



# 2020 HUMAN RIGHTS REPORT VIETNAM

Our report on political prisoners and activists at risk

 **THE 88 PROJECT**  
FOR FREE SPEECH 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/>.

## EXECUTIVE SUMMARY

The year 2020 was a difficult one for political prisoners and activists in Vietnam. Not only did the COVID-19 pandemic lead to increased surveillance of citizens through tools marketed as tracking the virus, but it also resulted in fewer communications between political prisoners and their families, re-scheduled trials, and worries over the health of prisoners already in fragile conditions behind bars. In addition to the pandemic, the US election and general global reaction to COVID-19 affected global willingness to engage with foreign human rights issues.

Fewer people were arrested and tried in Vietnam in 2020 than in 2019, but dozens of people were still persecuted for exercising their rights as guaranteed in international documents and Vietnam's commitments under its Universal Periodic Review (UPR). In 2020, 35 people were arrested for their peaceful activism; more women were arrested this year than last, as well as more communication professionals, such as journalists. A larger proportion of those tried under so-called national security laws in 2020 were sentenced to 5+ years in prison in 2020 than 2019 as well, and two people were sentenced to life in prison.

People continued to be arrested and convicted under Article 117 of the 2015 Criminal Code for conducting "propaganda against the state," with such activities ranging from posting their opinions online to criticizing government policies to supporting land rights petitioners. Many people were also arrested under Article 331 of the 2015 Criminal Code for "abusing democratic freedoms."

Several well-known civil society leaders were targeted in 2020, including leaders and affiliates of the Liberal Publishing House (LPH), Independent Journalists Association of Vietnam (IJAVN), Brotherhood for Democracy, and land petitioners in Dong Tam and Duong Noi communes. Activists affiliated with these groups, independent activists, and religious practitioners were harassed in 59 incidents in 2020 ranging from surveillance to detention to physical assault. Many activists were harassed multiple times throughout the year or harassed in the weeks leading up to their eventual arrests.

In prison, political prisoners continued to face difficulties in accessing healthcare, meeting with lawyers and family, and appealing their sentences, leading some to protest prison policies or even go on hunger strike to demand better conditions.

Prison authorities continued their use of forced mental health treatment to discredit and weaken activists, doing this in at least three separate cases in 2020.

There was a notable crackdown on dissent in the months leading up to the National Party Congress in January 2021, as evidenced by the arrests of high profile dissidents that had been evading government harassment for years. In 2020, while receiving international praise for its handling of the COVID-19 pandemic, Vietnam continued to fail its obligations under international law to protect free speech and human rights defenders.

## 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 harassment against them (such as perpetrators of the incident, the authorities making the arrest, court of first instance, and rights that were violated in the 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 of the government or Communist Party in person or online, 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 and face the risk of being arrested. They have suffered from different types of harassment by the authorities, such as physical attacks, interrogation, administrative fines, forced eviction, and travel restriction. 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 activists, 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 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 that any person reading this report will be able to replicate the numbers.



# INTERNATIONAL AND DOMESTIC CONTEXT

## Introducing Vietnam's Human Rights Situation

Those who are not familiar with Vietnam's human rights situation may still be familiar with Vietnam in other contexts. A well-known economic power, Vietnam is also a current member of the UN Security Council and a prominent player in the maritime sovereignty dispute regarding the South China Sea (East Sea), in which China claims complete control, despite partial claims by a handful of other Southeast Asian nations.

Vietnam is an ethnically and geographically diverse country. It is ruled by the Communist Party of Vietnam, which exerts complete control over all media, education, civic organizations, and religious groups in the country. Groups that operate outside of the sanctioned framework face harassment or worse. While Vietnam does hold elections to its National Assembly, candidates not affiliated with the Party are seldomly elected. In this way, no democratic elections exist in the country.

Further, all land in Vietnam is publicly owned, often leading to conflicts between local authorities and the local residents who live on or farm the land, often for generations. Vietnam's rapid economic development has also drawn the ire of domestic and international environmental actors, who see the damage that has been done to the country's natural resources and unique landscape.

While Vietnam's authoritarian system has served it well in some regards, such as instilling a common national identity and fostering programs that have lifted millions out of extreme poverty, it has also effectively crushed the acceptance of political, religious, or ethnic otherness in the country. In the most severe cases, those who criticize the government, mobilize pro-democracy activism, practice traditional but unsanctioned religious beliefs, or resist expropriation without fair compensation of the land that they farm can be jailed under vague national security provisions.

Access to the internet and near-universal ownership of smartphones provided ordinary citizens the means to organize and to criticize the State. However, the regime has in recent years criminalized such online activity and brought social media providers under its effective control. While activist communities and pro-democracy organizers have been active for decades in Vietnam, and particularly since the early 2000s, during the past five years, the arrests and convictions of political prisoners and the harassment of activists has intensified under Communist Party General Secretary Nguyen Phu Trong.

## The Human Rights Context in 2020



Pham Doan Trang's books. Trang has been subjected to heavy censorship and was arrested in October 2020. Source: Pham Doan Trang Facebook

The year 2020 was in many ways a pivotal one in terms of human rights regression in Vietnam. A confluence of domestic and international events conspired to bring about some of the most blatant abuses in recent memory.

The COVID-19 pandemic, which started to break out in late January 2020 right before Lunar New Year, when many people were traveling between Vietnam and China, caused an immediate response from the government.

Vietnam was praised by the world for its ability to quickly and effectively contain the disease, but its success inadvertently revealed the Public Security's tools and techniques for repression — perfected over the decades for surveillance, monitoring, tracing and restricting the movements of dissidents and critics of the government. These tools were now employed to invasively track citizens' whereabouts and online activities in order to quell the spread of the virus and control the public narrative about the pandemic.

The year also started with a major incident at Dong Tam Village near Hanoi, where a night raid by thousands of police left a leader in a farmer community and three police officers dead. The subsequent mass trial of the dissident farmers drew considerable international attention, although diplomats and foreign observers were effectively prevented from attending the trial or visiting or contacting witnesses and family members of the victims.

The run-up to the 13th National Party Congress, which takes place every five years, this time in January of 2021, also led to a spate of arrests. In addition to the usual types of victims, such as bloggers and independent journalists, notably author Pham Doan Trang, the authorities also persecuted people with little to no history of activism, such as an environmental engineer and martial arts instructors.

Even more concerning was the acquiescence by Facebook and Youtube to demands from Vietnamese authorities that they censor and report postings deemed “reactionary,” “anti-party” or “anti-state,” and, if necessary, to block or remove the accounts of those users altogether. It is no coincidence that 2020 saw a spike in arrests related to activities on the two most popular social media platforms in Vietnam. Many popular news sites on Facebook and Youtube based outside Vietnam that were once accessible by Vietnamese in the country were blocked; tech-savvy users had to resort to using VPNs to bypass the firewall, but general users for the most part don't know how to use VPNs, are afraid, or otherwise don't use them.

But perhaps the one event that had the most influence and impact on Vietnamese society in general, and the activist community in particular, was the presidential election in the United States.



Then Secretary of State Mike Pompeo elbow bumps Minister of Public Security To Lam (left) in Hanoi in October 2020. Source: vov.vn

A campaign of disinformation was carried out so effectively that within the past 18 months a large majority of democracy activists, dissidents, and lawyers who represent them became ardent believers of conspiracy theories and fake news, e.g. that the election was stolen. Dai Ky Nguyen, a Vietnamese equivalent of Epoch Times, created dozens of websites and social media accounts for this purpose. At the same time, many other sites based in or originated from Vietnam also popped up. Individual actors also got in the game to make money off of the gullible by creating channels that regurgitated or fabricated outlandish fake news that was either pro-Trump, anti-China, or both.

Ironically, these websites also became popular in the diaspora community, especially in the United States and among the older generation of Vietnamese with limited English proficiency. As a result, a deep division was created within the Vietnamese-American diaspora, splitting families and communities apart. This further complicated efforts aimed at helping democracy activists inside Vietnam because many advocates found it hard to justify supporting freedom of expression for individuals who want to spread fake news and who don't believe in the principles of democracy in the first place.

On the positive side, international human rights organizations, as well as various UN agencies, continued to raise the issue of human rights with Hanoi to maintain pressure and to let the government know that the outside world is still watching.

One small victory came with the early release of a Protestant pastor in the Central Highlands, A Dao, after heavy campaigning by the US Commission on International Religious Freedom (USCIRF). US citizen Michael Nguyen and female activist Tran Thi Nga were also both released early from prison in 2020; Nga was immediately sent into exile. This experience gave hope that with the right kind of pressure applied at the right place and time, change still can be effected.

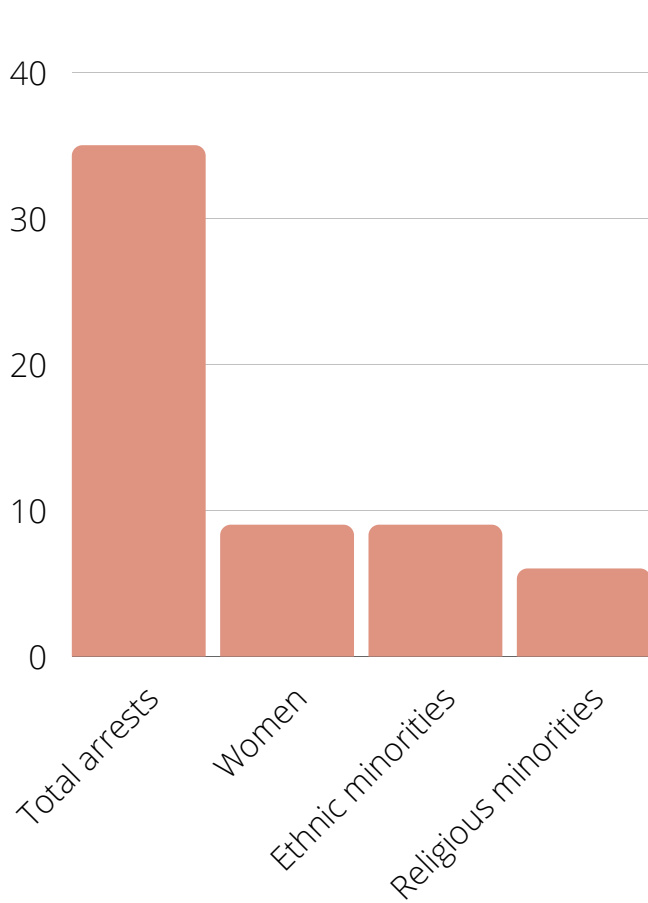


The EU Delegation to Vietnam in November 2020. Source: EU Delegation to Vietnam Twitter

