

# 緊急救援

## 死囚曾在審訊時遭受酷刑，死刑執行卻迫在眉睫

阮文昌家屬於 2023 年 8 月 4 日收到海防市人民法院的通知，要求家屬必須於 3 日內前往領取阮文昌的遺體。當局僅以阮文昌在警方審訊期間遭受酷刑所做出的「自白」，就將他在不公平的司法程序中定罪。有兩名證人願意作證，表示阮文昌當時人在案發現場 40 公里外的地方，他們指出警方對他們施以肢體虐待，威脅他們撤回證詞。阮文昌自從 2008 年就成為死刑犯，家屬至今仍未收到任何行刑日期的資訊。

立即行動：以你的文字寫一封信，也可以抄寫下列範本

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主席 您好：

我來信向您表達我對阮文昌深切的憂慮。2008 年，他在不公平的司法程序中被以強盜與謀殺警方罪定罪，並判處死刑。他至今一直名列越南的死刑名單上，隨時有被處決的風險。我呼籲您立即介入，並終止執行阮文昌的死刑。

阮文昌表示自己在警方訊問時被扒光衣物、倒吊毆打與強迫「自白」。16 年來，阮文昌的家屬和律師不斷向各級法院提交請願書，希望法院重新審視他的定罪與死刑判決。[2011 年](#)，最高人民檢察院檢察總長要求最高法院撤銷上訴刑事判決，並將阮文昌的死刑判決改判。但最高人民法院在 2011 年 12 月駁回上訴。

若審判不符合國際公平審判標準（包含越南身為締約國的《公民與政治權利國際公約》第 14 條的標準），實施死刑便違反了國際法，這樣的死刑執行具有恣意性。

我因此敦促您：

- 立即停止任何處決阮文昌的計畫，並對他的案件進行公正的審查
- 針對他遭受酷刑或其他殘忍、有辱人格或不人道待遇的指控，啟動迅速、獨立和公正的調查。

敬此

First UA: 79/23 Index: ASA 41/7111/2023

Date: 15 August 2023

## 更多資訊

來自越南北部的 40 歲勞工阮文昌與其他兩人在 2007 年 7 月被判犯下強盜與謀殺警方罪，因此被判處死刑。他的家屬於 2023 年 8 月 4 日收到海防市人民法院的通知，要求家屬必須於 3 日內前往領取阮文昌的遺體。家屬獲准在 8 月 14 日前往探視，阮文昌在當時向家屬確認自己將被處決的消息。然而，他並未收到任何行刑日期的資訊。

阮文昌否認罪名，並在[給家人的信中表示](#)，自己在拘留期間遭到警方施以酷刑及其他不當對待，逼迫他「自白」承認殺警。他說自己在警方訊問時被扒光衣物、吊掛毆打，而據報當局否認了他的所有指控。

此外，官方媒體報導指出，阮文昌的村莊有幾名目擊者願意作證，指出在謀殺案發生時，他們曾在村莊看到阮文昌（村莊在案發現場 40 公里遠之處）。然而，海防市法院僅以警方的報告便將他定罪。阮文昌村莊的 2 名目擊者也出面指控自己曾被海防市警局的警察施以肢體虐待和威脅。

[2011 年](#)，最高人民檢察院檢察總長要求最高法院撤銷上訴刑事判決，並將阮文昌的死刑判決改判。但最高人民法院在 2011 年 12 月駁回上訴。2013 年曾在越南共產黨中央內政委員會工作、審查阮文昌案的律師黎文和（Le Van Hoa，暫譯）在[近期一次採訪中](#)指出，調查、審判和上訴階段存在許多不一致和違反程序的情形。例如，謀殺現場和受害人屍體的法醫證據分析嚴重不一致；警方認為阮文昌及其同案被告所持有的劍和刀與受害者身上的痕跡不符；審判時證人的陳述存在許多矛盾；警方未按照首席法官的要求，對阮文昌的不在場證明進行調查，包括他的手機座標紀錄，這些座標可能得以證實謀殺發生時他並不在現場。

在越南，使用死刑的數據仍屬於國家機密。謀殺、毒品相關罪行和貪污等經濟犯罪持續被判處死刑。媒體鮮少報導死刑執行的新聞，但國際特赦組織認為越南每年皆執行數十起死刑。

國際法絕對禁止酷刑及其他不當對待的行為，但越南當局仍時常使用這些手段。越南已經簽署《禁止酷刑公約》（Convention Against Torture），也是《公民與政治權利國際公約》（ICCPR）的締約國；身為這些條約的締約國，越南已經承諾採取一切措施，確保沒有人會遭受酷刑或其他殘酷、不人道或有辱人格的對待或懲罰，並確保「在任何訴訟程序中，不得援引任何業經確定以酷刑取得之供詞為證據，但其供詞作為指控施用酷刑者刑求逼供之證據者，不在此限」（《禁止酷刑公約》第 15 條）。聯合國保障死刑犯權利的保障措施規定，只有在清楚和可信證據的基礎上、完全沒有對事實進行其他解釋的餘地，才能實施死刑。

國際特赦組織反對一切死刑，沒有例外。不論犯罪性質或情節，亦不論涉案者有罪、清白或任何情況，更不論執行死刑的方式，國際特赦組織倡議全面廢除死刑。死刑侵犯了生命權，是極端殘忍、不人道和有辱人格的刑罰。至今，共有 112 國已經完全廢除死刑，全球超過三分之二的國家在法律或實務上廢除死刑。

