

# FIGHTING OVER SENH FIELD

A Report on the Dong Tam Village Attack

*By The Dong Tam Task Force*

Liberal Publishing House



## **FIGHTING OVER SENH FIELD: A REPORT ON THE DONG TAM VILLAGE ATTACK**

*This is a report on the violent government attack against Dong Tam village (Hanoi, Vietnam) on January 9, 2020, which resulted in the death of the village leader and more than two dozen arrests just before the Lunar New Year. Three policemen were also reported killed. This report reaches the conclusion that this event is possibly the bloodiest land dispute in Vietnam in the last ten years; it also highlights concerns about police brutality, abuse of power, and the contradictory concept of the “people’s ownership of land” in Vietnam.*

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## I. EVENT INFORMATION

On January 9, 2020, at 4 AM, police cordoned off Dong Tam in coordination with local ground forces and forcefully reclaimed 59 hectares of land from villagers who had battened down the hatches in anticipation of the move. The villagers, who were never officially notified but had only heard through unofficial channels, declared in video recorded an hour before the attack that they would “fight to the death” to hold onto the 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 Kinh.

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.

According to state-controlled media, which only quotes an official statement from the Ministry of Public Security (MPS), it was villagers who attacked police with “grenades, Molotov cocktail, and knives” as officials tried to erect a wall delineating Mieu Mon airport. The statement accuses villagers of obstructing official duties and “disturbing public order”, a catch-all often used to describe anti-government actions in Vietnam.

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 Kinh’s wife, 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, state media released photos of some of the arrested villagers—covered in scrapes and bruises—and announced criminal proceeding against 22 individuals, including two of Kinh’s sons Cong and Chuc, for “murder” and “obstruction of officials”.

All 22 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.

*\*Due to the fact that our sources in Dong Tam are still under threat from Vietnam’s security forces, we have refrained from citing specific identities in witness accounts in this report.*

## II. BACKGROUND OF THE DONG TAM LAND DISPUTE



The Dong Tam event involves two contiguous pieces of land, hereinafter referred to as the Eastern Part (47.36 hectares) and the Western Part (59 hectares).

The Eastern Part was once planned to be developed as Mieu Mon Airport. It was consensually transferred from the residents of Dong Tam to the central government in 1980. In reality, the plan has never been executed, and the People's Army of Vietnam (PAVN) simply rented the land to local people for farming.

The Western Part is used by the Dong Tam villagers, who call it "Dong Senh" (in written Vietnamese: Cánh Đồng Sênh, meaning "Senh Field")

Disputes arose when as PAVN reclaimed the Eastern Part to transfer to Viettel Corporation, a military-owned telecommunications company, they tried to claim the Western Part too. Dong Tam villagers objected, arguing that the Western Part was their agricultural land, which meant that Viettel or PAVN must compensate them at a premium.

The PAVN and Viettel, on the contrary, insisted that the whole area was reserved for national defense and security and argued for a lower rate. Viettel, in particular, has provided inconsistent information: in a meeting with Mr. Le Dinh Kinh, it told him that My Duc district authorities sold the land to the corporation, thus there would be no compensation for residents.

### **The Dong Tam community's arguments and actions**

The residents of Dong Tam insist that 100 percent of the 59 acres of Senh Field is the commune's agricultural land. Therefore, if Viettel wants to use it, they are obligated to pay compensation as required by law.

In May 2016, the Hanoi People's Committee issued Document #2590 to four bodies: the Hanoi Department of Natural Resources and Environment, the City's Directing Board for Site Clearance, the People's Committee of My Duc district, and Viettel. Pursuant to this legal document, Viettel shall "pay relocation compensations".

Local residents argued that if Senh Field was indeed land for national defense purposes, then why would Viettel and the Hanoi authorities pay residents "relocation compensation" rather than fining them for "occupying land meant for national defense purposes"?

Furthermore, when news of the potential land reclamation was leaked, Dong Tam residents made a complaint to the Mieu Mon airport developer – the Air Defense and Air Force Corps. The Corps referred the complainants to Hanoi's civic bodies to resolve the matter. The response indicated to residents that PAVN had already recognized Senh Field as "civic land".

