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***“THE CHALLENGES OF PRACTISING CRIMINAL DEFENCE IN VIETNAM”***

***SOME NOTABLE CASES***

**The right to access counsel of choice**

**Vietnamese laws**

The Constitution of Vietnam provides that ‘The defendant’s right to plead his case is guaranteed. He may plead his case himself or ask for someone to plead for him. A jurist organization is to be formed to assist defendants and other persons concerned in defending their legal rights and interests and to contribute to the defence of socialist legislation’.<sup>1</sup>

To execute the Constitution, the Criminal Procedure Code also provides that the accused shall be entitled ‘To defend by themselves or ask other persons to defend them’<sup>2</sup> and defence counsel shall participate in the procedure from the time the arrest orders are made.<sup>3</sup> It further provides that, ‘Defence counsel shall be selected by arrestees, accused or their legal representatives’.<sup>4</sup>

**Vietnamese practices**

**a. Investigation stage**

The results of the survey of lawyers show that investigation bodies do not create conditions for counsel to access their clients during the investigation stage. Thirty five percent (35%) of counsel said that investigation bodies ‘never’ ‘provided the directory of lawyers in order to arrestees, accused to contact’. Thirty percent (30%) of counsel reflected that investigation bodies ‘rarely’ supported arrestees or accused ‘to communicate with relatives to seek for a defence counsel’ (see Table 1).

According to these survey results, investigation bodies mainly created favorable conditions for arrestees or accused to access to defence counsel under the form of

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<sup>1</sup> Constitution, Article 132.

<sup>2</sup> CPC, Article 11, Article 49, Article 50.

<sup>3</sup> CPC, Article 58.

<sup>4</sup> CPC, Article 57 (Clause 1)

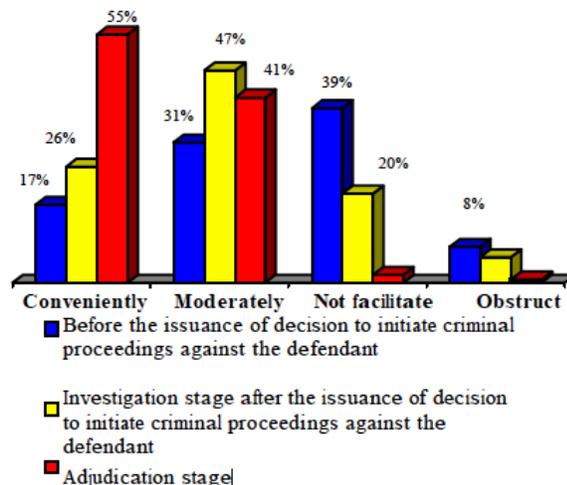
'propagandizing them about the right to counsel in compliance with the law', but the frequency of 'sometimes' made up the highest proportion (thirty seven percent (37%). Put another way, the 'propaganda about the right to counsel in compliance with the law' is a compulsory task of judicial bodies, therefore, the frequency of 'usually' should be high. However, approximately seventy percent (70%) of counsel thought that the requirement for this task was not satisfactory. Thus this issue needs to be improved significantly to ensure the enforcement of the law, as well as protecting the rights and interests of arrestees and defendants.

**Table 1: Frequency of creating favorable conditions for arrestees/accused to access defence counsel by investigation bodies**  
(% according to the answers)

	Investigation Bodies			
	Usually	Sometimes	Rarely	Never
Propagandizing them about the right to have Defence Counsel in compliance with the law	32	37	12	10
Supporting them				
To contact with relatives to seek for a defence Counsel	6	28	30	18
Providing the list and information of the Defence Counsel to arrestees, accused to communicate	6	14	19	35
Requesting the Bar Association to appoint a Defence Counsel for them	30	35	10	6
Requesting Legal Aid Bodies to defend them	12	33	16	16

Direct interviews with lawyers also reflected that 'Investigation stag is the most difficult stage for them to perform their defence right' (27/45 counsel had this opinion), 'Investigation bodies only inform the accused that they have the right to ask other person to defend them' (21/45 counsel raised this opinion), 'There is no support from investigation bodies' (14/45 counsel had this opinion), 'Investigation bodies only create favorable conditions in mandatory cases' (5/45 counsel held this opinion).

**Figure 1: Facilitation made by litigation authority for the access to defense counsel**



In two seminars for the research outline and the questionnaire, criminal counsel and criminal experts suggested that in the survey it was better to divide the investigation stage into two sub-stages: (i) Investigation stage before the issuance of decision to institute criminal cases and initiate criminal proceedings against the defendant; and (ii) Investigation stage after the issuance of decision to institute criminal cases and initiate criminal proceedings against the defendant.

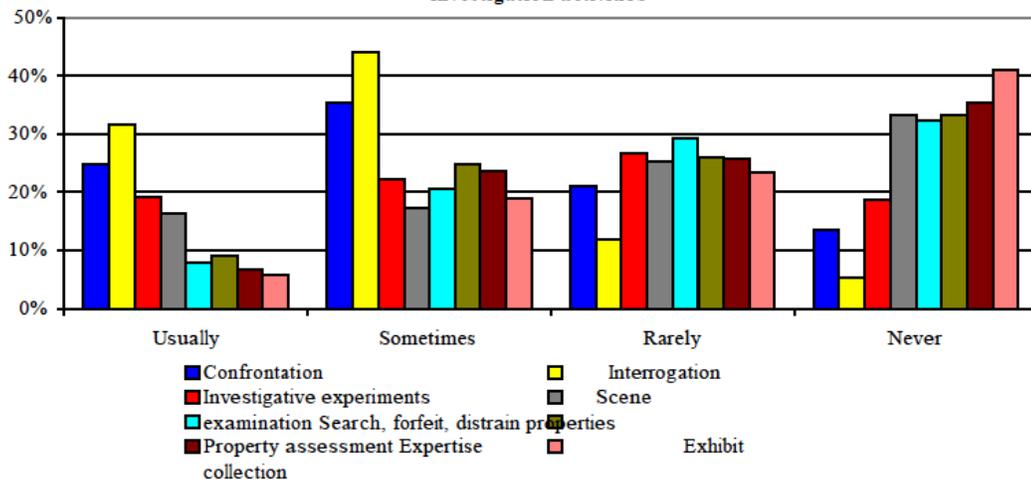
(i) *Investigation stage before the issuance of decision to institute criminal cases and initiate criminal proceedings against the defendant*

All interviewed lawyers (45/45) said that they had never been granted a certificate of defence counsel at the investigation stage before the issuance of a decision to institute the criminal case and initiate criminal proceedings against the defendant. When they could meet ‘arrestees’ this was only the result of ‘their personal relationship’ and ‘the trust of investigation bodies in counsel’. Two counsel complained about investigation bodies because they ‘did not create conditions for counsel to meet arrestees’. A lawyer complained against ‘illegal custody’. Some counsel revealed that they did not complain because ‘their clients wanted to stay away from complication’.

