, social media users, and ordinary commentators. The authorities have not explicitly cited the law as a reason for the arrest of online commentators this year, overall, yet the law threatens the safety and privacy of many human rights defenders in Vietnam and delivers more tools and tactics for use by the surveillance state.

The Communist Party's National Congress and the general election of the National Assembly and the local People's Committees will be held in 2021. Traditionally, times of political transition have led to harassment and imprisonment in the name of "national security," used by politicians to score political points before important changes in power. In 2016 - 2017, during the power struggle between former Prime Minister Nguyen Tan Dung and then ruling Secretary General Nguyen Phu Trong, high profile activists --including labor rights activist Tran Thi Nga, blogger Nguyen Ngoc Nhu Quynh (aka Mother Mushroom), and Catholic activist Nguyen Van Oai-- were targeted. Public officials often use the crackdown on dissent to boost their profiles specifically in time of an election. The names of dissidents appear on almost every Party report to show how "hostile forces" try to destabilize the Party's rule, or to justify the budget for several meaningless functions of the security agency. The security forces and the Party cadres have also used those cases to strengthen their role in every National Congress.

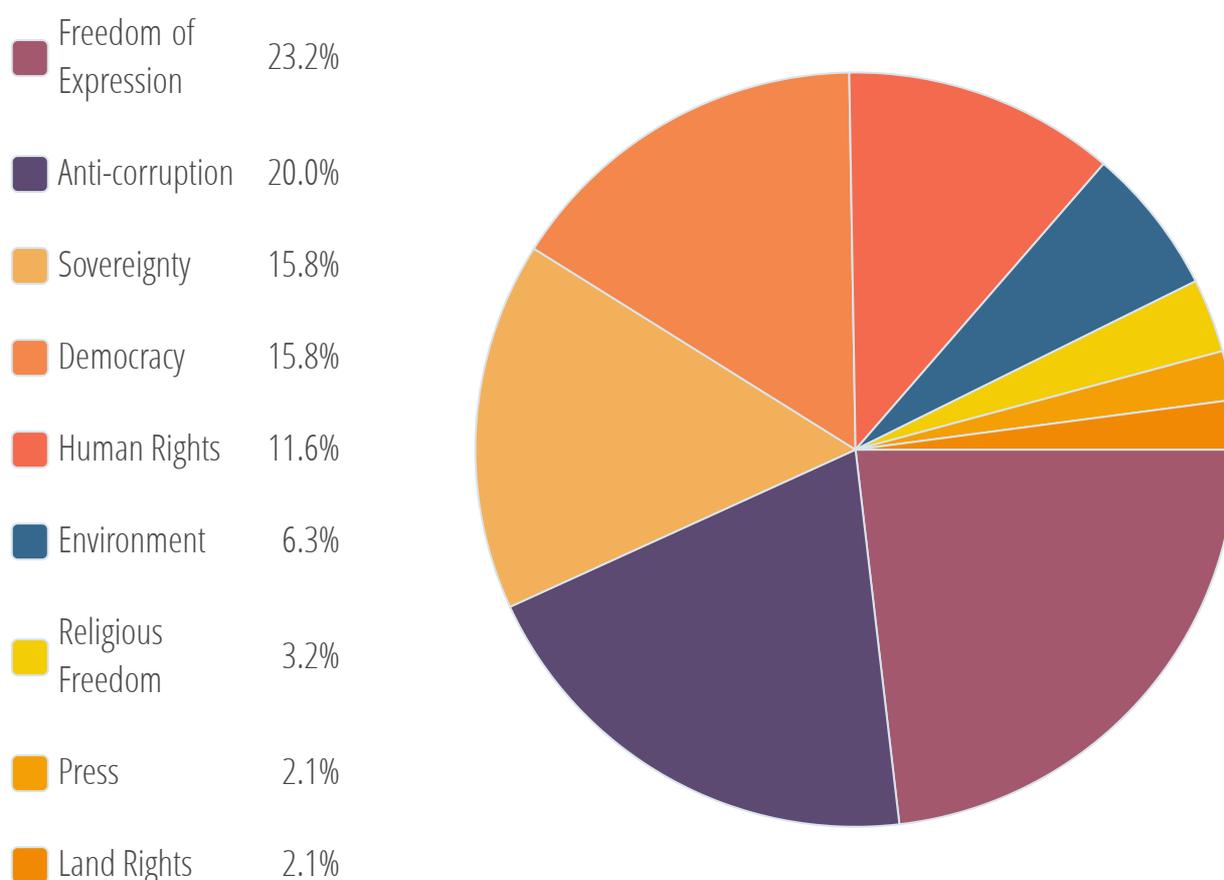
In 2019, the Vietnamese government faced several legal challenges to its human rights violations from the international community, especially in the Universal Periodic Review (UPR) and the hearing before the Human Rights Committee authorized by the International Covenant on Civil and Political Rights (ICCPR). However, this did not result in any sustainable improvement in the human rights legal framework and protections in the country. At the same time, public security forces continued to enjoy more and more codified powers. This laid the groundwork for the crackdown against activists and online commentators, as elaborated in this report.

¹ High-profile activists of the first wave of the democratization movement in Vietnam, such as attorneys Le Quoc Quan, Le Thi Cong Nhan, Le Cong Dinh, and the well-known businessman Tran Huynh Duy Thuc, faced harassment, arrest, and prosecution within the course of 2008 - 2009, when Vietnam was one of the members of the UNSC.

Arrests and Charges

In 2019, the Vietnamese authorities arrested 41 activists from all types of backgrounds for their peaceful activism. While the authorities did continue to arrest public protesters and those who called for protests-- reminiscent of the crackdown on protesters in June 2018-- as well as people affiliated with civil society groups, there was also a surge in the arrest of people with no extensive history of activism other than posting their opinions online. Those people, as well as many others arrested in 2019, were detained under the charge of “conducting propaganda against the state,” under Article 117 of the 2015 Criminal Code. This charge was used more in 2019 than in previous years for which data is available.

Figure 1: Arrests by Type of Activism in percentage



Note on Figure 1: Persons arrested can be affiliated with more than one type of activism.

Arrests by Type of Activism

The authorities pursued democracy, human rights, and freedom of expression activists -- some well-known and others virtually unknown-- but also increasingly targeted anti-corruption advocates, such as those involved in the Build-Operate-Transfer protest movement³ and those openly critical of high-ranking state officials. Thirty-seven of those arrested in 2019 are men and four are women; six have known religious affiliations, and two are ethnic minorities. The most common areas of activism for those arrested in 2019 were freedom of expression (22 people), anti-corruption (19), democracy (15), sovereignty (15), and human rights (11). See Figure 1 for a full breakdown of arrests by type of activism. And see Appendix 1 for a complete list of people arrested in 2019.

Of the 41 people arrested in 2019, three are teaching professionals, nine are drivers, and four are business professionals; two are journalists and one is a blogger. Those who were arrested in 2019 faced difficult conditions in pre-trial detention, including four people being denied legal representation and six being subjected to prolonged incommunicado detention⁴. Twenty-eight of the 41 arrested in 2019 have already been tried and sentenced, six remain in pre-trial detention at the time of this writing, and one person is believed to have been released but is still at risk⁵. By comparison, 148 people were arrested in 2018, but most of those arrests (127) were linked to large-scale public protests in June 2018 over the draft laws on Special Economic Zones and Cybersecurity.

³ Protests against the improper location of and overcharging at BOT (Build-Operate-Transfer) toll stations have taken place in many sections of highways and bridges nationwide. BOTs are owned/partially owned by private companies, which will recover their capital and earn profits by charging fees to drivers during certain hours of the day, according to the contract with the government. However, many of these are referred to as being corrupt because of their being improperly located, i.e. collecting fees on roads that should be free, and because they collect fees outside of the designated hours. The fight against “dirty BOTs” has resulted in anti-BOT protests by many drivers.

⁴ We define “prolonged incommunicado detention” as pre-trial detention of eight months or longer. We based this on the fact that pre-trial detention is measured in four-month increments.

⁵ Quach Nguyen Anh Khoa, is believed to have already been released, as he was arrested in June and sentenced to six months in prison.

