

Case BPSOS-01 -- Pastor Nguyen Cong Chinh and his wife Mrs. Tran Thi Hong

Prepared by BPSOS, February 25, 2017

Egregious human rights violations: torture, imprisonment, denial of medical care

- (1) **Colonel Vũ Văn Lâu**, Director of the Public Security (Police) Department of Gia Lai Province: He has failed to respond to Mrs. Tran Thi Hong's denunciation letter of June 15, 2016 and her follow up letter of January 1, 2017. This was in blatant violation of Vietnam's Law on Denunciation, 03/2011/QH13 effective Jan 07, 2012. Provisions 20 and 21 of this law require the responsible authority to respond within 60 days from the date of the denunciation letter. In the past Mrs. Hong had also filed complaint about the torture of her husband, Pastor Nguyen Cong Chinh. Colonel Lâu has not issued any credible findings from his investigation (if any) of such reported torture incidents.



Colonel Vũ Văn Lâu

- (2) **Colonel Nguyễn Văn Long**, Head of Police of the Town of Pleiku, has failed to respond to Mrs. Tran Thi Hong's denunciation letter of June 15, 2016 and follow up letter of January 1, 2017. This was in blatant violation of Vietnam's Law on Denunciation, 03/2011/QH13 effective Jan 07, 2012.



Colonel Nguyễn Văn Long

- (3) **Huỳnh Văn Trà**, Chairman of the People's Committee of Hoa Lu Ward, Town of Pleiku, Gia Lai Province, during the months when the persecution of Mrs. Hong was taking place, issued "invitation letters" requesting her to go to the People's Committee Office for interrogation by public security.
- (4) **Nguyễn Văn Bằng**, Head of Mrs. Hong's residential block, led the group of public security officers to abduct Mrs. Tran Thi Hong at her home on Apr 14, 2016 and take her to the Hoa Lu Ward People's Committee, where she was subjected to torture.
- (5) **Mr. Quốc Anh**, Gia Lai Province public security officer, assaulted Mrs. Hong on Mar 30, 2016 as she was on her way to meet with the U.S. delegation; he took part in torturing her on Apr 14, 2016 at the office of the Hoa Lu Ward People's Committee.
- (6) **Mr. Hải**, PA88 Branch of Gia Lai public security, took part in torturing her on Apr 14, 2016.
- (7) **Nguyễn Văn Xứng**, Chief, Hoa Lu Ward Public Security, on May 11, 2016 ordered his men to bring her from the People's Committee Office to the public security office for interrogation, during which session she was subjected to torture.
- (8) **Đỗ Công Yến**, public security of Hoa Lu Ward, on May 12, 2016 came to her house with other officers to forcibly take her to the public security office for interrogation, where she was subjected to torture.
- (9) **Mr. Thảo**, public security officer from the Town of Pleiku, ordered his subordinates to intercept her. He also ordered them to forcibly bring her to the public security station several times on the following days.
- (10) **Colonel Nguyễn Văn Trạch**, then-Deputy Director of Gia Lai Province Police Department, on Apr 28, 2011 ordered the arrest of Pastor Nguyen Cong Chinh and detained him in isolation for almost a year without trial.
- (11) A panel of Gia Lai Province judges including **Mr. Lê Văn Hà** (presiding judge) and the other judges, Messrs. **Nguyễn Chương**, **Nguyễn Hồng Vũ** and **Võ Tiến Sĩ**, on Mar 26, 2012 sentenced Pastor Chinh to 11 years of imprisonment.



Lê Văn Hà (presiding judge of lower court, Gia Lai Province)

- (12) At the court of appeals, a panel of judges including **Mr. Phạm Bá Sơn**, presiding judge, and the other judges, **Messrs. Hoàng Bá Diệp, Vũ Thanh Liêm, and Trần Đức Kiên**, on Jul 31, 2012 upheld the lower court's sentence.



