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Transcript of Police Interrogation of Michael Tien Huynh on March 10, 2024

Police officer: I am here with Michael Huynh. I am detective Mclean with the Shakopee P.D. If you could please let Mr. Huynh know who I am. Do you mind if I put this right here Michael?

February 15, 2024
OFFICE OF
APPELLATE COURTS

[Interpreter speaks in Vietnamese..... for a while and stops]

[Michael keeps quiet.]

Police Officer: Did you understand that, Michael?

Interpreter: Hello?

Michael: Yeah.

Police Officer: (To Interpreter): Yes, he said he understood.

Police Officer: First of all, I guess I'll ask how you're doing Michael.

Interpreter:

Michael:(phonetic)

Police Officer: Okay now?

Interpreter: Okay.

Police Officer: I am the detective that you were supposed to meet yesterday morning.

Interpreter:

Michael:(silent)

Police Officer: Do you understand?

Michael: Yes.

Police officer: First and foremost, I want to tell you that you don't have to talk to me.

Interpreter:

Michael: (Silent)

Police Officer: Do you understand?

Michael: Yeah.

Police Officer: And typically, I would say- You're free to leave, but obviously you're in a hospital bed-So, if you don't want me here, you can tell me and I will leave- if you don't want me here.

Interpreter:

Michael: (silent)

Police Officer: Do you understand?

Michael: (speaks in Vietnamese with interpreter)

Police Officer: He understood?

Michael: (speaks in Vietnamese to interpreter)

Interpreter: You can tell me anything you want to say.

Police Officer: Okay. Well, I was gonna ask you questions. Are you okay with that or do you not want to speak with me?

Interpreter:

Michael: Yeah.

Officer: So, he wants to speak with me?

Interpreter: Yeah.

Officer: Well, I think you know why I am here. Uhm.... I talked with T, your girlfriend Kim, and T's mom already. Uhm.....I guess I just will like to hear.....Uhm.... well first.... What is your full name and date of birth?

Interpreter: (Interprets)

Michael: Michael....

Interpreter: Michael, 10/31/1970.

Officer: 10/21 or 10/31?

Interpreter: (interprets)

Michael: 31

Officer: And what's your address? - Where do you live?

Interpreter: (interprets)
Michael: 1560 Village.....eh.....Shakopee.
Officer: I can't put this.
Interpreter: Zip code?
Michael: 5579.
Officer: Okay. And, who do you.....how long have you lived there?
Michael: About 10 years.
Officer: At that address or
Michael: Yeah.
Officer: Who do you live with?
Interpreter:(vietnamese)
Michael: (vietnamese)
Interpreter: Michael says T and T's mom.
Police Officer: Okay. And what's your girlfriend's name?
Michael: Kim.
Interpreter: Kim.
Police Officer: Kim?
Police Officer: And T's mom's name?
Michael:(phonetic)
Police Officer: How long have you.....
Interpreter: Do you want me to say that?
Police officer: Oh yes, go ahead.
Interpreter: Do you want to spell the name?
Police officer: Eh, Eh. Sure.
Interpreter: Eh Okay. Nga, last nameHuynh.

Police Officer: Okay, (Uhm) how long has T lived with you?

Interpreter:(vietnamese)

Michael:(vietnamese)

Interpreter: For almost 3 yrs.

Police Officer: Uhm.....yes, at this point, eh I was just gonna ask uhm.. if you know why I am here to talk to you?

Michael: Yeah.

Police officer: You can explain why I am here.

Michael: I know.

Interpreter: (Interprets in Vietnamese).
(Long pause).

Police Officer: Did you understand or-----

Michael: Yes.

Police Officer: Do you want to explain or should I just ask questions?

Interpreter: (Interprets in Vietnamese).
(Long pause).

Michael: (speaks in Vietnamese).

Interpreter: Yeah.

Michael: (speaks in Vietnamese).

Interpreter: Okay, he said.....what T said is not right. It is not totally right. Because the first time.....him wanted herself with what she is doing.....

Police officer: Can you repeat that for me?

Interpreter: He said---uhmT, what T said is not totally right. The first time..... that's what T wanted and that's why he did it to me.

Police officer: Uhm.....could you ask him what that means? "First time T did what?" What did T do?

Interpreter: (Interprets in Vietnamese).

Michael: (Speaks in Vietnamese).

(Long Pause)

Police Officer: What did he say?

Interpreter: He said, "She pull it down and she

Officer: She or He?

Interpreter: He's talking about T.

Officer: T is a he, Yes is a he.

Interpreter: I am sorry. I didn't know because T pulled it down. T did it.

Officer: What did T pull down?

Interpreter: (Interprets in Vietnamese).

Michael: (speaks in Vietnamese).

Interpreter: The pants.

Police Officer: Pulled down who's pants?

Interpreter: T pulled down his pants and hold his penis.

Police officer: Hold Michael's?

Michael: Yeah.

Police officer: Yes?

Police officer: What did T do? (Stern voice).

Interpreter: (Speaks in Vietnamese).

(Long pause)

Police officer: If you can just remind him, he doesn't have any

Michael: (speaks Vietnamese).

Interpreter: So, T hold his penis.... Uhm Michael's penis.
Officer: So, did T ever put Michael's penis in his mouth?
Michael: Yeah.
Interpreter: Yeah.
Interpreter: (Speaks in Vietnamese).
Michael: (Speaks in Vietnamese).
Interpreter: Yes.
Police Officer: Can he explain what happened leading up to that?
Interpreter: (Speaks in Vietnamese).
Michael: (Replies in Vietnamese).
Interpreter: Okay- Nothing. We just go together and then
Police Officer: Go together where?
Interpreter: (Speaks in Vietnamese).
Michael: (Speaks in Vietnamese).
Interpreter: Like around the house and suddenly he wanted
Police Officer: So, T wanted to do that?
Michael: Yeah.
Interpreter: (Speaks in Vietnamese).
Michael: Yeah.
Interpreter: Yes.
Police Officer: Can you remind him again that if he doesn't want to speak to
me, he doesn't have to and that he can tell me to leave at any
time. Just make sure he knows that.
Interpreter: (Speaks in Vietnamese).
(Long pause).
Police officer: So, can you please ask him if he will still like to speak with me?

Michael: (Speaks in Vietnamese).

Interpreter: Yes, you can talk.

Police Officer: Okay.....uhm....I'll wait for....(To hospital staff- would you mind shutting the doors..... Uhm.....there was a lot of noise from staff in hallways).

.....(Long Pause).....

Police Officer: So they were hanging out in the house like.....could he go down?...Where did this happen in the house?

Michael: (Speaks in Vietnamese). (Inaudible).

Police officer (continues): Basement? Is it in T's bedroom?

Interpreter: (Speaks in Vietnamese).

Michael: (Speaks in Vietnamese).

Interpreter: No. I'm sorry.

Police officer: Outside of his room?

Interpreter: (Speaks in Vietnamese).

Michael: (Speaks in Vietnamese).

Interpreter: Outside of his room.

Police Officer: Where-----living room, bathroom, hallway?

Interpreter: (Speaks in Vietnamese).

Michael: (Speaks in Vietnamese).

Interpreter: Uhm.....In the basement but outside of his room.

Police officer: So, in the hallway then?

