1. For GVHR cases, does the victim meet the standards outlined in the Act (i.e., was he/she exposing illegal activity or expressing/defending human rights)?

The victim, Mr. Nguyen Huu Tan, was from a well-respected Hoa Hao Buddist family. Tan faithfully observed Hoa Hao Buddhist principles and worship traditions. His family sold vegetarian food at this home, serving fellow Hoa Hao Buddhists in the neighborhood. All his family members are strict vegetarian. Tan's father is a Buddhist monk.

Tan's family refused to join the local chapter of the state-sponsored Hoa Hao Administrative Council, which was created under the directive of the Vietnam Fatherland Front, which is by their own definition¹ "*a part of the political system of the Socialist Republic of Vietnam under the leadership of the Communist Party of Vietnam*". Tan actively helped fellow Hoa Hao Buddhists with donations, food, and other services, all performed independently of the said Administrative Council. This was viewed as a direct challenge to the Communist Party's authority.

A few years ago, Tan's father joined a group of independent Hoa Hao Buddhists in signing a petition requesting the return of a Hoa Hao temple to be used for worshiping by Hoa Hao believers. This temple was confiscated by local authority which then destroyed it and attempted to sell the land for personal profits.

Tan's mother was very active with her charitable works, providing in-kind and monetary assistance to neighbors. Her activities and broad connections in the neighborhood were watched with suspicion by the local authority.

Due to these activities, Tan's entire family became the target of retaliation by the government. They often suffered from intimidation and harassment by local authority. They were followed whenever they left the local area, and their house was often monitored by police. Sometimes fellow Hoa Hao Buddhists who came to visit the family were blocked. Other times they were stopped by the police and charged with unfounded traffic violations or face other forms of harassment.

Due to such blockade and threat by the police, sometimes Tan had to participate remotely in online religious activities such as group prayers or reciting religious scripture.

2. Was the victim subjected to a GVHR (i.e., killed, raped, tortured, or disappeared)?

The victim, Mr. Nguyen Huu Tan, was arbitrarily arrested by the police, tortured during interrogation, and died in police custody.

In the morning of May 2, 2017 when he went out for his usual morning coffee, Tan was abducted by the police. That evening, about two hundred plainclothes and uniformed police escorted him home, surrounded his house, blocked off the streets, and conducted a

¹ Charter of Viet Nam's Fatherland Front

Vice Director of Vinh Long Provincial Police Department

house search that lasted several hours. He was accused of disseminating anti-State documents under Article 88 of the country's Penal Code. Even though the police did not find any evidence to substantiate their accusation, they read the Emergency Arrest Notice and took the victim away shortly after midnight, into May 3. He was detained at the Temporary Detention Center of Vinh Long Provincial Police Department. Eight hours later, Tan's death was announced to his wife and father at the detention center at around 11:00 AM. There, they were told Nguyen Huu Tan had committed suicide by cutting his own throat with a small knife used to open the seals on police evidences. However, there are several details that contradict the police's assertion that suicide was the cause of death.

When the victim's father was allowed to see his son's body, he felt to his knees in horror from seeing the victim's fatal injuries. The cut was almost from ear to ear; the gap of the cut was about 2 inches; his windpipe severed; his neck bone exposed; and there was not any blood left in his body. Blood splashed all over the walls, on the chairs and the table. It was impossible Tan could cause such extreme injuries to himself by using the small knife as shown to his father by the police (about 4 inches long in total).

The victim was lying in a pool of blood that already started to dry, a sign that he was dead quite some hours ago and not recently (11:00 AM) as the police claimed. There was no blood stain on Tan's hands, despite police's assertion that Tan cut his own throat.

There were evident signs of torture. The forehead of Mr. Tan was bruised and the skull around the forehead and the side of his head was soft. It appeared that his skull had been crushed.

The police, despite the objection of the victim's father who requested to preserve his son's body as-is, cleaned up the blood on the victim's body, sewn up the cut on his throat, placed his body in a coffin, screwed it shut, brought it to his house, dropped the coffin in front of the house and simply said, "This is your son's body."