Consider the example, when a person comes to an investigation body under an ‘invitation’, not a summons, for a cooperative meeting. When meeting the investigation officers, he has to answer questions that have an accusatory tone. He was very nervous. Then he requested access to counsel. Investigation officers refused, saying that this meeting was not a part of criminal proceedings. The officer asked him to cooperate suggesting he might have ‘advantages’ from this cooperation rather than ‘cooperating with counsel’.

Investigators, via interviews, said that they created favorable conditions for counsel to participate if requested. However, investigators also emphasized that this was only ‘pure investigation activities’ rather than ‘proceedings activities’ so that lawyers (defence counsel) should not have to participate.

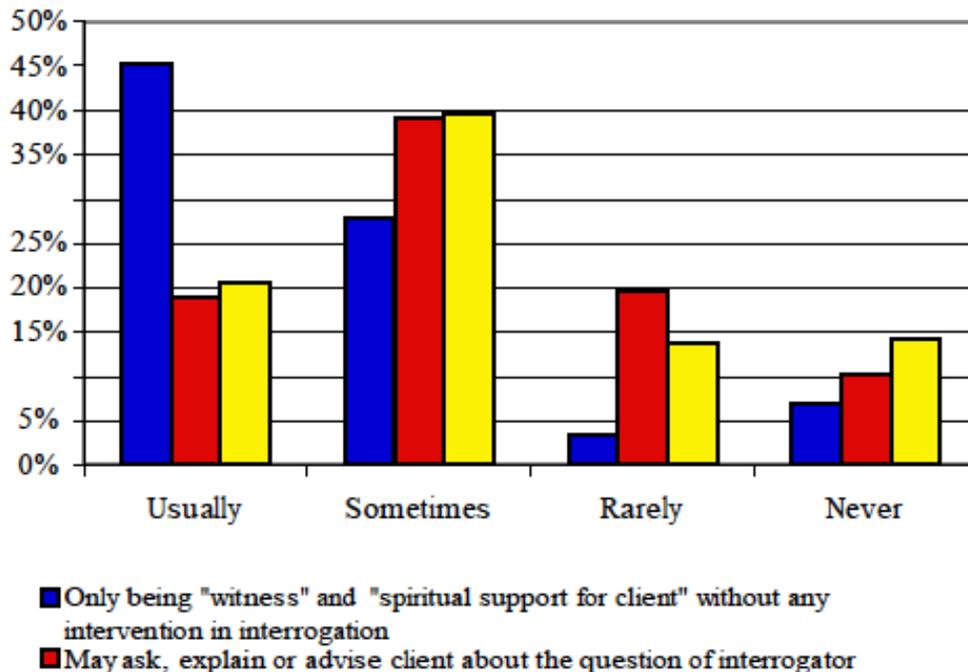
Figure 2: Investigation bodies create conditions for the defender to participate in investigation activities



However, the situation that investigation bodies ‘abused’ the mechanism of ‘inviting to work’ to ‘interrogate’ the suspect was considered ‘popular’ and ‘the main method’ by twelve (12) out of forty five (45) counsel.<sup>5</sup> As has been publicly mentioned recently, this mechanism has caused the situation of arbitrary arrest, interrogation, or even physical abuse by some investigation (see Annex 1: Statistics of criminal cases). According to some lawyers and jurists, such infringement has most violated citizens’ legitimate rights and the presumption of innocence principle.<sup>6</sup> This issue needs to be studied and adjusted in the timely manner by the leaders of judicial bodies.

(ii) *Investigation stage after the issuance of decision to institute criminal cases and initiate criminal proceedings against the defendant*

**Figure 3: The role of defense counsel when participating in interrogation, taking testimonies**



In the investigation stage, after the issuance of a decision to initiate criminal proceedings, the rate of ‘investigation bodies creating favorable conditions’ is still very restricted compared to that in the trial stage (see Figure 1). Lawyers interviews revealed that investigation bodies at this stage might grant the Certificate of defence

<sup>5</sup> In-depth interview with 12 lawyers and 2 criminal experts had this opinion. This opinion was also raised in the workshop on ‘Criminal Procedure Code – Issues need to be amended and supplemented’ held by Ha Noi Bar Association on 08 October 2009 in Ha Noi.

<sup>6</sup> Opinions raised at the Seminar ‘Right to counsel in Vietnamese Criminal procedures’, co-organized by Vietnam Lawyer Federation and UNDP in Ho Chi Minh City on 02-03/12/2010, including: Asso Prof., Ph.D., Lawyer Pham Hong Hai; Ph.D., Lawyer Phan Trung Hoai; and lawyer Bui Quang Nghiem.

counsel to a lawyer, but normally it was granted too late and so difficult to defend fully because various procedures had to be done (see Section 2 of Chapter III below). One judge revealed that in order to make difficulties to the defence counsel, the litigation authorities can request a lawyer to have invitations or contract with hand signatures of the defendant or the accused who is being held in custody camp when he/she wants to get a certificate of defence counsel. Without the certificate of defence counsel, the lawyer cannot meet his/her client in the custody camp and obtain the signature.

Counsel who were directly interviewed said that, although they were granted with a Certificate of defence counsel, they still could not directly meet their clients to perform their defence role. Defence counsel was only entitled to meet the defendant in the presence of investigators. If investigators were busy, defence counsel could not access their clients.