Arrests of Online Commentators



The 14 online commentators arrested in 2019

In 2019, we saw many arrests of people who had no extensive history of activism and who were not affiliated with any organized activist movement. Thirty-four percent of those arrested in 2019 (14 of 41 people) were arrested solely for their peaceful expressions of their opinions on online platforms. We added a new designation in our database (under “Highlighted Human Rights Concerns”) to reflect this type of person persecuted, denoting them as “online commentators.” See Appendix 2 for a complete list of online commentators arrested in 2019. In 2019, 14 people-- 34 percent of those charged-- were accused of “conducting propaganda against the state,” under Article 117 of the 2015 Criminal Code. The authorities applied the charge of “conducting propaganda against the state” to 11 of the 14 online commentators arrested in 2019, demonstrating that the intention behind their arrest was to discredit their commentaries and deter others from expressing their opinions online in a similar fashion.

Arrests by Charge and Level of Authority

The most-used charges were “conducting propaganda against the state” (Art. 117, 2015 Code), which was applied to 14 people, and “causing public disorder” (Art. 318, 2015 Code), which was applied to nine people. These were followed by charges of “abusing democratic freedoms” (Art. 331, 2015 Code; applied to six people) and “disrupting security” (Art. 118, 2015 Code; applied to four people). In 2018, however, the most frequently used charge was by far “causing public disorder” (113 people), followed by “abusing democratic freedoms” (nine), “conducting propaganda against the state” (eight), and “disrupting security” (eight). This again reflects the fact that the majority of people arrested in 2018 were arrested in conjunction with national protests versus those in 2019 who were targeted primarily for their online activism and affiliations.

Of those arrested in 2019, 14 people were arrested by provincial authorities, which was the most common level of authority of arrest. All of those people charged under Article 117 for “conducting propaganda against the state” were charged at the provincial level -- the same as in 2018 -- showing that the provincial authorities are the ones leading the drive to stamp out dissent.

Enforced Disappearances

Another disturbing trend in 2019 was the use of kidnapping to detain and extradite activists. On at least two occasions during the year, the Vietnamese authorities employed this tactic. Security agents kidnapped online commentator and single mother Huynh Thi To Nga in January 2019 from the hospital where she works, and she was not discovered to be in prison until weeks later. Truong Duy Nhat was kidnapped from Thailand in January 2019 as well while he was attempting to apply for asylum. His location was also unknown for several weeks until he was discovered to be in a prison in Hanoi. It is especially troubling to note that Thai officials supposedly facilitated Truong Duy Nhat’s kidnapping and that little information was available to the activists’ families after they were arrested. All of these factors make it difficult to know the location of activists, whether they have been tortured while being detained, and whether their confessions or other information extracted through force can thus be considered valid.

Politically-Motivated Charges

Ha Van Thanh, an activist who was deported to Vietnam after a failed asylum case in the United States, was arrested upon re-entry to the country in October 2019. He allegedly confessed to human trafficking in a video taken during a police interrogation. However, Thanh is a known environmental activist who fled the country after the arrest of activists in the aftermath of the Formosa Plastics environmental disaster⁷, and his family reports he may have been beaten in prison after being arrested. Forced, filmed confessions are not uncommon in the one-party state, raising questions about the credibility of the alleged taped confession and the charges against Thanh. Moreover, Defend the Defenders has noted that the Vietnamese government is actually changing charges against political activists to crimes like “procuring prostitutes” in order to make them easier to extradite and prosecute, as well as to shame and disgrace them. The tactic is apparently being used to make it more difficult for activists to apply for asylum or to garner local and international support for their cases. This is especially relevant in the cases of activists who have fled abroad fearing arrest who may now be more easily deported back to the country under the new charges, such as in the case of Nguyen Van Trang, who is wanted by the authorities and is a known member of the Brotherhood for Democracy. Nguyen was “formerly charged with ‘activities aimed at overthrowing the people’s administration’ but now [is] accused of procuring prostitutes.”

In another example, authorities also prosecuted Truong Duy Nhat, a well-known dissident journalist, on politically-motivated charges. Activists are targeted with politically-motivated extraneous charges as a way to silence their activism. Nhat allegedly left Vietnam for Thailand after he found out that he faced risk of re-arrest; some say that Nhat may have had information that could be damaging to the Vietnamese prime minister. Despite this, Nhat was not arrested on any political charges. He was alleged to have abused his position at Dai Doan Ket newspaper to help with a fraudulent purchase of land. Earlier in the year, he was charged with “abusing position, authority to obtain public property,” but authorities changed the charge to “abusing position, authority while in office,” due to their inability to prove the charge of property embezzlement. He maintained his innocence throughout the investigation period and trial but was sentenced to ten years in prison on March 9, 2020.

⁷ *The Formosa Plastics environmental disaster refers to a toxic waste spill that began in April 2016 and affected many communities in coastal Vietnam. This incident propelled many communities into environmental activism, as they began to advocate for fair compensation to those whose livelihoods were affected by the spill and the clean-up of the polluted areas.*

Arrests of Public Protesters and Anti-Corruption Activists



Rah Lan Hip at trial on August 9, 2019. Source: Electronic Website of The People's Court of Gia Lai Province

Le Cao Dong and Le Van Tuan were arrested because of their speech at a local cell meeting of the Communist Party on April 2, 2019, when they voiced their concerns about a development project. Montagnard Christian activist Rah Lan Hip was arrested in part for organizing public meetings for a group he supported. Several others arrested in 2019 also had histories of participating in public protests over issues such as the environment and territorial disputes with China or were arrested in part for calling for such types of protests.



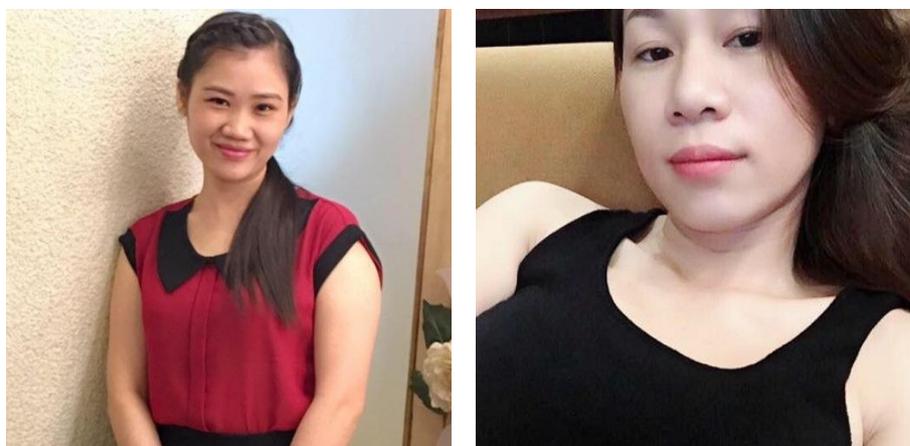
Dang Thi Hue (left), Source: Dang Thi Hue Facebook, and Nguyen Quang Tuy (right) at the Public Security Office of Hung Nguyen District, Source Zing News

In addition, 10 of those arrested in 2019 are affiliated with Build-Operate-Transfer (BOT) protests: Dang Thi Hue, Ha Van Nam, Tran Dinh Sang, and Nguyen Quang Tuy. These activists are part of a movement that alleges that certain toll stations benefiting private-public partnerships have been placed in the wrong areas and have earned money unreasonably or for a prolonged period of time. The government went to extreme lengths to silence these anti-corruption activists in 2019. On October 16, 2019, police arrested BOT protester Dang Thi Hue. Hue is a vocal supporter of Ha Van Nam, who is a driver and leader of the BOT protest movement who was arrested and sentenced to prison in 2019. Hue, a single mother of two, was charged with “disturbing public order”. In May, prior to her arrest, she was beaten and violently dragged away from a protest at the Bac Thang Long-Noi Bai toll booth; she later confirmed that she suffered a miscarriage as a result of the incident.

On May 13, 2019, the Public Security Bureau of Bac Ninh Province issued an arrest warrant and search order against Trinh Viet Bang, a long-time anti-corruption activist. Since 2006, Bang has sent many letters to high level government offices denouncing corruption at a branch of the Vietnam Bank for Social Policies, where he works. He was demoted and eventually arrested as a result of his activities. Bang was most likely charged under Article 331 of the 2015 Criminal Code for “abusing democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens” and faces up to seven years in prison if convicted. Although the Communist Party of Vietnam formally encourages people to denounce corruption and wrongdoings, it appears that anti-corruption activists have become the target of suppression, rather than corrupt individuals.

Arrests of Women with Dependent Children

In 2019, at least two women with children under three years old were held in detention and separated from their children. This is illegal under Vietnamese law. If a woman has a child under three years old at the time of sentencing, then her sentence should be suspended until the child turns three.