3. Can a direct tie be established between the victim's conduct and the GVHR violation?

While there were not any specific activities by the victim himself that can be directly tied to the GVHR violation, his family believes that they are targeted due to their religious belief, their boycott of the government-created Administrative Council, and the respect they commanded among local fellow Hoa Hao Buddhists. After Tan's death, the police now threaten to arrest and prosecute all adult members of the family for anti-state activities.

4. Can the perpetrator be tied directly to the GVHR?

a. The gross violations against the victim and his entire family were orchestrated by Vinh Long Provincial Police Department to persecute them due to their family religious background. The violations continue in an effort to cover up the horrific death of the victim while in police custody and evade accountability.

- b. The perpetrator is a standing member of the Vinh Long Provincial Police Party Chapter and the Vice Director of Vinh Long Provincial Police Department. The Emergency Arrest Notice was issued by the Security Investigation Unit of Vinh Long Provincial Police Department. The victim was detained and later died at the Temporary Detention Center, also of Vinh Long Provincial Police Department.
- c. Individuals who identified themselves as officers from Vinh Long Provincial Police Department came to the victim's house almost daily and ordered all adult family members to report to Vinh Long Provincial Police Station to confess their crime; otherwise they would face punishment, in the words of the police, "so severe that no one is going to be able to save them."

5. For cases of "command responsibility," can it be shown that the higher-level official either directed the GVHR, or could not possibly have not known about it and had the ability to stop it?

If yes, please provide brief explanation of evidence with any relevant citations.

As Vice Director of Vinh Long Provincial Police Department, not only the perpetrator has full knowledge of the situation around the torture and subsequent death of the victim while in Vinh Long police custody, but he is directly and actively involved in the cover-up effort.

a. The perpetrator held a press conference with state-owned media and a meeting with statesponsored religious organizations during which he declared the victim's death was ruled a suicide and that the victim's family witnessed his autopsy, which was a false statement. The TV reporting (with English subtitle) can be found on Youtube:

https://www.youtube.com/watch?v=0u8jMUB8oKA&feature=youtu.be

https://www.youtube.com/watch?v=0U bz2AgKLU&feature=youtu.be

b. Furthermore, while the victim's family tried to preserve his body for as long as possible so that they could seek an independent autopsy to determine the real cause of death, the perpetrator went to the victim's house twice (the first time he was the highest ranking officials in the group, but on the second time he brought with him 3 other top-ranking provincial officials to increase the pressure) on the pretext of offering his condolences, but instead he pressured the family to bury or cremate the victim's body as soon as possible. He cited environmental concerns and cultural traditions as reasons.

c. The perpetrator denied when the victim's father questioned him about the presence of large number of police around the family's house; not only they blocked traffic but they also forbade people to come to the funeral. Family members walked with the perpetrator outside and pointed out to him the many plainclothes and uniformed police surrounding the house and standing at nearby intersections in groups of 3 or 5 police officers. The perpetrator had no choice but to acknowledge police presence and promised that he would look into that and work with local authority to see if there was indeed deliberate interference. But he never did that. The next short video clip recorded the scene in the morning of the funeral procession. Other than immediate family members, no one was allowed to come to the funeral. Except for a few monks, all individuals seen in the video clips were members of the police forces.

https://www.youtube.com/watch?v=EfSOjrTXKT8

d. The victim's widow pleaded to the perpetrator to order a thorough investigation into her husband's tragic death, and provide a clear explanation of the cause of his death and whether or not the victim was found guilty of anti-state activities as he was accused of. She expressed her wish to preserve her husband's body and gave the police until May 13th (10 days after her husband's death) to give their conclusion of the incident or she would place her husband's coffin on a push cart and push it around town to raise public awareness about his unjust death. The perpetrator persuaded the victim's widow not to do so. He personally promised that he would order the investigation and provide the victim's family with official document that should satisfy their petitions, including full names and ranks of the investigators who conducted the interrogation at the time of the victim's death, who should be held accountable for leaving the letter opener within reach of the victim, the cause of death and whether or not the victim was guilty as accused.