Michael: In the hallway?

Michael: In the bedroom?

Police officer: In the bedroom?

Michael: Sorry, in the basement.....basement.

Police officer: In the basement hallway.

Michael: Basement.

Police officer: Okay.

Interpreter: (Speaks in Vietnamese).

Michael: Yeah.

Police officer: Where was T?

Interpreter: Yes.

Police officer: Was he in the room or couch?

Interpreter: (speaks in Vietnamese).

Michael: (speaks in Vietnamese).

Interpreter: He was just standing.

Police officer: He was just standing?

Police officer: Can I ask- Did this happen in uh..... like about what time of day?

Interpreter: (speaks in Vietnamese).

Michael: (speaks in Vietnamese).

Interpreter: In the evening. I don't know what time.

Police officer: Uh, do you know like when, what month or year?

Interpreter: (Speaks in Vietnamese)

(Long pause)

Interpreter: (speaks in Vietnamese)

Michael: (speaks in Vietnamese).

Interpreter: I can't remember. Maybe November. I can't really remember.

Police officer: Was it this last November?

Interpreter: (Speaks in Vietnamese)

Michael: Yes.

Interpreter: Yes.

Police officer: Is this the most recent November?

Interpreter: (Speaks in Vietnamese).

Michael: (Replies in Vietnamese).

Interpreter: I can't remember. It was last 2 Novembers 2020.

Police officer: Ask him- Is this the time T ran out of the house and went to the neighbors.

Interpreter: (speaks in Vietnamese).

Michael: (Speaks in Vietnamese).

Interpreter: After he's like joking and teasing, and then he ran out to the neighbors' house.

Police officer: Uhm... what did he tell his girlfriend and T's mom that happened?

Interpreter: (Speaks in Vietnamese).

Michael: (Speaks in Vietnamese).

Interpreter: I didn't say anything.

Michael: (Speaks in Vietnamese).

Interpreter: Uhm....it was like joking and then he asked me what I wrote down and he was so scared, so he ran away.

Police officer: Did he ever tell..... Uhm..did T's mom or aunt ever ask Michael what happened?

Interpreter: (Speaks in Vietnamese).

Michael: (Replies in Vietnamese).

Interpreter: They asked me, but I didn't say anything.

Police officer: And, you had said earlier, that this is the first time that...how many times did this happen?

Interpreter: (Speaks in Vietnamese).

Michael: (Speaks in Vietnamese).

Interpreter: Uhm..... It's just like joking. There's nothing happened.

Police officer: Uhm.....Did he ever stick his hands down the back of T's pants?

Interpreter: (Speaks in Vietnamese).

Michael: No.

Police Officer: No?

Interpreter: No.

Police officer: Did any..... Was..... did you touch T inappropriately any other time?

Michael: No. (Speaks in Vietnamese).

Police: He said no?

Interpreter: Other time. He said no. Other time they were just kissing each other, joking. He said that's the only time this happened.

Michael: (Speaks in Vietnamese).

Interpreter: The only time that that happened. Nothing else happened.

Police officer: He said that T wanted it. Can he explain what T said to him and why he went along with it?

Interpreter: (Speaks in Vietnamese).

Michael: (Speaks in Vietnamese).

Interpreter: Yeah, Yeah, okay. Uhm.....because the first time he touched it and then he said he liked it and at home, he usually pass clothes to me and he usually hangs out with me.

Police officer: Did he ask if? did T ask if he could pull his pants down?

Interpreter: (Speaks in Vietnamese).

Michael: (Speaks in Vietnamese).

Interpreter: He said he wanted.....

Police officer: And did Michael give him permission?

Interpreter: (Speaks in Vietnamese).

Michael: (Speaks in Vietnamese).

Interpreter: Yes.

Police officer: After he pulled down his pants, did he pull down his underwear?

Interpreter: (Speaks in Vietnamese).

Michael: (Speaks in Vietnamese).

Interpreter: Yes.

Michael: (Speaks in Vietnamese).

Interpreter: Yes. He just pulled down his zipper.

Police officer: Okay.

Interpreter: Not the whole thing.

Police Officer: And... Did T pick Michael's penis out of his pants, then?

Interpreter: (Speaks in Vietnamese).

Michael: (Speaks in Vietnamese).

Interpreter: Yes.

Police officer: Was T standing or on his knees?

Interpreter: (Speaks in Vietnamese).

Michael: (Speaks in Vietnamese).

Interpreter: On his knees.

Police officer: Then T put his penis into his mouth? Put Michael's penis into his mouth?

Interpreter: (Speaks in Vietnamese).

Michael: (Speaks in Vietnamese).

Interpreter: Yes.

Police officer: Was your penis hard?

Interpreter: (Speaks in Vietnamese).

Michael: (Speaks in Vietnamese).

Interpreter: Yes.

Police officer: How long did that last approximately?

Interpreter: (Speaks in Vietnamese).

Michael: (Speaks in Vietnamese).

Interpreter: Uhm.....I don't remember how long but that he used his mouth.

Police Officer: Okay. Did he ejaculate?

Interpreter: (Speaks in Vietnamese).

Michael: (Speaks in Vietnamese).

Interpreter: No

Police officer: And why did it stop? Who stopped it?

Interpreter: (Speaks in Vietnamese).

Michael: (Speaks in Vietnamese).

Interpreter: I stopped it.
(Long pause)

Police officer: Did anything like that happen ever since?

Interpreter: (Speaks in Vietnamese).

Michael: (Speaks in Vietnamese).

Interpreter: No.
(Long pause)

Police officer: Does he know how old T is? I'm asking how old is T?

Interpreter: (Speaks in Vietnamese).

Michael: (Speaks in Vietnamese).

Interpreter: 15 years old.
Police officer: 16?
Interpreter: 15. Not more than 15.
Police officer: How old was he when this happened?
Interpreter: (Speaks in Vietnamese)
Michael: 50.
Police officer: 15?
Michael: 50.
Interpreter: 50. Five Zero.
Police officer: 15- One Five?
Michael: Five Zero.
Interpreter: No. Five Zero. Fifty.
Police officer: No. How old was T at the time this happened?
Interpreter: (Speaks in Vietnamese).
Michael: (Speaks in Vietnamese).
Interpreter: More than 15yrs old. He's older than 15.
Police officer: Yes, but at the time this happened, not now.
Interpreter: (Speaks in Vietnamese).
Michael: (Speaks in Vietnamese).
Interpreter: Older than 50. I don't know.
Police officer: Anything else he can tell me about what led up to this?
Interpreter: (Speaks in Vietnamese).
Michael: (Speaks in Vietnamese).
Interpreter: In the house we used to hang out together, uhm....we usually teasing each other and uhm....it happened and he touched me

and then I let it happen and I'm regretting it now, but it's too late.

Police officer: Uhm.... Is that why.... I'm asking I guess did he try hurting himself yesterday morning?

Interpreter: (Speaks in Vietnamese).

Michael: (Speaks in Vietnamese).

Interpreter: Uhm..... I tried to drive into traffic to abut then I don't remember exactly. I don't know which.... I crashed into.

Police officer: Okay. I guess I don't have any other questions for him. Does he have any questions for me?

Interpreter: (Speaks in Vietnamese).

