

Vietnam's Persecution against Protesters during June 2018 Mass Demonstrations

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Joint Submission to the United Nations Committee Against Torture for the Examination of the First State Report of the Socialist Republic of Vietnam by:

- Boat People SOS (BPSOS)
- Defend the Defenders (DTD)
- Vietnamese Women for Human Rights (VNWHR)
- The Independent Journalists Association of Vietnam (IJAVN)
- Former Vietnamese Prisoners of Conscience (FVPOC)
- Association of Bau Bi Tuong Than



Boat People SOS

Founded in 1980 by former Vietnamese refugees, Boat People SOS (BPSOS) is a non-profit organization with branches in multiple cities in the United States and operations in Southeast Asia. For the past 38 years, BPSOS's international initiatives have defended the rights of asylum seekers, rescued victims of human trafficking, supported at-risk human rights defenders, and built capacity for persecuted religious and indigenous communities.

Website: <https://www.bpsos.org>

Defend the Defenders (DTD)

DTD, with members and partners in all regions of Vietnam, works to systematically report and document human rights violations, in Vietnamese and in English, on its website and assist local activists by training them in professional skills. DTD works closely with the Paris-based Reporters Without Borders (RSF), Amnesty International, and Civil Rights Defenders.

Website: <https://www.vietnamhumanrightsdefenders.net>

Vietnamese Women for Human Rights (VNWHR)

Vietnamese Women for Human Rights (VNWHR) protects and defends human rights with an emphasis on women's rights. VNWHR takes a unique perspective on government-organized NGOs (GONGOs), since VNWHR's founding responds directly to the failure of the Vietnam Women's Union to represent the interests of women inside Vietnam. VNWHR is a member of FORUM-ASIA and has been especially active with ASEAN engagement. Website:

<http://vnwhr.net/>

The Independent Journalists Association of Vietnam (IJAVN)

IJAVN is a Vietnamese civil society organization working for a progressive, democratic and pluralistic society. As a professional organization of independent journalists, it works to fight for freedom of the press and expression. It has members across Vietnam and in foreign countries.

Website: <http://vietnamthoibao.org>

Former Vietnamese Prisoners of Conscience (FVPOC)

FVPOC provides material and moral support for former prisoners of conscience. They also fight government discrimination against their families, especially protecting the children of former prisoners. While many of its members are barred from international travel and some remain under house arrest, but the organization still aims at contributing to and learning from ASEAN Civil Society Conference and ASEAN People's Forum. Website: <http://fvpoc.org>

Association of Bau Bi Tuong Than

Association of Bau Bi Tuong Than was established in 2013 in Ha Noi. Its members are all volunteers. The organization provides material and moral support to prisoners of conscience and land grabbing victims, and their families. The association does not have legal status because of the nature of its work.

Legislative Background

1. The Socialist Republic of Viet Nam signed the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) on November 7, 2013; Vietnam's National Assembly ratified it on November 28, 2014. Viet Nam submitted the ratification instrument to the United Nations General Secretary on February 5, 2015.
2. On September 13, 2017 the Government of Vietnam submitted to the Committee against Torture its state report under article 19 of the Convention pursuant to the optional reporting procedure, describing the measures it had taken to implement the UNCAT in the years 2015-2016.
3. According to this report, Vietnam's 2013 Constitution guarantees citizens the right to life and inviolability for all individuals as well as legal protection against torture, violence, coercion, corporal punishment, or any forms of harm to body, health, honor, and dignity (Articles 19 and 20).
4. Furthermore, Vietnam outlined sentencing guidelines in their 2015 Criminal Code which stipulates that Vietnam has an obligation to punish law enforcement officers who participate in voluntary manslaughter (Article 127), deliberately inflict bodily harm (Article 137), illegally arrest, detain, or imprison a person (Article 157), use torture (Article 373), and/or obtain testimony by duress (Article 374).
5. Nevertheless, acts of torture continue to be committed by Vietnamese public officials with impunity, in direct violation of Article 4 of the UNCAT:
 - “1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.
 - “2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.”
6. Similarly, Vietnamese public officials have regularly committed, with immunity, acts that qualify as cruel, inhuman or degrading treatment or punishment in direct violation of Article 16 of the UNCAT:
 - “Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”
7. This joint report focuses on the acts of torture or inhuman or degrading treatment committed by public officials, particularly the police, against participants and spectators during mass demonstrations in mid-June and its aftermath.

June 2018 Mass Demonstrations

Background

8. Mass demonstrations broke out in multiple locations in Vietnam on June 9 and 10 in opposition to two bills due to be imminently passed by Vietnam's National Assembly: the bill on Cyber Security and the bill on Special Economic Zones¹. The Cyber Security Law, which has to do more with internet censorship than with cyber security, passed on June 12; it aims to suppress criticisms of the government by further restricting Vietnam's already very limited space for freedom of expression. The Special Economic Zones Bill would allow foreign investors to lease land for up to 99 years in three to-be-established special economic zones in the strategic locations of Van Don, Phu Quoc and Van Phong. Many Vietnamese citizens became alarmed by the bill's language that favors Chinese investors and would open Vietnam's back door for China's territorial hegemony.
9. For two straight days tens of thousands of Vietnamese took to the streets in Ha Noi, Ho Chi Minh City, Nha Trang, Da Nang, Binh Thuan and other localities to protest the two bills. The demonstrations started on June 9 with tens of thousands of workers protesting in Tan Tao Industrial Park. The next day, mass protests were held in Ha Noi, HCM City, Nha Trang City, Da Nang City, Phan Ri Cua Town (Binh Thuan Province) and other localities. In some locations, such as in Binh Thuan Province, the protests went on for days.
10. Such large-scale, spontaneous protests occurring simultaneously in multiple cities are unprecedented in communist Vietnam. The protestors came from diverse backgrounds: workers, farmers, students, intellectuals, small business owners, housewives, religious leaders, etc. Most of them had never been involved in any prior activism.
11. The demonstrations were mostly peaceful. Protesters marched through the streets holding up banners and shouting slogans against the two bills. However, in Binh Thuan Province, a small number of protesters reacted with violence after security forces used water cannons, tear gas, and batons in a bid to disperse them. Some of these protesters occupied a government building that houses the Provincial People's Committee and burned a dozen government's vehicles.²
12. On June 17, hundreds of protesters took to the street to decry the passage of the Cyber Security Law and to call on the National Assembly to shelve the Special Economic Zones Bill. The National Assembly did not bring up this bill for a vote as it had originally planned.

