



TG: ASA 41/2017.002

To Lam
Minister of Public Security
44 Yết Kiêu Street
Hoàn Kiếm District
Hà Nội,
Việt Nam

3 July 2017

Dear Minister

OPEN LETTER CALLING FOR INVESTIGATION INTO DEATH IN CUSTODY OF NGUYEN HUU TAN

We, the undersigned organizations, call on the Vietnamese authorities to immediately order an independent, impartial and effective investigation into the circumstances surrounding the death of Hoa Hao Buddhist Nguyen Huu Tan, who died in police custody on 3 May 2017 in Vinh Long province, Viet Nam. We also call for the findings and conclusions of such an investigation to be made public. Any individuals against whom there is sufficient, prima facie admissible evidence of unlawful involvement in the death, be they State or non-State actors and irrespective of rank or status, must be prosecuted in fair trials. We also call on the authorities to cease immediately their intimidation and harassment of Nguyen Huu Tan's family.

Nguyen Huu Tan was arrested by officials from the provincial Office of Police Investigation on the morning of 2 May 2017 in Binh Minh township, Vinh Long province. His home was searched and he was accused of breaching Article 88 of the Vietnamese Penal Code by allegedly "disseminating documents with contents against the Socialist Republic of Vietnam". However, authorities have not provided any information regarding the specific materials alleged to be in the possession of Nguyen Huu Tan or distributed by him. Nor is it clear what, if any, evidence was found during the search of the house. In any event, peaceful criticism of State institutions or authorities is protected by the human right to freedom of expression and must not be criminalised. Nevertheless, Nguyen Huu Tan's family say an arrest warrant was read and he was taken away and detained at the temporary detention centre of Vinh Long Provincial Police in the early hours of 3 May, where he later died the same day.

On 20 June 2017, the parents of Nguyen Huu Tan received a 1.5-page notice, dated 8 June, summarizing the conclusions from an investigation into the death carried out by the Office of Police Investigation, Vinh Long Provincial Police – that is, the same police force that was responsible for his arrest. According to the notice, the investigation concluded that Nguyen Huu Tan committed suicide by cutting his own throat with a "knife" obtained from the briefcase of an investigator, an act which the investigation determined had been committed "without any influence or assistance by another individual". The same explanation regarding the act of suicide was provided verbally to Nguyen Huu Quang, the father of Nguyen Huu Tan, when he was shown his son's body shortly after noon on 3 May. Without further explanation, the notice also stated that two officials had been "partially responsible" for the death and had therefore been demoted.

According to Nguyen Huu Quang, the injuries he saw on his son's body suggest that he may have been tortured and killed in police custody. He believes the explanation provided by police, and the conclusion of the investigation, are inconsistent and contradictory. When he was shown Nguyen Huu Tan's body he was lying on his back in a pool of blood. He had a cut across his throat that ran almost from ear to ear and was about 5 cm wide. His windpipe was severed and his neck bone exposed. His forehead was bruised and the skull around the forehead and the side of his head was soft. However, despite the claim that he had committed suicide by

Index: ASA 41/6657/2017

cutting his own throat, Nguyen Huu Quang observed no blood on his son's hands. Also, the length, width and depth of the cut, including severance of the windpipe, made it seem unlikely that the wound was self-inflicted.

After the death of his son, Nguyen Huu Quang was shown two different video clips by the police, which purported to show his son committing suicide. The face(s) of the man or men in the videos who were alleged to be his son could not be seen. In the first, shorter video clip the man shown allegedly cutting his own throat used a knife in his left hand, while Nguyen Huu Tan was right-handed. Nguyen Huu Quang stated that he was later shown a longer video recording that showed a man cutting his throat in a different manner to the man in the first video. He has voiced suspicions that both videos were staged.

The family of Nguyen Huu Tan wished to take his body home after his death and to have an independent autopsy performed. However, according to the family, the police did not release the body for several hours. During that time, the body was cleaned and the cut on Nguyen Huu Tan's throat was stitched up. His body was placed in a coffin which was then screwed shut. The police brought the coffin to the family's house, which was surrounded by police. According to the family, when they opened the coffin and attempted to take photographs of the body, police confiscated or destroyed their phones. Local officials then pressured them to bury or cremate the body as soon as possible. The body was therefore buried before any medical evidence could be obtained.

