

COERCED ON CAMERA

Televised confessions in Vietnam



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introduction	4
vietnam's human rights record	6
the broadcasts	8
confessions in numbers	10
forced confessions, media and the law	11
criminal law and the right to counsel, fair trial, and protection against torture and self-incrimination	11
law on media, right to privacy and journalists' obligations	12
media channels	13
international law and basic legal protections	13
international judicial standards	14
protection against torture	14
<i>a look at wikileaks and the 2007 confessions</i>	16
the visuals	17
vietnam's tv confessions	17
comparison with china	17
<i>the dong tam confessions</i>	19
what's in the confessions?	23
why do people agree to confess?	26
the manuscripts	27
costumes and makeup	28
shooting the videos	28
consequences for the victims	30
why they broadcast confessions	30
<i>william nguyen</i>	33
conclusions	36
appendix i: methodology	37
appendix ii: confessions	38

introduction

On a summer's day in 2017 in broad daylight, a Vietnamese middle-aged man was kidnapped in a Berlin park by armed men and pushed into a dark car.¹ Days later, he appeared on Vietnam's national state broadcaster confessing to wrongdoings and claiming he had returned voluntarily to hand himself in. The man was Trinh Xuan Thanh, a former executive of a state-owned oil enterprise who had applied for asylum in Germany but was wanted on corruption charges in his native country.

Just a year later, Vietnam hit world headlines again with images of an American graduate student, William Nguyen, being dragged through the street by police as he took part in a protest against a proposed law on special economic zones in Ho Chi Minh City. A week or so later, he too appeared on TV to apologise and confess.²

These shocking events seemed to suggest that Vietnam, long overshadowed by bigger, wealthier and more assertive China, had been learning some of its neighbour's tricks.

The Socialist Republic of Vietnam is a one-party state that has an appalling human rights record³, especially concerning the treatment of prisoners, suspects, and the rule of law, despite being a state party to the International Covenant on Political & Civil Rights and UN Convention Against Torture and domestic laws prohibiting forced confessions. Vietnam is also known to broadcast forced confessions on television, but until recently they have been fairly low key and so have received little media attention.

Following the publication of Safeguard Defenders' *Scripted and Staged: Behind the Scenes of China's Forced Televised Confessions* in 2018, the first in-depth study of China's practice of airing forced confessions of detainees before trial on national television, we turned our attention to Vietnam. The purpose of this study was to document the scope of Vietnam's forced televised confessions, what kind of confessions were aired and how did they compare to those made in China.

Despite its relatively small sample size, this report has documented a variety of suspects who had their confessions broadcast on television or online in Vietnam from human rights defenders including lawyers, activists, citizen journalists, villagers protecting their land and a community pastor from an ethnic minority to cases that involve a former party official accused of corruption and a farmer

caught on camera committing brutal multiple murders of family members.

While the clips are in general less sophisticated in content and in production value than China's, the subjects' confessions bear many similarities. They apologise, plead for mercy, warn others against copying their "mistakes" and confess to committing anti-Vietnam crimes. Two even thank the state for showing them the error of their ways. However, unlike those in China, many of the human rights defenders give detailed explanations of the kinds of activities they were engaged in, including the names of pro-democracy groups and efforts to defend rights on the ground. Later confessions appear to indicate that Vietnam is learning some of China's techniques, with its use of a forced confession to refute criticism from Germany that it had kidnapped Trinh Xuan Thanh and William Nguyen's broadcast, the first time it had aired a foreigner's forced confession on

Interviews with three victims show that as in China, Vietnamese police conceal the fact that footage will be aired on television

television. Something that Scripted and Staged proposed was, in China's case, a way to manipulate confessions as a foreign policy tool. Just before this report was being finalised in early January 2020, another confession video appeared on state broadcaster VTV showing four suspects confessing in a now notorious case about a standoff between villagers and police over appropriated land on Dong Tam Commune, just south of Hanoi⁴. This broadcast was unusual in that it featured multiple confessors and included statements that implicated others in the "crime;" the first in this study to do so.

Interviews with three victims show that as in China, Vietnamese police conceal the fact that footage will be aired on television. While none of the interviewees said they had been tortured or threatened, they said that they accepted being filmed because they were led to believe they would be treated more leniently. Secondary sources indicate that sometimes violence is used

to extract filmed confessions. All subjects were filmed before they had been found guilty in a court of law.

In airing detainees' forced confessions, police and media are breaking Vietnam's own Criminal Code. And evidence that it may be following China's lead by using forced TV confessions as a foreign policy tool is a worrying development. The purpose of Coerced on Camera: Televised Confessions in Vietnam is to bring much needed attention to this trend and to call on Hanoi to immediately stop this illegal and rights abusing practice.

vietnam's human rights record

The most recent reports on Vietnam by major rights organizations describe its human rights environment as deteriorating. Human rights defenders are harassed, detained and imprisoned; freedoms of expression and association are strictly curtailed; there is no independent media; any voice that is deemed critical is silenced; and state-sanctioned violence is employed at will.

As the country has evolved into an “ally” of the West, with promises of economic opportunity and its potential role as a partner against a rising China and its ambitions in the South China Sea, governments have been much less likely to speak out about Vietnam’s human rights abuses, allowing Hanoi free rein to crack down on dissidents⁵. Meanwhile Beijing’s increasingly repressive measures against its own people are serving as an attractive model for Vietnam’s one Party state to emulate.

After the US withdrew from a multinational trade pact, the Trans-Pacific Partnership in 2017, a body that would have focused attention on Vietnam’s human rights performance in order for it to remain a member, Hanoi “engaged in a renewed crackdown against rights activism, arresting dozens of bloggers and activists and sentencing many to long prison terms.”⁶

In 2017, the National Assembly revised the penal code to widen the scope for committing national security crimes, and to punish lawyers if they do not report their clients to the authorities.⁷ These revisions were then used to crack down on activists, including several featured in this report such as citizen journalist Nguyen Van Hoa and activist blogger Nguyen Ngoc Nhu Quynh (more commonly known as Mother Mushroom).

In addition to national security laws, human rights defenders are routinely charged with one of several “typical” crimes including: “carrying out activities that aim to overthrow the people’s administration”; “undermining national great unity”; “conducting propaganda against the state”; “abusing the rights to democracy and freedom to infringe upon the interests of the state”; “fleeing abroad with a view to oppose the people’s administration”; and “causing public disorder”.⁸

Police wield much independence in detaining and conducting investigations and interrogations. They operate “with little legal restraint or transparency,

and no public oversight” and sometimes act “with impunity”.⁹

Arbitrary detention is widely practiced in Vietnam. Pre-trial detention can be for up to two years, and if national security arguments are invoked, bail is denied and detention can be 28 months (extendable). Essentially, national security crimes allow detention without trial until the “investigation finishes”.¹⁰ In some cases, detention is similar to China’s custodial system called Residential Surveillance at a Designated Location. The victim is kept incommunicado, subjected to solitary confinement with no lawyer or family visits allowed.¹¹

By law, police must allow all detainees access to a lawyer, but often “bureaucratic delays” are used to block access for weeks and months; sometimes an inmate may not be able to consult legal counsel until “immediately before the case” goes to trial.”¹² It is certainly very unlikely any of the subjects in this study had access to a lawyer to discuss making a recorded confession.

Enforced disappearances are also common, with police routinely denying that they have detained the victim during the early stages. This can last several weeks and even up to a year. Under such conditions, torture and coerced confessions are widely reported and occur with impunity.¹³

Systematic torture has been reported at all stages of detention, with the most intense period pre-trial detention. Research indicates the main purpose is for extracting confessions.¹⁴

A wide variety of torture methods has been recorded including: beatings, water submersion/near drowning, electric batons, forced medication through injection and pills, light deprivation, sleep deprivation, sexual humiliation, burning, suspension by hands, shackled for extended periods, and other stress positions. In some cases, the torture is so extreme, it results in death.¹⁵

Other extra-judicial systems for disappearing victims include forced labour camps, where victims can be held for up to two years (but also renewable) called *Cơ Sở Giáo Dục* or CSGD). Similar to the former system of Re-education Through Labour in China, inmates are sent here without being tried in a court. Some human rights defenders are also consigned (without trial) to psychiatric hospitals. After release, some victims are kept under a form of “administrative

detention” for several years that is essentially house arrest or extreme limitation of movement, resembling China’s Non-Release Release.¹⁶

Hanoi enacted several laws to prohibit the use of forced confessions in 2015 (please see page 11) but human rights NGOs conclude that the practice is still widespread. Coerced confessions in Vietnam are well documented¹⁷. Along with torture, violence, threats of murder or torture of family members are common tactics used to coerce confessions. Extreme violence has also been reported, with several saying they had been beaten severely to extract confessions, sometimes for crimes they said they had not committed.¹⁸

Campaign to Abolish Torture in Vietnam reported that: “While they are detained incommunicado, prisoners of conscience can be subjected to intense physical and psychological torture and abuse in order to extract information and coerced confessions from them.”¹⁹

Arbitrary detention is widely practiced in Vietnam. Pre-trial detention can be for up to two years, and if national security arguments are invoked, bail is denied and detention can be 28 months (extendable).

Violence is seen throughout the system. The US Department of State 2018 report on Vietnam wrote: “Activists reported Ministry of Public Security officials assaulted political prisoners to extract confessions or used other means to induce written confessions, including instructing fellow prisoners to assault them or making promises of better treatment.”²⁰

Ethnic Montagnards, who number among the subjects of forced confession in this study, “face surveillance, intimidation, arbitrary arrest, and mistreatment by security forces,” according to a 2018 Human Rights Watch report on Vietnam. It added that several Montagnard Christians were made to “publicly denounce their faith.”²¹



Screenshots from the 16 confessors in this study. (From top left, left to right). Nguyen Van Hoa, Le Thi Cong Nhan, William Nguyen, Le Dinh Doanh, Y Joi Bkrong, Nguyen Van Dong, Le Cong Dinh, Trinh Xuan Thanh, Tran Anh Kim, Tran Thi Xuan, Nguyen Van Dai, Le Dinh Quang, Nguyen Van Thanh, Le Dinh Cong, Nguyen Ngoc Nhu Quynh, aka "Mother Mushroom", and Bui Thi Noi.

Year	Name	M/F	Nat	Type	Set	Confession	Channel
2007	Nguyen Van Dai (Int)	M	Viet	HRD	JH	D	VTC
2007	Le Thi Cong Nhan	F	Viet	HRD	JH	D	VTC
2009	Le Cong Dinh (Int)	M	Viet	HRD	NE	C,D,R,M	Nhan Dan Online
2009	Tran Anh Kim	M	Viet	HRD	NE	C,AV,D,F,M	DLV
2017	Nguyen Van Hoa	M	Viet	HRD	NE	D,F,AV,R,C,M,W	Ha Tinh
2017	Mother Mushroom	F	Viet	HRD	NE	AV,C,DF,R	Inf Against Reac
2017	Trinh Xuan Thanh	M	Viet	N-HRD	NE	R,DN,C	VTV
2017	Y Joi Bkrong	M	Mont	HRD	NE	D,DF,W	An Ninh TV
2017	Tran Thi Xuan	F	Viet	HRD	JH	AV,D,C,R,M,W	Ha Tinh
2018	William Nguyen (Int)	M	US	HRD	NE	C,AV,R	Ho Chi Minh TV9
2019	Nguyen Van Dong	M	Viet	N-HRD	JH	D	YouTube
2019	Nguyen Van Thanh	M	Viet	HRD	JH	D,R,M,C	Quan Binh News
2020	Bui Thi Noi	F	Viet	HRD	NE	S,C,D	VTV
2020	Le Dinh Cong	M	Viet	HRD	JH	D,C,S	VTV
2020	Lê Đình Quang	M	Viet	HRD	NE	S,D,AV	VTV
2020	Lê Đình Doanh	M	Viet	HRD	JH	S,D	VTV

LEGEND

(Int) after name indicates the individual was interviewed.