At the Seminar 'Right to counsel in Vietnamese Criminal procedures', co-organized by Vietnam Lawyer Federation and the UNDP in Ho Chi Minh City on 02-03/12/2010, some lawyers and judges said that 'lawyers face much difficulty' when conducting their right to defend their clients in the investigation stage. Lawyers, judges, and also prosecutors at the seminar believed that the role of lawyers in the investigation stage is very useful, since it helps to improve the quality of investigation work.<sup>7</sup>

However, compared to other investigation activities such as confrontation, investigative experiments, search, detaining property, expertise, etc., 'interrogating' was the activity that the defence counsel could most easily be allowed to participate in the most easily by investigation bodies (see Figure 2), said by counsel.

Among eight (8) investigation activities surveyed, counsel mainly participated in 'interrogation' and 'confrontation'. However, counsel who was directly interviewed, said that they were only allowed to participate in 'the final interrogation' (the last interrogation to take the last testimonies of all matters which were already declared). At the 'final interrogation', counsel were not allowed to raise questions or advise the defendant, but only witness the defendant re-declare incidents which had already been asked by the investigators. Counsel mainly 'played the role of witnesses and offered spiritual support, without any intervention to the interrogation process'. Some counsel said that they could 'ask, explain or give advice to their clients regarding questions raised by investigators' (see Figure 3). However, if they want to do so they must be allowed by investigators under the provisions of the laws. Many counsel revealed that in the majority of cases, they only met their clients in the 'final interrogation'. Thus, the meeting was not much value for their clients. Moreover, the two parties were not allowed to discuss issues with each other before the 'final interrogation'. The proportion of counsel who 'requested investigators to adjust the attitude or content of the question when seeing any 'inappropriateness' was low (twenty one percent (21%) with 'usually' frequency of and forty percent (40%) with 'sometimes' frequency) (see Figure 3).

Under the CPC, defence counsel must request investigation bodies to give them

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<sup>7</sup> They are opinions of Judge Pham Cong Hung of the SPC; Judge Vu Cong Long; Asso. Prof., Ph.D., Lawyer Pham Hong Hai; Ph.D., Lawyer Phan Trung Hoai, lawyers including Mr. Bui Quang Nghiem, Mr. Tran Cong Ly Tao, Ms. Tran My Thoa, Mr. Ha Duc Lenh, Mr. Pham Quoc Hung, at the Seminar 'Right to counsel in Vietnamese Criminal procedures', co-organized by Vietnam Lawyer Federation and UNDP in Ho Chi Minh City on 02-03/12/2010.

notice in advance of the ‘time’ and ‘place’ for interrogating the defendant or it was received after the interrogation had taken place. On the other hand, this provision only requires investigation bodies to advise of the schedule for ‘interrogating’, rather than about other procedural activities<sup>8</sup>.

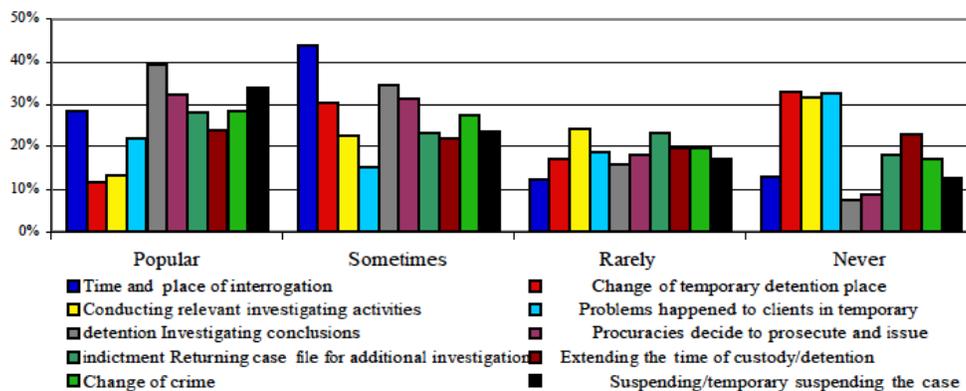
Counsel is also entitled to participate in ‘investigation experiments’ but this is very limited. In direct interviews, counsel said that they were only allowed to participate in ‘investigative experiments’ if they defended cases of a serious nature (normally, in those cases, appointing counsel was obligatory under Article 57 of the CPC).

However, counsel and criminal experts in the two seminars and three counsel in direct interviews said that counsel could not promote their role in investigation activities well. They explained their challenge; ‘...they could not meet the defendant to understand the case comprehensively according to the viewpoints and testimonies of the defendant – the client who they defended’.

There were five (5) counsel who said that they actively participated in ‘collecting exhibits’ and ‘investigative experiments’ of the case as a defence counsel while procedures for granting the Certificate of defence counsel had not been completed. A lawyer thought that ‘collecting exhibits’ and ‘investigative experiments’ were very important to avoid the omission of exhibits by the investigation bodies and to gain a further understanding of the nature of the case. When finding relevant exhibits, counsel all sent them to investigation bodies, procuracies or courts. Counsel also affirmed that to undertake these investigations, they and arrestees needed contact with each other.

Counsel in group discussions and at the Seminar ‘*Right to Counsel in Vietnamese Criminal procedures*’, co-organized by Vietnam Lawyer Federation and the UNDP in Ho Chi Minh City on 02-03/12/2010 agreed that the quality of defence would be improved if counsel were given information on the process of investigation, including information on the time of interrogation, change of temporary detention place, problems that might occur to the clients at temporary detention place, investigating conclusions, and so on (see Figure 4).

Figure 4: Active notices about the proceedings to defenders by investigating bodies



<sup>8</sup> Speech of Lawyer Vu Cong Dzong – Bao Hien Law Office in the workshop on ‘Criminal Procedure Code – Issues need to be amended and supplemented’ held by Ha Noi Bar Association on 08 October 2009 in Ha Noi

An investigation showed that annually Vietnam had about 100,000 criminal cases of all kinds, while there are only about 5,000 lawyers and their practices in various legal areas. Thus, the number of lawyers is not sufficient to participate in all investigation activities. As a result, counsel only participate in important sessions of taking testimonies or important investigation activities.<sup>9</sup> According to a prosecutor, the quantity of specialist criminal lawyers is very few. Thus, when participating in such investigation activities as autopsy, injury examination, etc., some lawyers have neither experience nor fundamental knowledge of these issues. As a result, they cannot constructively participate and do not have good cooperation with the investigation body. Consequently, investigation bodies or procuracies do not continue to invite lawyers to attend such activities.

