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A CALL TO IMPOSE SANCTIONS AGAINST VIETNAMESE OFFICIALS WHO HAVE COMMITTED HUMAN RIGHTS VIOLATIONS

Presented by



ABSTRACT

Over the past decade, Vietnamese government officials have continued to tighten their grip on freedom of expression and target citizen journalists and activists, significantly increasing their volume of human rights abuses. Magnitsky Acts enable the imposition of sanctions on governments committing gross human rights violations. This report details the violations committed by To Lam, Vietnam's Minister of Public Security, and Nguyen Hoa Binh, Chief Justice of the Supreme People's Court of Vietnam and asserts the rationale to impose sanctions.

LIST OF PERPETRATORS

I / Full name: To Lam (Tô Lâm)

Date of birth: July 10, 1957

Current positions and title: Member of the Vietnamese Politburo, Secretary of the Central Committee, Minister of Public Security, Colonel General.

(Attached is a record of To Lam's human rights violations)

II / Full name: Nguyen Hoa Binh (Nguyễn Hòa Bình)

Date of birth: May 24, 1958

Current positions: Member of the Secretariat of the Vietnamese Communist Party, Secretary of the Party Committee of the Supreme Court, Chief Justice of the Supreme People's Court, President of the Council of ASEAN Chief Justices.

(Attached is a record of Nguyen Hoa Binh's human rights violations)

RATIONALE

Sanctions against To Lam and Nguyen Hoa Binh under the Magnitsky Act would have the following impact:

1. Demonstrate a commitment to protect human rights worldwide, which serves as encouragement for victims of human rights violations and for those fighting to protect human rights in Vietnam;
2. Affirm that those who violate human rights anywhere in the world will be held accountable;
3. Bring to justice the human rights violations that To Lam and Nguyen Hoa Binh have committed over the past 10 years, and deterring continued violations from these officials, their subordinates, and those who will succeed them in the positions of Minister of Public Security and Chief Justice of the Supreme Court;
4. Urge the government of Vietnam to seek negotiations. Conditions can be set to force the Vietnamese government to improve human rights conditions by respecting human rights and unconditionally releasing prisoners of conscience.

Placing To Lam and Nguyen Hoa Binh on the list for potential sanctions and, even more firmly, on the retribution list is an important tactic to defend human rights in Vietnam. The Vietnamese government must improve and respect human rights to prevent additional violations from officials.

RECORD OF HUMAN RIGHTS VIOLATIONS BY TO LAM

I/ Background:

According to information posted on the Vietnamese Government's website, To Lam was born on July 10, 1957 and his career in police service is outlined as follows:

- October 1974 - October 1979: studied at People's Security University.
- October 1979 - December 1988: worked at Department I on Political Protection of the Ministry of Public Security (MPS).
- December 1988 - 1993: Cadre, Deputy Chief, then Chief of Department I on Political Protection, MPS.
- 1993 - 2006: Deputy Director of Department I of Political Protection then Director of Department of Political Protection III, MPS.
- 2006 - 2009: Deputy Director of General Department of Security and Deputy Director of General Department I of Security, MPS. In 2007, he was appointed as Major General.
- 2009 - August 2010: Director of General Security Department I, MPS. In July 2010, he was promoted to the rank of Lieutenant General.
- August 2010 - January 2016: Standing member of the Central Police Party Committee, Deputy Minister of Public Security. At the 11th Party Congress, he was elected to the Party Central Committee. In September 2014, he was promoted to the rank of Lieutenant General.
- January 2016 - April 2016: Standing member of the Central Police Party Committee, Senior Lieutenant General, Deputy Minister of Public Security. At the 12th National Congress of the Party, he was elected to the Party Central Committee and to the Politburo.
- From April 2016: Member of the Politburo, Member of the Party Central Committee, Secretary of the Central Police Party Committee, Senior Lieutenant General, Minister of Public Security. In January 2019, he was promoted to the rank of Colonel General.