¹ Mass protests sweep Vietnam for the first time in decades, Waging Non-violence, June 22, 2018, available at: <https://wagingnonviolence.org/feature/vietnam-protests-economic-zones-cyber-security/>.

² Nhiều người quá khích đập phá trụ sở UBND tỉnh Bình Thuận, VNExpress, June 11, 2018, available at: <https://vnexpress.net/tin-tuc/thoi-su/nhieu-nguoi-qua-khich-dap-pha-tru-so-ubnd-tinh-binh-thuan-3761624.html>.

Government Response

13. On June 10, a Sunday, the government deployed large numbers of rapid-response police troops, uniformed and plainclothes public security police agents, and militiamen to quell the largely peaceful demonstrations. In HCM City, the police and militia used Long Range Acoustic Devices (LRADs), tear gas, batons, and other weapons to forcefully suppress the protests and arrest protesters. According to eye witnesses, plainclothes agents disabled and immobilized protesters before taking them to detention facilities.³ Many video clips made available on Youtube and Facebook support the witnesses' claims. Security forces beat and arrested hundreds of protesters, according to State media and citizen journalists.
14. According to Vietnam's official media, the police department of HCM City alone made 310 arrests.⁴ Those arrested were reportedly held in makeshift facilities set up in Tao Dan Park and elsewhere. Of these, seven were held for investigation under criminal charges, 175 fined, and the remaining ones released without penalty.
15. On June 10 and for a number of subsequent days, family members of many of the detainees were not informed by the police of the arrest and detention. After their release, the detainees reported being beaten during detention, as well as having their cell phones and other belongings confiscated by their interrogators.
16. In Binh Thuan Province, the police used tear gas and water cannons to disperse the protestors. State media reported that security forces arrested around 200 protestors in this central province.⁵
17. Most of those arrested were forced to sign admissions of guilt prewritten or dictated by their interrogators. Those who cooperated were released after paying a fine. Those suspected of being organizers or key actors were separated from the rest, tortured during interrogation, and placed under temporary detention for investigation.
18. In Ha Noi, on June 10 police successfully prevented groups of protesters from achieving a critical mass at the city's center – the police promptly arrested protesters and took them to various police stations, where they were held until the late afternoon. Some detainees reported being punched by their captors.

³ Hundreds of Vietnamese protesters Arrested, Beaten During Nationwide Demonstrations, Crackdown Continues, Defend the Defenders, June 13, 2018, *available at*: <http://www.vietnamhumanrightsdefenders.net/2018/06/13/hundreds-of-vietnamese-protesters-arrested-beaten-during-nationwide-demonstrations-crackdown-continues/>.

⁴ Công an TP Hồ Chí Minh xử lý hơn 300 người kích động, gây rối trật tự, VOV, June 14, 2018, *available at*: <https://vov.vn/phap-luat/cong-an-tp-ho-chi-minh-xu-ly-hon-300-nguoi-kich-dong-gay-roi-trat-tu-774695.vov>.

⁵ Bình Thuận bắt giữ nghi can đưa tiền, xúi giục đi gây rối/ Binh Thuan arrests suspects allegedly giving out money to incite protest/ 24h.com, June 13, 2018, *available at*: <https://www.24h.com.vn/tin-tuc-trong-ngay/binh-thuan-bat-giu-nghi-can-dua-tien-di-quay-roi-c46a967165.html>.



Mass demonstration against two bills on Special Economic Zones and Cyber Security in Ho Chi Minh on June 10, 2018 (Picture from Facebook).



Protesters in Phan Ri Cua Town being detained by security forces on June 12 (Picture taken from Facebook page of Thao Teresa).

19. On June 12, right after the National Assembly passed the Cyber Security Law, plainclothes agents and militiamen in key cities went to the homes of known activists at about noon in a bid to prevent them from joining other would-be protesters. Some activists reported being trailed or prevented from going out of their houses by undercover police agents for days afterwards.
20. There were calls on Facebook for more protests on Sunday June 17, 2018. Authorities in HCM City placed the city under a state of emergency; the rapid-response police and militia set up barricades on key streets and patrolled prospective gathering sites, dispersing bystanders and randomly arresting those they deemed as suspects. The police rounded up about 200 individuals found gathering in small groups at the city's center and detained them in a makeshift detention facility in Tao Dan Park.⁶ All victims were interrogated. The police confiscated their cell phones and cameras and forced them to confess that they had disrupted public order and peace. Intent on obtaining information on the protest organizers (through their social media accounts, phone numbers, email addresses, etc.), the police demanded access to the victims' cell phones. Those who refused to comply were tortured, said witnesses.⁷
21. A number of the detainees were later segregated from the rest and taken to a different section of the makeshift detention facilities where savage beatings took place, according to stories told by the victims, their companions, or eye witnesses.⁸ Many detainees were also held in District 1 police stations. Families of the detainees were not notified of their detention. All detainees were released on the same or the following day. Most detainees were reportedly tortured.⁹
22. In the ensuing months, the police continued to arrest individuals suspected of being key actors behind the June mass demonstrations. Another wave of arrests occurred around Vietnam's Independence Day (September 2) as there were calls for additional mass protests. See Appendix 1 for the lists of individuals subjected to torture in connection to the waves of police arrests and detention from mid-June to early September.
23. By the end of September, at least 65 protesters had been convicted and 56 of them had been sentenced to between eight and fifty-four months of imprisonment on the charge of "disrupting public order." Another eight protesters were sentenced between five and eighteen

⁶ Over 100 People Arrested, Tortured in HCM City on Sunday amid Efforts to Halt Public Protest, Defend the Defenders, June 18, 2018, available at: <http://www.vietnamhumanrightsdefenders.net/2018/06/18/over-100-people-arrested-tortured-in-hcm-city-on-sunday-amid-efforts-to-halt-public-protest/>.