Huynh Thi To Nga and Doan Thi Hong

Despite this, both Huynh Thi To Nga and Doan Thi Hong, who had children under three years-old at the time of their arrests, were detained. Huynh Thi To Nga is a single mother of two children. She was sentenced to five years in prison in November. Meanwhile, activist Doan Thi Hong still awaits trial. She was arrested in September 2018 ahead of planned protests. She was only able to see her toddler daughter one year later, in September 2019.

Arrests of Pro-Democracy Activists and High-Profile Dissidents



Chau Van Kham (left) and Tran Van Quyen (background) at trial in November 2019, Source: [Vietnam News Agency/AFP](#)

Authorities also continued to use connections to overseas democracy groups as an excuse to arrest peaceful activists. The case of Australian retiree [Chau Van Kham](#) is notable. Kham is a member of pro-democracy group Viet Tan and was allegedly arrested at least in part due to his ties to the group. His co-defendants, [Nguyen Van Vien](#) and [Tran Van Quyen](#), were also tied to the group; Vien is also a member of the Brotherhood for Democracy. Despite international pressure to release Kham, who is 70 years-old, he was sentenced to 12 years in prison in November. Vien received 11 years, and Quyen 10. Kham's appeal was [denied in early 2020](#).

While the government may be focusing resources on arresting online commentators, they are not shying away from pursuing more high-profile activists. This is evident in the arrest of [Pham Chi Dung](#), who had perhaps the most publicized arrest of 2019. He has a long history as an observer of Vietnamese politics and society. In 2013, he [resigned from the Communist Party](#) after being a member for 20 years, and he became the chairman of [the Independent Journalists Association of Vietnam](#). Despite the international pressure upon the Vietnamese government to release him, Dung remains in prison after his [November 2019 arrest](#) and likely faces a severe prison sentence if convicted.

Conclusion on Arrests

Overall, 2019 was another dismal year for activists in Vietnam. Even though less people were arrested, the year saw a departure from trends in 2018. Online commentators were increasingly targeted, authorities employed harsh tactics such as kidnapping, and the Vietnamese government further solidified its campaign to silence high-profile dissent and activists connected to civil society organizations, as well as everyday individuals.



Trials and Trends in Sentencing

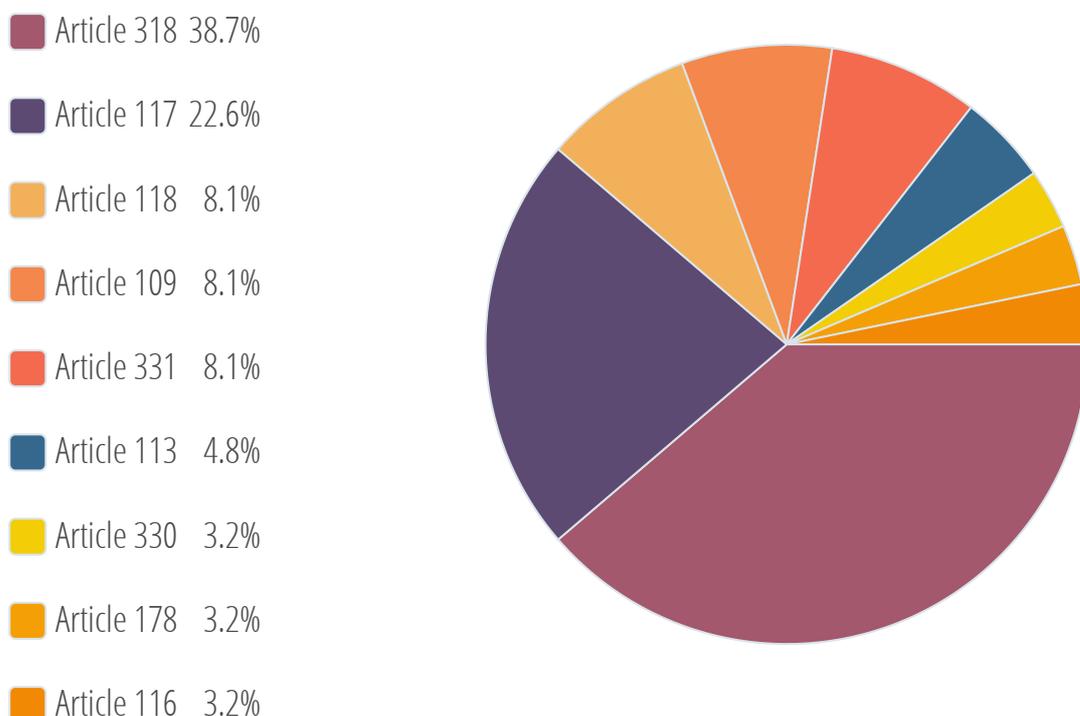
Sixty-one people were tried in 2019, including eight women, six people with known religious affiliations, and three ethnic minorities. Twelve of those tried were online commentators, seven had been subjected to prolonged incommunicado detention prior to trial, and nine were denied legal representation at some point in the judicial process after the initial investigation period⁸. Four of those tried were targeted in events around Vietnam’s Reunification Day. And eight were connected to the BOT protest movement.

After the mass trials of the June 2018 protesters, trials were less frequent in 2019. Trials during the year continued to be riddled with legal inconsistencies, such as denial of defense counsel and unfounded accusations of violence used to discredit activists.

Patterns of Sentencing of Activists in 2019

Authorities imposed harsh sentences in 2019. More than half of those tried during the year received sentences of five or more years in prison. Seventeen people were sentenced to between 5-9 years in prison, nine were sentenced to between 10-14 years, and one person was sentenced to more than 14 years in prison.

Figure 2: Trials in 2019 by Charges in percentage



In 2019, 24 people were sentenced on charges of “causing public disorder” under Article 318 of the 2015 Criminal Code, 14 under charges of “conducting propaganda against the state” under Article 117 of the 2015 Criminal Code, and five people each under Article 331 of the 2015 Code for “abusing democratic freedoms,” Article 109 of the 2015 Code for “carrying out activities aimed at overthrowing the people’s administration,” and Article 118 of the 2015 Code for “disrupting security.” See Figure 2 for a complete breakdown of the charges, and see [our website](#) for definitions of all charges (hover over a charge in a profile to see the definition).

⁸Political prisoners in Vietnam are not permitted the universal right to legal representation until after the initial pre-trial investigation period has ended.

Notable Trials



Dang Ngoc Tan and Pham Thanh at trial. Source: [Nhan Dan Newspaper](#)

In one exceptional case in 2019, [Dang Ngoc Tan](#), a young June 2018 protester, was sentenced to an unprecedented total of 24 years in prison after three separate trials, the last of which was in May 2019. His co-defendant, [Pham Thanh](#), was sentenced to a combined 15.5 years in prison in two separate trials. Others who received remarkably long sentences in 2019 were online commentator [Phan Van Binh](#) (14 years), Australian retiree Chau Van Kham and US citizen Michael Nguyen (both 12 years), and music teacher Nguyen Nang Tinh and democracy activist Nguyen Van Vien (both 11 years). Long sentences were often given to people associated with organized groups.



Michael Nguyen entering the court before his trial on June 24, 2019. Source: [Reuters/Stringer](#)

Authorities used allegations of violence against activists in 2019 to try to discredit them and paint an unrealistic picture of their activism at their trials. They [accused Nguyen Nang Tinh](#) of belonging to a terrorist group, though Tinh was likely singled out for his known history of teaching unsanctioned political songs to students. Authorities also alleged violence in the well-known case against US citizen [Michael Nguyen](#) and his co-defendants. Nguyen was convicted on charges of subversion in June 2019 and was sentenced to 12 years in prison for allegedly planning to incite protests and attack government offices, despite his family maintaining that he has no known history of activism and had traveled to Vietnam only to visit family.



Four Dong Nai-based activists at trial. Source: [Nguoi Lao Dong Newspaper](#)

Also as noted in the prior section on arrests in 2019, Australian retiree Chau Van Kham and his co-defendants were allegedly arrested at least in part due to their ties to overseas democracy group Viet Tan⁹. On November 11, 2019, Kham was sentenced to 12 years in prison, local activist [Nguyen Van Vien](#) to 11 years, and electrical worker Tran Van [Quy](#) to 10 years. They were convicted on charges of “terrorism” under Article 113 of the 2015 Criminal Code.

