
Samoa Office of the Ombudsman and National Human Rights Institution
Public Statement
29 May 2026
Fair Trial Rights of Samoan Nationals in Vietnam

The Office of the Ombudsman and National Human Rights Institution of Samoa note recent media reports and publicly circulated video footage involving two Samoan nationals currently under criminal investigation in the Socialist Republic of Viet Nam.

The Office recognizes and respects the sovereign authority of Viet Nam to investigate and prosecute alleged criminal offences occurring within its jurisdiction in accordance with domestic law.

At the same time, the Office emphasizes that all persons accused or suspected of criminal conduct are entitled to equality before the law and to a fair trial. Pursuant to protections under both domestic and international legal standards including Article 14 of the International Covenant on Civil and Political Rights (ICCPR) – ratified by both Samoa and Viet Nam – these rights include:

- The presumption of innocence until proven guilty according to law;
- The right to a fair and public hearing before an independent and impartial court;
- The right to access legal assistance;
- Protection from compelled or coerced confessions.¹

The publicly circulated video footage raises legitimate concerns regarding whether the two Samoan nationals had effective access to legal counsel at the time the statements were recorded and whether the publication of such material prior to trial may prejudice their right to a fair and impartial legal process.

The Office notes that the Criminal Procedure Code of Vietnam 2015 contains protections relevant to this matter, including:

- Article 16: the right of accused person/s to defence counsel;
- Article 60(2) (a-b): the requirement that accused person/s be informed of their rights and obligations;
- Articles 73 to 75: the recognition of the defence counsel’s right to participate in proceedings, meet accused person/s, and be present during interrogations;
- Article 183: the obligation of investigators to explain rights to suspects prior to interrogation.

¹ *International Convention on Civil and Political Rights* (ICCPR) (adopted 16 December 1966) 999 UNTS 171, art 14.

The Office further notes that under modern criminal justice standards, statements or confessions should be obtained voluntarily and with full procedural safeguards. Public dissemination of confession material before judicial determination may raise concerns regarding the integrity and fairness of subsequent proceedings.

In this regard, the Office recalls concerns expressed by the United Nations Human Rights Committee regarding reports in Viet Nam of torture and ill-treatment carried out to extract confessions during investigations, and that these confessions are later presented as evidence in court, including in cases involving the death penalty².

While there is no legal entitlement to consular assistance for Samoan citizens abroad, under Article 36 of the Vienna Convention on Consular Relations, Samoan consular officers have the right to visit, communicate with and arrange legal representation for, any citizens detained overseas³.

The Office therefore respectfully calls for:

1. Confirmation that the two Samoan nationals have timely and confidential access to independent legal representation;
2. Appropriate consular access and support through the Government of Samoa and the Ministry of Foreign Affairs and Trade;
3. Assurance that all investigative procedures comply with Vietnamese law and internationally recognized fair trial standards;
4. Assurance that the two Samoan nationals are being treated in accordance with applicable human rights standards on the treatment of prisoners, including under the ICCPR⁴ and the Convention against Torture⁵;
5. Careful restraint regarding the public release of investigative confession material before judicial proceedings are concluded.

This statement should not be interpreted as commenting on the guilt or innocence of any individual. Rather, it reflects the Office's mandate to promote and protect human rights, due process, and the rule of law for all persons, including Samoan citizens abroad, while recognizing the gravity of the alleged offence and the loss suffered by the victim's family.

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² UN Human Rights Committee, *Concluding Observations on the fourth periodic report of Viet Nam*, CCPR/C/VNM/CO/4*, 12 August 2025.

³ *Vienna Convention on Consular Relations*, April 24 1963, 596 UNTS 261, art 36.

⁴ ICCPR, art 10.

⁵ *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (opened for signature 10 December 1984, entered into force 26 June 1987) 1465 UNTS 85.