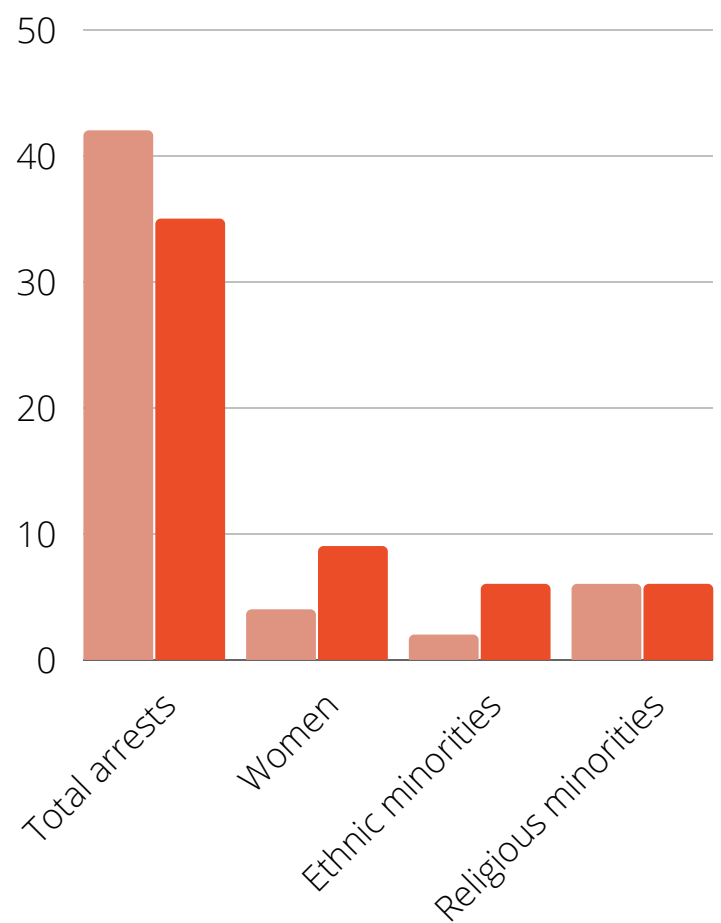
It must be noted, however, that the European-Vietnam Free Trade Agreement (EVFTA) did not play any significant role in improving the human rights situation in Vietnam. In fact, the agreement seems to have given Hanoi even more reasons to believe that the EU countries don't care as much about rights abuses as they do about trade. And the near total silence from the US president during the 2020 election cycle on Vietnam's total disregard for human rights only perpetuated this belief. To make matters worse, because then-president Trump had pulled the US out of the Trans-Pacific Partnership (TPP) in 2017, China was able to step in to fill the vacuum in 2020 with its own version called the Regional Comprehensive Economic Partnership (RCEP). Unlike TPP, RCEP does not provide as much protection for workers or the right to form unions — another setback for Vietnamese laborers.

## ARRESTS IN 2020

Vietnam continued to arrest a variety of dissidents in 2020 while simultaneously receiving international praise for its efforts to combat the COVID-19 pandemic. Arrests occurred during the height of the pandemic and afterwards. Vietnam arrested 35 people for their peaceful activism, including well-known activists, ordinary citizens, journalists, and land petitioners. In 2020, authorities continued the trend of arresting people that we classify as “online commentators,” that is, people with no history of organized activism who are arrested solely for expressing their opinions online.



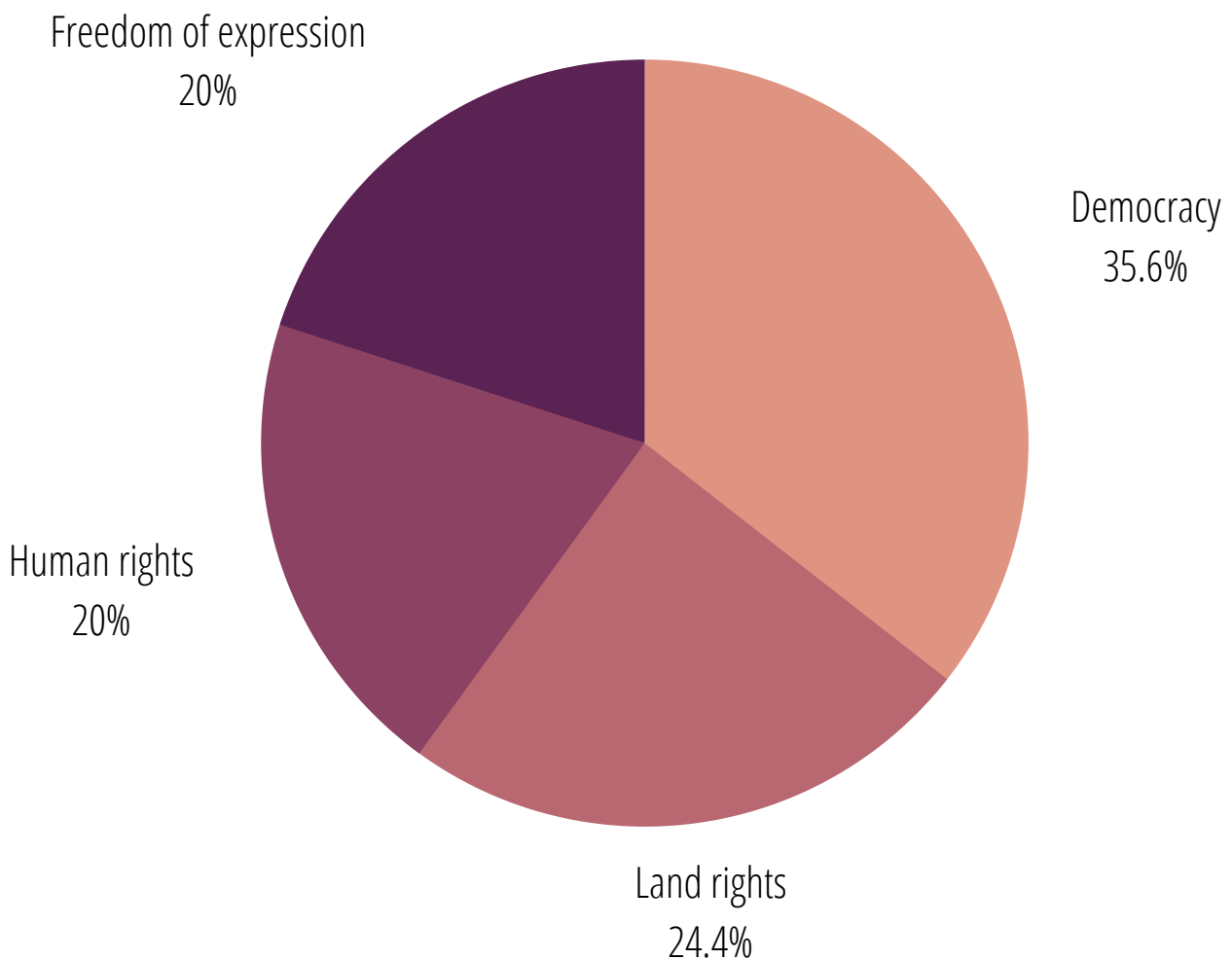
Graphic 1: Arrests in 2020



Graphic 2: Comparison arrests 2019 - 2020

## Arrests by Type of Activism

Of the 35 people arrested in 2020, nine were women, compared to the four women among the 42 people arrested in 2019. The top areas of activism of those arrested in 2020 were democracy (16 activists), land rights (11), human rights (9), and freedom of expression (8). The areas of activism this year were focused more on land rights and democracy than in 2019. The most common occupations of those arrested in 2020 were farmers (8), journalists (4), and teachers (3), while the most common occupation of 2019 arrestees was drivers (10), linked to the crackdown on Build-Operate-Transfer toll booth protesters.



Graphic 3: Top areas of activism in 2020

Eight arrestees suffered from a denial of legal representation in 2020, four were denied family visits or arbitrarily transferred to new prisons, and two had been previously arrested and convicted prior to their 2020 arrests. Six of those arrested belong to a religious minority, and nine are ethnic minorities.



Lup being interrogated by Gia Lai Provincial police. Source: Kenh 14

Three Ha Mon Montagnard preachers were arrested in March 2020 after spending eight years in hiding as the result of evading arrest by the authorities. Kunh, Lup, and Jur all now await trial and are expected to receive long prison sentences. In March, two Christian Hmong activists -- Lau A Lenh and Sung A Sinh -- were sentenced to life in prison. At least two people were arrested on overtly political charges for criticizing a local party official-- martial arts instructors Pham Dinh Quy and Hoang Minh Tuan.