Four Facebookers -- [Vo Thuong Trung](#), [Doan Viet Hoan](#), Ngo [Xuan Thanh](#), and [Nguyen Dinh Khue](#) -- who had called for protests against price hikes for electricity and gas, as well as against the bill on Special Economic Zones, were tried on November 26, 2019, on the accusation of plotting to make explosives for their demonstration. However, besides messages and their online communication concerning the demonstration, no evidence of the alleged bombing could be found. Regardless, the four Facebookers were sentenced to between two years and four months and three years in prison.

The allegation of violence is a convenient way for the authorities to avoid the scrutiny of the international community, as international human rights organizations don't tolerate violent means of activism. The problem is that claims by the government can't be verified in the absence of independent investigation and the rule of law and shouldn't be taken for granted. Read more about the use of allegations of violence to discredit activists in the preceding section on arrests.

⁹*Viet Tan is a pro-democracy overseas civil society group often targeted by the Vietnamese government for allegedly being a “terrorist” organization despite its peaceful activities.*

Procedural Irregularities at Trial

While at trial, activists faced a myriad of procedural issues, including having their family and supporters barred from being in the courtroom, having their trials postponed with little notice, being denied legal representation, as well as facing obstacles in filing for appeals. Further, of all of the activists who launched appeals in 2019, there was not a single sentence that was overturned, and several people faced continued difficulties in bringing their sentences to appeal.

Facebooker and protester Le Van Phuong was held in pre-trial detention for almost 10 months. During that time, public security agents often summoned his wife to the local police station to threaten her and pressure her to persuade Phuong to confess his guilt, but Phuong's wife refused. He was tried on August 2, 2019, without a lawyer. The People's Court of Kon Tum Province sentenced him to seven years in prison and three years of probation for "conducting anti-state propaganda" under Article 117 of the 2015 Criminal Code. Phuong never admitted his guilt.

On October 17, 2019, the People's Court of Ia Grai District in Gia Lai Province tried anti-corruption and freedom of expression activist Nguyen Thi Hue and sentenced her to two years and six months in prison. She was charged with "abusing personal freedoms to undermine the interest of the State, the rights and interests of organizations and individuals." She did not have legal representation at her trial.



The public was blocked from approaching the court during Tran Vu Hai's trial, Source: Facebook Vu Hai Tran

Before human rights lawyer Tran Vu Hai's trial began, most of the representatives of official news outlets and journalists were barred from entering the courtroom. On the second day of the trial, November 14, 2019, attorney Nguyen Duy Binh was forcefully escorted out of the courtroom for merely asking a question. Binh was also detained for a short period of time at the local office of the public security of Phuoc Tan Ward.

Often, prisoners and their families struggle to navigate the complex appeal process, made even more difficult by authorities not communicating to prisoners or their families about changes in their cases or blocking prisoners from communicating with their lawyers. In some cases, prison authorities also apply extra harsh treatment to political prisoners who are appealing their sentences in a bid to get them to back down.



Imprisoned student blogger Phan Kim Khanh

In February 2019, Phan Kim Khanh submitted a formal complaint after the People's Court of Thai Nguyen did not review his petition for an appeal. A month later, authorities at Ba Sao Prison Camp threatened to move Khanh to an isolated cell and also denied him letters and phone calls from his family. These actions are believed to have been in retaliation for Khanh's complaint. For months after, Khanh continued to suffer from similar types of harassment and as of the time of this writing has still not been allowed to appeal his sentence.

The authorities also have refused to give Vuong Van Tha's family any information about the status of his appeal, so they do not know if it has been successfully submitted. Prison officials have also cut off communication and supply lines between Tha and his family. Vuong Van Tha's family shared with The 88 Project that they have not been able to see him or send him any supplies for many months.

Prolonged Pre-trial Detention

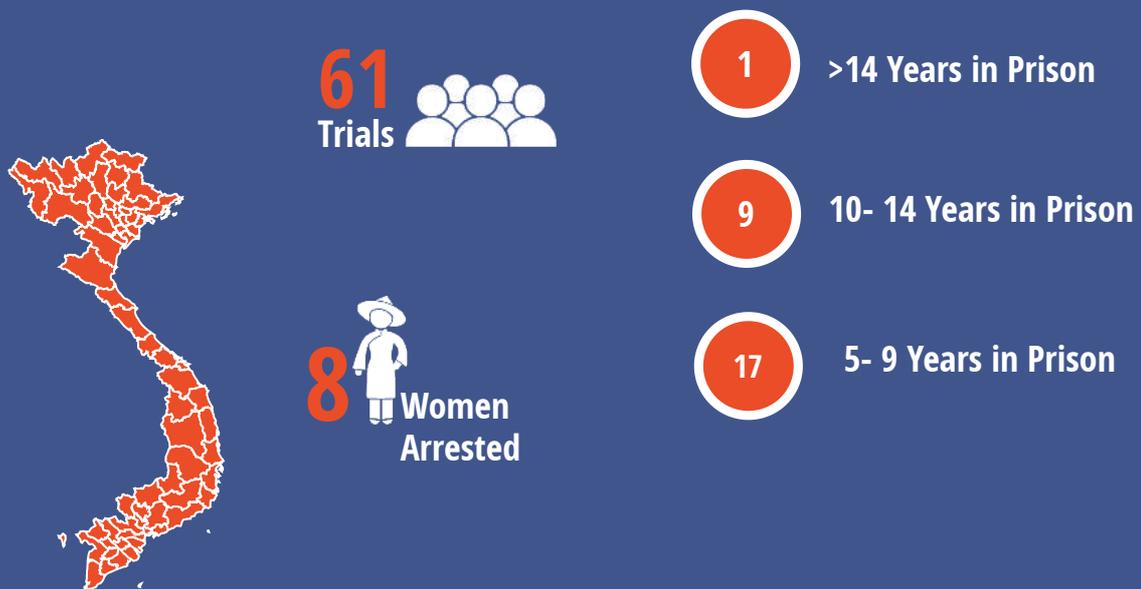
Five political prisoners remain in pre-trial detention after being arrested in 2019, meaning that they have not yet been brought to trial. Further, several prisoners remain in pre-trial detention from arrests prior to 2019. For example, Facebooker Nguyen Van Quang was arrested in June 2018 and still awaits trial, as does engineer and previous Brotherhood for Democracy member Nguyen Trung Linh, who was arrested in July 2018. As the pre-trial investigation period severely limits communications with family and lawyers, these prisoners who remain in incommunicado detention face severe risk of extended, unreported mistreatment.



Nguyen Van Quang and Nguyen Trung Linh

Conclusion on Trials

Trials in 2019, as usual, were plagued with procedural issues, and the courts handed activists long sentences. Even activists with strong local and international support were handed lengthy sentences, often bolstered by unproven accusations of violence, which authorities used to falsely justify the more cruel outcomes. Defendants often were denied the right to legal representation and other assurances of a fair trial. People who simply shared their opinions on Facebook or connected with human rights groups often found themselves on the receiving end of prison sentences of 10 years and longer. Unfortunately, for many political prisoners, the worst of their treatment came after their trial when they were isolated in remote prisons, removed from the eye of the public and separated from international media and networks of support.



Demographics of People Tried in 2019

Ethnic Minorities Tried



Religious Minorities Tried



People Subjected to Prolonged Incommunicado Detention



Prison Conditions of Political Prisoners

At the beginning of 2019, there were already 231 political prisoners behind bars in Vietnam. These people endured harsh treatment during the year. The reality for political prisoners in Vietnam is that a myriad of compounding factors are designed to break their bodies and spirits. These factors include: denial of healthcare, physical and psychological abuse, solitary confinement, denial of access to family and lawyers, restrictions on receiving food and supplies, unsafe food, and other extreme physical conditions. This mistreatment comes in the form of blatant physical attacks but also more subtle degrading treatment. In 2019, at least 16 cases of torture of political prisoners were documented. The mistreatment is designed to punish political prisoners for their perceived “crimes,” isolate them from other prisoners and their communities, and/or in some cases, force prisoners to admit guilt or otherwise comply with the wishes of the prison administration. Further, harsh prison conditions not only take a physical toll on political prisoners, but they also create psychological issues.

Deaths Behind Bars



Dao Quang Thuc and Doan Dinh Nam

Two political prisoners died while serving their prison sentences in 2019. In both cases, the person died under questionable circumstances or after previous denial of healthcare. Doan Dinh Nam passed away at the Xuyen Moc Detention Center on October 5, 2019 from kidney failure. It is reported that the family asked prison authorities to send his body home for a funeral, but they refused the request. Instead, the prison authorities cremated the body at the prison facility. In June 2019, his family had sent a request to cancel his sentence and allow him to be taken care of in the last days of his life at home. However, instead of approving their request, the Public Security Bureau of Phu Yen Province went to their house and threatened the family not to attempt to generate support for Nam.

