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Viet Nam: Government crackdowns on peaceful demonstrations with range of rights violations, including torture and other ill-treatment

The Vietnamese authorities have cracked down heavily in response to a series of demonstrations taking place throughout the country in May 2016, organised following an ecological catastrophe that has decimated the nation's fish stocks. Wide-ranging police measures to prevent and punish participation in demonstrations has resulted in a range of human rights violations including torture and other cruel, inhuman or degrading treatment and punishment, as well as violations of the rights to peaceful assembly and freedom of movement.

Amnesty International calls for an end to violations and for the government to uphold and facilitate the right to freedom of peaceful assembly in anticipation of any further demonstrations that may take place in the coming days and weeks.

Following the mass deaths of fish in coastal waters in four central provinces of Hà Tĩnh, Quảng Bình, Quảng Trị and Thừa Thiên-Huế, demonstrations have been organised in cities throughout the country every Sunday for the past three weeks. Participants called on the authorities to provide answers to the cause of the ecological disaster. Instead of attempting to provide answers to the demonstrators, the authorities responded with measures that aimed to prevent and punish participation in the demonstrations. These measures escalated with increased intensity in response to each successive planned demonstration.

Since the beginning of the demonstrations, human rights defenders and social activists have had uniformed and/or plain clothes police stationed outside their homes throughout the demonstrations. One of the activists we spoke to, from one of four cities that we investigated, told Amnesty International that police slept in cars parked outside his home overnight in the days leading up to the previous demonstrations and that he continues to be under surveillance. He and another activist told Amnesty International separately that they have been told that if they attempt to travel to demonstrations they will be involved in traffic accidents. From our research, the number of activists subject to surveillance and intimidation numbers at least in the dozens, if not more.

On the first day, 1 May 2016, several people were beaten as they took part in demonstrations around the country while dozens were arrested and detained for several hours before being released. Twenty activists were said to have been arrested in Hồ Chí Minh City alone.

On 8 May, the second day of demonstrations, according to activists in Viet Nam access to Facebook was blocked throughout the country. Events included a march at Hoàn Kiếm Lake, Ha Noi which is said to have involved 1,000 participants. The authorities responded by beating and arresting dozens of participants. Amnesty International interviewed one bystander who said that when men in plain clothes attempted to arrest a young woman, who was with two young children, they slapped both

children in the face, and pushed one of them to the ground, hitting her head. They forced all three onto a bus along with other demonstrators where they continued to beat them.

Inside the bus, one of the children fell to the floor and was kicked in the head. A man kicked the young woman in the stomach several times shouting he would kill her. The woman and two children were permitted to get off the bus before it was driven away, bringing those remaining on board to Quang Trung district police station where a total of 40-50 demonstrators were detained for several hours before being released. While the violence at Hoàn Kiếm Lake was mostly perpetrated by men in plain clothes, uniformed police surrounding the area looked on without intervening.

The response of the authorities to the third demonstration, on 15 May, was the most severe and violent. Amnesty International spoke with four activists who travelled to Hồ Chí Minh City to take part in the demonstration planned for that day. One activist told Amnesty International that the overwhelming police presence in the city that morning prevented any medium or large-scale demonstration from taking place and that by 9.30am the city's Quach Tri Trang Square was overrun by police in uniform and plain clothes who were searching and arresting people apparently indiscriminately. Three of the activists interviewed by Amnesty International were arrested in cafés in the vicinity of areas of the city where the demonstrations were planned. All three told Amnesty International that they were beaten up by police during the arrests. The fourth individual interviewed by Amnesty International was arrested as he tried to film police searching another man's backpack.

The three who were beaten during their arrest informed Amnesty International that the violence was perpetrated mostly by men and women in plain clothes although some of them wore the uniform of the Communist Party's Youth Volunteers. One activist told Amnesty International he was grabbed by four or five men, one of whom put him in a choke hold as the others punched him in the chest and head. He was bundled into a car where his assailants continued to punch him in the head. He was driven to a police station where the men in plain clothes entered the building where he says they appeared to work. When he tried to use his phone to photograph what was going on in the station, he was threatened by a man in plain clothes who, flanked by four or five uniformed police, told him to turn off his phone saying "your life is worth less than that phone".

The two others, a man and a woman, described similar violence. The woman was attacked by four women in plain clothes who pushed her to the ground and beat her. She was then grabbed by the arms and legs by seven or eight men and women who hit her as they hauled her to a car 70 metres away where the beating stopped. She was transferred to a local district police station. The man told Amnesty International he was set upon by several plain clothes men and was punched in the head five or six times and kicked in the stomach before being put in a car and driven to a police station. On entering the station, he was punched around the head four or five times by a man in plain clothes. Later that night he was attacked again; on this occasion he was slapped in the face several times by one of the men who had beaten him during his arrest. That assailant had been wearing the uniform of the Youth Volunteers during the arrest, but had changed into plain clothes by the time of this later assault.