Hoàng Bá Diệp (judge, appeals court, Gia Lai Province)

- (13) **Lt. Colonel Nguyễn Đình Oánh, Captain Nguyễn Anh Tuấn, 2nd Lieutenant Trần Cao Cương, jailer Nguyễn Văn Biên, jailer Quách Thị Hạnh** at T20 Detention Center, Gia Lai Province: At approximately 5 am they, along with a dozen other jailers on May 18, 2012, entered Pastor Chinh's prison cell during his morning prayers. They beat him up with rubber clubs, electric rods, pepper spray, prohibiting him from saying prayers.

- (14) **Major Hoàng Đức Giang and Captain Đinh Ngọc Quỳnh** (Serial No. 081-934) at An Phuoc Prison, Binh Duong Province: On Aug 19, 2013 at approximately 5 am, they directed the beating of Pastor Chinh.



Major Hoàng Đức Giang

International References:

Viet Nam: Detained pastor on hunger strike since 8 August: Pastor Nguyễn Công Chính (September 5, 2016):

<https://www.amnesty.org/en/documents/asa41/4759/2016/en/>

Joint statement by UN Special Rapporteurs (June 2, 2016):

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20054&LangID=E>

2016 Report by US Commission for International Religious Freedom (USCIRF):
<http://www.uscirtf.gov/reports-briefs/annual-report/2016-annual-report>

2016 Report by U.S. State Department:
<https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

2015 Report by USCIRF: <http://www.uscirtf.gov/reports-briefs/annual-report/2015-annual-report>

2015 Report by U.S. State Department:
<https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

Background Information:

Pastor Nguyen Cong Chinh served as the Chairman of Vietnamese People's Evangelical Fellowship (VPEF) and of the Vietnam-U.S. Lutheran Alliance Church. He served as pastor for the marginalized, underserved ethnic minorities in the Central Highlands.

In 2004, the government bulldozed his home which also served as a praying place. The government refused to issue his household registration and citizen's identification card, both vital for normal life in Vietnam. He had been interrogated 168 times, assaulted 19 times, detained 6 times, and expelled from his home 56 times. His home was twice razed by the local government. The government refused to issue birth certificates to his 4 young children.

On April 28, 2011 Pastor Chinh was arrested at his home in Pleiku, Gia Lai province, on charges of "sabotaging the solidarity policy, sowing division between citizens and the government" under Article 87 of the 1999 Penal Code. The following day, an article in the People's Police newspaper (Cong an Nhan dan) stated that the provincial police security investigation agency had collected hundreds of files through "administrative inspection" and found evidence that the "self-proclaimed" Pastor Chinh had since 2003 colluded with foreign reactionaries, including exiled members of the former Montagnard resistance group known as FULRO (The United Front for the Liberation of Oppressed Races) to conduct anti-government activities.

On March 26, 2012 the Gia Lai Lower Court tried him without allowing an attorney to represent him and without notifying his family of the trial. His wife learned of the trial date from a family member of another prisoner. Two days before the trial, public security officers warned all the pastors on the executive committee of the Vietnam-U.S. Lutheran Alliance Church that they were not allowed to attend the trial or bring congregation members to the court house; otherwise they would face severe punishment under the law.

Pastor Chinh was sentenced to 11 years in prison for "undermining national unity policy" and "by maintaining ties with the dissident groups and distributing material deemed to have slandered government authorities". Since then, his family has been subjected to harassment, intimidation and retaliation, and his rights as a detainee are constantly baffled.

Pastor Chinh has been detained in 3 different prison camps since his arrest:

- During investigation he was detained at "T-20" Detention Center in Gia-Lai Province (public security police's detention center of Gia Lai Province).
- After the sentencing of the Court of Appeals, in December 2012, he was transferred to Section A, Subdivision 2, An Phuoc Detention Center in Phu Giao District, Binh-Duong Province.
- Most recently, in October 12, 2016 he was transferred to Xuân Lộc prison camp in Long Khanh district, Dong-Nai province, without any notice to his family.

