

VIETNAM 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Socialist Republic of Vietnam is an authoritarian state ruled by a single party, the Communist Party of Vietnam (CPV), and led by General Secretary Nguyen Phu Trong, Prime Minister Nguyen Xuan Phuc, President Tran Dai Quang, and Chairwoman of the National Assembly Nguyen Thi Kim Ngan. The most recent National Assembly elections, held in May 2016, were neither free nor fair, despite limited competition among CPV-vetted candidates.

Civilian authorities maintained effective control over the security forces.

The most significant human rights issues included: arbitrary and unlawful deprivation of life; torture and cruel, inhuman, and degrading treatment; arbitrary arrest and detention of persons peacefully expressing dissent; systemic abuses in the legal system, including denial of access to an attorney, visits from family, and fair and expeditious trial; government interference with privacy, family, home, and correspondence; limits on freedom of speech, assembly, association, movement and religion, including censorship of the press, and restrictions on internet freedom; corruption; domestic violence; child abuse; and limits on workers' rights to form and join independent unions.

The government sometimes took corrective action, including prosecutions, against officials who violated the law, and police officers sometimes acted with impunity.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were multiple reports indicating officials or other agents under the command of the Ministry of Public Security or provincial public security departments committed arbitrary or unlawful killings, including reports of at least 15 deaths of persons in custody. In most cases, authorities either provided little information regarding investigations into the deaths or stated the deaths were the result of suicide or medical problems. Authorities sometimes harassed and intimidated families who questioned the police determination of cause of death. In a small number of cases, the government held police officials responsible, typically several

years after the death. Despite guidance from the Supreme People's Court to charge police officers responsible for causing deaths in custody with murder, such officers typically faced lesser charges.

On May 3, Nguyen Huu Tan, a follower of Hoa Hao Buddhism, died while in custody at Vinh Long provincial police station after his May 2 arrest on charges of committing "propaganda against the state." The provincial police announced that Tan committed suicide by cutting his throat and promised to conduct an investigation into the case. Following his death, Tan's family reported repeated harassment from the Vinh Long police, urging them to accept the official version of events. The government claimed it had evidence of suicide, which, it said, it shared with the community. At the end of the year, there was no information regarding investigation or accountability.

On July 18, Luu Ngoc Hai died while in custody at Dak Po district police station, Gia Lai Province, where he was being held pending investigation on drug charges. The initial local police forensic examination showed Hai died of "internal bleeding" without any influence of external forces, but photos circulated on the internet appeared to show Hai's body with his throat cut. At year's end, there was no information regarding investigation or accountability.

In some cases, the government held security officers responsible for arbitrary deprivation of life. On May 10, the Van Ninh District People's Court in Khanh Hoa Province sentenced police officer Le Minh Phat to eight years' imprisonment on charges related to the death of Tu Ngoc Thanh, a teenager Phat beat to death on the way to the police station in 2013.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits physical abuse of detainees, but suspects commonly reported mistreatment and torture by police, plainclothes security officials, and compulsory drug-detention center personnel during arrest, interrogation, and detention. Police, prosecutors, and government oversight agencies seldom conducted investigations of specific reports of mistreatment. Some activists reported receiving death threats from security officials.

On February 27, plainclothes security officials reportedly abducted, robbed, and beat with iron rods prodemocracy advocate and pastor Nguyen Trung Ton and his associate in Quang Binh province, resulting in Ton's hospitalization. The Ministry of Public Security subsequently arrested Ton in July for "carrying out activities aimed at overthrowing the people's administration" and continued to hold him in pretrial detention at year's end. On April 13, also in Quang Binh province, plainclothes security officials reportedly abducted two activists, Tran Hoang Phuc and Huynh Thanh Phat, robbing and beating them before releasing them in a remote area in central Vietnam. Police later arrested Phuc for "storing, making, (and) posting videos to the internet, which convey messages against the State" and continued to hold him in pretrial detention.

There were also numerous reports of police mistreatment and assaults against individuals who were not activists or involved in politics. On January 2, approximately 10 public security officers in Dinh My Ward, Thoi Son District, An Giang Province, searched Le Minh Hoang's home without a warrant for evidence of gambling and beat five persons, hospitalizing two. Afterwards, senior Ministry of Public Security officials called for an investigation and reassigned the officers.

Prison and Detention Center Conditions

Prison conditions were austere and occasionally life threatening. Insufficient diet and unclean food, overcrowding, lack of access to potable water, and poor sanitation remained serious problems. According to Amnesty International and former prisoners of conscience, prison authorities singled out political prisoners and ethnic minority prisoners, particularly in the Central Highlands and other sensitive ethnic minority regions, for physical abuse, solitary confinement, denial of medical treatment, and punitive prison transfers.

