



# HUMAN RIGHTS REPORT VIETNAM

January 2022 - June 2023



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# INTRODUCTION

In 2022, the Vietnamese government continued to ramp up its crackdown on activism, dissent, and civil society. While the authorities continued to arrest prominent activists, it also silenced dissent through means other than arrest (such as harassment and financial sanctions) and expanded its crackdown to target activists who are neither markedly pro-democracy nor anti-state.

This report highlights key issues in human rights violations by the Vietnamese state in 2022 and early 2023 that Project88 believes, when taken together, are indicative of an intensification of repression in Vietnam, including:

- The government use of arbitrary detention, surveillance, intimidation, and restriction of movement to silence activists and commit reprisals against them for participating in international advocacy.
- The targeting of NGO leaders and climate defenders with false charges of tax evasion.
- The increasing criminal prosecution of dissidents for exercising their right to free expression.
- The continued criminalization of independent journalism and denial of press freedom.
- The rampant use of pre-trial incommunicado detention and denial of right to a fair trial.
- The lack of independent investigations or access to effective remedies when political prisoners die behind bars from alleged willful medical neglect.
- The forced psychiatric treatment of political prisoners without their families' knowledge.

# GLOSSARY

## Political prisoner (PP)

We define a political prisoner as any person who has been jailed because of their activism. This includes people who have expressed disapproval towards the government or communist party regime, engaged in peaceful protest or other non-violent forms of social or political activism, or belong to an organization, race, religion or other groups not approved by or in conflict with the government.

In addition to political prisoners, our report includes activists who are not currently in prison but who are otherwise harassed by the Vietnamese government and/or its agents and may face the risk of imminent arrest. Harassment incidents can range from police interrogation to administrative fines to travel restriction to physical attacks.

## Human rights defender (HRD)

Taking our definition from the United Nations Office of the High Commissioner on Human Rights (OHCHR), we consider HRDs to be people engaged in one or more of the following activities:

- Collecting and disseminating information on human rights violations;
- Supporting victims of human rights violations;
- Taking action to secure accountability and to end impunity;
- Supporting better governance and government policy;
- Contributing to the implementation of human rights treaties;
- Human rights education and training.

We consider HRDs to be a specific subset of political prisoners. As of January 2023, we only include HRDs in our database.

## Online political speech

We consider someone to engage in online political speech when they use an online forum to create or share content or otherwise comment on matters of public opinion, politics, or government policies. We determine if someone is arrested for their online political speech by examining language in official government sources—arrest warrant; criminal investigation report; report from the public prosecutor; court document, or official government newspaper.

# KEY DATA



2022

28  
ARRESTS

4  
BLOGGERS

3  
NGO workers

2  
Lawyers

1  
Journalist

15  
Anti-corruption  
activists

Between 2018–2022, Project88 recorded arrests of at least 298 human rights activists and dissidents.

Almost half of those tried and convicted in 2022 were sentenced to five years or longer in prison, an increase over prior years.

The trend of longer prison sentences has continued in 2023, with two-thirds of those tried so far this year sentenced to five or more years in prison.



## KEY DATA: ARRESTS AND IN 2022 AND EARLY 2023

The Vietnamese government arrested 28 activists in 2022. Four of the 28 people arrested are bloggers, one is a journalist, two are lawyers, and three are NGO workers. Over half of those arrested in 2022 (15 individuals) were active in anti-corruption activism, the most common area of activism among arrestees. Eight of these activists were women.

At least 14 of the people arrested in 2022 were held incommunicado from their lawyers, families, or both, while awaiting trial (1).

Sixteen of the 28 arrests in 2022 were made under Article 331 of the 2015 Criminal Code (“abusing democratic freedoms”), making it the most used charge in political prosecutions. The next most common charge was Article 117 (“making, storing or spreading information, materials or items for the purpose of opposing the State of the Socialist Republic of Viet Nam”), with 10 arrests (2). Article 331, an article criminalizing criticism of the government and public figures, first overtook Article 117, an article dealing with national security crimes, as the most common charge in 2021. This change is the result of an increase in arrests for online political speech, which we examine in the section on “Arrests for Online Activities.”

In addition to the 28 new arrests in 2022, at least 33 individuals—some of whom were arrested in 2022 and others in prior years-- were tried on political charges 3 in the year, including 11 bloggers and journalists. Nineteen of the 33 defendants were convicted under Article 331 (“abusing democratic freedoms”), nine under Article 117 (“making, storing or spreading information, materials or items for the purpose of opposing the State of the Socialist Republic of Viet Nam”), and four under Article 200 (“tax evasion”).

1 From January-December 2022, 14 people were confirmed to be held incommunicado, four were not, and eight cases were unable to be verified.

2 Nine people were charged under Article 117 and one person under Article 88, a precursor to Article 117 from the prior version of the Criminal Code (1999).

3 We define a political charge as one of the charges of the Vietnamese Criminal Code dealing with either national security (i.e. Article 109 for subversion or Article 113 for terrorism), limiting public speech or activities (i.e. Article 156 for slander or Article 331 for abusing democratic freedoms) or restricting operations of civil society (i.e. Article 116 for undermining the unity policy or Article 118 for disrupting security). This can also refer to charges that may normally be applied in other circumstances but are weaponized to quell political activity and/or enhance charges against an activist i.e. Article 200 for tax evasion or Article 330 for resisting officers). Being charged with one of these crimes is not enough for Project88 to include a case in its Database (i.e. not everyone charged with slander is an activist); however, it gives a starting point with which the Project88 team can closely examine the facts of a case in order to make a determination on whether it fits our criteria for inclusion.

Almost half (46%) of those tried and convicted in 2022 were sentenced to five years or longer in prison, an increase over prior years. The most severe sentences were handed down to three people – Muong ethnic minority democracy activist Bui Van Thuan (4) land rights commentator Le Manh Ha (5), and online activist Tran Hoang Huan (6) -- each of whom received eight years in prison.

The trend of longer prison sentences has continued in 2023, with two-thirds of those tried so far this year sentenced to five or more years in prison. The most severe sentences were eight years' imprisonment each – handed to both Tran Van Bang (7), a democracy and sovereignty activist, and Dang Dang Phuoc (8) a blogger and university music lecturer. At the time of writing, we also estimate that there are at least 23 individuals still in pre-trial detention.

Between 2018-2022, Project88 recorded arrests of at least 298 human rights activists and dissidents. Many prominent anti-state activists are already behind bars, including leaders of the Brotherhood for Democracy, the Independent Journalists Association of Vietnam (IJAVN), and vanguard thinkers like Pham Doan Trang. Most people arrested between 2018-2022 were sentenced to five years or more in prison (9). There are also currently at least 60 political prisoners serving 10+ years in prison and at least 17 people serving 15 years or more. Numerous activists have also been detained for questioning, fined, put under surveillance, and even physically assaulted, forcing them into self-censorship.

This coordinated campaign against dissent in recent years has effectively destroyed most independent civil society and journalism in the country. Now, the government is increasingly targeting activists outside of those movements, such as bloggers with large online followings, individuals involved in policy activism and climate change research, and human rights lawyers. These important topics will be discussed in the sections that follow.

4 Project88, Profile: Bui Van Thuan, (26 June 2023), available at: <https://the88project.org/profile/273/bui-van-thuan/>.

5 Project88, Profile: Le Manh Ha, (26 June 2023), available at: <https://the88project.org/profile/567/le-manh-ha/>.

6 Project88, Profile: Tran Hoang Huan, (26 June 2023), available at: <https://the88project.org/profile/549/tran-hoang-huan/>.

7 Project88, Profile: Tran Van Bang, (21 October 2023), available at: <https://the88project.org/profile/574/tran-van-bang/>.

8 Project88, Profile: Dang Dang Phuoc, (21 October 2023), available at: <https://the88project.org/profile/593/dang-dang-phuoc/>.

