

To Lam et al.

BPSOS - January 10, 2021

Perpetrators:

General To Lam, Ministry of Public Security, and his two subordinates: Lt. General Duong Minh Hung and Senior Colonel Dang Viet Quang. More detailed biographic information is available in Appendix 1.

Gross human rights violations:

As Deputy Director of the Political Protection Department (1993), then its Director (2006), then Deputy Minister of Public Security (2010), and finally the Ministry of Public Security (2016), General To Lam oversaw the brutal crackdowns against political dissidents, journalists, Catholics and particularly Hmong and Montagnard Christians. In June 2016 he was appointed by the Vietnamese Communist Party to be Head of the Central Highlands Steering Committee, which specifically targets Montagnard Christians. On December 18, 2020, the Public Security Department of Gia Lai Province declared that it had arrested the last member of the Ha Mon Church (Catholic converts who believed in the Virgin Mary's apparition near the Ha Mon Village) and eliminated the Dega Christian Church (Dega is another name for Montagnard). See: http://congan.com.vn/tin-chinh/hoan-thanh-xoa-bo-ta-dao-ha-mon_104704.html

For almost three decades, General To Lam has had command responsibility over the most egregious human rights violations in Vietnam. Three recent, particularly egregious incidents should qualify General To Lam and some of his subordinates for targeted sanctions under EU's Magnitsky-like law.

(1) The abduction of ex petro-executive Trinh Xuan Thanh on German soil:

Trinh Xuan Thanh, a former Communist apparatchik, Vice Governor of Hau Giang Province and member of the National Assembly, claimed to possess information about high-level corruption among the Communist Party leadership after taking refuge in Germany. Communist Party Chief Nguyen Phu Trong (now also Vietnam's President) ordered his arrest. General To Lam signed his arrest warrant, and his abduction on July 23, 2017 was directly supervised by Lt. General Duong Minh Hung, a Department Director at the Ministry of Public Security. This has resulted in a diplomatic crisis between Vietnam and Germany, which called the incident "unprecedented and blatant violation of German and international law." On 22 January 2018, Thanh was sentenced to two life terms for embezzlement and economic mismanagement, a crime Thanh persistently denied – a prior police investigation years ago into the same allegations had absolved him of any wrongdoing. Germany sentenced a Czech citizen of Vietnamese origin for taking part in the abduction and the Slovak government is investigation allegations that General To Lam was on the flight that smuggled Thanh back to Vietnam. According to Slovak government's record, General To Lam made an unscheduled visit to Slovakia at the time of Thanh's abduction, and then flew to Moscow using a plane chartered from the Slovak government. Reportedly, Thanh was taken out of European Union territory on that flight. See: <https://kafkadesk.org/2020/02/07/slovakia-expels-vietnamese-diplomat-over-kidnapping-scandal/>

To Lam et al.

BPSOS - January 10, 2021

(2) The abduction of Truong Duy Nhat from Thai soil:

Truong Duy Nhat, a blogger who exposed high-level graft in the government and denounced land grabbing, was abducted in Bangkok, Thailand on January 26, 2019, with the help of the Thai police. At the time, Nhat was a contributor to Radio Free Asia. Two days later, he resurfaced in Ha Noi at a detention center run by the Ministry of Public Security. An arrest warrant was issued against him by the Ministry of Public Security on that same day, meaning that his abduction in Thailand predated the arrest warrant. Before going freelance, Nhat worked for the state media and had information about high-level corruption that he could not publish as a state employee. Two Vietnamese refugees became unintentional eye-witnesses to the Thai police's operation to abduct Nhat. For their safety, the UN High Commissioner for Refugees' office in Thailand promptly relocated to Sweden. On September 18, 2020, the UN Working Group on Arbitrary Detention (WGAD) rendered its opinion about the arrest of Truong Duy Nhat: "*Mr. Nhat was detained by Thai and Vietnamese agents for reporting on corruption and incompetence in the Government of Viet Nam. The response from Viet Nam, assisted by Thailand, was unnecessary, disproportionate and unlawful. On March 9, 2020, he was sentenced to 10 years in prison for the ambiguous charges of 'abusing his position and power while on duty'.*" See: <https://www.reuters.com/article/us-asean-summit-rights/unholy-alliance-se-asian-authorities-accused-of-trading-exiled-activists-idUSKCN1TM1EI>

