



PRISONS WITHIN PRISONS

TORTURE AND ILL-TREATMENT OF PRISONERS OF CONSCIENCE IN VIET NAM

AMNESTY
INTERNATIONAL



- Inmates may also be placed in the first category of Type A “due to political or professional requirements” or where they were classified in the lower category but are “reclassified into a higher category” as a result of “poor re-education records”.⁷⁴

Critically, an inmate’s classification dictates the conditions of his/her incarceration and treatment. For example, Section 2 of the Circular states that “room sharing is not allowed for inmates in different categories” while Section 10 states that inmates “are divided into groups” according to category “to be detained and supervised for learning, working, vocational training and daily activities”. Inmates in Category ADB are held in “strict incarceration” in cells “which must be ensured to be strong and solid, and equipped with a security-control system for observation and supervision”.⁷⁵

The Law on Enforcement of Custody and Detention, the coming into effect of which was scheduled for 1 July 2016 but has been postponed for the time being, overlaps significantly with the provisions of the Law on Execution of Criminal Judgements and appears to provide a surer footing for the separation of prisoners of conscience from the general prison population. Unlike the Law on Execution of Criminal Judgements, the Law on Enforcement of Custody and Detention expressly provides for a distinct classification of “offenders who infringe national security”. Under Article 18 of the new law, inmates are organised for incarceration according to classification.

Circular 37 is the key implementing legislation for the Law on the Execution of Criminal Judgements. In a meeting with officials of the Ministry of Justice in June 2016, Amnesty International was informed that the Law on the Execution of Criminal Judgements is to be reviewed to take into account, amongst other things, Viet Nam’s obligations under UNCAT. It is a matter of utmost priority that Circular 37 is also reviewed or replaced with an instrument which fully upholds and facilitates the rights of all persons in detention and imprisonment and is in line with the Mandela Rules.

⁷⁴ *Ibid.* The remaining three categories of Type A – Categories A1, A2, and A3 – include those serving 7 to 15 years, three to 7 years, and three years or less, respectively. Inmates may be “reclassified” – placed in a higher or lower category – depending on good or poor “re-education records” at “annual reviewing occasions”. Category “mitigation”, the term used in the Circular to describe reclassification to a lower category, can also be achieved where inmates provide “information that helps the prisons or detention camps hinder inmates’ attempts to oppose or escape from the incarceration places”. On the other hand, aggravation of inmate category can result from “relentless opposing activities”, collusion with other inmates or outsiders to perform “opposing activities”, or where an individual causes “disorder and loss of safety” in his/her facility.

⁷⁵ Circular 37, Section 11.

Hồ Thị Bích Khương, an activist from north central Viet Nam, shared a cell with two prisoners who she estimates beat her on seven occasions over a period of two to three months. On one of these occasions, a prison officer joined the two prisoners in beating Khương. On a separate occasion, after being moved to a different prison, Khương was attacked by four other prisoners, as staff looked on without intervening.¹³²

Threats of violence by “antennae” are also common. Lê Quốc Quân, who was detained in a cell with around 50 other prisoners, says that he was routinely threatened by cellmates. He explained that in prisons in Viet Nam sharpened toothbrush handles are used as “shanks” or “shivs”. On one occasion, during a period when he was refusing to confess to the charges against him, a fellow prisoner in his cell threatened to gouge his eyes out using such an instrument. Quân believes that the prisoner was working on the instruction of the prison authorities.¹³³

¹³² Amnesty International interview with Hồ Thị Bích Khương, March 2015.

¹³³ Amnesty International interview with Lê Quốc Quân, November 2015.

6. “ONLY THOSE WHO ADMIT THEIR CRIMES GET MEDICAL TREATMENT” — THE RIGHT TO HEALTH AND THE DENIAL OF MEDICAL TREATMENT

“The prison authorities told me that I had to admit my crimes before they would take me to the hospital. When I was about to die, when I couldn’t speak any longer, that is when they took me to the hospital. Even then, they cuffed my wrist and legs and I couldn’t move”.