9 Sixty-four of 112 arrests from 2019-2022 resulted in a prison sentence of five or more years, per Project88 data.

# HARRASMENT OF ACTIVISTS AND THEIR FAMILIES

Human rights activists and their families were subjected to a wide array of psychological, social, physical, and financial harassment in 2022. While the means of repression, the location, and the perpetrators of this harassment differed, they likely shared a common purpose to persecute, silence, isolate, and discredit activists and their support networks.

International law prohibits discrimination based on political affiliation (10). One way in which governments can discriminate based on political affiliation is through harassment that prevents someone from expressing their political opinions. UN guidance identifies harassment as “words, gestures or actions, which tend to annoy, alarm, abuse, demean, intimidate, belittle, humiliate or embarrass another or which create an intimidating, hostile, or offensive environment. While generally involving a pattern of behaviours, harassment can take the form of a single incident” (11).

Reprisals, a specific subset of harassment, are acts of intimidation against individuals who cooperate with the UN or other international human rights institutions and procedures, as well as those who are “relatives of victims of human rights violations or of those who have provided legal or other assistance to victims” (12).

Reprisals are a clear type of discrimination violating international law under the International Covenant on Civil and Political Rights (ICCPR)— to which Vietnam is party— under Article 2 (the right to freedom from discrimination), Article 19 (the right to freedom of expression), and in cases where governments do not satisfactorily investigate allegations of reprisals by its own agents, Article 14 (the right to equal protection before the law).

Following these UN definitions, Project88 analyzed numerous allegations of harassment and reprisals against activists and their families in 2022 and early 2023 and found examples of widespread, persistent, and coordinated harassment by the Vietnamese government.

10 See Article 2 of the Universal Declaration of Human Rights and Article 2 of the ICCPR.

11 See General Comment 20 of the Committee on Economic, Social and Cultural Rights, and United

Nations Secretary-General’s bulletin (ST/SGB/2008/5) on Prohibition of discrimination, harassment, including sexual harassment, and abuse of authority.

12 See Human Rights Council resolutions 12/2, 24/24 and 36/21.



While no systematic monitoring mechanism currently exists through which international organizations can corroborate cases of harassment and reprisal, the pervasive and widespread nature of harassment against Vietnamese activists is well-documented in Joint Allegations Letters from UN Special Rapporteurs (13), as well as in literature such as the annual report of the U.S. State Department (14). Therefore, allegations of harassment and reprisals by the Vietnamese government must be taken seriously.

Vietnam's Ministry of Public Security (MPS) has harassed activists for decades. What Project88 has observed recently is not new but a continuation of the MPS intimidating activists with relative impunity. Below, we have highlighted some cases of harassment and reprisals against activists and their family members. However, we recognize the need for a more comprehensive and long-term approach to quantify and track this type of persecution.

### **Highlighted Reports of Harassment and Reprisals**

Family members of Vietnamese political prisoners often face harassment from state authorities as they attempt to advocate on behalf of imprisoned relatives, share news with supporters, and press for improved prison conditions and release from prison. The three following examples demonstrate how family members faced threats and intimidation from the government for exercising their rights to advocate for their relatives in 2022 and 2023. Family members were targeted for advocacy that was both formal, like cooperating with the UN, and informal, such as sharing updates on Facebook.

In March 2022, Thanh Hoa provincial police summoned Trinh Thi Nhung (15) the wife of political prisoner Bui Van Thuan, for questioning. Nhung had been posting information about her husband on social media. She told Project88 that police asked her to limit how much she posts about her husband, and they threatened to arrest her if she did not comply (16).

Nhung was summoned for questioning a second time in July 2022. In addition to reiterating their previous warning, the police also warned her not to post information about the police interrogations (17).

13 See for example, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=27938>.

14 See for example, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/vietnam/>

15 Công an dọa bắt vợ ông Bùi Văn Thuận nếu còn đấu tranh cho chồng (2022, Mar. 21). Radio Free Asia Vietnamese. Retrieved Aug. 12, 2023, from <https://www.rfa.org/vietnamese/news/vietnamnews/thanh-hoa-police-threatens-to-arrest-detained-activist-bui-van-thuan-s-wife-if-she-continues-to-voice-his-case-03212022083144.html>

16 Project88 (2022, November). Interview with Trinh Thi Nhung.

17 Police soon to wrap up investigation into Vietnamese Facebooker (2022, July 6). Radio Free Asia. Retrieved Aug. 12, 2023, from <https://www.rfa.org/english/news/vietnam/police-soon-to-wrap-up-investigation-into-vietnamese-facebooker-07062022014148.html>.

Nhung also faced harassment by unknown people at her home in 2022 and filed two complaints to the local police, even submitting video evidence of one of the incidents (18) The police have so far refused to investigate (19).

In a similar case, since her fiancé Do Nam Trung was arrested in 2021, Nam Dinh provincial police have “invited” Nguyen Thi Anh Tuyet for questioning at least four times to discuss Trung’s activism (20) Tuyet has refused to comply. Police in Hanoi also contacted her twice for questioning, but again she refused to cooperate with them (21).

In March 2023, Tuyet’s residential lease expired, and the landlord refused to renew it. She found a new place to rent with her young child, put down a deposit, and began moving into the apartment. However, hours before she was set to sign the rental contract, the new landlord backed out of their arrangement and said that the family had to vacate the premises. Tuyet suspects the police pressured the landlord to cancel the contract (22).

This type of eviction is not without precedent in the activist community in Vietnam. Environmental activist Cao Vinh Thinh reported in 2020 (23) that she believed her landlords were pressured not to renew the two leases for her eco-friendly business. And dissident musician Mai Khoi was evicted twice from apartments after staging a protest during Trump’s visit to Hanoi in 2017 (24).

Tran Phuong Thao, the wife of Dang Dinh Bach, may also be facing imminent eviction. In January 2023, an officer from the Department of Civil Judgment Enforcement (DCJE) of Hanoi called Thao and told her to pay 1.4 billion dong (\$58,059) to the government, the alleged amount her husband owed in taxes (25). The officer said if the money was not paid, the department would confiscate property belonging to the family. Thao told Project88 that the family has no intention of paying the money, as her husband continues to maintain his innocence.

18 Project88 (2022, November). Interview with Trinh Thi Nhung.

19 Id.

20 Project88 (2023, March). Interview with Nguyen Thi Anh Tuyet.

21 Id.

22 Id.

23 Thành viên Green Trees - Cao Vinh Thịnh tiếp tục bị công an và an ninh Việt Nam gây sức ép (2020, Dec. 25). Green Trees. Retrieved Aug. 12, 2023, from <https://www.greentreesvn.org/2020/12/thanh-vien-green-trees-cao-vinh-thinh.html>.

24 Vietnamese musician and activist evicted after Trump protest (2017, Nov. 12). Bennett Muurray, The Guardian. Retrieved Aug. 12, 2023, from <https://www.theguardian.com/world/2017/nov/12/vietnamese-musician-and-activist-evicted-after-trump-protest>.

25 Project88 (2023, February, March, and May). Interviews with Tran Phuong Thao. Bach is serving a five-year sentence for tax evasion in a case that Project88 argues is politically motivated. See our report “Weaponizing the Law to Prosecute the Vietnam Four” for details (<https://the88project.org/wp-content/uploads/2023/04/Weaponizing-the-law-report-Project-88-ENG.pdf>).

Over the following months, the DCJE continued to harass Thao and her family. In March 2023, she reported to Project88 that the DCJE specifically threatened to freeze her bank accounts and force the family to sell their house, their car, and their possessions if they refused to pay the tax (26). On April 28, 2023, police also searched the family's home and made a list of assets (27).

Dang Dinh Bach has had his credit cards locked, his bank accounts frozen, and money in those accounts confiscated since his conviction (28). Thao has been a vocal advocate for Bach and has lobbied with foreign governments and the UN for his release (29).

## **Violations of the Right to Freedom of Movement**

The Vietnamese government often restricts activists' movements in a bid to exert control over their activities. This can take the form of travel bans, confiscation of travel documents, and even locking activists in their homes during important events.