None of his promises was fulfilled. On the contrary, Vinh Long police intensified their threats against the victim family. Security cameras were installed around the house to monitor the movements and activities of family members. Police continued their presence around the house. The locals were so afraid that they crossed to the other side of the street and looked the other way when they walked past the victim's house. The victim's mother was traumatized and severely distressed by the sudden death of her son that her health deteriorated quickly. But when family members tried to ask local nurses to come to their house to check on her, no one dared to come.

Individuals who identified themselves as officers from Vinh Long Provincial Police Department came to the victim's house almost daily and ordered all adult family members to report to Vinh Long Provincial Police Station to confess their crime. Otherwise, they would face punishment so severe that no one could save them.

Tan's entire family was frightened, fearing for their life, knowing what a horrific death their loved one had been subjected to. Two of the three surviving brothers of the victim managed to evade police surveillance and escaped. They are currently staying at a safe-house in HCM City. The victim's parents also managed to escape to seek medical care in the city. After a few days in a hospital, they have returned home.

During their brief stay in HCM City, Tan's parents met with Pam Pontius, the Human Rights Officer at the US Consulate General, to seek intervention. Tan's two brothers who had escaped to HCM City were present at this meeting. Ms. Pontius offered to call the authorities of Vinh Long Province directly and ask that the intimidation cease.

- 6. For corruption cases, is the perpetrator a "government official or senior associate of such an official" engaged in "acts of significant corruption" or materially assisting or supporting such actions?
 - a. N/A
- 7. For corruption cases, can it be demonstrated that the perpetrator is responsible for or complicit in corrupt acts?
 - a. N/A

8. Are the perpetrator's personal identifiers known (at a minimum, full legal name and date of birth)?

Perpetrator Information

Colonel Pham Van Ngan

Photo:



Date of Birth

July 17, 1958

Title or Position

Vice Director of Vinh Long Provincial Police Department Standing Member of the Vinh Long Provincial Police Party Chapter

Summary of Case

In the morning of May 2, 2017, the victim, Mr. Nguyen Huu Tan, was abducted by the Vietnamese police while going out for his morning coffee as usual. That evening, about two hundred plainclothes and uniformed police escorted him home, surrounded the house, blocked off the streets, and conducted a house search that lasted several hours. He was accused of disseminating anti-State documents under Article 88 of the country's Penal Code. Even though the police did not find any evidence to substantiate their accusation, they read the Emergency Arrest Notice and took the victim away shortly after midnight. He was detained at the Temporary Detention Center of Vinh Long Provincial Police Department. Less than 10 hours later (May 3), the victim died with multiple fatal injuries: a cut on his throat that was almost from ear to ear; the gap of the cut was about 2 inches, his windpipe severed, his neck bone exposed. There was a bruise on the victim's forehead and the skull was mushy on his left temple.

The police have been pressuring the victim's family to accept their version of suicide as cause of death. Despite promises by Colonel Pham Van Ngan, the Vice Director of Vinh Long Provincial Police Department, and other top-ranking provinicial officials that an investigation was underway and the victim's family would be provided a clear answer about his death, the police held press conference and meeting with state-owned media, local organizations and state-sanctioned religious groups and declared that the victim, Mr. Nguyen Huu Tan, had committed suicide by cutting his own throat with a letter opener. Vinh Long police continue to intensify their threats against the victim's family and threaten to arrest all adult members of the family for conducting anti-state activities. By doing so, the police aim to silent the victim's family and end their quest for a thorough investigation into his death. The entire family is extremely frightened and fearing for their lives. Two of the three surviving brothers fled home and are now living in exile in their own country.