II / To Lam's human rights violations

According to sources from the Vietnamese government, To Lam's main task at the General Department of Security is "to defend the Party and the State's politics, defend communism and nationalism, deal with external and internal espionage and other forces against the communist regime in Vietnam".

For more than 10 years (2010-2020), To Lam held the position of Deputy Minister and Minister of Public Security, respectively. In holding the highest positions in the security force and police sector, To Lam has allowed the MPS security agencies at the central level and local level in the 63 provinces and different cities to blatantly violate human rights.

The types of human rights violations To Lam directed include: harassing dissidents, opposition, and the relatives of the aforementioned; economic reprisals against dissidents by forcing business owners to fire them or by destroying their business through threats to customers; travel-banning, refusing to issue passports; frequently hindering the freedom of movement within the country; assaulting, arresting, and imprisoning dissidents.

In the past 5 years, the number of prisoners of conscience and the level of repression as well as harassment against dissidents has increased. The table below shows the number of dissidents arrested that were recorded by well-respected sources, such as The 88 Project, Association of Former Prisoners of Conscience, Vietnam Human Rights Network, and the Annual Human Rights Reports of the United States. The statistics are organized by year and the corresponding position To Lam held to provide a clear overview.

Year	Position	Number of dissidents arrested
2010	Deputy Minister (inaugurated from August)	At least 25 people arrested (US Annual Human Rights Report)
2011		At least 29 people arrested (US Annual Human Rights Report)
2012		At least 35 people arrested (US Annual Human Rights Report)
2013		At least 5 people arrested (The 88 Project)

2014		<p>According to the Association of Former Prisoners of Conscience, there were at least:</p> <ul style="list-style-type: none"> • 46 people detained • 65 people beaten • 31 beatings • 43 harassment cases
2015		<p>According to the Association of Former Prisoners of Conscience, there were at least:</p> <ul style="list-style-type: none"> • 9 people detained • 157 people beaten • 44 beatings • 47 harassment cases
2016	Minister of Public Security (in office since April)	<p>According to the Association of Former Prisoners of Conscience, there were:</p> <ul style="list-style-type: none"> • 11 people detained • 2020 people beaten • 42 beatings • 39 harassment cases <p>According to the Vietnam Human Rights Network: 14 people were arrested and sentenced</p>
2017		At least 44 people arrested (The 88 Project)
2018		At least 148 people arrested (The 88 Project)
2019		At least 66 people arrested (Vietnam Human Rights Network)
2020		At least 44 people were arrested and sentenced (Vietnam Human Rights Network)

III / Allegations against To Lam

To Lam was born in 1957 in Hung Yen province. He is currently serving as the Minister of Public Security and as a Member of the Politburo of the Vietnamese Communist Party. Before becoming Minister, To Lam used to hold the Deputy General Director position in 2006, the General Director of General Security Department I in 2009, and then became Deputy Minister of Public Security in 2010.

The Socialist Republic of Vietnam is a one-party state led by the Vietnamese Communist Party. The Ministry of Public Security, headed by To Lam, is created with the primary task of protecting the Communist Party; hence, any decision to suppress, harass, and arrest any dissident is reported to and receives direct instructions from the highest ranking official, To Lam. To Lam has emphasized, and repeated numerous times during meetings and conferences, that the Public Security officers' motto is "to live and die with the Party, we exist as long as the Party exists." This motto has been adopted at all levels in the Public Security apparatus from both central to local regions.

In Vietnam, the Ministry of Public Security is known as a super ministry, and the state itself is a police state. In the name of national security, as the head of the Ministry of Public Security, To Lam is able to intervene in all administrative organs of the Vietnamese Communist Party. He can interfere with the investigation of the Security Agency Investigation, the prosecution of the Procuracy, and even the Court proceedings.

The harassment, assault, or releasing of dissidents are all decided by Minister To Lam. The prison sentences for dissidents and opponents of the VCP are directed and decided by Minister To Lam. The prosecution by the Procuracy and the Court's adjudication is just a formality.