The lack of available information in the context of Viet Nam's closed political system mean it is difficult to confirm the numbers of those beaten and arrested throughout the country. However, reliable sources estimate that as many as 300 men and women were arrested on 15 May in Hồ Chí Minh City alone. Amnesty International's interviews have established that those arrested were detained at police stations throughout the city where their photographs and fingerprints were taken,

and they were interrogated. One man interviewed by Amnesty International stated that police analysed the contents of his phone, making a detailed written report of his contacts and photographs. He states that when another man detained at the same police station attempted to delete information from his phone, he was seized by four or five police who grabbed his neck and ripped his shirt.

Most of those detained on 15 May were released late that evening. One of the activists interviewed by Amnesty International who had travelled to Hồ Chí Minh City for the demonstration stated that she was held until late in the evening when police from her home city arrived to transport her home.

Others state that shortly after midnight they were transported by bus to a shelter for homeless people which is situated on the city's Trang Long Street and operated by the Ministry of Labour and Social Affairs. Three of those interviewed by Amnesty International were transferred from the police stations to the shelter. They state that they were among approximately 60 men and women collected from police stations dotted throughout the city. Roughly half were released when police established their identities and home addresses. They were collected by police from their local districts and transported to police stations in their home districts. The remaining 30 people, who included two or three women, were detained in the shelter for homeless people incommunicado, without being permitted to contact their families or legal representatives, for three days until 18 May, while the police continued to interrogate them. The group of 30 were held in three separate rooms, unable to change their clothes and without beds or bedding to sleep on.

On the morning of 16 May, two men detained at the shelter were beaten by police using batons and electric batons. According to those interviewed by Amnesty International, a man in one of the rooms was angrily protesting at their treatment, when officers entered the cell, attacking him in view of the other detainees. When another man in the room protested, they attacked him as well. Police then hauled the two men out of the cell and beat them further. One of the men interviewed by Amnesty International said that he watched through a window in the cell as the two men were dragged away and beaten. He told Amnesty International that one of the men collapsed after being electrocuted with an electric baton.

The 30 detainees were released on 18 May after three days. One of the men told Amnesty International that his wife spent three days visiting police stations throughout Hồ Chí Minh City inquiring as to his whereabouts. At each station, police refused to provide her information.

The actions of the Vietnamese authorities in response to these demonstrations are in violation of a range of the country's human rights obligations, which are set out in the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture (CAT), to which Viet Nam is a state party. Both treaties prohibit torture and other cruel, inhuman or degrading treatment (other ill-treatment). Torture is defined by CAT as any act by which severe pain or suffering, physical or mental, is intentionally inflicted on someone for such purposes as obtaining a confession, as a punishment or based on discrimination, when it is inflicted by or at the instigation or with the consent or acquiescence of a public official or other person acting in an official capacity.

Many of the incidents described above meet this definition.

There are no exceptions to the absolute prohibition of torture and other ill-treatment under international law. As noted by UN bodies and experts, including the Human Rights Committee and

the Special Rapporteur on torture, incommunicado detention facilitates torture and other ill-treatment.

As a state party to the ICCPR, Viet Nam is also obligated to respect, protect and facilitate the rights to freedom of movement and to peaceful assembly. While the exercise of these rights may be subject to some restrictions, such restrictions are permissible under international law only if they are provided by law; imposed for the purposes of protecting certain public interests – namely, national security or public safety, public order, or protection of public health or morals – or the rights and freedoms of others; and are demonstrably necessary for that purpose and are proportionate. Preventing people from leaving their homes to take part in peaceful demonstrations and beating and arresting peaceful demonstrators and bystanders does not fall within the permissible restrictions of these rights.

Background

Medium to large scale demonstrations are rare in Viet Nam despite the country being a state party to the ICCPR and the country's constitutional guarantee of freedom of peaceful assembly. Further demonstrations are anticipated in the coming days and weeks and will coincide with two other significant events taking place in the country. On Sunday 22 May, which is expected to see the fourth set of demonstrations relating to the ecological disaster, the country's parliamentary elections will take place with 500 National Assembly members elected from a list of 870 candidates, all but 11 of whom are members of the Communist Party. In the lead-up to the election, people throughout the country have complained that they have been unable to send text messages containing the word "election" (*bầu* in Vietnamese) concluding that they have been blocked by phone network operators. On 23 May, US President Barack Obama will begin a two-day visit to Viet Nam, becoming the fourth successive US President to visit the country.

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