

AMNESTY INTERNATIONAL'S JOINT OPEN LETTER

9 August 2023 ASA 41/7103/2023

Mr. Vo Van Thuong
State President
No. 2, Hung Vuong, Ba Dinh District
Ha Noi
Viet Nam

[OPEN LETTER - URGENT] VIET NAM: HALT THE ARBITRARY EXECUTION OF DEATH ROW PRISONER NGUYEN VAN CHUONG

Your Excellency,

We, the undersigned organizations, are writing to express our deep concern over the apparently impending execution of death row prisoner Mr. Nguyen Van Chuong. We request that you and the responsible authorities ensure the execution is halted immediately and that you initiate a prompt, impartial and effective investigation into allegations that he was tortured to compel him to “confess” guilt. This “confession” was allegedly unlawfully admitted into evidence and was relied on in convicting him at trial, in contravention of Viet Nam’s international legal obligations.

According to Chuong’s father Mr. Nguyen Truong Chinh, he received a notification dated 4 August 2023 from the People’s Court of Hai Phong, informing him that as Chuong’s relative, he could apply in writing to receive his son’s ashes or corpse within 3 working days of the notification. It is unclear, however, whether the execution is imminent or has already been carried out.

Particularly given the likelihood that he had been subject to an unfair trial and proceedings that led to his conviction and death sentence, his execution would amount to a violation of the right to life and freedom from cruel, inhuman or degrading punishment under international human rights law and Viet Nam’s international legal obligations. In addition, his execution would perpetrate a grave injustice despite his family’s persistent plea for a comprehensive case review over the past decade.

On 3 August 2007, the Hai Phong City Police Department arrested then 24-year-old Nguyen Van Chuong, along with Do van Hoang and Vu Toan Trung, in connection with the killing of a high-ranking police officer. The primary evidence relied on to convict them was their “confessions”, which the defendants alleged were made under extreme duress and torture.

The investigation conducted by the police was riddled with discrepancies, disregarding crucial evidence in favour of the forced “confessions”. Despite the existence of strong alibi witnesses, the police failed to investigate their validity. Instead, they arrested Chuong’s younger brother, Mr. Nguyen Trong Doan, on allegations of manipulating evidence and witnesses. The police reportedly coerced Chuong’s alibi witnesses by physical force into changing their testimonies.

On 12 June 2008, Chuong and his co-defendants were tried for murder, and he was given the death penalty. Despite multiple appeals by Chuong and his co-defendants, as well as the Chief Prosecutor of the Supreme People’s Procuracy of Viet Nam, the Supreme People’s Court of Viet Nam upheld his conviction and death sentence.

By carrying out Nguyễn Văn Chương’s death sentence, Viet Nam is piling yet another violation of Mr. Chuong’s rights on top of the numerous abuses that he was subjected to during the investigation and trial of his case.

DEATH PENALTY

By executing Mr. Nguyen Van Chuong, Viet Nam would defy the global trend towards the abolition of the death penalty and the establishment of a moratorium on the use of the death penalty. The UN General Assembly, in repeated resolutions and by overwhelming majorities, most recently in General Assembly Resolution 77/222 of 15 December 2022, has called on all States that retain the death penalty to impose an immediate moratorium on its use, with a view to abolition.

In line with opinions shared by many governments and the United Nations, we emphasize that the death penalty constitutes a denial of the right to life protected by Article 6 of the International Covenant on Civil and Political Rights (ICCPR) to which Viet Nam is a State party; and that it constitutes a form of cruel, inhuman or degrading punishment, prohibited under Article 7 of the ICCPR and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT). Countries like Viet Nam where the death penalty is imposed must ensure, at a minimum, that it is only used in cases of “the most serious crimes” following a trial that meets the highest level of compliance with international law and standards of fairness. As the UN Human Rights Committee noted: “Violation of the fair trial guarantees provided for in article 14 of the Covenant in proceedings resulting in the imposition of the death penalty would render the sentence arbitrary in nature, and in violation of article 6 of the [ICCPR]” (General Comment No. 36 - Article 6: right to life, UN Doc. CCPR/C/GC/36, para. 41). Chuong’s trial was clearly neither fair nor compliant with international human rights law.

ALLEGATIONS OF TORTURE

As a State party to the UNCAT and the ICCPR, Việt Nam has an obligation to respect the prohibition of torture and other forms of ill-treatment at all times.

Article 15 of the UNCAT obliges State parties to “ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings.” International law prescribes that State parties must conduct prompt, impartial and thorough investigations when complaints of torture or other ill-treatment are made (Article 12 and 13, UNCAT; and Article 7 and 2(3), ICCPR). In addition, State parties must provide prompt and effective remedies and full reparations for victims of torture and other ill-treatment (Article 14, UNCAT, and Article 7 in connection with Article 2(3), ICCPR).

APPEAL

In light of these concerns, we urge you to:

- Immediately notify Mr. Nguyen Van Chuong’s family about his current status;
- Immediately grant him a permanent reprieve from execution;
- Release him or grant him a new trial in line with fair trial standards under international law;
- Initiate a prompt, impartial and effective investigation into the allegations that he was subjected to torture or other cruel, degrading or inhuman treatment with a view to gaining “confessions” and, if proven, bring the perpetrators to justice and provide him and his family with access to an effective remedy and reparation in line with international human rights law and standards; and
- Impose a moratorium on executions with a view to abolishing the death penalty both in law and in practice in Viet Nam.

We thank you for your urgent consideration of these concerns.

Yours sincerely,

Signatories

Amnesty International

Anti-Death Penalty Asia Network (ADPAN)

ASEAN Parliamentarians for Human Rights

Asia Democracy Network

Asian Forum for Human Rights and Development (FORUM-ASIA)

Centre for Civil and Political Rights

Cross Cultural Foundation

Duayjai Group

International Commission of Jurists

Manushya

People in Need

The 88 Project

Transformative Justice Collective