M/F

Male/Female

Nat. (Nationality)

Viet - Vietnamese

Mont – Montagnard

US - United States

Type

HRD - Human rights defender. N-HRD - Non-human rights defender

Set. (Setting)

JH - Jailhouse (wearing prison clothes, or shown next to police officers)

NE - Neutral (wearing civilian clothes, no police officers in shot)

Confession

D - description of activities

C - admission of guilt, self criticism

R - expressions of regret and/or apology

M - request for mercy or lenient treatment

AV - admission that actions were anti-state or anti-Vietnam

F - admission of collusion with foreign forces

DF - statements defending the state or gratitude to state and its agencies

DN - statements that refute accusations from NGOs, governments

S - smear/incriminate others

W - Warning to others not to make the same mistakes-

confessions in numbers

Of the 21 confessions found or reported since 2007, videos for 16 were identified.

Of those 16:

There are 12 men and 4 women.

There are 14 human rights defenders, which this report defines as any individual who is engaged in defending rights, whether by practicing law, engaging in activism, taking part in protests, writing blogs, or attempting to block the appropriation of land and is either arrested or is suspected of being arrested because of these actions. In this study this includes lawyers, activists, bloggers, villagers protecting their farmland and a protestant pastor.

Of the two non-rights defenders, one is a former state oil executive (accused of corruption), the other is a farmer (accused of multiple murders)

Only one is a foreigner (American of Vietnamese descent).

One is from the Montagnard ethnic group.

Most of the HRDs are accused of crimes under Article 88²² (conducting propaganda against the socialist state) or Article 79²³ (activities aimed at overthrowing the people's administration, equivalent to state subversion).

Five confessions, the highest in the study for any single year, were aired in 2017, two of which were high profile, activist blogger Mother Mushroom, whose arrest sparked international criticism and former oil executive Trinh Xuan Thanh whose case also made headlines after he was kidnapped from Germany by Vietnamese state agents.

Because of limitations with the data collection (please see Appendix I: Methodology) these 21 confessions are not a complete list of the televised confessions in Vietnam. For a list of the 16 confessions with URLs, please see Appendix II.

forced confessions, media and the law

Criminal law and the right to counsel, fair trial, and protection against torture and self-incrimination

A number of domestic laws frame the broadcasting of forced confessions of detainees as a criminal offence in Vietnam. The following refers to the Criminal Code (CC) and Criminal Procedure Code (CPC), which both entered into effect 1 January 2018, following revisions made in 2015.

Articles 10 of the CPC and 374 of the CC covers "obtainment of testimony by duress."²⁴

"Any person who, in the course of proceedings, employs illegal methods to force an interrogated person to provide information about the case shall face a penalty of six to 36 months' imprisonment."

The penalty increases to up to seven years if a number of other conditions are met including committing the crime more than once, the use of torture to extract a confession, the use of "deceitful methods" to extract the confession; and up to 20 years if the confession results in the "wrongful conviction of an innocent person."

Vietnam, as a Party to The Convention Against Torture, is legally bound to incorporate maltreatment (Article 16) within its definition of torture. Article 373 of the CC, inflicts heavy penalties on the use of torture, especially if used during the investigation phase of a criminal proceeding.

However, with no independent prosecutor's office in Vietnam, the onus remains on the victim to provide evidence of the torture for any action to be initiated. Any efforts in this regard are further hampered by limited protections for victims to access legal counsel, thus rendering the Articles 10 (CPC) and 374 (CC) on the "obtainment of testimony by duress" all but impotent.

The CPC²⁵ also contains several protections for detainees that would be violated once their forced confessions are televised. Article 13 concerns presumption of innocence.

An "accused person is deemed innocent until his guilt is evidenced according to the procedures and formalities as defined in this Law and a Court passes a valid conviction."

Article 60(d) of the CPC covers the right to remain silent. Suspects are:

"entitled to... give statements and opinions and bear no obligation to testify against themselves or admit to guilt."

The same right exists for those held in emergency custody (Article 58) as well as those classified as temporary detainees (Article 59) and for defendants awaiting trial (Article 61:2h).

Again, without an independent supervisory body over police conduct during the investigation phase, the provisions are toothless.

Furthermore, Article 11 of the CPC also protects against an individual's honour and dignity. A person's dignity is arguably violated if they are forced to confess in public before their trial.

"The laws penalize all unlawful violations of a person's life, health, honour, dignity and belongings and a juridical person's fame, reputation and property."

Article 15 the CPC places restrictions on investigators to only use "legitimate measures" to determine facts. This would clearly out rule the use of forced public confessions, especially if given while held incommunicado and without access to legal counsel.

Access to legal counsel is also particularly pertinent in the case of detainees forced to give televised confessions. The right to legal counsel, as outlined in CPC Article 73:1a states: that defence counsel have the right to "meet and inquire about persons facing charges", while Article 73:1b adds that they may be present during the extraction of statements from arrestees and temporary detainees, and during the interrogation of suspects, questioning of arrests. This is further specified in article 83:3c. Article 73:1d adds that defence counsels should be notified of timing and location of interrogations.

Detainees, including those temporarily detained, should be allowed to engage legal counsel as soon as they "appear in an office of investigation or a unit is assigned to carry out the investigation" (Article 74). However, the same Article provides an exception in cases that involve national security. The head of the prosecutor's office must sanction the legal counsel's participation, giving them the ability to block access to legal counsel.

As forced televised confessions are often scripted and therefore are falsified evidence they should

fall under Article 375 of the CC that requires a heavy penalty for the falsification of any evidence, especially if it leads to a wrongful sentence. Likewise, Article 382 of the CC prohibits forcing the defendant, or anyone else related to a criminal proceeding to give untruthful testimony or evidence.

Any statements extracted from the defendant during the investigation phase, including audio or visual recordings, are admissible in court as evidence (CPC Articles 308 (2a, 2b, and 2c) and 313). If the defendant then makes any statement that contradicts a confession broadcast that they were forced to make, that could then be used as evidence to inflict further criminal charges (CPC Article 466) if the court decides the defendant made a false statement.

Law on media, right to privacy and journalists' obligations

Unlike China, Vietnam's forced confessions do not appear to involve much media participation, most appear to be raw footage from interrogations, or

responsibilities: to "provide truthful information about domestic and world affairs" and to "propagandize and disseminate, and contribute to the formulation and protection of, the line and policies of the Party, policies and laws of the State" (PL, Articles 4.2a and 4.2b). The work of the media comes under management of the State, which falls under the responsibility of the Ministry of Information and Communications (PL, Articles 7.1 and 7.2) with the (state-controlled) Vietnam Journalists Association to work with the state in overseeing the media (PL, Article 8). Any violation of the PL can be penalised through cautions, fines, withdrawal of publication/licensing rights, or revocation of press activity permit (PL, Article 59) and expanded on in the Decree, as well as expanded upon in more detail under article 8, paragraphs 2d, 3e and 3g in the Decree on Providing for Administrative Penalties for violations arising in the realm of journalism and Publishing (2013))²⁸.

Article 9 of the PL lists a number of behaviours that count as violations. The most relevant of these is Article 9.8: "Providing information that is

COERCED ON CAMERA

Televised confessions in Vietnam

staged interrogation videos made by the police and provided to the media channels. However, a small number appeared to have been made with the help of the media—with journalists present, for example, or post production work that was likely made with media participation.

However, since these were broadcast by media as regular news packages and only giving the police side of view, it is worthwhile assessing the role of the media in broadcasting these forced confessions through the lens of Vietnam's Press Law²⁶ (PL) and Decree 51/2002/ND-CP²⁷ that stipulates how the PL is to be implemented. The latest revised version of the PL came into effect at the beginning of 2017. Articles 3.5 and 3.6 of the PL list "Visual Press" and "Online Press", within their mandate, referring to media that encompasses both TV broadcasts and video posted online.

The press is tasked with two competing

untruthful, distorted, slanderous or harmful to the reputation of an organization or agency, or to the honour and dignity of an individual; attributing a crime to a person in the absence of a court judgment." Clearly, this final part is routinely violated with the broadcast and dissemination of confessions in this study.

Article 5.3 of Decree 51/2002/ND-CP also states that media shall not publish photos "slandering prestige or honour of such individuals, except [photos] from open trials, sentencing, or public activities, open meetings etc."

Journalists are also protected against taking part in the production of unlawful journalist works (Article 25:2e). Works that violate any of the acts listed under Article 9 should clearly qualify as unlawful journalist works, which provide legal impunity for those journalists that refuse to engage in such work.

While agencies may refuse to release information

to the press regarding cases which are under investigation and pending trial (PL, Article 38:2b), they are not banned from doing so, however, the State may choose to do so if the information may be useful for investigations and crime prevention. Article 38:3 goes on to say that for cases pending investigation, prosecution or trial, the press may publish such information based on their own documentary sources, but that such publication must be within the law.

International law and basic legal protections

The practice in Vietnam concerning the broadcasting of confessions before trial violates the right to a fair trial enshrined in The Universal Declaration of Human Rights (UDHR), which holds in Article 11 that “everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.”²⁹ The right to a fair trial is part of customary international law and binding upon Vietnam.

Article 14 of the International Covenant on Civil and Political Rights (ICCPR) of 1976, ratified by

Vietnam in 1982 and thus legally binding, protects the right to a fair trial and explicitly mentions some of its crucial underlying rights:

“1. All people shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.

(...)

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.”

In addition to the presumption of innocence, Article 14 of the ICCPR emphasizes that no one shall be “compelled to testify against himself or to confess guilt”, thus protecting against self-incrimination.³⁰

The UN Commission on Human Rights Resolution 2003/39 on the integrity of the judicial system also “stresses the importance that everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law

media channels

The televised confessions in this study were aired on a variety of channels that ranged from terrestrial, online and even third-party video hosting sites.

The largest channel is state-run Vietnam Television (VTV). Its 24-hour news and current affairs free-to-air channel, VTV1, with tens of millions of viewers broadcast two of the highest profile confessions in this study: Trinh Xuan Thanh, the former oil executive accused of corruption who had been kidnapped from Germany and the four confessions in the Dong Tam Incident, where three policemen were killed.

VTV runs the only national TV network. Its status in the country is the most important TV channel for news. Airing the confession on VTV indicates the case’s importance to the government.

Another state-owned channel, Vietnam Multimedia Corporation (Vietnam Television Corporation or VTC) broadcast the two early confessions (2007) in this study. Provincial TV stations HTV9, Quang Binh News and Ha Tinh Dien Tu are managed by the local authorities in Ho Chi Minh City, Quang Binh province and Ha Tinh province, respectively, with millions of viewers. The confessions they aired corresponded to the location of the subjects’ detentions.

Smaller specialist channels, with far less viewers, aired the remainder. They are the Public Security Ministry-run An Ninh TV (Security Television), that aired the public confession of Y Joi Bkrong, the Montagnard pastor; Nhan Dan Online is the official online newspaper of the Communist Party of Vietnam (CPV); and two unofficial but pro-CPV media channels, *Dư Luận Viên* (DLV) and TV channel Information Against Reactionaries (*Thông tin chống phản động*) may only have a few thousand readers. DLV focuses on posting pro-government material and quashing dissenting points of view on social media. It publishes and produces videos, maintains a website, and receives state funding.

The confession of the accused murderer, Nguyen Van Dong, was uploaded to Youtube by an unknown user, but appeared to have been filmed by the police.

in a public trial at which he/she has had all the guarantees necessary for the defence.”

Broadcasts of forced confessions are not isolated violations of the fundamental rights of those who were forced to confess. The coercion, duress and other human rights violations associated with broadcasts taken as a whole, violate additional rights protected by the UDHR, the ICCPR, as well as a number of international instruments. The fact that victims of forced televised confessions are routinely denied access to a lawyer while in detention, further infringes on the right to a fair trial.

The right of the detained person “to be visited by and to consult and communicate, without delay or censorship and in full confidentiality, with his legal counsel may not be suspended or restricted,”³¹ except under limited circumstances. However, international standards hold that communication “with the outside world, and in particular his family or counsel, shall not be denied for more than a matter of days.”³²

International judicial standards

Because respect of many of the most basic freedoms and fundamental rights to which Vietnamese citizens are or should be entitled to, are not guaranteed in practice by the judicial system, it follows that forced televised confessions infringe on many International rules and guidelines established by various legal instruments (UN resolutions, charters, declarations, etc.)