### **The authorities' arguments and actions**

The authorities, represented by PAVN and Viettel, insist that the whole area (both the Eastern and Western Parts) are lands for national defense purposes.

On July 3, 2017, Hanoi mayor and former major-general Nguyen Duc Chung asked the City Council to withdraw their proposal to "resettle and relocate people [living] in Dong Senh", saying "those people do not need relocating [because they have their own houses elsewhere]." Four days later, the Hanoi Inspectorate issued a draft of their conclusion that the whole of the land near Dong Tam, including both the Eastern and Western Parts, were lands for national defense purposes.

The inspectorates also blamed local authorities for their "mismanagement" in wrongfully giving the green light for local people to encroach.

### III. CHRONOLOGY OF THE DONG TAM LAND DISPUTE

- 1980** The government reclaims the 47.36-hectare piece of land from Dong Tam residents for their “Mieu Mon Airport” project.
- 2006** The government cancels the “Mieu Mon Airport” project.
- 2014** The Ministry of National Defense gives Viettel “land for national defense purposes” in Dong Tam to build factory.
- 2017** *April 15:* The Hanoi police invite representatives of the Dong Tam commune to come to measure the border between “the military land” and “the agricultural land”. When the four representatives come, they are arrested and taken away without written warrants. One of them, Mr. Le Dinh Kinh, b. 1936, is brutally beaten and has one of his legs broken.
- Local people come to the rescue and a clash with police breaks out. More police are deployed to disperse the angry crowd; 38 police officers of the special task force are captured and held hostage.
- April 22:* Hanoi mayor Nguyen Duc Chung and a delegation came to Dong Tam commune to “negotiate” with the villagers. In the end, the hostages are released, and Chung makes a written promise that no criminal proceedings would be conducted against those involved in the event. Some observers doubt such a promise, stating that because Chung was a government official and a representative of the executive branch, he could not speak on behalf of the court, and his pledge was basically meaningless.
- June 13:* The police launch a criminal investigation against the Dong Tam farmers involved in the hostage situation, despite the previous promise by mayor Nguyen Duc Chung not to prosecute any of them.
- July 07:* The Hanoi Inspectorate issues a draft of their “conclusion on the Dong Tam land inspection”, declaring that the whole area was land for national defense purposes. Mr. Bui Van Kinh, a representative of the Dong Tam commune, disagrees, saying they inherited Senh Field from their grandparents during French colonial times. The Hanoi authorities, however, insist that no land should be owned by any specific “grandparents” or “previous generation” as all Vietnamese land is owned by the Vietnamese people.
- July 25:* The Hanoi Inspectorate confirms their final “conclusion on the Dong Tam land inspection”.
- 2020** *January 09:* Police launch an aggressive operation against Dong Tam, beginning around 1 a.m. and ending at 5 a.m.

One of the lawyers who provides legal counsel to the Dong Tam community, Mr. Ngo Anh Tuan, tries to access the scene but is aggressively turned away by police.

In the morning, the official news portal of the MPS announces that local people “actively attacked” police officers while security forces were building a fence around the Mieu Mon Airport worksite, three kilometers away from where the police operation actually took place.

*January 10:* State President and Party General Secretary Nguyen Phu Trong signs a decision to grant the honorary title of “martyr” to the three policemen killed in the attack. Given only 24 hours had passed following their deaths, this is an unprecedented decision, as reviewing and granting the title of “martyr” usually takes years.

*January 11:* Luat Khoa Magazine, an independent journal on jurisprudence, sends a letter to General To Lam, head of the MPS, with an inquiry regarding the Dong Tam attack.

Authorities in Can Tho city arrest Chung Hoang Chuong, b. 1977, under the charge of “abusing democratic freedoms to infringe upon the state’s interests” for his online postings about the Dong Tam event.

*January 13:* Police block all roads to Dong Tam, preventing people from attending Mr. Le Dinh Kinh’s funeral. No cameras are allowed at the funeral. One villager was threatened by police with assault as he tried to film the funeral with his cell phone.

A video clip leaks from Dong Tam showing Mrs. Du Thi Thanh, Le Dinh Kinh’s wife, declaring in tears that she was tortured and coerced into testifying that her husband was using a grenade. Many fear that she may be killed as a witness.