⁷ Black Sundays Report: Vietnamese People's Response To Police Brutality During June 2018 Protests, The Vietnamese, June 29, 2018, available at: <https://www.thevietnamese.org/2018/06/black-sundays-report-vietnamese-peoples-response-to-police-brutality-during-june-2018-protests/>.

⁸ Vietnam Authorities Beat, Arrest Demonstrators Protesting Economic Zone Draft Law, Radio Free Asia, June 18, 2018, available at: <https://www.rfa.org/english/news/vietnam/demonstrators-06182018144417.html>.

⁹ Black Sundays Report: Vietnamese People's Response To Police Brutality During June 2018 Protests, The Vietnamese, June 29, 2018, available at: <https://www.thevietnamese.org/2018/06/black-sundays-report-vietnamese-peoples-response-to-police-brutality-during-june-2018-protests/>.

months of probation on the same charge. Nine others are being held in pre-trial detention. See Appendix 2 for a list of convicted protestors.

24. The latest arrest in connection to the June 10 demonstrations was made on October 10. According to the state media, Le Minh The, 55, was arrested by the police of Can Tho Province for prosecution on charge of “abusing democratic freedoms” under Article 331 of the 2015 Penal Code. Citing the police, the article reported that The had incited people to participate in the June 10 demonstrations to oppose the draft laws on cyber security and on special economic zones.¹⁰



On July 23, a court in Binh Thuan province convicted ten individuals for "disrupting public order" and sentenced them to between 2 years and 3.5 years in prison for their participation in mass demonstration on June 10-11, 2018. (Source: AFP).

¹⁰ Lê Minh Thế bị khởi tố vì có hành vi xuyên tạc, October 10, 2018, available at: <https://tintuc.vn/le-minh-the-bi-khoi-to-vi-co-hanh-vi-xuyen-tac-post142328>.



On July 30, a court in Dong Nai Province convicted 20 people who participated in the mid-June mass demonstration. Five of them were given one year of probation each while 15 others were sentenced to between eight and 18 months. (Source: AFP)

Intimidation of released protesters

25. Upon release, detainees were immediately placed under surveillance by the local police of their respective home ward. Using intimidation and threats, the local police forced them to pledge not to participate in any future protests. In a number of circumstances, the local police also punished the released detainees by pressuring their landlords to evict them from their rented apartments and employers to fire them.
26. Activist Tran Van Chuc from the Central Highlands province of Lam Dong was attacked and persecuted by plainclothes agents after he had joined peaceful demonstrations in June.¹¹
27. In the case of Mr. Hua Hoang Anh, Kien Giang Province police interrogated him at the local commune's police station following the June 10 protests. On August 2, he died during an interrogation by the police that conducted at his home. The injuries on his head, neck and abdomen pointed to torture as the cause of death in spite of claims by the police that he had committed suicide.¹²

¹¹ Lam Dong Province-based Activist Assaulted after Participating in Peaceful Protest, Defend the Defenders, July 12, 2018, available at: <http://www.vietnamhumanrightsdefenders.net/2018/07/16/lam-dong-province-based-activist-assaulted-after-participating-in-peaceful-protest/>.

¹² Kien Giang Farmer Who Participates in June 10 Demonstration Deadly Injured During Police Interrogation, Defend the Defenders, August 3, 2018, available at: <http://www.vietnamhumanrightsdefenders.net/2018/08/03/kien-giang-farmer-who-participated-in-june-10-demonstration-found-dead-after-police-interrogation/>.

28. There were also cases of enforced disappearance involving protesters and those with ties to them; their family members were not informed of their arrests or detention. The victims included Tran Long Phi, seven members of the Hiến Pháp group,¹³ and American citizen Michael Nguyen.¹⁴

Cases in Point

29. The following cases illustrate the experiences of victims who suffered police brutality and torture during and in the aftermath of the June protests. They highlight the grave human rights violations that Vietnamese police and government officials have committed in response to peaceful demonstrations.

30. **Huynh Tan Tuyen**, 55, a resident of Ba Ria - Vung Tau Province, came to HCM City on June 10 to join the protest along with Ven. Thich Vinh Phuoc, a Buddhist Monk from Ba Ria – Vung Tau Province, and Hua Hoang Anh, a farmer from Kien Giang Province. The police apprehended Tuyen and Anh and loaded them and several other demonstrators into a police van. In the van, Tuyen was savagely beaten by several police agents; he suffered bruises to his face and three broken teeth. He, however, managed to kick open the back door of the van and escape while Anh held back the police agents, preventing them from pursuing Tuyen.

31. **Hua Hoang Anh**, 35, according to reports by other human rights activists who knew him, died during questioning by four police officers who visited Anh's home in Chau Thanh District, Kien Giang Province on August 2. They questioned him about his involvement in the June 10 protest. When his wife came to the living room from the kitchen where she was making tea, she found Anh on the floor with injuries to his head, neck and abdomen. Anh reportedly died later that day after being brought to a district hospital – likely from hemorrhaging. The Kien Giang Police Department claimed that he had committed suicide. Local authorities reportedly forced Anh's family to bury him the following day, making it practically impossible to investigate the true cause of death. On August 6, Amnesty International called on the Vietnamese authorities to “immediately initiate a thorough and impartial investigation into allegations that police officers tortured and killed Hua Hoang Anh.”¹⁵

32. **Nguyen Thuy Hanh**, 53, was arrested by the police as she joined a protest in Ha Noi on June 10. They held her at a cafeteria at the Dong Da District police station where several police

¹³ Nine Members of Constitution Group Arrested in Early September: Facebooker Nguyen Uyen Thuy, Defend the Defenders, September 24, 2018, available at: <https://www.vietnamhumanrightsdefenders.net/2018/09/24/nine-members-of-constitution-group-arrested-in-early-september-facebooker-nguyen-uyen-thuy/>.