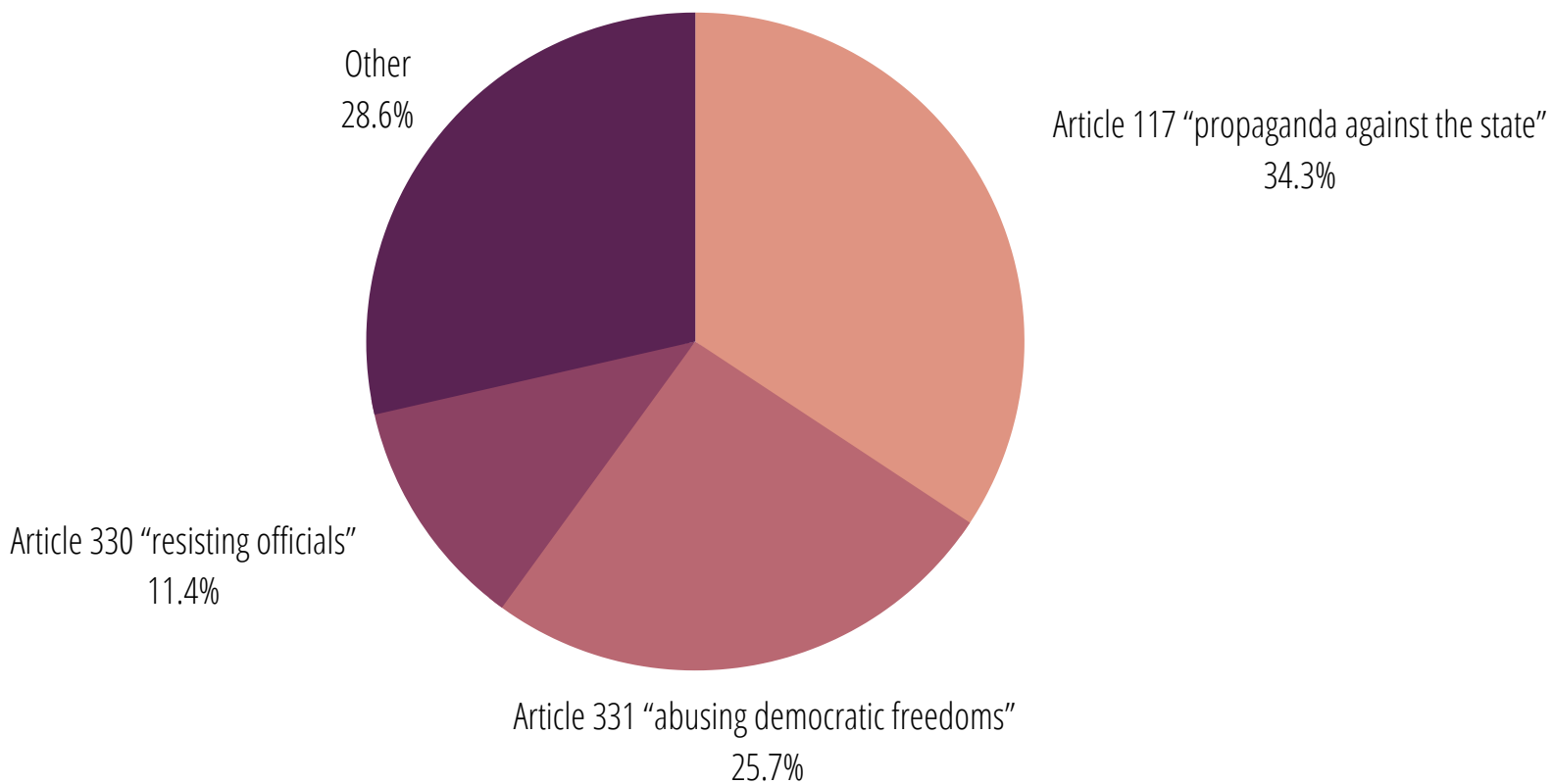
## Arrests by Charge and Level of Authority

In 2020, the most common charges against those arrested were Article 117 of the 2015 Criminal Code (“conducting propaganda against the state”), with 12 people arrested under this provision, and Article 331 of the 2015 Code (“abusing democratic freedoms”), with nine people, followed by Article 330 (“resisting officials in performance of their official duties”), with four people.



Of those arrested in 2020, the vast majority were charged at the provincial/municipal level. Article 117 was the most used charge in both 2019 and 2020 arrests.

In 2019, the charge of Article 117 was applied to 14 people, Article 318 to nine, Article 331 to six, and Article 118 to four. 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” in 2019 were charged at the provincial level.



**Graphic 4: Most common charges of arrests in 2020**

The provincial authorities have continued to be the main enforcers of the central government’s restrictive “national security laws.” Over the past two years, provincial authorities have been almost exclusively the level of authority that has arrested people for conducting “propaganda against the state” under Article 117 of the 2015 Criminal Code.

Despite fewer arrests in 2020 compared to 2019, the same proportion of people were charged with Article 117 in both years.

## Arrests of Online Commentators

Vietnam arrested 11 online commentators in 2020. Online commentators are people who are not affiliated with a specific civil society group and who were arrested solely for exercising their right to freedom of expression online. This represents 31 percent of 2020 arrests, roughly the same percentage of arrests of online commentators in 2019, even though overall arrests were fewer in 2020.

Of the 11 online commentators arrested in 2020, four were charged under Article 117 of the 2015 Criminal Code for conducting “propaganda against the state.” This criminal code provision is commonly used to suppress expression of free speech in online spaces. In 2019, 11 of the 14 online commentators arrested were also charged under this provision. In a break from last year, in 2020, more online commentators were actually charged under Article 331 for “abusing democratic freedoms” (6 of the 11) than Article 117.



Dinh Thi Thu Thuy being arrested at her home. Source: Tuoi Tre

The group of online commentators arrested in 2020 was diverse. Three men -- Tran Trong Khai, Nguyen Dang Thuong and Huynh Anh Khoa -- were arrested for administering a Facebook group that posted about economic and democratic issues. Facebooker Nguyen Van Lam was arrested solely for sharing his nonconforming opinions with his 5,000 followers. And female aquaculture engineer Dinh Thi Thu Thuy was arrested and later sentenced to seven years in prison for five Facebook posts that had just 130 Likes and 50 Shares.

The government said the postings “satirized, ridiculed, and offended” Party leaders. Several others were jailed for posting about the controversial, violent police raid in Dong Tam Commune in January 2020, which left a local land rights leader dead.

While new online platforms and communities, as well as broader Internet access, have allowed more people to share their opinions or participate in organized activism online, simultaneously, the Vietnamese government has created new laws to monitor these activities and has also pressed tech companies to censor user content. As such, the trend of persecution of online commentators is likely to continue.

## Arrests of Land Petitioners

Land petitioners were also targeted with harassment in 2020. All land in Vietnam, though it belongs to the people at large, is controlled by the Communist state, and farmland is allotted to villagers in the form of renewable leases. Conflict often occurs when commercial interests eye land for a project and, with the help of the local authorities, force farmers off of the land. Locals who protest these actions can be met with police suppression and even arrest. The year started off with the violent police raid in Dong Tam Commune (see the section on Incidents Against Activists at Risk for more information) -- site of a long-running land conflict -- and continued with the arrests of well-known land rights supporters throughout the year.



Trinh Ba Tu being arrested. Source: Cong an nhan dan online

Farmer Can Thi Theu and her sons Trinh Ba Tu and Trinh Ba Phuong were arrested in June 2020 after months of sharing information on the Dong Tam raid. The three were also active in issues of land rights in their own community in Duong Noi Commune near Hanoi. This is the third time Theu has been arrested. Nguyen Thi Tam, also a Duong Noi resident, was arrested for similar reasons. Some online commentators, such as Nguyen Quang Vinh and Chung Hoang Chuong, were also arrested after having posted about the Dong Tam conflict on their social media platforms.

Le Van Hai was arrested in September 2020 on charges of “abusing democratic freedoms” for his posts online seeking compensation for his land. Hai and his family have been affected by a wastewater treatment project in Quy Nhon City since 2016. With his land confiscated and unfair compensation given for it, Hai pursued a formal complaint procedure. However, with most of his demands denied, he turned to social media to show his frustration with local authorities.

In June, authorities in Kien Giang Province arrested six family members for their participation in a land dispute in a Khmer Krom community in May. The Khmer Krom, an ethnic minority group, have long faced harassment and discrimination by the state. Huynh Van Dep was released on bail after the arrest but later sentenced to two years and six months in prison, and three others were also tried alongside him and sentenced to between one year (suspended sentence) and two years and three months in prison.

## **Arrests of Journalists and Other Well-Known Activists**

Vietnam arrested six communications professionals in 2020 (including journalists, bloggers and authors), an increase from 2019. After the arrest of Pham Chi Dung, president of the IJAVN, in late 2019, two other prominent members -- Le Huu Minh Tuan and Nguyen Tuong Thuy -- were arrested in the first half of 2020. Writer Pham Chi Thanh and journalists Tran Thi Tuyet Dieu and Truong Chau Huu Danh were also arrested. Danh had been active in protests against the corruption of the Build-Operate-Transfer toll booth industry. The arrests showed the continued fierce crackdown on independent journalism in the country.

Dissident writer Pham Doan Trang is a leader of the movement for freedom of the press. She has published numerous books on democracy and politics aimed at the general Vietnamese public. She was arrested in October 2020 after years of being followed and intimidated by public security agents.



Pham Doan Trang during her arrest. Source: Will Nguyen Twitter

Thuy, Dung, and Tuan, key members of the IJAVN, are considered important leaders in the free press movement as well; Dung was the former president of the group. Several others arrested in 2020 were also leaders of their respective activist movements and/or members of prominent civil society groups. Tran Duc Thach is a member of the Brotherhood for Democracy, which was hit by a string of arrests in 2017 and 2018 that has continued in recent years.

## Conclusion on Arrests

In 2020, Vietnamese authorities made their continued crackdown on dissent known through the arrest of several well-known activists -- including Pham Doan Trang, members of the IJAVN, and Can Thi Theu and her sons -- as well as everyday citizens. Vietnam arrested 35 people in 2020, six of whom were journalists/communications professionals, and 11 of whom were online commentators arrested for simply posting their opinions online. The central government continued to delegate the responsibility for arresting activists to provincial-level authorities. Despite the pandemic and an overall smaller number of arrests in 2020 compared to 2019, the authorities continued to make clear their priorities -- suppressing civil society movements, curbing online expression, and prohibiting the growth of an independent media.

## TRIALS AND TRENDS IN SENTENCING IN 2020

Despite the global pandemic, Vietnam continued to try dozens of activists under vague “national security provisions” while violating the defendants’ human rights before and during trial. Twenty-seven people were tried for “national security” crimes in 2020. This included six women, six members of ethnic minorities, and four members of religious minorities. Many of those tried in 2020 had their trials re-scheduled multiple times due to the COVID-19 pandemic and were denied legal representation before or at trial.

### Incommunicado Detention in 2020

Those tried in 2020 included several people who had been detained for two or more years prior to trial. Members of the Hien Phap constitutional rights group, who were arrested in September 2018, were finally tried, and so was engineer and Brotherhood for Democracy activist Nguyen Trung Linh. The People’s Court of Hanoi sentenced Linh to 12 years in prison in July in a trial unknown even to his family. He was tried without a lawyer and convicted under the charge of engaging in “propaganda against the state,” under Article 117 of the 2015 Criminal Code. He had been in detention since May 2018.