Several detainees appear in an evening news broadcast by the state-owned National Television of Vietnam (VTV) with bruised faces, ostensibly admitting guilt and blaming Mr. Le Dinh Kinh for “abetting” them in fighting and killing police officers.

*January 14:* The MPS holds a press conference to provide “official information” to the media. Lieutenant General Luong Tam Quang, deputy head of the MPS, says the three police officers were killed after they fell into a skylight in Mr. Le Dinh Kinh’s residence and were allegedly set on fire by Kinh’s family members. Notably, what Quang says during the conference differs from the official announcement published by the MPS’ news portal on January 9 that local people “actively attacked” police officers at a site three kilometers away from Kinh’s house.

*January 15:* State-run media falsely implicate activists Trinh Ba Phuong Nguyen Thuy Hanh in the attack, accusing them of “inciting” Dong Tam residents.



## **IV. POINTS OF CONTENTION AROUND THE JANUARY 9 ATTACK**

Shortly after news of the Dong Tam attack leaked from pages operated by government-hired *du luan vien* (public opinion shapers), Facebook users began to point out inconsistencies and contradictions in the narrative provided by the government and its supporters.

### **1. Why an attack after midnight?**

Originally, the police said that it was they themselves who were attacked by a group of “resistant farmers” from Dong Tam as they were trying to build a fence around the Mieu Mon Airport worksite, three kilometers from Dong Tam commune. When they fought back, this group of farmers ran and hid in Mr. Le Dinh Kinh’s residence where police finally vanquished them.

The official story begs several questions: why did police cut off all power, internet, and phone lines in Dong Tam commune before supposedly “being attacked”? And why did police concurrently deploy vehicles full of special task force officers to the commune?

### **2. The mysterious deaths of three police officers**

Originally, an online photo spread virally showing a body burnt almost completely, with *du luan vien* commenting that it was the body of a police officer whom “terrorists” set fire to using petrol bombs.

Skeptics pointed out that an average human body takes two to three hours to burn completely; how could the police let one of their “comrades” burn for such a long time without any effort to extinguish the fire?

Moreover, the walls of the house were not charred as they should have been had there been such a fire. Many commentators also doubted that petrol bombs, typically made of a 20 oz. bottle containing kerosene, could ignite such a large, uncontrollable fire.

In a press conference on the morning of January 14, Lieutenant General Luong Tam Quang, deputy head of the MPS, said the three police officers were killed after they fell into a four-meter skylight in Mr. Le Dinh Kinh’s residence and were allegedly set on fire by Kinh’s family members. Again, skeptics raised the question of why the walls around the skylight were not charred. The question remains unanswered by the authorities.

On the other hand, bullet holes fired by police were found in abundance on the ceilings and walls of Mr. Le Dinh Kinh’s residence.

### **3. Storing weapons**

The police, in trying to persuade the public that they were attempting to subdue a “terrorist threat”, insisted that they collected a great number of “lethal weapons” in Mr. Le Dinh Kinh’s residence. A photo posted on the MPS’s news portal in the morning after the attack showed a collection of knives, bricks, and what police described as petrol bombs.

Several unanswered questions revolve around due process principles: 1. When did police find out that Mr. Le Dinh Kinh and his group had stored “lethal weapons” in his residence? 2. If police had evidence of this kind of weapons storage before the attack, then how did they attain such evidence? By what measure? 3. If police had evidence of this kind of weapons storage before the attack, why didn’t they resolve the case through due process, i.e. exhausting all other possible remedies, before launching a violent post-midnight attack against civilian targets?

### **4. Le Dinh Kinh’s death**

The police accused Mr. Le Dinh Kinh of leading the “terrorist charge” and reported that he was killed holding a grenade.

Pro-democracy Facebook users, however, expressed doubt that a disabled, 84-year-old man could launch a post-midnight attack against a force of 3,000 police officers at a site three kilometers away from his home. Additionally, Kinh was a 55-year member of the Vietnamese Communist Party and had previously served as the secretary of the local party cell, as well as the head of local police. Le Dinh Kinh did not harbor anti-state tendencies and attacking law enforcement officers is not consistent with his biography.

