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WATCH

## PUBLIC INSECURITY

Deaths in Custody and Police Brutality in Vietnam



# **Public Insecurity**

Deaths in Custody and Police Brutality in Vietnam

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# Public Insecurity

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# Map





## Summary

To leave the police station alive? It's a miracle!

—Unidentified Facebook user, September 2012

As normal as dying in a local police station... (Binh thuong nhu chet o cong an phuong)

—Unidentified Internet user, September 2012

In February 2011, 53-year-old Trinh Xuan Tung hopped behind the driver of a motor-bike taxi and headed to Hanoi's bustling Giap Bat bus station. Once there, and while still on the bike, he removed his helmet to make a phone call. A police officer, Lt. Col. Nguyen Van Ninh, promptly issued the taxi driver a fine for carrying a passenger not wearing a helmet.

The driver protested that he had no control over what his passenger did. In the ensuing melee—in which Trinh Xuan Tung struggled to free the driver, whom the policeman had grabbed by the collar—the officer and several other men punched, kicked, and clubbed Tung. They then handcuffed him, took him to the local police station, and chained him to a chair despite his complaints that he was in severe pain. When members of Tung's family heard about the incident, they went to the police station and begged the police to let them take him to the hospital. But they were turned away three times. The police also refused Tung's daughter's request to feed her father. Instead, they ordered his family to clean up his vomit. Only hours after Tung had been injured did police allow his family to take him to the hospital, where he was diagnosed with a broken neck. He died a week later.

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This is not an isolated case of police abuse. Although public discussion of police brutality has traditionally been minimized in Vietnam, where there is one-party rule and the media is state-controlled, the problem is now widely discussed in private. Moreover, courageous members of the media, bloggers, and victims are increasingly forcing the issue into mainstream discourse.



This report focuses on alleged abuses in police custody in Vietnam from August 2010 to July 2014, including during arrest, questioning at police stations, and pretrial detention. It does not look at abuses in prison after conviction, which is a separate problem with separate causes and solutions.

While Human Rights Watch conducted some research in Vietnam for this report, we did not interview victims and witnesses there because doing so would have exposed them to almost certain retaliation. Instead, this report draws on our review of police abuse cases reported in Vietnamese-language newspapers, all government owned, as well as reports from independent bloggers, citizen-journalists, and foreign news agencies. Many of the accounts included in this report have never before been published in English and, to our knowledge, this is the first case-based analysis of patterns of country-wide police abuse. We found reports of police abuse in more than 44 of Vietnam's 58 provinces, and in each of the country's five largest cities (Hanoi, Hai Phong, Da Nang, Can Tho, and Ho Chi Minh City).

Although only a subset of illustrative cases is included here, the report highlights cases of killings in custody, alleged suicides, unexplained custodial deaths (including of previously healthy men in their 20s and 30s who allegedly died from illnesses), torture, and beatings—including of children, and, in one case, of a person with a mental disability.

Victims include people accused of serious crimes such as murder, but most cases involve people accused of petty crimes, domestic disputes, and traffic violations. In many cases the deaths appeared to result from efforts to obtain confessions, though in some cases it appears that violence was used to punish a detainee.

In most cases, police implicated in abuse were not disciplined, or received extremely light punishments given the seriousness of their crimes. Some were subsequently promoted.

Only a handful of deaths discussed here received extensive newspaper coverage—usually when victims' families actively sought justice and spoke to the media. Most deaths were only briefly noted in the local press, if at all. Given enduring constraints on press freedom in Vietnam, there is no doubt that there are many more cases of abuse than are reported here.

## Deaths in Custody

In some cases, the authorities admitted that people died in police custody in circumstances that appeared to warrant no more than minimal use of force, if any.

For example, in August 2012, police beat unarmed Nguyen Mau Thuan to death after arresting him less than three hours earlier following a minor dispute in his neighborhood. An autopsy revealed that he had three broken ribs and many bruises. Tran Van Du died in similar circumstances in March 2011. In August 2011 Tran Gon was beaten to death by the police following an alleged theft, and Le Phuc Hung died in August 2010 after being arrested for a similar crime.

In some cases, police denied ever detaining subjects who later died in their custody, or provided causes of death in custody that strain credulity including dozens of alleged suicides by hanging and electrocution. For example, Nguyen Cong Nhut died on April 25, 2011, four days after police detained him during an investigation of a theft case at his workplace. Confusingly, the police claimed that he hung himself, yet also denied after his death that they had ever arrested or detained him. Instead, they claimed, he had “volunteered” to stay at the police station to help them solve a case relating to missing items at the company where he worked. Police also shared a copy of Nguyen Cong Nhut’s alleged suicide note, in which he told his wife he had not stolen from his company and praised police for being “wonderful investigators.” The number of alleged suicides in police custody is so high that a number of land rights activists have prepared living wills, affirming that they are in good physical and mental health and have no intention of committing suicide should they be arrested by the police.

In many other cases, only a vague and unconvincing explanation was given for a death in custody, even in cases where the police felt compelled to inform media. A surprisingly large number of people—many of them previously healthy and in their 20s and 30s—allegedly died from medical problems, including “pulmonary edema” (fluid in the lungs), which is not a common cause of death for young people.

## **Custodial Torture**

Non-lethal physical abuse by the Vietnamese police is easier to document than abuses that result in death because victims survive to tell their story. As with instances of death in police custody, cases of non-lethal police brutality are reported around the country, indicating the problem is widespread.

Cases of custodial torture have certain common features. A number of victims reported that they were beaten in order to extract confessions, sometimes for crimes they claim they did not commit. Others claim they were beaten for criticizing police officers or trying to reason with them. Many had committed minor administrative violations, such as traffic infractions, or were allegedly involved in small-time criminal activities or domestic disputes. Police often used violence during raids on cockfights or small gambling dens.

For example, in one case, in November 2012 Nguyen Huu Tien was handcuffed and escorted to a police station in Pleiku city, Gia Lai province, following an argument with his wife. At the station, he was clubbed on the thighs and hit in his stomach and chest. The police eventually apologized and paid Nguyen Huu Tien's medical bill. In another incident in August 2012, police detained and severely beat with electric batons seven youths aged 17 to 21 in Nghi Xuan district of Ha Tinh province who were accused of starting a fight at a soccer match.

## **Sources of Police Abuse**

Police abuse derives from several factors. First, as an institutional offspring of the Vietnamese communist revolutionary movement, the police force has always defined itself more as a political instrument for safeguarding communist power against hostile domestic and foreign forces than as a professional body. The legacy of this political orientation endures today in the way the Ministry of Public Security (MPS) continues to require its recruits to be members of the Communist Party or Communist Youth League, and to emphasize Marxism-Leninism and Ho Chi Minh Thought in its training. Such an emphasis on party credentials and political loyalty in MPS recruitment and training undermines prospects for meaningful professionalization of the force.

The problem of police abuse also derives from the relative neglect of the Commune Police, the single most important on-the-ground unit in many parts of the country. The force

interacts daily with Vietnam's large rural population, but remains a semi-professional unit that is treated as a second-tier force within the MPS. Members often have lower salaries and fewer benefits than police at the district, provincial, and central levels and are not integrated into the professional ranks of the MPS, limiting opportunities for career advancement and incentives for self-performance improvement. They also receive inadequate training in law and basic police procedures. It may be no coincidence that a large portion of abuses documented in this report were committed by Commune Police.

A third factor contributing to police abuse is the lack of a strong legal culture in Vietnam. While the criminal procedure code stipulates that no one should be considered a criminal prior to conviction, a true "presumption of innocence" does not exist within the broader institutional culture of the state security services. In several of the cases we researched, police arrested people based on vague suspicions without supporting evidence, and then beat them to elicit confessions; ignored basic procedures to safeguard citizens against ill-treatment or arbitrary detention; and sometimes handcuffed and arrested suspects without warrants. They also sometimes interrogated children and people with mental disabilities without legal guardians present. Perhaps most troubling, defense lawyers and legal consultants play almost no role during the period that crimes are being investigated and suspects are held and questioned. In only a handful of cases that we examined for this report did a lawyer or legal representative play any role on a detainee's behalf. This reflects a larger problem in Vietnam's criminal justice system: according to an article published on the website of the Ministry of Justice, accused persons utilize a defense lawyer in only about 21 percent of criminal cases.

Fourth, Vietnam allows impunity for most perpetrators of police abuse, as officers who commit serious, even lethal, transgressions rarely face serious consequences (we have included some cases in this report in which officers have been held accountable to demonstrate that the system can work given sufficient political will). In most cases in which abuses are officially admitted, police officers face only light internal disciplinary procedures, such as criticisms or warnings. Demotions, transfers, or dismissals of offending officers are rare, and prosecutions and convictions even rarer. Even when they are prosecuted and convicted, police officers tend to receive light or suspended sentences. The heaviest punishment meted out to a police officer in the cases we reviewed was the eight-year prison sentence imposed on an officer who beat a detainee to death. Most of

the handful of officers who were held responsible for the deaths of detainees received only two to four-year sentences.

Vietnam also lacks a system of checks-and-balances within its political and administrative bureaucracies that might help curtail police abuse. Most organizations independent of the party and the state are prohibited in Vietnam. So-called “mass organizations” managed under the umbrella of the party-controlled Father Front—such as the Women’s Union or the Confederation of Trade Unions—have no formal power to oversee the police. Vietnam lacks an independent police complaint commission to investigate allegations of police abuse, and the law does not require an independent investigation and public reporting of all deaths in custody. There is also no independent entity tasked with reviewing cases of alleged suicide in police custody.

Finally, national and local media provide an inadequate check against police abuse. The Internet’s rapid development has helped to loosen the party’s tight control over information. But all official media organs remain in state or party hands, and the absence of independent media greatly discourages investigative journalism. Police abuses are frequently covered, but not comprehensively and usually without depth or follow-up that explores responsibility for abuse further up the chain of command. Journalists rarely have enough editorial support or political muscle to challenge police versions of events, or to point out obvious contradictions in MPS statements. News media are often ordered not to pursue stories when they traduce the interests of those in power.

Vietnam systematically persecutes bloggers who attempt to act as independent journalists and critical commentators. In April 2014, police dispersed a human rights meeting at a cafe in Nha Trang (Khanh Hoa province) to discuss the issue of police killing of civilians and to distribute copies of the UN Convention against Torture. Several people who planned to join the discussion, including family members of victims of police abuse, were briefly detained and assaulted.

The research conducted by Human Rights Watch and presented in this report confirms that police abuse in Vietnam occurs at an alarming rate. Recognition of the extent and seriousness of police brutality is the first step to solving this problem. Such a solution will include reforming the police force, educating the public about legal protections, and holding abusers accountable for their actions.

## Key Recommendations

### To the Government of the Socialist Republic of Vietnam

- Clearly and unequivocally signal through public statements, internal directives, and specific measures by senior government officials and the highest-ranking police officials that the use of torture, beatings, or any other form of mistreatment in police custody is unacceptable and will be punished.
- Ensure that police officers implicated in torture and other ill-treatment, regardless of rank, are disciplined or prosecuted as appropriate.
- Establish a tracking system for police officers facing civilian complaints of abuse or misconduct in order to identify officers who misuse their power. Such a tracking system should be used to ensure that problem officers are properly investigated and disciplined, provided necessary training, and when convicted of crimes, dismissed from the police force and prosecuted.
- Establish an independent police complaints commission to accept complaints from the public and to provide oversight over the “internal affairs” or “professional responsibility” unit of the police. The commission should be a statutory body with the legal authority to bring prosecutions or impose discipline if the internal affairs or professional responsibility unit fails to do so in cases in which credible allegations have been made.
- Establish an independent internal affairs or professional responsibility unit at each province, municipality, and district to promptly and impartially investigate all cases in which an allegation has been made of mistreatment in custody leading to death or injury.
- Require police to videotape all interrogations to prevent the use of torture and ill-treatment. Do not allow confessions made in custody into evidence at trial unless they are videotaped.

- Allow independent monitoring of detention facilities, including station lockups and jails, by independent civil society organizations. Allow detainees to meet privately with representatives of independent organizations conducting monitoring.
- Encourage and protect journalists and their sources who reveal instances of police abuse. Ensure Internet freedom so that journalists and bloggers can play the necessary role of watchdog and report on allegations of police abuse.
- Urge the National Assembly to ratify the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as soon as possible.

## Methodology

The cases of police abuse included in this report occurred between August 2010 and July 2014. Information was gathered and cross-checked through foreign news services, social media websites, independent blogs based inside and outside Vietnam, and government-controlled Vietnamese newspapers, including national and provincial publications.

Whenever possible, newspaper accounts were cross-checked with other sources to ensure their accuracy. In cases where multiple sources described the same events in different ways, we have noted the disagreements.<sup>1</sup>

Independent blogs published in Vietnam are increasingly valuable sources of information, though some are much more reliable than others and all require independent verification. Some blogs include first-rate reporting, but since police constantly harass their authors and frequently shut them down, their unique coverage and perspective are only available intermittently.<sup>2</sup>

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<sup>1</sup> Vietnam continues to have a state-controlled media which allows little freedom of expression for journalists and editors. Laws and regulations make posting critical facts or opinions on the Internet risky, with at least dozens of people arrested and/or imprisoned as a result. Organs of the Party and state maintain their monopoly of ownership over all forms of formal media. As has been the case since the mid-1950s, no privately-owned domestic newspaper operates legally under the communist regime. Vietnamese newspapers still espouse a largely uniform editorial line on issues of national policy, rarely criticize the national political leadership, and never challenge the legitimacy of the system of single-party rule. The situation has improved since the “Renovation” reforms of the 1980s, which transformed several aspects of the Vietnamese press while leaving others intact. Accounts of police abuse in Vietnamese newspapers can sometimes go against the grain of pro-party-state media propaganda and reveal serious misconduct. But it is also true that an unknown number of cases go unreported in the media and are unknown to the public and human rights researchers. Differences in coverage by different media organs may also reflect internal conflicts between press organs run by rival government offices. While powerful newspapers run by the police and the army adopt an exculpatory tone towards perpetrators of abuse, publications connected to mass organizations or labor unions (all government controlled) are more likely to raise questions about police behavior and, occasionally, to champion the cases of victims and their families. However, relaxation of some media-related rules, including encouraging competition and innovation within the press by placing newspaper managers in charge of their own budgets and allowing some media coverage of social problems including government corruption and malfeasance at the local level, has resulted in a lively but uneven media culture, at once muckraking, lurid, and politically conservative.

<sup>2</sup> Bloggers’ reporting often includes uncensored interviews with family members of the victims and witnesses, accompanied by photos and video clips of the interviews. Bloggers sometimes carry out follow-up interviews to find out how the authorities responded. In some cases, bloggers like former police officer Ta Phong Tan use first-hand knowledge of police procedures to expose wrongdoing. Ta Phong Tan is serving a 10 year sentence for conducting propaganda against the state according to article 88 of the penal code. In 2013, she was honored by the U.S. State Department with an award as an “International Woman of Courage.” <http://www.state.gov/secretary/remarks/2013/03/205892.htm>.



Human Rights Watch did not attempt in-person interviews with victims in Vietnam for fear that it would lead to retaliation against individuals or organizations who communicated with us. Vietnamese media regularly accuse critics of the government who are in contact with foreign organizations of “working with hostile forces” and charge them with crimes such as “undermining the people’s administration.” Even email exchanges with bloggers and family members of victims were limited for fear that these would be monitored by the authorities.

On May 6, 2014, Human Rights Watch sent a letter to various government authorities asking for information on individual cases and the system for addressing alleged police abuses. Despite repeated requests for a response, at the time of writing we had received no reply.

# I. The Vietnamese Police

Vietnam's Ministry of Public Security (MPS) controls the police. Its institutional tentacles can be found at every level of Vietnamese society.

The MPS traces its origins to a handful of armed militias that Communist Party leader Ho Chi Minh founded during the chaotic days of the August Revolution in 1945.<sup>3</sup> In 1946, Edict 23 was issued, consolidating the militias into a single force designed to maintain order, resist foreign enemies, and suppress domestic power rivals. Under Edict 23, the police's responsibilities include collecting information related to national internal and external security, proposing and executing methods to prevent activities that violate internal orders and security, and investigating such violations.<sup>4</sup>

In February 1953, President Ho signed Edict 141 to upgrade what was then a "bureau" of public security to a sub-ministry, which in June officially became the Ministry of Public Security. Its responsibilities include fighting domestic and international enemies, spies and "reactionaries," "eliminating hooligans, thieves and robbers," maintaining order, and managing prisons.<sup>5</sup>

In July 1956, the People's Police Bureau was founded under Decree 982 and added to the MPS. According to Decree 982, and later clarified by Ordinance 34 in 1962, the responsibilities of the People's Police involve fighting "reactionaries," "hooligans, thugs, thieves, smugglers," "eliminating social evils," and a variety of efforts to maintain public order, control, and manage aspects of people's daily life, including residential registration, transportation, and the printing industry, and even the manufacture, repair and sales of radios and parts of radios, etc.<sup>6</sup>

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<sup>3</sup> In this report the Vietnamese police force will be referred to as the MPS, Vietnamese police force, or Vietnamese police.

<sup>4</sup> President Ho Chi Minh, Edict 23, signed February 21, 1946, uniting different police and security departments in the country into one office named the Vietnam Bureau of Public Security (VBPS - Viet Nam Cong an vu), under the direct leadership of the Ministry of Internal Affairs.

<sup>5</sup> President Ho Chi Minh, Edict 141, signed February 16, 1953.

<sup>6</sup> Decree 982, issued on July 28, 1956, signed by Deputy Prime Minister Phan Ke Toai on behalf of Prime Minister Pham Van Dong. Also see Ordinance 34, issued July 20, 1962, signed by President Ho Chi Minh.

In March 1959, the Armed Public Security force, founded under Decree 100, was added to the MPS.<sup>7</sup> In 1975, the National Assembly unified the Ministry of Public Security and Ministry of Internal Affairs into one unit—the Ministry of Internal Affairs.<sup>8</sup> In 1998, the decision was reversed, and the Ministry of Internal Affairs was renamed the Ministry of Public Security (MPS)—its current name.<sup>9</sup>

The MPS was conceived as an essential organizational component of the communist party, a status that it maintains today. According to the Public Security Law, the MPS operates “in all aspects under the direct and absolute leadership of the VCP.”<sup>10</sup> Cementing its connection to the party, the law stipulates that MPS members, down to the commune level, must also be members of the VCP or its youth organization, the Ho Chi Minh Communist Youth League.<sup>11</sup> During a ceremony to celebrate the founding of the police force in August 2013, Minister Tran Dai Quang emphasized the traditional link between the party and the police. “As long as the Party survives, the Public Security force survives,” he said.<sup>12</sup>

Aided by an elaborate system of paid and unpaid informants, the MPS has always maintained a pervasive surveillance system over the population.<sup>13</sup> While this system has

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<sup>7</sup> Decree 100, issued on March 3, 1959, signed by Prime Minister Pham Van Dong.

<sup>8</sup> The unification of the MPS and MIA under the name of the MIA was approved during the first meeting of the Fifth National Assembly (1975-1976) from June 3 – June 6, 1975. See “The Fifth National Assembly of the Democratic Republic of Vietnam (1975-1976)” (“Quoc hoi nuoc Viet Nam Dan chu Cong hoa khoa V (1975-1976)”), in the History of the National Assembly, [http://www.na.gov.vn/Sach\\_QH/LSQHVN2/60-75/4.htm](http://www.na.gov.vn/Sach_QH/LSQHVN2/60-75/4.htm) (accessed September 27, 2013).

<sup>9</sup> Resolution 13/1998/NQ – QH10, issued on May 7, 1998, signed by Chairman Nong Duc Manh. In 2002, under Resolution 02/2002/NQ-QH11, issued on August 5, 2002, a new Ministry of Internal Affairs was established to handle a variety of domestic affairs, independent from the MPS.

<sup>10</sup> Law on the People’s Public Security, No.54/2005/QH11.

<sup>11</sup> Decree 73, No. 73/2009/ND-CP on detailed regulations to implement a number of articles of the Ordinance of Commune Public Security. Article 4 of this decree provides criteria to be admitted to the commune public security force. Circular 30/2009/TT-BCA on regulations to select citizens for the People’s Public Security force. The only exceptions for those who are neither members of the CPV or the Ho Chi Minh Communist Youth League to be accepted for the MPS are people of minority background who would meet the requirements to join the Ho Chi Minh Communist Youth League soon afterward, or people with high degrees including Professors, Associate Professors, Masters, and university graduates with excellent records.

<sup>12</sup> “Constructing the image of Public Security in the heart of the people” (“Xay dung hinh anh Cong an nhan dan trong long nhan dan”), *Cong an TP Ho Chi Minh*, August 17, 2013, <http://www.congan.com.vn/?mod=detnews&catid=942&id=501359> (accessed September 12, 2013). According to Minister Tran Dai Quang, this is a teaching from the late party general secretary Le Duan, who served as party general secretary from 1960–1986.

<sup>13</sup> Police surveillance is so pervasive that it has become a part of people’s daily lives for decades. One of the most popular hide-and-go-seek games at one time for children in the north was called “Public Security arresting spies.” Any visitor who visited from outside the neighborhood had to be reported to the police, as encapsulated in a famous slogan of the time, “Whether it rains or storms, one must inform the police when a guest comes” (“du cho bao tap mua sa/ khach la den nha phai bao cong an”). Today, every citizen must be registered permanently at one address. When one moves temporarily, one must register temporarily at the new place. When one has a visitor who stays overnight, one must inform the local police. The

softened somewhat since the onset of the Renovation reforms of the mid 1980s, the MPS continues to keep close tabs on myriad aspects of the population's social and political lives.<sup>14</sup> The MPS' political responsibilities remain especially prominent. In a December 2012 speech, Prime Minister Nguyen Tan Dung singled out the police force for "defeating plots and destructive activities carried out by hostile forces."<sup>15</sup>

Undergoing rapid expansion during the last 20 years, the MPS has evolved into one of the two most influential ministries in Vietnam (along with the Ministry of Defense). Of 16 members of the all-powerful Communist Party Politburo, three hail from the Ministry of Public Security: Prime Minister Nguyen Tan Dung (former deputy minister of Public Security), Minister of Public Security General Tran Dai Quang, and former minister of Public Security General Le Hong Anh.<sup>16</sup>

In addition to its strong representation within the top party leadership, the MPS's power derives from its control over a diverse series of subsidiary interests and institutions. These include business companies, hotels, residential apartment buildings, hospitals, scores of magazines and newspapers, a large commercial publishing house, and a Center for Radio, Television, and Cinema, which recently founded its own television channel. The MPS runs the prison system, and also controls an elaborate network of training academies, several colleges, and universities.

To burnish its image, the MPS maintains a police museum in Hanoi, an institute of police history, and several high profile theatrical troops and professional sports teams.

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police often exploit this rule to intimidate and harass dissidents (by arbitrarily checking the number of people at their house during the night).

<sup>14</sup> "The function of the police is to advise the Party and State about the protection of national security, the maintenance of social order and safety. It also carries out unified management in regard to the protection of national security and the maintenance of social order and safety; it prevents and fights against plots and activities carried out by hostile forces, and prevents and fights against crimes and violations of national security, social order and safety." Public Security Law 54/2005/QH11, art. 4, item 2.

<sup>15</sup> "In 2012, the People's Public Security continued to promote its key role in ensuring national security and maintaining social order and safety, advising the Party and the State to issue many big policies in regards to protecting security and order, preventing and defeating plots and destructive activities carried out by hostile forces, maintaining order and security at strategic areas." Thien Thuat, "Promoting the key role of the People's Public Security in ensuring security" ("Phat huy vai tro nong cot cua CAND dam bao an ninh"), *VietnamPlus*, December 17, 2012, <http://www.vietnamplus.vn/Home/Phat-huy-vai-tro-nong-cot-cua-CAND-dam-bao-an-ninh/201212/174185.vnplus> (accessed December 17, 2012).

<sup>16</sup> For a brief bio of Prime Minister Nguyen Tan Dung, see the government's website, <http://chinhphu.vn/portal/page/portal/chinhphu/tieusulanhdao?personProfileId=960&govOrgId=2856> (accessed July 22, 2014).

## Police Force Structure

The MPS comprises two core forces: the People's Security Force (An ninh Nhan dan), responsible for national security, and the People's Police Force (Canh sat Nhan dan), responsible for social order and public safety.<sup>17</sup>

Focusing on political crimes, the People's Security force aims to collect intelligence, prevent and defeat plots and activities that damage national security, and protect security in the political, economic, cultural, ideological, and informational realms. It also manages immigration and foreign residents.

The People's Police force handles more traditional police work: criminal investigations, neighborhood policing, traffic control, household registration, identification cards, and environmental regulation.<sup>18</sup>

The MPS is organized vertically at the national, provincial, district, and commune levels.<sup>19</sup> Horizontally, the MPS is organized into eight general departments: foreign security; domestic security; force building; logistics and technology; intelligence; crime; traffic control, fire prevention, and household registration; and prisons and juridical assistance.<sup>20</sup> Bureaus within these general departments direct corresponding units at the provincial levels (including the country's five largest cities), which in turn supervise teams at the district level.<sup>21</sup>

At the commune level, the country's smallest administrative unit, order is maintained by the ubiquitous Commune Police force (Cong an xa), which includes one police chief, one or

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<sup>17</sup> Law on People's Public Security, No.54/2005/QH, adopted in November 2005 and became effective in July 2006.

<sup>18</sup> Ibid.

<sup>19</sup> Vietnam has 58 provinces and 5 centrally-directed cities seen as equivalent to the provincial level, which include Hanoi, Hai Phong, Da Nang, Ho Chi Minh City, and Can Tho.

<sup>20</sup> In addition to these eight general departments, the MPS has a number of centrally directed units such as the MPS Office, the International Cooperation Department, the Financial Bureau, etc. It also has two special command forces including the guard force and the rapid response force.

<sup>21</sup> For example, the immigration bureau (identified as A72)—Security Gen. Dept. I—directs immigration departments (identified as PA 72) at centrally-directed cities and provinces. Similarly, the Road and Railway Traffic Police Bureau (identified as C67) —Gen. Dept. VII—has corresponding departments at provincial and central cities level (identified as PC67). At the district level, there are teams such as the traffic police team, the drug-related crime investigation team, the people's security team, political and logistics teams, etc.

two deputy police chiefs, and subordinate police officers.<sup>22</sup> The precise number of police officers stationed in any commune corresponds to the number of hamlets it possesses.<sup>23</sup> Each hamlet is patrolled by one or two police officers depending on its population.

Police at the commune level are under the direct control of the commune Communist Party executive committee, and the district police.<sup>24</sup> Although they are a key component of the MPS, Commune police officers are only considered a “semi-professional” force (*ban chuyen trach*).<sup>25</sup> This means that they are made up of untrained local recruits who are not integrated into the official ranks of the MPS. If one is healthy and meets the political requirements, he can be chosen for the commune police force even without a high-school education.<sup>26</sup> In remote communes, the minimum educational requirement is to have finished elementary school, even for police chiefs and deputy police chiefs.<sup>27</sup>

In theory, after joining the police force at the commune level, new police force members receive some training at sessions organized once or twice a year, with each course lasting

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<sup>22</sup> The commune is Vietnam’s smallest administrative unit. This includes communes in rural and suburban areas, wards in urban areas and district-towns. According to official statistics, by the end of 2011 Vietnam had a total of 9050 communes, 623 district towns and 1448 wards. See <http://www.gso.gov.vn/default.aspx?tabid=386&idmid=3&ItemID=12817> (accessed July 22, 2014). Also note that the number of wards stated above includes wards in the five centrally-directed cities.

<sup>23</sup> Decree 73/2009/ND-CP. It appears a commune can have as few as 2 hamlets (such as Lien Hiep commune, Phuc Tho district, Hanoi) or as many as 33 hamlets (such as Phu Nhuan commune, Bao Thang district, Lao Cai province). For communes with large populations or deemed sensitive geographically or socially, each hamlet can have 2 police officers.

<sup>24</sup> Commune police are also managed by the People’s Committee at the commune level. The size of the police force at the commune level depends on the size and/or the strategic importance of the commune (population-wide and geo-political importance). According to Law 11/2003/QH11 and Decree 107/2004/ND-CP on the structure of the people’s committee, the people’s committee at the commune level consists of three to five members (a chairman, one or two deputy chairmen, and one or two members). In many cases, the commune police chief is also a member of the commune people’s committee. The commune police force, the people’s committee, the commune communist executive committee, and other state-controlled organizations share the same headquarters (i.e. the same compound or building). In some cases, only one or two rooms at this compound or building are assigned for the use of the commune police force. The police force and the local military unit sometimes have to share one room for their work. As such, in some incidents involving commune police abuses, local people carried out protests at the headquarters of commune people’s committees.

<sup>25</sup> The semi-specialized status means that commune police are not trained professionally at police academies and schools. They are not in the regular police force’s ranking system and thus do not enjoy the same promotion possibilities as at the district level and above. Commune police are paid on a scale determined flexibly at the provincial level. They also enjoy fewer benefits than regular police. Although appointed locally in most cases, commune police chiefs and a large number of deputy police chiefs receive regularized salaries and benefits and are eligible for promotion. If a commune police chief leaves his or her position (to retire, to leave the job voluntarily or under pressure, or to be demoted, dismissed, fired, or prosecuted), it is possible for a deputy police chief to be promoted to police chief and a common officer to a deputy chief.

<sup>26</sup> Any Vietnamese over 18 years old with no previous convictions, who displays good morality, and who has family members who follow all guidelines and policies of the Party and the State’s laws, can be chosen for the commune police force. Decree 73/2009/ND-CP. In most cases, one must complete high-school to become commune police chief and deputy chief. Decree 73/2009/ND-CP.

<sup>27</sup> Decree 73/2009/ND-CP.

10 days to 3 weeks, during which commune police officers receive heavy political training, basic knowledge of the law, and professional skills. In practice, in part due to limited funding, these short-term courses appear to be provided mainly for police chiefs or deputy police chiefs.<sup>28</sup> Courses for existing commune police officers are even less frequent and may last only a few days.<sup>29</sup> According to *Phap luat Viet Nam* newspaper, by October 2012, more than 20,000 commune police officers had not received any training.<sup>30</sup>

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<sup>28</sup> See, e.g. Decision No.815/QĐ-UBND, issued by the People’s Committee of Ha Nam province, June 19, 2012.

<sup>29</sup> Ibid.

<sup>30</sup> T.A & P.H., “Commune police officers who ‘committed wrong acts’ often receive no education” (“May anh cong an xa ‘lam bay’ thuong khong duoc hoc hanh”), *Phap luat Viet Nam*, October 19, 2012, <http://phapluatvn.vn/phapluat/201210/May-anh-cong-an-xa-lam-bay-thuong-khong-duoc-hoc-hanh-2071950> (accessed October 19, 2012).

## II. Cases of Death in Police Custody

### Deaths in Custody that Police Admit Were the Result of Police Violence

#### *Killing of Nguyen Huu Thau: July 4, 2014*

Nguyen Huu Thau, 43, from Xuan Tay hamlet, Phu Xuan commune, died in the custody of the police of Phu Xuan commune, Krong Nang district, Dak Lak province. On the night of July 3, 2014, police officer Le Viet Hung and three members of the self-management committee (*ban tu quan*) of Xuan Hoa hamlet arrested and took Nguyen Huu Thau to the hamlet community room for alleged involvement in a theft.<sup>31</sup> When Thau's family arrived the next day, they found him unconscious on the floor.<sup>32</sup> According to the victim's wife, his face was purple and there was a lot of blood on his mouth and his nose.<sup>33</sup> The family took Thau to Dak Lak provincial hospital where he was diagnosed with injuries to his brain.<sup>34</sup> He was transferred to Cho Ray hospital in Ho Chi Minh city, but he died on the way.<sup>35</sup>

According to the newspaper *Tuoi tre*, an autopsy showed that Nguyen Huu Thau had “three teeth broken, many injuries all over his body and especially on his face. There were also internal injuries and blood clots on the top and the left side of his head.”<sup>36</sup>

Officer Le Viet Hung reportedly admitted that he “slapped [the victim's] face many time for being drunk and providing round-about statements.”<sup>37</sup> Le Viet Hung was arrested and has been charged for causing the death of Nguyen Huu Thau, pending further investigation.<sup>38</sup>

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<sup>31</sup> C. Nguyen, “Urgently arresting a police officer suspected of beating a person to death” (“Bat khan cap mot cong an vien nghi danh chet nguoi”), *Nguoi lao dong*, July 8, 2014, <http://nld.com.vn/phap-luat/bat-khan-cap-1-cong-an-vien-nghi-danh-chet-nguoi-20140708083800163.htm> (accessed July 9, 2014).