As a minister, To Lam also intervenes and directs officials of detention centers and prisons to harshly treat political prisoners and prisoners of conscience.

Since 2009, when To Lam became the head of the General Security Department I and when he became Deputy Minister of Public Security, the number of dissidents arrested and detained greatly increased. Reports from trusted international human rights organizations, and interviews from many dissidents who were released from prison or were previously detained arbitrarily, have shown that torture and ill-treatment occurred in prison and detention centers all over Vietnam.

Regarding the issue of arresting dissidents, according to statistics from the Association of Former Prisoners of Conscience and the Vietnam Human Rights Network, from 2010 to the end of 2020, at least 462 people were arrested and tried under charges with vague criminal provisions, which include: Article 258 of the 1999 Criminal Code, now Article 331 of the 2015 Criminal Code (Abusing democratic freedoms); Article 79 of the 1999 Criminal Code, now Article 109 of the 2015 Criminal Code (Actions aimed at overthrowing the people's administration); and Article 88 of the 1999 Criminal Code, now Article 117 of the 2015 Criminal Code (Propaganda against the state of the Socialist Republic of Vietnam). Some detention cases raise deep concerns from the domestic and international community, such as the case of Lawyer Nguyen Van Dai, Nguyen Bac Truyen, Truong Minh Duc, journalist Nguyen Huu Vinh, journalist Nguyen Van Hai

(nickname Dieu Cay), Blogger Nguyen Ngoc Nhu Quynh (nickname Mother Mushroom), and most recently, the case of journalist Pham Doan Trang. The police always carefully consider any detention case to achieve various strategic purposes, including undermining the work of the activists by sentencing them to 10 to 15 years in prison, using them as a means to bargain or negotiate during economic exchanges and human rights dialogue with other countries.

In prisons across Vietnam, the Ministry of Public Security enforces an implicit policy against activists to make them suffer, such as torture in detention centers and during interrogation. Basic sanitation needs are not met, causing detainees to suffer various ailments that include skin diseases, respiratory problems, and mental health issues. When inmates are sick, proper medical examination and treatment are not given. The detention centers' officials also subject individuals to various forms of torture, including severe beatings, sleep deprivation, starvation, and long-term detention in a stressful environment, exposure to very cold or very hot temperatures. Activists from Southern provinces are sent to detention centers in the North; those from the North are detained in the Central Highlands provinces; those from the Central provinces are held in the South. This relocation is a means to make it difficult for family members to visit and to separate the activists from places they are familiar with. The idea is to make the activists suffer to the point they may fall ill and even pass away as in the case of Dinh Dang Dinh, a teacher who died from cancer while in prison, or the case of Huynh Anh Tri who passed away because of HIV/AIDS while in prison.

Regarding harassment and beatings, it is estimated that more than 2,000 people have been harassed by the police or prevented from leaving their homes by security forces when there are major public events happening in Vietnam. Besides, there have also been at least 500 beatings caused by security forces, including some famous dissidents who were beaten, such as Mr. Nguyen Chi Tuyen, Mr. La Viet Dung, Mr. Nguyen Van Dai and his partner, Mr. Truong Van Dung. The authorities' reasons for beating these dissidents are because they "participated in protest," "illegally gathered," or because they "opposed the government on social media." The Immigration Bureau under the Ministry of Public Security has also issued an international travel ban on more than 200 activists based on the very vague explanation that they are "not eligible to exit Vietnam." The police aim to discourage and prevent activists, or human rights defenders, from contacting international organizations and foreign diplomatic agencies. In addition, many dissidents often receive invitations and summons to the police headquarters without a specific reason prescribed by law and not because they are involved in a prosecuting case under Vietnamese law. Interrogation is carried out for a long time and occurs continuously from morning to night, day in and day out. During the working sessions, threats are regularly delivered to suppress mental endurance.