### **b. Prosecuting stage**

Generally, it appears that an accused, or an arrestee, is better able to access counsel during the procuracy stage of proceedings (see Figure 1).

In the two seminars and in some workshops of counsel in relation to criminal procedure<sup>10</sup>, counsel revealed that investigation bodies were in charge of 'case handling' (including investigating, taking testimonies, preparing proofs, etc.) and that they 'worried' when counsel participated in the investigation processes.

Procuracies and courts were responsible for checking and adjudicating so that they 'did not fear for the participation of counsel'. Prosecutors and judges attending the seminars affirmed that they needed counsel to detect violations of case files and of the investigation process. Thus, these two bodies created more favorable conditions for counsel to participate in the proceedings.

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<sup>9</sup> Opinion raised by Mr. Dinh Van Hiep, an investigator of the Department of Investigation police on economic management and position crimes – Ministry of Public Security at the workshop on 'Criminal Procedure Code – Issues need to be amended and supplemented' held by Ha Noi Bar Association on 08 October 2009 in Ha Noi. In reality, by 31 December 2009, there were 5,714 lawyers; 2,771 probationary lawyers; 2,420 law-practising organizations, 206 branches of law-practising organizations and 27 lawyers practising as individuals nationwide (source: Ministry of Justice).

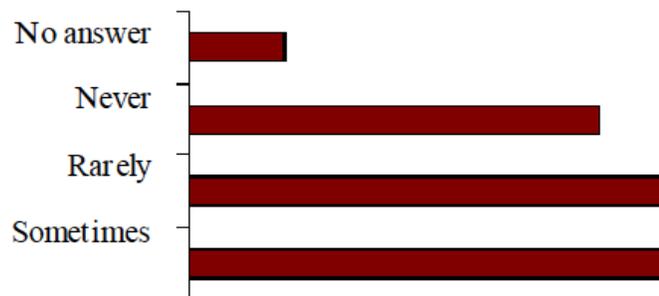
<sup>10</sup> This opinion was also raised in the workshop on 'Criminal Procedure Code – Issues need to be amended and supplemented' held by Hanoi Bar Association on 08 October 2009 in Hanoi, the meeting between the Prime Minister Nguyen Tan Dung and lawyers and the seminar on 'the role of Vietnamese lawyers in judicial reform, building a rule-of-law state, economic development and international integration' held by Vietnam Bar Federation dated 08 December 2009 in Hanoi.

**Table 2: Favorable conditions created by procuracies for the accused to access defence counsel (% according to the answers)**

	Procuracies			
	<i>Usually</i>	<i>Some times</i>	<i>Rarely</i>	<i>Never</i>
Propagandizing them about the right to have defence counsel in compliance with the law	29	37	9	11
Supporting them to contact with relatives to seek for a defence counsel	8	27	26	20
Providing the list and information of the defence counsel to arrestees, accused to communicate	4	18	21	25
Requesting the Bar Association to appoint a defence counsel for them	23	33	15	5
Requesting legal aid bodies to defend them	11	31	17	12

However, the survey result in Table 1 and Table 2 shows that procuracies created less favorable conditions for the accused than investigation bodies did, represented by the frequency of ‘usually’ for five activities listed in the two tables. (See Table 1).

**Figure 5: Procuracies actively inf about the issuance of decision**



A number of lawyers indicated that the procuracy did the ‘propaganda of the right to access counsel under the law’ even worse than investigation bodies and courts (see Table 1 and Table 2). As mentioned before, this task is compulsory but procuracies do not ‘usually’ do it. This problem needs to be considered seriously and measures must be set out to guarantee the right to access counsel in accordance with the law.

Lawyers negatively evaluated the activeness of the procuracies in informing defence counsel on the issuance of decision to prosecute (see Figure 5). More than seventy three percent (73%) of counsel indicated that procuracies did not actively inform to counsel of their prosecution decisions. The lateness or inactiveness in performing this task restricted ‘the right to counsel’ of the defendant once procuracies had decided the defendant was ‘guilty’.

Lawyers mentioned in workshops and seminars that they paid a great deal of attention to the Procuracy’s Indictments (the decisions by the procuracy to indict) as well as the investigating conclusions of investigation bodies in order to formulate pleadings on behalf of their client. However, only thirty nine percent (39%) of the questionnaire respondents indicated that the ‘investigating conclusions’ are ‘popularly’ given to defence counsel (see Figure 4) and only 22% of respondents said that the ‘prosecution decision’ is ‘popularly’ given to defence counsel (see Figure 5).

From our in-depth interviews, 2 investigators said that the investigation body did not have the responsibility to send investigation conclusion to defence counsel, but only to the defendant/accused in accordance with Article 49 of the Criminal Procedure Code. They also admitted that it would be hard for the defendant to pass on the investigation conclusion.

**c. Trial stage**

Courts created ‘favorable conditions’ for defence counsel, much more so than other bodies (see Figure 1 above).

However, court assistance seems most evident in directing an accused to legal aid or the Bar association, rather than directly linking the accused to invited counsel.

**Table 3: Favorable conditions created by courts for Arrestees/defendant/the accused to access counsel**  
(% according to the answers)

	Courts			
	Usually	Sometimes	Rarely	Never
Propagandizing them about the right to have defence counsel in compliance with the law	51	26	5	5
Supporting them to contact with relatives to seek for a defence counsel	15	27	14	18
Providing the list and information of the defence counsel to arrestees, accused to communicate	8	17	17	25
Requesting the Bar Association to appoint a defence counsel for them	44	28	6	3
Requesting legal aid bodies to defend them	24	31	10	9

## **Sub-conclusions**

Provisions of Vietnamese laws do not contain many limits on 'the right to counsel' generally and 'the right to access counsel of choice' particularly.

However, in reality each judicial body has its own interpretation and applies this principle in different ways. Consequently, there is evident 'inconsistency' in action by various judicial bodies. The variations depend, at least, on the stage of the proceeding and which body is responsible. Such inconsistency may result in the failure to guarantee the rights of the people.

As mentioned above, there is insufficient action in propagandizing citizens' right to counsel. This must be seriously considered and proper measures should be taken by judicial bodies to ensure this right of citizens. The dissemination work also needs to take into account the ability of the recipient of this information to act on it.

