

Torture and police brutality in Vietnam: Prevalent and tolerated by the regime

In 2013, Vietnam signed [the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment \(CAT\)](#). The National Assembly ratified it in 2014, and this important Convention entered into force in the country in 2015. Despite its obligations as a State party to the Convention, police brutality, torture, and lethal beatings are prevalent and inhuman treatments towards prisoners, especially prisoners of conscience, are common.

Legislative shortcoming exacerbates the lack of essential safeguards against torture. Article 20 of the Constitution of Vietnam guarantees the inviolability of the individual and the legal protection against torture, violence, coercion, corporal punishment or any form of treatment harming body, health, honor and dignity. Article 10 of the Vietnam's 2015 Criminal Procedure Code also prohibits torture, corporal punishment, and "any other forms of treatment that violate a person's body, life and health". But, in direct contradiction to such protections, Article 137 of the 2015 Criminal Code allows law enforcement officers to use violence in circumstances "in which infliction of bodily harm is permitted by law".

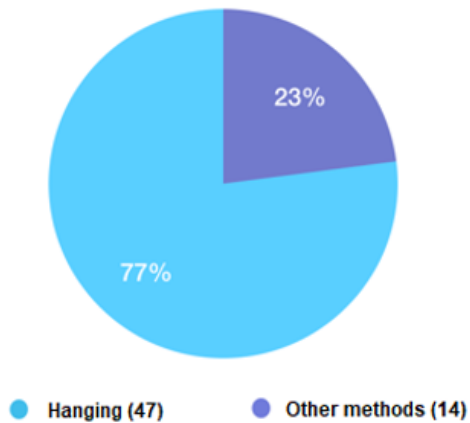
In addition, vaguely-defined national security provisions in the Criminal Code and other legislation are often invoked to justify lengthy pre-trial detention, denial access to legal defense, or discriminatory treatments of peaceful human rights advocates and religious activists.

Police brutality and deaths in custody

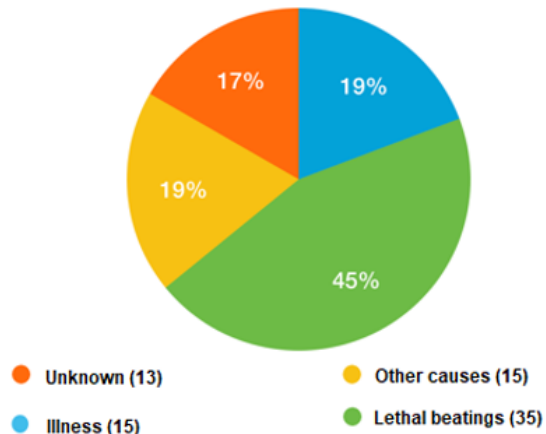
Research by VN-CAT tallies **169 incidents between 2010 and 2018**. Those **include 30 cases of torture** and severe police brutality and **139 fatalities**. HoChiMinh City has the highest number of deaths in police custody with 14 cases. Hanoi follows next with 11 cases.

The number of alleged suicides accounts for 44% of all deaths. Of those 61 suicide cases, 47 were reported as hanging (more than three-quarter the number of suicide and one-third of all fatalities), 14 by other methods. 13 died from unknown causes, 15 from illness, 35 from serious injuries sustained while in police custody such as traumatic brain injury, collapsed lungs, fractured skull, broken bones and punctured intestine. Another 15 deaths were due to various causes, including falling, drowning, electrocution, and police shooting.

Suicide breakdown



Other causes breakdown



The situations around many suicide cases are absurd or even impossible. Several of the deceased were said to have hung themselves using unusual articles such as shirts, pants, towel or even shoelaces. The police of Ba Dinh district in Hanoi ruled the death of **Mrs. Nguyen Hong Luong**, a petitioner in a land dispute, a suicide by self-immolation inside the police station. However, her family members told the media that autopsy revealed that in addition to burns, she also had a fractured skull and five broken ribs. The police of Dong Da district, also in Hanoi, notified the family of **Hoang Tuan Long**, who had been detained on suspicion of drug possession, that he killed himself by biting on his tongue. However, autopsy showed 4 broken ribs, heart hematoma, gallbladder swelling and inflamed internal organs.

Threats and reprisals against the victims and their family

Impunity and cover-ups are prevalent. Victims and their families are often pressured or threaten into accepting unjust ruling of the authority and not seeking justice.

Hoa Hao Buddhist **Nguyen Huu Tan**, who died within 10 hours in police custody with a cut that ran from ear to ear, his windpipe severed, his neckbone exposed. His forehead was bruised and the skull around the forehead and the side of his head was soft. Yet his death was ruled a suicide and the authorities in Vinh Long province pressured his family to accept the police conclusion or face arrest and prosecution on subversion charge.

Ngo Thanh Kieu, a victim of duress who died after having been brutally tortured by the police for 5 hours. The forensic report detailed 63 injuries on his body, which included fractured skull, brain hemorrhage, punctured lungs, testicular rupture, bruises and hemorrhage in the thighs and legs, several burn marks on his body. His older sister did not agree with the lenient sentences the perpetrators received. She appealed to the upper court for reconsidering of the case. But her family suffered from attacks and serious threats. Her husband was allegedly injured in a staged traffic accident; her high school son was frequently attacked by bullies and told to ask his mother to drop the appeal. One morning, the bloody body of a dead cat was thrown into her yard with a note that said, "Stop it, or your whole family will end up like this cat." The authorities in Phu Yen province, however, refused to investigate those violent acts of terror.