Michael: (Speaks in Vietnamese).

Interpreter: No.

Police officer: Well.... Thank you. I can....eh... Just let him know I'm gonna write a report and uhm... the county attorney's office will probably send him paperwork uhm.... in regards to any court stuff in the future and uhm....hope he doesn't hurt himself.

Interpreter: (Speaks in Vietnamese).

Michael: (Speaks in Vietnamese).

Police officer: Actually, can you ask him one more question.....If this happened that long ago, why didn't it happen again?

Interpreter: (Speaks in Vietnamese).

Michael: (Speaks in Vietnamese).

Interpreter: I don't want to. I didn't want to be with him again.

Police officer: Did T ever try to come onto him after that?

Interpreter: (Speaks in Vietnamese).

Michael: (Speaks in Vietnamese).

Interpreter: No. But he did ask me to take him to school. But nothing happened.

Police officer: Can you tell me what T said again to him? Did T just come up to him and start touching him or did T say that he wanted to do something?

Interpreter: (Speaks in Vietnamese).

Michael: (Speaks in Vietnamese).

Interpreter: Uhm.....I don't remember. It's only what he said.....but it was like he was teasing me and he was touching me.

Police officer: Could you ask him what the teasing was? Like, what was being said?

Interpreter: (Speaks in Vietnamese).

Michael: (Speaks in Vietnamese).

Interpreter: Uhm..... I don't remember the teasing. I don't remember what he said because we usually tease each other at home.

Police officer: Can you ask him.....was it sexual in nature?

Interpreter: (Speaks in Vietnamese).

Michael: (Speaks in Vietnamese).

Interpreter: We just tease each other about..... not sexual stuff. For female and male. That's it.

Police officer: Okay... well...eh. Thank you and this concludes the interview then.

Interpreter: (Speaks in Vietnamese).

Michael: (Speaks in Vietnamese).

Police Officer: Thank you.

Interpreter: Thank you for using our services.

Police officer: Actually, one second. Can I get you a number again? What is that number?

Interpreter: It's 385-850

Police officer: And then what was your name again?

Interpreter: My name is Vas as in Voice Ach. Yes.

Police officer: Thank you so much.

Interpreter: Okay. Thank you. Bye.

Police officer: Bye.

Michael: Bye.

Police officer: I do hope that you feel better. I promise I don't want to see you get hurt. I felt so bad. Just so you're aware. I don't know if you understand me. I don't want anybody to get hurt.

Police officer: That was a statement with Michael Wen Huynh at HCMC at Surgical Intensive care unit. It is March 30, 2022. This is in regard to case No. 22005990.

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ICR: 22005990

Last Modified: 04-04-2022 1034

Title: Follow-up #2 - MM81

Created By: Michael McLain

SHAKOPEE POLICE DEPARTMENT

FOLLOW-UP REPORT

Detective McLain #81

3/30/2022

Audio Stmt: Y Photos: Y Squad Video: N - Sqd # N/A Body Camera: N

On 3/28/2022, I, Detective McLain, contacted Kim Huynh and asked if she and Michael would be willing to meet with me at the Shakopee Police Department on 3/29/2022. Kim stated she would be willing to meet with me and set a time of 0700 hours at the Shakopee Police Department. I met with Kim on 3/29/2022 at 0700 hours, along with Andrea Anderson, Scott County CPS. Michael did not show up to the interview. Kim informed me Michael had an appointment and she did not know he had it when she committed to having him come to the police department. The following is a synopsis of the recorded statement from Kim (Language line was used to interpret Vietnamese):

- I attempted to get through to the certified court interpreter line, but I was not able to. I used the regular language line
- She identified herself as Kim Hong Thi Huynh, DOB 11/14/1979
- She stated she lives at 1560 Village Square Blvd, Shakopee
- She stated Tan is her nephew and he lived with her (She said he used to live with her. Tan was placed in foster care last week)
- She stated her boyfriend and her nephew's mother live with her. The boyfriend was identified as Michael
- I asked if she knew why she was meeting with me. She replied that Tan's mom, Nga, had a meeting at the school and she knew she would need to speak with the police
- I asked if there had been any big issues between Tan and Michael
- She replied, "She asked if I wanted the entire story or just the incident"? I said the entire story, everything leading up to and the event
- She stated Tan came "here". Tan's stepdad sponsored him to this country
- When Tan came to the US, he lived with his stepdad for a short while. Tan eventually said his stepdad hit him and he moved in with Kim
- Kim told Nga and Tan they could come and live with her
- She stated when Tan went to school "it" became a problem. She used her phone number as contact information for Tan

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- She said Tan got into trouble for sharing sensitive pictures on social media
- She often reminds Tan to do his schoolwork and Tan gets angry
- Tan storms out and does not close the door. It has happened many times
- She said there was one incident where Michael caught Tan masturbating. She then describes in her culture they have a table dedicated to ancestors and Tan "jerked off" in front of that table
- Her boyfriend "Michael" caught sight of that, came upstairs and told her about it. She spoke with Tan and told him not to do that. He should do that in his room, not in front of that table
- She stated Tan did not follow that and he does what he pleases
- She said the school contacted her saying Tan shared a video during school time about a killing scene and it very gory
- She stated she believes Tan has some sort of mental issue. She spoke with Nga about it and suggested a psychologist. Nga did not do anything about it
- She said since she only had one nephew, when he came to this country she and Michael bought all his clothes, underwear and provided any needs he had
- They would leave Tan home alone in the morning, because she, Nga and Michael all go to work together before Tan has to leave for school
- She says Tan goes into her room and goes through her underwear drawer, takes out her bras. She is not sure what he did with them
- He left a lipstick on her bed. She brought it to him and asked about the lipstick. He denied it. She said she knew it was him and he denied it again and left room with an attitude
- She told him to stay out of her room. She has since put a lock on her door so, he can not go inside
- Michael has a room next to her room where he stores his clothes. Tan would go into the room. Some of the items in there are new. Tan would take clothes from Michael's room, they told him not to take them, but to ask first and they would let him use them. Tan would give her attitude
- She said one time, Tan took his pants off and put them in Michael's room. She said she knows it was Tan who did it. She tried to talk to him about it but he never listens
- Before "the incident" happened, Tan came to her to use her credit card. Michael said it might be a fraud so, she refused to let him use her credit card and he stormed out
- I asked for clarification on "the incident"
- She replied, it happened few days after he asked for the credit card
- Tan never eats with the family. She, Nga and Michael were having dinner together
- She asked Michael to run downstairs to the freezer to grab an item, so she could get ready to prepare