This type of harassment has been well-established by international observers. Human Rights Watch's report "Locked Inside Our Home" (30) documented "numerous cases of freedom of movement violations since 2004 and identified more than 170 people banned from leaving or entering the country." The report noted that "actual totals are certainly much higher: information is scarce because of Vietnam's strict censorship regime and because many victims fear that making their cases public will lead to criminal or other retaliatory action by authorities."

Violations of the right to freedom to movement can happen at any time— even after an activist has stepped away from the public spotlight. On Sept. 27, 2022, former prominent human rights lawyer Vo An Don and his family were stopped from boarding a flight to the United States (31) just as they were about to emigrate to seek political asylum, even though Don had stopped working years prior. Don was barred from practicing law in 2017 after he provided legal representation for families of victims who died in police custody.

27 Id.

28 Id.

29 See for example, <https://www.politico.eu/article/wife-vietnam-prisoner-dang-dinh-bach-eu-trade-deal-human-right>.

30 Locked Inside Our Home (2022, Feb, 7). Human Rights Watch. Retrieved Aug. 12, 2023, from <https://www.hrw.org/report/2022/02/17/locked-inside-our-home/movement-restrictions-rights-activists-vietnam>.

31 Vietnam rights lawyer barred from leaving country (2022, Sept. 28). Radio Free Asia. Retrieved Aug. 12, 2023 from <https://www.rfa.org/english/news/vietnam/barred-09282022145939.html>.

Imposing onerous administrative hurdles and interrogations is also a subtler way to make travel infeasible for activists. On July 22, 2022, Nguyen Xuan Mai (32), a member of the Cao Dai 1926 religious group, faced more than six hours of questioning upon returning to the country from the 2022 International Religious Freedom Summit in the United States (33).

During her detention, which involved officers from multiple municipalities, the officers allegedly took control of her email account and mobile phone, checked her messages, and printed dozens of documents (34). They also allegedly forced her to sign a letter confirming the details of some of the messages (35).

Bui Thi Kim Phuong, wife of political prisoner Nguyen Bac Truyen (36), was banned from leaving the country (37) to attend the same International Religious Freedom Summit as Nguyen Xuan Mai in Washington D.C. Phuong, an outspoken supporter of her husband, has often faced reprisals for advocating for her husband, some of which were detailed in a 2021 UN report (38).

## **Violations of Artists and Authors' Rights to Freedom of Expression and Association**

Apart from harassing human rights activists, the Vietnamese government also routinely violates artists' rights to freedom of expression and association.

In one recent case, artist Bui Quang Vien (39) (Bui Chat) received a notice from the Ho Chi Minh City People's Committee informing him that his 15-day art exhibit had violated several city ordinances and laws because he did not get a permit. Vien was ordered to pay a fine of 25 million dong (\$1,063) and to "destroy all 29 paintings" that were exhibited (40). On Aug. 23, 2022, the Committee rescinded the decision to destroy the paintings (41). However, the fine for not having a permit remained.

32 Project88, Profile: Nguyen Xuan Mai, (26 June 2023), available at: <https://the88project.org/profile/594/nguyen-xuan-mai/>.

33 Tín đồ Cao Đài bị câu lưu nhiều giờ khi về Việt Nam từ Hội nghị Tự do Tôn giáo (2022, July 23). Radio Free Asia Vietnamese. Retrieved Nov. 5, 2023, from <https://www.rfa.org/vietnamese/news/vietnamnews/cao-dai-follower-detained-by-police-for-hrs-upon-returning-home-from-religious-freedom-conference-07232022103553.html>.

34 Id.

35 Id.

36 Project88, Profile: Nguyen Bac Truyen, (26 June 2023), available at: <https://the88project.org/profile/10/nguyen-bac-truyen/>.

37 Wife of prisoner of conscience banned from leaving Vietnam (2022, June 29). Radio Free Asia. Retrieved Aug. 12, 2023, from <https://www.rfa.org/english/news/vietnam/wife-of-prisoner-of-conscience-banned-from-leaving-vietnam-06292022003700.html>.

38 Cooperation with the United Nations, its representatives and mechanisms in the field of human rights (2021 Dec, 1). UN General Assembly Human Rights Council. Retrieved Oct. 26, 2023 from <https://www.ohchr.org/en/reprisals/annual-reports-reprisals-cooperation-un>.

39 Project88, Profile: Bui Quang Vien, (26 June 2023), available at: <https://the88project.org/profile/598/bui-quang-vien/>.

40 Họa sĩ Bùi Chát phải tự tiêu hủy tranh và khắc phục sai phạm ,(2022 Aug. 17). Cong An Nhan Dan. Retrieved Oct. 26, 2023 from <https://cand.com.vn/Tieu-diem-van-hoa/hoa-si-bui-chat-phai-tu-tieu-huy-tranh-va-khac-phuc-sai-pham-i664390/>.

41 Họa sĩ Bùi Quang Viễn không bị buộc tiêu hủy tranh, (2022 Sept. 6). Vietnam Express. Retrieved Oct. 26, 2023 from <https://vnexpress.net/hoa-si-bui-quang-vien-khong-bi-buoc-tieu-huy-tranh-4507620.html>.

Even events that do secure permits can be subject to about-face sanctions. In May 2022, officials of the Department of Culture and Sports of the Hanoi City People’s Committee summoned artist Mai Duy Minh (42) to discuss his paintings of the victory at the battle of Dien Bien Phu. The exhibit to commemorate the 68th anniversary of the battle, which ended on May 7, 1954, with the surrender of the French forces, had been approved by the Department of Culture and Sports. However, it was postponed at the last moment due to concerns that “the painting ‘Dien Bien Phu’ had a tattered national flag and a soldier that was not handsome and not anatomically correct” (43).

The Vietnamese government has also recently targeted Van Viet (also known as Viet Literature or the Association of Independent Writers of Vietnam) (44), one of the country’s few remaining independent literary organizations. Since its inception, Van Viet has hosted annual literary awards and served as an outlet for independent thinkers to share ideas. In 2022, two peripheral associates of the group were harassed, likely in a bid to caution them against becoming further involved with the group.

On March 2, 2022, writer Luong Tu Tuan (45) (Thai Hao), reported that he was assaulted by non-uniformed individuals who did not identify themselves, while traffic police simply looked on (46). The attack happened while he was on his way to catch a flight to a Van Viet event in Ho Chi Minh City. Hao reported that local security officers warned him not to go to the event (47).

After leaving his house for the airport and driving only one kilometer, Hao said that traffic police and a security officer stopped him. After he stepped out of his car, two people ran towards him and physically attacked him (48).

Hao reported that he called out to the uniformed officers for help, but they waited several minutes before intervening (49). The attackers were eventually allowed to leave the scene, and the traffic police detained Hao for not having his driver’s license. After three hours, he was released, but he had already missed his flight.

42 Project88, Profile: Mai Duy Minh, (26 June 2023), available at: <https://the88project.org/profile/585/mai-duy-minh>

43 Yêu cầu tạm dừng triển lãm hội họa Điện Biên Phủ, Thiên Dieu, (2022 May 7), Tuổi Trẻ Online. Retrieved Oct. 26, 2023 from <https://tuoitre.vn/yeu-cau-tam-dung-trien-lam-hoi-hoa-dien-bien-phu-2022050719405393.htm>.

44 The independent association Van Viet was established by 62 writers in 2014.

45 Project88, Profile: Luong Tu Tuan, (26 June 2023), available at: <https://the88project.org/profile/575/luong-tu-tuan-thai-hao/>.

46 Nhà thơ Thái Hạo bị chặn đánh trên đường đi nhận giải Văn Việt, Tuan Khanh, (2022 March 7). Radio Free Asia Vietnamese, Retrieved Oct. 26, 2023 from <https://www.rfa.org/vietnamese/news/comment/blog/poet-thai-hao-harassed-while-on-the-way-to-an-award-ceremony-03072022091753.html>.