To Lam, who used to hold the position of Director of the General Department of Security and is currently the Minister of Public Security, has directly or indirectly commanded the units involved in the operation of a variety of suppressing programs, including arbitrary arrests, beatings, torture, and preventing activists from their human rights activities. There are documents recording and proving the widespread and systematic nature of human rights violations by police officers over a long period. Due to his key position in the MPS, To Lam knew

and should have known that his subordinates were involved in severe violations of human rights. However, To Lam did not have any efforts in preventing brutal treatments or demanding his subordinates to respect international commitments, which proves that To Lam has intentionally ignored and directed his subordinates to let the violations continue. Besides, there is much credible evidence showing that To Lam and his subordinates prevent denunciations of police agents' wrongdoings to a higher administrative level and even retaliate those denunciators. Thus, it can be seen that To Lam and subordinates have intentionally consented to serious human rights violations.

Besides, in the case of kidnapping Trinh Xuan Thanh in Germany, according to the report from the German Government, Lieutenant General Duong Minh Hung (deputy director of the General Security Department) commanded intelligence network in Germany and Eastern European countries, along with security from Vietnam, to carry out the kidnapping. This kidnapping case has violated Vietnamese law and blatantly violated the Federal Republic of Germany and International law. This offense shocked Germany and Europe, causing the worst diplomatic crisis between Vietnam and Germany. To Lam, who is Lieutenant General Duong Minh Hung's immediate supervisor, must have known about his subordinates' transnational action plans and was obliged to prevent the kidnapping. However, he chose to ignore, or in the worst case, To Lam himself was the one directing Duong Minh Hung to conduct the kidnapping.

From the above analysis of the position, role and responsibility of General, Minister of Public Security To Lam, it can be concluded that To Lam must bear primary and direct responsibility for all the human rights violations in Vietnam for at least 10 years (2010-2020). Therefore, To Lam should be held accountable under the Magnitsky Act.

RECORD OF HUMAN RIGHTS VIOLATIONS BY NGUYEN HOA BINH

I/ Background:

Nguyen Hoa Binh is currently the Chief Justice of the Supreme People's Court of Vietnam, he was born in 1958 in Quang Ngai.

According to information from the Government's website and the state media, Nguyen Hoa Binh had worked and held important positions in both Public Security sector and Procuracy sector before becoming Chief Justice of the Supreme People's Court. Nguyen Hoa Binh's career in state agencies and his advancement in the Vietnam Communist Party position can be summarized as follows:

- Working in the police sector:

1980 - 1987: Head of the Tam Ky District's Public Security Office, Deputy Head of the General Office, Deputy Head of the Public Security Department of Scientific Research of Quang Nam

province

1992: Deputy Head of the Division of Industrial Crimes, Deputy Secretary of P2 Cell Party, Department of Economic, Ministry of Public Security

1995 - 1999: Head of the Division of Industrial Crimes, Secretary of P2 Cell Party, Department of Economic, Ministry of Public Security, Head of Inspection Committee of Party Committee

1999 - 2001: Deputy Director, Deputy Secretary of Party Committee of Department of Economic, Ministry of Public Security

2002 - 2004: Director, Secretary of the Party Committee of Department of Economics, Member of the Party Committee of the General Department of Police, Deputy Head of the Investigation Police Agency of the Ministry of Public Security.

2005 - 2006: Deputy Director of the General Department of Police, Member of Party Committee of the General Department of Police, Deputy Head of Investigation Police Agency of the Ministry of Public Security

2007 - 2008: Major General, Standing Member of Party Committee of the General Department of Police, Deputy Director, Deputy Head of Investigation Police Agency of the Ministry of Public Security

- Working in Quang Ngai province:

2008 - 2010: Deputy Secretary of the Quang Ngai Provincial Party Committee

2010: Secretary of the Quang Ngai Provincial Party Committee

January 2011: Elected as Member of the 11th Party Central Committee

- Work at Procuracy and Supreme Court:

July 2011: Chief Procurator of the Supreme People's Procuracy

January 2016: Elected as a member of the 12th Party Central Committee; elected to the XII Central Party Secretariat.