for tomorrow

- She said "we" were at the couch and she saw Tan run outside. He ran to the neighbor's house (Leong)
- She said she just found out recently the neighbors are also Vietnamese. She asked the young boy who lived there to help Tan with his school work
- She said when Michael ran downstairs to go and get something for her, Tan approached Michael and asked him when a man is having intercourse with another man, what is it like? She stated Michael replied, that's nonsense. Shouldn't the school teach you that? (Health education)
- She said that is when Tan ran out of the house and went to the neighbor's after Michael said that is nonsense
- I asked if what she told me about what happened downstairs prior to Tan running out of the house, if she saw it or if this is what Michael told her
- She said she did not see it. She then explained there were three levels in her house
- She said Nga and Tan were gone for a while at the neighbor's, so she went to see what was taking so long
- She asked Nga what was going on. She told Nga, this is someone else's house. Nga told her she did not know what was going on, but Tan refused to leave the neighbor's
- She told Nga she was going to go home and to lock the door when they come home
- She said she and Michael went to her room and later Nga and Tan came back home and called her downstairs
- She stated Tan then told her Michael touched him inappropriately
- She stated she did not believe him
- She said she did not believe him because the amount of time Michael was down there was not enough time to do that
- I asked how long Michael was down there. She replied, "She doesn't know an exact amount of time, but it was really quick she estimated five to six minutes"
- She then went on to say that Tan and Nga share the same room. Even though they have enough room for them to stay separate, they choose to stay in the same room
- I asked if Tan told her how Michael inappropriately touched him. Tan did not tell her what Michael did to him. He played a recording for her and she could not hear anything
- She then told Tan she was not happy with his actions and she does not want this to happen in her house. She also told him if you are telling the truth, you can go ahead and tell the school counselor about it. She does not want this to be happening between you (Tan) and Michael

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- She said why would you say such a thing like this? Tan's answer to her was, "I hate it and I wanted to say it just to piss you guys off"
- She said she was heartbroken when Tan said he just wanted to piss us off
- She said Nga was also saying to Tan why are you saying all this nonsense? Then she starts telling us what Nga had said in her interview about how Nga has caught Tan naked under a blanket playing with himself and watching porn
- I asked if Tan has ever made claims of Michael doing something like this before. She replied, "No sir"
- I asked when this occurred, she replied just before Christmas of 2020. She remembered putting up the Christmas trees and wrapping Christmas presents
- I asked if her or anyone else in the house kicked Tan out before. She replied, "No, never, she has been mad at times, but has never asked him to leave"
- She did state that she and Michael looked for another place for Nga and Tan to live, but they could not find anything they could afford
- She said Tan was being kicked out for using the side door to the garage. She said he uses that door sometimes, but he shuts it he just does not lock it
- She said Tan was already in the basement while she, Nga and Michael were eating. She stated Tan does not eat with them
- I asked if Michael and Tan were ever left alone together. She replied, "Tan has asked Michael for rides to school if he wakes up late for school"
- She says the only time Michael is alone with Tan, he would be driving him to school
- I asked for Michael's phone number. She told me about an e-mail she received from the school. She showed me the e-mail, which was a detention notice
- She eventually gave me Michael's phone number, 952-258-3499, which I checked in CLEAR later and it showed it was registered to Michael
- She went on to talk about when I spoke with Nga about what Tan had told me at the school. She said Nga spoke with Tan about it and she said Tan was a very disrespectful boy, raising his voice over Nga's. She said they were both yelling at each other
- She said that after Tan told her about Michael touching him inappropriately, she put cameras up around the house
- She said a few days ago, I believe on the 18th, or something just a few days ago, Tan left and when she came downstairs to lock the door, she noticed another door was left unlocked. She waited for him to come back and she told him she has told him many times to keep the door locked. Anyhow, he stormed off and that is when he brought up the incident at the school about Michael touching him inappropriately

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- I believe Kim tried saying in English that Michael was afraid now

This concluded the interview, I advised Kim I would need to speak with Michael and may need to speak with Tan again and then write reports and send them to the Scott County Attorney's Office. I advised her Michael does not need to speak with me, but I would like him to let me know he does not want to speak with me. Kim became very emotional at the end, crying. She again said Michael had an appointment today and offered to call Michael to make an appointment.

Please see the recorded statement, it has been uploaded to Winscribe.

After the interview was over, I was advised Michael had been involved in a car accident on Highway 169 near Marschall Road. It appeared he attempted suicide by wrapping a cord around his neck while he was driving. He is believed to have lost consciousness and then struck another vehicle. Michael was taken to St. Francis Regional Medical Center, where I learned he was later transferred to the Hennepin County Medical Center (HCMC). When I contacted HCMC, they informed me Michael was possibly being transferred to the Surgical Intensive Care Unit (SICU) and that he was intubated. This car accident was called into the police at approximately 0611 hours. Officers located a citation in Michael's car for driving the wrong way on a one way at 0422 hours that same day.

I was informed by Shakopee Officers that personnel first on scene observed Michael trying to choke himself with a cord. They stated it is believed Michael intentionally drove his vehicle in front of a semi.

I went to HCMC on 3/29/2022, where I was allowed to see Michael who was not awake at the time. The nursing staff stated he will survive and they let me see the ligature marks on Michael's neck. I took photos of the marks on his neck. They stated they were advised that Michael had been placed on a 72 hour mental health hold. They would be watching him one on one and he would be seen by a medical professional in regards to his mental health.

I will upload the photos to the case file.

On 3/30/2022, I contacted HCMC to see if Michael had been extubated, he had. I will attempt to go to HCMC and get a statement from him.

I have no further information at this time.

End of report. MM81

ADDENDUM 192

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STATE OF MINNESOTA
COUNTY OF SCOTT

DISTRICT COURT
FIRST JUDICIAL DISTRICT

State of Minnesota

Plaintiff

vs.

Michael Tien Huynh

Defendant

Court File No: 70-CR-22-14898
Case Type: Crim/Traf Mandatory

**OMNIBUS NOTICE OF MOTION
AND MOTION TO SUPPRESS**

TO: The Prosecuting Attorney in the above-entitled case.

PLEASE TAKE NOTICE, that pursuant to applicable Minnesota Rules of Criminal Procedure, the above-named defendant demands an Omnibus Hearing (Rule 11) in the above-entitled matter.

At the Omnibus Hearing herein the above-named defendant will move the court for an ORDER:

1. Suppressing the defendant's statement for violation of the Defendant's Fifth and Fourteenth Amendment rights. Specifically, the defendant was not given his Miranda warning prior to custodial interrogation. In addition the statement defendant made to the Scott County Police on March 29, 2022, was not freely and voluntarily given.
2. Suppressing the defendant's statement for violation of the Defendant's Fifth and Fourteenth Amendment rights. Specifically, the defendant was mentally incapacitated at the time of his interrogation by the Scott County Police on March 29, 2022 and thus the subsequent statement obtained was not made freely and voluntarily.
3. Suppressing the defendant's statement for violation of the Defendant's Fifth and Fourteenth Amendment rights in that the environment and circumstances surrounding the police interview of defendant on March 29, 2022, and the subsequent statement obtained from the defendant were so coercive, manipulative and totally overpowering that defendant was deprived of his ability to make an unconstrained and wholly autonomous decision to speak as he did.
4. Suppressing Defendant's statement for violation of Defendant's Fifth and Fourteenth Amendment rights in that defendant was medically unfit to provide a statement within the context of defendant's mental health condition, his state of mind, effect of medication,

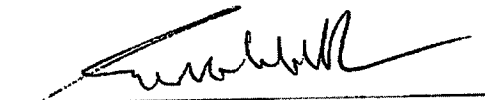
ADDENDUM 193

education, language barrier, language interpretation, psychosis and suicidal ideation as at March 29, 2022.

