

Vietnam

	2014	2015		
Internet Freedom Status	Not Free	Not Free	Population:	90.7 million
Obstacles to Access (0-25)	14	13	Internet Penetration 2014:	48 percent
Limits on Content (0-35)	28	29	Social Media/ICT Apps Blocked:	No
Violations of User Rights (0-40)	34	34	Political/Social Content Blocked:	Yes
TOTAL* (0-100)	76	76	Bloggers/ICT Users Arrested:	Yes
			Press Freedom 2015 Status:	Not Free

* 0=most free, 100=least free

Key Developments: June 2014 – May 2015

- With 29 netizens imprisoned, Vietnam continues to be one of the worst jailers of bloggers in the world (see **Prosecutions and Detentions for Online Activities**).
- At least eight bloggers were arrested or prosecuted under Article 258 of the penal code for abusing democratic freedom to infringe on state interests (see **Prosecutions and Detentions for Online Activities**).
- Circular 09 tightened registration and licensing requirements for new social media sites, as well as intermediary liability for third-party content (see **Content Removal**).
- Decree 174, administrating fines for critical content, was widely implemented to punish online speech (see **Media, Diversity, and Content Manipulation**).

Introduction

The Communist Party was working towards its 2016 party congress during the coverage period of this report. A power reshuffle is anticipated prior to the emergence of a new government. In this environment, repression of critical netizens remained severe. Prisons operated a revolving door policy, with one prominent blogger arrested even as another was released. The period was characterized by ongoing application of Article 258 of the penal code against critics, a trend first noted in *Freedom on the Net 2014*. Two of the most important critical blogs, *Anh Ba Sam*, and *Que Choa*, were blocked, and then stopped operating for most of the coverage period, reducing the diversity and breadth of alternative content.

Administrative fines for critical content, legalized by Decree 174 in 2014, have been increasingly used to threaten media outlets, coupled with disciplinary warnings and job losses. Furthermore, Circular 09 issued in October 2014 made it more difficult for new social media sites to obtain a license and formalized intermediate liability that had been assumed but never codified, though without clear penalties for non-compliance.

Vietnamese activists both in and outside of Vietnam, have long been the target of sophisticated cyberattacks. The malicious software used in the attacks is advanced enough to evade detection by almost all commercial antivirus programs, and sent from servers in locations worldwide. In 2015, cyberattacks became more personalized, indicating that attackers are familiar with the activities and interests of their targets.

Obstacles to Access

Internet penetration is comparatively high, and almost universal among urban youth, due to low cost and high availability in semi-public spaces. Investment is still needed to improve speed, and the infrastructure is vulnerable to physical damage. The telecom market is dominated by a few players, most of them state-owned, lacking fairness and autonomy by international standards.

Availability and Ease of Access

Internet access continued to increase during the coverage period of this report, with penetration reaching 44 percent in 2014, up from 39 percent in 2013.¹ Vietnam ranked 101 on the global ICT Development Index in 2013, higher than regional neighbors with a larger gross domestic product like Indonesia and the Philippines.²

However, internet speed is among the lowest in Asia Pacific, having fluctuated during previous quarters.³ High speed broadband adaption reached 22.4 millions subscribers, or about 40 percent of Internet users, an 11 percent increase from 2012.⁴

1 International Telecommunication Union, "Percentage of Individuals Using the Internet, 2000-2014," <http://bit.ly/1cblxxY>.

2 International Telecommunication Union, "Measuring the Information Society Report 2014," <http://bit.ly/1FIOBfF>.

3 "Vietnam's Internet connection speed among Asia-Pacific's lowest: report," *Tuoi Tre News*, January 20, 2015, <http://bit.ly/1wnbnib>.

4 "Viettel dẫn đầu về di động, VNPT chiếm lĩnh thị phần Internet băng rộng," [Viettel leads in mobile, VNPT gains in broadband market] *ICT News*, October 27, 2014, <http://bit.ly/1YYnsfA>.

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Vietnam's mobile penetration was estimated at 147 percent in 2014, indicating some users have more than one device or SIM card. Fifty-six percent of users accessed the internet via a mobile device in 2012, almost double the number in 2011. The growth of mobile phone penetration slowed somewhat in recent years, as new policies discouraged people from buying new SIM cards. Despite this, the 3G network operating since 2009 is growing fast. As of October 2013, Vietnam has 19 million 3G users, up from 3 million in 2011. Vietnam still has no strategy to introduce a 4G network.