April 8, 2016: elected by the National Assembly to Chief Justice of the Supreme People's Court.

January 31, 2021: elected to the Politburo.

1. Human rights violations by Nguyen Hoa Binh

Suppose the Ministry of Public Security, with the head - To Lam, can be seen as a tool to eliminate human rights and suppress the criticisms of the Communist Party. In that case, the court is where blatant legalizes the state's violations. During 10-year holding the two highest positions of the Procuracy and the court, Nguyen Hoa Binh ignored the people's complaints against police harassment and injustice in trials. Under Nguyen Hoa Binh's direction, indictments and sentences for democratic and human rights activists are only written, following police investigation records. According to data from reputable sources (Project 88, Vietnam Human Rights Network, and several other sources), at least 352 people have been convicted in the past 10 years for exercising freedoms and rights prescribed in the Constitution of Vietnam.

Year	Number of dissidents convicted
2011	14
2012	9
2013	51
2014	3
2015	2
2016	11
2017	25
2018	141
2019	48
2020	44
2021	4

During his time as Head of the Supreme People's Procuracy, Nguyen Hoa Binh ignored the mistakes in the police arrest process.

By law, police generally need an order from the People's Procuracy to arrest a suspect, although in some cases, a court decision is required. However, in reality, many human rights activists are detained by agents in casual outfits without an arrest warrant.

The law allows police to hold a suspect in custody for 72 hours without a warrant. In these cases, the People's Procuracy must issue a decision to approve or not to approve the arrest within 12 hours of receiving notification from the police. The People's Procuracy must issue a decision to formally investigate detainees and notify the accused or their legal representatives within three days of arrest; if not, the police must release the suspect. In practice, especially in politically motivated cases, these procedures are not applicable. In the case of two activists, Truong Duy Nhat and Huynh Thi To Nga, who were arrested in 2019, for example, the authorities only informed about the detention and investigation months after the arrest.

During his time as Head of the Supreme People's Procuracy and Chief Justice of the Supreme People's Court, Nguyen Hoa Binh has ignored and remained silent at thousands of petitions all over Vietnam about the injustice and wrongdoings in the field of land and environmental protection. The process of land acquisition in Vietnam has a lot problems; some cases even create resentment among citizens, making them fiercely self-defense of themselves. Instead of protecting citizens' legitimate rights, the procuracy and the court ignore arbitrary arrests and detentions of resisting people, ignoring pleas and denunciations from the people. The procuracy and the court even give a hand suppressing those defending for their interests through indictments to prosecute and by convicting them on charges of "obstruction of official duty" or "disturbing public order".

The most recent land coercion that caused the deaths of four people, the Dong Tam case, is also a typical example of blatant violations of human rights, outraging public opinion, which the Chief Justice could not deny the direct connection. A series of contradictions in the investigation process and violations of procedural principles have been pointed out but were intentionally ignored by the court to firmly execute the instruction from Mr. Nguyen Hoa Binh and the Ministry of Public Security.

In criminal cases involving political aspects, the court usually denies the defendant's right to choose a lawyer but appoint one for them. The Criminal Procedural Code stipulates that the defendant is allowed to sit next to their lawyer, but it is frequently reported the court obstructs communications between the defendant and his lawyer. Although the defense lawyer has the right to cross-examine witnesses, there have been many cases where neither the defendants nor their lawyers know which witnesses will be summoned; they cannot cross-examine witnesses or challenge statements against the defendant. During the trials of political crimes, neither the defendants nor their lawyers can examine the prosecution's evidence. Defendants have the right to self-defense, but the law does not explicitly state that the defendant has the right to summon witnesses. Judges, presiding over politically sensitive trials, often refuse defense lawyers and defendants to exercise their rights, as prescribed by law. In cases involving national security crimes, judges sometimes prevent defense lawyers from making arguments on behalf of their clients in court.

