

AMNESTY INTERNATIONAL PUBLIC STATEMENT

23 March 2021

ASA 41/3878/2021

VIET NAM: ACTIVIST TORTURED, HELD IN SOLITARY CONFINEMENT FOR OVER 300 DAYS

The Vietnamese authorities must immediately end their torture and other ill-treatment of political activist Nguyễn Văn Đức Độ and release him immediately and unconditionally, Amnesty International said today.

Nguyễn Văn Đức Độ is currently serving an 11-year sentence at Xuân Lộc prison in Đồng Nai province after having been convicted for “carrying out activities aimed at overthrowing the people’s administration” following his politically motivated arrest in 2016. Nguyễn Văn Đức Độ has been kept in solitary confinement since May 2020 – now over 300 days – and has suffered severe mistreatment including conduct amounting to torture under international human rights law during this period.

Amnesty International has received alarming reports that Nguyễn Văn Đức Độ has been kept in solitary confinement since May 2020, having been sent there after he complained to authorities of the harsh living conditions in the prison. According to reliable information received by the organization, at the time of his initial placement in solitary confinement, prison authorities chained both Nguyễn Văn Đức Độ’s legs for 10 consecutive days. During this period, prison guards are reported to have fed him food mixed with human excrement and dirty water, which made him sick with food poisoning. He is also understood to have suffered injuries to his legs, which were cut and became swollen and infected from the shackles he was held in. Amnesty International understands that prison authorities unchained Nguyễn Văn Đức Độ after 10 days, but he remains in solitary confinement to this day.

On 16 March 2021, Nguyễn Văn Đức Độ’s family visited him in prison, and they were informed that on the day prior, 15 March, prison guards set a guard dog upon Nguyễn Văn Đức Độ. This was apparently done by the prison guards in retaliation for Nguyễn Văn Đức Độ banging his cell door from the inside to protest his lengthy period of solitary confinement and resultant health issues. The organization understands that Nguyễn Văn Đức Độ was not bitten during this incident.

According to his family, Nguyễn Văn Đức Độ’s prolonged solitary confinement has severely impacted his mental health. According to them, Nguyễn Văn Đức Độ recently asked them to petition the State President to ‘end his life’ because ‘he cannot continue living under current circumstances’.

These credible allegations against the Xuân Lộc prison authorities, including keeping Nguyễn Văn Đức Độ in prolonged solitary confinement with very poor material conditions and the reported acts of mistreatment by prison staff, would constitute torture, which is absolutely prohibited under international human rights law. Viet Nam is a state party to the UN Convention against Torture (UNCAT), having ratified it in 2015. It thus has the obligation to end and prevent any such treatment and investigate these allegations of torture of Nguyễn Văn Đức Độ. It is crucial that these investigations are independent, prompt, thorough and effective.

Viet Nam’s constitution prohibits torture in broad terms. However, since ratifying the UNCAT, Viet Nam has thus far failed to amend the country’s Criminal Code and Criminal Procedure Code to ensure that they comply with Viet Nam’s UNCAT obligations; including, for example, by explicitly criminalizing torture as defined in UNCAT Article 1(1).

The torture and other ill-treatment which Vietnamese authorities are alleged to have inflicted upon Nguyễn Văn Đức Độ exemplifies how the human rights of government critics in Viet Nam are routinely and severely violated by the Vietnamese government. Viet Nam must take drastic action to remediate the alarming human rights situation in the country, particularly given its recently-announced candidacy to the UN Human Rights Council.

Amnesty International calls on the Vietnamese government to immediately bring an end to the torture and other ill-treatment being inflicted upon Nguyễn Văn Đức Độ and other detainees. The Vietnamese government must release him unconditionally along with all other and other unjustly detained persons. The Vietnamese authorities must also initiate an independent, prompt, thorough and effective investigation into these serious allegations of torture and other ill-treatment conducted by the administration and staff of Xuân Lộc prison and bring those responsible to justice. Finally, the

Vietnamese government should amend domestic law to explicitly criminalize torture based on the definition in the UNCAT and ensure that this egregious but widespread practice is brought to an end.

Background

Nguyễn Văn Đức Độ is an electrician from Huế city, who lived in Hồ Chí Minh City for around six months before his arrest on 6 November 2016. The authorities arrested him for his alleged membership of the “Coalition of Self-Determination for Vietnamese People” after he allegedly participated in protests following the *Formosa* environmental disaster.ⁱ He was charged under Article 79 of the 1999 Penal Code for “carrying out activities aimed at overthrowing the people’s administration”. On 5 October 2018, the People’s Court of Ho Chi Minh City convicted and sentenced Nguyễn Văn Đức Độ to 11 years in prison.

Prison conditions in Viet Nam are harsh, with inadequate food and health care that falls short of the minimum requirements set out in the revised UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) and other international standards.

In Viet Nam, individuals detained on politically motivated grounds are routinely subjected to solitary confinement in appalling conditions during pre-trial detention and as punishment for activism while behind bars. Amnesty International has previously documented cases involving solitary confinement for periods up to 10 months and interviewed individuals who described feeling completely abandoned and believing they would be left to die.

Although Viet Nam has ratified the Convention against Torture, which came into effect in the country in February 2015, insufficient steps have been taken to bring the country into compliance with its obligations under that treaty and other relevant international law. For more information see the report, *Prisons Within Prisons: Torture and Ill-treatment of Prisoners of Conscience in Viet Nam*, published in July 2016.ⁱⁱ

In February 2021, Viet Nam announced its candidacy for a seat on the UN Human Rights Council from 2023 to 2025. The resolution establishing the Council stipulates that its members must uphold the highest standards in the promotion and protection of human rights.

ⁱ Viet Nam: Crackdown on Human Rights amidst Formosa related Activism, public statement, 8 November 2016, Index: ASA 41/5104/2016.

ⁱⁱ 12 July 2016, Index: ASA 41/4187/2016.