In talks with local villagers and interviews with the media, Le Dinh Kinh proved to be a consistent and loyal Party member. The only time he implied a possible violent resistance against the police was in an interview conducted by RFA in October 2019, in which he said the Dong Tam people would not surrender and would fight to protect their land, even if that meant risking their lives.

State-run media, however, cited this single instance as evidence of terrorist intent.

Above all, as many witnesses have described, there were bullet holes through Kinh’s heart, head, and leg. Mrs. Du Thi Thanh, Kinh’s wife, who was with him during the attack and survived, said he was tortured and shot dead in front of her. She herself was then tortured and coerced into falsely confessing that Kinh was using grenades.

## V. COMMENTARIES AND TESTIMONIES ON THE JANUARY 9 ATTACK

*“Pursuant to the Hanoi authorities’ Document #2340 that I am holding now [in my hand], 100 percent of the land here is agricultural land. We urge any government office that wants to clear the site and reclaim this land to show us the land recovery decision issued by a relevant authority in due process. Without such a decision, we Dong Tam residents will never submit.”* (Le Dinh Kinh to RFA, October 31, 2019).<sup>1</sup>

*“I’m so sad that I can’t do anything to help [the Dong Tam residents] effectively. I’d like to act as an intermediary to abate tension between the two sides, but I’m afraid that my wish cannot be realized given the over-aggressiveness of the law enforcement officers that I’ve witnessed.”* (Lawyer Ngo Anh Tuan on his Facebook page, January 9, 2020).<sup>2</sup>

*“Mr. Le Dinh Kinh has completed his circle of life, from 1936 when the Vietnamese Communist Party was accused of being a terrorist organization to 2020 when Kinh himself was accused by the VCP of being the leader of an armed terrorist group; other pro-communist voices curse him as if he were a real terrorist.”* (Lawyer Trinh Huu Long in a Luat Khoa Magazine editorial; January 13, 2020).<sup>3</sup>

*“The group of lawbreakers was confirmed as having caused public disorder over a long period of time, with none of them owning any residential or farming land in the area that Dong Tam commune has transferred to the Ministry of National Defense. These lawbreakers also declared that they would commit murder, equipping themselves with lethal weapons and explosives to realize their plan of obstructing the authorities from building the Mieu Mon Airport’s walled boundary.”* (Vietnam Television’s Evening News; January 13, 2020)

*“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.”* (Mrs. Du Thi Thanh, the wife of Le Dinh Kinh, describing in tears how she was tortured beside her dead husband; January 13, 2020)<sup>4</sup>

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<sup>1</sup> Available at: [https://www.rfa.org/vietnamese/in\\_depth/what-will-happen-when-dong-tam-land-is-coerced-10312019134320.html](https://www.rfa.org/vietnamese/in_depth/what-will-happen-when-dong-tam-land-is-coerced-10312019134320.html)

<sup>2</sup> <https://www.facebook.com/photo.php?fbid=10215604090646565&set=a.3626737838303&type=3&theater>

<sup>3</sup> Trinh Huu Long, “There’s a slogan on his coffin” (in Vietnamese: Có một khẩu hiệu trên quan tài). Available at: <https://www.luatkhoa.org/2020/01/co-mot-khau-hieu-tren-quan-tai/>

<sup>4</sup> Anonymous videographer. Video source: Facebook user La Viet Dung.

## VI. LEGAL VIOLATIONS OF VIETNAM'S DOMESTIC LAWS

### Background: Vietnamese Constitution

Article 53 stipulates that “The land, water resources, mineral resources, resources in the sea and airspace, other natural resources and property invested and managed by the State are public properties, coming under ownership of the entire people represented and uniformly managed by the State.”

#### 1. Vietnam's Land Law

Under **Article 70** of the 2013 Land Law, “Enforcement of decisions on compulsory inventory”, the following principles of enforcement of a decision on compulsory inventory are required:

- a. The enforcement is conducted in a public, democratic, objective, orderly, safe, and lawful manner;
- b. *The enforcement starting times fall within working hours.*”

Therefore, the time in which the police conducted the attack against the Dong Tam community (after midnight) is *unlawful*, even if it were a land eviction as police originally claimed.

