

GLOBAL MAGNITSKY REPORT No. 01

On

Gross Human Rights Violation against Dong Tam village people in the Context of Illegal Land Seizure of Viettel Group

With References To

THE GLOBAL MAGNITSKY ACTS OF CANADA, ESTONIA, EUROPEAN UNION, LATVIA, LITHUANIA, USA & THE UK; The United Nations Guiding Principles on Business and Human Rights; The United Nations Convention against Corruption (UNCAC); The U.S. Foreign Corrupt Practices Act – FCPA; The U.K. Bribery Act; International Law of Torts; Common law and Civil law of Vietnam and Myanmar.

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We aim to advance human rights in business and eradicate abuse

01 SEPTEMBER 2021

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Introduction

This document presents specifically the case of gross human rights violations of high ranking officials of the Socialist Republic of Vietnam against Dong Tam village people in the context of illegal land seizure of Viettel Group, a state-owned telecommunication company operated by the Ministry of Defence.

This case study report of Viettel's illegal land seizure and gross human rights violation is organized into 4 sections:

- **Introduction**
- **1. Executive Summary**
- **2. Parties Submitting Report**
- **3. Gross human rights violations against Dong Tam village people in the context of illegal land seizure of Viettel Group**

3.1: Crimes against Dong Tâm people focuses on many individuals in Vietnam who put their lives at risk, in campaign against Viettel's land-grabbing, to defend their land ownership rights and were brutally attacked and harshly sentenced.

3.1.1. Details of the involvement of Viettel & Police in the murdering and suppressing Mr Le Dinh Kinh and Dong Tam people in Ha Noi - Vietnam according to the U.N. Istanbul Protocol.

3.1.2. Details of the Viettel's officials and government agencies involved

3.2: Conclusions and recommendations to sanctions according to United Nations International law and Global Magnitsky act.

- **4. ANNEX AND REFERENCES**

4.1: Crimes against Mrs Can thi Theu's family (a whistle blower) in Vietnam.

4.2: Viettel Group's involvement in the Republic of The Union of Myanmar, focuses on the supporting actions to provide means to the Myanmar army's genocide against the Rohingya ethnic people.

4.3: Viettel's actions.

4.4: References

The Part 4.4 References is supportive sections of this REPORT and will be organized and attached separately to the main document of this Report. This section of 400 pages could be send only on request.

International justice: The UN law and state law

Independent Organizations, hereafter, request the UN organizations, the Executive Branch of states, the human rights NGOs globally, to apply appropriate sanctions against the high-ranking officers and officials of Viettel Group identified in this document for human rights violations, according to the Global Magnitsky Human Rights Accountability Acts of the Canada, Estonia, EU countries, Latvia, Lithuania, The UK and USA, and according to international law.

Under international human rights law, states must respect, protect and fulfil human rights. State parties to binding international treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, have an obligation to ensure that third parties domiciled or operating in their territory or under their control abide by those treaties, including private citizens and businesses.

Grave violations of international human rights law, including by individuals engaged in business, come under the jurisdiction of the International Criminal Court (ICC). Under the Rome Statute, individuals can be held accountable before the ICC for the crime of genocide, war crimes, crimes against humanity and the crime of aggression. Under Article 25(c), criminal responsibility also arises when a person acts “For the purpose of facilitating the commission of such a crime, aids, abets or otherwise assists in its commission or its attempted commission, including providing the means for its commission”.

In the Rome Statute, crimes against humanity are defined as murder; extermination; enslavement; deportation or population transfer; imprisonment in

violation of international law; torture; rape and other forms of sexual violence; ethnic and religious persecution; enforced disappearance; and apartheid; when any of those acts are committed within a systemic attack against a civilian population. The phrase “aids, abets or otherwise assists” includes knowingly providing financial, infrastructure or logistical support that is used in the commission of these crimes under international law.

The UN Guiding Principles on Business and Human Rights elaborates how international human rights standards apply to businesses, and reiterates state responsibility over businesses domiciled or operating in its territory or under its control. Under the UN Guiding Principles, businesses are obliged to operate in a way that prevents any negative human rights impact, directly as a result of their business operations and indirectly through their business relationships. Businesses must conduct systematic human rights due diligence, which includes regular human rights assessments, the implementation of a human rights policy, transparent communication and, when violations do occur, to mitigate the impact and provide a means of remediation.

Under the OECD Guidelines for Multinational Enterprises, businesses domiciled or operating in OECD member and observer states are required to uphold international standards of human rights and take proactive measures across their supply chains to prevent causing, contributing or being directly linked to human rights violations¹⁰ and corrupt practices.

The OECD guidelines therefore elaborate the standards that enable compliance with international treaty obligations. The OECD has issued sector-specific guidance to advise businesses in the implementation of human rights due diligence and anti-corruption requirements, including for banks in the issuance of corporate loans.

Mandatory human rights due diligence, where it has been legislated, provides increased safeguards to prevent human rights violations by business. The 2017 French Corporate Duty of Vigilance Law is a positive step towards the creation of a legal system to prevent corporate abuse and hold perpetrators to account.

The findings in this report have been analysed in relation to international human rights standards, including of international human rights law and international criminal law, guidelines on responsible business practices, and controls on the trade of arms and dual-use goods.

In the communist system, where the principles of governing are based solely on the interests of clans and coercion, there is no real application of the laws. Often, the oral orders of the senior government officials are the guidelines used to carry out an oppressive campaign against its own people. The security forces are obliged to blindly obey the orders of senior provincial officials, in contradiction with any Vietnamese laws and moral principles.

Methodology

Information was gathered and cross-checked through foreign news services, social media websites, independent blogs based inside and outside Vietnam, and government-controlled Vietnamese newspapers, including national and provincial publications. Whenever possible, newspaper accounts were cross-checked with other sources to ensure their accuracy. In cases where multiple sources described the same events in different ways, we have noted the disagreements. We also focus on the international & independent information from any source.

Independent blogs published in Vietnam are increasingly valuable sources of information, though some are much more reliable than others and all require independent verification. Some blogs include first-rate reporting, but since police constantly harass their authors and frequently shut them down, their unique coverage and perspective are only available intermittently.

We did not attempt in-person interviews with victims in Vietnam for fear that it would lead to retaliation against individuals or organizations who communicated with us. Vietnamese state media regularly accuse critics of the government who are in contact with foreign organizations of “working with hostile forces” and charge them with crimes such as “undermining the people’s administration.” Even email exchanges with bloggers and family members of victims were limited for fear that these would be monitored by the dictatorial authorities.

How many acts of oppression, tyranny, and injustice have they carried out, on the innocent population of Vietnam? Too, a tyranny can rise more easily by shutting up a thousand people than a million, and that's a reason we stand up and speak out.

1. Executive Summary

In Vietnam, land ownership has always belonged to the socialist state of the Vietnamese Communist Party. For more than twenty years, the illegal seizure of land has become a subject of tension and clashes between hundreds of thousands of poor peasants and the government. Some of them have become well known and representative of this hot topic: the cases of Dương Nội, Đồng Tâm, Lộc Hưng, Thủ Thiêm, Đà Lạt, in the Central Highlands, Hà Nội...

In most cases, the Vietnamese state and state-owned companies forced landowners to surrender their land with very little compensation. And these lands will be sold at a price a thousand times higher as part of the state or SOE contribution to joint ventures or FDI projects.

Land conflict in Dong Tam commune of Ha Noi city has flared up in the past few years, but has deep causes decades ago. In 1980, the Prime Minister issued a decision to grant land to build Mieu Mon airport with an area of 208ha, of which 47.36 ha of agricultural land of Dong Tam commune. However, this project was not implemented.

By 2015, after the decision to allocate land to Viettel Group (Vietnamese: Tập đoàn Công nghiệp – Viễn thông Quân đội, lit. 'Army Telecommunication Industry Corporation'), the largest telecommunications service provider in Vietnam. It is a state-owned enterprise and operated by the Ministry of Defence.

The land dispute in Dong Tam received national and international attention in April 2017, when villagers held captive 38 local officials and police officers for several days following the police's arrest of four villagers for their alleged role in a blockade.

Vietnamese authorities have stepped up a countrywide crackdown marked by arrests and widespread social media censorship as they attempted to stifle public debate about a bloody land dispute on January 9th, 2020 in Thon Hoanh village, Dong Tam commune, Ha Noi city. The intensified raid on a peaceful protest was followed by clashes between police and residents of the village at the heart of a high-profiled dispute, which left four people dead and sparked a nationwide outrage.

Official collusion over land deals have been a major source of discontent in Viet Nam. Of Vietnam's 'Dong Tam Massacre', activists claim the government deployed 3,000 field fighting policemen to attack its own citizens in a village 35 kilometres from Hanoi at 3:30 am on January 9th, 2020. Dong Tam's residents had opposed the lease of the land to Viettel Group for several years.

The authorities alleged that the villagers had used violence and that four people, including three police officers and the 85-year old village leader, Mr Le Dinh Kinh, were killed in the conflict. In addition, police arrested 30 people for "disrupting security." Mr Le Dinh Kinh used to be the Secretary of the Vietnamese Communist Party Committee of Dong Tam Commune in the period 1981-1982, clearly understood the origin of the land, but for the sake of himself and his family, he strongly opposed it to the end.

On January 14th, the authorities announced that they would bring charges of "murder and resisting law enforcement officers" against 29 people among the 30 people arrested during the riot. The situation in Dong Tam has frequently been of huge interest to Vietnamese netizens with villagers and their relatives in Hanoi sharing regular updates and Facebook live broadcasts on the saga. While Dong Tam village has been cordoned off by security forces since January 9th, 2020, a video testimony from Du Thi Thanh, Mr Le Dinh Kinh's wife, emerged on Facebook on January 13th, 2020.

In the video, she alleges she was severely beaten by security forces in an attempt to force her to confess her role in the January 9th's events. While Thanh was released, dozens are still being detained incommunicado and are at grave risk of torture and other ill-treatment. In her testimony, Thanh states that four of her family members are in detention.

After earlier signs of leniency, the Vietnamese Communist authorities used the Dong Tam trial from 09 to 11/09/2020 to send a strong message. On September 14, 2020, judges of "people court" in the capital Hanoi handed down death sentences for brothers Le Dinh Chuc and Le Dinh Cong, who were charged with murder over the deaths of three police officers during the incident. The 27 other defendants have been given a range of lesser prison sentences, ranging from 15 months to life.

David Brown, a former U.S. diplomat and Vietnam watcher, has suggested this merciless response to the Dong Tam clashes was an attempt to clean up the mess from the aborted and massively disproportionate January operation: "When the operation miscarried leaving three police officers dead, Vietnam's top

management concurred in covering up police blunders and, however threadbare their story, in proceeding with a repression trial.”

Prior to the trial, state-run media had painted the defendants as “first attackers” during the dispute in Dong Tam. The picture was painted stronger during trial by a documentary film produced by the police depicting the government’s version of events. This film included the coerced admissions of guilt by the defendants.

In the morning of 7 September 2020, the trial of 29 defendants from Dong Tam began in Hanoi and was predicted to last ten days. The defendants, 19 men and 10 women, were accused of murdering three police officers and obstruction of officials during the dispute on 9 January 2020.

Judge Truong Viet Toan was assigned to preside over the trial. Two prosecutors from the Hanoi People's Procuracy were assigned to exercise prosecution rights and supervise trial activities at the trial.

The court sentenced two brothers to death. The other 27 people on trial were given sentences ranging from life imprisonment to 15 months suspended.

On 8 April 2021, the appellate court in Vietnam upheld the sentences.

On the other hand, “Justice for Myanmar” used open-source material and files from a data breach in which Viettel Construction Myanmar (VCM) unwittingly published internal files online relating to Viettel operations in Myanmar from 2017-2020. These data are publicly available on the website of the NGO.

In these leaked data Viettel’s business in Myanmar through Mytel and links to the Myanmar military are highlighted (Annex 4.2). Viettel officials operate and maintain secret military infrastructure, transfer military and dual-use technology, and operate in Myanmar military bases that are off-limits to the civilian government.

2. Parties submitting the Report

The following parties jointly submit this Global Magnitsky Report:

1.- Comité Suisse-Vietnam / COSUNAM.

Chemin de la Métairie 22, CH-1218 Grand-Saconnex, Genève - Suisse.

Président Sébastien DESFAYES, Telephone: +41 (0)78 677 39 71,

E-mail: desfayes@pblex.ch

Internet: www.cosunam.ch , E-mail: info@cosunam.ch .



2.- Bundesverband der vietnamesischen Flüchtlinge in der Bundesrepublik Deutschland e.V. Am Roetepfuhl 9, 12349 Berlin, Deutschland.

Reg.Nr.9325 Amtsgericht Frankfurt am Main,

c/o **Dr. Hoang Thi My Lam**, Postfach 40435 in 12313 Berlin.

E- mail: hoangml69@hotmail.com, Internet: www.lienhoinvtn.de



3.- Associatie Van Vietnamese Vluchtelingen in Nederland (AVVN).

Vietnamese Association of Political Refugees in the Netherlands.



Van Der Hagenstraat 711-6717DK Ede - Nederland.

Chairman : NGUYEN Huu Phuoc

Tel: +31 (0)318-640625; IBAN: NL16 INGB 0001 5086 64 t.n.v. AVVN

Internet: www.congdonghoalan.com , E-mail: congdong2017@hotmail.com



4.- The Vietnamese American Women's Association (VAWA). VAWA is a grassroots organization with the mission to promote democratic values and civic participation in Vietnam by providing an open forum for public discussion, information sharing, and networking.

4146 Mischire Dr., Houston, Texas 77025-4026, USA.

Represented by: Mrs. Dinh L. Pham, President. - Tel: 1-832-423-1500 - Fax: 1-713-432-7756

Email: dinhlpham@gmail.com

5.- Hoi Den Hung Foundation. The organization's mission is to promote continuation of culture and tradition for Vietnamese youth and communities overseas.

4120 30th St., Suite 104, San Diego, California 92104, USA.

Represented by Secretary: Mr. Loc Nguyen.

Telephone: 1-619-820-7448 - Email: locnguyen619@gmail.com

6.- Radio Tieng Nuoc Toi (TNT Radio Houston). The organization's mission is to promote the Vietnamese cultural heritage and enhance the prosperity of Vietnamese-Americans community in the Houston Metropolitan area through our 24/7 radio programs of news, cultural talk show and entertainment.

2503 Abernathy Glen Ct., Houston, Texas 77014. USA.

Represented by Ms Tuyet Hong Vo, Executive Editor - Telephone: 1-832-767-9160.

Web: www.radiotiengnuocloi.com - Email: tuyethong7@gmail.com

7.- Civil Rights Movement

20 Throckmorton Road, London, E16 3DW, United Kingdom.

Represented by Mr. Thang Van Bui.

Telephone: 44 7446 612 070. - Email: Thangbui19906@gmail.com

FB: www.facebook.com/danquyenuk



8.- Catholic Brotherhood Youth Association

4 Daley Street, London, E9 6HP, United Kingdom.

Represented by Spokesman Mr. Hung Huy Nguyen.

Telephone: 44 7452 770 611. - Email: Nguyencaoky770@gmail.com

FB: <https://www.facebook.com/H%E1%BB%99i-Anh-Em-Thanh-Ni%C3%AAn-C%C3%B4ng-Gi%C3%A1o-V%C6%B0%C6%A1ng-Qu%E1%BB%91c-Anh-197503751149552/>



9. Viet Tan Friendship Association

11 Windsor Close, London SE27 9LU, United Kingdom.

Chairman: Mr. PHONG NGUYEN.