Mai Thị Dung, Hòa Hảo Buddhist and former prisoner of conscience¹³⁴

The men and women who were interviewed for this report told Amnesty International they went to jail fit and robust, or in some cases with minor medical complaints, and emerged with broken bodies and failing health. Many of them now have long lasting medical problems. Their testimonies reveal how Vietnamese prison authorities withheld medical treatment and assistance in a calculated effort to apply further pressure on individuals to admit their wrongdoing and confess to the charges against them, or simply as a means to punish them for their alleged crimes against the regime.

¹³⁴ Amnesty International interview with Mai Thị Dung, December 2015.

The denial of medical treatment by prison authorities amounts to cruel, inhuman or degrading treatment. Where such denial is intentional and purposeful and results in severe pain or suffering, whether physical or mental, it amounts to torture as defined in Article 1(1) of the UNCAT. It should be noted that while denying treatment is arguably an omission, the UN Special Rapporteur on torture has explained that the term “act”, as it is included in the definition of torture in CAT Article 1(1), “is not to be understood in any way as to exclude omissions”.¹³⁵

Viet Nam is a state party to the International Covenant on Economic, Social and Cultural Rights which guarantees everyone, including individuals in custody, the right to the highest attainable standard of physical and mental health.¹³⁶ International prison standards require that people in custody receive health care comparable to that available to people in the outside community and must have access to the health services available in the country without discrimination, including on the grounds of their legal situation or status.¹³⁷ Vietnamese law pertaining to prisons also guarantees those deprived of their liberty access to medical care. For example, the Law on Execution of Criminal Judgements provides for the transfer of a prisoner to a hospital where they are suffering from a condition or injury which is beyond the treatment capacity of health facilities within the detention centre or prison where they are being held.¹³⁸

In the cases of those interviewed by Amnesty International, these standards were roundly ignored. Tạ Phong Tần, who was in her early 40's when she was arrested, told Amnesty International that at the time she went to prison she suffered from high blood pressure but otherwise had a clean bill of health.¹³⁹ In just under two years in prison, she developed a broad range of medical problems including arteritis, an inflammation in her throat, and a heart problem. She told Amnesty International that the only medicine she ever received were remedies for colds and, if she couldn't survive her medical conditions herself, she would have been left to die.

Lu (pseudonym), whose harrowing experiences are outlined above in Chapter 5 told Amnesty International that upon his release from prison he was diagnosed with the following medical problems: cerebral circulatory disorder; shoulder and neck inflammation; degenerative spinal column; skewed vertebral column; steatosis/liver disease; parasitic blood infection; sinus infection; and sore throat. Since his release from prison, Lu has suffered periods of incapacitating back pain and severe headaches.

Chau Hen, the Khmer Krom land rights activist, told Amnesty International that during four months' incommunicado detention at Tri Ton District Detention Centre prior to his trial, he was not only beaten unconscious numerous times during interrogation sessions, but also injected with unknown drugs on at least two occasions that caused memory loss and left him unconscious for long periods of time and unable to speak or think clearly. His wife, who was not allowed to see him until two days before his trial, said in an interview with *Radio Free Asia* that he was unable to speak or keep his eyes open during her visit. At his trial on March 31, 2011, he was barely conscious. He was unable to stand or speak and had to be carried into the courtroom by four policemen. As Chau Hen told Amnesty International:

On the day of my trial, they had to carry me in a stretcher to the vehicle that took me to the court, where four police officers carried me inside. I couldn't stand on my own, I was too weak and thin. For most of the trial I wasn't conscious, kept falling asleep. I was physically unable to speak at that time. When I opened my eyes I could see my

¹³⁵ Report of the UN Special Rapporteur on torture, UN Doc. A/HRC/13/39/Add.5, 5 February 2010, para. 31, available at http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A.HRC.13.39.Add.5_en.pdf.