<sup>32</sup> Tr. Tan, “Urgently arresting a commune police officer in connection to the death of a suspect” (“Bat khan cap Cong an xa lien quan cai chet mot nghi pham”), *Tuoi tre*, July 8, 2014, <http://tuoitre.vn/Chinh-tri-xa-hoi/Phap-luat/616726/bat-khan-cap-cong-an-xa-lien-quan-den-cai-chet-nghi-pham.html> (accessed July 9, 2014).

<sup>33</sup> Ngoc Anh, “Urgently arresting a police officer suspected of beating a person to death” (“Bat khan cap cong an vien nghi danh chet nguoi”), *Thanh nien*, July 8, 2014, <http://www.thanhvien.com.vn/pages/20140708/bat-khan-cap-cong-an-vien-nghi-danh-chet-nguoi.aspx> (accessed July 9, 2014).

<sup>34</sup> Tr. Tan, “Urgently arresting a commune police officer in relation to the death of a suspect,” *Tuoi tre*.

<sup>35</sup> *Ibid.*

<sup>36</sup> Tr. T., “The suspect of a theft case died: A commune police officer admitted beating” (“Nghi can trom cap tu vong: Cong an xa thua nhan co danh”), *Tuoi tre*, July 9, 2014, <http://tuoitre.vn/Chinh-tri-xa-hoi/Phap-luat/617020/nghi-can-trom-cap-tu-vong-cong-an-xa-thua-nhan-co-danh.html> (accessed July 10, 2014).

<sup>37</sup> *Ibid.*

<sup>38</sup> *Ibid.*



## Killing of Huynh Nghia: February 14, 2014

ĐẶT LẤM TRANG CHỦ **tuoi tre** **Evot** **timobile** **tuoi tre** **tuoi tre news.vn**

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Thứ Ba, 26/8/2014, 13:31 Cửa hàng xe máy 2 tầng cháy rụi cùng 60 xe máy

### Thêm một người chết sau khi làm việc với công an

20/02/2014 11:46 (GMT + 7)

TT - Lại thêm một vụ người dân chết sau khi công an lấy lời khai ngày 13-2 (xã Đạo Nghĩa, huyện Đắk R'Lấp, tỉnh Đắk Nông).



Khám nghiệm tử thi, toàn thân nạn nhân N. bị bầm tím - Ảnh: Tr.T.

TIN BÀI LIÊN QUAN >> Nghi can trọng tiêu tử vong sau khi làm việc với công an xã

Photo of Huynh Nghia, showing his body after he died in police detention. The photo accompanied an article headlined "Another person died after being summoned by the police," published by the officially-sanctioned newspaper *Tuoi tre* on February 20, 2014.

Huynh Nghia, 39, from Quang An hamlet, Dao Nghia commune, died after being interrogated by the police of Dao Nghia commune, Dak R'Lap district, Dak Nong province. In the late afternoon of February 13, 2014, officers Nguyen Huu Tuyen and Nguyen Van Hung from Dao Nghia commune took Huynh Nghia to police headquarters for allegedly

stealing pepper.<sup>39</sup> Two hours later, Huynh Nghia was dropped outside his house in critical condition. According to his wife, Phan Thi Tam, he “could not walk and had to crawl to the door and called his family to take him inside.”<sup>40</sup> She also said that “all over his body from his head to his hands and feet, his chest and back, there are bruises... there are even a number of open injuries.”<sup>41</sup> Huynh Nghia died at home the next morning.

Police Chief Tran Van Cong of Dao Nghia commune initially denied that the police beat the victim.<sup>42</sup> A week later, deputy police chief Col. Nguyen Van Hung of Dak Nong province told a reporter from *Tuoi tre* newspaper that Dao Nghia commune police chief Tran Van Cong and officers Nguyen Huu Tuyen and Le Van Tam admitted that they had “used hands and clubs to beat him many times.”<sup>43</sup> According to Col. Nguyen Van Hung, “After initial examination of the corpse, the victim has a total 33 injuries and bruises on his body, 9 of the bruises are on his head and his face.”<sup>44</sup> However, the police are still waiting for “the forensic conclusion for the cause of death” to see whether “the three commune police officers would be criminally charged.”<sup>45</sup>

### *Killing of Tu Ngoc Thach: December 31, 2013*

Tu Ngoc Thach, 14, from Tuan Le hamlet, Van Tho commune, died after being beaten by the police of Van Long commune, Van Ninh district, Khanh Hoa province. In the afternoon of December 29, 2013, Tu Ngoc Thach was involved in a fight with a group of teenagers at Van Long commune.<sup>46</sup> Two police officers, Le Minh Phat and Le Ngoc Tam, chased after Thach.<sup>47</sup>

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<sup>39</sup> Phan Tuan, “The subject who stole pepper died after working with commune police” (“Doi tuong trom tieu tu vong sau khi lam viec voi cong an xa”), *Dak Nong*, February 15, 2014, <http://www.baodaknong.org.vn/an-ninh-trat-tu/doi-tuong-trom-tieu-tu-vong-sau-khi-lam-viec-voi-cong-an-xa-29922.html> (accessed March 27, 2014).

<sup>40</sup> Tr.T. & T.P., “A suspect of stealing pepper died after working with commune police” (“Nghi can trom tieu tu vong sau khi lam viec voi cong an xa”), *Tuoi tre*, February 14, 2014, <http://tuoitre.vn/Chinh-tri-Xa-hoi/593743/nghi-can-trom-tieu-tu-vong-sau-khi-lam-viec-voi-cong-an-xa.html> (accessed March 27, 2014).

<sup>41</sup> Phan Tuan, “The subject who stole pepper died after working with commune police.”

<sup>42</sup> Ibid.

<sup>43</sup> Trung Tan, “Another person died after working with the police” (“Them mot nguoi chet sau khi lam viec voi cong an”), *Tuoi tre*, February 20, 2014, <http://tuoitre.vn/Chinh-tri-xa-hoi/Phap-luat/594558/them-mot-nguoi-chet-sau-khi-lam-viec-voi-cong-an.html> (accessed March 27, 2014).

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> Mien Thao, “Regarding the death of a student who died an unusual death: Summon 2 police officers” (“Lien quan den vu hoc sinh chet bat thuong: Trieu tap 2 cong an vien”), *Mot the gioi*, January 3, 2014, <http://motthegioi.vn/xa-hoi/lien-quan-den-vu-hoc-sinh-chet-bat-thuong-trieu-tap-2-cong-an-vien-36110.html> (accessed January 28, 2014). Relating to this case, on January 1, 2014, 14-year-old Le Tan Khoe was arrested and charged with “intentionally causing injuries that lead to the death of a person.” According to the article on *Mot the gioi* newspaper, Le Tan Khoe was among the teenagers who picked a fight with the victim. Le Tan Khoe is the son of a local police officer.

One of them used a helmet to hit Thach on his head.<sup>48</sup> The two officers arrested and escorted Thach to the headquarters. That evening, Thach's brother, Tu Ngoc Thanh, went to the police headquarters to attempt to bring Thach home.<sup>49</sup> Thach told his brother that he had been beaten and fainted at the police headquarters.<sup>50</sup> Thach's family took him to Van Gia hospital the next day, and then transferred him to Khanh Hoa provincial hospital due to the seriousness of his injuries.<sup>51</sup> Thach died on the morning of December 31. According to the death certificate, the cause of death is due to "blood clot under dura mater on the right hemisphere, cracked skull on the right temple and traumatic brain injuries."<sup>52</sup>

On January 16, 2014, police officer Le Minh Phat from Van Long commune was arrested for "intentionally causing injuries that lead to the death of a person."<sup>53</sup> Apparently trying to distance the institution from the abuse, the police statement added that Le Minh Phat had not been assigned to arrest and escort Thach to police headquarters.<sup>54</sup>

### *Killing of Y Ket Bdap: November 27, 2013*

Y Ket Bdap, 36, from Ea Kmar hamlet, Ea Bhok commune, died in the custody of the police of Ea Bhok commune, Cu Kuin district, Dak Lak province on November 27, 2013.<sup>55</sup> The police of Ea Bhok arrested Y Ket Bdap and Y Biu Bkrong in the morning of November 27 under suspicion of stealing a cow.<sup>56</sup> A few hours later, Y Ket's family was notified that

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<sup>47</sup> Ibid.

<sup>48</sup> Ky Nam, "Died after coming home from commune police's headquarters" ("Tu vong sau khi tu tru so cong an xa ve"), *Nguoi lao dong*, December 31, 2013, <http://nld.com.vn/thoi-su-trong-nuoc/tu-vong-sau-khi-tu-tru-so-cong-an-xa-ve-20131231145757226.htm> (accessed January 28, 2014).

<sup>49</sup> Ibid.

<sup>50</sup> Ibid.

<sup>51</sup> Thanh Long, "Khanh Hoa: Institute a criminal case and institute a case against a person" ("Khanh Hoa: Khoi to vu an, khoi to bi can"), *Khanh Hoa*, January 1, 2014, <http://baokhanhhoa.com.vn/phap-luat/201401/vu-mot-hoc-sinh-lop-9-o-van-ninh-bi-danh-tu-vong-khoi-to-vu-an-khoi-to-bi-can-2285562/> (accessed January 28, 2014).

<sup>52</sup> Hai Anh, "A 9<sup>th</sup> grader died after being summoned by commune police" ("Hoc sinh lop 9 tu vong sau khi cong an xa moi len lam viec"), *Dan tri*, December 31, 2013, <http://dantri.com.vn/phap-luat/hoc-sinh-lop-9-tu-vong-sau-khi-cong-an-xa-moi-len-lam-viec-822090.htm> (accessed January 28, 2014).

<sup>53</sup> Hai Anh, "Instituting a criminal case and arresting a police officer for beating a student to death" ("Khoi to bat giam cong an vien danh chet hoc sinh"), *Dan tri*, January 17, 2014, <http://dantri.com.vn/phap-luat/khoi-to-bat-giam-cong-an-vien-danh-chet-hoc-sinh-828703.htm> (accessed January 28, 2014).

<sup>54</sup> Ibid. Also see K. Nam, "Institute a case against and detain a commune police officer for beating a student and causing his death" ("Khoi to, tam giam cong an xa danh hoc sinh gay tu vong"), *Nguoi lao dong*, January 16, 2014, <http://nld.com.vn/phap-luat/khoi-to-tam-giam-cong-an-xa-danh-hoc-sinh-gay-tu-vong-20140116191918539.htm> (accessed January 28, 2014).

<sup>55</sup> Y Ket Bdap's name is reported differently by different newspapers, such as Y Ket Bya (by *Cong ly* newspaper) and Y Ket Dhap (by *Tuoi tre* newspaper).

<sup>56</sup> Y Biu Bkrong's name is also reported as Y Buyl Brap by *Cong ly* newspaper. Cong Hoan, "Dak Lak: Detaining 2 commune police officers suspected of beating a person to death" ("Dak Lak: Tam giu 2 cong an xa nghi danh chet

he had been taken to the hospital of Cu Kuin district in “critical condition.”<sup>57</sup> Y Ket died at the hospital before his family arrived.<sup>58</sup> According to the victim’s brother, Y Dhok Bdap, “there are many bruises on his brother’s chest.”<sup>59</sup> He also told a reporter from *Mot the gioi* newspaper that “They [the police] gave us 3 million dong to take care of the funeral.”<sup>60</sup> Two police officers of Ea Bhok commune police force were arrested the next day pending further investigation into the death.<sup>61</sup>

Sen. Lt. Col. Vu Hoa Binh of the police force of Dak Lak province told reporters that the police are still waiting for “the final conclusion from the forensic office” for the cause of death.<sup>62</sup> On December 9, 2013, the police of Dak Lak province instituted a criminal case against police officers Truong Trung Hieu and Y Phien Adrong. Both had allegedly admitted that they beat Y Ket.<sup>63</sup>

On August 13, 2014, the People’s Court of Cu Kuin district (Dak Lak province) put Truong Trung Hieu and Y Phien Adrong on trial for “causing death while carrying out public duty” (penal code article 97). Both Truong Trung Hieu and Y Phien Adrong were convicted, but only sentenced to 18 months in prison.<sup>64</sup>

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nguoì”), *Sai Gon Giai phong*, December 12, 2013, <http://www.sggp.org.vn/thongtincanuc/2013/12/333972/> (accessed April 8, 2014).

<sup>57</sup> Tr. T., “The suspect of stealing a cow died an unusual death: detaining 2 commune police officers” (“Nghi can trom bo chet bat thuong: tam giu 2 cong an xa”), *Tuoi tre*, December 3, 2013, <http://tuoitre.vn/Chinh-tri-xa-hoi/Phap-luat/583431/nghi-can-trom-bo-chet-bat-thuong-tam-giu-2-cong-an-xa.html> (accessed March 27, 2014).

<sup>58</sup> Ibid. Also see Minh Tuan, “Dak Lak: Clarifying an unusual death at the headquarters of commune police” (“Dak Lak: Lam ro cai chet bat thuong tai tru so Cong an xa”), *Cong ly*, December 4, 2013, <http://congly.com.vn/phap-luat/vu-viec/dak-lak-lam-ro-cai-chet-bat-thuong-tai-tru-so-cong-an-xa-35824.html> (accessed March 27, 2014).

<sup>59</sup> Thuy Van, “Commune police beat to death a suspect of stealing a cow” (“Cong an xa danh chet nguoi vi nghi an trom bo”), *Dat Viet*, December 10, 2013, <http://www.baodatviet.vn/phap-luat/tin-tuc-phap-luat/cong-an-xa-danh-chet-nguoi-vi-nghi-an-trom-bo-2361670/> (accessed April 8, 2014).

<sup>60</sup> Le Phuoc, “A person died an unusual death at the headquarters of commune police” (“Mot nguoi dan chet bat thuong tai tru so cong an xa”), *Mot the gioi*, December 5, 2013, <http://motthegioi.vn/xa-hoi/phap-luat/mot-nguoi-dan-chet-bat-thuong-tai-tru-so-cong-an-xa-28373.html> (accessed April 8, 2014).

<sup>61</sup> Ibid.

<sup>62</sup> Thuy Van, “Commune police beat to death a suspect of stealing a cow.” Also see Cong Hoan, “Dak Lak: Detaining 2 commune police officers suspected of beating a person to death.”

<sup>63</sup> Trung Tan, “Another person died after working with the police” (“Them mot nguoi chet sau khi lam viec voi cong an”), *Tuoi tre*, February 20, 2014, <http://tuoitre.vn/Chinh-tri-xa-hoi/Phap-luat/594558/them-mot-nguoi-chet-sau-khi-lam-viec-voi-cong-an.html> (accessed March 27, 2014).

<sup>64</sup> Tr. Tan, “Police beat to death a suspect of stealing a cow: 18-month prison sentence” (“Cong an danh chet nghi can trom bo: 18 thang tu”), *Tuoi tre*, August 13, 2014, <http://tuoitre.vn/Chinh-tri-xa-hoi/Phap-luat/623200/cong-an-danh-chet-nghi-can-trom-bo-18-thang-tu.html> (accessed August 19, 2014). Also see Cong Hoan, “Dak Lak: 2 police officers who beat to death a suspect of stealing a cow were only punished with 3 years in prison total” (“Dak Lak: 2 cong an danh chet nghi can trom bo chi bi phat 3 nam tu”), *Sai Gon Giai phong*, August 13, 2014, <http://www.sggp.org.vn/phapluat/2014/8/358020/#sthash.TU4gAEWK.dpuf> (accessed August 19, 2014).

### *Killing of Nguyen Van Ai: January 18, 2013*

Nguyen Van Ai, 41, from Long Son ward, Thai Hoa town, Nghia Dan district, Nghe An province, died after being beaten by police from Thai Hoa town.

On January 16, 2013, Nguyen Van Ai and a relative, Phan Van Truc, were driving a motorbike when they almost collided with Jr. Lt. Vi Ngoc Dong, who was driving his pregnant wife on a motorbike.<sup>65</sup> The two sides exchanged a few unpleasant words and parted.<sup>66</sup>

A little while later, a group of men including Vi Ngoc Dong approached Nguyen Van Ai and Phan Van Truc as the two ate at a local food stall.<sup>67</sup> According to Phan Van Truc, the men identified themselves as police and requested Nguyen Van Ai follow them.<sup>68</sup> After they had walked about 50 meters, the group beat Nguyen Van Ai severely and left the scene.<sup>69</sup> Nguyen Van Ai was taken to the hospital in critical condition and died two days later.<sup>70</sup>

The police chief of Thai Hoa town, Sen. Lt. Col. Duong Dinh Van, confirmed to *Dan tri* newspaper that Vi Ngoc Dong and six other police officers were present at the beating.<sup>71</sup> On January 18, the family of Nguyen Van Ai took his photo to Thai Hoa town police headquarters to demand justice.<sup>72</sup> After a meeting with the police, who provided the family 100 million dong (approximately \$4,700) to assist with medical and funeral fees, the family agreed to hold the funeral.<sup>73</sup>

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<sup>65</sup> Hoang Pham, "A police junior lieutenant was 'accused' of behaving like a thug" ("Mot thieu uy cong an bi 'to' hanh xu kieu con do"), *Phap luat & Xa hoi*, January 18, 2013, <http://phapluatxahoi.vn/20130118040345106p1002c1020/mot-thieu-uy-cong-an-bi-to-hanh-xu-kieu-con-do.htm> (accessed June 26, 2013).

<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

<sup>69</sup> Ibid.

<sup>70</sup> Vu Toan, "Died after a dispute with the police" ("Tu vong sau khi xo xat voi cong an"), *Tuoi tre*, January 19, 2013, <http://tuoitre.vn/chinh-tri-xa-hoi/530647/tu-vong-sau-khi-xo-xat-voi-cong-an.html> (accessed June 26, 2013).

<sup>71</sup> Song Hieu & Mien Tay, "Having a dispute with the police, a man died" ("Xo xat voi cong an, mot nguoi tu vong"), *Dan tri*, January 20, 2013, <http://dantri.com.vn/phap-luat/xo-xat-voi-cong-an-mot-nguoi-tu-vong-687274.htm> (accessed June 26, 2013). Also see Hoang Pham, "A police junior lieutenant was 'accused' of behaving like a thug."

<sup>72</sup> Duc Chung, "Thinking that police beat [their loved one] to death, family of the victim surrounded [police] headquarters" ("Cho rang bi cong an danh tu vong, nguoi nha nan nhan bao vay tru so"), *Lao dong*, January 20, 2013, <http://laodong.com.vn/phap-luat/cho-rang-bi-cong-an-danh-tu-vong-nguoi-nha-nan-nhan-bao-vay-tru-so/100016.bld> (accessed June 26, 2013).

<sup>73</sup> D.Lam, "The victim who died after a fight with the police has been buried" ("Nan nhan tu vong do au da voi cong an da duoc an tang"), *Phap luat TP Ho Chi Minh*, January 20, 2013, <http://phapluattp.vn/20130120063016597poc1015/nan-nhan-tu-vong-do-au-da-voi-cong-an-da-duoc-an-tang.htm> (accessed June 26, 2013).

On April 25, 2014, the People’s Court of Nghe An sentenced Vi Ngoc Dong to three years and six months in prison for “intentionally causing injuries.”<sup>74</sup> Human Rights Watch has been unable to find information about whether any further criminal or disciplinary investigations or other actions have been taken against six other police officers who saw the victim suffering injuries and failed to intervene.<sup>75</sup>

### *Killing of Bui Van Loi: December 10, 2012*

Bui Van Loi, 45, from Bo Ha town, Yen The district, Bac Giang province, was shot and killed during a police raid on alleged cockfight gamblers on December 10, 2012.<sup>76</sup>

One witness, Trinh Thi Phuong, told reporters that she heard three gunshots.<sup>77</sup> Another witness, Tran Van Truong, described the scene.

I saw two police officers in uniform chasing after Loi who was fleeing in a rice field full of water. They caught him and handcuffed him. I thought Loi had been arrested, and thus I no longer looked that way.... As soon as I turned away, I heard a loud shot and saw the police carried Loi from the field; his body was full of blood. Many people said Loi was shot by the police and called emergency vehicle to take him to the hospital. Loi was still handcuffed.<sup>78</sup>

The chief of the Bac Giang provincial police force, Col. Nguyen Van Chuc, told reporters that during the chase, Sgt. Nguyen Duy Tung fired a K54 gun into the air, accidentally

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<sup>74</sup> Hai Binh, “A three and a half years prison sentence for a police junior lieutenant who beat a person to death” (“An tu 3, 5 nam cho thieu uy cong an danh chet nguoi”), *VnExpress*, April 25, 2014, <http://vnexpress.net/tin-tuc/phap-luat/an-tu-3-5-nam-cho-thieu-uy-cong-an-danh-chet-nguoi-2983244.html> (accessed April 27, 2014).

<sup>75</sup> Ibid. Also see Hoang Lam, “A former police junior lieutenant was sentenced to prison for intentionally causing injuries” (“Nguyen thieu uy cong an linh an tu vi toi co y gay thuong tich”), *Dan tri*, April 25, 2014, <http://dantri.com.vn/phap-luat/nguyen-thieu-uy-cong-an-linh-an-tu-vi-toi-co-y-gay-thuong-tich-867267.htm> (accessed May 1, 2014).

<sup>76</sup> Nguyen Truong, “Gunfire during a cockfight raid, a person died” (“No sung tap kich soi ga, mot nguoi tu vong”), *Tien phong*, December 12, 2012, <http://www.tienphong.vn/Phap-Luat/604453/No-sung-tap-kich-soi-ga-mot-nguoi-tu-vong-tp.html>; (accessed December 12, 2012).

<sup>77</sup> Ha An & Thai Son, “Police raid a gambling place, a person was shot and died” (“Cong an bat soi bac, mot nguoi bi ban chet”), *Thanh nien*, December 12, 2012, <http://www.thanhnien.com.vn/pages/20121212/cong-an-bat-soi-bac-mot-nguoi-bi-ban-chet.aspx> (accessed June 10, 2013).

<sup>78</sup> Ibid.

hitting Loi in his left shoulder.<sup>79</sup> In response to reporters' questions about shooting someone who was already handcuffed, Col. Chuc implausibly explained:

The family pressured the police to handcuff the victim before allowing an autopsy. In order to ease tension, the police had done so as the family requested, but then they took photos and provided them to newspapers.<sup>80</sup>

A preliminary medical examination showed “a star-shape hole on the victim which went from his left shoulder to his chest, broke a rib, punctured a hole in his lung and heart, and finally went through the right shoulder.”<sup>81</sup>

After the family publicly demanded justice and media covered the case, Sgt. Nguyen Duy Tung was arrested and charged under article 97 of the penal code with “causing death while carrying out public duty.” On May 27, 2013, the People's Court of Bac Giang sentenced him to two years in prison.<sup>82</sup>

### *Killing of Nguyen Tuan Thanh: November 17, 2012*

Nguyen Tuan Thanh, 27, from My Thanh Tay commune, Duc Hue district, Long An province, died in the custody of the police of Cao Lanh city, Dong Thap province. Police suspected that Nguyen Tuan Thanh and his friend Pham Quoc Nhat were involved in a motorbike theft and detained them on November 16, 2012.<sup>83</sup> Around noon the next day, Nguyen Tuan

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<sup>79</sup> Dai Hue, “Bac Giang police talked about the shooting to death a person who fled from gambling arena” (“Cong an Bac Giang noi ve vu ban chet nguoi chay khoi soi bac”), *Tien phong*, December 12, 2012, <http://www.tienphong.vn/Phap-Luat/604547/Cong-an-Bac-Giang-noi-ve-vu-ban-chet-nguoi-chay-khoi-soi-bac-tpov.html> (accessed December 12, 2012).

<sup>80</sup> N. Quyet, “Detaining a police officer who fired a gun and caused the death of a gambler” (“Bat tam giam cong an no sung lam chet nguoi danh bac”), *Nguoi lao dong*, December 14, 2012, <http://nld.com.vn/20121214052521390poc1019/bat-tam-giam-cong-an-no-sung-lam-chet-nguoi-danh-bac.htm> (accessed June 10, 2013).

<sup>81</sup> Nguyen Truong, “Gunfire during a cockfight raid, a person died.”

<sup>82</sup> Nguyen Truong, “Shot a person to death, received 2 years in prison” (“Ban chet nguoi, linh 2 nam tu”), *Tien phong*, May 28, 2013, <http://www.tienphong.vn/Phap-Luat/629139/Ban-chet-nguoi-linh-2-nam-tu-tp.html> (accessed May 28, 2013). Also see Anh The, “A police sergeant who fired his gun and caused the death of a person received two years in prison” (“Thuong si cong an no sung chet nguoi linh 2 nam tu”), *Dan tri*, May 28, 2013, <http://dantri.com.vn/phap-luat/thuong-si-cong-an-no-sung-chet-nguoi-linh-2-nam-tu-736109.htm> (accessed May 28, 2013).

<sup>83</sup> Dung Chinh, “Instituting a criminal case against two police officers from Cao Lanh city for using corporal punishment” (“Khoi to 2 can bo cong an thanh pho Cao Lanh ve hanh vi dung nhuc hinh”), *Dong Thap*, December 25, 2013, [http://baodongthap.com.vn/newsdetails/1D3FE185C4F/Khoi\\_to\\_2\\_can\\_bo\\_Cong\\_an\\_thanh\\_pho\\_Cao\\_Lanh\\_ve\\_hanh\\_vi\\_dung\\_nhuc\\_hinh.aspx](http://baodongthap.com.vn/newsdetails/1D3FE185C4F/Khoi_to_2_can_bo_Cong_an_thanh_pho_Cao_Lanh_ve_hanh_vi_dung_nhuc_hinh.aspx) (accessed March 27, 2014).

Thanh was taken to the hospital, but he died before being admitted.<sup>84</sup> Pham Quoc Nhat was subsequently released. According to *Doi song Phap luat* newspaper, “During the period they were detained, both of them were beaten and fainted many times. By around noon on November 17, he [Pham Quoc Nhat] could no longer hear Thanh screaming.”<sup>85</sup> A forensic examination showed that the victim “had soft-tissues injuries on the chest and legs. On his body, there were bruises on wrists, legs, thighs and chest caused by strong external force.”<sup>86</sup>

On December 24, 2013, the Supreme People’s Procuracy filed criminal charges under article 298 of the penal code against Maj. Huynh Ngoc Tong and Lt. Pham Xuan Binh for using corporal punishment.<sup>87</sup> Maj. Huynh Ngoc Tong was placed under house arrest, while Lt. Pham Xuan Binh was detained for four months pending further investigation.

### *Killing of Nguyen Mau Thuan: August 30, 2012*

Nguyen Mau Thuan, 54, from Kim No commune, Dong Anh district, Hanoi, died in the custody of the police of Kim No commune on August 30, 2012.

Police had taken Nguyen Mau Thuan to the police station around 1:30 p.m. that day following an alleged minor dispute with his neighbor.<sup>88</sup> Three hours later, Nguyen Mau Thuan was taken to the emergency room at Dong Anh hospital; he died before being admitted.<sup>89</sup>

State media reported that the police of Dong Anh district said that police officers handcuffed Nguyen Mau Thuan’s hands and feet to a bench and “used a rubber club to beat him on his

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<sup>84</sup> Tran Luu, “Dong Thap: Two police officers have been charged with using corporal punishment” (“Dong Thap: Hai can bo cong an bi khoi to ve hanh vi dung nhuc hinh”), *Lao dong*, December 27, 2013, <http://laodong.com.vn/phap-luat/hai-can-bo-cong-an-bi-khoi-to-ve-hanh-vi-dung-nhuc-hinh-169996.bld> (accessed March 27, 2014).

<sup>85</sup> “From the case of 2 police officers using corporal punishment: How many more people suffer injustice because of illegal investigation?” (“Tu vu 2 cong an dung nhuc hinh: Con bao phan oan uc vi dieu tra trai luat?”), *Doi song Phap luat*, January 2, 2014, <http://www.doisongphapluat.com/phap-1uat/ho-so-vu-an/tu-vu-2-cong-an-dung-nhuc-hinh-con-bao-phan-oan-uc-vi-dieu-tra-trai-luat-a15994.html> (accessed March 27, 2014).

<sup>86</sup> Ibid.

<sup>87</sup> Hoai Nam, “Institute a case against a [police] major for using corporal punishment” (“Khoi to mot thieu ta dung nhuc hinh”), *Thanh nien*, December 25, 2013, <http://www.thanhvien.com.vn/pages/20131225/khoi-to-mot-thieu-ta-dung-nhuc-hinh.aspx> (accessed March 27, 2014).

<sup>88</sup> The Kha, “An unusual death at the police headquarters” (“Chet bat thuong o tru so cong an”), *Nguoi lao dong*, August 31, 2012, <http://nld.com.vn/2012/0831103013281poc1042/chet-bat-thuong-o-tru-so-cong-an.htm> (accessed August 31, 2012).

<sup>89</sup> Trinh Phuc, “The mystery regarding a man’s death at the commune committee’s headquarters” (“Uan khuc xung quanh cai chet cua nguoi dan ong tai tru so uy ban xa”), *Nguoi dua tin*, September 2, 2012, <http://nguoiduatin.vn/uan-khuc-xung-quanh-cai-chet-cua-nguoi-dan-ong-tai-tru-so-uy-ban-xa-a54685.html> (accessed September 2, 2012).



right and left thighs.”<sup>90</sup> In addition, Deputy Police Chief of Kim No commune Hoang Ngoc Tuyen allegedly ordered Officer Nguyen Trong Kien to use two Bic pens to squeeze the victim’s fingers to force him to sign the record of deposition (loi khai).<sup>91</sup> When Nguyen Mau Thuan refused, police continued to beat him.<sup>92</sup> According to an autopsy, his body was heavily bruised and there were three broken ribs on his left side.<sup>93</sup>

On September 1, 2012, the police in Dong Anh district announced they had instituted a criminal case of “intentionally causing injuries that lead to the death of a person.” They detained Hoang Ngoc Tuyen, the deputy police chief of Kim No commune, and three other police officers, Nguyen Trong Kien, Doan Van Tuyen, and Hoang Ngoc Thuc, pending further investigation.<sup>94</sup>

Police Chief Nguyen Duc Vong of Kim No commune offered to resign, which the commune approved in early October.<sup>95</sup> Nguyen Duc Vong denied direct involvement in the case—a claim challenged by the victim’s son, Nguyen Mau Cong.<sup>96</sup> Cong told a reporter from *Nguoi lao dong* newspaper that a commune official told him that the police chief had specifically sent him away for asking about the victim’s welfare before he died. The man offered to be summoned as a witness by the courts.<sup>97</sup>

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<sup>90</sup> Le Tu, “Commune police beat a person to death: the Victim was tortured” (“Vu cong an xa danh chet nguoi: Nan nhan da bi tra tan”), *Infonet*, September 2, 2012, <http://infonet.vn/phap-luat/vu-cong-an-xa-danh-chet-nguoi-nan-nhan-da-bi-tra-tan/a27803.html> (accessed September 2, 2012).

<sup>91</sup> Ibid.

<sup>92</sup> M. Quang, “Initiating a criminal case against four commune police officers who beat a person to death” (“Khoi to bon cong an xa danh chet nguoi”), *Tuoi tre*, September 3, 2012, <http://tuoitre.vn/Chinh-tri-xa-hoi/Phap-luat/509831/Khoi-to-bon-cong-an-xa-danh-chet-nguoi.html> (accessed September 3, 2012).

