

---

# amnesty international

---

## Socialist Republic of Viet Nam

### Appeal for:

## Cyber dissident - Nguyen Vu Binh

June 2005

AI Index: ASA 41/019/2005

---



Nguyen Vu Binh, 37 years old, a journalist and writer was arrested in September 2002 for passing information through the Internet to overseas Vietnamese groups. At his trial in December 2003 he was charged with “spying” under Article 80 of the Criminal Code and sentenced to seven years’ imprisonment, plus three years’ house arrest on release. He is currently detained at Ba Sao prison camp in Nam Ha province in northern Viet Nam.

Amnesty International is calling for the immediate and unconditional release of Nguyen Vu Binh as a prisoner of conscience, detained solely for peacefully expressing his political opinions.

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

In December 1999 Nguyen Vu Binh attempted to form an independent political party – the Liberal Democratic Party. He did not get any response to his request for official permission to do so. As an advocate for peaceful political reform Nguyen Vu Binh, along with other dissidents, formed an Anti-Corruption Association in 2001. He was briefly detained in July 2002 after submitting a testimony in writing to the United States Congress which discussed the human rights situation in Viet Nam.<sup>1</sup> One month before his arrest, Nguyen Vu Binh criticized a controversial border treaty with China which was distributed on the Internet.

### ***Incommunicado* detention**

From his arrest in September 2002 until his trial 15 months later Nguyen Vu Binh was held in *incommunicado* detention with neither his family nor his lawyer allowed to visit him. This was in contravention of international human rights law to which Viet Nam is a state party. Speaking on the subject of *incommunicado* detention the UN Special Rapporteur on torture has argued that it puts detainees at risk of torture and ill-treatment.

In early 2003 a Directive issued by the Communist Party of Viet Nam set out the case against three other high profile Internet dissidents. The Directive said that Nguyen Vu Binh had already been prosecuted on charges of “spying”, yet at the time he had not been formally charged or brought to trial.

---

<sup>1</sup>This can be found at:

<http://lantos.house.gov/HoR/CA12/Human+Rights+Caucus/Briefing+Testimonies/Testimony+of+Nguyen+Vu+Binh.htm>

## **Unfair trial**

Nguyen Vu Binh's trial was heard on 31 December 2003 and lasted only three hours. He was charged under Article 80 of the Criminal Code for "spying". The authorities stated that amongst the charges against him were that he "*communicated via emails*" with "*reactionary*" organizations overseas and disseminated information about human rights in Viet Nam. His sentence was upheld on appeal on 5 May 2004, following which he went on hunger strike for two weeks in protest at his sentencing.

## **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>

---

<sup>2</sup> 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".

<sup>3</sup> AFP "Vietnam steps up control of Internet" 21 July 2004

**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 Nguyen Vu Binh, Dr Pham Hong Son and Nguyen Khac Toan remain in prison serving long prison sentences.

## **Appeal for the release of Nguyen Vu Binh**

### **Please write:**

- Calling for the immediate and unconditional release of Nguyen Vu Binh 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 Nguyen Vu Binh 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:**

**Tran Duc Luong**

Salutation: President

**President**

Office of the President

35 Ngo Quyen

Ha Noi

Socialist Republic of Viet Nam

Fax: + 844 734 0815 (c/o The National Assembly – please mark “For the attention of President Tran Duc Luong”)

**Phan Van Khai**

Salutation: Prime Minister

**Prime Minister**

Office of the Prime Minister

Hoang Hoa Tham

Ha Noi

Socialist Republic of Viet Nam

Fax: + 844 199 2682 (c/o Ministry of Foreign Affairs – please mark “For the attention of Prime Minister Phan Van Khai”)

**Le Hong Anh**

Salutation: Minister

**Minister of Public Security**

Ministry of Public Security

15 Tran Binh Trong Street

Hoan Kiem District

Ha Noi

Socialist Republic of Viet Nam

Fax: + 844 942 4381