Eleven of the 27 people tried in 2020 were held in prolonged incommunicado detention of eight months or longer prior to trial. At the time of this writing, 28 people remain in pre-trial detention in Vietnam. Seven of them were arrested in 2019 or earlier.

### Patterns of Sentencing of Activists in 2020

Two people were sentenced to life in prison in 2020, and 11 others were sentenced to five years or more in prison. The most common charges used to convict activists were Article 118 of the 2015 Criminal Code (“disrupting security”) with eight people, Article 331 (“abusing democratic freedoms”) with six people, and Articles 117 (“conducting propaganda against the state”) and 330 (“resisting officers in the performance of their official duties”) with four people each.



Nguyen Trung Linh



Tran Duc Thach

Even though more people were tried in 2019 than 2020, harsher sentences were imposed in 2020. Forty-eight percent of those tried in 2020 were sentenced to five years or longer. By comparison, 44 percent of those tried in 2019 were sentenced to five or more years in prison. Two Hmong Christians -- Lau A Lenh and Sung A Sinh -- were both sentenced to life in prison; neither had a lawyer at trial. This was the first time an activist was handed a life sentence in prison since 2013. Further, eight people were sentenced to between five and nine years in prison each in 2020. Three people -- Truong Duy Nhat, Nguyen Trung Linh, and Tran Duc Thach -- were sentenced to between 10-14 years in prison each.

## **Denial of Legal Representation and Other Procedural Irregularities at Trial**

Notable cases of those tried in 2020 include journalist Truong Duy Nhat, online commentators Nguyen Duc Quoc Vuong, Ma Phung Ngoc Phu and Nguyen Van Nghiem, and young activist Phan Cong Hai. On November 19, 2019, Hai was arrested in Ha Tinh Province, after being wanted for six months by Nghe An provincial authorities, according to state media, for “defaming the image of President Ho Chi Minh.” Hai's arrest was unknown to the public until an ultra-communist Facebook group called “Trung Đoàn 47” published a video of Ha Tinh public security interrogating him.

In April 2020, Hai was tried without a lawyer in a trial lasting only two hours. He was sentenced to five years in prison.



Truong Duy Nhat at trial. Source: Tuoi Tre

In fact, 11 people tried in 2020 were denied legal representation. There are concerns that Nguyen Van Nghiem was pressured to refuse legal representation, as he appeared in court without a lawyer even though he had previously asked for one. After his arrest on September 23, 2019, Nguyen Duc Quoc Vuong was only able to meet with his attorney, Nguyen Van Vuong, for the first time on June 12, 2020, just a few weeks before his trial. Ha Huy Son, Tran Duc Thach's lawyer, argued that he was not allowed to review materials related to his client. And three Facebookers were tried in December 2020 without a lawyer and received sentences ranging from a year to a year and a half in prison.

Further, few appeals of political prisoners' sentences were granted in 2020. Many activists continue to have little faith in the appeals process in the one-party state as there is no independent judiciary, and so they decide not to appeal their sentences. Others appeal but are met with many roadblocks along the way, such as difficulty sending mail from prison or meeting with lawyers.



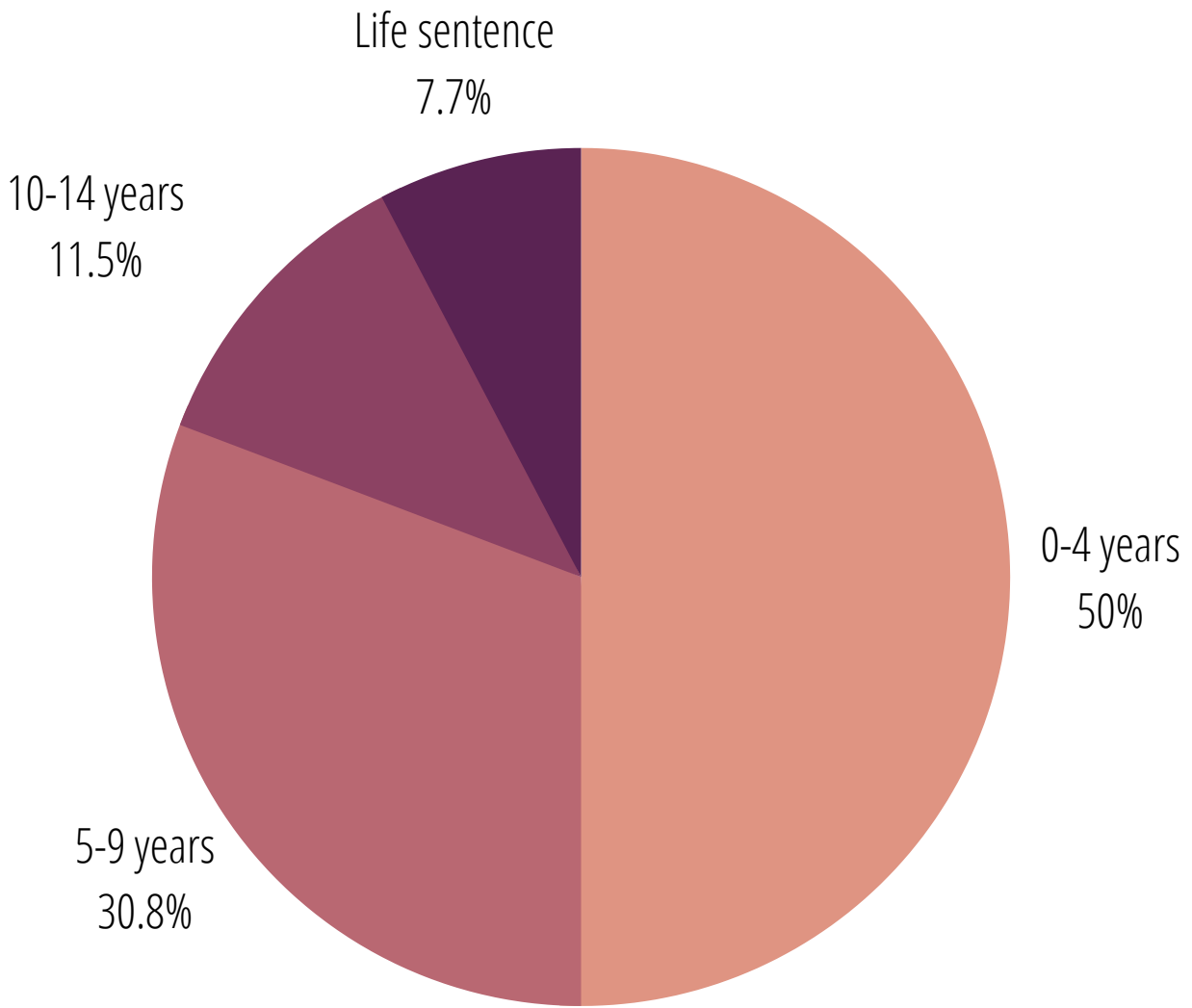


Nguyen Van Nghiem at trial. Source: Vietnam Plus

Only two activists who appealed their sentences in 2020 had their sentences reduced at all. The People’s Court of Hanoi reduced the sentences of BOT activists Dang Thi Hue and Bui Manh Tien by only three months each. Many long prison sentences were upheld on appeal, such as journalist Truong Duy Nhat’s 10-year sentence, music teacher Nguyen Nang Tinh’s 11-year sentence, and democracy activist Chau Van Kham, Nguyen Van Vien, and Tran Van Quyen’s sentences ranging from 10-12 years. Tran Huynh Duy Thuc undertook two hunger strikes in 2020 due to the judiciary’s failure to respond to his appeal of his 16-year sentence made based on changes to the 2015 Criminal Code (read more about his case in the Prison Conditions section).

## Conclusion on Trials

The 27 people tried in 2020 represented a myriad of types of activists, from Facebook users to members of organized activist groups to land petitioners. This year saw fewer trials but a higher proportion of people sentenced to five or more years in prison. The most common charges were for “disrupting security,” “abusing democratic freedoms,” “resisting officers,” and “conducting propaganda against the state.” Many people were held in prolonged detention prior to trial, cut off from their lawyers and family. Many were also denied legal representation, and very few were able to appeal their sentences, let alone receive any positive response on their petitions.



Graphic 5: Prison sentences given in 2020

## PRISON CONDITIONS OF POLITICAL PRISONERS IN 2020



Tran Thi Nga and her family upon her arrival in the US. Source: BPSOS

In 2020, female activist Tran Thi Nga, US citizen Michael Nguyen, and Montagnard pastor A Dao were released early from prison. However, at the time of this writing, there were still 239 political prisoners behind bars in Vietnam. Not only do political prisoners face difficult conditions before and during trial, but they often continue to be forced into severe physical and psychological conditions while they serve their sentences. This includes denial of family communications, denial of adequate healthcare, forced mental health treatment, solitary confinement, and punitive prison transfers. The effect of just one of these inhumane treatments can be devastating to a prisoner, let alone the compounding effects of different types of mistreatment, sometimes even amounting to torture.

### Denial of Communications and Adequate Healthcare

The COVID-19 pandemic further decreased the already restricted flow of information and supplies between political prisoners and their families, such as in the cases of Luu Van Vinh, Nguyen Van Tuc, and Phan Van Thu. Many prisons stopped family visits for months during the COVID-19 pandemic, and some still have restrictions in place. This was particularly poignant for prisoners suffering from health conditions who were unable to speak with their families about their health or receive medical and food supplies.

On March 4, 2020, the family of political prisoner Hoang Duc Binh received a letter from him dated February 2, 2020. Writing from An Diem Prison, Quang Nam Province, Binh said that the prison officials always check his letters before sending them out, violating his privacy and personal freedom. More importantly, they even summon Binh and interrogate him about the contents of the letters. In November, Binh's family was denied a visit with him, allegedly due to Binh's refusal to wear a prison uniform, as he insists that he is not a criminal. The same thing happened in October and also persisted into 2021. Similarly, Nguyen Van Hoa's sister went to An Diem Prison in October to see Hoa and give him some items. She was told that she couldn't see him or give him anything because Hoa had been refusing to wear prison clothes. At the time, he had recently written a petition asking to be transferred to a prison camp that is closer to his home.