47 Facebook post, Thai Hao Facebook (2022 March 3). Retrieved Nov. 5, 2023 from [https://www.facebook.com/permalink.php?story\\_fbid=349175240422835&id=100059910855657](https://www.facebook.com/permalink.php?story_fbid=349175240422835&id=100059910855657).

48 Id.

49 Id.



An educator and poet, and not a human rights activist, Hao has occasionally appeared in state media talking about educational reform and literary criticism. In early 2021, Hao began giving infrequent interviews and commentary for Van Viet. While it remains difficult to prove whether the attack on Thai Hao was retaliation for his work with Van Viet, as many suspect, the assault had a chilling effect to discourage affiliation with the group.

For example, in the wake of the assault on Thai Hao, writer Nguyen Thi Tinh Thy (50) declined a literary award from Van Viet. In her letter “How much longer will we suffer?” sent to Van Viet on May 1, 2022, Tinh Thy wrote: “Is there anyone on earth, throughout the ancient and modern eras, in both eastern and western literature who has had to write a letter like this? One that asks for the award organizer to PLEASE KEEP THE AWARD FOR ME? [author’s capitalization]” (51). Tinh Thy cited veiled threats from police who suggested she should not accept the award (52).

## Conclusion on Harassment Incidents

The Vietnamese government often does not need to resort to arresting activists in order to silence them. Harassment is commonly used to warn and punish activists for sharing their viewpoints, forcing them into self-censorship. Such incidents, however, do not attract the same international attention as arrests and trials. Harassment is difficult to report on and to corroborate.

The government’s motives are difficult to determine without further research into this type of repression. What is clear, however, is that harassment of activists and their families is pervasive and has the potential to impact a person’s life intimately— including loss of livelihood and home and even bodily injury. Without more international attention and resources to investigate this type of repression, harassment of activists and their communities is likely to continue, even if arrest numbers fall.

50 Project88, Profile: Nguyen Thi Tinh Thuy, (26 June 2023), available at: <https://the88project.org/profile/580/nguyen-thi-tinh-thy/>.

51 Còn khổ bao lâu nữa? (2022, May). Van Viet. Retrieved Nov. 5, 2023 from <https://vanviet.info/van-de-hom-nay/cn-kho-bao-lu-nua/>.

52 Id.

## REPRESSION OF CLIMATE DEFENDERS AND NGO PROFESSIONALS

Since 2021, Vietnam has arrested at least 12 people with a history of environmental activism-- five of whom were directors of registered NGOs-- and has intimidated numerous more into pausing or stopping their work. The recent crusade against nonprofit professionals is a troubling new development, as the NGO leaders do not fit the mold of people usually arrested for political reasons in Vietnam.

In contrast to many of the political prisoners arrested in recent years, the six environmental NGO leaders arrested since 2021—Dang Dinh Bach (53), Nguy Thi Khanh (54), Hoang Thi Minh Hong (55), Ngo Thi To Nhien, Mai Phan Loi (56), and Bach Hung Duong (57) —are not anti-state activists. Prior to their arrests, these NGO leaders all ran state-sanctioned organizations that cooperated with government projects and provided input on government policies. All worked within the confines of state laws and policies (58).

The six were close associates on many cross-cutting projects. For example, Mai Phan Loi ran an organization called Media in Educating Community (MEC), which had its own TV channel. One regular program of the MEC TV channel was Green Innovation News, an environmental news program that was co-produced by several organizations and networks set up by Nguy Thi Khanh.

Dang Dinh Bach and Mai Phan Loi's respective organizations were also members of the Open Government Project, an informal network dedicated to civil society, democratization, and transparency. The Open Government Project was a board member of the VNGO-EVFTA Network, a grouping of NGOs established in November 2020 with the aim of forming a Domestic Advisory Group (DAG) that could hold the government accountable to labor and sustainability standards contained in its trade agreement with the European Union (EU).

This hostility has taken the form of a series of legal and extralegal measures that, echoing developments across the region, include new restrictions on groups that rely on foreign funding, strict controls on the organization of conferences, and the criminalization of policy activism and government accountability initiatives.

53 Project88, Profile: Dang Dinh Bach, (26 June 2023), available at: <https://the88project.org/profile/538/dang-dinh-bach/>.

54 Project88, Profile: Nguy Thi Khanh (26 June 2023), available at: <https://the88project.org/profile/566/nguy-thi-khanh-/>.

55 Project88, Profile: Hoang Thi Minh Hong (12 Aug. 2023), available at: <https://the88project.org/profile/605/hoang-thi-minh-hong/>.

56 Project88, Profile: Mai Phan Loi (26 June 2023), available at: <https://the88project.org/profile/537/mai-phan-loi/>.

57 Project88, Profile: Bach Hung Duong (26 June 2023), available at: <https://the88project.org/profile/561/bach-hung-duong/>.

58 Whereas previously (following Decree 93) the MPS did not have to be consulted in order for government approval to be granted for foreign-funded projects, now under Decree 80 (2020), it does. This requirement effectively allows the police to delay or prevent the approval of foreign-funded projects of NGOs. Since Decree 80 came into effect, many local NGOs have reported unprecedented difficulties getting projects approved, especially projects that have advocacy or institutional reform components.

UN human rights experts have described these new policies as introducing “unreasonably burdensome requirements for [...] registration of funding and projects, meetings and other public activities,” effectively “render[ing] more complex all procedures to receive foreign funding, for INGOs [international NGOs] and national organizations alike” (59).

The government arrested Loi, Khanh, Duong, Bach, and Hong in a nearly identical pattern. They were all detained without charge, while their offices were searched, and staff interrogated. This practice of detaining first and charging later is a common tactic used by the MPS to build illegitimate criminal cases against human rights activists. Our report, “Weaponizing the Law to Prosecute the Vietnam Four” (60), provides a deep dive into the serious irregularities that characterized these prosecutions. Most recently, the arrest of energy researcher and think tank director Ngo Thi To Nhien in September 2023 also mirrored the earlier arrests. Nhien, who was charged with “appropriating documents of agencies and organizations,” was heavily involved in policy activism around Vietnam’s transition to clean energy under the \$15.5 billion Just Energy Transition Partnership (JETP) deal.

The arrests of Loi, Khanh, Duong, Bach, Hong, and Nhien serve as a warning to others working in the gray area of policy activism in Vietnam. By pressing charges of tax evasion and regulating receipts of foreign funding income (61), the Vietnamese government aims to deflect criticism of the arrests of the climate leaders while also cautioning other NGOs against following the same path. These arrests have had a chilling effect, making other organizations reluctant to weigh in on matters of public importance for fear of harassment, forced closure, and imprisonment. State authorities are using the threat of criminal prosecution for “tax evasion” as a cudgel to suppress the emergence of an independent civil society while restricting basic rights to freedom of association and speech.

With the leadership of the country’s environmental movement behind bars or silenced (62), virtually no independent civil society is left to hold the government to account to its climate change commitments.

59 Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (2021, Dec. 10). OL VNM 7/2021. Human Rights Council. Retrieved Dec. 15, 2022, from <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26885>.

60 Available in English (<https://the88project.org/wp-content/uploads/2023/04/Weaponizing-the-law-report-Project-88-ENG.pdf>) and Vietnamese (<https://the88project.org/viet-nam-vu-khi-hoa-luat-hinh-su-nham-truy-to-bo-tu/>).

61 NGOs in Vietnam hone survival skills (2022, Nov. 5). Nguyen Cong Bang, Asia Democracy Chronicles. Retrieved on Aug. 12, 2023, from <https://adnchronicles.org/2022/11/05/ngos-in-vietnam-hone-survival-skills/>.

62 Note: Nguy Thi Khanh was released early from prison in May 2023 after serving the majority of her prison sentence. Mai Phan Loi was released early from prison ahead of U.S. President Joe Biden’s trip to Hanoi in September 2023 after serving the majority of his sentence as well. Bach Hug Duong was due for release from prison at the end of September 2023 after the completion of his sentence; but as of the time of this writing, Project88 has not been able to confirm his release.