¹⁴ Vietnam Arrests US Citizen, Four Locals on Subversion Allegation amid Growing Social Dissatisfaction, Defend the Defenders, July 28, 2018, available at: <https://www.vietnamhumanrightsdefenders.net/2018/07/28/vietnam-arrests-us-citizen-four-locals-on-subversion-allegation-amid-growing-social-dissatisfaction/>.

¹⁵ Rights Group Calls For Independent Probe of Vietnam Farmer's Death in Police Custody, Radio Free Asia, August 6, 2018, available at <https://www.rfa.org/english/news/vietnam/probe-08062018164915.html>.

officers beat her savagely.¹⁶ She reported that a member of the Dong Da District Police punched her repeatedly while riding with her in a taxi from the cafeteria to the police station of Trung Tu Ward, where her home was located. The beating continued at this police station where they held her and seven other activists. She was released at midnight the same day, with large bruises on her face and body.¹⁷

33. **William Anh Nguyen**, 32, a US citizen from Houston, was arrested on June 10. He was visiting Vietnam after completing his Master's degree program at the National University of Singapore. He joined a group of protesters in HCM City. Plainclothes agents apprehended him, beat him, shoved him into a police car, and transported him to a detention facility of the HCM City Police Department. Photos and videos of the police dragging him in the street, with his face bloodied, were widely disseminated in the international news media along with interviews with his relatives. The U.S. Department of State called for his immediate release; several members of the U.S. Congress threatened serious consequences unless Vietnam released him. On July 20, the People's Court for HCM City convicted Nguyen of disrupting the public order under Article 318 of the country's 2015 Penal Code and ordered his immediate deportation. He flew back to the United States shortly thereafter.¹⁸

34. Activist **Nguyen Dang Vu** (Facebooker Nguyen Peng), 33, was arrested simply for his intention to observe and photograph demonstrations that did not actually happen. In the afternoon of June 12, anticipating public discontent and potential unrest on the day the National Assembly passed the Cyber Security Bill, he went to Hoang Van Thu Street in HCM City to take pictures. The police arrested and detained him until the late afternoon of June 13.

35. **Nguyen Huu Tin**, 28, was arrested in the evening of June 15 by the police of Ward 15, Tan Binh District, and detained at their police station for interrogation for three days about his participation in the peaceful demonstration in HCM City on June 10. Tin was tortured when he refused to answer a number of their questions that involved private information about himself and his acquaintances.

36. **Dang Minh Ty, aka Tee Dang**, 47, an American citizen residing in San Jose, California, was arrested by the public security police on June 16, while taking pictures at a tourist site. He was taken to Ward 6, District 3. As he refused to surrender the password to his mobile phone, his interrogators tortured him. One of them choked Ty with his hands while two

¹⁶ POLICE DETAIN AND BEAT PROTESTORS DEMONSTRATING AGAINST NEW LAWS, Monitor Tracking Civic Space, June 11, 2018, available at: <https://monitor.civicus.org/newsfeed/2018/06/11/police-detain-and-beat-protestors-demonstrating-against-new-laws/>.

¹⁷ Hundreds of Vietnamese Protestors Arrested, Beaten During Nationwide Demonstrations, Crackdown Continues, Defend the Defenders, June 13, 2018, available at: <https://www.vietnamhumanrightsdefenders.net/2018/06/13/hundreds-of-vietnamese-protestors-arrested-beaten-during-nationwide-demonstrations-crackdown-continues/>.

¹⁸ Vietnam to deport American citizen who joined rare protest, The Washington Post, July 20, 2018, available at: https://www.washingtonpost.com/world/vietnam-to-deport-american-citizen-who-joined-rare-protest/2018/07/20/5f62e46a-8be2-11e8-8b20-60521f27434e_story.html?utm_term=.e64ce69af918.

others twisted his right arm. They bent Ty's fingers until they almost broke, causing intolerable pain that persisted after more than 50 days. One interrogator by the name Nguyen Huu Phap kicked Ty's ribs several times with his hard boot while punching Ty in the head and slapping him using his full strength. Ty had difficulty breathing due to pain. Despite Ty's pleading, his interrogators continued to torture him. When Ty demanded that his right as an American citizen be honored, his torturers stopped their interrogation session and passed him to six officers of the Police Department of Ho Chi Minh City. These officers interrogated Ty, using threats but without physical violence. They split into three two-men teams and took turn interrogating Ty until 8 p.m., with one man on each team playing "the bad cop" and the other "the good cop". They wanted him to admit that he was part of an American plot to incite Vietnamese citizens to protest their government's new cyber security law and the bill on special economic zones, and also to admit that he was working in collaboration with another Vietnamese American, William Nguyen, whom the police had detained. The interrogators wanted Ty to confess that the two brought dollars from the United States to pay people in Vietnam to join the protest. Ty said that he did not know who William Nguyen was, recounted the torture session, and asked for medical examination and treatment; he requested the police to notify the U.S. Embassy and demanded access to legal counsel. The interrogators threatened to resume the torture session if he failed to cooperate. After using an electronic device to unlock his phone, they searched through his Facebook account for information on his contacts. After the interrogation session, they locked the door and let Ty spend the night in the interrogation room, in pain. Ty spent the night without any medical care; he used the interrogation table for bed but could not sleep because of his wounds. At 8 a.m. on June 17, the interrogators resumed their work. At 2 p.m., they asked Ty to write a confession stating that while he was trying to escape from the police, he fell from his motorbike and injured himself. They also wanted him to read aloud the confession on videotape. He did not go along. Finally, the policemen had to write a report claiming that they had arrested him because he failed to notify the authorities where he was staying locally, and he did not have all the required permits when riding the motorbike around town. They let his father-in-law pay an administrative fine and released him at 8:30 p.m. After release, Ty reported his detention and the torture session to the US Consulate General in HCM City.