In March 2020, Luu Van Vinh, who is serving 15 years in prison, told his wife that due to the impact of COVID-19, families were not allowed to visit, so in the prison camp, many people were in need of things. At the time, he was in isolation. Also in March, Phan Van Thu reported that he was suffering from multiple health ailments and a restrictive visit and supply policy. These situations were made even worse by the coronavirus pandemic, as family visits and the receipt of supplies from families at his prison was suspended. Thu's family has filed an appeal to suspend his sentence on medical grounds, but the authorities have denied their petition. He has previously been denied medical treatment, despite having diabetes, arthritis, hypertension, and having suffered heart failure.



Chau Van Kham. Source: Radio Free Asia via Viet Tan



Y Ngun Knul. Source: Facebook Nguyen Kim Thanh

In late June, Chau Van Kham was finally located in Thu Duc Prison in Binh Thuan Province after neither his family nor the Australian government had contact with him for over four months. Kham is serving a 12-year prison sentence for his democracy activism and is dealing with a myriad of health issues, such as glaucoma, high blood pressure, and kidney stones – all likely exacerbated by prison conditions. Tran Huynh Duy Thuc, who went on two hunger strikes in 2020, was unable to maintain contact with his family about his health and the status of his hunger strike.

In a letter to his family, Nguyen Van Tuc, a member of the Brotherhood for Democracy, said that his health seemed to have worsened since he has not received proper medical treatment in prison. His hemorrhoids continued to worsen, he continues to suffer from high blood pressure, and his degenerative spine disease has not improved. In July, Tuc's wife tried to visit him but was unable to due to the prison's restrictive policies. She reported that: "On July 12, I went to Camp 6, Nghe An, with my two children to visit Tuc. The weather was very hot, we left [home] at 1 pm and arrived at 7 am the next day. The police said they could only allow one person in, so I let my son go in and I stayed outside with my other child. My son said Tuc is very thin, only 50kg. Tuc could not sleep. My son said the [visitor's] phone stopped working after 5 minutes. The phone was broken during our last visit."

Independent of COVID-19 restrictions, some prisoners were in fragile health in 2020, created or exacerbated by prison treatment. Huynh Duc Thinh suffered from a brain hemorrhage right before his release from prison. Religious leader Y Ngun Knul, who was released after serving his full prison sentence, suffered severe kidney failure, gastritis, foot issues, and high blood pressure after his release. Knul was imprisoned far from his home in Dak Lak Province. Throughout his nearly 18 years in prison, his family had such difficulty travelling to see him that they were only able to visit four times.

Another Brotherhood for Democracy member, Tran Duc Thach, has been suffering from high blood pressure, ulcerative colitis, and gout while in prison. His first instance trial, scheduled for November 30, 2020, was canceled without warning. His family arrived at the courthouse on the day of the trial and were told he was unfit to stand trial. His wife was allowed to see her husband the next day, and he told her he had been hospitalized for a week for high blood pressure. Just weeks later, he was sentenced to 12 years in prison.

## Hunger Strikes, Torture, and Solitary Confinement



Tran Huynh Duy Thuc



Le Thanh Tung

When prisoners persist in asserting their rights via formal complaints or sharing news with the outside world to bring attention to their plight, prison authorities often retaliate by cutting off their connections with the outside world, either by transferring them to prisons further away from their families, or by denying family visits or even phone calls, and in some cases even putting them in solitary confinement. Prisoners will sometimes then respond by going on a hunger strike to bring attention to their situation.

Tran Huynh Duy Thuc, a well-known blogger and entrepreneur, suffered very poor health in 2020 as he underwent two different hunger strikes to protest prison conditions. Thuc's two strikes were specifically a protest against the judiciary's failure to respond to his petition to have his sentence reduced based on changes in the 2015 Criminal Code that add a new provision for solely the preparation of committing a crime, under which Thuc's lawyer argues he should be sentenced instead.

When his first hunger strike in October 2020 yielded no response, he then began another hunger strike in late November, which he continued until February 2021. During this time, Thuc's family struggled to get information about his situation and whether or not he had been hospitalized. Their requests for information from the hospital often went unanswered for days.

Hunger strikes were prevalent in 2020 as political prisoners protested restrictions on visits and supplies, harsh physical conditions, and denial of their basic rights as prisoners. Others who went on hunger strikes in addition to Thuc in 2020 were Nguyen Van Hoa, Le Dinh Luong, Ho Duc Hoa, Nguyen Bac Truyen, Pham Van Diep, Trinh Ba Tu, and Nguyen Nang Tinh. The reasons for the strikes, durations, and prison responses all varied, but one thing that remained consistent was the physical and mental toll that the strikes took on prisoners who saw the hunger strike as their last form of protest to assert their rights against the prison system.

Sometimes political prisoners use hunger strikes or other coordinated protests as a form of collective action to demand improved prison conditions. Nguyen Bac Truyen, Pham Van Diep, and Nguyen Van Hoa went on a hunger strike together in 2020 to protest not being allowed to send or receive letters, not being given adequate healthcare, and being transferred to prisons far from their hometowns. Le Thanh Tung and other prisoners endured 100-degree temperatures in their cells at Nam Ha Prison over the summer. Authorities ignored a petition from prisoners to repair broken fans in the prison. The event is reminiscent of an event at Prison No. 6 in Nghe An Province in the summer of 2019, when a handful of political prisoners went on a hunger strike for over 40 days to protest extreme heat in their cells. Tung was also denied medication and letters sent by his family.

In May, prison officials in Xuan Loc Prison Camp in Dong Nai Province beat six political prisoners after they petitioned to be able to work outside more frequently during the weekends. The six were also placed in solitary confinement after being beaten. In the same month, Nguyen Ngoc Anh told his wife that the running water at his prison was heavily contaminated. He and fellow prisoners united to request an investigation and usable water. The prison authorities responded by threatening to use force against them.



Nguyen Van Duc Do



Nguyen Nang Tinh. Source: Nghe An Times

Reasons for hunger strikes or other in-prison protests also often include a denial of prisoners' religious rights or the right to have leisure time or to spend time outside their prison cells. Le Dinh Luong went on a hunger strike over not being allowed to read his Bible and because of polluted water and bad air in prison. Ho Duc Hoa went on a hunger strike in December 2020, adopting a strategy that he had used in the past to bring attention to his not being allowed to practice his Catholic faith in jail. Nguyen Van Duc Do's family filed a petition against the notorious Xuan Loc Prison in Dong Nai Province after Do was tortured in prison for asking for time outside in the sun on weekends. His family alleges he was beaten, placed in solitary confinement, and fed human waste along with his food.

Another common reason prisoners go on hunger strikes is to protest judicial decisions. On April 20, The People's Court of Nghe An Province denied music teacher and activist Nguyen Nang Tinh's appeal of his 11-year sentence. While Tinh did admit to making Facebook posts, his lawyer argued that they were within his internationally-recognized right to freedom of expression. It is reported that Tinh was on a hunger strike from March 13-April 17 prior to the appeal trial and resumed his strike after the verdict.

Soon after his arrest in June, land rights activist Trinh Ba Tu went on a hunger strike at Cham Mat Detention Center in Hoa Binh. His father, Trinh Ba Khiem, traveled to Cham Mat to try to get more information, but when he arrived, prison officials threatened him and would not even let him speak with his son over the phone. Later, Khiem went to the Police Inspector Office in Hanoi to ask to make a call to his son to verify if he was still alive. The request was denied; Khiem was instead told to make a visitation request with the Hoa Binh provincial Inspector's Office; however, Khiem had just come from Hoa Binh.

Khiem and former political prisoner Tran Thi Nga believe that prison officials may have tortured Tu to make him confess to the charges against him, and thus he went on a hunger strike in protest. "Those who are locked up in closed cells have no ways left to them to resist and preserve their life. The only thing left to them is to go on hunger strike, and this may be that last step that Trinh Ba Tu has had to take," Nga told Radio Free Asia shortly after her January 2020 release from prison and forced exile to the United States.

Upon her release, Nga spoke about the torture she had endured while in prison and how exile was a hard decision she had to make to protect herself and for the future of her children.



In an interview with the Committee to Protect Journalists, she spoke about the treatment she received in prison: “I endured so much. They tortured me so that I would plead guilty to the crimes of which they accused me, but I wouldn’t do it. Police used guns to intimidate me, they used batons to beat me. They forcibly made me take off my clothes and then used violence, which they recorded on camcorders. They used violence to force me to put my fingerprints on documents they claimed was evidence that I admitted the accusations against me. They didn’t let me see my children. They isolated me in prison and locked me in solitary confinement. They didn’t allow me to buy food. They ordered other inmates to beat me and even threatened to kill me because I would not plead guilty to their accusations.”

Nineteen out of 29 defendants charged in the wake of the police raid in Dong Tam Commune confirmed directly during the trial that they had been subjected to torture and degrading treatment. Le Dinh Cong, who was sentenced to death, told his attorney that he was beaten with a rubber baton every day during the investigation. These tactics raise questions about the validity of prisoner “confessions,” their mental and physical state as they prepare for trial, and their long-term wellbeing even after release.

## Forced Mental Health Treatment



Le Anh Hung



Pham Chi Thanh

One aspect of inhumane treatment in prison that is particularly worrisome is the practice of subjecting political prisoners to forced mental health treatment. This practice became more known to the public through the case of imprisoned journalist Le Anh Hung, who has been transferred back and forth between prison and a mental health facility-- as well as forcibly medicated-- since his 2018 arrest. Authorities continued to try to discredit and isolate imprisoned activists in 2020 by sending them to mental health institutions for “evaluation,” even when prisoners had no history of mental illness, as exemplified in the cases of Hung, Pham Chi Thanh, and Nguyen Trung Linh. In all three cases, none of the prisoners had a history of mental illness, and all are well-known activists with strong civil society ties.

According to his mother, political prisoner Le Anh Hung contacted her by phone in March to let her know that the prison authorities again increased his antipsychotic medication against his will. Hung said it made him feel very sick. Prior to being imprisoned, he was not medicated and had no history of mental health issues according to his family. In April 2020, a fellow blogger named Nguyen Vu Binh said of Hung’s condition, “Early this week, a nurse named An used a metal folding chair to beat him and then fastened him to his bed, injecting him with sedatives that left him unconscious.”

Hung has written for several international media outlets, including Voice of America, and is a member of the IJAVN. In 2019, Hung's mother sent an application to authorities asking them to release Hung so he could be cared for at the family's home, as he was in poor health and spirits after being subjected to forced mental health treatment. Prior to his detention, she confirmed that Hung was healthy physically and mentally. He was detained in a mental health facility in 2013 after police took him from his workplace. He has long been a critic of the Vietnamese government and subject to various forms of harassment.