The right to counsel needs to be ensured at all stages of proceedings. As with the other countries analysed here, the investigation stage is still the most difficulty stage for people to have effective access to counsel. This requires a certain reform in the working manner of investigation bodies, procuracies, management boards of temporary detention or detention camps. These organizations need to balance the interests of state bodies and of citizens and counsel. In addition, sanctions are recommended to obligate investigation bodies and procuracies to comply with the provisions of law on respecting 'the right to a fair trial' of citizens.

To minimize these limitations, the litigation authorities and judicial support bodies need to act practically to inform the community of the role of counsel in protecting citizens' legitimate rights and interests, especially in criminal cases.

APPENDIX

1:

STATISTICS OF SOME TYPICAL CASES AND PRESS REFLECTIONS RELATED TO THE FORCING AND LURING TO  
CONFESSION BY LITIGATION AUTHORITIES FROM DEFENDANT AND ACCUSED  
(In the period from 2003 to June 2010)

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Statistician: NHQuang&Associates

No.	Content of cases	Time of	Result of settling	Resource
1	<p><b>‘The Case of Mr. Nguyen Thanh Chan’;</b></p> <p>In the case, Nguyen Thanh Chan, 52, was sentenced to life in 2004 for killing a woman, but on October 25, 2013, the real culprit, Ly Nguyen Chung, 25, also from the province, turned himself in to police and admitted that he committed the crime.</p> <p>The litigation authorities made several mistakes during the process of investigation and adjudication of the case. Investigation seems to not have been objective and even seriously violated provisions on investigation. Bac Giang police have admitted to shortcomings that led to an incorrect sentence being handed to Nguyen Thanh Chan</p>	2004	<p>The verdicts of the first instance and appeal in a murder case in northern Bac Giang province in 2003 was annulled for re-investigation.</p> <p>Meanwhile, the vice head of the agency, Le Huu The, issued another decision to suspend the sentence enforcement. Chan was released.</p> <p>The chief judge of the Supreme People’s Court has decided to open a rehearing for the case on November 6, 2013.</p>	<p><a href="http://english.vietnamnet.vn/fms/society/88413/life-sentence-prisoner-on-parole-after-10-years-claiming-innocence.html">http://english.vietnamnet.vn/fms/society/88413/life-sentence-prisoner-on-parole-after-10-years-claiming-innocence.html</a></p>

2	<p><b>‘The case of one ton of heroin ‘</b></p> <p>This was a particularly serious case with the quantity of heroin up to one ton. The drug ring was detected by Phu Tho Police in mid November 2003. The case was heard by Phu Tho People’s Court from 18<sup>th</sup> to 27<sup>th</sup> of July, 2005. At the court sessions, the accused presented that they had been prompted and forced to make statements.</p>	7/2005	With firm evidence, and arguments, the Trial Panel made the accused admit their offences.	<a href="http://www.tuoitre.com.vn/Tia_n_yon/Index.aspx?ArticleID=90806&amp;ChannelID=6">http://www.tuoitre.com.vn/Tia_n_yon/Index.aspx?ArticleID=90806&amp;ChannelID=6</a>
3	<p><b>‘Dak Lak Province: Torturing to take testimonies, three policemen were charged’</b></p> <p>For several continuous hours, Huynh Thanh Son and Le Quang Gia, two policemen in Ea Toh Commune, Krong Nang District, Dak Lak Povince, tortured Tran Van Vi for taking testimonies in the witness of Pham The Tan – the chief of the Communal Police. Only when Vi dropped on the floor did Son and Gia stop forcing him to sign into the minutes of taking testimonies.</p>	8/2005	The Investigation body charged Pham The Han, Huynh Thanh Son, and Le Quang Gia with the crime of intentionally causing injuries.	<a href="http://www.tuoitre.com.vn/Tia_n_yon/Index.aspx?ArticleID=164292&amp;ChannelID=6">http://www.tuoitre.com.vn/Tia_n_yon/Index.aspx?ArticleID=164292&amp;ChannelID=6</a>
4	<p><b>‘The case of harboring prostitutes at ‘Tien Quan’’</b></p> <p>At the court session, all of the accused including Tien, Son, and Ha denounced that the cadres threatened them and even beat them until they were injured to force them to declare. All testimonies and review of the accused were written beforehand or dictated, therefore, they fit together</p>	10/2005	The Trial Panel decided to postpone the court session and return the case file for additional investigation because of unclear grounds for the charge.	<a href="http://dantri.com.vn/c25/s170-81955/co-quan-dieu-tra-ep-cung-can-pham.htm">http://dantri.com.vn/c25/s170-81955/co-quan-dieu-tra-ep-cung-can-pham.htm</a>

	<p>very well. The Trial Panel rejected such denouncement because there was no ground.</p> <p>However the defence counsel presented several doubtful circumstances in the case and the contradiction in testimonies at the court session.</p>			
5	<p><b>‘The case of stealing the Buddha statue in Bac Giang Province’</b></p> <p>On 12 January, 2006 Bac Giang People’s Court brought the person stealing antiquities to the first-instance trial. Based on the result of evidence and arguments in the hearing, Bac Giang People’s Court had to return the case file to Bac Giang People’s Procuracy to clarify many details which mainly related to the matter of extorting confession from the accused, corporal punishments and alibi provided by some accused.</p> <p>But at the court session on 19 June 2006, such requirements of the Court were still not implemented seriously by the Procuracy and investigation bodies. Statements of witnesses were dishonestly quoted in additional investigation conclusion; therefore, they were denounced by the witnesses at the trial.</p> <p>The accused Nguyen Quy Doan still kept his unchanged opinions from previous sessions and denounced that</p>	6/2006	<p>On 28 June, 2006, after 5 days of argument and 2 days of deliberation for judgments, Bac Giang People’s Court decided to return the case file to the Procuracy; requested the Investigation bodies for additional investigation and decided to change deterrent measures to the accused into bail form.</p>	<p><a href="http://www.dantri.com.vn/Sukien/2006/6/126499.vip">http://www.dantri.com.vn/Sukien/2006/6/126499.vip</a></p>