<sup>93</sup> Thang Quang, “Initiating a criminal case against and detaining 4 commune police officers who beat a person to death” (“Khoi to, bat tam giam 4 cong an xa danh chet nguoi”), *Dan Viet*, September 4, 2012, <http://danviet.vn/102746plc33/khoi-to-bat-tam-giam-4-cong-an-xa-danh-chet-nguoi.htm> (accessed September 4, 2012).

<sup>94</sup> Ha An, “Initiating a criminal case against police officers who extort depositions” (“Khoi to vu an cong an buc cung khi lay loi khai”), *Thanh nien*, September 1, 2012, <http://www.thanhvien.com.vn/pages/20120901/khoi-to-vu-an-cong-an-buc-cung-khi-lay-loi-khai.aspx> (accessed September 1, 2012).

<sup>95</sup> Tuan Nguyen, “Four commune police beat a person to death; commune police chief resigns” (“Bon cong an danh chet nguoi, truong CA xa tu chuc”) *Tien phong*, October 4, 2012, <http://www.tienphong.vn/Phap-Luat/594102/Bon-cong-an-danh-chet-nguoi-truong-CA-xa-tu-chuc-tpov.html> (accessed October 5, 2012).

<sup>96</sup> The Kha, “Commune police chief accused of participating in beating a person to death resigned from his post” (“Truong cong an xa bi to tham gia danh chet dan xin tu chuc”), *Nguoi lao dong*, October 5, 2012, <http://nld.com.vn/20121005103534711poc1019/truong-cong-an-xa-bi-to-tham-gia-danh-chet-dan-xin-tu-chuc.htm> (accessed October 5, 2012).

<sup>97</sup> Ibid.



Photo of Nguyen Mau Thuan, showing his body after he died at police headquarters. The photo, provided to journalists by his family, accompanied an article headlined “An unusual death at the police headquarters,” published by the officially-sanctioned newspaper *Ngươi lao dong* on August 31, 2012.

On May 8, 2014, the People’s Court of Hanoi began the trial of Hoang Ngoc Tuyen, Nguyen Trong Kien, Doan Van Tuyen, and Hoang Ngoc Thuc for murder under article 93 of the penal code. The maximum sentence is death.<sup>98</sup> At the hearing, all four defendants reported that they had had no defense lawyer during their interrogations.<sup>99</sup> The law requires the

<sup>98</sup> Viet Dung, “Four police officers were on trial for being charged with beating a person to death” (“4 công an ra tòa vì cáo buộc đánh chết người”), *VNExpress*, May 8, 2014, <http://vnexpress.net/tin-tuc/phap-luat/4-cong-an-ra-toa-vi-cao-buoc-danh-chet-nguoi-2987898.html> (accessed May 9, 2014).

<sup>99</sup> Ibid. Also see Tam Lua, “Returning the files and requesting additional investigations for the case in which commune police officers beat a person to death” (“Tra hồ sơ, điều tra bổ sung vụ công an xã đánh chết người”), *Tuoi tre*, May 8, 2014, <http://tuoi tre.vn/Chinh-tri-xa-hoi/Phap-luat/606335/dieu-tra-bo-sung-vu-4-cong-an-xa-danh-chet-nguoi.html> (accessed May 9, 2014).

presence of defense counsel in cases in which the maximum penalty is death. The Court decided to stop the hearing and have the case re-investigated.<sup>100</sup>

### *Killing of Nguyen Manh Son: June 22, 2012*

Nguyen Manh Son, 46, from Tran Hung Dao ward, Hoan Kiem district, Hanoi, died in the custody of the police of Thach That district, Hanoi, on June 22, 2012.

He was detained in the afternoon of June 21, 2012, by the police of Dai Mo commune, Tu Liem district, Hanoi, for allegedly having in his possession a motorbike that had reportedly been stolen in Thach That district.<sup>101</sup>

At about 12:30 a.m. on June 22, police transferred him to Thach That district police headquarters. During his interrogation, Officer Ngo Duc Trung slapped Nguyen Manh Son while trying to obtain a confession.<sup>102</sup> Another officer named Nguyen Minh Tam joined Ngo Duc Trung.<sup>103</sup> Nguyen Manh Son allegedly protested and grabbed a chair in an attempt to defend himself.<sup>104</sup> Five other police officers—Can Hong Nguyen, Nguyen Duc Hai Long, Hoang Thanh Tho, Le Xuan Ha, and Khuat Quang Cuong—came to subdue Nguyen Manh Son. They then handcuffed and whipped him, punching him in the stomach and kicking him in the head until he collapsed and died.<sup>105</sup> According to an autopsy, the victim had blood clots in his brain, many bruises on the “face, chest, stomach, arms and legs, broken ribs, broken spleen, and a blood clot in his left kidney.”<sup>106</sup>

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<sup>100</sup> Ibid.

<sup>101</sup> Hoa Do, “Beating a suspect to death, 7 former policemen received sentences” (“Danh chet nghi can, 7 cuu canh sat linh an”), *Phap luat & Xa hoi*, April 11, 2013, <http://phapluatxahoi.vn/20130411072944676p1002c1038/danh-chet-nghi-can-7-cuu-can-h-sat-linh-an.htm> (accessed June 10, 2013).

<sup>102</sup> Ibid. Also see Nguyen Anh, “7 police officers received sentences for beating a person to death” (“7 canh sat linh an vi danh chet nguoi”), *Ngoi sao*, April 10, 2013, <http://ngoisao.net/tin-tuc/hinh-su/2013/04/7-can-h-sat-linh-an-vi-danh-chet-nguoi-236292/> (accessed June 7, 2013).

<sup>103</sup> Ibid. Also see Tue Minh, “7 former police officers go to prison for beating to death a person in a motorbike theft case” (“7 cuu cong an vao tu vi danh chet nguoi trong vu trom cap xe may”), *Giao duc*, April 11, 2013, <http://giaoduc.net.vn/Xa-hoi/7-cuu-cong-an-vao-tu-vi-danh-chet-nguoi-trong-vu-trom-cap-xe-may/290006.gd> (accessed June 7, 2013).

<sup>104</sup> Ibid.

<sup>105</sup> Bac Ha, “Beating a suspect to death, seven former police officers received sentences” (“Danh chet nghi can, bay cuu canh sat linh an”), *Tien phong*, April 11, 2013, <http://www.tienphong.vn/Phap-Luat/622077/Danh-chet-nghi-can-bay-cuu-can-h-sat-linh-an-tpp.html> (accessed June 10, 2013).

<sup>106</sup> Ibid.

Seven police officers involved in the beating were prosecuted for “intentionally causing injuries.”<sup>107</sup> On April 10, 2013, the People’s Court of Hanoi found them guilty, but gave them lenient prison sentences for “honestly admitting their criminal acts and having provided compensation to the victim’s family.”<sup>108</sup> Officer Can Hong Nguyen received the harshest sentence of four years in prison. The other six officers received from two to three-and-a-half-year prison sentences.

### *Killing of Ngo Thanh Kieu: May 13, 2012*

Ngo Thanh Kieu, 30, from Hoa Dong commune, Tay Hoa district, Phu Yen province, died in the custody of police in the city of Tuy Hoa, Phu Yen province on May 13, 2012.

On May 12, the police of Hoa Dong commune served Ngo Thanh Kieu with an “invitation” (giay moi) requesting that he report to the police station at 7.30 a.m. on May 13 for “questions about a number of issues”<sup>109</sup> The police claimed later that they wanted to question him about a theft case.<sup>110</sup> However, at about 3 a.m. on May 13, Hoa Dong commune police, in coordination with the police of the city of Tuy Hoa, burst into Ngo Thanh Kieu’s house, handcuffed him and took him away without presenting an arrest warrant.<sup>111</sup> About 8 p.m. that night, his family was told he had died.<sup>112</sup>

According to the police, Ngo Thanh Kieu exhibited “signs of tiredness and breathing difficulties,” so they took him to the hospital and he died there.<sup>113</sup> However, according to

<sup>107</sup> Ibid.

<sup>108</sup> Nguyen Anh, “7 police officers received sentences for beating a person to death.” Also see Tue Minh, “7 former police officers go to prison for beating to death a person in a motorbike theft case.”

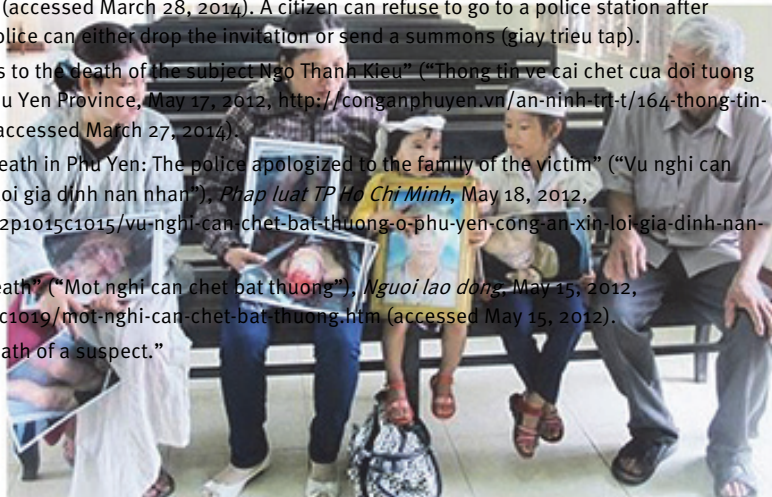
<sup>109</sup> Tan Loc, “Investigating the unusual death of a suspect” (“Dieu tra cai chet bat thuong cua mot nghi can”), *Phap luat TP Ho Chi Minh*, May 16, 2012, <http://phapluattp.vn/20120516123722895poc1015/dieu-tra-cai-chet-bat-thuong-cua-mot-nghi-can.htm> (accessed May 16, 2012). Also see Tan Loc, “Publishing the testimony of Deputy Police Chief of Tuy Hoa City” (“Cong bo loi khai cua Pho Cong an TP Tuy Hoa”), *Phap luat TP Ho Chi Minh*, March 28, 2014, <http://plo.vn/thoi-su/cong-bo-loi-khai-cua-pho-cong-an-tp-tuy-hoa-457197.html> (accessed March 28, 2014). A citizen can refuse to go to a police station after receiving an invitation. In that case the police can either drop the invitation or send a summons (giay triệu tập).

<sup>110</sup> Nguyen Khang, “Information in regards to the death of the subject Ngo Thanh Kieu” (“Thong tin ve cai chet cua doi tuong Ngo Thanh Kieu”), Ministry of Police at Phu Yen Province, May 17, 2012, <http://conganphuyen.vn/an-ninh-tri-t/164-thong-tin-ve-cai-chet-ca-di-tung-ngo-thanh-kiu.html> (accessed March 27, 2014).

<sup>111</sup> Tan Loc, “A suspect died an unusual death in Phu Yen: The police apologized to the family of the victim” (“Vu nghi can chet bat thuong o Phu Yen - Cong an xin loi gia dinh nan nhan”), *Phap luat TP Ho Chi Minh*, May 18, 2012, <http://phapluattp.vn/20120517115643832p1015c1015/vu-nghi-can-chet-bat-thuong-o-phu-yen-cong-an-xin-loi-gia-dinh-nan-nhan.htm> (accessed May 18, 2012).

<sup>112</sup> H. Anh, “A suspect died an unusual death” (“Mot nghi can chet bat thuong”), *Ngươi lao động*, May 15, 2012, <http://nld.com.vn/2012051510598810poc1019/mot-nghi-can-chet-bat-thuong.htm> (accessed May 15, 2012).

<sup>113</sup> Tan Loc, “Investigating the unusual death of a suspect.”



**Người thân của anh Ngô Thanh Kiều tại tòa, trên tay là những tấm ảnh cho thấy anh Kiều đã bị tra tấn, đánh đập rất dã man. Ảnh: TL**

Dr. Tran Minh Tam from Phu Yen provincial hospital, the victim had died before hospital admission.<sup>114</sup> Ngo Thi Tuyet, the victim's sister, witnessed the autopsy and told state media that she saw many injuries on the body of her younger brother, including "bruises from the belt area to the bottom of the feet; the top of the left temple has edema, the skin on both testicles, wrists and thumbs were bruised..."<sup>115</sup>

Photo of Ngo Thanh Kieu's family at the court, showing family members holding photos of the victim after he died in police detention. The photo accompanied an article headlined "Bailed, penalty reduced, and... suspended sentence," published by the officially-sanctioned newspaper *Phap luat TP Ho Chi Minh* on April 1, 2014.

Speaking to media, Phu Yen police chief, Col. Nguyen Trung Nghia, acknowledged that there were signs of injuries on Ngo Thanh Kieu's body, but said he was not sure when those injuries were inflicted and by whom. He suggested, "It is also possible that such injuries occurred before Kieu was summoned [to the police headquarters]."<sup>116</sup>

According to the Phu Yen Forensic Center, Ngo Thanh Kieu died from "traumatic brain injury."<sup>117</sup> By January 2013, the Supreme People's Procuracy had instituted criminal cases against Maj. Nguyen Minh Quyen, Maj. Nguyen Tan Quang, Sr. Lt. Pham Ngoc Man and 1st Lt. Do Nhu Huy for "using corporal punishment," which led to the death of Ngo Thanh Kieu in violation of article 298 of the penal code.<sup>118</sup> Another police officer, 2nd Lt. Nguyen Than

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<sup>114</sup> H Anh, "Clarifying the traces on the body of a suspect who died an unusual death" ("Lam ro cac vet tich tren thi the nghi can chet bat thuong"), *Nguoi lao dong*, May 16, 2012, <http://nld.com.vn/20120516103948813poc1019/lam-ro-cac-vet-tich-tren-thi-the-nghi-can-chet-bat-thuong.htm> (accessed May 17, 2012).

<sup>115</sup> Tan Loc, "A suspect dies an unusual death: the hospital confirms that the suspect died before [being admitted to] emergency room." ("Vu nghi can chet bat thuong o Phu Yen: BV khang dinh: Nghi can chet truoc khi cap cuu"), *Phap luat TP Ho Chi Minh*, May 17, 2012, <http://phapluattp.vn/20120517122012578p1015/vu-nghi-can-chet-bat-thuong-o-phu-yen-bv-khang-dinh-nghi-can-chet-truoc-khi-cap-cuu.htm> (accessed May 17, 2012).

<sup>116</sup> H Anh, "Clarifying the traces on the body of a suspect who died an unusual death."

<sup>117</sup> Tan Loc, "A suspect died an unusual death in Phu Yen: The Supreme People's Procuracy carries out an investigation" ("Vu nghi can chet bat thuong o Phu Yen: VKSND Toi cao vao cuoc dieu tra"), *Phap luat TP Ho Chi Minh*, July 18, 2012, <http://phapluattp.vn/2012071711448791poc1015/vu-nghi-can-chet-bat-thuong-o-phu-yen-vksnd-toi-cao-vao-cuoc-dieu-tra.htm> (accessed July 18, 2012).

<sup>118</sup> The Lap, "Five police officers prosecuted for 'using corporal punishment'" ("5 si quan cong an bi khoi to ve toi 'dung nhuc hinh'"), *VietnamPlus*, January 17, 2013, <http://www.vietnamplus.vn/Home/5-si-quan-cong-an-bi-khoi-to-ve-toi-dung-nhuc-hinh/20131/179053.vnplus> (accessed January 23, 2013). *Article 298*. Applying corporal punishment, states that: 1) Those who apply corporal punishment in investigating, prosecuting, adjudicating and/or judgment-executing activities shall be sentenced to between six months and three years of imprisonment. 2) Committing the crime and causing serious consequences, the offenders shall be sentenced to between two years and seven years of imprisonment. 3) Committing the crime and causing very serious or particularly serious consequences, the offenders shall be sentenced to between five years and twelve years of imprisonment. 4) The offenders shall also be banned from holding certain posts for one to five years. [http://vbqpl.moj.gov.vn/vbpq/en/Lists/Vn%20bn%20php%20lut/View\\_Detail.aspx?ItemID=610](http://vbqpl.moj.gov.vn/vbpq/en/Lists/Vn%20bn%20php%20lut/View_Detail.aspx?ItemID=610) (accessed July 22, 2014).

Thao Thanh, was prosecuted for “intentionally causing injuries” and was detained for four months pending further investigation.<sup>119</sup> It is unclear why officer Thanh was detained but the other four officers were not. On May 2013, the People’s Procuracy of Tuy Hoa city prosecuted all five police officers for “using corporal punishment.”<sup>120</sup>

From March 26-April 3, 2014, the People’s Court of Tuy Hoa City conducted a trial of the five police officers accused in the death of Ngo Thanh Kieu. Nguyen Than Thao Thanh was charged under article 298(3) of the penal code for using “corporal punishment” which caused “very serious or particularly serious consequences,” and which carries a sentence of five to twelve years in prison. The other four officers were originally prosecuted under article 298(2), with a possible sentence of two to seven years in prison, but the charges were reduced to those under article 298(1), which carries a sentence of six months to three years in prison. It is unclear why the People’s Procuracy of Tuy Hoa City changed the charges of these four officers.

During the trial, defendant Nguyen Tan Quang (a police major prior to the incident) testified that “[Nguyen Minh] Quyen and [Pham Ngoc] Man took turns interrogating [Ngo Thanh] Kieu. They used rubber clubs to beat Kieu on his thighs and legs, each time 5 or 6 hits, and they beat him many times. I told Kieu that his accomplices Cuong and Son had testified that Kieu was involved in these thefts, but Kieu did not admit involvement and even had a challenging attitude. I was so angry and thus took a rubber club to beat him 3 or 4 times below his knees.”<sup>121</sup> Defendant Nguyen Minh Quyen admitted that “I urged Kieu to admit guilt, but Kieu refused. I was upset and used a rubber club to beat him 4 or 5 times on his legs.”<sup>122</sup>

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<sup>119</sup> H. Thao, “Prosecuting two police officers who beat to death a suspect” (“Khoi to hai cong an danh chet nghi can”), *Phap luat TP Ho Chi Minh*, January 17, 2013, <http://phapluattp.vn/20130116114052914poc1015/khoi-to-hai-cong-an-danh-chet-nghi-can.htm> (accessed January 17, 2013).

<sup>120</sup> Duc Huy, “Prosecuting 5 former police officers for using corporal punishment” (“Truy to nguyen 5 can bo cong an dung nhuc hinh”), *Thanh nien*, May 17, 2013, [www.thanhvien.com.vn/pages/20130517/truy-to-nguyen-5-can-bo-cong-an-dung-nhuc-hinh.aspx](http://www.thanhvien.com.vn/pages/20130517/truy-to-nguyen-5-can-bo-cong-an-dung-nhuc-hinh.aspx) (accessed May 17, 2013).

<sup>121</sup> Duy Thanh, “Many police officers took turn to interrogate and beat the suspect with clubs” (“Nhiều công an thay phiên hỏi, đánh nghi can bằng dùi cui”), *Tuoi tre*, March 26, 2014, <http://tuoiitre.vn/Chinh-tri-Xa-hoi/599963/nhiều-cong-an-thay-phiên-hỏi-danh-nghi-can-bang-dui-cui.html#ad-image-0> (accessed March 31, 2014).

<sup>122</sup> Duc Huy, “The trial of five former police officers who used corporal punishment: Feeling irritated and impatient leads to... beating” (“Xét xử 5 cựu sĩ quan công an dùng nhục hình: Bức xúc, nóng lòng... đánh”), *Thanh nien*, March 26, 2014, <http://www.thanhvien.com.vn/pages/20140326/xet-xu-5-cuu-si-quan-cong-an-dung-nhuc-hinh-buc-xuc-non-nong-la-danh.aspx> (accessed March 27, 2014).

Forensic examiner Hoang Viet testified at court that “most of Kieu’s internal organs were injured, including his brain, heart, lung, liver, kidney, stomach, spleen, intestines and testicles” and that the victim died from “traumatic brain injury.”<sup>123</sup> According to defense lawyer Nguyen Van Thang, there were “72 injuries caused by external force on the body of the victim.”<sup>124</sup>

Despite overwhelming testimonies at court of the multiple serious injuries caused by the five police officers involved in the fatal beating of Ngo Thanh Kieu, the People’s Procuracy of Tuy Hoa City proposed suspended sentences for four of them.<sup>125</sup> It only suggested a prison sentence for Nguyen Than Thao Thanh, the police officer with the lowest rank of the five.

On April 3, 2014, the People’s Court of Tuy Hoa City sentenced Nguyen Than Thao Thanh to five years in prison, while Nguyen Minh Quyen received two years, and Pham Ngoc Man one year and six months. Two other officers, Nguyen Tan Quang and Do Nhu Huy, received suspended sentences of two years and one year and six months respectively.<sup>126</sup>

The sentences provoked public outrage. According to Dr. Nguyen Minh Hoa of the University of Social Sciences and Humanities, Ho Chi Minh City, “Such light sentences for the killers of a person would create a precedent which encourages other police officers to feel that they can treat the people as thuggishly as they want. Even if they recklessly manhandle people, the worst they would face is five years in prison or even only suspended sentences.”<sup>127</sup>

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<sup>123</sup> Tan Loc, “Five police officers beat a person to death: Only one officer was suggested to receive a prison sentence” (“5 cong an danh chet nguoi: Chi mot nguoi bi de nghi an tu giam”), *Phap luat TP Ho Chi Minh*, March 28, 2014, <http://plo.vn/thoi-su/5-cong-an-danh-chet-nguoi-chi-mot-nguoi-bi-de-nghi-an-tu-giam-457107.html> (accessed March 31, 2014).

<sup>124</sup> Tan Loc, “Most internal organs were damaged, but the investigation concluded that the beating only caused ‘scratches on the skin’” (“Luc phu ngu tang bam dap, ket luan dieu tra noi chi danh “xay xat ngoai da””), *Phap luat TP Ho Chi Minh*, March 28, 2014, <http://plo.vn/thoi-su/luc-phu-ngu-tang-bam-dap-ket-luan-dieu-tra-noi-chi-danh-xay-xat-ngoai-da-457281.html> (accessed March 28, 2014).

<sup>125</sup> Tan Loc, “Five police officers beat a person to death: Only one officer was suggested to receive a prison sentence.”

<sup>126</sup> Hung Phien, “Verdicts of 5 police officers who used corporal punishment: 3 prison sentences and 2 ‘suspended’ sentences” (“Tuyen an vu 5 cong an dung nhuc hinh: 3 tu, 2 ‘treo’”), *Dan Viet*, April 3, 2014, <http://danviet.vn/phap-luat/tuyen-an-vu-5-cong-an-dung-nhuc-hinh-3-tu-2-treo/20140403040033609p1c33.htm> (accessed April 3, 2014).

<sup>127</sup> Nguyen Minh Hoa, “With such verdicts, the people will lose their beliefs [in justice]” (“Xu an nhu the, nhan dan se mat niem tin”), *Phap luat TP Ho Chi Minh*, April 4, 2014, <http://plo.vn/toa-an/xu-an-nhu-the-nhan-dan-se-mat-niem-tin-458690.html> (accessed April 4, 2014).

During an interview with a reporter from *Nguoi lao dong* newspaper, Chief Judge Luong Quang of the People's Court of Tuy Hoa City claimed that "the court was under a lot of pressure."<sup>128</sup> Although he admitted that "there were 70 injuries on the body of the victim and it looked horrible," he insisted that "the case received a lot of public attention and thus we need to choose a safe solution. In life, there are things we know we should do, but we did not do in reality. Instead, we did things a little differently in order to ensure good relationships."<sup>129</sup> According to him, the sentences "are not light. It is so painful to lose so many officers for the police force. It [what the police did] was only a professional accident."<sup>130</sup>

The family of the victim protested that the sentences were too light for such a serious crime and said that they would appeal.<sup>131</sup> The family of defendant Nguyen Than Thao Thanh and his defense lawyer claimed that he was made a "scapegoat" and also pledged to appeal his verdict.<sup>132</sup>

Under public pressure, on April 9, 2014, President Truong Tan Sang instructed the People's Supreme Court and the People's Supreme Procuracy "to solve the case in accordance with the law and report the result" to him.<sup>133</sup> On April 29, 2014, Chief Nguyen Huu Phuc of the People's Procuracy of Phu Yen province signed a decision to appeal the above verdicts.<sup>134</sup> According to the appeal, all five police officers involved in the beating should be tried

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<sup>128</sup>Hong Anh, "The case of 5 police officers using corporal punishment: 'We are under a lot of pressure'" ("Vu 5 cong an dung nhuc hinh: 'Chung toi chiu rat nhieu ap luc'"), *Nguoi lao dong*, April 5, 2014, <http://nld.com.vn/phap-luat/vu-5-cong-an-dung-nhuc-hinh-chung-toi-chiu-rat-nhieu-ap-luc-2014040422282031.htm> (accessed April 5, 2014).

<sup>129</sup>Ibid.

<sup>130</sup>Ibid.

<sup>131</sup> Doan Cong, "The case of police using corporal punishment: Family members of the victim fiercely protested against the verdicts" ("Vu cong an dung nhuc hinh: Nguoi nha nan nhan phan ung du doi ban an"), *Dan tri*, April 3, 2014, <http://dantri.com.vn/phap-luat/vu-cong-an-dung-nhuc-hinh-nguoi-nha-nan-nhan-phan-ung-du-doi-ban-an-858068.htm> (accessed April 3, 2014).

<sup>132</sup> Hung Phien, "The trial of police officers who used corporal punishment: Is there a 'scapegoat' plot?" ("Xu vu cong an dung nhuc hinh: Da co am muu 'thi tot'?" ), *Dan Viet*, April 3, 2014, <http://danviet.vn/phap-luat/xu-vu-5-cong-an-dung-nhuc-hinh-da-co-am-muu-thi-tot/2014040312374577p1c33.htm> (accessed April 3, 2014). Also see Doan Cong, "The case of police using corporal punishment: A crude violation of the law!" ("Vu cong an dung nhuc hinh: Vi pham phap luat tho bao!"), *Dan tri*, April 5, 2014, <http://dantri.com.vn/su-kien/vu-cong-an-dung-nhuc-hinh-vi-pham-phap-luat-tho-bao-858682.htm> (accessed April 6, 2014).

<sup>133</sup> "The President requests a serious handling of the case in which police used corporal punishment" ("Chu tich nuoc yeu cau xu nghiem vu cong an dung nhuc hinh"), *VietnamPlus*, April 9, 2014, <http://www.vietnamplus.vn/chu-tich-nuoc-yeu-cau-xu-nghiem-vu-cong-an-dung-nhuc-hinh/253402.vnp> (accessed May 1, 2014).

<sup>134</sup> Tan Loc, "The case of 5 police officers beating a person to death: the Phu Yen People's Procuracy confirms that deputy police chief of Tuy Hoa city exhibited signs of committing a crime" ("Vu 5 cong an danh chet nguoi: VKS Phu Yen khang dinh Pho Cong an Tuy Hoa co dau hieu pham toi"), *Phap luat TP Ho Chi Minh*, April 29, 2014, <http://plo.vn/thoi-su/vu-5-cong-an-danh-chet-nguoi-vks-phu-yen-khang-dinh-pho-cong-an-tuy-hoa-co-dau-hieu-pham-toi-464844.html> (accessed April 29, 2014).



under article 298(3) of the penal code for using “corporal punishment” which caused “very serious or particularly serious consequences.” The appeal also proposes a new investigation regarding the role of deputy chief Le Duc Hoan of Tuy Hoa city, suggesting that Le Duc Hoan “exhibited signs of negligence of responsibilities that caused serious consequences according to article 285 of the penal code.”<sup>135</sup>

Presumably, as a result of public pressure and the political directive mentioned above, on July 9, 2014, the People’s Court of Phu Yen province nullified the above verdicts and ordered the case to be reinvestigated. According to the court, all five defendants appeared to have used physical force causing serious injury. The five defendants face up to 12 years in prison if prosecuted and convicted.<sup>136</sup>

### *Killing of Tran Gon: August 8, 2011*

Tran Gon, 27, from the town of Khanh Hai, Ninh Hai district, Ninh Thuan province, died in the custody of police of My Hai ward in the city of Phan Rang-Thap Cham, in Ninh Thuan province.

Police had arrested Tran Gon on August 7, 2011, for allegedly stealing donated money at Phuoc Hue pagoda.<sup>137</sup>

According to the director of the Ninh Thuan province police force, Maj. Gen. Huynh The Ky, on August 8, 2011, the police took Tran Gon to Ninh Thuan hospital for emergency treatment due to his “abnormal health status.”<sup>138</sup> According to *Tuoi tre* newspaper, Tran Gon died shortly afterward from “multiple injuries on his head and nape.”<sup>139</sup>

Sgt. Le Khac Sau of the Phan Rang-Thap Cham police force who interrogated Tran Gon was then suspended pending further investigation.<sup>140</sup> A week later, Sgt. Sau was arrested for “violation

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<sup>135</sup> Ibid.

<sup>136</sup> Duy Thanh, “Nullifying the verdicts, reinvestigating the case of 5 police officers using corporal punishment” (“Huy ban an, dieu tra lai vu 5 cong an dung nhuc hinh”), *Tuoi tre*, July 9, 2014, <http://tuoitre.vn/Chinh-tri-xa-hoi/Phap-luat/617000/huy-ban-an-%C2%A0dieu-tra-lai-vu-%C2%A05-cong-an-dung-nhuc-hinh.html> (accessed July 9, 2014). Also see A Ma Yen, “Reinvestigating the case of 5 police officers beating a person to death” (“Dieu tra lai vu 5 cong an danh chet nguoi”), *VNExpress*, July 9, 2014, <http://vnexpress.net/tin-tuc/phap-luat/dieu-tra-lai-vu-5-cong-an-danh-chet-nguoi-3015503.html> (accessed July 9, 2014).

<sup>137</sup> Van Ky, “Suspending a police officer from work” (“Dinh chi cong tac mot thuong si cong an”), *Tuoi tre*, August 10, 2011, <http://tuoitre.vn/Chinh-tri-Xa-hoi/450531/Dinh-chi-cong-tac-mot-thuong-si-cong-an.html> (accessed September 27, 2011).

<sup>138</sup> Ibid.

<sup>139</sup> Ibid.

<sup>140</sup> Ibid.

of work procedure.”<sup>141</sup> He admitted that he beat Tran Gon during interrogation and was later prosecuted under article 298 of the criminal code for “using corporal punishment.”<sup>142</sup> According to the indictment that the media reported, during interrogation Sgt. Sau:

[U]sed a rubber club, hands and a broomstick to beat Gon repeatedly; used a plastic sandal to hit him on the face; kicked Gon on his body and his head while he was handcuffed and caused injuries to Gon.”<sup>143</sup>

On June 8, 2012, the People’s Court of Ninh Thuan province sentenced Le Khac Sau to five years in prison.<sup>144</sup>

### *Killing of Tran Van Du: March 30, 2011*

Tran Van Du, 44, from hamlet 3, Nga Nam town, Soc Trang province, died in custody of the police in the town of Nga Nam on March 30, 2011.

Police took Tran Van Du to the police station around noon that day for allegedly beating his mother.<sup>145</sup> Local people found his dead body near the police station at around 11 p.m. that night.<sup>146</sup> A forensic examination showed that he died from a “broken liver and spleen.”<sup>147</sup> There was also a serious injury on the back of his head.<sup>148</sup>

Three police officers, Vo Van Ut Deo, Tran Tuan Khai, and Danh Nhan, and a member of the civil militia named Nguyen Quoc Thang, were prosecuted for “intentionally causing

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<sup>141</sup> T. Nhan & L. Xuan, “The case of beating to death a person: Arrest a police sergeant” (“Lien quan den vu danh chet nguoi: Bat giam mot thuong si cong an”), *Thanh nien*, August 15, 2011, <http://www.thanhvien.com.vn/Pages/20110815/Bat-giam-mot-thuong-si-cong-an.aspx> (accessed September 27, 2011).