37. **Trinh Van Toan**, 38, was arrested on June 17. According to an eye-witness, he was beaten during police interrogation. As he objected, the interrogators took him to a closed room where he was beaten unconscious. They released him later but he collapsed at the door. He was taken to a hospital, where medical examination reportedly showed he suffered from something akin to hydrocephalus after being beaten by several interrogators. His wife **Nguyen Thanh Loan** was also beaten and injured on the same day. The interrogators seized the couple's cell phones.¹⁹

38. Law student **Truong Thi Ha**²⁰ was taken into custody with two other friends when they were hanging out by the Notre Dame Basilica at the center of HCM City on June 17. The police of

¹⁹ "Vietnam: Over 100 People Arrested, Tortured in HCM City on Sunday amid Efforts to Halt Public Protest", Asian Human Rights Defenders, June 18, 2018, available at: <https://asianhrds.forum-asia.org/?events=vietnam-over-100-people-arrested-tortured-in-hcm-city-on-sunday-amid-efforts-to-halt-public-protest>.

²⁰ <https://www.facebook.com/htruongtoiyeulaut>.

District 1 detained her at Tao Dan Park from 10 a.m. to 9 p.m. Because she exercised her right to remain silent during the interrogation, her interrogators convened the vice dean of her law school to the interrogation session. To humiliate her, they slapped her several times and beat her in the presence of the vice dean.

39. **Pham Thi Thanh Truc**²¹ is a student at the University of Economics of HCM City. She participated in the demonstration on June 10 but was arrested and detained on June 17. The police forced her to sign a statement admitting that she had received money from "foreign forces" to join the protest. When she refused, the police kicked her back so hard that she still coughed up blood several days after being released.

40. **Uyen Phuong** was hanging out with a friend and her small child in the morning of June 17 at the Notre Dame Basilica and taking videos of surrounding areas when police approached her and requested to examine the video footage she took. Phuong agreed but asked for the reason of such a request. In response, plainclothes policemen pulled her into a van. She asked for the identities of the people who arrested her and the reason for the arrest but the policemen remained silent and confiscated her phone. Later, she was taken to Tao Dan Park where she witnessed the police checking detainees' personal belongings, searching them, and brutally beating a number of them.²²

41. According to a statement released by Le Hieu Dang Club, on June 17, many people were aggressively detained by security forces while walking in the HCM City's center and became subjects of police torture in custody. Among the tortured victims were **Ms. Dinh Thi Thu Thuy** from Hau Giang, **Ms. Vo Thi Tuyet Le** from Binh Chanh District, HCM City, couple **Vu Tien Chi-Pham Thi Uyen Thy** from Bao Loc City, Lam Dong, journalist **Nguyen Nam Duong** from Tay Ninh, **Mr. Nguyen Phong** (the husband of journalist Le Bao Nhi from Thu Duc District, HCM City).²³

42. **Michael Phuong Minh Nguyen**, 54, an American citizen, residing in Orange, California, was abducted²⁴ on July 6 from the bus he rode back to HCM City from Da Nang City. He did not participate in any of the mass demonstrations as he had only arrived in Vietnam as a tourist in late June. He traveled from HCM City to Hue and then to Da Nang with three Vietnamese friends: **Tran Long Phi**, 22, **Huynh Duc Thanh Binh**, 22, and **Thomas Quoc Bao**. On their way back to HCM City on July 6, they disappeared around the time their bus presumably pulled into the bus station. None of their families received any notification of the arrests. On the following day, Huynh Duc Thinh, Binh's father, was arrested at his home in Lam Dong Province. Phi, Binh, and Thinh had reportedly participated in the June 10

²¹ <https://www.facebook.com/tru.truc.165>.

²² <https://www.facebook.com/100010220342865/posts/666640107019995/>.

²³ Tuyên bố chống tra tấn và trừng phạt hoặc đối xử tàn ác, vô nhân đạo/ Statement against torture, inhumane or degrading treatment, available at: <https://chantrioimoi.com/2018/06/27/tuyen-bo-chong-tra-tan-va-trung-phat-hoac-doi-xu-tan-ac-vo-nhan-dao/>.

²⁴ Vietnam Arrests US Citizen, Four Locals on Subversion Allegation amid Growing Social Dissatisfaction, Defend the Defenders, August 3, 2018, available at: www.vietnamhumanrightsdefenders.net/2018/07/28/vietnam-arrests-us-citizen-four-locals-on-subversion-allegation-amid-growing-social-dissatisfaction/.

demonstrations in HCM City. After twelve days without any news of Michael Nguyen's whereabouts, on July 18 his wife filed a missing person report with the U.S. Embassy in Vietnam and the U.S. Department of State. On July 26, an officer at the U.S. Consulate General in HCM City confirmed with her Michael Nguyen's arrest and explained that its American Citizen Service unit had not succeeded in gaining access to Michael Nguyen. This was in contravention of the mutual agreement between Vietnam and the United States that the U.S. Consulate must be notified and allowed access to a U.S. citizen within 96 hours of his arrest. According to a reliable source, Binh was a member of Vietnamese College Students for Human Rights. On August 6, HCM City police informed his family that he was charged with subversion²⁵ under Article 109 of the 2015 Penal Code.

²⁵ Young Activist Huynh Duc Thanh Binh Charged with Subversion, Defend the Defenders, August 8, 2018, available at: <https://www.vietnamhumanrightsdefenders.net/?s=%22huynh+duc+thanh+binh%22>.



Huynh Tan Tuyen after being rescued by other demonstrators, HCM City, June 10, 2018 (anonymous source).



Vietnamese American William Anh Nguyen was beaten and detained by plainclothes agents in Ho Chi Minh City on June 10, 2018.

International Response

43. Vietnamese civil society organizations, international human rights organizations, the U.S. Department of State, and a number of U.S. members of Congress have publicly denounced the brutality surrounding the mass demonstrations in June.