5. Dismissing Counts 1 through 6 of the Complaint as presently filed for lack of probable cause.

Said motion(s) will be based upon all the files, records, memoranda to be filed and proceedings herein and upon the grounds that defendant's legal and Constitutional rights have been violated.

Date: March 31, 2023



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ADDENDUM 194

VIETNAM 2022 HUMAN RIGHTS REPORT

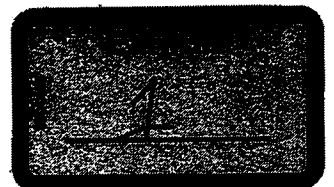
EXECUTIVE SUMMARY

The Socialist Republic of Vietnam is an authoritarian state ruled by a single party, the Communist Party of Vietnam, led by General Secretary Nguyen Phu Trong, President Nguyen Xuan Phuc, Prime Minister Pham Minh Chinh, and Chairman of the National Assembly Vuong Dinh Hue. National Assembly elections in May 2021 were neither free nor fair; there was limited competition among Communist Party-vetted candidates.

The Ministry of Public Security is responsible for internal security and controls the national police, a special national security investigative agency, and other internal security units. Civilian authorities maintained effective control over the security forces. There were credible reports that members of the security forces committed numerous abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings by the government; torture and cruel, inhuman, or degrading treatment and punishment by government agents; arbitrary arrest and detention; political prisoners; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; serious restrictions on free expression and media, including arbitrary arrest and prosecution of government critics, censorship, and the use of criminal libel laws; serious restrictions on internet freedom; substantial interference with the freedom of peaceful assembly and freedom of association; restrictions on freedom of movement, including exit bans on activists; inability of citizens to change their government peacefully through free and fair elections; serious restrictions on political participation; serious government corruption; trafficking in persons; significant restrictions on workers' freedom of association; and use of compulsory child labor.

The government occasionally took corrective action, including prosecutions against officials who abused human rights or engaged in corruption, but police officers and state officials frequently acted with impunity.



Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were reports that the government or its agents committed arbitrary or unlawful killings. Media reported at least six deaths in custody, but authorities attributed these deaths to suicide or medical problems.

Unlike in previous years there were no reports that authorities harassed and intimidated families who questioned the police determination of cause of death.

On March 29, Nguyen Danh Thi died in police custody in Dong Hung District, Thai Binh Province, after being arrested on suspicion of transporting drugs illegally.

On July 1, Nguyen Ngoc Diep died in police custody in Nhon My Commune, Ke Sach District, Soc Trang Province, after being detained and questioned for 10 hours on suspicion of gambling. Diep's family said police ignored their warning about his gastrointestinal diseases. The autopsy showed bruises around Diep's lungs and heart.

On October 10, Nguyen Phuong Hong, an assistant at Van Thinh Phat Corporation, died two days after being arrested in connection with an investigation of the corporation's leaders. State media first reported the "sudden death" of Hong, but later removed all articles on Hong's death.

On October 18, Dao Ba Phi died after two days of detention at Dong Hoa Township, Phu Yen Province. Phi was arrested after allegedly stealing motorcycles. Police claimed Phi committed suicide.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or

Punishment, and Other Related Abuses

The constitution and law prohibit torture, violence, coercion, corporal punishment, or any form of treatment harming the body and health, or the honor and dignity of persons detained or incarcerated. Nevertheless, detainees commonly reported mistreatment and torture by police or plainclothes security officials during arrest, interrogation, and detention.

Activists reported Ministry of Public Security officials assaulted political prisoners to extract confessions or used other means to induce written confessions, including instructing fellow prisoners to assault them in exchange for promises of better treatment. Abusive treatment was not limited to activists or persons involved in politics. Human rights monitoring groups issued multiple reports of police using excessive force while on duty and investigators allegedly torturing detainees.

On January 14, Le Chi Thanh was sentenced to two years in prison for “resisting those on public duties.” At the trial, he said that during pretrial detention police hung him upside down and subjected him to extended solitary confinement.

On May 14, at least four traffic police officers reportedly beat truck driver Le Huu Hieu when he refused to cooperate with police inspecting his identification documents and truck at the Hai Lang traffic police station in Quang Tri Province. Hieu’s family told the media that they filed a complaint alleging a police officer injured him, including breaking a rib. On June 29, Quang Tri police announced that they investigated the incident and decided against initiating a criminal case.

Although impunity in the security forces was a significant problem, and police, prosecutors, and government oversight agencies seldom investigated specific reports of mistreatment, authorities did punish or prosecute some police officers for abuse of authority. On May 10, Cao Bang police dismissed lieutenant colonel Dang Dinh Doan and expelled him from the police force following reports widely shared online that he broke into a private property and slapped two individuals in late April. In a small number of cases in prior years, the government held police officials responsible for a death in custody, typically several years after the death. Despite guidance from the Supreme People’s Court to charge police officers responsible for deaths in custody with murder, officers who were held responsible

typically faced lesser charges. Police conducted their own internal affairs investigations under the supervision of prosecutors to determine whether police were responsible for deaths in custody.

Since joining the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) in 2015, the government has made efforts to sensitize government officials on the prohibition against torture, including through workshops and publications.

Prison and Detention Center Conditions

Prison conditions varied substantially from province to province and by prison. Former convicts, family members, and lawyers report that most had austere conditions but were generally not life threatening.

Abusive Physical Conditions: Insufficient and unclean food, inadequate health care, overcrowding, lack of access to potable water, poor sanitation, and excessive heat during the summer remained serious problems. Despite the law mandating that pretrial detainees be held separately from convicted prisoners, media and activists reported there were cases in which detainees were held in the same cells with convicted prisoners.

Prison officials failed to prevent prisoner-on-prisoner violence. At Gia Trung Prison, officials reportedly encouraged violence between prisoners.

There were no reliable data on causes of deaths in prisons or overall death rates.

Some former and serving prisoners and their families reported prisoners received insufficient, poor-quality food. Family members continued to make credible claims that prisoners received extra food or other preferential treatment by bribing prison officials.

An Diem Prison in Quang Nam Province reportedly failed to provide enough food to accommodate Nguyen Bac Truyen's religiously mandated vegetarian diet. There were reports many prisoners, such as Le Huu Minh Tuan and Nguyen Tuong Thuy (see below), suffered from deteriorating health due to psychological abuse, poor diet, and denial of medical treatment. Many followers of spiritual leader

Duong Van Minh, who were detained in Tuyen Quang in December 2021, claimed they did not receive food and other supplies delivered by their families while in pretrial detention to supplement the inadequate and sometimes unsanitary food provided by authorities.

Authorities placed prisoners in solitary confinement for standard periods of three months, reportedly only after less rigorous punishments had been imposed.

Families of many political prisoners expressed concerns regarding poor detention conditions and health-care services for aged and weak prisoners. Authorities often delayed or denied requests for medical care outside the prison system. There were reports of inmates dying in custody or shortly after release due to the poor prison conditions and lack of access to adequate medical care.

Approximately 30 families of political prisoners called on the government to allow sick inmates to be hospitalized after two allegedly died from lack of timely care. The call came after the August 2 death of Do Cong Duong at a hospital in Thanh Chuong District, Nghe An Province, while in custody at Detention Center Number 6. Duong was an independent journalist jailed for "disturbing public order" and "abusing the rights to freedom and democracy." According to Duong's family, prison officials did not provide appropriate treatment for several medical conditions and only approved their request to take him to a hospital when his condition was severe and no longer treatable. Duong's death was the second among political prisoners at the detention facility since 2019.