¹³⁶ Viet Nam ratified the International Covenant on Economic, Social and Cultural Rights on 24 September 1982. Article 12 provides as follows: “The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”

¹³⁷ See for instance, Mandela Rules, Rule 24(1): “The provision of health care for prisoners is a State responsibility. Prisoners should enjoy the same standards of health care that are available in the community, and should have access to necessary health-care services free of charge without discrimination on the grounds of their legal status.”

¹³⁸ Article 48. See, also, Law on Enforcement of Custody and Detention, Article 30.

¹³⁹ Amnesty International interview with Tạ Phong Tần, January 2016.

*wife, but I could not speak. My hands were in handcuffs and my feet were shackled. The police had to hold me up when I was ordered to stand to listen to the judgement. It was like I was dead already. I didn't know myself.*¹⁴⁰

Chau Hen told Amnesty International that later he became seriously ill with a high fever while imprisoned at An Giang prison. Prison officials didn't send him to the prison medical clinic until he was too weak to walk and his weight had dropped from 65 to 40 kilos.

*Four prisoners had to carry me to the clinic on a stretcher. I was unconscious. When I came to, the prison doctor – a police officer with the rank of two stars – asked me what was wrong with me. I opened my mouth to respond, but was unable to speak. When I couldn't answer, the doctor hit me in the mouth with a round piece of hard rubber. He knocked my teeth out, including a wisdom tooth. I lost so much blood I passed out again. Because they thought I was about to die, they decided to send me to a private hospital outside the prison. They changed me from the prison uniform to regular clothes. At the private hospital, even though I was barely conscious, police guarded me and they shackled my ankles to the bed with metal cuffs.*¹⁴¹

Other interviewees told Amnesty International that they received medical treatment for serious problems but only after filing a number of complaints with the prison authorities. In some instances the treatment was ineffective and may even have exacerbated the original problem.

Nguyễn Xuân Nghĩa, who is now in his 60's, says he spent months suffering from a nerve problem in his jaw which was so chronic that he was unable to eat, brush his teeth or wash his face. After months of complaints, he was eventually sent for treatment but as a result of a misdiagnosis, the procedure failed and his pain persisted. He was not sent back for further treatment but told by the warden of An Diem Prison to deal with the pain and seek treatment on his release. Earlier in his prison term, Nghĩa had suffered from external haemorrhoids for a period of two years, including eight months in which the problem caused anal leakage. Nghĩa said this problem also went untreated despite numerous pleas for medical assistance. Nghĩa said that the problem caused him such distress he eventually pulled down his trousers to show the doctor the haemorrhoids protruding from his anus. He was sent for treatment but prison officials intentionally embarrassed him by parading him around the hospital in handcuffs. Throughout the procedure, he was chain to the hospital bed despite being under anaesthetic.¹⁴²

Cases like Nguyễn Xuân Nghĩa's which involve the *de facto* denial of access to pain relief causing severe pain and suffering, constitute torture or other cruel, inhuman or degrading treatment or punishment.¹⁴³

Mai Thị Dung, a Hòa Hảo Buddhist former prisoner of conscience was similarly denied access to pain relief. While in Xuân Lộc prison, Dung spent over two years in the prison's "health clinic", a seven by three metre cell in which eight extremely ill prisoners lay side-by-side in 80cm wide sleeping spaces. Throughout this period, Dung lay incapacitated, unable to walk or leave the cell without the assistance of other prisoners. Dung says she was suffering from gallstones, an ailment she had since before she was sent to prison, and other complaints, but that her problems went untreated for over two years. She told Amnesty International that the authorities refused to send her for an operation, explaining that "only those who admitted crimes got medical treatment. If you don't admit, you don't get any treatment".¹⁴⁴ This indicates a coercive purpose behind the denial of medical care, which is clearly covered by the Article 1(1) of torture.

¹⁴⁰ Amnesty International interview with Chau Hen, November 2015.

¹⁴¹ *Ibid.*

¹⁴² Amnesty International interview with Nguyễn Xuân Nghĩa, December 2016.

¹⁴³ See, Report of the Special Rapporteur on torture, UN Doc. A/HRC/10/44, 14 January 2009, para. 72, available at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/10session/A.HRC.10.44AEV.pdf>.