This is especially concerning given that the Vietnamese government is in the process of negotiating the details of the JETP (63) implementation with the G7 (64).

Further, the United States continues to deepen its ties with Vietnam. In September 2023, U.S. President Joe Biden formally upgraded the U.S. relationship with Vietnam to a Comprehensive Strategic Partnership (65). Days later, Reuters reported that the United States was already in talks with Vietnam to negotiate new arms sales (66).

In yet another blow for social progress in the country, since late 2022, the Vietnamese government has issued multiple summonses for questioning to at least five human rights lawyers after they defended a high-profile freedom of expression case involving members of a Buddhist monastery. Three of the lawyers were even forced to flee Vietnam after warrants were issued for their arrests.

The harassment of human rights lawyers is not new in Vietnam, but a coordinated move against five attorneys at once is unprecedented in recent years. The criminalization of human rights lawyering is yet another example of the government's willingness to arrest nontraditional activists. More research should be done to investigate these arrests and to determine what can be done to strengthen protections for the few remaining human rights lawyers practicing in the country.

International observers should be concerned that the Vietnamese government is now setting its sights on nontraditional activists such as climate activists, NGO directors, and human rights lawyers. Any individuals or groups that promote political pluralism through policy research and activism—whether intended or not—could soon find themselves targets of state persecution.

63 Political declaration on establishing the Just Energy Transition Partnership with Viet Nam (2022, Dec. 14). Retrieved Aug. 12, 2023, from <https://www.gov.uk/government/publications/vietnams-just-energy-transition-partnership-political-declaration/political-declaration-on-establishing-the-just-energy-transition-partnership-with-viet-nam>.

64 Indonesia, Vietnam energy transition financing under G7-funded plans (2023, Nov. 1). Reuters. Retrieved Nov. 5, 2023 from <https://www.reuters.com/business/energy/indonesia-vietnam-energy-transition-financing-under-g7-funded-plans-2023-11-01/>.

65 Joint Leaders' Statement: Elevating United States-Vietnam Relations to a Comprehensive Strategic Partnership (2023, Sept. 11). Retrieved Oct. 21, 2023, from <https://www.whitehouse.gov/briefing-room/statements-releases/2023/09/11/joint-leaders-statement-elevating-united-states-vietnam-relations-to-a-comprehensive-strategic-partnership/>.

66 Exclusive: Biden aides in talks with Vietnam for arms deal that could irk China (2023, Sept. 23). Trevor Hunnicutt and Nandita Bose, Reuters. Retrieved Oct. 21, 2023 from <https://www.reuters.com/world/biden-aides-talks-with-vietnam-arms-deal-that-could-irk-china-2023-09-23/>.

## ARRESTS FOR ONLINE ACTIVITIES

The year 2022 saw a continued rise in the arrest of dissidents for their online political speech, many of whom had no known history of activism (67).

Though criminal law tends to be used in a minority of cases, the application of criminal law remains Vietnam’s most visible and punitive tool to punish online political speech.

In an analysis of arrests that took place between 2019-2022, Project88 found that arrests of activists for their online activities as a proportion of all political arrests almost doubled. In 2019, arrests for online activities accounted for 48% of arrests, and by 2022, they accounted for over 80%.

Figure 1: Arrests of Activists for Online Activities in Vietnam from 2019-2022

Year of Arrest	Total Political Prisoner Arrests (n)	People Principally Arrested for Online Activities	Not Arrested for Online Activities	Undetermined	Percentage of People that were Mainly Arrested for Online Activities
2019	42	20	22	0	48%
2020	39	27	12	0	69%
2021	40	34	6	0	85%
2022	28	23	3	2	82%
<b>Total</b>	<b>149</b>	<b>104</b>	<b>43</b>	<b>2</b>	<b>70%</b>

67 We consider someone to engage in online political speech when they use an online forum to create or share content or comment on matters of public opinion, politics, or government policies. We determine if someone is arrested principally for their online political speech by examining language in official government sources—arrest warrants; criminal investigation reports; reports from the public prosecutor; court documents, or official government newspapers.



In 2019, Article 117 (“spreading anti-state propaganda”) was the most common charge used to prosecute both dissidents mainly operating online and all other political arrestees. By 2022, Article 331 (“abusing democratic freedoms”) had overtaken that top position. A conviction under Article 331 carries a shorter maximum prison time but is widely seen by observers as the catch-all that is used to convict dissidents that cannot persuasively be tried using national security provisions, provisions that tend to be reserved for anti-state activists.

The average length of prison sentences for all political prisoners decreased from 2019 to 2022. Despite this, people who engaged in online dissent were handed harsher prison sentences than other activists in that same period. Of the 14 people arrested from 2019-2021 who were sentenced to 10 or more years in prison, nine were online dissidents. The harsh sentences given to online dissidents makes an example of those who dare to speak out.

Arrests are not the only means the government uses to repress online political speech. The government has also developed an elaborate policy framework to limit political speech in virtual spaces, including laws regulating internet service providers themselves (such as the Law on the Press and the Law on Telecommunication); public opinion-shaping brigades (under Resolution 35); and expansion of police powers to summon dissidents. A conservative estimate puts government-issued administrative fines (68) for online speech at least 114 incidents from January to August 2022, with the total amount of fines reaching 1.9 billion dong (\$81,000) (69).

The repression of online dissent is one goal of new policies in Vietnam as well—such as Decree 53 (guiding implementation for the Cybersecurity Law) and the Third Draft of the Cybersecurity Administrative Sanctions Decree (slated to go into effect Dec. 1, 2023). The proliferation of these policies, as well as arrest data from 2019-2022, indicate that silencing online dissent is an important human rights issue.

68 Two government-issued instruments, Decree 15/2020/NĐ-CP and Decree 14/2022/NĐ-CP, provide the legal basis for these sanctions. Following these policies, any prohibited act of online expression is subject to a fine. Prohibited acts include a wide range of vaguely-defined activities, such as “providing and sharing fake information, or information that distorts, slanders, or insults the reputation of governmental agencies or organizations, honor and dignity of individuals” and “providing and sharing links to online information with prohibited content.”

69 Tình trạng tấn phát tin giả, tin sai sự thật đang diễn biến rất phức tạp, (2022, Aug. 9). Xay Dung Chinh Sach, Phap Luat. Retrieved Aug. 12, 2023, from <https://xaydungchinh sach.chinhphu.vn/tinh-trang-tan-phat-tin-gia-tin-sai-su-that-dang-dien-bien-rat-phuc-tap-119220809093329549.htm>.

## ARRESTS OF BLOGGERS AND JOURNALISTS

Several journalists and bloggers were arrested and tried in 2022. Project88 recorded the arrest of five bloggers and journalists for the year. In addition, 11 were tried and convicted during 2022.

Former independent journalist Nguyen Lan Thang (70) was arrested on July 5, 2022, on the charge of conducting “anti-state propaganda,” Article 117. Thang had previously worked with online activists to provide photographs and videos of events such as demonstrations against land confiscations, incidents which state-owned media is prohibited from reporting.

Upon his arrest, the police searched Thang’s house and took away laptops, mobile devices, and books. Although he had been involved in political activism for at least 10 years and had a Facebook page with over 150,000 followers, he had not been very active online in recent years. Further, in the months prior to his arrest, his Facebook account had been administered by other people. As such, the timing and motive for Thang’s arrest was not clear.

Thang was held incommunicado from July 2022 to February 2023 (71). Luan Le, one of his lawyers, later said his client’s indictment was based on 12 interviews with BBC Vietnamese between 2017 and 2020 (72). This was the only evidence that was admissible in court to accuse Thang of violating Article 117 (73) In April 2023, in a closed trial that lasted only a few hours, Nguyen Lan Thang was convicted of “making, storing or spreading information, materials or items for the purpose of opposing the State” and sentenced to six years in prison and two years of probation.