Le Huu Minh Tuan's family reported his health deteriorated drastically during his two years of imprisonment, saying he suffered from hemorrhoids, deafness, scabies, hepatitis, and malnutrition.

Administration: There was no system by which prisoners could file uncensored complaints. The Ministry of Public Security reported that prisoners may file formal complaints with a prosecutor's office. These, however, must go through the same prison officials who were often the focus of the complaint.

The law allows prisoners' family members to visit for one to three hours per month and for prisoners to make up to four 10-minute telephone calls per month. Authorities, however, generally limited prisoners to one family visit of no longer

than an hour per month and at times offered fewer than four monthly telephone calls. According to family members, prison guards only allowed activist Huynh Thuc Vy to meet with her age three child once, citing COVID-19 restrictions. Officials monitored and censored calls, abruptly ending them if the conversations addressed disapproved topics, such as detention conditions.

While prisoners' families reported improved prisoner access to religious texts such as the Bible, some family members and lawyers reported authorities at times restricted or hindered access to such publications, although the law provides for it.

An Diem prison guards reportedly refused Bac Truyen's request for access to the original Hoa Hao sacred texts, instead providing him the edited version by the state-sponsored Hoa Hao Buddhist group.

Independent Monitoring: The Ministry of Public Security, the government entity that manages prisons, did not allow access to international monitors.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention. The law allows the government to arrest and detain persons "until the investigation finishes" for particularly serious crimes, including national security cases. Detainees or their representatives have no right to challenge the lawfulness of an arrest before a court.

Arrest Procedures and Treatment of Detainees

By law police generally require a warrant approved by a prosecutor to arrest a suspect, although in some cases a decision from a court is required. The law also allows police to hold an individual without a warrant in "urgent circumstances," such as when evidence existed a person was preparing to commit a crime or when police caught a person in the act of committing a crime. Human rights lawyers, however, claimed that detention without warrants was a common practice. There were numerous instances where activists were taken into custody without an arrest warrant.

In addition to actual arrest, lawyers and human rights nongovernmental

organizations (NGOs) reported that, in many cases, police officers “invited” individuals to present themselves at police stations without being given a clear reason. These individuals might be held for hours, questioned, or pressured to write or sign statements.

According to law, the investigating agency may hold a suspect for 72 hours without an arrest warrant. The investigating agency must issue an emergency custody order within 12 hours of the arrest. The investigating agency must then notify the prosecutors within 12 hours of issuing the emergency custody order. The prosecutor must approve or disapprove the arrest within 12 hours of receiving notice from the investigating agency. The investigating agency may extend custody twice, each time for three days, with the approval of the prosecutors. Especially in politically motivated cases, these procedures were not applied consistently or strictly.

Although the criminal procedure code sets time limits for detention while under investigation, the law allows the Procurator General of the Supreme People’s Procuracy (prosecutor) to decide on temporary detention of an individual “until the investigation finishes” in cases of particularly serious crimes, including national security cases.

While a suspect is detained during investigation, authorities may deny family visits; they routinely denied such visits to those arrested on national security charges or in other politically motivated cases.

The law allows for bail in the form of money or property as a measure to replace pretrial detention, but it was seldom granted.

The law requires authorities to inform persons held in custody or accused of or charged with a crime, of their legal rights, including the right to an attorney within three days of arrest. By law the government is required to assign a lawyer to a criminal defendant in cases in which the defendant is charged with offenses punishable by death, is a minor or person with physical disabilities, or is deemed mentally incompetent, or if the defendant (or their lawful representative) does not seek legal assistance.

Despite the law affording detainees access to counsel from the time of detention,

authorities used bureaucratic delays to deny timely access to legal counsel. In politically sensitive national security cases, the government routinely prohibited defense lawyers' access to their clients until after officials completed their investigations and formally charged the suspect. Activists such as Bui Tuan Lam were not allowed to meet their lawyers during their investigations. At times authorities only permitted attorneys access to their clients or the evidence against them immediately before the case went to trial, denying them adequate time to prepare a defense. Investigators reportedly coerced detainees to not hire certain lawyers or to accept lawyers assigned by authorities. There were also reports of authorities forcing lawyers not to defend activists or to refrain from providing substantive arguments and evidence in court in favor of activist clients.

Detainees have an undefined right to notify family members of their arrest. Although police generally informed families of detainees' whereabouts, the Ministry of Public Security often held incommunicado bloggers, activists, and others suspected of political or national security offenses, such as Nguyen Thai Hung and Vu Thi Kim Hoang.

Arbitrary Arrest: Arbitrary arrest and detention, particularly for political activists and individuals protesting land seizures or other matters deemed politically sensitive, remained a serious problem.

Authorities subjected activists and civil society organizers to varying degrees of arbitrary detention in their residences, in vehicles, at local police stations, at "social protection centers," or at local government offices.

Pretrial Detention: The maximum pretrial detention is nominally 21 months in cases of "especially serious offenses." Authorities, however, ignored requirements governing pretrial detention with impunity, and police and prosecutors used lengthy pretrial detention to punish or pressure human rights defenders to confess to crimes, activists said.

On August 30, political activist Le Anh Hung was sentenced to five years' imprisonment "for abusing democratic freedoms," after being held in pretrial detention for four years.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but the judiciary was effectively under the control of the Communist Party of Vietnam (CPV). There were credible reports of political influence, endemic corruption, bribery, and judicial inefficiency that significantly compromised the independence of the judicial system.

Most, if not all, judges were members of the CPV and were screened by it and local officials during their selection process to determine their suitability for the bench. The party's authority was particularly notable in high-profile cases and when authorities charged a person with corruption or challenging or harming the party or state. Defense lawyers routinely complained that, in many cases, it appeared judges determined the guilt of defendants prior to the trial.

Human rights lawyers reported that authorities also restricted, harassed, and threatened attorneys for representing political activists. The law required attorneys to violate attorney-client privilege in national security cases or other serious crimes by revealing the content of attorney-client discussions to investigators and in court.

Trial Procedures

While the constitution provides for the right to a fair and public trial, this right was not evenly enforced. Judges presiding over politically sensitive trials generally did not permit the defense to exercise their legal rights.

The law states that defendants are innocent until proven guilty. Defendants' right to prompt, detailed information concerning the charges against them was rarely respected. Defendants' right to a timely trial was ignored with impunity, and although trials generally were open to the public, judges closed trials or strictly limited attendance in sensitive cases. There were several cases, particularly of political activists, in which authorities denied requests for relatives or other observers to attend trials despite the trials being ostensibly open to the public.

The court sometimes denied suspects the right to their own choice of attorney and assigned one. Defendants' right to communicate with a lawyer when on trial for a criminal charge that could result in a 15-year or longer sentence, including capital cases, was often not respected.

Although the defense has the right to cross-examine witnesses, there were multiple instances in which the defense did not know which prosecution witnesses would be called and were not allowed to cross-examine those witnesses or otherwise challenge witness' statements. In many political trials, the defense was not allowed to examine or review prosecution evidence. A defendant has the right to present a defense, but the law does not expressly state the defendant has the right to call witnesses.