Phone number: 07393331246 - Email: Phongnguyen289@gmail.com

FB:

<https://www.facebook.com/viettanuk/photos/a.2231487087137278/231486953803958/>



10. Den Vietnamesiske kultur foreningen I Moss og Rygge

Den Vietnamesiske kultur foreningen I Moss og Rygge. Norway

Represented by Mr TRAN Buu Tho

Phone number : +47 46661522/ Email : giangdo2405@gmail.com

11. Den Vietnamesiske Forening i Hjørring (Hội Người Việt tại Hjørring)

Græsvangen 11, 9760 Vraa Denmark
Chairman : Ms TRAN Thi Thu Thao
Tel +45 52 222 000
Email: thaihang12@gmail.com

12. Association des Professionnels Vietnamiens de Belgique

Hội Chuyên Gia Việt Nam/ Vương Quốc Bỉ
97, Rue Jean Van Lierde. 1070 Brussels - BELGIUM
Chairman : Ms Nguyễn Mộng Châu
Email : mongchau90@yahoo.fr Tel: +32476659351

13. Communauté Vietnamienne de Liège. Belgique

Cộng Đồng Việt Nam tại Liège, Belgique
Chairman : Mr LE Hữu Đào
Email : lehdao2013@gmail.com Tel: +32498323821

SUPPORTED BY:

VIETNAM REFORM PARTY (VIET TAN)

1969 Tully Road, Suite 50 # 299
San Jose, CA 95122, USA.
Telephone: +1 (916) 779-8861
E-mail: contact@viettan.org



3. Gross human rights violations against Dong Tam village people in the context of illegal land seizure of Viettel Group

3.1 Crimes against Dong Tâm people focuses on many individuals in Vietnam who put their lives at risk, in campaign against Viettel's land-grabbing, to defend their land ownership rights and were brutally attacked and harshly sentenced.

3.1.1 Details of the crimes against the Dong Tam people with emphasis on the murdering and suppressing Mr Le Dinh Kinh and Dong Tam people in Ha Noi - VN according to the U.N. ISTANBUL Protocol.

Background of Dong Tam.

Dong Tam is a commune located about 35 km southwest of Hanoi center, Vietnam; the North border is attached to Chuong My district, the East border is attached to Phuc Lam and Vinh Xuong communes, the West borders is attached to Hoa Binh province, the South border is attached to Thuong Lam commune.

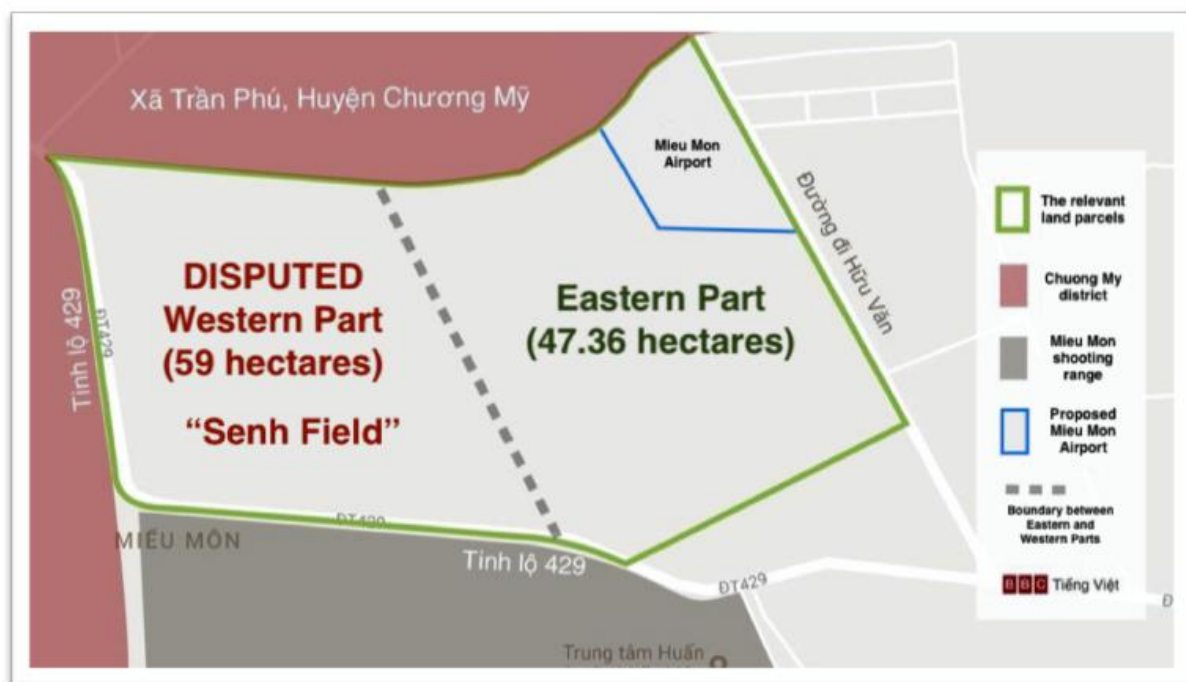
Its current population is approximately 8,647 people, divided into 2,572 households. Dong Tam commune belongs to My Duc district and has 14 villages, including Thon Hoanh and Dong Mit villages. In the photo below it is a peaceful scene in Dong Tam commune taken many years ago.



Dong Tam is a peaceful commune until 07/01/2020. Photo source: <https://thoibao.de/wp-content/uploads/2020/01/faf-1.jpg>

On 14 April 1980, the Prime Minister of Vietnam issued Decision no. 113/TTG on granting 208 acres of land for the construction of the Mieu Mon military airport. The Eastern Part of Dong Tam, which covers over 47 hectares of farmland, was reclaimed with this decision. The locals were compensated a total of around 150 thousand VND for the land in 1981.

However, the planned airport did not materialize and the People's Army of Vietnam rented the land to local people for them to cultivate and habitat on it. The Western Part, also called Senh Field (in written Vietnamese: Cánh Đồng Sênh), is where the Dong Tam locals reside and covers 59 hectares of land.



Map showing the two disputed land areas: Since 1981, the Eastern Part (over 47 hectares) has been handed over to the government, while the agricultural land in the Western Part (59 hectares) remained part of the Dong Tam commune.

The dispute arose starting in 2014 when the People's Army of Vietnam transferred the Eastern Part to Viettel Group and tried to claim the Western Part too. Both authorities and Viettel Group claimed that the whole area was reserved for a national defence and security project. Local authorities started to section off the 59 hectares of agricultural land in the Western Part without compensating the locals. Signboards stating "Prohibited Area – Military Area" were set up and constructions of land by Viettel Group started. Villagers tried to prevent the construction by pulling up the signboards and bringing their agricultural machinery and materials for farming.

The Dong Tam commune filed a complaint with the unit in charge of the construction of the Mieu Mon airport, the Air Force. Many generations of Dong Tam villagers cultivated crops on the disputed land, for which they paid land-use fees and taxes to the government. Therefore, if Viettel Group wanted to claim the land, they are obligated to pay compensation as required by law.

On 15 April 2017, the Hanoi Police invited the Dong Tam representatives to measure the border between the Eastern and Western Part of the area. In the confrontation, the police attacked and arrested four representatives without written warrants. The representatives were brutally beaten and one of them got his leg broken – locals had to come to the rescue. Additional police was deployed to disperse an angry crowd leading to a violent clash between them.

A surprising turn of events relieved this excruciatingly tense situation a few days later. With a promise that the villagers' claim to the disputed land would be comprehensively reviewed and no one punished, the mayor of Hanoi, a former police general, secured a general release of prisoners.

There was, however, no happy ending: in April 2019, central government inspectors announced their verdict: the villagers had no valid claim to the land or to monetary compensation. Not long afterward, Defense Ministry contractors began building a wall around the disputed tract and, it seems, Kinh's extended family and friends began to assemble a small armory including spears, improvised hand grenades, and gasoline bombs.

Real circumstance leading to the murder, torture publicly and kidnap

On 9 January 2020, the authorities decided to solve the ongoing land dispute by organizing a surprise attack in the early morning that included thousands of police officers in full riot gear. Innocents were arrested, injured and killed, roads were blocked and independent media were barred from entering the area and internet and phone connections were shut off. The Dong Tam commune never received an official warrant and endured egregious human rights violations.

In the early days of this lunar year, millions of people in the country and overseas compatriots were heading to Dong Tam with pity for the people here when the communist authorities took action to kill the 84-year-old revolutionary party member Le Dinh Kinh with 58 years of party age, and repressed the Dong Tam people.

Amid sounds of explosions, screams, and gunfire, the villagers of Dong Tam, a rural commune 35 km southwest of Hanoi, clashed with field fighting police in the early morning hours of January 9, 2020, killing the senior civilian, Mr LE DINH KINH, and three field fighting policemen, state-controlled media reported in the afternoon of the date.

Chief of the Office and Spokesperson of the Ministry of Public Security Police lieutenant general To An Xo on January 10 said the ministry has affirmed a rioter who died resisting on-duty officers is Mr. Le Dinh Kinh.

Moreover, 30 Dong Tam civilians were violently arrested and detained by this police force without announcement. At 3:30 AM, field fighting police cordoned off Dong Tam in coordination with local ground forces to grab forcefully 59 hectares of rice field land from villagers who owned the land more than 40 years. The villagers, who were never officially notified but had only heard through unofficial channels, declared in a video recorded an hour before the attack that they would “fight to the death” to protect their land ownership of 57 hectares rice field which they have owned more than 40 years.

A community call on social media to support the residents of Dong Tam was made right after the brutal attack of January 9, 2020. In those next few days, Vietnamese citizens have sent over half a billion VND to donate Mr. Le Dinh Kinh’s funeral expenses and support the detainees’s families.

But under Vietnamese police pressure, on January 17, 2020, Vietcombank (Joint Stock Commercial Bank for Foreign Trade of Vietnam) blocked access to Mrs. Nguyen Thuy Hanh’s bank account which contains 528,453,669 VND provided for Mr. Le Dinh Kinh’s funeral expenses. The Ministry of Public Security also gave out threatened warnings to people who would want to donate Mr. Kinh’s family and the people of Dong Tam, which is serious violation of law and human rights.

All the men in the family including his sons and grand-sons have been arrested, so Mr. Le Dinh Kinh’s family now only have his wife and daughters who are suffering pain and under police’s guard. Therefore the family does not have any sources of income, let alone that they would also still need to visit detained family members and hire lawyers to defend them.

Most urgently, the police continue to threaten, interrogate, and force these “still free” women to confess “crime” which they did not commit. The police and

authorities also prevent these women from reaching out to the public for help, and find ways to kill off their livelihood.

The Hanoi government has committed a brutal crime with horribly violent attack to the village's citizens, the criminal armed police who carried out the attack and murder are still not punished under the police-state, as they abuse power to suppress people and now continue to violate the law and human rights to suppress and threaten innocent citizens. **"A report by the Hanoi Police said when his corpse was checked, Kinh was holding a grenade in his hand."** [<https://en.vietnamplus.vn/hanoi-disturbance-case-ministry-affirms-kinh-died-holding-a-grenade/167160.vnp>].

After 20 days from the day the Ministry of Public Security headed by To Lam sent over 3,000 armed policemen to launch a brutal attack in Dong Tam commune and killed 84-year-old member Le Dinh Kinh who has 58-year party membership with 4 shots, now his wife, Mrs. Du Thi Thanh on January 29 appeared to tell the people about what happened in the early hours of January 9, 2020.

"My name is Du Thi Thanh, I am Mr Le Dinh Kinh's wife. I record this video, when I am very lucid and of sound mind, I am currently very clear-headed, I am in good health. This is my account on the police persecution of my family on 9 Jan 2020.

On that day, at around 3am, I heard a loud ruckus in the street outside, I opened the door to have a look, I saw the street was full of security police, the police, I ran inside, as I was running inside, I saw pepper spray had been shot, guns were firing into my house, that day the police threw a lot of pepper spray, smoke grenades / bombs into my house, my house was full of smoke, my husband and I felt the burning sensation all over our mouths, our eyes, our noses. I came up with the idea to fetch some water, I went to get [water] for my husband, but I had not yet managed to do that, I was choking,.. I saw my husband, he made noisy [choking] sound,..He asked me to fetch water and a towel for him, I told him to wrap himself with the towel, then I saw too much shootings, I came outside to have a look, then the shooting of smoking bombs into my home continued, I retreated inside to where my husband was, then I heard too much shootings, so I came out again, then I saw the police broke down the doors, climbed the walls, came into our room, dragged me out.

Ms. Du Thi Thanh told an important detail: **"When I was taken out, my husband was still alive."** Thus, after the police took all Le Dinh Kinh's descendants into the car, they proceeded to kill Mr. Le Dinh Kinh. At that time he was alone with the document chests and the surrounding Vietnamese policemen.

Since my husband got his leg broken in 2017 by an officer, my children and grandchildren slept in our home, to look after him and protect him in case the police kidnapped him, they

saw too much shootings so they ran up and down the stairs, up to the ancestors worshipping altar, but there was too much pepper spray, they couldn't bear it, they closed the doors, then the field fighting police burst in, arresting all of them.

On that day, the police kept on shooting at my home, they burst in, many of them, then they started to drag me out, covering my mouth, putting me in their vehicle, my children and grandchildren who were sleeping there, in my home, they ran up and down, then the police arrested all of them and dragged them away, when I was arrested outside my home, my husband was still alive, I saw the police bashed my children and grandchildren very brutally, barbarically, then they were dragged outside in the street, all of them were hauled to Mieu Mon police station.

At the police station, I saw the field fighting police again bashed my children and grandchildren brutally, they kicked, they punched their faces, their stomachs, they way they were bashed, I thought my son Cong [Mr. Le Dinh Cong] would die right there at the [police] station, I didn't think he would still be alive.

The police kept slapping me, kicking me. I haven't seen my son Chuc [Mr. Le Dinh Chuc] anywhere. I saw at the police station, the [police] they bashed, they tortured people so horrifically, they used the pens to clip people's fingers, all sorts of things. When they finished bashing, they forced me [bashing victim] to sign a piece of document saying they were not subject to forced confession, torture, that night everyone had their mouths covered, put in a van, then driven to where, I didn't know.

When released Mrs. Thanh, policemen told her "we allow you to go home to arrange the funerals for your husband and your child/children, were we not humane, we would have shot dead all of you louts."

The young children and I were allowed to go back home at 2am of Jan 10, 2020). The policemen told her "we allow you to go home to arrange the funerals for your husband and your child/children, were we not humane, we would have shot dead all of you louts. Since my husband was bashed and had his leg broken, my children and grandchildren came to our house to look after him, but they said we hosted dozens of drug addicts. I don't know whether they came to kidnap us or what, as they didn't produce any papers.

This account is all that I can remember, later, if my account differs, then it will be because [what happened] strongly affects me, affecting my memory, or because I am under pressure and forced to give a wrong account, I hope for your sympathy and understanding.



A kitchen wall that was rebuilt after a police used a mine to break into the house and took all of Le Dinh Kinh's children to the car and killed him with 4 shots.

Specifically Thanh said: *"The day people stormed into the house, I slept on one side, and my husband slept on the other side (where the safe was shot and broken).*

They stood outside the door spraying tear gas, gas and something. I coughed loudly and my old man was tired and could not breathe. I ran to get a wet towel to cover his nose, mouth ... then they broke the door, rushed in, locked my arms away and the old man, I did not know what they did to him ...

The children gathered to protect their father, but when the tear gas, smoke and dust were out of breath, they ran all the way to the rooftop and then I heard the gunfire and explosions of crisscrossing, crumbling on it, the whole family panicked, chaotic... no longer know what happened ... When they released, we came back and saw blood on my husband's bed room.

After burying him, we detected bad smell in his bedroom and later we found a sack of clothes full of his gore under the bed.

Ms. Thanh revealed that her husband *"believes very much in Mr. Trong's campaign against corruption! He believes in Trong, supports Mr. Trong, and absolutely supports the Party."*

Ms. Thanh said *"Houses, all ransacked, the soil map plastered on the wall had been torn off. Police took the wooden box that had the map, the files of land papers ... all in it ... they took away all"*

I said *"Why have you not hidden the documentation after knowing that they would attack?"*

Mrs. Thanh said *"No one expected it. My husband believed in Mr. Trong to fight against corruption! He believes in Mr. Trong, supports Mr. Trong, and supports the Party completely ... Who would have expected it!"*

She cried again ... I continued to ask, *“In addition to calves losing the land document box, did they take anything else?”* She replied *“They took Uy’s wife’s car and two metal safes of Cong and Chuc houses.”*

Regarding the fact that 3 police officers were burned, Mrs. Thanh said, *“The whole village no one saw, no one knew when they died, when, later they only learned from police ...”*

I continued to ask *“People say that that day there were 20 drug addicts who were raised by Mr. Kinh in the house ... were very much against the person on duty,”* Mr. Thanh said: *“There is no addict! My family still doesn’t have enough to eat, how can we feed outsiders?”*

“My husband bought a dish of breakfast rolls that we still had to cut, gave me half, and told me to eat so that I could take medicine ...” Thanh choked up and said nothing more.

