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**SOCIALIST REPUBLIC
OF VIET NAM**

**Appeals against the death
penalty**



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SOCIALIST REPUBLIC OF VIET NAM

Appeals against the death penalty

The death penalty in Viet Nam is an optional punishment for 44 offenses. These include treason, murder, rape, drug offenses and theft of state property and fraud. The following two appeal cases concern imposition of the death penalty for smuggling, accepting bribes and defrauding and misappropriating state properties.

While there has been some discussion amongst legislators about reducing the number of capital offenses, death sentences continue to be handed down regularly, and executions carried out. According to cases reported in the official media, so far this year around 46 people have been sentenced to death and seven people executed. As the authorities do not make public full statistics on the death penalty, the actual numbers are believed to be higher. The Vietnamese authorities have launched national campaigns against drug use and corruption, both of which are serious problems in the country. In this context the death penalty has been increasingly imposed in major corruption and embezzlement cases.

Amnesty International has serious concerns about the routine unfairness of trials in Viet Nam, and the lack of opportunity to prepare and present a proper defence. These concerns are heightened when people are accused of offenses punishable by death. Although people sentenced to death are allowed to appeal against their sentence, available evidence about Appeal Court hearings also suggests that such hearings only serve to repeat evidence presented during the initial trial, and do not offer an opportunity for a proper review or for new evidence or argumentation to be presented by the accused and their defence lawyers.

Amnesty International is unconditionally opposed to the death penalty as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment, as upheld in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. In addition there is no clear evidence that the death penalty has any identifiable effect in reducing crime, and Amnesty International believes that any arguments against its use far outweigh any possible advantages.

In April 1999 the United Nations Commission for Human Rights (UNCHR) passed a resolution on the death penalty which urged all States still maintaining the death penalty, *inter alia*, "(b)To ensure...that the death penalty is not imposed for non-violent financial crimes;".

Tran Dam and Phung Long That

Tran Dam is the 60-year-old former director of a private company alleged to have smuggled goods such as electrical and electronic equipment and cars worth more than 900 billion dong (approximately US\$ 83 million) through state-owned companies between 1994 and 1997. **Phung Long That** is a former senior customs official who was accused of accepting bribes in the same smuggling operation.

Their trial at Ho Chi Minh City People's Court began on 25 March 1999; they were sentenced to death on 29 April 1999. Seventy-two others involved in the same smuggling case were tried at the same time and received sentences ranging from two years suspended to life imprisonment.

According to a *Reuters* report dated 10 September 1999, the appeal against their sentences will be heard on 17 or 18 October 1999 and is expected to last 20 days.

Tang Minh Phung, Lien Khiu Thin, Pham Nhat Hong, Nguyen Ngoc Bich, Nguyen Tan Phuc and Nguyen Xuan Phong

These six men were sentenced to death on 4 August 1999 by Ho Chi Minh City People's Court for their part in fraud and corruption involving US\$ 357 million of state funds. The trial began on 10 May 1999 and was described in the official media as the "biggest fraud case to be brought to trial". They were each found guilty of "defrauding and misappropriating socialist properties" under Article 134 of the penal code. Seventy-one other people tried at the same time received sentences ranging from two years suspended and life imprisonment. The verdicts were broadcast live on television.

Tanh Minh Phung and Lien Khiu Thin were directors of two companies involved in the fraud - Ming Phung Company and EPCO; Pham Nhat Hong was the deputy director of the Industrial and Commercial Bank of Viet Nam; Nguyen Ngoc Bich was a deputy director of the Bank for Foreign Trade of Viet Nam; Nguyen Tan Phuc was an executive of EPCO; and Nguyen Xuan Phong was a director of another company, Grainco. The other defendants included banking officials, businessmen and a local government official.

WHAT CAN YOU DO?

- express concern that Tran Dam and Phung Long That were sentenced to death on 29 April 1999. Note that they will be appealing against their sentences in October

- express concern that Tang Minh Phung, Lien Khiu Thin, Pham Nhat Hong, Nguyen Ngoc Bich, Nguyen Tan Phuc and Nguyen Xuan Phong were sentenced to death on 4 August 1999

- express your belief that the death penalty is a violation of the right to life upheld in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights to which Viet Nam is a state party

- urge that their sentences be commuted, as well as all other pending death sentences

- urge the authorities to establish a moratorium on all executions in accordance with United Nations recommendations on the death penalty

- urge the authorities to seriously consider taking steps towards total abolition of the death penalty in Viet Nam

✍ write to one or all of these:

President Tran Duc Luong
Office of the President
35 Ngo Quyen
Ha Noi
Socialist Republic of Viet Nam

Prime Minister Phan Van Khai
Office of the Prime Minister
Hoang Hoa Tham
Ha Noi
Socialist Republic of Viet Nam

Nguyen Dinh Loc
Minister of Justice
Ministry of Justice
25 Cat Linh
Ha Noi
Socialist Republic of Viet Nam

Nong Duc Manh
Chairman of the National
Assembly
Office of the National Assembly
35 Ngo Quyen
Ha Noi
Socialist Republic of Viet Nam