



**REPORT ON
THE DEATH PENALTY PRACTICE
IN THE SOCIALIST REPUBLIC OF VIETNAM**

Submitted to
The Office of the United Nations High Commissioner for Human Rights
By
The Vietnam Human Rights Network
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1. LEGISLATIVE REVIEW OF THE DEATH PENALTY

Despite removing some offenses subject to the death penalty from the previous Criminal Codes, the 2015 Criminal Code still imposes the death sentence for 18 violations. Besides capital offenses, such as murder, crimes against national security, crimes against peace, against humanity, and war crimes, the Law also provides the death penalty for offenses related to illegal manufacturing and illegal transport of narcotic substances, property embezzlement, and receiving bribes.

Vietnam is among the few countries applying the death penalty for corruption and bribery. The 2015 Criminal Law stipulates the crime of accepting bribes with a material value of more than 1 billion VN Dong (equivalent to 42,500 US Dollars) or accepting bribes that cause property damage over 5 billion VN Dong (equal to 212,500 US dollars) is subject to the death penalty. However, the Law also provides that if the offender returns at least three-quarters of the money received, they will not be subject to the death penalty (Article 353, 354 of the Criminal Code 2015).

Regarding crimes against national security, the vagueness of Article 19 of the 2015 Criminal Code - “carrying out activities aimed at overthrowing the administration” - allows the government to use the death sentence for nonviolent political expressions or activities.

2. THE USE OF THE DEATH PENALTY

The Vietnamese government has not disclosed the number of death sentence executions. Those numbers are national secrets; those who accidentally or intentionally violate them can be sentenced to up to 15 years of imprisonment (Articles 337, 338 Criminal Code).

Government documents showed that the number of people sentenced to death has increased rapidly (nearly 30%).¹

The conditions of death row prisons do not meet the requirements, leading to overcrowding in some death camps. Currently, 60 of 69 detention centers nationwide have separate areas for death convicts with 700 cells (more than 1,200 detention spaces.)² and 11 facilities for executing death sentences by lethal injection. The government plans to build four more facilities in Da Nang, Khanh Hoa, Lao Cai, and Hau Giang.

According to Circular No. 39/2012/TT-BCA dated July 4, 2012, of the Ministry of Public Security, “the death row inmate cell must be built solidly (according to the uniform form of the Ministry of Public Security), ensuring enough light, with shackles.” This shackling provision goes against the UN Convention on the Treatment of Prisoners.

Since 2013, Vietnam has replaced firing squads with lethal injections using domestically-produced poison. Scientifically, there has never been any report on the effectiveness of Vietnam-made poisons for executions, which means that reduced suffering for the condemned is far from

¹ Tiếng Chuông. *Nhiều khó khăn trong thi hành án tử hình.*

<https://tiengchuong.chinhphu.vn/nhieu-kho-khan-trong-thi-hanh-an-tu-hinh-11335972.htm>

² Tiếng Chuông. *Ibid.*

guaranteed. In early 2022, the Vietnamese Government proposed to use robots to execute death sentences.³

So far, most death sentences were drug-related violations, murders, corruption, and bribery. People are concerned about multiple death sentences from a single court session that frequently happens. For example:

- On November 11, 2023, the People's Court of Ho Chi Minh City sentenced 18 defendants to death for illegally storing, transporting, and trading narcotics.⁴

- On June 5, 2023, the People's Court of Son La province issued ten death sentences for illegal trafficking and unlawful possession of narcotics.⁵

- On February 15, 2023, the People's Court of Nghe An province sentenced six defendants to death for allegedly illegally trading and transporting drugs.⁶

In those death sentence cases, the court did not distinguish who took the initiative to transport the narcotic substances. Many people sentenced to death were just accompanying other people, did not directly receive drugs, and did not know who to deliver them to when they were arrested. In reality, many trials only sentenced drug transporters but not the buyers and sellers. Those transporters are poor minority ethnic people in remote areas. They are victims of poverty rather than criminals.

3. FLAWS IN CRIMINAL PROCEEDINGS LEADING TO UNJUST DEATH SENTENCES

In recent years, among the unfair cases were the high-profile death sentences of Hồ Duy Hải, Nguyễn Văn Chương, Lê Văn Mạnh, Đặng Văn Hiến, and two land petitioners of Đồng Tâm Commune, Lê Đình Công and Lê Đình Chúc. Lawyers and even government officials considered those cases did not have sufficient evidence and involved reliance on forced confessions under police torture, subsequently contradicted by retractions.

On September 22, 2023, the Vietnamese government executed Mr. Le Van Manh by lethal injection despite his and his family's claim of innocence.⁷ A day earlier, the Delegation of the European Union to Vietnam and the diplomatic agencies of Canada, Norway, and the UK had called Vietnamese authorities to halt executing him.⁸

³ HDLLTU. *Đổi mới, nâng cao hiệu quả công tác thi hành án hình sự, đáp ứng yêu cầu xây dựng, hoàn thiện nhà nước pháp quyền XHCN Việt Nam.* <http://hdll.vn/vi/nghien-cuu---trao-doi/doi-moi-nang-cao-hieu-qua-cong-tac-thi-hanh-an-hinh-su-dap-ung-yeu-cau-xay-dung-hoan-thien-nha-nuoc-phap-quyen-xhcn-viet-nam.html>

⁴ Nhân Dân. *Tuyên tử hình 18 bị cáo về tội mua bán, vận chuyển, tàng trữ ma túy.* <https://nhandan.vn/tuyen-tu-hinh-18-bi-cau-ve-toi-mua-ban-van-chuyen-tang-tru-ma-tuy-post782131.html>

⁵ Vietnam Plus. *Son La: 10 án tử hình trong vụ án mua bán trái phép hơn 21kg ma túy.* <https://www.vietnamplus.vn/son-la-10-an-tu-hinh-trong-vu-an-mua-ban-trai-phep-hon-21kg-ma-tuy/866545.vnp>

⁶ Pháp luật. *6 bị cáo lĩnh án tử hình trong vụ buôn bán ma túy từ Nghệ An vào TP HCM.* <https://tvphapluat.vn/video/6-bi-cau-linh-an-tu-hinh-trong-vu-buon-ban-ma-tuy-tu-nghe-an-vao-tp-hcm-67328/>

⁷ BBC. *VN: Tử tù Lê Văn Mạnh đã bị thi hành án, bắt chấp gia đình kêu oan gần 20 năm.* <https://www.bbc.com/vietnamese/articles/c6p6pppq15yo>

⁸ Delegation of the European Union to Vietnam. *Joint Local Statement on the forthcoming death penalty case of Mr Le Van Manh in Vietnam.* https://www.eeas.europa.eu/joint-local-statement-mr-le-van-manh_en

One limited but noteworthy progress is that during 2022-2023, the Presidents of Vietnam, Nguyen Xuan Phuc and Vo Van Thuong, commuted the death penalty to life imprisonment for 38 prisoners in several batches, including eight foreign nationals.

4. RECOMMENDATIONS

It is recommended that the Government of Vietnam

- To minimize the number of offenses that can be subject to the death penalty;
- To improve the detention conditions of death convicts in prison camps across the country and accept the visit of the UN Special Rapporteur on Torture;
- To impose at once a moratorium on the death penalty with a view to its definitive abolition;
- To publish information on the death penalty.