



Vietnam: Torture and Abuse of Political and Religious Prisoners

Campaign to Abolish Torture in Vietnam January 2014

Preface

This report was prepared for the Campaign to Abolish Torture in Vietnam, a group that advocates for humane treatment of detainees and prisoners in Vietnam and elimination of the practice of torture and other abuses in Vietnamese prisons and places of detention.

The report was researched and written by Sara Colm, a specialist on human rights issues in Vietnam and Cambodia who has more than 20 years' experience in Southeast Asia. Interviews with former detainees and prisoners from Vietnam were conducted by Sara Colm and Asia-based field staff of Boat People SOS (BPSOS), a US-based non-governmental organization that works on human rights, refugees, and related humanitarian matters, with a particular focus on Vietnam. The report was reviewed and edited by Nguyen Dinh Thang, CEO and President of BPSOS, and Grover Joseph Rees, a former law professor, judge, diplomat, and United States government official who has extensive experience in human rights and refugee law and practices.

We would like to gratefully acknowledge the following organizations and individuals who contributed to this report: Anh "Joseph" Cao, former member of the United States Congress; Association of Con Dau Parishioners, Boat People SOS (BPSOS), Coalition to Abolish Modern-day Slavery in Asia (CAMSA), Khmer Krom Foundation, Montagnard Human Rights Organization, Montagnard Refugee Organization, Nguyen Kim Dien Priests Group, and the Human Rights Defenders Network VETO!

Finally, we would like to express our appreciation to the former prisoners and detainees who shared with us their accounts of the abuses they suffered, and the courageous activists, human rights defenders, and bloggers in Vietnam who alerted us to rights violations, including incidents of torture and police brutality.

Cover Photo: Prison Cells at the Hanoi Hilton (Hoa Lo Prison), Hanoi, Vietnam. Also known as Hanoi Central Prison, Hoa Lo (The Oven) was built in 1896 by French colonists, who incarcerated Vietnamese political prisoners there. During the 1960s and 1970s, it held US prisoners of war, who dubbed it the "Hanoi Hilton". Since 1975 it has held opponents of the Hanoi regime and common criminals. After most of the prison was demolished in the 1990s to make way for commercial development (the gatehouse was left as a museum), the prison was moved to Tu Liem district on the outskirts of Hanoi, where it is now known as Detention Center No. 1.

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Map of Vietnam



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“They blindfolded me during interrogation and severely beat me with a rubber baton and kicked me in the kidneys with their boots until I was bleeding inside and blood was coming out of my mouth. My face was swollen and I could not walk. When I passed out, they poured water on me. Some days before I left the prison they stopped beating me in the face to let the swelling die down.

“When I left, I had to be carried out of the prison.”

—Vuong, a Vietnamese democracy activist arrested in Cambodia and forcibly returned to Vietnam, where he was imprisoned and tortured in An Giang Prison



“Sometimes they took my head and pushed it into water until I was unconscious. Two people held my arms on each side and pushed my head down.”

—Buddhist monk Kim Muon, describing his torture during interrogation at Soc Trang Prison



“The following methods of torture, which are used both to force a confession from the prisoner and to persecute him or her, are ‘made in Vietnam, full of creativity, and not comparable to any other tyrannical regime’. They can be used at any office and do not require any traditional or outdated torture tool. It is preferable that the ‘office’ be a bit out of view of other curious victims.

“The torture tools, which are both wildly brutal and elegantly modernized, hard to find but always available, include sunshine, pens, rulers, desks, chairs, floors, ceilings, windows, gloves, slippers, leather boots, keys, key chains, padlocks, iron nails, handcuffs, electric batons, blackjacks...even the long hair of the torturer.”

—Democracy activist Nguyen Van Ly, a Catholic priest who is going into his 18th year behind bars



“Prison is a place where you are abused both physically and emotionally. If it’s true that speech is the expression of one’s soul, then those souls [in prison] are very lowly at this time.”

—Writer Tran Khai Thanh Thuy describing conditions at Detention Center No 1 in Hanoi

I. Introduction and Summary

“The State of Vietnam views that the imprisonment of convicted persons is neither aimed at antagonizing them physically or mentally nor humiliating their dignity. The main objective is to educate convicted persons to become good citizens.”

—Report by Vietnam to the UN regarding its implementation of the International Covenant on Civil and Political Rights¹

This report focuses on the systematic use of torture and other ill-treatment of people who have been detained or imprisoned in Vietnam for peacefully exercising their rights to expression, association, assembly, religion, or political asylum. We examine the practice of torture of detainees and prisoners during arrest and in police custody, during interrogation and pre-trial detention, in prison after sentencing, and in administrative detention centers. We also detail torture and abuse of refugees and asylum seekers, particularly those forcibly returned to Vietnam after unsuccessfully seeking asylum abroad.

Law enforcement officials carry out torture and other abuses at each stage of a dissident’s arrest, detention, and imprisonment, with the harshest abuses taking place during pre-trial detention. The harsh and at times life-threatening conditions in Vietnam’s prisons and detention centers also amount to cruel, inhuman, and degrading treatment, and in some cases to torture.

This report is based on detailed interviews that we conducted with 60 former political and religious prisoners and detainees from Vietnam.² We found that all of them had been subjected to torture—the deliberate infliction of severe mental and physical pain and suffering—by police or prison officials during their interrogation in police custody or pre-trial detention. For the vast majority, the torture and abuse took place while the detainee was being detained incommunicado, and before he or she had access to legal representation, was brought before a judge, or was charged with any crime.

The practice of torture by police and security forces in Vietnam is not only pervasive, it is a systematic and intrinsic part of the investigation and interrogation phase of detention. It is used by law enforcement officials to force the detainee to sign a confession or provide

¹ “Supplementary Report to the Second Country Report of the Socialist Republic of Vietnam on Implementation of the ICCPR,” CCPR/C/VNM/2001/2/Add.1, April 23, 2002.

² In this report we use the term “political or religious prisoner or detainee” to refer to people who have been detained or imprisoned for peacefully exercising their rights to freedom of expression, assembly, association, religion, or political asylum.

information, to punish the detainee, or to intimidate the detainee and others from engaging in future acts of peaceful dissent or independent religious activity.

In a disturbing number of cases the torture and abuse is so severe that victims die in detention or shortly after their early release from custody.

The Global Ban on Torture

“Torture is one of the most horrendous violations of a person’s human rights. It is an attack on the very essence of a person’s dignity.”

—Navanethem Pillay, UN High Commissioner for Human Rights³

For the purposes of this report, we follow the widely accepted definition of torture outlined in article 1 of the UN Convention against Torture. It defines torture as the intentional infliction of severe pain or suffering, whether physical or mental, by a public official or someone acting with such an official’s consent for a specific purpose, such as obtaining information or a confession or intimidating, punishing, and coercing detainees.⁴

The right to be free from torture is unequivocal in international human rights law. It is enshrined as an absolute prohibition in customary international law and in the Universal Declaration of Human Rights, as well as in Vietnam’s treaty obligations as a signatory of the UN Convention Against Torture and a state party to the International Covenant on Civil and Political Rights (ICCPR).⁵

Torture is also prohibited under Vietnamese laws. Vietnam’s Constitution guarantees citizens the right to “physical inviolability and legal protection of their life, health, honor, and dignity” (article 71). Vietnam’s Criminal Procedure Code strictly prohibits “all forms of coercion and corporal punishment” (article 6).⁶

³ “Preventing Torture: An Operational Guide for National Human Rights Institutions,” Office of the High Commissioner for Human Rights, Association for the Prevention of Torture, and Asia Pacific Forum of National Human rights Institutions, May 2010.

⁴ Article 1 of the UN Convention against Torture states: “[T]orture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain is inflicted by or at the acquiescence of a public official or other person acting in an official capacity.”

⁵ Vietnam acceded to the ICCPR on September 24, 1982 and signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on November 7, 2013.

⁶ Other Vietnamese laws that prohibit torture are Decree 89/1998/ND-CP (article 8) and Regulations on Democracy in Prisons Detention and Rehabilitation Centers under the Ministry of Public Security (article 15). “Supplementary Report to the Second Country Report of the Socialist Republic of Vietnam on Implementation of the ICCPR,” CCPR/C/VNM/2001/2/Add.1, April 23, 2002. Criminal Procedure Code, No. 19/2003/QH11 of November 26, 2004, http://www.moj.gov.vn/vbpq/en/Lists/Vn%20bn%20php%20lut/View_Detail.aspx?ItemID=8236

The prohibition of torture is absolute and can never be justified under any circumstances. It applies to all states regardless of their treaty obligations.⁷ Vietnam is therefore bound by the inviolable global ban on torture not only through human rights treaties and by its own constitution and laws, but also by customary international law.

Despite this, detainees in Vietnam—common criminal suspects as well as political and religious detainees—are regularly subjected to torture and other forms of cruel, inhuman, or degrading treatment.

Victims of Torture in Vietnam

Police brutality, including torture and fatal beatings of detainees, has been reported in all regions of Vietnam by the government-controlled media in Vietnam, foreign media outlets, western embassies, and international human rights organizations. Vietnamese and international human rights organizations have documented the widespread practice by police of mistreating, torturing, and even beating to death criminal suspects in temporary custody in Vietnam, even those detained for minor crimes such as routine traffic violations.⁸

This report focuses on the torture and mistreatment of people arrested for their peaceful political and religious beliefs and practices, and does not cover the larger field of people tortured in police custody after being arrested for common criminal offenses.

The victims of torture in detention include peaceful activists who have been arbitrarily arrested and detained for activities such as:

- using the Internet to discuss democracy or criticize the government;
- distributing leaflets or hanging banners calling for democratic reforms or human rights;

⁷ “The prohibition against torture and ill-treatment has risen to the level of *jus cogens*, that is, a peremptory norm of international law. As such it is considered part of the body of customary international law that binds all states, whether or not they have ratified the treaties in which the prohibition against torture is enshrined.” Human Rights Watch, “Still at Risk: Diplomatic Assurances No Safeguard Against Torture,” April 2005. See also: Nigel S. Rodley, *The Treatment of Prisoners Under International Law*, Oxford University Press, 2009, page 81; Office of the High Commissioner for Human Rights (OHCHR), General Comment 24, 52nd session, November 4, 1994, para 8; and OHCHR, General Comment 20, 44th session, 10 March 2012, paras. 8, 14, 15.

⁸ See, for example, Vietnam Human Rights Network, “Report on Human Rights in Vietnam 2012,” April 11, 2013, and Human Rights Watch, “Vietnam: Widespread Police Brutality, Deaths in Custody,” September 22, 2010. Police brutality, including torture and lethal beatings of detainees, has also been covered by Vietnamese bloggers and non-state media such as Radio Free Asia and the BBC. Examples include: “Canh sat Ha Noi ‘danh vo quai ham dan’,” BBC Vietnam Service, March 16, 2013, Thang Quang, “Lai them mot nguoi chet trong don cong an,” (Another Death in Police Station), Radio Free Asia, January 23, 2013.

- launching independent labor unions, newspapers, political parties, or human rights organizations;
- participating in independent religious groups that are banned by the government, or in officially-recognized religious groups involved in social justice movements calling for land rights, civil rights, democratic reforms, and religious freedom;
- conducting peaceful protests calling for land rights, better pay and working conditions, protection of Vietnam's territorial integrity, indigenous peoples' rights, or religious freedom; and
- attempting to seek protection and political asylum abroad because of their persecution and mistreatment by Vietnamese authorities on account of their nonviolent religious or political beliefs and activities or membership in an ethnic minority group.

Many of those arbitrarily arrested and tortured have then been sentenced to prison where the abuses continue, including torture, egregiously harsh conditions of detention, and forced labor. They are convicted under Vietnamese laws that criminalize a range of peaceful activities on the ground that they violate national security, threaten public order, or undermine "national unity".

We estimate that more than 600 people are currently imprisoned in Vietnam for peaceful expression of their political and religious views.⁹ They are dissenting intellectuals, human rights defenders, land rights advocates, labor union organizers, environmental justice activists, indigenous rights activists, bloggers, journalists, college students, and religious freedom activists.

Because torture plays an intrinsic role in the interrogation and investigation of political and religious detainees during pre-trial detention, it is more than likely that a substantial majority of Vietnam's prisoners of conscience have been subjected to torture.

Arbitrary Arrest and Detention

Vietnam's use of national security laws to arrest, detain, and convict individuals arbitrarily for peaceful political and religious beliefs and practices is in violation of fundamental rights enshrined in international law, including the ICCPR to which Vietnam is a state party.¹⁰

⁹ This number is based on interviews with former prisoners and families of current prisoners, media reports in the official state-controlled press in Vietnam and by foreign news agencies, and reports by the UN, foreign governments, NGOs, and independent human rights groups.

¹⁰ Since 2001, the UN Working Group on Arbitrary Detention (WGAD) has concluded in 63 cases submitted to it regarding Vietnam that individuals were arbitrarily detained and charged with national security crimes under penal codes articles 79, 80, 87, 88, 89, and 258. WGAD has also found that the Vietnamese Penal Code does not distinguish between violent and peaceful acts in defining "national security" crimes, which means that arrests of people for peaceful exercise of fundamental freedoms are arbitrary and in violation of international covenants to which Vietnam is a party. WGAD regards deprivation of liberty as arbitrary when it results from the exercise of the rights or freedoms guaranteed by the Universal Declaration of Human Rights and international human rights covenants, and failure to observe international fair trial norms and practices gives the deprivation of liberty an arbitrary character. "Report of the United Nations Working Group on Arbitrary Detention: Visit to

Crimes against national security and public order in the penal code, under which peaceful critics of the government are imprisoned, include:

- “carrying out activities aimed at overthrowing the People’s Administration” (article 79);
- “spying” (article 80);
- “undermining the policy of national unity” (article 87);
- “conducting propaganda against the Socialist Republic of Vietnam” (article 88);
- “disrupting security” (article 89);
- “fleeing abroad with a view to oppose the people’s administration” (article 91);
- “causing public disorder” (article 245), and
- “abusing democratic freedoms” of speech, press, belief, religion, assembly, and association to “infringe upon the interests of the State” (article 258).¹¹

In other cases, dissidents have been arbitrarily arrested on unsubstantiated criminal charges that are not defined as national security offenses, such as tax evasion in the arrests of democracy activists Nguyen Van Hai (Dieu Cay) and Le Quoc Quan, or assault in the case of dissident writer Tran Khai Thanh Thuy.

Under Vietnam’s “administrative detention” laws, peaceful dissidents, members of unsanctioned religious groups, and others considered threats to social order or public safety can be arbitrarily detained without trial for two-year renewable terms in re-education camps (*Co So Giao Duc* or CSGD), where they are required to perform forced labor and fulfil production quotas in plantations, factories, and workshops. Administrative detention laws have also been used to involuntarily commit religious and political dissidents to mental hospitals or compulsorily detain them in Social Protection Centers (*Trung Tam Bao Tro Xa Hoi*), on the ground that they pose a threat to public security or social order.

Incommunicado Detention and Solitary Confinement

The detention of many political and religious dissidents in Vietnam starts with their arrest and abduction by police, and then with their disappearance. Many of the former detainees we interviewed said that for days, weeks, even months after their arrest their families had no idea where they were, and in some cases did not even know that they had been arrested.

Vietnam,” December 21, 1994, UN doc E/CN.4/1995/31/Add.4; “Opinions adopted by the Working Group on Arbitrary Detention at its sixty-fourth session, 27031 August 2012, No. 27/2012 (Viet Nam),” Human Rights Council Working Group on Arbitrary Detention, A/HRC/WGAD/2012/27, November 13, 2012.

¹¹ During 2013, activists in Vietnam launched “Declaration 258” to campaign against the government’s use of national security laws, particularly penal code article 258, to imprison peaceful dissidents. See Penal Code of Vietnam (No. 15/1999/QH10), passed by the National Assembly of the Socialist Republic of Vietnam on December 21, 1999, Ministry of Justice website, http://moj.gov.vn/vbpq/en/Lists/Vn%20bn%20php%20lut/View_Detail.aspx?ItemID=610

Police routinely prohibit detainees from informing their families that they have been arrested and where they are being detained. In response to queries from family members, police often deny knowledge of the person's detention or refuse to provide information about the detainee's whereabouts. This may constitute an enforced disappearance, a serious offense under international law, including the ICCPR to which Vietnam is a state party.¹²

Political and religious detainees are routinely held in detention incommunicado, denied all contact with the outside world. They are prohibited access to legal counsel, medical care, and family visits. Most are also subjected to prolonged solitary confinement during the initial investigatory phase of their detention, which lasts from several weeks to more than one year. During this time they are not brought before judicial authorities.

Holding detainees incommunicado and in solitary confinement without judicial approval removes them from the protection of legal and judicial oversight and puts their life and safety at serious risk. Incommunicado detention also violates the prohibition of arbitrary arrest or detention provided in the ICCPR (article 9).¹³

These practices not only facilitate and perpetuate the torture of detainees, but in themselves can be forms of torture or cruel, inhuman, or degrading treatment. Prisoners subjected to solitary confinement for prolonged or indefinite periods, or for arbitrary reasons, routinely suffer serious and long-lasting mental and physical effects.

Methods of Torture

Political and religious detainees are most at risk of being tortured while being held in pre-trial detention. During interrogation sessions, which can take place at any time of day or night, political and religious detainees in Vietnam are subjected to a number of different forms of torture by police and prison officials. They are beaten with truncheons, belts, and leather sandals, boxed on the ears until they bleed, slammed against concrete walls, kicked with military boots, and shocked with electric batons.

¹² An enforced disappearance is defined under international law as "the arrest, detention or abduction of an individual by state authorities or their agents followed by a refusal to acknowledge the deprivation of liberty or by concealing the fate or whereabouts of the person, which places the person outside the protection of the law." Convention against Enforced Disappearance, adopted September 23, 2005, E/CN.4/2005/WG.22/WP.1/Rev.4 (2005), art. 2.

¹³ The UN Special Rapporteur on Torture stated in a 2002 report that "torture is most frequently practiced during incommunicado detention," which, he said, "should be made illegal." A 2003 opinion by the UN Commission on Human Rights stated that "prolonged incommunicado detention may facilitate the perpetration of torture and can in itself constitute a form of cruel, inhuman or degrading treatment or even torture." In a 1994 resolution, the UN Committee on Human Rights noted that prolonged solitary confinement may amount to acts prohibited by the Convention against Torture. Report of the Special Rapporteur on the question of torture submitted in accordance with Commission resolution 2002/38, UN Doc. E/CN.4/2003/68, December 17, 2002, para.26(g), pp 10-11; UN General Assembly, *Torture and other cruel, inhuman or degrading treatment or punishment: note by the Secretary-General*, July 28, 2008, A/63/175; OHCHR, General Comment 20, 44th session, March 10, 2012, paras. 8, 14, 15.

Some have their heads forcibly submerged in water during interrogation, or are forced to drink soapy water and then punched in the stomach.

Others are injected with drugs that cause permanent memory loss and make them numb, weak, and unable to speak and think clearly.

Detainees describe being hung up by their handcuffed wrists to the ceiling or the upper ledge of a window while being beaten with batons or shocked with electric rods. One man was forced to crawl on his knees on rough gravel with a piece of prickly fruit on his back, while balancing a piece of wood on his upraised arms. A woman was burned by a piece of heated metal placed against her leg, leaving a three-inch scar.

Many are forced to maintain uncomfortable positions, such as sitting, squatting, lying down with arms and legs raised, or standing on one leg, for long periods of time.

Others describe how police insert writing pens between their fingers and then tightly tie their hand with a rope, squeezing and crushing the fingers; or set two legs of a chair on the detainee's foot and then sit on the chair while interrogating the detainee.

In addition to physical abuse, police and prison authorities in Vietnam use various types of psychological techniques, some clearly amounting to torture, on detainees. These include isolation, threats, sexual humiliation, stress positions, denial of natural light, water torture, forced renunciation of faith, and erratic scheduling of interrogation sessions. Political and religious detainees have also been subjected to compulsory commitment to mental institutions and pharmacological manipulation (forced medication), which are also considered forms of psychological torture.

Several former detainees reported abuses that took place after they were forced to strip naked, such as guards standing on their legs and arms, attaching plastic bottles filled with water to the penis, shooting rubber bands at the penis, using electric shock to inflict pain on the groin and genitals, and conducting humiliating, invasive body searches.

One man, whose young child was with him when police arrested and tortured him, told us: "The worst part was that they forced my three-year-old son to sit on my lap the entire time, even though he was crying uncontrollably."

Detention Conditions Amounting to Torture

Conditions in Vietnam's prisons and detention centers are harsh and degrading and often amount to ill treatment and even torture.

During the initial investigatory part of their detention, more than half of the former prisoners we interviewed were held in isolation cells.

Many spend this period of solitary confinement in complete darkness, while others become sleep deprived because the lights are never turned off. Some are shackled with leg irons fastened to a steel bar 24 hours a day for months at a time; others are shackled just at night.

One former detainee spent close to a year in a dark cell at B34 Detention Center in Saigon, including three months with his legs shackled. “I was shackled 24 hours a day with a steel bar except when they took me out for questioning,” Cuong told us. “I could only sit down, leaning against the wall with my legs stretched out.”¹⁴

Detainees in isolation are not provided bedding, blankets, or mosquito nets but must sleep on the concrete floors of the cells which are freezing in winter and extremely hot in summer. Meals, which are shoved through a small opening in the door, consist of rice and vegetables. During this time, most detainees remain in the clothes in which they were arrested or are stripped down to their underwear. A squat toilet or a bucket in the cell serves as a toilet. For most, the only time they leave these cells during the investigation period is when guards take them out for interrogation. This can happen at any time of day or night. Medical care is rarely provided.

Cuong described the dark isolation cell where he was held for one year at B34:

“I was given two liters of water a day. Meals consisted of a small bowl of rice with salt; no vegetables, sometimes just broth. There was an uncovered bucket in the room for excrement.

“That’s where I ate and slept for a year. They only cleaned the cells once a week. Insects were sucking my blood—not just mosquitoes, but lice.”¹⁵

After the initial investigation period ends, the prisoner is usually moved out of solitary confinement and transferred to a group cell together with common criminals. Conditions in group cells are overcrowded, filthy, and airless, and not much better than in solitary. Air is provided by small narrow slats in the concrete walls, near the ceiling. Food is provided through a window in the door. Conditions routinely fail to meet even minimum international standards in regard to cell size, lighting, heating, sanitation, medical care, ventilation, and contact with the outside world.

After detainees are tried and convicted under laws and in closed trials that violate international human rights standards, they are then sent to remote prisons, often far from their families, where they are forced to conduct backbreaking and sometimes hazardous jobs.

The physical abuse often continues in the prisons, though usually to a lesser degree than during pre-trial detention. Beatings are carried out by prison guards, as well as by prisoners who act as cell “bosses” and other prisoners whom the guards instigate, instruct, or allow to carry out beatings. The physical effects of the abuse are multiplied by lack of adequate

¹⁴ Interview with Cuong, January 18, 2008.

¹⁵ Interview with Cuong, January 18, 2008.

medical care and food, poor sanitation, overcrowded cells, and a grueling regime of daily forced labor.

Once a political or religious prisoner is released, he or she is then placed under several years of administrative probation, a form of house arrest in which freedom of movement, ability to work, and other civil liberties are tightly restricted.

Forced Labor

All convicted prisoners in Vietnam, as well as detainees in re-education camps, are required to work eight hours a day without pay, primarily doing agricultural and manufacturing work.

Manual labor is obligatory for convicted prisoners in Vietnam, regardless of whether they have been sentenced for political and religious reasons. This is in violation of the ILO's Convention on the Abolition of Forced Labor (No. 105), which prohibits forced or compulsory labor of prisoners convicted of political offenses or because of racial, social, national, or religious discrimination.¹⁶ Vietnamese political and religious prisoners who have tried to protest forced labor requirements have been harshly punished.

The use of forced labor by detainees in re-education camps (and drug detention centers) also violates ILO Convention No. 29. Ratified by Vietnam in 2007, the convention prohibits the use of forced labor by detainees who have not been convicted in a court of law.

Those unable to meet forced labor quotas, even due to illness or fatigue—as well as those who raise concerns about prison conditions and mistreatment of prisoners—are punished by being put in isolation in dark cells for weeks or even months at a time.

Perpetrators of Torture

Torture and mistreatment of political and religious detainees and prisoners is primarily carried out by law enforcement officials under the authority of the Ministry of Public Security's Department of Criminal Sentence Execution and Judicial Support (previously known as V26, now General Department VIII). They include prison officials, wardens, and guards, as well as provincial, district, commune, and municipal police officers.

In two of the cases we document in this report, torture was carried out by soldiers on military bases under the authority of the Ministry of Defense. In these cases, Cambodians accused of helping Vietnamese Montagnard asylum seekers in Cambodia were arrested in

¹⁶ The ILO Convention on the Abolition of Forced Labor (No 105) prohibits forced or compulsory labor for prisoners, even if convicted in a court of law, for those imprisoned as punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system or imprisoned as a means of racial, social, national or religious discrimination. (Article 1). ILO Convention on the Abolition of Forced Labor (No 105), Article 1, 1957.

Cambodia and handed over to the Vietnamese provincial chief of Border Security in Gia Lai province, Vietnam. They were then sent to two different military bases in Gia Lai, where they were interrogated and tortured for several days.

In some cases torture is carried out in prisons and detention centers by inmates or detainees authorized by police and prison officials to carry out beatings of political and religious prisoners.

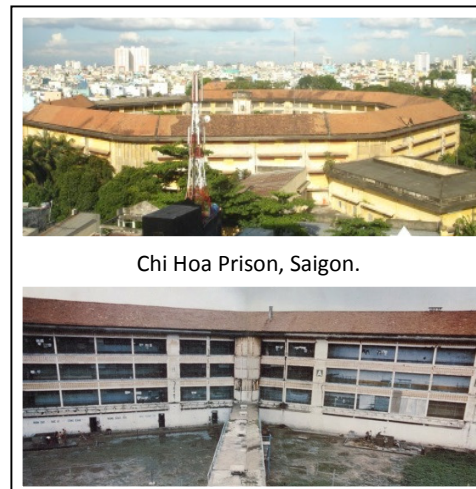
Torture is also carried out by members of the civil defense forces (*dan phong*), a voluntary security force under the authority of village People's Committee officials that often collaborates with local police.

Places of Torture

Torture of political and religious detainees and prisoners is carried out in a range of detention facilities throughout Vietnam. The 60 former prisoners and detainees we interviewed, all of whom had been subjected to torture, provided detailed descriptions about their treatment in 43 different prisons, jails, police lockups, border police stations, detention centers, and re-education camps; two military detention centers; and one psychiatric hospital. These facilities were located in 20 different provinces and municipalities throughout Vietnam.

In Saigon (Ho Chi Minh City), political and religious detainees are sent to B34 Detention Center, operated by the Ministry of Public Security (MPS) Security Investigation Department or to detention centers under the oversight of the municipal police such as Phan Dang Luu Police Detention Center or Chi Hoa Prison and Police Detention Center.

In Hanoi, they may be sent to MPS Detention Center B14 (Thanh Liet) or to Detention Center No. 1 (Tu Liem), operated by the municipal police in Tu Liem district of Hanoi.



Chi Hoa Prison, Saigon.

Dissidents arrested in provinces far from Hanoi or Saigon are often detained in provincial prisons or police detention centers for pre-trial investigation and interrogation, sometimes with the participation of MPS officials from Hanoi.

National prisons under MPS General Department VIII that have designated sections for convicted political and religious prisoners, where they are sometimes held together with common criminals, include: Nam Ha Prison in Ha Nam province, Prison No. 5 in Thanh Hoa, Xuan Phuoc (A20) Prison in Phu Yen, Xuan Loc (Z30A) Prison in Dong Nai, Thu Duc (Z30D) Prison in Binh Thuan, Prison No. 6 in Nghe An, and Xuyen Moc (T345) Prison in Ba Ria-Vung Tau.

Political and religious dissidents have also been arbitrarily detained without trial in re-education camps (Co So Giao Duc, or CSGD), including A1 Re-Education Camp in Phu Yen, Ayun Pa Re-Education Camp in Gia Lai, Dac Tan Re-Education Camp in Dak Lak, and Thanh Ha Re-Education Camp in Vinh Phuc.

Lack of Due Process and Legal Safeguards

Essential safeguards against torture in pre-trial detention, such as the right to legal representation and limits on incommunicado detention, do not exist for most political and religious prisoners in Vietnam. In addition, detainees are rarely brought before a judge until the day of their trial, denying them the right to challenge the lawfulness of their detention or their treatment, including torture, in custody.

Many of the basic safeguards against torture and other abuses of detainees are enshrined in the ICCPR, to which Vietnam is a party. It protects the rights of people deprived of their liberty, including the right to prompt access to legal advice and a fair trial.

Instead of conforming to these agreed standards, Vietnam's judicial system is characterized by arbitrary arrest; lengthy pre-trial detention; incommunicado detention; lack of presumption of innocence during court proceedings, where evidence is often lacking or fabricated; denial of access to defense lawyers; and politically-based judicial decisions.

Trials of political and religious dissidents are usually closed to the public and to foreign journalists, and sometimes even to family members. A Montagnard activist, arrested after participating in a protest for religious freedom and land rights, told us about his trial, in which three other Montagnards were also tried:

“I was taken by car from T20 Prison to the court in my home district. They called it ‘private trial.’ Even my family didn’t know about it. No one was allowed on the street—they were afraid if people knew about the trial, they would have a demonstration. During the trial, a lot of police surrounded the court room. Inside, there were only police and judges, no members of the public or members of my family.

“When the trial was over, they sent a letter to my wife telling her I’d been sentenced to five years, but they did not tell the reason why.

“They gave me a copy of the indictment, but confiscated it when they sent me to Ha Nam Prison.”¹⁷

Political and religious detainees are not informed of their right to request a lawyer, with most lacking any legal representation during their interrogation and investigation.

¹⁷ Interview with Montagnard activist Yen, Charlotte, North Carolina, January 17, 2010.

Only one of the 60 former political and religious prisoners we interviewed had legal representation present during interrogation, although this right is provided for in the ICCPR and in Vietnam's Criminal Procedure Code.¹⁸

Defendants who are aware of the right to request a lawyer—and who are willing to withstand pressure and even mistreatment by prison authorities for doing so—may be assigned a lawyer during their trial, though usually not one they have chosen. Many former political and religious detainees told us that they were simply told by prison officials that they could not have a lawyer.

One young activist told us she never saw a court official or a lawyer during her nine months of incommunicado detention at B34 Detention Center in Saigon. “The police chief said I wasn’t allowed a lawyer,” she said. “I was never taken to a court house, nor was I given any papers on release.”

Lack of Transparency and Independent Monitoring

One of the most effective preventive measures against torture, according to the Special Rapporteur against Torture, is regular and unannounced inspection of places of detention.

The Vietnamese government does not allow UN experts or international human rights organizations who focus on civil and political rights to monitor and report on rights violations in Vietnam.¹⁹ Prisons and political and religious detainees are particularly off limits. Vietnamese citizens who gather information about political and religious prisoners do so at great risk of harsh reprisals from the authorities. Vietnamese known to have provided information to human rights organizations or foreign media face detention and imprisonment themselves on national security charges of “spying”.

Vietnam's prisons and detention centers operate as hermetically-sealed systems. Except for the occasional sanitized and orchestrated tour for donors, diplomats, and members of the Vietnamese state media, outsiders are not allowed to visit prisons and detention centers, and they are certainly not allowed to conduct confidential interviews with prisoners or to document conditions and abuses that take place there. During the rare visits by UN human rights experts and foreign diplomats to Vietnamese prisons, Vietnamese authorities prevent them from meeting freely and privately with religious and political prisoners.

¹⁸ Article 58 of the Criminal Procedure Code provides that defense counsel shall participate during each stage of criminal proceedings. Despite this, lawyers are not present in 80 percent of all court hearings in Vietnam, according to Vietnam's Minister of Justice Ha Hung Cuong. Criminal Procedure Code, No. 19/2003/QH11 of November 26, 2004.

¹⁹ From 1998 until 2009 the government of Vietnam allowed no visits by UN special procedures, despite repeated requests and the urging of Vietnam's development partners. Since 2009, Vietnam has allowed a number of UN experts focusing primarily on social or economic rights to make carefully-controlled visits to the country. Vietnam still does not allow such visits by UN rapporteurs whose portfolios focus on core civil and political rights such as religious freedom, arbitrary detention, human rights defenders, and freedom of expression.

Vietnam's judicial system similarly lacks transparency, with politically sensitive trials routinely closed to the public and foreign media representatives, and official documents such as indictments, verdicts, and other judicial decisions often not made available to defendants or their legal representative.

A closed system is a recipe for human rights violations. Incommunicado detention of religious and political detainees not only facilitates torture but also shields such practices from public scrutiny. Prison authorities, guards, even inmates themselves know they can carry out beatings and mistreatment of prisoners with impunity, out of view of journalists, diplomats, UN experts, and international rights monitors. In the same way, police and judicial officials know they can routinely violate due process and international fair trial standards if the public does not know about it.

Vietnam's laws governing temporary custody, pre-trial detention, and imprisonment provide for detainees and inmates to file complaints if they are subjected to abuses in custody. None of the 60 political and religious prisoners with whom we spoke had succeeded in lodging complaints about his or her unlawful detention, torture, or mistreatment in custody. To the contrary, the few who did raise complaints or asked for legal representation were often harshly disciplined.

While the Vietnamese state media have reported on a small number of police officials who have been disciplined for mistreating and torturing people detained for criminal offenses, we are aware of no such steps taken against those who have tortured political and religious detainees and prisoners.²⁰ For this reason, torture of political and religious detainees in Vietnam continues to be carried out with impunity.

Summary of Recommendations

We recommend that the Vietnamese government enact strict prohibitions against all forms of torture and other cruel, inhuman, and degrading treatment and vigorously enforce these prohibitions, including by:

- Prosecuting public officials and employees who engage or acquiesce in torture and ill treatment of detainees and prisoners;

²⁰ One case in which authorities investigated the custodial death of an inmate convicted on common criminal charges (not national security charges) was the April 2012 beating death of a prisoner by two guards at A2 Prison in Khanh Hoa province. After an internal police investigation the guards were dismissed from the police force and expelled from the Communist Party of Vietnam. The two men were subsequently sentenced to prison terms of five and four years after a trial in September 2012. U.S. Department of State, "Vietnam 2012 Human Rights Report," Country Reports on Human Rights Practices for 2012, April 19, 2013.

- Ending incommunicado detention, prolonged solitary confinement, forced labor, the use of statements and “confessions” extracted by torture in trials and legal proceedings, and other practices that encourage or facilitate torture;
- Repealing laws that penalize peaceful exercise of the rights to freedom of expression, association, assembly, and religion; and
- Allowing unhindered access to places of detention by United Nations monitors, independent human rights organizations, attorneys, medical personnel, and family members of detainees, and others whose presence would deter torture.
- Promptly ratifying the U.N. Convention against Torture (CAT) and signing and ratifying the Optional Protocol to the Convention against Torture (Op-CAT), a treaty that supplements CAT and strengthens its preventive mandate.²¹

We also recommend that the United Nations and Vietnam’s development partners, particularly the governments of democratic countries, take measures that will provide strong incentives to the Vietnamese government to implement such reforms.

Our full recommendations are set forth in detail in Section IV of this report.

Methodology

The findings in this report are based on research conducted between 2008 and 2013. In-depth interviews were conducted with 60 former religious and political prisoners and detainees, the majority of whom had been released from custody within five years of their interview with us. Unless interviewees specifically requested that they be named, to protect their safety we replaced their names with pseudonyms in this report and in some cases withheld other identifying information about them.

Those we interviewed included members of opposition political parties, democracy activists, religious freedom activists, members of ethnic minority groups, human rights lawyers, land rights activists, workers’ rights advocates, writers, bloggers, and underground publishers. In addition to Kinh (ethnic Vietnamese) people, we interviewed members of ethnic minority groups, including Montagnards (Bahnar, Jarai, Ede, Koho, Lach), Hmong, and Khmer.

We also reviewed detailed statements, letters, memoirs, and interview transcripts from another 34 prisoners and detainees that were written in prison or upon their release.

²¹ With the aim of preventing torture, Op-CAT creates enforcement mechanisms to protect prisoners and detainees from torture and cruelty. It provides for independent monitoring and oversight of prisons and detention sites by both international and domestic monitoring bodies. UN General Assembly, “Optional Protocol to the Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment,” A/RES/57/199, January 9, 2003.

Other sources we consulted included official Vietnamese government documents, including indictments, arrest papers, prison release papers, internal memoranda circulated by government ministries and the Communist Party of Vietnam, and government directives and laws.

We also drew from a number of secondary sources including news articles from the Vietnamese state press and international media; reports by UN agencies, foreign governments, funding partners, and nongovernmental organizations (NGOs); and academic studies, books, and articles.

To obtain the perspective of the Vietnamese government, we sent a letter to the Vietnamese ministers of Foreign Affairs and Public Security summarizing the report's findings and recommendations and asking what actions the government was taking or would consider taking to address the concerns documented in the report. The letter, sent by fax on December 10, 2013, was copied to the Vietnamese Permanent Representative to the United Nations and the Vietnamese Ambassador to the United States. For a copy of this correspondence, see Appendix A.