44. On June 15, Human Rights Watch criticized the Vietnamese government for having massively violated its citizens' freedom of peaceful assembly:

“People should be protected in holding demonstrations, especially around issues of great public interest... [b]ut with Vietnam’s poor record of handling protests, there’s every reason to believe that police are punishing dissent, not simply keeping public order.”²⁶

45. On June 18, Amnesty International called on the Vietnamese government to investigate reports of torture committed by the police against peaceful protesters:

“These reports of protestors being tortured are deeply disturbing. We urge the Vietnamese authorities to launch a prompt, thorough and effective investigation into the claims and to hold anyone suspected of being responsible to account...[t]he wave of mass arrests over the weekend was nothing more than retribution against people who had simply expressed their concern about a government policy. Viet Nam’s authorities cannot hide behind the excuse of maintaining public order as a license to persecute and lock up peaceful protestors. Those detained have been denied their rights to liberty, freedom of expression, peaceful assembly and due legal process and must be immediately and unconditionally released.”²⁷

46. On June 26, on the occasion of International Day in Support of Torture Victims, a number of Vietnamese religious and civil society groups signed on to a joint statement initiated by Le Hieu Dang Club condemning the use of violence against peaceful protesters:

“We convey to the government authorities of Vietnam and HCM City our strongest protest. [We] demand the authorities to prosecute, investigate, [and] try those who gave the order and those who directly arrest, torture, beat, humiliate innocent citizens, especially the victims who were beaten [and] arrested against the law from June 10, 2018 to June 17, 2018 in HCM City and in other cities and provinces. [The authorities] must treat, compensate and apologize to the victims who were arrested, tortured, beaten, [or] humiliated.”²⁸

²⁶ Vietnam: Investigate Police Response to Mass Protests, Human Rights Watch, June 15, 2018, *available at*: <https://www.hrw.org/news/2018/06/15/vietnam-investigate-police-response-mass-protests>.

²⁷ Viet Nam: Authorities must investigate torture allegations following mass arrests, Amnesty International, June 18, 2018, *available at*: <https://www.amnesty.org/en/latest/news/2018/06/viet-nam-authorities-must-investigate-torture-allegations-following-mass-arrests/>.

²⁸ Tuyên bố chống tra tấn và trừng phạt hoặc đối xử tàn ác, vô nhân đạo/ Statement against torture, inhumane or degrading treatment, *available at*: <https://chantrioimoi.com/2018/06/27/tuyen-bo-chong-tra-tan-va-trung-phat-hoac-doi-xu-tan-ac-vo-nhan-dao/>.

47. On July 19, U.S. Congressman Alan Lowenthal publicly threatened severe consequences if Vietnam failed to release William Nguyen, an American citizen:

“...the Vietnamese judicial system’s track record on fair procedures is poor, and unfortunately the courts all too often are an extension of the central government’s desires...[i]f the Vietnamese government choses to go down this road – to unjustly imprison William – I predict there will be swift and decisive consequences from the U.S. Congress. Such a decision by the Vietnamese government would almost instantly launch a serious debate on Capitol Hill over potential financial, diplomatic, and political repercussions. It would be a serious miscalculation by the Vietnamese government to believe that we will allow William to languish in a foreign prison for something he has not done... [w]e will not stand by and let an American citizen be falsely imprisoned by an authoritarian regime.”²⁹

48. On August 10, U.S. Congresswoman Mimi Walters held a press conference to condemn the arbitrary arrest and detention of Michael Nguyen, an American citizen:

“Today, I met with the Nguyen family to discuss our efforts to bring Michael home safely. I share their deep concern about his wellbeing and outrage over his imprisonment by the Vietnamese government. Tomorrow, I will speak with the United States Embassy in Vietnam to coordinate efforts to secure Michael’s immediate release. I will remain in close contact with the White House and State Department to ensure there are no bureaucratic delays. I will do everything in my power to ensure Michael is released and safely returned home to his family.”³⁰

49. On October 1, 21 members of Congress wrote to U.S. Secretary of State Mike Pompeo expressing deep concern over Michael Nguyen’s arrest and detention:

“Mr. [Michael] Nguyen’s arrest is greatly troubling given that we believe Mr. Nguyen was unjustly detained in an attempt to suppress local activism. Equally concerning is the Vietnamese government’s delay in providing a formal charge against Mr. Nguyen. While awaiting a charge, he may remain under arrest for up to five months.”

²⁹ “Congressman Lowenthal Expects Exoneration In William Nguyen Case; If Not, Predicts Consequences For Vietnam Govt”, available at: <https://lowenthal.house.gov/news/documentsingle.aspx?DocumentID=398960>.

³⁰ Rep. Mimi Walters Meets With Family of Michael Nguyen, U.S. Citizen Imprisoned In Vietnam, available at: <https://walters.house.gov/media-center/press-releases/rep-mimi-walters-meets-family-michael-nguyen-us-citizen-imprisoned>.

Analysis

Following Vietnam’s ratification of the UNCAT in November 2014, the government issued its Initial Report on its implementation of the Convention in September 2017.³¹ Despite Vietnam’s assurances that it is complying with UNCAT’s provisions, the preceding information has highlighted that torture, degrading treatment, prolonged arbitrary detention, and other serious human rights violations have continued unabated. Below, we present selected statements from Vietnam’s Initial Report that are incongruous with its actions during and after the June 2018 protests:

Initial State Report	Evaluation
<p>“To disseminate and propagate the UNCAT, Viet Nam has promulgated the Government Plan, plans of ministries and agencies; popularization plans at central and local level in various forms for cadres, civil servants and public employees..., requiring that the dissemination, popularization and implementation of laws related to the prevention and combat against torture and the UNCAT be conducted in a frequent and consecutive manner and associated with the effective implementation of criminal procedure law.”³²</p>	<p>The torture and unjust convictions stemming from the June 2018 protests demonstrate that Vietnam has not implemented UNCAT in a “frequent and consecutive manner,” despite having had several years to implement basic elements of the Convention.</p>
<p>“Right from the time of studying the UNCAT’s accession, the Drafting Committee of the Criminal Code, the Criminal Procedure Code, the Law on Execution of Temporary Custody and Detention, etc. has studied and proposed the transformation of provisions of the UNCAT into internal laws. The results can be seen in provisions of laws, which are adopted in 2015. Hence, Viet Nam has actively transformed the provisions of the UNCAT into internal laws in the first year after becoming State Party of the UNCAT.”³³</p>	<p>Though Vietnam has codified provisions of the UNCAT into its Criminal Code, including provisions against the intentional infliction of bodily harm and torture in Articles 137 and 373, it has failed to uphold those laws, as demonstrated by its actions during and following the June 2018 protests. As such, no weight can be given to Vietnam’s codification of UNCAT into internal laws.</p>

³¹ Initial reports of States parties due in 2016, Viet Nam, United Nations Committee Against Torture, *available at*: https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fVNM%2f1&Lang=en.

³² *Id.* at paragraph 131.

³³ *Id.* at paragraph 59.

<p>“In Viet Nam, crimes having torture nature are not popular, accounting for a small proportion in overall crimes committed. From 2011 to 2015, the People’s Courts have handled and tried in the first instance 10 cases of applying corporal punishment, there haven’t got any case of offence of obtaining testimony by duress or offence of bribing or coercing other persons to make false declarations or to supply false documents. According to statistics in 2010 and 2011, there was no case; in 2012, there were 4 cases (0.0061% of total cases tried); in 2013, there was 01 case (0.003% of total cases tried in the first instance); in 2014 there were 3 cases (0.0045% on total cases tried in the first instance); in 2015 there were 02 cases (0.0033% on total cases tried in the first instance).”³⁴</p>	<p>During and after the June 2018 demonstrations alone, there were at least 21 reported incidents of torture in police custody.³⁵ As such, it is likely that either Vietnam’s country-wide statistics from 2011 to 2015 are highly inaccurate, or the prevalence of torture has vastly increased after Vietnam’s accession to the UNCAT.</p>
<p>“There have not been many cases related to obtaining testimony by duress or applying corporal punishment in Viet Nam and each case has been strictly handled.”³⁶</p>	<p>As demonstrated in this report, many of those detained following the protests were coerced into providing false testimony and physically abused for refusing to sign false statements as prepared or dictated by the police interrogators. Torture and cruel and degrading treatment were widely used, contrary to Vietnam’s claim.</p>

³⁴ *Id.* at paragraph 59.

³⁵ *Infra* Appendix 1.

³⁶ *Supra* note 31, at paragraph 199.

Recommendations

We offer the following recommendations to the Socialist Republic of Vietnam:

- (1) Release immediately and unconditionally those who were imprisoned as a result of their participation in the recent demonstrations as peaceful protesters;
- (2) Immediately conduct investigations into all reported incidents of torture and acts of violence committed by the public security police, the mobile police and other public officials relating to the crackdown against participants and by-standers during and following the mass demonstrations in June 2018. The following actions should be taken after proper investigations:
 - a. Duly prosecute and punish those found guilty of torture or other acts of cruel, inhuman or degrading treatment or punishment; and
 - b. Properly and promptly compensate all victims of such crimes;
- (3) Ensure that all civil suits filed by victims against their persecutors be fairly adjudicated without interference by the government or the communist party;
- (4) Conduct training for all members of the police, people's committees and the people's procuracy about Vietnam's obligations under UNCAT and all implementing provisions in Vietnam's laws;
- (5) Establish an independent monitoring body at the national level to monitor the implementation of UNCAT, receive reports from citizens, ensure proper investigation of all reported violations, inform and educate the public about UNCAT, and advise the government on improvement measures;
- (6) Remove its reservation on Article 20 of the UNCAT; and
- (7) Invite the UN Special Rapporteur on Torture to visit Vietnam for meetings with government officials, civil society organizations, human rights advocates and victims of torture or cruel, inhuman or degrading treatment or punishment.

We recommend the following to the Office of the UN High Commissioner for Human Rights:

- (1) Hold Vietnam accountable to its 2013 Constitution (under Articles 19, 20, and 25) by closely monitoring its enforcement of the stipulated protective measures already in place that prevent and criminalize torture and maintain the right to the freedom of peaceful assembly (see Paragraphs 3 & 4 for details);
- (2) Invoke the legal commitments to human rights outlined in international treaties to which Vietnam is a state-party, particularly the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights (ICCPR);

(3) Request that Vietnam invite the UN Special Rapporteur on Torture for a country visit in the immediate future, guaranteeing unhindered access to civil society organizations, human rights defenders and victims of torture.

Appendix 1: Activists beaten and tortured during and following June 2018 demonstrations

No.	Name	Gender	Age	Place of torture	Date of torture	Note
<i>In Ha Noi</i>						
1	Nguyen Thuy Hanh	female	56	Trung Tu police station, Dong Da district	June 10, 2018	
2	Cao Vinh Thinh	female	30	Trung Tu police station, Dong Da district	June 10, 2018	
<i>In HCM City</i>						
1	Trinh Van Toan	male	38	Tao Dan Park	June 17	
2	Nguyen Thanh Loan	female		Tao Dan Park	June 17	
3	Truong Thi Ha	female		Tao Dan Park	June 17	
4	Pham Thi Thanh Truc	female		Tao Dan Park	June 17	
5	Uyen Phuong	female		Tao Dan Park	June 17	
6	Mr. Pham	male	32	Tao Dan Park	June 17	film director
7	Nguyen Ngoc Lua	female		Tao Dan Park	June 17	
8	Dinh Thi Thu Thuy	female		Tao Dan Park	June 17	
9	Nguyen Huu Tin	male			June 15-17	Interrogation, beaten
10	William Anh Nguyen	male		District 1	June 10	US citizen
11	Nguyen Phuong Thao	male		District 1	June 10	Tay Ninh
12	Hua Hoang Anh	male	35	Le Duan street, District 1	June 10	Died on Aug 2, Kien Giang during interrogation