When Mrs. Tran Thi Hong, his wife, asked why she was not informed about his transfer, prison officials told her, "Unless and until your husband agrees to confess to his crime, he would never be allowed to call home."

In both "T-20" detention center in Gia Lai Province and An Phuoc Prison in Binh Duong Province, where he spent respectively 16 months and almost 4 years, he was frequently mistreated by wardens and criminal inmates. When his wife visited him on October 15th, 2013, she learned that a prisoner working for the wardens had beaten Pastor Chinh, leaving large bruises on his face. She notified prison guards who ignored her plea.

On March 23, 2014 Pastor Chinh and some other prisoners protested their mistreatment by prison guards, detailing occasions in 2012 and 2013 in which prison guards had physically assaulted him. Instead of investigating the allegations, officers of An Phuoc Prison denounced Pastor Chinh in the presence of the other prisoners while they subjected him to verbal abuse. His letters and petitions of complaint to the courts and to the prison authorities received no response.

He was twice arbitrarily beaten by prison authorities during his early morning prayers:

- At 5 am on 18 May, 2012, while Pastor Chinh was saying his prayers, some 15 prison guards entered his prison cell (at T20 Detention Center) carrying rubber clubs, electric rods, pepper spray... They beat him up, prohibiting him from praying. He recognized the following individuals among his attackers: Captain Nguyễn Anh Tuấn, Quách Thị Hạnh, Lt. Colonel Nguyễn Đình Oánh, Nguyễn Văn Biên, 2nd Lt. Trần Cao Cường.
- At 5 am on 19 August, 2013, Captain Đinh Ngọc Quỳnh (Serial No. 081-934) and Major Hoàng Đức Giang directed the beating of Pastor Chinh at An Phuoc Detention Center.

Pastor Chinh has been subjected to prolonged solitary confinement twice:

- Just right after his arrest on April 28, 2011 he was placed in solitary confinement for 7 months, during which period he was not allowed family visits. He was then detained for 11 additional months after the completion of his investigation.
- Following his transfer to Xuan Loc Prison, Dong Nai Province, on October 12, 2016 he was again subjected to solitary confinement, which lasted 4 months.

During a prison visit on February 10, 2017, his wife was heartbroken to see that his health had noticeably deteriorated:

"His legs, arms, face, and nose are swelling. His blood pressure is elevating, in the 190-200 range. He is also suffering from other medical conditions such as acute sinusitis, joints inflammation, and gastritis. However, he is not allowed to receive medical treatments or the medicines that I brought in for him. Harsh conditions in solitary confinement, in a damp and ill-lit environment, have worsened his health. He is slowly dying in prison."

Mrs. Tran Thi Hong, Pastor Chinh's wife, on March 30, 2016 met with a delegation from the U.S. State Department led by David Saperstein, Ambassador -at -Large on International Religious Freedom, to seek intervention on behalf of Pastor Chinh. Shortly after, she was repeatedly subjected to torture by the local and provincial authorities.

On April 14, 2016, police took her from her home to the People's Committee of Hoa Lu Ward, where she was tortured viciously. Police later dumped her onto the pavement in front of her home. Neighbors passing by picked her up and brought her inside as she could no longer walk. She suffered injuries to her head, knees, legs, hands, and feet. She experiences pain and difficulty moving her arms.

On May 11, 2016, at approximately 3 PM, 10 individuals, including police officers in plainclothes and members of the government-controlled Vietnam Women's Union, forcefully took her from home to the People's Committee Administrative Office. She was brought to the 3rd floor, in the same room where she was beaten on April 15; there she was questioned for 3 hours. She was questioned by Mr. Hai, a member of the Gia Lai Province police (Mr. Hai) and not the Administrative Chief of Hoa Lu People's Committee, Mr. Huynh Van Tra, who signed the "invitation" letter. His questions included:

1. Why does she consistently give interviews to overseas media like RFA, VOA, etc. to "falsely" accuse the government and local authorities of wrong-doings?
2. Why is she continuing to practice her "unauthorized, unapproved, illegal" Lutheran faith?
3. What is her role in Vietnamese Women for Human Rights [an independent civil society organization in Vietnam]? Why is she joining this "illegal" CSO? Is Huynh Thuc Vy the head of VNWHR? How many members are there?
4. Why did she falsely accuse the police of confiscating her personal possessions on 30 March 2016 [the date they tried to prevent her from meeting with Ambassador David Saperstein.]?