Retired teacher and pro-democracy activist Dao Quang Thuc passed away in prison in December 2019. He was just two years into a 13-year prison sentence for "subversion". His official cause of death was a brain hemorrhage and lung infection, despite no known history of health issues. The family wished to bury his body in their hometown, but the authorities also denied that request. Thuc will have to be buried at Prison No. 6, and the family will not be able to receive his remains until three years later.

Denial of Adequate Healthcare

Many political prisoners suffered from severe diseases and a lack of access to adequate medical treatment in 2019. Ho Duc Hoa sent a letter to his family in August telling them about the deterioration of his health. He told his family that he felt ill and asked for the prison doctor's care. The doctor examined him but did not make any diagnosis. However, Hoa is struggling with several long-term issues, including high blood pressure, stomach and abdominal pain, hemorrhoids, and numbness. And in December, supporters also learned that Hoa has liver disease and potentially cancer. His case leaves many observers wondering about the long-term effects of inadequate healthcare for prisoners with lengthy sentences who have endured years of sub-standard treatment. Many political prisoners have left prison with severe and debilitating diseases, even though they were healthy when they were arrested.

Political prisoners with pre-existing conditions also struggle with both the physical and psychological effects of the conditions in jail cells: poor lighting, stringent rules, the poor quality of food, and tangible decisions by the administration regarding what supplies they are allowed to receive from friends and family, which cellmates they are placed together with, and everyday quality of life. Nguyen Van Tuc has been suffering from cardiovascular disease, high blood pressure, vision issues, and hemorrhoids. He has reported on his poor health in prison since at least June 2018. Tuc's family reports that he worries he will die in prison. In August, he asked the prison manager to transfer him out of the cell because his cellmate was harassing him. He had been placed in a cell with a cellmate who allegedly beat Tuc in exchange for leniency from prison authorities. This tactic has been observed in several instances in 2019 and prior to it as a means to intimidate, control, and further ostracize political prisoners from the general prison population.



Ngo Hao and Tran Thi Xuan

In other cases, authorities often do not notify families promptly (or at all) about changes in their loved one's statuses, delay the receipt of medications, or block petitions for additional care. And when families request treatment, the prison often does not respond in a timely manner. When imprisoned activist Ngo Hao, 75, had a stroke in prison in January 2019, the authorities failed to notify his family at all. Hoa also had a stroke three years prior, and he is unable to see out of one eye, while his vision is worsening in the other. Despite his medical history, the prison denied his wife's request to take him for external treatment until January 2020, when his sentence was temporarily suspended. Tran Thi Xuan fainted many times in 2019. Her family also requested that she be treated at a hospital, but prison authorities denied the request until 2020.

Prison authorities at Gia Trung Prison Camp also refused to provide Phan Van Thu with medical treatment in 2019, despite him having diabetes, arthritis, hypertension, and heart disease. He was being housed with Nguyen Trung Ton in 2019, who was also suffering from untreated health issues after a brutal attack by unknown thugs with special police equipment in February 2017 left him with severe leg pain. Pham Van Troi submitted a petition to be medically examined at the hospital for months because he was very tired and sometimes passed out while working. Female activist Doan Thi Hong is suffering from several medical issues, including digestive disorders and vestibular problems.

Psychological Abuse



Le Anh Hung

Journalist Le Anh Hung remains in administrative detention and was repeatedly subjected to forced mental health treatment and medication in 2019, despite having no history of mental health issues. Hung's mother visited him in December and reported that the doctor continued to increase Hung's antipsychotic medication, which has made him very sick. He also has started developing symptoms such as hallucinations and insomnia.



Nguyen Ngoc Anh at trial on June 6, 2019, Source: [Reuters](#)

Nguyen Ngoc Anh, who was tried on June 6, 2019, was held in solitary confinement after reporting being physically attacked. He experienced serious maltreatment as well as torture in 2019. Anh was held with criminal inmates and suffered severe physical and mental harassment-- including death threats-- which he believes were inflicted upon him at the command of the detention center authorities. From his arrest on August 30, 2018 until his first instance trial Anh also had no defense counsel. He was viciously beaten by a cellmate, after which he sought treatment in prison but was refused. After the attack, Anh was forced into solitary confinement. These actions all happened while Anh was waiting for his appeal trial.

Solitary Confinement



Tran Huynh Duy Thuc and Tran Van Hoa

Several political prisoners were held in solitary confinement in 2019, including Tran Huynh Duy Thuc, Nguyen Viet Dung, Nguyen Ngoc Anh, and Nguyen Van Hoa. Hoa was forced into four months of solitary confinement from May to September 2019. On May 13, 2019, a fellow political prisoner reported that detention officers had gripped Hoa's neck and beat him harshly. The next day, the detention center informed his family that Hoa had been punished and was not allowed to meet with them. Later, news surfaced that prison authorities threatened Hoa that they would cut the tendons in his legs while he was in solitary confinement. Hoa also reported that during his confinement, he wasn't allowed to go outside and was also put under camera surveillance.

Tran Huynh Duy Thuc was held in solitary confinement at Prison No. 6 in Nghe An Province. He protested the isolation, which was causing him to experience extreme physical heat in his cell, by staging a three-day hunger strike. Once he was released, he was still only allowed out of his cell for 14 hours per week, seven hours on both Saturday and Sunday.

Hunger Strikes



Nguyen Van Duc Do and Hoang Duc Binh

Political prisoners went on hunger strikes in 2019 to protest abuses against them and their fellow prisoners. In June 2019, a group of political prisoners started a hunger strike to protest the inhumane treatment by the Vietnamese authorities in Camp 6, Nghe An Province. The prison camp authorities had removed all of the electric fans despite a severe heat wave. The prisoners were on strike for over 40 days before the situation was remedied.

Hoa Hao Buddhist Nguyen Hoang Nam went on a hunger strike on October 11, 2019 to protest being transferred to a cell with a prisoner sentenced on drug charges. It is not uncommon for prison authorities to detain dissidents with criminal cellmates as a means of intimidation. Also, on September 22, 2019, Nguyen Van Dien started a hunger strike to protest the maltreatment of fellow political prisoners. He also staged one in July for the same reason. And in Xuan Loc Camp, Nguyen Van Duc Do started a hunger strike in October 2019, protesting against the restrictive supply policy in prison, where prisoners can only receive five kilograms worth of supplies per month from their families and have to purchase other needed items from the prison's canteen at a price four or five times higher than the market price.

Hoang Duc Binh, Nguyen Bac Truyen, and Tran Huynh Duy Thuc also went on hunger strikes in 2019. Unfortunately, this extreme measure is one of the few actions prisoners can take to bring international attention to prison conditions, as little other news reaches mainstream media or prompts official intervention. The health effects of hunger strikes are concerning, especially for prisoners who are already in fragile health conditions.

Food Safety Issues



Nguyen Dang Minh Man and her mother on the day she was released from prison. Source: Facebook Nguyen Khanh

Tran Hoang Phuc was exposed to unsafe food and had trouble receiving vital medications in 2019. Due to his concerns about potential poisoning of the prison food, Phuc only eats food sent by his family, severely limiting his nutritional stability. Female Catholic activist Nguyen Dang Minh Man also only consumed food sent by her family prior to her release in August 2019, as she was concerned about an attempted poisoning while still behind bars.

Punitive Prison Transfers

Punitive prison transfers continued in 2019. Luu Van Vinh was transferred to a new prison in May 2019, the fourth time in 30 months. Several other prisoners were also transferred to new facilities, many times with no explanation given for the transfer, nor with advance notice given to the families, who only found out about the transfer after arriving at the previous facility to see their relatives. In both 2018 and 2019, at least 34 instances of punitive transfers and/or denials of family visits occurred.