**Article 71**, “Enforcement of land recovery decisions”, Clause 2 provides that “The enforcement of a land recovery decision is conducted when all the following requirements are met:

- a. The person whose land is to be reclaimed fails to comply with the *land recovery decision* after the mobilization and persuasion by the commune-level People's Committee and Vietnam Fatherland Front in the locality and the organization in charge of compensation and ground clearance.”

In the Dong Tam land dispute, local people insist that *the authorities have never issued any land recovery decision*. This is not to mention a universal principle in the guarantee of land rights, which states that no relocation shall take place *without the free, prior, and informed consent of the people concerned*.

#### 2. Vietnam's Law on Weapon Control

Clause 2 of **Article 22** provides that “weapons may only be used when there is no other way to prevent the subject from acting and after warning without the subject complying.”

In the Dong Tam clash, it is as yet unknown whether government forces gave any warning or whether the local people refused to surrender. However, given a clash in which a few dozen farmers were confronted by 3000 armed officers, it can hardly be said that “there [wa]s no other way to prevent the subject from acting.”

**Article 23** on “cases in which the law enforcement officers may use weapons when performing their duty” stipulates that “the duty performer may shoot the subject without warning in the following cases:

- a. The subject is using a weapon or explosives to directly conduct an attempt at terrorism, murder, or kidnapping, or is using weapons or explosives to resist his/her arrest after he/she has conducted such a crime.”

In the Dong Tam clash, the obligation to provide evidence that local people attempted to conduct terrorism or murder falls on the police. However, they have *failed to provide clear and consistent evidence to support their accusations.*

## **VII. LEGAL VIOLATIONS OF INTERNATIONAL STANDARDS**

### **1. The right to be informed of one's rights**

Anyone arrested or detained is entitled to be informed, in a language they understand, of their right to (a) legal representation; (b) examination and treatment by a doctor; (c) have a relative or friend notified of their arrest or detention; (d) communicate with or notify their consulate (in the case of foreign nationals) or a competent international organization (in the case of refugees or persons who are stateless or under the protection of an inter-governmental organization), and (e) be provided with information on how to avail themselves of such rights.

*All of the above rights are frequently violated in Vietnam. Arrestees, especially in political cases, are denied access to legal representation, health care, family and friends, and information, including “information on how to avail themselves of such rights.” Only after the investigation process has been completed do they sometimes avail themselves of those rights to a limited extent, with permission from the police.*

### **2. The right to silence**

No one who is charged with a criminal offense may be compelled to confess guilt or testify against him/herself.

*In Vietnam, however, prolonged detention in deplorable prison conditions, and denial of access to legal representation, family, and friends, have been widely and systematically used to coerce arrestees into confessing or admitting guilt.*

Vietnamese police show much interest, as do their Chinese counterparts, in compelling dissidents to confess in recorded sessions, which are later aired on state television. There have been several notorious cases of TV confessions, such as that of human rights lawyer Le Cong Dinh (2009), democracy supporter Tran Thi Xuan (2017), freelance journalist Nguyen Van Hoa (2017), and protester Truong Huu Loc (2018). With 2020 comes the “televised confession” and “pre-trial conviction” of the detainees in the Dong Tam police raid.

### **3. The right to legal assistance**

All persons who are arrested or detained have the right to immediate assistance from a lawyer during any pre-trial detention, interrogation and/or preliminary investigation. They have the right to a lawyer of their choice. If they are unable to afford a lawyer, then a defense counsel should be assigned to them free of charge.

*Under Vietnamese law, the police are the ones who grant permission to lawyers to see their clients. Traditionally, they only do so when the investigation has been completed and they have made sure prosecutors have a substantial advantage over the accused.*

#### **4. The right to adequate time and facilities for the preparation of a defense**

All persons charged with a criminal offense should be given adequate time and facilities for the preparation of their defense, including the opportunity to communicate in confidence with a lawyer of their own choosing.

*This right is totally alien to Vietnam's law-enforcement and procedural conduct bodies. Particularly in political cases, lawyers can only meet their clients after being granted permission by the investigating body, so that they have limited time to study the case. For example, in the 2008 case of "the SRV vs. tax evader Dieu Cay", defense lawyers were given only five days to work on the case before the trial took place.*

#### **5. The right not to be held incommunicado**

Any person arrested or detained has the right to be provided with the facilities they require to communicate, as appropriate, with their lawyer, doctor, family, and friends, and to notify these people of their arrest or detention, including the place where the person is being detained or transferred to.