13	Huynh Tan Tuyen	male	33	Le Duan street, District 1	June 10	Ba Ria-Vung Tau
14	Nguyen Thi Tam	femal	37	Hoang Van Thu, Tan Binh district	June 10	
<i>In Other locations</i>						
1	Peter Lam Bui	male		Danang	June 10	Beaten
2	Cao Hoang Tram Anh	female		Nha Trang	June 25	Abducted and tortured for several hours³⁷
3	Tran Van Truc	male		Lam Dong	July 6	Attacked at home
4	Huynh Thuc Vy	female		Dak Lak	Aug 9	Detained
5	Nguyen An	male	60	Dong Nai	Aug 15-27	Kidnapped, detained

³⁷ Vietnam Female Activist Kidnapped, Tortured after Participating in Peaceful Demonstrations, Defend the Defenders, June 29, 2018, available at: <http://www.vietnamhumanrightsdefenders.net/2018/06/29/vietnam-female-activist-kidnapped-tortured-after-participating-in-peaceful-demonstrations/>.

Appendix 2: Convicted demonstrators

No	Name	Gender	Allegation(s)	Sentence
<i>In Dong Nai province</i>				
1	Tran Nguyen Duy Quang	male	Art. 318	18 months
2	Pham Ngoc Hanh	female	318	16 months
3	Nguyen Ngoc Lieu	female	318	10 months
4	Nguyen Thi Ngoc Phuong	female	318	10 months
5	Nguyen Thi Truc Anh	female	318	10 months
6	Dinh Ma Phong	male	318	10 months
7	Nguyen Thi Thuy Dung	female	318	10 months
8	Ho Cong Di	male	318	10 months
9	Nguyen Thi Lan Anh	female	318	10 months
10	Pham Ngoc Huyen	male	318	10 months
11	Vo Nhu Huynh	male	318	8 months
12	Doan Van Thuong	male	318	10 months
13	Nguyen Thanh Toan	male	318	10 months
14	Diep Ut Tien	female	318	10 months
15	Dinh Kha Ly	female	318	10 months
16	Nguyen Thi Tuan	female	318	12-m probation
17	Nguyen Thi Truc Ly	female	318	14-m probation
18	Nguyen Thi Thuy	female	318	14-m probation
19	Pham Van Linh	male	318	12-m probation
20	Nguyen Dinh Truong	male	318	12-m probation
<i>In Binh Thuan Province</i>				
1	Nguyen Van Minh	male	318	2.5 years
2	Nguyen Van Hung	male	318	2.5 years
3	Nguyen Phuong Dong	male	318	2.5 years
4	Nguyen Van Manh	male	318	2.5 years
5	Nguyen Dinh Vu	male	318	2 years
6	Tran Thi Ngoc	female	318	2 years
7	Nguyen Minh Hai	male	318	1.5 year probation
8	Pham Van Sang	male	318	3.5 years
9	Do Van Ngoc	male	318	3.5 years
10	Ngo Van Dat	male	318	3 years

11	Nguyen Chuong	male	Art. 318	3 years
12	Ngo Duc Duyen	male	318	2.5 years
13	Pham Thanh Nam	male	318	2.5 years
14	Le Van Liem	male	318	2.5 years
15	Nguyen Ngoc Sang	male	318	2.5 years
16	Nguyen Van Meo	male	318	2 years
17	Nguyen Minh Kha	male	318	2 years
18	Pham Thanh	male	318	4.5 years
19	Dang Ngoc Tan	male	318	4 years
20	Dang Van Tuan	male	318	4 years
21	Bui Thanh Tu	male	318	4 years
22	Nguyen Van Tien	male	318	4 years
23	Nguyen Van Thuan	male	318	3.5 years
24	Nguyen Ngoc Binh	male	318	3.5 years
25	Nguyen Van Tan	male	318	3.5 years
26	Do Van Thang	male	318	3.5 years
27	Nguyen Tan Vu	male	318	3.5 years
28	Ho Van Tam	male	318	3 years
29	Nguyen Van Hung	male	318	3 years
30	Nguyen Van Hieu	male	318	3 years
31	Tran Van Xi	male	318	3 years
32	Ngo Duc Thuan	male	318	2 years
<i>In Ninh Thuan Province</i>				
1	Nguyen Van Nghia	male, 29	318	2 years
2	Nguyen Thi Lung	female, 40	318	1 year
3	Nguyen Thi Nhu Hoa	female, 43	318	9 months
4	Nguyen Huu Thanh	male, 27	318	8 months
5	Nguyen Doan Phuoc My	male	318	6-month probation
6	Truong Thanh Kiet	male	318	5-month probation
<i>In Nha Trang</i>				
1	Nguyen Nhu Y	male	318	15 months
2	Ta Thanh Duy	male	318	15 months

<i>In Ho Chi Minh City</i>				
1	William Nguyen	male	Art. 319	Deportation to the US
2	Nguyen Van Tuan	male	318	3 years
3	Truong Ngoc Hien	male	318	2 years
4	Nguyen Huynh Duc	male	318	1 year
5	Bui Van Tien	male	318	1 year
<i>In pre-trial detention</i>				
1	Huynh Truong Ca	male	Art. 117	Pre-trial detention
2	Ngo Van Dung	male	118	Pre-trial detention
3	Doan Thi Hong	female	unknown	Pre-trial detention
4	Tran Hoang Lan	female	unknown	Pre-trial detention
5	Do The Hoa	male	unknown	Pre-trial detention
6	Tran Phuong	male	unknown	Pre-trial detention
7	Hung Hung	male	unknown	Pre-trial detention
8	Ho Dinh Cuong	male	118	Pre-trial detention
9	Huynh Thi Thu Vang	female	118	Pre-trial detention
10	Le Minh the	Male	331	Pre-trial detention