She maintained that she did not have any wrong-doing to admit and she was telling the truth when giving interviews. She also asked them to explain the beating on April 14.

The "working" session was filmed. At one point, Mr. Nguyễn Văn Xứng, Police Chief of Hoa Lu Ward wanted to bring her to the police station – a more intimidating surrounding – but she refused to go. They let her go home as their doctor saw that she was weak. They said there would be more working sessions.

Mrs. Hong started a hunger strike to protest her mistreatment by the police.

From May 12 to 20, 2016 she was forcibly taken to the police station every day for further questioning. She was repeatedly ordered to sign a statement admitting guilt and exonerating police of any wrong-doing. She refused to comply. On May 20, police's doctor who monitored her vital signs concluded that

if this went on, then she would need to be hospitalized. Police brought her home at 10:30 AM. She ended her hunger strike.

On May 26, 2016, police sent her a notification requesting that she reported to their station for a working session the next day. She did not comply. The following day at 8 AM several police members came to her home to take her in for another working session. Her questioner did not identify himself but she recognized him as one of the three that had assaulted her on 30 March, preventing her from meeting with U.S. Ambassador At Large David Saperstein. She was again told to sign a pre-written statement, which she refused to. She responded that she had already signed a statement on May 11, in which she described the beatings and assaults that she had been subjected to. The authorities wanted her to sign a statement without any mention of the beatings or assaults. She was allowed to go home at 5pm. She was taken to the police station for questioning again on May 28.

On May 29, 2016, police interrogation intensified. Mrs. Hong was brought to the police station for two (2) daily working sessions. The police officers came to her house during the early morning hours while she was still in bed. They brought her to the police station, hence preventing her from attending Sunday mass service. Police officers from Town of Pleiku and Gia Lai Province conducted the working sessions. On May 30, she was brought to the police station again for working sessions separated by a break at noon. She resumed her hunger strike because if this continued, it would prevent her from visiting her husband. Mr. Thảo, police officer from the Town of Pleiku, requested her to write another statement negating all their wrong-doings or sign a statement prepared by them. She refused to comply. During the afternoon session, similar instructions were repeated to her and she again said no.

On May 31, 2016, Mrs. Hong was brought to the police station again for daily working sessions. Police officers Thảo, Thanh and Quốc Anh again asked her to sign a pre-written statement. She refused to speak and did not comply. In the afternoon session Mr. Thanh continued to question her. She refused to talk. For the next two days, Mr. Quoc Anh was the only one conducting the working sessions. He asked her to recount the meeting with US Ambassador At Large David Saperstein on March 30. She refused to talk.

On June 2, the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, and the Special Rapporteur on torture, Juan E. Méndez, issued a statement calling on the Government of Vietnam to stop the persecution of Ms. Tran Thi Hong. The statement was supported by the Special Rapporteur on the situation of human rights defenders, Mr. Michel Forst; the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Mr. Maina Kiai; the Special Rapporteur on violence against women, its causes and consequences, Ms. Dubravka Šimonović; and the Working Group on Arbitrary Detention. Her daily working sessions stopped.

On June 15, 2016, Mrs. Hong sent her complaint letter to the Director of Public Security of Gia Lai Province, Director of Public Security of Pleiku Town, Minister of Public Security, the Prime Minister, the President and the Speaker of the National Assembly, demanding an investigation into the abuses and torture committed by the local and provincial public security and authorities. After almost six months without response, on January 1, 2017, she sent a second complaint letter. It has remained unanswered.