Conclusion on Political Prisoner Conditions

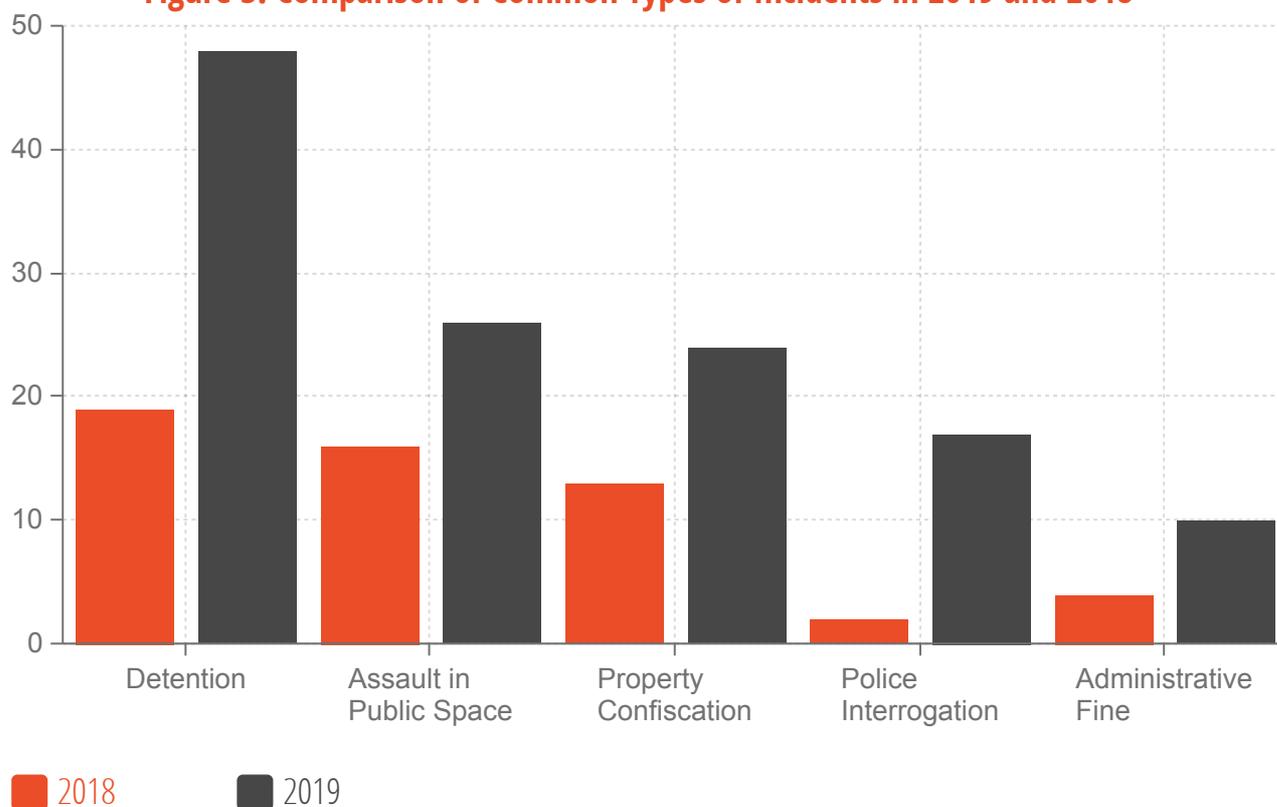


While data on incidents that occur while prisoners are behind bars is hard to collect and compare with previous years, we can definitively say that harsh treatment, and in some cases torture, continued in 2019. It is likely that many more people were affected in other incidents that were either not reported or did not reach external news outlets, whether for a lack of connection between the family and reporting mechanisms or a fear of retaliation for reporting abuses. Incidents in prison in 2019 included several more hunger strikes and incidents of solitary confinement than in prior years, as well as the extremely troubling case of forced medication of journalist Le Anh Hung.

Activists and Communities at Risk

The year 2019 saw almost 100 incidents of harassment against activists at risk. This is an increase of over 40% from 2018. Activists were heavily targeted from many types of communities. Those promoting democracy and freedom of expression were subjected to harassment, as were activists focusing on environmental issues, anti-corruption, land rights, and sovereignty, among others. This is exemplified in the civil society groups that the government particularly singled out in 2019 -- the [BOT protest movement](#), the [Green Trees environmental group](#), the [Loc Hung vegetable garden land rights community](#), and the [Liberal Publishing House](#). Authorities often use tactics of psychological and physical intimidation to silence activists, instead of just blatantly arresting them. This is a win-win for authorities, as they are able to control activists through intrusions into their private lives but also able to avoid increased scrutiny from international observers by reserving arrests for only certain cases.

Figure 3: Comparison of Common Types of Incidents in 2019 and 2018



In 2019, 84 activists at risk endured 96 incidents of harassment. The most common types of incidents were detentions (48 incidents), physical assaults in public spaces (26), property confiscations (24), police interrogations (17), and administrative fines (10). Many people suffered from multiple types of abuses in the same event, and many people also suffered harassment on multiple dates in a pattern of abuse. By comparison, in 2018, 48 activists at risk were harassed in 64 incidents.

In 2018, detentions made up 30 percent of incidents against activists at risk, which rose drastically to 51 percent in 2019. In fact, from 2018 to 2019, detentions and assaults in public spaces both increased. In both years, those were the top two types of incidents perpetrated against activists at risk; the other top types of incidents of harassment varied from 2018 to 2019. While the authorities continue to rely on traditional means of harassment, such as short-term detention and physical assault, they have also employed other often less publicly visible tactics, such as administrative fines and confiscation of important documents such as passports, household registration documents, and other items that are needed to facilitate daily life and business. See Figure 3 for a comparison of common incident types in 2018 and 2019.

Incidents by Location, Perpetrator, and Type of Activism

Combined with arrests, out of all incidents, 39 happened in Hanoi, 35 in Ho Chi Minh City, 10 in Nghe An province, seven in Thanh Hoa province, and five in Dong Nai province. These numbers represent the fact that many activists are located in the regional hubs of Ho Chi Minh City and Hanoi and the fact that activists in larger cities often have larger networks and are more savvy in using technology to report actions against them. Check out the [Map of Human Rights Violations](#) on our website to explore the geographic data.

Of the total incidents in 2019, the vast majority were perpetrated by public security officers, followed by individuals. The rights most violated in these incidents were the right to liberty and security of the person (in 21 percent of incidents), the right to freedom from arbitrary arrest and detention (17 percent), and the right to freedom of expression (17 percent). Twenty-one of those affected were women, at least one was an ethnic minority¹¹, and 18 identify with religious groups, the most represented being Catholicism (12 activists). The most represented areas of activism were: democracy, freedom of expression, sovereignty, human rights, and the environment. However, anti-corruption and land rights were also well-represented.

This data shows that the authorities continue to heavily harass activists that they deem to be most threatening to “national security,” namely pro-democracy and freedom of expression activists. Authorities have also increasingly targeted sovereignty and environmental activists, as those areas of activism continue to grow in popularity and become more accessible to everyday citizens. Further, the Catholic community in Vietnam has a long history of activism in many areas, and especially human rights, democracy, and land rights, and has consistently been a target of the authorities for harassment and imprisonment.

In 2018, we documented the harassment of 12 female activists, one ethnic minority, and 10 religious practitioners (nine of whom were Catholic). Democracy was again the most common area of activism that was targeted, followed by human rights, sovereignty, freedom of expression, and the environment. While 20 people in 2019 were anti-corruption activists, only one in 2018 was, showing a possible trend towards persecuting anti-corruption activists in 2019. Similarly, only four of the activists at risk in 2018 were land rights activists, but 19 of those harassed in 2019 were.

¹¹ *The ethnicities of several activists at risk are unreported/unknown.*

Harassment of Civil Society Groups

In past years the government has focused on jailing members of Hien Phap¹² and the Brotherhood for Democracy, and it continued to harass members of those groups in 2019, while also turning its attention to several other civil society groups. One such group is the Build-Operate-Transfer protest movement. This group of people has organized and participated in protests across the country against toll booths that they argue are inappropriately placed or collect money past their explicit contract times. While several members of this movement have been arrested, others have been intimidated, detained, and fined, such as in the case of four activists who went to the An Suong - An Lac Toll Plaza to question authorities on the purpose of the toll station. They were detained by a large security force, their three cars towed into a dead-end alley, and they were isolated in the alley for several hours before being released.



Thinh Nguyen being dragged back to his home, Source: [Voice of America Vietnamese](#)

Another group targeted by authorities in 2019 was the Green Trees environmental advocacy group. In October, police captured Green Trees member and well-known artist Thinh Nguyen. A video captured by a security camera showed Thinh handcuffed and coerced into his own house by a group of 10 men, of whom only one was wearing a police uniform. After 15 minutes searching his house, public security officers took him away without any arrest warrant. Thinh was released later in the evening, but his electronic equipment-- including computers, cameras, and phones-- was confiscated and he was interrogated about his activism. “Invitations” to work with police and kidnappings have been popular techniques employed by the public security, as lawyers are not legally required to be present during such “invitations.”