In a different case involving a lesser-known blogger, Le Manh Ha (74) was arrested in January 2022 and later sentenced to eight years in prison. He was accused of posting 21 video clips on his YouTube channel, Voice of the People Le Ha, and posting 13 articles on Facebook about land rights issues, including interviews with victims of land grabs (75).

70 Project88, Profile: Nguyen Lan Thang (26 June 2023), available at: <https://the88project.org/profile/291/nguyen-lan-thang/>.

71 Project88 (2023, April). Interview with Le Bich Vuong.

72 Luan Le Facebook Post, (15 April 2023). Retrieved Aug. 12, 2023, from <https://www.facebook.com/100007013826421/posts/pfbid023iWFtwm6LnwCPZS5qbvW8ku53Ly553iiLqy42HQkEpXwRUNENreuVmUCUrvrrQxl/?mibextid=5zvaxg>.

73 Id.

74 Project88, Profile: Le Manh Ha (26 June 2023), available at: <https://the88project.org/profile/567/le-manh-ha/>.

75 Nhà báo tự do Lê Mạnh Hà bị kết án tám năm tù vì “cất tiếng nói cho dân oan”, (2022 Oct. 25). Radio Free Asia Vietnamese. Retrived Oct. 26, 2023 from <https://www.rfa.org/vietnamese/news/vietnamnews/independent-journalist-le-manh-ha-jailed-for-voicing-to-support-land-petitioners-10252022065724.html>.

Ha was inspired to report on land rights issues after he himself started petitioning for redress from a resettlement plan for a dam in Tuyen Quan Province. Our own analysis of Ha's YouTube channel shows that his work was rather moderate in tone and focused principally on land issues.

Criminalization of blogging by the Vietnamese government is far-reaching, including active and inactive bloggers, and those with both modest and large followings. Despite differences in their type and level of activity and online reach, Nguyen Lan Thang and Le Manh Ha both faced months of pre-trial detention and received two of the harshest prison sentences in 2022.

Since 2018, the arrests of journalists and bloggers has been on an upward trajectory, leaving almost no independent media inside the country that report on human rights violations. Activists primarily working as bloggers, writers, and journalists made up only 7% of political arrests in 2019, but by 2021 that number had risen to 35%. In 2022, the percentage fell to 18%.

Figure 2: Arrests of journalists, bloggers, and writers from 2018-2022

Year of Arrest	Total Number of Arrests of Political Prisoners (n)	Total Number of Arrests of Journalists, Bloggers, and Writers (n)	Percent of Political Prisoners Arrested who are Bloggers, Journalists, or Writers
2018	148	4	3%
2019	42	3	7%
2020	39	7	18%
2021	40	14	35%
2022	28	5	18%
<b>Total</b>	<b>297</b>	<b>33</b>	<b>11%</b>

Without the release of imprisoned journalists and adequate protections for media professionals and organizations that remain operational, independent reporting in Vietnam faces an uncertain future.

## THE RIGHT TO HEALTH AND WILLFUL MEDICAL NEGLECT OF POLITICAL PRISONERS

Dangerous conditions affect all prisoners in Vietnam. However, we documented numerous cases in 2022 and 2023 in which prison authorities are alleged to have deliberately compromised the welfare of political prisoners. These include allegations of torture and beatings, the denial of adequate medical treatment for sick prisoners, and the widespread use of incommunicado detention, which keeps prisoners from communicating to the outside world about their prison conditions and health. These issues are of utmost importance because the deliberate neglect of prisoners may have led not only to poor mental and physical health but also to unnecessary deaths.

Previous research has documented allegations of police brutality and deaths of individuals in custody in Vietnam (76) Official government reports even lend support to allegations of neglect. A 2017 report from MPS, which oversees prisons in the country, detailed that over a five-year period, 2,812 bodies and ashes were returned to the families of prisoners, without detailing the conditions under which these prisoners died (77) The same report also details much worse health outcomes for prisoners than members of the general population. In 2016, the report states, 8.3% of the total prison population was HIV+, in a year when just 0.4% of people aged 15-49 had the disease in the general population (78).

While no official data has been made public about disparities in health outcomes between different groups of prisoners, the systematic mistreatment of Vietnamese political prisoners has been long recorded by Project88 and other international observers.

In a recent example, an anonymous source with direct knowledge of the matter told Project88 that blogger Vu Quang Thuan (79) contracted tuberculosis in prison. The source claims to have personally witnessed Thuan calling for medical assistance on many occasions from his prison cell, often multiple times in the same week. However, Thuan was taken to the hospital only once and was sent back to prison the same day. In addition to tuberculosis, Thuan is suffering from lung and throat infections and asthma. These conditions, as well as the tuberculosis, are reported to have been diagnosed and confirmed by doctors at Ha Nam Hospital. Thuan's family has corroborated the information provided by this source, as has Nguyen Viet Dung, a recently released fellow prisoner (80).

76 Public Insecurity: Deaths in Custody and Police Brutality in Vietnam, (2014, Sept. 16). Human Rights Watch. Retrieved Aug. 12, 2023, from <https://www.hrw.org/report/2014/09/16/public-insecurity/deaths-custody-and-police-brutality-vietnam>.

77 Ministry of Justice. (2017). 05 /BC-BCA-C81, BÁO CÁO Tổng kết 05 năm thi hành Luật Thi hành án hình sự trong Công an nhân dân (2011 - 2016), Retrieved Oct. 26, 2023 from [http://www.moj.gov.vn/qt/tintuc/Lists/ChiDaoDieuHanh/Attachments/1976/Bao%20cao%20tong%20ket%205%20nam\\_chinh\\_Tong%20ket%20Bo.doc](http://www.moj.gov.vn/qt/tintuc/Lists/ChiDaoDieuHanh/Attachments/1976/Bao%20cao%20tong%20ket%205%20nam_chinh_Tong%20ket%20Bo.doc)

78 Id.

79 Project88, Profile: Vu Quang Thuan (26 Oct 2023), available at: <https://the88project.org/profile/16/vu-quang-thuan/>.

80 Project88 (2023, Oct 8.). Interview with Nguyen Viet Dung.

Vu Quang Thuan is a democracy and human rights blogger and a leading member of the Phong Trào Dân Tộc Chấn Hưng Nước Việt (the “National Movement to Revive Vietnam”). He was arrested in 2017 and later sentenced to eight years in prison. It is alleged that he has been put in solitary confinement several times, the longest period lasting 14 months, from March 2021 to May 2022, and that the conditions in solitary confinement worsened his health, eventually leading him to contract tuberculosis.

The widespread practice of holding political prisoners in solitary confinement, as well as incommunicado detention more commonly, can exacerbate already worrisome prison conditions and the physical and mental health of prisoners. The long-term isolation of prisoners from their friends and family has an adverse effect on a person’s emotional and psychological well-being. Further, depriving political prisoners of access to legal counsel makes them vulnerable to mistreatment, as abuses are more likely to go unreported.

### **Incommunicado Detention and Forced Psychiatric Treatment**

Incommunicado detention is a common practice used by the government against activists who are prosecuted for “national security” crimes. The legal basis for this practice can be found in Article 74 of the 2015 Criminal Procedure Code (CPC) which, in national security cases, allows the head of the procuracy (the prosecutor) to prevent defense lawyers from speaking to the defendant until after the police have finished their investigation—a process that often lasts a year or longer. It is claimed that this is necessary to protect the confidentiality of criminal investigations.

A 2016 report by Amnesty International found that all former Vietnamese political prisoners the organization interviewed had been “subjected to a lengthy period of incommunicado detention—ranging from a month to two years” (81). They also noted that “for many of the former prisoners Amnesty International spoke to, the torture and ill-treatment was especially intense during pre-trial detention, as authorities aimed to extract a ‘confession’” (82). The report stressed the importance of guaranteeing access to family, healthcare professionals, and lawyers as ‘an important safeguard against torture and ill treatment, and critical to the right to a fair trial’ (83).