#### **6. The right to trial within a reasonable time**

Anyone arrested or detained on a criminal charge has the right to be tried within a reasonable time or to be released pending trial. Prolonged incommunicado detention is absolutely prohibited under international law.

*However, for decades in Vietnam, suspects considered "anti-state" or "anti-communist" have been arrested without warrant and placed in solitary confinement for years without trial. Because there was no trial, there was no legal representation, indictment, or court judgment, either. These poor victims, whose human rights have been egregiously violated, remain imprisoned until the MPS frees them at their discretion. "Rubber justice" is the slang for this kind of imprisonment.*

#### **7. The right to humane treatment and non-torture**

All persons deprived of their liberty have the right to be treated with humanity, with respect for the inherent dignity of the human person, and not to be subjected to torture or cruel, inhuman, or degrading treatment or punishment.

#### **8. The right to a fair trial**

The accused is entitled to a fair trial. The right to a fair trial encompasses all the procedural and other guarantees concerning due process laid down in international standards. For the sake of conciseness, the right to a fair trial means the accused is entitled to a trial before an independent, impartial, and competent tribunal established by law.

#### **9. Presumption of innocence**

Everyone charged with a criminal offense has the right to be presumed innocent until proven guilty according to law.

To date, *this principle has been violated often in Vietnam*. Contrary to countries in Europe and North America, in Vietnam, it is government officials and the state-controlled press who tend to violate it most often, especially in political cases. The authorities in general and the police in particular have a tradition of employing the press and *du luan vien* to personally attack suspects or the accused, defaming them and manipulating public opinion to affirm their guilt before trial. Even defense lawyers are occasionally attacked.

#### **10. Policing in democracies**<sup>5</sup>

In compliance with international standards, the police shall be an independent organ of the Executive and shall be subject to the direction of the courts and bound by their orders. Every law enforcement agency shall be representative of and responsive and accountable to the community as a whole.

No member of the police may participate directly in political activities. No member of the police may be ordered or forced to exercise his or her functions or powers or deploy police resources to promote or undermine any political party or interest group, or any member of such a party or group.

*The Vietnamese reality is totally contrary to the above-mentioned standards. Dong Tam is a good (but by far, not the only) case study in which the court plays no role at all in conflict resolution, leaving disputes between the government and the people unresolved.*

#### **11. Police use of force**

In compliance with international human rights standards, everyone has the right to life and security of person, and freedom from torture and cruel, inhuman, or degrading treatment and punishment. Non-violent means are to be attempted first. Force is to be used only when strictly necessary and only for lawful law enforcement purposes. No exceptions or excuses shall be allowed for unlawful use of force.

*In the Dong Tam event, there exists ample evidence that the victims and witnesses taken into custody were all tortured intentionally and brutally by police. There is evidence of police threatening witnesses as well.*

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<sup>5</sup> Office of the United Nations High Commissioner for Human Rights, "Human Rights Standards and Practice for the Police", 2004



## **VIII. RECOMMENDATIONS**

1. The international community must pressure the Vietnamese government into initiating a just and objective investigation into what happened at Dong Tam the morning of January 9; the Vietnamese government has an obligation to publicly and transparently name those individuals and organizations responsible for the death of Mr. Le Dinh Kinh, the torture of Kinh's wife Du Thi Thanh, and the possible torture of Kinh's family members (as evidenced during their televised confessions).
2. The international community must pressure the Vietnamese government to release (on bail) all those captured during the land dispute and abide by international legal norms. For those charged, the Vietnamese government must grant the accused the legal rights stipulated above.
3. The Vietnamese government must allow the free movement of persons and information in and out of Dong Tam and refrain from further harassment of witnesses and activists assisting the community.
4. The Vietnamese government must properly compensate the residents of Dong Tam for all possessions and property lost or damaged in the land dispute.