The Vietnamese government's lack of transparency and its imposition of constraints on independent human rights researchers and monitors made it difficult to conduct in-country research. Despite these restrictions, we believe that the findings of this report accurately reflect the facts. We hope that in the future the government of Vietnam will enable research and inquiry into human rights practices—and in particular into conditions in prisons, detention centers, and police lockups—without restriction or sanction.

II. Findings

“Officers and staff working in prisons [and] detention and rehabilitation centers are strictly prohibited to commit any acts of torture or infringement upon the dignity of detainees.”

—Report by Vietnam to the UN regarding its implementation of the ICCPR²²

Despite Vietnam’s obligations to abide by the global ban on torture, its practice is widespread in Vietnam. People arrested for their political and religious beliefs, or for trying to seek asylum abroad, face systematic torture and physical and mental abuse at each stage of their arrest, detention, and imprisonment.

SECTION 1: Abuses during Arrest and Police Custody

Many detainees are beaten upon arrest by police or during transit to the police station. Those involved in unauthorized protests or religious gatherings are subject to beatings and excessive use of force by police seeking to disperse the gatherings and carry out arrests.

Tran Thanh Viet was among 60 Con Dau parishioners beaten and arrested on May 4, 2010 for participating in a funeral procession and protest march to a cemetery located on disputed land in Da Nang. He described his arrest:



“They used electric rods and batons to beat me from my head to the rest of my body. They kicked me in the stomach and my sides with their boots. I became unconscious. They handcuffed me and four policemen dragged me on the ground while still beating me. They dragged me about 500 meters to the police truck that was waiting there. They lifted me off the ground and threw me into the truck like an animal. They drove me to the police station of Cam Le district. When we arrived, I did not have the strength to walk on my own. They continued to drag me and beat me as they pulled me along. They stepped on my feet which made me stumble and fall down on my knees. They told me that I had to walk even if I could not.”²³

Dao, a member of the People’s Action Party (PAP), an anti-Communist organization that he joined in Cambodia, was abducted by police in Poipet, Cambodia and deported to Vietnam.

²² “Supplementary Report to the Second Country Report of the Socialist Republic of Vietnam on Implementation of the ICCPR,” CCPR/C/VNM/2001/2/Add.1, April 23, 2002.

²³ Interview with Con Dau parishioner Tran Thanh Viet, September 1, 2011.

He described his treatment in the van that took him to the Cambodia-Vietnam border crossing at Bavet and then on to Vietnam:

“On the way to Bavet, they beat me in the van. They hit me with their fists and elbows, beating me everywhere on my body. My face was bloody and I passed out. They beat me so bad I could not walk.

“At Bavet, everyone came to beat me. Three or four Vietnamese policemen beat me with their hands.”²⁴

Beatings in Local Police Stations

The beatings continue during the first several days in police custody at the local police station, jail, or lockup, when most political and religious detainees are held incommunicado and denied any contact with family members or a lawyer.

Con Dau parishioner Tran Thanh Viet described his interrogation at Cam Le district police station on May 4 and 5, 2010:

“During my interrogation, there were three policemen. One sat across from me writing down what I was saying. The other two stood on each side of me and continuously beat me with electric rods and batons from my head down to the rest of my body.

“They kicked my hips, sides, and stomach with boots, knocking me unconscious for 10 to 15 minutes. When I came around, they continued to beat me and punched me in the face with their fists so hard that my nose started bleeding and there was a puddle of blood in front of me. However, they still continued to beat me.

“They forced me to admit the charge of working with people outside the country to organize and incite protests against the government. They accused me of accepting money from overseas to organize and incite protests inside the country. They told me, ‘If you do not admit to these charges, we will beat you to death.’”²⁵

Police continued to interrogate and beat him the next morning:

“My hands were handcuffed to the chair. They used an electric rod to shock me on my neck, and a club and baton to beat the rest of my body. They continued to use their boots to kick me in my hips, sides, and stomach. When the two policemen were tired from beating me, there would be two other policemen to take their place and continue to beat me.

²⁴ Interview with former People’s Action Party member Dao (pseudonym), location withheld, August 4, 2008.

²⁵ Interview with Con Dau parishioner Tran Thanh Viet, September 1, 2011.

“During the first week, they tortured me and ruthlessly beat me until I was bloody, black and blue.

“I thought for sure I was not going to survive, that I was going to die.”

Another Con Dau parishioner, Le Thanh Lam, described his interrogation on May 4 and 5, 2010 at Cam Le district police station.

“There were three interrogators. One of them pulled his belt out and flogged me on the face. Another kicked me all over my body and used a stick to beat me from the head down. I bled all over my body, which became swollen. When I passed out, they poured cold water on my face to wake me up, and then proceeded to beat me again until 9 p.m. They then took me downstairs and locked me up in a cell by myself. They did not give me anything to eat.”

“The next morning, another three interrogators resumed the interrogation. They asked me questions while beating me repeatedly. For every question that I did not answer as they wanted, they punched me in the face and chest. They forced me to denounce the inciters. In reality, there were none—I only acted according to my religious faith and the bond among neighbors. They did not accept this and told me: ‘We will beat you up so that you’ll live for only five years more at most.’”²⁶

Le Thanh Lam was tortured for nine straight days. Three times police suddenly pulled him out of his cell at 9 pm to interrogate and beat him. He refused to sign a pre-written document that he was not allowed to read until they threatened to arrest his siblings and torture them also. On the tenth day he signed the document. He was then transferred to Cam Le detention center, where the beatings continued.

In another case Xuan, a Montagnard (Ede) asylum seeker, was detained and tortured in 2008 after being escorted to the Vietnamese border from a Phnom Penh refugee camp by UNHCR officials who had rejected his asylum claim. Upon return to Vietnam he was held overnight at Moc Bai border crossing and then transferred to his home province of Dak Lak, where provincial police detained, interrogated and beat him during three days’ detention before allowing him to return to his home in Dak Lak. Less than two weeks later he was arrested again and detained at the Dak Lak provincial police station, where he was held incommunicado for a month in a small cell.

“On my first day there I was not given food or water. They wanted me to confess to organizing the demonstrations [among refugees] in Cambodia. In addition to beating me with their hands, their hard-soled shoes, and batons, they used pincers to break my thumb nails and my big toe nails, one nail during each interrogation. I was in much pain.

“Another time they tied a water bottle to my penis. I was made to walk around without spilling water. This was a humiliating experience for me. Still, I did not confess to any other crimes.

²⁶ Interview with Con Dau parishioner Le Thanh Lam, November 3, 2011.

“For over a month I was held in a small room, about two-and-a-half by three meters, made out of concrete. There were bars on top for ventilation and a hole at the bottom of the wall for waste.”²⁷

Beating Deaths in Police Custody

In some cases, police beatings of detainees during their first few days in custody result in death.²⁸ Police fatal beatings of political and religious detainees—none of whom had been brought before a judge or charged with any crime—include:

- On March 17, 2013, Vam Ngaij Vaj (Hoang Van Ngai) a Hmong Christian who was an elder and leader of his church, was beaten to death by police at Gia Nghia police station in Dak Nong.²⁹ Although his head and torso were bruised and battered, police ruled the death a suicide. Ngai’s brother, who was detained in an adjacent cell, stated that he heard the sound of violent beating from his brother’s cell and later saw that his brother was “completely limp as if he was dead, gone, purple marks on his throat.”³⁰



Funeral of Hmong church leader Vam Ngaij Vaj, who was beaten to death in police custody in Dak Nong on March 17, 2013.

- In 2008, Dak Lak police arrested Y Ben Hdok and beat him to death in custody after other Montagnards in his district tried to flee to Cambodia to seek political asylum. After his arrest, his family was not allowed to visit him for three days, when police told them to pick up his battered body. According to his family, his head was bashed

²⁷ Interview with Xuan (pseudonym), a Montagnard asylum seeker who was forcibly returned to Vietnam in 2008, June 29, 2012.

²⁸ U.S. Department of State, “Vietnam 2012 Human Rights Report,” *Country Reports on Human Rights Practices for 2012*, April 19, 2013; Human Rights Watch, “Vietnam: Widespread Police Brutality, Deaths in Custody,” September 22, 2010.

²⁹ “Many Police Accused of ‘Violence’” (Nhiều công an vi to “bao hanh”), BBC Vietnamese Service, March 27, 2013; “Hmong Dies in Police Custody” (Nguoi Hmong chet tai cong an Dak Nong), BBC Vietnamese Service, March 24, 2013; “Them mot nguoi chet tai don cong an tinh Dak Nong,” Radio Free Asia Vietnam Service, March 23, 2013; Nguoi Viet, “Third Person dies in the Hands of the Police in 2013,” April 8, 2013; Human Rights Witness, “Vietnamese Police Beat Hmong Church Leader to Death,” April 22, 2013.

³⁰ Christian Solidarity Worldwide, “Vietnam: Police Claim Suicide in Disputed Case of Hmong Christian who died in Police Custody,” November 6, 2013, <http://dynamic.csw.org.uk/article.asp?t=news&id=1471>

in, his ribs and limbs were broken, and his teeth had been knocked out. Police labeled the death a suicide.³¹

- In 2007, the government-recognized Evangelical Church of Vietnam reported that a Montagnard Christian of the Ede minority group died in Phu Yen province after being detained and beaten by police for not renouncing his religion.³²
- Another Montagnard, Y Ngo Adrong, 49, died on July 13, 2006, several hours after being summoned to the district police station in Ea H'leo, Dak Lak for questioning about international phone calls he had allegedly had with Montagnards abroad. While police claimed that he hanged himself, the U.S. State Department reported that "bruises on his body strongly suggested he died from a beating."³³

³¹ U.S. State Department, Bureau of Democracy, Human Rights, and Labor, "2008 Country Reports on Human rights Practices: Vietnam," February 25, 2009; Human Rights Watch, "World Report 2008: Vietnam," January 12, 2009.

³² Human Rights Watch, "World Report 2008: Vietnam," January 12, 2009.

³³ U.S. State Department, "Vietnam, Country Report on Human Rights Practices for 2006."

SECTION 2: Torture During Interrogation in Pre-Trial Detention

If the arrested person is to be charged and tried for a crime, he or she is sent to a pre-trial detention center (*trai tam giam*) for investigation. It is here that political and religious detainees are subjected to intense, systematic torture and abuse by law enforcement officials seeking to extract information and coerced confessions from them.

Because political and religious detainees are usually charged with national security crimes, they are not eligible to be released on bail. They are usually held in isolation, often incommunicado, for investigation and interrogation. Pre-trial detention can last at least a year, sometimes more, for political and religious detainees.

Figure 1: Pre-Trial Detention Centers for Political & Religious Detainees

Each of Vietnam's 63 provinces and municipalities has at least one pre-trial detention center, with more in the larger cities and provinces, in addition to temporary detention centers operated by district police. Pre-trial detention centers where political and religious detainees are held include:

IN HO CHI MINH CITY (SAIGON):

B34 MPS Detention Center

237 Nguyen Van Cu Street, District 1

Administered by the Security Investigation Bureau of the Ministry of Public Security, B34 is located within a one-kilometer square MPS complex that also houses the Security Investigation Agency, the Religious Security Department, the Police Investigation Agency, and the Department of Immigration Monitoring.

Phan Dang Luu Police Detention Center

No. 4 Phan Dang Luu, Binh Thanh district

Phan Dang Luu Detention Center is administered by the Security Investigative Bureau of the Ho Chi Minh City municipal police (Municipal Department of Public Security) at its headquarters on Phan Dang Luu.

Chi Hoa Prison and Police Detention Center

District 10, Ho Chi Minh City

Chi Hoa Prison and Police Detention Center is operated by the Ho Chi Minh City Department of Public Security (municipal police).

IN HANOI:

Police Detention Center No. 1 (Tu Liem)

Xuan Phuong commune, Tu Liem District

Detention Center No. 1 is operated by the Municipal Department of Public Security in Tu Liem district of Hanoi. It is also referred to as Tu Liem Detention Center as well as Hoa Lo, which was its name before it was re-located from central Hanoi to the outskirts of the city. It can hold up to 6,000 detainees.

MPS Detention Center B14 (Thanh Liet)

Thanh Liet commune, Thanh Tri district, Hanoi

B14 Detention Center is located in Thanh Liet commune, about 10 kilometers from central Hanoi.

Provincial Prisons and Police Detention Centers

Dissidents arrested in provinces far from Hanoi or Saigon are often detained in provincial prisons or police detention centers for pre-trial investigation and interrogation, sometimes with the participation of MPS officials from Hanoi.

While Vietnamese law limits pre-trial detention for investigation of “less serious” criminal offenses to three months (extendable to five months), political and religious detainees indicted on national security charges can be detained for investigation up to 28 months and more if the procuracy secures approval for additional periods of detention and investigation.³⁴

Beatings

Systematic beatings of detainees during interrogation are among the most widespread forms of torture of political and religious detainees in Vietnam. Between two and five police officers are usually present during interrogation sessions. The lead interrogator usually does not carry out the physical abuse or other punishment, which is conducted by the other officers, usually when the interrogator leaves the room. As one former prisoner put it, “The interrogator seemed polite; the others stood around ready to beat or shout.”

Police beat detainees using their hands, fists, and feet; wooden batons, plastic bottles filled with water, and objects in the room such as chairs.

Student activist NNT was arrested and jailed after he created a student group and circulated a petition to advocate for freedom of expression at his university in Saigon.³⁵ During two months in solitary detention at Z30D Prison in Binh Thuan Province, he was let out of his cell only for interrogation. He was beaten every time, he said:

“They would make me drink soapy water, and then hit me in the stomach, causing me to throw up. Other times they’d put my hands on the table and then smash my fingers, causing them to bleed. Sometimes they would turn on the light and make me stare at it.

“They wanted to know who was behind me—who had put me up to the petition.”³⁶

Lang, a member of the Lach ethnic minority group, was interrogated and beaten by police in Lam Dong numerous times after her husband fled to Thailand to seek refugee protection in late 2011. The police officers asked her where her husband was and what his activities were with an opposition group he had joined. When she was unable to provide the answers they wanted, they kicked her in the leg and stomach. She was 17 years old and pregnant at the time.

“When I would tell them that I do not know, they would kick me on my leg. They claimed that I knew about my husband’s activities, and that I was just hiding it to protect my husband. They said, ‘Why won’t you confess,’ and then they would kick me. The police officers said that if I did not confess where my husband was and what he was doing, that I would have to take full responsibility.

³⁴ Criminal Procedure Code, articles 88, 119, 120, and 121. Criminal Procedure Code, No. 19/2003/QH11 of November 26, 2004.

³⁵ Interview with student activist Vien, April 4, 2009.

³⁶ Interview with Vien, April 4, 2009.

“The police officers then kicked me in my stomach and I fainted. When I woke up, I found that they had moved me and locked me in a windowless room with nothing in it. I saw that I was bleeding from my genitals. I had a fever because I was bleeding. When I saw my blood, I was very afraid, I thought that I would lose my child. I started yelling for help.

“I think the police were afraid that I would die and they would be responsible, so they called my family to take me away. My parents-in-law took me to the hospital, but I did not tell them what happened to me at the police station because I was threatened that if I told anyone, they would kill me.”³⁷

Another minority woman, Mai, was arrested in 2008 after she helped fellow parishioners in her village to draft petitions against government confiscation of their land. Police handcuffed her and took her to the district police station, where she was interrogated, accused of treason, and beaten for five days. Before her release, one of the police officers raped her.

“Every day they brought me out of the cell to interrogate me. When they led me into the interrogation room with my hands handcuffed to my back they would kick me in the back and call me “stupid Montagnard” [*Thuong*].

“They asked me why I organized the villagers, who was the leader, why I didn’t tell the villagers to move and get compensation. They told me I was so stupid. Why do I follow the Catholic religion and not Uncle Ho who gives you food, freedom.

“I quarreled with them. Why do you keep forcing us to move to another place by taking our land, I asked. Our current land is already cultivated, ready for harvest. You push us deeper into the jungle—why not let us alone so we can support our own livelihood.

“They beat me every time. It was not the interrogator in the *canh sat* [police] uniform who hit me, but the five or six other people who were standing around, some in uniform, some not.

“When the interrogator got angry, he would stand up, then the guys would beat me, many at the same time.

“They would kick me with their boots, some would slap my face, others would yank my hair. They hit me on my back with a heavy wooden baton or with a metal rod. They beat me everywhere on my body, including my breasts. They also kicked me in my groin. I was bruised all over. They shocked me with an electric baton every time they interrogated me; when they got mad. When I passed out I’d wake up in another room and my clothes would be wet.

³⁷ Interview with Lang (pseudonym), a member of the Lach ethnic minority group from Lam Dong, May 24, 2012.

“On the final day one of the interrogators came to my cell and told me they were going to release me. He closed the door and raped me. He told me not to tell anyone or I would be punished and killed.”³⁸

Danh, an ethnic Khmer (Khmer Krom) Christian pastor from Tra Vinh province, was harassed and beaten by police on numerous occasions for teaching local people about Christianity, holding prayer services in his home, and teaching the Khmer language. In November 2007, 20 police and government officials broke up a Baptism ceremony he was conducting. He and his wife were sent for questioning to the local police station, where they were beaten so badly that they both needed hospitalization afterwards. He described what happened:

“After first being interrogated together, my wife and I were then separated and interrogated further, and then beaten. Four or five police officers punched me in the head with their fists, and when they left, another group of four or five men came in and punched me more in the head. They hit me from the middle of my torso up to my upper body with their hands and fists. They also used their knees to punch me in the abdomen. I became dazed from the beating, I had many bruises on my head and body, and my head was swollen.

“My wife was also beaten. Several police officers grabbed her by her hair and slammed her head against the table five or six times. They then punched her in the head with their fists. Once the first group was finished, a second group of officers continued the beating. They punched her in the head, slapped her back and forth, and ripped her shirt. Her face was swollen and she had many bruises.

“On our way home from the police office that night, several policemen stopped my wife and me in the road and began beating us. They beat me with a wooden log, and hit my wife with a stick two or three times on her arms, resulting in lacerations and bleeding. I sustained so many forceful blows to my head that my ears were bleeding, and I am now partially deaf. The man who drove me home that evening was also beaten and he sustained a broken arm and injury to his collar bone as well as other injuries.”³⁹

Tuyet, who was arrested in Cambodia and deported to Vietnam because of her activities with a Hoa Hao Buddhist group, described her treatment during interrogation at An Giang Prison:

“They slapped me on my face many times, and slammed my face on the table. They pulled me by my hair and slammed my head on the cement table. My face was bruised and swollen, but not bleeding.”⁴⁰

Vuong, arrested in Cambodia and deported to Vietnam because of his membership in the People’s Action Party (PAP), told of his torture during his detention in An Giang Prison:

³⁸ Interview with Mai (pseudonym), Raleigh, North Carolina, December 2, 2012.

³⁹ Interview with Khmer Krom pastor Danh (pseudonym), location withheld, December 13, 2012.

⁴⁰ Interview with Hoa Hao Buddhist Tuyet (pseudonym), location withheld, August 4, 2008.

“They blindfolded me during interrogation and severely beat me with a rubber baton and kicked me in the kidneys with their boots until I was bleeding inside and blood was coming out of my mouth. My face was swollen and I could not walk. When I passed out, they poured water on me. Some days before I was transferred from the prison they stopped beating me in the face to let the swelling die down. When I left, I had to be carried out of the prison.”⁴¹

PAP member Dao was beaten at least once a week during his 12 months at B34 Detention Center in Saigon. The beatings and interrogation continued upon his transfer back to An Giang Prison before his trial. There he was shackled and placed in isolation for nine months in a moderately-sized cell in order to separate him from other prisoners.

“I was terribly beaten there. The police beat me with wooden batons during interrogation in my cell. They asked me about my political activities. I could not walk because of the beatings. They interrogated and beat me once a week, every week, during the nine months I was there.

“I was in shackles 24 hours a day, wearing only shorts. I could not stand up, but only lift my bottom up temporarily. I could only lie on my back.”⁴²

Yen, a Montagnard (Jarai) Christian activist arrested after participating in a protest in Gia Lai for religious freedom and land rights, described his treatment at T20, the provincial police detention center in Pleiku:

“They questioned me at any time, even midnight. The police would get drunk, wake me up, and question me and beat me. They put us in handcuffs when they took us out for questioning. The handcuffs were like wire, very tight, with our hands usually cuffed in front of us.”⁴³

Yen remains partially deaf from being repeatedly boxed on both ears:

“They would stand facing me and shout: ‘One, two, three!’ and then using both hands they would box both of my ears at the same time. They would do this three times, the last time putting extra strong pressure on the ears. Blood came out of my ears and my nose. I went crazy from this. It was so painful, and also the build-up made me very afraid and tense.”

Pham, a Jarai church leader from Plei Lao, Gia Lai, was arrested in March 2001 after police raided his village and burned down its church, killing one villager in the process. During his interrogation in pre-trial detention at T20, police accused him of being linked to US-based Montagnard activist Kok Ksor.

⁴¹ Interview with PAP member Vuong (pseudonym), place withheld, April 2009.

⁴² Interview with PAP member Dao (pseudonym), location withheld, August 4, 2008.

⁴³ Interview with Montagnard activist Yen (pseudonym), Charlotte, North Carolina, January 17, 2010.

“They took me to a different room to interrogate me. They said, ‘You are a Kok Ksor soldier—you must crawl from the cell to the interrogation place.’

“Wearing only underpants, I had to crawl back and forth each day, 80 yards each way, with my forearms lifted up to balance a piece of wood. They placed a sharp, prickly fruit on my bare back.

“For the three days they interrogated me, I had to crawl this way. My arms were bleeding. The Vietnamese prisoners said this is too much, it’s inhumane.

“Once in the interrogation room they hit me with batons and kicked me with their boots. They asked the same questions over and over.

“After being beaten by police, then the Vietnamese prisoners beat me up the same as the police had.”⁴⁴

Writer and democracy activist Tran Khai Thanh Thuy said she was beaten numerous times during her interrogation at Detention Center No. 1 (Hoa Lo) in Hanoi. Because she was imprisoned on assault charges, and not for a national security crime, she was the only political or religious prisoner we interviewed who had a lawyer present during her interrogation. This appeared to do her little good, however.

“In Hoa Lo, I was beaten during interrogation, as witnessed by my lawyer. “T” was the one who beat me. He beat me to force me to admit I had caused injury to others. One time he slapped my face. When my lawyer tried to intervene, T grabbed me by my collar, lifted me off the floor, and slammed me down on the chair. This happened often in front of my lawyer.

“Each time I denied committing a crime, he’d treat me this way . He would grab me by my collar and shove me against the wall, or slam me down on the chair. He was very unhappy with me. I always demanded the presence of a lawyer when they interrogated me. When I asked for another investigation, T was unhappy and slammed me around again.”⁴⁵

Thuy was also treated roughly during her trial.

“When I protested the verdict they handcuffed me in the ‘parrot’ position.⁴⁶ They were going to pronounce my sentence ‘in the name of the Socialist Republic of Vietnam’. I protested and said it was ridiculous to say ‘in the name of the Socialist Republic of Vietnam’. The court police grabbed me and handcuffed my hands behind my back, then pulled both hands up to the nape of my neck. It was extremely painful. The pain lasted for a week.”⁴⁷

Electric Shock

If beatings are unsuccessful in getting a detainee to confess or provide information, police regularly use electric shock batons to increase the pressure. One-third of the former

⁴⁴ Interview with Montagnard (Jarai) church leader Pham, North Carolina, September 18, 2008.

⁴⁵ Interview with Tran Khai Thanh Thuy, Washington, D.C., July 13, 2011.

⁴⁶ The tying or handcuffing of detainees’ wrists criss-crossed behind their backs is commonly referred to as “the parrot”.

⁴⁷ Interview with Tran Khai Thanh Thuy, Washington, D.C., July 13, 2011.

detainees and prisoners we interviewed were shocked with electricity during interrogation, with water thrown on them to revive them when they passed out. Montagnard Christian activist Yen said:

“They used electric shock on me every time they interrogated me. They would shock me on my knees, saying ‘You used these legs to walk to the demonstration.’”⁴⁸

Quyen was arrested in Cambodia and deported to Vietnam for his involvement in a “free Vietnam” group opposed to the Vietnamese government.⁴⁹ He described the use of electric shock and other modes of torture during his first three days of interrogation at Tien Giang provincial prison in Vietnam:

“First they hit me with a baton on my back. They punched me in my face and jaw with their fists and broke my tooth. My face swelled up. Then they used electric shock. They would charge a battery by winding it up and attach it with a clip to my toe. They would ask a question, then shock me until I was unconscious. Then they’d charge the battery again and attach it to my thumbs. When I passed out they threw water on me to wake me up.”⁵⁰

After Quyen was transferred to B34 Detention Center in Saigon, police continued to beat and shock him:

“They questioned me every day, sometimes twice a day. If I didn’t answer, they shocked me. They took my clothes off and jabbed me with the sharp point of an electric prod that was about one foot long and as wide as my arm. They would press the button on the baton, the light would turn red and blue, and then they’d shock me in my genitals and in my arm pits. It was much more painful than the battery used [in Tien Giang]. They used it every day.

“They also hit me with their fists. When they boxed my face, I shielded myself with my arms—maybe they hurt their hands, because then they started to use a baton instead.

“Sometimes they hit me with a mallet with a rubber head the size of a baseball. This was very painful. They hit me on my back. There was less bruising than when they used a wooden baton, but it was even more painful.

“Every day they handcuffed my arms behind my back, parrot style—this was very painful, particularly on my chest. At night they shackled my legs.”⁵¹

⁴⁸ Interview with Montagnard activist Yen (pseudonym), Charlotte, North Carolina, January 17, 2010.

⁴⁹ Some of the Vietnamese groups based in Cambodia that oppose the Vietnamese government have referred to themselves as “free Vietnam” activists, which should not be confused with the anti-Communist group based in the United States led by Nguyen Huu Chanh called the “Government of Free Vietnam”.

⁵⁰ Interview with Quyen (pseudonym), place withheld, August 4, 2008.

⁵¹ Interview with Quyen, August 4, 2008.

At B34 Detention Center, PAP member Dao said that if he didn't confess after being beaten, the guards used electric shock on him.

"If I didn't answer, they used electricity. They pressed the button and shocked me until unconscious. They poured water on me to wake me up. I was shocked with electricity ten times within one year."⁵²

PAP member Vuong was also beaten and shocked with electricity during interrogation at Chi Hoa Prison in Saigon:

"They used electric cord to beat me on my neck, back, legs and groin. They shocked me with electricity on my genitals. When I passed out, they doused me with water."⁵³

Lang, the ethnic Lach woman from Lam Dong, was shocked with an electric device by police officers demanding to know about her husband's whereabouts and political activities with an opposition party.

"Every time they would ask me a question about my husband and I said I didn't know, they would shock me with the electric device. I do not remember exactly how many times I was shocked by this electric device, but it was many times."⁵⁴

Submersion in Water

Three of the former prisoners we interviewed described the use of water during their torture. During interrogation at Z30D Prison in Binh Thuan province, student activist Vien was forced to drink soapy water and was then hit in the stomach, causing him to throw up.

Kim Muon and Danh Tol, ethnic Khmer Buddhist monks from the Mekong Delta, both had their heads submerged in water during their interrogation at Soc Trang Prison in 2007.⁵⁵

Ven. Danh Tol described the use of water during his torture:

"There was a big water tank. If I did not confess, they tied my legs and lifted me up, submerging my head in the water. They pushed my nose down for four or five minutes at a time. They did this to me four or five times while I was there."⁵⁶

The use of water torture was slightly different for Ven. Kim Muon.

"Sometimes they turned off the light and carried a water container inside the room. Two people held my arms on each side and pushed my head down into the water until I was unconscious."⁵⁷

⁵² Interview with former PAP member Dao, August 4, 2008.

⁵³ Interview with former PAP member Vuong, April 2009.

⁵⁴ Interview with Lang (pseudonym), May 24, 2012.

⁵⁵ Kim Muon's name has also been spelled "Kim Moeun" and "Kim Muol". We use the spelling closest to the romanization of his name in Khmer, which is his mother tongue.

⁵⁶ Interview with Khmer Krom Buddhist monk Danh Tol, Washington, D.C., May 13, 2010.

⁵⁷ Interview with Khmer Krom Buddhist monk Kim Muon, Washington, D.C., May 13, 2010.

The type of torture used on the two monks causes extreme panic by creating the terrifying sensation of being asphyxiated or suffocated. Medical professionals and experts on torture have described water torture as a kind of slow, controlled drowning, equivalent to a mock execution or near-death experience, which causes long lasting mental and physiological effects on the prisoner.⁵⁸ According to Dr. Allen S. Keller, an expert on torture:

“As the prisoner gags and chokes, the terror of imminent death is pervasive, with all of the physiologic and psychological responses expected, including an intense stress response, manifested by tachycardia, rapid heartbeat and gasping for breath. There is a real risk of death from actually drowning or suffering a heart attack or damage to the lungs from inhalation of water. Long term effects include panic attacks, depression and PTSD [Post-Traumatic Stress Disorder].... Many will relive these near-death experiences in nightmares or flashbacks.”⁵⁹

Often the psychological effects of water torture —the victim’s intense fear of going through the experience again—are greater than the physical effects, which are usually short lasting.⁶⁰ (See pages 45-51 below, regarding psychological torture.)

Profile: Torture and Ill-Treatment of Buddhist Monks

Buddhist monks Danh Tol and Kim Muon, members of the Khmer Krom ethnic minority group, were arrested in February 2007 for joining 200 other monks in a four-hour peaceful

⁵⁸ Water has been used in torture techniques for centuries. Much of the recent discussion of the physical and psychological effects of simulated drowning concerns the practice of “water boarding,” a term that entered into widespread public discourse around 2004. “Water boarding” generally refers to a technique in which a detainee is strapped to an inclined board while water is poured over his nose and mouth. Human Rights Watch describes waterboarding as “a technique that induces the effects of being killed by drowning” in which “interrogators immerse or pour water over a detainee’s face until he believes he will suffocate or drown.” Human Rights Watch, “Open Letter to Attorney General Alberto Gonzales,” April 6, 2006, <http://www.hrw.org/news/2006/04/05/open-letter-attorney-general-alberto-gonzales>. See also Allen S. Keller, M.D., Director of the Bellevue/NYU Program for Survivors of Torture, testimony before the Senate Select Committee on Intelligence, “Hearing on US Interrogation Policy and Executive Order 13440,” September 25, 2007.

⁵⁸ Curt Goering, “Torture’s Lasting Effects,” *Huffington Post*, June 16, 2013.

⁵⁹ Allen S. Keller, M.D., Director of the Bellevue/NYU Program for Survivors of Torture, testimony before the Senate Select Committee on Intelligence, “Hearing on US Interrogation Policy and Executive Order 13440,” September 25, 2007; Curt Goering, “Torture’s Lasting Effects,” *Huffington Post*, June 16, 2013.

⁶⁰ “The acute suffering produced during the immediate infliction of *submarino* [water torture] is superseded by the often unbearable fear of repeating the experience. In the aftermath, it may lead to horrific memories that persist in the form of recurrent ‘drowning nightmares’.” Hernan Reyes, “The worst scars are in the mind: psychological torture,” *International Review of the Red Cross*, Vol. 89, No. 867, September 2007, <http://kabul-reconstructions.net/index/gtmo/docs/experiment/battle-lab/red-cross-psych-torture.pdf>

protest in Soc Trang province over government restrictions on religious freedom.⁶¹ Prior to their arrest, they were among at least 20 Khmer Krom Buddhist monks who were forcibly defrocked and expelled from the monkhood.

Forced Defrocking

Government officials, and not just Buddhist authorities, participated in the decisions to defrock the monks, with police sealing off pagodas during the defrockings and physically preventing monks from escaping pagoda arrest.⁶²

Forced defrocking conducted with the participation of police and government officials—rather than by the Buddhist community, as mandated by the Buddhist monastic code—can constitute interference or limitation of the right to practice religion and religious belief, according to Human Rights Watch.⁶³ It can be tantamount to a punishment imposed without due process, and when conducted violently or in a particularly humiliating way, constitutes cruel, inhuman or degrading treatment.⁶⁴

The forced defrockings had clear psychological effects on the monks, who described the process as extremely humiliating. Some were filled with outrage at not being allowed to speak or defend themselves in front of their pagodas' congregations, as allowed by the Buddhist monastic code.

Arrest and Torture

After being defrocked, Kim Moun and Danh Tol and three other Buddhist monks were detained in Soc Trang Prison awaiting trial on charges of causing public disorder under article 245 of Vietnam's penal code. On May 10, 2007, all five were sentenced to prison terms of two to four years.

Before their trial, they were both tortured numerous times during interrogation, in what they described as a "special room for torture" in Soc Trang Prison. The concrete walls of the

⁶¹ For more information about the 2007 Buddhist protest and its aftermath, see Human Rights Watch, *On the Margins: Rights Abuses of Ethnic Khmer in Vietnam's Mekong Delta*, January 21, 2009, http://www.hrw.org/node/79437/section/5#_ftnref112

⁶² The Buddhist monastic code calls for the decision to defrock a monk to be taken by the community of monks (*sangha*), and not government officials. Ketya Sou, S. Hean and T. Hun, *The Ordination Ceremony of Buddhist Monks in Cambodia: Past and Present* (Phnom Penh: Center for Advanced Studies, 2005), pp. 158-159; Ian Harris, *Buddhism Under Pol Pot* (Phnom Penh: Documentation Center of Cambodia, 2007) ; "Cambodia: Monastic code and due process violated in defrocking and deportation of a Buddhist monk," Asian Human Rights Commission press release, July 5, 2007.

⁶³ Human Rights Watch, *On the Margins*, January 21, 2009. The Vietnamese government and its defenders frequently assert that crackdowns on religious believers are not aimed at religious belief per se, but rather at practices by certain believers that are seen as contrary to the interests of the State or disruptive of national unity. However, these assertions fundamentally misapprehend the nature of the internationally recognized right to freedom of religion, which includes not only belief but also "freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance." Universal Declaration of Human Rights, article 18. See also the similar language of article 18(1) of the ICCPR, to which Vietnam is a state party.

⁶⁴ Human Rights Watch, *On the Margins*, January 21, 2009.

room were specially constructed, they said, with rough, spiny mounds in the wall to smash prisoners' heads against. Both monks told of having their heads forcibly submerged in water during interrogation (see above). Prison guards also beat them under their arms and on their sides with plastic bottles of water, and humiliated one of the monks by making him wear underwear on his head and forcing him to eat dog meat, acts that are particularly offensive to Buddhist monks.

During the investigation period, the monks were detained in isolation cells, shackled by their ankles to a metal bar, said Ven. Kim Muon, who was 22 at the time:

"I was shackled to an iron bar close to the wall. I could not lie down or move, only sit up against the wall; sometimes on my haunches.

"The only time they released me from the shackles was when they took me out for interrogation, which often took place at night."

The Quiet Time of Night

Interrogation sessions usually took place at night, said Ven. Danh Tol, who was 26 at the time:

"For three months they questioned and interrogated me three or four times a week, beating me every time. They did the interrogation very late at night.

"They pulled me by my head and threw me against the wall. They smashed my head against the wall in the special room for torture, whose walls are rough like durian skin. It was made specifically for this purpose.

"They beat me until I passed out. Then they poured water on me to wake me up. Sometimes they gave me pills or an injection to revive me, but I still felt weak."⁶⁵

The focus of the interrogation, Ven. Danh Tol said, was to get him to sign a confession:

"They shocked my knees with electric batons and used a plastic bottle of water to beat me under the armpits. They had the confession note written, and wanted me to read it. I said, I don't know, and they beat me until I was unconscious. No one could hear—it was the quiet time of night, after midnight."

When he still refused to confess, the prison guards submerged his head in water (described above).

On several occasions prison guards made Ven. Danh Tol take unknown tablets prior to interrogation sessions, ostensibly to increase his energy during questioning. They also gave him pills or injections to revive him after he passed out from beatings.

Ven. Kim Muon described the different way he was tortured during interrogation sessions.

⁶⁵ Interview with Ven. Danh Tol, Washington, D.C., May 13, 2010.

“When you enter the interrogation room, you feel very afraid. There was a table and chair; windows but they did not open. There were two people in the room. The one who asked the questions was not the one who beat me. He would call the others in to beat me.

“Every time I was interrogated, they beat me. They used a water bottle to hit me under my arms, on both sides. I must raise my arms, or they would hit me in the face.

“They smashed my head against the wall. The wall had been specially made, with concrete lumps in it, for torture.

“Sometimes they put a rug on my head to smother me.

“During interrogation they would use different methods if I did not confess. They would make me eat dog meat, which as a monk I cannot eat. Or they would put underwear on my head. They insulted and cursed me, tried to make me mad. They said I’d become a monk in order to become involved in politics.

“Afterwards, we have to sign the confession that they wrote up themselves. My writing was not clear because I was in handcuffs. So they took my hand and forced me to sign.”⁶⁶



Upon their release from prison, Khmer Krom Buddhist monks Tim Sakhorn (R), Danh Tol (middle), and Kim Muon (L) resettled as refugees abroad, where they were re-ordained as monks in 2010. Prior to their arrests in 2007, all three were forcibly defrocked, expelled from the monkhood, and banished from their pagodas.