¹⁴⁴ Amnesty International interview with Mai Thị Dung, December 2015. Amnesty International has documented cases involving prisoners of conscience who are behind bars today in which urgently needed medical treatment is being withheld for the explicit purpose of extracting a

Mai Thị Dung's experience strongly indicates that the denial of medical treatment to prisoners is not limited to prisoners of conscience. Throughout her ordeal, there were eight prisoners in total in the "health clinic" at any given time; Dung and seven other prisoners, all of whom were "regular" prisoners. Dung told Amnesty International that during this period, 11 fellow prisoners died from HIV/AIDS for want of medical treatment; four died in the cell itself and seven others died within days of being transferred to a local hospital. In Dung's words, her fellow prisoners "were treated worse than dogs, they didn't receive any care, any attention". Dung told Amnesty International that the door in the cell was left open but that the inmates were so weak that they couldn't walk outside. The prisoners urinated where they lay. When prisoners died in the cell, their bodies were left for up to three hours in the tightly packed cell. Their spaces were then immediately taken up by other prisoners suffering from HIV/AIDS.¹⁴⁵

confession. See, for example, "Viet Nam: Release Trần Thị Thủy", *Amnesty International*, Urgent Action, Index No. ASA 41/3052/2015, 11 December 2015. See also, "Viet Nam: Human Rights Defender Denied Medical Care: Bùi Thị Minh Hằng", *Amnesty International*, Urgent Action, Index No. ASA 41/3368/2016, 2 February 2016.

¹⁴⁵ Amnesty International interview with Mai Thị Dung, December 2015.

7. “A SEALED BOX WHERE YOU CAN BARELY BREATHE” – PUNITIVE PRISON TRANSFERS

“We asked them to stop so we could use the bathroom and get some fresh air but they didn’t allow it, we had to urinate in the truck. While on the road, I threw up a lot. I almost passed out because it was exhausting and I was thirsty. The other prisoners too.”

‘Lu’, an ethnic minority former prisoner of conscience, who endured a 36 hour, 1,400 km non-stop prison transfer

A central component of Viet Nam’s system of torture and ill-treatment of prisoners of conscience is the practice of transferring individuals between different detention centres and prisons throughout the period of their incarceration. The practice is brutal in its execution and often leaves prisoners hundreds of kilometres from their families and support networks, cut off from vital supplies of extra food, clothing and medication.

The practice is common in cases of prisoners of conscience who withstand pressure to “confess” to their alleged crimes, or those who engage in activism behind bars. In some cases documented by Amnesty International, the transfers took place immediately after the prisoner of conscience in question was alleged to have breached prison regulations. In other cases, transfers were effected without reference to a specific breach. The transfers are invariably unannounced and the individual is moved without being told where he/she is going and how long the journey is likely to take. The conditions of the transfers in the cases documented by Amnesty International were appalling and amounted to cruel, inhuman and degrading treatment. In none of the cases were the families of the individual informed of the transfer, either before or after it took place; instead they discovered only when they next visited the detention centre or prison where the individual was previously held.

Vietnamese law regulates the transfer of prisoners. Article 3(16) of the Law on the Execution of Criminal Judgements defines a “transfer” as the delivery of an individual to “a competent agency or person for assisting in investigation, prosecution and trial activities, medical examination and treatment or incarceration management for a certain period”. Article 35 provides for transfers on grounds of “education and reformation or medical examination and treatment or incarceration management” but does not explicitly provide for transfer as a measure of discipline. The new Law on Enforcement of Custody and Detention deals with the issue in less detail, merely outlining, in Article 21, that detention facilities have the responsibility to transfer people in custody where a decision has been made by an agency or body mandated to make such a determination.