<sup>142</sup> Lan Phuong, “Using corporal punishment, investigation officer was convicted to five years in prison” (“Dung nhuc hinh, can bo dieu tra linh an 5 nam tu”), *Vietnam Plus*, June 8, 2012, <http://www.vietnamplus.vn/Home/Dung-nhuc-hinh-can-bo-dieu-tra-linh-an-5-nam-tu/20126/144040.vnplus> (accessed June 8, 2012).

<sup>143</sup> *Ibid.*

<sup>144</sup> Thien Nhan, “Using corporal punishment, police sergeant received five years prison sentence” (“Dung nhuc hinh, thuong si cong an lanh an 5 nam tu”), *Thanh nien*, June 8, 2012, <http://thanhvien.com.vn/pages/20120608/dung-nhuc-hinh-thuong-si-cong-an-lanh-an-5-nam-tu.aspx> (accessed June 8, 2012).

<sup>145</sup> Thien Phuoc, “Suspending 3 police officers from work for the death of a person during interrogation” (“Dinh chi 3 cong an vi duong su chet sau buoi ghi loi khai”), *VNExpress*, April 10, 2011, <http://vnexpress.net/gl/phap-luat/2011/04/dinh-chi-3-cong-an-vi-duong-su-chet-sau-buoi-ghi-loi-khai> (accessed April 10, 2011).

<sup>146</sup> *Ibid.*

<sup>147</sup> Thien Phuoc, “Detaining a sergeant re the case a person died after being interrogated” (“Tam giam thuong si vu duong su chet sau buoi ghi loi khai”), *VNExpress*, April 11, 2011, <http://vnexpress.net/gl/phap-luat/2011/04/tam-giam-thuong-si-vu-duong-su-chet-sau-buoi-ghi-loi-khai/> (accessed April 11, 2011).

<sup>148</sup> *Ibid.*

injuries” to Tran Van Du.<sup>149</sup> According to the indictment reported by state media, police officer Tran Tuan Khai “clubbed Du on his butt” and ordered him to sit by a spot next to the cabinet.<sup>150</sup> Police officer Danh Nhan “slapped him, kicked him on his left hip and used a club to hit hard on his stomach.”<sup>151</sup> Later, when Du asked permission to go to the toilet, Nguyen Quoc Thang “kicked” and “forced him to kneel down next to the cabinet” and “beat him more.”<sup>152</sup> In the evening, the police released Tran Van Du, but he could not walk on his own. Officer Vo Van Ut Deo ordered others to take Du out and left him next to the fence outside the People’s Committee headquarters in the town of Nga Nam.<sup>153</sup> Tran Van Du died at the spot next to the fence where they left him.<sup>154</sup> On October 3, 2011, the People’s Court of Soc Trang sentenced Danh Nhan and Nguyen Quoc Thang to eight years in prison each for “intentionally causing injuries.”<sup>155</sup> Two other police officers, Tran Tuan Khai, and Vo Van Ut Deo, were sentenced to four years and two years respectively.<sup>156</sup>

### *Killing of Trinh Xuan Tung: March 8, 2011*

Trinh Xuan Tung, 53, from Tran Khat Chan Street, Cau Den ward, Hai Ba Trung district, Hanoi, died on March 8, 2011, at Viet Duc hospital after being severely beaten by the police of Thinh Liet ward, Hoang Mai district, Hanoi.<sup>157</sup>

On the morning of February 28, Trinh Xuan Tung took a motorbike taxi driven by Pham Quang Hung to Giap Bat bus station.<sup>158</sup> Once there and while still on the bike, Trinh Xuan Tung

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<sup>149</sup> Thien Phuoc, “The group of police who beat a citizen to death will be trialed soon” (“Nhom canh sat danh tu vong nguoi dan sap hau toa”), *VNExpress*, September 3, 2011, <http://vnexpress.net/gl/phap-luat/2011/09/nhom-canh-sat-danh-tu-vong-nguoi-dan-sap-hau-toa/> (accessed September 6, 2011).

<sup>150</sup> *Ibid.*

<sup>151</sup> *Ibid.*

<sup>152</sup> *Ibid.*

<sup>153</sup> *Ibid.*

<sup>154</sup> “Prosecuting 3 police officers for beating a person to death” (“Khoi to 3 can bo cong an danh chet nguoi”), *Nguoi dua tin*, April 11, 2011, <http://www.nguoiduatin.vn/khoi-to-3-can-bo-cong-an-danh-chet-nguoi-a2987.html> (accessed August 17, 2011).

<sup>155</sup> Thien Phuoc, “A former police officer who beat and broke the liver of a suspect was convicted to eight years in prison” (“Cuu canh sat danh vo gan duong su bi phat 8 nam tu”), *VNExpress*, October 3, 2011, <http://vnexpress.net/gl/phap-luat/2011/10/cuu-canh-sat-danh-vo-gan-duong-su-bi-phat-8-nam-tu/> (accessed October 3, 2011). Also see D. Nhan, “Beating and breaking his mother’s arm, a person was beaten to death by police” (“Danh me gay tay, bi cong an danh chet”), *Nguoi lao dong*, October 3, 2011, <http://nld.com.vn/20111003030154996poc1019/danh-me-gay-tay-bi-cong-an-danh-chet.htm> (accessed October 3, 2011).

<sup>156</sup> *Ibid.*

<sup>157</sup> Tien Nguyen, “The person who denounced a police lieutenant colonel for beating and breaking his neck had died” (“Nguoi to cao Trung ta cong an danh gay co da tu vong”), *Dan tri*, March 8, 2011, <http://dantri.com.vn/su-kien/nguoi-to-cao-trung-ta-cong-an-danh-gay-co-da-tu-vong-462818.htm> (accessed March 8, 2011).

removed his helmet to make a phone call to his friend Bach Chi Cuong, who was at the ticket booth.<sup>159</sup> Lt. Col. Nguyen Van Ninh of Thinh Liet ward stopped the motorbike driver and issued him a fine for carrying a passenger not wearing a helmet.<sup>160</sup> Pham Quang Hung protested that he had no control over what his passenger did behind his back.<sup>161</sup> Lt. Col. Ninh grabbed Hung's collar. Trinh Xuan Tung tried to free Hung from Lt. Col. Ninh's grip.<sup>162</sup>

In the ensuing melee, Tung allegedly hit Lt. Col. Ninh in the face.<sup>163</sup> Lt. Col. Ninh and several members of the "self-management team" ("doi tu quan") of the bus station then beat and kicked Tung.<sup>164</sup> Tung's friend Bach Chi Cuong described what happened.

Mr. Ninh used a club and hit Tung on his neck. At the same time, several members of the self-management team rushed in to beat and punch Tung and kicked him on his stomach.<sup>165</sup>

Cuong tried to stop them, but unidentified persons hit him as well.<sup>166</sup> Trinh Xuan Tung was handcuffed and taken to the police station of Thinh Liet ward.<sup>167</sup>

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<sup>158</sup> Trieu Ha & Thien Minh, "Police beat and paralyzed a detainee and did not allow him to be taken to the hospital?" ("Cong an danh nguoi tam giu liet tu chi, khong cho di vien?"), *Phap luat Viet Nam*, March 3, 2011, <http://www.phapluatvn.vn/channel/4793> (accessed March 3, 2011).

<sup>159</sup> Phuc Hung, "A police officer was 'denounced' for beating and breaking the neck of a violator" ("Mot cong an bi 'to' danh gay co nguoi vi pham"), *VTC News*, March 2, 2011, <http://vtc.vn/print/278960/index.htm> (accessed March 2, 2011).

<sup>160</sup> *Ibid.*

<sup>161</sup> *Ibid.*

<sup>162</sup> Trieu Ha & Thien Minh, "Police beat and paralyzed a detainee and did not allow him to be taken to the hospital?"

<sup>163</sup> Khanh Tuong & Phong Anh, "A person denounced ward police for beating him and causing spinal cord injury" ("Mot nguoi dan to bi cong an phuong danh 'chan thuong cot song'") *Dat Viet*, March 2, 2011, <http://www.baodatviet.vn/Home/chinhtrixahoi/Mot-nguoi-dan-to-bi-cong-an-phuong-danh-chan-thuong-cot-song-2196531/> (accessed March 2, 2011).

<sup>164</sup> A self-management team comprises residents of a local community established to provide assistance for the local authorities and the local police force in maintaining traffic safety and public order. Like other para-police force such as the self-defense force or the civil defense force, self-management teams are usually selected and paid on a subsidiary scale by the local people's committee and supervised by the local police force. To learn more about the self-management teams, see "Reorganizing the self-management force in the city" ("Chan chinh luc luong tu quan toan thanh pho"), *Tien phong*, April 3, 2013, <http://www.tienphong.vn/xa-hoi/chan-chinh-luc-luong-tu-quan-toan-thanh-pho-620725.tpo> (accessed March 29, 2014). Also see Lam Hoai, "A Proposal to unify the civil defense force" ("Kien nghi thong nhat luc luong dan phong"), *Tuoi tre*, December 25, 2013, <http://tuoiitre.vn/Chinh-tri-Xa-hoi/587123/kien-nghi-thong-nhat-luc-luong-dan-phong.html> (accessed March 29, 2014). Also see Phuc Hung, "A police officer was 'denounced' for beating and breaking the neck of a violator."

<sup>165</sup> *Ibid.*

<sup>166</sup> *Ibid.*

<sup>167</sup> T. Tu, "Temporarily suspending a police lieutenant colonel from work for beating and breaking a person's neck?" ("Tam dinh chi trung ta cong an vi danh dan gay co?"), *Phap luat TP Ho Chi Minh*, March 3, 2011, <http://phapluattp.vn/20110303125526716poc1015/tam-dinh-chi-trung-ta-cong-an-vi-danh-dan-gay-co.htm> (accessed March 3, 2011).

Upon hearing that Trinh Xuan Tung was beaten and detained by the police, his family went to the police station and saw Tung in handcuffs and in pain.<sup>168</sup> Trinh Xuan Tung's daughter Trinh Kim Tien told the BBC:

When I heard the news, my mother, my younger sister, my younger sister's friend and I immediately went to the police station. I was the one who went inside the station. I saw my father handcuffed and his feet chained. His arms and legs were dangling. He saw me and said, 'My child, I am in severe pain. They beat me and paralyzed my legs and arms. Please ask them to let me go and have medical check-up.'<sup>169</sup>



Photo collage of Trinh Xuan Tung, put together by his family. The two photos on the right side are taken at the hospital after he was beaten by the police and shortly before he died. © 2011 family of Trinh Xuan Tung.

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<sup>168</sup> Khanh Tuong & Phong Anh, "A person denounced ward police for beating him and causing spinal cord injury."

<sup>169</sup>"The Investigation of a police beating a person has not been finished" ("Chua dieu tra xong vu cong an danh dan"), *BBC*, March 16, 2011, [http://www.bbc.co.uk/vietnamese/vietnam/2011/03/110316\\_trinhkimtien.shtml](http://www.bbc.co.uk/vietnamese/vietnam/2011/03/110316_trinhkimtien.shtml) (accessed March 16, 2011).

Despite three different visits and pleading by Trinh Xuan Tung's family, the police refused to let them take him to the hospital.<sup>170</sup> Tung's friend, Nguyen Duc Minh, also went to the police station and saw him "sitting with his head dangling to one side, his mouth full of saliva, his hands cuffed, and he could not move his arms or his legs."<sup>171</sup> Nguyen Duc Minh urged the police to let Tung be taken to seek emergency medical help, but they ignored his request.<sup>172</sup>

At about 9:30 p.m., Nguyen Duc Minh went back to the police station and police finally allowed Trinh Xuan Tung to be taken to Bach Mai hospital.<sup>173</sup> Police also ordered Tung's family members to clean up his vomit.<sup>174</sup> His daughter Trinh Kim Tien cried, "I went there three times, but [the police] did not allow me to take my father to the hospital. I asked them to allow me to feed my father some noodle soup, but they also did not allow me to. My father died and became a hungry ghost."<sup>175</sup>

At Bach Mai hospital, Trinh Xuan Tung was diagnosed with two injured cervical vertebrae that caused paralysis. He was transferred to Viet Duc hospital the next day.<sup>176</sup> After a week in intensive care, Trinh Xuan Tung died on March 8, 2011. The next day, Lt. Col. Nguyen Van Ninh was arrested and subsequently prosecuted for "causing death while carrying out public duties" in violation of article 97 of the penal code.<sup>177</sup>

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<sup>170</sup> Trieu Ha & Thien Minh, "Police beat and paralyzed a detainee and did not allow him to be taken to the hospital?" Also see Tran Le Dan, "Police Lieutenant Colonel beat a person and caused a heart-wrenching death" ("Trung ta cong an danh nguoi dan den cai chet thuong tam"), *Nguoi cao tuoi*, March 24, 2011, <http://nguoicaotuoivn.org.vn/story.aspx?id=5657&lang=vn&zone=8&zoneparent=0> (accessed June 20, 2013).

<sup>171</sup> Phuc Hung, "A police officer was 'denounced' for beating and breaking the neck of a violator."

<sup>172</sup> Ibid.

<sup>173</sup> Trieu Ha & Thien Minh, "Police beat and paralyzed a detainee and did not allow him to be taken to the hospital?"

<sup>174</sup> Tran Le Dan, "Police Lieutenant Colonel beat a person and caused a heart-wrenching death."

<sup>175</sup> Khanh An, "Police Lieutenant Colonel beat and broke a person's neck and caused his death" ("Trung ta cong an danh gay co dan den chet"), *Radio Free Asia*, March 9, 2011, [http://www.rfa.org/vietnamese/in\\_depth/Police-beats-a-citizen-causing-spinal-cord-injury-and-death-03092011122637.html](http://www.rfa.org/vietnamese/in_depth/Police-beats-a-citizen-causing-spinal-cord-injury-and-death-03092011122637.html) (accessed March 9, 2011).

<sup>176</sup> Tien Nguyen, "The person who denounced a police lieutenant colonel for beating and breaking his neck had died."

<sup>177</sup> Luong Ket, "Former police lieutenant colonel who caused a death is going on trial" ("Nguyen trung ta cong an gay chet nguoi sap hau toa"), *Lao dong*, November 1, 2011, <http://laodong.com.vn/Tin-tuc/Nguyen-trung-ta-cong-an-gay-chet-nguoi-sap-hau-toa/64729> (accessed November 1, 2011).



Mourners gather outside the house of victim Trinh Xuan Tung on March 10, 2011. The photo shows the victim's mother, Nguyen Thi Cuc, and his daughter, Trinh Kim Tien, sitting next to a make-shift altar outside their house. Courtesy of Dan Lam Bao & contributors.

On March 10, the family of Trinh Xuan Tung erected an altar for him outside their house with banners demanding justice.<sup>178</sup> Hundreds of people including relatives, family friends, and passers-by gathered; after about an hour, police forcibly removed the banners.<sup>179</sup> On March 23, during Tung's funeral, the police intimidated bloggers who were in attendance and attempted to prevent them from joining the procession in an apparent effort to stop them meeting the family and reporting on the funeral.<sup>180</sup>

On January 13, 2012, the People's Court of Ha Noi sentenced Lt. Col. Nguyen Van Ninh to four years in prison.<sup>181</sup> Other individuals involved in the detention of Tung, including three

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<sup>178</sup> Khanh An, "Don't drive the people to desperation and react" ("Dung de dan 'Tuc nuoc vo bo'"), *Radio Free Asia*, March 11, 2011, [http://www.rfa.org/vietnamese/in\\_depth/do-not-wait-until-people-break-the-limit-03112011084658.html](http://www.rfa.org/vietnamese/in_depth/do-not-wait-until-people-break-the-limit-03112011084658.html) (accessed March 11, 2011).

<sup>179</sup> Nguoi Buon Gio, "Police of Thinh Liet ward beat a person to death for not wearing a helmet" ("Cong an phuong Thinh Liet danh chet nguoi khong doi mu bao hiem"), post to "Wind Trader" (blog), March 9, 2011, <http://nguoiuongio1972.multiply.com/journal/item/251/251> (accessed March 10, 2011).

<sup>180</sup> Nguoi Buon Gio, "Funeral of Mr. Trinh Xuan Tung" ("Dam tang ong Trinh Xuan Tung"), post to "Wind Trader" (blog), March 23, 2011, <http://nguoiuongio1972.multiply.com/journal/item/263> (accessed March 24, 2011). Also see J.B Nguyen Huu Vinh, "Mr. Trinh Xuan Tung's funeral, a heart-rending cry, and story about those who attended the funeral" ("Dam tang ong Trinh Xuan Tung, tieng keu xe long va chuyen nguoi dua dam"), post to "J.B Nguyen Huu Vinh" (blog), March 25, 2011, <http://jbnghuyenhuvinh.wordpress.com/2011/03/25/dam-tang-ong-tr%E%BB%8Bnh-xuan-tung-ti%E%BA%BFng-keu-xe-long-va-chuy%E%BB%87n-ng%C6%Bo%E%BB%9Di-d%C6%Boa-dam/> (accessed October 10, 2011).

<sup>181</sup> Tien Nguyen, "Hanoi: A Former police lieutenant colonel who caused the death of a person received sentence" ("Hanoi: Nguyen trung ta cong an lam chet nguoi linh an"), *Dan tri*, January 13, 2012, <http://dantri.com.vn/c170/s170-556395/ha-noi-nguyen-trung-ta-cong-an-lam-chet-nguoi-linh-an.htm> (accessed January 14, 2012).

members of the self management team and other police officers at Think Liet ward who were present during the beating, were not charged.<sup>182</sup>

On January 20, 2012, Trinh Xuan Tung's family filed an appeal with the People's Supreme Court to demand the court hold other officers involved accountable for their actions.<sup>183</sup> According to the family, the Court of First Instance denied their request to summon Nguyen Duc Minh, who witnessed the police's refusal to take the victim to the hospital.<sup>184</sup>

The appeal of Lt. Col. Nguyen Van Ninh was postponed twice, in May and in June 2012. For the first hearing on May 14, 2012, the only family member who received a court summons was Tung's mother, who was approximately 90 years old. Tung's wife and two daughters had to fight at the gate to enter despite the fact that it was supposed to be an open trial. The court did not allow the victim's sisters to attend. When the family entered the courtroom, they saw that the only people who were there and related to the case were the family of the accused and the motorbike driver. According to Tung's oldest daughter, no journalists were allowed in the courtroom. As a result, the family requested a postponement.<sup>185</sup>

The second postponement came on June 18 when the presiding judge fell sick.<sup>186</sup> On July 17, 2012, the People's Supreme Court conducted an appeal hearing of the case and maintained the verdict issued by the People's Court of Hanoi in January.<sup>187</sup>

The victim's daughter Trinh Kim Tien has since become a blogger and a rights campaigner. On March 28, 2014, during the trial of the five police officers who killed Ngo Thanh Kieu, she published a call on Facebook urging people to contact her about cases of police abuse: "As we all know, Vietnam has signed the UN Anti-Torture Convention, but the situation in which

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<sup>182</sup> Ibid.

<sup>183</sup> BBC, "Trinh Kim Tien's family appealed the verdict" ("Gia dinh Trinh Kim Tien khang cao"), *BBC*, January 20, 2012, [http://www.bbc.co.uk/vietnamese/vietnam/2012/01/120120\\_kimtien\\_appeal.shtml](http://www.bbc.co.uk/vietnamese/vietnam/2012/01/120120_kimtien_appeal.shtml) (accessed June 27, 2012).

<sup>184</sup> Trinh Kim Tien, "Was there the act of beating?" ("Co hay khong hanh vi danh dap?"), post to "Trinh Kim Tien" (blog), January 16, 2012, <http://trinhkimtien.multiply.com/journal/item/19/19> (accessed January 17, 2012).

<sup>185</sup> Trinh Kim Tien, "Justice for all" ("Cong ly cho tat ca!"), *Dan lam bao*, June 12, 2012, <http://danlambaovn.blogspot.com/2012/06/justice-for-all-cong-ly-cho-tat-ca.html> (accessed June 12, 2012).

<sup>186</sup> Dan lam bao, "The appeal trial of the police lieutenant colonel who beat a person to death is postponed again" ("Lai tiep tuc hoan phien toa phuc tham Trung ta CA danh chet nguoi"), *Dan lam bao*, June 18, 2012, <http://danlambaovn.blogspot.com/2012/06/lai-tiep-tuc-hoan-phien-toa-phuc-tham.html> (accessed June 20, 2012).

<sup>187</sup> Hoang Diep, "Sustaining the verdict for the former police lieutenant colonel who caused the death of a person" ("Y an so tham nguyen trung ta cong an lam chet nguoi"), *Tuoi tre*, July 17, 2012, <http://tuoitre.vn/Chinh-tri-xa-hoi/Phap-luat/502361/Y-an-so-tham-nguyen-trung-ta-cong-an-lam-chet-nguoi.html> (accessed July 17, 2012).



police abuse power, torture and use corporal punishment against the people continues. For a number of cases which were put on trial publicly, only unjust verdicts were meted out (most of them were suspended sentences and in cases of prison sentence, it's under seven years for killing people). Many illogical explanations were provided such as: the person (who suffered coerced interrogation and corporal punishment) committed suicide or inflicted injuries upon themselves. And the general outcome is that these cases would sink into oblivion. This is an obvious injustice. Those who should protect the people trample on the dignity, health and life of the people instead. And there are signs that the legal system tolerates, covers up and hushes up the crimes of those who wear the clothes of power. On the road to seek justice for my father, I came to understand that we could never find justice if we did not try to the very end. In order to say no to the problem of 'police using violence against the people,' I need everyone's help. Please assist me to collect news and documents about people tortured and killed at police headquarters and send them to me via Facebook or email me at [trinhkimkim@gmail.com](mailto:trinhkimkim@gmail.com). These news and documents can either be links to online newspapers or cases that you know but that were not published by newspapers. I hope you will walk with me on this difficult road. I thank you with my sincere heart.”<sup>188</sup>

### *Killing of Le Phuc Hung: August 1, 2010*

Le Phuc Hung, 53, from To Tung commune, Kbang district, died in the custody of the police of To Tung commune, Kbang district, Gia Lai. Police detained Le Phuc Hung in the morning of August 1, 2010, for allegedly stealing water pipes.<sup>189</sup>

During police interrogation in the afternoon, police officers Hoang Van Vang, Trieu Tien Bo, and Luong Van Tuan, took turns beating Hung to force him to confess to other thefts in the area.<sup>190</sup> Before taking a break for dinner, Officer Trieu Tien Bo sprayed tear gas into the detention room where they kept Le Phuc Hung, and shut the door.<sup>191</sup> When the three police officers returned, they discovered that Le Phuc Hung had died. An autopsy showed that

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<sup>188</sup> Status posted by Trinh Kim Tien on March 28, 2014, to the profile “Trinh Kim Kim,” on Facebook (social networking website), [https://www.facebook.com/trinhkimkim/posts/729805137039723?stream\\_ref=10](https://www.facebook.com/trinhkimkim/posts/729805137039723?stream_ref=10) (accessed April 6, 2014).

<sup>189</sup> Le Van Nhung, “Using corporal punishment and causing the death of a person: what crime?” (“Dung nhuc hinh dan den chet nguoi: Toi gi?”), *Gia Lai*, September 11, 2011, <http://baogialai.com.vn/channel/1625/201109/dung-nhuc-hinh-dan-den-chet-nguoi-Toi-gi-2094503/> (accessed October 12, 2011).

<sup>190</sup> Van Nhung, “Bringing to trial commune police officers for using corporal punishment and causing the death of a person” (“Xet xu vu cong an xa dung nhuc hinh gay chet nguoi”), *Dan Viet*, September 14, 2011, <http://danviet.vn/57741p1c33/xet-xu-vu-cong-an-xa-dung-nhuc-hinh-gay-chet-nguoi.htm> (accessed September 29, 2011).

<sup>191</sup> Thien Thu, “The Appeal trial of three commune police officers who used corporal punishment and caused the death of a person” (“Xu phuc tham 3 cong an xa dung nhuc hinh gay chet nguoi”), *Dan tri*, February 21, 2012, <http://dantri.com.vn/phap-luat/xu-phuc-tham-3-cong-an-xa-dung-nhuc-hinh-gay-chet-nguoi-567518.htm> (accessed June 7, 2013).

Hung had “seven broken ribs,” “collapsed lungs,” “blood clots outside heart veil,” and “multiple injuries on his face, arms and legs.”<sup>192</sup>

The three police officers were originally prosecuted under penal code article 104 for “intentionally causing injuries.”<sup>193</sup> However, during two trial sessions on June 5 and September 8, 2011, the lawyer for Le Phuc Hung’s family argued that the officers should be charged with murder.<sup>194</sup> The People’s Court of Gia Lai then decided to return the case to the police for further investigation. On February 20, 2012, the People’s Court of Gia Lai sentenced Trieu Tien Bo to eight years in prison and Luong Van Tuan to five years for murder.<sup>195</sup> Hoang Van Vang was sentenced to 21 months in prison under article 285 of the criminal code for “negligence of responsibilities which causes serious consequences.”<sup>196</sup>

## Deaths in Custody from Unexplained Causes

### *Death of Nguyen Van Duc: May 29, 2013*

Nguyen Van Duc, 32, from Ward 5, Vinh Long city, Vinh Long province, died in the custody of the police of Vinh Long city on May 29, 2013. Police detained Nguyen Van Duc on May 28, 2013, for alleged involvement in a robbery in early 2012,<sup>197</sup> and took him to the Vinh Long provincial hospital for emergency treatment early the next morning.<sup>198</sup> According to an autopsy report, Nguyen Van Duc “died from brain bleeding, with fractured skull, damaged right brain, with hematoma in left brain, two broken ribs and broken sternum.”<sup>199</sup> He also had “hematoma in the left cardiac membrane and congestive swollen lungs both on the left and right.”<sup>200</sup>

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<sup>192</sup> Van Nhung, “Bringing to trial commune police officers for using corporal punishment and causing the death of a person.”

<sup>193</sup> Le Van Nhung, “Gia Lai: Committing the crime of murder by using corporal punishment” (“Gia Lai: Pham toi giet nguoi do dung nhuc hinh”), *Gia Lai*, February 23, 2012, <http://baogialai.com.vn/channel/1602/201202/Gia-Lai-Pham-toi-giet-nguoi-do-dung-nhuc-hinh-2133422/> (accessed June 26, 2012).

<sup>194</sup> Ibid. Also see Van Nhung, “Bringing to trial commune police officers for using corporal punishment and causing the death of a person.”

<sup>195</sup> N. D. Hong, “Beating a person to death, 3 commune police officers received sentences” (“Danh chet nguoi, 3 cong an xa lanh an”) *Nguoi lao dong*, February 21, 2012, <http://nld.com.vn/20120221090732629poc1019/danh-chet-nguoi-3-cong-an-xa-lanh-an.htm> (accessed February 21, 2012).

<sup>196</sup> Ibid.

<sup>197</sup> Lam Dung, “Died suddenly in detention center” (“Chet bat ngo o trai tam giam”), *Nguoi lao dong*, June 5, 2013, <http://nld.com.vn/2013060411591947poc1002/chet-bat-ngo-o-trai-tam-giam.htm> (accessed June 5, 2013).

<sup>198</sup> Thanh Duc, “A death that raised many questions” (“Mot cai chet nhieu nghi van”), *Thanh nien*, June 6, 2013, <http://www.thanhvien.com.vn/pages/20130606/mot-cai-chet-nhieu-nghi-van.aspx> (accessed June 6, 2013).

<sup>199</sup> Ibid.

<sup>200</sup> Lam Dung, “The Died suddenly in detention center case: Too many difficult-to-understand details!” (“Vu chet bat thuong trong trai giam: Qua nhieu tinh tiet kho hieu!”), *Nguoi lao dong*, June 12, 2013, <http://nld.com.vn/20130612112013123poc1042/vu-chet-bat-thuong-trong-trai-giam-qua-nhieu-tinh-tiet-kho-hieu.htm> (accessed June 12, 2013).

Nguyen Van Duc's wife told reporters that a police officer explained to the family that "while performing emergency procedures, the doctors were 'too hard with their hands' and thus broke my husband's ribs."<sup>201</sup> Human Rights Watch is unaware of any investigation into this death.

### *Death of Nguyen Quoc Tuan: January 28, 2013*

Nguyen Quoc Tuan, 23, from Vinh Tho ward, Nha Trang city, Khanh Hoa province, died in the custody of the police of Pleiku city, Gia Lai province, on January 28, 2013. Police arrested Nguyen Quoc Tuan on November 25, 2012, for alleged robbery.<sup>202</sup>

On January 28, 2013, the police of Pleiku city telephoned Nguyen Quoc Tuan's family and informed them that he died in detention.<sup>203</sup> According to Nguyen Quoc Tuan's father, Nguyen Hung, the family visited Nguyen Quoc Tuan on January 24, 2013, and he had no apparent health problems.<sup>204</sup> Nguyen Hung told reporters that the corpse bore many injuries and bruises, and that he suspected that his son was beaten to death.<sup>205</sup>

According to media, the police are investigating the cause of Nguyen Quoc Tuan's death. There was no further information available related to the case at the time of writing this report.

### *Death of Bui Huu Vu: April 11, 2012*

Bui Huu Vu, 19, from Hung Tien commune, Nam Dan district, Nghe An province, died in the custody of the police of Nam Dan district on April 11, 2012.

Bui Huu Vu was on a police wanted list for alleged robbery. On March 29, 2012, Vu's family persuaded him to turn himself in.<sup>206</sup> After that, his family was not allowed to visit or send

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<sup>201</sup> Ibid. Also see Lam Dung, "Died suddenly in detention center."

<sup>202</sup> Quang Thai, "A subject was caught for robbing people's properties" ("Bat nong doi tuong cuop tai san"), *Tin Tuc*, November 26, 2012, <http://baotintuc.vn/phap-luat/bat-nong-doi-tuong-cuop-tai-san-20121126140910141.htm> (accessed January 30, 2013).

<sup>203</sup> Hai An, "An accused suspect died an unusual death" ("Mot pham nhan tu vong bat thuong"), *Thanh nien*, January 30, 2013, <http://thanhvien.com.vn/pages/20130130/mot-pham-nhan-tu-vong-bat-thuong.aspx> (accessed January 30, 2013).

<sup>204</sup> Quoc Dinh, "An accused suspect died an unusual death" ("Mot pham nhan chet bat thuong"), *Dan Viet*, January 31, 2013, <http://danviet.vn/122845p1c24/mot-pham-nhan-chet-bat-thuong.htm> (accessed January 31, 2013).

<sup>205</sup> Hai An, "An accused suspect died an unusual death." Also see Quoc Dinh, "An accused suspect died an unusual death."

<sup>206</sup> Bac Vu, "A suspect died in detention from an unclear cause" ("Mot bi can chet khong ro nguyen nhan khi bi tam giam"), *Dai doan ket*, April 13, 2012, <http://daidoanket.vn/index.aspx?Menu=0&chitiet=48858&Style=1> (accessed April 13, 2012).

him any provisions. On April 11, the police informed Bui Huu Vu's family that he had died in detention.<sup>207</sup>

According to the police, in the early morning of April 11 a guard discovered Bui Huu Vu "unconscious, with saliva at the corners of his mouth." The police took him to Nam Dan hospital, but he died before arriving.<sup>208</sup> Bui Huu Vu's uncle Luong Van Luc told reporters that he was the only family member allowed to witness the autopsy. He said:

There are bruises all over [the body]. From the two ears to the nape and two shoulders, there are big dark bruises. On the stomach, the chest, the thighs and legs, there are many purple bruises with different sizes, some of which have small holes on them. Around the wrists and ankles, there are bruises and scratches. There was blood clot on the left big toe.<sup>209</sup>

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<sup>207</sup> Ibid.

