
amnesty international

Socialist Republic of Viet Nam

Appeal for:

Cyber dissident - Nguyen Khac Toan

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Nguyen Khac Toan, 55 years old, a former soldier, mathematics teacher and business man was arrested in January 2002 and tried in December 2002 for passing information through the Internet to overseas Vietnamese groups about demonstrations by farmers. He was charged with “spying” under Article 80 of the Criminal Code and sentenced to 12 years’ imprisonment plus three years’ house arrest after his 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 Khac Toan as a prisoner of conscience, detained solely for peacefully expressing his political opinions.

Official charges

Between November 2001 and January 2002 farmers took part in a series of peaceful sit-down protests in Ha Noi outside the National Assembly and party offices. Nguyen Khac Toan reportedly helped farmers’ representatives draft petitions to the government protesting against official corruption and land confiscation.

At Nguyen Khac Toan’s trial on 20 December 2002 he was charged with “spying” under Article 80 of the Criminal Code. According to an official media report he was accused of collecting “*letters of complaints and denunciations and other information, documents and articles written by those who discontented with [sic], or acted against, the Vietnamese government...distorting the country’s political situation and slandering the party and government before sending the information abroad.*” The report also stated that between November 2001 and 6 January 2002 he sent 24 emails and two computer discs to an “*exiled reactionary organization*” as well as making mobile phone contacts. In a trial lasting less than a day he was sentenced to 12 years’ in prison and a further three years’ house arrest on release.

Unfair trial

In preparing his defense Nguyen Khac Toan was only allowed to meet his lawyer on two occasions before the trial, on 16 December and 19 December – the day before his trial. It was reported that on both these occasions security guards were present which prevented Nguyen Khac Toan and his lawyer from discussing the trial in any great detail. Amnesty International considers that Nguyen Khac Toan’s trial did not meet international standards for fairness.

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.¹

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 authorities²

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

1 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".

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

Appeal for the release of Nguyen Khac Toan

Please write:

- Calling for the immediate and unconditional release of Nguyen Khac Toan 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 Khac Toan 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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Phan Van Khai

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Le Hong Anh

Salutation: Minister

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