Defendants have the right to not be compelled to testify or confess guilt, but this right was not observed. The law requires video or audio recording of interrogations during the investigation, prosecution, and sentencing phases of cases. In multiple criminal trials, such videos were used by authorities to manipulate the court and public perception of the suspect and the case, according to human rights activists. During her December 2021 trial, prodemocracy author and journalist Pham Doan Trang claimed documentation of her confession was made under duress and therefore should not be admissible as evidence.

In most trials defense attorneys were given time to address the court and question their clients, but they could not call witnesses or examine prosecutors' evidence. In other trials involving individuals charged under national security articles, judges occasionally silenced defense lawyers who were making arguments on behalf of their clients.

Political Prisoners and Detainees

Based on reports by media, NGOs, and observers, authorities as of September 16 held at least 173 persons for political or human rights activism, including 143 convicts and 24 under pretrial detention. According to media and reports from human rights groups, from January 1 to September 16, authorities detained 19 and convicted 26 persons who were exercising internationally recognized human rights, such as the freedoms of expression, peaceful assembly, and association. Most of these arrests and convictions were linked to online blogging, and defendants were charged with "making, storing, spreading, or propagating information, materials, or items" for the purpose of "opposing" the state and "abusing democratic freedom."

NGOs said authorities at times subjected political detainees to examination and treatment of mental illness. In May the family of activist Nguyen Thuy Hanh said that authorities transferred Hanh, detained in April for allegedly founding and running a fund to support families of imprisoned activists, to a mental hospital.

According to family members of prisoners, prison officials often held political prisoners in small groups separate from the general inmate population and treated them differently. In many cases political prisoners' daily schedules were different from those of the general inmate population, and they were not afforded the opportunity to leave their cells for work or interaction with the general prison population. Some political prisoners enjoyed better material conditions than nonpolitical prisoners, but were subjected to more psychological harassment. In other cases, political prisoners were subject to harassment by prison authorities and other inmates, the latter sometimes at the instigation of officials. Officials in some cases subjected political prisoners to longer periods of solitary confinement than the three months given to other prisoners.

In some cases, rations appeared to be more limited for political prisoners than others. Former political prisoners reported they received only two small bowls of rice and vegetables daily, often mixed with foreign matter such as insects or stones. Some complained that the prisoners who were on a diet for medical reasons could not get enough suitable food. Family members of many imprisoned activists who were ill claimed medical treatment was inadequate and resulted in long-term health complications.

Political prisoners and their family members reported that prison authorities at times revoked, reduced, denied, or delayed visitation rights and did not allow visitors to provide items to family members. Family members of political prisoners reported authorities frequently limited them to two telephone calls per month, each normally five to seven minutes in length. Prison authorities often held political prisoners far from their homes, making family visits difficult, and routinely did not inform family members of prison transfers. Authorities often did not allow political prisoners in pretrial detention to meet their families and lawyers until the investigation finished, and in some cases political prisoners could not meet family members until after their appellate hearings. On August 31, Pham Doan Trang met her mother and brother for the first time since her 2020 arrest. In

November authorities permitted a visit by diplomats to the Nam Ha Prison in Ha Nam Province to meet with political prisoner Pham Chi Thanh.

Courts routinely handed down severe sentences to the most prominent activists or those linked to overseas groups. At least 19 individuals associated with the Provisional National Government of Vietnam, an overseas group that the Ministry of Public Security designated as a terrorist organization in 2018, were sentenced to five to 16 years in prison for "activities against the people's government."

Transnational Repression

Threats, Harassment, Surveillance, and Coercion: Unlike prior years there were no reports of authorities harassing exiled individuals or their families.

Bilateral Pressure: In prior years, human rights groups reported the government pressured Cambodia and Thailand to deny refugee or temporary asylum-seeker status to members of ethnic and religious minorities from the Central and Northwest Highlands, including Christian H'mong, and to return them to Vietnam. The government claimed these individuals were illegal migrants who left the country in pursuit of economic opportunities.

Civil Judicial Procedures and Remedies

The constitution provides that any person illegally arrested and detained, charged with a criminal offense, investigated, prosecuted, brought to trial, or subjected to judgment enforcement illegally has the right to compensation for material and mental damages and restoration of honor. Very few victims of government abuse, however, sought or successfully received redress or compensation through the court system. Courts hearing civil cases were as vulnerable to corruption and outside influence, lack of independence, and inexperience as those hearing criminal cases.

Property Seizure and Restitution

By law all land belongs to the government ("all the people of Vietnam"), which granted considerable decision-making authority for land pricing, allocation, and reclamation to local people's committees and people's councils, whose decisions

regarding land often lacked transparency and due process.

Disputes over land expropriations for development projects remained a significant source of public grievance. Many individuals whose land the government forcibly seized protested at government offices for unaddressed complaints.

The government prohibits class action lawsuits against government ministries, thus rendering ineffective joint complaints in land rights disputes.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits arbitrary or unlawful interference with privacy, home, or correspondence, but the government did not consistently protect these rights and at times violated them.

By law security forces need warrants to enter homes forcibly, but Ministry of Public Security officers regularly entered or surveilled homes, particularly of activists, without legal authority. They often intimidated residents with threats of repercussions for failure to allow entry.

Without legal warrants authorities regularly opened and censored targeted private mail; confiscated packages and letters; and monitored telephone conversations, email, text messages, blogs, and fax transmissions. The government cut telephone lines and interrupted the cell phone and internet service of several political activists and their family members.

After returning from a trip on February 17, activist Bui Thi Minh Hang discovered her house in Vung Tau had been broken into and doors unlocked. Hang found nothing valuable was taken, causing her to suspect police searched her house while she was away.

The Ministry of Public Security maintained a system of household registration and block wardens to monitor unlawful activity. The ministry closely monitored individuals engaged in or suspected of engaging in unauthorized political activities.

Activists and their family members reported harassment by provincial authorities. On August 10, for example, Thanh Hoa Province security officials "invited"

Nguyen Thi Lanh, wife of imprisoned pastor Nguyen Trung Ton, to a local police station to question her about a visit to her imprisoned husband.

In May, Hoa Binh Province security officials summoned Trinh Ba Khiem, husband of imprisoned activist Can Thi Thue and father of imprisoned activists Trinh Ba Phuong and Trinh Ba Tu, several times for questioning about his Facebook posts relating to the imprisonment of his wife and sons. The husband reported that security officials threatened him with arrest.

The law limits satellite television access to senior officials, foreigners, luxury hotels, and some members of the press, but persons throughout the country accessed foreign programming via home satellite equipment or cable.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution and law provide for freedom of expression, including for members of the press and other media; however, the government did not respect these rights, and several laws specifically encroach on freedom of expression. The government also continued to use broad national security and antidefamation provisions in the law to restrict freedom of expression. Such provisions establish crimes such as “sabotaging the infrastructure of socialism,” “sowing divisions between religious and nonreligious people,” and “propagandizing against the state” as serious offenses against national security. The law also expressly forbids “taking advantage of democratic freedoms and rights to violate the interests of the state or lawful rights and interests of organizations or individuals.”