Physical Conditions: Authorities generally held men and women separately, with some reported exceptions in local detention centers. Although authorities generally held juveniles in prison separately from adults, on rare occasions authorities reportedly held juveniles in detention with adults for short periods.

In March the Ministry of Public Security released a five-year review of its execution of criminal judgements, covering 2011-16. The report acknowledged lack of quality infrastructure and overcrowded detention centers were ongoing challenges. The report stated the average floor space was 5.44 square feet per

prisoner compared to the standard requirement of 6.6 square feet per prisoner.

Prisoners had access to basic health care, although there were instances of officials preventing family members from providing medication and not reviewing pre-detention health records of prisoners. Family members of imprisoned activists who experienced health problems claimed medical treatment was inadequate and resulted in long-term health complications. Heating and ventilation were inadequate in many prisons.

During the year the family of imprisoned Hoa Hao Buddhist and land rights activist Tran Thi Thuy reported that prison officials at An Phuoc Prison in Binh Duong Province continued to deny her medical treatment for a tumor on her uterus and an open wound on her abdomen, despite repeated requests for treatment. Authorities reportedly told Thuy that she would not receive treatment unless she “confessed” to the crimes for which she was convicted.

Serious health conditions exacerbated by poor or delayed medical care, forced prison labor, poor sanitation, and malnutrition caused most deaths in prison. Media reported the suicide death of one convicted prisoner during the year by hanging. The investigation remained ongoing. Imprisoned activist Luu Van Vinh reportedly told his wife that prison officials at the Chi Hoa detention facility in Ho Chi Minh City did not take action after an inmate threatened to beat him to death. He remained in pretrial detention during the year.

Prisoners generally were required to work but received no wages. Authorities placed prisoners in solitary confinement for standard periods of three months, although officials often subjected political prisoners to more extended periods of solitary confinement. Prison authorities reportedly also placed some transgender individuals in solitary confinement due to confusion over whether to place them in male or female quarters. Ministry of Public Security officials often prohibited reading and writing materials, especially for political prisoners; however, imprisoned democracy activist Tran Huynh Duy Thuc’s family reported authorities at No. 6 Detention Center in Nghe An province allowed family members to send a flashlight and batteries for Thuc to read in his cell.

Family members continued to make credible claims prisoners received extra food or other preferential treatment by paying bribes to prison officials.

Prison authorities often held political prisoners far from their homes, making visitation from family difficult. On August 18, the Ministry of Public Security

informed family members of democracy activist Nguyen Bac Truyen that they had transferred him to the B14 detention center in Hanoi, nearly 1,000 miles from his home in Ho Chi Minh City. His wife shared that she received no communication from him from the time of his late July arrest despite repeated requests to prison authorities.

Activists reported Ministry of Public Security officials assaulted political prisoners to exact confessions or used other means to induce written confessions, including instructing fellow prisoners to assault them or making promises of better treatment.

Some former and existing political prisoners reported prisoners received insufficient food and that of poor quality. Several former prisoners reported they received only two small bowls of rice and vegetables daily, often mixed with foreign matter, such as insects or stones.

Administration: There was no active system of prison ombudsmen, but the law provides for oversight of the execution of criminal judgments by the National Assembly, people's councils, and the CPV's Vietnam Fatherland Front (VFF), an umbrella group that oversees the country's government-sponsored social organizations.

Authorities limited prisoners to one family visit of no longer than an hour per month and generally permitted family members to give various items, including money, supplemental food, and bedding to prisoners. Political prisoners and their family members reported that prison authorities at times revoked, denied, or delayed visitation rights and did not allow them provide items to family members.

On December 28, Ha Nam Province prison authorities allowed Vietnamese Women for Human Rights member activist Tran Thi Nga to visit with her husband and two small children after 11 months in detention and after repeated requests. Authorities reportedly separated Nga from her children through a glass window, and prison officials monitored the visit. Authorities arrested Nga on January 23 and courts sentenced her to nine years in prison on July 25 for "using the internet to spread propaganda videos and writings." Courts upheld her sentence on appeal on December 22.

Political prisoners sometimes staged hunger strikes. Religious leaders and former political prisoners reported that Ministry of Public Security officials did not permit prisoners to conduct religious services or receive visits by religious leaders.

preparing to commit a crime or when police caught a person in the act of committing a crime, police could make an arrest without a warrant. In such cases, the People's Procuracy must issue a decision to approve or not to approve the arrest within 12 hours of receiving notice from police.

Plainclothes security officials arrested multiple individuals without a warrant, reportedly due to such urgent circumstances, including author and activist Le Dinh Luong who was critical of the government's handling of the Formosa spill. He remained in pretrial detention (see section 1.d.).