Circular 37 of the Ministry of Public Security sheds further light on the practice of transferring prisoners, and the rationale underlying such transfers. Under Section 13, “supervisors” in prisons have the authority to transfer inmates between “sub-camps” in a given prison where those inmates “show signs or activities of colluding, forming cliques, showing localism, ganging up to oppose, attempting to sabotage/destroy or escape from prisons, refusing to work or study and for inmates who repeatedly violate prisons’ regulations and have been educated but show no progress in rehabilitation”.¹⁴⁶ Where prison supervisors deem it “necessary to split, separate and transfer inmates to another prison in order to ensure the prison’s order and safety and in response to technical requirements of incarceration”, they must report to “the Director of the Inmate Management Department, who will report to the General Director of the Police’s General Department for Criminal Judgement Execution and Judicial Assistance for a decision to transfer them to another prison”.¹⁴⁷

All of the former prisoners of conscience interviewed for this report experienced prison transfers. Most were subjected to more than one. Whereas international standards on the treatment of prisoners require that prisoners are allocated, to the extent possible, to prisons close to their homes,¹⁴⁸ the transfers documented by Amnesty International often left prisoners hundreds and even thousands of kilometres from home.

Where prison transfers are concerned, the case of *Điểu Cày* stands out. During his six and a half years in prison, *Điểu Cày* was transferred 20 times, to 11 different detention centres and prisons. *Điểu Cày*’s high profile may go some way to explain the high number of prison transfers he experienced throughout his sentence. He himself viewed the transfers as a punishment for his intransigence and refusal to cooperate with the prison authorities:

*From my experience, when I first arrived in prison, different levels of security will ask you to “work” with them. When none of them can effectively “work” with you and produce results, the warden is unhappy. They know that if they let this happen they will lose their power over the prisoners.*¹⁴⁹

This is a conclusion that other interviewees share. Nguyễn Xuân Nghĩa, who served time in four facilities during his six years’ imprisonment stated that the transfers were a punishment for his resisting “rehabilitation”.¹⁵⁰ Mai Thị Dung, the Hòa Hảo Buddhist, told Amnesty International that she was transferred the length of Viet Nam, bringing her over a thousand kilometres from her home, two days after she started a hunger strike to protest prison authorities’ withholding her medical care.¹⁵¹

¹⁴⁶ Sub-camps within prisons (often designed K-1, K-2, etc.) can hold up to 1,000 prisoners each and may be located as much as three kilometres apart from each other.

¹⁴⁷ Circular 37, Section 13.

¹⁴⁸ Mandela Rules, Rule 59; and UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, UN doc. A/RES/43/173, 9 December 1988, Principle 20.

¹⁴⁹ Amnesty International interview with *Điểu Cày*, April 2015.

¹⁵⁰ Amnesty International interview with Nguyễn Xuân Nghĩa, December 2016.

¹⁵¹ Amnesty International interview with Mai Thị Dung, December 2015.

Xuân Lộc in Đồng Nai province; Hùng is in Xuyên Mộc prison where he is said to have been put in solitary confinement for protesting the installation of a camera in his cell. In March 2016, he took part in a 13-day hunger strike with four other prisoners of conscience in protest at treatment and conditions in Xuyên Mộc.¹⁶⁰

Siu Wiu is a Montagnard Christian activist from the Central Highlands and a leader of a demonstration in Gia Lai province in April 2008 that called for religious freedom and release of Montagnard prisoners of conscience. In January 2009, he was sentenced to 10 years in prison under Penal code Article 89, disrupting security.¹⁶¹ While imprisoned at Nam Hà Prison he spent six months in solitary confinement before being transferred to Phú Sơn 4 Prison in Tây Nguyên province, even further away from his family in Gia Lai. During pre-trial detention, police tortured him for more than two months during interrogation sessions. Among the torture tactics they employed was to hang him upside down and beat him with wooden batons.