Summary of Evidence

(1) Pictures of the victim's fatal injuries (after his body had been made more presentable by Vinh Long police)





(2) Video clips of state and provincial television channels declaring the cause-of-death as suicide

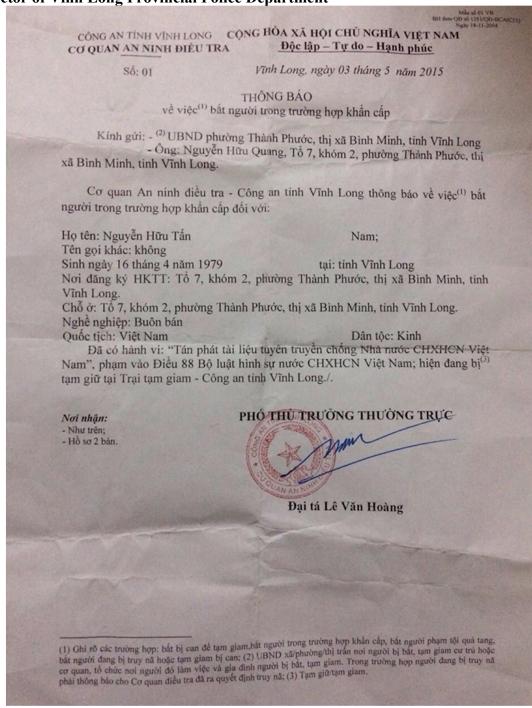
https://www.youtube.com/watch?v=0u8jMUB8oKA&feature=youtu.be

https://www.youtube.com/watch?v=0U_bz2AgKLU&feature=youtu.be

(3) Video clip showing plainclothes and uniformed police surrounded the victim's house and blocked off the street on the day of his funeral

https://www.youtube.com/watch?v=EfSOjrTXKT8

(4) Copy of Emergency Arrest Notice, Death Notice, and Record of Body Delivery issued by Vinh Long Provincial Police



THE OFFICE OF SECURITY INVESTIGATION

Independent – Liberty – Happiness

Number: 01

Vinh Long, May 3 2017

NOTICE

Re: Arrest of individual in case of emergency

To: - The People's Committee of Thanh Phuoc commune, Binh Minh township, Vinh Long

province

- Mr. Nguyen Huu Quang, group 7, cluster 2. Thanh Phuoc commune, Binh Minh township, Vinh Long province

The office of Security Investigation – Vinh Long Provicial Police Department notifies you about the emergency arrest of:

Name: Nguyen Huu Tan

Alias: None

Date of birth: April 16th 1979

in: Vinh Long province

Registered permanent residence: , group 7, cluster 2. Thanh Phuoc commune, Binh Minh township, Vinh Long province

Occupation: Vendor

Nationality: Vietnamese

Ethnicity: Kinh

Have conducted activity: "Disseminating documents with contents against the Socialist Republic of Vietnam", in violation of Article 88 of the Penal Code of the Republic of Vietnam; currently being temporarily detained at the Temporary Detention Center of Vinh Long Provincial Police Department./.

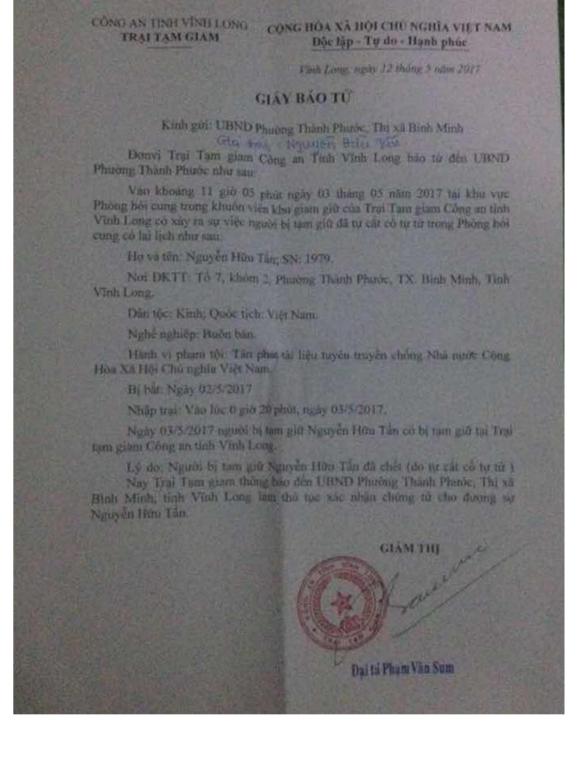
The receiver:

PERMANENT DEPUTY CHIEF

As noted above

[Signed and sealed] Colonel Le Van Hoang

- 2 copies



Global Magnitsky Human Rights and Accountability Act Perpetrator Information Colonel Pham Van Ngan DOB: July 17, 1958 Vice Director of Vinh Long Provincial Police Department VINH LONG PROVINCIAL POLICE SOCIALIST REPUBLIC OF VIETNAM

TEMPORARY DETENTION CENTER

Independent – Liberty – Happiness

Vinh Long, May 12 2017

DEATH NOTIFICATION

To: The People's Committee of Thanh Phuoc commune, Binh Minh township

The family of Nguyen Huu Tan

The Temporary Detention Center of Vinh Long Provincial Police reports to the People's Committee of Thanh Phuoc commune about a death as follows:

At around 11:03 on May 3rd 2017 in the area of the interrogation room within the detention section of the Temporary Detention Center of Vinh Long Provincial Police a detainee committed suicide by cutting his own throat. His identity was as follows:

Name: Nguyen Huu Tan. Born: 1979.

Registered permanent residence: Cluster N_0 7 , hamlet N_0 2, Thanh Phuoc commune, Binh Minh township, Vinh Long province.

Ethnicity: Kinh. Nationality: Vietnam.

Occupation: Vendor.

Offense: Disseminating documents with contents against the Socialist Republic of Vietnam.

Arrested on: May 2nd 2017.

Booked into detention center: 0:20 on May 3rd 2017.

On May 3rd 2017, the detainee Nguyen Huu Tan was held at the Temporary Detention Center of Vinh Long Provincial Police.

Reason: The detainee Nguyen Huu Tan died (committed suicide by cutting his throat).

The Temporary Detention Center hereby notifies the People's Committee of Thanh Phuoc commune, Binh Minh township, Vinh Long province to issue the Death Certificate for Nguyen Huu Tan.

Detention Center Superintendent

[Official Seal]

Colonel Pham Van Sum

CONG H	IÔA XÀ HOI CHỦ NGHĨA VI Độc lập - Tự do - Hạnh phú	ET NAM NED 03012012 C
Bàn ₁	BIÊN BĂN giao thi thể người bị tạm giữ	r chết
Được sự đồng ý của xin nhận thi thể người bị tạ Hồi 17 giờ 25 ngày 03	1998 của Chính phủ; Tầnh đạo cấp có thẩm qu m giữ chết về địa phương	ban hành theo Nghị định số nyền về việc giải quyết Đơn mai táng. ạm giam Công an Tinh Vĩnh
Long		
Chúng tôi gồm:		
Bên giao Đ/c Nguyễn Bá Duy	Cấp bậc: Trung tá	Chức vụ: Phó Giám thị
Đ/c Nguyễn Văn Tiến Em	Cấp bậc: Thượng úy	Chức vụ: Cán bộ
Bên nhận: Ông Nguyễn Hữu Quang	Sinh năm 1	
ĐKTT: Tố 7, khóm 2, phườn	g Thành Phước, Thị xã Bu	n Minn, unn vinn Long
Người chứng kiến:		
Nguyễn Văn Cầm ĐKTT: Tổ 23, khóm Đông Long Là phạm nhân Trại tạm gia	g Thuận, phường Đông Thuậ	inh năm: 1976 ìn, thị xã Bình Minh, tinh Vĩnh •
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	pàn giao thi thể người chết	
Họ và tên: NGUYĚN HỮU Họ tên khác:		am Năm sinh: 1979
Nabà nghiện: Mua bán	ường Thành Phước, Thị Quốc tịch:Việt Nam	
Họ và tên cha: Nguyễn Hữu Q Hành vi phạm tội: Tán phát	uang Họ và tên mộ tài liệu tuyên truyền ch	e: Nguyễn Thị Đê ống Nhà nước CHXHCN Việt
Nam Bắt ngày: 02/05/2017		: Cơ quan ANĐT Công an tỉnh
Vĩnh Long Theo Quyết định tạm giữ sơ Tinh Vĩnh Long từ ngày 03/0	ố 01 ngày 03/05/2017 5/2017 đến ngày 05/05	của Cơ quan ANĐT Công an 5/2017 hết hạn