Dang Vu Luong and his saxophone, Source: [Facebook Pham Doan Trang](#)

In August, police kidnapped Green Trees member Dang Vu Luong from his friend’s private residence and held him for several hours. They questioned him about his involvement in the “Don’t be Afraid” documentary film, his relationship with other activists, and the activities of Green Trees in general. Members of Green Trees gathered at the Office of Public Security’s Investigation Agency on Nguyen Gia Thieu Street, Hoan Kiem District, Ha Noi, to demand an explanation for Luong’s detention and his release. During the standoff, two members of the group, Nguyen Van Phuong and Trinh Hoang Thanh, were also arrested and beaten in a separate room.

Female activist [Cao Vinh Thinh](#), also a Green Trees member, was detained and questioned about “Don’t be Afraid” in March, barred from travelling to Thailand and interrogated in June. She was also barred from attending a concert with an environmental theme in November. Other Green Trees members were blocked from attending the concert as well. Green Trees also [reported](#) that the authorities were hostile towards the concert because they suspected that the organizers of the concert had received money from “foreign organizations” through Green Trees to fund the event.



Four activists protesting China's activity in Vanguard Bank in August 2019. Source: [Radio Free Asia](#)

The crackdown on Green Trees likely points to the Vietnamese authorities' increasing disdain for environmental advocacy, which has grown in the country in the wake of several major environmental issues, such as the mass government-led felling of trees in Hanoi in 2015 and the Formosa Plastics environmental disaster in 2016. For some, environmental protests likely offer a more accessible point to activism than pro-democracy activities. The same can be said of sovereignty activism, as anti-China sentiment is a more unifying public cause (even endorsed by some well-known government officials) than multi-party democracy. Chinese naval vessels excursions into an economic zone known as Vanguard Bank prompted protests in several parts of the country in 2019 and led to a [concerted crackdown](#) against the activists in August.

Another area targeted by the authorities in 2019 was freedom of publication, seen in the crackdown on the Liberal Publishing House. Authorities [shut down the bank accounts](#) of LPH, an independent publisher that was established in February 2018, and harassed its delivery persons and readers. LPH's latest publications include [A Handbook for Families of Prisoners](#), paperback reprints of the famous Politics for the Common People, by Pham Doan Trang, and Lives behind Bars, by Pham Thanh Nghien.

Author [Pham Doan Trang](#) [told](#) Radio Free Asia that when 1,000 copies of her book “A Handbook for Families of Prisoners” were given away to readers in Vietnam, many secret agents pretended to be interested in the book and made appointments at hidden locations to beat the persons who delivered them. [According](#) to Pham Doan Trang, there are over 100 readers of the Freedom Publishing House who are facing this type of harassment and personal attacks, which is a desperate attempt by the authorities to make sure that “independent reading” cannot flourish in the country.

For instance, in October 2019, reader Nguyen Van Khanh, who lives and works in Hanoi, was repeatedly contacted and asked for his personal information and sometimes “invited” to work with local public security agents after ordering a book authored by Pham Doan Trang. His landlord was also “invited,” since she was considered to have had a connection to the transaction (she simply received the book on behalf of Khanh). A representative of the publishing house also told Radio Free Asia that in the first half of October 2019 alone, eight readers were summoned and threatened to be dealt with under “legal mechanisms” if they possessed books published by the publishing house. On November 29, 2019, Vu Huy Hoang informed the public about the constant harassment that his family (including his wife and two children) had been subjected to because of his activism. He seems to have been at least partially targeted for delivering books for LPH, even though this is not his main job.



Houses destroyed, a statue of a saint was spared, at Loc Hung on January 8, 2019. Source: Facebook Pham Thanh Nghien

In addition to anti-corruption efforts, the environment, and freedom of publication, land rights continued to be a contentious issue in 2019. A powerful government entity forcibly evicted over 100 households from disputed land in the Loc Hung vegetable garden area of Ho Chi Minh City in January 2019. In December, authorities also destroyed a nativity scene in the Loc Hung area and detained a handful of residents for several hours.

Travel restrictions are commonly used against activists to prevent gatherings with civil society groups and other activists, public protests, international events and training, and domestic meetings with foreign representatives. In 2019, we recorded 13 incidents of travel restrictions against 10 different individuals. For instance, in May 2019, security agents stopped former political prisoners Le Cong Dinh and Pham Ba Hai, as well as Cao Dai religious activist Hua Phi, from leaving their houses to meet with U.S. diplomats prior to the 2019 US-Vietnam Human Rights Dialogue, even though they were invited directly by the US Embassy. This is evidence that international commitments and human rights bilateral dialogues are not often very successful in changing the practices of the regime against activists at risk and political prisoners. Even though foreign governments try to get information from activists affected in order to push for change, activists are often blocked from sharing this information in the first place, whether electronically or in person.

Further, the authorities often target activists who have participated in foreign meetings, training, or education with detentions and questioning, travel restrictions, and property confiscation. On November 15, 2019, Dinh Thi Phuong Thao went back to Vietnam after nearly four years of capacity building and advocating for human rights for Vietnam across tens of countries around the world. Soon after she landed at Noi Bai international airport in Hanoi at 9:30 am local time, she was taken into interrogation by a group of 10 security officials. She was only released after eight hours of interrogation, and her passport was confiscated.

Conclusion on Activists at Risk

While the specific groups targeted and tactics used may change over time, civil society is still under attack in Vietnam. Individuals, groups, and communities alike continue to suffer from violent attacks against them and other types of harassment that made it harder for them to conduct their work and daily activities. The government seems to have honed in on areas of activism that have swelled in popularity in recent years, such as environmental and anti-corruption activism, while still reserving the most repressive forms of harassment for freedom of expression and democracy activists. While arrests and trials may have been less in 2019 than in 2018, harassment against activists at risk increased.



How Vietnam Failed Its UPR Commitment in 2019

Vietnam made several Universal Periodic Review (UPR) commitments in the latest UPR session at the beginning of 2019. The 88 Project wrote a [detailed record](#) on the obligations towards human rights to which the Vietnamese government voluntarily agreed. However, in the very same year, Vietnam broke many of these commitments, as we detail below. We will continue to monitor Vietnam's performance vis-a-vis its UPR commitments in the coming years.

Recommendation no. 157: investigation into the excessive use of force by the police and other human rights violations by the authorities

With the acceptance of Recommendation no. 157 from Slovakia, the Vietnamese government fully agreed that it will carry out “prompt, impartial, independent and effective investigations, including through full cooperation with third countries, into reports of unnecessary or excessive use of force by the police as well as violations of human rights by official authorities, and bring the perpetrators to justice.”

However, no independent agency nor government authorities have touched on the instances of excessive and abusive conduct by many public security officers against civilians, especially regarding the incidents that happened after recommendation 157 was accepted. For instance, the authorities have not investigated the degrading treatment of political prisoners in Prison Camp 6, Nghe An, where the authorities intentionally cut off the use of electric fans during a [severe heatwave](#), as well as [assaulted prison visitors in broad daylight](#), despite complaints from the citizens involved and other civil society groups.

Artist [Thinh Nguyen](#) was assaulted and violently detained in October 2019 and had his video and photography property confiscated. Complaints about these types of behaviors never go through the legal remedy system, and Thinh permanently lost all of his equipment.

In the case of [Dang Thi Hue](#), who participated in a nationwide movement against corrupt toll-booth businesses, she was assaulted by public security agents during a toll booth protest, which led to a miscarriage. She was eventually arrested on charges of “disturbing public order.”

In addition, in an effort to find and rescue [Dang Vu Luong](#), a member of Green Trees who was kidnapped by security forces in mid-2019, activists [Nguyen Van Phuong](#) and [Trinh Hoang Thanh](#) were also beaten by the security forces.

Recommendations no. 158 and 164: immediate presence of a lawyer following a person's arrest and other fair trial guarantees

There is no evidence that the Vietnamese government has complied with or will comply with the universal legal procedures laid out in recommendations 158 and 164.

In the case of [Nguyen Nang Tinh](#), a teacher who was jailed for teaching pupils to sing “reactionary” songs and for his online postings, his lawyers were barred from accessing and photocopying the case files and information prior to trial.

In 2019, 41 activists and ordinary citizens were arrested and imprisoned for simply speaking their minds, and none of them were given access to a lawyer due to the Criminal Code provision that allows the government to hold a person in incommunicado detention during the investigation period.