<sup>208</sup> Hoang Lam, "An accused person died an unusual death after 10 days in detention" ("Mot bi can chet bat thuong sau 10 ngay bi tam giam"), *Dan tri*, April 12, 2012, <http://dantri.com.vn/phap-luat/mot-bi-can-chet-bat-thuong-sau-10-ngay-bi-tam-giam-584976.htm> (accessed April 13, 2012). According to the police, Bui Huu Vu was taken to the hospital at 1 am and died at 2 am. According to the hospital, upon admission, the victim had "circulatory arrest, no heart beat and blood pressure" and thus it was a case of "death before admission to the hospital."

<sup>209</sup> Ibid.



Photo of Bui Huu Vu, showing his body after he died in police detention. The photo accompanied an article headlined “Nghệ An: the unusual death of a suspect,” published by the officially-sanctioned newspaper *Kinh te Nong thon* on December 4, 2012.

According to Nam Dan district deputy police chief, Sen. Lt. Col. Ngo Cong Dong, the police “are waiting for the provincial forensic team to perform an examination and issue results so that it will be objective. As for the cause of death, we need time and offices at different levels will clarify it.”<sup>210</sup> Nam Dan district police chief Sen. Lt. Col. Le Khac Thuyet added that if Bui Huu Vu died “from a normal sickness, we will explain it to the family. If he died from external impact (due to being beaten), district police will take responsibility and deal with it thoroughly.”<sup>211</sup>

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<sup>210</sup> Xuan Thao & Nguyet Hang, “Nghệ An: the unusual death of an accused person” (“Nghệ An: Cái chết bất thường của một can phạm”), *Kinh te Nong thon*, April 12, 2012, <http://www.kinhtenongthon.com.vn/Story//2012/4/33608.html> (accessed June 21, 2012).

<sup>211</sup> Ngo Toan, “An accused person died an unusual death in the detention room” (“Một bị can chết bất thường trong buồng tạm giam”), *Phap luat Viet Nam*, April 12, 2012, <http://phapluatvn.vn/phapluat/201204/Mot-bi-can-chet-bat-thuong-trong-buong-tam-giam-2065776/> (accessed June 21, 2012).

### *Death of Hoang Dang Loc: August 26, 2011*

Hoang Dang Loc, also known as Hoang Khanh, 37, from An Cuu ward, the city of Hue, Thua Thien–Hue province, died in the custody of the police of An Cuu ward on August 26, 2011.

According to state media, the police were called to Hoang Dang Loc’s house during a family dispute.<sup>212</sup> They handcuffed and began to escort him to the police station.<sup>213</sup>

According to the police, Hoang Dang Loc suddenly fled, ran into the An Cuu River, and then drowned.<sup>214</sup> Large crowds observed the retrieval of the body from the river.<sup>215</sup>

*Nguoi lao dong* newspaper printed a photo of the body in handcuffs, but Senior Lt. Col. Vo Van Sau of the Hue police force insisted that Hoang Dang Loc had not been handcuffed.<sup>216</sup>

At time of writing, the police had not released any information about the results of an investigation, if any, into the death.

## Deaths in Custody Allegedly from Suicide

### *Alleged Suicide of Do Van Binh: April 14, 2014*

Do Van Binh, 18, from Dai Hiep commune, Dai Loc district, Quang Nam province, died in police custody in Hoa Vang district, Da Nang city, on April 14, 2014. Police detained Do Van Binh on April 10, 2014 for alleged involvement in the illegal detention of a person.<sup>217</sup> The police informed Do Van Binh’s family that he committed suicide by hanging on April 14.<sup>218</sup>

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<sup>212</sup> Vuong Hoang, “‘Jumping into to river to commit suicide’ while being escorted by police” (“Dang bi canh sat ap giai thi ‘nhay song tu tu’”), *Nguoi dua tin*, August 26, 2011, <http://www.nguoiduatvn.vn/dang-bi-canh-sat-ap-giai-thi-nhay-song-tu-tu-a10892.html> (accessed September 22, 2011).

<sup>213</sup> Ibid.

<sup>214</sup> Viet Long & Mai Phuong, “Jumping into the river to commit suicide while being handcuffed” (“Nhay xuong song tu tu khi tay bi cong”), *Phap luat TP Ho Chi Minh*, August 27, 2011, <http://phapluattp.vn/20110826115057296poc1015/nhay-xuong-song-tu-tu-khi-tay-bi-cong.htm> (accessed September 22, 2011).


<sup>215</sup> Ibid.

<sup>216</sup> Q. Nhat, “A person died while being handcuffed” (“Mot nguoi chet khi tay bi cong”), *Nguoi lao dong*, August 26, 2011, <http://nld.com.vn/20110826112946609poc1002/mot-nguoi-chet-khi-tay-bi-cong.htm> (accessed August 26, 2011).

<sup>217</sup> Nguyen Tu, “Died in a hanging position in detention center” (“Chet trong tu the treo co o noi tam giam”), *Thanh nien*, April 15, 2014, <http://www.thanhvien.com.vn/pages/20140415/chet-trong-tu-the-treo-co-o-noi-tam-giam.aspx> (accessed April 15, 2014).

<sup>218</sup> Cong Binh, “A suspect committed suicide by hanging in a detention center” (“Mot nghi can treo co chet trong nha tam giu”), *Dan tri*, April 16, 2014, <http://dantri.com.vn/phap-luat/mot-nghi-can-treo-co-chet-trong-nha-tam-giu-863246.htm> (accessed April 17, 2014).

On April 20, 2014, Do Van Binh's mother, Le Thi Thu, filed a complaint with the People's Procuracy of Da Nang city, alleging that her son was beaten to death. According to her letter, the police did not allow the family to take photos of Binh's body during the autopsy.<sup>219</sup> She wrote:



Đêm cùng ngày, gia đình đã đến chứng kiến pháp y mổ tử thi điều tra nguyên nhân cái chết và chỉ một người được vào. Người này không tin Bình treo cổ chết nên xin cho thêm người nhà vào chứng kiến và chụp lại hình tử thi, nhưng không được đồng ý. Đến rạng sáng ngày hôm sau, thi thể được giao cho gia đình đưa về quê an táng.

*Hình ảnh gia đình cung cấp nghi vấn Bình bị đánh đập thâm tím trước khi chết.*

Photo of the hand of Do Van Binh, who allegedly committed suicide while in police detention. The photo, provided to journalists by his family, accompanied an article headlined “The suspect hung himself; his family suspected that the police used corporal punishment,” published by the officially-sanctioned newspaper *Nguoi dua tin* on April 17, 2014.

<sup>219</sup> Comment posted by Le Thi Phuong Anh on April 24, 2014, to the profile “Le Thi Phuong Anh,” on Facebook (social networking website), <https://www.facebook.com/phuonganh.lethi.16/posts/253635848175924> (accessed April 25, 2014).

After taking the body of Do Van Binh home, we took off his clothes and saw many bruises on his body, from head to toe; especially, both of his hands were black-burnt and curled up. According to forensic science, a person who dies from hanging should have: tongue sticking out, rolling eyes, feces and semen in the pants. But there was no such sign on my son's body.<sup>220</sup>

### *Alleged Suicide of Hoang Van Ngai: March 17, 2013*

Hoang Van Ngai, 39, an ethnic Hmong from Quang Thanh commune, Gia Nghia town, Dak Nong province, died in the custody of the police of Gia Nghia town on March 17, 2013.

Police detained Hoang Van Ngai, his brother Hoang Van Ta, and their wives on March 14, 2013, for allegedly destroying the forest for cultivation.<sup>221</sup>

Hoang Van Ngai's death was not covered by newspapers in Vietnam. Instead, the case was exposed by Radio Free Asia (RFA) and British Broadcasting Corporation (BBC). In an interview with RFA, Hoang Van Ngai's brother Hoang Van Ta said:

At about 3 p.m., during interrogation in the room where my brother Ngai was, there were noises and many loud crashes against the wall. At about 4 p.m. I asked a police officer to go pee. He took me to go pee, but I did not look at the window at Ngai's room as I usually did. After peeing, on the way back [to interrogation room], I looked at the window at Ngai's room. The windows were made of glass, closed. I saw Ngai raising his arms high as if begging for help. I asked the police officer to let me stop and see what Ngai needed, but the police officer told me to go to my room quickly and not to look around. He escorted me to the room.

A little while later, police officers came back from a soccer game. One man who got there first ran out and said, 'Oh no, this man is probably dead.'

They called a Mai Linh taxi to the police station. They dragged Ngai out to a

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<sup>220</sup> Ibid. Also see comment posted by Le Thi Thu, on April 23, 2014, to the page "Justice for Do Van Binh," on Facebook (social networking website), [https://www.facebook.com/conglychoembinh/posts/1484900598389768?stream\\_ref=10](https://www.facebook.com/conglychoembinh/posts/1484900598389768?stream_ref=10) (accessed May 1, 2014).

<sup>221</sup> Gia Minh, "Another person died at Dak Nong province police station" ("Them mot nguoi chet tai don cong an tinh Dak Nong"), *Radio Free Asia*, March 23, 2013, [http://www.rfa.org/vietnamese/in\\_depth/a-new-case-of-death-at-the-police-station-03232013143358.html](http://www.rfa.org/vietnamese/in_depth/a-new-case-of-death-at-the-police-station-03232013143358.html) (accessed March 23, 2013).



four door taxi and took him to the emergency room. I knew that it wasn't a good situation. I banged on my door and asked them to let me out so I could go and take care of my brother. They prohibited me from going. They locked the door and did not allow me to go out and take care of my brother. I cried and fainted for about 30 minutes. When I woke up, I asked them to let me go and take care of Ngai. I thought Ngai had died. By three in the morning, they still did not allow me to go and see Ngai.<sup>222</sup>

Another man named Sung A Tu who was arrested at the same time as Hoang Van Ngai and his brother told RFA that Ngai died at the police station.

According to Hoang Van Ta, the police did an autopsy on Hoang Van Ngai without any witnesses from the victim's family and without informing them. They only told the family that Hoang Van Ngai died from suicide.<sup>223</sup>



Photo of victim Hoang Van Ngai after he allegedly committed suicide in police detention. The photo is from the victim's family, obtained by Radio Free Asia and published by *Radio Free Asia* on March 23, 2013.

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<sup>222</sup> Ibid.

<sup>223</sup> Ibid.

On March 24, 2013, a BBC reporter called and asked Le Dien, chairman of the People's Committee of Dak Nong province, about the death. According to Le Dien, Hoang Van Ngai "stuck his hand into a socket and got shocked. He committed suicide; it's nothing."<sup>224</sup>

The victim's brother Hoang Van Ta told the BBC that the local police promised to let the family cultivate a rice field on their land without further harassment, which made him suspicious of the official version of his brother's death.<sup>225</sup>

### *Alleged Suicide of Tran Van Tan: January 3, 2013*

Tran Van Tan, 52, from Phuc Thanh commune, Kim Thanh district, died in the custody of the police of Kim Xuyen commune, Kim Thanh district, Hai Duong province on January 3, 2013.

Police detained Tran Van Tan on January 2 around 11 p.m. for allegedly stealing a panel from the Thanh Cong Cement Groups factory in Kim Xuyen commune.<sup>226</sup> Around 7 a.m. the next morning, Tran Van Tan's family heard from neighbors that a man his age died at the People's Committee headquarters of Kim Xuyen commune.<sup>227</sup> Since Tran Van Tan did not come home the night before, they went to the police station and found him lying dead there. The police told the family that Tran Van Tan strangled himself to death early that morning.<sup>228</sup>

Tran Van Tan's wife Le Thi Ranh told Radio Free Asia that she did not believe this story. "If a person garroted himself, the face ought to be swollen, with tongue stuck out, or straight arms and legs. But when my siblings found his body, he was lying, one leg straight, one leg curled up as if he was sleeping."<sup>229</sup> Tran Van Tan's brother Tran Van Toan questioned why the police did not inform the family about his death immediately.<sup>230</sup>

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<sup>224</sup> "A H'mong died at Dak Nong province police station" ("Nguoi H'mong chet tai cong an Dak Nong"), *BBC*, March 24, 2013, [http://www.bbc.co.uk/vietnamese/vietnam/2013/03/130324\\_chet\\_nguoi\\_o\\_dak\\_nong.shtml](http://www.bbc.co.uk/vietnamese/vietnam/2013/03/130324_chet_nguoi_o_dak_nong.shtml) (accessed March 24, 2013).

<sup>225</sup> *Ibid.*

<sup>226</sup> Thanh Chung & Hai Son, "Hai Duong: A person died 'unusually' at the commune People's Committee headquarters" ("Mot nguoi dan chet 'bat thuong' tai tru so UBND xa"), *Soha*, January 8, 2013, <http://soha.vn/xa-hoi/hai-duong-mot-nguoi-dan-chet-bat-thuong-tai-tru-so-ubnd-xa-20130108122713099.htm> (accessed January 23, 2013).

<sup>227</sup> Nguyen Dai, "A citizen died abnormally at the commune People's Committee headquarters" ("Mot cong dan chet bat thuong o tru so UBND xa"), *Dan Viet*, January 11, 2013, <http://danviet.vn/120092p1c33/mot-cong-dan-chet-bat-thuong-o-tru-so-ubnd-xa.htm> (accessed January 23, 2013).

<sup>228</sup> *Ibid.* Also see Khanh An, "The first person died at police station in 2013" ("Nguoi dau tien chet tai don cong an nam 2013"), *Radio Free Asia*, January 16, 2013, [http://www.rfa.org/vietnamese/in\\_depth/first-victim-suicide-in-police-station-ka-01162013172353.html](http://www.rfa.org/vietnamese/in_depth/first-victim-suicide-in-police-station-ka-01162013172353.html) (accessed June 10, 2013).

<sup>229</sup> *Ibid.*

<sup>230</sup> *Ibid.*

The police chief of Kim Xuyen commune, Pham Van Tuong, told a reporter from *Dan Viet* newspaper that Tran Van Tan “used a piece of electric wire in the room to strangle himself.”<sup>231</sup>

### *Alleged Suicide of Le Quang Trong: March 19, 2012*

Le Quang Trong, 25, from Thien Loc commune, Can Loc district, Ha Tinh province, died in the custody of the police of Can Loc district on March 19, 2012.

Police arrested him on March 16 for allegedly stealing from a neighbor.<sup>232</sup>

The police told Le Quang Trong’s family that he hanged himself in a detention cell on March 19.<sup>233</sup> Le Quang Trong’s brother Le Dinh Ngan told state media:

On March 18, when I brought food to the police station for my brother in the afternoon, he complained to me that the police beat him during interrogation, but he was still okay. At noon on March 19 when I heard that he hanged himself in detention, I was panicked and upset because I did not believe that he killed himself.<sup>234</sup>

From the evening of March 19 until midday on March 20, hundreds of people gathered around Can Loc hospital and the district police station to protest.<sup>235</sup> On March 21, during the funeral procession, Le Quang Trong’s family took his coffin into the office of the People’s Committee of Thien Loc commune.<sup>236</sup> Members of the funeral procession knocked down the gate and cleared the way for the funeral cart.<sup>237</sup> Rocks were thrown at the office

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<sup>231</sup> Nguyen Dai, “A citizen died abnormally at the commune People’s Committee headquarters.”

<sup>232</sup> Van Dung, “Ha Tinh: Chaos after a suspect hung himself in detention center” (“Ha Tinh: Hon loan sau vu mot nghi pham treo co tai nha tam giu”), *Dan tri*, March 21, 2012, <http://dantri.com.vn/phap-luat/hon-loan-sau-vu-mot-nghi-pham-treo-co-tai-nha-tam-giu-577456.htm> (accessed March 22, 2012).

<sup>233</sup> Ibid.

<sup>234</sup> Ibid.

<sup>235</sup> Kh. Trinh, “A young man died in detention room: You died such an unjust death, my child!” (“Vu 1 thanh nien chet tai phong tam giu: Con chet oan uong lam con oi”), *Nguoi lao dong*, March 20, 2012, <http://nld.com.vn/20120320063513940poc1019/con-chet-oan-uong-lam-con-oi.htm> (accessed March 20, 2012). Also see Bui Trung, “Ha Tinh: A suspect hang himself in detention room?” (“Ha Tinh: Nghi pham treo co chet trong phong tam giu?”), *Cong ly*, March 20, 2012, <http://congly.com.vn/ha-tinh-nghi-pham-treo-co-chet-trong-phong-tam-giu-c1034n20120320200537546po.htm> (accessed March 20, 2012).

<sup>236</sup> Van Dung, “The case a suspect hung himself in detention center: The funeral crowd smashed the headquarters of the commune People’s Committee” (“Vu nghi pham treo co tai nha tam giu: Dam dong dua tang lai vao dap pha tru so UBND xa”), *Dan tri*, March 22, 2013, <http://dantri.com.vn/phap-luat/dam-dong-dua-tang-lai-vao-dap-pha-tru-so-ubnd-xa-577898.htm> (accessed March 22, 2013).

<sup>237</sup> Ibid.

and windows, and glass doors were broken.<sup>238</sup> The police of Can Loc district later opened a criminal case of “disrupting public order and destroying state property” against at least six protesters including the victim’s brother.<sup>239</sup>

On December 28, 2012, the People’s Court of Ha Tinh province convicted Le Quang Trong’s brother Le Dinh Ngan and sentenced him to three years in prison.<sup>240</sup> Three other people were also imprisoned: Vo Thi Ha received 34 months, Hoang Van Chinh 26 months, and Dang Dinh Thanh 21 months. Two other people, Vo Van Hieu and Vo Duy Dong, received suspended sentences of 21 months each.<sup>241</sup>

### *Alleged Suicide of Le Van Tran: August 11, 2011*

Le Van Tran, 26, from Hoa Hiep Trung commune, Dong Hoa district, Phu Yen province, died in custody of the police of Dong Hoa district on August 11, 2011.

Police arrested Le Van Tran on August 11 for alleged involvement in a rape that occurred on August 9.<sup>242</sup>

The police of Phu Yen province informed state media that Le Van Tran hanged himself by using a string of fabric taken from his pants.<sup>243</sup> Tran’s family did not believe that he died from suicide and refused to take the corpse from the hospital for burial, so the police buried him instead.<sup>244</sup> Tran’s brother named Ti told Radio Free Asia:

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<sup>238</sup> Khanh Trinh, “Initiating a case against those who carried a coffin into the commune committee” (“Khoi to vu mang quan tai vao uy ban xa”), *Nguoi lao dong*, March 24, 2012, <http://nld.com.vn/20120324075049957poc1019/khoi-to-vu-mang-quan-tai-vao-uy-ban-xa.htm> (accessed March 26, 2012).

<sup>239</sup> Ibid.

<sup>240</sup> Dinh Vu, “6 subjects ‘who caused public disorder’ and ‘struggled against those who were on public duties’” (“6 doi tuong ‘Gay roi trat tu cong cong’ va ‘Chong nguoi thi hanh cong vu’”), *Cong an Ha Tinh*, December 29, 2012, <http://conganhatinh.gov.vn/web/guest/9/-/vcmsview/qvgy/1001/1001/5477> (accessed December 29, 2012).

<sup>241</sup> Ibid.

<sup>242</sup> Duy Thanh, “A person died in police detention center” (“Mot nguoi chet trong nha tam giu cua cong an”), *Tuoi tre*, August 13, 2011, <http://tuoitre.vn/PrintView.aspx?ArticleID=451065> (accessed August 14, 2011).

<sup>243</sup> T. Loc, “A suspect of a collective rape died in a detention center” (“Mot nghi can hiep dam tap the chet trong nha tam giu”), *Phap luat TP Ho Chi Minh*, August 13, 2011, <http://phapluattp.vn/20110813120218934poc1015/mot-nghi-can-hiep-dam-tap-the-chet-trong-nha-tam-giu.htm> (accessed September 28, 2011).

<sup>244</sup> TL, “‘A suspect in a rape case died in detention’: police had buried the body” (“Vu ‘mot nghi can hiep dam chet trong nha tam giu’: Cong an da chon cat tu thi”), *Phap luat TP Ho Chi Minh*, August 14, 2011, <http://phapluattp.vn/201108131057059p1015c1074/vu-mot-nghi-can-hiep-dam-chet-trong-nha-tam-giu-cong-an-da-chon-cat-tu-thi.htm> (accessed September 28, 2011).

[He] did not hang himself, but was beaten to death. If [Tran] committed suicide by hanging, the family should have been allowed to see the body [during autopsies]. But they [the police] did not allow it. They prepared the document and took the body for autopsy without informing the family.<sup>245</sup>

The police informed the media that the incident was under investigation.<sup>246</sup> In April 2012, the police force of Phu Yen province and the Provincial Communist Committee for People's Propaganda [Ban Dan van Tinh uy] held a meeting to celebrate the coordination between the two branches. An official report stated that "a number of people at Phu Hiep hamlet, Hoa Hiep Trung commune, Dong Hoa district, intentionally caused troubles for the government after the death of Le Van Tran in the detention center of the district's police force. The mass mobilization committee and the police force from different levels had gone to the area to conduct propaganda and explain to the people about matters of concern. This had helped concerned authorities to defuse the trouble and stabilize the situation."<sup>247</sup>

#### *Alleged Suicide of Nguyen Cong Nhut: April 25, 2011*

Nguyen Cong Nhut, 32, from Cam Son commune, Cai Lay district, Tien Giang province,<sup>248</sup> died in the custody of the police of Ben Cat district, Binh Duong province on April 25, 2011.

Police took him to the police station around noon on April 21 for an investigation connected with the theft of a number of rubber tires at the Kumho Vietnam plant in Ben Cat district.<sup>249</sup> The police later informed Nhut's family that he had committed suicide on April 25 by using a telephone cord to hang himself and left two suicide notes.<sup>250</sup>

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<sup>245</sup> Quynh Chi, "A citizen died in police station" ("Mot cong dan chet trong don cong an"), *Radio Free Asia*, August 24, 2011, [http://www.rfa.org/vietnamese/in\\_depth/another-got-killed-b-police-ml-08242011144503.html](http://www.rfa.org/vietnamese/in_depth/another-got-killed-b-police-ml-08242011144503.html) (accessed August 24, 2011).

<sup>246</sup> Duy Thanh, "A person died in police detention center."

<sup>247</sup> Phuc Van, "The effectiveness of a coordinative program" ("Hieu qua tu mot chuong trinh phoi hop"), *Phu Yen*, April 18, 2012, <http://www.baophuyen.com.vn/Chinh-tri-76/8806306506105806163> (accessed September 4, 2012).

<sup>248</sup> Nguyen Cong Nhut and his wife Nguyen Thi Thanh Tuyen worked for Kumho Company in My Phuoc 3 Industrial Zone, Ben Cat district, Binh Duong province.

<sup>249</sup> N. Phu, "A person died in detention" ("Mot nguoi chet o nha tam giu"), *Nguoi lao dong*, April 25, 2011, <http://nld.com.vn/2011042509083142poc1019/mot-nguoi-chet-o-nha-tam-giu.htm> (accessed April 25, 2011). Also see Tieu Phong, "Suicide letter 'praises investigation cadres'" ("Thu tuyet menh 'khen can bo dieu tra'"), *Nguoi dua tin*, April 27, 2011, <http://www.nguoi-duatin.vn/thu-tuyet-menh-khen-can-bo-dieu-tra-a3895.html> (accessed October 11, 2011).

<sup>250</sup> Tieu Phong, "Suicide letter 'praises investigation cadres.'"

Upon hearing from co-workers that Nguyen Cong Nhut had been taken away by Ben Cat police, his wife Nguyen Thi Thanh Tuyen went to police headquarters to inquire about him, but the police did not let her see or speak to him.<sup>251</sup> During Nhut's four days at police headquarters, the police did not allow any communication between him and his family.<sup>252</sup> According to Nguyen Cong Nhut's father, Nguyen Van Hanh:

There were way too many irregular signs such as many bruises on my son's body from the belly area downward. Both sides of his groins were black and blue. His penis and both testicles were damaged and bled. Why did his body have such signs from hanging?<sup>253</sup>

Nhut's mother Thai Thi Luom said:

Before the autopsy was performed, I took a look at my son and saw that the bottom of his shorts was stained with blood. There were many bruises on both of his legs, his hips, and his buttocks. His upper lip was battered and his two hands convulsed. I tried to straighten [his hands] but I could not. We absolutely do not believe that our son committed suicide.<sup>254</sup>

Initially, the police told state media that Nhut was arrested for theft. On April 26, acting chief of the office of Binh Duong province police, Sr. Lt. Col. Pham Xuan Truong, told *VNExpress* newspaper that "the police had prosecuted and arrested this suspect [Nguyen Cong Nhut] for an investigation regarding theft."<sup>255</sup>

However, two days later, on April 28, he changed his story, telling the media that: "Nhut was only detained administratively and thus his activities were not as restricted as in

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<sup>251</sup> Quoc Thang & Nguyet Trieu, "A male storage manager died at police headquarters" ("Nam quan ly kho chet tai tru so cong an"), *VNExpress*, April 26, 2011, <http://vnexpress.net/gl/phap-luat/2011/04/nam-quan-ly-kho-chet-tai-tru-so-cong-an/> (accessed April 26, 2011).

<sup>252</sup> Nhu Phu, "'Suicide letter' from the person who died at police headquarters" ("Thu tuyet menh' cua nguoi chet o tru so cong an"), *Ngươi lao dong*, April 26, 2011, <http://nld.com.vn/20110426062224594poc1019/thu-tuyet-menh-cua-nguoi-chet-o-tru-so-cong-an.htm> (accessed April 26, 2011).

<sup>253</sup> Ibid.

<sup>254</sup> Hoang Phuong & Kim Cuong, "The police propose to help with burial expense for the victim?" ("Cong an de nghi ho tro chi phi mai tang cho nan nhan?"), *Thanh nien*, May 4, 2011, <http://www.thanhvien.com.vn/Pages/20110504/Cong-an-de-nghi-ho-tro-chi-phi-mai-tang-cho-nan-nhan.aspx> (accessed May 5, 2011).

<sup>255</sup> Quoc Thang & Nguyet Trieu, "A male storage manager died at police headquarters."

criminal detention,” without explaining the discrepancy between his two versions of the arrest.<sup>256</sup>

That same day, Chief Prosecutor Ngo Thi Ngoc Thanh of the People’s Procuracy Bureau of Ben Cat district told media the bureau had never issued any warrant regarding the arrest or detention of Nguyen Cong Nhut, suggesting that Ben Cat police may have detained Nguyen Cong Nhut without obtaining an arrest warrant from prosecutors.<sup>257</sup>

Almost two weeks later, the police changed their version of the arrest again. On May 6, 2011, the deputy director of the police force of Binh Duong province, Sen. Lt. Col. Nguyen Hoang Thao, told the police newspaper *Cong an Nhan dan* that Nguyen Cong Nhut had not been arrested nor detained.<sup>258</sup> According to him, Kumho company sent Nhut to the police station “to cooperate with the investigation office” regarding the disappearance of more than 6,000 tires from Kumho Vietnam.<sup>259</sup>

The officer made the incredible claim that Nguyen Cong Nhut had signed “a written commitment, volunteering to stay at the police station of Ben Cat district, Binh Duong province, from April 21 to April 30 to report about the case.”<sup>260</sup> Sr. Lt. Col. Thao did not explain the discrepancy between his statement and the statements made by his colleague Pham Xuan Truong that Nhut had been detained for theft. Nor did he address the fact that

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<sup>256</sup> Kim Cuong & Tuy Phong, “Unusual signs in the death of a victim in detention house” (“Dau hieu bat thuong trong vu nan nhan chet tai nha tam giu”), *Thanh nien*, April 29, 2011, <http://www.thanhvien.com.vn/pages/20110429/dau-hieu-bat-thuong-trong-vu-nan-nhan-chet-tai-nha-tam-giu.aspx> (accessed April 29, 2011).

<sup>257</sup> Nam Du, “The case in which a person died at Ben Cat police headquarters” (“Vu mot nguoi chet o tru so Cong an Ben Cat”), *Tuoi tre*, April 28, 2011, <http://tuoitre.vn/PrintView.aspx?ArticleID=435651> (accessed April 29, 2011). Also see Loc Hung, “The mystery about the man named P who solicited sex from the wife of the office head who died” (“Bi an nguoi ten P ga tinh vo trong phong bi chet”), *Dan Viet*, April 29, 2011, <http://danviet.vn/41196p1c33/bi-an-nguoi-ten-p-ga-tinh-vo-truong-phong-bi-chet.htm> (accessed April 29, 2011).

<sup>258</sup> A group of journalists, “In regards to the suicide of a man at the district police headquarters” (“Xung quanh vu tu tu cua nguoi dan ong tai tru so Cong an huyen”), *Cong an Nhan dan*, May 8, 2011, <http://www.cand.com.vn/vi-VN/phapluat/2011/5/148853.cand> (accessed May 8, 2011).

<sup>259</sup> Ibid. According to the police, Kumho Company still kept Nguyen Cong Nhut in their payroll during the time he was at the police headquarters. Meanwhile, Kumho sent out an urgent advertisement to hire someone to replace Nhut even before his alleged suicide. See advertisement note on Job 24h [Viec lam 24h], published on April 24, 2011, <http://vieclam.24h.com.vn/co-khi-che-tao/truong-phong-quan-ly-san-pham-gap-c4p9id728172.html> (accessed January 31, 2013). Also see Mac Lam, “Kumho’s responsibility in Nhut’s death” (“Trach nhem cua cong ty Kumho trong cai chet cua anh Nhut”), *Radio Free Asia*, June 3, 2011, [http://www.rfa.org/vietnamese/in\\_depth/kumho-respons-nhut-death-ml-06032011130603.html](http://www.rfa.org/vietnamese/in_depth/kumho-respons-nhut-death-ml-06032011130603.html) (accessed June 3, 2011).

<sup>260</sup> Ibid.

Nhut's wife was neither allowed to see her husband nor talk to him by phone during his supposedly voluntary stay at the police station.<sup>261</sup>

During Nguyen Cong Nhut's last four days at Ben Cat police headquarters, his wife Nguyen Thi Thanh Tuyen received several phone calls from a man who self-identified as Phu, a police officer investigating her husband's case.<sup>262</sup> The officer was later identified as Maj. Nguyen Thanh Phu from the police force of Thuan An commune, who had been sent to Ben Cat district to help investigate several economic cases, including the one at Kumho Company.<sup>263</sup>

During these conversations, which Tuyen secretly recorded, Maj. Phu asked her go to a hotel with him in exchange for information about her husband.<sup>264</sup> "What if I ask for something indecent," Maj. Phu flirts.<sup>265</sup> He then added, "You are the only one who can save your husband."<sup>266</sup> When Tuyen invited Phu out for coffee so she could ask him about her husband, Maj. Phu said, "We can't meet at those places. Let's go to a hotel."<sup>267</sup>

Tuyen did not comply. She claimed that the phone conversations occurred on April 23, 2011, two days before Nguyen Cong Nhut's death.<sup>268</sup> Maj. Phu later admitted that he made such phone calls to Tuyen, but he was "only joking."<sup>269</sup> He was later demoted from major to captain and transferred to another job.<sup>270</sup>

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<sup>261</sup> Nhu Phu, "'Suicide letter' from the person who died at police headquarters."

<sup>262</sup> Quang Nhan & Minh Son, "A person died in district police's detention: Who 'solicited sex' from the victim's wife?" ("Vu chet nguoi o nha tam giu cong an huyen: Ai 'ga tinh' vo nan nhan?"), *Nguoi lao dong*, April 28, 2011, <http://nld.com.vn/Print.aspx?NewsID=2011042812041346> (accessed April 28, 2011).

<sup>263</sup> Nguyet Trieu & Quoc Thang, "Suspending from work the investigator involving in the 'sex-solicitation' case" ("Dinh chi dieu tra vien trong vu 'ga tinh'"), *VNExpress*, May 1, 2011, <http://vnexpress.net/gl/phap-luat/2011/05/dinh-chi-dieu-tra-vien-trong-vu-ga-tinh/> (accessed May 1, 2011).

<sup>264</sup> Quang Nhan & Minh Son, "A person died in district police's detention: Who 'solicited sex' from the victim's wife?"

<sup>265</sup> Ibid.