For example, in its Article 2, The Universal Charter of the Judge adopted on November 17, 1999 by the member associations of the International Association of Judges “as general minimal norms” that must be respected by all Judiciary systems, holds that:

“...judicial independence must be ensured by law creating and protecting judicial office that is genuinely and effectively independent from other state powers. The judge, as holder of judicial office, must be able to exercise judicial powers free from social, economic and political pressure, and independently from other judges and the administration of the judiciary.”

The broadcast of forced confessions, which are attempts to present the detainees as guilty of crimes (often determined for the purpose of the broadcast), constitutes such social and political pressure. Article 4 of the same declaration also forbids anyone to “give or attempt to give the judge orders or instructions of any kind, that may influence the judicial decisions of the

judge, except, where applicable, the opinion in a particular case given on appeal by the higher courts.” Again, forced televised confessions could not be interpreted otherwise than as an instruction from the Public Security or State Security to reach a verdict already determined by the broadcast of the forced confessions. This is also echoed in the Bangalore Principles of Judicial Conduct.

The General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985, in which the Assembly endorsed the Basic Principles on “the Independence of the Judiciary”, the recommendations adopted by the Ninth United Nations Congress on “the Prevention of Crime and the Treatment of Offenders”, held in Cairo from 29 April to 8 May 1995 on “the independence and impartiality of the judiciary and the proper functioning of prosecutorial and legal services in the field of criminal justice”, contain

The United Nations Human Rights Committee (UNHRC) holds that the right to a fair trial “is a key element of human rights protection and serves as a procedural means to safeguard the rule of law.”

just some of the principles that Vietnamese authorities infringe upon when perpetrating forced televised confessions, and in some cases, when judging those who have already been paraded on television.

Protection against torture

A criminal justice system reliant on confessions raises the risk of torture, with victims of enforced disappearance and secret detention especially at risk. Torture is so repugnant a violation of human rights, there are no circumstances that excuse the practice and under specific conditions it may rise to the level of a crime against humanity. Televised confessions are strongly linked to extreme physical or emotional coercion, in which case they qualify as being obtained through torture, despite Vietnam ratifying the Convention Against Torture in 2015.

Article 15 of the Convention on Torture requires states 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, except against a person accused

of torture as evidence that the statement was made.”³³ In other words, under no circumstances, through legal proceedings or media broadcast, are statements, such as forced confessions, to be used for any purpose, other than as evidence in a trial against the perpetrator of torture.

The Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment has stated that acts constituting torture include beating, suffocation, exposure to intense loud noises and bright lights, and “prolonged denial of rest, sleep, food, sufficient hygiene, or medical assistance, and prolonged isolation and sensory deprivation.” Additionally, the Special Rapporteur found in 2011 that, even if disciplinary solitary confinement is not torture (article 1), it still violates article 16, which addresses and condemns³⁴ harmful practices that fall short of its definition of torture (meaning it constitutes maltreatment, but not torture). This determination has been echoed in recent years by the U.N. General Assembly, which in 2015 adopted a revised version of the Standard Minimum Rules for the Treatment of Prisoners (the “Mandela Rules”). The Mandela Rules tightened the U.N.’s restrictions on solitary confinement and recommended that solitary confinement “be used only in exceptional cases as a last resort, for as short a time as possible.”³⁵

The Special Rapporteur on Torture explicitly found pre-trial solitary confinement during the investigative phase to be torture under article 1 of the CAT when used to obtain information or a confession³⁶.

The United Nations Human Rights Committee (UNHRC) holds that the right to a fair trial “is a key element of human rights protection and serves as a procedural means to safeguard the rule of law.” Forced confessions, therefore, are not only a violation of this fundamental human rights protection, but also a direct assault on the rule of law itself.

a look at Wikileaks and the 2007 confessions

The first two confessions in this study (Nguyen Van Dai and Le Thi Cong Nhan, 2007) were the subject of a telegram from the US embassy in Hanoi to the Secretary of State headlined "government propaganda against jailed dissidents increasing" that was made public by Wikileaks several years ago.³⁷ Since most of the clips in this study relied on incomplete footage posted to third-party video hosting websites, this was a valuable resource for an overview of the complete news package.

The key takeaways from this leaked cable were:

The confessions were aired on "lengthy television stories".

The pieces were responding to criticism from the US on Vietnam's human rights situation, with anchors asserting that Vietnam respects human rights and any detainee is processed according to the law.

Dai was filmed crying and admitting to taking money from foreign based anti-Vietnam government organizations (this could not be seen in the clip we obtained. Dai denied he made this admission in an interview made for this study).

Dai's package mentioned he received funding from the US, but did not link it to the US government.

The confessions are seen by the US embassy as attempts by the government to persuade people the crackdown against dissidents is needed for economic growth and stability. "By targeting the premier concern of ordinary Vietnamese -- stability and continued economic growth -- and by portraying those arrested as part of an international plot to destabilize the nation, the regime is scoring some points."

The author of the cable says that the reports are careful not to directly link the US government with the dissidents because of the desire of Vietnam's top leaders to avoid "demonizing" the United States due to a recognition of the serious damage that could do to a very important bilateral relationship."

A "resident" from Dai's neighbourhood is filmed saying Dai is a "reactionary."

The anchor describes Nhan as "defiant."

Both transcripts describe them as guilty although neither had been tried at the time of the broadcast.

Days after the broadcast, both were tried and found guilty and sentenced to five years (Dai) and four years (Nhan).

vietnam's tv confessions

The visuals

On the surface, Vietnam's televised confessions look crudely produced—often using what appears to be a handheld camera, resulting in shaky footage with poor quality sound. In several confessions, the subject talks at length without a break, for more than two minutes (Le Cong Dinh, Tran Anh Kim and Nguyen Van Hoa) in one long unedited or poorly edited shot. In 2017, this study identified found that more “sophisticated” confessions, for example Tran Thi Xuan's confession was “spliced” with stills from her activism.

In several confessions, the subject simply reads from a piece of paper and no attempt is made to hide that fact. For example, Le Cong Dinh is shown in shot clearly reading from a piece of paper. Mother Mushroom speaks in a stilted fashion that sounds like she is reading from a script held off camera, or eye movements track words, for example, Tran Thi Xuan. Close ups of confession letters are shown in three broadcasts (Le Cong Dinh, Trinh Xuan Thanh and Nguyen Van Thanh).

Most subjects are shown sitting at a desk in a police station. Only the first two confessions in 2007 have the subject wearing prison centre/detention centre clothing (green and white striped pyjamas). In later confessions, the subject is always shown in civilian clothing. Le Dinh Cong appears in two shots in two different outfits—first in a cream jacket, then later in a black shirt. Subjects are sometimes shown in shot with police officers (Tran Thi Xuan, Nguyen Van Thanh and the four Dong Tam suspects. Le Dinh Cong is shown handcuffed to a bench while Le Dinh Doanh is marched between two police officers.

Comparison with China

Vietnam's televised confessions are visually more basic compared with those aired in China except from those aired on the national broadcaster VTV (the 2020 Dong Tam confessions being of particular note).

The picture and sound quality, level of editing, and packaging is cruder. In China, the confessions are routinely edited into a package, sometimes with graphics and often with interviews from other detainees and commentators. Vietnam's are usually little more than clips from police interrogation video.

Vietnam's televised confessions are also much simpler; they do not show the main and supporting confessor structure found in China's. There, supporting confessors (other detainees) would be paraded on screen to denounce a target (the main confessor) who would then also be aired to criticise themselves. However, supporting witnesses are sometimes included in Vietnamese clips. The leaked US cable on the 2007 confessions mentions a “resident” who accused Nguyen Van Dai of being a reactionary, but we do not have the original clip to verify this. The 2020 Dong Tam confessions has both detainees incriminating others and state officials condemning the villagers.

Starting in 2017, the confession news packages appear to become more elaborate. For example, Tran Thi Xuan's confession (2017) was overlaid with stills from her activism work; in William Nguyen's confession (2018), he was shown carefully framed against a blue background and an attempt was made to make it seem natural and not a simple police questioning session, confirmed by his testimony (please see page 19). The relatively in-depth nature of the 2020 Dong Tam confessions -- a huge news story in Vietnam and also reported on globally—reflects the Party's eagerness to control the narrative and featured the first multiple confessor format that was so commonly seen in Chinese broadcasts.



the dong tam confessions

The Dong Tam confessions³⁸, broadcast on the evening of the 13 January Thoi Su daily current affairs program on national state broadcaster VTV1 represent a rich resource for this study because not only are they the most recent example of coerced televised confessions, they also represent one of the few intact confession broadcasts that we have sourced from the producers own website, rather a third party host.

Background³⁹

Villagers in Dong Tam Commune, just south of Hanoi, had been at odds with the authorities for several years over a parcel of about 50 hectares of farmland. The government had given the land over to the military to build an airport but villagers said they had been farming it for years and they were not being offered fair compensation.



The dispute came to a head in 2017, when villagers held 38 officials, including police officers, hostage for about a week. The crisis ended when the authorities said they would not punish the villagers and that they would reassess the land issue if the village would release the hostages.

However, in recent weeks builders had arrived to start construction on the airfield. In the early hours of 9 January 2020, a massive operation involving thousands of police officers descended on the village in a bid to quash opposition to the construction.

Witnesses said the Internet was cut off, and police attacked villagers with tear gas, grenades and plastic ball bearings. They reported officers indiscriminately beating women and the elderly.

Officers also stormed the house of village leader Le Dinh Kinh, an 84-year-old Party member and shot him dead. State media reported that villagers attacked the police with petrol bombs and knives with three officers killed in the clash. Dozens of people, including members of Kinh's family were arrested. Video of his wife, Du Thi Thanh emerged online in the ensuing days, claiming she was tortured and coerced into saying her husband was holding a grenade.⁴⁰

On 13 January, just four days after the attack, four villagers, including Kinh's son, grandson, adopted daughter and another male relative, appeared on state broadcaster VTV1 to confess to taking part in the violence. Their faces were bruised and cut. All four were accused of murder. These were the Dong Tam confessions.

The broadcast

The Dong Tam segment begins at 27 minutes into the 40-minute news program and lasts approximately 10 minutes, taking up a significant portion of the show. It can roughly be divided into three sections: paying respects to the dead police officers; building a case against the villagers and Le Dinh Kinh (who was shot by police and targeted as the ringleader despite his advanced age and ill health); and then finally, the four confessions.

Paying respects to the dead police officers

The segment opens with news of the funeral of the three police officers who had died in the Dong Tam raid. Their photos are shown, and the newsreader announces that they have been given various titles in honour of their sacrifice. The villagers are blamed. Footage is also shown of state officials, including a delegation from the Vietnam People's Army, visiting their weeping families.

Building a case against the villagers and Le Dinh Kinh

At the 30 minute mark the news turns to Dong Tam Commune. Old footage of some villagers and Le Dinh Kinh with a red cross across his head are shown onscreen saying they vow to use all means possible to protect their land including violence. Le Dinh Kinh is accused of being the ringleader of the attack on the police the morning of the 9 January



The four confessions

The first confessor on screen is Bui Thi Noi, an adopted daughter of Le Dinh Kinh. She is wearing a black puffy jacket, a blue shirt and her left eye is obviously bruised.

"Loan [another female villager] and several others left their bicycles [at the village gate]... People said that would help block vehicles so they [the police] could not take people away. We women were naive and we were wrong."

Following Noi, the vice chairman of the local People's Committee is interviewed and condemns the villagers for the attack. He is followed by shots of what is said to be weapons found in the villages, including sharp farm tools, firecrackers and homemade petrol bombs in beer bottles.

Le Dinh Kinh's son Le Dinh Cong is next to confess. He is wearing a white jacket, looks down throughout and has bloodied scratches and bruises on his face. His hair goes from brushed neatly away from his forehead, to a little dishevelled in front of his face between shots indicating that this section was not filmed continuously.

"In November 2019, I gave VND33 million to Nguyen Quoc Tien to buy grenades. Mai Thi Phan bought petrol. I and Noi [Bui Thi Noi] and Duc [Bui Thi Duc] made the petrol bombs... I filled bottles with petrol. I got more than four cases [equivalent to around 100 bottles]. I was responsible for directing people to make weapons to use against the police."