I continued to ask, *“So that day, how did the policemen die, did you and your family know? Did your relatives throw petrol bombs into the sky well to make them burn to death?”* Old Uncle Thanh cried out again ...!

At that moment, Mr. Thanh’s neighbors and two daughters came in. Everyone replied in unison: *“The whole village no one saw, no one knew when they died, when, and later, only learned from police.”*

I continued to ask *“So, why did your brothers and sisters confess that they were throwing petrol bombs into a sky and burning them up?”*

Specifically Thanh and a few of them said: *“I don’t know, they probably were hurt too much, they had to accept it, but Uy had just shown his face on the terrace and was shot by a broken arm, and let the dog chase ... You can run to your yard to throw a petrol bomb ...?”*



The bedroom where Le Dinh Kinh was killed, (the bloodstains were smudged.)

The incident in which Vietnam's police headed by **General To Lam**, deployed thousands of armed policemen to attack and kill party member Le Dinh Kinh, which blew up the fire of hatred from true party members and millions of people in the country and abroad for the authorities in Hanoi.

Next, the action of General Secretary cum President Nguyen Phu Trong and Prime Minister Nguyen Xuan Phuc immediately awarded the first-class medal of merit to the three policemen who died while persecuting the people, this is the clearest evidence of the barbarism and cunning of Head of Party and State in Ba Dinh.

It's argued that the Dong Tam incident may induce higher authority to supervise local officials and police tactics more closely. That's not likely. At least from the time of the hostage-taking crisis, deciding what happened next at Dong Tam could not have been left to lower levels.

Ministry of Public Security proposals to meet intractable defiance with overwhelming and deadly force were almost certainly endorsed by the highest level of the ruling Party. And then, when the operation miscarried leaving three

officers dead, Vietnam's top management concurred in covering up police blunders and, however threadbare their story, in proceeding with a show trial.

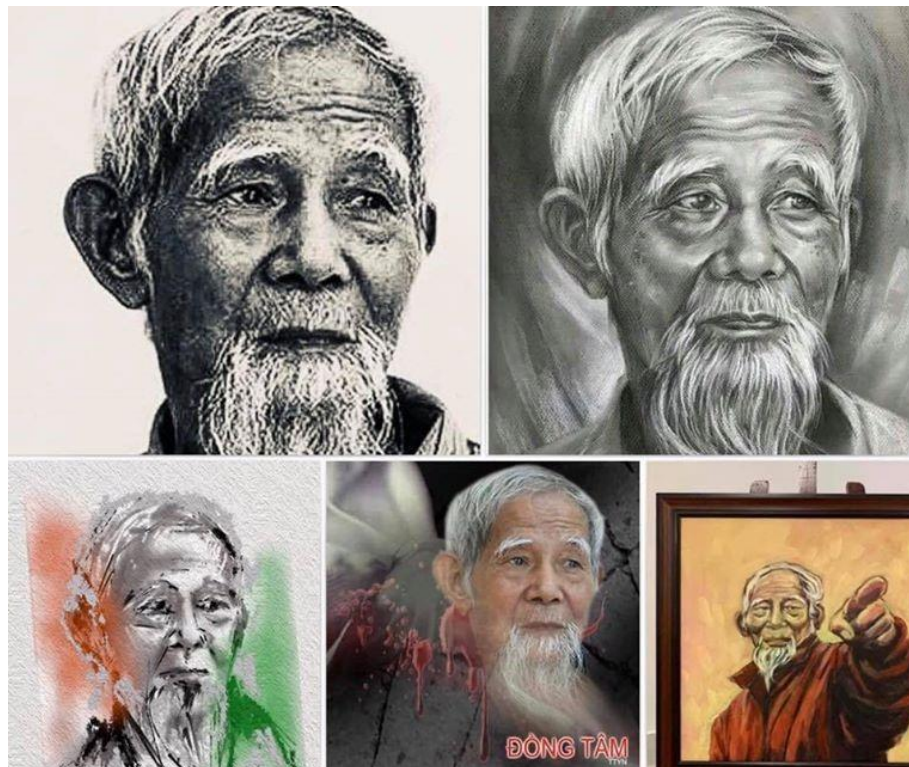
Almost as long as there have been farmers, there have been peasant rebellions (Wikipedia has a long list of these) and almost always they have been brutally suppressed.

In present-day Vietnam, protests against injustice by farmers are a familiar story. Le Dinh Kinh seems to have persuaded himself, his sons, his friends, and neighbors that justice, if not the letter of the law, was on their side, with tragic consequences.

Someday, Kinh and others like him may also be commemorated.

Victims (Name, date of birth, profession)

1.- Mr Le Dinh Kinh, born in 1936 (84 years old), retired and lived in Thon Hoanh, Dong Tam, My Duc, Ha Noi – Vietnam until he was murdered by police on January 09, 2020. He has been a member of the Vietnamese Communist Party (VCP) since 1962 (58 years), and also the leader of the DONG TAM civilian in defending for their land ownership rights. He was murdered by some field fighting policemen at 4 AM in his bedroom (first floor) as his home was raided.



Victim Le Dinh Kinh 's Photo images drawn by the famous painters inside VN.

2.- Mrs Le Dinh Kinh (maiden name: DU THI THANH), retired, was hit, tortured by the field fighting policemen as her home was raided. Then all family members of the couple Le Dinh Kinh – Du Thi Thanh, including a baby aged 3 months old, were arrested and brought to Mieu Mon Police Station in DONG TAM commune. After the policemen killed Mr Le Dinh Kinh in his bedroom and robbed his corpse, they released all these female members and children. The baby has been suffered from pneumonia since then.



Mrs Le Dinh Kinh – maiden name DU THI THANH, in the funeral of Mr Le Dinh Kinh, 3 days after the police assault in their home at 3:30 AM on Jan. 09, 2020.



Baby aged 3 months old is Mr Le Dinh Kinh's grandchild was arrested at 4 AM on January 09, 2020 at his home in the raid. Photo source: https://the88project.org/wp-content/uploads/2020/01/Le-Dinh-Kinh_BBC-News-624x321.jpg

3.- Mr Le Dinh Uy (born in 1993), Mr. Le Dinh Kinh's grandson, was broken an arm as he was shot by the field fighting police in the attack and assault in the home of Mr Le Dinh Kinh. Then he was arrested and detained in a police secret place.

4.- Mr Le Dinh Chuc, born in 1980, son of Mr Le Dinh Kinh, village farmers, were hit and abducted by the field fighting police at 4 AM as his home next to his father home was also raided. He was arrested and detained in a non-disclosure place by the police. On September 14, 2020, The People Court of Ha Noi sentenced him to death after the 4-day trial of 29 Dong Tam villagers who were

detained and tortured from 09/01/2020, by the attack & assault of police to Dong Tam commune.

5.- Mr Le Dinh Quang, born in 1984, nephew of Mr Le Dinh Kinh was also hit and kidnapped by the field fighting police at 4 AM as his home was raided. He is a village farmer, married and has 3 young children.

6.- Le Dinh Cong (born in 1964), Mr Le Dinh Kinh's son, was abducted during the police attack and detained in a non-disclosure place by the police. On September 14, 2020, The People Court of Ha Noi sentenced him to death after the 4-day trial of 29 Dong Tam villagers who were detained and tortured from 09/01/2020, by the attack & assault of police to Dong Tam commune.

7.- Le Dinh Hien, born in 1989, Mr Le Dinh Kinh's grandson, was kidnapped during the police attack and was detained in a non-disclosure place by the police.

8.- Le Dinh Doanh, born in 1988, Mr Le Dinh Kinh's grandson, was kidnapped during the police attack and detained in a non-disclosure place by the police. On September 14, 2020, The People Court of Ha Noi sentenced him life imprisonment, after the 4-day trial of 29 Dong Tam villagers who were detained and tortured from 09/01/2020, by the attack & assault of police to Dong Tam commune.

9.- Le Dinh Quan (born in 1976), Mr Le Dinh Kinh's nephew, was kidnapped during the police attack and detained in a non-disclosure place by the police.

Nine victims above are all members of the extended family of the murdered victim Le Dinh Kinh, 7 of them now have been detained in a police secret place unknown to their families or public.

10.- Mr. Bui Viet Hieu, born in 1943, who had emergency surgery last night at the 103 Hospital. At 12PM on January 10, 2020, Bui Hong Minh, Mr. Hieu's daughter found him in the surgical ward with serious burns, because of a gun shooting from the attack police force. The family can only look at him through a window at lunch time, Mr. Hieu's body was wrapped up, and the police did not allow the family to come near him with reason that he was a 'dangerous criminal'. It seems that he was hit by a bullet.

11.- 21 other Farmers in Thon Hoanh village – DONG TAM commune, who were also beaten and kidnapped by the field fighting police at 4 AM as their homes were raided, are: **Bui Van Nien (born in 1980)**, **Nguyen Van Tuyen (born in 1974)**, **Tran Thi La (born in 1978)**, **Bui Thi Noi (born in 1958)**, **Bui**

Van Tien (born in 1979), Nguyen Thi Lua (born in 1956), Bui Van Tuan (born in 1991), Nguyen Quoc Tien (born in 1980), Bui Thi Duc (born in 1957), Nguyen Van Due (born in 1962), Nguyen Thi Bet (born in 1961), Trinh Van Hai (born in 1988), Nguyen Van Quan (born in 1980), Bui Viet Tien (born in 2000), Nguyen Thi Dung (born in 1963), Nguyen Xuan Dieu (born in 1952), Tran Thi Phuong (born in 1984), Mai Thi Phan (born in 1963), Le Thi Loan (born in 1966), Nguyen Van Trung (born in 1988) and Dao Thi Kim (born in 1983). These 19 villagers were detained somewhere no one has known to date.

12.- All the villagers of Thon Hoanh village – DONG TAM commune, including children were harmed by the tear gas grenades thrown by the field fighting police during this attack. Many families had to evacuate their infected children to the neighbourhood Dong Mit village for first aid.

Physical injuries resulting from the murder, torture and kidnap caused by the Viettel's land grab in Dong Tam – Ha Noi – Vietnam

Mrs Du Thi Thanh, wife of the dead victim Le Dinh Kinh reported: *“The day people stormed into the house, I slept on one side, and my husband slept on the other side (where the safe was shot and broken). They stood outside the door spraying tear gas, gas and something. I coughed loudly and my old man was tired and could not breathe. I ran to get a wet towel to cover his nose, mouth ... then they broke the door, rushed in, locked my arms away and the old man, I did not know what they did to him ... The children gathered to protect their father, but when the tear gas, smoke and dust were out of breath, they ran all the way to the rooftop and then I heard the gunfire and explosions of crisscrossing, crumbling on it, the whole family panicked, chaotic... no longer know what happened ... When they released, we came back and saw blood on my husband's bed room. After bearing him, we detected bad smell in his bedroom and later we found a sack of clothes full of his gore under the bed”.*

After killing Le Dinh Kinh at his home, at 4 AM on January 9, 2020, there were 3 large bags supposedly for carrying the bodies taken to the Ministry of Public Security of Vietnam. Le Dinh Kinh's body was under forensic surgery and sewed by the Vietnamese police before being returned to his relatives.

How has Mr. Kinh been killed by people on behalf of the Communist Party: On January 12, 2020, an important source from Dong Tam revealed that the police had entered his bedroom where Mr. Kinh had shot many shots to kill Mr. Kinh right in front of his wife, Mrs. Du Thi Thanh.

Mr. Kinh's grandchildren when washing the body concluded that he was shot twice at his head, once in his heart and once on his left leg. His left leg nearly separated from his body while the right leg was broken two years ago, also caused by police attack.



Ảnh 6: Dấu tích tra tấn sau gáy và lưng cụ



Ảnh 7: Đầu gối cụ Kinh

Pictures 6 and 7 show that Mr. Kinh was brutally tortured. Scary, his knee was broken, leaving the legs dangling, only sticking to the thigh thanks to the remaining flesh.



Mr. Kinh's body was taken home with many wounds caused by bullets.

Land rights activist Trinh Ba Tu wrote on his personal Facebook page “Kinh’s left leg was broken, his head was covered with blood, there was a bullet hole in his heart, his blood covered his bed. He died at 3AM on January 9, on the second floor of his house.”

This piece of information was narrated by Trinh Ba Tu via a live video stream on Facebook at 1.20PM of January 12, 2020 with a woman’s voice from the village of Dong Tam through the phone.

Mrs. Du Thi Thanh also said that the police used a canvas to bring Mr. Kinh’s body out, but she added that they brought 3 shields, that is, they carried 3 times with a canvas, but she did not say what those 3 carrying bags were.



Mrs. Du Thi Thanh (wife) and Mr. Le Dinh Kinh (husband).

Video taken by Mr Le Dinh Kinh's relatives as they were cleaning the body Mr Le Dinh Kinh, before being shrouded:

<https://www.facebook.com/trinhbaphuong.trinhba/videos/pcb.2450454805216208/2450454468549575/?type=3&theater>

The original image shows solid blood clots (the image has blurred the blood spot) at the corner of the chamber.

Mrs Du Thi Thanh's report, sent to the US Embassy in Hanoi – Vietnam, describes the fact of the DongTam incident as follows:

My name is Dư Thị Thành, the wife of Mr. Lê Đình Kinh. I represent the villagers at Đồng Tâm who were assaulted by Hanoi government at 3am on January 9, 2020. We are very moved to learn from Mr. Trịnh Bá Phương that he will be meeting with you tomorrow to discuss this case. We hope that through him, you will hear our plea for help.

Below are some of the things I saw that night:

Around 3am, I heard a lot of noises like motors revving up, loud footsteps, clothes brushing against each other.

Through the window, I could see many riot police, fully armed, pointing their weapons at our house.

They began hollering and then attacked by firing explosion grenades, smoke grenades and tear gas. We could not breathe – me, my husband, our children and their children. They even fired bullets into our house and repeatedly launched smoke bombs and tear gas.

I only was able to get my husband a wet towel and stayed beside him throughout the hours-long ordeal. My children and grandchildren were constantly running up and down the stairs, gasping for air because the house was by then filled with smoke and gas.

When the riot police came in to drag me from the house, my husband was still alive, but I never saw them take him outside. After that, they pulled my children out too and beat them up.

They threw us all into a van and took us to Miếu Môn station: At the station they began to torture and force confessions from us. They made us kneel and answer their questions. Anyone who refused to say what they wanted to hear would be beaten; some had blood running from their mouths and noses. I saw police savagely assaulting my son Lê Đình Công. He couldn't even walk, but had to crawl on the floor. I thought he was going to die. I saw police beating Mr. Lê Đình Hiếu until he passed out. Then they poured water on him to wake him up, but he started choking because they poured too much water. So they put him on a gurney and took him outside right away. I saw many Đồng Tâm villagers with severe injuries on their body, writhing in pain; some had broken ribs, broken jaws... I myself,

Dur Thị Thành, was repeatedly slapped and was forced to see them hold a live grenade to my face. I was hit in the head, and both my ears were buzzing. They hit me in my lower legs too; it hurt a lot. My grandson Lê Đình Uy was hit with a bullet in his right arm at our house. Yet at the station, they beat him up some more and also tortured him. My daughter-in-law Trần Thị Hương, my grandchild and two great-grandchildren, who were sleeping at their own home, were also taken to the station. They were coughing heavily from severe smoke inhalation. My great-grandchildren, one two-and-a-half years old and the other three months old, are suffering from lung infections.

At 2am the following day, January 10, I was released, along with my granddaughter and her two children. A policeman said to me: “We’re only letting you go home to take care of your husband’s funeral.”