	<p>investigators had prompted and forced him to take testimonies which led to the appearance of a series of other accused.</p> <p>The accused presented that investigators including Ha Van Quang, Chu Ba Huy, Than Van Tuc, Nguyen Ngoc Oanh, etc. had written statements beforehand and then forced them to copy or sign in.</p> <p>The investigators took subjective statements by using sticks and canes to lash the accused's heads and faces, to poke into their throats; handcuffing them and hanging them on the ceiling upside down from night to the later morning. At the trial, the accused including Trung and Thuong presented that they were even stripped naked and their genitals were tortured. Further, one of the accused, Phan Huu Huong, died and according to what the lawyer said, there were many abnormal details in the conclusions of the cause of the accused's death.</p>			
6	<p><b>'The case of trafficking 25 heroin cakes in Tay Ninh Province'</b></p> <p>One of the pieces of evidence which Tay Ninh People's Court relied on to impose death penalty on Nguyen Minh Hung for his act of trafficking 25 heroin cakes was the red shirt collected by the police.</p> <p>At the second appellate court session at the Supreme</p>	12/2006	The appellate Trial Panel decided to postpone the court session for collecting more evidence.	<a href="http://w13.vnexpress.net/HN/Phap-luat/2006/12/3B9F15BB/">http://w13.vnexpress.net/HN/Phap-luat/2006/12/3B9F15BB/</a>

	<p>People 's Court in Ho Chi Minh City, the accused Thu admitted that the provincial police had given Thu this shirt and had asked her to write down her statement/admissions in order to have an exhibit to accuse Hung.</p>			
7	<p><b>'The case of soliciting 'quota' at the Ministry of Trade'</b>  At the court session, the accused Mai Van Dau asserted that his confession to receiving 6,000US\$ of bribe was because he had been prompted and forced by investigators. He only thought that if he confessed, he would have been on bail due to his bad health.</p>	3/2007	<p>The Trial Panel judged that there were grounds for Mai Van Dau's receipt of a bribe of 6,000 USD. He had not made a rash confession, as he had been placed on bail.</p>	<p><a href="http://www6.vnmedia.vn/news_detail.asp?NewsId=84483&amp;CategoryId=22">http://www6.vnmedia.vn/news_detail.asp?NewsId=84483&amp;CategoryId=22</a></p> <p><a href="http://www6.vnmedia.vn/news_d">http://www6.vnmedia.vn/news_d</a></p>
8	<p><b>'The case where a 5th form female pupil was forced to confess until she got panic in Chau Thanh, Dong Thap':</b> Huynh Ngoc Tram - a pupil at grade 5 of An Hiep 2 primary school – An Hiep Commune – Chau Thanh District, Dong Thap Province was forced to confess until she panicked, by four persons, namely Luu Van Ca, Le Van Xem – Principal and Head of the Pioneer Teenager Team of the primary school An Hiep 2, Le Van Thanh and Vo Thanh Phuong – Director and Vice Director of Police Office of An Hiep Commune because she was suspected to take 47,800 VND of her class fund.</p>	4/2007	<p>Luu Van Ca was dismissed from the Principal position, Le Van Xem was warned, and both of them were moved to work at another place.  Le Van Thanh was dismissed from the Head of communal police, and Vo Thanh Phuong was warned, both of them had to move to other work which was not under the police profession.  Four individuals agreed to execute the liability to compensate the victim 25 million dongs.</p>	<p><a href="http://www.laodong.com.vn/Ho-me/Nu-sinh-bi-ep-cung-den-hoang-loan-duoc-boi-thuong-25-trieu-dong/200711/64653.laodong">http://www.laodong.com.vn/Ho-me/Nu-sinh-bi-ep-cung-den-hoang-loan-duoc-boi-thuong-25-trieu-dong/200711/64653.laodong</a></p> <p><a href="http://www.vnexpress.net/GL/Xa-hoi/2007/04/3B9F5441/">http://www.vnexpress.net/GL/Xa-hoi/2007/04/3B9F5441/</a></p>

9	<p><b>‘The case of getting self-interest from insurance in PJICO’:</b>  In the first instance hearing at Ha Noi People’s Court, the accused Phan Hong Thu denounced that investigators had forced her and ‘threatened’ to bring her husband to the prison, she had to admit all wrongdoings of her fault because she was afraid that no one would bring up her children.</p>	4/2007	No information was confirmed about the authenticity of the forced confession. However, the accused Phan Hong Thu was identified as the conspirator of the case on taking self-interest from insurance, and she was sentenced to 12 years imprisonment for fraud and appropriation of assets	<a href="http://www.tuoitre.com.vn/Tia_n_yon/Index.aspx?ArticleID=195931&amp;ChannelID=6">http://www.tuoitre.com.vn/Tia_n_yon/Index.aspx?ArticleID=195931&amp;ChannelID=6</a>
10	<p><b>‘The case of ‘raping against children’ in Vinh Long’:</b>  After four hearings, the case still cannot be finished yet because the accused claimed innocence, did not confess the crime and denounced investigation bodies for their forcing and luring.</p> <p>At the appellate trial of SPC in Ho Chi Minh City on 23/7/2007, the accused claimed innocence and said that the police of Long Ho District used corporal punishment, extorted confession, and forced the accused to declare contents they had not done or had not known so it was shown in the case file that they were guilty.</p> <p>Even the person with related rights and interests, Do Chi Thong, said that he declared wrongly since he was intimidated by investigation bodies.</p> <p>Lawyer Nguyen Duong Tien, the defence counsel for the accused Thanh, reflected that investigators even forced his client to confess when he was present in the interviews.</p>	7/2007	The Trial Panel adjourned the trial because it was impossible to evaluate and draw the exact conclusions about the contents of the case	<a href="http://www.tand.hochiminhcity.gov.vn/DetailNews.asp?ID=740">http://www.tand.hochiminhcity.gov.vn/DetailNews.asp?ID=740</a>