Author and veteran journalist Pham Chi Thanh, who has been at Hoa Lo Prison since his arrest in May 2020, was reportedly moved to a mental health facility in late November. Authorities reported he was moved to the Central Institute of Forensic Psychiatry for an evaluation but did not provide specific details about the transfer. Thanh’s wife said of the move: “I’ve been living with him for years, I know that his mental health is normal. He doesn’t have a problem.” He was suddenly moved from the medical facility and sent back to Hoa Lo Prison on New Year’s Day without notice.

According to a Defend the Defenders report in December, Brotherhood for Democracy member Nguyen Trung Linh is likely being held in a mental health facility. Prior to his arrest, and as a result of his many years of activism, the report said that “police threatened to take him back to mental health facilities if he continues to write to advocate for multi-party democracy. Hanoi police also disseminated the wrong information saying he is suffering from a mental disease in a bid to isolate him from other activists and people in his area.” Over two years after his initial arrest, he was tried in July 2020 in a trial unknown even to his family. He was tried without a lawyer, convicted with the charge of “propaganda against the state,” under Article 117 of the 2015 Criminal Code, and sentenced to 12 years in prison.

## Punitive Prison Transfers



Hoang Thi Thu Vang, Source: Defend the Defenders



Doan Thi Hong, Source: Facebook Xuan Hong

The Vietnamese government made at least eight punitive prison transfers in 2020; this does not include prisoners who were transferred to mental health facilities for forced treatment. These transfers of political prisoners are done without providing notice to the family, complicating their efforts to visit their loved ones. This tactic is used by the prison authorities to weaken prisoners’ resolve and support systems and was exacerbated by the COVID-19 pandemic already limiting the ability of family members to visit prisons.

In September 2020, authorities transferred Nguyen Duc Quoc Vuong from Trai Mat Prison, Lam Dong Province, to An Phuoc Detention Center in Binh Duong Province, more than 300 km from his family's home. In November, Do The Hoa, Tran Thanh Phuong, Hoang Thi Thu Vang, and Doan Thi Hong were all transferred to new prisons unbeknownst to their families. Also in November, Truong Duy Nhat was transferred to Prison No. 3 in Nghe An Province, where he was confined to a small cell and suffering from health issues.

## Conclusion on Prison Conditions

Even in a typical year, political prisoners encounter trouble communicating with their families and lawyers, advocating for better prison conditions, and receiving adequate healthcare treatment for chronic and new conditions. Restrictions enacted in response to the COVID-19 pandemic raised concerns in 2020 that prisoners were able to report their conditions and treatment even less frequently than in the past. They were also further isolated from their external support systems. In some cases, families could not even locate their loved ones due to information restrictions coupled with punitive prison transfers or ominous healthcare issues left unaddressed by the prison.

Political prisoners continued to use the methods available to them to make their voices heard-- attempting to reach the outside world through written and oral communications, taking collective action to protest along with other prisoners, and even going on hunger strikes to garner attention for their causes. The public was able to get a glimpse of prison conditions and the realities of prisoners' health through occasional letters and calls from prisoners to their families-- albeit sometimes weeks after a letter was originally sent-- as well as through the statements of released prisoners who have been through the system, such as Tran Thi Nga, who reported after her January 2020 release on the torture she herself endured behind bars. In 2020, prison authorities continued to expand the practice of forcing prisoners into mental health treatment, adding another weapon to their arsenal of trying to vilify and censure activists. There is no reason to believe these practices won't continue into 2021 and beyond as well, as the prison system's ultimate goal is to weaken political prisoners physically and mentally to the point where they can no longer be involved in activism while in prison or after their release.

## ACTIVISTS AND COMMUNITIES AT RISK IN 2020

There were 26 activists at risk in 59 incidents in 2020, indicating that several people were harassed multiple times throughout the year. Activists at risk are people who are not in prison but face imminent risk of arrest and other types of harassment, such as disruption of their personal lives, physical attacks, and psychological intimidation. Sixteen people suffered multiple incidents in 2020, and many activists were harassed almost immediately before their arrests, including Trinh Ba Tu, Trinh Ba Phuong, and Nguyen Tuong Thuy.

While not technically activists, it's also important to mention that there was rampant harassment of people in 2020 who posted news about COVID-19 or shared misinformation online. Many people were questioned by police and fined for these posts, even when they were shared in error or were questioning the accuracy of something a government official had said. In fact, by just mid-March 2020, almost 700 people had been summoned in relation to COVID-19 posts on Facebook.

### Incidents by Location, Perpetrator, and Type of Incident

Of the 26 activists harassed in 2020, four were females, and the most common areas of activism in the 59 incidents were related to sovereignty (12 incidents), democracy (12), the environment (10), and human rights (9). In 2019, 21 female activists were harassed, and the most common areas of activism in incidents were democracy (40 incidents), freedom of expression (37), sovereignty (35), and human rights (32).

The most common types of incidents carried out against activists in 2020 were travel restrictions (14 incidents), detentions (9), surveillance (9), harassment at a private residence (8), and police interrogations (8). The vast majority of these incidents were carried out by public security officers (26), followed by individuals (6). The most common types of incidents in 2019 were detentions (41 incidents), physical assaults in a public space (24), property confiscations (22), and police interrogations (16), with again the majority executed by public security officers, with individuals a distant second.

Incidents in 2020 seemed to focus on acts that can occur from afar or in the activists' own spheres, such as surveillance and harassment in their homes.

The data from 2020 shows intense surveillance that prevented people from gathering in public spaces. In both 2019 and 2020, police interrogations remained a common tactic used to harass activists. Furthermore, the type of incidents seen in 2020, like travel restrictions and surveillance, seem to suggest that public security officers were preparing for arrests or at least continued harassment of the same people throughout the course of the year. This is evidenced by the fact that 16 of 26 -- or 62 percent -- of the activists at risk in 2020 had multiple incidents recorded against them. That proportion was much lower -- only about 32 percent -- in 2019.

When combining both arrests and harassment incidents against activists in 2020, 16 of the incidents occurred in Hanoi, nine in Ho Chi Minh City, six in Hoa Binh Province, and three each in Nghe An Province, Kien Giang Province, Gia Lai Province, and Can Tho City. The top rights violated in these events were the right to freedom of expression (violated in 23 percent of events), the right to liberty and security of the person (violated in 23 percent of events), and the right to freedom from arbitrary arrest and detention (violated in 22 percent of events).

## **Harassment of Civil Society Groups**

Civil society groups targeted in 2020 included the LPH, the IJAVN, and the Brotherhood for Democracy, as well as local groups of land rights petitioners -- many people were arrested for their affiliations with these groups and/or also summoned for questioning or subjected to other types of harassment related to these groups. While no critic of the Vietnamese government is safe from harassment, the authorities often reserve their most concerted, repeated, and often severe repression for groups it deems to be dangerously active on hot button issues. In 2020, the authorities seemed to specifically target land rights and press freedom groups.

This was exemplified in the arrests of key members of these movements, as discussed in the Arrests section above. There were 10 total arrests of activists directly affiliated with press freedom and/or free expression advocacy. That means 29 percent of those arrested in 2020 were affiliated with those rights movements.

Furthermore, three press freedom activists were harassed in five incidents in 2020. Ten free expression activists were harassed in 18 separate incidents. Pham Doan Trang faced such intense harassment that she was forced to resign from the LPH the summer of 2020-- she was arrested just months later.



Nguyen Thuy Hanh



Truong Minh Huong

As for land rights, in addition to the arrest of eight land rights activists in 2020, six individuals were harassed in a total of 23 separate incidents in 2020, indicating repeated targeting of these individuals over time in a bid to weaken activism in their respective communities. In fact, of all harassment incidents against activists at risk in 2020, nearly 40 percent were against just these six individuals: Can Thi Theu, Trinh Ba Phuong, Trinh Ba Tu, Le Dinh Kinh, Nguyen Thuy Hanh, and Truong Minh Huong.

Can Thi Theu and her sons Trinh Ba Tu and Trinh Ba Phuong were all harassed in the months leading up to their arrests, with Phuong having at least three separate harassment incidents before his June 2020 arrest. These incidents involved police surveillance, summons for police questioning, and harassment at his private residence.

Theu, Tu, Phuong, Kinh, and Huong were all victims of land grabs. Theu, Tu, and Phuong became land grab victims and later organizers in Duong Noi Commune, and Kinh in Dong Tam Commune. Both the Dong Tam Commune and Duong Noi Commune farmers have faced systematic harassment as they continue to fight for their land rights over multiple years.

In the case of Dong Tam, in 2014, when the authorities decided to give Dong Senh, a 40 hectare plot that had been cultivated for many years by Dong Tam Village farmers, to Viettel for alleged commercial development, Le Dinh Kinh became the leader of the local movement to fight against this decision.

Kinh was subjected to serious mistreatment and harassment. In 2017, he was kidnapped by the local public security force, and during this time, public security agents also broke his leg.



Du Thi Thanh and Le Dinh Kinh. Source: BBC Vietnamese

Dong Tam was also the site of a 2017 standoff and hostage situation between locals and police. Harassment intensified in 2019 and culminated with a violent early morning police raid in the commune in early 2020. While the authorities accused Le Dinh Kinh of orchestrating an attack against the public security force, at 3 am on January 9, 2020, some 3,000 police officers descended on Dong Tam Village and attacked Kinh's house with weapons and without any warrant while Kinh was asleep and was with his wife and other members of the family. His wife, Du Thi Thanh, testified that Kinh did not participate in any previous attack and was still alive when they forcefully took him away. Kinh's sons and other local residents were arrested, and his wife was subjected to serious torture and degrading treatment.

During Kinh's funeral, the public security barred many people from all over the country from visiting, such as activists Huynh Ngoc Chanh and Nguyen Xuan Dien. In the days following the raid, fellow land rights activists, such as brothers Trinh Ba Tu and Trinh Ba Phuong, as well as Nguyen Anh Tuan, tried to get news out to the public about what had really happened. Tu and Phuong have been vocal land rights activists since their parents were first arrested for petitioning an unfair land acquisition and low compensation in 2014. In fact, in February 2020, Phuong even met with US Embassy officials to discuss the events that took place during the Dong Tam raid.