用中文、英文或熟悉的語言寫下對越南政府說的話；或是參考訴求範本信照著寫。

請在 2023 年 11 月 10 日前寄到以下地址↓

First UA: 79/23 Index: ASA 41/7111/2023

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# URGENT ACTION

## EXECUTION IMMINENT IN TORTURE TAINTED CASE

On 4 August the family of Nguyen Van Chuong was asked to report within three days to the People's Court of Hai Phong City in Viet Nam to make arrangements to receive his remains after his execution. Nguyen Van Chuong was convicted in unfair proceedings mainly

on the basis of a “confession” that he has said was extracted through torture during police interrogation. Two witnesses who stated that he was 40km away from the murder scene said that the police physically abused and threatened them to withdraw their testimonies. Nguyen Van Chuong has been on death row since 2008. His family were not informed of the date for the set execution.

**TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER**

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Your Excellency,

I am writing to express my grave concern at reports of the imminent execution of Nguyen Van Chuong, who has been on death row in Viet Nam, after he was convicted of robbery and murder in unfair proceedings and given the death penalty in 2008. I urge you to immediately intervene and stop the execution from taking place.

It is distressing that Nguyen Van Chuong said that he was stripped naked, hung and beaten during police interrogation to force a “confession”. For 16 years, Nguyen Van Chuong’s family and lawyers have been sending petitions to all court levels requesting reconsideration of his conviction and death sentence. [In 2011](#), the Prosecutor General of the Supreme People’s Procuracy requested that the Supreme People’s Court quash the appellate criminal judgment and commute his death sentence out of concern for the conviction. However, in December 2011, the Supreme People’s Court rejected the request.

A death sentence that is imposed following proceedings which do not meet international standards for a fair trial – including those contained in Article 14 of the International Convention on Civil and Political Rights (ICCPR) to which Viet Nam is a party – violates international law. This renders its execution arbitrary.

Therefore, we urge you to:

- Immediately halt any plans to carry out the execution of Nguyễn Văn Thường and grant him a fair review of his case;
- Initiate a prompt, independent and impartial investigation into the allegations that he was subjected to torture or other cruel, degrading or inhuman treatment.

Yours sincerely,

Nguyen Van Chuong, a 40-year-old labourer from North Viet Nam, was convicted of the robbery and murder of a policeman in July 2007, alongside two others, and sentenced to death. On 4 August his family were asked to make arrangements for his remains, leading to concerns that his execution could be imminent. Family members were able to visit him in prison on 14 August, when Nguyen Van Chuong confirmed to them that he was informed about the decision to carry out his execution. However, he was not given a date for it.

Nguyen denies the charges and in [letters](#) to his family wrote that he was subjected to torture and other ill-treatment while in police custody to make him “confess” to the murder. He stated that he was stripped naked, hung and beaten during police interrogation. The authorities have reportedly denied his claims.

Additionally, state media reports have indicated that several people from his village were willing to testify that they saw him at the village at the time of the murder, 40 kilometres away from the crime scene. However, the Hai Phong City Court relied primarily on the police’s reports to convict him. Two witnesses from his village had also alleged that they were physically abused by the Hai Phong City police and threatened.

[In 2011](#), the Procurator General of the Supreme People’s Procuracy requested that the Supreme People’s Court quash the appellate criminal judgment and commute his death sentence. However, in December 2011, the Supreme People’s Court rejected the appeal. In a [recent interview](#), Le Van Hoa, a lawyer who in 2013 worked at the Central Internal Affairs Committee of the Communist Party and reviewed the case of Nguyen Van Chuong, pointed out to many inconsistencies and procedural violations in the investigation, trial and appeal phases. These include significant inconsistencies in the analysis of the forensic evidence from the murder scene and body of the victim; the sword and knives attributed by the police to Nguyen Van Chuong and his co-defendants not matching the marks in the victim body; many contradictions in witness statements as given at trial; the lack of investigation, as requested by the Chief Justice by the police of evidence of Nguyen Van Chuong’s alibi, including coordinates of his phone records that could have confirmed he was not present when the murder took place.

Data on the use of the death penalty remains classified in Viet Nam as a state secret. Death sentences continue to be imposed for murder, drug related offences and economic crimes, such as embezzlement. Reports of executions by media are rare, but Amnesty International believes that scores of executions continue to be carried out yearly.

Torture and other ill-treatment are absolutely prohibited under international law but remain common practices by Viet Nam’s authorities. Viet Nam has ratified the Convention Against Torture and is a State Party to the International Convention on Civil and Political Rights (ICCPR). As a state party to these treaties, Viet Nam has undertaken to take all measures to ensure that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment and that “any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made”. UN safeguards guaranteeing protection of the rights of those facing the death penalty establish that this punishment can only be imposed based upon clear and convincing evidence leaving no room for an alternative explanation of the facts.

Amnesty International opposes the death penalty in all cases without exception, regardless of the nature or circumstances of the crime; guilt, innocence or other characteristics of the individual; or the method used by the state to carry out the execution. The organization opposes the death penalty as it violates the right to life and is the ultimate cruel, inhuman and degrading punishment. As of today, 112 countries have abolished the death penalty for all crimes and more than two-thirds in total are abolitionist in law or practice.

PREFERRED LANGUAGE TO ADDRESS TARGET: English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 10 November 2023

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PRONOUN: Nguyen Van Chuong (he/his)