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# amnesty international

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## Socialist Republic of Viet Nam

### Appeal for:

## Cyber dissident – Dr Pham Hong Son

June 2005

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Dr Pham Hong Son, 37 years old, a businessman and qualified medical doctor was arrested on 27 March 2002 for the writing and posting of articles about democracy and human rights via the Internet. At his trial on 18 June 2003 he was charged with “spying” under Article 80 of the Criminal Code and sentenced to 13 years’ imprisonment and a further three years’ house arrest on release. He is currently detained at Yen Dinh prison camp in Thanh Hoa province in northern Viet Nam.

Amnesty International is calling for the immediate and unconditional release of Dr Pham Hong Son as a prisoner of conscience, detained solely for peacefully expressing his political opinions.

#### **Advocate of peaceful political reform**

In March 2002 Dr Pham Hong Son had translated an article entitled “What is Democracy?” from the United States embassy website in Viet Nam and also had written an article “Hopeful Signs for Democracy in Viet Nam” which were sent to both friends and senior party officials.

A few days before his arrest, Dr Pham Hong Son’s house was searched by police who removed computer equipment and personal papers. The following day he went to the police station to claim his personal belongings without success. In protest, he published an open letter on the Internet, complaining about the search of his home and confiscation of his belongings. Two days later he was taken into custody and initially detained at B-14 prison in Ha Noi, where his family were not allowed to visit him.

At the time of Dr Pham Hong Son’s arrest the authorities failed to produce an arrest order. Holding Dr Pham Hong Son under “*temporary detention*” was a violation of the Vietnamese Constitution and international human rights instruments which Viet Nam is a state party. On 6 April 2002, 10 days later, his wife, Vu Thuy Ha, received the official documents informing her of her husband’s arrest and the charges against him.

#### **Official charges**

The official detailed indictment against Dr Pham Hong Son, states that he had contacts with a number of dissidents in Viet Nam and within the Vietnamese community in exile overseas through email correspondence. It describes how Dr Pham Hong Son exchanged “13 emails” with a France-based organization called Thong Luan.<sup>1</sup> Dr Pham Hong Son was charged with “spying” under Article 80 of the Criminal Code. His indictment alleges that he had email

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<sup>1</sup> Thong Luan uses its website ([www.thongluan.org](http://www.thongluan.org)) to share information relating to democracy and human rights issues in Viet Nam.

contact with “*exile reactionary persons from abroad*”, from whom he received financial assistance, and that he distributed information to “*falsely accuse the State of violating human rights*”.

### **Unfair trial**

Dr Pham Hong Son was held for 15 months in pre-trial detention with no access to family visits in contravention of both Vietnamese and international law. Dr Pham Hong Son’s closed trial lasted only half a day, with diplomats and his supporters not allowed to attend.

An appeal hearing was held on 26 August 2003 where his sentence was reduced to five years’ imprisonment plus three years’ house arrest on release, an unprecedented development which may have been due to the intense international pressure on the government about his case.

### **Medical concerns**

Since his trial the authorities have allowed only a few visits from his family. Following one family visit in August 2004, it was reported that Dr Pham Hong Son was suffering from an inguinal hernia, and that he was weak and shaking. He was also reported to have been held in solitary confinement for a long period. At the beginning of September 2004 he was moved to Yen Dinh prison camp in Thanh Hoa province, 250-300k from Ha Noi. Due to the remoteness of Yen Dinh prison it has proved difficult for family visits. As of early 2005 his health has reportedly improved. There have been no indications if he received medical assistance from the prison authorities for this illness.

### **Misuse of the justice system to imprison dissidents**

Under current Vietnamese legislation peaceful political dissent is effectively criminalised as there are no provisions in the law which distinguish between peaceful and non peaceful dissent. As a result those who wish to exercise their rights to freedom of expression, opinion and association are subject to harassment, arrest and imprisonment.

Amnesty International believes that the ambiguous and loosely worded provisions laid down in Viet Nam’s Criminal Code are used in an arbitrary manner to stifle rights to freedom of expression and other related rights and are in breach of international human rights instruments to which Viet Nam is a state party; for example the International Covenant on Civil and Political Rights (ICCPR). Rather than using the numerous decrees governing use of the Internet to prosecute those expressing peaceful dissent, the Vietnamese authorities have used national security legislation which has resulted in long prison terms for those concerned.

### **The Internet in Viet Nam**

In December 1997 Viet Nam connected with the Internet and since then its popularity has increased steadily, it is estimated that there are between 4,000 and 5,000 Internet cafés and by March 2005 Internet access had risen to 6.5 million people or 7.89% of the population.

The Internet has provided people critical of the government with more opportunities to peacefully express their opinions. However, the relative ease with which dissenting voices can be traced in cyberspace, combined with the absence of privacy protection, has increased their risk of arrest and prosecution.

### **Controlling the Internet**

Accessing diaspora websites can be difficult for people inside Viet Nam and access to some sites is blocked. Some blocking is left to self-censorship by Internet Service Providers (ISPs) as required by law. ISPs and individual Internet users are obliged by law to facilitate easy access for security agencies to networks and computers. The Ministry of Culture and

Information explicitly encourages individuals and Internet providers to inform on those "violating rules" on the provision of information.<sup>2</sup>

In July 2004 a directive was issued to combat "bad and poisonous information" that was being circulated online. Under this directive Internet café owners are instructed to monitor the sites accessed by customers, in particular those which the regulations describe as forbidden. These include sites which are critical of the government which the Vietnamese authorities deem as a threat to national security. Other websites of concern are those which distribute viruses and are of a pornographic nature. Any Internet cafés which allow access to forbidden websites will be shut down by the authorities.<sup>3</sup>

### **Recent crackdown on dissidents**

In a crackdown on dissidents which began in 2002, a number of people have been arrested and tried for peaceful advocacy of democratic change and human rights and for exercising the right to freedom of expression and association. Most of these dissidents were detained in connection with transmission of material critical of government policies on the Internet and via e-mail. Of the known dissidents arrested under the crackdown Dr Pham Hong Son, Nguyen Vu Binh and Nguyen Khac Toan remain in prison serving long prison sentences.

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2 Article 11 of the Ministry of Culture and Information Decision No.27/2002/QD-BVHTT on granting licenses for information providers and websites states that "agencies, organizations and individuals that render meritorious services to the authorities in detecting and reporting violations of rules and regulations on provision of information provided by Decree No.55/2001/ND-CP, and of provisions of this Statute, shall be commended according to regulations by the State".

3 AFP "Vietnam steps up control of Internet" 21 July 2004

## **Appeal for the release of Dr Pham Hong Son**

### **Please write:**

- Calling for the immediate and unconditional release of Dr Pham Hong Son who has been imprisoned, as a prisoner of conscience, for the peaceful exercise of his right to freedom of expression and assembly.
- Call upon the authorities to end the use of national security legislation which effectively criminalizes peaceful political dissent and to uphold the principles laid out in the International Covenant on Cultural and Political Rights (ICCPR), to which Viet Nam is a state party.
- Call upon the authorities to bring an end to unfair trials and to ensure that trials of political dissidents are in keeping with the principles laid out in the ICCPR to which Viet Nam is a state party.
- Call on the authorities to ensure that Dr Pham Hong Son is receiving adequate food and appropriate medical care when necessary in accordance with international standards.
- Urge that all prisoners of conscience detained on account of their political opinions be immediately and unconditionally released.
- Encourage the government to ensure full implementation of the international human rights instruments which it has ratified

### **Addresses for appeals are:**

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**Le Hong Anh**  
**Minister of Public Security**

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