Venerable Thach Thuol is a Khmer Krom Buddhist monk from Sóc Trăng province. In March 2013 local authorities and Buddhist officials ordered Thuol and two other Khmer Krom monks to defrock or face imprisonment, alleging that the three were spreading “fabricated information” abroad about rights violations in Vietnam, through interviews with foreign media and contact with the Khmer Krom Federation, a US-based advocacy group.¹⁶² On 18 May 2013, police arrested, detained and tortured one of Thuol’s fellow monks in Sóc Trăng. That same day, more than 100 police surrounded Thuol’s temple in an effort to arrest and defrock him. After making an impassioned video appeal that was posted online, in which he expressed fears that he too would be tortured, he attempted to flee Vietnam. On 20 May 2013 police arrested him at the border with Cambodia. During pre-trial detention, police beat Thuol during interrogation sessions. He continued to assert his innocence at his trial in September 2013. He was sentenced to six years imprisonment under Article 91, “fleeing abroad to oppose the people’s administration”, and is believed to be in Xuân Lộc Prison in Đồng Nai Province.

Trần Huỳnh Duy Thức, entrepreneur and blogger, was arrested in May 2009. During his trial, he said that he was tortured in detention to force him to confess. He was initially accused of “theft of telephone wires” before being charged under Article 88 for “conducting propaganda” against the state. However, he was tried on 20 January 2010 under Article 79 and sentenced to 16 years’ imprisonment with five years’ house arrest on release. According to witnesses, the judges deliberated for only 15 minutes before returning with the judgment, which took 45 minutes to read, indicating it had been prepared in advance of the hearing. After the trial he was transferred to Xuân Lộc prison. In June 2013 he was moved to Xuyên Mộc prison following a protest at harsh treatment by criminal prisoners. His family were not informed of the transfer until they arrived at Xuân Lộc to visit him. In March 2016, he took part in the hunger strike described above together with Nguyễn Hoàng Quốc Hùng and three others.¹⁶³ He has since been moved again, this time to Prison 6 in Nghệ An province which is around 1,400km from the family home in Hồ Chí Minh City. He is not due for release until 2025.

Trần Thị Thúy is a Hòa Hảo Buddhist and land rights activist arrested in August 2010 who is serving an eight year sentence after being convicted under Article 79. She and six others were accused of having joined or been associated with an overseas based pro-democracy group. Since being detained, Thúy has been denied medical treatment for a tumour on her uterus on the grounds that she hasn’t “confessed” her crimes. A prison officer told her to admit her crimes or “die in prison”. She has difficulty walking, needing a crutch or

¹⁶⁰ “Vietnamese Political Prisoners End Hunger Strike After Authorities Relent”, *Radio Free Asia*, 25 March 2016, available at <http://www.rfa.org/english/news/vietnam/vietnamese-political-prisoners-end-hunger-strike-after-authorities-relent-03252016143455.html>.

¹⁶¹ “HRW Submission to EU on Bilateral Dialogue with Vietnam”, *Human Rights Watch*, 13 December 2015, available at <https://www.hrw.org/news/2015/12/13/hrw-submission-eu-bilateral-dialogue-vietnam>.

¹⁶² See for example, “Khmer Krom: Appeals For Fair Trial Of Arrest Monks”, Khmer Krom Federation, 23 September 2013, available at <http://unpo.org/article/16409>; and “Annual Report 2015 – Tier 1 [Countries of Particular Concern]”, *United States Commission on International Religious Freedom*, 1 May 2015, available at <http://www.uscirf.gov/sites/default/files/Vietnam%202015.pdf>.

¹⁶³ “Vietnamese Political Prisoners End Hunger Strike After Authorities Relent”, *Radio Free Asia*, 25 March 2016.