But it took three days before we could go back inside our house because they had it completely blocked off and searched. They took away all the paperwork my husband had been keeping for decades, his proof that the Đồng Sinh field is agricultural land. They even took 5M VND of cash from a shirt pocket, the only money we had in the house. My daughter-in-law's car, for which she still owes payments to the bank, was towed away. They also took all her jewelries, rings, necklaces, money from her business... Nothing was left. A safe at my son Lê Đình Chúc's house was taken. In it, he kept 13M VND for his pregnant wife to help with the cost of childbirth, along with insurance papers for his children so they can go to school. The next day, they called him to return the items but not the money.

I have not seen my second son Lê Đình Chức since the night of January 9, when they took him away. I did not see him at the police station, and up until now, the police have not told me anything about him. Some people said he'd been shot dead. It has been almost a month since the attack, yet my family and other families still have not heard any news about our family members who were abducted that night. We have no idea if they're dead or alive. We ask for your assistance, as well as the assistance of other embassies, to help us find our loved ones.



Screenshot of Le Dinh Cong, Le Dinh Kinh's elder son, during his "televised confession" on the VTV Evening News, January 13, 2020. Source: anonymous citizenjournalist



Mr. Le Dinh Cong on VTV with lots of bruises and the police said he confessed. Photo source: <https://thoibao.de/wp-content/uploads/2020/01/WhatsApp-Image-2020-01-31-at-08.49.57-2.jpeg>



Ảnh 9: Lê Đình Công



Ảnh 10: Bùi Thị Nổi



Ảnh 11: Lê Đình Quang



Ảnh 12: Lê Đình Doanh

Photos of 4 Dong Tam Villagers arrested on 09/02/2020, being conceived and forced to confess on VTV with faces all bruised everywhere.

Reported Video: https://youtu.be/JJjK_x_VQ1w

Authorities in Vietnam indicted 25 people on murder-related charges for their involvement in a deadly clash over land rights that left three police officers and a protest leader dead, in January at the Dong Tam commune outside Hanoi.

Dong Tam village elder Le Dinh Kinh, 84, was shot and killed by police during the Jan. 9 raid on the village by 3,000 security officers intervening in a long-running dispute over a military airport construction site about 25 miles south of the capital.

The Hanoi People's Procuracy on Thursday released the indictments after a 20-day investigation, according to state media, accusing the slain man's son Le Dinh Chuc, and grandsons Le Dinh Doanh and Le Dinh Uy of murder, with 22 more charged as being accomplices to murder.

In addition to Le Dinh Kinh, three police officers died in the police raid at Dong Tam in January.

<https://www.rfa.org/english/news/vietnam/dong-tam-06262020151817.html>



Village leader Le Dinh Kinh's body is shown (L) bearing bruises next to a photo of Hanoi police deployed at Dong Tam commune on Jan. 9, 2020.

Specifically, Kinh was found with a broken left leg and a bullet wound to the head and his heart. He was found dead on the second floor his house at 3 am. Mr. Chuc is currently at Ha Dong Hospital and is in critical condition. Mr. Cong might be dead. They broke the lock in people's homes at dawn, killing 3 generations of family and removing all these belongings is considered THEFT.





<https://basamnguyenhuuvinh.wordpress.com/2020/01/11/353-hinh-anh-thong-tin-ve-thi-the-cu-kinh/>

<https://viettan.org/vu-dong-tam-ong-bui-viet-hieu-la-nguoi-chung-kien-cu-kinh-bi-ban-chet-va-chinh-ong-cung-bi-ban-xem-chet/>

Description of weapons or other physical objects used in the police raid in Dong Tam to support the Viettel's land grab

Around 10PM of January 8, Vietnam's authorities deployed around **1,000 police officers, including 360 in 18 vehicles from special units** of the Ministry of Public Security to Dong Tam commune. Police carried out **RAM 2000 MK3 armored vehicles, equipped with 12.7 mm machine guns with powerful firepower, wave breakers and Long-range Acoustic Device (LARD)** to the area. An activist took pictures of the moving forces while being summoned to a local police station.

At around 4AM of January 9, police started their attacks, targeting the private residence of Mr. Le Dinh Cong, a son of elderly leader Le Dinh Kinh. **Many loud explosions glow like firecrackers everywhere**, the villagers alerted each other about their enemy's entry. Dong Tam's entire population is surrounded by a huge police force. Nobody can enter, nor can anyone get out of Dong Tam right now. **Internet was cut off. Phone network also was cut.** Many people were blocked when they tried to go out of the village as police used pepper spray and

firecrackers to attack them. From the phone heard children screaming, women sobbed with indignation and helplessness.

"Early in the morning of Jan 9, 2020, police used force against land activists in the Dong Tam commune, in My Duc district of Hanoi," said Phil Robertson, deputy Asia director of Human Rights Watch.

From Germany, lawyer Nguyen Van Dai on behalf of the Brotherhood for Democracy announced the "Criminal condemnation of the Communist Government of Vietnam in the Dong Tam case. In the statement just stated, clearly stated, ***"The act of using armed police, soldiers and modern weapons to attack and kill civilians in order to steal land from the Communist authorities of Vietnam is extremely brutal, cruel and inhumane. No government on this earth has committed such crimes with its compatriots. "***

Lawyer Trinh Vinh Phuc shared "Shocked because the authorities **pointed the guns at the people, using violence, fire, military weapons to the people ...** They considered the people to be enemies. A picture that is so bleak and wrathful behavior. No reason to justify the government to send the **regiment equipped with gun armored vehicles** to ambush into the village at dawn".

But anyway that force used **submachine guns, tear gas, throwing smoke grenades** directed at people. Mr. Bui Viet Hieu, who had emergency surgery last night at the 103 Hospital. At 12PM on January 10, 2020, Bui Hong Minh, Mr. Hieu's daughter found out him in the surgical ward with seriously burn. The family can only look at him through the window at lunch time, Mr. Hieu was wrapped around his body, and the police did not allow to come near with reason that 'dangerous criminals'. It seem that he was hit by a bullet.

Moreover, from the witness that Mrs. Du Thi Thanh's wife Le Dinh Kinh and her grandchildren when washing the body can conclude that Mrs. Kinh died by **4 gun shots with two shots on the head, one on the chest and one on left leg.**

From Nha Trang, independent journalist Vo Van Tao pressingly said: "The story in Dong Tam that brought the people's armed forces, is not sure if there is an army but only the mobile police. But anyway **that force used tear gas, throwing smoke grenades ... at people** like that, it was a very brutal act, went against the nature of the people's armed forces and also against the original slogan of the revolution 'land for ploughmen – fighting for the people' and finally suppressing the people. That is ridiculous. "

Below are some pictures taken from the scene to show what weapons were used by the field fighting police in their attack to DONG TAM commune on January 9, 2020:



Images of Vietnamese police attacking the homes of people in Dong Tam commune on January 9, 2020.



Pictures of bullet holes inside Le Dinh Kinh's bedroom were taken by Prof. Hoang Xuan Phu.



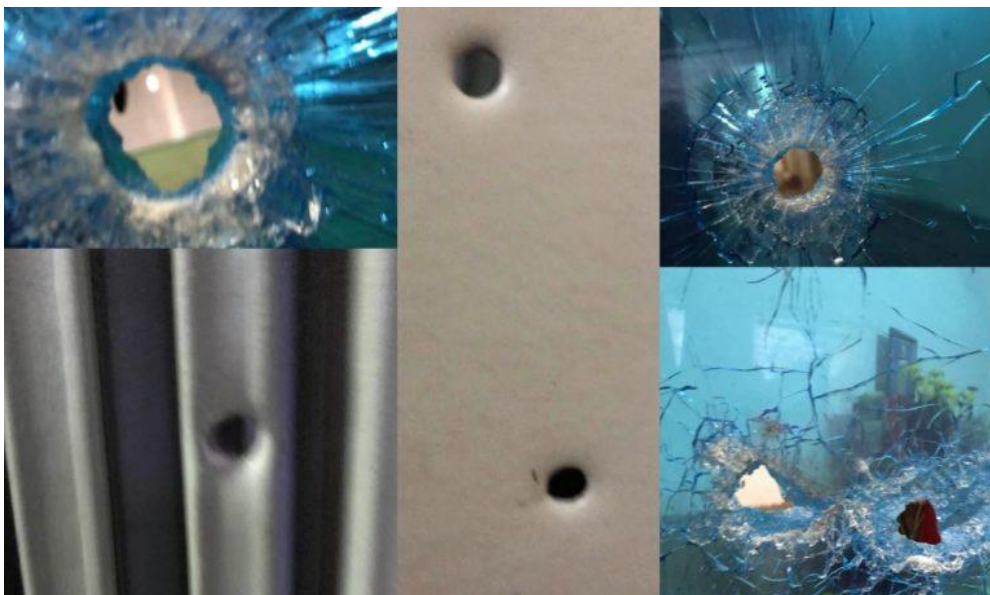
Images of bullet wounds shot from outside the window aimed at the place where Mr. Le Dinh Kinh slept.



Bullet cartridges and explosives from the Ministry of Public Security collected in Mr. Le Dinh Kinh's house and kept by his family.



The explosives, warheads and cartridges left by Vietnam's police at the crime scene collected by Mr. Le Dinh Kinh's family.



Images of multiple bullet holes in Mr. Le Dinh Kinh's house were taken by Dr. Nguyen Quang A, on February 01, 2020. Photo source: <https://thoibao.de/wp-content/uploads/2020/02/WhatsApp-Image-2020-02-03-at-09.20.12-1-768x457.jpeg>

Financial damages

The Dong Tam attack has led to many financial damages to the villagers. Locals have been petitioning authorities to return their valuable belongings and human rights activists have been raising funds for Dong Tam.

On 17 January 2020, Vietcombank blocked the several bank accounts, including the account of Nguyen Thuy Hanh, under Vietnamese police pressure. Nguyen Thuy Hanh is a human rights defender who started a nationwide call to raise funds for the family of Le Dinh Kinh after the police attack on 9 January 2020. Just within a few days, a total of 528.453.669 Vietnamese Dong, approximately 22.000 US Dollars, was collected as donation.

The Ministry of Public Security announced that the accounts were frozen based on ongoing investigations into the protest and prevention the financing of tourism. The ministry requested for people not to send donations to Dong Tam, as these donations are allegedly for purchasing weapons against the police.

The family of Le Dinh Kinh only consists of women now, as all men of the family have been arrested during the police attack. No longer does the family have sources of income, while they would still need to visit their imprisoned family and pay lawyer fees. The police continue to threaten and interrogate the women. The family is prevented from reaching out to the public to seek for help and finding ways to maintain their livelihood.

On top, the house of the family has been destroyed during the police raid – their home was targeted with an explosive charge that blew a large hole into the house and collapsed the roof. Their belongings, including their cash, car and documents, have been confiscated.

Besides the family of Le Dinh Kinh, many locals of Dong Tam had their valuables disappeared from their homes after the clash. Personal possessions such as cash and jewelry were taken while locals were being detained.

Trial

In the morning of 7 September 2020, the trial of 29 defendants from Dong Tam began in Hanoi and was predicted to last ten days. The defendants, 19 men and

10 women, were accused of murdering three police officers and obstruction of officials during the dispute on 9 January 2020.

Prior to the trial, state-run media had painted the defendants as “first attackers” during the dispute in Dong Tam. The picture was painted stronger during trial by a documentary film produced by the police depicting the government’s version of events. This film included the coerced admissions of guilt by the defendants.

The trial violated many fair trial regulations:

- lawyers were denied meeting with their clients privately or at all,
- lawyers were denied to client’s case files,
- lawyers were not allowed to copy and present their own documents.

Lawyers requested the People’s Court of Hanoi to include the participation of several relevant figures, such as Du Thi Thanh who was a key witness, the police officer who shot and killed Le Dinh Kinh and all investigators. The request was rejected with the blank rationale that the request was “not necessary”.

The trial was reported as a “public trial”, however the relatives of the 29 defendants were tightly controlled by the public forces and were not allowed to attend. Most of them were prevented from leaving their house. Besides relatives, human rights activists in Hanoi and Saigon were tightly monitored by the police before, during and after the trial despite them not being present during the Dong Tam raid.

Nineteen out of 29 defendants confirmed directly in trial that they were subjected to torture and degrading treatment. These defendants were beaten by rubber batons in the detention centres and forced to read out loud “confession scripts” on national television. These allegations were never considered by the court.

Not only were the defendants subject to torture, but also lawyers of the Dong Tam commune, including Dang Dinh Manh, Nguyen Van Mieng and Ngo Anh Tuan, were harassed and shoved by plainclothes police. The three were tailed, threatened and their belongings were confiscated.

One week later on 14 September 2020, the People’s Court of Hanoi announced the verdict. Two of the defendants received death sentence for murdering the three police officers – Le Dinh Cong and Le Ding Chuc, the two sons of Le Dinh Kinh. The other defendants were sentenced varying from life imprisonment to 15 months suspension.

Sentences of defendants:

1. Le Dinh Cong: Death penalty
2. Bui Viet Hieu: 16 years in prison
3. Nguyen Van Tuyen: 12 years in prison
4. Le Dinh Chuc: Death penalty
5. Le Dinh Doanh: Life in prison
6. Nguyen Quoc Tien: 13 years in prison
7. Nguyen Van Quan: five years in prison
8. Le Dinh Uy: five years in prison
9. Le Dinh Quang: five years in prison
10. Bui Thi Noi: six years in prison
11. Bui Thi Duc: three years suspended sentence
12. Nguyen Thi Set: three years suspended sentence
13. Tran Thi La: three years suspended sentence
14. Nguyen Thi Lua: three years suspended sentence
15. Bui Van Tien: five years in prison
16. Nguyen Van Due: three years in prison
17. Le Dinh Quan: five years suspended sentence
18. Bui Van Nien: three years suspended sentence
19. Bui Van Tuan: three years in prison
20. Trinh Van Hai: three years in prison
21. Nguyen Xuan: three years suspended sentence
22. Mai Thi Phan: 30 months suspended sentence
23. Dao Thi Kim: 24 months suspended sentence
24. Le Thi Loan: 30 months suspended sentence
25. Nguyen Van Trung: 18 months suspended sentence
26. Le Dinh Hien: 15 months suspended sentence
27. Bui Viet Tien: 15 months suspended sentence
28. Nguyen Thi Dung: 15 months suspended sentence
29. Tran Thi Phuong: 15 months suspended sentence

The verdicts have been handed down in the Dong Tam Incident, a brief but bloody clash between police and a persistently oppositional band of Vietnamese farmers. After a week of testimony, cross-examination, apologies, and pleas for clemency, on September 14 the Hanoi City People's Court found all 29 defendants guilty in various ways of resisting state authority. Two have been sentenced to death, another to life imprisonment, and the rest to lesser terms.

The guilty verdict was no surprise. This was a show trial ordained and orchestrated by the institutions of the Vietnamese state. Prisoner after prisoner uttered virtually identical confessions: "I apologize to the families of the police officers who were lost; I thank our teachers in the prison who taught us how we erred; I thank my lawyers but now no longer need his services; and finally, I ask for a lighter sentence."

The regime in Hanoi takes a dim view of the agrarian protests. In party doctrine and Vietnamese law, the land belongs to the people and the state manages it on their behalf. If farmers persist in asserting their right to till plots of land when the party/state has decreed some other use for it, even if they only insist on being paid what it is worth, they risk being labeled "rioters and terrorists," forcibly removed, and in exemplary cases, prosecuted.

According to The 88 Project, a blog that covers free speech issues in Vietnam, the Ministry of Information directed state-licensed media to paint defendants as "first attackers," describe their leader as "a degenerate party member," stress that "most people agree the police had to act to protect the peace," and not to report "defense arguments detrimental to the government's case."

A "documentary" film produced by the Ministry of Public Security was shown at the beginning of the trial that illustrated the government's version of events and included footage of defendants admitting guilt. When defense lawyers objected and asserted that their clients confessed under duress, they were told to "Just watch it." The defense lawyers were also denied the opportunity to talk to the defendants.

An appellate court in Vietnam Tuesday, 08/03/2021 upheld the sentences of six land-rights activists involved in a deadly clash with police last year at the Dong Tam commune outside the capital Hanoi, local media reported. On 09/03/2021 this Ha Noi People's High Court in Hanoi upheld death sentences on Tuesday against two brothers for their roles in the high-profile killings of three policemen in a landmark clash over land rights, their lawyer and the Ministry of Public Security said.