The systematic violation of the proceedings by lower courts cannot escape involvement and general guidance from the judiciary head, the Chief Justice of the Supreme Court Nguyen Hoa Binh. The court system is divided in a hierarchy and the review of judicial status takes place after 5 years for the first term of a judge, causing the independence and impartiality to be severely affected. The lower judges usually have to follow their superiors' direction in their

decisions to ensure career paths. There is an unwritten rule that all judges must be Party members; therefore, every judgment must serve the purpose of protecting the Communist Party, not for justice and equity to the people.

Nguyen Hoa Binh's legal violation is illustrated clearly in the famous case of Ho Duy Hai. In October 2011, when being Head of the Supreme People's Procuracy, Nguyen Hoa Binh was the one who issued the decision not to appeal the Ho Duy Hai case because there was no new evidence. On May 8, 2020, Nguyen Hoa Binh, with the new position as Chief Justice of the Supreme Court, ignored the objectivity principle to sit in the Chair of the Cassation session of this case. This objectivity principle was recorded in the Vietnam Criminal Procedural Code 2015, whereby any judge who participated in the case as a prosecutor must refuse to participate in the trial. Thus, if compared with the law, in this case, Mr. Nguyen Hoa Binh's decision is not objective and unfair. The principle of objectivity and impartiality should have been given special attention in this case when Ho Duy Hai has been on the waiting list for executing the death penalty for 12 years. Nguyen Hoa Binh was directly involved in the previous proceedings of the case, now is the head of the judiciary; certainly, the other judges cannot make a decision independently from Nguyen Hoa Binh's point of view.

The conclusion of not accepting the appeal of the Judicial Council attested when Nguyen Hoa Binh and his 16 subordinate judges all agreed that: "the case has errors in the proceedings, but that does not change the nature of the case" and "death penalty to Ho Duy Hai is sentenced to the right person, for the right crime and with the right sentence".

III/ Allegations against Nguyen Hoa Binh

Nguyen Hoa Binh was born in 1958 in Quang Ngai province and has been serving as Chief Justice of the Supreme People's Court of Vietnam since April 2016. Before holding this position, Nguyen Hoa Binh had many years working in the police department, being Deputy Director of the General Department of Police Investigation, and 5 years as the Chief Procurator of the Supreme People's Procuracy.

As analyzed above and information presented in various human rights reports by different parties, the state of the Socialist Republic of Vietnam uses the police and the courts as practical tools of suppression to bring down dissidents. Vietnam maintains a one-party ruling system, so it is inevitable to remain in power through the unwritten rule that civil servants must be Party members to advance their careers. High-ranking officials like Nguyen Hoa Binh used their power in the judiciary to indulge the Party's will for personal gain. Position in Party, not his position in the government, determines the power of a bureaucrat. The Politburo is considered the destination of the most ambitious and most successful party members.

Mr. Nguyen Hoa Binh has faced many doubts, questions, and objections from jurists, lawyers, and public opinion in two j spotlights in 2020: the Ho Duy Hai case's cassation session and the first instance trial of the Dong Tam case. Despite all criticisms, Mr. Nguyen Hoa Binh was still re-elected to the Central Committee of the Communist Party at the National party congress at the end of January 2021, and was even promoted to the Politburo - the most powerful organ in the Vietnamese state apparatus.

Regardless of the conflict between interest groups in the process of personnel arrangement in the Politburo, Nguyen Hoa Binh's promotion to this powerful agency was carefully considered based on the merits of protecting the Communist Party's interests during his term of Chief Justice of the Supreme Court.