	He protested and requested to take minutes but it was refused. At the first instance trial, lawyer Tien also requested to write down such content into the hearing minutes but it was still refused.			
11	<p><b>Ha Noi: A student was assaulted by ward police:</b></p> <p>Student Nong Van Khanh, Politics Class K25, Academy of Journalism and Communication, was tortured and forced to admit to the crime of stealing a mobile phone in the dormitory of the Academy by police of Dich Vong Hau Ward</p>	10/2007	Mr. Ho Thanh Ha, Deputy Director of the Police Station of Cau Giay district, said that the Station is investigating the case.	<p><a href="http://dantri.com.vn/c20/s20-202646/mot-sinh-vien-bi-cong-an-phuong-hanh-hung.htm">http://dantri.com.vn/c20/s20-202646/mot-sinh-vien-bi-cong-an-phuong-hanh-hung.htm</a></p> <p><a href="http://dantri.com.vn/c20/s20-202646/mot-sinh-vien-bi-cong-an-phuong-hanh-hung.htm">http://dantri.com.vn/c20/s20-202646/mot-sinh-vien-bi-cong-an-phuong-hanh-hung.htm</a></p>
12	<p><b>The case in Can Giuoc District, Long An:</b></p> <p>Mr. To Van Roi declared that he was forced and lured to confess by the police of Can Giuoc District and he was also put in solitary confinement in order confess the crime of</p> <p><del>illegally arresting persons and extorting</del></p>	11/2007	The People's Procuracy of Can Giuoc District apologized to Mr. Roi publicly for their wrong doing.	<a href="http://www.vnexpress.net/GL/P_hap-luat/2007/11/3B9FCA55/">http://www.vnexpress.net/GL/P_hap-luat/2007/11/3B9FCA55/</a>
13	<p><b>The case of trading 11,000 tons of cigarettes in Thien Loi Hoa Limited Liability Company (Lao Cai):</b></p> <p>At the first instance hearing, all of the accused counter-defended and said that they were forced and lured to confess.</p> <p>The accused Nguyen Thi Ngoc Lien said that 'she was forced and lured to confess', she declared that she had to</p>	2/2008	The result is still unclear	<a href="http://vietnamnet.vn/xahoi/2008/02/771129/">http://vietnamnet.vn/xahoi/2008/02/771129/</a>

	<p>sign the records in the presence of investigation bodies because they had shown her a fake order, and threatened that if she had changed her testimonies she would not have received the clemencies and her brother, her children, etc. would be arrested.</p> <p>The accused Nguyen Huy Tan said that he had to declare the crime and signed since he had been forced to confess. The accused Pham Huu Thom also declared that he had been forced and lured to confess. He 'had been arrested for 2 months without any contact with those outside prison, consequently, he felt so oppressed that he confessed and signed rashly'.</p>			
14	<p><b>The case of Fraud Corporate Nguyen Lam Thai:</b>  Nguyen Lam Thai declared that he admitted guilty in the indictment because he had been forced to confess and had been beaten until his eyes became swollen and red by roommates under investigators' witness. Therefore, he had to admit for his comfort.</p>	4/2008	Unclear result	<p><a href="http://www.tuoitre.com.vn/Tia_n_von/Index.aspx?ArticleID=252114&amp;ChannelID=6">http://www.tuoitre.com.vn/Tia_n_von/Index.aspx?ArticleID=252114&amp;ChannelID=6</a></p> <p><a href="http://www.laodong.com.vn/Home/News/Lam_Thai">http://www.laodong.com.vn/Home/News/Lam_Thai</a></p>
15	<p><b>The case of stealing 240 liters of Diesel</b>  At the first instance trial in the 'property embezzlement' case of 240 Diesel liters from locomotives, the accused, Nguyen Anh Dzung, declared that he felt really confused and was primed on what to say by the investigators. He</p>	7/2008	Although the accused refused their statements in the investigation process and evidences were not clear, the Trial Panel still sentenced Dzung to 24 months imprisonment,	<p><a href="http://dantri.com.vn/c20/s20-242120/cac-bi-cao-phan-cung-vien-kiem-sat-duoi-ly.htm">http://dantri.com.vn/c20/s20-242120/cac-bi-cao-phan-cung-vien-kiem-sat-duoi-ly.htm</a></p>

	<p>stated, 'I wrote the testimonies but the investigator disagreed. He tore it away, punched me and forced me to write another.' In addition, this case also related to the death of the accused Nguyen Dinh Binh at the temporary detention house in Vu Ban District – Nam Dinh</p>		<p>The to 12 months imprisonment, Cuong to 15 months imprisonment, and Tho to 9 months' probation for embezzlement crime. The Trial Panel considered that the death of Nguyen Dinh Binh was not subject to scope of adjudication of this trial.</p>	
16	<p><b>Ho Chi Minh City: Denouncement against the police's action of beating and forcing people to confess</b> Mr. Cao Van Nhanh denounced the police of Binh Hung Hoa B Precinct, Binh Tan District for beating and forcing him to confess and compelling him to sign into the minutes saying that he had beaten the car driver.</p>	5/2009	Unclear resolution result	<p><a href="http://phapluattp.vn/254871p1015c1074/tp-ho-chi-minh-to-cao-cong-an-danh-nguoi-ep-cung.htm">http://phapluattp.vn/254871p1015c1074/tp-ho-chi-minh-to-cao-cong-an-danh-nguoi-ep-cung.htm</a></p>
17	<p><b>The case of having sexual relations with juvenile and prostitution brokerage in Ha Giang Province – Sam Duc Suong</b> At the appellate court session, the accused including Hang and Thuy asserted that all their declaration minutes were dictated and that they had to rewrite if such minutes were not in accordance with investigators' ideas. They had to sign into some blank minutes of statement without knowing any of the content of the statements. The two accused were even forced to write a paper to refuse counsel. The accused Hang denounced that before the appellate trial, a prosecutor and investigators came to</p>	9/2009	The Appellate Trial Panel annulled the first-instance judgment and requested re-investigation.	<p><a href="http://www.tuoitre.com.vn/Tia_n_von/Index.aspx?ArticleID=360933&amp;ChannelID=6">http://www.tuoitre.com.vn/Tia_n_von/Index.aspx?ArticleID=360933&amp;ChannelID=6</a></p>