The People's Procuracy must issue a decision to initiate a formal criminal investigation of a detainee within three days of arrest; otherwise, police must release the suspect. The law allows the People's Procuracy to request two additional three-day extensions allowing for an extension of the custody time limit to a maximum of nine days.

By law, authorities may detain individuals pending investigation for up to 24 months, in four-month increments, for "especially serious offenses," including national security cases. During this period of detention, authorities have the discretion to deny family visits, which they routinely did for those arrested under national security articles.

The law allows for bail as a measure to replace temporary detention, but authorities infrequently used it. The law authorizes investigators, prosecutors, or courts to allow for the depositing of money or valuable property in exchange for bail.

The law requires authorities to inform persons held in custody, accused of a crime, or charged with a crime of their rights under the law, including the right to an attorney. Under most circumstances, once advised, the accused are responsible for obtaining their own attorney.

The law affords detainees access to counsel from the time of their detention, but authorities continued to use bureaucratic delays to deny timely access to legal counsel. In many cases, authorities did not provide attorney's access to their clients or the evidence against them until immediately before the case went to trial and without adequate time to prepare their cases.

In cases investigated under national security laws, the government has authority to prohibit access by defense lawyers to clients until after officials complete an investigation and formally charge the suspect with a crime, which it routinely did.

e. Denial of Fair Public Trial

The law provides for an independent judiciary and lay assessors, but the judiciary was vulnerable to influence by outside elements, such as senior government officials and CPV leadership. During the year there were credible reports that political influence, endemic corruption, and inefficiency strongly distorted the judicial system. Most, if not all, judges were members of the CPV and underwent screening by the CPV and local officials during their selection process to determine their suitability for the bench. The party's influence was particularly notable in high-profile cases and other instances in which authorities charged a person with challenging or harming the party or state. Defense lawyers routinely complained that in many of their cases, it appeared judges made a determination of guilt concerning the accused prior to conducting the trial.

There continued to be credible reports that authorities pressured defense lawyers not to take religious or democracy activists as clients and questioned their motivations for so doing. Authorities also restricted, harassed, arrested, disbarred, and, in some cases, detained human rights attorneys who represented political activists.

On November 26, the Phu Yen Bar Federation disbarred Vo An Don four days before he was to represent political activist and blogger Nguyen Ngoc Nhu Quynh at her appeal trial.

In many such cases, authorities did not provide attorneys' access to their clients until immediately before the case went to trial and without adequate time to prepare cases. By law, authorities must request the local bar association, legal aid center, or the VFF to appoint an attorney for criminal cases involving juveniles, individuals with mental or physical disabilities, and persons formally charged with capital crimes.

Trial Procedures

While the constitution provides for the right to a fair and public trial, this right was not uniformly enforced. The law states that defendants are innocent until proven guilty. Defendants have the right to prompt, detailed information of the charges levied against them, but defendants did not always experience such treatment. Defendants have the right to a timely trial, and public trials generally were open to the public, but in sensitive cases, judges closed trials or strictly limited attendance. Authorities generally upheld the rights of defendants to be present at their trial and

to have a lawyer of their choosing. Defendants have the right to communicate with a lawyer at trial for a criminal charge that could result in a 15-year sentence or more, although it was not necessarily the lawyer of their choice.

Defense lawyers routinely reported having little time before trials to talk to their clients. Although the defense has the right to cross-examine witnesses, there were multiple instances in which neither defendants nor their lawyers had knowledge of which witnesses would be called or the opportunity to cross-examine witnesses or challenge statements. A defendant has a right to present a defense, but the law does not expressly state that the defendant has the right to call witnesses. Judges presiding over politically sensitive trials often did not permit defense lawyers and defendants to exercise their rights under the law.

The law stipulates that the spoken and written language of criminal proceedings is Vietnamese, but the state provides interpretation if participants in a criminal procedure use another spoken or written language. The law did not specify whether such services are free of charge. By law, the government provides a lawyer to defendants unable to afford one only in cases involving a juvenile offender, someone with mental or physical disabilities, or when the possible sentence is life imprisonment or capital punishment.

The court uses an inquisitorial system, where the judge plays the primary role of asking questions and ascertaining facts in a trial. Prosecution and defense attorneys and people's assessors play a limited role. In cases involving individuals charged under national security articles, judges occasionally silenced defense lawyers who were making arguments on behalf of their clients in court. Convicted persons have the right to at least one appeal.

Political Prisoners and Detainees

According to Human Rights Watch, more than 100 persons were in prison in the country for political or religious reasons.

The court convicted International Woman of Courage awardee and human rights blogger Nguyen Ngoc Nhu Quynh (known as Mother Mushroom) to 10 years in prison after she gained a large social media following on her blog covering human rights, land issues, and environmental concerns.

The government asserted there were no political prisoners in the country.