<sup>266</sup> Ibid.

<sup>267</sup> Ibid.

<sup>268</sup> Duong Binh & Trung Dung, "The victim's wife denounced that she was... solicited to go to a hotel" ("Vo nan nhan to cao bi... ga di khach san"), *Phap luat TP Ho Chi Minh*, April 28, 2011, <http://phapluattp.vn/20110428122841856poc1015/vo-nan-nhan-to-cao-bi-ga-di-khach-san.htm> (accessed April 28, 2011).

<sup>269</sup> Nguyet Trieu & Quoc Thang, "Suspending from work the investigator involving in the 'sex-solicitation' case."

<sup>270</sup> LX, "The Investigator who solicited sex was only transferred to another job" ("Dieu tra vien ga tinh chi bi chuyen nganh"), *Phap luat TP Ho Chi Minh*, August 10, 2011, <http://phapluattp.vn/20110810120613668poc1015/dieu-tra-vien-ga-tinh-chi-bi-chuyen-nganh.htm> (accessed August 10, 2011).



Nguyen Cong Nhut allegedly left a suicide letter for his wife and a separate document for investigation police officers who interrogated him. The suicide letter begins:

According to a correspondence, Kumho Tire Company reports that 6000-7000 tires in the product storage were lost. The main responsibility lies with the product management department, headed by this Nguyen Cong Nhut. According to the preliminary investigation, from 2008 to now, there were export orders for about 1000 tires that originated from Nhut's computer.<sup>271</sup>

Elsewhere, the letter explains, "after a few days of investigation, I learned that people in the product management department are all thieves, but I am not one of them. Only a small carelessness leads to a big crime.... Investigation officers can check telephone calls and bank records and know that I did not commit any violation. I did not benefit a single penny, but I cannot deny the evidence."<sup>272</sup> The letter showers praise on the police officers who interrogated him. "Phuong, Phu, Phu and Nguyen are the most wonderful investigators. At first, they were cold and sometimes they shouted [at me]. After several days though, they understand that [there is] 70-80% [chance] that I am not a criminal."<sup>273</sup>

According to Nhut's wife, not only was the content of the note strange (for example, Nguyen Cong Nhut referred to himself in the third person), but the handwriting did not resemble that of her husband.<sup>274</sup>

In a separate document addressed to investigators, Nguyen Cong Nhut allegedly wrote, "To Phu, Phu, Phuong and Nguyen: If I die, please help take me [my body] to my hometown safely. I feel cornered because I had been neglectful. I have many sicknesses and now with this case, I am at my wit's end."<sup>275</sup> Nguyen Thi Thanh Tuyen told media that in the

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<sup>271</sup> Tra Giang & An Son, "The death of a person in Binh Duong: Dissect the 'suicide letters'" ("Vu chet nguoi o Binh Duong: Mo xe 'thu tuyet menh'"), *Nguoi lao dong*, May 3, 2011, <http://nld.com.vn/20110503083358313poc1002/vu-chet-nguoi-o-binh-duong-mo-xe-thu-tuyet-menh.htm> (accessed October 11, 2011).

<sup>272</sup> Tieu Phong, "Suicide letter 'praises investigation cadres.'"

<sup>273</sup> Ibid. Also note that in Nguyen Cong Nhut's alleged suicide letter, Phu and Phu are two different investigators. Their names have different tone marks in Vietnamese.

<sup>274</sup> Ibid. Also see Tra Giang & An Son, "The death of a person in Binh Duong: Dissect the 'suicide letters'" and Hien Minh, "New details regarding the death of a person at the district police headquarters" ("Nhưng tinh tiet moi vu chet nguoi o tru so cong an huyen"), *Dat Viet*, May 4, 2011, <http://baodatviet.vn/Utilities/PrintView.aspx?ID=143680> (accessed May 5, 2011).

<sup>275</sup> Ibid.

document Nhut allegedly left for the investigators, some parts were indeed her husband's handwriting and other parts were not.<sup>276</sup>

Upon the request by Nhut's family, both the suicide letter and the document were submitted to the Ho Chi Minh City police to examine the authenticity of Nguyen Cong Nhut's handwriting, using samples provided by the Kumho Vietnam company.<sup>277</sup> The investigation office of the People's Supreme Procuracy informed Nhut's family the handwriting and signatures on the alleged suicide letter and the document left for the police were Nhut's.<sup>278</sup>

The doctor who performed the autopsy, Dr. Nguyen Van Giap, informed *Cong An Nhan Dan* that there were no signs of force on the body, and no trace of poison.<sup>279</sup> Dr. Phan Thi Thu Lan of the Autopsy Center of the Binh Duong Medical Bureau stated that Nguyen Cong Nhut committed suicide.<sup>280</sup>

Represented by influential lawyer Tran Dinh Trien of the For People Law Firm, Nguyen Cong Nhut's family has protested the conclusion provided by the police and requested an independent investigation into his death. After examining photos of the crime scene, Tran Dinh Trien told reporters that there were many unusual signs including "two big bruises on the victim's chest, a swollen knee and bruises on his thighs. There is a mark on his neck, but it does not have the oval shape, which is typical of death by hanging."<sup>281</sup>

By mid-August 2011, Nguyen Thi Thanh Tuyen had sent six complaints about the police version of events to various concerned authorities, including the police of Binh Duong

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<sup>276</sup> Kim Cuong & Tuy Phong, "Unusual signs in the death of a victim in detention house."

<sup>277</sup> An Son, "Nhut volunteered to stay at police headquarters and then... hung himself?" ("Anh Nhut tu nguyen o lai don cong an va... that co?"), *Nguoi lao dong*, May 11, 2011, <http://nld.com.vn/20110511062819180poc1019/anh-nhut-tu-nguyen-o-lai-don-cong-an-va-that-co.htm> (accessed May 16, 2011).

<sup>278</sup> Nguyen Thi Thanh Tuyen, "A petition and a denouncement against the People's Supreme Procuracy's investigative conclusion" ("Don kien nghi va to cao ve ket luan dieu tra VKSND Toi cao"), *Dan lam bao*, August 30, 2012, [http://danlambao.vn.blogspot.com/2012/08/on-kien-nghi-va-to-cao-ve-ket-luan-ieu.html#.UD\\_FTGGR7o8](http://danlambao.vn.blogspot.com/2012/08/on-kien-nghi-va-to-cao-ve-ket-luan-ieu.html#.UD_FTGGR7o8) (accessed August 30, 2012).

<sup>279</sup> A group of journalists, "Regarding the suicide of a man at the headquarters of district police" ("Xung quanh vu tu tu cua nguoi dan ong tai tru so cong an huyen"), *Cong an Nhan dan*, May 8, 2011, <http://cand.com.vn/vi-VN/phapluat/2011/5/148853.cand> (accessed October 15, 2013).

<sup>280</sup> Ibid.

<sup>281</sup> An Son, "Death of a person at Ben Cat district police station: Proposing an investigation at a higher level" ("Vu chet nguoi o cong an huyen Ben Cat: De nghi cap cao hon dieu tra"), *Nguoi lao dong*, May 13, 2011, <http://nld.com.vn/20110513114812389poc1002/vu-chet-nguoi-o-cong-an-huyen-ben-cat-de-nghi-cap-cao-hon-dieu-tra.htm> (accessed May 14, 2011).

province and the People’s Supreme Procuracy. The only response she received was that they had “forwarded” her complaints to the police of Binh Duong province.

On September 13, 2011, Tran Dinh Trien and Nhut’s wife again went to the office of the police of Binh Duong who refused to respond to their request because “the case has been forwarded to the People’s Supreme Procuracy.”<sup>282</sup> On February 15, 2012, the People’s Procuracy of Binh Duong province informed state media that the People’s Supreme Procuracy had concluded that Nguyen Cong Nhut died from suicide.<sup>283</sup>



Thai Thi Luom and Nguyen Thi Thanh Tuyen, the mother and wife of Nguyen Cong Nhut, who died in police detention, carry photos of him to the Ministry of Public Security on November 17, 2011. Courtesy of Dan Lam Bao & contributors.

<sup>282</sup> N. Phu, “The case of Nhut: The file was transferred to the People’s Supreme Procuracy” (“Vu anh Nhut: Chuyen ho so len VKSND Toi cao”), *Ngươi lao dong*, September 14, 2011, <http://nld.com.vn/20110913071735629poc1019/vu-anh-nhut-chuyen-ho-so-len-vksnd-toi-cao.htm> (accessed October 16, 2013).

<sup>283</sup> N. Phu, “Binh Duong police responded to complaints filed by Nhut’s family” (“Cong an Binh Duong tra loi khieu nai gia dinh anh Nhut”), *Ngươi lao dong*, February 16, 2012, <http://nld.com.vn/20120216051132277poc1019/cong-an-binh-duong-tra-loi-khieu-nai-gia-dinh-anh-nhut.htm> (accessed Oct 16, 2013).

Dissatisfied with this finding, the family continued to appeal to Prime Minister Nguyen Tan Dung, President Truong Tan Sang, Communist Party Secretary Nguyen Phu Trong, National Assembly Chairman Nguyen Sinh Hung, Minister of Public Security Tran Dai Quang, and others.<sup>284</sup> None had responded at the time of writing this report.

On August 24, 2012, the Investigation Office of the People's Supreme Procuracy again issued its conclusion about the case, according to which Nguyen Cong Nhut committed suicide. According to this narrative, Nguyen Cong Nhut regretted that his action helped others violate the law and he feared that he faced 15-20 years in prison.<sup>285</sup>

On August 30, 2012, Nguyen Thi Thanh Tuyen filed a petition and a complaint protesting this conclusion.<sup>286</sup> Tuyen raised various questions regarding the illegal arrest and detention of her husband, as well as various gaps in the detailed description of the death. At time of writing, Nguyen Thi Thanh Tuyen has not received any response.

On November 27, 2012, the People's Court of Binh Duong convicted 26 former employees of Kumho Vietnam for stealing tires and rubber latex.<sup>287</sup>

## Deaths in Police Custody Allegedly from Illness

In any jail system some detainees will die of illness in custody. Yet in many cases in Vietnam the police claim that detainees have died of illness in circumstances that leave key facts unexplained and families with only scant information about the cause of death.

In many cases documented by Human Rights Watch, family members described the deceased as having been healthy men in their twenties or thirties, such as 35-year-old

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<sup>284</sup> Nguyen Van Hanh, "A petition lodged by a father in grievance for his son" ("Ban kien nghi cua cha keu oan cho con"), post to Facebook (social media website), February 21, 2012, <https://www.facebook.com/notes/tuyen-nguyenthithanh/b%E1%BA%A3n-ki%E1%BA%Bfn-ngh%E1%BB%8B-c%E1%BB%A7a-cha-k%C3%AAu-oan-cho-con/185277641585096> (accessed April 5, 2012).

<sup>285</sup> Investigation Office - The People's Supreme Procuracy, "Conclusion" ("Ket luan"), *Dan lam bao*, August 30, 2012, [http://danlambaovn.blogspot.com/2012/08/on-kien-nghi-va-to-cao-ve-ket-luan-ieu.html#.UD\\_FTGGR7o8](http://danlambaovn.blogspot.com/2012/08/on-kien-nghi-va-to-cao-ve-ket-luan-ieu.html#.UD_FTGGR7o8) (accessed August 30, 2012).

<sup>286</sup> Nguyen Thi Thanh Tuyen, "A petition and a denouncement against the People's Supreme Procuracy's investigative conclusion." *Dan lam bao*, August 30, 2012, [http://danlambaovn.blogspot.com/2012/08/on-kien-nghi-va-to-cao-ve-ket-luan-ieu.html#.UD\\_FTGGR7o8](http://danlambaovn.blogspot.com/2012/08/on-kien-nghi-va-to-cao-ve-ket-luan-ieu.html#.UD_FTGGR7o8) (accessed August 30, 2012).

<sup>287</sup> Nguyet Trieu & Xuan Thuy, "The gang of thieves at Kumho company were convicted" ("Bang trom hang cua cong ty Kumho linh an"), *VNExpress*, November 27, 2012, <http://vnexpress.net/gl/phap-luat/2012/11/bang-trom-hang-cua-cong-ty-kumho-linh-an/> (accessed November 27, 2012).

Hoang Gia Dat Phuoc, who died in February 2012; 29-year-old Nguyen Minh Tam, who died in November 2011; 24-year-old Huynh Thanh Thang, who died in October 2011; 28-year-old Vo Duc Duy, who died in February 2011; and 21-year-old Le Vinh Lan, who died in October 2010.

In the cases of Vo Duc Duy and Le Vinh Lan, the police merely reported that they died from an unspecified “illness” without describing particular symptoms or offering corroborating evidence. In both cases, the family challenged the credibility of police explanations by pointing out that their loved ones had been young and healthy at the time of their arrest. Similarly, on June 2012, the police informed the family of 27-year-old Nguyen Van Van that he had died from pulmonary edema six days after he was detained for an alleged theft. According to Nguyen Van Van’s father, Nguyen Van Den, his son was in excellent health prior to his arrest. During a brief encounter with his son during his six days in police detention, Nguyen Van Den saw bruises on Nguyen Van Van’s neck and face and suspected that he been beaten. In all three cases, there was no report of any investigation into allegations that the victims had been beaten during detention.

Below are some examples of cases of deaths in police custody allegedly from illness.

### *Death of Cao Van Tuyen: July 5, 2013*

Cao Van Tuyen, 19, from Khanh Trung commune, Khanh Vinh district, Khanh Hoa province, died in the custody of the police of Khanh Trung commune on July 5, 2013.

Earlier in the day, Cao Van Tuyen and another man, Cao Van Le, were summoned to the police station for allegedly stealing a piglet in June.<sup>288</sup> According to Cao Van Le, they arrived at the station around 5p.m. and were beaten upon arrival by three police officers.<sup>289</sup>

Upon arriving at the police headquarters of Khanh Trung commune, three men in commune police uniforms used their hands, feet, and plastic black

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<sup>288</sup> Ky Nam, “Commune police were accused of beating a person to death” (“Cong an xa bi to danh chet nguoi”), *Ngươi lao động*, July 7, 2013, <http://nld.com.vn/20130707063638902poc1019/cong-an-xa-bi-to-danh-chet-nguoi.htm> (accessed July 7, 2013).

<sup>289</sup> Ibid. Also see Hien Luong & Nguyen Chung, “A person died possibly from being beaten by the police” (“Mot nguoi tu vong nghi do cong an danh”), *Thanh nien*, July 8, 2013, <http://www.thanhvien.com.vn/pages/20130708/mot-nguoi-tu-vong-nghi-do-cong-an-danh.aspx> (accessed July 8, 2013).

clubs to beat and kick us continuously. They only stopped when they discovered that we fainted.<sup>290</sup>

At about 11 p.m., Cao Van Tuyen was taken to the emergency room at Khanh Vinh district hospital, but had already died.<sup>291</sup> About 30 minutes later, police also took Cao Van Le to the emergency room, where he was found with bruises and multiple injuries on his stomach and arms.<sup>292</sup> When reporters from different newspapers went to the neighborhood to report the case, a number of local civil defense force members told them to leave the area.<sup>293</sup>

On July 8, the police of Khanh Hoa province acknowledged to media that four police officers, Nong Ngoc Hoat, Tran Van Cu, Cao Tien Si, and Hoang The Huu, the deputy police chief of Khanh Trung commune, used rubber clubs to beat both suspects during interrogation.<sup>294</sup> Despite this admission, the police still claimed that doctors concluded that Cao Van Tuyen died from “sickness (pulmonary edema and heart attack).”<sup>295</sup>

In February 2014, police chief of Khanh Vinh district informed a journalist from *Tuoi tre* newspaper that three police officers from Khanh Trung commune were sacked for “violations committed during work.”<sup>296</sup>

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<sup>290</sup> Mai Khue, “Died after being summoned to the commune police headquarters” (“Tu vong sau khi duoc moi den tru so cong an xa”), *Dan Viet*, July 8, 2013, <http://danviet.vn/146072p1c24/tu-vong-sau-khi-duoc-moi-den-tru-so-cong-an-xa.htm> (accessed July 8, 2013).

<sup>291</sup> Thanh Long, “A suspect died after being summoned by commune police” (“Mot nghi pham tu vong sau khi duoc Cong an xa moi len lam viec”), *Khanh Hoa*, July 7, 2013, <http://www.baokhanhhoa.com.vn/phap-luat/201307/mot-nghi-pham-tu-vong-sau-khi-duoc-cong-an-xa-moi-len-lam-viec-2248162/> (accessed July 8, 2013).

<sup>292</sup> Ibid. Also see Ky Nam, “Commune police were accused of beating a person to death.”

<sup>293</sup> Ibid. Also see Thanh Long, “A suspect died after being summoned by commune police,” and Ky Nam, “Commune police were accused of beating a person to death.”

<sup>294</sup> Thanh Long, “Cao Van Tuyen died from sickness” (“Anh Cao Van Tuyen chet do benh ly”), *Khanh Hoa*, July 8, 2013, <http://www.baokhanhhoa.com.vn/phap-luat/201307/vu-mot-nghi-pham-tu-vong-sau-khi-duoc-cong-an-xa-moi-len-lam-viec-anh-cao-van-tuyen-chet-do-benh-ly-2248359/> (accessed July 10, 2013). Also see Le Xuan, “The case a young man died at the headquarters: Police beat the suspect” (“Vu mot thanh nien chet tai tru so: Cong an co danh nghi pham”), *Phap luat TP Ho Chi Minh*, July 10, 2013, <http://phapluattp.vn/2013071012422368poc1015/vu-mot-thanh-nien-chet-tai-tru-so-ca-co-danh-nghi-pham.htm> (accessed July 10, 2013).

<sup>295</sup> Ibid.

<sup>296</sup> “Police officers used corporal punishment; a citizen died an unjust death” (“Cong an dung nhuc hinh, nguoi dan chet oan”), *VietQ*, February 21, 2014, <http://vietq.vn/cong-an-dung-nhuc-hinh-nguoi-dan-chet-oan-d29041.html> (accessed March 29, 2014).

*Death of Nguyen Van Van: June 12, 2012*

Nguyen Van Van, 27, who worked for Thanh Long Steel Co. in Hiep Phuoc commune, Nha Be district (Ho Chi Minh City), died in the custody of the police of Ho Chi Minh City on June 12, 2012.

According to Nguyen Van Van's father, Nguyen Van Den, on June 6 the police of Hiep Phuoc commune, Nha Be district, summoned his son to the police station and arrested him for alleged theft.<sup>297</sup>

Nguyen Van Van was sent to Chi Hoa detention center on June 7.<sup>298</sup> Six days later, police informed his family that Nguyen Van Van had died at Chi Hoa detention center and the family could "take Van's corpse for burial."<sup>299</sup> According to prison records, Nguyen Van Van died from "pulmonary edema."<sup>300</sup>

Nguyen Van Den told *Phap luat Tp Ho Chi Minh* that when his son was in the custody of the police of Hiep Phuoc district the family tried to visit him, but they were not allowed to meet and talk to him in person. Den said that he was able to see his son, however, and that "there were many bruises on Van's face and neck."<sup>301</sup> He said that according to a health report submitted to Thanh Long steel company with his job application, Nguyen Van Van had "a good health record."<sup>302</sup>

Lt. Col. Ho Duc Thang from Nha Be district police force told reporters that the police had "carried out the arrest and transfer [of the suspect] to Chi Hoa prison in accordance with the law and no one had beaten Van."<sup>303</sup>

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<sup>297</sup> Luu Nguyen and Xuan Ngoc, "Investigating the death of a suspect in detention center" ("Dieu tra vu mot nghi can chet tai trai giam"), *Phap luat TP Ho Chi Minh*, June 19, 2012, <http://phapluattp.vn/20120619121635133p1015c1073/dieu-tra-vu-mot-nghi-can-chet-tai-trai-giam.htm> (accessed June 19, 2012).

<sup>298</sup> Duc Thanh, "Clarifying the cause of a suspect's death at Chi Hoa" ("Lam ro nguyen nhan mot can pham chet tai Chi Hoa"), *Tuoi tre*, June 30, 2012, <http://tuoitre.vn/Ban-doc/Phan-hoi/499472/Lam-ro-nguyen-nhan-mot-can-pham-chet-tai-C2%AOChi-Hoa.html> (accessed June 30, 2012).

<sup>299</sup> Luu Nguyen and Xuan Ngoc, "Investigating the death of a suspect in detention center."

<sup>300</sup> Ibid.

<sup>301</sup> Ibid.

<sup>302</sup> Duc Thanh, "Clarifying the cause of a suspect's death at Chi Hoa."

<sup>303</sup> Luu Nguyen and Xuan Ngoc, "Investigating the death of a suspect in detention center."

### *Death of Dang Van Tri: November 15, 2011*

Dang Van Tri, 24, from Dak Mam town, Krong No district, Dak Nong province, died in the custody of the police of Krong No district, Dak Nong province on November 15, 2011.

Police arrested him on September 19, 2011, for alleged involvement in a fight and causing injuries to another person.<sup>304</sup> According to the police, in the morning of November 15, Dang Van Tri suddenly had a seizure while in detention.<sup>305</sup> The police took him to the emergency room of Krong No district hospital. According to Dr. Nguyen Cong Son, upon arrival, the victim was “unconscious,” with “no pulse, no blood pressure, no heart beat and had stopped breathing. There are many small bruises on his forehead and around his ears.”<sup>306</sup> *Nguoi lao dong* newspaper reported that a former detainee identified by the initials N.H.P, who previously had been in detention with Dang Van Tri, told them Tri was previously beaten by the police.<sup>307</sup>

One day, around 19:30, after Tri was detained for about a week, a cadre named H. went into the [detention] room and beat Tri. About 30 minutes later, six cadres of the detention center including cadre H. entered the room again in a drunk state and beat Tri until he fainted. They then poured water to revive [Tri] and continued to beat him.<sup>308</sup>

Dang Van Tri’s brother, Dang Van Duc, told reporters that, “My brother was healthy. I did not believe that he had a stroke as they said.”<sup>309</sup>

Later, the investigation bureau of the police of Dak Nong district concluded that Dang Van Tri died from sickness, about which it did not provide any further details.<sup>310</sup> According to the police, “there was no sign of any crime” and thus it “did not institute a criminal case.”<sup>311</sup>

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<sup>304</sup> Duy Hau, “An accused person died an unusual death in detention” (“Mot can pham bi tam giam chet bat thuong”), *Dan Viet*, November 16, 2011, <http://danviet.vn/65786p1c33/mot-can-pham-bi-tam-giam-chet-bat-thuong.htm> (accessed June 21, 2012).

<sup>305</sup> Cao Nguyen, “The unusual death of an accused person” (“Cai chet bat thuong cua mot can pham”), *Nguoi lao dong*, November 15, 2011, <http://nld.com.vn/20111115115759968poc1002/cai-chet-bt-thuong-cua-mot-can-pham.htm> (accessed December 15, 2011).

<sup>306</sup> *Ibid.*

<sup>307</sup> *Ibid.*

<sup>308</sup> *Ibid.*

<sup>309</sup> Thien Thu, “An accused person died from an unclear cause in detention center” (“Mot can pham chet khong ro nguyen nhan trong trai giam”), *Dan tri*, November 16, 2011, <http://dantri.com.vn/c20/s20-538289/mot-can-pham-chet-khong-ro-nguyen-nhan-trong-trai-giam.htm> (accessed June 21, 2012).



Gia đình can phạm đột tử x

nld.com.vn/thoi-su-trong-nuoc/gia-dinh-can-pham-dot-tu-gui-don-khie

THỜI SỰ TRONG NƯỚC

In bài viết E-Mail

## Gia đình can phạm đột tử gửi đơn khiếu nại

Thứ Sáu, 00:30 18/11/2011

(NLĐO) - Ngày 17-11, gia đình can phạm Đặng Văn Trí (SN 1987, trú thị trấn Đăk Mâm, huyện Krông Nô - Đăk Nông), đã làm đơn khiếu nại gửi cơ quan chức năng về cái chết bất thường của anh tại nhà tạm giam Công an huyện Krông Nô.

- Một phạm nhân chết trong trại giam Chí Hòa
- Gia đình đề nghị điều tra lại
- Vụ chết bất thường ở nhà tạm giam: 2 can phạm khác nhập viện
- Cái chết bất thường của một can phạm



Can phạm Đặng Văn Trí đã chết bất thường tại nhà tạm giam Công an huyện Krông Nô

Photo of Dang Van Tri, showing his body after he died in police detention. The photo accompanied an article headlined “The family of the suspect who died a sudden death filed a grievance,” published by the officially-sanctioned newspaper *Ngươi lao dong* on November 18, 2011.

<sup>310</sup> C. Nguyen, “The family suggests another investigation” (“Gia đình đề nghị điều tra lại”), *Ngươi lao dong*, February 22, 2012, <http://nld.com.vn/20120222112356807poc1019/gia-dinh-de-nghi-dieu-tra-lai.htm> (accessed February 23, 2012).

<sup>311</sup> *Ibid.*

In February 2012, Dang Van Tri's mother told media that she would request another investigation into her son's death.<sup>312</sup>

When questioned about the alleged beating of some detainees in detention, Director Le Khanh Hoa of the People's Procuracy of Krong No district claimed that they "often check and asked the accused people if they were beaten and they all said, 'no.'"<sup>313</sup> The day after Dang Van Tri died, two other detainees at the same detention center, Y Ther and Tran Van Toan, were also sent to the emergency room for breathing problems.<sup>314</sup>

### *Death of Huynh Thanh Thang: October 7, 2011*

Huynh Thanh Thang, 24, from the town of Thanh Binh, Bu Dop district, Binh Phuoc province, died in the custody of the police of Bu Dop district on October 7, 2011.

Police arrested him on September 20 for allegedly possessing stolen goods.<sup>315</sup> According to the police, in the evening of October 7, 2011, Huynh Thanh Thang fainted and was taken to the hospital, but died on the way.<sup>316</sup> Police Chief Senior Lt. Col. Nguyen Van Sang of Bu Dop district said that, "Upon discovering [that Thang fainted], the district police took him to an emergency room, but he did not make it... Right now I cannot conclude the suspect died from what kind of sickness. The case is being clarified."<sup>317</sup>

On the evening of October 8, Huynh Thanh Thang's family brought his coffin to the Bu Dop police headquarters to protest, followed by hundreds of people.<sup>318</sup> The angry crowd

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<sup>312</sup> Ibid.

<sup>313</sup> Ibid.

<sup>314</sup> Cao Nguyen, "The unusual death in detention center: two other accused persons were admitted to the hospital" ("Vu chet bat thuong o nha tam giam: 2 can pham khac nhap vien"), *Nguoi lao dong*, November 16, 2011, <http://nld.com.vn/2011111606041258poc1002/vu-chet-bat-thuong-o-nha-tam-giam-2-can-pham-khac-nhap-vien.htm> (accessed November 18, 2011).

<sup>315</sup> Bui Hoang, "A man died in detention" ("Mot nguoi chet khi bi tam giam"), *Tuoi tre*, October 9, 2011, <http://tuoiitre.vn/Chinh-tri-xa-hoi/Phap-luat/459646/Mot-nguoi-chet-khi-bi-tam-giam.html> (accessed October 9, 2011).

<sup>316</sup> Nguyen Duc, "Probable cause of an accused's death in detention center is heart failure" ("Bi can chet tai trai giam co the do suy tim"), *Phap luat TP Ho Chi Minh*, October 10, 2011, <http://phapluattp.vn/20111009115818492poc1015/bi-can-chet-tai-trai-tam-giam-co-the-do-suy-tim.htm> (accessed October 10, 2011).

<sup>317</sup> Nguyen Duc, "An accused died in detention center" ("Mot bi can chet tai trai tam giam"), *Phap luat TP Ho Chi Minh*, October 9, 2011, <http://phapluattp.vn/20111009122035276poc1015/mot-bi-can-chet-tai-trai-tam-giam.htm> (accessed October 9, 2011).

<sup>318</sup> Tan Tien, "An accused died in detention; hundreds of people reacted" ("Bi can chet tai nha tam giam, hang tram nguoi phan ung"), *Nguoi lao dong*, October 9, 2011, <http://nld.com.vn/20111009090059328poc1019/bi-can-chet-tai-nha-tam-giam-hang-tram-nguoi-phan-ung.htm> (accessed October 9, 2011).

allegedly knocked down the fence and gate to bring the coffin inside the headquarters.<sup>319</sup> According to *Vietnam Plus* newspaper (Vietnam News Agency), the authorities “arrested and detained more than 30 subjects who stirred troubles at the police station of Bu Dop district.”<sup>320</sup>

On October 28, 2011, Cho Ray hospital concluded that Huynh Thanh Thang died from heart failure and a pulmonary edema.<sup>321</sup>

On July 10-11, 2012, the People’s Court of Bu Dop district, Binh Phuoc province, conducted a mobile hearing to try 28 people for “disrupting public security” and “fighting against those who are on public duties.”<sup>322</sup> Nguyen Van Vy, seen as the leader of the protest, was sentenced to four years in prison, while 27 others received 10 to 28 months in prison.<sup>323</sup>

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<sup>319</sup> Thanh Nguyen, “Binh Phuoc: Arresting 30 people who caused troubles at police headquarters” (“Binh Phuoc: Bat 30 nguoi gay roi o tru so cong an”), *Vietnam Plus*, October 9, 2011, <http://www.vietnamplus.vn/Home/Binh-Phuoc-Bat-30-nguoi-gay-roi-o-tru-so-cong-an/201110/108744.vnplus> (accessed October 10, 2011).

<sup>320</sup> Ibid.

<sup>321</sup> Tan Tien, “The accused died in detention center from heart failure and pulmonary edema” (“Bi can chet tai nha tam giam la do suy tim cap va phu phoi”), *Nguoi lao dong*, October 29, 2011, <http://nld.com.vn/20111029085228537poc1019/bi-can-chet-tai-nha-tam-giam-la-do-suy-tim-cap-va-phu-phoi.htm> (accessed October 29, 2011).

<sup>322</sup> Che Bac, “Driving the hearse into the police [headquarters], 28 people went to prison” (“Lao xe tang vao canh sat, 28 nguoi di tu”), *VNExpress*, July 11, 2012, <http://vnexpress.net/gl/phap-luat/2012/07/lao-xe-tang-vao-canh-sat-28-nguoi-di-tu> (accessed July 13, 2012). A mobile hearing is organized in a public space or at the local headquarters of a commune, district, or other government location, and is held to send a visible public message to a local community.

<sup>323</sup> Ibid. Seven of them appealed and had their sentences reduced in September 2012. See Dang Anh, “Almost nine years in prison for seven subjects who destroyed police headquarters” (“Gan 9 nam tu cho 7 doi tuong dap pha tru so cong an”), *Phu nu Online*, September 26, 2012, <http://phunuonline.com.vn/xa-hoi/phap-luat/gan-9-nam-tu-cho-7-doi-tuong-dap-pha-tru-so-cong-an/a75457.html> (accessed April 2, 2013).

### III. Injuries in Police Custody Due To Police Abuse

#### *Beating of Six Men: July – December 2013*

Six men, from the ages of 22 to 27 years old, from Dai An 2 commune, Tran De district, Soc Trang province reported that they were beaten during interrogation and forced to confess to a murder which they knew nothing about.