He is followed by Le Dinh Quang, a relative of Le Dinh Kinh. His face is also bruised and cut. He is wearing a blue shirt and it appears he is reading from something offscreen from his eye movements.

"Mr. Kinh directed everyone to do different tasks. Some bought petrol, some bought grenades and others bought knives. Mr. Cong was the leader of those who attacked the police when they came to Dong Tam Commune."

After his confession, the screen turns to shots of the disputed fields and then construction workers building a wall as the newsreader explains the land issue from the government's perspective. The local chief of police is then interviewed blaming the villagers for attacking the police that night.

Le Dinh Cong appears again sitting in an interrogation room with his left hand cuffed to a bench in front of two police officers taking notes. He is now wearing black clothes.

"We started by throwing stones and then petrol bombs. The police asked us to give up... but we didn't. We continued throwing stones and petrol bombs at them... after this we realize that what we did was totally wrong."

The final confessor, Le Dinh Kinh's grandson Le Dinh Doanh appears on screen. He is also dressed in a blue shirt and has cuts on his face.

"Mr. Chuc told me to start burning things;... Later I saw that Mr. Chuc had doused [something] in petrol three or five times ... there was screaming so I knew there were some cadres inside. I heard Mr. Chuc say "Die!"

He is then shown handcuffed, flanked by two officers, walking down a corridor lined with cells.

Le Dinh Quang then appears for a second time, also wearing different clothes: this time a white buttoned undershirt. Again, his roving eye movements suggest he is reading from a script.



"After reading accounts on Facebook by Le Dung Vova, Ho Cuong Quyet, Antoni Tuan and Tuan Da Nang, I understood they are anti-state and that they came to meet with Mr. Le Dinh Kinh to get documents [about the land dispute] so that they could write about them online. I saw what they had written and it was untrue."

The segment ends with a fifth detainee, dressed in a blue shirt, who is shown crying in an interrogation room. He does not speak.

Purpose

Since the Dong Tam incident involved the deaths of police officers and had previously involved villages who had taken officials hostage, the case is an extremely sensitive one for the Party and clearly it was at pains to urgently control the narrative. This explains why four coerced confessions were aired – an unusually high number – and the sensitive story was reported at length in an effort to persuade the public, many of whom may also have felt sympathetic towards the villagers. Land disputes are becoming increasingly common in Vietnam.⁴¹ The Party must have felt urgency to persuade the public that they were in the right.

The four confessions are quite different from the others in the study. They are all fairly short and to the point. None of the four confessors apologises or asks for mercy. They focus simply on describing their own violent acts and incriminating others including Le Dinh Kinh: a "group effort" to back up the official account. Two of the detainees appear twice in different clothes, indicating they were shot at different times and therefore also showing that an effort was made to select the "best" comments to incriminate the villagers. Leading with the "martyred" police and their grieving families set the tone of the news piece.

The Dong Tam confessions bear the strongest similarity to the forced televised confessions in China in this study. Interestingly China had a similar case in 2016, in Wukan village in the southern province of Guangdong. Wukan's village chief, Lin Zuluan, was detained after he called for protests over a land grab executed by the authorities. Days later, Mr Lin was forced to appear on television confessing to taking bribes but villagers went out on the streets to protest his filmed confession.⁴²



Screenshots from NTV Dong Tam confessions broadcast. Top row. Le Ding Quanh shown in first confession with blue shirt, second confession white undershirt. Middle row. Le Dinh Doanh and unknown detainee crying. Bottom row. Le Ding Conh in his first confession in white jacket, second confession cuffed to a bench and in black.

What's in the confessions?

Most of the confessions are rich in details about the alleged "crimes". Indeed, only three of the 16 didn't give details.

"On March 26, 2009, I went to Phuket to meet with Mr. Nguyen Sy Binh and Mr. Tran Huynh Duy Thuc to discuss the political and economic situations of Vietnam and the plan to establish two parties in Vietnam named Vietnam Labor Party and Vietnam Social Party to attract more participants."

-Le Cong Dinh

This is very different to China's televised confessions, where human rights defenders did not talk about their activism but rather **denounced a colleague and criticized themselves on moral grounds** (for example being promiscuous or motivated by money or fame) or said they had been influenced by anti-China forces.

After 2009, the confessions begin to contain more elements seen in Chinese confession broadcasts: expressions of **regret**, appeals for **mercy**, confessing to being **anti-state** and **warnings** to other not to repeat their mistakes.

As in China, confessing to **anti-state behaviour** was a common part of the script. It was contained in six of the 16 confessions, including American William Nguyen's broadcast.

"I joined the Democratic Party of Vietnam in order to overthrow the political institutions of the Socialist Republic of Vietnam and to eliminate government at all levels."

-Tran Anh Kim

"I joined the Brotherhood for Democracy (central region), a reactionary organization that strives to overthrow the people's government."

-Tran Thi Xuan

"I regret [doing so] and will not participate in activities against the Vietnamese government again."

-William Nguyen

Expressions of **regret** and appeals for mercy were also very common, as you would expect in a confession. They were found in eight of the

confessions (but, interestingly in none of the Dong Tam confessions).

"I offer a deep apology to all Vietnamese people as well as the Party, the state, and the government and authorities at all levels."

-Nguyen Van Hoa

"I hope the Law will consider my honest penitence and grant me mercy."

-Nguyen Van Thanh

Another feature that was found in both Chinese and Vietnamese confessions were statements **warning** others not to make the same mistakes they made. Three of the 16 confessions included a warning, in addition the Montagnard men who had run away to Cambodia and were then sent back, were reported to have included warnings to others not to do the same in their televised confessions. (Please see Appendix 1: Methodology to see list of extra confessors from secondary sources).

"I would also like to advise people, especially the youth, not to listen to reactionary organizations and violate the law."

-Tran Thi Xuan

However, only one confession, (Tran Anh Kim), mentions foreign forces. The blaming of overseas forces was a common element in the China confessions.

"I also provided information to foreign media so that those who were like me and those who agreed with me would condemn and defame the Socialist Republic of Vietnam."

-Tran Anh Kim

However, the leaked US embassy cable concerning the 2007 confessions mentioned that the extended news report accused the two detained lawyers of receiving funds from overseas, so it could be an element that is not obvious from the video clips in our data set.

Later confessions also show other similarities with those from China. After 2017, some subjects begin to include statements of gratitude to the Party or the authorities coded Defend or DF. One contains a statement which we coded Deny or DN, because it appears to directly refute criticisms from overseas.

le cong dinh

Le Cong Dinh, now in his 50s, is a high-profile human rights lawyer based in Ho Chi Minh City. He studied law in Vietnam and in the US.

He has represented well-known political dissidents and activists as well as advocated for democracy and spoken out on environmental issues. He was arrested in 2009 and sentenced to five years in prison on subversion charges. During his detention, he was forced to read a written confession to camera that was then broadcast on the web page of the Party newspaper Nhan Dan.

He was released in 2013 after serving only three of his five years, thanks to international pressure. Dinh continues to speak out against human rights abuses.

Dinh is shown in a white shirt reading from a piece of paper at a table, bare of anything except three plastic water bottles. A close-up of the letter is shown in the clip. Again the audio quality is remarkably poor. He reads for more than three and a half minutes, with the occasional flash indicating that the police were also taking photographs. He only looks up once he has finished. In his confession he says he violated Article 88 by attending an activist training camp, joining the Vietnam Democratic Party, and planning various activities including establishing political parties, setting up blogs and writing a book to help encourage social, economic and legal reforms. In his confession he admits to breaking the law, says that he regrets his actions and he hopes his case will be handled leniently.



Mother Mushroom and Y Joi Bkrong both thanked the Party for helping them see the error of their ways.

“Khanh Hoa⁴³ security investigation agency [police national security department] helped me to realise that the Vietnamese Patriotic Group was engaged in political conspiracy.”

-Mother Mushroom

“I thank the Party and the state for their attention to my case and for giving me amnesty. I hope the state will pay more attention to my case and help me to understand the difference between right and wrong.”

-Y Joi Bkrong

One of the Montagnard escapees also thanked the Vietnamese government.

“After the return to Vietnam, the Vietnamese government welcomed us back with two packages of rice and a gift. I was very happy, and thankful that Vietnamese government had shown concern for our family and gave chances for us to re-unite with the community,”

-Y-Duong Mlo

One of the most interesting developments was Trinh Xuan Thanh’s confession, whose case sparked headlines across the world after his abduction from Germany. Thanh says that he returned to Vietnam of his own accord in wording that is remarkably similar to Swedish publisher Gui Minhai (who had been similarly abducted by Chinese agents in Thailand and smuggled to China).⁴⁴ This can be seen as tentative evidence that Vietnam is learning from China how to use televised confessions as a tool of foreign policy and answer criticism from overseas.

[I] realized that I had to come back to face the truth... to return, admit my wrongdoings and make an apology. With the support of my family, I returned by myself to hand myself in to the [police].”

-Trinh Xuan Thanh

A common element of the Chinese confessions was statements, usually by “supporting confessors”, that incriminated, denounced or criticised others, often the main confessor. The

first confessions from Vietnam to include this kind of content were the 2020 Dong Tam confessions. In this study, we coded them S for smear. All four contained such statements.

“Mr. Kinh [village leader who was killed in the attack] was directing everyone... some bought petrol, some bought grenades, others bought knives. Mr. Cong was ready to lead the attack against the [police] when they arrived at Dong Tam Commune.”

-Le Dinh Quang

Mr. Chuc told me to start burning things;... Later I saw that Mr. Chuc had doused [something] in petrol three or five times ... there was screaming so I knew there were some cadres inside. I heard Mr. Chuc say “Die!”

-Le Dinh Doanh

Three of those who were forced to confess on camera in Vietnam kindly gave interviews for this study: Nguyen Van Dai, Le Cong Dinh and William Nguyen. Analysis of their testimony (as well as several from secondary sources, please see Appendix I: Methodology for more details) is given below.

Why do people agree to confess?

"I was not aware of such a video until I was released from jail nearly four years later."

-Le Cong Dinh

- Police conceal that the recording will be broadcast on TV
- Reasons given for the recording were to show superiors and possibility of leniency
- Two claim they confessed at gunpoint

All three confirmed the police did not tell them the broadcast would be shown on television. They only found out once they were freed.

William⁴⁵, who was detained much later than the other two and who had already seen forced confessions from Vietnam and China on TV had the benefit of knowing that it could also happen to him. He wrote that although the police did not tell him, he fully expected his footage to be aired on television. "I was very aware that whatever they recorded me saying could and would be broadcast for propaganda purposes," he wrote. "I went into all recorded sessions with this mindset."

All three were told the videos were expressly for showing senior officials. The chance it could offer them more lenient treatment was either hinted at or explicitly stated.

Dai refused to confess but agreed to talk on camera about his human rights activities, Dai wrote:

"Police asked me to confess and beg for a reduced sentence. I did not... After that, they suggested I just talk about the things I did and why. They said they will send the recording to the Ministry of Public Security, which might review my case and shorten my imprisonment."

Police told Dinh they needed to record his answers to their interrogation question Dinh writes:

"They explained that as my case was important, they needed to make video reports to their highest official,"

Police told William that if he recorded a confession he might be able to get out in time for his sooner. He says:

"The threat in not doing the video was always implicit, in that if I didn't cooperate, I would stay in prison for that much longer because their investigation would take that much longer," "The police said they needed to record me saying this statement for the bosses above, to demonstrate my 'sincerity' and 'repentance' over events."

He added that there was a feeling shared by both him and the police officers handling his case that it was "just part of the process" so they should "just get [it] over with. One of the officers even said so out loud."

Ly Chanda said that after police beat him severely, forcibly medicated him and locked him in a secret location incommunicado for a month he was forced to read a statement in front of television cameras because "a gun was pointed into his back."

Police threatened Thuan with arrest and also a gun to force him to speak in front of a crowd of

people.

"The police officers put their police baton, handcuffs and gun in front of me and said, 'You have to say exactly as we said to you otherwise you will be punished with this.'"

The words they must say

"On the table was a printout one of the officers had typed out of the same basic list of events and details that I had been reciting ad nauseam, with a few 'alterations' to make the protestors and I seem more violent... The statement was about a page and a half typed, in large font."

