



Terraced rice fields in Vietnam. Photo: CSW

VIETNAM

HOA HAO BUDDHIST DEATH IN POLICE CUSTODY CASE SUMMARY

Hoa Hao Buddhist Nguyen Huu Tan died in police custody within ten hours of being taken into custody at a police detention facility in Vinh Long Province on 3 May 2017.

The authorities claim that Mr Tan committed suicide by cutting his own throat with a letter opener. However, his injuries suggest that he was tortured in police custody, and other explanations and materials provided by the police as evidence of suicide are inconsistent and contradictory. Family members who have requested an investigation into his death have been harassed and threatened with arrest.

Mr Tan was detained under Article 88 of Vietnam's Penal Code, an article with broad and undefined prohibitions against conducting anti-state propaganda, which is often levelled at petitioners and activists. His family have been the subject of ongoing harassment and surveillance in connection with their affiliation with an independent Hoa Hao Buddhist religious group. Mr Tan's father had previously petitioned the government for the return of temple land confiscated and sold by the authorities.

BACKGROUND

Nguyen Huu Tan was a Hoa Hao Buddhist, and the son of Buddhist monk Nguyen Huu Quang. Although Hoa Hao Buddhism is recognised by the Vietnamese government, many Hoa Hao Buddhists refuse to belong to the state-sponsored Hoa Hao Administrative Council, which was established by the Vietnam Fatherland Front, a body under the leadership of the Communist Party of Vietnam. CSW's research suggests that independent Hoa Hao Buddhist groups and their members suffer ongoing harassment by the authorities, including confiscation of land used for religious worship, intrusive surveillance and disruption of religious activities.

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Mr Tan's family are active followers of the Buddhist religion. His father signed a petition for the return of temple land confiscated by the authorities. His mother is active in charity work, which has been closely monitored by the authorities. Family members report being followed by police and charged with false traffic violations, and friends have been prevented from coming to the house. The family believes that they are targeted due to their religious beliefs and their boycott of the government-created administrative council.

CIRCUMSTANCES OF DEATH

On the morning of 2 May 2017, Mr Nguyen Huu Tan was arbitrarily arrested by police in Vinh Long province. The same evening, approximately 200 plainclothes and uniformed police and security agents escorted him home, surrounded the house, and blocked off the surrounding roads. They had a search warrant and conducted a search of the house that lasted several hours. Mr Tan was accused of disseminating anti-state material under Article 88 of the Penal Code. Police officers did not appear to find any evidence against Mr Tan. Nevertheless, they read a notice of arrest and Mr Tan was taken away and detained at the temporary detention centre of Vinh Long provincial police department in the early hours of 3 May.

Within ten hours, the authorities reported to Mr Tan's family that he had committed suicide. During the intervening hours, no friends or relatives were allowed to see him.

The explanation provided by the police contained a number of inconsistencies:

- The police claim that Mr Tan used only a small letter opener to cut his own throat; however, the cut was very long, almost from ear to ear, and approximately 5cm wide. His windpipe was severed, and bones in his neck were exposed,
- The forehead was bruised and the skull around the forehead and the side of his head was soft. Mr Tan was lying on his back when his father was brought into the room, suggesting that he fell backwards rather than forwards, which is inconsistent with the police's explanation that the forehead was bruised by falling,
- There was no blood on his hands, despite the police explanation that he cut his own throat,
- The police showed Mr Quang a video, without sound, which showed a man in prison uniform cutting his throat with a knife held in his left hand. However, the footage was blurry and Mr Quang was unable to see the man's face clearly enough to identify him. In addition, Mr Tan was right handed, unlike the man in the video. Mr Quang was later shown a second, longer video which showed a man cutting his throat in a different way.
- The Hoa Hoa Buddhist religion encourages followers to lead a peaceful, simple life; and suicides are highly uncommon. Mr Tan was a seller of vegetarian food, a father, and a committed religious follower. It is believed he was in good physical and mental health when he was detained. His family know of no reason he would have to commit suicide.

EVENTS FOLLOWING THE INCIDENT

Following Mr Tan's death, the police put pressure on his father, Mr Quang, to allow the police to undertake their own autopsy. However, Mr Quang refused, having serious concerns about the actual cause of death, and instead asked to take his son's body home. The police did not release the body for several hours. During that time, they cleaned the body and sewed up the cut on his throat. The coffin was screwed shut. The police brought the coffin to the family's house, which was surrounded by police. When the family attempted to take photographs of the body, police destroyed and confiscated their phones.

The police have threatened to arrest and prosecute all adult members of the family for anti-state activities. State security agents have installed cameras around the house to monitor the family's movements and activities. Neighbours and members of the local community are reportedly too afraid to make contact with the family. As a result, they have not been able to find medical practitioners to provide care and treatment for Mr Tan's mother, who is suffering from shock and has become too weak to sit or stand.

RECOMMENDATIONS

To the Vietnamese government:

- Allow a full and impartial investigation into the death of Nguyen Huu Tan, including an examination by an independent medical professional,
- Hold to account any state or non-state agents found to have directly or indirectly caused Mr Tan's death,
- Cease immediately all forms of surveillance, harassment and intimidation against the surviving family members,
- Lift all restrictions on their access to medical care and on their rights to freedom of religion or belief, freedom of movement, freedom of expression and freedom of association.