**APPENDIX A: Photos of the Dong Tam village attack and aftermath**



*Police vehicles (above) and riot officers (below) being deployed to Dong Tam commune a few hours before the January 9 attack. Photos courtesy of activist Anh Chi.*





*Uniformed and plainclothes police block the way to the attack scene, on the morning of January 9. Photo courtesy of Facebook user Ngo Tuan.*



*What the police identified as “weapons collected from the criminals’ house”.  
Photo courtesy of the MPS’s news portal.*



*Plainclothes police surrounding land rights activist Trinh Ba Phuong’s residence. Photo source hidden for safety.*



*Screenshot of Le Dinh Cong, Le Dinh Kinh's elder son, during his "televised confession" on the VTV Evening News, January 13, 2020. Photo courtesy of activist Will Nguyen.*



*A young Hanoi man holding Mr. Le Dinh Kinh's photo  
in a commemoration ceremony on January 12, 2020.  
Photo courtesy of Facebook user Pham Doan Trang.*

## **APPENDIX B: Facts and figures on the Dong Tam attack**

### **Proper name:**

Dong Tam (in Vietnamese: Đồng Tâm, formally meaning “consensus and unity”)

### **Location under attack**

- Administrative division: thôn Hoàn, xã Đồng Tâm, huyện Mỹ Đức, Hà Nội, Việt Nam (Hoanh ward, Dong Tam commune, part of My Duc suburban district, Hanoi, northern Vietnam)
- Geographical position: 35-40 kilometers southwest of Hanoi
- Population: 9000 (Dong Tam commune)

### **Location scheduled for eviction**

- Senh Field (in Vietnamese: Cánh Đồng Sênh), an informal name given by local residents
- Geographical position: 2.5km from Hoanh ward

### **Viettel Corporation**

- Full name: Army Telecommunication Industry Corporation
- Transaction name: Viettel (once re-branded from Vietel)
- Establishment year: 1989
- Type: state-owned enterprise, owned and operated by the Ministry of National Defense
- Industry: telecommunications
- One of Vietnam’s top five largest companies, from 2013 to present

### **Victims in the January 9 attack**

- Le Dinh Kinh, b. 1936, member of the Vietnamese Communist Party for 50 years: murdered
- Du Thi Thanh, Kinh’s wife: tortured and under house arrest
- 23 individuals detained and charged with “murder”: 1. Le Dinh Chuc (m.); 2. Le Dinh Cong (m.); 3. Le Dinh Uy (m.); 4. Nguyen Van Tuyen (m.); 5. Bui Van Tien (m.); 6. Bui Van Nien (m.); 7. Tran Thi La (f.); 8. Bui Thi Noi (f.); 9. Nguyen Thi Lua (f.); 10. Bui Viet Hieu (m.); 11. Bui Van Tuan (m.); 12. Nguyen Quoc Tien (m.); 13. Le Dinh Doanh (m.); 14. Bui Thi Duc (f.); 15. Le Dinh Quan (m.); 16. Le Dinh Quang (m.); 17. Nguyen Van Due (m.); 18. Nguyen Thi Bet (f.); 19. Nguyen Van Quan (m.); 20. Trinh Van Hai (m.); 21. Nguyen Xuan Dieu (m.); 22. Tran Thi Phuong (f.); 23. Dao Thi Kim (f.)
- 3 individuals detained and charged with “obstruction of officials”: 1. Le Dinh Hien (m.); 2. Bui Viet Tien (m.); 3. Nguyen Thi Dung (f.)



- All the above-mentioned detainees are subject to torture and coercion.
- Bui Viet Hieu, Kinh's neighbor and a man in his seventies, is in critical condition. Since the January 9 attack, he has been hospitalized under tight police cordon. His family members have said that police blocked them from visiting him, saying he was an "especially dangerous criminal".

#### **Police killed in the attack**

- Nguyễn Huy Thịnh, b. 1972, Colonel
- Phạm Công Huy, b. 1993, Captain
- Dương Đức Hoàng Quan, b. 1992, First Lieutenant
- State media reported that all three individuals were "killed" by "resistance elements" and were granted the honorary title of "martyr" by President Nguyen Phu Trong on January 10.