-William Nguyen

- Confessions are both scripted and unscripted
- Unscripted confessions are edited and framed to fit official story

Police did not script the two early confessions (2007 and 2009). They asked Dai to confess and beg for mercy in his own words, but he refused. Dinh was told to read out the answers he had written himself to interrogation questions and this was shown clearly in the video. Both of them believe their footage was cut and framed to incriminate them.

"I talked with them [the police] about my activities and my aim of bettering our country, however, the TV anchor did not report what I said; they interpreted it the way they wanted which made me angry,"

-Nguyen Van Dai

Thuan, who spoke in public, did not have a written script but he was told exactly what to say.

"They told me that at the gathering I had to tell my villagers that I am anti-Communist and a member of an anti-revolutionary party. They said that I have to tell my villagers not to join me in the VLV Party [Vietnamese Love Vietnamese Party] and in Vietnam there is only one party, the Communist party and they have to follow that party. I had to tell my villagers, if anyone joins me the police will imprison them immediately; if I say or do anything, the villagers have to report me to the police. If they do not report me to the police, that villager would also be imprisoned with me."

-Thuan (pseudonym)

William's 2018 confession was written by the police from "tailored" answers he gave from previous interrogations and additions that seemed intended to portray him and the other protesters as violent.

"On the table was a printout one of the officers had typed out of the same basic list of events and details that I had been reciting ad nauseam, with a few 'alterations' to make the protestors and I seem more violent... The statement was about a page and a half typed, in large font."

-William Nguyen

As a holder of a foreign passport, it is likely that William had more leverage over what he had to say; thus, he was able to compromise over these additions and other wordings in the "confession." For example, he was adamant that he had not known at the time taking part in the protest was illegal—something which the police wanted him to say—but that he was willing to say he knew it was illegal now. Police agreed to this and other small adjustments in the script. They also added a line about him "refraining from further actions against the state." Although he did not agree that what he had done

was “anti-state”, he did not try to argue this point but instead tried to “stumble” over it to indicate his objection.

“I tried to stutter [the last line – ‘I would refrain from further actions against the state’] in a way that would make it sound like I intended the exact opposite. It would be my ‘revenge’ for their trying to pretend that they weren’t still recording,” William wrote.

Tim had to read from a written confession that was kept hidden from the camera.

“They had me face the camera, with a machine [a teleprompter] in front of me, hidden from view of the camera. It had a long paper that rolled through, showing my confession in my own clear handwriting. They made me practice two or three times first, confessing that I’d opposed the Vietnamese government.”

-Tim Sakhorn

Costumes and makeup

“They insisted I get ‘cleaned up’, so they gave me a comb, had me wet my hair, and then combed it to the side as neatly as they could, so that it resembled how I looked before I was arrested. They wanted to make sure it looked like prison wasn’t taking a toll.”

-William Nguyen

- Police make an effort to present subject in smarter attire to make it look like they were well looked after

Two of the three subjects were “dressed up” for their recordings.

Dai was given clean clothes to put on. “They gave me a fresh prison uniform to put on before [the recording]. It was not like before when I wore dirty clothes,” Dai wrote.

Police made William comb his hair but they hadn’t come prepared with a costume – he was wearing prison clothing -- “tough, thick, green-striped pyjamas... over a tank top and gym shorts underneath.” They improvised by ordering a police officer to take off his shirt to give William.

“So the supervisor made this young officer take off the shirt he was wearing and let me borrow it for the recording. That fitted button-down would ultimately be the shirt that I recorded my confession in,” William wrote.

In our study of China’s televised confessions, Hong Kong bookseller Lam Wing-kee recalls how his interrogator lent him his thick winter coat for one recording.⁴⁶

Shooting the videos

“They produced the video clip by cutting and pasting its content for their own purposes; watching this made-up clip, you have the feeling that I made a confession... Actually, I did not however make such a confession.”

-Nguyen Van Dai

- Multiple takes were made for final confession broadcast
- Police filmed two of the confessions secretly
- Police directed subject on how to speak and look

The two earlier confessions (Dai's and Dinh's) were recorded during interrogation sessions.

William was subjected to multiple recording sessions, although he notes that these were probably for "legal proceedings" and they have so far not been broadcast on TV. He wore his usual prison clothing for these.

The day the aired session was filmed, the police took around five to six takes, according to William. Police had printed his script in large font onto two pieces of paper, which he was then asked to memorise. Since he kept making mistakes, he suggested they enter the text into a computer so he could read it like a teleprompter – but they refused, arguing it would take too much time.

He was told to recite his answers "as fluently as possible," and to look "honest" and "repentant," adding that the process would go faster if he could "act" that way. "The first few readings they said I wasn't using enough 'emotion', that it seemed like I was just reciting things (which I was)," he said.

Police used deceptive means to make the video, perhaps in an attempt to either make the recording appear more natural or to catch the suspect out in saying something incriminatory.

Dinh's footage was spliced together from a recording of an interrogation where he was asked to read out his answers to previous questions. He argues that he did not confess but that the edit that went out on air was made to look like a confession. "They produced the video clip by cutting and pasting its content for their own purposes; watching this made-up clip, you have the feeling that I made a confession... Actually, I did not however make such a confession."

In Dai's case, they hid the cameras and did not tell him they were recording, although he had agreed to speak on camera and was expecting them to start filming. "After we had been talking for a while, I asked them when they would start recording. They said they'd already finished taping it."

William was filmed for five or six takes, but the actual recording shown on TV was a chat with two "journalists" that was shot directly afterwards with the same talking points. The police pretended that they weren't shooting this sequence, but William, aware that they were, believed this would be the footage that would be aired. It was.

"I think it was because it sounded more natural and conversational, than me looking straight into a camera and reciting my actions," he wrote.

The role played by the media

"The two 'journalists' moved from the camera side over to my side of the table, sat next to me, and proceeded to ask me questions in a very conversational manner about how I felt about my actions."

-William Nguyen

- No media were present at two early confessions
- Two 'journalists' attended later confession, one was propaganda official

There were no obvious members of the media present at the two early confessions. Dai wrote that his interrogators, representatives from the Ministry of Public Security and the head of the Hanoi Security Investigation Agency, were present the day they made his recording, but he was not told reporters were present. Dinh wrote that his recording was made at a regular interrogation session, with only police present.

It appears that the footage was simply handed over to the media, and we cannot be sure at what stage the clips were edited.

One man and one woman, both in plainclothes, carrying notebooks and working the cameras were

present at William's confession but they did not identify themselves. At one point, he spotted that the woman's login name to a laptop she was using contained the word "propaganda ("tuyên truyền")" so it might be she worked for the propaganda bureau. These two people sat either side of him for the "chat" that was eventually aired. "What I was sure of was that all were on the 'same side'," he wrote.

Note: Media were clearly visible in the broadcast interview with Y Joi Bkrong, and also in the stills from the media report of the two Montagnard men, Y-Duong Mlo and Y-Rang Eban.⁴⁷

Why they broadcast confessions

"They want the public to stop believing in activists and their causes and to stop supporting us."

Nguyen Van Dai

- Persuade viewers human rights defenders are criminals
- Respond to global pressure, demonstrate case is criminal not about rights

All three agreed that the recordings were a propaganda exercise aimed at: (1) ensuring they lost the support of local people by painting them as criminals; and (2) to deflect any global pressure and show that Vietnam was handling the case legally and that the detainee had committed a crime.

"Because they were facing a lot of international criticism about my detention at the time, they wanted to prove the government was right to arrest me," Dinh wrote. "The police are always trying to make us look bad."

"They want activists to make confessions for propaganda purposes and to destroy our dignity," Dai wrote. "They want the public to stop believing in activists and their causes and to stop supporting us. Also, they are telling the international community not to interfere because the individual committed a crime."

William also believes his confession was made to ease global pressure over his arrest. "Video confessions are an exercise in managing public perception and they made it no secret that they wanted to slow the momentum of both the protests in general, and my case in particular," he wrote.

Consequences for the victims

"I want to share my experience to other activists in that when you are arrested, do not answer or give any interview if you are not well prepared."

-Nguyen Van Dai

- Subjects were able to distance themselves from confession, see it as propaganda
- Subjects felt they could use the experience to expose regime, and be better prepared next time

From research with Chinese victims of forced televised confessions the experience is an additional trauma on top of the detention, threats, torture and other mistreatment they endured. Some victims were forced to denounce others on camera, and these people in particular struggled with the extra shame and humiliation of facing their friends and colleagues and losing their community's trust.

In our study, we did not observe any subject forced to denounce anyone else apart from the 2020 Dong Tam Confessions. And although they had all been "framed" on television, they simply viewed it as propaganda. Dinh wrote that it saddened him when he learned about his confession broadcast

and that so many people had seen it but that because it was fake he is able to ignore criticisms from others.

When asked how the experience affected him, Dai responded: "I don't think about it anymore because I learned how to act during [future] interrogations... I want to share my experience to other activists in that when you are arrested, do not answer or give any interview if you are not well prepared."

William wrote that he had no regrets. He just wanted to get out so he could expose the truth. "In my mind, any fallout I suffered because I 'confessed' would be a small price to pay to get out of prison, confirm it was a forced confession, and demonstrate to the world that Vietnam was in the same league of reprehensible countries as China and North Korea."

He continued: "I did not—and I still do not—feel any shame or regret in doing the video confession. Anyone who thinks 'confessing' in this context is shameful lacks a full understanding of the current Vietnamese government, specifically, and the behaviour of oppressive regimes more generally."

william nguyen

William Nguyen, now in his early 30s, is a Vietnamese-American public policy specialist and activist for Vietnamese democracy.

He was on holiday in Vietnam in June 2018 when police in Ho Chi Minh City arrested him for taking part in street protests against two bills on special economic zones and cyber security. While detained, he was forced to make several filmed confessions, one of which was aired on TV9. Just over a month later, his case went to trial when he was found guilty under Article 318 of the 2015 Criminal Code and immediately deported. At the time, his case attracted considerable global media attention and the US lobbied for his release.



William's hair is smoothed down and he is wearing a blue checked button-up shirt. He speaks to someone off to the side, and the clip is crudely edited. He admits to breaking the law, expresses regret for obstructing traffic and troubling his family and friends, ending with a promise never to take part in anti-Vietnamese government activities again.

nguyen van dai

Nguyen Van Dai is a human rights lawyer, who was born in 1969 in Hung Yen province, just outside Hanoi. In 2006, he founded the Committee for Human Rights in Vietnam (now Vietnam Human Rights Centre), an NGO that sought to empower other rights lawyers and document abuses.



Dai was first arrested in 2007, accused of “conducting anti-state propaganda” (Article 88). It was during this period of detention his forced confession was filmed and then broadcast on state-owned VTC. In May 2008, he was sentenced to five years in prison (later reduced to four years).

In 2013, he founded The Brotherhood for Democracy with other activists and human rights defenders which conducted trainings on human rights topics, and helped with legal defence in rights cases.

He was arrested again in 2015 while attempting to meet with EU delegates for the annual EU-Vietnam Human Rights Dialogue. He was found guilty of subversion and sentenced to 15 years in prison in 2017. Two months after being convicted, under intense international pressure, Dai was set free but forced to go into exile to Germany, where he now lives with his wife.

The short video clip features Dai in green-striped detention centre clothing, with his head shaved, speaking (not obviously reading from anything) against a pale background. The audio is poor quality as if he was speaking from an empty room. He talks about his hopes for Vietnamese people to enjoy human rights, and how he organized some classes on human rights



william nguyen's testimony⁴⁸

A system that does not respect truth has no power over one's dignity.

I was beaten and arrested on the afternoon of June 10th, 2018, in Ho Chi Minh City, Vietnam after participating in nationwide protests against two proposed laws (re: cybersecurity and the establishment of special economic zones). I was held at a local police station for two days before I was whisked off to Ho Chi Minh City police headquarters for further interrogation. After my third day in custody, I was moved to Chi Hoa Prison, where I spent nearly 40 days behind bars. On July 20th, 2018, I was tried, convicted, and immediately deported from Vietnam for "disturbing public order".

I was not even offered a lawyer until about 20 days in, after the investigation phase wrapped up [and well after multiple confessions had been recorded].

