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**AMNESTY
INTERNATIONAL**



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Dear Mr. Nadella

Amnesty International would like to express our grave concerns regarding the proposed Cybersecurity Law that the Vietnamese National Assembly is scheduled to vote on 12 June this year, and to urge Microsoft to take steps to protect against the harms to human rights it may cause. Viet Nam continues to be one of the most repressive countries in the Asia region, and we are deeply concerned that the rights of all people in Viet Nam to express themselves freely online, retain privacy of their information and access information through the internet will be severely curtailed if this law is passed.

Viet Nam's draft Cybersecurity Law is alarmingly similar to China's Cyber Security Law which was implemented since 1 June 2017, codifying existing abusive practices and turning technology companies operating in China into de-facto state surveillance agents.

Similarly, in Viet Nam, people could be arbitrarily charged under Article 8 or Article 15 of this law, which contains extremely broad and vague offenses, such as "negating the revolution achievement" or "giving misleading information causing confusion among the people".

If this draft law is passed next week, companies may be required to store Vietnamese users' data in Viet Nam and will also be forced to pass on potentially vast amounts of data, including personal information, and to censor users' posts with insufficient safeguards to protect freedom of expression and the right to privacy. Companies are likely to be liable for substantial penalties if they fail to do so and there is no transparency about how the data will be used by the authorities.

In addition to human rights, the internet is central to Viet Nam's economic development. Currently, more than 60 million people in Vietnam use the internet and most are able to enjoy the freedom of online expression. However, the authorities normally aggressively respond to its critics - according to known reports, the Vietnamese authorities arrested nearly 30 people in 2017 for using the internet to promote human rights.

Technology companies such as you play a key role in ensuring the internet is a safe platform where people in Viet Nam can express themselves freely without fear of imprisonment by the Vietnamese government or being subject to mass surveillance.

Your company has a responsibility to respect the right to privacy and freedom of expression. This responsibility exists over and above domestic legal requirements. This is clearly expressed by the United Nations Guiding Principles on Business and Human Rights (UNGPs). Amnesty International calls on your company to challenge the draft law and make known to the Vietnamese government your company's principled opposition to implementing any requests or directives which violate fundamental human rights.

Therefore, Amnesty International encourages Microsoft to communicate before the 12 June 2018 with the Vietnamese government, urging them to:

- Amend the draft law on cyber security, especially article 8 and article 15, to fully comply with international human rights law
- Respect and protect human rights online, especially the right to freedom of expression and the right to privacy in Viet Nam.
- Publicly speak out against the criminalization of the use of internet to exercise human rights.

Amnesty International also calls upon Microsoft to:

- Make clear to the Vietnamese authorities as well as to the Vietnamese people that your company will not assist the Vietnamese Government to:
 - Conduct unlawful surveillance. Hand over data to the authorities, or monitor and report to the authorities about people's use of the internet in the absence of a court order, and other adequate legal safeguards to ensure the protection of human rights.
- Take immediate steps to ensure that all your units – the Parent Corporation and subsidiaries – uphold human rights responsibilities for companies as outlined by the UNGPs.
- Develop an explicit human rights policy, ensuring that it complies with the UNGPs.

Amnesty International looks forward to your response.

Sincerely

A handwritten signature in black ink, appearing to read 'Clare Algar', written over a yellow horizontal line.

Clare Algar
Director, Global Operations
Amnesty International