⁶⁶ Interview with Ven. Kim Muon, Washington, D.C., May 13, 2010.

Solitary Confinement and Incommunicado Detention

“They use solitary confinement to coerce the prisoners, to make them feel that their lives are unbearable, unimaginable, so they have to make a statement or a confession in order to be set free. This crime is very systematic. This is a coercive technique. Furthermore, to terrorize me mentally, they would take me out in the middle of the night for investigation.”

—Democracy activist Nguyen Ngoc Quang, who spent 25 months in pre-trial detention at B34 detention center in Saigon.⁶⁷

All but one of the former political and religious prisoners with whom we spoke were held incommunicado and denied access to their families and legal representation during the pre-trial investigation period, on the grounds that they were being held for national security crimes.⁶⁸ More than half (55 percent) of those we interviewed were also held in isolation cells during the initial investigatory part of their detention, which lasted from several weeks to more than two years.⁶⁹

Many spend this period of solitary confinement in complete darkness, while others became sleep deprived because the lights are never turned off.⁷⁰ Some are shackled with leg irons fastened to a steel bar 24 hours a day for months at a time; others are shackled just at night.

Detainees in isolation are not provided bedding, blankets or mosquito nets but must sleep on the concrete floors of the cells which are freezing in winter and baking hot in summer. Meals, which are shoved through a small opening in the door, consist of rice and vegetables. During this time, most detainees remain in the clothes in which they were arrested, or are stripped down to their underwear. A squat toilet or a bucket in the cell serves as a toilet. For most, the only time they leave these cells during the investigation period is when guards take them out for interrogation. This can happen at any time of day or night.

Student activist Vien was arrested after he organized other students to advocate for freedom of expression at his university in Saigon.⁷¹ More than 20 uniformed and undercover police arrested Vien and 11 other students as they attempted to deliver a petition to the dean. He was taken to Thu Duc Prison (Z30D), 90 miles east of Saigon. During his two months in solitary, Vien, then 23 years old, had no contact with his family:

⁶⁷ “Democracy Advocate Nguyen Ngoc Quang of Block 8406 Released from Prison,” interview with Nguyen Ngoc Quang, Radio Free Asia, September 9, 2009.

⁶⁸ The one exception was Tran Khai Thanh Thuy, who was not held on national security charges.

⁶⁹ Solitary confinement is defined by the Special Rapporteur on Torture as the physical isolation of individuals who are confined to their cells for 22 to 24 hours a day.

⁷⁰ The UN Standard Minimum Rules for the Treatment of Prisoners, rule 31, states that punishment by placing in a dark cell shall be completely prohibited as punishment for disciplinary offences.

⁷¹ Interview with student activist Vien, place withheld, April 4, 2009.

“I had no idea whether my family knew what had happened to me because they did not visit. If I was a thief, I could have visitors. If [my arrest was] connected to politics, maybe my family was afraid to visit—or my family came but wasn’t allowed to see me.”⁷²

Vien described the cramped, dark cell at Z30D Prison, where he was held in isolation for two months:

“There was just enough room to sleep—that was it. There was no window, just one small hole the size of my fist, up high. There was no light. I was very weak.”⁷³

Ven. Danh Tol, one of the Khmer Krom monks arrested in 2007, was held incommunicado for six months:

“My family did not know where I was until after my trial. After six months in detention, I was allowed a family visit for 15 minutes. All they did was cry during the visit.”⁷⁴

Tuyet, the Hoa Hao Buddhist deported from Cambodia to Vietnam, described her cell in An Giang Prison:

“The cell was very small and very very dark. I could not even see my hand. They took all of my clothes away. I had no clothes at all, no bra or underwear. They were afraid I’d commit suicide.

“During the first two weeks in that cell I was shackled 24 hours a day. I could lie down and sit, but not walk.”⁷⁵

Vo Van Ngoc, who joined the People’s Action Party after moving from Vietnam to Cambodia, was arrested in Takeo province and deported to Vietnam. During his first four weeks in detention, he was held in a cramped, windowless cell in An Giang Prison.

“There was no window—just some slats at the top of the wall. A very bright light bulb was on 24 hours a day—it affected my eyes. I had no blanket, no mat, nothing. I was in the same clothes in which I was arrested. I was shackled 24 hours a day. The only time they let me out was for interrogation.”⁷⁶

PAP member Dao described the dark cell where he was held in isolation for one year at B34 in Saigon:

⁷² Interview with Vien, April 4, 2009.

⁷³ Interview with Vien, April 4, 2009.

⁷⁴ Interview with Ven. Danh Tol, Washington, D.C., May 13, 2010. For more information about the arrests and defrocking of Khmer Krom monks for participating in a peaceful protest in Soc Trang in 2007, see: Human Rights Watch, *On the Margins: Rights Abuses of Ethnic Khmer in Vietnam’s Mekong Delta*, January 21, 2009.

⁷⁵ Interview with Hoa Hao Buddhist Tuyet, place withheld, August 4, 2008.

⁷⁶ Interview with PAP member Vo Van Ngoc, place withheld, August 4, 2008.

“It was 2 by 2.5 meters (about 6 by 8 feet) in size. I slept on the cement floor: no mat, no blanket, no net. It was very cold, and there were many mosquitoes. My body was covered with mosquito bites.

“The cell was very dark. There was a sliver of light that came in through a crack under the door. There was no air in the cell. There were no holes or slats in the walls for air—only a small hole in the door where the guards pushed the food through. It got very hot.

“At night I was shackled. I was in that cell for one year.”⁷⁷

Another PAP member, Vuong, also spent a full year in isolation at B34:

“The cell was so small I could not stand up. I had to curl up and sleep on my side. I had to shit and shower in the cell. There were many mosquitos. Rats came up from the toilet—big rats. I had to beat them off. A small light bulb was on 24 hours a day—it caused me permanent eye problems.”⁷⁸

Quyen, a Vietnamese activist arrested in Cambodia, spent ten months in solitary confinement at B34.

“My cell was smaller than a single bed—it was very tight when I tried to sleep. During the day the cell was very dark. At night they switched on the light.”⁷⁹

Tran Thanh Viet was one of several villagers from Con Dau, Da Nang who were held in isolation in dark cells at Cam Le district jail for more than three months after their arrest in 2010.

“The room was no bigger than ten square meters and unbearably hot. There was no sunlight or fresh air. It was suffocating. It smelled of rotten things. I was locked up in this room for three months and nine days. I became a hollow frame.”

Legal Principles: Solitary Confinement

UN expert bodies and the Special Rapporteur on Torture maintain that prohibitions against torture are violated when authorities confine detainees in harsh and degrading conditions for the purpose of eliciting a confession or breaking the detainee’s will.⁸⁰ This includes coercive tactics such as intentionally placing detainees in isolation in order to apply psychological pressure on them.⁸¹

⁷⁷ Interview with PAP member Dao, location withheld, August 4, 2008.

⁷⁸ Interview with PAP member Vuong, place withheld, April 2009.

⁷⁹ Interview with democracy activist Quyen, place withheld, August 4, 2008.

⁸⁰ Nigel S. Rodley, *The Treatment of Prisoners Under International Law*, Oxford University Press, 2009.

⁸¹ “The Istanbul Statement on the Use and Effects of Solitary Confinement,” adopted on December 9, 2007 at the International Psychological Trauma Symposium, Istanbul, http://solitaryconfinement.org/uploads/Istanbul_expert_statement_on_sc.pdf

Short-term solitary confinement may be justified as a necessary measure in extreme or urgent circumstances such as extraordinary security concerns, provided that adequate safeguards are in place.⁸² It should be used only in exceptional circumstances, as a last resort, for as short a time as possible, and in line with minimum procedural safeguards to reduce the chances that the use of solitary confinement is not arbitrary or excessive.⁸³

Prolonged or indefinite solitary confinement can amount to torture and other acts prohibited by the ICCPR and the Convention against Torture.⁸⁴ Studies have found that prisoners detained in solitary confinement for more than 10 days routinely suffer serious mental and physical effects; after 15 days the psychological damage can be irreversible.⁸⁵ Juan E. Mendez, the current UN Special Rapporteur on Torture, has called for an absolute prohibition on the use of indefinite and prolonged solitary confinement, in excess of 15 days, noting that

"[e]ven if solitary confinement is applied for short periods of time, it often causes mental and physical suffering or humiliation, amounting to cruel,

⁸² United Nations General Assembly, "Interim Report of the Special Rapporteur of the Human Rights Council on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment," A/66/268, Para 75, August 5, 2011, http://www.un.org/ga/search/view_doc.asp?symbol=A/66/268; Sharon Shalev, *A Sourcebook on Solitary Confinement*, Mannheim Centre for Criminology, London School of Economics, 2008, <http://solitaryconfinement.org/sourcebook>

⁸³ "The Istanbul Statement on the Use and Effects of Solitary Confinement," December 9, 2007; Human Rights Watch, "Look Critically at Widespread Use of Solitary Confinement," June 18, 2012, <http://www.hrw.org/news/2012/06/18/us-look-critically-widespread-use-solitary-confinement>http://solitaryconfinement.org/uploads/Istanbul_expert_statement_on_sc.pdf

⁸⁴ The UN Special Rapporteur on Torture defines prolonged solitary confinement as any period of solitary confinement in excess of 15 days. Among the expert groups and individuals that have concluded that prolonged solitary confinement can constitute a form of torture or cruel, inhuman or degrading treatment are the UN Human Rights Committee, the UN Committee against Torture, the current and former UN Special Rapporteurs on Torture, the Center for Constitutional Rights, the National Religious Campaign Against Torture, and the Inter-American Court of Human Rights. United Nations General Assembly, "Interim Report of the Special Rapporteur of the Human Rights Council on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment," A/66/268, August 5, 2011; UN Human Rights Committee, General Comment 20, Article 7, Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, UN Doc. HRI/GEN/1/Rev.1 at 30 (1994); UN Committee Against Torture, Consideration of reports submitted by States parties under Article 19 of the Convention, Conclusions and Recommendations of the Committee Against Torture, United States of America, UN Doc. CAT/C/USA/CO/2 (2006); UN General Assembly, Torture and other cruel, inhuman or degrading treatment or punishment: Note by the Secretary-General, UN Doc. A/63/175, July 28, 2008, p. 18-21.

⁸⁵ Scott and Gendreau, 1969; The Canadian Medical Journal, 1977; Council of Europe, 1977; Benjamin and Lux, 1977; European Human Rights Commission, 1978; "All studies of prisoners who have been detained involuntarily in solitary confinement in regular prison settings for longer than ten days have demonstrated some negative health effects, and even apologists of the practice agree that prolonged punitive solitary confinement 'presents considerable risk to the inmates'." Gendreau and Bonta, 1984, cited in Sharon Shalev, *A Sourcebook on Solitary Confinement*, Mannheim Centre for Criminology, 2008.

inhuman or degrading treatment or punishment, and if the resulting pain or sufferings are severe, solitary confinement even amounts to torture.”⁸⁶

As a form of psychological torture (see below, pages 45-51), prolonged solitary confinement can be as debilitating as physical forms of torture, causing mental pain and suffering, trauma, and long-lasting post-traumatic effects. The psychological damage caused by solitary confinement has been well documented, with studies showing brain impairment and abnormalities in prisoners after a week or more in isolation.⁸⁷ It has been shown to cause sleep disturbances, anxiety, panic, rage, loss of control, paranoia, depression, hallucinations, self-mutilation, difficulties in concentration, and cognitive dysfunction.⁸⁸

Legal Principles: Incommunicado Detention

The UN Special Rapporteur on Torture and his two predecessors have long called for the elimination of the practice of holding detainees in incommunicado detention. Even relatively short periods of incommunicado detention may violate Vietnam’s obligations under article 10 of the ICCPR, which calls for states to treat all persons deprived of their liberty with humanity and with respect for their inherent dignity.⁸⁹

In 2003, the UN Commission on Human Rights found that prolonged incommunicado detention may facilitate the perpetration of torture and in itself can constitute cruel and degrading treatment and even torture.⁹⁰ Detainees are at the greatest risk of being tortured

⁸⁶ Tom Miles, “UN Expert Says Solitary Confinement in U.S. Prisons Can Be Torture,” Reuters, August 23, 2013.

⁸⁷ As noted above, while solitary confinement may be warranted by extraordinary security concerns, provided that proper safeguards are in place, it should not be imposed on a detainee who does not pose a risk to other prisoners in order to break his or her will, for the purpose of punishment, or to force a confession. Craig Haney, “Mental health issues in long-term solitary and ‘supermax’ confinement,” *Crime and Delinquency*, Vol. 49, No. 1, Jan. 2003, pp. 124–56; Stuart Grassian, “Psychiatric Effects of Solitary Confinement,” *Journal of Law & Policy*, Vol. 22:325; Atul Gawande, “Annals of Human Rights: Hellhole,” *The New Yorker*, March 30, 2009.

⁸⁸ Craig Haney, “Mental health issues in long-term solitary and ‘supermax’ confinement,” *Crime and Delinquency*, Vol. 49, No. 1, Jan. 2003, pp. 124–56; Hernan Reyes, “The worst scars are in the mind: psychological torture,” *International Review of the Red Cross*, Vol. 89, No. 867, September 2007.

⁸⁹ “Joint Study on Global Practices in Relation to Secret Detention in the Context of Countering Terrorism,” a joint study presented to the UN Human Rights Council by Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism, Special Rapporteur on Torture, Working Group on Arbitrary Detention, and the Working Group on Enforced and Involuntary Disappearances, UN Doc. A/HRC/13/42. February 19, 2010.

⁹⁰ The UN Special Rapporteur on Torture, the UN Human Rights Committee, and the UN Committee against Torture have arrived at similar findings regarding prolonged incommunicado detention and solitary confinement. UN General Assembly, *Torture and other cruel, inhuman or degrading treatment or punishment: note by the Secretary-General*, UN Doc. A/63/175, July 28, 2008; Commission on Human Rights Resolution 2003/32, “Torture and other cruel, inhuman or degrading treatment or punishment,” April 23, 2003; OHCHR, General Comment 20, 44th session, paras. 8, 14, 15, March 10, 2012.

or subjected to aggressive, arbitrary treatment when they are being held in incommunicado detention.⁹¹

Prolonged incommunicado detention constitutes arbitrary detention, which violates international human rights standards binding upon Vietnam, including the Universal Declaration of Human Rights (article 9), the ICCPR (article 9), and the UN Standard Minimum Rules for the Treatment of Prisoners (rule 92).

Withholding information about a person's arrest or detention, and the place where he or she is being kept in custody, is also in violation of the UN Body of Principles for the Protection of all Persons under Any Form of Detention or Imprisonment.⁹²

Sexual Violence and Humiliation

Several former detainees reported abuses that took place after they were forced to strip naked, such as guards standing on their legs and arms, attaching plastic bottles filled with water to their penis, shooting rubber bands at their penis, using electric shock to inflict pain on the genitals, and conducting degrading, invasive body searches.

Giao, an Ede man arrested for participating in land rights protests in Dak Lak, was subjected to painful and humiliating abuse in Buon Ma Thuot Provincial Prison by cell "bosses" — other inmates authorized by prison officials to carry out punitive and debilitating beatings on him:

"They made me lay down naked, spread eagle. One man stood on my arms, one man stood on my legs. They shot rubber bands at my penis. It was very painful. 'Why do you protest?' the cell boss asked. 'How much money do you get from the US to protest?' Then they tied a water bottle to my penis with a piece of rubber and forced me to stand up. They held me up for more than 30 minutes."⁹³

Xuan, a Montagnard who fled to Cambodia to seek asylum, was detained, interrogated, and tortured after being repatriated to Vietnam from a UNHCR refugee camp in Cambodia in 2008. Among the torture methods used by police was to force him to walk around without spilling any water from a water bottle they tied to his penis. "This was a humiliating experience for me," he said.⁹⁴

Mai, the ethnic Lach land rights activist, said that during her detention in Lam Dong province in 2008, police beat her everywhere on her body, including on her breasts, and kicked her in her groin. When she passed out from being shocked with an electric baton, she

⁹¹ Report of the Special Rapporteur on Torture, UN Doc. A/56/156, July 2001, para. 39(f); Office of the UN High Commissioner for Human Rights, *Interpretation of Torture in the Light of the Practice and Jurisprudence of International Bodies*, 2011, p. 10.

⁹² Principle 16, Body of Principles for the Protection of all Persons under Any Form of Detention or Imprisonment, Resolution 43/173 adopted by the General Assembly.

⁹³ Interview with Giao (pseudonym), Raleigh, North Carolina, December 2, 2012.

⁹⁴ Interview with Xuan (pseudonym), June 29, 2012.

woke up later in another room, with her clothes all wet. Before her release from detention, one of the police officers raped her.⁹⁵

Another Lach minority woman, Nhu, was tortured by police in Lam Dong province seeking information about her nephew, who had fled to Thailand to seek refugee protection. After one interrogation session in December 2011 at the police station, police shocked her with an electric baton, causing her to lose consciousness.

“When I woke up, I did not have any clothes on, except for only my panty and bra. I was also wet and realized I had been drenched with water. The officers warned that if I did not find my nephew for them, I would suffer ‘greater shame’ than what I suffered on that day.

“When I returned home that evening, I discovered a deep cut across my abdomen, about four inches across, right above my groin and below my navel. I received more than a dozen stitches that night in hospital to sew up the cut.”⁹⁶

Humiliating Strip Searches

Upon admittance or prior to release from prison, inmates are subject to being strip searched for smuggled objects, including examination of women’s vaginas for contraband. In an interview with Father Nguyen Van Ly in 2010, former detainee Le Thi Kim Thu described the degrading process at Detention Center No. 1 (Hoa Lo) in Hanoi, where she was detained in 2009.

“Officer Nguyen Thi Lan would demand as she entered the cell: Everyone show all that you keep. Don’t make me use this glove! She told the 25 female inmates to take off their clothes and line up facing the walls in the aisle between the two rows of cement blocks used as sleeping platforms. Then, each inmate, one by one, had to place both hands on the floor, take off her underpants, and raise her buttock so that the officer, using only one rough safety glove, could poke recklessly into 25 vaginas to search for money or documents. Even the inmates who are menstruating have to remove the sanitary napkins, bar none. The risk of contracting and spreading HIV/AIDS is completely ignored, and no one cares if the inmates cry out in pain and humiliation from this exotic torture”⁹⁷

Psychological Torture

In addition to physical abuse, police and prison authorities in Vietnam subject detainees to psychological pressure and mental pain and suffering to break them down or get them to

⁹⁵ Interview with Mai (pseudonym), Raleigh, North Carolina, December 2, 2012.

⁹⁶ Interview with Nhu (pseudonym), location withheld, June 28, 2012.

⁹⁷ Father Nguyen Van Ly’s interview with Le Thi Kim Thu in 2010, after her release from detention.

“Witness No. 4 (official version) of Prisoner of Conscience Nguyen Van Ly and other Prisoners of Conscience, Vietnam: 32 Methods of Torture That Have Been and are Currently Applied by the Vietnamese Communist Officers on Inmates in Custody Facilities, Detention Centers, and Prisons in Vietnam- 2010,” June 8 and 18, 2010.

confess: insulting, cursing, cajoling, threatening, and verbally abusing them during interrogation. Deliberately harsh or degrading detention conditions, together with solitary and incommunicado confinement and unpredictably scheduled or late-night interrogation sessions, also aim to disorient detainees, increase their feelings of powerlessness, and break down their resistance.

Some of the psychological techniques that police and prison authorities in Vietnam use on detainees clearly amount to torture. These include isolation, threats, sexual humiliation, forced medication, stress positions, denial of natural light, water torture, forced renunciation of faith, denial of religious materials such as bibles, confiscation of personal journals or poetry written in detention, and erratic scheduling of interrogation sessions. Detainees have also been subjected to pharmacological manipulation (forced medication) and compulsory commitment to mental institutions, which are also considered forms of psychological torture.

While Vietnam's Criminal Procedure Code forbids nighttime interrogation of detainees, many of the former prisoners and detainees with whom we spoke said that the guards would pull them out of their cells at any time of day or night to interrogate them.⁹⁸ For some prisoners, all of their interrogation sessions take place late at night. For many others, they never know when the next session will be.

"Sometimes they'd interrogate and beat me at 5 am; sometimes at midnight—any time they felt like it," student activist Vien told us.⁹⁹

Because most interrogation sessions involve beatings or intense psychological pressure, not knowing when the next session will take place can greatly increase detainees' fear and sense of powerlessness.

Many Christian prisoners have their requests for bibles denied; even for a high-profile prisoner such as Father Nguyen Van Ly, it took pressure from the United States before he was allowed to have one. Many Montagnard Protestants told us that prison officials taunted them about their religion during interrogation, saying "Where is your God to help you now?" and putting intense pressure on them to recant their faith. Several Montagnards said a common stress position during interrogation was to be forced to stand on one leg, with both arms held out perpendicular to the body (in the form of a crucifix).

Buddhists also told us of being forced to engage in activities contrary to their faith. Buddhist monk Kim Muon said prison authorities forced him to eat dog meat, which violates his vows as a monk, put underwear on his head, and mocked his faith by saying he had only joined the monkhood in order to become involved in politics.

⁹⁸ Vietnam's Criminal Procedure Code states in article 131(2): "It is forbidden to conduct interrogation at night, except for cases where interrogation cannot be delayed, provided that the reasons therefore must be clearly recorded in the minutes." Criminal Procedure Code, No. 19/2003/QH11 of November 26, 2004.

⁹⁹ Interview with student activist Vien, place withheld, April 4, 2009.

Many former prisoners said they were not allowed to have pens, paper, or books, with Communist Party newspapers the only permissible reading material.

Dissident writer Tran Khai Thanh Thuy said that prison authorities confiscated and destroyed hundreds of poems, articles, and essays she wrote while in detention. In 2007, guards confiscated 172 of the poems she had written during nine months' detention at B14 Detention Center in Hanoi .

“When they confiscated 172 of my poems I was so angry I took 32 pills—I tried to kill myself. Under the effect of the pills I threw up and had severe stomach cramps, but was still ignored by camp guards as if nothing happened.

“A few days later they checked with the informant in my cell to see whether I had started eating again. I was very unhappy and distraught over what had happened.

“The police are really cold blooded in the way they oppress innocent people—they treat us like animals, or as instruments to make money. In a prison situation they can give free rein to animal instincts.”¹⁰⁰

While imprisoned at Prison No. 5 in Thanh Hoa province in 2010, prison authorities confiscated three notebooks of Thuy's writings after a letter she wrote to her daughter describing harsh prison conditions appeared on the internet. Later, they confiscated two more notebooks of her writings the day she was released.

“They confiscated five notebooks of my writings, including 50 poems and many essays and articles that I had written at night, when I couldn't sleep. They burned everything. One notebook was a copy of the *Tale of Kieu*.¹⁰¹ I had copied it myself and annotated it. I had hoped to publish it.

“They knew I was very straight-forward when I write. They forbade me from using a pen but I still wrote. They couldn't stand me with my poems, speaking the truth. They wanted to eliminate all traces of my writing.”¹⁰²

“They Worked Hard to Make Me Afraid”

Other conditions of detention that aim to disorient or depress prisoners or make them anxious and fearful include holding detainees in dark cells, day and night, or switching on the lights only at night. At Chi Hoa Prison, PAP



¹⁰⁰ Interview with Tran Khai Thanh Thuy, Washington, D.C., July 13, 2011.

¹⁰¹ *The Tale of Kieu* is an epic Vietnamese poem from a Vietnamese newspaper published on August 28, 2007.

¹⁰² Interview with Tran Khai Thanh Thuy, Washington, D.C., July 13, 2011.

member Hung said, “The walls of the cell were painted red to make the prisoners afraid and unstable. You cannot control your mind when you see red all the time.”¹⁰³

At An Giang Prison, police spent hours pressuring and threatening Khmer Krom monk Tim Sakhorn to sign a confession stating that he had persuaded farmers to demonstrate about loss of their farm land.

After his release from prison, Ven. Sakhorn described how prison interrogators subjected him to intense psychological pressure to sign a confession, including threats that he would die in prison if he did not confess.

“The lead interrogator threatened that if I didn't answer the questions or confess, I would get a life sentence and be in jail until I died. He said I would never see my parents again. If I confessed, I could get amnesty and be released from prison early, he said. Otherwise, I would be there until I died.

“He wanted me to confess that I was the mastermind behind the land protests, that I distributed magazines and CDs to people about their rights and organized them as my puppets to demonstrate about land. I said my own family had lost land, and that if the authorities did the right thing regarding the land problem and responded to people’s grievances, they wouldn’t need to demand their rights or demand their land: this is not illegal.

“His response was to threaten me: ‘If you want to die, keep saying this.’ They had guns. I knew I would die if I didn’t confess. I finally agreed, and copied what they wrote out for me. They worked hard to make me afraid.”

Later, the authorities videotaped Ven. Sakhorn as he read the confession, for broadcast on state television.

“They had me face the camera, with a machine [a teleprompter] in front of me, hidden from view of the camera. It had a long paper that rolled through, showing my confession in my own clear handwriting. They made me practice two or three times first, confessing that I’d opposed the Vietnamese government.”¹⁰⁴

Forced Medication

Several former prisoners said that prison authorities made them take unknown pills or injected them with unknown drugs during pre-trial detention. Often the prisoners were given no explanation for being forced to take the medication or injections. In some cases the intent appears to have been to calm down the prisoner or make him or her docile. In other cases prisoners said they were given medication in order to energize them and make them more talkative during interrogation. These former prisoners said they experienced negative side effects long after taking the medication. The administration of unknown drugs—by prison guards and police, not medical personnel—remained a source of anxiety for them long after their release.

¹⁰³ Interview with PAP member Hung (pseudonym), location withheld, August 4, 2008.

¹⁰⁴ Interview with Ven. Tim Sakhorn, Washington, D.C., May 13, 2010.

Khmer Krom monk Tim Sakhorn said that he was given an unknown injection prior to an interrogation session in An Giang Prison:

“About four or five months after my arrest they injected me with unknown medicine. They said they needed to inject me because I was sick. In fact, I only had a cold.

“The injection was red colored. It caused me to become numb. I was very afraid I’d become permanently paralyzed. It made me feel like I’d lost my senses. It also caused memory loss, which never fully came back.”¹⁰⁵

Another time Ven. Sakhorn was given a pill before an interrogation session:

“Mr ‘H’ came early, before interrogation, and gave me a tablet. That night I became very sick. It was as if I was not aware of myself; I’d lost my senses. A day or two later, my whole body was numb, I felt like I wanted to fall. After taking that pill, I got weaker; I had no energy. I never completely regained my energy afterwards.”¹⁰⁶

At Soc Trang Prison, Khmer Krom monk Danh Tol said he was administered unknown injections and medications several times to provide “energy” before interrogation. He was also given an injection to revive him after he was beaten unconscious during questioning.

“When they took me for interrogation they would ask me how I felt. If I said ‘no energy’ they gave me a greenish blue pill. I had to take it in front of them. It was supposed to increase my energy during interrogation. But the pills made me weaker, and made my mind wander.”¹⁰⁷

A freelance journalist and democracy activist described similar treatment during lengthy interrogation sessions at Kien Giang Detention Center. “I was given pills to wake me up so the police could continue their investigation,” he said.¹⁰⁸

Khmer Krom land rights activist Chau Hen was administered unknown injections twice during his three months of pre-trial detention and interrogation in Tri Ton district jail in An Giang. Each time the injections left him unconscious for long periods of time and unable to speak or to think clearly even when he was conscious.¹⁰⁹ (For more details regarding Chau Hen’s case, see pages 95-98, below.)

Other political detainees have been administered unknown injections or tablets after being involuntarily detained in psychiatric institutions. In 2006, democracy advocate Bui Kim Thanh was forced to take injections three times a day that left her temporarily paralyzed

¹⁰⁵ Interview with Ven. Tim Sakhorn, Washington, D.C., May 13, 2010.

¹⁰⁶ Interview with Ven. Tim Sakhorn, Washington, D.C., May 13, 2010.

¹⁰⁷ Interview with Danh Tol, May 13, 2010.

¹⁰⁸ Interview with freelance journalist, June 10, 2013.

¹⁰⁹ Interview with Chau Hen, April 17, 2013.

after being involuntarily committed to Central Psychiatric Hospital No. 2 in Bien Hoa. (See below, pages 86-89).

Legal Principles: Psychological Torture

While all forms of torture cause psychological pain, psychological torture has been defined as the intentional infliction of severe mental pain and suffering without direct physical violence.¹¹⁰

Though psychological methods of torture do not leave physical marks or visible scars, psychological torture has been firmly established as a form of torture in international law.¹¹¹ It is thus not a “lesser” form of torture: medical experts have found that psychological torture can cause as much mental distress and traumatic stress as physical torture.¹¹² Dr. Hernan Reyes, a specialist on the medical aspects of detention, has written:

“Psychological torture is a very real thing. It should not be minimized under the pretext that pain and suffering must be physical in order to be real. Indeed, some psychological methods on their own constitute torture, such as solitary confinement and sleep deprivation.”¹¹³

Psychological torture includes forced stress positions, sensory deprivation, use of drugs and pharmacological manipulation, confinement to mental hospitals, sensory assault (shouting, bright lights, loud music, etc.), threats of death or violence to the detainee or his or her family, mock executions, including water boarding; and other psychologically coercive tactics involving the threat of, or actual, administration of procedures calculated to profoundly disrupt the senses or personality.¹¹⁴

It includes putting detainees in conditions designed to be degrading, humiliating, or distressing to detainees, such as preventing them from attending to personal hygiene, confiscating journals or poetry they have written in prison or religious materials such as bibles or Korans, and depriving them of proper toilet and bathing facilities.

¹¹⁰ Almerindo E. Ojeda, “What is Psychological Torture?” Workshop on the Neurobiology of Psychological Torture, Center for the Study of Human rights in the Americas, University of California at Davis, September 30, 2006.

¹¹¹ The Convention against Torture defines torture in pertinent part as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted...” The Istanbul Protocol states that torture that leaves no visible scars, marks or physical evidence is nonetheless torture and bears consequences on the detainee that can be as severe as physical torture. “Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,” *OHCHR Professional Training Series No 8/ Rev.1.*, available at www.ohchr.org/english/about/publications/docs/8rev1.pdf; and Hernan Reyes, “The worst scars are in the mind: psychological torture,” *International Review of the Red Cross*, Vol. 89, No. 867, September 2007.

¹¹² Basoglu, Metin. “Physical And Psychological Torture Have Similar Mental Effects.” *Medical News Today*. MediLexicon, Intl., 12 March 12, 2007, <http://www.medicalnewstoday.com/releases/64611.php>

¹¹³ Hernan Reyes, “The worst scars are in the mind: psychological torture,” *International Review of the Red Cross*, Vol. 89, No. 867, September 2007.

¹¹⁴ Physicians for Human Rights, *Break them Down*, 2005; Reyes, “The worst scars are in the mind,” September 2007.

Other methods of psychological mistreatment such as verbal abuse, threats, and taunting—which when taken alone may appear insignificant—can have serious cumulative effects amounting to torture or inhuman and degrading treatment when applied repeatedly or in combination with other methods over a prolonged period of time.¹¹⁵

The role of unpredictable and uncontrollable stress in psychological torture, where detainees have absolutely no control over their situation and may not even know when their next interrogation session will take place, together with other methods of psychological torture, creates a sense of utter vulnerability and powerlessness in the person.¹¹⁶ The overall effects of psychological torture can be extremely debilitating, traumatic, and long-lasting.

¹¹⁵ Reyes, “The worst scars are in the mind,” September 2007.

¹¹⁶ Reyes, “The worst scars are in the mind,” September 2007.

SECTION 3: Post-Investigation Abuses of Prisoners

After the initial investigation period ends, the prisoner is usually moved out of solitary confinement and transferred to a group cell together with common criminals. After they are tried, they are usually transferred to national prisons that have designated sections for political and religious prisoners.

Restrictions on Family Contact

While international prison standards call for reasonable efforts to be made to place convicted prisoners near their usual place of residence, often the prisons are located long distances from prisoners' home provinces.¹¹⁷ "It took almost three days by truck for my wife to get to Nam Ha prison from the Central Highlands," said Pham, a Jarai church leader who was imprisoned for four years.¹¹⁸ This means much less contact with family and friends, who provide not only emotional support but also food and medicine that is crucial to prisoners' survival in prison.

Political and religious prisoners may be subjected to numerous prison transfers, usually without any prior notification to their families. Prison transfers can have a punitive effect, creating even more distance between the prisoner and his or her family, and breaking up relationships formed with other prisoners. (Prison authorities usually cease separating political and religious prisoners from each other after they have been tried and sentenced.)

In March 2012 dissident writer Nguyen Xuan Nghia was transferred from Nam Ha Prison in the north to Prison No. 6 in Nghe An, more than 250 miles from his home in Hai Phong. To visit him each month, his wife, Nguyen Thi Nga, woke at 3 a.m., took a two-and-a-half hour motorcycle taxi to Hanoi and then a seven-hour bus trip to Nghe An in order to make it to the prison by 3 p.m. In October 2013, when Nghia's wife arrived at to Prison No. 6 for her monthly visit, prison authorities informed her that her husband had been transferred the day before to An Diem Prison, 280 miles further south, in Quang Nam province.¹¹⁹

While Vietnam's prison regulations provide that inmates may meet their relatives once a month,¹²⁰ some political prisoners are denied visitors during their entire imprisonment, such as the 38 people sentenced to prison in May 2001 for alleged involvement with Nguyen Huu Chanh's "Government of Free Vietnam" (GFVN) group.

Denial of visitation rights constitutes a clear violation of international prison standards, which provide that except in exceptional circumstances and subject to reasonable restrictions specified by law, communication with the outside world—particularly visits by

¹¹⁷ "Body of principles for the protection of all persons under any form of detention or imprisonment," principle 20, Resolution 43/173 adopted by the UN General Assembly, Dec. 9, 1988.

¹¹⁸ The distance from Pham's village in Gia Lai to Nam Ha Prison is about 1200 kilometers, or 745 miles. Interview with Pham (pseudonym), North Carolina, September 18, 2008.

¹¹⁹ Gia Minh, "Tra thu tu chinh tri?" (Revenge against Political Prisoners?), RFA, October 14, 2013, <http://vietnamhumanrightsdefenders.net/2013/10/15/tra-thu-tu-chinh-tri/>

¹²⁰ Article 46, Law on Execution of Criminal Judgments, No. 53/2010/QH12, June 17, 2010.

and communication by family members—“shall not be denied for more than a matter of days.”¹²¹

GFVN member Dinh Quang Hai had no visitors during his 11 years in prison. In an interview with Radio Free Asia after his release in mid-2010, he stated:

“We were miserable because they were very strict on visits. Letters and contact with people on the outside was completely impossible. If a criminal prisoner met one of us even once, he would be immediately shackled. For this reason we were entirely cut off from information from outside.”¹²²

International standards provide that prisoners and detained persons have the right to contact with the outside world, including regular visits and correspondence, particularly with family members and legal counsel.¹²³ In addition, if possible, prisoners should be kept in detention facilities or prisons “reasonably near” their usual place of residence.¹²⁴

Discipline and Punishment

Beatings and physical abuse often continue in the prisons. Rather than aiming to extract information or confessions, often the intention now is to discipline or to retaliate against political prisoners who have voiced complaints to prison authorities or leaked information to outside sources about prison conditions.

Vietnamese law stipulates that prisoners who violate prison regulations or commit illegal acts are to be disciplined by a) reprimand; b) warning; c) confinement to a disciplinary room for up to 10 days, where the inmate may have his or her legs shackled.¹²⁵

Common disciplinary measures include reducing prisoners’ food rations, suspending their family visits, and shackling and placing them in solitary confinement in dark cells for weeks,

¹²¹ “Body of principles for the protection of all persons under any form of detention or imprisonment,” principles 15 and 19.

¹²² Gia Minh “Sự hà khắc của tù cộng sản qua lời kể của tù chính trị,” RFA Vietnamese Service, September 2, 2010; “Nguyen Huu Chanh to chuc chong pha Viet nam nhu the nao?” Vietnam News VNN (and Viet Bao), August 6, 2011.

¹²³ UN Body of Principles, No. 19; UN Standard Minimum Rules for the Treatment of Prisoners, art. 37. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Body of Principles), adopted December 9, 1988, G.A. Res. 43/173, annex, 43 UN GAOR Supp. (No. 49) at 298, UN Doc. A/43/49 (1988); United Nations Standard Minimum Rules for the Treatment of Prisoners (Standard Minimum Rules), adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolution 663 C (XXIV) of July 31, 1957, and 2076 (LXII) of May 13, 1977.

¹²⁴ UN Body of Principles, No. 20.

¹²⁵ With passage of Law No. 53 in 2010, the maximum number of days prisoners can be confined in disciplinary rooms was reduced from 15 or 10. Law on Execution of Criminal Judgments, No. 53/2010/QH12, June 17, 2010.

even months at a time, in violation of international standards for prisons and Vietnamese law.