While I was in custody, the police kept emphasizing to me that my story was "making waves" online ("làm rung động mạng xã hội") and seemed very anxious to defuse the momentum of my capture and the protests, in general. I was sceptical of these claims, believing they were being exaggerated to emphasize the seriousness of my "crime", but I also knew that they would try at some point to get me to confess on video to turn public opinion. Video recording equipment and a script were brought out within my first week at Chi Hoa Prison.

The threat in not doing the video was always implicit, in that if I didn't cooperate, I would stay in prison for that much longer because their investigation would take that much longer. I had informed them early on that I had just finished my graduate studies in Singapore and that my graduation ceremony was the next month (July 14th), so they said, if I simply confessed to my "crimes", to the fact that my actions broke Vietnamese law, then I would most likely make it back in time. This date would factor as a shared "deadline" for both police and myself, with police implying that they didn't want to be seen as keeping me from a once-in-a-lifetime academic milestone.

In general, I didn't hesitate to do video recordings for several reasons:

1. I knew video confessions were part-and-parcel of the perception "game" communist systems played. I would play along to free myself, knowing my pride was never really at stake. In my mind, any fallout I suffered because I "confessed" would be a small price to pay to get out of prison, confirm it was a forced confession, and demonstrate to the world that Vietnam was in the same league of reprehensible countries as China and North Korea;
2. I had no shame in admitting I "broke the law" because the law in Vietnam was unjust and unconstitutional;
3. I had no shame in admitting I "disturbed public order" because that was indeed the whole point of a protest; and finally,
4. I had nothing else to hide.

In short, there was no reason for me not to cooperate. Knowing orders to record these videos were coming from above, both local police and I shared the sentiment of "let's just get over with."

One of the officers even said so out loud.

As a bit of background, I majored in East Asian Studies during my undergraduate education and had studied the behaviours of both the Chinese and Vietnamese communist regimes in-depth, so I was very aware that whatever they recorded me saying could and would be broadcast for propaganda purposes. I went into all recorded sessions with this mindset.

I wasn't able to confirm which recorded session they played on TV until I got out, but I had a strong feeling it would be one I'll describe below. There were actually more recorded sessions in the days and weeks after (ostensibly for legal proceedings), but I went into those aware I was not immune from more TV broadcasts.

What they had me say was fairly straightforward. Up until that point, I had repeated the same story to every police officer who asked (as this was the truth). I described when I landed in Vietnam, when,

where and how I arrived at the scene of the protests, what direction I was headed towards, the various actions I was doing over the course of the protests, and what I did that would eventually get me arrested. They had me admit clearly and firmly that my actions violated Vietnamese law, and that I knew when I committed them that I had broken Vietnamese law.

The morning of the recording [that was within my first week at Chi Hoa] I was pulled out of my prison cell for another “work day” with police. I was walked to a nearby police station where we typically did all our “work”. It was outside the prison itself but within the larger compound. I walked into the investigation supervisor’s office to find around the conference table a handful of police as well as two plainclothes individuals, who did not identify themselves but carried notebooks and operated filming equipment.

They appeared to be journalists, but I could not be sure. What I was sure of was that all were on the “same side”. One was a man, the other was a woman—who I later confirmed worked for the propaganda dept. When she logged into the laptop we used, the word “tuyen truyen” (propaganda) was in her login name. I saw her a couple more times after that, and only during video recording sessions.

They immediately took note of my shabby appearance. My hair was not done, and I was dressed in the usual prison garb (tough, thick, green-striped pajamas, which we had to put on when we left our cells), over a tank top and gym shorts underneath. They insisted I get “cleaned up”, so they gave me a comb, had me wet my hair, and then combed it to the side as neatly as they could, so that it resembled how I looked before I was arrested. They wanted to make sure it looked like prison wasn’t taking a toll.

Clothes-wise, none of what I had on was appropriate, so funnily enough, they began asking the younger police officers in the office if they had any shirts with them that I could wear. One had a soccer-logo polo shirt in his bag, but then, the supervisor said it wasn’t as nice and appropriately-sized for me as the long-sleeve button down that one of the younger officers was presently wearing. So the supervisor made this young officer take off the shirt he was wearing and let me borrow it for the recording. That fitted button-down would ultimately be the shirt that I recorded my confession in.

Logistics-wise, there was a video camcorder set up across the conference table, facing a chair where they had me sit, and on the table was a printout one of the officers had typed out of the same basic list of events and details that I had been reciting ad nauseam, with a few “alterations” to make the protestors and I seem more violent. These alterations included “protestors threw bottles of water at police”, “protestors instigated the masses to violence”, and “I and a group of protests rocked a police truck blocking the road and unsuccessfully tried to flip it over.” The statement was about a page and a half typed, in large font. The police said they needed to record me saying this statement for the bosses above, to demonstrate my “sincerity” and “repentance” over events.

I read over the “script” and objected to the last two alterations, as they were completely untrue. Police tried to argue back and say that there is video evidence of it, and I strongly disagreed, declaring that:

1. the vast majority of protestors remained peaceful, even as a few threw water bottles, and
2. that it was never my intention to flip the truck; doing so would not remove the truck as an obstacle.

I also repeatedly stated that I was not and am not a violent person. Causing damage to the vehicle is not something I would do, and I told police point blank that if they had any video evidence of violence, they should use it. Otherwise, I would not be saying the last two points. The last point of contention had to do with whether I was aware at the time of my actions that I was violating Vietnamese law. I honestly did not know that I was breaking the law at the time. During the protests, I was overwhelmingly concerned with helping the people exercise their constitutional right to assembly and protest, by any means necessary. I refused the original phrasing that I knew my actions were illegal at the time. Instead, I compromised by saying that I realize currently (as I was sitting there presently, “bay gio”), that my actions violated Vietnamese law. That seemed a fair enough compromise for them.

The script was wrapped up with a few lines of apology for “causing traffic congestion” for travellers headed to the airport and for “causing trouble” for family and friends, as well as a line about promising not to engage in further “anti-state” activities in the future. I thought this line a bit odd, as I didn’t think the protests themselves were “anti-state” or “anti-government” so much as they were a disagreement over policy, so I agreed to say it, albeit with a little twist on my part.

After they gave me a few minutes to read over the script and memorize it, we did several takes. The initial reading was clunky, as I had trouble remembering all the detailed information they wanted me to include

and in the right order. Each reading got progressively smoother, but not quite as smooth and convincingly repentant as they wanted. I refused to be too emotional or repentant about it (I wasn't) and treated it more as a list of things to read out loud.

I suggested for the sake of time and energy, that if they had the file for the script, they could pull it up on the nearby laptop and turn it into a teleprompter of sorts. The reading would go most smoothly that way and all the information they wanted (that is, all that I agreed to say) would be included. They did not have the typed file on hand and said it would take too much time to retype. So we ended up doing one of two more takes and then stopped. In total, about 5-6 takes were done.

The actual recording that was shown on TV occurred after the takes had supposedly stopped. The two "journalists" moved from the camera side over to my side of the table, sat next to me, and proceeded to ask me questions in a very conversational manner about how I felt about my actions. Their positions off-camera would be why I was looking to the side in the confession video that ultimately aired. I think [they broadcast this clip] because it sounded more natural and conversational, than me looking straight into a camera and reciting my actions.

In response to their questions, I merely parroted back to them what I had been saying for the last hour or so: I understood that my actions had broken Vietnamese law, that I had caused trouble for travellers, as well as friends and family, and that I would refrain from further actions against the state.

This last line, in particular, I tried to stutter in a way that would make it sound like I intended the exact opposite. It would be my "revenge" for their trying to pretend that they weren't still recording.

[After this there were] two more [confession recording session]. [It was] the same content except I was wearing my striped prison clothes.

For their part, the police kept their word and did actually try their best to get me through the system and out of prison before July 14th. The investigation phase wrapped up in a little over 20 days, which was record time for the Vietnamese justice system--a fact that police investigators, prison guards, and fellow prisoners all acknowledged.

The US Consulate told me that Americans typically spent several months behind bars while they were being investigated. Fortunately, my time in Chi Hoa was much shorter than that. Unfortunately, however, I missed my graduation ceremony by a week, due to a lack of available court dates. Treatment remained the same throughout, in that they handled me gently, given my cooperative demeanour and the world's attention. While conditions were squalid, bare, and uncomfortable, some police and prison guards tried their best to make sure I had enough to eat by providing extra food and that I was sleeping okay by providing extra floor matting.

When I was in custody, I was aware that some Vietnamese would find it "shameful" ("nhục nhã") to confess, but that requires buy-in and the presumption that Hanoi has any legitimacy when it comes to truth and justice. It does not.

I did not—and I still do not—feel any shame or regret in doing the video confession. Anyone who thinks "confessing" in this context is shameful lacks a full understanding of the current Vietnamese government, specifically, and the behaviour of oppressive regimes more generally.

A system that does not respect truth has no power over one's dignity.

Video confessions are an exercise in managing public perception, and they made it no secret that they wanted to slow the momentum of both the protests in general, and my case in particular. They of course did not explain this rationale to me, but all parties involved knew why these recordings were being done. Whether they realized I knew what was occurring was a different story, and I generally cultivated a naive and easy-going demeanour (e.g. pretending to understand less Vietnamese than I actually did) to convince police they had the upper-hand at all times.

They told me to read it as fluently as possible and said the more "honest" and "repentant" I sounded, the quicker this whole exercise would go. The first few readings they said I wasn't using enough "emotion", that it seemed like I was just reciting things (which I was).

conclusions

This report provides a snapshot of Vietnam's forced televised confessions of detainees. It also shows that the phenomenon is common – with limited resources this study found at least 21 individuals since 2007 have been paraded on television or online video news in Vietnam. That number is likely to be much higher. They appear to be used for a variety of crimes, however this research focused more closely on the cases of human rights defenders and spans rights lawyers to villagers protesting against land grabs. The highest profile confessions are aired on national state broadcaster VTV1.

While the clips are in general less sophisticated in content and in production value than China's, the subjects' confessions show many common elements. This is to be expected as the two countries share the same Leninist style government and confession-reliant judicial processes. Detainees apologise, please for mercy and warn others against copying their "mistakes". Two even thank the state for educating them and showing them the error of their ways. Both countries also air confessions of detainees who describe their crimes as being anti-state or anti-Party, again a reflection of how authoritarian states criminalise dissenting or critical voices. However, unlike those in China, many of the human rights defenders give detailed explanations of the kinds of activities they were engaged in, from the names of pro-democratic groups and efforts to defend rights on the ground. There is also markedly less mention of foreign influence from confessors, which this study interprets as an indication of the more extreme level of xenophobia in China as compared to Vietnam. Later confessions (from 2017 onwards) appear to show that Vietnam is learning some of China's techniques, after it aired a forced confession to counter criticism from Germany it had kidnapped Vietnamese national Trinh Xuan Thanh from Berlin and the confession of American William Nguyen, the first time it had aired a foreigner's confession on TV. The latest confession broadcast in 2020 in this study is also the first example of detainees incriminating others on camera, copying another very common trait of China's forced confessions.

In general, over the years, the production quality of the confessions has become more accomplished and rich, which could be because it is learning from China or simply an improvement in technology and media production. For example,

early confessions tended to simply feature the detainee speaking or reading at length, later confessions are more tightly edited, indicating more targeted messaging.

Despite the small sample size, the interviews illustrate several key points:

- Victims end up on camera through deception, coercion and lies
- The confession content is manipulated or scripted by the police
- They are by no means a chance for the victim to voice the truth

Earlier confessions involved an edited interrogation session or getting the victim to read from a piece of paper shown on camera. William's more 'polished' confession, that involved a complete change of clothes, a prepared script, a requirement he memorise the answers, and directions on how to deliver his 'lines', are closer to China's TV confession model. By the time William was forced to confess on air—2018—China had been broadcasting high-profile confessions for at least five years.

Vietnam's Criminal Code and Criminal Procedure Code and its status as a signatory to the International Covenant on Political & Civil Rights and UN Convention Against Torture make it unlawful to produce and air forced confessions by detainees. Evidence that it may be following China's lead by using forced TV confessions as a foreign policy tool is also a worrying development.