This merit firstly comes from Nguyen Hoa Binh's direction over the judiciary to adjudicate and issue harsh sentences to dissidents and peaceful human rights activists. In the past five years, the number of dissidents sentenced has increased dramatically, activists are often sentenced to between 10 and 15 years in prison on vaguely worded crimes such as abusing democratic freedoms under Article 258 of the 1999 Penal Code (Article 331 of the Penal Code 2015), or for activities aimed at overthrowing the people's administration (Article 79 of the 1999 Penal Code, Article 109 of the Penal Code 20015) or propaganda against the State of the Socialist Republic of Vietnam (Article 88 of the 1999 Penal Code, Article 117 of the Penal Code) 2015). Some sentences for activists fiercely opposed by domestic and international public opinion include those for members of the Brotherhood for Democracy (2016), the verdict for blogger Nguyen Ngoc Nhu Quynh (2017), ... and most recently, harsh sentences were given to members of the Constitutional Group (2020) and Independent Journalists Association of Vietnam (2021). The decisions are given after carefully consideration to impose long-term prison sentences, to neutralize these activists or let the government use it as a negotiating tool on economic and human rights issues with Western nations. Although he could not take directed economic benefits for the government, Nguyen Hoa Binh also achieved the goal of suppressing the voices of disagreements with the Party, making the political opposition movement in Vietnam almost wiped out in recent years.

Besides, Nguyen Hoa Binh's role should be mentioned in directing the trials of a series of cult cases related to General Secretary Nguyen Phu Trong's corruption fight. For the first time in history, many high-ranking party members, such as Dinh La Thang, Nguyen Bac Son, Truong Minh Tuan, Trinh Xuan Thanh, had to appear in court and suffered hefty sentences.

Obviously, with the power of a Chief Justice of the Supreme Court, Nguyen Hoa Binh does not hesitate to ignore the independence and impartiality of the court but choose to protect the interests of the Party in order to gain merit and consolidate personal power to race for a seat in the Politburo.

If one argues that Nguyen Hoa Binh cannot be independent due to pressure from the Communist Party to respect human rights, then the Ho Duy Hai case is a obvious proof of Nguyen Hoa Binh's defiance of the law for personal goals. The Ho Duy Hai case happened in 2008 and during the investigation, there were many mistakes in the evidence collecting process and the case files were falsified; at this time, Nguyen Hoa Binh was the Deputy Director of the Investigation Police Agency, Ministry of Public Security. In 2011, Binh, as Chief Procurator of the Supreme Procuracy, decided not to conduct the cassation review of the Ho Duy Hai case because there was no new evidence. The current Head of the Supreme Procuracy found that there are violations of fundamental principles during the investigation of the case, the case file is also falsified, so he petitioned for cassation to the Supreme Court. Nguyen Hoa Binh in the new position as Chief Justice of the Supreme Court, took charge of the case. Since he did not want to

admit mistakes made when he was still the President of the Supreme VKS, he appointed himself to be the Chairman for the Ho Duy Hai case's cassation session. Moreover, to make sure this decision cannot be overturned, Nguyen Hoa Binh set up a Judicial Council of 17/17 judges of the Supreme Court. All the Supreme Court justices agreed to reject the cassation appeal, which means that only when the entire set of judges are removed can Ho Duy Hai turn over the death sentence. This scenario is almost impossible in the current Vietnamese institution.

With the analysis of the role and responsibilities of the Supreme Court's Chief Justice, it can be concluded that Nguyen Hoa Binh is directly responsible for human rights violations in Vietnam in the past 10 years.

Despite the wave of criticism in public opinion about the judiciary's unjust judgments, Nguyen Hoa Binh was still elected to the Politburo, demonstrating the injustices that he and the judiciary caused in the last term is precisely what the Communist Party expected. By appointing and promoting those greedy for power like Nguyen Hoa Binh, the Communist Party has turned the court into an even more powerful tool for the political arrangements and policies to maintain the Party's domination, and for those who dare to dare to speak out in protest, unfortunate consequences are unavoidable. Therefore, Nguyen Hoa Binh needs to be held accountable.

With members inside Vietnam and around the world, Viet Tan aims to establish democracy and reform the country through peaceful means.

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