Freedom of Expression: The government continued to restrict speech that criticized individual government leaders or the party, promoted political pluralism or multiparty democracy, or questioned policies on sensitive matters, such as human rights, religious freedom, or sovereignty disputes with the People’s Republic of China.

Representatives from state-run organizations and progovernment groups visited activists’ residences and attempted to propagandize or intimidate them into

supporting government policies, according to social media and activists' reports. Family members of activists also reported numerous incidents of physical harassment, intimidation, and questioning by Ministry of Public Security officials.

On April 26, Lam Dong People's Court sentenced Dinh Van Hai to five years in prison and three years' probation for "spreading information, materials, items for the purpose of opposing the state," according to *Radio Free Asia*. In October 2021 the *People's Police* newspaper reported police arrested Hai for articles and videos that "criticized the socialist construction, distorted the past and denied revolutionary achievement" and "insulted Ho Chi Minh and discredited leadership of the Party and the state." According to *Radio Free Asia*, authorities did not notify Hai's family of his trial; they learned of it through a legal representative.

On June 9, the Ben Tre People's Court sentenced Nguyen Duy Linh to five years in prison and five years' probation for "spreading information, materials, items for the purpose of opposing the state." Local media reported his arrest in September 2021 and alleged that since 2017, Linh created social media content "with defaming content, slandering [the] people's government, caus(ing) public confusion and offending Party and state leadership comrades." Media reported that Linh was critical of the government's COVID-19 policies and police questioned and fined him for his social media posts prior to his arrest.

Violence and Harassment: Independent journalists faced restrictions on freedom of movement, other forms of harassment, and physical attacks if they reported on sensitive topics. The government also monitored journalists' meetings and communications. The government punished journalists for failing to self-censor, including by revoking journalists' press credentials.

On April 5, the Ho Chi Minh City People's Court sentenced journalist Nguyen Hoai Nam to three years and six months in prison for "abusing democratic freedoms." Earlier Nam exposed a corruption scandal at the Vietnam Inland Waterways Agency. This led to a criminal investigation, which concluded that 14 individuals, including government officials, had committed bribery totaling over five billion dong (\$201,000) between 2015 and 2016; however, no indictments, arrests, or other legal action followed. Nam criticized the investigation until his arrest in April 2021.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: The CPV, government, and party-controlled mass media organizations exercised legal authority over all print, broadcast, online, and electronic media, primarily through the Ministry of Information and Communications under the overall guidance of the CPV Publicity and Education Commission. This includes requiring media outlets to be affiliated with a government body. The law requires editors-in-chief to be CPV members.

The government may fine journalists and newspapers for failing to cite their sources of information or for using "documents and materials from organizations and personal letters and materials from individuals, without clearly stating the sources of such information." The law allows the government to punish publishers if they publish false information or content the government deems objectionable.

Authorities frequently intervened directly with media to dictate or censor a story, and only permitted media outlets to report on predetermined topics; the Ministry of Information and Communication fined outlets that reported unapproved political and socioeconomic news. Pervasive self-censorship, including among independent journalists and bloggers, due to the threat of dismissal and possible arrest, assisted the party and government to control media content.

Media independent of government authority operated on a limited basis online, primarily via blogs and social media, but independent journalists faced government harassment.

Journalists employed by foreign-based media outlets operated under significant restrictions. For example foreign journalists required formal permission to travel outside Hanoi, and "live" foreign television programming must run on a 30- to 60-minute delay to enable content monitoring.

On July 7, the Ministry of Information and Communications imposed a 325 million dong (\$13,100) fine on the *Vietnam Law Newspaper* and suspended the license for its online news site for three months after the press authority deemed it had published "false information" and "sensational" and "deductive and unfounded" content that showed a "lack of professionalism."

Libel/Slander Laws: Defamation is a criminal offense, and the laws were

enforced, especially against critics of the Communist Party and government.

On January 17, the People's Court in Dak Lak sentenced Pham Dinh Quy, a lecturer at Ton Duc Thang University, to 33 months in prison for "slandering" the former secretary of the Dak Lak Party Committee, Bui Van Cuong. In 2019 Quy filed a complaint accusing Cuong of plagiarizing major portions of his doctoral thesis. Authorities held Quy under "urgent arrest" since 2020. The Dak Lak court also sentenced former police officer Hoang Minh Tuan to 30 months in prison. Tuan received and signed Quy's complaints before sending them to Party and government agencies, including the Central Inspection Committee, which concluded that the complaints were unfounded.

National Security: The law provides for significant fines against journalists, newspapers, and online media that publish or broadcast information deemed harmful to national interests or for disseminating information considered to distort history and the revolution's achievements. In some cases, these "violations" may lead to criminal proceedings. No such cases were reported in the year to October, but editors noted that publications and journalists must be careful of national security laws, contributing to self-censorship.

Citing laws protecting national security, police arrested and ordered journalists to restrict criticism of government policies or officials in prior years.

Internet Freedom

The law allows the government to restrict and disrupt access to the internet, censor online content, impose criminal sentences for online expression, and routinely monitor private online communications. The limited number of licensed internet service providers were fully or substantially state-controlled companies. The government monitored Facebook and other social media and punished those who used the internet to organize protests or publish content critical of the government.

On January 5, Dong Nai police arrested blogger Nguyen Thai Hung and his wife Vu Thi Kim Hoang for "abusing democratic freedoms." Hung operated the "Speak by Truth TV" YouTube channel that often shared content critical of the government and had nearly 40,000 followers. Police arrested Hung while he was live streaming on YouTube.

In September several prominent social media critics of the state were fined or arrested in a three-day period. On September 6, Thai Binh police fined game streamer Nguyen Thi Thanh Loan 10 million dong (\$422) after she made a comment while live streaming that was construed as insulting the president. Loan was fined for spreading inaccurate information and slandering and defaming individuals. On September 7, Danang City police arrested Bui Tuan Lam for "spreading information against the state." Lam in November 2021 posted a video of himself on social media imitating the Turkish chef, Salt Bae, who appeared in a separate video handfeeding a gold-coated steak to Minister of Public Security To Lam in London. On September 8, Dak Lak Province police arrested Dang Dang Phuoc for "spreading information against the State," according to state media. The *Ho Chi Minh City Law Newspaper* alleged that since 2019, Phuoc had posted slanderous articles and videos against the government. Phuoc was a vocal critic of the government with a large following on social media.

The government sometimes blocked websites it deemed politically or culturally inappropriate, including sites operated by overseas Vietnamese political groups in addition to the websites of *Radio Free Asia*, *Voice of America*, and the *BBC* Vietnamese news service. State-owned internet service providers routinely blocked domestic Vietnamese-language websites that contained content criticizing the CPV or promoted political reform.

An administrative regulation compels owners of all websites and social networking sites to cooperate with the Ministry of Information and Communications to prevent the spread of "bad, toxic news."

Another rule requires all companies and organizations operating websites providing content on "politics, economics, culture, and society" or operating social networks, including blogging platforms, to register with the government. Such companies and organizations must locate at least one server in the country to facilitate government requests for information and must store posted information for 90 days and certain metadata for up to two years.

The government forbids direct access to the internet through foreign internet service providers and requires internet service providers to provide technical assistance and workspace to public security agents to allow them to monitor