Tran Cua, 22, Thach Muol, 25, Khau Soc, 26, Tran Hol, 27, Tran Van Do, 27 and Thach So Phach, 27, were arrested in July 2013 and charged with the murder of taxi-motorbike driver Ly Van Dung, whose body was discovered by the side of road in Lam Do hamlet (Dai An 2 commune) early on the morning of July 6, 2013.<sup>324</sup> All six men initially claimed that they were innocent, but later confessed.<sup>325</sup> However, on December 18, 2013, Le My Duyen, 13, went to the police headquarters of Vinh Loc commune, Binh Chanh district (Ho Chi Minh City), to confess that she and her girlfriend, Phan Thi Kim Xuyen, 15, had killed Ly Van Dung during a robbery.<sup>326</sup> On January 25, 2014, all six men were released on bail.<sup>327</sup> On May 26, 2014, charges against the six men were dropped.<sup>328</sup>

After being released, the victims told the media that they had been beaten during interrogation and forced to admit guilt. Thach So Phach said he had been forced to admit that he was at the crime scene and saw his friend stabbing the victim. He told a reporter “the investigators did not believe me when I said I was innocent. Captain Trieu Tuan Hung

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<sup>324</sup> Dang Khoa, “Arresting a hooligan gang of murderers” (“Truy bat bang giang ho giet nguoi”), *Cong an TP Ho Chi Minh*, August 16, 2013, <http://congan.com.vn/?mod=detnews&catid=703&id=501315> (accessed August 24, 2014). A woman, named Nguyen Thi Be Diem, 27, was also arrested and charged for not reporting those who committed the crime. Nguyen Thi Be Diem was the girlfriend of Tran Van Do and lived with him. Originally, upon being interrogated by the police, Nguyen Thi Be Diem insisted that she was sleeping at home with Tran Van Do during the night the murder occurred. Later, for some unknown reasons, she changed her statement and claimed that Tran Van Do was involved in the murder. When all seven accused were eventually exculpated from the crime, the couple broke up. See Tran Vu, “Hope for a happy ending” (“Mong mot cai ket co hau”), *Phap luat TP Ho Chi Minh*, August 11, 2014, <http://plo.vn/phap-luat-chu-nhat/mong-mot-cai-ket-co-hau-488565.html> (accessed August 23, 2014).

<sup>325</sup> Quoc Thang, “The police admitted that they were ‘in a hurry to clear the case’ and thus mistakenly arrested 7 young people” (“Cong an thua nhan ‘voi pha an’ nen bat nham 7 thanh nien”), *VNExpress*, May 27, 2014, <http://vnexpress.net/tin-tuc/phap-luat/cong-an-thua-nhan-voi-pha-an-nen-bat-nham-7-thanh-nien-2996014.html> (accessed July 23, 2014).

<sup>326</sup> Duy Khang, “Two girls confessed of murdering the taxi motorbike driver” (“Hai co gai dau thu sat hai xe om”), *VNExpress*, December 21, 2013, <http://vnexpress.net/tin-tuc/phap-luat/hai-co-gai-dau-thu-sat-hai-xe-om-2926717.html> (accessed July 23, 2014).

<sup>327</sup> Quoc Thang, “The police admitted that they were ‘in a hurry to clear the case’ and thus mistakenly arrested 7 young people,” *VNExpress*.

<sup>328</sup> *Ibid.*

applied ice on my private part, and my penis and scrotum shrank as small as a pea because of the cold.”<sup>329</sup> Tran Hol told the same reporter that a police officer beat him and caused bleeding on his forehead.<sup>330</sup>

According to an investigation conducted by the People’s Supreme Procuracy, Capt. Trieu Tuan Hung and Maj. Nguyen Hoang Quan “used the handcuff to cuff [Tran Van] Do and [Thach So] Phach to the iron bars of the office, beat and kick them. These two investigators also used rubber clubs to repeatedly beat Khau Soc and Thach Muol. Thus, although these men were not involved in the crime, they still confessed that they killed the taxi motorbike driver Ly Van Dung.”<sup>331</sup>

In June 2014, the Director of the Soc Trang province police, Col. Dang Hoang Da, informed the media that 25 police officers, including the head and the deputy head of the investigation office, had been demoted, transferred, disciplined, given a warning, or criticized for their involvement in the wrongful arrest of these men.<sup>332</sup> In August 2014, Maj. Nguyen Hoang Quan and Capt. Trieu Tuan Hung were charged with “using corporal punishment.”<sup>333</sup> Capt. Hung was arrested for four months pending further investigation.<sup>334</sup> Maj. Quan was granted bail, but prohibited from leaving his residential area.<sup>335</sup> Prosecutor Pham Van Nui of the People’s Procuracy of Soc Trang province was also charged with “lacking responsibility and causing serious consequence.”<sup>336</sup>

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<sup>329</sup> Viet Tuong, “The investigation stuffed my private part with ice” (“Toi bi dieu tra vien nhoi nuoc da vao vung kin”), *Zing*, August 9, 2014, <http://news.zing.vn/Toi-bi-dieu-tra-vien-nhoi-nuoc-da-vao-vung-kin-post445222.html> (accessed August 9, 2014).

<sup>330</sup> *Ibid.*

<sup>331</sup> *Ibid.*

<sup>332</sup> Quoc Thang & Quoc Trung, “25 policemen were disciplined for wrongly arresting 7 young people” (“25 canh sat bi ky luat vi bat oan 7 thanh nien”), *VNExpress*, June 6, 2014, <http://vnexpress.net/tin-tuc/phap-luat/25-canh-sat-bi-ky-luat-vi-bat-oan-7-thanh-nien-3000893.html> (accessed July 23, 2014).

<sup>333</sup> Pham Cong, “Traumatized from corporal punishment” (“Am anh vi bi nhuc hinh”), *Nguoi lao dong*, August 9, 2014, <http://nld.com.vn/thoi-su-trong-nuoc/am-anh-vi-bi-nhuc-hinh-20140809222750643.htm> (accessed August 9, 2014).

<sup>334</sup> “Instituting a case against two investigators involving in the case of 7 young people being wrongly arrested” (“Khoi to 2 dieu tra vien trong vu bat oan 7 thanh nien”), *Dan tri*, August 9, 2014, <http://dantri.com.vn/su-kien/khoi-to-2-dieu-tra-vien-trong-vu-bat-oan-7-thanh-nien-928153.htm> (accessed August 9, 2014).

<sup>335</sup> *Ibid.*

<sup>336</sup> *Ibid.*

### *Beating of Le Hoai Nhan: June 3, 2013*

Le Hoai Nhan, from Phu Thanh A commune, Tam Nong district, Dong Thap province, reported that he was beaten by the police of Cho Moi district, Dong Thap province on June 3, 2013.

Earlier that day, Le Hoai Nhan was driving his motorbike without his registration card in his possession.<sup>337</sup> When the police signaled for him to stop, he sped up and led the police on a chase.<sup>338</sup> When the police caught him, they allegedly beat and kicked him, and accused him of being a robber.<sup>339</sup>

Le Hoai Nhan was handcuffed and taken to the nearby police station in Hoi An commune. According to Le Hoai Nhan, four officers then used broom sticks and clubs to beat him.<sup>340</sup> They also kicked him on his back, hips, and stomach. He told a reporter:

I almost could not breathe. I kept pleading and even knelt down to beg them, but they still beat me. I asked them to let me call my family and the local authorities where I live so people could vouch for me, but they did not allow me. They confiscated my cell phone and continued to curse and beat me. They only stopped beating me when someone came to the room and said, ‘Wrong arrest. This guy is not a robber.’ The police then requested that I sign on a blank paper, but I refused because I did not know what the content would be. A traffic police officer wrote on the paper that I drove my motorbike and fell down on my own, and that I was not beaten by the police. He forced me to sign and threatened to beat me more if I did not sign. I was too scared and thus I signed.<sup>341</sup>

Police then took Le Hoai Nhan to the emergency room at An Giang hospital. While there, leaders of the police force of Cho Moi district visited him and promised to pay his medical

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<sup>337</sup> N.C., “Did the traffic police of Cho Moi district beat a person or not?” (“Co hay khong Canh sat Giao thong huyen Cho Moi danh dan?”), *An Giang*, July 7, 2013, [http://baoangiang.com.vn/newsdetails/1247ECEF91E7/Co\\_hay\\_khong\\_Canh\\_sat\\_Giao\\_thong\\_huyen\\_Cho\\_Moi\\_danh\\_dan\\_.aspx](http://baoangiang.com.vn/newsdetails/1247ECEF91E7/Co_hay_khong_Canh_sat_Giao_thong_huyen_Cho_Moi_danh_dan_.aspx) (accessed July 8, 2013).

<sup>338</sup> Ibid.

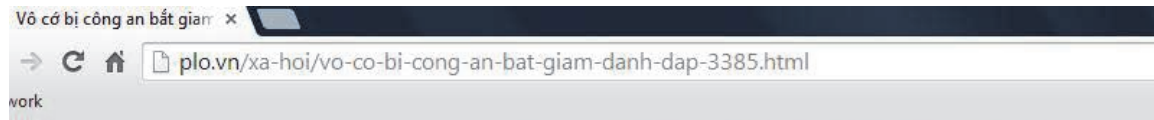
<sup>339</sup> Ibid.

<sup>340</sup> Ibid.

<sup>341</sup> Ibid.

bills, and to discipline the four police officers involved in the beating.<sup>342</sup> On July 8, Le Hoai Nhan's father Le Van Dung told a reporter that the police had provided more than 25 million dong (approximately \$1,200) to help with his medical expenses.<sup>343</sup>

### *Beating of Huynh Su Nguyen: May 10, 2013*



*Những vết bầm trên đầu gối mà anh Nguyễn cho là do công an đánh. (Ảnh do người nhà anh Nguyễn cung cấp)*

Theo anh Nguyễn, do bị đánh nên đêm đó anh mê man. Đến sáng hôm sau, cán bộ S. lấy lời khai và đòi đánh tiếp nhưng có một công an khác can, bảo đừng đánh nữa, cán bộ S. mới thôi. "Sau đó người bạn chung phòng của tôi đi cùng con gái thầy giáo dạy lái xe đến, báo với công an là hai người yêu nhau nhưng gia đình ngăn cản nên cô ấy tự nguyện đi với bạn của tôi chứ không có chuyện bắt cóc, tống tiền. Chiều hôm đó tôi được thả ra".

Photo of the leg of Huynh Su Nguyen, showing injuries he suffered when he allegedly was beaten by the police. The photo, provided to journalists by his family, accompanied an article headlined "Being arrested and beaten by the police for no reason," published by the officially-sanctioned *Phap luat TP Ho Chi Minh* on May 15, 2013.

Huynh Su Nguyen of Binh Chieu ward, Thu Duc district, Ho Chi Minh city reported that he was beaten by the police of Thu Duc district on May 10, 2013. That morning, he was arrested, handcuffed, and taken to police headquarters. He said:

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<sup>342</sup> Ibid.

<sup>343</sup> Thanh Dung, "Beating a violator, police had to help with medical expenses" ("Danh nguoi vi pham, cong an phai ho tro tien vien phi"), *Thanh nien*, July 9, 2013, <http://www.thanhvien.com.vn/pages/20130709/danh-nguoi-vi-pham-cong-an-phai-ho-tro-tien-vien-phi.aspx> (accessed July 9, 2013).

As soon as I got to the headquarters of the police of Thu Duc district, an investigation officer named S. shoved me into a room and used a rubber baton to hit me continuously on my knees and my back. He used his hand to hit me on the nape of my neck and I fainted. When I regained consciousness, investigation officer S. handcuffed me to a pillar in the middle of the room and continued to beat me for a while before getting a statement from me. He suspected that I kidnapped the daughter of a driving teacher and tried to demand a ransom of 20 million dong from her family. Now that I understood what was going on, I explained to the officer that the daughter of the teacher loves my roommate and I had nothing to do with the kidnapping or her disappearance, but he did not release me.<sup>344</sup>

The next day, Huynh Su Nguyen's roommate and his allegedly kidnapped girlfriend came to the police station to vouch for him. He was released later in the afternoon.<sup>345</sup>

A police officer interviewed by a reporter denied that he beat Huynh Su Nguyen and claimed that he knew nothing about Nguyen's injuries.<sup>346</sup> On June 6, the Supreme People's Procuracy invited Huynh Su Nguyen to the office to give evidence and to take photos of his injuries.<sup>347</sup>

### *Beating of Van Duc Ngan: April 2, 2013*

Van Duc Ngan, 38, from Xuan Truong commune, Da Lat city, Lam Dong province, reported that he was beaten by the police of Xuan Truong commune on April 2, 2013.

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<sup>344</sup> Han Giang, "Being arrested and beaten by the police for no reason" ("Vo co bi cong an bat giam, danh dap"), *Phap luat TP Ho Chi Minh*, May 15, 2013, <http://phapluattp.vn/2013051512004166p1015c1073/vo-co-bi-cong-an-bat-giam-danh-dap.htm> (accessed May 15, 2013).

<sup>345</sup> Ibid.

<sup>346</sup> Ibid.

<sup>347</sup> Han Giang, "The case 'Being arrested and beaten by the police for no reason': the People's Supreme Procuracy summon the involed party to work on the case" ("Vu 'Vo co bi cong an bat giam, danh dap: VKSND Toi cao moi duong su den lam viec"), *Phap luat TP Ho Chi Minh*, June 8, 2013, <http://phapluattp.vn/2013060812003351poc1015/vksnd-toi-cao-moi-duong-su-den-lam-viec.htm> (accessed June 8, 2013).



According to Van Duc Ngan, that evening he criticized Police Chief Nguyen Tien Sy of Xuan Truong commune for having a loud argument with an elderly neighbor.<sup>348</sup> A little while later when he was leaving a local restaurant he said he was stopped by a group of commune police officers, including Nguyen Tien Sy and Deputy Police Chief Tran Minh Quoc, as well as some members of the local civil defense force.<sup>349</sup> They beat, handcuffed, and accused him of “fighting against those who are carrying out public duties.”<sup>350</sup> Van Duc Ngan told a reporter:

Mr. Sy had his subordinates drag me to the police headquarters and ordered them to take turns to beat me. Sy shocked me with an electric baton. [Tran Minh] Quoc pointed a short gun to my head. Quoc handcuffed my left hand to a chair and gave me pen and paper and told me to write a statement with the content he read to me. It was not until 23:00 that Quoc uncuffed me and told me to go home.<sup>351</sup>

Van Duc Ngan’s family took him to Lam Dong hospital for treatment of his injuries. Police chief Nguyen Tien Sy denied any mistreatment.<sup>352</sup> According to him, “If Ngan has bruises or anything, it’s probably because he fell down somewhere or something like that, but we do not know anything about it.”<sup>353</sup>

After *Kien thuc* newspaper published a story about the incident, the Ministry of Public Security requested that the police of Lam Dong province investigate the case by April 15, 2013.<sup>354</sup> Human Rights Watch found no further published information on the case.

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<sup>348</sup> Khac Lich, “Commune police chief accused of beating and seriously injuring a person” (“Truong cong an xa bi to danh nguoi trong thuong”), *Kien thuc*, April 3, 2013, <http://kienthuc.net.vn/phap-luat/201304/Truong-cong-an-xa-bi-to-danh-nguoi-trong-thuong-901741/> (accessed April 4, 2013).

<sup>349</sup> Ibid.

<sup>350</sup> Ibid.

<sup>351</sup> Gia Binh, “Commune police accused of beating a person” (“Cong an xa bi to danh dan”), *Thanh nien*, April 5, 2013, <http://www.thanhvien.com.vn/pages/20130405/cong-an-xa-bi-to-danh-dan.aspx> (accessed April 5, 2013).

<sup>352</sup> Khac Lich, “Commune police chief accused of beating and seriously injuring a person.”

<sup>353</sup> Gia Binh, “Commune police accused of beating a person.”

<sup>354</sup> Dao Ly, “The Ministry of Public Security gets involved in the case in which ‘the commune police chief was accused of beating a person’” (“Bo Cong an vao cuoc vu ‘truong cong an xa bi to danh nguoi’”), *Kien thuc*, April 8, 2013: <http://kienthuc.net.vn/diem-nong/201304/Bo-Cong-an-vao-cuoc-vu-truong-cong-an-xa-bi-to-danh-nguoi-902326/> (accessed April 8, 2013).

## Beating of Hoang Cu: February 20, 2013

Photo of Hoang Cu, showing injuries to his face he suffered when he allegedly was beaten by the police. The photo accompanied an article headlined “Commune police beat a person to the point of hospitalization,” published by the officially-sanctioned *Phu nu Online* on February 28, 2013.



Hoang Cu, 25, from Quang Thai commune, Quang Dien district, Thua Thien-Hue province, reported that he was beaten by the police and members of the civil defense force of Phong Chuong commune, Phong Dien district, Thua Thien-Hue province on February 20, 2013.

That evening, Deputy Police Chief Nguyen Quang of Phong Chuong commune and two local militia members chased after a group of men who had been involved in a fight. The men had fled to neighboring Quang Thai commune.<sup>355</sup> Seeing Hoang Cu on a motorbike, police stopped and beat him on the spot. When Hoang Cu attempted to defend himself, Nguyen Quang used a gun to beat Hoang Cu on the face and threatened to shoot him.<sup>356</sup> According to Hoang Cu’s mother, Van Thi Lanh, when she saw three men beating her son she rushed

<sup>355</sup> Thuan Hoa, “Commune police beat a person who was hospitalized” (“Cong an xa danh dan phai nhap vien”), *Phu nu Online*, February 28, 2013, <http://phunuonline.com.vn/xa-hoi/phap-luat/cong-an-xa-danh-dan-phai-nhap-vien/a87638.html> (accessed March 13, 2013).

<sup>356</sup> Bui Ngoc Long, “Investigating the case in which commune police fired guns and caused a young man to be hospitalized” (“Dieu tra vu cong an xa no sung lam 1 thanh nien nhap vien”), *Thanh nien*, March 1, 2013, <http://www.thanhvien.com.vn/pages/20130301/dieu-tra-vu-cong-an-xa-no-sung-lam-1-thanh-nien-nhap-vien.aspx> (accessed March 13, 2013).

to rescue him, but they used their guns to push her away.<sup>357</sup> One officer warned bystanders that they were district police and would shoot anyone who interfered.<sup>358</sup>

After Nguyen Quang and other officers left the scene, Hoang Cu was taken for emergency treatment at the local medical center. He was immediately transferred to the central hospital in Hue city for further treatment.<sup>359</sup> According to Maj. Tran Hiep, deputy police chief of Quang Dien district, it was a procedural violation for police from Phong Chuong commune to chase suspects to a different commune without informing the local police, but he claimed that he did not know who administered the beating.<sup>360</sup> In response to reporters' questions regarding the two local militia men who were involved in the beating, Deputy Chief Nguyen Quang claimed he did not know their names.<sup>361</sup> Human Rights Watch found no further published information on this case.

### *Beating of Nguyen Huu Tien: November 23, 2012*

Nguyen Huu Tien, 40, from Yen Do ward, Pleiku city, Gia Lai province, reported that he was beaten by the police of Yen Do ward on November 23, 2012.

That evening, Officer Nguyen Thanh Tuan from Yen Do ward handcuffed and escorted Nguyen Huu Tien to police headquarters after he allegedly had a dispute with his wife. According to Nguyen Huu Tien, Nguyen Thanh Tuan and another police officer used clubs to beat him continuously on his thighs:

They beat me fiercely. Suffering pain, I instinctively stooped and they hit me on my stomach, chest and head.<sup>362</sup>

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<sup>357</sup> Thuan Hoa, "Commune police beat a person who was hospitalized."

<sup>358</sup> Thuan Hoa, "A commune deputy police chief used a gun to beat a person: the case is shuffled back and forth" ("Vu Pho cong an xa dung sung danh dan: Dun qua day lai"), *Phu nu Online*, March 12, 2013, <http://phunuonline.com.vn/xa-hoi/phap-luat/vu-pho-cong-an-xa-dung-sung-danh-dan-dun-day-qua-lai/a88469.html> (accessed March 13, 2013).

<sup>359</sup> Thuan Hoa, "Commune police beat a person who was hospitalized."

<sup>360</sup> Bui Ngoc Long, "Clarifying the case a commune police fired his gun and seriously injured a young man" ("Lam ro vu cong an xa no sung lam mot thanh nien trong thuong"), *Thanh nien*, March 12, 2013, <http://www.thanhvien.com.vn/pages/20130312/lam-ro-vu-cong-an-xa-no-sung-lam-mot-thanh-nien-trong-thuong.aspx> (accessed March 13, 2013).

<sup>361</sup> Thuan Hoa, "A commune deputy police chief used a gun to beat a person: the case is shuffled back and forth."

<sup>362</sup> Tuy Phong, "Being beaten and bruised by police for threatening to set wife's money on fire" ("Bi cong an dan bam dap vi doa dot tien cua vo"), *VNExpress*, December 4, 2012, <http://vnexpress.net/gl/phap-luat/2012/12/bi-cong-an-danh-bam-dap-vi-doa-dot-tien-cua-vo/> (accessed December 5, 2012).

Photo of the legs of Nguyen Huu Tien, showing injuries he suffered when he allegedly was beaten by the police. The photo accompanied an article headlined “Being beaten and bruised by the police for threatening to burn his wife’s money,” published by the officially-sanctioned *VNExpress* on December 4, 2012.



Anh Tiến với vết thương được cho là bị công an phường đánh. Ảnh: *Tuỳ Phong*

Nguyen Huu Tien was released the next day and immediately taken to hospital by his family, where he was diagnosed with multiple injuries.<sup>363</sup> The police later acknowledged that the beating had occurred, apologized to Nguyen Huu Tien, and provided money to pay his medical bill as compensation.<sup>364</sup> They also promised to discipline Officer Nguyen Thanh Tuan. However, Human Rights Watch was not able to find further information about whether any such disciplinary or criminal action had been taken.

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<sup>363</sup> Ibid.

<sup>364</sup> Ibid.

### *Beating of Seven Youths: August 26, 2012*

Seven young males, from 17 to 21 years old, from Cuong Gian commune, Nghi Xuan district, Ha Tinh province, reported that they were beaten during interrogation by the police of Cuong Gian commune on August 26, 2012.

Nguyen Van Thuc, 17, Nguyen Van Thong, 18, Le Hong Phu, 18, Tran Manh Hung, 18, Le Ba Dat, 19, Nguyen Suu Lung, 19, and Ho Van Chien, 21, were allegedly involved in a fight against Tran Van Tan, the son of Cuong Gian commune police officer, Tran Van Toan, at a soccer match in the afternoon of August 25. That evening, acting-chief police Tran Cong Trang and other police officers went looking for the involved parties, but did not find them.<sup>365</sup>

The next morning, police from Cuong Gian commune went to the houses of Nguyen Van Thuc, Nguyen Van Thong, Le Hong Phu, and Nguyen Suu Lung, handcuffed them and took them to the police station without any arrest warrant.<sup>366</sup> The three others, Tran Manh Hung, Le Ba Dat, and Ho Van Chien, went to the police voluntarily for questioning about the incident.

Tran Manh Hung told reporters from *VietnamNet* newspaper:

When I arrived at the commune police station, Mr. Trang grabbed my hair and banged my head onto the wall. He punched me and kicked me on my stomach and hooked me on my rib. After such a greeting, Trang and a police officer named Hong used the club to beat me on my ankles, my stomach and my back. When I fell down, the police threatened to shock me with electric batons if I did not stand up. Tired from beating me, the police ordered Thuc [another victim] to club me on my ankles for them. Thuc did not dare to. After I was seriously beaten, Mr. Trang and Mr. Hong even used an electric baton to shock me on my arm and on my stomach. I thought I could not take it anymore and fell down.<sup>367</sup>

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<sup>365</sup> Hoang Anh, "Commune police officers are accused of 'torturing' 7 young men" ("Cong an xa bi to 'tra tan' 7 thanh nien"), *VNExpress*, August 31, 2012, <http://vnexpress.net/gl/phap-luat/2012/08/cong-an-xa-bi-to-tra-tan-7-thanh-nien> (accessed August 31, 2012).

<sup>366</sup> A group of journalists, "Commune police are denounced for 'torturing' 7 young men" ("Cong an xa bi to cao 'tra tan' 7 thanh nien"), *VietnamNet*, August 26, 2012, <http://vietnamnet.vn/vn/xa-hoi/86481/cong-an-xa-bi-to-cao-tra-tan-7-thanh-nien.html> (accessed August 29, 2012).

<sup>367</sup> *Ibid.*

Nguyen Suu Lung told *VietnamNet* newspaper:

One police officer forced me to jump rhythmically in music tunes and continuously beat me on my feet. Other police officers saw that and laughed.<sup>368</sup>

Photo of Nguyen Suu Lung, showing injuries he suffered when he allegedly was beaten by the police. The photo accompanied an article headlined “The People accused commune police of using corporal punishment against seven youth,” published by the officially-sanctioned *Dan tri* on August 30, 2012



Nguyen Van Thong told reporters from *Dan tri* newspaper:

As soon as I stepped inside the office of commune police, Mr. Trang did not say a word. Instead, he slapped me twice and beat and kicked me without letting me react. Then he beat me with a rubber club and I fell onto the floor.

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<sup>368</sup> Ibid.

He forced me to stand up so he could beat me more. Mr. Trang also used an electric club to shock me on my arm and my stomach 4 times. I could not endure it and I fell down. I begged him for forgiveness but he threateningly asked if I wanted to go to prison.<sup>369</sup>

Worse, Nguyen Van Thuc told *Dan tri* newspaper that police beat him on the face and ears and that his ears were too swollen to hear. He said:

[Police] clubbed me, slapped me on my face. They even forced me to use the club to beat myself. Then to ease their anger, commune police forced me to beat my friends. I feel sorry for my friends and thus I could only beat them gently. But they forced me to beat them harder. If not, they would beat me more. I was too scared and had to obey them.<sup>370</sup>

Ho Quoc Dan, the father of one of the victims, Ho Quoc Chien, expressed his fury to *Dan tri* newspaper, “I can’t accept such behaviors from commune police officers. These days, Chien can neither eat nor sleep. At night, he has nightmares about being beaten and trembles.”<sup>371</sup>

All seven youths were taken to the communal medical care station for treatment. Nguyen Van Thuc, the youngest victim, suffered intense pain and was taken to the provincial hospital in Nghe An on September 8, where he was admitted for further care and treatment.

Acting police chief Tran Cong Trang admitted to reporters that the police had made mistakes during interrogation and only intended “to educate and give warning to make the young men better.”<sup>372</sup> He denied that they used electric batons to shock the victims.

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<sup>369</sup> Ngoc Tu & Lany Nguyen, “People denounce commune police for using corporal punishment on 7 young men and teenagers” (“Dan to cao cong an xa dung nhuc hinh voi 7 thanh thieu nien”), *Dan tri*, August 30, 2012, <http://dantri.com.vn/c170/s170-635486/dan-to-cao-cong-an-xa-dung-nhuc-hinh-voi-7-thanh-thieu-nien.htm> (accessed August 30, 2012).

<sup>370</sup> Ibid.

<sup>371</sup> Ibid.

<sup>372</sup> A group of journalists, “Commune police are denounced for ‘torturing’ 7 young men,” *VietnamNet*.

Families of the victims filed a complaint against acting police Chief Tran Cong Trang and a number of police officers for “torturing and extremely cruelly beating” the seven youths. On August 30, 2012, the police chief of Nghi Xuan district told reporters from *Dan tri* newspaper that the case would be investigated and dealt with seriously.<sup>373</sup> On October 3, Chairman Hoang Dinh Hung of the People’s Committee of Cuong Gian commune told *VietnamNet* newspaper that police chief Tran Cong Trang had been temporarily suspended from work pending an investigation, though he was still officially listed as the police chief at the time of writing this report.<sup>374</sup>

### *Beating of Tran Dinh Hoa: July 25, 2012*

Tran Dinh Hoa from Da Loan commune, Duc Trong district, Lam Dong province, reported that he was beaten by the Da Loan commune police on July 25, 2012.

According to *Tuoi tre* newspaper and *VNExpress* newspaper, at around 7 p.m. on July 25 Tran Dinh Hoa saw a group of police officers drinking and playing cards at the Da Loan commune People’s Committee office. He called the People’s Committee Chairman Dang Van Tung and reported it. Thirty minutes later, seven police officers and members of the commune civil defense force burst into a café where Tran Dinh Hoa was having coffee and took him to the police station where Hoa was “handcuffed to the window and was clubbed on the head and on the back.”<sup>375</sup>

According to Tran Dinh Hoa, the commune chief police, Tran Ngoc Vu, was among the police officers who beat him. *Tuoi tre* newspaper reported that Tran Ngoc Vu admitted that he used a club to beat Tran Dinh Hoa at the station. The Chief of the Office of the People’s Committee of Duc Trong district told reporters that the police would conduct an investigation, but Human Rights Watch found no published information that it took place.<sup>376</sup>

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<sup>373</sup> Ngoc Tu & Lany Nguyen, “People denounce commune police for using corporal punishment on 7 young men and teenagers.”

<sup>374</sup> Duy Quang and Tran Van, “Suspending the commune police accused of beating people” [Dinh chi chuc vu cong an xa bi to danh dan]. *VietnamNet*, October 5, 2012: [http://tintuc.vnn.vn/vdco/phap\\_luat/tin\\_phap\\_luat/601101/dinh-chi-chuc-vu-cong-an-xa-bi-to-danh-dan.htm](http://tintuc.vnn.vn/vdco/phap_luat/tin_phap_luat/601101/dinh-chi-chuc-vu-cong-an-xa-bi-to-danh-dan.htm) (accessed October 10, 2012).

<sup>375</sup> Quang Sang & Mai Vinh, “Being beaten for reporting on police drinking” (“Bi danh vi phan anh cong an an nhau”), *Tuoi tre*, August 2, 2012, <http://tuoitre.vn/Chinh-tri-Xa-hoi/504691/Bi-danh-vi-phan-anh-cong-an-an-nhau.html> (accessed August 2, 2012). Also see Quoc Dung, “A citizen denounces commune police beating him to revenge” (“Dan to bi cong an xa danh tra thu”), *VNExpress*, August 3, 2012, <http://vnexpress.net/gl/phap-luat/2012/08/dan-to-bi-cong-an-xa-danh-tra-thu> (accessed August 3, 2012).

<sup>376</sup> *Ibid.*



*Beating of Nguyen Truong Vu and Truong Chi Binh: July 26, 2011*

Nguyen Truong Vu, 30, from the city of Nha Trang, and Truong Chi Binh, reported that they were beaten in detention at police headquarters on July 26, 2011.

Công an Nha Trang lại dù x

nld.com.vn/phap-luat/cong-an-nha-trang-lai-dung-nhuc-hinh-201107.

Sáng 29-7, thượng tá Hoàng Bá Mỹ, Phó trưởng Công an TP Nha Trang, cho biết đến cuối giờ làm việc chiều 28-7, lãnh đạo đơn vị chưa hay biết vụ việc nói trên.

Sau đó, khi ông gọi điện thoại hỏi thăm thì được biết sự vụ liên quan đến việc 2 du khách trình báo bị xe ôm gạ đi uống bia rồi massage gội đầu vào tối 21-7. Khi đó, 2 du khách mất 7 triệu đồng, về khách sạn họ mới biết bị dân cảnh.



Các vết thương trên người anh Vũ (ảnh gia đình cung cấp)

Photo of Nguyen Truong Vu, showing injuries he suffered when he allegedly was beaten by the police. The photo, provided to journalists by his family, accompanied an article headlined “The Nha Trang police are using corporal punishment again,” published by the officially-sanctioned *Ngươi lao dong* on July 29, 2011.

On July 22, tourists reported to the police that they had been duped by two motorcycle taxi drivers, one of whom identified himself as Hung, and had lost 7 million dong (approximately \$350).<sup>377</sup> The case was assigned to 1st Lt. Lang Thanh Dung. Four days later, Officer Dung, along with Officers Nguyen Thanh Phuong, Nguyen Huy Tuong, Nguyen Tho Chau, and Thai Binh Duong, and a police-student-in-training named Do Ngoc Hien, saw Nguyen Truong Vu and Truong Chi Binh working as motorcycle taxi drivers and, for reasons that are not clear, suspected they had been responsible. Without presenting police badges, Lang Thanh Dung handcuffed the two and took them to police headquarters.<sup>378</sup> He accused them of theft and forced Nguyen Truong Vu to admit that his name was Hung.<sup>379</sup> According to Nguyen Truong Vu's testimony, Officer Lang Thanh Dung and police-student-in-training [Do Ngoc] Hien:

[They] took turns to beat and shock me with an electric baton. They beat me until I fainted for about an hour. When I regained consciousness, Hien told me to sit up and write a statement.<sup>380</sup>

The police released Nguyen Truong Vu at around 2 a.m. on July 27 after confiscating 5.8 million dong (approximately \$290), a cell phone and a motorbike from the victim without giving him a receipt.<sup>381</sup> After Vu arrived home he experienced severe pain and breathing difficulties and was taken to Khanh Hoa provincial hospital for emergency treatment.<sup>382</sup>

Truong Chi Binh told reporters from *Tuoi tre* newspaper that:

The person named [Lang Thanh] Dung used a stick and his feet to beat me and forced me to give seven million dong, but I knew nothing to confess.<sup>383</sup>

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<sup>377</sup> V. Tao, "A police officer who used corporal punishment enjoyed suspended sentence" ("Mot cong an duoc huong an treo khi dung nhuc hinh"), *Nguoi lao dong*, March 6, 2012, <http://nld.com.vn/20120306042434364poc1019/mot-cong-an-duoc-huong-an-treo-khi-dung-nhuc-hinh.htm> (accessed March 7, 2012).