Tough disciplinary measures are imposed not only on those who violate prison regulations, but on prisoners who raise concerns about prison conditions, forced labor, and mistreatment of prisoners.

In 2013, for example, political prisoners Vi Duc Hoi, Nguyen Van Oai, and Do Van Hoa were punished with six months of solitary confinement in Nam Ha Prison after they protested the serious beating by a jail warden and placement in solitary of another inmate, Paulus Le Van Son.¹²⁶

Prisoners of conscience who have refused to plead guilty, or who are suspected of conveying information about prison abuses to outside sources via family members, are subject to beatings, withholding of family visits or medical care, transfer to remote prisons, solitary confinement, and other punitive measures.

Punitive Prison Transfers

Nguyen Van Hai (Dieu Cay), one of Vietnam's most well-known political prisoners, has steadfastly refused to sign any confessions of guilt. For this the activist blogger has been subjected to solitary confinement and repeated prison transfers. Since his arrest in October 2008, he has been transferred to ten different prisons and detention centers, each time with no advance notice to his family. His most recent transfer in April 2013, to Prison No. 6 in Nghe An, put more than 1,200 miles between him and his family in Saigon.

At Prison No. 6 Dieu Cay was immediately placed in solitary confinement for three months as punishment for once again refusing to sign a confession. He protested the decision by submitting a letter of complaint to provincial judicial officials. After two months in solitary and no response to his complaint, on June 22 Dieu Cay went on hunger strike in protest.¹²⁷ His family learned of the hunger strike as he went into his 25th day from the wife of another prisoner, Nguyen Xuan Nghia.

Others who have been subjected to punitive prison transfers are workers' rights advocate Do Thi Minh Hang and Hoa Hao Buddhist activist Mai Thi Dung, both of whom have refused

¹²⁶ "Vietnam: Update – Ill-treatment of imprisoned human rights defenders Vi Duc Hoi, Paulus Le Son and Nguyen Van Oai," Front Line Defenders, August 30, 2013; Interview with Vi Duc Hoi's wife, Hoang Thi Tuoi, "Duoc tin ong Vi Duc Hoi bi ky luat, chung toi lien lac voi chi Hoang Thi Tuoi la vo de tim hieu," August 15, 2013, Quy Tu-Nhan Luong-Tam / Prisoners of Conscience Fund, <http://www.tnlt.net/2013/08/uoc-tin-ong-vi-uc-hoi-bi-ky-luat-chung.html> (accessed September 8, 2013).

¹²⁷ Public Letter from Nguyen Tri Dung (Nguyen Van Hai's son), "Kinh gui cac Cha, Ong, Co, chu va moi nguoi quan tam," July 17, 2013, <http://vietnamhumanrightsdefenders.net/2013/07/17/khan-dieu-cay-da-tuyet-thuc-sang-ngay-thu-25-tai-trai-giam-so-6-nghe-an/> Interview with Duong Thi Tan, Nguyen Van Hai's former wife, by RFI reporter Thuy My, "Ms. Duong Thi Tan: ""Ba Duong Thi Tan: Dieu Cay se tuyet thuc den chet de doi cong ly" (Dieu Cay will hunger strike to the death to seek justice), RFI, July 20, 2013 <http://vietnamhumanrightsdefenders.net/2013/07/21/ba-duong-thi-tan-dieu-cay-se-tuyet-thuc-den-chet-de-doi-cong-ly/>

to sign confessions in exchange for promises of early release. In October 2013, authorities abruptly moved the two female prisoners from Z30A Xuan Loc Prison in the south to Thanh Xuan Prison in Hanoi. Now their families must travel 1,000 miles or more to visit the women, both of whom have suffered serious health problems in prison.¹²⁸

Shackling and Dark Cells

At Chi Hoa Prison in Saigon, guards punish prisoners by sending them to a dark cell, where they may be shackled or handcuffed for up to three months at a time.¹²⁹ Additional physical deprivation in isolation—no bedding, less food, no family visits—adds to the punishment. One former prisoner told us:

“There were many rules. For most breaking of rules, prisoners are made to sign a paper committing not to repeat the infraction. If prison rules are still not followed or there is a serious infraction there is an isolation room one meter long by one-and-a-half meters wide. Prisoners are held in the dark, and it has no toilet. Prisoners are handcuffed there for seven days at a minimum. I heard that prisoners have been held there for two weeks or a month.”¹³⁰

At Detention Center No. 1 in Hanoi, prisoners who violate the rules are sent to an isolation room, according to former detainee Nguyen Van Dai:

“They are held in a cramped closet, shackled 24 hours a day for seven days. They eat and carry out their bodily functions in place. They can’t brush their teeth or wash their face daily, there’s no bathing and no changing clothes.”¹³¹

Solitary confinement and shackling are also used as disciplinary measures for political and religious prisoners at Xuan Loc Prison who fail to meet labor quotas or who raise complaints about treatment and prison conditions.

When PAP member Dao became unable to work processing cashews at Xuan Loc because of the toxic nature of the work and injuries he had sustained from earlier beatings, the punishment was to be shackled for weeks at a time in an isolation cell.

“I could not work because I was sick. For five years, I spent 15 days each month locked in shackles 24 hours a day, wearing only shorts and provided only one liter of water a day. Then I had 15 days ‘normal’—unshackled.

¹²⁸ Mai Thi Dung, 44, a Hoa Hao Buddhist activist serving an 11-year sentence, suffers from chronic liver disease, gallstones, and heart problems and cannot walk unsupported. Do Thi Minh Hanh, 28, a workers’ rights advocate serving a seven-year sentence, suffers from chest pains, headaches, and the effects of repeated beatings by other prisoners without any intervention by prison guards.

¹²⁹ Interviews with former Chi Hoa prisoners Cuong, January 18, 2008, and Hanh, September 9, 2010.

¹³⁰ Interview with Hanh (pseudonym), a former prisoner at Chi Hoa, place withheld, September 9, 2010.

¹³¹ Nguyen Van Dai, “Report on the Violations of Human Rights in Temporary Detention Camp 1, Hanoi,” July 2011.

“When I was shackled, I could not move my feet because the shackles were too tight. My legs were stretched out, straight. If I moved, there was immense pain. Despite the torture, I argued with them and still fought for freedom.”¹³²

In an apparent effort by prison authorities to circumvent Vietnamese regulations, which at the time limited the period of disciplinary detention in isolation rooms to 15 days, Dao’s stints in the dark cell were for 15 days at a time, spread out over five years.

The UN Standard Minimum Rules specifically prohibit punishment or disciplining of prisoners by placement in dark cells. Article 31 of the Minimum Rules states that “corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offenses.”¹³³ In addition, the rules provide that prisoners should only be shackled for genuine security reasons, and not as punishment.¹³⁴ Punishment by reduction of diet is also prohibited, unless “the medical officer has examined the prisoner and certified in writing that he is fit to sustain it.”¹³⁵

Beatings by Other Prisoners

Many of the political and religious prisoners we interviewed said that in addition to being beaten by police and prison officials, they were regularly beaten and abused by other inmates who were common criminals. These beatings are often carried out by cell “bosses” appointed by prison authorities or other inmates instigated, instructed, or allowed to carry out beatings by guards or prison authorities. Such beatings help break down political prisoners who have not been forthcoming enough during interrogation, without prison officials appearing responsible, or to punish prisoners for not meeting work quotas, talking back to guards, or complaining about prison conditions.

High-profile political and religious prisoners, whose imprisonment is known to foreign embassies and international human rights groups, are sometimes beaten or mistreated by other prisoners rather than by police and prison guards. Mindful of negative publicity, prison and police officials are aware that it is extremely difficult to prove that fellow prisoners were instructed to carry out beatings of political prisoners.

Khmer Krom Buddhist monk Tim Sakhorn, whose arrest made international headlines, said that most of the beatings and physical abuse he suffered in An Giang Prison were from other inmates.

“The guards pushed me into a cell with the youth, who beat me up and treated me badly. Every day the youth beat me. They would pick me up and throw me

¹³² Interview with former PAP member Dao, location withheld, August 4, 2008.

¹³³ UN Standard Minimum Rules, articles 30 (2) and 31. Article 30.2. “United Nations Standard Minimum Rules for the Treatment of Prisoners,” adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolution 663 C (XXIV) of July 31, 1957, and 2076 (LXII) of May 13, 1977,

¹³⁴ UN Standard Minimum Rules, art. 33.

¹³⁵ UN Standard Minimum Rules, art. 32.

down. They threw shoes at my head. They jumped on me. When we ate, they would kick my food into the dirt. I was very hungry so I had no choice but to pick it up and eat it. They would look down on me and curse me, using bad language.

“When the others beat me, I called to the guards—they did not do anything. If other prisoners were fighting and called the guard, he would come right away.

“If I tried to protect myself when one of them beat me, all the rest would jump on me. There was no one to help me—I was by myself.”¹³⁶

In a letter smuggled out of Xuan Loc Prison, political prisoners described how guards directed inmates to carry out beatings and abuse of political prisoners after they spoke out against the prison’s policy of using forced labor:

“The prison staff handpicked a selected few regular prisoners (normally those who can afford some bribery) to help them carry out their bidding in abusing the political prisoners.”¹³⁷

One of the political prisoners singled out at Xuan Loc for beatings said he sustained bruises and injuries on his face after prisoner officials allowed a violent prisoner to assault him in retaliation for speaking out.¹³⁸

At Chi Hoa, PAP member Vuong was frequently beaten and mistreated by his cellmates, who were common criminals:

“The other prisoners beat me because the guard told them I was political. They were people with tattoos, criminals, drug addicts. They forced me to sleep near the toilet. Sometimes they didn’t give me food. When my family visited, the cell leader took my food and money. I could not say anything or they would beat me again.”¹³⁹

Montagnard prisoner Giao described his beatings by long-term prisoners, who he called “cell bosses”, during his six-month detention at Buon Ma Thuot Provincial Prison:

“The prison authorities allowed the long-term inmate to beat me. These prisoners acted like the police, asking the same questions —the only difference was they did this in front of people. They’d say, ‘Do you realize how much the government helps the Montagnards? Why do you protest?’ or ‘How much money do you get from the US to organize protests?’”¹⁴⁰

¹³⁶ Interview with Ven. Tim Sakhorn, Washington, D.C., May 13, 2010.

¹³⁷ “Document Denouncing the Crimes of the Vietnamese Community Party, Prison Camp Z30A—Xuan Loc,” April 30, 2009, letter from political and religious prisoners of Xuan Loc-Dong Nai Z30A prison camp.

¹³⁸ Interview with Tuan (pseudonym), place withheld, December 7, 2012.

¹³⁹ Interview with Vuong, April 2009.

¹⁴⁰ Interview with Giao, Raleigh, North Carolina, December 2, 2012.

Profile: Prisoner Beating of Writer Tran Khai Thanh Thuy

Freelance journalist and democracy activist Tran Khai Thanh Thuy was arrested in October 2009 when she tried to attend the trials of fellow dissidents. While imprisoned at Prison No. 5 in Thanh Hoa province, she was severely beaten by another prisoner after a letter Thuy had secretly sent to her daughter in France describing harsh prison conditions was posted on the Internet. In an interview shortly after her release from prison, Thuy recounted what happened.



Tran Khai Thanh Thuy.

“The prison authorities were angry after the letter I sent to my daughter and some of my poems from prison ended up on the internet. This put them in a bad light. All of this is forbidden—sending out writings about prison conditions. The prison authorities had me beaten so I would not do it again. They ordered another prisoner, L, to beat me.

“On August 3, 2010, L started a quarrel with me, accusing me of various misdeeds. ‘How dare you speak badly of the prison,’ she said loudly, for all to hear. ‘You think because you are a writer you can do this? Your pen is like shit—it affects us all. It’s because of your writings that the prison authorities are very strict with us. I’ll have to give you a beating to teach you how to behave.’

“L was talking about a letter I had sent to my daughter, which described the difficult life in prison.

“L used loud, abusive language to threaten me—everyone could hear. ‘Who gives you permission to badmouth Uncle Ho?’ she said. ‘That’s why I have permission to beat you.’ The guards did not do anything to intervene.

“Later, L went to the door of my cell and said loudly, ‘This evening I will go and beat Thuy unconscious. I will get many people to help me.’

“After this second threat I complained to the prison authorities but they did nothing to prevent or dissuade L from carrying out her threat.

“On August 5, L came with six or seven people. They surrounded me while L pushed me against the wall. She punched me in my breast, hit me with her elbow in my stomach, and used her knee to kick me in my groin and genitals. This was witnessed by everyone.

“The prison authorities had promised L that if she could ‘take care’ of me, they would reduce her sentence by six months.

“After the beating, L said openly that if the camp didn’t keep its promise to reduce her sentence by six months, she would denounce them and reveal the name of the guard who ordered her to carry out the beating.

“The camp kept its promise. They didn't release L directly from Prison No. 5, but moved her first to Thanh Cam Sub-Camp for a couple of days, then let her leave. I know this because other prisoners told me.”¹⁴¹

Forced Labor

After political and religious detainees are tried and sentenced, they are transferred to national prisons for convicted prisoners.

All convicted prisoners in Vietnam, as well as detainees in re-education camps, are required to work eight hours a day without pay, primarily doing agricultural and manufacturing work.¹⁴² Prison jobs include construction, carpentry and furniture production, sewing, making handicrafts, weaving, making bricks, farming, rubber tapping, tending cashew plantations, cashew processing, and logging.

Manual labor is obligatory for convicted prisoners in Vietnam, regardless of whether they have been sentenced for political and religious reasons. This is in violation of the ILO's Convention on the Abolition of Forced Labor (No. 105), which prohibits forced or compulsory labor of prisoners convicted of political offenses or because of racial, social, national, or religious discrimination.¹⁴³

The use of forced labor by detainees in re-education camps (and drug detention centers) also violates ILO Convention No. 29. Ratified by Vietnam in 2007, the convention prohibits the use of forced labor by detainees who have not been convicted in a court of law.¹⁴⁴

Vietnamese political prisoners have tried to protest forced labor requirements, arguing that compulsory labor may be warranted for common criminals but not for prisoners convicted for political or religious grounds, especially since the forced labor is not documented in their sentencing and imprisonment documents. The response from prison officials has been not only to reject such



¹⁴¹ Interview with Tran Khai Thanh Thuy, Washington, D.C., July 13

¹⁴² “Joint Circular Guiding the Labor of Inmates in Prisons,” No. 07/Ministries of public security, defense and finance, July 2007, http://laws.dongnai.gov.vn/2001_to_2010/2007/200706/200706 (accessed April 10, 2010).

¹⁴³ The ILO Convention on the Abolition of Forced Labor (No 105) prohibits forced or compulsory labor for prisoners, even if convicted in a court of law, for those imprisoned for holding or expressing political views or views ideologically opposed to the existing social or economic system or imprisoned as a means of racial, social, national or religious discrimination. (Article 1). ILO Convention on the Abolition of Forced Labor (No 105), Article 1, 1957.

¹⁴⁴ ILO Convention No. 29 concerning Forced or Compulsory Labor



Vietnamese prison labor.

assertions, but often to harshly punish the prisoners who speak out.

The UN Standard Minimum Rules for the Treatment of Prisoners provide that prison labor must be of a vocational nature, with prisoners allowed to choose the type of work they want to do.

While Vietnam's state media often portrays prison jobs as "vocational training," in practice prisoners are mandatorily assigned various forms of repetitive manual labor that do little to improve skills. Prisoners are not allowed to choose their "training" (i.e. form of labor) according to their interest and background, nor are they allowed to opt out of an assigned job. Prison labor is used to generate income for the prisons rather than to provide genuine skills training.

Using compulsory prison labor to produce goods for export or for private, for-profit enterprises violates international labor standards.¹⁴⁵ It also violates prohibitions by some of Vietnam's trade partners, including the United States, on imports of products manufactured in foreign countries by forced labor or convict labor.¹⁴⁶

International standards provide that the same health and safety standards should apply to prison labor as to other types of labor. Instead, prisoners must work even when weak from lack of food, ill, or suffering from serious internal injuries caused by beatings. Health and safety precautions are not always taken to protect prisoners working in hazardous industries such as cashew processing.

Instead, prisoners assigned to unsafe jobs who refuse to work are punished, as are those who do not meet production quotas.

Hoa Hao Buddhist Tuyet described her work on a prison farm at Z30D Prison in Binh Thuan province, where she spent more than two years:

"We went to work every day, walking 10 kilometers each way. We worked from 6:30 am to 5 pm, usually with a mid-day break.

"We cut down trees to plant corn, cassava, and watermelon. We also planted rubber and cashew trees. When the cashews were ripe we picked the fruit.

¹⁴⁵ The UN Standard Minimum Rules for Treatment of Prisoners states that prison labor must not be driven by financial profit motives, and no prisoner should be forced to work for private entities. ILO Convention No. 29, which Vietnam has ratified, provides that prisoners may not be "hired to or placed at the disposal of private individuals, companies or associations." This has generally been interpreted to mean that prison labor for private, for-profit enterprises may only be by consent of the prisoner. ILO Convention No. 29 concerning Forced or Compulsory Labor, art. 2, ratified by Vietnam on March 5, 2007; Human Rights Watch, "Cambodia: Cut Draft Provision Allowing Prison Labor," November 28, 2011, <http://www.hrw.org/news/2011/11/28/cambodia-cut-draft-provision-allowing-prison-labor> (accessed March 20, 2013).

¹⁴⁶ The US Tariff Act of 1930, as amended in 2006, specifically prohibits import of goods and merchandise "produced or manufactured wholly or in part in any foreign country by convict labor or forced labor." The Tariff Act also bans the import of goods "made in factories or workshops that violate core labor standards." Smoot-Hawley Tariff Act of 1930 (19 USC. 1307), amended in 2006.

“I did not get sick from picking cashews; I got sick from overwork.

“The crops were not for the prisoners but sold to others. Prisoners can’t eat the crops. If we eat [the crops], they beat us.

“We also carved dry fish, provided from a factory, to make it look like a rose or an apple. The prisoners would work on this; the guards would get the money.

“We also embroidered flowers on pillow cases. If we do it right, okay. If we do it wrong or mess it up, we have to pay for it. Sometimes I could not see well enough to embroider—my family was forced to provide money to replace what I had ruined.

“Only once a year, 20 days before Tet, the work load was less arduous—at that time we cut grass inside the prison. They were worried that because Tet was coming, we would try to run away if we were in the fields.”¹⁴⁷

Montagnard prisoner Yen worked ten hour days at Nam Ha Prison, from 7 a.m. until 12:15 and then, after a 15 minute break for lunch, from 12:30 to 5 pm.

“I was forced to work very hard. They made me carry large rocks on my shoulder. I fell, injuring my back. Later they assigned me to make bamboo and wicker baskets. It may sound easy, but they forced us to work like a machine. When you do this a long time, your back hurts and your hands cramp up from forcing the bamboo into place.”¹⁴⁸

At Xuan Loc, Vo Van Ngoc worked at a prison farm planting vegetables, tending crops, carrying water, and collecting firewood. If he was unable to do the work he was punished by being sent to isolation in a dark cell, with reduced meal rations.

“It was terrible when we planted vegetables. We used cow manure for fertilizer, which we applied by hand. Every morning and afternoon I had to water the fields. I had to carry 120 buckets [40 liters total] on a shoulder pole in the morning and another 120 in the afternoon.

“If I didn’t do it, they put me in a dark room for one week, wearing only shorts, and getting less rice to eat. Then I had to sign an agreement or spend another week there. This happened to me many times—at least four times I was sent to the dark cell. Not because I refused to do the work, but because I was too weak. Now my neck has problems in the bone.”¹⁴⁹

Ven. Danh Tol, who had been a Buddhist monk all of his adult life before he was arrested, found the work regime at Soc Trang Prison grueling and unfamiliar:

¹⁴⁷ Interview with Hoa Hao Buddhist Tuyet, location withheld, August 4, 2008.

¹⁴⁸ Interview with Montagnard activist Yen (pseudonym), Charlotte, North Carolina, January 17, 2010.

¹⁴⁹ Interview with Vo Van Ngoc, place withheld, August 4, 2008.

“We had to plow the earth to plant vegetables, dig ponds, carry water. I did not know how to farm. If we did not fulfill the work requirements, they beat us and withheld rice from us. If we argued with them, they sent us back to the dark cell. We had to follow exactly what they said.”¹⁵⁰

Cashew Processing

Some of the forced prison labor is in hazardous industries, such as cashew nut processing, particularly roasting, boiling, cracking open, shelling, and hand-peeling the nuts.¹⁵¹

According to Ministry of Public Security (MPS) officials, prisoners in Vietnam work on 1,000 hectares of cashew tree plantations nationwide, where they are required to meet production quotas.¹⁵²

Prisons that operate cashew processing facilities include Chi Hoa in Saigon, Nam Ha Prison in Ha Nam, Xuan Loc (Z30A) Prison in Dong Nai, Gia Trung Prison in Gia Lai, Dak Trung Prison in Dak Lak, An Phuoc and Bo La prisons in Binh Duong, Xuan Phuoc Prison in Phu Yen, Thu Duc (Z30D) Prison in Binh Thuan, and Cai Tau Prison in Ca Mau.¹⁵³

Because the shell and fruit of the cashew contain a toxin similar to that found in poison ivy and other poisonous plants, physical contact with cashew nuts, oil from the cashew nut shell and fruit, or inhaling fumes from roasting or boiling the nuts can cause skin rashes, itching, blisters, eye irritation, and respiratory problems including asthma and bronchitis.¹⁵⁴



¹⁵⁰ Interview with Ven. Danh Tol, May 13, 2010.

¹⁵¹ V.R. Prakasam, “Ethics Violation in Cashew Factories of Kerala,” <http://www.eubios.info/trt8abs.htm>; Kathy Wollard, “Why is the cashew the only nut you cannot buy in its shell?”, <http://www.word-detective.com/howcome/>

¹⁵² Unclassified cable from the U.S. Embassy in Hanoi, “Prison Labor,” Wikileaks Reference ID 08HANOI450, April 18, 2008.

¹⁵³ In addition to information provided by former prisoners, the facilities in Vietnamese prisons has been reported in articles by government institutions, including *Cong An Nhan Dan* (People’s Paper), the National Assembly delegation and People’s Councils of Binh Duong, *Cong An Thanh Pho Ho Chi Minh* (Ho Chi Minh City Police), July 6, 2008.

¹⁵⁴ Cashew nuts and their reddish stalks—often called the cashew apple—belong to the botanical family (Anacardiaceae) as mangoes, poison ivy, and poison oak. They have toxic effects, especially if handled in large quantities, causing allergic reactions. The oily liquid from the cashew nut shell contains allergens that are related to the allergen (urushiol) found in poison ivy and oak. See, for example, “Characterization of the soluble allergenic proteins of cashew nut shell liquid,” *Journal of Agricultural Food Chemistry*, American Chemical Society, 1997. “Why is the cashew the only nut you cannot buy in its shell?”

Cashew nut processing by prisoners at Dak Trung Prison in Dak Lak (top); at Xuan Phuoc Prison in Phu Yen (middle); and at Gia Trung Prison in Gia Lai (bottom).

The cashew-processing plant at Xuan Loc Prison in Dong Nai is located within the grounds of the prison, about 15 minutes' walk, or about one kilometer, from the cells. There is no signboard at the place indicating it is a cashew-processing plant. Prisoners assigned to work there must husk a set number of kilos of cashews a day; if they do not meet their quota, even due to illness or fatigue, they can be sent to solitary confinement and shackled.¹⁵⁵

PAP member Dao, already partially lame as a result of beatings during interrogation, described what it was like working at Xuan Loc's cashew plant.

"We would walk [to work] in a line, with police on each side of us. They hit us if we strayed from the line.

"Every day we walked to work at 7 a.m., returning to the cells at 11. Then we returned to work at 1, working until 5. By 5:30 we were back in the cell, where they locked us in for the night. So I had to make the trip four times a day, even though I could barely walk.

"Before we left for work the police checked our bodies; after work they checked again. If I stole one cashew, they beat me.

"At any time there were maybe 300-500 prisoners processing cashews in the plant—only prisoners worked there. While we worked, the police checked whether we ate any cashews. If you ate a cashew, they beat you.

Dao became ill after working at the cashew plant.

"I did not see any evidence that they used chemicals for processing the cashews. However, everyone who worked at cashew processing got sick, and some died. They died because of the cashews, from toxins in the cashews. The poison came from the cashews themselves.

"When you open up the fruit, a black resin comes out. We were not provided masks.

"We were required to clean and process a certain amount of cashews a day. If you did not meet that quota, they beat you.

"I developed a cough with a lot of sputum and became very weak because of the poison. My hands were black from the resin from the cashews.

"I stopped working at the cashew processing plant after six months because I was sick, injured, and disabled from all the beating. I could not sit. I could only walk with a cane."¹⁵⁶

¹⁵⁵ International Federation for Human Rights and the Vietnam Committee on Human Rights, "Vietnam: From 'Vision' to Facts," http://www.queame.net/eng/doc/From_Vision_to_Facts_-_Human_Rights_in_Vietnam.pdf (accessed June 18, 2013).

¹⁵⁶ Interview with former PAP member Dao, location withheld, August 4, 2008.

Unable to work, as punishment Dao spent two weeks each month for the remaining five years he was at Xuan Loc shackled in an isolation cell.

Former political prisoner Nguyen Bac Truyen also shelled cashews at Xuan Loc.

"This type of cashew nut I have to say is very toxic. When its oil touches your skin, it causes burns immediately. Therefore when processing it, if one is not careful and lets it get to one's eyes, hands, feet... I myself at the time, as I split the shells, suffered many injuries on my body because of that work. I have to say that processing cashew nuts is a very dangerous task." ¹⁵⁷

In 2008, when political prisoner Tuan spoke out against forced prison labor at Xuan Loc, prison officials directed another inmate to assault and beat him.

"Specifically, I had requested the prison officials to observe human rights practices such as: (1) stop using the political and religious dissident prisoners to perform harsh labor; (2) improve prison living conditions such as providing adequate water and ventilation to the prisoners; (3) reduce the heavy workload imposed on the common prisoners, such as the number of kilograms of cashew nuts they must peel each day without wearing adequate protection; and (4) refrain from beating the prisoners in violation of their human rights.

"As a result, on March 6, 2008, the [prison] officials allowed a violent prisoner to assault me in retaliation for speaking out. I sustained bruises and injuries to the left side of my face." ¹⁵⁸

In April 2008 the US Embassy met with officials from the Ministry of Public Security to discuss the use of prison labor in cashew processing. An embassy cable about the meeting reported that MPS officials asserted that no prison labor is used to produce goods for export. While prison officials openly admitted that prisoners must meet production quotas, they asserted that these were much lower than those in non-prison factories. ¹⁵⁹

Regarding complaints the Embassy had received from families of political prisoners in Xuan Loc Prison about high production quotas and toxic effects of cashew processing, the MPS official told the Embassy that regulations dictate that prisoners wear gloves and masks, and that ventilators are used in cashew nut processing factories. ¹⁶⁰ He attributed the specific complaint regarding production quotas at Xuan Loc Prison to the fact that most prisoners "don't like to work." ¹⁶¹

The Embassy cable concluded with a comment that "Given the sheer volume of cashews Vietnam exports as the world's leading producer, however, it would be difficult if not

¹⁵⁷ "Cựu tù lương tâm mô tả hệ thống trại tù và nạn đầy ải bằng đập hạt điều," Radio CTM, August 10, 2012, <http://viettan.org/Cuu-tu-luong-tam-mo-ta-he-thong.html>

¹⁵⁸ Interview with Tuan (pseudonym), place withheld, December 7, 2012.

¹⁵⁹ Unclassified cable from the U.S. Embassy in Hanoi, "Prison Labor and Cashew Nuts in Vietnam," Wikileaks Reference ID 08HANOI450, April 18, 2008, <http://wikileaks.org/cable/2008/04/08HANOI450.html>

¹⁶⁰ Unclassified cable from the U.S. Embassy, "Prison Labor and Cashew Nuts in Vietnam."

¹⁶¹ Unclassified cable from the U.S. Embassy, "Prison Labor and Cashew Nuts in Vietnam."

impossible to disprove completely the allegations that some amount of cashews produced by prison labor finds its way into Vietnam's exports."¹⁶²

Harsh Prison Conditions

"The cell was so crowded that some people had to sit up to sleep. There was no air. When people went to the small window in the door for air, the guards would jab them in the eyes and nose with a stick. The prisoners fought each other. A lot of people became crazy and died during the year I was there."¹⁶³

—former prisoner Hung's description of the cell he shared with 45 other prisoners at Chi Hoa Prison

Conditions in group cells are overcrowded, filthy, and airless, not much better than in solitary. Air is provided only by small narrow slats in the concrete walls, near the ceiling. Food is provided through a window in the door. Adequate health care is rarely provided, and in some cases it is denied outright. Conditions in Vietnamese prisons routinely fail to meet minimum international standards in regard to cell size, lighting, heating, sanitation, medical care, ventilation, and contact with the outside world.¹⁶⁴

The harsh and at times life-threatening conditions in Vietnamese prisons can amount to cruel, inhuman, and degrading treatment and in some cases torture. International human rights expert Nigel Rodley writes:

"International bodies have found conditions of detention in particular instances to constitute violations of the prohibition of torture and other ill-treatment and the requirement of humane treatment and respect for human dignity. These findings usually involve a combination of factors, such as overcrowding, prolonged solitary confinement, confinement within cells without any or much activity outside the cell, and poor sanitation facilities. The first two may, by themselves, amount to prohibited ill-treatment under certain circumstances."¹⁶⁵

¹⁶² Unclassified cable from the US Embassy, "Prison Labor and Cashew Nuts in Vietnam."

¹⁶³ Interview with PAP member Hung, August 4, 2008.

¹⁶⁴ The UN Standard Minimum Rules, section 10, provide that "all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating, and ventilation." Section 11 states that in all places where prisoners are required to live or work, (a) The windows shall be large enough to enable the prisoners to read or work by natural light, and shall be constructed that they can allow the entrance of fresh air, whether or not there is artificial ventilation; (b) Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.

¹⁶⁵ Nigel S. Rodley, *The Treatment of Prisoners Under International Law*, Oxford University Press, 2009, page 425.

Overcrowding

While Vietnam's prison regulations state that prisoners in communal cells should be provided at least two square meters of sleeping area per inmate,¹⁶⁶ many of the former prisoners with whom we talked described extremely overcrowded living conditions in the group cells.

PAP member Vo Van Ngoc said that the group cell at An Giang Prison that he shared with 40 other prisoners was so crowded that he had to sleep on his side.¹⁶⁷

At Detention Center No. 1 in Hanoi, Tran Khai Thanh Thuy said that 84 women were jammed into a communal cell that reasonably might have fit 50 or 60 people.

"Prisoners have to lie on their side like spoons. In the middle of the night if you need to get up to go to the bathroom, the two people on either side of you take the opportunity to lie on their back while you are up—you lose your space. If you want to reclaim your space, you have to push your neighbors aside, which leads to quarrels.

"It's not hygienic and totally irrational to crowd us this way. Prisoners breathe in the smell of people lying next to them. There's not enough oxygen. In the morning, you wake up with a headache."¹⁶⁸

At T20 Detention Center in Gia Lai, Montagnard prisoner Pham said there were 100 prisoners in his cell, of whom most were ethnic Vietnamese except for four or five Montagnards.

"It was very tight and crowded. Vietnamese prisoners were on the raised cement platforms. Montagnards were on the floor, in the aisles between the platforms. There wasn't enough room to lie down. We curled up. There were many bugs."¹⁶⁹

Bloc 8406 member Nguyen Ngoc Quang spent 25 months in pre-trial detention at B34 in Saigon. For most of that time he was detained in a small cell with 14 other prisoners. None of them were allowed to leave the cell.¹⁷⁰

After ten months in solitary confinement at B34, democracy activist Quyen was moved to a crowded group cell at Chi Hoa Prison in Saigon.

"There were nine people crowded into a cell that was about two by three meters in size. There was no window in the cell, just two or three holes at the top of the wall for air. There were no lights on during the day, only at night."¹⁷¹

¹⁶⁶ Article 42, Law on Execution of Criminal Judgments, No. 53/2010/QH12, June 17, 2010.

¹⁶⁷ Interview with Vo Van Ngoc, place withheld, August 4, 2008.

¹⁶⁸ Interview with Tran Khai Thanh Thuy, Washington, D.C., July 13, 2011.

¹⁶⁹ Interview with Montagnard church leader Pham, North Carolina, September 18, 2008.

¹⁷⁰ "Released Dissident Remains Defiant," Radio Free Asia, September 8, 2009.

¹⁷¹ Interview with democracy activist Quyen, August 4, 2008.

In another cell at Chi Hoa, PAP member Cuong shared an eight-meter-square cell with eight other people.¹⁷² PAP member Dao's cell on the second floor of Chi Hoa had 40 people crowded into a cell that left only 30 centimeters for each person to sleep.¹⁷³

Water and Sanitation

International standards require prisons and detention facilities to provide adequate toilets, bathing and shower facilities, as well as adequate toilet articles for inmates.¹⁷⁴

Instead, prison cells routinely lack functioning toilets and running water, with prisoners sometimes forced to defecate in buckets that were kept in the cells for days before being emptied. Particularly during the period of solitary confinement—before many political prisoners are allowed family visits and provision of supplies—prisoners are rarely provided soap or other hygienic supplies.

Quyen described his group cell during his two years at Chi Hoa:

“We were in the cell all day long. The toilet was in the cell, and we ate in the cell. Sometimes we were allowed to go outside the cell for five minutes —only to get water to drink—that’s it. Whether we could take a shower depended on whether there was enough water that day. Some days there was more water, other days less—just three or four cups. We’d shower in the toilet.”¹⁷⁵

PAP member Dao, who was also imprisoned at Chi Hoa, said that prisoners were provided 10 liters of water a day to drink, shower, and wash clothes. The toilet in his overcrowded group cell was on a raised ledge, with inmates sleeping below it. “Foul, stinky water flowed down the wall from cells above us,” Dao said.¹⁷⁶

At Xuan Loc, former political prisoner Vo Van Ngoc said, water was frequently in short supply.

“They often cut off the water. The prisoner who shouted about no water was put into the dark cell.”¹⁷⁷

Tran Khai Thanh Thuy described Detention Center No 1 (Hoa Lo) as “the most dirty and unsanitary of any place I’ve been detained.”

“The water comes directly from ponds. There are crickets, insects, and worms in it, and it’s filthy. It’s pumped out without any filtering. We used that water for bathing and washing.

¹⁷² Interview with PAP member Cuong, January 18, 2008.

¹⁷³ Interview with PAP member Dao, August 4, 2008.

¹⁷⁴ UN Standard Minimum rules, sections 12, 13, and 15.

¹⁷⁵ Interview with democracy activist Quyen, August 4, 2008.

¹⁷⁶ Interview with former PAP member Dao, August 4, 2008.

¹⁷⁷ Interview with Vo Van Ngoc, place withheld, August 4, 2008.

“There were only two squat toilets in my group cell at Hoa Lo, which held 80 women.

“Why is there only one septic tank for 80 people? It was very unhygienic, and led to constant quarrels. Can you imagine—in the morning there are 70 to 80 people holding back their bowels, waiting in line for their turn at the toilet. Their faces are tormented. People swear and use bad language as they are waiting and so uncomfortable. If it’s true that speech is the expression of one’s soul, then those souls are very lowly at this time.”¹⁷⁸

Detention Center No 1 also lacked proper shower facilities, Thuy said, which further dehumanized the prisoners, who had to bathe outside, around the mouth of the well.

“This means that 200-250 women have to take their baths pretty much naked. They have to do it in the open, in the wind and in the sun. We bathe around the mouth of the well, which is very deep. We joke with each other: ‘Thank you, the natural beach greets you,’ and such.

“The naked bodies are black, thin, miserable—reflecting the conditions in the cells. Women’s breasts are hanging down—there’s no vitality. Your behind is very thin and looks black because you have to sit much too long each day.”¹⁷⁹

Inadequate Food

While international standards provide that prisoners are to be provided with nutritional food adequate for health and strength, this is rarely the case in Vietnamese prisons.¹⁸⁰

All of the former prisoners we interviewed said they were not provided enough food. Meals, provided twice a day, at lunch and dinner, consist largely of overcooked vegetables such as water spinach and rice, with meat rarely if ever provided. Food is frequently rotten or not properly cooked, with sand often mixed in with rice, former prisoners said. Because many political and religious prisoners are sent to prisons far from their home provinces, it is difficult for family members to bring supplies (food, medicine, etc) to supplement prison rations.

Hoa, a 37-year-old woman arrested for participating in an online forum about democracy, spent nine months in detention at B34, most of that time in isolation. She lost 30 pounds while detained at B34.

“There was very little food, which was a big problem. Food was served two times a day, at 10 and 3. All we got was rice with soup and a small fish. It was like dog food. I was so hungry I cried. But I couldn’t ever get more food.”¹⁸¹

Former prisoners said that those who had money could purchase extra food and water at the prison canteen, but at up to 10 times the price for the same goods outside. Food rations were very poor at Xuan Loc, Vo Van Ngoc said.