The Vietnamese government attempted to discredit Dong Tam residents, and their version of events, from the start. The authorities started a mass media campaign to denounce and antagonize Nguyen Anh Tuan and Trinh Ba Phuong. Thus, it may not have come as much of a surprise to many observers that Phuong, as well as his brother Tu and mother Theu, were all arrested in June 2020, as were many others who only commented on the events.

Fellow Duong Noi farmer and land petitioner Nguyen Thi Tam was arrested the same day as Tu, Phuong, and Theu. She had been actively commenting on the Dong Tam incident, posting information and commentary on Youtube. She had also supported strategic land rights litigation, and the timing of her arrest should not go unnoticed, as a few days before, she was supposed to appear in court as part of a suit against the Ha Dong government over a land rights issue.

Chung Hoang Chuong was arrested on January 12, 2020, for “abusing democratic freedoms” under Article 331 of the 2015 Criminal Code, most likely for his posts concerning the brutality in Dong Tam Commune. State-owned media wrote of the arrest: “...about the article about the incident against officials on duty that happened on January 9 in Dong Tam commune, Chuong did not know how the situation progressed but still posted misleading information about the armed forces in performance of their duty.” Nguyen Quang Vinh was also arrested for sharing five “one-sided” articles about the Dong Tam land dispute.

The concerted and connected crackdown on land rights activists in Dong Tam and Duong Noi in 2020 is representative of a larger crackdown on land rights movements across the country and the measures the public security apparatus is willing to take to block out anything other than the “official” narrative about land disputes. The government’s repression targeted not only the petitioners themselves, but also Facebook users and citizen journalists who report on the issues, in order to keep separate movements across the country from uniting and bringing Vietnam’s land rights issues to an even large audience.

## Harassment of Religious Groups



Thich Dong Quang. Source: Facebook Ngoc Tuyen Dam



Nguyen Duy Tan. Source: Radio Free Asia

Vietnam continued to suppress non-sanctioned religious groups in 2020. In addition to the arrests we mentioned in the Arrest section, eight religious freedom activists were harassed in 2020. Four of them are religious leaders in their communities: Nguyen Duy Tan (Catholic), Nguyen Van Duc (Catholic), Thich Dong Quang (Buddhist), and Tran Ngoc Suong (Cao Dai). Quang and Suong had also both been harassed in 2019.

In the case of Thich Dong Quang, in the early morning of August 22, 2020, the public security of Pleikàn Town swamped his home and took down the Buddhist flags and banners showing support for the International Day Commemorating the Victims of Acts of Violence Based on Religion or Belief. The next day, they surrounded his house again and tried to force him to go to a COVID-19 quarantine center, even though Quang hadn't left the town for one month, and Kontum was not considered an infectious area. The public security officials threatened him, saying that: "No one can save you, not the US Embassy, not the UN, not the central government in Ha Noi." In 2019, the same authorities mobilized a powerful force to destroy Linh Tu Pagoda while Quang was away for medical treatment. No state media reported this news. The reason for the destruction was because of Thich Dong Quang's "disobedience" towards the authorities and the state-sanctioned Buddhist administration.

## Conclusion on Activists at Risk

While the Vietnamese government periodically strengthens and rolls back its persecution of different civil society groups, once in the eye of the authorities, civil society groups and members of the activist community are never fully out of the government's watch. In 2020, the authorities harassed 26 individual activists in almost 60 incidents. Many people were harassed multiple times throughout the year and even later arrested.

The government paid particular attention to civil society groups organized around press freedom and land rights. They also continued to harass independent religious groups that do not adhere to state-sanctioned practices. The main targets or types of activism repressed from year-to-year may change, but the government's overarching disdain for independent organization does not. This is exemplified by the human rights violations displayed in this section and the fact that even the COVID-19 pandemic did not deter harassment.

## VIETNAM'S UPR COMMITMENTS AND FAILURES

In 2020, we closely monitored how the year unfolded and compared it with our detailed analyses ([Part 1](#) and [Part 2](#) can be found here) on human rights commitments to which the Vietnamese government voluntarily agreed in its 2019 UPR. The year 2020 was a tense one for human rights; Vietnam made blatant lies and violations contrary to its commitments in the latest UPR session.

### Rights Concerning Life and Security of the Person

There are several UPR commitments that the Vietnamese government made related to the rights concerning life and security of citizens. First is Recommendation no. 147 concerning the inadmissibility of evidence obtained through torture in trials and Recommendation no. 15 requesting proper investigations into the excessive use of force by the police and other human rights violations by official authorities.

In 2018, we suggested that the Vietnamese government start with:

- (1) a clear definition of “Torture” in accordance with the Convention against Torture (CAT) and other related cases of the Committee in major legislation,
- (2) organising workshops and educational sessions specializing in CAT for public security forces and investigators and
- (3) Imposing substantive repercussions on CAT violations, including immediate dismissal, notwithstanding other civil and criminal liabilities...

Unfortunately, none of the above has ever been considered. Worse, the practice of torture and other degrading treatment continues to be an integral part of Vietnam’s criminal justice system. This is unequivocal in the high-profile [Dong Tam case](#), tried in September 2020. As widely reported, during the trial, 19 out of 29 defendants [confirmed](#) directly that they were subjected to torture and degrading treatment. With the death of Dong Tam lands right leader [Le Dinh Kinh](#) also unaddressed by the authorities during the Dong Tam defendants’ trial, there seems to be little hope that human rights violations and excessive use of force by the police will be properly investigated in the future.

Similarly, in the July 2020 appeal trial against the activists who had demanded transparency and accountability in the Build–Operate–Transfer business, the court failed to consider the fact that activist Dang Thi Hue was beaten severely by police, which later resulted in her having a miscarriage; or that activist Nguyen Quang Tuy was also subject to mistreatment in detention.

Yet this is not surprising, considering that Vietnam widely denies the basic judicial requirement of immediate access to a lawyer following a person’s arrest and other fair trial guarantees. Even though Vietnam assured these trial guarantees in UPR Recommendation no. 158, it made no commitment on this recommendation in the span of two years.

In both the high profile arrest of Pham Doan Trang and the very peculiar arrest of lecturer Pham Dinh Quy, of Ton Duc Thang University, both of their families struggled to access the arrest information, to meet with their relatives, and to provide basic goods to the arrestees. These tactics are common in many arrests in Vietnam, politically-motivated or not.

## **Rights Concerning Freedom of Expression**

Though Vietnam has done little to prove its dedication to freedom of expression, promises concerning expression, press freedom, and the online environment constituted a large portion of their commitments in the UPR 2019. This included Recommendation no. 172 on developing measures to protect journalists from all forms of discrimination and violence and Recommendations no. 168 and 184 on freedom of opinion and freedom of expression, including online freedom.

In our analysis, we suggested that to realize recommendation no. 172, the Vietnamese state can: (1) Allow the establishment of representative offices of international journalist organizations such as Committee to Protect Journalists (CPJ) or Reporters Without Borders (Reporters Sans Frontières – RSF); (2) Devolve the authority to grant press cards to news agency; and (3) Take steps to recognize independent associations of journalists.



IJAVN's President Pham Chi Dung in a 2016 demonstration against China's aggressions in the China Sea. Source: Dan Chim Viet

None of these have ever been considered. In fact, 2020 was one of the worst years on record for both state-sanctioned journalists and independent journalists. Pham Chi Dung, Pham Chi Thanh, Le Huu Minh Tuan, and two others were arrested and sentenced to decades in prison for just practicing their constitutional rights.

We also highlight the arbitrariness of the case against Dung, Thanh, and Tuan, members of the IJAVN. In the authorities' own words, Dung wrote over 1,530 articles; but only 25 of them were "scientifically proven" as reactionary or against the Party's leadership – 1.5 percent of all his works spanning over one decade. Thuy had five such articles, and Tuan, only six. They provided no other information or accusation against the journalists. Therefore, the three were sentenced to a combined 37 years in prison for writing 36 "reactionary" articles in the past decade.



Truong Chau Huu Danh



Tran Thi Tuyet Dieu. Source: Defend the Defenders

Even sanctioned journalists are being constantly watched. In 2020, the two notable cases of journalists Truong Chau Huu Danh and Tran Thi Tuyet Dieu emerged. Journalists like Huu Danh usually have a clear preference for only reporting local incidents, local corruption scandals, and local abuses of power. They tend to shy away from topics on the Party's leadership and their legitimacy or human rights violations in the country. However, even such self-censorship did not protect Danh from being arrested and charged with "abusing democratic freedoms" for writing about local corruption issues.

Another point is made in the case of the Clean Press group (also known as "Báo Sạch"). This journalism project was initiated by mostly state-sanctioned journalists (Huu Danh included) who are dedicated to offering to the population a new way of accessing information with good reputability among Vietnamese readers. However, after only one year, it is unclear whether the project is still in operation, with their Facebook page shut down and several members warned about their possible arrest if they continued their work. Thus, there is no doubt that Vietnam's implementation of UPR Recommendation no. 172 has been a total failure.

Within this context, it comes as no surprise that Recommendations no. 168 and 184 on freedom of opinion and freedom of expression, including online freedom, were also ignored. As mentioned above, lecturer Pham Dinh Quy was arrested simply because he is currently pursuing a plagiarism complaint against the party secretary of Dak Lak Province. Dak Lak's public security went all the way to Ho Chi Minh City, where Quy lives and works, to arrest him, with no notice given to his employer and family, and without an arrest warrant. The continuing problematic reality is that any complaint or criticism against even local leaders can be considered to be negatively affecting "public order" and "public faith" in the local authorities.

From the high-profile cases of the arrests of Trinh Ba Phuong and his mother Can Thi Theu to the suppression of ordinary citizens such as Chung Hoang Chuong and Le Van Hai for expressing their dissatisfaction in land disputes, we can draw the conclusion that there is a blanket ban on any freedom of expression that might have the slightest possibility of negatively affecting the leadership at any government level. The COVID-19 pandemic seemed to only reinforce the totalitarian control of the regime over the country's market of ideas. Under the guise of tracking COVID-19 cases and alleged misinformation, in 2020, Vietnam lowered the threshold for both administrative and criminal intervention of public security agents into repressing online expression.

