

## Death Penalty Facts:

Report prepared by  
Reprieve volunteer

**Manuel Ventura**

## VIETNAM

According to the 1999 Penal Code, Vietnam retains the death penalty for 29 offences such as treason, rebellion, murder, rape, drug offences, counterfeiting, and a number of economic offences together with war crimes and crimes against humanity. However, the majority of death sentences in the country are either related to drugs or murder. According to Vietnamese official its retention is based on the premise that they deter/prevent crime.

Specific figures on the number of executions carried out is difficult to obtain, not least by the Prime Minister's 2004 Decision (No. 1/2004/QD-TTg), which made the reporting and dissemination of statistics on the use of the death penalty a state secret. Figures that appear on the right have been obtained via the monitoring of the State controlled media which on occasions report executions, thus the true number is undoubtedly much higher.

Year	Executions	Death Sentences
1994	90	100
1995	11	104
1996	5	113
1997	9	44
1998	30	52
1999	4	10
2000	12	Data unavailable
2001	10	Data unavailable
2002	34	48
2003	64	103
2004	82	115
2005	21	68
2006	14	Data unavailable
2007	25	83

Vietnam Death Penalty Statistics

Under the 2003 Criminal Procedure Code, condemned prisoners are afforded the right to appeal their sentences, first to their local appellant court and then to the Supreme People's Court and the Supreme People's Procuracy before final appeals for clemency are made directly to the President. Once all avenues for appeal have been exhausted and the execution date arrives, the prisoner is tied to a wooden stake, blindfolded and gagged. The execution is carried out by a five person firing squad that fire five rounds into the prisoner and a final shot to the head.

Defence lawyers have complained of bias against those who appear in Vietnamese courts. Such sentiment is supported by a conviction rate that is estimated (by Vietnamese officials themselves) to be in the upper 99<sup>th</sup> percentile, whilst the appeals failure rate stands at 99.93% (1999). Whilst lawyers are assigned in death penalty cases, they are often not brought in until very close to a trial commencing and there have been cases where access to information and witnesses has been restricted. Throughout the process, prisoners are kept in leg irons and chains and there have been many reports of mistreatment of prisoners whilst in custody.

At present the Vietnam appears firm on retaining the death penalty, although offences that carry the penalty are currently under review, with proposals to reduce their number to 17. There are also investigations under way for a more "humane" way to execute prisoners, with lethal injections being considered as an alternative.