The Hanoi People's High Court rejected the appeals by Le Dinh Cong and Le Dinh Chuc against a trial in September 2020 that convicted them of murder and resisting law enforcement, their lawyer Trinh Vinh Phuc said.

Witnesses of the Viettel's land grab supported by police raid in Dong Tam

Summary of witness reports

During the Dong Tam incident, there are many witnesses who saw the violent attack on locals in the early morning of 9 January 2020. Witness reports describe that thousands of police officers attacked first with firing tear gas and rubber bullets, blocking off pathways and alleys, and beating locals. The thick chemical clouds of tear gas made it impossible to hide or escape from police, much less fight back. They also mentioned that prior to the attack, the Dong Tam area had its electricity, phone and internet cut.

On social media, video and photo footages were posted that provide evidence of citizen mistreatment at the hands of the authorities. These footages show how the police illegally trespassed the houses in the village, carried guns and other military weapons, beaten up the villagers repeatedly and arrested dozens of people.

The authorities have arrested 29 locals and portrayed them as terrorists who attacked the police with military and paramilitary weapons. Witnesses, social activists and independent journalists who speak up on behalf of the Dong Tam people have been attacked, kept under house arrest or detained with charges on “opposing the State”.

Lawyers have asked the People's Court of Hanoi to include witnesses of the Dong Tam raid, including the Hanoi City Police units that participated in the attack, to participate in the trial on 7 September 2020. They were all denied without legitimate reason. This shows the inequality in the hearing.

Key witnesses denied to testify in court

1.- Mrs Du Thi Thanh

Du Thi Thanh, 68 years old and the wife of Le Dinh Kinh – a village leader who was shot and killed in January 2020, is one of the key witness of the police assault in Dong Tam. She was with her husband during the attack and survived. Du Thi Thanh witnessed her husband being shot right in front of her.

In the early morning of 9 January 2020, their home was targeted with an explosive charge that blew a hole into the house and collapsed the roof. The raid happened without any warning or warrant, and while they were asleep. Du Thi Thanh and her kids were beaten, gagged and taken away by the police, while Le

Dinh Kinh was left behind. She believes he must have been tortured and shot dead in their house after that. Le Dinh Kinh was shot twice in the head, once in the heart and once in the left foot.

During her arrest, Du Thi Thanh was tortured, beaten and coerced into falsely confessing that her husband and herself were using grenades and petrol bombs to attack the police. The confessions of all arrests were broadcasted on state media, however during the entire interview recording it was visible that she and other subjects were covered in scrapes, black eyes, bruises and swellings, and appeared to be reading from statements off-camera.

After her release, Du Thi Thanh was put on house arrest. On 13 January 2020, she shared a testimonial on social media describing in tears how she was tortured by the police during her arrest: “They forced me to declare that I had grenades at home. But I told them I don’t even know what grenades and petrol bombs are, so I couldn’t make that statement. They then slapped me, and they kept slapping me. They slapped me the whole time. They slapped this side and that, and then after, they repeatedly kicked both of my legs.”

On 7 September 2020, the day of the trial, five of her family members were defendants charged with murder or accomplices to murder. Two sons were received the death penalty, one grandson received life imprisonment and two other grandsons received five year each. Lawyers had requested for Du Thi Thanh to participate that day as witness on the events in Dong Tam. This request was denied by the People’s Court of Hanoi.

On 3 March 2020, Du Thi Thanh filed a criminal denunciation to the Ministry of Public Security investigation agency and Minister of Public Security To Lam about the murder case of her husband.

2.- Mr Bui Viet Hieu,

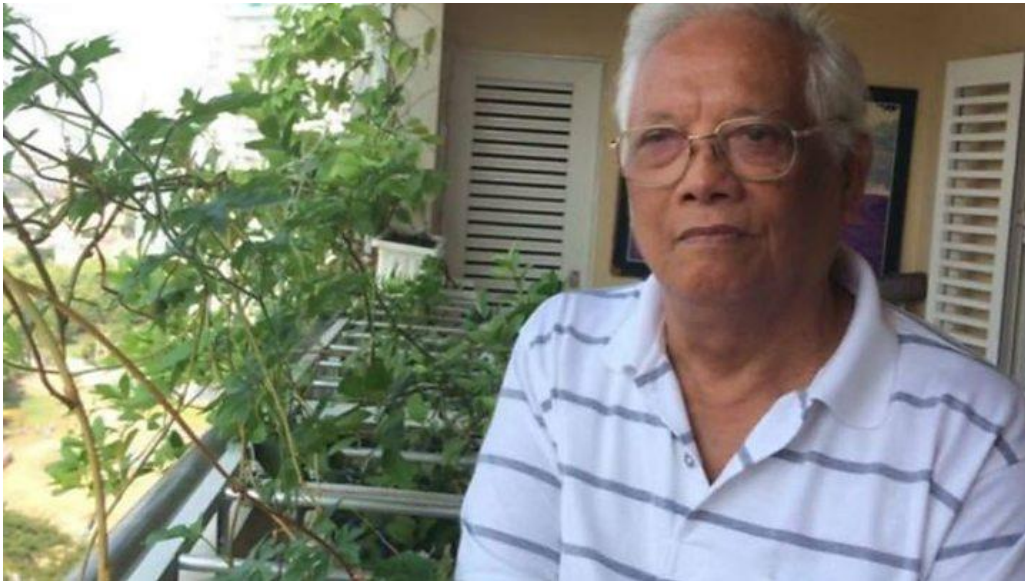
Bui Viet Hieu, 77 years old and the oldest villager in the Dong Tam arrest, witnessed Le Dinh Kinh being shot by the police. Bui Viet Hieu lives next to Le Dinh Kinh and witnessed that Le Dinh Kinh was shot from the front and dragged away by the police. According to Bui Viet Hieu, Le Dinh Kinh was not holding a grenade, which was claimed by the authorities, but rather a walking cane.

He was shot himself in the leg and chest after the police shot Le Dinh Kinh. After hours being shot twice, he was admitted to the hospital in critical condition while being closely monitored by the police. Family members were not allowed to visit

him during his recovery in the hospital. After his recovery, he was taken directly to the detention center.

During the trial on 7 September 2020, Bui Van Hieu was not allowed to be a witness for the defense, despite the request by defense lawyers. Bui Viet Hieu was sentenced to 16 years in prison on 14 September 2020.

3.- Professor Tuong Lai , full name Nguyen Phuoc Tuong born in 1936 in Hue city, retired and lives in Sai Gon city – Vietnam



Prof. Tuong Lai. Photo source: <https://www.bbc.com/vietnamese/vietnam-51248364>

4.- Dr Nguyen Quang A, PhD in science, born in 1946 in Que Vo district, Bac Ninh province, retired and lives in Gia Thuy ward, Long Bien district, Ha Noi - Vietnam



Dr Nguyen Quang A. Photo source: <https://www.bbc.com/vietnamese/vietnam-51248364>

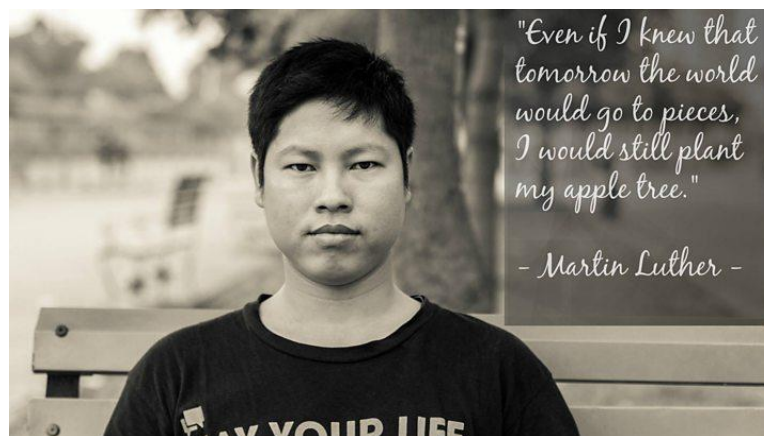
5.- Mr Trinh Ba Tu, Human Rights Defender, born in 1985 in Vinh Hoa commune, Vinh Loc district, Thanh Hoa province, Vietnam, lives in Vinh Hoa, Vinh Loc, Thanh Hoa –Vietnam. <http://bocongan.gov.vn/truy-na/doi-tuong-dinh-na/trinh-ba-tu-50626.html>



Mr Trinh Ba Tu, human rights defender. Photo source:

https://www.facebook.com/trinhbatudhtdt?_tn_=%2CdIC-R-R&eid=ARDEkSsHUiAU-pytXUUL1t6zT5OVatr2KZfBa2NG4oyi1e-zSySxdE9pd9Hc4U6PCXajXRQMNTi-hhaI&hc_ref=ARTTgy9IIcy0A5tMaY10VuV5d3XLG_fYS-YIDFyXJLUkAEPoH8etliROpvIKKiSTKC0

6.- Mr TRINH BA PHUONG, born in 1984 in Kim Quan village, Ngoc Luong commune, Yen Thuy district, Hoa Binh province – Vietnam, lives in Trung Binh crew, Duong Noi ward, Ha Dong district, Ha Noi city – Vietnam.



Mr Trinh Ba Phuong.

Photo source: <https://www.bbc.com/vietnamese/vietnam-51248364>

7.- Mr Ngo Anh Tuan Solicitor, Head of ATN Lawfirm in Ha Noi city, Vietnam, who is a solicitor of the arrested victims in Dong Tam on the 09/02/2020; his address is 41 Phố Lý Thái Tổ, Lý Thái Tổ, Hoàn Kiếm, Hà Nội, Vietnam - Phone: +84 24 7308 6529



Đồng Tâm: 'Công luận đang đặt ra hàng ngàn câu hỏi'. Photo source: <https://www.bbc.com/vietnamese/vietnam-51248364>

8.- Mrs Can Thi Theu , Land Rights Activist & Human Rights Defender, Mother of Trinh Ba Tu (above), 54 years old (born in 1962), living in Duong Noi, Ha Noi city – Vietnam



Mrs Can Thi Theu and Mr Le Dinh Kinh (photo taken when he was alive). Photo source: https://ichef.bbci.co.uk/news/624/cpsprodpb/16366/production/_110628909_81705435_213_679769664107_7391474167628955648_n.jpg

Mrs Can Thi Theu's background:

- https://en.wikipedia.org/wiki/C%E1%BA%A5n_Th%E1%BB%8B_Th%C3%AAu
- https://www.rfa.org/vietnamese/in_depth/can-thi-theu-return-home-02102018192443.html
- <https://www.facebook.com/notes/nguy%E1%BB%85n-t%C6%B0%E1%BB%9Dng-th%E1%BB%A5y/c%E1%BA%A5n-th%E1%BB%8B-th%C3%AAu-ng%C6%B0%E1%BB%9Di-ph%E1%BB%A5-n%E1%BB%AF-ki%C3%AAn-trung-c%E1%BB%A7a-n%C3%B4ng-d%C3%A2n-d%C6%B0%C6%A1ng-n%E1%BB%99i/631779020264681/>
- <https://www.voatiengviet.com/a/ba-can-thi-theu-bi-ket-an-20-thang-tu-gia-dinh-bi-cong-an-doa-giet/3516724.html>
- <https://www.bbc.com/vietnamese/vietnam-38134736>
- <https://www.nguoi-viet.com/viet-nam/nha-dau-tranh-dat-dai-can-thi-theu-ra-tu/>

9.- Mrs Du Thi Thanh – Mr Le Dinh Kinh’s wife, born in 1940, retired living in Thon Hoanh village, Dong Tam commune, My Duc district, Ha Noi city - Vietnam



Mrs. Du Thi Thanh (wife) and Mr. Le Dinh Kinh (husband).



Mrs Le Dinh Kinh – maiden name DU THI THANH, in the funeral of Mr Le Dinh Kinh, 3 days after the police assault in their home at 3:30 AM on Jan. 09, 2020.

10.- Extended Family Members of Mr Le Dinh Kinh: Mr Le Dinh Chuc's wife, Mr Le Dinh Cong's wife, Mr Le Dinh Doanh's wife, Mr Le Dinh Quan's wife and Mr Le Dinh Quang's wife,

11. All Villagers of Thon Hoanh village in Dong Tam commune, My Duc district, Ha Noi city – Vietnam.

Harassment against human rights activists

Between the events of the police raid and the trial of the 29 defendants, the authorities monitored human rights defenders, bloggers and anti-land grabbing activists closely. Four activists, Trinh Ba Phuong, Trinh Ba Tu, Can Thi Theu, Nguyen Thi Tam, were arrested for pointing out inconsistencies of the authorities and voicing their opinion on Dong Tam, despite them not being present during the police raid.

Trinh Ba Phuong

Trinh Ba Phuong is a human rights defender and blogger who speaks up for the right of his community to housing and land. He has been documenting the ongoing human rights abuses in Dong Tam and has been significantly active since the police raids in January 2020. Trinh Ba Phuong shares information and raises awareness on the violence in Dong Tam with his 50,000 followers on Facebook.

On 24 June 2020, Trinh Ba Phuong has been arrested with force after both uniformed and plainclothes police officers searched his house without warrant in Duong Noi in Hanoi. All documentation and files related to the police raids in Dong Tam were confiscated and Trinh Ba Phuong was detained at Detention Centre No. 1 in the district of Nam Tu Lien, Hanoi.

On 29 June 2020, it was reported by state-owned media that Trinh Ba Phuong was charged with breaching article 117 of the 2015 Penal Code for “making, storing, spreading information, materials, items for the purpose of opposing the State”. Since his charge, Trinh Ba Phuong has not been permitted to meet his family, nor to meet with a lawyer of his choosing.

Trinh Ba Tu

Trinh Ba Tu is a human rights defender and brother of Trinh Ba Phuong. He is vocal about the ongoing human rights violations and police brutality in Dong Tam and other abuses of housing rights and freedom of expression. He is active on social media sharing testimonies of Dong Tam residents speaking of incidents of police brutality or raids. Trinh Ba Tu is a book distributor for underground publishing company Liberal Publishing House (LPH).

On 24 June 2020, the farmhouse of Trinh Ba Tu in Hoa Binh was raided by approximately hundred police officers in uniform and plainclothes after which he was taken to the police detention centre in Thong Nhat, 80 kilometres from his home. The police confiscated USBs and paperwork that he and his family had gathered about the Dong Tam dispute and older land rights cases in the region.

On 29 June 2020, Trinh Ba Tu was charged with breaching article 117 of the 2015 Penal Code for “making, storing, spreading information, materials, items for the purpose of opposing the State” as reported by state-owned media. Similar to his brother, he has not been permitted to meet his family and lawyer of his choosing.

Can Thi Theu

Can Thi Theu is a woman human rights defender and mother of Trinh Ba Phuong and Trinh Ba Tu. Since 2007 she has been advocating for environmental and land rights with a focus on documenting land grabs in Hanoi and its surrounding provinces. Can Thi Theu is known for a vocal supporter of the publishing company Liberal Publishing House, particularly with regards “A Handbook for Families of Prisoners” – a book that provides practical and advocacy related guidance for families of detainees in Vietnam.

On 25 June 2020, Can Thi Theu got apprehended by a group of police officers and detained at Ha Binh police detention centre in Hoa Binh, approximately 80 kilometres from her home in Ha Dong in Hanoi.

On 29 June 2020, similar to her sons, Can Thi Theu has been charged under article 117 of the 2015 Penal Code for “making, storing, spreading information, materials, items for the purpose of opposing the State”. She has not been permitted to meet with her family, or a lawyer of her choosing.

Nguyen Thi Tam

Nguyen Thi Tam is a woman human rights defender who is known for providing commentary on land rights and human rights issues on Facebook and Youtube since 2016. She provided information and commentary on the Dong Tam incidents on Youtube.

On 24 June 2020, Nguyen Thi Tam was arrested by police without any warrant presented, allegedly in connection to her work on the Dong Tam incidents. The police also raided her house and confiscated her birth certificate and family registration certification of her daughter, besides other personal belongings, such as camera and laptop. Nguyen Thi Tam is currently detained in the Prison Camp No. 1 in Hanoi (Hoa Lo) without permission to meet neither of her two lawyers.