## **APPENDIX C: Inquiry to To Lam, Head of the MPS, regarding the attack at Dong Tam**

### ***Luat Khoa Magazine, January 13, 2020***

#### *A. Regarding the event the night of January 9, 2020*

1. The attack that authorities refer to as a “forceful reclamation” the night of January 9, 2020 began and ended at what times? Where?
2. Which individuals or bodies signed the approval letter for the “forceful reclamation”?
3. Which units of the various security forces participated in the “forceful reclamation”? How many individuals participated in total?
4. What methods, weapons, and equipment did security forces use during the attack, including those transported in?
5. What is the legal basis for using weapons?
6. Regarding the police accusing the Dong Tam villagers of “storing weapons” and “killing people”: could you please describe specifically the instruments and equipment used as “weapons” and how they were stored? At what point in time did the authorities know that the villagers of Dong Tam had “stored weapons”?
7. Many witnesses have reported that the Dong Tam area had its electricity, phone, and internet cut prior to the attack. Is this accurate? If so, why did this phenomenon occur?
8. Are you aware that security forces attacked Le Dinh Kinh’s residence? If so, could you provide the rationale and describe specifically the method of deployment?
9. Regarding villagers who had their land forcefully reclaimed and/or had their houses broken into the night of January 9, what response do you have on behalf of the forces involved in the attack?
10. How many local people died the night of January 9? Who were they, and how did they die?
11. Why was the corpse of Le Dinh Kinh at the Dong Tam village headquarters? How did the authorities discover that he died, when, where, and in what context? Why was Mr. Kinh’s corpse operated on? What conclusions did autopsy officials draw? Many witnesses describe bullet holes through Mr. Kinh’s heart and head. Is this true? If so, why was Mr. Kinh struck? Who shot Mr. Kinh?

12. Based on information from the MPS, attacking forces also lost lives. Could you provide the exact number of lives lost and causes of death, as well as their names, ages, units, and positions?

13. How many people were arrested the night of January 9, 2020 and who were they? Where are these people currently and under what conditions? Have they been able to contact lawyers or family, or receive any medical care (as stipulated by Vietnamese law and international human rights standards)?

14. Estimated damages to property belonging to the families attacked the night of January 9th totals how much? And the damages to materials belonging to the attacking forces? Our sources have indicated that Le Dinh Kinh's family has lost both a cash drawer and a private car. How do you explain this?

*B. Regarding the work of journalists*

1. Did the MPS prevent journalists from reporting at the scene of the event, or control the information they could report?

2. Which press bodies were "allowed" to report from the scene of the event?

3. What standards does a press body need to meet in order to report from the scene of the event?

4. Which body approves and authorizes this? And the legal basis for this activity?

5. Information on the websites "Riot Police", "PK-KQ Channel", and "Association of Ha Tinh Countrymen"... all accuse the Dong Tam villagers of "terrorism", "murder", "storing weapons", "obstructing officials", and "treason". Did the MPS provide these websites with that information? Are their views also the official views of the MPS?

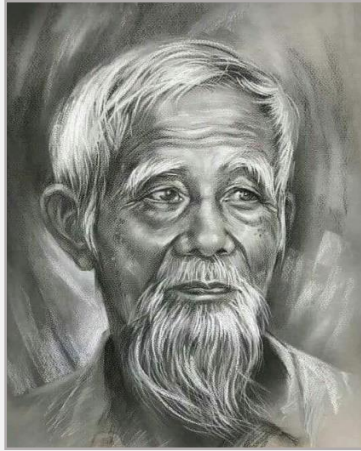
6. As of this very moment (4:50 PM, January 11, 2020), our sources tell us that the Dong Tam area is still under complete lockdown, with strict security precautions implemented. Why?

*C. Regarding the legal basis surrounding the attack*

1. Make public the legal basis for the 59 hectares of land (that the people of Dong Tam refer to as "Senh Field").

2. Make public the records for all stages of the Mieu Mon Airport plan.

3. Make public the letter of approval for the "forceful reclamation" the night of January 9, 2020.



Le Dinh Kinh (1936 - 2020),  
Dong Tam leader

*This is a report on the violent government attack against Dong Tam village (Hanoi, Vietnam) on January 9, 2020, which resulted in the death of the village leader and more than two dozen arrests just before the Lunar New Year. Three policemen were also reported killed. This report reaches the conclusion that this event is possibly the bloodiest land dispute in Vietnam in the last ten years; it also highlights concerns about police brutality, abuse of power, and the contradictory concept of the “people’s ownership of land” in Vietnam.*

*(The Dong Tam Task Force)*