- Provide access to independent monitoring bodies to all detention centres and prisons, and to all persons deprived of liberty;
- End the practice of prolonged solitary confinement and ensure that all disciplinary measures conform to international law and standards. Solitary confinement should only be used in exceptional cases as a last resort, for as short a time as possible and subject to independent review, and only pursuant to the authorization by a competent authority;
- End reliance on Circular 37 of the Ministry of Public Security as a means to facilitate the discriminatory treatment of prisoners of conscience;
- Investigate all complaints and reports of torture and other ill-treatment promptly, impartially, independently and effectively, suspending all officials suspected of committing these acts and ensuring protection from reprisals for complainants, witnesses and others at risk;
- Prosecute all those against whom sufficient, admissible evidence is gathered of their responsibility for torture or other acts of ill-treatment regardless of rank or official status and the time that has elapsed since the commission of the crime;
- Take measures to end abusive practices by “antennae” prisoners and ensure violence by other prisoners is investigated and, where sufficient admissible evidence exists, prosecuted;
- End the practice of punitive transfers of all detainees and ensure that prisoners are allocated, to the extent possible, to prisons close to their homes. All transfers that do take place should be necessary, and carried out in conditions consistent with the rights of those involved;
- Ensure the provision of health care to all persons deprived of their liberty of the same standard as is available in the community, including prompt access to medical attention in urgent cases and access to specialized treatment and surgery specialized institutions or hospitals where necessary;
- Provide effective training to all officials involved in custody, interrogation or medical care of prisoners outlining that torture and other acts of ill-treatment are criminal acts;
- Translate the Mandela Rules into Vietnamese and disseminate to all detention centres and prisons throughout the country, and provide training on international minimum standards on the treatment of prisoners to all staff at detention centres and prisons;
- Provide reparations to victims of torture and other ill-treatment and their dependents in accordance with Article 14 of the UNCAT and international standards more generally, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition;
- Ratify and implement the first Optional Protocol to UNCAT, including by establishing professional, independent and well-resourced National Preventive Mechanisms in accordance with the Protocol;
- Establish other mechanisms to ensure accountability for human rights violations, including an independent National Human Rights Institute that complies with the provisions of the Principles relating to the Status of National Institutions (The Paris Principles) adopted by UN General Assembly resolution 48/134 of 20 December .

AMNESTY INTERNATIONAL ALSO CALLS ON THE INTERNATIONAL COMMUNITY TO TAKE STEPS TO ENSURE THAT VIET NAM UPHOLDS ITS OBLIGATIONS UNDER INTERNATIONAL HUMAN RIGHTS TREATIES TO WHICH IT IS A STATE PARTY:

- Publicly call on the Vietnamese authorities to end arrests, prosecutions and convictions of men and women for their beliefs and peaceful advocacy for human rights, religious freedom, multi-party democracy and workers' rights, and for the immediate and unconditional release of all prisoners of conscience;
- Urge the Vietnamese authorities to uphold and facilitate the rights to freedom of association, peaceful assembly and expression as guaranteed by the ICCPR, including by bringing into effect the necessary legal measures to ensure the creation of formal independent civil society groups;
- Call on the Vietnamese authorities to take immediate legislative, administrative, judicial and other measures to bring the country into compliance with its obligations under UNCAT;
- Give positive consideration to requests by Vietnamese authorities for support and technical assistance in these endeavours.

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TORTURE AND ILL-TREATMENT OF PRISONERS OF CONSCIENCE IN VIET NAM

“Life in prison is hard. I fell into despair. I was in this situation because I was trying to be a good citizen, to help people out according to the law [...] But I was arrested and put in prison. I felt like I was in a dark tunnel with no way out.” Phạm Thị Lộc is a former prisoner of conscience – an individual who was detained for her beliefs or peaceful activism. Her story reflects those of so many of Viet Nam’s peaceful activists. Compelled by injustice in her own life and the lives of others in her community, she started to speak out and to advocate for change. She soon found herself in jail, caught up in a system designed to mete out retribution to those viewed as questioning the authority of the Vietnamese government.

Prisons Within Prisons: Torture and Ill-Treatment of Prisoners of Conscience in Viet Nam documents treatment of prisoners of conscience which violates Viet Nam’s international human rights obligations, including the prohibition on torture. The violations documented in the report include enforced disappearances; prolonged periods of incommunicado detention and solitary confinement; the infliction of severe physical pain and suffering; the withholding of medical treatment; and punitive prison transfers. The report is written on the basis of interviews with men and women released in the past five years but also raises concerns relating to the treatment of some of the country’s current prisoners of conscience, which Amnesty International estimates to be 84 men and women.

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