¹⁷⁸ Interview with Tran Khai Thanh Thuy, Washington, D.C., July 13, 2011.

¹⁷⁹ Interview with Tran Khai Thanh Thuy, Washington, D.C., July 13, 2011.

¹⁸⁰ UN Standard Minimum Rules, section 20.

¹⁸¹ Interview with Hoa (pseudonym), October 19, 2009.

“At Xuan Loc, twice a month they gave us food [some meat and vegetables]. The rest of the time we got only rice and salt. If you did not have family members nearby, you had no food.”¹⁸²

At Nam Ha, prisoners developed stomach problems and dysentery because of the poor quality of the food, Montagnard prisoner Yen said:

“They gave us old, spoiled food. They didn’t use water when they cooked the food, just poured sauce on top. People were very hungry and ate it. Many prisoners had stomach problems, dysentery, blood in the stool.”

Meat was provided twice a month, Yen said: pork on the tenth day of the month and fish on the 25th. “Each person was supposed to receive five grams of meat but usually we got only three grams,” he said. “The police took the rest. Usually, we ate only greens.”¹⁸³

Denial of Health Care

Beatings and physical abuse inflicted on prisoners early on in the course of their detention leave many with internal injuries and other serious health problems during the rest of their incarceration and even after release. Unsanitary and overcrowded cells, inadequate food and exercise, and the stress of imprisonment are breeding grounds for disease and further weaken prisoners physically.

International prison guidelines provide clear standards for provision of medical care to prisoners, including access to properly trained and equipped medical staff to care for ill prisoners and transfer of sick prisoners requiring specialist treatment to civilian hospitals or specialized care facilities.¹⁸⁴

In reality, Vietnamese prisoners who become ill in prison, or who already suffer from serious medical conditions upon incarceration, are routinely denied adequate medical treatment. Medical care is often not provided unless there is danger that the prisoner might die from beatings, malnutrition, or disease.

Former prisoners told us that when they became ill in prison they rarely saw a doctor or any other trained medical personnel. Those who sustained injuries during torture rarely received medical treatment. Some said that once their monthly allotment of paracetamol (2-3 tablets a month) was up, they were not allowed more. If they had money, they might be able to purchase medication. Most were dependent on family members to provide medicine to them if and when they were able to visit. Many former prisoners told us that prisoners were only admitted to a hospital when they were about to die.

¹⁸² Interview with Vo Van Ngoc, place withheld, August 4, 2008.

¹⁸³ Interview with Montagnard activist Yen (pseudonym), Charlotte, North Carolina, January 17, 2010.

¹⁸⁴ Standard Minimum Rules, section 22. In addition, article 12 of the ICCPR provides for the right to health.

LP was sick during most of her nine months' detention at B34. "They gave medicine—I don't know what kind it was—but I only got worse," she said. "It was the police that gave the medicine, not a doctor. And I never went to the hospital."¹⁸⁵

Poor health also makes it difficult for prisoners to meet work quotas, which can result in disciplinary measures such as their food rations being cut or being confined to an isolation cell.

PAP member Vuong was beaten so badly during interrogation that he had to be carried out of An Giang Prison when he was transferred to Xuan Loc Prison. He was unable to work in the prison labor camp at Xuan Loc because of his injuries, which included internal bleeding from repeated kicking of his kidneys. Despite the seriousness of his injuries, he was provided no medical care other than paracetamol.¹⁸⁶ Years later, his body still bears the marks of torture.

Upon arrival at Xuan Loc Prison, Dao was already partially lame from beatings during interrogation in pre-trial detention. He became even more weak from processing cashews, a hazardous process that can cause respiratory problems.¹⁸⁷ When he became unable to work, the punishment was to be shackled for weeks at a time in an isolation cell.

Journalist Nguyen Vu Binh is one of many political prisoners whose health declined dramatically while in prison. He was arrested in 2002 at the age of 35 and sentenced to seven years' imprisonment on espionage charges after submitting written testimony to the U.S. Congress about human rights violations in Vietnam. During a 2007 visit with Binh at Nam Ha Prison, where he was detained in solitary, his wife found that he had lost a lot of weight, had difficulty walking, and was starting to slur his speech. Though he suffered from hypertension, liver disease, and chest pain, prison authorities rejected his requests to be examined at the National Cardiology Institute.¹⁸⁸

"I Felt I Could Die at Any Time"

On two occasions, prison authorities at detention centers in Hanoi refused to allow the family of dissident writer Tran Khai Thanh Thuy to send her medication that she must take every day for diabetes and tuberculosis. This happened when Thuy was in pre-trial detention in 2007 at B14 Detention Center, and in 2009 at Detention Center No. 1 (Hoa Lo). Thuy described coming close to death when she was deprived of her medication at Hoa Lo.

"In Hoa Lo, they took my medicine away. I was without my medicine for diabetes and TB for one month and four days, from October 8 until December 2009.

¹⁸⁵ Interview with Hoa (pseudonym), October 19, 2009.

¹⁸⁶ Interview with Vuong, April 2009.

¹⁸⁷ For more information on the toxic effects of cashews, see pages 62-65, below, on prison cashew processing operations.

¹⁸⁸ Pham Hong Son, "Urgent Report from Hanoi on Heavily Critical Health of Journalist Nguyen Vu Binh," February 15, 2007. International pressure resulted in Binh's release from prison two years early, in June 2007.

“They were fully aware of the consequences. For my diabetes I must take two pills in the morning and two in the evening. If no medicine, it can kill you.

“Without my medicine, I was totally exhausted. They came to my cell eight times to provide “ER”[critical care]—that means they gave me two paracetamol.

“It was very dangerous. I was sweating profusely, my lips turned black, my arms and legs were very heavy. I felt I could die at any time. My blood pressure jumped up, and it was impossible to control my bladder. Without my medicine I had no control over urination. I had to go to the toilet dozens of times a day; sometimes I was going constantly. At times I had to pee into my rice bowl. In the end I had to use sanitary napkins for a diaper, like a baby.

“The diabetes affects my nerves. I had strong headaches and it was impossible to sleep. My only resort was to yell throughout the night.

“Then I got hallucinations. I would see people in different shapes and sizes [than normal]. The warden is normally a tall, handsome person. In my hallucination he looked like a devil with canine incisors. At times I did not dare close my eyes because I feared those hallucinations, demonic figures.

“My family brought my medicine but I was not given it because I was pre-trial: no family visit, no medicine.”¹⁸⁹

In some cases it is difficult for detainees who have been tortured in custody to obtain adequate medical care upon release from detention. None of the Con Dau parishioners were able to obtain proper medical exams (and thus no medical records) regarding their injuries after their release. Some had been specifically instructed by police not to seek medical care for their injuries; in other cases it was clear that authorities had instructed local doctors and clinics not to provide treatment and written documentation regarding the parishioners’ injuries.

Con Dau parishioner Tran Thanh Tien, who suffered blurred vision, chest pains, ringing in his ears, and difficulty hearing as a result of beatings in custody, was unable to get any medical treatment after his release.

“After I was released I went to a clinic for a checkup. They looked at my I.D. and knew I was from Con Dau—no doctors would treat me. I went to many hospitals, including private hospitals—all refused to treat me. Even in Da Nang and Hoi An, they knew about Con Dau. There was no examination, no report, just medicine to reduce pain.”¹⁹⁰

It wasn’t until more than two years later, after Tran had been resettled in the United States, that he was able to receive a proper medical examination. The doctors found that both of his

¹⁸⁹ Interview with Tran Khai Thanh Thuy, Washington, D.C., July 13, 2011.

¹⁹⁰ Interview with Tran Thanh Tien, Raleigh, North Carolina, December 2, 2012.

ear drums were broken, he had fluid in his lungs and his left eye needed surgery to repair a hole caused by violent impact in that area.¹⁹¹

¹⁹¹ Even in Thailand, where Tien and other villagers from Con Dau registered asylum claims with UNHCR, they were afraid to seek medical care for their injuries while awaiting approval of their applications for asylum and resettlement. “We didn’t dare go to a clinic because we were hiding our status and didn’t speak Thai,” he said. “If we showed up and they knew about our illegal status, the police would beat us or deport us.” Interview with Tran Thanh Tien, Raleigh, North Carolina, December 2, 2012.

Deaths in Prison

“There are so many elderly political prisoners in Z30A camp, 70 and 80 year-old men who came into the camp as strong, healthy youths with heads of shining black hair. Now their hair has turned white, their bodies are bent, yet they are still detained. Even if they are released one day, they will be just like walking skeletons, good for nothing, just an extra burden for their families.”

—Buddhist monk Thich Thien Minh, released from Xuan Loc Prison in 2005 after 26 years in prison

Physical abuse, forced labor, overcrowded cells, and lack of adequate food, sanitation and medical care can mean a death sentence for some dissidents sentenced to prison.

Former prisoners and the families of prisoners told us of numerous inmates who died in prison—even those who were relatively young and in their 40s. Others were prematurely released from prison to home or to hospital on temporary medical parole because they were so ill that prison authorities feared they would die in prison.

Truong Van Suong, 68, died in September 2011, less than a month after returning to prison from one year’s medical parole due to his declining health, including a serious heart condition and liver disease. At the time of his parole he had spent 33 years in prison, including six years in a re-education camp after 1975.¹⁹²

Causes of prisoner deaths can be a combination of beatings, malnutrition, excessive work in toxic environments and/or being forced to perform heavy physical labor despite injuries sustained from beatings; sleeping without blankets or bedding on concrete; exposure to malaria or dengue fever because of the absence of mosquito nets; and lack of clean water, soap, and clean bedding, causing skin disease. The denial of access to adequate medical care in most prisons means that some prisoners may die from treatable diseases such as diarrhea or dysentery.



Montagnard prisoner Y Mpi, a Bunong from Dak Nong, was temporarily released from Nam Ha Prison for medical reasons in May 2006. In December 2006 he was sent back to Nam Ha to finish his 10-year sentence, where he died in October 2007 at the age of 49.

¹⁹² Associated Press, “Vietnamese Political Prisoner Truong Van Suong Dies in Detention,” September 13, 2011.

Beatings administered by prison guards also result in deaths. Hoa Hao Buddhist Tuyet witnessed a fatal beating at Z30D Prison.

“I saw the guards beat a man to death. He had tried to escape. They caught him and beat him to death with wooden batons and rifle butts. Many police beat him. They forced the prisoners to watch. They beat him for many hours, until he couldn’t walk. He was dead when we went back to our cells from the farm.”¹⁹³

Human Rights Watch estimates that since 2001 at least 25 Montagnards have died in prisons, jails, or police lockups after beatings or illnesses sustained while in custody, or shortly after being prematurely released by prison authorities to a hospital or home.¹⁹⁴

Montagnard Christian Y Kuot Enuol died at the age of 38 from beatings by police during his interrogation at the municipal police station in Buon Ma Thuot, Dak Lak, in 2004. Police had arrested him for his involvement with Montagnard protests for land rights and religious freedom in April 2004. After six months in detention, police released him to his family in November 2004. He died less than one month later. Y Kuot’s cousin, who brought him to the hospital after his release from jail, said:

“After arresting him, police had kicked and broken his ribs and beaten him in the chest. His body was swollen, his arms were bruised, he was very weak. They’d kicked him numerous times in the back. The x-ray showed his lungs were bruised and his ribs were broken.”¹⁹⁵

Vo Van Ngoc said many people from his group, the People’s Action Party, died during the five years he was at Xuan Loc Prison [2002-2007]:

“In my cell, many people died. Five people alone from my party died.”¹⁹⁶ The Nguyen Huu Chanh [political] group had 93 prisoners, of whom eight died.¹⁹⁷ They were in a separate room from me but I could see them. Afterwards, it’s rare that the families are allowed to come pick up their bodies.”

Buddhist monk Danh Tol said many prisoners died during his two years at Soc Trang Prison. “I know this because I carried the bodies,” he said. “During my two years in the prison, there were about ten bodies. Some prisoners died from beatings. The prison authorities would say the deaths were from AIDS or other sickness.”¹⁹⁸

¹⁹³ Interview with Tuyet, August 4, 2008.

¹⁹⁴ Human Rights Watch, “Montagnard Christians in Vietnam: A Case Study in Religious Repression,” March 30, 2011.

¹⁹⁵ Interview with Quoc (pseudonym), Raleigh, North Carolina, December 2, 2012.

¹⁹⁶ Two more PAP members, Nguyen Van Trai and Bui Dang Thuy, died after Vo Van Ngoc’s release from prison, on July 11, 2011 and November 24, 2013, respectively. (See profile of Nguyen Van Trai, page 75 below.)

¹⁹⁷ He is referring to Vietnamese-American Nguyen Huu Chanh, who is leader of an anti-communist group called the “Government of Free Vietnam”. Interview with Vo Van Ngoc, August 4, 2008.

¹⁹⁸ Interview with Ven. Danh Tol, Washington, D.C., May 13, 2010.

Profile: The Death of Nguyen Van Trai

Political prisoner Nguyen Van Trai, 74, died in Xuan Loc Prison on July 11, 2011. He had served all but five months of a 15-year sentence. Despite his being terminally ill with cancer and congestive heart failure, prison authorities rejected requests by Trai and his family for him to be allowed to die at home.

Trai was among an estimated 40 long-time political prisoners at Xuan Loc who were arrested before 2000, many of whom have little or no international profile or overseas advocates.

He was arrested on November 28, 1996 by Cambodian police in Poipet, Cambodia, along with other members of the People's Action Party (PAP) as they tried to cross to Thailand for a meeting.¹⁹⁹

On December 5, 1996, over the objections of UN agencies in Phnom Penh, Cambodian authorities deported Trai and 18 other PAP members to Vietnam, including ten who had registered with UNHCR in Cambodia as applicants for political asylum.²⁰⁰ More PAP members were arrested in 1997 and 1999 at the Cambodia-Vietnam border and inside Vietnam.

In September 1999, the An Giang People's Court sentenced 24 PAP members to prison after a one-day trial. They were imprisoned on charges of "fleeing abroad to oppose the people's administration" under article 91 of Vietnam's Penal Code. Nguyen Van Trai received 15 years, one of the stiffest sentences.

Trai was 59 years old when he was arrested and imprisoned. During more than 14 years in prison his health declined dramatically, and by 2010 he had suffered several strokes and was suffering from rectal cancer, severe congestive heart failure, and an intestinal hemorrhage.

In June 2011 he was transferred to Bien Hoa hospital for treatment. Despite his being critically ill, doctors



Nguyen Van Trai in Bien Hoa hospital, shortly before he was transferred back to Xuan Loc prison, where he died the next day, on July 11, 2011.

¹⁹⁹ Ken McLaughlin, "Cambodia Deports 19 to Vietnam, U.N. Protest," *SAN JOSE MERCURY NEWS*, December 6, 1996.

²⁰⁰ Both UNHCR and the Cambodia Office of the UN High Commissioner for Human Rights vigorously criticized the deportation. "Report of the Special Representative of the Secretary-General for Human Rights in Cambodia, Second Mission to Cambodia," December 1-13, 1996.

discharged him from the hospital at 5 pm on July 10, 2011, saying there was nothing more they could do. Prison authorities transferred him back to Xuan Loc Prison, despite requests by Trai and his family for him to be allowed to return home to die. He died in prison the next morning.

With his death on July 11, 2011, Nguyen Van Trai became the sixth PAP member to die in Xuan Loc Prison.²⁰¹ On November 24, 2013, a seventh PAP member, Bui Dang Thuy, died in Xuan Loc at the age of 63, after 17 years in prison. The four PAP members remaining in prison as of this writing range in age from 51 to 74 and are serving sentences ranging from 13 to 20 years.

²⁰¹ The five other PAP members who died in prison were Ly Nhat Thanh, Ngo Tuan, Ho Quoc Dung (aka Ho Van Dung), Hoa Van Xuan, and Nguyen Van Binh.

Elderly Political Prisoners Serving Long Sentences: A Partial Listing

Name	Year of Birth	Date of Latest Arrest	Affiliation	Sentence and Charge	Current Location	Projected Year of Release	Comments and Current Status
Ngo Van Ninh, 95	1918	Unknown	Hoa Hao Buddhist	Unknown	Z30A Xuan Loc Prison, Dong Nai.	Unknown	A member of the Buu Son Ky Huong branch of Hoa Hao Buddhism. In 2005, fellow prisoner Thich Thien Minh reported that Ngo Van Ninh was very weak and in poor health “yet they keep him locked up in the camp.”
Nguyen Tuan Nam, 78 	1936	1996	People’s Action Party	19 years. Article 91 (fleeing abroad with a view to oppose the People’s Administration).	Z30A Xuan Loc Prison, Dong Nai.	2015	Arrested in Cambodia in 1996 and deported to Vietnam. Formerly a teacher, he suffers from cerebral vascular disease and sciatic nerve pain and has had two strokes in prison. He is no longer able to stand.
Le Van Son, 76	1938	1982	Hoa Hao Buddhist	Life sentence.	T5 Prison, Thanh Hoa.	Life	Hoa Hao Buddhist. Suffers from high blood pressure, has lost most of his teeth, and has been extremely weak for more than six years.
Tran Tu, 74 	~1940	1993	Democracy activist	Life sentence. Article 79 (carrying out activities aimed at overthrowing the People’s Administration).	Nam Ha Prison, Ha Nam.	Life	Was resettled as a refugee in the United States in 1986 or 1987. He was arrested on March 28, 1993 upon returning to Vietnam to organize a peaceful protest for democratic reforms. He was charged with conducting activities to overthrow the government.
 Le Van Tinh, 73	1941	1996	People’s Action Party; Hoa Hao Buddhist	20 years. Article 91 and Article 79.	Z30A Xuan Loc Prison, Dong Nai.	2016	Arrested in Cambodia and deported on December 5, 1996 to Vietnam, where he was sentenced to 20 years in 1999. Before 1975 he was a congressman during the Republic of Vietnam. After 1975, he served 10 years in re-education camp.
Nguyen Van Lia, 74 	1940	2011	Hoa Hao Buddhist	Four and a half years. Article 258 (abusing democratic freedoms to infringe upon the interests of the State).	Z30A Xuan Loc Prison, Dong Nai.	2015	Chairman of the Hoa Hao Buddhist Church-Traditional Branch, which is independent of the government-controlled Hoa Hao Commission. He was arrested after meeting with foreign diplomats in 2009 and 2010 to brief them on persecution of the Hoa Hao. He suffers from high blood pressure, has lost most of his hearing, and has several broken ribs from past injuries.
Am Linh, 71 	1943	2008	Montagnard Christian	8 years. Article 87 (undermining the policy of national unity).	Unknown.	2017	A member of the Bahnar ethnic group from Dak Doa district in Gia Lai province, Am Linh was arrested after a protest by Montagnard Christians in April 2008. He was accused of advancing separatist policies as a member of the banned “Tin Lanh Dega” (Dega Protestant) religion.







Pham Thi Phuong, 69 	1945	2010	Member of Vietnam Populist Party	11 years. Article 79 (carrying activities aimed at overthrowing the People's Administration).		2021	A member of the Vietnam Populist Party, she was arrested in 2010 and sentenced to 11 years in prison on charges of sedition. She and her husband and five children had been recognized as refugees by UNHCR in Thailand in 2009.
Name	Year of Birth	Date of Latest Arrest	Affiliation	Sentence and Charge	Current Location	Projected Year of Release	Comments and Current Status
Father Nguyen Van Ly, 68 	1946	2007	Democracy and religious freedom activist	Article 88 (conducting propaganda against the Socialist Republic of Vietnam).	Nam Ha Prison, Ha Nam Province.	2016	Catholic Priest Nguyen Van Ly, one of Vietnam's most prominent dissidents, is going into his 18 th year of imprisonment. In 2010 he was released on temporary medical parole but then returned to prison one year later. He experienced three strokes while held in solitary confinement in prison in 2009 and continues to suffer from serious health problems, including a brain tumor, high blood pressure, and atherosclerosis.
Nguyen Huu Cau, 67 	1947	1982	Poet and anti-corruption campaigner.	Life sentence. Charged with "destruction" (<i>pha hoai</i>).	Z30A Xuan Loc prison, Dong Nai.	Life	One of Vietnam's longest imprisoned political prisoners, he is going on his 34 th year of imprisonment, which includes five years in re-education camp after 1975. He was re-arrested in 1982 and initially sentenced to death for "reactionary" activities; reduced to life imprisonment in 1985. His health is very poor; he has heart failure, cataracts, and is almost completely blind and deaf. He is a former captain in the Army of the Republic of Vietnam.
Duong Thi Tron, 67 	1947	2006	Hoa Hao Buddhist.	Nine years. Article 245 (Creating public disorder).	Z30A Xuan Loc Prison, Dong Nai	2015	An active member of the independent Hoa Hao Buddhist Church-Traditional Branch in Dong Thap Province and wife of its chairman, she and her husband were arrested and sentenced to prison for their participation in hunger strikes and other protests against persecution of the Hoa Hao.
Ngo Hao, 66 	1948	2013	Blogger and religious freedom advocate.	15 years. Article 79 (carrying activities aimed at overthrowing the People's Administration).		2028	A religious freedom advocate, he was accused of distributing documents under the direction of Block 8406 activists abroad in order to overthrow the government. He is in poor health.
Nguyen Xuan Nghia, 65 	1949	2008	Writer and democracy activist.	6 years. Article 88 (conducting propaganda against the Socialist Republic of Vietnam).	An Diem Prison, Quang Nam	2014	A poet, critical writer and democracy advocate, he has spent several periods in solitary confinement, most recently in 2013 for revealing that fellow prisoner Dieu Cay was on hunger strike. He suffers from prostate cancer and injuries from beatings from other prisoners.
Tran Huu Canh, 62	1952	2004	Member of the Cao Dai religion.	13 years. Article 91.	A20 Xuan Phuoc Prison.	2017	Leader of a group of 12 Cao Dai followers who were arrested in Cambodia trying to leaflet an international meeting in 2004 about persecution suffered by the Cao Dai in Vietnam.

Figure 2: Locations of Selected Prisons of the Ministry of Public Security



Figure 3: MPS Prisons Where Political and Religious Prisoners are Imprisoned
(Partial Listing)

Prison	Location	Comments
An Diem Prison	<i>Dai Loc district, Quang Nam Province</i>	Dissident writer Nguyen Xuan Nghia was transferred to An Diem Prison in October 2013.
An Giang Prison	<i>Long Xuyen district, An Giang Province</i>	Prisoners of conscience who have been imprisoned at An Giang Prison include Ven. Tim Sakhorn and numerous members of the People's Action Party.
An Phuoc Prison	<i>An Thai commune, Phu Giao district, Binh Duong Province</i>	An Phuoc Prison in Binh Duong Province has an inmate population of more than 4,000, who are held in four sub-camps. Prison jobs include cashew processing, rubber tapping, farming, carpentry, and construction. Pastor Nguyen Cong Chinh, Dinh Dang Dinh, and Duong Au are currently imprisoned at An Phuoc.
Cao Lanh (Lang Bien) Prison	<i>Cao Lanh district, Dong Thap Province</i>	Hoa Hao Buddhist Tran Van Thiep was imprisoned there until his release in 2011.
Chi Hoa Prison	<i>District 10, Ho Chi Minh City (Saigon)</i>	Operated by the Ho Chi Minh City Department of Public Security (municipal police), Chi Hoa was built in 1943 by the French colonial government. The four-story octagon-shaped prison occupies seven hectares. "There were many winding corridors—it was like stumbling into a maze of eight trigrams," a former prisoner said. The communal cells have bars on one side whereas the individual cells are cramped, dark and stuffy. Activists who have been held at Chi Hoa include Thich Thien An, Thich Tri Sieu, Nguyen Dinh Huy, Thich Tri Luc, Dieu Cay, Nguyen Bac Truyen, Kieu Van Hoa, Luu Quoc Luan, Nguyen Anh Tuan, and members of the Peoples Action Party.
Con Cat (Soc Trang) Prison	<i>Soc Trang provincial town, Soc Trang Province</i>	Khmer Krom monks Kim Muon, Danh Tol, Ly Suong, Thach Thuong, and Ly Hoang were imprisoned there until their release in 2009.
Gia Trung Prison	<i>Mang Yang district, Gia Lai Province</i>	Located at the site of a former US airbase in the Central Highlands, the prison holds more than 2400 inmates. Among the prison's industries is a cashew processing plant. Among those who have been imprisoned there are many Montagnard Christians and Catholics and Pastor Nguyen Cong Chinh until his transfer to An Phuoc Prison.
Nam Ha (Ba Sao) Prison	<i>Phu Ly village, Ba Sao commune, Kim Bang district, Ha Nam province</i>	Built in 1965 among remote limestone hills in northern Ha Nam province, Nam Ha Prison is located 50 miles south of Hanoi. It holds close to 3,000 male inmates, staffed by an equal number of employees, according to prison officials. The prison covers a total area of 600 hectares and is separated into three geographically distinct sections. Sections A and C, located about two miles away from each other, each have subsections holding political and religious prisoners. The prison includes an eight-hectare prison farm for growing vegetables and raising cows, goats, and pigs. Families of prisoners have sent written letters of complaint to prison authorities regarding deterioration of inmates' health, including respiratory problems, caused by cesspools located alongside the camp

Prison	Location	Comments
		<p>for use as fertilizer and by thick smoke from nearby brick factories.</p> <p>Among those who have been imprisoned there are Father Nguyen Van Ly, Le Chi Quang, Nguyen Xuan Nghia, Nguyen Manh Son, Nguyen Phong, Pham Hong Son, Pham Van Troi, Nguyen Khac Toan, Nguyen Kim Nhan, Nguyen Vu Binh, and Tran Tu (serving a life sentence).</p> <p>As of March 2011, the prison also held at least 100 Montagnard prisoners.</p>
Ninh Khanh Prison	<i>Ninh Van, Hoa Lu district, Ninh Binh Province</i>	Ninh Khanh Prison is located about 55 miles south of Hanoi. With more than 2,000 inmates, it is the second largest prison in the north. Female prisoners, who make up one-quarter of the prison population, are concentrated in sub-camp 3. Among the dissidents who have been imprisoned there is land rights activist Le Thi Kim Thu (2009).
Prison No. 5 (Thanh Hoa)	<i>Thanh Lam commune, Nhu Xuan district, Thanh Hoa Province</i>	<p>Located in Yen Dinh district, Thanh Hoa, in the northern part of Central Vietnam, Prison No. 5 is about 620 miles north of Saigon, or 130 miles south of Hanoi. It holds about 5,000 inmates, including 1,000 women. Political prisoner Cu Huy Ha Vu reportedly went on hunger strike in June 2013 to protest conditions at Prison No. 5.</p> <p>Activists who have been imprisoned there include Le Thi Cong Nhan, Tran Khai Thanh Thuy, Pham Thanh Nghien, and Cu Huy Ha Vu.</p>
Prison No. 6 (Nghe An)	<i>Hanh Lam commune, Thanh Chuong district, Nghe An Province</i>	<p>Located in the mountains of Nghe An province some 400 kilometers from Hanoi, the prison's capacity is 3,000 prisoners held in four sections. Established in 1946 under the Nghe An provincial police, it was handed over to V26 Department of MPS (now MPS General Department VIII).</p> <p>Dissidents who have been imprisoned there include Pham Van Troi, Nguyen Xuan Nghia, Nguyen Ba Dang, Tran Anh Kim, Pastor Nguyen Trung Ton, Dieu Cay, and Ho Thi Bich Khuong.</p>
Thanh Xuan (T16) Prison	<i>Xuan Duong commune, Thanh Oai district, Hanoi</i>	<p>Located in Hanoi, the prison holds many offenders convicted on drug charges, including foreigners from China, Laos, Cambodia, Philippines, and Canada.</p> <p>Do Thi Minh Hanh and Mai Thi Dung were transferred from Xuan Loc to Thanh Xuan Prison in October 2013. Now their families must travel 1,000 miles or more to visit the women, both of whom have suffered serious health problems in prison.</p>
Thu Duc (Z30D) Prison	<i>Tan Duc village, Tan Minh commune, Ham Tan district, Binh Thuan Province</i>	<p>Located in southern Binh Thuan province, Z30D is Vietnam's largest prison. It holds close to 8,000 inmates, including 1,000 women. At Thu Duc, inmates work in prison farms and tobacco and rubber plantations that cover more than 600 hectares as well as in 12 prison workshops for carpentry, sewing, construction, weaving, basketry and other handicrafts, and cashew processing.</p> <p>Aside from political and religious prisoners, Z30D also holds common criminals and foreign prisoners, the most well known being convicted pedophile Gary Glitter, a UK citizen.</p>
Xuan Phuoc (A20) Prison	<i>Xuan Phuoc commune, Dong Xuan district, Phu Yen Province</i>	<p>Located in Phu Yen province on the edge of the Central Highlands, Xuan Phuoc Prison holds approximately 1,000 inmates. Prison labor includes cashew processing, carpentry, brick-laying, handicraft production, cutting wood and bamboo, rubber tapping, and working on prison farms to grow rice, sugarcane, corn and cassava.</p> <p>At least four Hoa Hao Buddhists are reportedly serving life sentences at Xuan</p>

Prison	Location	Comments
		Phuoc Prison: Nguyen Van Hung, Nguyen Van Tren, Nguyen Van Dau, and Nguyen Van Dung. Other political prisoners who have been imprisoned there include Montagnard Christian Kpa Chinh and elderly prisoner Tran Tu before his transfer to Nam Ha.
Xuan Loc (Z30A) Prison	<i>Xuan Truong commune, Xuan Loc district, Dong Nai Province</i>	<p>Located in southern Vietnam, Xuan Loc Prison's inmate population of 6,000 includes 400 women. The prison is divided into five sections (K1-K5), each surrounded by five-meter high walls, with guards posted up high on each corner. Each section holds 800 to 1000 prisoners, who are held in group cells holding from 60 to 80 people. The space for each prisoner is generally less than 2 square meters, sometimes as small as 1.2 square meters.</p> <p>Sections K1, K2, K3, and K4 have held political and religious prisoners since 1982, though most such prisoners are held in K1 and K2. Prisoners in K2, a special "confined" part of the prison that consists of two buildings, have complained about fumes and smoke from a prison cashew-processing facility apparently located in or very near to K2, as well as a sewage discharge area located near some of the cells. Among other jobs, prisoners work in Xuan Loc's 700 hectare cashew and rubber plantation.</p> <p>On June 30, 2013, prisoners in section K1 conducted a protest against harsh conditions in Xuan Loc, temporarily holding hostage a prison official. Although inmates convicted of criminal offenses were blamed for the unrest, political prisoners from K1—some of whom were able to talk to outside supporters by telephone during the unrest—were transferred to Xuyen Moc (T345) Prison in Ba Ria-Vung Tau province.</p> <p>Among the many dissidents who have been imprisoned at Xuan Loc are Bui Dang Thuy, Cao Van Tinh, Dieu Cay, Duong Au, Do Thi Minh Hanh, Duong Kim Khai, Duong Thi Tron, Huynh Ngoc Tri, Le Van Soc, Le Nguyen Sang, Le Van Tinh, Mai Thi Dung, Nguyen Bac Truyen, Nguyen Hoang Quoc Hung, Nguyen Huu Cau, Nguyen Ngoc Tuan, Nguyen Van Lia, Pham Thi Phuong, Pham Ba Hai, Tran Quoc Hien, Tran Huynh Duy Thuc, Tran Thi Thuy, Truong Quoc Huy, and Viet Khang.</p>
Xuyên Mộc (T345) Prison	<i>Village 4, Tan Lam commune, Xuyen Moc district, Ba Ria-Vung Tau Province</i>	<p>After political prisoners transferred from Xuan Loc Prison to Xuyen Moc went on hunger strike in July 2013, three were disciplined by being put into solitary confinement.</p> <p>Political prisoner Dieu Cay was imprisoned at Xuyen Moc until April 2013, when he was transferred to Prison No. 6 in Nghe An. Political prisoners transferred to Xuyen Moc after unrest broke out in Xuan Loc Prison on June 30, 2013 included: Tran Huynh Duy Thuc, Phan Ngoc Tuan, Nguyen Hoang Quoc Hung, Huynh Anh Tri, and Nguyen Ngoc Cuong. In December 2013, Dinh Nguyen Kha was transferred from Long An Detention Center to Xuyen Moc.</p>

SECTION 4: Abuses in Administrative Detention Centers

“...[T]he educational facility [*co so giao duc*, or re-education camp] is the prison in disguise. The educational facility might have its educational impact on criminals, but in reality, the government abuses this method to oppress political dissidents.”

—Le Thi Cong Nhan

Vietnam’s laws authorize the arbitrary “administrative detention” without trial of peaceful dissidents, members of unsanctioned religious groups, and others considered threats to social order or public safety. The decision to place a person under administrative detention is made by local People’s Committee officials. No prior judicial approval is required.²⁰²

With information provided by local police, district level People’s Committee chairmen can open files on people they think should be placed under administrative detention. The chairman of the provincial People’s Committee decides whether people are to be placed under house arrest, “educated” and supervised by local officials, sent to a detention facility such as a re-education camp, or involuntarily committed to a psychiatric facility.²⁰³

Because there is no judicial process, and often no notification of family members and news media regarding administrative detainees, mistreatment of detainees can be carried out with impunity.

Among the offenses that can be sanctioned by detention in a re-education camp are abusing democratic rights and religious freedom to incite others to violate the interests of the state, fomenting public disorder, resisting persons on official duties, inciting disturbances, coercing others to flee abroad, performing “acts of superstitions” in order to profit illegally, or committing other illegal acts such as pimping, prostitution, gambling, and racing.²⁰⁴

In theory, administrative detention is intended as punishment for people who have committed public order offenses—particularly repeat offenders who have been “educated

²⁰² Administrative detention laws include Ordinance 44 on Handling of Administrative Violations, No. 44/2002/PL-UBTHQH10, July 2, 2002; Decree 76 on Prescribing and Guiding in Detail the Application of the Measure of Consignment to Re-Education Camps, No. 76/2003/ND-CP, June 27, 2003; Decree No. 125/2008/ND-CP (which amends provisions of Decree 76). In 2012, a new law was passed, the “Law on Handling of Administrative Violations (No. 15/2012/QH13). Provisions in Ordinance 44 regarding consignment to reformatories, re-education camps, or medical treatment establishments continue to be in effect through December 31, 2013, when Ordinance 44 and its amendments will be completely replaced by the new law. (Most of the law went into effect in January 2013.)

²⁰³ Ordinance 44 on Handling of Administrative Violations, No. 44/2002/PL-UBTHQH10, July 2, 2002.

²⁰⁴ Decree 76 on Prescribing and Guiding in Detail the Application of the Measure of Consignment to Re-Education Camps, No. 76/2003/ND-CP, June 27, 2003.

and disciplined time and again”—but whose offenses do not warrant criminal prosecution.²⁰⁵

In reality, administrative detention is often imposed in cases where there is not enough evidence to convict the person on criminal charges. Administrative detention laws can be used to arbitrarily arrest and quietly punish perceived “trouble makers” such as land rights protesters or members of unsanctioned religious groups, particularly in remote rural areas where there is less chance that media or foreign diplomats are aware of the case.

Human rights lawyer Le Thi Cong Nhan noted in her analysis of Vietnam’s administrative detention laws that by authorizing detention in “educational” and “medical” establishments, laws such as Ordinance 44 codify what could be subjective, arbitrary, and politically-driven decisions:

“These two methods of oppression are used commonly by the regime toward the pro-democracy activists because here the educational facility [co so giao duc, or re-education camp] is the prison in disguise. The educational facility might have its educational impact on criminals, but in reality, the government abuses this method to oppress political dissidents. The targets for the handing over to medical facilities as stipulated by the Ordinance are drug addicts and prostitutes (section 25, clause 2), but in reality, the Vietnamese government has been branding political dissidents as having mental disorders and forcing them into mental hospitals in order to harm them.”²⁰⁶

Re-Education Camps (CSGD): Skipping the Courts

Administrative offenders can be detained for two-year renewable terms in re-education camps (*Co So Giao Duc* or CSGD). Administered by the Ministry of Public Security, CSGD are detention camps that hold between 500 and 2,500 inmates. They are required to perform forced labor and fulfill production quotas in plantations, factories, and workshops.

At the end of a two-year term, if the CSGD director determines that a detainee has not made sufficient progress or has failed to meet work quotas, the detainee can be arbitrarily detained for another two-year term of “management and education.”²⁰⁷

Activists arbitrarily detained in re-education camps include Hanoi-based land rights campaigner Bui Thi Minh Hang. On November 27, 2011, police arrested her in Saigon, where she had participated in a protest against Chinese territorial expansion. She was detained incommunicado for ten days. Police held her overnight in Saigon and then put her on a plane to Hanoi the next morning. Hanoi police transferred her directly to Thanh Ha CSGD in Vinh Phuc province. There was no arrest warrant, nor was she shown anything in writing regarding the decision to send her to a re-education camp. Later she learned that

²⁰⁵ Decree 76 on Prescribing and Guiding in Detail the Application of the Measure of Consignment to Re-Education Camps, No. 76/2003/ND-CP, June 27, 2003.

²⁰⁶ Le Thi Cong Nhan, “The Truth on the Removal of the Administrative Detention Decree 31/CP,” November 11, 2006.