## CONCLUSION

In 2020, many countries praised Vietnam for its low COVID-19 infection rate and watched eagerly to see the political developments in the United States, rather than focus on issues of human rights violations. Yet dozens of people were still arrested under vague national security provisions that continue to be used as “catch alls” to target those with dissenting opinions and silence them. Activists were targeted no matter their specific type of activism or background.

Many political prisoners continued to suffer behind bars, serving years-long prison sentences for their peaceful activism, and other activists remained at risk of imminent arrest or physical or psychological harassment in the form of surveillance, travel restrictions, detentions, and other public security scare tactics.

Arrests of key civil society leaders in 2020, such as Pham Doan Trang, formerly of LPH, land rights activist Can Thi Theu of Duong Noi Commune, and Le Huu Minh Tuan and Nguyen Tuong Thuy of IJAVN, showed that the government continues to try to dismantle successful civil society groups and hone in on areas of activism it finds particularly worrisome. In 2020, press freedom and land rights activism were under heightened fire.

The pandemic, and Vietnam’s perceived success in handling it, further helped normalize the policies of Vietnam’s police state. Vietnam severely controlled the flow of information around COVID-19 and punished online users for expressing criticism of the regime’s handling of the crisis. The pandemic also made it harder to get information about political prisoners and activists/communities at risk.

Many countries turned inward to evaluate their own pandemic response programs in 2020, and international human rights seemed to take a backseat. However, even though the public may have been otherwise occupied, the crackdown on dissent in Vietnam did not stop during the pandemic. Human rights violations continued to be rampant in 2020, and the pace of violations shows no signs of slowing down in 2021. International observers should take note of this, especially as Vietnam prepares for its midterm UPR evaluation in summer 2021.



# APPENDICES

## Appendix I - Activists Arrested in 2020

- Can Thi Theu, arrested June 24, 2020, Article 117 (2015)
- Chung Hoang Chuong, arrested January 12, 2020, Article 331 (2015)
- Dinh Thi Thu Thuy, arrested April 18, 2020, Article 117 (2015)
- Dinh Van Phu, arrested January 9, 2020, Article 117 (2015)
- Hoang Minh Tuan, arrested September 21, 2020, Article 156 (2015)
- Huynh Anh Khoa, arrested June 13, 2020, Article 331 (2015)
- Huynh Van Dep, arrested June 7, 2020, Article 330 (2015)
- Jur, arrested March 19, 2020
- Kunh, arrested March 19, 2020
- Lau A Lenh, arrested March 18, 2020, Article 109 (2015)
- Le Huu Minh Tuan, arrested June 8, 2020, Article 117 (2015)
- Le Thi Binh, arrested December 22, 2020, Article 331 (2015)
- Le Van Hai, arrested September 19, 2020, Article 331 (2015)
- Lup, arrested March 19, 2020
- Ma Phung Ngoc Phu, arrested April 11, 2020, Article 331 (2015)
- Nguyen Dang Thuong, arrested June 13, 2020, Article 331 (2013)
- Nguyen Quang Khai, arrested October 20, 2020, Article 337 (2015)
- Nguyen Quang Vinh, arrested July 27, 2020, Article 331 (2015)
- Nguyen Thi Cam Thuy, arrested June 24, 2020, Article 117 (2015)
- Nguyen Thi Tam, arrested June 24, 2020, Article 117 (2015)
- Nguyen Tuong Thuy, arrested May 23, 2020, Article 117 (2015)
- Nguyen Van Lam, arrested November 6, 2020, Article 117 (2015)
- Pham Chi Thanh, arrested May 21, 2020, Article 117 (2015)
- Pham Dinh Quy, arrested September 25, 2020, Article 156 (2015)
- Pham Doan Trang, arrested October 6, 2020, Article 88 (1999)
- Sung A Sinh, arrested March 18, 2020, Article 109 (2015)
- Thi Bich, arrested December 3, 2020, Article 330 (2015)
- Tien Dam, arrested December 3, 2020, Article 330 (2015)
- Tien Nam, arrested December 3, 2020, Article 330 (2015)
- Tran Duc Thach, arrested April 23, 2020, Article 109 (2015)
- Tran Thi Tuyet Dieu, arrested August 21, 2020, Article 117 (2015)
- Tran Trong Khai, arrested June 13, 2020, Article 331 (2015)
- Trinh Ba Phuong, arrested June 24, 2020, Article 117 (2015)
- Trinh Ba Tu, arrested June 24, 2020, Article 117 (2015)
- Truong Chau Huu Danh, arrested December 17, 2020, Article 331 (2015)

## Appendix II - Activists Tried in 2020

- Bui Manh Tien, tried May 8, 2020, sentenced to one year, Article 318 (2015)
- Chung Hoang Chuong, tried April 27, 2020, sentenced to one year, six months, Article 331 (2015)
- Dang Thi Hue, tried May 8, 2020, sentenced to one year, Article 331 (2015)
- Do The Hoa, tried July 31, 2020, sentenced to five years, Article 118 (2015)
- Doan Thi Hong, tried July 31, 2020, sentenced to two years and six months, Article 118 (2015)
- Ho Dinh Cuong, tried July 31, 2020, sentenced to four years and six months, Article 118 (2015)
- Hoang Thi Thu Vang, tried July 31, 2020, sentenced to seven years, Article 118 (2015)
- Huynh Anh Khoa, tried December 21, 2020, sentenced to one year and three months, Article 331 (2015)
- Huynh Van Dep, tried December 3, 2020, sentenced to two years and six months, Article 330 (2015)
- Lau A Lenh, tried March 18, 2020, sentenced to life in prison, Article 109 (2015)
- Le Quy Loc, tried July 31, 2020, sentenced to five years, Article 118 (2015)
- Ma Phung Ngoc Phu, tried May 11, 2020, sentenced to nine months, Article 331 (2015)
- Ngo Van Dung, tried July 31, 2020, sentenced to five years, Article 118 (2015)
- Nguyen Dang Thuong, tried December 21, 2020, sentenced to one year and six months, Article 331 (2015)
- Nguyen Duc Quoc Vuong, tried July 7, 2020, sentenced to eight years, Article 117 (2015)
- Nguyen Thi Ngoc Hanh, tried July 31, 2020, sentenced to eight years, Article 118 (2015)
- Nguyen Trung Linh, trial date unknown, sentenced to 12 years, Article 117 (2015)
- Nguyen Van Nghiem, tried June 23, 2020, sentenced to six years, Article 117 (2015)
- Phan Cong Hai, tried April 28, 2020, sentenced to five years, Article 117 (2015)
- Sung A Sinh, tried March 18, 2020, sentenced to life in prison, Article 109 (2015)
- Thi Bich, tried December 3, 2020, sentenced to one year suspended sentence, Article 330 (2015)
- Tien Dam, tried December 3, 2020, sentenced to two years and three months, Article 330 (2015)
- Tien Nam, tried December 3, 2020, sentenced to one year, Article 330 (2015)
- Tran Duc Thach, tried December 15, 2020, sentenced to 12 years, Article 109 (2015)
- Tran Thanh Phuong, tried July 31, 2020, sentenced to three years and six months, Article 118 (2015)
- Tran Trong Khai, tried December 21, 2020, sentenced to one year, Article 331 (2015)
- Truong Duy Nhat, tried March 9, 2020, sentenced to ten years

## Appendix III - Activists Harassed in 2020

- Bui Thanh Hieu, family member harassed by public security, February 17, 2020
- Can Thi Theu, harassed at family home regarding household registration status, March 5, 2020, arrested June 24, 2020
- Cao Vinh Thinh, forced eviction from business rental location for history of criticizing government policy, December 25, 2020
- Chu Vinh Hai, summoned for questioning about his involvement with the Independent Journalists Association of Vietnam, June 23, 2020
- Ho Sy Quyet, detained and questioned about affiliation with publishing house, January 3, 2020
- Huynh Ngoc Chanh, surveilled in the aftermath of the Dong Tam raid, January 2020
- Huynh Thi Thu Van, summoned for questioning about her three songs, April 21, 2020
- Le Dinh Kinh, arbitrarily killed in police raid, January 9, 2020
- Nguyen Anh Tuan, detained by the police, May 22, 2020
- Nguyen Duy Tan, interrogated by police about online posts, August 10, 2020
- Nguyen Huu Tinh, forcefully evicted, October 15, 2020
- Nguyen Quang A, detained and questioned by the police while on his way to meet the US Ambassador, September 17, 2020; repeatedly summoned and threatened by the police, December 9, 2020
- Nguyen Thien Nhanh, interrogated by public security, September 8, 2020
- Nguyen Thuy Hanh, surveilled in the aftermath of the Dong Tam raid, January 2020; detained and questioned about charitable donations for victims of police brutality, January 20, 2020; summoned and harassed by the public security forces, December 2, 2020
- Nguyen Tuong Thuy, harassed by public security officers, March 13, 2020; arrested May 23, 2020
- Nguyen Trung Trong Nghia, detained at border crossing checkpoint, January 16, 2020; travel restriction and physical assault against family members of jailed activist, June 2020
- Nguyen Van Duc, denied re-entry into Vietnam after alleged poisoning and car attack, 2020
- Nguyen Xuan Dien, surveilled in the aftermath of the Dong Tam raid, January 13, 2020
- Phung Thuy, detained and tortured for delivering independently published books, May 8, 2020
- Thich Dong Quang, harassed for commemorating victims of violence based on religion and belief, August 22, 2020
- Tran Ngoc Suong, arbitrary expulsion as a religious lay leader, March 10, 2020
- Tran Quoc Hien, summoned for questioning about his Facebook posts, April 14, 2020
- Trinh Ba Phuong, surveilled in the aftermath of the Dong Tam raid, January 10, 2020; summoned for questioning related to land dispute, March 1, 2020; harassed at family home regarding household registration process, March 5, 2020; arrested June 24, 2020
- Trinh Ba Tu, surveilled in the aftermath of the Dong Tam raid, January 10, 2020; harassed at family home regarding household registration process, March 5, 2020; arrested June 24, 2020
- Truong Minh Huong, summoned by the public security about his online posts, February 2, 2020
- Vu Dat Phong, taken into custody for questioning over Facebook posts, April 16, 2020



# THE 88 PROJECT

FOR FREE SPEECH IN VIETNAM

HUMAN RIGHTS