(3) The brutal land grabbing attack on Dong Tam Village:

On January 9, 2020, thousands of police from special task, riot, criminal, and Investigative units, drawn from the Ha Noi Police Department and from the Ministry of Public Security, raided the Dong Tam village in dead of night, killed its elder Mr. Le Dinh Kinh, and arrested 29 villagers. This raid was to end a dispute by villagers over the government's order to re-possess 59 hectares of their farmland, worth between 600 million and 1 billion USD on the market, for transfer to a military-owned telecommunications company. On September 9, the people's court sentenced two of Mr. Kinh's sons to death, a grandson of his to life, the village's second elder to 16 years of imprisonment, and 25 villagers from 15 months of suspended sentence to 13 years of imprisonment. At least six human rights defenders, bloggers and anti-land grabbing activists who pointed out inconsistencies in the police's official account of the raid and published Dong Tam villagers' voices have been arrested. At the trial, it was disclosed that the police attack was conducted according to plan No. 419a/KHPV01-PV02-MP, which was drafted by the Ha Noi City Police and approved by the Ministry of Public Security. On November 10, 2020, four UN mandate holders wrote to the Vietnamese government to express concern about the attack on Dong Tam village and the arrest of those who spoke out against the atrocities committed by the police (which is part of the Ministry of Public Security): "*...we would like to express our serious concern regarding the incidents at Dong Tam, and the subsequent stifling of freedom of expression and alleged arbitrary arrest of the above mentioned human rights defenders, for their efforts to document the human rights violations that occurred and the land dispute that preceded this incident.*" See: <https://www.bbc.com/news/world-asia-51105808>

Appendix 2 includes additional news stories and references relating to the above incidents.

Appendix 1: Biographic Information of the Perpetrators

	<p>General Tô Lâm, Minister of Public Security DOB: July 10, 1957 POB: Nghĩa Trụ Commune, Văn Giang District, Hưng Yên Province</p> <p>He was responsible for issuing the arrest warrant against Trinh Xuan Thanh, and pressuring his wife to disclose his whereabouts. He reportedly made an unscheduled visit to Slovakia at the time of Trinh Xuan Thanh’s abduction. Reportedly, Trinh Xuan Thanh was taken from Slovakia to Vietnam via Moscow on the plane rented from the Slovak government for Tô Lâm’s delegation.</p>
	<p>Lt. General Đường Minh Hưng, Director, Department of Economic Security of the Ministry of Public Security (b. 1938 in Thanh Hoa Province):</p> <p>In German court, Mr. Nguyen Hai Long, a Czech citizen who took part in kidnapping Trinh Xuan Thanh, testified that General Duong Minh Huong set up a command center at the Sylter Hof Hotel to personally direct the kidnapping operations. General Huong gave direct instructions to Long. After the successful kidnapping, General Hung hosted a celebration party, which Long attended. Nguyen Hai Long was sentenced to 3 years and 10 months of imprisonment, a reduced sentence due to his full cooperation with the prosecution. See: https://www.france24.com/en/20180424-german-court-tries-vietnam-man-over-cold-war-style-abduction-1 and https://www.rfa.org/english/news/vietnam/confesses-07182018165913.html</p> <p>On October 4, 2017, the Federal Prosecutor General of Germany reportedly issued an arrest warrant for Deputy Intelligence Director Duong Minh Hung, the alleged coordinator of the kidnapping. See: https://taz.de/Entfuhrter-Vietnamese-Trinh-Xuan-Thanh/!5507272/</p>

To Lam et al.

BPSOS - January 10, 2021



Senior Colonel Đặng Việt Quảng, Vice-head of the Criminal Division of the Hanoi Public Security Department (b. 1975 in Ha Noi):

Quang shot and killed Le Dinh Kinh, the elder of the Dong Tam Village, during the January 9, 2020 police raid. On January 31, he was promoted to the position of Vice-chief of Investigation - Hanoi City Police.