> Vào trại tạm giam ngày: 03/05/2017 Đã chết hồi 10 giờ 59 phút ngày 03/05/2017 tỉnh Vĩnh Long tinh Vĩnh Long Nguyên nhân chết: Tự từ

Bên nhận cam kết không làm ảnh hưởng đến an ninh trật tự và vệ sinh môi trường. Biên bản kết thúc vào lúc 17 giờ 40 cùng ngày, đã đọc lại cho những người tham gia lập biên bản nghe, không ai có ý kiến gì khác và cùng ký tên dưới đây./.

GIÁM THỊ

BÊN NHÂN

CÁN BỘ LẠP BIỆN BÀN 20 pue

Nguyễn cean Trên Em

NGƯỜI CHỨNG KIẾN

Ngujer Var Cam

Noi nhân: Bên giao; Lưu hồ sơ

Independent – Liberty – Happiness

RECORD FOR

The handover of the body of dead detainee

In accordance to Article 25 of the Regulation in temporary detention issued in compliance with Government Decree number 89/1998/NĐ-CP;

With the approval of the leadership of the authority handling requests to receive the body of the detainee for burial at his home location.

At 17:25 on May 3rd 2017 at the Temporary Detention Center of Vinh Long Provincial Police

We, including:

The deliver:

Comrade Nguyen Ba Duy	Rank: Lieutenant	t Colonel	Position: Assistant Superintendent	
Comrade: Nguyen Van Tien Em	Rank: Lieutenant	t	Position: Staff	
The receiver:				
Mr. Nguyen Huu Quang	Born in 1941			
Registered permanent residence: Cluster N $_{ m o}$ 7 , hamlet N $_{ m o}$ 2, Thanh Phuoc commune, Binh Minh township, Vinh Long province				
Witness:				
Nguyen Van Cam Gender: Male Born: 1976				
Registered permanent residence: Cluster N_o 23, Dong Thuan hamlet, Dong Thuan commune, Binh Minh township, Vinh Long province				
Who is an inmate at the Temporary Detention Center of Vinh Long Provincial Police				
Filed this record for handing over the body of the decease whose identity is as follows:				
Name: NGUYEN HUU TAN	Gender: Male	Born: 1	979	
Alias:				
Originally from: Binh Minh township, Vinh Long province				

Registered permanent residence: Cluster $N_{\rm o}$ 7 , hamlet $N_{\rm o}$ 2, Thanh Phuoc commune, Binh Minh township, Vinh Long province.

Global Magnitsky Human Rights and Accountability Act Perpetrator Information Colonel Pham Van Ngan DOB: July 17, 1958 Vice Director of Vinh Long Provincial Police Department Ethnicity: Kinh. Nationality: Vietnam.

Occupation: Vendor.

Father's name: Nguyen Huu Quang Mother's name: Nguyen Thi De

Offense: Circulating documents with contents against the Socialist Republic of Vietnam.

Arrested on: May 2nd 2017 Processed by: the Security Investigation Agency of Vinh Long province

Per the Detention Order number 01 on May 3rd 2017 issued by the Security Investigation Agency of Vinh Long province beginning from May 3rd 2017 and expires on May 5th 2017.

Booked into the temporary detention center on: May 3rd 2017

Died at 10:59 on May 3rd 2017: in the Interrogation Room of the Temporary Detention Center of Vinh Long Provincial Police.

Cause of death: Suicide

The receiver assured not to affect security and environmental safety.

The record was completed at 17:40 on the same day, read to the individuals who participated in the filing of the record, who did not have any objection and agreed to sign below ./.

SUPERINTENDENT	OFFICIAL WHO FILED THE RECORD
[Signed]	[Signed]
	Nguyen Van Tien Em
THE RECEIVER	WITNESS
[Left blank]	[Signed]
	Nguyen Van Cam