<sup>378</sup> V. Ky and V.T., "A Nha Trang police officer was accused of beating a person" ("Mot cong an Nha Trang bi to cao danh dan"), *Tuoi tre*, August 2, 2011, <http://tuoitre.vn/PrintView.aspx?ArticleID=449342> (accessed August 16, 2011). V. Tao, "Nha Trang police uses corporal punishment again?" ("Cong an Nha Trang lai dung nhuc hinh?"), *Nguoi lao dong*, July 29, 2011, <http://nld.com.vn/Print.aspx?NewsID=2011072906142560> (accessed August 17, 2011).

<sup>379</sup> See V. Ky and V.T., "A Nha Trang police officer was accused of beating a person," *Tuoi tre*, August 2, 2011.

<sup>380</sup> See V. Tao, "Nha Trang police uses corporal punishment again?" *Nguoi lao dong*, July 29, 2011.

<sup>381</sup> Ibid. The police also took all money, cell phone and a motorbike from Truong Chi Binh before releasing him.

<sup>382</sup> Ibid.

<sup>383</sup> See V. Ky and V.T., "A Nha Trang police officer was accused of beating a person," *Tuoi tre*, August 2, 2011.

Truong Chi Binh did not file a complaint against those who beat him. However, Nguyen Truong Vu did file a complaint, after which Lang Thanh Dung admitted that he had beaten Vu. In October 2011, Dung and police-student-in-training Do Ngoc Hien went to Vu's house to apologize and give the family 20 million dong (approximately \$1,000) as compensation for medical expenses.<sup>384</sup>

The People's Supreme Procuracy investigated the case and charged Lang Thanh Dung under article 298 of the penal code with "using corporal punishment."<sup>385</sup> According to the indictment reported by *Nguoi lao dong* newspaper:

[Do Ngoc] Hien participated in the beating, but he only had a secondary role and he is a student-in-training, thus it is not necessary to charge him criminally. [Lang Thanh] Dung was under work pressure and was already prosecuted for 'using corporal punishment,' thus it is not necessary to charge him for 'illegally arresting people.' [Nguyen Thanh] Phuong, [Nguyen Huy] Tuong, [Nguyen Tho] Chau and [Thai Binh] Duong helped Dung arresting a person, but they did not directly handcuff and escort the person [to the headquarters], thus it is not necessary to charge them criminally; but it is proposed to have them administratively disciplined.<sup>386</sup>

On March 6, 2012, the People's Court of Khanh Hoa province convicted Lang Thanh Dung and sentenced him to a suspended sentence of nine months.<sup>387</sup> Lang Thanh Dung appealed the court decision. In June 2012, the appeals court upheld the sentence.<sup>388</sup>

### *Beating of Pham Quang Son: December 28, 2010*

Pham Quang Son, 49, from La Phu commune, Hoai Duc district, Hanoi, reported that he was beaten by police officers from La Phu commune. On December 28, Pham Quang Son

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<sup>384</sup> V.T., "First Lt. Dung apologizes and compensates the victim named Vu" ("Trung uy Dung xin loi, boi thuong nan nhan Vu"), *Tuoi tre*, October 8, 2011, <http://tuoi-tre.vn/Chinh-tri-xa-hoi/Phap-luat/459529/Trung-u%CC%81y-Du%CC%83ng-xin-lo%CC%83j-bo%CC%8oi-thuo%CC%8ong-na%CC%A3n-nhan-Vu%CC%83.html> (accessed October 9, 2011).

<sup>385</sup> V.T., "Prosecuting First Lt. Lang Thanh Dung" ("Truy to trung uy Lang Thanh Dung"), *Tuoi tre*, December 27, 2011, <http://tuoi-tre.vn/Chinh-tri-xa-hoi/Phap-luat/471255/Truy-to-trung-uy-Lang-Thanh-Dung.html> (accessed December 27, 2011).

<sup>386</sup> *Ibid.*

<sup>387</sup> See V. Tao, "A police officer who used corporal punishment enjoyed suspended sentence."

<sup>388</sup> Thien Nhan, "Sustaining the sentence for the first lieutenant who used corporal punishment" ("Y an doi voi trung uy dung nhuc hinh"), *Thanh nien*, June 25, 2012, <http://www.thanh-nien.com.vn/pages/20120625/y-an-doi-voi-trung-uy-dung-nhuc-hinh.aspx> (accessed October 20, 2012).

attempted to stop a conflict between his neighbor Nguyen Thi Hoai and police officer Nguyen Hung Tuan over alleged illegal land confiscation.<sup>389</sup> Officer Tuan accused Pham Quang Son of attempting to hit him and thus began to beat Son. Another officer named [Nguyen Quang] Tuong held Son down while officer Tuan allegedly “punched and kicked and cursed” him.<sup>390</sup> According to the victim, commune police Chief Nguyen Huu Khoa joined the beating, in which the officers “used ‘torturous’ means such as using clubs to gag [his] neck, kicking and punching hard on [his] stomach and ribcage.”<sup>391</sup> According to Nguyen Thi Hoai who allegedly witnessed the beating, police chief Nguyen Huu Khoa “used a club to hit continuously all over Son’s body.”<sup>392</sup> Another witness, Ms. Ta Thi Hanh, told a reporter from *Lao dong* newspaper that “although I placed my hands together and knelt down to beg the police [to stop beating Pham Quang Son], but [police chief Nguyen Huu] Khoa continued to grab [Pham Quang] Son’s collar, use a club to hit him on the neck and pressed Son down to the ground, bleeding his lips.”<sup>393</sup>

After beating Pham Quang Son, the police officers left the scene. Son’s family took him to the emergency room at 103 Hospital in Ha Dong town, where he was diagnosed with “a broken rib #6 and multiple injuries.”<sup>394</sup> He was later transferred to Viet Duc hospital in Hanoi for treatment.

Five months earlier, on July 21, 2010, Nguyen Huu Khoa was accused of beating and seriously injuring a truck driver named Nguyen Phu Son.<sup>395</sup> Nguyen Huu Khoa was deputy police chief of La Phu commune at that time and allegedly paid money as compensation to the victim.<sup>396</sup> He was soon promoted to police chief of La Phu commune.<sup>397</sup>

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<sup>389</sup> Thanh Vinh, “Commune police beat a person like underground thugs” (“Cong an xa danh dan nhu xa hoi den”), *Lao dong*, January 13, 2011, <http://laodong.com.vn/tin-tuc/cong-an-xa-danh-dan-nhu-xa-hoi-den/29012> (accessed October 4, 2011).

<sup>390</sup> Ibid.

<sup>391</sup> Ibid.

<sup>392</sup> Ibid.

<sup>393</sup> Ibid.

<sup>394</sup> B. Minh & V. Giang, “Must immediately handle the case a person was assaulted by police officers” (“Xu ly ngay vu cong an hanh hung dan”), *Gia dinh*, January 19, 2011, <http://giadinh.net.vn/20110119092417601poc1005/xu-ly-ngay-vu-cong-an-hanh-hung-dan.htm> (accessed October 26, 2011).

<sup>395</sup> “Vietnam: Widespread Police Brutality, Deaths in Custody,” Human Rights Watch press release, September 22, 2010, <http://www.hrw.org/news/2010/09/22/vietnam-widespread-police-brutality-deaths-custody> (accessed November 15, 2012).

<sup>396</sup> Dinh Le, “The case commune police beat and injured a person at La Phu (Hoai Duc, Hanoi): the culprit is still beyond the law” (“Vu cong an xa danh dan gay thuong tich tai La Phu (Hoai Duc, Hanoi): Thu pham van ngoai vong phap luat”), *Thanh tra*, May 5, 2011: <http://thanhtra.com.vn/tabid/77/newsid/40027/temidclicked/1061/seo/Thu-pham-van-ngoai-vong-phap-luat/Default.aspx> (accessed June 21, 2012).

*Beating of Nguyen Van Khanh: October 17, 2010*

Nguyen Van Khanh, a schizophrenia patient from Dai Hung commune, My Duc district, Hanoi, reported that he was beaten and electronically shocked on his penis by the police of Dai Hung commune on October 17, 2010.

Nguyen Van Khanh was on his way to chop down a banana tree when he saw a team of commune police officers on patrol. He cursed at an officer named Bui Van Hiep, who he said had previously slapped him. The police took his knife away and let him go.<sup>398</sup> Shortly afterward, two police officers went to Khanh's house, handcuffed him, and took him back to the police station. He was released around noon that day with an "abnormally swollen penis."<sup>399</sup>

Khanh's family took him to Ha Dong hospital where he was diagnosed with "injuries on penis and genital organ" and "urinary disorder resulting from genital injuries."<sup>400</sup> Although it was difficult for Khanh to communicate, he was able to tell a reporter from *Phap Luat Viet Nam* newspaper that "two police officers (named Nguyen and Tuan) used an electric baton to repeatedly shock him on his penis."<sup>401</sup> One of the officers he named was the commune police chief, Nguyen Binh Nguyen.

The police chief rejected the accusation. However, according to the deputy police chief of My Duc district, Sr. Lt. Col. Le Xuan Van, there were at least several erroneous procedures during the arrest, including handcuffing and taking a person with a mental disability to the

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<sup>397</sup> Gia Khanh, "When there is a result for the assessment [of the injuries inflicted on the victim], the case in which commune police beat a person will be investigated" ("Co ket qua giam dinh se dieu tra vu cong an xa danh nguoi"), *Phap luat Viet Nam*, May 11, 2011: <http://phapluatvn.vn/nhipcaubandoc/toasoanbandoc/201105/Co-ket-qua-giam-dinh-se-dieu-tra-vu-cong-an-xa-danh-nguoi-2049433/> (accessed June 21, 2012). Also see Hong Minh, "The case in which 'commune police beat and injured a person' at La Phu (Ha Noi): Still under investigation!" ("Vu 'cong an xa danh dan gay thuong tich' o La Phu (Ha Noi): Van dang tien hanh dieu tra!"), *Thanh tra*, May 24, 2011, <http://thanhtra.com.vn/tabid/77/newsid/40930/temidclicked/1061/seo/Van-dang-tien-hanh-dieu-tra/Default.aspx> (accessed June 21, 2012).

<sup>398</sup> Khoa Lam, "Commune police were accused of using an electronic baton to... 'sterilize a man'?" ("Cong an xa bi to dung dui cui dien de... 'dinh san nam?'"), *Phap luat Viet Nam*, December 17, 2010, <http://www.phapluatvn.vn/chinhtrixahoi/doisongxh/201012/Cong-an-xa-bi-to-dung-dui-cui-dien-de-dinh-san-nam-2022205> (accessed October 13, 2012).

<sup>399</sup> Ibid.

<sup>400</sup> Ibid.

<sup>401</sup> Ibid.

police station without a guardian.<sup>402</sup> According to a reporter, Nguyen Binh Nguyen asked an acquaintance of Khanh's family to explore possibilities for compensation.<sup>403</sup>

Two other men from Dai Hung commune, Nguyen Van Tien, 43, and Nguyen Trung Thanh, 57, also reported that commune police, including Chief Nguyen Binh Nguyen, electrically shocked them on their penis when they were arrested for a minor theft in September 2009.<sup>404</sup> Chairman Le Quang Tan of the People's Committee of Dai Hung commune told the reporter that an investigation team had been created to review the case.<sup>405</sup> Human Rights Watch was unable to find published information about whether any further investigations or other actions on these cases have been taken.

## Beatings of Children

Among the most egregious episodes are more than a dozen cases in which police injured children, some as young as 11 years old. Some children reported being beaten to extract confessions while being held in detention without the knowledge of parents or guardians. Vietnamese law requires a parent or guardian to be present during interrogation or while taking a statement from a minor.<sup>406</sup>

For example, in April 2013 Tran Chuong from Dak Lak reported that the police of Ea Ral commune (Ea H'leo district, Dak Lak province) detained and interrogated his 16-year-old son Tran Quang Thuan without a guardian present and accused him of stealing a wallet. According to Tran Quang Thuan, at the police station police officers beat his son with truncheons and forced him to confess. Tran Quang Thuan was released with severely swollen legs and many bruises on his back, armpits, arms, head, and face.<sup>407</sup>

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<sup>402</sup> Ibid.

<sup>403</sup> Ibid.

<sup>404</sup> Thanh Son, "Commune police use a baton to shock 'the sensitive part?'" ("Cong an xa dung dui cui chich vao 'cho hiem'?"), *Gia dinh & Xa hoi*, November 29, 2010, <http://giadinh.net.vn/PrintPreview.aspx?NewsID=20101129095634954> (accessed November 29, 2010).

<sup>405</sup> Ibid.

<sup>406</sup> Criminal Procedure Code, Article 306 (2) "Where the persons kept in custody or the accused are between full 14 years and under 16 years old or minors with mental or physical defects, or in other necessary cases, the taking of their statements and interrogation must be attended by their families' representatives, except for the cases where their families' representatives are deliberately absent without plausible reasons. The families' representatives may inquire the persons kept in custody or the accused, if the investigators so agree; they may produce documents, objects, make requests or complaints, and read the case files upon the termination of the investigation."

<sup>407</sup> Ho Van Trinh, "Did the arrest, beating and injuring a minor without any reason occur or not?" ("Co hay khong viec vo co bat, danh tre em gay thuong tich?"), *Bao ve Phap luat*, May 16, 2013, <http://baobaovephapluat.vn/phap-luat-ban-doc/dieu-tra-theo-don-thu/201305/Co-hay-khong-viec-vo-co-bat-danh-tre-em-gay-thuong-tich-2240979/> (accessed July 8, 2013).

In March 2013, the police of Ward 8, Ca Mau city (Ca Mau province) detained 15-year-old Dang Hong Duc, 16-year-old Dong Pham Minh, and 17-year-old Nguyen Hoang Anh (also known as Hao Anh) for their alleged involvement in a theft without the presence of a parent or guardian.<sup>408</sup> After being released, the three children told their parents that they were handcuffed to a window and beaten by ward police until they confessed.<sup>409</sup> Later, the police in Ca Mau province issued a statement exonerating the three children of any wrongdoing in the case.<sup>410</sup> In September 2013, the police informed Nguyen Hoang Anh's mother that deputy police chief Phan Hoai Vu of Ward 8 was given a warning and transferred to do different work. Police officers involved in the interrogation of the three children denied the beating.<sup>411</sup>

In July 2012, the police of Hoa An commune (Phu Hoa district, Phu Yen province) detained and interrogated 14-year-old Do Van Toan without the presence of a parent or a guardian after he was suspected of stealing money. During the course of his interrogation at police headquarters, officers handcuffed Do Van Toan, slapped him, beat him on the thighs with a truncheon, and threatened to shock him with a zap stick (roi dien). After confessing under duress, Do Van Toan was released and hospitalized with multiple injuries.<sup>412</sup>

In April 2012, the police of Thanh Ne town (Kien Xuong district, Thai Binh province) detained and interrogated 14 year-old Phan Le Hiep and 14 year-old Vu Hoang Lam without the presence of their parents or guardians. Accusing the two boys of loitering at a

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<sup>408</sup> Tran Vu, "'Millionaire' Hao Anh was suspected of stealing properties" ("Trieu phu' Hao Anh bi nghi an trom"), *Phap luat TP Ho Chi Minh*, March 27, 2013, <http://phapluattp.vn/20130326110548723poc1015/trieu-phu-hao-anh-bi-nghi-an-trom.htm> (accessed March 29, 2013).

<sup>409</sup> Tran Vu, "The case Hao Anh was suspected of theft: Hao Anh had an alibi?" ("Vu Hao Anh bi nghi an trom: Hao Anh co chung cu ngoai pham?"), *Phap luat TP Ho Chi Minh*, March 28, 2013, <http://phapluattp.vn/20130328125926924poc1015/vu-hao-anh-bi-nghi-an-trom-hao-anh-co-chung-cu-ngoai-pham.htm> (accessed March 29, 2013).

<sup>410</sup> Gia Bach, "Hao Anh was exonerated" ("Hao Anh duoc giai oan"), *Thanh nien*, April 13, 2013, <http://www.thanhvien.com.vn/pages/20130413/hao-anh-duoc-giai-oan.aspx> (accessed April 14, 2013). Also see Tran Vu, "The case Hao Anh was suspected of theft: Hao Anh had an alibi?"

<sup>411</sup> Tan Thai & Dong Trieu, "Police's conclusion regarding Hao Anh being suspected of stealing" ("Cong an ket luan vu Hao Anh bi nghi an trom"), *Tuoi tre*, September 17, 2013 (accessed May 4, 2014).

<sup>412</sup> H. Anh, "Commune police officers were accused of using corporal punishment against a child" ("Cong an xa bi to dung nhuc hinh voi tre em"), *Nguoi lao dong*, July 12, 2012, <http://nld.com.vn/20120712111721761poc1019/cong-an-xa-bi-to-dung-nhuc-hinh-voi-tre-em.htm> (accessed July 13, 2012). Also see Tan Loc, "A school student was beaten by the police and hospitalized?" ("Mot hoc sinh bi cong an danh den nhap vien?"), *Phap luat TP Ho Chi Minh*, July 13, 2012, <http://phapluattp.vn/20120713120015291poc1015/mot-hoc-sinh-bi-cong-an-danh-den-nhap-vien.htm> (accessed July 15, 2012).

preschool, police officer Luong Duc Phuc beat both boys with a truncheon. Following his release, Phan Le Hiep was hospitalized with multiple bruises and a broken arm.<sup>413</sup>

Đoàn kết là sức mạnh x

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work

cháu đã chạy vào nhà vệ của trường Minh Hòa thị trấn Thanh Nê bị  
nấp. Tại thời điểm đó, bảo vệ nhà trường tưởng các cháu là trộm nên đã  
hô hoán làm các cháu hoảng sợ và bỏ chạy.



*Cháu Phan Lê Hiệp với những thương tích do bị đánh*

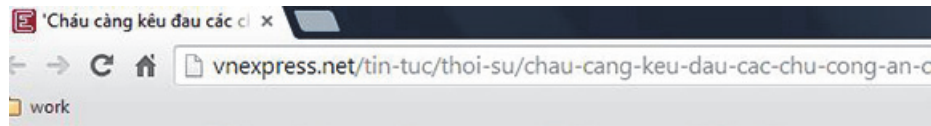
Theo ông Loan, khi bỏ chạy cháu Hiệp và cháu Lâm đã bị một số người dân giữ lại rồi báo với Công an thị trấn Thanh Nê, huyện Kiến Xương. Sau đó, Công an thị trấn Thanh Nê đã đưa hai cháu về trụ sở UBND thị trấn Thanh Nê và tiến hành xét hỏi. Ông Phúc là cán bộ công an thị trấn đã dùng dùi cui đánh tới tấp vào hai cháu. Khi các cháu bị ngất, công an thị trấn Thanh Nê, huyện Kiến Xương đã gọi điện cho gia đình đến đưa các cháu về. "Khi tôi đón cháu Hiệp về

Photo of Phan Le Hiep, 14, showing injuries he suffered when he allegedly was beaten by the police. The photo accompanied an article headlined “An eighth grader was punished with ‘corporal punishment,’” published by the officially-sanctioned *Dai doan ket* on April 20, 2012.

<sup>413</sup> H. Vu & Quoc Cuong, “An 8<sup>th</sup> grader was subject to ‘corporal punishment’” (“Mot hoc sinh lop 8 bi dung ‘nhuc hinh’”), *Dai doan ket*, April 20, 2012, <http://daidoanket.vn/index.aspx?Menu=1390&chitiet=49179&Style=1> (accessed July 8, 2013). Also see Quoc Do & Anh The, “Assaulting an 8th graders, a police sergeant was suspended from work” (“Hanh hung hoc sinh lop 8, thuong si cong an bi dinh chi”), *Dan tri*, April 19, 2012, <http://dantri.com.vn/phap-luat/hanh-hung-hoc-sinh-lop-8-thuong-si-cong-an-bi-dinh-chi-587349.htm> (accessed April 19, 2012).



In June 2011, the police of Thuy Xuan ward in Hue city (Thua Thien-Hue province) interrogated 11-year-old Ngo Dinh Phat for allegedly stealing money from his aunt. With no parent or guardian present, two police officers beat Ngo Dinh Phat on his thighs and buttocks with a truncheon, and violently yanked his ears. Ngo Dinh Phat was severely bruised and hospitalized.<sup>414</sup>



"Khi bỏ cháu đến, mấy chú công an bế cháu lên xe rồi bảo là không sao. Về nhà cháu đau quá, nằm trên giường mà toàn thân nóng ran", Phát kể.



Các vết thương đã bớt đỏ, nhưng Phát vẫn thường nằm sấp trên giường bệnh cho đỡ đau. Ảnh: Văn Nguyễn.

Thượng tá Đặng Ngọc Sơn, Trưởng công an thành phố Huế, khẳng định: "Cháu bé có dấu vết như vậy là rõ ràng công an phường có đánh cháu.

Photo of the upper legs of Ngo Dinh Phat, 11, showing injuries he suffered when he allegedly was beaten by the police. The photo accompanied an article headlined "The more I screamed of pain, the harder they beat me," published by the officially-sanctioned *VNExpress* on June 20, 2011.

<sup>414</sup> Van Nguyen, "An 11-year-old boy was hospitalized after coming home from police station" ("Cau be 11 tuoi nhap vien sau khi tro ve tu don cong an"), *VNExpress*, June 17, 2011, <http://vnexpress.net/tin-tuc/xa-hoi/cau-be-11-tuoi-nhap-vien-sau-khi-tro-ve-tu-don-cong-an-2197831.html> (accessed June 17, 2011). Also see Van Nguyen, "A junior lieutenant who beat and hospitalized an 11 year old child was suspended from work" ("Thieu uy danh be 11 tuoi nhap vien bi dinh chi cong tac"), *VNExpress*, June 18, 2011, <http://vnexpress.net/tin-tuc/xa-hoi/thieu-uy-danh-be-11-tuoi-nhap-vien-bi-dinh-chi-cong-tac-2197895.html> (accessed June 18, 2011). And Van Nguyen, "The more I screamed from pain, the harder police officers beat me!" ("Chau cang keu dau cac chu cong an cang danh manh!"), *VNExpress*, June 20, 2011, <http://vnexpress.net/tin-tuc/xa-hoi/chau-cang-keu-dau-cac-chu-cong-an-cang-danh-manh-2197976.html> (accessed June 20, 2011).

## IV. Recommendations

### To the Government of the Socialist Republic of Vietnam

#### *Accountability*

- Clearly and unequivocally signal through public statements, internal directives, and specific measures by senior government officials and the highest-ranking police officials that the use of torture, beatings, or any other form of mistreatment in police custody is unacceptable and will be punished.
- Ensure that police officers implicated in torture and other ill-treatment, regardless of rank, are disciplined or prosecuted as appropriate. Superior officers who participate in, tolerate, or fail to take action against torture or other ill-treatment by subordinates should also be disciplined or prosecuted. Any officer found to have engaged in torture or other ill-treatment should be dismissed and barred from serving in the police or other law enforcement positions in the future.
- Ensure that if a complaint against an officer is determined to be well-founded, the officer is subject to appropriate criminal prosecution. If the misconduct does not rise to the level of a crime, then the officer must be subject to appropriate internal discipline, including dismissal, suspension, or loss of rank. If there is no criminal prosecution or internal discipline, the police should publicly provide a detailed justification.
- Announce a policy that under no circumstances should any police officer or official attempt to dissuade or intimidate a complainant, with consequences including criminal prosecution or internal discipline for those who do so.
- Instruct police to eliminate the practice of making detainees write statements of so-called “voluntary commitment to stay at police headquarters” (“ban cam ket tu nguyen o lai tru so cong an”). If people volunteer to help the police with investigations, they should not be forced to stay overnight at police stations to do so. Witnesses who need protection should be placed in witness protection programs, not police detention.
- Instruct police to eliminate the so-called “record of not being beaten by the police” (“bien ban khong bi cong an danh”), which is sometimes required for a detainee to gain release.

- Establish a tracking system for police officers facing civilian complaints of abuse or misconduct in order to identify officers who misuse their power. Such a tracking system should be used to ensure that problem officers are properly investigated and disciplined, provided necessary training, and when convicted of crimes, dismissed from the police force and prosecuted.
- Review personnel records of current police officers and ensure that any who have been implicated in illegal detentions, torture, or other abuses are investigated and, if allegations are substantiated, that they are disciplined, dismissed, or prosecuted.
- Provide a public annual report to the National Assembly with statistics on investigations of police officers, charges filed, status of those cases, as well as statistics on civil complaints against the police that allege police abuse.

### *Institutional Reform*

- Establish an independent police complaints commission to accept complaints from the public and to provide oversight of the “internal affairs” or “professional responsibility” unit of the police. The commission should:
  - Be a statutory body with the legal authority to bring prosecutions or impose discipline if the internal affairs or professional responsibility unit fails to do so in cases in which credible allegations have been made.
  - Regularly issue public reports regarding ongoing disciplinary proceedings, investigations, and complaints received.
  - Establish a detailed scheme defining police misconduct and prescribing penalties, such as a disciplinary matrix or table describing the range of penalties officers should expect for various offenses, thereby removing broad discretion in applying discipline.
  - Provide complainants with clear instructions, simple forms, and a telephone contact to check on the status of the investigation.
  - Create and publicize 24-hour telephone and Internet hotlines for victims of police abuse to report misconduct (as is already done for misconduct by traffic police).
  - Establish a unit to address the medical and psychological needs of victims of police abuse.

- Establish a unit to provide appropriate compensation to victims.
- Establish an independent internal affairs or professional responsibility unit at each province, municipality, and district to promptly and impartially investigate all cases in which an allegation has been made of mistreatment in custody leading to death or injury.
- Officially and fully incorporate commune police forces into the Ministry of Public Security so that they receive necessary training and oversight.
- Provide thorough professional and legal training to all police officers, including commune and ward police who are in daily contact with the public.

### *Legal and Policy Reform*

- Urge the National Assembly to ratify the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as soon as possible.
- Amend police laws and manuals regarding use of force in arrest to require adherence to international legal standards, including the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. In particular, require that police apply, as far as possible, nonviolent means before resorting to the use of force, use force only in proportion to the seriousness of the offense, and use lethal force only when strictly unavoidable to protect life.
- Require police to notify detainees of their rights to legal counsel upon arrest.
- Require police to videotape all interrogations to prevent the use of torture and ill-treatment. Do not allow confessions made in custody into evidence at trial unless they are videotaped.
- Explicitly define acceptable interrogation techniques in police rules and manuals.
- Allow independent monitoring of detention facilities, including station lockups and jails, by independent civil society organizations. Allow detainees to meet privately with representatives of independent organizations conducting monitoring.

- Improve facilities and conditions in detention centers. Ensure that emergency medical services are available at all times to all detention sites and that routine medical care is also available to all detainees.
- Provide thorough and professional training for all police officers in law, investigation techniques, and procedures so police do not rely only on confessions to solve crimes, particularly confessions induced by mistreatment. Ensure that all police training includes components on human rights and the illegality of torture, assault, arbitrary detention, and forced confessions.
- Launch a public education campaign on the legal rights of citizens, including:
  - The right not to be physically abused or illegally detained by police.
  - The right to redress for cases of abuses at the hands of state authorities.
  - The right to legal counsel.
  - The right to family visits.
- Encourage and protect journalists and their sources who reveal instances of police abuse.
- Ensure Internet freedom so that journalists and bloggers can play the necessary role of watchdog and report on allegations of police abuse.

## To the Vietnamese National Assembly

- Ratify the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and incorporate its guarantees into domestic law.
- Establish an ombudsman who reports to the National Assembly to monitor detention facilities, including prisons, jails, and police station lockups.
- Amend the Criminal Procedure Code or adopt a new law stipulating the right to remain silent upon being arrested by the police.
- Amend article 56 of the Criminal Procedure Code to eliminate the requirement that a lawyer obtain a certificate in order to gain access to detainees and participate in the defense of their clients.

- Amend the Criminal Procedure Code to facilitate the presence of lawyers or legal counsel immediately after arrest or detention so that:
- Lawyers or legal counsel only need to present their identity card and a certified copy of their license to practice law to meet their clients.
- Lawyers or legal counsel may meet their clients in private and for as long as necessary.
- Lawyers or legal counsel may be present at all interrogation sessions between police and detainees.
- Anyone who violates the above provisions is subject to legal action for obstruction of justice.
- Pass legislation necessary to implement the recommendations in this report.
- Create a special committee to oversee and publish annual reports on police misconduct.

**To Governments and International Bodies Funding Vietnamese Legal Reform or Concerned with Human Rights in Vietnam, including the United States, Australia, European Union, Japan, United Nations, World Bank, and Asian Development Bank**

- Express strong concern to Vietnamese officials about police abuse, emphasizing that it violates both Vietnamese and international law, that perpetrators should be punished, and that victims should receive reasonable compensation.
- Raise police abuse and misconduct with Vietnamese authorities in legal reform and security sector training programs.
- Urge the government of Vietnam to make police abuse a specific crime.
- Urge the government of Vietnam to establish effective accountability mechanisms as recommended above.

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# PUBLIC INSECURITY

## Deaths in Custody and Police Brutality in Vietnam

Police brutality, including deaths in police custody, is a regular source of public concern in Vietnam. The problem is so pervasive that even the heavily controlled state media frequently publishes reports about police abuse. Yet extensive government censorship has prevented more in-depth analysis about the problem and its causes, which include a culture of impunity for police officers and their superiors.

*Public Insecurity* explores a large number of illustrative cases of officially acknowledged killings, alleged suicides, unexplained custodial deaths, torture, and beatings in police custody. Many victims are people merely accused of petty crimes, domestic disputes, and traffic violations.

Factors contributing to Vietnam's epidemic of police brutality include the politicization of Vietnam's security services, inadequate professional training, particularly of the Commune Police, the absence of a strong legal system or independent judiciary, and insufficient freedom for the local and national media to act as an effective check against official misdeeds. One positive development is the rise of increasingly independent bloggers and citizen journalists who report on police abuses, making it impossible for the authorities to hide this problem from the public and, on occasion, leading to prosecution of police officers.

*Public Insecurity* offers a series of common-sense recommendations to address the prevalence of police abuse in Vietnam. These include:

- the establishment of an independent police complaints commission,
- high-level support for prompt and impartial investigations and prosecutions of police abuse and misconduct,
- adoption of a zero tolerance policy within the police for abuse,
- enhancement of the role of legal counsel for suspects and detainees,
- better training for police at all levels, particularly for commune police,
- installation of cameras in interrogation and detention facilities, and
- freedom of expression for journalists and on the Internet.



*The family of Trinh Xuan Tung (his mother Nguyen Thi Cuc, his wife Nguyen Thi Mien, and his two daughters Trinh Kim Tien and Trinh Cam Tu) outside the court on July 17, 2012, waiting to attend appellate proceedings in the trial of former Col. Nguyen Van Ninh, convicted of causing Trinh Xuan Tung's death. The poster features a picture of the perpetrator and slogans calling on authorities to impose a longer prison term.*

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