Project88’s data indicates that the use of incommunicado detention is the norm in political cases in Vietnam, with the majority of political prisoners arrested in 2022 held incommunicado prior to trial, some for close to a year.

81 Inside Viet Nam’s secretive and torturous world of ‘prisons within prisons’ (2016, July 12). Amnesty International. Retrieved Aug. 12, 2023, from <https://www.amnesty.org/en/latest/press-release/2016/07/the-secretive-world-of-viet-nam-torturous-prisons/>.

82 Id.

83 Id.



At an August 2022 visit, the first time his family was allowed to see him since his arrest 26 months prior, Trinh Ba Phuong told his wife that he was tortured during his pre-trial detention period (84). Phuong reported that he was severely beaten on multiple occasions, even kicked in the groin, in an effort to extract a confession from him.

Phuong also reportedly suffered from an unspecified kidney injury in prison and was also sent to a psychiatric facility for a month (85). His family didn't find out about his transfer for a forced mental health evaluation until after it had been completed and he had been sent back to prison.

In a five-page handwritten letter he later sent to his wife, Phuong detailed his one-month stay at the Central Psychiatric Evaluation Center (86). He says he was kept in a small cell almost the entire time, was always under watch by the police, and was not allowed outside like the other patients. He refused to take the daily medication, which he said was prescribed without any examination (87). He also claimed he was subjected to unwanted tests (88) After one month, Phuong was given a clean bill of mental health and was sent back to prison.

Unfortunately, Phuong's experience is not unique. At least four other political prisoners allege they have been subjected to this type of forced mental health treatment in recent years (89). Globally, the abuse of psychiatry to repress dissent dates back decades. The practice received international attention after being used by the USSR in the 1970s and 1980s. Some estimate during this time that "approximately one-third of the political prisoners were locked up in psychiatric hospitals" (90) in order to discredit them as mentally unstable (91). The practice has also been well documented in the United States, China, Iran, and elsewhere (92).

84 Project88 (2022, August). Interview with Thu Do.

85 Id.

86 Bức thư của chồng tôi kể về một tháng bị đưa đi giám định tâm thần (4 Feb., 2023). Bao Tham Nhung. Retrieved Nov. 5, 2023 from <https://baothamnhung.com/buc-thu-cua-chong-toi-ke-ve-mot-thang-bi-dua-di-giam-dinh-tam-than/>.

87 Id.

88 Id.

89 Nguyen Trung Linh, Pham Chi Thanh, Trinh Ba Phuong, Le Anh Hung, and Nguyen Thuy Hanh.

90 Political Abuse of Psychiatry—An Historical Overview, Robert van Voren ,(2010 Jan.). Schizophrenia Bulletin. Retrived Oct 26., 2023 from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2800147/>.

91 Id.

92 See, for example, <https://hogg.utexas.edu/the-political-abuse-of-psychiatry-against-dissenting-voices>, <https://www.aljazeera.com/features/2017/7/11/is-soviet-era-punitive-psychiatry-making-a-return>, <https://safeguarddefenders.com/en/blog/mental-torture-china-locking-critics-psychiatric-facilities>, and <https://www.europeaninterest.eu/article/saman-yasin-irans-regime-uses-forced-psychiatric-care-to-punish-political-prisoners/>.

Scholar Robert van Voren, in his historical overview of the political abuse of psychiatry, notes that “The fact that these reports come from a wide range of countries shows that there is an ongoing tension between politics and psychiatry and that the opportunity to use psychiatry as a means to stifle opponents or solve conflicts is an appealing one, not only to dictatorial regimes but also to well-established democratic societies” (93). While documentation of the widespread use of re-education camps in Vietnam has received much attention, there is a lack of research on the political abuse of psychiatry in the country.

However, scattered evidence does show that the Vietnamese government employed this practice in the fledgling days of the pro-democracy movement of the 2010s. For example, after a crackdown on the National Movement to Revive Vietnam in 2009, Vu Quang Thuan, who we profiled above in this section, was arrested in Malaysia, deported back to Vietnam, and confined to a psychiatric facility in Dong Nai Province. Recent cases have been documented in more detail, however, there remains a lack of studies as to how Vietnam uses the practice to systematically persecute dissidents. In a particularly egregious example, journalist Le Anh Hung (94) was forcibly held from April 2019 to May 2022 at the Central Psychiatric Evaluation Center in Hanoi (95) In his three years detained there against his will, Hung alleges he was often bound and injected with a psychoactive medication which induced prolonged periods of an altered mental state (96). He staged multiple hunger strikes in protest of this treatment.

Hung believes that he was subjected to forced mental health treatment to punish him for reporting on corruption and as a means of discrediting him and his work (97). He had also been briefly detained in a mental health facility in 2013 after police took him away from his workplace.

Just prior to his 2018 arrest, Hung, a member of the IJAVN and the Brotherhood for Democracy, and also a frequent contributor to the U.S.-funded Voice of America (VOA), had published a commentary on VOA that was critical of newly proposed cybersecurity legislation (98). He also published an open letter on social media denouncing proposed legislation on special economic zones (SEZ), saying the proposal would unfairly benefit Chinese business interests. Both the draft SEZ and cybersecurity laws were the targets of nationwide protests that erupted across Vietnam just a month prior to Hung’s arrest.

93 van Voren, (2010).

94 Project88, Profile: Le Anh Hung (26 Oct 2023), available at: <https://the88project.org/profile/157/le-anh-hung/>.

95 Project88 (2023, July 20). Interview with Le Anh Hung.

96 Id.

97 Id.

98 Blogger Lê Anh Hùng bị bắt tạm giam 3 tháng ,(2018, July 5). BBC Vietnamese. Retrieved Oct. 26, 2023 from <https://www.bbc.com/vietnamese/vietnam-44720856>.

After being detained without trial for over four years, Le Anh Hung was finally tried in secret on Aug. 30, 2022, and sentenced to five years in prison without the knowledge of his lawyers or his family (99). It wasn't until his mother, Tran Thi Niem, called the prosecutorial investigators in early September 2022 that she learned of the trial.

It is not clear why either Trinh Ba Phuong or Le Anh Hung were sent to mental health facilities. Some observers have commented that this could be a form of punishment used to break down and isolate prisoners. We note the need for further investigation into the use of this practice on a systemic level.

## **The Death of Do Cong Duong in Prison**

In some extreme cases, lack of access to family, lawyers, and healthcare professionals is alleged to have directly contributed to the deaths of political prisoners behind bars. At least two political prisoners died in prison due to alleged willful medical neglect in 2022 alone.

The willful medical neglect of political prisoners is also believed to have directly contributed to at least three deaths of prisoners behind bars from 2019-2021 and one so far in 2023.

In April 2022 (100), citizen journalist Do Cong Duong (101) told his family he was suffering from heart failure. Between April and August of 2022, Duong's family repeatedly requested that Nghe An Prison No. 6 treat him for this condition, but their requests were allegedly ignored (102) The family had no choice but to buy medication for him without knowing exactly what health condition required treatment. Their requests for medical treatment were eventually acted on, but by then, it was too late.

On Aug. 2, 2022, after finally being admitted to Huu Nghi Nghe An Hospital in Vinh City, Duong died. Duong's daughter, Lan Anh, reported that her father told her he suffered from heart failure, which was classified as stage 4 by the time he was transferred to the hospital (103) The condition was reportedly diagnosed by doctors from a local clinic near Nghe An Prison No. 6, where Duong was sometimes sent for emergency treatment, and was also confirmed by doctors of the hospital in Vinh City that treated Duong (104).

99 Project88 (2023, July 20). Interview with Le Anh Hung.

100 In April 2022, the family first learned Duong was suffering from level 3 heart failure; despite, this, he was not sent to a larger hospital until August 2022, and his family was not notified between April and August of any outside care Duong received that would have given them a better picture of his health situation.