On 29 June 2020, the charge of breaching article 117 of the 2015 Penal Code for “making, storing, spreading information, materials, items for the purpose of opposing the State” was applied to Nguyen Thi Tam.

Treatment in the place of detention

Only the ministry of Public Security of the communist Vietnam has the right to know, because many people of Dong Tam Commune are dead, hospitalized, or jailed. But the ministry has not disclosed any information.

3.1.2. Details of the Viettel’s officials and government agencies involved in this illegal seizure, land-grabbing and assets robbery.

The actions listed above suggest that the Dong Tam attack was a large-scale, organized police effort that required days of preparation. In Vietnam, such actions can only be ordered by a high-level government body.

The high-ranking officers who are violators, involved in this gross HR violations, are as follows:

People accountable for serious human rights violations

Basic political and civil rights have been suppressed through extrajudicial forces and judicial machinery during the police raid in Dong Tam. There is compelling evidence of state violence against citizens and activists relating to the police raid in Dong Tam. The raid has led to criminalization of land activists, repression and deaths.

Victims are suppressed from freedom of information, the right to a fair trial, the right not to be subjected to torture, the right to liberty and security of the person, and the right to freedom from inhumane treatment. They suffer from socio-economical impacts including loss of livelihood, land dispossession, displacement, militarization and increased police presence and egregious human rights violations.

The Vietnamese authorities including the Ministry of Public Security, the Ministry of Defense, the People's Army of Vietnam (PAVN), the Hanoi Capitol Region, the Hanoi People's Committee, the Hanoi Inspectorate, the Air Defense and Air Force Corps, the People's Committee of My Duc District and the Hanoi Police Department are liable for the crimes and violate both domestic and international human rights obligations.

Viettel Group is also liable for the land rights dispute in Dong Tam that escalated to deadly violence. The company, owned and operated by the military, attempted to claim the disputed land for the expansion of the Mieu Mon military airport and factory site. The villagers were not officially notified and were not compensated fairly for their farmland.

Primary liability

1. Police General To Lam

To Lam, born in 1957 in Hung Yen province, is the Minister of Public Security of Vietnam since 2016. As Minister of Public Security, he is responsible for the violent police raids in 2017 and 2020 in Dong Tam. He oversaw the arrests of innocent residents, human and land rights defenders, bloggers, writers and citizen journalists.

1993: Deputy Director of the Political Protection Department

2006: Director of the Political Protection Department

2010: Deputy Minister of Public Security

2016: Minister of Public Security

General To Lam approved the police attack that was conducted according to plan No. 419a/KHPV01-PV02-MP. General To Lam and the ministry sealed off information of the attack to hid their crime, however the plan was disclosed at the trial of 29 defendants on 7 September 2020.

2. Police Lieutenant General Duong Minh Hung

Duong Minh Hung, born in 1938 in Thanh Hoa province, is Lieutenant General and Director of the General Department of Security under the Ministry of Public Security. Lt General Duong Minh Hung played a key role in the abduction of Trinh Xuan Thanh in Germany in July 2017 – he designed and gave direct instructions on the kidnapping.

3. Police Senior Colonel Dang Viet Quang

Dang Viet Quang, born in 1975 in Hanoi, is Senior Colonel and Vice-head of the Criminal Division of the Hanoi Public Security Department. During the police raid on 9 January 2020, he shot and killed Le Dinh Kinh in the Dong Tam village. On 31 January 2020, Dang Viet Quang was promoted to the position of Vice-chief of Investigation – Hanoi City Police.

Secondary liability

Military General Nguyen Manh Hung

Nguyen Manh Hung, born in 1962 in Phu Tho, is the former General Manager of Viettel Group. Nguyen Manh Hung is currently the Minister of Information and Communications and holds a key political task for the Communist Party of Vietnam – to control the internet. He oversees the Law on Cyber Security and has increased the state budget of the ministry approximately 1.5 times in just four years. These budgets mainly go into censorship of content “against the Party and the State”.

The widespread media censorship increased significantly since the land dispute in Dong Tam, especially on social media, even though political expression is protected by international human rights law. Nguyen Manh Hung has accused

Facebook and Google to be the main sources of “fake news and toxic information” in Vietnam. He has been active in fighting these social networks and forcing them to comply with the government’s requests in removing posts and articles. The censorship has also resulted in restricted access to social networks, mainly affecting human rights defenders and activists.

A domestic social network ecosystem is being shaped under Nguyen Manh Hung and his ministry. The goal of these social networks is to replace the global networks and have even more control over information and content.

During and after the clashes in Dong Tam, Nguyen Manh Hung has deployed “cyber troops” to flood Facebook users with reports complaining of individual users’ social media activity. In addition, Youtube incurred a penalty on videos and subscribers for violating the community guidelines, which prevented people from uploading videos and livestreaming the incidents. This cyber troop is allegedly consisting of 10.000 forces.

On 11 January 2020, state-run media shared comments of Nguyen Manh Hung for praising the international social networks for the quick action in responding to requests from the Vietnamese authorities after the clashes in Dong Tam.

Police Major General Nguyen Duc Chung, Deputy Secretary of Ha Noi’s Party Unit (Vietnamese Communist Party – VCP), Director of the Ha Noi City Police (2012-2016), Chairman of Ha Noi City People’s Committee (2015-today)

Born on August 3, 1967 in Yen Khe commune, Thanh Ba district, Phu Tho province – Vietnam.

Address: Số 12, Lê Lai, Q. Hoàn Kiếm, Ha Noi city, Vietnam – Tel: (04)38253536 -

Web: <http://www.thudo.gov.vn> – Email: trungtamcongbaotp@hanoi.gov.vn



Police Major General Nguyen Duc Chung, Deputy Secretary of Ha Noi’s Party Unit (Vietnamese Communist Party – VCP), Chairman of Ha Noi City People’s Committee (2015-today).
Photo source: <http://kienthuc.net.vn/doc-30s/chan-dung-nhung-chu-tich-ubnd-tp-ha-noi-qua-cac-thoi-ky-599345.html>

Mr Chu Ngoc Anh, Chaiman of Ha Noi's People Committee from 25/09/2020 to Today

Born on 17 JUNE 1965 in Thai Hoa commune , Ba Vi district, Ha Tay province, Vietnam.

Address: 79 Đinh Tiên Hoàng street (12 Lê Lai), Hanoi City, Vietnam



Mr CHU GOC ANH, Chairman Hanoi's People Committee from 25/09/2020. **Photo source:** <https://thanhtra.com.vn/data/images/0/2020/09/30/huonggiang/o%CC%82ng-chu-ngoc-anh.jpg?dpi=150&quality=100&w=630&mode=crop&anchor=topcenter&scale=both>

Police Major General Doan Duy Khuong, Director of the Ha Noi City Police (2016-today), Member of Standing Committee of Ha Noi City's Party Unit (Vietnamese Communist Party – VCP) in 2016-today

Born in 1960 in Bien Hoa ward, Nam Loi commune, Nam Truc district, Nam Dinh province – Vietnam.

Address: Số 85-87, Trần Hưng Đạo, Phường Trần Hưng Đạo, Quận Hoàn Kiếm, Hà Nội – Tel: (84-4) 39 396 100 - 39 424 244.



More than 260 people died in police prisons, detention facilities and police stations nationwide in the 2011-2014 period, according to the Ministry of Public Security. Police said diseases and suicides were the main causes of their deaths, however, families of the victims believe that their relatives died due to police torture. Torture is systemic in Vietnam where police are the key forces for maintaining the communist regime, according to a recent report of the New York-based Human Rights Watch.

VIETTEL GROUP (short form), Army Telecommunication Corporation

Viettel Group (Vietnamese name: Tập đoàn Công nghiệp – Viễn thông Quân đội) is a Vietnamese multinational telecommunications company headquartered in Hanoi, Vietnam. Viettel is the largest telecommunications service provider in Vietnam. It is a state-owned enterprise owned and operated by the Ministry of Defence.

Address: Lô D26, Khu đô thị mới Cầu Giấy, phường Yên Hòa, quận Cầu Giấy, Hà Nội. Điện thoại: 024 6255 6789 Fax: 024 6299 6789 Hotline: 1800 8098/ 1800 8119/ 1800 8000/ 197/ 1800 8168.

and

Số 1, Trần Hữu Dực, Mỹ Đình 2, Nam Từ Liêm, Hà Nội. Điện thoại: (84-24) 62556789 Fax: (84-24) 62996789 Website: <http://www.viettel.com.vn>

Major General Nguyen Manh Hung, Commissioner of Communist Party of Viet Nam Central Committee, Information & Communications Minister of the Socialist Republic of Vietnam from 2018 to today

Born on July 24, 1962 in Phu Tho province, Vietnam. He was the President of Viettel from 14/06/2018 to 31/07/2018 then promoted to Minister post on 27/08/2018.

Address: 18 Nguyen Du Street, Hanoi, Vietnam.

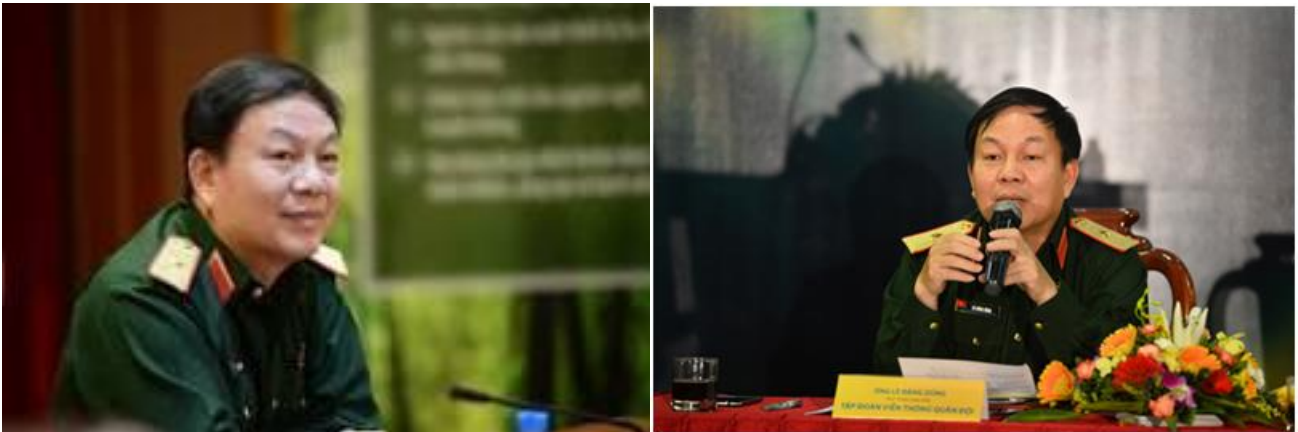
<https://english.mic.gov.vn/Pages/home.aspx>



Major General Nguyen Manh Hung, Commissioner of Communist Party of Viet Nam Central Committee, Information & Communications Minister of the Socialist Republic of Vietnam (2018-today).

Photo source: <https://media.ex-cdn.com/EXP/media.nhadautu.vn/files/voquynh/2018/07/18/tieu-su-thieu-tuong-nguyen-manh-hung-1827.jpg>

Lieutenant-general Le Dang Dung, Viettel Group's General Director



Lieutenant-general LE DANG DUNG, Viettel Group's General Director. Photo source:
https://vneconomictimes.com/uploads/media/images/2018/July/Viettel_Tong_giam_do_moi_thieu_tuong_Le_Dang_Dung_tu_July_31_2018_photo_VNS.jpg
https://cdn.vietnammoi.vn/stores/news_dataimages/doanlv/082018/04/07/dau-an-noi-bat-cua-thieu-tuong-le-dang-dung-o-viettel-40-.6303.png

Photo source of the following involved persons: <http://viettel.com.vn/vi/ve-viettel#Ban-lanh-dao>

Mr Hoang Son , Viettel Group's Deputy General Director



Mr Do Minh Phuong Viettel Group's Deputy General Director



Mr Nguyen Chi Dung , Minister of Planning and Investment Department



Mr NGUYEN CHI DUNG, Minister of Planning and Investment Department
Photo source: http://viettel.com.vn/sites/default/files/styles/hero/public/1a_1.jpg

Mr. Le Minh Tri, Member of the Party Central Committee, Prosecutor General of the Supreme People's Procuracy of Viet Nam from 2016 to today

Born on November 01, 1960 in Tân Thông Hội, Củ Chi district, Ho Chi Minh city, Vietnam.

Address: *Trụ sở số 09 Đường Phạm Văn Bạch, phường Yên Hòa, quận Cầu Giấy, thành phố Hà Nội.* Source:

https://upload.wikimedia.org/wikipedia/vi/thumb/7/7c/L%C3%AA_Minh_Tr%C3%AD.jpg/330px-L%C3%AA_Minh_Tr%C3%AD.jpg



Mr. Le Minh Tri, Member of the Party Central Committee, Prosecutor General of the Supreme People's Procuracy of Viet Nam from 2016 to today.

Photo Source:

<https://vksndtc.gov.vn/KND/TT/PublishingImages/VKS%20%E1%BA%A2nh%20N%E1%BB%99i%20Dung/2018/05/10.jpg>

Mr Nguyen Hoa Binh, Chief Justice of the Supreme People's Court of the Socialist Republic of Vietnam from 2016 to today, member of the Vietnamese Communist Party Poliburo from 2021

Born on May 24, 1958 in Xã Hành Đức commune, Nghĩa Hành district, Quảng Ngãi province, Vietnam.

In the Ho Duy Hai case in May 2020, he played all three roles: Police, Procuracy, Chief of the Supreme Court. For 12 years, he kept condemning the death of Ho Duy Hai based solely on testimony given by the police duress on the victim, never collecting enough objective evidence to convict Mr Ho Duy Hai. This case has caused frustration in the entire population, especially in listening to his explanations in the National Assembly in 2020, no one can accept any concern. The Judicial Committee of the National Assembly, Director of the Supreme People's Procuracy also rejected his conclusion. Around the Ho Duy Hai case, there are many shady things, but he is the center of all secrets. Then in September 2020 he was one of the corrupt officials involved in the Viettel Group's land grabbing in Dong Tam – Ha Noi.

Address: 902 Bang Lang street, Vinhhomes town, Long Bien district, Ha Noi, Vietnam.Source:

https://vi.wikipedia.org/wiki/Nguy%E1%BB%85n_H%C3%B2a_B%C3%A2nh.

Working at 48 Ly Thuong Kiet street, Hoan Kiem district, Ha Noi, Vietnam.

Telephone: 04.39363335 – Website:

<https://www.toaan.gov.vn/webcenter/portal/tatc/lien-he?dDocName=TOAAN008043>



Mr Nguyen Hoa Binh, Chief Justice of the Supreme People's Court of the Socialist Republic of Vietnam from 2016 to today, member of the Vietnamese Communist Party Poliburo from 2021

Photo source:

https://www.toaan.gov.vn/webcenter/content/conn/UCMServer/uuid/dDocName%3aTAN_D025488

Judge Truong Viet Toan, Deputy Chief Justice of the People's Court of Hanoi, chairman of the trial of Case Dong Tam

Born in 1961 in Ha Noi, Vietnam.

Address:

a.- 43, Hai Bà Trưng, Phường Trần Hưng Đạo, Quận Hoàn Kiếm, Hà Nội

b.- 1 Phạm Văn Bạch street, Yên Hòa ward, Cầu Giấy district, Hà Nội – Vietnam. Telephone: (84) 88 850 2988. Source: <https://toaan.hanoi.gov.vn/gioi-thieu>



Photo source: https://znews-photo.zadn.vn/w860/Uploaded/pwivovlb/2018_01_22/toan_zing.jpg



Photo source: <https://static.tuoitre.vn/tto/i/s626//2015/07/14/e94ac419.jpg>

Judge Truong Viet Toan, Deputy Chief Justice of the People's Court of Hanoi, chairman of the trial of Case Dong Tam.