²⁰⁷ Decree 76, article 26.

the Hanoi Municipal People's Committee had ordered that she be held for 24 months' administrative detention.²⁰⁸

Ministry of Foreign Affairs spokesperson Luong Thanh Nghi defended the decision to place Bui Thi Minh Hang under administrative detention: "In Vietnam no one is arrested for expressing their political opinion. Bui Thi Minh Hang repeatedly disrupted public order. The handling of this case is in accordance with the provisions of the law in Vietnam."²⁰⁹

Bui Thi Minh Hang's detention in a re-education camp was one of the few such cases that has received national and international press coverage.²¹⁰ More often, there is no coverage at all about people who are sent to re-education camps. Lack of any judicial process and incommunicado detention makes it extremely difficult to trace detainees' location and treatment in detention, with their families sometime not even knowing their whereabouts.



Hard labor in a Re-Education Camp in Quang Tri province.

Particularly off the radar is the arbitrary detention in re-education camps of rural land rights petitioners or ethnic minority activists in remote provinces, including Montagnard Christians accused of links to overseas groups or belonging to unregistered house churches. Putting activists such as these in detention for two years effectively silences them, with little chance of any outcry from the international community.

Profile: Five Years' Detention, No Trial

Hai, a Montagnard (ethnic Jarai) Christian from Gia Lai province, has been harassed, arrested, and detained numerous times in re-education camps over the last decade because of his involvement in peaceful protests calling for land rights and religious freedom. He was first arrested in February 2001 after participating in a large demonstration in Gia Lai.

I was transferred immediately to Gia Trung Prison [Gia Lai], at midnight. They put my feet and hands in stocks in a dark cell, where I remained for the next two

²⁰⁸ Human Rights Watch, "Vietnam: Free Peaceful Activist," January 4, 2012.

²⁰⁹ "Quyet dinh dua Bui Thi Minh Hang vao co so giao duc la dung luat," *Cong an Nhan Dan* online, September 1, 2012, <http://www.cand.com.vn/vi-VN/phapluat/2012/1/163622.cand> (accessed September 20, 2013).

²¹⁰ International pressure was a factor in Bui Thi Minh Hang's early release from the re-education camp on April 29, 2012 after five months in detention.

months and four days. The result was that my legs were paralyzed. They persuaded me to train to walk. After two months training I was able to walk again.²¹¹

Two months later he was transferred to T20, the provincial prison in Gia Lai, where he was held for four months awaiting trial.

There was not enough evidence [to convict me], so they transferred me to Ayun Pa [CSGD] camp. There they made me write self-criticisms for mistakes I committed and told me I was banned from being a Protestant believer anymore.

He was then released under what he understood to be a two-year suspended sentence, and placed under probationary house arrest under the direct supervision of local security officials.

All of my daily routines had to be reported to them. But one day I went to visit my mother without asking permission. The result was I was punished by having my suspended sentence increased by another six months.

On April 10, 2004 Hai and his family participated in a protest in his district calling for human rights and freedom of religion. Afterwards, fearing that he would be arrested again, he fled to the forest.

When more than a year went by without a trace of him, his family presumed he had been killed by security forces while attempting to flee to Cambodia. Instead, police had arrested him in June 2004, two months after the protest, and sent him on to two different CSGD—one in another province—without any judicial process or notification to his family.

He was detained first at Ayun Pa CSGD in Gia Lai for two weeks. Police then transferred him to CSGD A1 in Phu Yen province, where he was held for two years.

He was released on May 16, 2006, after having spent five years arbitrarily detained in re-education camps and T20 Prison, and placed under house arrest, without any judicial process. “I returned home but my situation remained very difficult because I was considered a guilty person, or convict,” he said. “My name was on the black list of the public security department.”²¹²

Social Protection Centers

Administrative offenders can also be compulsorily detained in Social Protection Centers (*Trung Tam Bao Tro Xa Hoi*). Social Protection Centers are used to detain homeless people, street vendors, and street children picked up by police during street sweeps, as well as farmers and land rights activists petitioning authorities in the cities.²¹³ In 2003 land rights

²¹¹ Interview with Montagnard (Jarai) activist Hai (pseudonym), location withheld, January 2010.

²¹² Interview with Jarai activist Hai (pseudonym), January 2010.

²¹³ For more information about Vietnam’s social protection centers, see Human Rights Watch, *Children of the Dust: Abuse of Hanoi Street Children in Detention*, November 13, 2006, <http://www.hrw.org/reports/2006/11/12/children-dust>

petitioner Ho Thi Bich Khuong was among dozens of rural petitioners arrested by mobile police in Mai Xuan Thuong Square in Hanoi and detained for two weeks in a Social Protection Center. More recently, blogger Le Anh Hung was detained in Social Protection Center 2 (Trung Tam Bao Tro Xa Hoi 2) in Hanoi in January 2013, ostensibly on mental health grounds.

Psychiatric Institutions

A number of religious and political dissidents deemed to pose a threat to public security or social order have been involuntarily committed to mental hospitals under provisions of the Penal Code, Criminal Procedure Code, Ordinance 44, or Decree 64 (2011).²¹⁴

They include opposition party activist Nguyen Trung Linh (2011-2012),²¹⁵ democracy activist Bui Kim Thanh (1995, 2006, 2008),²¹⁶ anti-corruption whistleblower Ngo Van Dinh,²¹⁷ Mennonite school teacher Le Thi Hong Lien (2005),²¹⁸ Protestant pastor Than Van Truong (2004-2005),²¹⁹ land rights petitioner Nguyen Anh Dao (2002 and 2004),²²⁰ and writer Hong Quang (Nguyen Duc Duc).²²¹ All of these dissidents and government critics were committed to the forensic units of either Central Psychiatric Hospital No. 1 in Hanoi or Central Psychiatric Hospital No. 2 in Bien Hoa, Dong Nai.

²¹⁴ The new administrative detention law passed in 2012, "Law on Handling of Administrative Violations (No. 15/2012/QH13), is to replace Ordinance 44 in January 2014. The Penal Code states in article 43, "Compulsory Medical Treatment": "For persons who commit acts dangerous to society while they are suffering from the diseases prescribed in Clause 1, Article 13 of this Code, depending on the procedural stages, the procuracies or the court, basing themselves on the conclusion of the Medical Examination Council, may decide to send them to specialized medical establishments for compulsory medical treatment..." Decree 64/2011/ND-CP, passed in July 2011, provides for compulsory medical measures for suspects who have "committed acts dangerous to society but who lack the capacity for criminal responsibility". See also: To Huang, "A Decree on the enforcement of compulsory treatment" (Nghị định quy định về việc thi hành biện pháp bắt buộc chữa bệnh), Ministry of Justice website, July 9, 2011.

²¹⁵ Thanh Truc, "Viet ve dan chu bi dua vao trai tam than," RFA, February 16, 2013; "Human Rights Report for the First Three Months of 2012 – Prepared by Lawyer Nguyen Van Dai," Democratic Voice of Vietnam website, April 14, 2012.

²¹⁶ Tran Khue, "Open Letter Calling for Urgent Rescue of Lawyer Bui Kim Thanh Thanh," (Thư ngỏ kêu gọi khẩn cấp, cứu nguy tính mệnh nữ luật sư Bùi Kim Thành), Democratic Party of Vietnam (XXI); "Vietnam: Lawyer Held in Psychiatric Hospital," RFA Unplugged, March 29, 2007, <http://www.rfaunplugged.org/2007/03/29/vietnam-lawyer-held-in-psychiatric-hospital/> (accessed July 29, 2011); Tra Mi, "Victims Tell of Detention at Bien Hoa Psychiatric Hospital," Radio Free Asia, January 19, 2007.

²¹⁷ *Lao Dong*, August 14, 2009; "Cu lua ngoan muc trot lot noi chang?" *Tu Do Ngon Luan*, No. 15, November 15, 2006, <http://tudongonluan.comuv.com/15/index.html> (accessed September 3, 2013).

²¹⁸ "Vietnam Will Free Le Thi Hong Lien," Flash News from Compass Direct, April 26, 2005.

²¹⁹ Department of State International Religious Freedom Report 2007.

²²⁰ "Vietnam: Lawyer Held in Psychiatric Hospital," RFA Unplugged, March 29, 2007.

²²¹ *Tu Do Ngon Luan*, No. 15, November 15, 2006.

Some—including Baptist pastor Than Van Truong and Mennonite school teacher Le Thi Hong Lien—were transferred from prisons or detention centers to psychiatric hospitals.²²² Pastor Than Van Truong was transferred to Bien Hoa mental hospital from B5 Prison in Dong Nai, where he had been detained on charges of making anti-government propaganda.

Although he was allegedly transferred to Bien Hoa for treatment for “hysteria and delirium,”²²³ a doctor at Bien Hoa told Truong’s wife that he showed no signs of mental illness, and reported this to prison officials.²²⁴ Truong remained in Bien Hoa for a year.

While in psychiatric detention, prisoners of conscience may be forced to take medication or injections against their will (see profile of Bui Kim Thanh, below).

During the first two weeks at Bien Hoa, Truong was given two injections a day that made him lethargic, followed by two pills a day for the rest of the year he was detained there. When Truong submitted a petition to hospital officials requesting to be transferred back to prison to protest the original charges, he was given a different type of medication—four pills, smaller than the usual ones. In an appeal to the United Nations that he was able to smuggle out of the hospital he wrote:

“These new [pills] are the kind that when given to other patients make their tongues stick out, their mouths drool. They lost their ability to speak, and their arm and leg movements became labored and slow.”²²⁵

He was able to discard the pills discreetly without taking them.

“Because I have no mental illness I have not taken the pills that were given to me....I firmly believe that the reason I am being administered drugs is not because I am ill.”

After considerable diplomatic pressure, particularly from the U.S. Embassy, Pastor Truong was finally released from Bien Hoa on September 17, 2005.

Profile: Compulsory Psychiatric Detention of Activist Bui Kim Thanh

Bui Kim Thanh was a democracy activist, opposition party member, and lawyer who assisted farmers petitioning the government about confiscation of their land—known in Vietnam as Dan Oan, or “Victims of Injustice”. She was arrested by police and involuntarily committed to mental hospitals three times, in 1995, 2006, and 2008.

²²² “Vietnam Will Free Le Thi Hong Lien,” Flash News from *Compass Direct*, April 26, 2005. Than Van Truong’s involuntary commitment to a mental hospital was covered in the State Department’s 2007 International Religious Freedom Report.

²²³ “Urgent Appeal to the United Nations Human Rights Commission from Pastor Than Van Truong,” April 19, 2005.

²²⁴ “Evangelical Pastor Released from Vietnam Mental Hospital,” press release, September 18, 2005.

²²⁵ Urgent Appeal to the United Nations Human Rights Commission from Pastor Than Van Truong, April 19, 2005.

In addition to her social activism and membership in the banned Democratic Party of Vietnam, her periods of psychiatric detention were also spurred by her periodic efforts to run for the National Assembly without being vetted and approved by the Party. Upon her release in 2008, she was resettled to the United States.



Bui Kim Thanh in 2008, after arriving in the United States.

In an interview after arriving in the United States, Bui Kim Thanh said her arrest and involuntary psychiatric detention in November 2006 was part of a crackdown on activists prior to the visit to Vietnam of U.S. President George Bush. “They were worried I might incite or encourage the victims of land conflicts to protest when Bush came,” she said.²²⁶

At 6 in the morning of November 2, 2006, several dozen police raided Bui Kim Thanh’s home. “I was in my pajamas, sleeping,” she said. “They took me away without any warrant.”

The police took her to Cho Quan hospital, where she was questioned by the deputy director. After he introduced himself, she said, “May I refuse to answer your questions? As you can see, I’m in my pajamas. This whole thing is being done illegally. If the police allow me to go home, I’ll come back in regular clothes tomorrow to see you.”

The deputy was agreeable, but the police refused to take her home. After some deliberations, at 6 pm the police took her to Central Psychiatric Hospital No. 2 in Bien Hoa, known as B4, where she was admitted after regular hours by the Department for Assessment of New Cases.

“That night six strong inmates pushed me down to inject me with something to make me pass out. I passed out that night—I don’t know what the drug was.”

At 8 am the next day she was called to meet a doctor for a session that lasted less than ten minutes.

“His first—and only—question was, ‘Why are you inciting the victims of land injustice to have demonstrations?’ I answered, ‘Why do you not ask me how I feel? After the medication and treatment yesterday, why do you think I can incite anyone? Do you ask this because the police prompt you to do so?’

²²⁶ Telephone interview with Bui Kim Thanh, September 2008.

“He was very unhappy with my response and said, ‘In that case, go back to your room.’”

She was put into an isolation cell with a sign on the door: “No one allowed to contact [this patient] without written authorization of the People’s Procuracy of Ho Chi Minh City, the Ho Chi Minh City People’s Committee, and the Ho Chi Minh City police.”

Her detention at Bien Hoa was primarily punitive in nature, she said, with virtually no therapeutic value.

“During my time at Bien Hoa, I received no counseling whatsoever. They never told me anything about the legal basis for my detention there. They themselves knew there was nothing wrong with me.”

During her eight months in detention, she was forced to take injections three times a day.

“I tried to ask what the injection was, but they would not tell me. The effect of the injection was either I immediately passed out unconscious, or I felt as if paralyzed. Afterwards, there were more reactions: drooling, stiff neck, my whole body was paralyzed, sometimes I passed out....Whenever I objected to the injection, they tied me to my bed with cords for a few hours.”

At first she was put in a room where staff could observe her from outside. Then they moved her to another room, where she stayed the rest of the time.

“The room was five feet by six feet—enough room for a regular iron bed, a small space to stand, and a toilet. There was no mattress or mosquito net. My family brought me a straw mat and later they were allowed to bring a mosquito net and a blanket.

“There was no window in the room, only an opening with bars on the door—some air came in that way. A small light was turned on when darkness fell but it was not reliable because of power outages. The toilet was very dirty—there were rats, maggots.”

She was not allowed to have newspapers, books, or even paper. Her pen was confiscated at the order of the doctor. She was allowed visitors once a week, though they needed permission from police to visit and were accompanied by police the whole time. Her husband came under pressure from authorities to convince her to pledge not to continue her social activism.

“They used my husband to pressure me to sign a paper agreeing not to speak out for victims of land injustice. ‘If I’m supposed to be crazy, why would I sign?’ I said. ‘I’m supposed to be mentally incompetent.’ I refused to sign.”

After four months confined to her room, her family submitted a petition requesting that she be allowed out of the room. The authorities then let her leave her room, but only at night.

“At first they didn’t want to let me out of the room at all, but my husband and kids wrote a petition. After four months there, I had lost 17 kilos and was so

weak that my family insisted, submitted a petition. Then they only let me out at night, not during day time—this was after four months in the room.”

After her release from Bien Hoa in July 2007, Bui Kim Thanh continued her advocacy on behalf of petitioners despite being monitored and harassed by police. In August 2007 she was detained by police, who had a psychiatrist present during her interrogation. In February 2008, she was briefly detained again after she joined many other dissidents at the funeral of veteran dissident Hoang Minh Chinh.

Less than two weeks later, on March 6, 2008, police arrested her, forced her into a police car, and involuntarily committed her to Bien Hoa again. Diplomatic pressure led to her release four months later. On July 21, 2008, she left Vietnam and resettled in the United States.

SECTION 5: Torture of Asylum Seekers and Refugees on Return to Vietnam

“I was beaten with clubs; electric rods were also used on my genitals. They hung me by my arms from the top of the window sill, so that my legs were not touching the floor. I was in and out of death.”

—A Vietnamese asylum seeker describing his torture by police upon returning to Vietnam from Thailand, where he had been rejected for political asylum

Dozens of Vietnamese dissidents, activists and members of ethnic minority groups who have fled harassment and persecution in Vietnam to seek protection and political asylum abroad have been arbitrarily detained, interrogated and tortured upon their return to Vietnam. This clearly violates the absolute prohibition in international human rights law of returning refugees and asylum seekers to places where they are at risk of torture or cruel, inhuman, or degrading treatment or punishment.²²⁷

Recognized Refugees

A number of recognized refugees have been abducted in Cambodia or Thailand and forcibly returned to Vietnam, where they have been tortured and imprisoned.

Recognized refugees forcibly returned to Vietnam include Thich Tri Luc (secular name Pham Van Tuong), a monk with the banned Unified Buddhist Church of Vietnam. He was abducted in March 2002 from Cambodia, detained incommunicado in Vietnam for 20 months, and sentenced to two years' imprisonment in Vietnam on charges of “fleeing abroad to oppose the people's administration” (penal code article 81).²²⁸

Recognized refugees who chose to return to Vietnam rather than resettle abroad have also been tortured upon return to Vietnam. These include Rmah Plun, a Montagnard refugee who voluntarily returned to Vietnam from a UNHCR camp in Cambodia in May 2005.²²⁹ After crossing the border he was sent to the provincial prison in Gia Lai, where he was detained in a dark cell for three days. He was interrogated every day about why he had left Vietnam, pressured to renounce his religion, and beaten and tortured. During his first interrogation session the police asked him why he went to Cambodia. “I told them I fled

²²⁷ The torture risk that Montagnards in particular face upon return to Vietnam was affirmed by a March 2011 decision by the U.S. Immigration Court in Lumpkin, Georgia, which ruled against the deportation of a Montagnard refugee from the U.S. to Vietnam based on article 3 of the Convention Against Torture. Decision by Judge Sandra H. Arrington in Removal Proceedings, Individual Hearing, Stewart Immigration Court, Lumpkin, Georgia, March 8, 2011.

²²⁸ Interview with former Buddhist monk Thich Tri Luc (secular name Pham Van Tuong), Sweden, October 6, 2008. See also: “Vietnam: Refugee Monk's Arrest a Mockery of Justice,” press release by Amnesty International and Human Rights Watch, September 17, 2003; “Vietnam: Buddhist Dissident Forced to Flee,” press release by Amnesty International and Human Rights Watch, June 23, 2004.

²²⁹ Human Rights Watch, “No Sanctuary: Ongoing Threats to Indigenous Montagnards in Vietnam's Central Highlands,” June 14, 2006.

because I was afraid the police would beat me,” he said. “As a response, they punched me in the face with their fists four times.”²³⁰

During subsequent interrogation sessions Plun was beaten in the chest, back and groin; kicked in the shins with army boots; and slapped in the face. Police also inserted writing pens between his fingers and then tied his hands tightly with a rope, squeezing his fingers and causing excruciating pain.

"When I was finally allowed to return to my village and see my wife, she was shocked by how swollen and bruised my face was," Plun said. A month later, he was arrested again and tortured. He was detained for five nights in a dark cell and repeatedly pressured to renounce his religion and to provide names and locations of Montagnards in hiding. During interrogation sessions, police forced him to lie down with his hands and feet raised in the air by ropes for three hours. If he dropped his hands or feet, he was beaten. He was also hung upside down by his feet for 30 minutes at a time.

In December 2005 Plun fled to Cambodia a second time, where he died less than a year later in the UNHCR refugee camp in Phnom Penh.²³¹

Registered Asylum Seekers

Democracy campaigner Le Tri Tue went missing in May 2007 after fleeing to Cambodia to register for political asylum with UNHCR in Phnom Penh.

The US State Department, which labels Le Tri Tue's case as a "disappearance," initially reported that it was feared he had been killed by Vietnamese security agents. More recently, the State Department has reported that Vietnamese authorities placed Le Tri Tue in custody in 2007, though his current whereabouts remain unknown.²³² Prior to fleeing to Cambodia Le Tri Tue, a founding member of Bloc 8406 and the Independent Workers' Union of Vietnam, had been arrested and interrogated numerous times by police in Saigon.²³³

Other registered asylum seekers forcibly returned to Vietnam include a Montagnard family of four who were forcefully removed from a UNHCR refugee camp in Phnom Penh and sent

²³⁰ Interview with Rmah Plun, Cambodia, December 23, 2005.

²³¹ Douglas Gillison, "Montagnard Death Sparks Medical Care Concerns," *Cambodia Daily*, September 29, 2006.

²³² U.S. Department of State, "Vietnam 2012 Human Rights Report," *Country Reports on Human Rights Practices for 2012*, April 19, 2013.

²³³ For details regarding Le Tri Tue's numerous detentions during 2006 and 2007, see Human Rights Watch, *Not Yet a Workers' Paradise*, May 4, 2009, <http://www.hrw.org/node/82862>

back to Vietnam in 2005,²³⁴ and Hoa Hao Buddhist Bui Thien Hue, who was extradited from Cambodia in 2001 and sentenced to three years in prison in Vietnam.²³⁵

In 1996, ten members of the People's Action Party (PAP) who had registered for asylum in Cambodia were among 24 PAP members arrested and forcibly returned to Vietnam over the objections of the United Nations. In 1999, the 24 PAP members were sentenced to prison on charges of "fleeing abroad to oppose the People's Administration" (Penal Code article 91). We have been able to track down and interview five former PAP members upon their release from prison, all of whom were held incommunicado in isolation cells and tortured in pre-trial detention.²³⁶ Five PAP members remain in Xuan Loc Prison, where they are serving sentences ranging from 13 to 20 years. Another six PAP members died in prison. (See profile of PAP member Nguyen Van Trai, page 75, above.)

Rejected Asylum Seekers

Asylum seekers who have returned to Vietnam after their refugee claims have been rejected by UNHCR have been detained, interrogated, and tortured upon return to Vietnam, despite assurances from UNHCR personnel that they could safely return. A number of these asylum seekers have then "doubled back" and fled a second time to Cambodia or Thailand to seek the protection of UNHCR after experiencing severe persecution and torture upon return to Vietnam.²³⁷ (See case studies, below.)

Asylum Seekers Prevented or Prohibited from Registering with UNHCR

Hundreds of asylum seekers from Vietnam, mostly Montagnards, have been arrested from border areas in Cambodia before being able to reach UNHCR offices to register for asylum. They have been forcibly returned to Vietnam, where many are then detained, interrogated and tortured, and some are subsequently sentenced to prison.²³⁸

Human Rights Watch estimates that at least 65 of the 350 Montagnards imprisoned in Vietnam since 2001 were arrested trying to seek safety and political asylum in Cambodia or Thailand.²³⁹

²³⁴ David Reilly, "Police take Montagnard Family from UN Shelter," *Cambodia Daily*, January 14, 2005; Amnesty International Urgent Action, "Fear of Forcible Return / Fear for Safety," January 13, 2005.

²³⁵ "Statement of Pastor Bui Thien Hue, Hoa Hao Church," Testimony before the Committee on International Relations, House of Representatives, December 21, 2006.

²³⁶ Interviews with PAP members Vo Van Ngoc, Vuong, Cuong, Hung, and Dao, August 2008 and April 2009.

²³⁷ Human Rights Watch has documented the torture and mistreatment of Montagnard returnees in numerous reports, including: Human Rights Watch, "No Sanctuary: Ongoing Threats to Indigenous Montagnards in Vietnam's Central Highlands," June 14, 2006; Human Rights Watch, "Vietnam: Torture, Arrests of Montagnard Christians," January 2005; "Vietnam: Persecution of Montagnards Continues," May 2005.

²³⁸ Interviews with Montagnard asylum seekers who returned to Vietnam in 2005, 2006, 2008, and 2010. See also: Human Rights Watch, *No Sanctuary*, June 14, 2006.

²³⁹ Human Rights Watch, *Montagnard Christians in Vietnam: A Case Study in Religious Repression*, March 30, 2011.

In December 2001, for example, Cambodian and Vietnamese border police arrested and forcibly returned a group of 167 Montagnard asylum seekers from Cambodia to Vietnam. More than 50 members of the group were detained or imprisoned in Vietnam afterwards.²⁴⁰

One of the Montagnards arrested at that time described his treatment in detention:

“We were tortured. They took the nails off some people’s hands. For me, they used pincers and twisted my fingers. I was released after a week—they thought I was going to die—they saw blood coming out of my mouth. I was bleeding a lot so they let me out. About ten of us were released after a week, including little children.”²⁴¹

Others arrested during the December 2001 forced repatriation were sentenced to long prison terms, with at least three reportedly serving out sentences in Nam Ha Prison as of this writing.²⁴²

Torture of Asylum Seekers’ Families and Associates

Friends and family members of people who have fled Vietnam to seek asylum abroad have been tortured by police seeking information during interrogation about the activities and whereabouts of the asylum seeker. In addition, people suspected of having helped asylum seekers go into hiding or flee to Cambodia have been detained and tortured by Vietnamese police, including Cambodian Montagnards in Ratanakiri, Cambodia (see case study, below). Ironically the torture and mistreatment often leads asylum seekers’ families in Vietnam, as well as people who have assisted them to realize their right to seek refugee protection, to then flee the country themselves and seek asylum abroad.

In one case, police arrested Giang, a member of the Lach ethnic group, in February 2011 after his son and niece fled to Thailand. Police detained him in a dark cell at Lac Duong district jail for four months and accused him of helping his son and niece in activities to overthrow the government and cause public disorder. Giang described his treatment in custody:

“The authorities tortured me during the four months that I was kept in prison, which caused me to have symptoms to this day. They beat me with a baton on my head two or three times each time they interrogated me. They also shocked me with an electric rod, and I fell unconscious. They stomped on me with their

²⁴⁰ Human Rights Watch, *Vietnam: Torture, Arrests of Montagnard Christians*, January 2005.

²⁴¹ Human Rights Watch, *Vietnam: Torture, Arrests of Montagnard Christians*, January 2005.

²⁴² Those arrested during the December 2001 deportation who are reportedly still serving prison sentences or who remain under house arrest include Y Dhia Buon Krong,, Y Thuon Nie, and Y Kua Bya.

boots when I was on the ground. As a result of the beatings, my left arm was dislocated at the elbow joint.”²⁴³

Legal Standards: Asylum

The Convention against Torture provides that states should not expel, return (“refouler”) or extradite a person to another state where there are substantial grounds for believing that the person could be in danger of being subjected to torture or cruel, inhuman, or degrading treatment or punishment.²⁴⁴

In Vietnam, charges of “fleeing abroad to oppose the people’s administration” (Penal Code article 91) are often filed against peaceful dissidents who flee Vietnam because of harassment and persecution to seek safety and political asylum in Cambodia, Thailand, or other countries.

Rather than recognizing that international law provides for the right to seek asylum, the Vietnamese government brands this a hostile anti-government act and then criminalizes it. People who simply exit the country illegally are not sanctioned under Article 91, whose criminal penalties apply only against those who flee abroad “with a view to opposing the peoples’ administration.” Immigration law specialist Grover Joseph Rees argues that article 91 “explicitly limits its sanctions to those who hold a particular political opinion,” with the government using it to punish anti-government activists and as a deterrent to others thinking of trying to flee:

“Article 91, on illegal exit, is per se persecutory. Unlike most such laws in other countries around the world, this law does not simply punish illegal exit from the country. Rather, Article 91 punishes only those who flee abroad ‘with a view to opposing the peoples’ administration’. That is, it explicitly singles people out for criminal prosecution and imprisonment on account of their political opinions. Others who engage in identical conduct for some other motive—economic, social, or even political so long as the political opinion in question is not anti-government—are not punishable.”²⁴⁵

In addition, by detaining, torturing, and sometimes imprisoning people who have assisted asylum seekers to realize their rights to asylum under international law, Vietnamese authorities are in violation of international recognized protections for human rights defenders. Anyone assisting asylum seekers, including individuals and non-governmental organizations working to protect human rights and provide humanitarian assistance,

²⁴³ Interview with Giang (pseudonym), location withheld, September 4, 2012.

²⁴⁴ The UN Committee against Torture has interpreted this to mean that “the risk of torture must be assessed on grounds that go beyond mere theory or suspicion” while emphasizing that “the risk does not have to meet the test of being highly probable.” Nigel S. Rodley, *The Treatment of Prisoners Under International Law*, Oxford University Press, 2009, page 173. OHCHR has stated that “States parties must not expose individuals to the danger of torture or cruel, inhuman or degrading treatment or punishment upon return to another country by way of their extradition, expulsion or refoulement.” OHCHR, General Comment 20, 44th session, March 10, 2012, paras. 8, 14, 15.

²⁴⁵ Grover Joseph Rees, email communication, February 2011.

should not be seen as acting unlawfully and should not be subject to harassment, threats, or other reprisals. They are simply assisting asylum seekers to realize their rights under an international law.²⁴⁶

Case 1: Khmer Krom Land Rights Activist Chau Hen

Chau Hen, a member of the Khmer Krom ethnic minority group, was detained and severely tortured by police in 2010 after he returned to Vietnam from Thailand, where UNHCR had rejected his claim for refugee protection.

A farmer and land rights activist in the Mekong Delta province of An Giang, Chau Hen had organized peaceful protests against land confiscation in his village. He also led contingents from his village to participate in larger land rights protests in Saigon during 2007 by farmers from more than half a dozen provinces.

On April 7, 2008 Chau Hen and hundreds of other farmers from his village protested the destruction of a bridge leading to their rice fields by local

authorities. That night at 2 am, ten truckloads of riot police, as well as some soldiers, surrounded the village. Firing shots into the air and using tear gas, they broke into the home of Chau Hen and another villager suspected of being ringleaders. Finding that the two men had fled already, police ransacked their homes and severely beat their family members with wooden and electric batons.

Chau Hen was among several people identified by the Vietnamese state media as having conducted “criminal activities” with Khmer Krom Buddhist monk Tim Sakhorn prior to



While waiting for a decision on his asylum application at a safe house in Bangkok in 2009, Chau Hen (center) examines documents from the Vietnamese government calling for his arrest. Photo: © Sovan Philong, *Phnom Penh Post*, 2009.

²⁴⁶ Cambodia Office of the High Commissioner for Human Rights, “Briefing note: Cambodia’s obligations under the UN Convention relating to the Status of Refugees and under international law,” July 16, 2004.

Sakhorn's arrest in Cambodia and deportation and imprisonment in Vietnam in June 2007.²⁴⁷

In an interview in June 2008, Chau Hen said: "They violate the rights of the ethnic minorities. We have no right to protest about the confiscation of our land. If I demand my land back, they say I want to overthrow the government, start a political movement."²⁴⁸

Rejection for Asylum

Knowing he was targeted for arrest, Chau Hen and his wife fled to Bangkok, Thailand to seek political asylum. On November 16, 2009, UNHCR rejected Chau Hen and his wife for recognition as refugees. In its letter of rejection of Chau Hen, UNHCR stated:

"The Office has determined that there is a reasonable possibility that if you return to your country of origin you could continue to face heavy monitoring and problems obtaining compensation for the land confiscated by the government. This harm has been considered in its entirety and is not considered to be of a nature or seriousness as to constitute persecution... As you do not have a heightened profile, any treatment you may be subjected to in the normal course of monitoring will not rise to the level of persecution."

With UNHCR's rejection of their asylum request, Chau Hen and his wife returned to Vietnam on December 17, 2010. Within hours of reaching his home village, Chau Hen was arrested.

Detention and Torture

Police held Chau Hen in incommunicado detention for 102 days at Tri Ton district detention center in An Giang, until two days before his trial on March 31, 2011.

Chau Hen was severely beaten and tortured while in pre-trial detention. During interrogation sessions, prison authorities repeatedly beat him with batons, choked him by his throat, and slammed his head against the wall. They also shocked him with an electric shock baton, which they charged with a car battery charger.²⁴⁹

He was injected twice with unknown drugs that caused memory loss and left him unconscious for long periods of time and unable to speak or to think clearly even when he

²⁴⁷ Chau Hen is mentioned by name as one of Buddhist monk Tim Sakhorn's "accomplices" in a September 14, 2008 article in the *People's Police* newspaper. Tim Sakhorn was arrested and defrocked in Cambodia, and sent to Vietnam in June 2007, where he was sentenced to prison on November 8, 2007 on charges of "undermining national unity" under article 87 of Vietnam's penal code. "Tim Sa Khorn quay về nẻo thiện" (Tim Sakhorn on the Path of Virtue), *Cong An Nhan Dan* (*People's Police*) newspaper, September 14, 2008, <http://www.cand.com.vn/vi-VN/phongsu/2008/9/99430.cand?Page=2>. For more information about Tim Sakhorn, see: "Vietnam: Restore Full Freedom to Buddhist Monk Tim Sakhorn," Human Rights Watch press release, July 4, 2008; *Human Rights Watch, On the Margins: Rights Abuses of Ethnic Khmer in Vietnam's Mekong Delta*, January 21, 2009..

²⁴⁸ Interview with Chau Hen, place withheld, June 2008.

²⁴⁹ Interview with Chau Hen, April 17, 2013. "HRW : Vietnam Abuses Khmer Krom Prisoner?" (HRW : Viet Nam hanh ha tu nhan Khmer Krom?), Radio Free Asia, citing Human Rights Watch, September 21, 2012, http://www.rfa.org/vietnamese/in_depth/vn-tortr-kkrom-09212012080601.html

was conscious. “My spirit ceased to exist at that point,” he said later. “I was so ill I could not remember the events of the day.”²⁵⁰

On March 29, 2011, his wife, Neang Thuon, was finally allowed to visit him for the first time, two days before his trial. She said he was in very rough physical and mental condition during her visit and the trial. He was unable to speak and did not seem to recognize her or their children.²⁵¹ In an interview with Radio Free Asia, she said:

“The first time I was allowed to visit him, he could not open his eyes, he could not hear, understand or respond to us. His physical condition was like he’d been injected with an anesthetic, tortured mentally. He just sat without moving or speaking, even when I asked him something several times.”²⁵²

Chau Hen was brought to trial before the People’s Court of Tri Ton District on March 31, 2011. He had no defense lawyer at his trial, nor could he speak in his own defense because he was in such bad physical condition. Witnesses called by his wife were not allowed to speak.²⁵³ The court sentenced him to two years’ imprisonment on charges of causing public disorder (penal code article 245) and destruction of property (article 143).²⁵⁴

During his subsequent imprisonment at An Giang Prison, the interrogations, beatings, and torture continued. In April 2012 he was hospitalized after being beaten unconscious during a prison interrogation session. During five days’ treatment there he was shackled to the hospital bed.

On September 17, 2012, prior to the end of his sentence, the prison authorities released him to a hospital because of his



A photograph of Chau Hen, his left ankle shackled to the bed during his hospitalization in April 2012 after being beaten unconscious during a prison interrogation session. Photo: *Prey Nokor News*, September 2012

²⁵⁰ Interview with Chau Hen, April 17, 2013.

²⁵¹ “Land Rights Activist in Prison in Critical Condition” (Tu nhan khieu kien dat dai dang trong tinh trang nguy kich) Radio Free Asia, March 31, 2011, http://www.rfa.org/vietnamese/in_depth/kkrom-protester-serious-cond-03312011071207.html.

²⁵² Radio Free Asia interview with Neang Thuon, March 31, 2011, “Two Years in Prison on Charges of Disturbing Public Order” (Hai nam tu giam vi toi gay roi trat tu cong cong), Radio Free Asia, March 31, 2011, http://www.rfa.org/vietnamese/in_depth/disturbing-public-2years-03312011092330.html.

²⁵³ “Two Years in Prison on Charges of Disturbing Public Order” (Hai nam tu giam vi toi gay roi trat tu cong cong), Radio Free Asia, March 31, 2011, http://www.rfa.org/vietnamese/in_depth/disturbing-public-2years-03312011092330.html; Voice of Khmer Krom Radio, March 31, 2011, <http://vokk.net/radio/News%20Chau%20Hen%2031%20March%202011.mp3>

²⁵⁴ Human Rights Watch, “World Report 2012: Vietnam,” February 2012.

deteriorating physical and mental condition. After a few months in the hospital, he was allowed to return home.²⁵⁵

After his release from prison, Human Rights Watch called on the Vietnamese government to provide medical, financial, and psychosocial support to Chau Hen because “he was tortured, abused and injured in prison.”²⁵⁶

Case 2: Montagnards Detained and Tortured at Border

In 2010, two asylum seekers whose asylum applications had been denied by UNHCR in Bangkok were arrested upon their return to Vietnam.

The two men, Liem and Quy, members of the Lach ethnic minority group from Lam Dong, had both worked in Malaysia as migrant workers, where they suffered severe exploitation. Upon return to their home villages in Lam Dong, they were beaten by police after they spoke out about their experiences. They managed to escape to Thailand, where they joined a pro-democracy group called the “Vietnamese Love Vietnamese” (VLV) party.²⁵⁷ After their asylum claims were rejected by UNHCR, they had little choice but to return to Vietnam.

The two men, who returned separately to Vietnam, were both arrested at the Cambodia-Vietnam border crossing at Moc Bai in December 2010. Police initially detained each of the two men for more than a week at the Moc Bai border station, where each reported that he was beaten repeatedly during interrogation. The interrogators demanded information about the VLV party, about the returnees’ activities during their time in Thailand, and about the identities and activities of other Montagnard asylum seekers in Thailand. When the detainees’ answers were unsatisfactory, the police beat them on their heads and bodies with batons. “I was beaten with batons every day,” Quy said. Police also used an electroshock device to shock his stomach and chest.²⁵⁸

Six Months at B4 Detention Center

Police transferred Liem and Quy to B4 Detention Center in Tay Ninh on December 19 and 20th, respectively, where they were detained for the next six months. During this time neither of the returnees ever saw a lawyer or a judge; family members who had been expecting them in Lam Dong, their home province, had no idea where they were.

