

Data on the use of the death penalty in Viet Nam continued to remain classified as state secret. On 16 October, national media reported that the government had submitted, with the approval of the Prime Minister, a report to the National Assembly that noted that as of 30 September the number of people sentenced to death increased by 440, or 34%, compared with the same period in 2019. This figure alone does not allow for an accurate calculation of the number of death sentences imposed during 2020, because of possible decreases in the total linked to any commutations and as the reporting period is not clearly defined and comparable. However, it indicates that hundreds of people continued to be sentenced to death yearly, and that approximately 1,734 people were under sentence of death as of end of September 2020.

The report also highlighted the government's concern at overcrowding and other detention conditions of those facing the death penalty, noting that 57 out of 69 detention facilities had built separate detention areas to house those on death row, with a total of 700 cells with capacity for more than 1,200 prisoners – a figure that is in line with the estimated 1,734 total.

Amnesty International continued to monitor reports on the use of the death penalty during the year, but was only able to gather information on 54 new death sentences. Seven of these were imposed on women; 10 on foreign nationals. Forty-seven were imposed for drug-related offences and two for embezzlement – offences which do not meet the threshold of the “most serious crimes” under international law and standards.

The government issued Decree No. 43/2020, effective from 15 April, and Joint Circular No. 02/2020, effective from 1 December, to set out the process, timelines and the roles and responsibilities of the authorities in the carrying out of executions by lethal injection. Among other elements, the directives allow family members of the executed prisoner, including if they are foreign nationals, to apply for the return of the body or ashes.

On 8 May, the Supreme People's Court affirmed at its final cassation level the conviction of and death sentence imposed on Hồ Duy Hải.¹ On 15 June, two members of the National Assembly petitioned it to review his case, which was assigned to its Judiciary Committee. Vietnamese media reported in November that the Judiciary Committee had submitted its report on the case on 14 August, but the findings were not made public. Hồ Duy Hải maintained that he was forced to “confess” to the murder through torture during police interrogation and later retracted the “confession”. His case has been marred by further procedural irregularities and disregard of key exculpatory evidence. He came close to execution twice in the past decade.²

¹ Radio Free Asia, “Vietnam’s Supreme Court reaffirms death sentence in decade-old Ho Duy Hai murder case”, 15 June 2020, [rfa.org/english/news/vietnam/ho-06152020195024.html](https://www.rfa.org/english/news/vietnam/ho-06152020195024.html)

² See Amnesty International, *Death Sentences and Executions in 2019* (Index: ACT 50/9870/2019), 21 April 2020, [amnesty.org/en/documents/act50/1847/2020/en/](https://www.amnesty.org/en/documents/act50/1847/2020/en/), p. 27