Officials of prosecution proceedings

The preliminary trial on 7 September 2020 in the People's Court of Hanoi violated many fair trial regulations. The defence lawyers filed a complaint to the People's Court of Hanoi, addressing Truong Viet Toan, Nguyen Huu Chinh and Nguyen Duy Giang, stating the difficulties they had encountered in every justice process from the investigation state, prosecution and pretrial stage:

Hanoi police investigators repeatedly caused difficulties: they prevented lawyers from meeting privately with their clients at the detention centres and did not allow lawyers to access to case files, despite multiple requests.

The People's Court of Hanoi made it difficult for lawyers to make backup copies of the case files

The submitted petition pointed out irregularities in the case files and included a request to have key witnesses as part of the trial. The request was denied and the complaint was ignored.

The trial was reported as “public”, however none of the relatives of the 29 defendants were granted entry. Defence lawyers were required to leave their phones and laptops outside of the courtroom.

One week later, on 14 September 2020, the People's Court of Hanoi announced the sentencing of the 29 defendants charged with “murder” and “obstruction of officials”. The sentences range from probation, several years of imprisonment to life sentence and death penalty.

Court justice – Presiding judge:	Truong Viet Toan
Court justice:	Nguyen Xuan Van
Alternate court justice:	Vu Quang Huy
Lay assessor:	Phi Van Nghi, Ngo Thi Yen, Nguyen Ho Phong
Alternate lay assessor:	Hoang Duc Tho, Nguyen Thanh Son
Trial secretary:	Nguyen Manh Ha, Nguyen Dang Khoa
Alternate secretary:	Nguyen Thi Hanh
Prosecutor:	Lai Viet Dong, Nguyen Hoang Giang
Alternate prosecutor:	Do Cao Chi

3.2 Conclusions and Recommendations to Sanctions according to United Nations International Law and Global Magnitsky Act

In Vietnam, on January 9, 2020, between 1 and 3 AM, thousands of police in coordination with local ground forces began to cordon off Dong Tam, a small village about 35 kilometers southwest of Hanoi, so that the authority can take 59 ha landfield of Dong Tam people to award this land to VIETTEL GROUP.

From 3 to 5 AM, the police force attacked villagers over this disputed piece of land. The villagers were never officially notified of the attack but had heard over public loudspeakers the week prior that the land was “for national defense purposes”, a position the government had reiterated for years regarding the disputed piece of land.

Citizen-blogger social media reports say police cut internet and phone lines in pre-meditation, then burst into the village with tear gas and grenades filled with plastic ball bearings. They then descended upon village leader Le Dinh Kinh’s house, shooting and killing him.

Witnesses describe “thousands of police officers rushing into the village” using flash grenades, firing tear gas, shooting rubber bullets, blocking off all pathways and alleys, and beating villagers indiscriminately, including women and old people.

Video and photo evidence posted on social media provides ample evidence of citizen mistreatment at the hands of the authorities, including a video in which Mr Le Dinh Kinh’s wife, Mrs Du Thi Thanh, speaks about how she was tortured by police into giving a false statement that she had used grenades to attack law enforcement officers.

On January 13, 2020, state media released photos of some of the arrested villagers admitting guilt—covered in scrapes and bruises—and announced criminal proceeding against 26 individuals (at time of publication), including two of Mr Le Dinh Kinh’s sons: Mr Le Dinh Cong and Mr Le Dinh Chuc, for “murder” and “obstruction of officials”. All 26 individuals are currently being held behind bars, in pre-trial detention, with no access to lawyers and family as prescribed by law. Those charged with murder face severe punishment, including the death penalty.

In the morning of 7 September 2020, the trial of 29 defendants from Dong Tam began in Hanoi and was predicted to last ten days. The defendants, 19 men and 10 women, were accused of murdering three police officers and obstruction of officials during the dispute on 9 January 2020.

One week later on 14 September 2020, the People's Court of Hanoi announced the verdict. Two of the defendants received death sentence for murdering the three police officers – Le Dinh Cong and Le Ding Chuc, the two sons of Le Dinh Kinh. The other defendants were sentenced varying from life imprisonment to 15 months suspension.

Then, an appellate court in Vietnam Tuesday, 08/03/2021 upheld the sentences of six land-rights activists involved in a deadly clash with police last year at the Dong Tam commune outside the capital Hanoi, local media reported.

On 09/03/2021 this Ha Noi People's High Court in Hanoi upheld death sentences on Tuesday against two brothers for their suspicious roles in the high-profile killings of three policemen in a landmark clash over land rights, their lawyer said.

The Hanoi People's High Court rejected the appeals by Le Dinh Cong and Le Dinh Chuc against a trial in September 2020 that convicted them of murder and resisting law enforcement, their lawyer Trinh Vinh Phuc said.

RECOMMENDATIONS TO SANCTIONS

1. The international community must pressure the Vietnamese government into initiating a just and objective investigation into what happened in Dong Tam the morning of January 9, 2020.
2. The Vietnamese government must conduct a forensic investigation of the crime scene, or at the very least, take good-faith consideration of forensic work that has already been done by private citizens or an independent organisation of international. And also the involvement of the military Viettel Group company must be investigated and then sanction must be considered internationally.

3. The Vietnamese government must give defendants a fair trial, with the addition of new forensic information and the subtraction of documentary films and confessions. It must also allow lawyers to freely do their job and international justice organisation to attend the trial court.
4. The Vietnamese government must properly compensate the residents of Dong Tam for all possessions and property lost or damaged in the land dispute. In particular the government must make a honour recovery for Mr Le Dinh Kinh, his family and people of Dong Tam who have struggled hard for their land ownership rights.
5. We call for governments of countries which have adopted the Global Magnitsky Act to sanctions Vietnamese communist Party leaders and the Viettel Group leaders for their involvement in the illegal land seizure and assassination of Le Dinh Kinh, as well as the confirmation of the death penalty for Le Dinh Kinh's two sons by freezing their assets under US or EU jurisdiction and forbidding their entry in the US or EU. These sanctions have to be applied to the highest level of responsibility.

4. Annex and References

4.1 Crimes against Mrs Can thi Theu's family (whistle blower)

CASE CAN THI THEU, TRINH BA PHUONG AND TRINH BA TU (UN Istanbul Protocol Format)

I. Case:

Mrs CAN THI THEU'S FAMILY, including her 2 sons

II. Date and Place:

The couple Mr Trinh Ba Khiem & Mrs Can Thi Theu, was arrested during the coercion of Duong Noi land, Ha Dong district on April 25, 2014. They were released on July 25, 2015. Then Can Thi Theu and her son, Trinh Ba Tu, were arrested in Hoa Binh province on June 25, 2020. Her other son – Trinh Ba Phuong – was arrested on June 24th, 2020 in Hanoi Vietnam.

III. Victims of Viettel's land grabbing in Dong Tam – Ha Noi:

- Can Thi Theu (Surname CAN, Middle name THI, First name THEU), 59-year-old woman, born on August 14, 1962, was a former prisoner of conscience.
- Trinh Ba Phuong (Surname TRINH, Middle name BA, First name PHUONG), 36 year old man, born on January 26, 1985, is a son of former political prisoners Trinh Ba Khiem and Can Thi Theu.
- Trinh Ba Tu (Surname TRINH, Middle name BA, First name TU), 32-year-old man, born on April 24, 1989, is a son of former political prisoners Trinh Ba Khiem and Can Thi Theu.

IV.- Circumstances leading to the arrest and repression:

On 9 January 2020, several thousand police officers conducted raids of residents' homes in Dong Tam village, which is located 25 kilometres from Hanoi. Construction of a wall surrounding a planned military airport was due to reach disputed land on the edge of Dong Tam that day. Many of the 9,000 residents of Dong Tam have spent a number of years peacefully opposing the construction of the airport, which has been under construction for three years. Locals fear that there could be further displacement resulting from the 50 hectares of farming land that they have already lost. Allegedly, they were not properly consulted at any point during the planning or construction of the airport.

During the raids, 85-year-old village leader, Mr. Le Dinh Kinh was killed after police officers forced their way into his home while he and his family were sleeping. Mr. Le Dinh Kinh was kept in the home while his family were taken away and beaten. When they returned, they found he had been killed. Authorities claim that Mr. Le Dinh Kinh was threatening police with a grenade. Three police officers were allegedly killed during the raids. It is alleged that they were attacked and set on fire by local villagers, however the full circumstances of their deaths remain unclear.

Mobile networks and internet services were disrupted during the raid at Dong Tam. In the days following the raid, some human rights defenders reported receiving a message that access to their Facebook profile had been restricted due to “legal requirements” in their country, allegedly due to violations of the 2018 Law on Cybersecurity. Many were unable to access instant messaging services or read uncensored news on Facebook’s “Instant Articles” feature.

On 13 January 2020, State media broadcast confessions of a number of Dong Tam residents who had been detained during the raid, some reportedly showing visible signs of bruising on their faces. These confessions were reportedly coerced. The local community of Dong Tam began collecting money to support Mr. Kinh’s family, raising a total of 500 million VND (approx. 21 500 USD). The Ministry of Public Security shortly thereafter froze the bank account of a woman human rights defender, who was managing the fund.

On 20 January 2020, she and her husband were detained by officers of the Ministry of Public Security and questioned about their activities and their connection with other human rights defenders in the area and to Le Dinh Kinh. They were released from the office of the Security Investigating Agency a few hours later, following the questioning. Many of those who were identified as giving funds to Mr. Kinh’s family were allegedly brought in for questioning and threatened with the intent of coercing them to confess to forming part of an organised political opposition, a serious criminal offence in Viet Nam.

On 7 September 2020, the trial of 29 Dong Tam residents accused of murdering the three police officers and resisting public officials began. On 14 September 2020, two of the residents were sentenced to death for murdering the three police officers. The other residents were issued sentences varying from life imprisonment to 15 months suspended. According to information received, the trial was marred by a number of violations of fair trial rights, such as the alleged denial of access to lawyers to meet with their clients privately or at all, to access their clients’ case files as well as denying the lawyers the chance to confer with one another on the first day of the trial.

None of the above-mentioned human rights defenders were present in Dong Tam at the time of the incident on 9 January 2020. Prior to the incident in January, Mr. Trinh Ba Phuong and Mr. Tring Ba Tu had been documenting the ongoing land dispute in Dong Tam. In September 2020, Ms. Pham Thi Doan Trang co-authored a report on the Dong Tam incident,

which analyses the events that took place between police and villagers in the Dong Tam village on 9 January 2020, as well as the subsequent arrest, detention and trial of the villagers.

Can Thi Theu is a former political prisoner in Vietnam, she and her husband Trinh Ba Khiem were arrested during the coercion of Duong Noi land, Ha Dong district on April 25, 2014. Then Khiem was released from prison on June 25, 2015, and Theu was released from prison July 25, 2015. Her family lived in Duong Noi ward where was projected to construct Le Trong Tan Urban Zone B project. However, her family and other households did not have an agreement with investors. They, investors, only accepted to compensate households for their land at the State's price bracket instead of at the price market to maximize their profit. They cooperated with the local authorities to coerce and create intensive pressure on residents, and Duong Noi people resist and claim rights of compensation mean antagonism. That is the reason why she and her husband was imprisoned.

After the release from prison, she continued to fight for residents' rights in Duong Noi ward, participated in a march for the environment in Hanoi due to Formosa's disaster. Consequently, she was jailed a second time. On February 10, 2018, Can Thi Theu was released from prison after 20 months of serving a prison sentence for disturbing public order, although her actions were a peaceful struggle for human rights.

During the months of 2019, following requests of Viettel, the local authorities use their power to withdraw residents' land in Dong Tam without any compensation. On January 9, 2020, a massive police force attacked Dong Tam commune and violently assaulted and detained citizens, as well as killed community leader Le Dinh Kinh. In the aftermath of the raid, Trinh Ba Tu and his brother Trinh Ba Phuong reported on the incident and advocated for affected locals.

Particularly, Trinh Ba Phuong activist had live stream on Facebook to report what happened in Dong Tam village from 4 pm on January 9, 2020. Similarly, On his Facebook page, Trinh Ba Tu continued to live stream about Dong Tam's situation. According to his report, Le Dinh Cong was the son of Le Dinh Kinh to be shot and broke his arm by the police, and his wife was later arrested with their two young children.

On June 24, 2020 authorities surrounded and stormed into Trinh Ba Phuong's home and arrested him. Similarly, his mother Can Thi Theu and his younger brother Trinh Ba Tu were arrested in Hoa Binh province where they lived and took care of the fruit garden. All three members of the family have allegedly been charged under Article 117 of Vietnam's Penal Code for "making, storing, distributing, or disseminating information and materials to oppose the State of the Socialist Republic of Vietnam."

V. Details of the persons involved in the arrest and suppression:

For the involvement in this CASE, please see all the person who involved in CASE DONG TAM aqbove. And also some additional persons directly involved in the this CASE are listed as follows:

1.- Police Major General Nguyen Minh Chinh, Director of the Department of Cyber Security and Prevention and Combat of High-tech Crimes, from August 15, 2018 to today

No biography found.

Address: 5 Nguyen Tri Phuong Street, Ba Dinh district, Ha Noi – Vietnam (số 5, Nguyễn Tri Phương, Ba Đình, Hà Nội – Việt Nam).



Police Major General Nguyen Minh Chinh. Photo source:

http://en.bocongan.gov.vn/knd/tt/PublishingImages/Pham%20Tien%20Dung/img_2145.jpg



Police major General Nguyen Minh Chinh (Right). Photo source:

2.- Mr. Nguyen Trong Cuong is the investigator working on the cases in Hoa Binh.

3.- Mr. Nguyen The Bac is in charge of the case in Hanoi.

4.- Police Lieutenant-colonel Nguyen Tien Dat

5.- Police Colonel Dam Van Khanh are the signers of the above notice.

VI.- Description of the facts of the repression

On 24 June 2020, at 5.20 a.m., a number of both uniformed and plainclothes police officers broke down the door of Mr. Trinh Ba Phuong's house by forceps in the Duong Noi ward of Ha Dong district in Hanoi, and searched the premises. Minutes before his arrest, Mr. Trinh Ba Phuong posted a video on Facebook allegedly showing police officers dragging his mother in law and another individual away from the front of her house, as other officers forced their way inside.

Mr. Trinh Ba Phuong was restrained with force despite not resisting the officers. He was taken away at 5.45 a.m., allegedly without an arrest warrant, at which time authorities read the arrest warrant to his family and began searching the house. Mrs. Can Thi Theu attempted to come and assist his family members from where she was staying nearby, but she was also arrested before she was able to do so.

The police officers allegedly confiscated all documentation and files related to the Dong Tam raids and left the premises at 8.00 a.m. Mr. Trinh Ba Phuong's wife was not provided with a copy of the warrant or any list of items that were confiscated. Mr. Trinh Ba Phuong is detained at Detention Centre No. 1 in the district of Nam Tu Liem, Hanoi.

VII. Physical injuries resulting of the repression

Information not available.

VIII. Description of weapons or other physical objects used

Information not available.

IX. Treatment in the place of detention

As of 26 October 2020, Mr. Trinh Ba Phuong, Trinh Ba Tu, and Ms. Can Thi Theu have been getting denied their right:

- They have been held without family visitation rights
- They have been held without meeting their lawyer
- They have been held incommunicado

X. Witnesses (Name, age, address, profession, circumstances)

The following people have the first-hand witness of this case:

- Mr. Đặng Đình Mạnh, solicitor/lawyer who was hired by this family to defend them but was refused by authorities until the case reaches the prosecution stage.
- Mr. Trinh Ba Khiem, the husband of Mrs. Can Thi Theu and the father of Mr. Trinh Ba Phuong, Mr. Trinh Ba Tu
- Mrs Do Thi Thu, wife of Mr Trinh Ba Phuong

XI. REFERENCES (see Part 4.4)

This Part 4.4 of 400 pages is not part of this Report and could be sent only on request

XII. ANNEXES / APPENDICES FOR CASE CAN THI THEU, TRINH BA PHUONG & TRINH BA TU (see Part 4.4)

4.2 Viettel Group's involvement in the Republic of The Union of Myanmar, focuses on the supporting actions to provide means to the Myanmar army's genocide against the Rohingya ethnic people.