Liem described his treatment by police at B4:

“Here, the beatings and interrogation continued. I was asked about my registration and communication with UNHCR, and about other Vietnamese Montagnards in Thailand.

²⁵⁵ Interview with Chau Hen, April 17, 2013.

²⁵⁶ “HRW: Vietnam Abuses Khmer Krom Prisoner?” (HRW: Viet Nam hanh ha tu nhan Khmer Krom?), Radio Free Asia, citing Human Rights Watch, September 21, 2012.

²⁵⁷ The group, formed by Vietnamese exiles in Thailand, is called “Vietnamese Love Vietnamese” (VLV) party, or *Dang Nguoi Viet Yeu Nguoi Viet*. It was formerly known as *Tra Dam Dan Chu Vietnam*, or Vietnam Forum for Democracy.

²⁵⁸ Interview with Quy (pseudonym), location withheld, February 7, 2012.

“The police officers kicked me with their boots and beat my ankles with their batons. Once they put a pen between my fingers, pulled my fingers tightly together, and turned the pen, crushing my fingers. A police colonel threatened me with a 15 year prison sentence for ‘intentionally opposing the Vietnamese government.’”²⁵⁹

Quy said police interrogated and tortured him three or four times each week that he was at B4.

“I was always questioned about my involvement with the VLV party, my role, our activities in Thailand, and about other members in the party.

“They would take me to a small room with one table and one chair. Different officers would question me, one at a time, while two officers stood on either side of me to beat me.

“They would show me photographs of other members and ask me to identify them. And after every interrogation, the police officers would try and force me to sign a confession letter.

“Whenever the police did not like my answers to their questions, I would be beaten. They would wrap their fists in fabric and beat my head with their fists. “They used batons to hit me on my chest and on my back. They also beat me on the side of my torso. They questioned and tortured me like this three or four times each week.

“At the end of each interrogation the officers forced me to sign the confession statement that they wrote. They would not allow me to read it.”²⁶⁰

BC14: More Torture

On several occasions the two men were removed from B4 and transferred to a nearby facility called BC14 for more intensive interrogation and torture. Quy, who was handcuffed and sent to BC14 twice—both times at night—was told that it is a prison for the central government run by the Ministry of Public Security.

“On the first night they used their elbows and fists to beat me. They shocked me with electricity once on my side and then on my genitals and I passed out. When I woke up, I was too weak to stand up. Two policemen dragged me by my arms back to the interrogation room for more questioning.

“On the second night, I was beaten hard with batons, and it was difficult for me to breathe. They used cigarettes to burn my body. I remember falling to the floor from being beaten so hard. I was not able to stand up but they pulled me back up and continued to interrogate me.

²⁵⁹ Interview with Liem (pseudonym), location withheld, December 26, 2011.

²⁶⁰ Interview with Quy, February 7, 2012.

Liem, the other detainee—who had refused to admit to any crimes or provide information up until this point—was transferred to BC14 for additional interrogation on March 23, 2011.

“On this day, I received the worst torture of my detention. I was put into a room with blood covering the floor. After threatening me with the seriousness of my crimes, they tied and hung me up by my hands, with my feet off the floor. They then wrapped their hands in white cloth and punched me.

“Then, with my hands bound behind my back, they used an electric rod on my penis. The pain was so unbearable that I passed out many times. They doused me with water and then continued to shock me with the electric rod.

“I was unable to withstand such torture and confessed the identity of two other political party members.”²⁶¹

Return Home: Abuses Continue

After six months’ detention at B4, in June 2011 each of the two returnees was released and allowed to go to his home village in Lam Dong. Police placed both men under tight surveillance, strictly monitored their activities and movements, and frequently summoned them for questioning. Quy described his treatment by police after returning home:

“After just a couple days at home, I was taken to the Lac Duong district police station where they questioned and beat me; they used sticks, and punched and kicked me.

“Afterwards I was continually summoned to the police station in Lam Dong for the same questioning and beating, sometimes four or five times a month. Sometimes, the police would show up at my brother’s house and question and beat me there.

“These beatings continued for six months. In December 2011, after I went to my aunt’s house in another village to help harvest rice and coffee, police summoned me to their office. They asked what I was doing in that village and accused me of spreading information about the VLV party there.

“They beat me and tortured me a lot. They grabbed me at my throat. I still have pain in my throat from this incident. They used their fists and elbows and hit me in the chest. I coughed up blood. They dug their nails into my neck and scratched me.

“They imprisoned me for one night in Lam Dong provincial prison in Da Lat City. The next morning, before releasing me, they interrogated me again about my party. They beat me again, and punched and kicked me. They beat me on my face and made me bleed. They forced me to sign a document—I don’t know what it said—and told me to return the next day.

“The following day I fled from Vietnam once again.”²⁶²

²⁶¹ Interview with Liem, December 26, 2011.

²⁶² Interview with Quy, February 7, 2012.

Case 3: Torture of Lam Dong Returnee and his Family

Thuan, another member of the VLV party, also returned to Vietnam after his asylum claim was rejected by UNHCR in Thailand. He was detained and tortured after he returned to his home village in Lam Dong in October 2010:

“The morning after I returned to my village, four policemen came to my house with a summons to arrest me. The officers said that I had come back home without informing the local authorities. They took me into a small room with tiny windows at the local police station. It had a table and two chairs and weapons hanging on the wall.

“Here, they forced me to stand in the middle of the room with my hands handcuffed together and hung me by my wrists from the ceiling, with my feet not touching the floor. They asked me questions about my involvement in the political party and asked me to identify other members in a photo they found from the political party’s website.

“When I did not answer their questions, they said I was lying, and beat and tortured me fiercely. They kicked me, and wrapped their fists in cloth and beat me all over my body. They then used their police batons to beat me further, until I fell unconscious.

“The police officers wrote a statement on one sheet of paper. They then placed that written statement over a blank sheet of paper and forced me to sign the blank sheet. I did not know what the police officers wrote in that statement. They read it to me, but very fast. I did not understand and could not listen because I was disoriented from the beatings. I only remember them saying, ‘you claim like this and this.’ They told me if my claims were not true they would imprison me for life. That evening they released me.

“For the next two weeks, every two to three days, I was summoned to the [district] police station and confronted with the same interrogation and torture.

“The police would beat me with their fists, slap me across the face, yank my head back by my hair, and force me to tell them what I said to the people that I spoke to. The police thought that I would spread propaganda in my village and connect other people in Vietnam to my party. They wanted to stop me from doing so.”²⁶³

In November 2010 police arrested Thuan after stopping him and other villagers from building a church.

“I had encouraged some in my village to continue to build the local church—its construction was stopped by the authorities. I encouraged those in the church that it is our right to have a place to worship God. The following day, the police arrested me. They handcuffed me to the ceiling of the interrogation room and

²⁶³ Interview with Thuan (pseudonym), location withheld, July 15, 2012.

beat me in order to get me to stop talking about democracy and peoples' rights.”²⁶⁴

Forced Public Confession

In June 2011 police ordered Thuan to address a gathering of 300 people from his village to deliver a message they had scripted, a common practice not only for returnees but also for other Montagnards who belong to unregistered churches.²⁶⁵

“The police reminded me what I had to say to the villagers at the meeting. They told me if I did not say exactly as they said, they would arrest me immediately.

“They told me that at the gathering I had to tell my villagers that I am anti-Communist and a member of an anti-revolutionary party. They said that I have to tell my villagers not to join me in the VLV party and in Vietnam there is only one party, the Communist party and they have to follow that party. I had to tell my villagers, if anyone joins me the police will imprison them immediately; if I say or do anything, the villagers have to report me to the police. If they do not report me to the police, that villager would also be imprisoned with me.

“The police officers put their police baton, handcuffs and gun in front of me and said, ‘You have to say exactly as we said to you otherwise you will be punished with this.’”²⁶⁶

After the meeting, the police beat, slapped, and kicked Thuan even though he had followed their script. “They told me, ‘Because of you we have a lot of problems; we have to gather the people, just because of you. You violate the security. You betray our country,’” Thuan said.

In October 2011 police came to his family’s coffee farm and destroyed their crops, he said.

“They said it was the government’s land and we didn’t have the proper documentation for it, which wasn’t true. When I told them I had proper documentation, they beat me. They also beat my nephew and he passed out.”²⁶⁷

In November 2011, police arrested and detained Thuan for two weeks to question him about three other party members who were missing. After three days, the police said they had arrested the other members, who had confessed and told the officers of Thuan’s activities, according to the police.

“I was imprisoned for one week at the district police prison, where they handcuffed me and hung me [by my wrists] from the ceiling. Then I was sent to the provincial prison for a week, where they beat me even more fiercely. They used a whip to beat me, kicked me with their boots, and beat me on my abdomen and back with a baton. I still have scars from these beatings.

²⁶⁴ Interview with Thuan, July 15, 2012.

²⁶⁵ Human Rights Watch, *Montagnard Christians in Vietnam: A Case Study in Religious Repression*, March 30, 2011.

²⁶⁶ Interview with Thuan, July 15, 2012.

²⁶⁷ Interview with Thuan, July 15, 2012.

“I was interrogated and beaten every day during these two weeks. Sometimes they would interrogate me during the day, sometimes the police would suddenly wake me up at night and ask me questions.

“At the end of two weeks, my body was covered with markings of torture. My face was swollen and I was very weak. The police released me to my family for one week to recover.”²⁶⁸

Thuan’s wife, Lang, confirmed that he had been badly beaten.

“When he came home his body was covered with evidence of torture. He had stick and whip markings and bruises all over his body; on his face, back, chest, legs and wrists. He came home with traces of blood on his wounds. He did not look like himself and he still has scars from this torture. My husband told me that he could no longer endure the harassment and beatings by the police. He was very scared.”²⁶⁹

During the week that he was home, police came to his house three times to question and threaten him. They were especially angry that another party member had fled from Vietnam and demanded information about his whereabouts, Thuan said.

“I told him that I did not know anything. The officer became angry, he pounded his fist on the table and slapped me across the face. He then stood up and walked to the other three officers at the door. I heard him say “xu” him. “Xu” is Vietnamese slang and it means “take care of him” or “kill him.” When I heard this word, I was very afraid—I immediately jumped out of the window and fled into the forest.

“I heard the police officers running after me as I fled. One fired his gun at me. I heard the gun go off once and I continued to run into the forest.”²⁷⁰

Focus Turns to Family

After Thuan fled from his village in November 2011, his wife, father, and aunt were interrogated and badly beaten by police in Lam Dong, who threatened to imprison them if they did not help the police find Thuan.

Thuan’s wife Lang was detained and beaten numerous times by police demanding to know where her husband was, and shocked with an electric taser when she said she did not know. “The police officers said that if I was going to continue to be stubborn and not confess, that they would have to imprison me,” she said. “When they released me, they said if you tell

²⁶⁸ Interview with Thuan, July 15, 2012.

²⁶⁹ Interview with Lang (pseudonym), location withheld, May 24, 2012.

²⁷⁰ Interview with Thuan, July 15, 2012.

anyone what we said or did we will kill you. I took their threats seriously. I was really afraid that they would kill me or arrest me.”²⁷¹

Thuan’s aunt, Nhu, was also summoned to the police station several times for questioning. During an interrogation session on December 21, 2011, police beat her with a baton and then burned her leg with a heated metal rod when she did not provide information about Thuan’s whereabouts.

“The officials had a rod with a piece of metal screwed on to one end. They heated the piece of metal on the rod in the fire pot that was located in the room, and they placed the heated metal on my lower right leg. It burned my skin and left a three inch scar.”²⁷²

The next day Nhu was ordered to return to the police station. During interrogation police beat her on her back with a police baton and then shocked her with an electric rod, causing her to pass out. When she woke up, she found that she had been stripped of her clothing except for her bra and underwear. After she returned home that evening she discovered a deep cut across her abdomen that required more than a dozen stitches.

Officials went to Lang’s and KH’s homes several times in December and January 2012 to question them and threaten them with arrest. They also went to the coffee plantation where Lang was working, slapping her in the face during questioning.

The two women’s situation was becoming increasingly desperate, said Lang’s father-in-law, Dien.

“I saw that the women suffered serious injuries to their bodies after the authorities called them to the investigation office several times to ask where Thuan went. My daughter in law was beaten and had bleedings. My sister-in-law suffered from beatings, cuts, and burns to her body. ... The young women could not continue their suffering any longer and decided to leave the village. I assisted by taking them to Da Lat City the evening of February 1.”²⁷³

In February 2012 the two women fled Vietnam to seek asylum.

The story does not end there, however, as the authorities immediately turned their focus to other members of the family once the two women disappeared.

Others Targeted for Abuse

On February 8, 2011, police arrested Lang’s father-in-law, Dien, who had helped the two women flee from the village. They detained and interrogated him for six days. On February 11, police summoned Dien’s wife and son for interrogation, beating them both before releasing them that evening.

²⁷¹ Interview with Lang, May 24, 2012.

²⁷² Interview with Nhu (pseudonym), location withheld, June 28, 2012.

²⁷³ Interview with Dien, (pseudonym), location withheld, June 28, 2012.

Dien described his treatment in detention:

“During the time I was in custody the authorities interrogated and beat me. They asked me questions such as: How come I did not report my son’s escape to Thailand? Was I conspiring with my son? Why had I signed an affidavit to report my son’s activities, but failed to report?

“The authorities also accused me of conspiring with my son and assisting my other family members to illegally escape out of Vietnam.

“The authorities beat me for two days, on February 12 and 13. They beat me once with a baton, slapped me on both sides of my face, and pulled my ear hard. The pulling caused a small fracture behind my left ear. They continued to question and beat me on February 13. They punched me in the chest several times until I fell unconscious.”²⁷⁴

Police transported Dien home on February 14. When he went to a doctor for treatment of his injuries one of his arresting police officers came along and confiscated the doctor’s written diagnosis regarding his bruised abdomen.

He was then brought before the People’s Committee, who informed him that he was to be terminated as commune chief because he had committed serious violations that could land him in prison for seven to 15 years. As soon as Dien could, he followed the rest of his family to seek asylum in a neighboring country.

Case 4: Torture of Cambodians Assisting Asylum Seekers

In December 2005 Cambodian police arrested two Cambodian Montagnards, members of the Jarai ethnic group, on accusations of having helped Vietnamese Montagnard asylum seekers who had fled to Cambodia to reach the protection of UNHCR. The two men were handed over to Vietnamese border officials, who detained, interrogated, and tortured them for more than 10 days in Gia Lai, Vietnam.

One of the men was arrested at the border on December 7, after having been summoned there by the Vietnamese chief of the nearby border post in Vietnam. He was handed over to the Vietnamese provincial border chief and detained. The other man was arrested on December 10 upon returning to Cambodia from Vietnam, where he had gone to buy gasoline. He was arrested at the border and handed over to the Vietnamese chief of Border Security.

The two men were taken to different military bases in Gia Lai province, one in Duc Co district and the other on the outskirts of Pleiku, where they were interrogated and tortured for several days.

²⁷⁴ Interview with Dien,, June 28, 2012.

One of the men described his treatment during interrogation by soldiers at the military base in Duc Co:

“I told them I knew nothing. ...When I denied all allegations, I was hit twice in the face by a Vietnamese soldier. They made me stand against the wall for an hour. Then they took me to another room in the base. They told me that if I didn't talk I would die, and no one would ever know what happened to me.

“The next day, a second soldier made me stand on one leg, put my other foot on my knee and lean at a sharp angle to place my hand against the concrete wall. I was told that if I let my leg down it would be broken. They made me hold that position for about 30 minutes. That soldier also jabbed me with four fingers hard in my solar plexus, forcing saliva out of my mouth.

“I was then handcuffed by one hand to a high point, forcing me to stand on tip toe, and left for 20 to 30 minutes while the soldiers went off and talked together. Finally the soldier dragged me by my handcuffs at high speed around the base and the nearby forest for about 30 minutes.”²⁷⁵

The two men were both then sent to Duc Co district jail, where the same military personnel continued the interrogation. Both men say they were threatened with disappearance or death. They were told they would be sent to a prison in Hanoi and their families would never hear what had happened to them. One was threatened with pointed fingers to the head, as if he would be shot. The other man was shown a photograph of a badly battered man, who the soldiers said was a Montagnard from Vietnam who had tried to flee to Cambodia.

During the detention of one of the men at Duc Co district prison, police showed him four Vietnamese Montagnards, also in detention, to see if he could identify them. He was told they were the leaders of a group of about 50 Montagnard asylum seekers who had been forcibly returned from Cambodia to Vietnam in November.

Both men were told that if UNHCR came to their village again, Vietnamese border police would send Cambodian police to arrest them and hand them over to the Vietnamese. After signing forced confessions, both men were released on December 22.

²⁷⁵ Interviews with two Jarai men from Ratanakiri, Cambodia, December 23, 2005.

III. Recommendations

To the Vietnamese Government:

- End the arbitrary arrest, incommunicado detention, torture and ill-treatment of people who peacefully exercise their rights to freedom of expression, association, assembly, religion, and political asylum.
- Immediately and unconditionally release all persons arbitrarily detained or imprisoned for peaceful expression of their political and religious views.
- Ensure that all detained suspects and prisoners are treated in accordance with international human rights standards, including the ICCPR, to which Vietnam is a party. Detainees should have prompt access to a lawyer of their choice, be promptly brought before a court, be tried in trials that meet international fair trial standards, and not be subject to torture and other forms of cruel, inhuman, and degrading treatment.
- Carry out prompt and thorough investigations into the use of torture, cruel, inhuman or degrading treatment or punishment, and other human rights abuses and criminal acts in Vietnam's prisons and detention centers. Follow up with appropriate legal action (including criminal prosecution) of identified perpetrators of abuses.
- Provide adequate compensation and medical care to detainees and former detainees for harm to their physical and mental health suffered while in detention or prison.

Enact Safeguards Against Torture

Specifically, to prevent torture and other abuses of people held in any form of detention, the government should ensure that the following safeguards are carried out:

- End the routine practice of holding prisoners and detainees for prolonged periods in incommunicado detention and solitary confinement.
- Ensure the right of detainees to have family members or a third party informed of their whereabouts immediately following their arrest. Permit detainees to make contact with their families promptly after arrest and enforce mandatory, prompt notification by police of relatives of detainees.
- Require that all arrested persons are brought before a magistrate or judge within 24 hours to ascertain the legal basis for the arrest and whether pre-trial detention is genuinely necessary, maintaining the person in custody thereafter only under order and supervision of the court.
- Ensure the right of all detainees to immediate and continuing legal assistance after arrest, including the right to have a lawyer present during interrogation.
- Ensure that detainees undergo a routine medical examination upon arrival at a detention facility and before and after interrogation sessions.
- Restrict the length of interrogation sessions and provide adequate periods for rest and nourishment, and provide medical examinations before and after interrogation.

- Maintain detailed records of all relevant facts concerning interrogation, including the length and times of sessions, the names of interrogators and guards, and the results of medical examinations.
- Provide adequate remedies for detainees to bring complaints of illegal detention or ill-treatment before the court without delay.
- Provide unhindered access to all prisons and detention facilities by independent bodies, UN monitors, and the International Committee of the Red Cross so that they can conduct regular and unannounced monitoring visits. Guarantee full cooperation with the UN Special Rapporteur on Torture and other UN mechanisms in relation to any investigations or inquiries they undertake into conditions and practices in prisons and detention facilities.
- Prohibit the use of statements and “confessions” extracted by the use of torture in all trials and legal proceedings.
- Provide adequate compensation and medical treatment to detainees and former detainees for harm to their physical and mental health suffered while in detention.

Legal and Judicial Reform

- Bring the Penal Code and other laws into compliance with international standards, vigorously supporting the rule of law and ensuring due process in the courtroom.
- Repeal articles in the penal code relative to “national security” offenses, including articles 79, 80, 87, 88, 89, 91, 245, and 258, which criminalize the exercise of civil and political rights on the grounds that they violate or threaten national security, public order, and/or national unity.

Implement International Prison Standards and Prohibitions Against Torture

- Promptly ratify and adhere to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment and Punishment, and the Optional Protocol to the Convention against Torture.
- Establish an independent domestic prison inspection mechanism that meets the requirements set out in the Optional Protocol to the Convention Against Torture.
- Fully apply international standards on the treatment of prisoners and conditions of detention, in particular by enacting into legislation and adhering to the UN Standard Minimum Rules for the Treatment of Prisoners.

End Impunity for Torture and Prosecute Perpetrators of Torture

- Publicly and unreservedly condemn any use of torture and other ill-treatment of detainees and ensure that those who commit such acts are prosecuted. Make clear to all law enforcement officials that these practices are unlawful, that they will not be tolerated, and that those who use them will be subject to criminal sanctions. Also make clear that an order from a superior may not be invoked to justify torture or ill-treatment, and make inadmissible in legal proceedings evidence that is gathered through the use of torture or ill-treatment.
- Promptly respond to reports of torture and deaths in custody by conducting prompt, thorough, and impartial investigations and holding legally accountable all those responsible.

- Establish an impartial mechanism allowing prisoners to submit complaints without the knowledge of prison guards directly responsible for them.

Regarding Transparency and Monitoring:

- Publish a central registry of the names and locations of all persons held in pretrial detention, as well as a list of all those convicted and sentenced, and the relevant charges or reasons for their detention.
- Allow UN and domestic and international human rights monitors to make unannounced visits to prisons and detention centers, and allow monitors to conduct private interviews with prisoners and detainees. Permit unannounced return visits to protect against retaliation against prisoners and detainees for speaking to human rights organizations.

Regarding Prison Conditions and Health Care:

- Reduce overcrowding.
- Lower exploitative prices for food and provisions at prison canteens and increase food and water rations so that prisoners do not need to pay for food and water.
- Provide routine medical check-ups to prisoners. For prisoners who are ill, provide timely access to medical treatment and allow family members to deliver medication.
- Instruct prison authorities to notify prisoners' families promptly [within 24 hours] in the event of a prisoner's serious illness, injury, death, or transfer to a different detention facility, and conduct independent investigations regarding the death of any prisoner.

Regarding the Use of Forced Labor in Prisons and Detention Centers:

- Carry out prompt, independent, and thorough investigations into the labor conditions in prisons, detention centers, and re-education camps, which in many cases amount to forced labor in violation of Vietnamese and international law.
- Abolish forced labor in prisons. Reduce the hours of labor and allow prisoners to rest at least one day a week, and pay overtime in accordance with international labor standards.
- Publish a list of all forms of work in which prisoners and detainees are involved, which products are processed using detainee and prison labor, and the companies whose products are processed using detainee and prison labor.
- Ensure that the same health and safety standards apply to prison and re-education camp labor as to other types of labor.
- Promptly ratify and effectively implement ILO Convention No. 105 (Abolition of Forced Labor), which prohibits forced or compulsory labor of prisoners convicted of political offenses or because of racial, social, national, or religious discrimination.
- Abide by ILO Convention No. 29, which Vietnam ratified in 2007, which prohibits the use of forced labor by detainees who have not been convicted in a court of law.

Regarding Prisoners' Rights to Visits, Outside Contact, and Freedom of Religion:

- Facilitate placement of prisoners in the nearest facility to their homes and their families, and allow weekly or at least bi-monthly visits by family members (as opposed to current practice which limits prisoners to one 30-minute family visit a month). For persons already incarcerated, transfer them to prisons near their homes.
- Improve prisoner access to the outside world by providing books, radios, and newspapers as well as pens and paper.
- Allow prisoners to practice their religion in prison and to receive and keep copies of religious scriptures.

To the United Nations:

- Urge the government of Vietnam to adopt and implement recommendations made by member states during Vietnam's Universal Periodic Review in 2009 and 2014, specifically by:
 - Promptly ratifying the Convention Against Torture and its Optional Protocol;
 - Repealing or amending national security laws used to criminalize peaceful dissent;
 - Allowing groups and individuals to promote human rights, express their opinions, and publicly dissent;
 - Expediting local registration of religious organizations and equitable resolution of religious property disputes;
 - Issuing invitations to visit Vietnam to UN special procedures, including the UN Working Group on Arbitrary Detention, the UN Special Rapporteur on Religious Intolerance, the Special Rapporteur on Torture, the Special Rapporteur on Freedom of Expression, the Special Rapporteur on Forced Disappearances, and the Special Rapporteur on Extrajudicial Executions.²⁷⁶
- The UN High Commissioner for Refugees and countries assessing the claims of asylum seekers from Vietnam should acknowledge the fact that those who have been active in political or religious activities—whether or not they were “high profile” in the sense of being nationally or internationally known—face the serious risk of being arrested, detained, and tortured if they return to Vietnam. In compiling country information regarding torture in custody, consideration should be given not only to widespread acts of torture perpetrated by prison officials, but also to the harsh and degrading conditions of detention in Vietnam, including placement in solitary confinement and incommunicado detention, which may amount to torture or cruel, inhuman or degrading treatment or punishment.
- The International Labor Organization (ILO) should engage the Vietnamese government to end forced labor in its prisons by political and religious prisoners, and in re-education camps by detainees who have not been convicted by a court of law. The ILO should investigate the use of forced labor in Vietnam by people who have been arbitrarily detained, tortured, and subject to cruel, inhuman, and degrading treatment or punishment.

²⁷⁶ See Appendix B for a full listing of recommendations by member states regarding torture and prison reform and the government of Vietnam's response during and after its 2009 Universal Periodic Review.

To Vietnam's Development Partners:

- Call forcefully, in public and in private, for the release of all prisoners of conscience in Vietnam. Include the names of Montagnard, Hmong, Khmer Krom, and other ethnic minority prisoners in lists of prisoners of concern.
- Condition non-humanitarian aid and preferential trade relations upon improvements in the Vietnamese government's human rights practices—particularly its arbitrary detention, imprisonment, mistreatment, and torture of peaceful political and religious dissidents. Monitor and evaluate Vietnam's progress on human rights based on clear benchmarks, such as a specific timetable for the release of all political and religious prisoners, an end to torture and other ill-treatment, and ratification and implementation of the Convention against Torture and its Optional Protocol.
- Review all funding, programming, and activities directed to assisting Vietnam's prisons and detention centers to ensure no funding is supporting policies or programs that violate international human rights law, including prohibitions on arbitrary detention, forced labor, torture and cruel, inhuman or degrading treatment or punishment.
- Urge the government of Vietnam to adopt and implement recommendations made by member states during Vietnam's Universal Periodic Review in 2009 and 2014, specifically by:
 - Promptly ratifying the Convention Against Torture and its Optional Protocol;
 - Repealing or amending national security laws used to criminalize peaceful dissent;
 - Allowing groups and individuals to promote human rights, express their opinions, and publicly dissent;
 - Expediting local registration of religious organizations and equitable resolution of religious property disputes;
 - Issuing invitations to visit Vietnam to UN special procedures, including the UN Working Group on Arbitrary Detention, the UN Special Rapporteur on Religious Intolerance, the Special Rapporteur on Torture, the Special Rapporteur on Freedom of Expression, the Special Rapporteur on Forced Disappearances, and the Special Rapporteur on Extrajudicial Executions.
- For countries negotiating or engaged in preferential trade programs with Vietnam, initiate an ongoing review of Vietnam's eligibility, in light of its violations of human rights and prohibitions against torture and forced labor.
- Include projects addressing prison reform and eradication of torture in Vietnam in development assistance to Vietnam.
- Speak out publicly when the government of Vietnam fails to comply with international human rights standards regarding arbitrary arrest, detention, and torture of peaceful activists and the rights to freedom of expression, assembly, association, and religious belief.
- In Vietnam, regularly visit political and religious detainees and prisoners, other dissidents and activists who are not in detention, the families of detained and imprisoned activists, and

former political and religious prisoners including those who have been placed under probationary house arrest.

- Urge Vietnam to establish an independent and impartial judiciary and to allow international observers and independent monitors to monitor trials and persons held in prison or detention. Provide technical assistance—both bilateral and through international financial institutions—for legal reforms that are not limited to commercial matters but that instead address the creation of an independent judiciary and reforms of criminal, press, and national security laws to comply with international human rights standards. Call on the government to introduce legislation that guarantees, both on its face and in its application, the rights to freedom of opinion and expression, assembly, association, and religious belief, and to repeal all laws authorizing administrative detention.
- Press the government of Vietnam to accept the repeated requests of the UN Special Rapporteur on Freedom of Expression to make a visit to Vietnam, and to extend invitations to the UN Special Representative on Human Rights Defenders, the Working Group on Arbitrary Detention, and the Special Rapporteurs on Torture, Forced Disappearances, Religious Intolerance, and Extra-Judicial Executions to visit Vietnam. Urge the government to end its censorship and control over the domestic media, including electronic communications, recognizing that a free press is essential in promoting civil and political rights.

To the European Union:

- In the context of negotiations for a free trade agreement between Vietnam and the European Union, the EU should raise with the government of Vietnam the need to end the practice of torture of detainees and prisoners; to end forced labor in prisons, re-education camps, and drug detention centers; and to sign, ratify, and implement the Convention Against Torture and its Optional Protocol.

To the United States:

- Earmark funds from the State Department's Human Rights Defenders' Fund for use by lawyers and defenders inside Vietnam as well as abroad to assist in the legal defense of dissidents and prisoners and support for their families.
- Include the names of Montagnard, Hmong, Khmer Krom, and other ethnic minority prisoners in US State Department lists of prisoners of concern. In determining whether Vietnam should be designated a Country of Particular Concern under the International Religious Freedom Act, include as a benchmark the release of all persons imprisoned as a result of their religious beliefs or practices, and/or their involvement in peaceful protests on religious matters, including government confiscation or destruction of religiously-significant sites such as churches, shrines, pagodas, or cemeteries .
- Follow the recommendations of the US Commission on International Religious Freedom and re-designate Vietnam as a Country of Particular Concern for its violations of religious freedom.
- Implement the long-delayed project to help the Vietnamese government set up a web portal posting all published decisions by the Supreme People's Court, and take steps to ensure that the portal will also include other important information such as first instance decisions by provincial People's Courts, a central registry of the names of all persons who have been

arrested, detained, and imprisoned, the charges against them, and their current whereabouts.

- Initiate an ongoing review of Vietnam's eligibility for preferential trade programs with the United States, including those that would be conferred in connection with the Trans Pacific Partnership, in light of the Vietnamese government's violation of human rights and international labor standards.
- The U.S. trade representative should consider Vietnam's eligibility for Generalized System of Preferences "developing country" status in light of the practice of forced labor in Vietnam's prisons, re-education camps, and drug detention centers, where goods are being produced that may be exported to the United States.
- In light of reports that prisoners and detainees in drug detention centers, and re-education camps in Vietnam are forced to work in cashew production facilities, the U.S. Department of Labor should add cashews from Vietnam to its list of goods from around the world that are produced by forced labor.

To ASEAN's Inter-Governmental Commission on Human Rights (AICHR):

- Urge Vietnam to take all necessary measures to effectively promote and protect the fundamental rights of its people, in particular the prohibition against torture.
- Pursuant to article 4.6 of the AICHR Terms of Reference, publicly call for: i) release of all political and religious prisoners in Vietnam, ii) an investigation into the allegations of torture and other serious human rights abuses in Vietnam's prisons and detention centers, iii) holding those responsible for such violations to account, iv) reasonable compensation for detainees and former detainees for harm to their physical and mental health suffered while in detention.
- Pursuant to article 4.10 of the AICHR Terms of Reference, request information from Vietnam regarding allegations of torture and other abuses committed against religious and political detainees and prisoners by law enforcement officials in Vietnam, including arbitrary detention, incommunicado and solitary detention, forced labor, and other forms of cruel, degrading, or inhuman treatment or punishment.
- Pursuant to article 4.12 of the AICHR Terms of Reference, prepare a study on torture and mistreatment of political and religious prisoners and detainees in Association of Southeastern Nations member states.

Appendix A

Letter to the Ministers of Foreign Affairs and Public Security



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CAMPAIGN TO ABOLISH TORTURE IN VIETNAM

December 10, 2013

VIA FACSIMILE

His Excellency Pham Binh Minh
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His Excellency Gen. Tran Dai Quang
Minister of Public Security
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Your Excellencies:

On behalf of the Campaign to Abolish Torture in Vietnam ("the Campaign"), a group that was formed to advocate for the **elimination of torture** and for the **humane treatment** of detainees and prisoners in Vietnam, we respectfully urge the Government of Vietnam to immediately end torture in all of its forms in Vietnamese prisons, and other places of detention.

To this regard, the Campaign is preparing a report that documents the torture and ill-treatment of political and religious detainees and prisoners in Vietnam, i.e. people who have been detained or imprisoned for peacefully exercising their rights to freedom of expression, association, assembly, religion, or political asylum. We are committed to producing a report that is well-informed, accurate, and objective. This commitment requires the assurance that the product accurately characterizes the views, policies, and practices of the Socialist Republic of Vietnam regarding its treatment of political and religious prisoners and detainees. For this reason, a "Summary of Findings and Questions for the Government of the Socialist Republic of Vietnam" has been enclosed with this letter, and we respectfully request that Vietnam promptly provide a response to the questions.

STRENGTH ✿ INTEGRITY ✿ COMPETENCE



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Many of the basic safeguards against torture and other abuses of prisoners and detainees, as well as due process protections, are enshrined in the International Covenant on Civil and Political Rights (ICCPR)—to which Vietnam is a state party. With Vietnam's election to the United Nations Human Rights Council and its signing of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) in November 2013, the Government of Vietnam now must demonstrate its commitment to human rights by taking prompt steps to abolish torture.

The right to be free from torture is among the most fundamental and unequivocal human rights. The prohibition against torture is absolute and non-derogable, which means that there are no limitations on the right to be free from torture and that the right cannot be suspended in times of war, when national security is threatened, or during other public emergencies. We, therefore, urge the Vietnamese Government take the following two steps to affirm its commitment:

- 1) **ratify CAT promptly; and 2) sign the Optional Protocol to the Convention against Torture (Op-CAT), a treaty that supplements CAT and strengthens its preventive mandate.**

With the aim of preventing torture, Op-CAT creates enforcement mechanisms to protect prisoners and detainees from torture and cruelty. It provides for independent monitoring and oversight of prisons and detention sites by both international and domestic monitoring bodies.

We hope you or your staff will comment on our findings and respond to the attached questions so that your views are accurately reflected in our report. In order for us to take your answers into account in our forthcoming report, we would appreciate a written response by December 30, 2013. In addition to the information requested below, please feel free to include any other materials, statistics, and government actions regarding Vietnam's prisons, re-education centers, and other places of detention, and its treatment of prisoners and detainees that would be important to understand the system.

Thank you for your time in addressing these urgent matters. I am,

Sincerely,

Anh "Joseph" Cao

Former Member of the United States Congress

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On behalf of The Campaign to Abolish Torture in Vietnam:

- Association of Con Dau Parishioners
- Boat People SOS (BPSOS)
- Christian Solidarity Worldwide
- Coalition to Abolish Modern-day Slavery in Asia (CAMSA)
- Committee for Religious Freedom in Vietnam
- The Council of Indigenous Peoples in Today's Vietnam
- Hmong National Development
- Hoa Hao Buddhist Congregation (Overseas)
- International Office of Champa
- Khmer Krom Foundation
- Montagnard Human Rights Organization
- The Nguyen Kim Dien Priests Group
- The United CaoDai Tayninh Holy See Overseas
- VETO!

cc:

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Ministry of Public Security
Ha Noi, Viet Nam

CAMPAIGN TO ABOLISH TORTURE IN VIETNAM

Summary of Findings and Questions for the Government of Vietnam

Our report focuses on treatment of political and religious detainees and prisoners who have been arrested for their peaceful political and religious beliefs and practices, and does not cover the treatment of people arrested for common criminal offenses.

Our report is based in part on detailed interviews that we conducted with 60 former political and religious prisoners and detainees from Vietnam, the majority of whom had been released from custody within five years of their interview with us. The former prisoners and detainees we interviewed provided detailed descriptions about their treatment in 43 different prisons, jails, police lockups, border police stations, detention centers, and re-education camps; two military detention centers; and one psychiatric hospital. These facilities are located in 20 different provinces and municipalities throughout Vietnam.

Our findings to date include the following:

Torture and Ill-treatment of Political and Religious Detainees

1. The practice of torture of political and religious detainees by police and security forces in Vietnam is not only pervasive, it is a systematic and intrinsic part of the investigation and interrogation phase of detention.
2. Political and religious detainees are most at risk of being tortured while being held incommunicado during pre-trial detention, and before he or she has access to legal representation, or been brought before a judge, or charged with any crime. During interrogation, law enforcement officials use torture techniques to force detainees to sign confessions or provide information, to punish them, or to intimidate detainees and others from engaging in future acts of peaceful dissent or independent religious activity.
3. Torture and mistreatment of political and religious detainees and prisoners is primarily carried out by law enforcement officials under the authority of the Ministry of Public Security's Department of Criminal Sentence Execution and Judicial Support (previously known as V26, now General Department VIII). They include prison officials, wardens, and guards, as well as provincial, district, commune, and municipal police officers.

In some cases torture is carried out in prisons and detention centers by inmates or detainees authorized by police and prison officials to carry out beatings of political and religious prisoners.