Recommendation no. 172 on developing measures to protect journalists from all forms of discrimination and violence

With Recommendation no. 172, the Vietnamese government agrees to “develop measures to protect reporters and journalists from all forms of discrimination and violence.” As we suggested, the government therefore should:

1. Permit the establishment of representative offices of international journalism organizations, such as the Committee to Protect Journalists (CPJ) and Reporters Without Borders (Reporters Sans Frontières – RSF);
2. Take steps to recognize independent news agencies and independent associations of journalists;
3. Devolve the authority to grant press credentials to independent news agencies.

However, none of these suggestions have been considered. Journalists continue to be subjected to abuse and partisan persecution-- as exemplified below in the case of Truong Duy Nhat, especially if they are deemed to be threats to the party leadership.

In the case of the blogger and journalist Truong Duy Nhat, he was secretly kidnapped from Thailand and detained for several weeks before his arrest was made known to the public. His attorney, Tran Vu Hai, one of the few human rights lawyers left in Vietnam, is now convicted of tax evasion in a different case and will possibly be debarred. Despite Nhat’s international support, the People’s Court of Hanoi still sentenced him to 10 years in prison for the crime of “abusing his position and authority” in a land purchase case that took place a decade ago. By framing Truong Duy Nhat as the sole perpetrator of the 15-year-old crime, the central authorities conveniently turn Nhat into the mastermind of the entire incident, as though Nhat, as a regional representative of a newspaper, could somehow dictate and direct both local and central authorities. More importantly, if this had been simply an abuse of power case, the regime would not have had to kidnap Nhat in Thailand, held him in secret for weeks before even confirming his charge and detention.

By restricting the very definition of “journalist” to those who obtain the press card issued by the Ministry of Culture, Information and Communication, independent journalists are at risk of being persecuted at any time.

In 2019, the arrest of Pham Chi Dung, a former Party security officer and chairman of the Independent Journalists Association, was an alarming development. Pham Chi Dung was arrested on November 21, 2019 and charged under Article 117 of Vietnam 2015 Criminal Code for “producing, storing, and disseminating” documents opposing the Socialist Republic of Vietnam. While state media asserts that he has participated in “very dangerous and serious conduct that negatively affects national social stability, public order of Ho Chi Minh City,” they can only point out one fact to support that accusation: that he established and organized a “civil society organization.” The Independent Journalists Association of Vietnam is an organization of independent reporters that advocates for freedom of the press, freedom of expression, and democracy.

Le Anh Hung, an independent journalist and blogger, was arrested on July 5, 2018, and subjected to severe psychological abuse throughout 2019, as he was forced to take anti-psychotic medication and transferred in and out of a mental health hospital despite his and his family’s objection. In December 2019, Hung’s family shared that the doctor kept increasing his medication, which made him sick, and he started to develop symptoms such as hallucinations and insomnia. Hung did not have a history of mental illness prior to this arrest.

Recommendations no. 168 and 184 on freedom of opinion and freedom of expression, including online freedom

In recommendations no. 168 and no. 184, France encouraged Vietnam to “take steps to guarantee freedom of opinion and freedom of expression, including on the internet, in the context of the adoption of the law on cybersecurity.” Iceland, moreover, asked the government to “lift restrictions on freedom of expression, and particularly online freedom, in line with Viet Nam’s obligations under international law.”

In reality, activists, journalists, scholars, and ordinary citizens who practice freedom of expression are increasingly facing unproportional and unnecessary criminal punishment, for their activities both online and offline.

Le Cao Dong and Le Van Tuan, two citizens with no history of activism, were both sentenced to a total of 18 months in prison. According to our investigation, they simply expressed discontent with the Sea Square construction project in a public meeting (in Sam Son, Thanh Hoa). The two individuals did not take or call for any radical action. Le Cao Dong only said that while a majority of the public supports the construction of the project, the Party and administrative officials should pay attention to the concerns of the local residents. The area intended for construction is home to 600 households of fishermen and fish sauce makers who have been living there for generations. Without working out resettlement measures, it would be unreasonable to ask the residents to support the construction plan.

Similarly, Mr. Pham Xuan Hao, a former university lecturer, was sentenced to 12 months in prison. Hao appears to be an intellectual with a solid career and credentials. He is an architect, with a master’s degree, and has spent most of his life working as a lecturer at the Technology Faculty of the University of Can Tho, one of the major universities in southern Vietnam. At his trial, the Court accused him of being an expert and having high social awareness but still using Facebook to “publish pessimistic information about Vietnam that negatively affects netizens and the public.” The judges also asserted that he has tried to libel the policies of the Party and the State.

We have recorded 96 incidents where activists were harassed or prosecuted for exercising freedom of expression in 2019. Moreover, 38 out of the 41 arrests made by Vietnamese authorities in 2019 violated the right to freedom of expression. These numbers do not include the many small incidents that also resulted in self-censorship. It is common practice for the Vietnamese government to summon social media users, fine them, and even force them to delete their posts. The realization of recommendations no. 168 and no. 184 in the first year of implementation is practically non-existent.

Conclusion

The year 2019 was another in a series of dangerous, trying years for activists in Vietnam. Forty-one people were arrested, 61 were tried, and at least 84 were affected by incidents of harassment. The mental, physical, and emotional health of political prisoners in 2019 further deteriorated and will continue to do so as long as political prisoners' rights are violated and they are placed into a sub-standard class of prisoners that is targeted for their political affiliations.

This year, activists were harassed in public and in their private homes, physically attacked, and psychologically abused. So were everyday citizens with no extensive history of activism. We expect the crackdown on both activists and civil society movements, as well as online commentators, to continue in 2020. The types of charges and tactics of arrest, trial, and harassment may change in coming years as the authorities continue to shift their focus between various segments of society and types of activism. However, it is clear that no one is safe from reprisal for expressing their political opinions in person or online, and such activities will continue to be met with swift responses and harsh punishments from the Vietnamese authorities, both at the local and national levels.

In light of the continued crackdown on peaceful activism in 2019, The 88 Project recommends that international human rights groups and governments implement concrete human rights measurement mechanisms in bilateral and multilateral economic and political agreements, call for independent investigations into allegations of torture and the excessive use of force by police, and hold Vietnam accountable to its commitments made under international human rights agreements such as the UPR. As 2019 marked the beginning of a new Universal Periodic Review cycle, it provides a fresh start to another four years of independent monitoring from the part of domestic civil society groups and the international community to ensure that Vietnam takes its international legal obligations seriously.

Figure 4: Summary of Major Events in 2019



Appendix: Political Prisoners Arrested in 2019

1. Chau Van Kham
2. Dang Thi Hue
3. Doan Viet Hoan
4. Duong Thi Lanh
5. Ha Van Nam
6. Ha Van Thanh
7. Huynh Dac Tuy
8. Huynh Minh Tam
9. Huynh Thi To Nga
10. Le Cao Dong
11. Le Van Sinh
12. Le Van Tuan
13. Ngo Xuan Thanh
14. Nguyen Chi Vung
15. Nguyen Dinh Khue
16. Nguyen Duc Quoc Vuong
17. Nguyen Nang Tinh
18. Nguyen Quang Tuy
19. Nguyen Thi Hue
20. Nguyen Van Cong Em
21. Nguyen Van Nghiem
22. Nguyen Van Phuoc
23. Nguyen Van Vien
24. Pham Chi Dung
25. Pham Van Diep
26. Pham Xuan Hao
27. Phan Cong Hai
28. Quach Nguyen Anh Khoa
29. Rah Lan Hip
30. Tran Dinh Sang
31. Tran Thanh Giang
32. Tran Van Quyen
33. Trinh Viet Bang
34. Truong Duy Nhat
35. Vo Thuong Trung
36. Nguyen Quynh Phong
37. Le Van Khien
38. Nguyen Quang Hung
39. Vu Van Ha
40. Tran Quang Hai
41. Nguyen Tuan Quan

Appendix: Online Commentators Arrested in 2019

1. Duong Thi Lanh
2. Huynh Dac Tuy
3. Huynh Minh Tam
4. Huynh Thi To Nga
5. Le Van Sinh
6. Nguyen Chi Vung
7. Nguyen Duc Quoc Vuong
8. Nguyen Van Cong Em
9. Nguyen Van Nghiem
10. Nguyen Van Phuoc
11. Pham Xuan Hao
12. Phan Cong Hai
13. Quach Nguyen Anh Khoa
14. Tran Thanh Giang

