

Retaliation against independent candidates for Vietnam's National Assembly

No truly independent candidate has ever been elected to Vietnam's National Assembly. In the latest national election (in 2021), 486 seats were occupied by members of the Vietnamese Communist Party (VCP) while non-partisan candidates got elected to only 14 seats – all of them were affiliated with the VCP and must be vetted by the VCP's Fatherland Front. Truly independent candidates who challenged this arrangement have been routinely and harshly punished. Following are the most recent examples.

1. Mr. Nguyễn Tường Thụy, member of the Independent Journalists Association, Deputy Editor-in-Chief of Vietnam Thoi Bao newspaper. He was prosecuted and arrested on November 21, 2019 on charges under Article 117 of the Penal Code -- "distributing propaganda against the Socialist Republic of Vietnam". On January 5, 2021, he was brought to trial and sentenced to 11 years in prison.¹
2. Mr. Lê Văn Dũng (aka Dũng Vova), former member of the independent television channel CHTV (Chấn Hưng TV). He was prosecuted and arrested on June 30, 2021, on charges under Article 117 of the Penal Code. On March 23, 2022, he was brought to trial and sentenced to 5 years in prison.²
3. Mr. Lê Trọng Hùng, an independent journalist whose only noticeable activity was to run for National Assembly as an independent candidate. He was prosecuted and arrested on March 27, 2021, on charges under Article 117 of the Penal Code. On December 31, 2021, he was brought to trial and sentenced to 5 years in prison.³
4. Mr. Trần Quốc Khánh's only noticeable activity was to run for the National Assembly as an independent candidate. He was prosecuted and arrested on March 11, 2021, on charges under Article 117 of the Penal Code. On October 28, 2021, he was brought to trial and sentenced to 6 years and 6 months in prison.⁴
5. Ms. Nguyễn Thuý Hạnh, founder of the 50K fund to help families of prisoners of conscience, was prosecuted and arrested on December 29, 2023 for crimes under Article 117 of the Penal Code. During the investigation of the case, the Security Investigation Agency requested a mental evaluation and subjected her to compulsory medical treatment. While the procuracy temporarily suspended the investigation of the criminal case against her, she continues to be detained.⁵

¹ A/HRC/WGAD/2023/16 - Opinions adopted by the Working Group on Arbitrary Detention at its ninety-sixth session, 18 May, 2023, available at: <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session96/A-HRC-WGAD-2023-16-AEV.pdf>

² AL VNM 4/2021, joint communication by UN Special Rapporteurs, November 1, 2021, available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26688>

³ Viet Nam: UN experts appalled by the conviction of four human rights defenders, Office of the UN High Commissioner for Human Rights, December 23, 2021, available at: <https://www.ohchr.org/en/press-releases/2021/12/viet-nam-un-experts-appalled-conviction-four-human-rights-defenders>

⁴ AL VNM 6/2022, joint communication by UN Special Rapporteurs, November 2, 2022, available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27619>

⁵ Ibid.

6. Atty. Võ An Đôn, a human rights lawyer, was expelled on November 26, 2017 by the Phu Yen Provincial Bar Association for having made statements that affected the government and the bar association. He had to do farming for livelihood. In October 2023, the United States resettled him, his wife and their three children to the United States as refugees.⁶
7. Mr. Phan Văn Bách former member of the independent television channel CHTV (Chan Hung TV) specializing in land grabbing. He was prosecuted and arrested on December 29, 2023 for crimes under Article 117 of the Penal Code. His case is still in the criminal investigation stage.⁷

⁶ Human Rights Attorney Vo An Don and Family Arrive in the U.S.; Activist Tran Bang's Health Deteriorated in Prison, The Vietnamese, October 30, 2023, available at: <https://www.thevietnamese.org/2023/10/human-rights-attorney-vo-an-don-and-family-arrive-in-the-u-s-activist-tran-bangs-health-deteriorated-in-prison/>

⁷ Police in Vietnam detain YouTube activist for days without informing family, RFA, January 2, 2024, available at: <https://www.rfa.org/english/news/vietnam/activist-detained-01022024185459.html>