Torture is also carried out by members of the civil defense forces (*dan phong*), a voluntary security force under the authority of village People's Committee officials that often collaborates with local police.

4. Political and religious detainees in Vietnam are subjected to a number of different forms of torture by police and prison officials. These include:
 - Beating with truncheons, belts, and leather sandals,
 - Boxing on the ears until they bleed,
 - Slamming them against concrete walls,
 - Kicking them with military boots,
 - Shocking them with electric batons,
 - Submerging their heads in water, or forcing them to drink soapy water and then punching them in the stomach,

- Injecting them with drugs that cause permanent memory loss and make them numb, weak, and unable to speak and think clearly,
- Hanging them by their handcuffed wrists to the ceiling or upper ledge of a window while beating them with batons or shocking them with electric rods,
- Forcing detainees to maintain uncomfortable positions, such as sitting, squatting, lying down with arms and legs raised, or standing on one leg for long periods of time,
- Having writing pens inserted between their fingers and then tightly trying their hands with a rope, squeezing and crushing the fingers,
- Setting the legs of a chair on the detainee's foot and then sitting on it while interrogating the detainee.

In addition to physical abuse, police and prison authorities in Vietnam use various types of psychological techniques, some clearly amounting to torture, on detainees. These include:

- Isolation and prolonged solitary confinement,
- Threats, including threats to kill the detainee or harm their family members,
- Forced stress positions,
- Denial of natural light,
- Water torture,
- Forced renunciation of religious faith,
- Erratic scheduling of interrogation sessions,
- Sexual humiliation,
- Compulsory commitment to mental institutions;
- Pharmacological manipulation (forced medication).

In some cases, political and religious detainees and prisoners have died in custody or shortly after their early release as a result of torture and mistreatment by police and prison officials.

Questions:

1. How will the Vietnamese government bring an end to practices widely used by law enforcement and security officials in prisons and detention centers that encourage or facilitate torture? What steps will the government take to enforce the absolute prohibition on torture and ill-treatment of detainees and prisoners by police, security officials, prison and detention center staff and other detainees?
2. What training is provided to law enforcement officials, security forces, and interrogators with respect to interrogation methods and the use of coercion and torture?
3. What concrete steps will the government take to ensure the prosecution of public officials and employees who engage or acquiesce in torture and ill treatment of detainees and prisoners?
4. What steps will the Vietnamese government take to abolish incommunicado detention and ban the use of statements and "confessions" extracted by torture in trials and legal proceedings?
5. When a prisoner or detainee dies in custody, what steps are taken to insure the death is properly investigated, with any persons found responsible held legally accountable, and the results conveyed to family members?
6. We have received a number of reports that the remains of prisoners who die in prison before the end of their sentence are not released to family members until the prisoner's term is finished. Is this an

official policy of the MPS? If so, please explain the rationale and provide reasons for why such practices should not be terminated.

7. Will the government commit to a timetable by which it will authorize independent monitoring of all prisons, re-education centers, and other places of detention in Vietnam by both international and domestic monitoring bodies to investigate allegations of physical abuse and torture of prisoners and detainees and enforce the absolute prohibition on such abuses by police, security officials, prison and detention center staff, and other detainees?
8. Will the government accept a visit by the Special Rapporteur on Torture and the Working Group on Arbitrary Detention to Vietnam and authorize their unfettered visits to prisons, detention centers, psychiatric institutions, re-education camps, drug detention centers, jails, police lock-ups, and other places of detention?

Forced Labor

All convicted prisoners in Vietnam, as well as detainees in re-education centers, are required to work eight hours a day without pay, primarily doing agricultural and manufacturing work.

Manual labor is obligatory for convicted prisoners in Vietnam, regardless of whether they have been sentenced for political and religious reasons. This is in violation of the ILO's Convention on the Abolition of Forced Labor (No. 105), which prohibits forced or compulsory labor of prisoners convicted of political offenses or because of racial, social, national, or religious discrimination. Vietnamese political and religious prisoners who have tried to protest forced labor requirements have been harshly punished.

The use of forced labor by detainees in re-education centers (and drug detention centers) also violates ILO Convention No. 29. Ratified by Vietnam in 2007, the convention prohibits the use of forced labor by detainees who have not been convicted in a court of law.

Questions:

1. Will the government of Vietnam invite officials from the International Labor Organisation to make unfettered visits to prisons, detention centers, re-education camps, and other places of detention in Vietnam in order to investigate and monitor labor conditions?
2. Will the government agree to publish a list of all forms of work in which prisoners and detainees are involved, which products are processed using detainee and prison labor, and the companies whose products are processed using detainee and prison labor?
3. What steps will the government take to ensure that the same health and safety standards apply to prison and re-education camp labor as to other types of labor?
4. Will the government of Vietnam agree to promptly ratify and effectively implement ILO Convention No. 105 (Abolition of Forced Labor), which prohibits forced or compulsory labor of prisoners convicted of political offenses or because of racial, social, national, or religious discrimination?
5. Regarding the use of forced labor by detainees in re-education camps and drug detention centers, who are detained without any judicial process, will Vietnam abide by ILO Convention No. 29, which it ratified in 2007, which prohibits the use of forced labor by detainees who have not been convicted in a court of law?

Arbitrary Detention under National Security and Administrative Detention Laws

Vietnamese authorities use national security and administrative detention laws to arbitrarily arrest, detain, and imprison individuals for peaceful political and religious beliefs and practices. This is in violation of fundamental rights enshrined in international law, including the ICCPR to which Vietnam is a state party.

The victims of torture in detention include peaceful activists who have been arbitrarily arrested and detained for activities such as:

- using the Internet to discuss democracy or criticize the government;
- distributing leaflets or hanging banners calling for democratic reforms or human rights;
- launching independent labor unions, newspapers, political parties, or human rights organizations;
- participating in independent religious groups that are banned by the government, or in officially-recognized religious groups involved in social justice movements calling for land rights, civil rights, democratic reforms, and religious freedom;
- conducting peaceful protests calling for land rights, better pay and working conditions, protection of Vietnam's territorial integrity, indigenous peoples' rights, or religious freedom; and
- attempting to seek protection and political asylum abroad because of their persecution and mistreatment by Vietnamese authorities on account of their nonviolent religious or political beliefs and activities or membership in an ethnic minority group.

Questions:

1. Will the government commit to a timetable by which it will end the practice of arbitrary arrests and detention of peaceful dissidents under national security and administrative detention laws and other legislation not in conformity with international standards?
2. In line with its obligations under the ICCPR, will the government of Vietnam bring into compliance with international standards the Penal Code and other laws that penalize peaceful exercise of the rights to freedom of expression, association, assembly, and religion? Specifically:
 - a. Will the government commit to a timetable in which it will repeal articles in the Penal Code relative to "national security" and "public order" offenses, including articles 79, 80, 87, 88, 89, 91, 245, and 258, which criminalize the exercise of civil and political rights on the grounds that they violate or threaten national security, public order, and/or national unity?
 - b. Will the government repeal laws such the new administrative detention law passed in 2012 (Law on Handling of Administrative Violations (No. 15/2012/QH13), which authorize the arbitrary detention without trial of political and religious dissidents in re-education camps (*Co So Giao Duc*, or CSGD), Social Protection Centers (*Trung Tam Bao Tro Xa Hoi*), and mental hospitals on the grounds that they pose a threat to public security or social order?
3. Please provide a complete listing of all prisons and detention centers in Vietnam, including each facility's location and officer in charge.
4. Please provide a complete listing of all of the re-education centers (*Co So Giao Duc*, or CSGD) in Vietnam, including each facility's location and officer in charge.

Lack of Due Process, Rule of Law, and Legal Safeguards against Torture

Essential safeguards against torture in pre-trial detention, such as the right to legal representation, access to medical care, and limits on incommunicado detention, do not exist for most political and religious prisoners in Vietnam. Instead, upon arrest many political and religious detainees are routinely held in detention incommunicado, denied all contact with the outside world. They are prohibited access to legal counsel, medical care, and family visits.

Most are also subjected to prolonged solitary confinement during the initial investigatory phase of their detention, which lasts from several weeks to more than one year. During this time they are not brought before judicial authorities, nor do they have access to legal representation. Most political and religious detainees are not brought before a judge until the day of their trial, denying them the right to challenge the lawfulness of their detention or their treatment, including torture, in custody. Most political and religious detainees are not informed of their right to request a lawyer, with most lacking any legal representation during their interrogation and investigation.

Instead of abiding by its obligations as a party to the ICCPR, Vietnam's judicial system is characterized by arbitrary arrest; lengthy pre-trial detention; incommunicado detention; lack of presumption of innocence during court proceedings, where evidence is often lacking or fabricated; denial of access to defense lawyers; and politically-based judicial decisions.

Questions:

1. Are statistics available on how long people charged with national security or public order crimes remain in detention before being referred to an investigative judge?
2. Will the government of Vietnam commit to repealing provisions in the Penal Code that authorize prolonged and even indefinite pre-trial detention of persons charged with national security crimes?
3. What measures are in place to ensure that detainees can contact a lawyer, receive medical treatment when requested, or notify their family about their arrest and current whereabouts?
4. When will the government of Vietnam begin to implement and adhere to basic safeguards against torture and other abuses of detainees that are enshrined in the ICCPR, to which Vietnam is a party? The ICCPR prohibits arbitrary detention and torture, and protects the rights of people deprived of their liberty, including the right to prompt access to legal advice and a fair trial.
5. Will the government of Vietnam promptly ban the practice of incommunicado detention, which violates the prohibition of arbitrary arrest or detention provided in the ICCPR (article 9)?
6. Will the government make public any information in its possession about the whereabouts and status of workers' rights activist Le Tri Tue, who went missing in May 2007 after seeking political asylum in Cambodia? While initial reports stated that he was feared dead, more recent reports indicate that he has been held incommunicado since 2007. For example, the US State Department's 2011 and 2012 annual reports on Vietnam state that authorities placed Le Tri Tue in custody in 2007 but that there continues to be no information regarding his whereabouts.
7. Is Vietnam intending to take steps to increase the independence of the judiciary in general and of judges in particular, with the aim of improving legal and judicial safeguards against torture and ill-treatment of prisoners and detainees and providing legal and judicial oversight over the practice of holding detainees incommunicado and in solitary confinement?

Lack of Accountability and Effective Complaints Mechanisms

Vietnam's laws governing temporary custody, pre-trial detention, and imprisonment provide for detainees and inmates to file complaints if they are subjected to abuses in custody. None of the 60 political and

religious prisoners with whom we spoke had succeeded in lodging complaints about his or her unlawful detention, torture, or mistreatment in custody. To the contrary, the few who did try to raise complaints or asked for legal representation were often harshly disciplined.

While the Vietnamese state media have reported on a small number of police officials who have been disciplined for mistreating and torturing people detained for criminal offenses, we are aware of no such steps taken against those who have tortured and abused political and religious detainees and prisoners. For this reason, torture and ill-treatment of political and religious detainees in Vietnam continues to be carried out with impunity.

Questions:

1. What recourse do prisoners and detainees have if they have been subject to torture and ill-treatment in custody?
2. What provisions are in place to protect detainees who raise concerns or complaints about torture, ill-treatment, or labor conditions from being subject to retribution from prison authorities or individuals acting on their behalf?
3. Will the government take prompt steps to establish an independent mechanism allowing prisoners to submit complaints without the knowledge of prison guards directly responsible for them?
4. In 2012,
 - How many law enforcement officers were investigated in connection to torture or abuse of detainees or prisoners? How many officers were indicted, prosecuted, and brought to justice?
 - How many law enforcement officers were investigated in connection to torture or abuse of detainees or prisoners being held on national security or public order charges? How many officers were indicted, prosecuted, and brought to justice, or subject to disciplinary measures if found guilty of abuse, in regard to these cases? Please provide details regarding each case: location of the prison or detention facility; date the alleged abuse took place; type of abuse; officer[s] allegedly involved; prisoner[s] allegedly involved; results, if any, of an investigation into the case; disciplinary measure carried out against law enforcement officer found guilty of abuse.
5. In 2013,
 - How many law enforcement officers were investigated in connection to torture or abuse of detainees or prisoners? How many officers were indicted, prosecuted, and brought to justice?
 - How many law enforcement officers were investigated in connection to torture or abuse of detainees or prisoners being held on national security or public order charges? How many officers were indicted, prosecuted, and brought to justice, or subjected to disciplinary measures if found guilty of abuse, in regard to these cases? Please provide details regarding each case: location of the prison or detention facility; date the alleged abuse took place; type of abuse; officer[s] allegedly involved; prisoner[s] allegedly involved; results, if any, of an investigation into the case; disciplinary measure carried out against law enforcement officer found guilty of abuse.
6. Will the government take steps to ensure that adequate compensation and medical care is provided to detainees and former detainees for harm to their physical and mental health suffered while in detention or prison?
7. Will the government take steps to ensure that prisoners and detainees are able to seek redress for abuse committed by law enforcement officials and others acting on their behalf?

Lack of Independent Monitoring

Vietnam's signing of the Convention against Torture provides an opportunity for the government to implement important safeguards to prevent torture and other abuses of prisoners and detainees. One of the most effective preventive measures against torture, according to the Special Rapporteur against Torture, is regular and unannounced inspection of places of detention

Lack of independent monitoring of prisons and other places of detention, together with incommunicado detention of religious and political detainees, not only facilitates torture but also shields such practices from public scrutiny. Prison authorities, guards, even inmates themselves know they can carry out beatings and mistreatment of prisoners with impunity, out of view of journalists, diplomats, UN experts, and international rights monitors. In the same way, police and judicial officials know they can routinely violate due process and international fair trial standards if the public does not know about it.

Questions:

1. Now that Vietnam has signed the Convention against Torture (CAT), will the government commit to ratification of the Convention within the first six months of 2014?
2. Will the government also sign and ratify the Optional Protocol to the Convention against Torture (Op-CAT) in 2014?
3. In line with its obligations under CAT, the ICCPR, and other international standards, when will the government of Vietnam allow unhindered access to places of detention by United Nations monitors, independent human rights organizations, attorneys, medical personnel, family members of detainees, and others whose presence would deter torture?
4. To improve transparency, will the government of Vietnam agree to publish a central registry of the names and locations of all persons held in pretrial detention, as well as a list of all those convicted and sentenced, and the relevant charges or reasons for their detention?

Appendix B

Recommendations for Vietnam Regarding Torture and Prison Reform by UN Member States, 2008

Listed below are recommendations regarding torture and prison reform submitted by UN member states, and Vietnam's progress on each to date, from Vietnam's Universal Periodic Review before the UN Human Rights Council in May 2008.

Country	Recommendation	Response by the Government of Vietnam
Algeria Australia Sweden Nigeria Chile	Accede, or consider acceding, to the Convention against Torture (CAT) in a timely manner.	May 2009: Government asserted that Vietnamese law prohibits all acts of torture and there is no practice of torture or degrading treatment of law offenders and those under detention for investigative purposes. November 2013: Vietnam signed the Convention against Torture.
Chile	Ratify the Optional Protocol on CAT	No action; the government of Vietnam rejected this recommendation during the 2009 UPR process.
New Zealand, Canada, Netherlands, Switzerland	Issue a standing invitation to all UN Special Procedures, including the UN Special Rapporteur on Torture, to visit Vietnam.	No action. The government of Vietnam rejected recommendations to issue invitations to all special procedures of the Human Rights Council during the 2009 UPR process.
Germany, Argentina, Italy	Invite the Special Rapporteur on Freedom of Religion and Belief to visit Vietnam.	No action; the government of Vietnam rejected this recommendation during the 2009 UPR process. During the July 2013 visit of Vietnamese President Truong Tan Sang to the United States, he stated that Vietnam would invite the Special Rapporteur on Religion to Vietnam in 2014.
Argentina, Italy	Invite the Special Rapporteur on Freedom of Expression to visit Vietnam.	No action; the government of Vietnam rejected this recommendation during the 2009 UPR process.
Mexico	Invite the Working Group on Arbitrary Detention to visit Vietnam.	No action.
Austria	Provide public information regarding the number of detention camps operated by the police and military and how many people are detained in them.	No action; the government of Vietnam rejected this recommendation during the 2009 UPR process.
Canada	Register all individuals detained under security laws, and make this information publicly available.	No action; the government of Vietnam rejected this recommendation during the 2009 UPR process.
Austria	Ensure unhindered access to legal representation by persons detained	No action; the government of Vietnam rejected this recommendation during the 2009 UPR

Country	Recommendation	Response by the Government of Vietnam
	in detention camps.	process.
Canada	Provide people detained under security or propaganda laws with fundamental legal safeguards, including representation by legal counsel of their choice throughout the proceedings and a public trial.	No action.
United States	Allow individuals to speak out on the political system, release all prisoners of conscience, and abolish vague national security provisions in the penal code used to imprison peaceful political and religious activists such as articles 84, 88, 258.	No action; the government of Vietnam rejected this recommendation during the 2009 UPR process.
Canada	Reduce use of security laws that limit public discussion about multi-party democracy or criticism of the government, including by bringing security and propaganda laws into compliance with the ICCPR.	No action; the government of Vietnam rejected this recommendation during the 2009 UPR process.
Finland	Repeal or amend penal code to ensure it cannot be arbitrarily applied to prevent freedom of expression.	No action; the government of Vietnam rejected this recommendation during the 2009 UPR process.
Poland	Repeal Ordinance 44 on administrative detention.	No action; the government of Vietnam rejected this recommendation during the 2009 UPR process.

Appendix C

Torture Tactics Documented by Father Nguyen Van Ly

Torture Techniques and Methods Used in Vietnamese Prisons Today

A Report by Prisoner of Conscience Father Nguyen Van Ly, June 8, 2010

Father Nguyen Van Ly has spent a total of 17 years in prison since 1977 for his peaceful campaigning for religious freedom, democracy, and human rights. Within weeks of being temporarily released from prison on March 15, 2010 for medical reasons, Father Ly began to issue detailed public reports about torture and mistreatment in Vietnamese prisons. His reports were based on his own experiences in different prisons and detention centers since 1977, as well as on detailed testimonies he gathered from other political and religious prisoners. On July 25, 2011, Father Ly was sent back to Nam Ha Prison to serve five more years behind bars followed by five years of probationary house arrest.

Enclosed below are excerpts from a report on prison torture techniques in use in Vietnam today. Released by Father Ly on June 8, 2010, it is entitled “Testament No. 4: Over 20 Torture Techniques and Methods that are Being Used by the Vietnamese Communist Officers on Inmates at the Custody Facilities, Detention Centers, and Prisons in Vietnam at Present - 2010.”

- **Forced labor of a degrading nature:** forcing inmate to carry human manure (night soil), or cattle manure with the primary aim to persecute, insult and break the inmate’s will.
- **Gang beating:** a group of male or female officers wearing tough leather shoes, with or without batons, take turns to beat, punch and kick an inmate like a soccer ball until they are tired or the inmate kneel down and begs for mercy, or faints in pain.
- Forcing inmates to kneel down, then using baton, slippers, leather shoes to **beat, kick or stomp on inmate’s face, chest, groin**, etc until the inmate “humbly” begs for it to stop, or faints.
- **Forcing inmates to lie on one’s belly or back, then stomping** on inmate’s chest, belly, shoulders, or back until the inmate vomits blood or falls unconscious.
- **Handcuffing and suspending inmates** from window bars for extended periods of time: until inmate agree to sign a confession to their “crime”.
- **Sun exposure:** Forcing inmate to lie under the sun from 2 to 4 hours, even while the inmate is sick, until the inmate faints or agree to sign a confession.
- **Confinement to special disciplinary cells and solitary confinement:** When an inmate violates prison regulations, such as revealing torture techniques to others, objecting to or resisting officers’ unjust treatment and senseless restrictions, the inmate’s legs will be put in shackles, they are sometimes stripped of all clothes including underwear, and put in a confined cell for seven to 14 days, with possibility

of extension up to three, six, 12, 24 or 36 months if necessary.

- **Putting the prisoner in a confined space for 1-2 years without sunlight:** Section C in the Ministry of Public Security Prison B34, [located at] Nguyen Van Cu St., Nguyen Cu Trinh ward, District 1, Saigon, has a special kind of cell, 2 meters high by 5 meters wide and 2 meters long. The cell includes a toilet and water basin inside. It has a vent of 20 x 27 cm for both air and food supplies. A prisoner could be kept in this cell for 1-2 years continuously without sunlight, which results in despair and consternation. The prisoner will be defeated soon in such situation. There exist at least four cells of this kind in this prison. Prisoner of Conscience Nguyen Ngoc Quang has been able to survive after more than two years kept in such a “concrete box”. From May 18, 1983 I was also kept in such a “concrete box,” which was very warm and air tight at Thua Thien Hue prison, next to the detention camp of Hue city. But after four months, when officials saw that I was almost exhausted, I was transferred to another cell.
- **Shocking with electric baton on the penis (male inmates):** Male prisoners are often reluctant to reveal this technique.
- **Beating on the penis (male inmates):** Whipping the penis to insult and break down the inmate’s self-esteem; in special cases, officers force the inmate to place his penis on the windowsill and then beat it with a baton until it discharges blood or semen, causing impotency.
- **Kneeling while holding the baton in one’s mouth (female inmates):** Female inmates kneel and hold the baton with which the officers use to beat inmates (symbolizing the penis), often for 2 to 4 long hours while tears runs ceaselessly from both eyes in utmost humiliation.
- **Depriving hungry inmates of food:** Officers force the inmate on duty to cut the rice cake (sent in by the inmate’s family) into four parts then throw it into the garbage can, mixed with women’s sanitary napkins; or mix dirty water into bread or rice and then dare inmates to eat: “Anyone who picks up the cake/rice to eat is worse than a dog.” Or the officer delivering rice splashes it all over the inmates’ blankets and mats and then demands that inmates clean it up.
- **Cuffing with crossed hand:** The inmate is forced to cross one (left) arm up behind the back, then cuff with the other (right) wrist which was placed on the (right) shoulder to be close to the other (left) wrist, that produces a severe pain. After a few hours of interrogation with crossed handcuffing, the inmates’ arms will be numb and hang loose. The inmate will not be able to maneuver his/her own arms and become dependable on other cellmates to feed and do other daily toiletries. Normally, the arms will self-recover after about three to six months.
- **Sitting on a chair with its leg resting on prisoner’s instep:** The inmate sits with one foot extended out. The officer takes a four-legged chair and places one leg of the chair on the upper part of the inmate’s protruding foot, then sits on that chair to interrogate the victim for a straight two to three hours in order to elicit a confession.
- **Grinding a ruler or pens between inmate’s fingers:** The officer takes a square ruler and threads it between the inmate’s fingers, then grasps those fingers together with one hand while using the other hand to rotate the ruler, causing intense pain as the ruler grinds the flesh and bone of the inmate’s hand. When rulers were not

available, the officer may use pens and a tighter grasp to create the same effect.

- **“Clearing the ear”:** The inmate is required to place the side of her head on a table, with one ear touching the table’s surface. The officer slaps hard on the inmate’s other ear so that the ear drum is shaken, causing vestibule disorder. Afterwards the victim has a severe headache and nausea, staggering back to her cell in drunken-like steps.
- **Head drumming:** The officer uses a ruler to strike around the prisoner’s head from the temple up to the top resulting in headache, tinnitus, bleeding through nose holes, and ear holes, razor sharp feeling in limbs... and finally unconsciousness.
- **The prisoner is struck on his/her finger tips by a padlock, a door key, or a blackjack:** The victim is required to put both hands on the desk with ten fingers stretching out. The officer uses a padlock, a door key, or a blackjack to strike on the finger tips. The victim is not allowed to withdraw his/her finger. Otherwise he/she will be stricken more severely. The torture only stops when the prisoner agrees to sign the minutes of confession.
- **Stripping of clothes, including underwear:** (see testimony of female prisoner, above, about strip searches and vaginal searches.)
- **Shocking with electric baton on nipples:** Officers use electric baton to shock inmates on their nipples to torture or elicit confession.
- **Run the electric baton around the groin:** Officers strip female inmate of her clothes, then run the electric baton around her groin, outside the underpants, burning the pubic hairs and the sensitive skin inside the underwear.
- **Inserting the blackjack/ wooden rod into the prisoner’s vagina:** This causes pain, bruises, infections, and extreme shame.

Appendix D

International Standards Protecting Detainees and Prisoners

Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

(Resolution 43/173 adopted by the General Assembly on December 9, 1988)

SCOPE OF THE BODY OF PRINCIPLES

These principles apply for the protection of all persons under any form of detention or imprisonment.

USE OF TERMS

For the purposes of the Body of Principles:

- (a) "Arrest" means the act of apprehending a person for the alleged commission of an offence or by the action of an authority;
- (b) "Detained person" means any person deprived of personal liberty except as a result of conviction for an offence;
- (c) "Imprisoned person" means any person deprived of personal liberty as a result of conviction for an offence;
- (d) "Detention" means the condition of detained persons as defined above;
- (e) "Imprisonment" means the condition of imprisoned persons as defined above;
- (f) The words "a judicial or other authority" mean a judicial or other authority under the law whose status and tenure should afford the strongest possible guarantees of competence, impartiality and independence.

Principle 1

All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person.

Principle 2

Arrest, detention or imprisonment shall only be carried out strictly in accordance with the provisions of the law and by competent officials or persons authorized for that purpose.

Principle 3

There shall be no restriction upon or derogation from any of the human rights of persons under any form of detention or imprisonment recognized or existing in any State pursuant to law, conventions, regulations or custom on the pretext that this Body of Principles does not recognize such rights or that it recognizes them to a lesser extent.

Principle 4

Any form of detention or imprisonment and all measures affecting the human rights of a person under any form of detention or imprisonment shall be ordered by, or be subject to the effective control of, a judicial or other authority.

Principle 5

1. These principles shall be applied to all persons within the territory of any given State, without distinction of any kind, such as race, colour, sex, language, religion or religious belief, political or other opinion, national, ethnic or social origin, property, birth or other status.
2. Measures applied under the law and designed solely to protect the rights and special status of women, especially pregnant women and nursing mothers, children and juveniles, aged, sick or handicapped persons shall not be deemed to be discriminatory. The need for, and the application of, such measures shall always be subject to review by a judicial or other authority.

Principle 6

No person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No circumstance whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment.

Principle 7

1. States should prohibit by law any act contrary to the rights and duties contained in these principles, make any such act subject to appropriate sanctions and conduct impartial investigations upon complaints.
2. Officials who have reason to believe that a violation of this Body of Principles has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial powers.
3. Any other person who has ground to believe that a violation of this Body of Principles has occurred or is about to occur shall have the right to report the matter to the superiors of the officials involved as well as to other appropriate authorities or organs vested with reviewing or remedial powers.

Principle 8

Persons in detention shall be subject to treatment appropriate to their unconvicted status. Accordingly, they shall, whenever possible, be kept separate from imprisoned persons.

Principle 9

The authorities which arrest a person, keep him under detention or investigate the case shall exercise only the powers granted to them under the law and the exercise of these powers shall be subject to recourse to a judicial or other authority.

Principle 10

Anyone who is arrested shall be informed at the time of his arrest of the reason for his arrest and shall be promptly informed of any charges against him.

Principle 11

1. A person shall not be kept in detention without being given an effective opportunity to be heard promptly by a judicial or other authority. A detained person shall have the right to defend himself or to be assisted by counsel as prescribed by law.
2. A detained person and his counsel, if any, shall receive prompt and full communication of any order of detention, together with the reasons therefor.
3. A judicial or other authority shall be empowered to review as appropriate the continuance of detention.

Principle 12

1. There shall be duly recorded:
 - (a) The reasons for the arrest;
 - (b) The time of the arrest and the taking of the arrested person to a place of custody as well as that of his first appearance before judicial or other authority;
 - (c) The identity of the law enforcement officials concerned;
 - (d) Precise information concerning the place of custody.
2. Such records shall be communicated to the detained person, or his counsel, if any, in the form prescribed by law.

Principle 13

Any person shall, at the moment of arrest and at the commencement of detention or imprisonment, or promptly thereafter, be provided by the authority responsible for his arrest, detention or imprisonment, respectively, with information on and an explanation of his rights and how to avail himself of such rights.

Principle 14

A person who does not adequately understand or speak the language used by the authorities responsible for his arrest, detention or imprisonment is entitled to receive promptly in a language which he understands the information referred to in principle 10, principle 11, paragraph 2, principle 12, paragraph 1, and principle 13 and to have the assistance, free of charge, if necessary, of an interpreter in connection with legal proceedings subsequent to his arrest.

Principle 15

Notwithstanding the exceptions contained in principle 16, paragraph 4, and principle 18, paragraph 3, communication of the detained or imprisoned person with the outside world, and in particular his family or counsel, shall not be denied for more than a matter of days.

Principle 16

1. Promptly after arrest and after each transfer from one place of detention or imprisonment to another, a detained or imprisoned person shall be entitled to notify or to require the competent authority to notify members of his family or other appropriate persons of his choice of his arrest, detention or imprisonment or of the transfer and of the place where he is kept in custody.

2. If a detained or imprisoned person is a foreigner, he shall also be promptly informed of his right to communicate by appropriate means with a consular post or the diplomatic mission of the State of which he is a national or which is otherwise entitled to receive such communication in accordance with international law or with the representative of the competent international organization, if he is a refugee or is otherwise under the protection of an intergovernmental organization.

3. If a detained or imprisoned person is a juvenile or is capable of understanding his entitlement, the competent authority shall on its own initiative undertake the notification referred to in the present principle. Special attention shall be given to notifying parents or guardians.

4. Any notification referred to in the present principle shall be made or permitted to be made without delay. The competent authority may however delay a notification for a reasonable period where exceptional needs of the investigation so require.

Principle 17

1. A detained person shall be entitled to have the assistance of a legal counsel. He shall be informed of his right by the competent authority promptly after arrest and shall be provided with reasonable facilities for exercising it.

2. If a detained person does not have a legal counsel of his own choice, he shall be entitled to have a legal counsel assigned to him by a judicial or other authority in all cases where the interests of justice so require and without payment by him if he does not have sufficient means to pay.

Principle 18

1. A detained or imprisoned person shall be entitled to communicate and consult with his legal counsel.

2. A detained or imprisoned person shall be allowed adequate time and facilities for consultations with his legal counsel.

3. The right of a detained or imprisoned person to be visited by and to consult and communicate, without delay or censorship and in full confidentiality, with his legal counsel may not be suspended or restricted save in exceptional circumstances, to be specified by law or lawful regulations, when it is considered indispensable by a judicial or other authority in order to maintain security and good order.

4. Interviews between a detained or imprisoned person and his legal counsel may be within sight, but not within the hearing, of a law enforcement official.

5. Communications between a detained or imprisoned person and his legal counsel mentioned in the present principle shall be inadmissible as evidence against the detained or imprisoned person unless they are connected with a continuing or contemplated crime.

Principle 19

A detained or imprisoned person shall have the right to be visited by and to correspond with, in particular, members of his family and shall be given adequate opportunity to

communicate with the outside world, subject to reasonable conditions and restrictions as specified by law or lawful regulations.

Principle 20

If a detained or imprisoned person so requests, he shall if possible be kept in a place of detention or imprisonment reasonably near his usual place of residence.

Principle 21

1. It shall be prohibited to take undue advantage of the situation of a detained or imprisoned person for the purpose of compelling him to confess, to incriminate himself otherwise or to testify against any other person.

2. No detained person while being interrogated shall be subject to violence, threats or methods of interrogation which impair his capacity of decision or his judgement.

Principle 22

No detained or imprisoned person shall, even with his consent, be subjected to any medical or scientific experimentation which may be detrimental to his health.

Principle 23

1. The duration of any interrogation of a detained or imprisoned person and of the intervals between interrogations as well as the identity of the officials who conducted the interrogations and other persons present shall be recorded and certified in such form as may be prescribed by law.

2. A detained or imprisoned person, or his counsel when provided by law, shall have access to the information described in paragraph 1 of the present principle.

Principle 24

A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge.

Principle 25

A detained or imprisoned person or his counsel shall, subject only to reasonable conditions to ensure security and good order in the place of detention or imprisonment, have the right to request or petition a judicial or other authority for a second medical examination or opinion.

Principle 26

The fact that a detained or imprisoned person underwent a medical examination, the name of the physician and the results of such an examination shall be duly recorded. Access to such records shall be ensured. Modalities therefore shall be in accordance with relevant rules of domestic law.

Principle 27

Non-compliance with these principles in obtaining evidence shall be taken into account in determining the admissibility of such evidence against a detained or imprisoned person.

Principle 28

A detained or imprisoned person shall have the right to obtain within the limits of availability resources, if from public sources, reasonable quantities of educational, cultural and informational material, subject to reasonable conditions to ensure security and good order in the place of detention or imprisonment.

Principle 29

1. In order to supervise the strict observance of relevant laws and regulations, places of detention shall be visited regularly by qualified and experienced persons appointed by, and responsible to, a competent authority distinct from the authority directly in charge of the administration of the place of detention or imprisonment.

2. A detained or imprisoned persons shall have the right to communicate freely and in full confidentiality with the persons who visit the places of detention or imprisonment in accordance with paragraph 1 of the present principle, subject to reasonable conditions to ensure security and good order in such place.

Principle 30

1. The types of conduct of the detained or imprisoned person that constitute disciplinary offences during detention or imprisonment, the description and duration of disciplinary punishment that may be inflicted and the authorities competent to impose such punishment shall be specified by law or lawful regulations and duly published.

2. A detained or imprisoned person shall have the right to be heard before disciplinary action is taken. He shall have the right to bring such action to higher authorities for review.

Principle 31

The appropriate authorities shall endeavour to ensure, according to domestic law, assistance when needed to dependent and, in particular, minor members of the families of detained or imprisoned persons and shall devote a particular measure of care to the appropriate custody of children left without supervision.

Principle 32

1. A detained person or his counsel shall be entitled at any time of take proceedings according to domestic law before a judicial or other authority to challenge the lawfulness of his detention in order to obtain his release without delay, if it is unlawful.

2. The proceedings referred to in paragraph 1 of the present principle shall be simple and expeditious and at no cost for detained persons without adequate means. The detaining authority shall produce without unreasonable delay the detained person before the reviewing authority.

Principle 33

1. A detained or imprisoned person or his counsel shall have the right to make a request or complaint regarding his treatment, in particular in case of torture or other cruel, inhuman or degrading treatment, to authorities responsible for the administration of the place of detention and to higher authorities and, when necessary, to appropriate authorities vested with reviewing or remedial powers.

2. In those cases where neither the detained or imprisoned person nor his counsel has the possibility to exercise his rights under paragraph 1 of the present principle, a member of the family of the detained or imprisoned person or any other person who has knowledge of the case may exercise such rights.

3. Confidentiality concerning the request or complaint shall be maintained if so requested by the complainant.

4. Every request or complaint shall be promptly dealt with and replied to without undue delay. If the request or complaint is rejected or, in case of inordinate delay, the complainant shall be entitled to bring it before a judicial or other authority. Neither the detained or imprisoned person nor any complainant under paragraph 1 of the present principle shall suffer prejudice for making a request or complaint.

Principle 34

Whenever the death or disappearance of a detained or imprisoned person occurs during his detention or imprisonment, an inquiry into the cause of death or disappearance shall be held by a judicial or other authority, either on its own motion or at the instance of member of the family of such a person or any person who has knowledge of the case. When circumstances so warrant, such an inquiry shall be held on the same procedural basis whenever the death or disappearance occurs shortly after the termination of the detention or imprisonment. The findings of such inquiry or a report thereon shall be made available upon request, unless doing so would jeopardize an ongoing criminal investigation.

Principle 35

1. Damage incurred because of acts or omissions by a public official contrary to the rights contained in these principles shall be compensated according to the applicable rules on liability provided by domestic law.

2. Information required to be recorded under these principles shall be available in accordance with procedures provided by domestic law for use in claiming compensation under the present principle.

Principle 36

1. A detained person suspected of or charged with a criminal offence shall be presumed innocent and shall be treated as such until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. The arrest or detention of such a person pending investigation and trial shall be carried out only for the purposes of the administration of justice on grounds and under conditions and procedures specified by law. The imposition of restrictions upon such a person which are not strictly required for the purpose of the detention or to prevent hindrance to the process of investigation or the administration of justice, or for the maintenance of security and good order in the place of detention shall be forbidden.

Principle 37

A person detained on a criminal charge shall be brought before a judicial or other authority provided by law promptly after his arrest. Such authority shall decide without delay upon the lawfulness and necessity of detention. No person may be kept under detention pending investigation or trial except upon the written order of such an authority. A detained person

shall, when brought before such an authority, have the right to make a statement on the treatment received by him while in custody.

Principle 38

A person detained on a criminal charge shall be entitled to trial within a reasonable time or to release pending trial.

Principle 39

Except in special cases provided for by law, a person detained on a criminal charge shall be entitled, unless a judicial or other authority decides otherwise in the interest of the administration of justice, to release pending trial subject to the conditions that may be imposed in accordance with the law. Such authority shall keep the necessity of detention under review.

General clause

Nothing in this Body of Principles shall be construed as restricting or derogating from any right defined in the International Covenant on Civil and Political Rights.