Safeguard Defenders calls on the Vietnamese government to live up to its responsibilities as a signatory to the International Covenant on Political & Civil Rights and UN Convention Against Torture, to comply with its own domestic laws prohibiting forced confessions and to immediately stop the illegal practice of airing forced confessions of detainees on television and afford them the proper protections that due process and the rule of law affords.

appendix I: methodology

The findings in this report are based on research conducted July 2019 to January 2020.

Broadcasts of confessions were identified by interviewing former prisoners of conscience and through online media searches in Vietnamese and English languages and scouring NGO reports. Additional information on confessions in Vietnam was collected from Voice of America Radio online and N10 TV Channel, a private YouTube page run by Truong Quoc Huy, a former prisoner of conscience who relocated to the US after being released. Each confession was transcribed into Vietnamese and then translated into English for coding and analysis. We also conducted three in-depth interviews with former victims of forced televised confessions.

Additional confessions

From NGO and media reports, this study found five additional televised confessions or public confessions made in Vietnam. There are likely many more confessions.

2007: Tim Sakhorn⁴⁹ and Ly Chanda⁵⁰, both Buddhist monks from the Khmer Krom minority.

2011: Thuan⁵¹ (pseudonym), a Montagnard pastor who made a public confession that may or not have been aired on TV.

2017: Y-Duong Mlo and Y-Rang Eban, both from the Montagnard minority and returned to Vietnam after applying for refugee status in Cambodia.⁵²

The Interviews

Three of the 16 subjects in this study were interviewed using a long-form questionnaire via email. The sample size is regrettably small since 10 subjects were in prison or detention and therefore unreachable; the **rest** declined requests to be interviewed or could not be located. The interviewees were: Nguyen Van Dai, Le Cong Dinh and William Nguyen. Additional information comes from secondary sources that reported on victims of forced televised confessions: Buddhist monk Tim Sakhorn (2007), a pastor called Thuan (a pseudonym) (2011), and another Buddhist monk Ly Chanda (2013).

Limitations

The sample size for forced televised confessions is small (<30) making the data unsuitable for statistical analysis. The broadcasting media also did not keep complete programs available online (unlike China's CCTV), so we had to rely on incomplete footage often posted on various third-party sites, meaning that we could not be confident we had the full confession or access to other relevant segments.

The broadcasts were also self-selected with an emphasis on human rights defenders. Since global media often ignore news from Vietnam, many confessions that would have been reported in the international English-language press when they happened in China, did not make headlines when they happened in Vietnam.

appendix II: confessions

(1)

Name: Nguyen Van Dai

Year: 2007

Channel: VTC

URL: <https://www.youtube.com/watch?v=8WlQBzBafSU>

Setting: Jailhouse

Type: Human rights defender

Confession: Details

Case details: Dai is a human rights lawyer, who was sentenced to five years (later reduced to four) for "conducting propaganda against the state". He now lives in exile in Germany.

(2)

Name: Le Thi Cong Nhan

Year: 2007

Channel: VTC

URL: <https://www.youtube.com/watch?v=HvoksH4zudc&app=desktop>

Setting: Jailhouse

Type: Human rights defender

Confession: Details

Case details: Nhan is also a human rights lawyer and former colleague of Nguyen Van Dai's. She was sentenced to four years for "conducting propaganda against the state." After her release she returned to her family in Hanoi.

(3)

Name: Le Cong Dinh

Year: 2009

Channel: Nhan Dan Online

URL: <https://www.youtube.com/watch?v=uAv3wBHtQWI>

Starts at around 1:30

Setting: Neutral

Type: Human rights defender

Confession: Confession, details, regret, mercy.

Case details: Dinh, a human rights lawyer, was sentenced to five years in prison in 2010. He now works for a law firm in Ho Chi Minh City and continues to speak out for human rights in Vietnam.

(4)

Name: Tran Anh Kim

Year: 2009

Channel: DLV

URL: <https://youtu.be/ttDEcMfwk7A>

Setting: Neutral (pink shirt)

Type: Human rights defender

Confession: Confession, anti-Vietnam, details, foreign, mercy

Case details: Kim, now 70 years old, is a retired military officer, and a pro-democracy activist. He was sentenced to 5½ years in prison in 2009 for "activities overthrowing the People's Administration." After his release, he was arrested again in 2015 and sentenced to 13 years for the same crime.

(5)

Name: Nguyen Van Hoa

Year: 2017

Channel: Ha Tinh

URL: <https://www.youtube.com/watch?v=7KG25D8288E>

Setting: Neutral

Type: Human rights defender

Confession: Details, foreign, anti-Vietnam, regret, confession, mercy, warning

Case details: Hoa is a citizen journalist (contributor to Radio Free Asia) in his twenties, who was arrested in 2017 and sentenced to seven years for reporting on an oil spill. In May 2019, it was reported that he had been attacked by a prison guard and was being held in solitary confinement.⁵³

(6)

Name: Nguyen Ngoc Nhu Quynh (Mother Mushroom)

Year: 2017

Channel: Information against reactionaries

URL: <https://thongtinchongphandong.com/video-clip-me-nam-thu-toi-an-nan-tai-co-quan-dieu-tra/?fbclid=IwAR3unNmCN8XGaWEMnT91HYSWN4IAZyqmdF7th-y4z7TULRcMwaUBmp14EjM>

Setting: Neutral

Type: Human rights defender

Confession: Anti-Vietnam, confession, regret, defend

Case details: Mother Mushroom is a dissident blogger in her late 30s, whose case received a lot of media attention after she was sentenced to 10 years in 2017 for “anti-state propaganda”. It is thought that US pressure helped secure her release in late 2018. She now lives in exile in the US.

(7)

Name: Trinh Xuan Thanh

Year: 2017

Channel: VTV1

URL: <https://vtv.vn/video/van-de-hom-nay-03-8-2017-237866.htm>

Around 1:20 start

Setting: Neutral

Type: Non-HRD (ex-oil exec, corruption)

Confession: Regret, confession, denial

Case details: Thanh, a former executive for PetroVietnam Construction, was abducted in broad daylight in a park in Berlin by Vietnamese agents in July 2017 and smuggled back into the country. In January 2018, he was given life on corruption charges. Germany later sentenced a Vietnamese national to almost four years for his role in the kidnapping.

(8)

Name: Y Joi Bkrong (Montangard Protestant Pastor)

Year: 2017

Channel: An Ninh TV

URL: <http://www.antv.gov.vn/tin-tuc/xa-hoi/canh-giac-voi-ta-dao-tin-lanh-dang-christ-212896.html>

Setting: Neutral (public audience) but also to journalist.

Type: Human rights defender

Confession: Defend, warning, details.

Case details: Y Joi Bkrong, the son of a Montagnard pastor in the US was forced to apologise on TV and address a crowd for contacting his father and for preaching for a church not recognized by the state.

(9)

Name: Tran Thi Xuan

Year: 2017

Channel: Ha Tinh

URL: https://www.youtube.com/watch?v=6b_RdOhOX10

Setting: Jailhouse (shown with police)

Type: Human rights defender

Confession: Confession, details, anti-Vietnam, mercy, warning, regret.

Case details: Xuan, now in her 40s, is an activist and environmental campaigner and member of the banned Brotherhood for Democracy. She was sentenced to nine years in prison 2018 for attempting to overthrow the state.

(10)

Name: William Nguyen

Year: 2018

Channel: Ho Chi Minh TV

URL: <https://www.youtube.com/watch?v=qeMEDGywZIM>

Setting: Neutral

Type: Human rights defender

Confession: Confession, regret, anti-Vietnam.

Case details: William is a US graduate student who was arrested for taking part in protests against a proposed law on Special Economic Zones that locals thought would give too much power to China and on cybersecurity. He was found guilty of disturbing the public order around a month after his arrest but was immediately deported.

(11)

Name: Nguyen Van Dong

Year: 2019

Channel: YouTube only

URL: https://www.youtube.com/watch?v=bsNyLNj1Uvg&feature=youtu.be&fbclid=IwAR0R-lkAOwdJprZB_5Jr2yiXKE3p8DneOUJ7EMHD_HM9F6LtW_O0bqbCJck

Setting: Jailhouse

Type: Non-human rights defender (murder)

Confession: Details

Case details: Dong, a farmer in his 50s, was accused of using a knife to kill his younger brother, his sister-in-law, their daughter and granddaughter over a dispute about land. The attacks were captured on camera. He was sentenced to death in December 2019.⁵⁴

(12)

Name: Nguyen Van Thanh

Year: 2019

Channel: Quang Binh TV

URL: <https://www.facebook.com/1216066885122826/posts/2839686002760898?sfns=mo>

Setting: Jailhouse

Type: Human rights defender

Confession: Details, confession, mercy, regret.

Case details: Thanh, a pro-democracy activist in his late 20s was arrested in October 2017 on charges of raping a minor. He is also a member of the Brotherhood for Democracy.

(13) to (16)

The following four people are suspects in the Dong Tam clashes during the early hours of 9 January 2020, in Dong Tam commune between villagers protecting what they say was their land and the police. Three officers and the village leader, the elderly Le Dinh Kinh were killed [See page 20-23]. All four appeared in a lengthy segment in the evening news on the national channel VTV on 13 January 2020.

(13)

Name: Bui Thi Noi

Timestamp: (from 31'18" to 31'30")

Year: 2020

Channel: VTV

URL: <https://vtv.vn/video/thoi-su-19h-vtv1-13-01-2020-416332.htm>

Setting: Neutral

Type: Human rights defender

Confession: Smear, confession, details

Case details: Bui Thi Noi is a resident of Hoanh village, Dong Tam Commune. State media reported that she had been arrested on murder charges. She has an obviously bruised left eye.

(14)

Name: Le Dinh Cong

Timestamp: (from 32'08" to 32'40") and (from 34'48" to 35'13")

Year: 2020

Channel: VTV

URL: <https://vtv.vn/video/thoi-su-19h-vtv1-13-01-2020-416332.htm>

Setting: Jailhouse

Type: Human rights defender

Confession: Smear, details, confession

Case details: Le Dinh Cong, who appears in two different shots in the confession wearing different clothing, is the son of village leader Le Dinh Kinh. He appears with bloodied scratches on his face and in the second shot he has his left hand cuffed to a bench.

(15)

Name: Le Dinh Quang

Timestamp: (from 32'40" to 32'58") and (from 36' to 36'27")

Year: 2020

Channel: VTV

URL: <https://vtv.vn/video/thoi-su-19h-vtv1-13-01-2020-416332.htm>

Setting: Neutral

Type: Human rights defender

Confession: Smear, Details, Anti-Vietnam

Case details: Le Dinh Quang is a relative of Le Dinh Kinh. He has some facial cuts, but less obvious than the other three. He also appears in two separate clips dressed in different clothing.