Nguyen Huu Quang says that his family have previously been harassed and intimidated by the authorities, including being followed and visitors being obstructed. He believes that his family has been targeted by authorities because they refuse to join the local branch of the Hoa Hao Administrative Council, a government-aligned body that is believed to monitor the activities of Hoa Hao Buddhists.

We note that torture and cruel, inhuman and degrading treatment, and extrajudicial, summary or arbitrary executions, which constitute a violation of the right to life, are unlawful under international human rights treaties, which are legally binding on Viet Nam. Article 6 of the International Covenant on Civil and Political Rights (ICCPR), to which Viet Nam is a State party, provides that everyone has an inherent right to life, and that no one may be arbitrarily deprived of his or her life. Article 7 provides that no one may be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Both rights are non-derogable, that is, cannot be restricted even in times of emergency which threatens the life of the nation. Article 18 provides that everyone has the right to freedom of thought, conscience, and religion, meaning that they should be free to practice their religion without government interference. Under Article 2(3), State parties must ensure that any person whose rights or freedoms as recognized under the ICCPR are violated has an effective remedy. It also requires that conduct amounting to torture, ill-treatment and unlawful killings be promptly, thoroughly and effectively investigated through independent and impartial bodies and that the perpetrators of violations be brought to justice. Viet Nam is also a State party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Articles 1, 2 and 16 prohibit torture and other cruel, inhuman or degrading treatment or punishment absolutely. Article 12 provides that States must ensure that their competent authorities proceed to a prompt and impartial investigation wherever there is reason to believe that an act of torture has been committed in territory under its jurisdiction.

Given the circumstances surrounding the death of Nguyen Huu Tan, we consider that an immediate, independent, impartial and effective investigation is required, with the findings and conclusions made public. The investigation by the Office of Police Investigation into the conduct of its own officials cannot be regarded as independent, impartial or effective. The finding that two investigators were "partially responsible" for the death is inadequately explained and the inconsistencies observed by Nguyen Huu Quang have not been addressed. The investigation summary also does not address the arbitrary arrest of Nguyen Huu Tan.

Since the death of Nguyen Huu Tan, the police have reportedly threatened to arrest and prosecute other members of his family for "anti-State activities" and security cameras have been installed around the house. Nguyen Huu Tan's widow, Huynh Thi Muoi, is said to be severely traumatized by the sudden death of her husband. She is so fearful for the safety of their nine-year-old son that she does not allow him to go to school. In addition to ensuring an immediate, independent, impartial and effective investigation, we call on the Vietnamese authorities to immediately end all intimidation and harassment of members of this family and to protect their human rights.

Yours sincerely

Endorsing Organizations

Amnesty International
Association of Con Dau Parishioners
Association for Promotion of Freedom of Religions or Beliefs
Boat People SOS
Brotherhood for Democracy
Campaign to Abolish Torture in Vietnam (CAT-VN)
Christian Solidarity Worldwide
Coalition for a Free and Democratic Vietnam
Coalition to Abolish Modern-day Slavery in Asia
The Central Administrative Committee of Hoa Hao Buddhist Church, Overseas Office
Committee for Religious Freedom in Vietnam
Defend the Defenders
Human Rights Without Frontiers International (HRWF)
The Independent Hoa Hao Buddhist Bloc
Interfaith Council of Vietnam
International Commission of Jurists
Jubilee Campaign USA
Montagnard Assistance Project
Phap Bien Temple, Unified Buddhist Church of Vietnam, Ba Ria – Vung Tau province
Phuoc Buu Temple – Dat Quang Pure Land, Unified Buddhist Church of Vietnam, Ba Ria – Vung Tau province
Popular Council Of Cao Dai Religion
Quang Minh temple, An Giang province, Vietnam
Quê Me: Vietnam Committee on Human Rights
VETO! Human Rights Defenders' Network
Vietnam Coalition Against Torture
Vietnam Committee on Human Right
Vietnamese Independent Civil Society Network (VICSON)
Vietnamese Interfaith Council in America
Vietnam Multi-Faith Roundtable
Vietnamese Political & Religious Prisoners Friendship Association
Vietnamese Women for Human Rights
Women for Human Rights in Vietnam