



Vietnam

Foreign Nationals and the Death Penalty

Death Penalty Overview

Since January 2004, the publishing of statistics on use of the death penalty in Vietnam has been classified as a state secret, making obtaining data on capital punishment a difficult task (Vietnam Committee on Human Rights (VCHR) 2016). Amnesty International estimates that the number of individuals executed as well as those sentenced to death could be much higher than the figures they publish in their annual reports. In 2016, new information was made available on the use of the death penalty by

the state. This revealed the magnitude of the use of capital punishment, and saw Vietnam join the top five executing countries, estimated to be the third-most prolific executioner of prisoners in the world after China and Iran. It is thought that Vietnam's death row is amongst the 12 largest in the world, with only four other Asian countries having more death-sentenced prisoners (VCHR 2016). The pace of death sentencing in Vietnam continues to increase, resulting in further overcrowding in prisons that already constitute inhumane environments. Annual reports since 2016 have continued to reveal that the use of capital punishment in the country is far more extensive than originally thought.

SOME STATISTICS: (Amnesty International 2022)

	Executions	Death Sentences	Known number on death row
2017	+	35+	600+
2018	122+	85+	600+
2019	+	76+	249+
2020	+	54+	1200+
2021	+	119+	1200+
2022	+	102+	1200+

'+' indicates that the figure that Amnesty International has calculated is a minimum.

Where '+' is not preceded by a number, this means that Amnesty International is confident that there was more than one execution, but it was impossible to establish a figure

The most recent statistics published by Amnesty International revealed that an estimated 119 were sentenced to death in 2021, with at least 1,200 individuals currently known to be on death row. The number of annual executions is mostly uncertain; an exception was in 2018, when the Minister of Justice, Lê Thành Long, revealed that at least 122 individuals had been executed. Since 2018, comprehensive figures remain unavailable to the public, but authorities continue to disclose partial information

indicating the continued - if not increasing - use of capital punishment. Between 1 October 2020 and 31 July 2021, for example, a 30% increase in executions was disclosed. Global reports on the use of the death penalty continually indicate that 'the picture remains incomplete, due to paucity of information on executions in [a number of countries, including] Vietnam' (Harm Reduction International 2020).



Foreign Nationals

Amnesty International believes that of the 1,000+ people on death row in Vietnam, among them are foreign nationals from Laos, Cambodia, Singapore, Malaysia, Nigeria and Australia, to name but a few. Harm Reduction International (2021) estimated that eight death sentences were given to foreign nationals in 2021, with roughly a tenth of all known death sentences implemented for drug-offences in 2021 given to foreign nationals. Vietnamese courts imposed death sentences on at least two Taiwanese, three

Laotian and five Nigerian nationals in 2021, all convicted for transporting and/or trafficking drugs.

Whilst the overall picture of capital punishment in Vietnam remains obscured, including how foreign nationals fit into this picture, several media and court reports on executions in Vietnam suggest that foreign nationals are often caught up in Vietnam's widespread use of capital punishment. A 2013 article in the South China Morning Post, for example, references the sentencing to death of a Thai drug smuggler, a 31-year old Nigerian man, a Thai design student and a 61-year old Filipino in the space of a year; all four individuals were convicted for drug-related offences. These cases begin to indicate the extent to which capital punishment in Vietnam exists, yet the reality of foreign nationals sentenced to death, is likely to be far greater than media reporting suggests.

Drug-related offences

	Drug-related death sentences	% of total death sentences
2016	54	86%
2017	31	88%
2018	unknown	unknown
2019	73	96%
2020	47	87%
2021	93	78%

Sitting near the opium-producing 'Golden Triangle' of Southeast Asia - where the borders of Thailand, Laos and Myanmar meet - there are high levels of drug trafficking throughout Vietnam. VCHR (2016) notes that

Vietnam has some of the harshest drug laws in the world; those caught in possession or smuggling 100g or more of heroin or cocaine, or 5kg or more of cannabis and other opiates, can be sentenced to death. Capital punishment is most often used in relation to drug offences, followed by corruption, black market and violent crimes.

Harm Reduction International (2021) classifies Vietnam as a 'high application state', meaning that the executions of individuals convicted of drug offences were carried out, and/or at least ten drug-related death sentences per year were imposed in the past five years. Known death sentences for drug-offences were estimated to be their highest in 2021 for at least a decade, with the proportion of death sentences implemented for drug-related offences consistently being greater than 75%. What is more, the 93 drug-related death sentences reported by media and courts in 2021 in Vietnam are thought to be only a fraction of those actually imposed.

Case Study 2023 - Yer Vang



In February 2023, a Vietnamese court in the central Ha Tinh Province sentenced a Laotian man, Yer Vang, to death for transporting 1kg of ketamine and 7,000 amphetamine pills into Vietnam. Yer was hired in Laos to carry and deliver the drugs to someone in Nghe An Province in Vietnam. Whilst the drugs would have been worth around VND 1 billion (USD 41,740), the man sentenced to death was paid only VND 1 million (USD 42). The 'Golden Triangle' places Vietnam as a hub for drug trafficking, despite its extremely harsh drug laws. It is frequently foreign nationals from neighbouring states, such as Thailand and Laos, who get caught up in this drug trade, often fatally.

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