Viettel Group or Viettel for short is a telecommunication company, founded 30 years ago by the red army of the Socialist Republic of Vietnam. In 2017, the group invested 1,500 millions US dollar in state-owned company in Burmar named MYTEL. Formation of Mytel company, Viettel contributes 49 per cent stakes in the joint venture while the Myanmar consortium (comprising of 11 companies) has a 23 per cent stake. The government-owned Start High Public co Ltd will hold a 28 per cent stake in this JV.

26 August 2017, Vietnam invested US\$1,500,000,000 to Mytel. Since then the group has involved and supported the genociders of Burmese military force, through MYTEL to the genocide of the Rohingya people.

A murky business partnership between the armed forces of Myanmar and Vietnam, with Myanmar's Mytel telecom company as a nexus, helps fund Myanmar military atrocities in Rakhine state and other conflict zones, an investigative report by human rights activists says.

Mytel, Myanmar's newest mobile operator established in 2018, provides the military with vast off-budget revenue and a means to access international communications technology, according to the group, Justice for Myanmar.

The group's 161-page report titled "Nodes of Corruption, Lines of Abuse" says Mytel, owned by Myanmar and Vietnam military holding companies, is a "central node in the military's network of corruption" that funds operations around Myanmar that lead to human rights abuses.



Myanmar military chief Senior General Min Aung Hlaing (C) attends Myanmar mobile operator Mytel's First Call Announcement ceremony at the Kempinski Hotel in Naypyidaw, Feb. 11, 2018. Photo courtesy of Min Aung Hlaing's website.

The Myanmar military is the subject of genocide-related cases in both the International Criminal Court (ICC), which prosecutes individuals suspected of committing crimes against humanity, and the International Court of Justice (ICJ), which settles disputes between nations.

The cases in The Hague, Netherlands, stem from scorched-earth crackdowns in 2016 and 2017 on Muslim Rohingya communities in the state, which together

drove about 830,000 members of the minority group across the border and into Bangladesh.

Michelle Bachelet, the U.N. high commissioner for human rights, told the Human Rights Council in Geneva in September that the Myanmar military's actions in the two-year-long armed conflict with the rebel Arakan Army in Rakhine state —extrajudicial killings, arbitrary arrests, and indiscriminate attacks on civilians — may constitute “further war crimes or even crimes against humanity.”

Yadanar Maung, spokesman for Justice for Myanmar, said in an emailed statement to RFA that revenues from Mytel, exempted from the scrutiny of parliament and the auditor-general's office, have enabled the military to conduct operations during which human rights violations are committed.

Viettel, a telecom company owned by Vietnam's Ministry of Defense, controls 49 percent of Mytel shares, Myanmar private companies own a 23-percent stake, and Star High Company Ltd., a subsidiary of military owned conglomerate Myanmar Economic Holdings Ltd. (MEC), controls the remaining shares.

“Mytel and Viettel aid and abet the Myanmar military's continuing war crimes and crimes against humanity,” Yadanar Maung said in a statement.

“The military indiscriminately kills, rapes, tortures, destroys homes and forces ethnic and religious minorities to flee,” he said.

“These crimes are enabled by off-budget revenue from Mytel and the military's other businesses, as well as their access to technology and training from Mytel, Viettel and allied companies.”

4.3 Viettel's Actions

Viettel Group

Viettel Group (in Vietnamese Tập đoàn Công nghiệp – Viễn thông Quân đội, literal translation 'Army Telecommunication Industry Corporation') is a telecommunications company headquartered in Hanoi since 1989. It is a state-owned enterprise, owned and operated by the Ministry of Defence. Viettel Group is the largest telecommunications group and ranks among the top largest enterprises in terms of revenue in Vietnam.

Viettel Group consists of five business lines across more than 20 subsidiaries including telecommunications and information technology (IT), research and manufacture of electronic and telecommunications equipment, defence industry, cyber security and digital services. As a state-owned company, Viettel Group contributes directly to the budget and the defence strength of Vietnam, especially in the field of weapon production and defence technology development.

Since 2006 Viettel Group has been extending its business overseas through Viettel Global with operations in 10 countries across Asia, Africa and South America.

Viettel Global is currently one of the biggest Vietnamese overseas investors. The latest country with Viettel Group's presence is Myanmar.

Viettel Group is abetting serious human rights abuses in both Vietnam and overseas – from media censorship, data privacy infringement, land confiscations to war crimes and crimes against humanity.

Viettel Group overseas

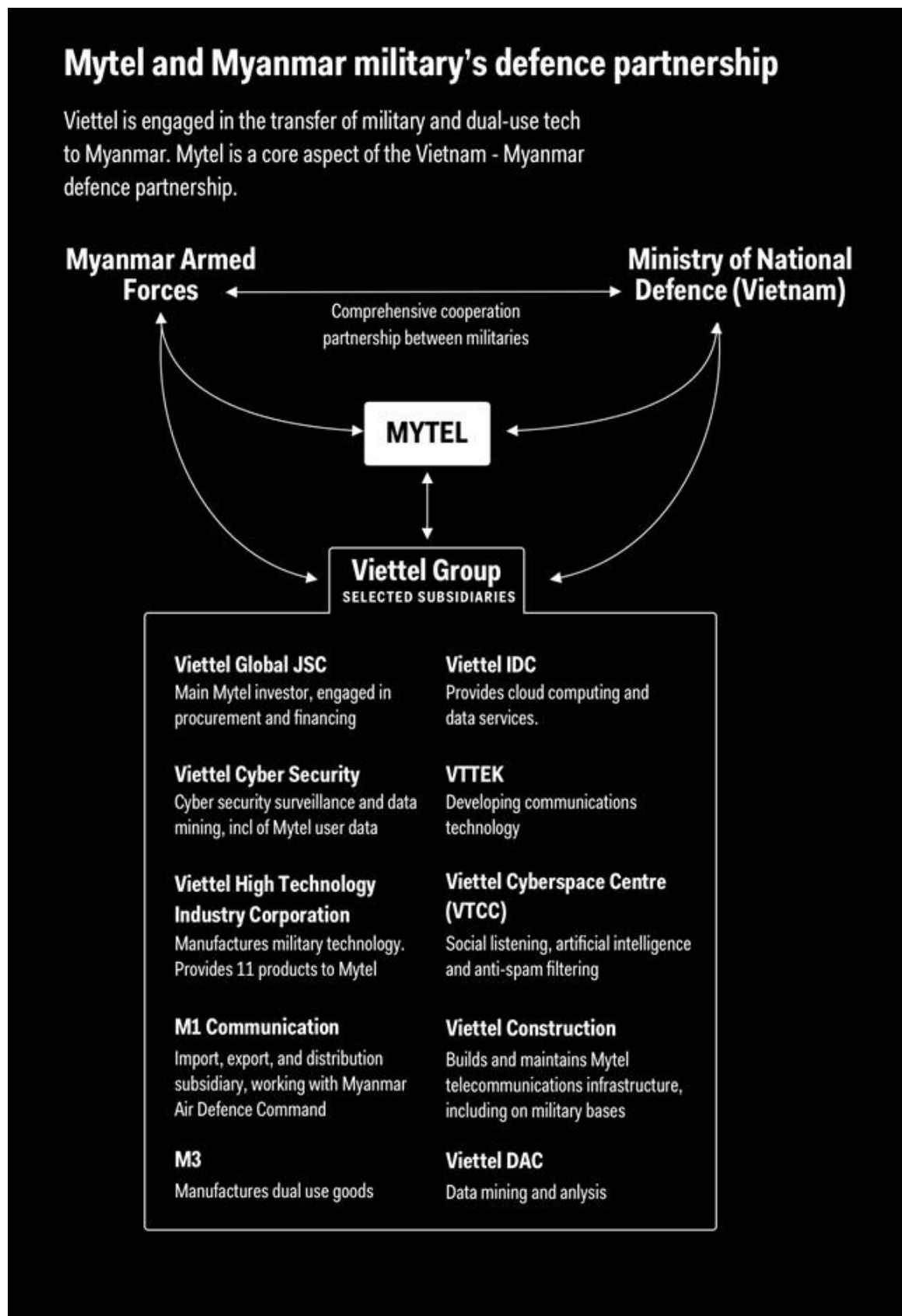
JUSTICE FOR MYANMAR (www.justiceformyanmar.org), on 20/12/2020 produced a report named “**Nodes of Corruption, Lines of Abuse How Mytel, Viettel and a global network of businesses support the international crimes of the Myanmar military**”.

[https://jfm-files.s3.us-east-](https://jfm-files.s3.us-east-2.amazonaws.com/public/JFM_Nodes_of_Corruption_low_res.pdf)

[2.amazonaws.com/public/JFM_Nodes_of_Corruption_low_res.pdf](https://jfm-files.s3.us-east-2.amazonaws.com/public/JFM_Nodes_of_Corruption_low_res.pdf), which describes:

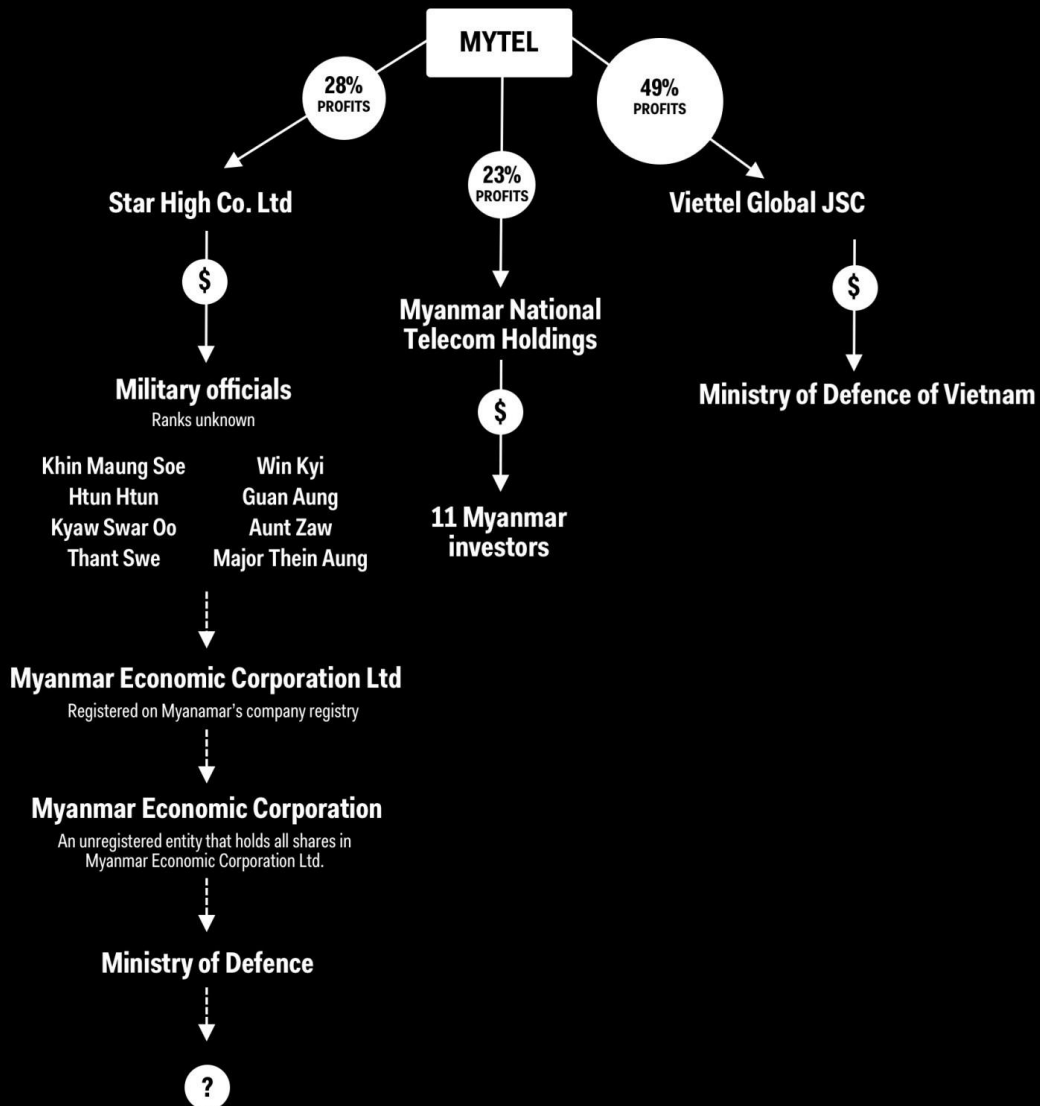
- *Businesses like Mytel are strategic for the Myanmar military to own high tech tool against the ethnic Rohingya people in Myanmar.*
- *Viettel, aiming to be a global high-tech arms manufacturer, provides the Myanmar military with tech and training to support this military's crackdown the ethnic Rohingya people in Myanmar.*
- *Through Viettel's global business, the military has gained access to products and services from leading international corporations to suppress the ethnic Rohingya people in Myanmar.*

This Nodes Of Corruption report also describes the relationship between Viettel of Vietnam and Mytel of Myanmar and the Myanmar Army, briefly as two diagrams below



Where are the Mytel profits?

The Myanmar military's profits in Mytel are hidden through proxy shareholders and military shell companies. Star High was appointed by Myanmar's communications ministry as the government shareholder, under the "supervision" of the Ministry of Defence. There is no transparency over financial flows.



On 26 August 2017 Viettel Group invested 1.5 billion USD into Mytel, a telecommunications company headquartered in Myanmar. This investment led to 49 percent stakes in Mytel with Viettel Group being the largest investor, followed by Star High Co. Ltd with 28 percent and Myanmar National Telecom Holdings with 23 percent – both owned by the Myanmar Government. Besides being the largest shareholder in Mytel, Viettel Group is authorized to provide Myanmar with “defence and security products”.

International banks, such as HSBC and Standard Charter, loaned a total of 60 million USD to Viettel Group for the investment into Mytel over the last four years – the same period that Myanmar’s military has been accused of genocide against Rohingya Muslims. This genocide resulted in estimated 800,000 people to flee their homes, villages torched, thousands executed and many more raped.

With the investment of Viettel Group into Mytel, international crimes are enabled – the investment aids and abets the Myanmar military’s continuing war crimes and crimes against humanity.

Viettel group operates in Myanmar military bases and leads the construction of at least 38 Mytel towers that support military communication on those bases, including regional and strategic operational commands, infantry battalions and an engineering battalion. Ethnic minorities are driven away from their home through grave human rights violations including murder, rape, torture, home destruction for Viettel Group and Mytel to build the military bases.

Additionally, Viettel Group operates and maintains secret military infrastructure, transfer military and dual-use technology with its stake in Mytel. The Myanmar military has puts its national security at risk by giving the group access to its civil and military infrastructure – allowing Viettel Group to access and collect personal data. These are violations based on basic privacy rights and goes against the country’s claim for national sovereignty.

Viettel Group in Vietnam

Viettel Group is involved in the land dispute in Dong Tam, nearby Hanoi, that has resulted in deaths, arrests and egregious human rights violations, such as suppression of speech, expression and assembly. Civilians were targets in an organized and large manner.

During the violent attack in Dong Tam, Viettel Group was led by Nguyen Manh Hung – currently, the Minister of Information and Communications. Viettel Group attempted to claim 59 hectares of land for expansion of the Mieu Mon military airport and the construction of their factory complex. Internet and phone lines were cut in the area, while police stormed the village with force to reclaim the farmland.

The locals have not been fairly compensated for the ongoing dispute in Dong Tam and were surprised by the sudden attack on their houses and land without any official warning or warrant. The attack was the culmination of a long-

running dispute over Senh Field, a 59-hectare parcel of land, that the authorities and Viettel Group claim “for national defence purposes”.

Thousands of police officers rushed into the village using flash grenades, firing tear gas, shooting rubber bullets, blocking off all pathways and alleys, and beating villagers indiscriminately. Yet, state-controlled media quotes an official statement from the Ministry of Public Security that the Dong Tam locals were obstructing official duties and disturbing public orders – often used to describe anti-government actions in Vietnam.

4.4 References

This part 4.4 References (400 pages) is not included in this Report. It could be send only on request.