(16)

Name: Le Dinh Doanh

Timestamp: (from 35'23" to 35'47")

Year: 2020

Channel: VTV

URL: <https://vtv.vn/video/thoi-su-19h-vtv1-13-01-2020-416332.htm>

Setting: Jailhouse

Type: Human rights defender

Confession: Smear, details

Case details: Le Dinh Doanh is a grandson of Le Dinh Kinh. He also has cuts and bruises and is shown cuffed and being marched down a prison corridor between two police officers.

detailed information on broadcasts/victims

Subject	Gender	Nationality	Type	Date detained	Date confession broadcast	Days between detention & broadcast	Channel	Legal status at broadcast	Alleged crime (article)	Outcome (prison)	Location	Type
Nguyen Van Dai	M	VN	Lawyer, activist, blogger	06 March 2007	10 May 2007	65	VTC	Pre-trial	Anti-state propaganda (88)	5 years	Hanoi	Jailhouse
Le Thi Cong Nhan	F	VN	Lawyer	06 March 2007	11 May 2007	66	VTC	Pre-trial	Anti-state propaganda (88)	3 years	Hanoi	Jailhouse
Le Cong Dinh	M	VN	Lawyer	13 June 2009	17 June 2009	4	Nhan Dan Online	Pre-trial	Anti-state propaganda (88)	5 years	Ho Chi Minh	Neutral
Tran Anh Kim	M	VN	Pro-democracy activist	11 January 2009	Unknown	Unknown	DLV	Unknown	Subversion (79)	5 1/2 years	Thai Binh	Neutral
Nguyen Van Hoa	M	VN	Catholic activist	11 January 2017	07 April 2017	86	Ha Tinh	Pre-trial	Anti-state propaganda (88)	7 years	Ha Tinh	Neutral
Nguyen Ngoc Nhu Quynh (Mother Mushroom)	F	VN	Blogger	10 October 2016	06 July 2017	268	Information Against Reactionaries	Unknown	Anti-state propaganda (88)	10 years, later released into exile in U.S.	Khanh Hoa	Neutral
Trinh Xuan Thanh	M	VN	Former state company exec (kidnapped in Germany)	31 July 2017	03 August 2017	4	VTV	Pre-trial	Embezzling property, economic mismanagement	Life sentence	Hanoi	Neutral
Y Joi Bkrong	M	Mont.	Pastor	Unknown	18 July 2017	Unknown	An Ninh TV	Free	None	None	Quang Binh	Neutral
Tran Thi Xuan	F	VN	Pro-democracy activist	17 October 2017	03 November 2017	17	Ha Tinh	Pre-trial	Subversion (79)	9 years	Ha Tinh	Jailhouse
William Nguyen	M	US	Took part in street protests	10 June 2018	18 June 2018	8	HTV9	Pre-trial	Public order	Found guilty, but deported	Ho Chi Minh	Neutral
Nguyen Van Dong	M	VN	Farmer	01 September 2019	01 September 2019	0	YouTube	Pre-trial	Murder	Death sentence	Hanoi	Jailhouse
Nguyen Van Thanh	M	VN	Activist	17 September 2019	19 October 2019	32	Quang Binh TV	Pre-trial	Rape of minor	in pre-trial	Quang Binh	Jailhouse
Bui Thi Noi	F	VN	Land petitioner	09 January 2020	13 January 2020	4	VTV	Pre-trial	Murder	in pre-trial	Hanoi	Neutral
Le Dinh Cong	M	VN	Land petitioner	09 January 2020	13 January 2020	4	VTV	Pre-trial	Murder	in pre-trial	Hanoi	Jailhouse
Lê Đình Quang	M	VN	Land petitioner	09 January 2020	13 January 2020	4	VTV	Pre-trial	Murder	in pre-trial	Hanoi	Neutral
Lê Đình Doanh	M	VN	Land petitioner	09 January 2020	13 January 2020	4	VTV	Pre-trial	Unknown	in pre-trial	Hanoi	Jailhouse

- ¹ The Guardian. (6 August 2017). Connolly, K. Germany accuses Vietnam of abducting businessman from Berlin. Accessed from: <https://www.theguardian.com/world/2017/aug/06/germany-accuses-vietnam-of-abducting-businessman-from-berlin>
- ² Time. (20 June 2018). Quackenbush, C. A U.S. citizen detained at a protest in Vietnam has apologized on state television. Accessed from: <https://time.com/5316815/vietnam-william-nguyen-apology/>
- ³ See <https://www.hrw.org/world-report/2019/country-chapters/vietnam>; http://www.stoptorture-vn.org/uploads/2/5/9/2/25923947/joint_report_for_the_examination_of_vietnam_by_uncat.pdf; and <https://www.justice.gov/eoir/page/file/1145756/download>.
- ⁴ Data from the broadcast of the Dong Tam confessions is included in this report and since the segment is fresher and features multiple confessors, it has been made into a case study.
- ⁵ The Diplomat. (17 April 2017). Murray, B. Vietnam's Human Rights Crisis. Accessed from: <https://thediplomat.com/2017/04/vietnams-quiet-human-rights-crisis/>
- ⁶ Human Rights Watch. (18 January 2018). Vietnam: Renewed Crackdown on Rights Bloggers, Activists. Accessed from: <https://www.hrw.org/news/2018/01/18/vietnam-renewed-crackdown-rights-bloggers-activists>
- ⁷ Please see: <https://www.hrw.org/world-report/2018/country-chapters/vietnam>
- ⁸ Campaign to abolish torture in Vietnam. (January 2014). Vietnam: Torture and Abuse of Political and Religious Prisoners. Accessed from: http://www.stoptorture-vn.org/uploads/2/5/9/2/25923947/report-torture_in_vn_1-16-2014-final.pdf
- ⁹ From the US State Department 2018 country report on Vietnam, accessed from: <https://www.justice.gov/eoir/page/file/1145756/download>
- ¹⁰ Ibid.
- ¹¹ Campaign to abolish torture in Vietnam. (January 2014). Vietnam: Torture and Abuse of Political and Religious Prisoners. Accessed from: http://www.stoptorture-vn.org/uploads/2/5/9/2/25923947/report-torture_in_vn_1-16-2014-final.pdf
- ¹² From the US State Department 2018 country report on Vietnam, accessed from: <https://www.justice.gov/eoir/page/file/1145756/download>
- ¹³ For examples please see: <https://www.amnesty.org/en/latest/news/2018/08/viet-nam-authorities-must-investigate-alleged-torture-and-ill-treatment-of-concert-goers-by-police/>; <https://monitor.civicus.org/updates/2018/11/20/civil-society-highlights-torture-and-ill-treatment-activists-un-review/>; <https://www.frontlinedefenders.org/case/allegations-torture-and-forced-confession-concerning-wrongly-imprisoned-hrd-nguyen-viet-dung>
- ¹⁴ Amnesty International. (July 2016). Inside Viet Nam's secretive and torturous world of 'prisons within prisons'. Accessed from: <https://www.amnesty.org/en/latest/news/2016/07/the-secretive-world-of-viet-nam-torturous-prisons/>
- ¹⁵ Human Rights Watch. (September 2014). Public Insecurity: Deaths in Custody and Police Brutality in Vietnam. Accessed from: <https://www.hrw.org/report/2014/09/16/public-insecurity/deaths-custody-and-police-brutality-vietnam>
- ¹⁶ For information on Non-Release Release please see: <http://www.jeromecohen.net/jerrys-blog/2016/8/2/non-release-release-of-human-rights-activists-and-their-confessions>
- ¹⁷ Please see: <http://www.stoptorture-vn.org/forced-confessions.html>
- ¹⁸ Please see: https://www.hrw.org/news/2018/07/10/submission-australia-vietnam-human-rights-dialogue#_ftn32
- ¹⁹ Ibid.
- ²⁰ Please see: <https://www.justice.gov/eoir/page/file/1145756/download>
- ²¹ Please see: <https://www.hrw.org/world-report/2018/country-chapters/vietnam>
- ²² In 2015 the criminal code was amended so that Article 88 (Conducting propaganda against the Socialist Republic of Vietnam) was renumbered and updated to Article 117 (Making, storing, spreading information, materials, items for the purpose of opposing the State of Socialist Republic of Vietnam).
- ²³ In 2015 the criminal code was amended so that Article 79 (Carrying out activities aimed at overthrowing the People's Administration) was renumbered and updated to Article 109 (Activities against the People's Government).
- ²⁴ Please see: <http://www.derechos.org/intlaw/doc/vnm1.html>
- ²⁵ Please see: <https://vanbanphapluat.co/law-no-101-2015-qh13-criminal-procedure-code>
- ²⁶ Please see: <https://www.wipo.int/edocs/lexdocs/laws/en/vn/vn111en.pdf>
- ²⁷ <https://www.wipo.int/edocs/lexdocs/laws/en/vn/vn033en.pdf>
- ²⁸ Decree 159/2013/ND-CP, Providing for Administrative penalties for violations arising in the realm of journalism and publishing; <https://vanbanphapluat.co/decreed-no-159-2013-nd-cp-administrative-penalties-violations-realm-journalism-publishing>
- ²⁹ Please see: <http://www.un.org/en/universal-declaration-human-rights>
- ³⁰ Please see: <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>
- ³¹ Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment 18(3)
- ³² Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment 15.
- ³³ Please see <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>
- ³⁴ Article 16 differs from Article 1 because it includes harsh treatment inflicted without a specific purpose under its general intent requirement, as opposed to Article 1's elevated intent standard. States have fewer enforcement obligations for Article 16 practices, and there is no mention of the prohibition of emergency or exceptional circumstances that exists for Article 1 practices.
- ³⁵ G.A. Res. 70/175, U.N. Doc. A/Res/70/175, United Nations Standard Minimum Rules for the Treatment of Prisoners (Dec. 17, 2015) [hereinafter the Mandela Rules].
- ³⁶ U.N. Secretary-General, Torture and Other Cruel, Inhuman or Degrading Punishment: Note by the Secretary General, U.N. Doc. A/66/268 (Aug. 5, 2011).
- ³⁷ Please see: https://wikileaks.org/plusd/cables/07HANOI839_a.html
- ³⁸ Please see: <https://vtv.vn/video/thoi-su-19h-vtv1-13-01-2020-416332.htm>
- ³⁹ BBC News. (16 January 2020). Dong Tam village: Anger in Vietnam over deadly 'land grab' raid. Accessed from: <https://www.bbc.com/news/world-asia-51105808>
- ⁴⁰ RFA. 13 January 2020. Elderly Village Leader Killed During Clash With Police is Laid to Rest Outside Hanoi. Accessed from: <https://www.rfa.org/english/news/vietnam/rrest-01132020154603.html>
- ⁴¹ The Economist. 15 June 2017. Property Disputes are Vietnam's Biggest Political Problem. Accessed from: <https://www.economist.com/asia/2017/06/15/property-disputes-are-vietnams-biggest-political-problem>
- ⁴² BBC News. 21 June 2016. Wukan, China: villagers rally behind chief after 'confession'. Accessed from: <https://www>

[bbc.com/news/world-asia-china-36583488](https://www.bbc.com/news/world-asia-china-36583488)

⁴³ A south-central coastal province.

⁴⁴ In a 17 January 2016 confession broadcast on Chinese state TV, Gui Minhai said: "It was my own choice to come back and surrender. It has nothing to do with anyone else. " This was two months after he had disappeared from his holiday home in Thailand and media around the world reported that he had likely been abducted by Chinese agents.

⁴⁵ We use first names here to avoid getting the two Mr. Nguyens confused.

⁴⁶ Safeguard Defenders. (April 2018). Scripted and Staged: Behind the scenes of China's forced televised confession. Accessed from: <https://www.amazon.com/Scripted-Staged-Behind-televised-confessions/dp/1983743372>

⁴⁷ The Cambodia Daily (23 May 2017). Wright, G. 'Forced' Montagnard Confessions Aired. Accessed from: <https://english.cambodiadaily.com/editors-choice/forced-montagnard-tv-confessions-aired-130224/>

⁴⁸ William Nguyen wrote this account in an email interview in late 2019. Extra details he provided via encrypted messaging APP were added to clarify some points.

⁴⁹ Campaign to Abolish Torture in Vietnam (Jan 2014), Vietnam: Torture and Abuse of Political and Religious Prisoners. Accessed from: http://www.stoptorture-vn.org/uploads/2/5/9/2/25923947/report-torture_in_vn_1-16-2014-final.pdf

⁵⁰ Ly Chanda is called Tien, a pseudonym from an earlier Amnesty International report by Campaign to Abolish Torture in Vietnam (undated). Disappearing Without a Trace. Access from <http://www.stoptorture-vn.org/enforced-disappearance.html>

⁵¹ Campaign to Abolish Torture in Vietnam (Jan 2014), Vietnam: Torture and Abuse of Political and Religious Prisoners. Accessed from: http://www.stoptorture-vn.org/uploads/2/5/9/2/25923947/report-torture_in_vn_1-16-2014-final.pdf

⁵² The Cambodia Daily (23 May 2017). Wright, G. 'Forced' Montagnard Confessions Aired. Accessed from: <https://english.cambodiadaily.com/editors-choice/forced-montagnard-tv-confessions-aired-130224/>

⁵³ Radio Free Asia. (14 May 2019). Jailed Vietnamese Activist Nguyen Van Hoa is Attacked, Put in Solitary. Accessed from: <https://www.rfa.org/english/news/vietnam/attacked-05142019165832.html>

⁵⁴ Tuoi Tre News. (13 December 2019). Hanoi man sentenced to death for murdering brother's family over land dispute. Accessed from: <https://tuoitrenews.vn/news/society/20191213/hanoi-man-sentenced-to-death-for-murdering-brothers-family-over-land-dispute/52197.html>