	meet them and told them that only declaring similarly to the indictment could be good for them and punishment could be reduced.			
18	<p><b>The case of ‘Thanh Nhan drugs market’</b></p> <p>According to Vu Quang Ninh, the defence counsel for the accused Pham Dinh Tieng, there were many contradictions in the statement used to charge Tieng of Bui Trong Bay and Tran Thi Lan, and that this statement had the sign of collusion and priming.</p>	11/2009	The result has not been clear	<a href="http://www.tienphong.vn/Phap-Luat/171618/Co-hoi-lam-ro-loi-keu-oan-cua-bi-cao-Tieng.html">http://www.tienphong.vn/Phap-Luat/171618/Co-hoi-lam-ro-loi-keu-oan-cua-bi-cao-Tieng.html</a>
19	<p><b>Chief Commune Police used torture in Tan Phuoc District, Tien Giang Province:</b></p> <p>Mr. To Van Tai – The Chief Communal Police, Mr. Huynh Hieu Lien – a Communal Police and another District Police were denounced by Nguyen Thanh Quoc’s family, in My Truong Hamlet, Tan Phuoc District, Tien Giang Province for using corporal punishment to take his statements about a fight between two youth groups. They forced Quoc to stand on a chair, handcuffed his left hand to the window iron frame, then pushed the chair and let Quoc hang over.</p>	1/2010	The Standing members of communal party committee directed Mr. Tai to make a clear report on this case.	<a href="http://phapluattp.vn/20100123110847960p1015c1073/truong-cong-an-xa-bi-to-cao-dung-nhuc-hinh.htm">http://phapluattp.vn/20100123110847960p1015c1073/truong-cong-an-xa-bi-to-cao-dung-nhuc-hinh.htm</a>
20	<p><b>The case in Ninh Binh Province:</b></p> <p>Mr. Tong Van An, living in Bac Son Street, Nho Quan Town, Ninh Binh Province submitted a Letter denouncing cadres of Nho Quan Investigation Police body for priming</p>	1/2010	The Provincial Investigation Police verified and concluded that the Mr. An’s denunciation had no basis.	<a href="http://ca.cand.com.vn/vi-vn/bandocvaCAND/thutoasovan/2010/1/157332.cand">http://ca.cand.com.vn/vi-vn/bandocvaCAND/thutoasovan/2010/1/157332.cand</a>

	and forcing confession and for making incorrect documents in investigating a case of intentional injury.			
21	<p><b>The case of Project 112</b></p> <p>At the hearing, the accused stated that their statements at the Investigation Bodies were wrong because they had been forced and primed to declare.</p> <p>The Accused Luong Cao Phi said: 'Statements at the hearing are correct, those declared at T16 camp were incorrect because the investigator had enticed me to declare such to be on bail'. The accused, Phi, also affirmed that 'my statements were forced and primed by investigators. When I was released, my lawyer already submitted a Letter of Denunciation on this issue'.</p> <p>Another accused said that Investigation Bodies even filled in Minutes of Declaration themselves. Besides, the accused Ha denounced that the investigator forced him to sign into the minute of refusing counsel when he was prosecuted with the highest penalty – death sentence. After that, the investigator did not explain him that with this penalty, the accused would have the right to designated counsel.</p>	1/2010	The prosecutors affirmed that the accused was not forced to confess and gave evidences to prove such.	<a href="http://www.tuoitre.com.vn/tian_y/on/Index.aspx?ArticleID=358519&amp;ChannelID=6">http://www.tuoitre.com.vn/tian_y/on/Index.aspx?ArticleID=358519&amp;ChannelID=6</a> <a href="http://phapluattp.vn/20100115114245951p1063c1016/phien-xu-vu-de-an-112-ong-loat-keu-oan.htm">http://phapluattp.vn/20100115114245951p1063c1016/phien-xu-vu-de-an-112-ong-loat-keu-oan.htm</a>
22	<p><b>The case in Bac Giang Province:</b></p> <p>Mrs. Hoang Thi Lien and Mr. Chu Van Hung, living in Canh Nam Commune, Yen The District, Bac Giang</p>	1/2010	Yen The District Police answered that they had not forced and used corporal punishment on the	<a href="http://ca.cand.com.vn/vi-VN/bandocvaCAND/thutoasoan/2010/1/157578.cand">http://ca.cand.com.vn/vi-VN/bandocvaCAND/thutoasoan/2010/1/157578.cand</a>

	Province, submitted a Letter of Denunciation against Yen The District Police for forcing and using corporal punishment on Mr. Chu Van Hung and requested the People's Procuracy at the senior level to re-investigate Mr. Chu Van Hung's case.		accused Chu Van Hung. Some contents in the Letter of Denunciation of Mrs. Lien and Mr. Hung had no foundation.	
23	<b>The Drug case in Son La Province :</b>  Two accused, Nghiem Dinh Bong and Trinh Nguyen Thuy, denounced investigators from Phu Tho Police for hitting, forcing and priming them to confess.	1/2010	Statements of the accused were periphrastic and unpersuasive at the trial.	<a href="http://www.laodong.com.vn/Ho_me/Xet-xu-vu-an-ma-tuy-o-Son-La-Cac-bi-cao-van-to-ra-het-suc-ngoan-co/20071/20254.laodong">http://www.laodong.com.vn/Ho_me/Xet-xu-vu-an-ma-tuy-o-Son-La-Cac-bi-cao-van-to-ra-het-suc-ngoan-co/20071/20254.laodong</a>
24	<b>'Why my child died?':</b>  Hanoi Public Security was requested by Mr. Nguyen Quang Phuc to investigate why his child – Mr. Nguyen Quoc Bao had been 'invited' to Hai Ba Trung District Police but then died at this authority. There were many black and blue traces on his body.	3/2010	Investigation Police of Hanoi Public Security has been investigating and the result has not been clear so far	<a href="http://www.laodong.com.vn/Ho_me/Tai-sao-con-toi-lai-chet/20103/177560.laodong">http://www.laodong.com.vn/Ho_me/Tai-sao-con-toi-lai-chet/20103/177560.laodong</a>
25	<b>The case of corruption in Go Mon Company:</b>  All key accused stated that they were primed to confess the act of taking bribes and corruption by investigators. Tran Kim Long stated that he was shown Hiep's statement, in which the accused Hiep declared he gave him money; and he also was shown a letter written by Hiep and Chau encouraging him to admit guilt.	6/2010	These statements of the accused were rejected by the records announced by the Presiding Judge Vu Phi Long and they were considered just to be the quibbling of the accused.	<a href="http://www.tienphong.vn/Phap-Luat/503090/Van-loanh-quanh-khong-nhan-toi-hoi-lo.html">http://www.tienphong.vn/Phap-Luat/503090/Van-loanh-quanh-khong-nhan-toi-hoi-lo.html</a>