101 On Jan. 24, 2018, video blogger Do Cong Duong was arrested while filming residents of Tu Son Commune being evicted from their land by Bac Ninh provincial police. Duong was later sentenced to eight years in prison for "disturbing the peace" and "abusing democratic freedoms." According to our interviews with his family, Duong was a healthy man prior to his arrest. But once in prison, his health began to deteriorate.

102 Project88 (2022, Sept. 16). Interview with Lan Anh.

103 Id.

104 Id.

Lan Anh told Project88 that when the family collected Duong's belongings from the prison, she found a note written by him (105). The note detailed how he was sent to the prison infirmary and local clinics many times, but the prison authorities did not inform the family.

Upon his death, Duong's cause of death was not disclosed, and prison authorities denied the family's request to bring Duong's body home for burial. Duong was buried in a local cemetery close to the prison. "If we bury him in the prison [cemetery], then we must ask for their permission to visit him like when he was alive," lamented Lan Anh.



**The entrance to Nghe An Detention Center No. 6.**

Religious leader Phan Van Thu (106), serving a life sentence at Gia Trung Prison in Gia Lai Province, also died from unknown reasons in prison in November 2022. As in the case of Do Cong Duong, the authorities did not disclose the cause of death to the family.

Thu belonged to the An Dan Dai Dao Buddhist denomination, which is not affiliated with the state-run Buddhist church. Many An Dan Dai Dao members have been harassed and imprisoned, including at least 18 who remain in prison at the time of this writing.

105 "We collected my father's belongings from the prison and I found a note written by him. We came to know that he was sent to the prison infirmary, an outside infirmary and hospital many times, but the prison authorities did not inform us. For example, on April 27, 2022, my father was taken for emergency treatment at Thanh Chuong General Hospital, Thanh Chuong District, Nghe An Province. He was there for 10 days." – Lan Anh interview, (2022, Sept. 20).

106 ADDD is a religious sect of Buddhism founded in 1969 that operated legally under the Republic of Vietnam but which was quickly outlawed and persecuted after the Communist government takeover in 1975. At its peak, ADDD had a network of 14 temples and thousands of followers. Most of the properties have now been expropriated by the government, while followers were forced into hiding. The leaders of ADDD have long been treated as criminals. Phan Van Thu is one of 22 members of the An Dan Dai Dao Buddhist sect who were arrested in February 2012 under Art. 258 and tried under Art. 79 of the 1999 Penal Code by the Phu Yen People's Court in January 2013, in what is called the "Council for the Laws and Public Affairs of the Bia Son" affair. The group was charged with subversion and accused of writing documents critical of the government, setting up two companies and investing in an eco-tourism park as a cover for recruiting supporters. However, those affiliated with the group maintained that the activities of the group were purely religious and that the authorities interpreted their religious teaching in political terms.

Do Cong Duong and Phan Van Thu's cases are but the latest in a series of deaths that illustrates not only the lack of proper healthcare in Vietnam's prisons, particularly for political prisoners, but also a lack of transparency and accountability by the authorities. In Duong's case, as in many others, his health deteriorated rapidly, his family's requests for assistance were ignored, and the family was not updated about his condition. Though Duong sometimes received medical treatment outside of the prison, he was taken only to a local clinic, and his family was also not notified of the intermittent medical treatment.

While further investigation is required regarding the allegations by the family of Do Cong Duong, they are not without precedent. In addition to Duong, we present information on five other recent cases of deaths of political prisoners due to alleged willful medical neglect in Appendix 1.

The international community should note that despite numerous documented violations of the right to health, to legal counsel, to be free from torture, and even the right to life, countless other cases likely remain unreported in a penal system marred with corruption and with no independent accountability mechanism.

## RECOMMENDATIONS AND CONCLUSION

Headlines around Vietnam’s human rights situation usually focus on one thing: arrests.

Project88 is concerned that an emphasis solely on judicial developments is misguided. Arrests and trials, while an important indicator of repression, are only one part of a larger picture that must be analyzed to understand the gravity of the human rights violations reported in Vietnam.

Our report highlights numerous developments that indicate a turn for the worse in Vietnam’s suppression of dissent, even as arrest numbers appear to be falling. Most worrying is the targeting of non-anti-state activists— such as human rights lawyers and NGO leaders— and the pervasive use of incommunicado detention.

Monitoring human rights violations in Vietnam remains complicated. The arbitrary and often unpredictable way in which the government applies the law to dole out administrative and criminal sanctions makes tracking progress in human rights difficult. Vietnam also maintains a hostile environment for human rights researchers, prohibiting in-country work, and employs extrajudicial methods— such as intimidation by agents and public pressure— to silence dissenting voices.

Without a systematic way to collect and analyze allegations of harassment by suspected government agents, the true human rights situation will be nearly impossible to ascertain. Still, monitoring efforts— and the advocacy that accompanies ongoing monitoring— can be strengthened. We provide suggestions for this below:

### **To international funders and observers, we recommend you:**

- Invest resources in investigating not only arrests and trials, but also instances of harassment, reprisals, and willful medical neglect, and facilitate adequate access to remedy for the victims of such incidents;
- Focus advocacy efforts to protect Vietnam’s few remaining independent climate defenders, journalists, and human rights lawyers;
- Work with at-risk individuals and groups to make plans for advocacy efforts in case of prosecution.

### **To governments that seek to deepen ties with Vietnam, most prominently the United States and the EU, we urge you to:**

- Wield international advocacy tools to support persecuted NGO leaders, human rights lawyers, and policy activists;
- Make climate change funding through the JETP contingent on Vietnam releasing climate leaders;
- Condition any arms sales to Vietnam on a moratorium of new arrests of political prisoners.



# APPENDICE

## Appendix 1: Allegations of willful medical neglect leading to prison deaths 2019-present

Doan Dinh Nam, b. 1951, d. October 2019

Location of death: Xuyen Moc Prison, Xuyen Moc Province

Age at death: 67 or 68

Suspected cause of death: kidney failure

Nam was an An Dan Dai Dao Buddhist serving a 16-year prison sentence for “subversion”

Other notable allegations: The family petitioned authorities for medical parole in June 2019, which was denied. The prison authorities denied the family’s request to bring his body home for a funeral.

Dao Quang Thuc, b. 1960, d. December 2019

Location of death: Prison No. 6, Nghe An Province

Age at death: 59

Suspected cause of death: brain hemorrhage and lung infection

Thuc was a retired teacher serving a 13-year prison sentence for “subversion”

Other notable allegations: The prison authorities denied the family’s request to bring his body home for a funeral.

Huynh Huu Dat, b. 1970, d. December 2021,

Location of death: Xuan Loc Prison, Xuan Loc Province

Age at death: 50 or 51

Suspected cause of death: cancer and an unspecified liver issue

Dat was serving 13 years in prison on charges of “subversion”

Do Cong Duong b. 1964, d. August 2022,

Location of death: Huu Nghi Nghe An Hospital, Vinh City; transferred from Prison No. 6, Nghe An Province

Age at death: 58

Suspected cause of death: heart failure

Duong, a freelance journalist, was serving seven years in prison on charges of “abusing democratic freedoms” and “causing public disorder.”

Other notable allegations: the prison authorities did not disclose his cause of death, and denied the family’s request to bring his body home for a funeral.

Phan Van Thu, b. 1948, d. November 2022

Location of death: Gia Trung Prison, Gia Lai Province

Age at death: 74

Suspected cause of death: unknown

Thu, leader of the An Dan Dai Dao Buddhist group, was serving life in prison on charges of “subversion”

Other notable allegations: the prison authorities did not disclose his cause of death

Dinh Diem, b. 1963, d. January 9, 2023

Location of death: Nghe An Hospital, Nghe An Province; formerly imprisoned at Prison No. 6, Nghe An Province

Age at death: 60 or 61

Suspected cause of death: unknown

Diem was a pastor serving 16 years in prison for “subversion”



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