To Lam et al.

BPSOS - January 10, 2021

Appendix 2: Sample of news stories

The abduction of Trinh Xuan Thanh

RFA report on the abduction: <https://www.voanews.com/europe/germany-claims-vietnam-kidnapped-asylum-seeker-wanted-hanoi>

Germany expels Vietnam attache over suspected kidnap

<http://www.bbc.com/news/world-europe-40806193>

Trinh Xuan Thanh kidnapping: German immigration suspends Vietnamese worker:

<http://www.dw.com/en/trinh-xuan-thanh-kidnapping-german-immigration-suspends-vietnamese-worker/a-40194898>

Czechs hand over suspect in Vietnam kidnapping to Germany

https://www.washingtonpost.com/world/europe/czechs-hand-over-suspect-in-vietnam-kidnapping-to-germany/2017/08/24/fba0dd02-88ad-11e7-96a7-d178cf3524eb_story.html?utm_term=.e37d17876f1b

Vietnamese admits he helped agents to kidnap ex-executive in Berlin

<https://fr.reuters.com/article/us-germany-vietnam-idUSKBN1K816J>

Vietnamese man jailed over Berlin Cold War-style kidnapping

<https://www.dw.com/en/vietnamese-man-jailed-over-berlin-cold-war-style-kidnapping/a-44823815>

Germany steps up Vietnamese alleged kidnapping investigation

<https://uk.reuters.com/article/uk-germany-vietnam/germany-steps-up-vietnamese-alleged-kidnapping-investigation-idUKKBN1AQ1Y6?il=0>

‘We will not sweep this under the carpet’: Germany expels second Vietnamese diplomat over kidnapping of fugitive in Berlin:

<http://www.scmp.com/news/world/europe/article/2112458/we-will-not-sweep-under-carpet-germany-expels-second-vietnamese>

Human rights at centre of Vietnam-EU trade talks:

<http://www.thedailystar.net/business/human-rights-centre-vietnam-eu-trade-talks-1463299>

Exclusive: Scandal-hit Vietnam official had been cleared by previous government

<https://www.reuters.com/article/us-vietnam-security/exclusive-scandal-hit-vietnam-official-had-been-cleared-by-previous-government-idUSKCN1BO0T7>

Slovakia May Have Assisted in Vietnam’s Alleged Abduction of Oil Executive: Reports:

<https://www.rfa.org/english/news/vietnam/slovakia-05012018160504.html/>

Slovakia expelling Vietnamese diplomat over kidnapping scandal:

<https://kafkadesk.org/2020/02/07/slovakia-expels-vietnamese-diplomat-over-kidnapping-scandal/>

To Lam et al.

BPSOS - January 10, 2021

Slovakia allowing police officers to testify on alleged kidnapping of Vietnamese:

<https://www.reuters.com/article/us-slovakia-politics-germany-vietnam/slovakia-to-allow-police-officers-to-testify-on-alleged-kidnapping-of-vietnamese-idUSKBN1KR1RQ>

Reports on involvement of General Duong Minh Hung:

<https://www.france24.com/en/20180424-german-court-tries-vietnam-man-over-cold-war-style-abduction-1> and <https://www.rfa.org/english/news/vietnam/confesses-07182018165913.html>

On October 4, 2017, the Federal Prosecutor General of Germany issued an arrest warrant for Deputy Intelligence Director Duong Minh Hung, the alleged coordinator of the kidnapping. See: <https://taz.de/Entfuhrter-Vietnamese-Trinh-Xuan-Thanh/!5507272/>

The abduction of Truong Duy Nhat

Report about Nhat's abduction by Amnesty International:

<https://www.amnesty.org/en/latest/news/2019/03/vietnamese-thai-authorities-come-clean-about-journalist-disappearance/>

News story on the South Chinar Morning Post:

<https://www.scmp.com/news/asia/southeast-asia/article/2185116/vietnamese-radio-blogger-truong-duy-nhat-missing-thailand>

Report on his being seen at the T16 detention center in Ha Noi, which is directly under the management of the Ministry of Public Security:

<https://www.rfa.org/english/news/vietnam/blogger-hanoi-03202019175732.html>

Committee to Protect Journalists' statement about Nhat's prison sentence:

<https://cpj.org/2020/03/vietnamese-blogger-who-was-abducted-in-thailand-se/>

Reuters' interview with witnesses of Nhat's abduction:

<https://www.reuters.com/article/us-asean-summit-rights/unholy-alliance-se-asian-authorities-accused-of-trading-exiled-activists-idUSKCN1TM1EI>

US Department of State's press statement:

<https://www.state.gov/sentencing-of-blogger-and-radio-free-asia-contributor-truong-duy-nhat/>

Statement of US Embassy in Vietnam

<https://vn.usembassy.gov/statement-on-the-conviction-of-truong-duy-nhat/>

Opinions adopted by the Working Group on Arbitrary Detention at its eighty-eighth session, 24–28 August 2020: Opinion No. 42/2020 concerning Truong Duy Nhat (Thailand and Viet Nam)

https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session88/A_HRC_WGAD_2020_42_Advance_Edited_Version.pdf

The Dong Tam “massacre”

To Lam et al.

BPSOS - January 10, 2021

The Dong Tam “massacre” by the police was widely reported in the international media:

<https://www.scmp.com/news/asia/southeast-asia/article/3046192/vietnams-dong-tam-massacre-activists-claim-government>

Arrest of Chung Hoang Chuong: <https://www.voanews.com/press-freedom/vietnam-jails-facebook-user-over-anti-state-posts>

Arrest of Can Thi Theu, her two sons, and Ms. Nguyen Thi Tam:

<https://monitor.civicus.org/updates/2020/04/07/online-debate-dong-tam-incident-followed-pandemic-silenced-vietnam-authorities/>

Arrest of Pham Doan Trang: <https://www.frontlinedefenders.org/en/case/woman-human-rights-defender-pham-doan-trang-arrested-charged-and-held-undisclosed-location>

Statement of the US Department of State:

<https://www.facebook.com/StateDRL/photos/a.10150310512290955/10159488563735955/?type=3&theater>

Communication to the Vietnamese government from UN mandate holders:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25680>

To Lam et al.

BPSOS - January 10, 2021

Appendix 3 -- International References Regarding Arrest of Pham Doan Trang and Others who Exposed the Police Raid on Dong Tam Village

Journalist Pham Doan Trang arrested on anti-state charges in Vietnam

<https://cpj.org/2020/10/journalist-pham-doan-trang-arrested-on-anti-state-charges-in-vietnam/>

Vietnam detains activist hours after human rights meeting with U.S.

<https://www.reuters.com/article/us-vietnam-security/vietnam-detains-activist-hours-after-human-rights-meeting-with-u-s-idUSKBN26S0RT>

Vietnamese activist and journalist Pham Doan Trang arrested for ‘anti-state propaganda’

<https://globalvoices.org/2020/10/13/vietnamese-activist-and-journalist-pham-doan-trang-arrested-for-anti-state-propaganda/>

RFA Blogger Who Disappeared in Bangkok is Being Held in Hanoi, Says Daughter

<https://www.rfa.org/english/news/vietnam/blogger-hanoi-03202019175732.html>

The Jailed Activist Left a Letter Behind. The Message: Keep Fighting

<https://www.nytimes.com/2020/10/14/world/asia/vietnam-pham-doan-trang-arrest.html>

A dissident jailed in Vietnam shares her message: Don’t free me, free my country

https://www.washingtonpost.com/opinions/a-dissident-jailed-in-vietnam-shares-her-message-dont-free-me-free-my-country/2020/10/08/b68fa878-098e-11eb-859b-f9c27abe638d_story.html

Rights Groups Deplore Arrest of Vietnam Writer and Activist Pham Doan Trang

<https://www.voanews.com/press-freedom/rights-groups-deplore-arrest-vietnam-writer-and-activist-pham-doan-trang>

Correa, Lowenthal Call For Immediate Release of Imprisoned Democracy Activist Pham Doan Trang

<https://correa.house.gov/news/press-releases/correa-lowenthal-call-for-immediate-release-of-pham-doan-trang>