There appears to be a notable pattern of impunity when police officials attributed most deaths in custody to suicide and the perpetrators were merely charged with “negligence” or no investigation was carried out at all. For example, under the leadership of [Colonel Pham Van Ngan, the Deputy Chief of Vinh Long provincial police](#) and the Head of Police Investigation, **five cases of deaths in police custody** were reported by state media between 2012 and 2018, including three at the same detention center. One was said to be an accident while the four others were ruled as suicide, including the case of Nguyen Huu Tan. **None** of those five cases resulted in prosecutions.

Abuses and inhuman treatments of prisoners, especially prisoners of conscience

As a member State of the United Nations, not only Vietnam fails to meet its obligation to comply to the UN Standard Minimum Rules for the Treatment of Prisoners, it also violates the UN Convention Against Torture, to which it is also a State Party.

Lengthy pre-trial detention, incommunicado detention, and solitary confinement not only invalidate the essential safeguards against torture but also subject prisoners of conscience to physical abuses and psychological pressure in order to extract information and coerced confessions from them.

Deliberate transfers of prisoners of conscience to locations very far from their family are tactics frequently used by the Vietnamese authorities aiming to worsen prisoners’ isolation and punish not only them but also their family by making prison visit more difficult and costly

Denial of medical treatments and, in the case of female prisoners of conscience, withholding feminine hygiene products, constitute cruel and degrading treatments.

Threats, provocation, beatings, and abuses by common prisoners, often referred to as “cell bosses” or “antennae” are allegedly instigated by prison authorities who ignore requests for intervention or to transfer cells.

Concluding observations of the UN Committee against Torture on the initial report of Vietnam on its implementation of CAT

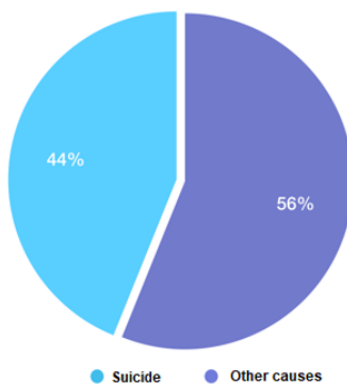
The Committee against Torture considered the initial report of Vietnam during the review session held on November 14 and 15, 2018 and adopted the Concluding Observations on November 29, 2018, which raised several subjects of concerns, including the following:

- Vietnam’s criminal legislation do not criminalize torture in a separate provision specifically prohibiting this crime, nor it provide a clear definition of torture;
- Acts of torture at the instigation, or with the consent, of a public official or other person acting in an official capacity are not covered adequately in the national laws;
- The definitions of torture offences are vague and article 373 of the Criminal Code allows punishment as little as six months of imprisonment for acts of torture in correctional and rehabilitation institutions;
- The widespread use of torture and ill-treatment, sometimes result in the death in custody, but very few cases resulted in investigations and prosecutions;
- The reprisals against victims or their relatives when they complain about acts of torture.

Some recommendations by the Committee against Torture

- Clearly define and explicitly criminalize acts of torture;
- Punishments of crimes of torture must be commensurate with the gravity of their nature, as set out in article 4 (2) of the Convention;
- Ensure that absolute prohibition of torture is incorporated in the legislation and strictly applied in practice;
- Ensure that the superior must be held responsible for acts of torture committed by subordinates;
- Ensure that all persons found guilty of committing acts of torture are subjected to criminal prosecution, and not only disciplinary measures;
- Ensure that investigations are systematically carried out and perpetrators are prosecuted and convicted in accordance with the gravity of their acts;
- Establish an independent mechanism to exercise oversight over the police and other relevant authorities so that there is no institutional or hierarchical connection between the investigators and the alleged perpetrators.

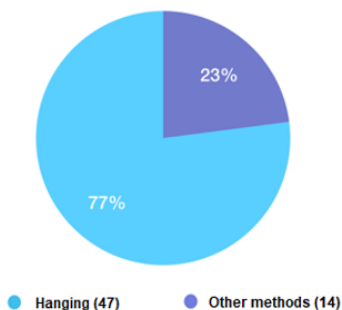
Causes of death



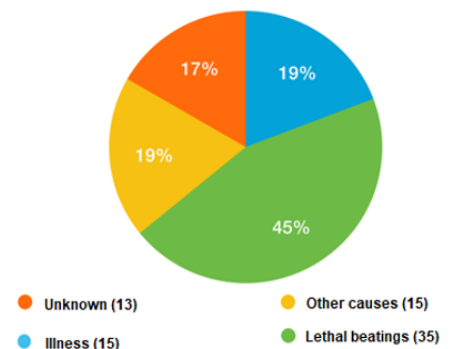
Total number of deaths in police custody between 2010 and 2018: **139**

- Number of alleged suicides: **61**
- Number of deaths by other causes: **78**

Suicide breakdown



Other causes breakdown



DEATHS IN POLICE CUSTODY, BY LOCATION