Vietnam does not report figures for computer literacy, but the literacy rate at 93 percent has helped equip the adult population to use computers.⁵ Wi-Fi connections are free in many urban spaces such as airports, restaurants, and hotels, and city-wide in some tourist destinations. Access via smartphones has increased, being the choice for 36 percent of internet users, compared to 44 percent who use a PC.⁶

While access is more limited for 70 percent of the population living in rural areas, with ethnic minorities and remote, impoverished communities especially disadvantaged, a remarkable 95 percent of citizens aged 15 to 24 nationwide have some degree of internet access. Monthly wired access has decreased, starting at around US\$9 per month, which is considered affordable in cities,⁷ and pay-per-use wireless packages are even more affordable, though less reliable.

Restrictions on Connectivity

While several companies have licenses to build infrastructure, military-owned Viettel, state-owned Vietnam Post and Telecommunications (VNPT), or their subsidiaries, are the dominant equipment providers in practice.⁸ VNPT operates the national-level backbone network. Four out of six internet exchange providers, which operate the internet exchange points (IXPs) and allow ISPs to interconnect, are state- or military- owned.⁹ Although this suggests a concerning degree of state influence over the internet architecture, authorities in Vietnam did not employ noticeable throttling or restrict access to the internet for political reasons during the coverage period of this report, though such interference has been suspected in the past.¹⁰ Connections suffered when the Asia-America Gateway (AAG) submarine cable, one of several which carry international traffic, was damaged. In 2014 the cable was disconnected twice. In May 2015, the latest damage impacted Internet availability and speed for two weeks.¹¹ Such outages are frequent and significantly impair the speed and quality of access.

ICT Market

The three biggest internet service providers (ISPs) are the state-owned VNPT, which controls 51 percent of the market; Viettel (40 percent); and the private FPT (6 percent). VNPT and Viettel also own the three largest mobile phone service providers in the country (MobiFone, VinaPhone, and Viettel),

5 UNICEF, "Statistics," in "At a glance: Viet Nam," accessed July 2013, <http://uni.cf/1uIT5zI>.

6 "One in three Vietnamese uses smartphone," *Tuoi Tre News*, September 13, 2014, <http://bit.ly/ZkS0h4>.

7 See FPT price list: Hostinger, accessed May 2015, <http://internetfpt.org/lap-dat-internet-fpt.html>.

8 Tran Minh Tuan, "Broadband in Vietnam: Forging its own Path," infoDev, http://www.infodev.org/infodev-files/resource/InfodevDocuments_1127.pdf.

9 The four are: VNPT, Viettel, Hanoi Telecom, and VTC.

10 Reporters Without Borders, "Vietnam," in *The Enemies of the Internet Special Edition: Surveillance*, 2013, <http://surveillance.rsf.org/en/vietnam/>.

11 "Một tuần nữa bắt đầu sửa chữa cáp quang AAG," [AAG cable repair starts next week] *Vnexpress*, April 30, 2015, <http://bit.ly/1j6FhsH>.

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which serve 93 percent of the country's 2G and 3G subscriber base, while two private companies share the remainder.¹² Though any firm is allowed to operate an ISP, informal barriers prevent new companies without political ties or economic clout from disrupting the market.

Regulatory Bodies

The Vietnam Internet Center (VNNIC) allocates internet resources such as domain names under the Ministry of Information and Telecommunication. Three additional ministries—information and culture (MIC), public security (MPS), and culture, sport, and tourism (MCST)—manage the provision and usage of internet services. On paper, the MCST regulates sexually explicit and violent content, while the MPS oversees political censorship. In practice, however, guidelines are issued by the VCP in a largely non-transparent manner. In 2008, the MIC created the Administrative Agency for Radio, Television, and Electronic Information. Among other duties, the agency is tasked with regulating online content, which includes drafting guidelines for blogs and managing licenses for online media.¹³

Limits on Content

Political content on a range of sensitive topics is restricted online, especially in Vietnamese. Decree 174, effective since January 2014, was widely used during the coverage period to levy harsh fines for government criticism on online media. Additionally, Circular 09, issued in October 2014, requires website owners to respond immediately to authority's request to take down content resulting in increased self-censorship. Commentators paid and officially acknowledged by the government in 2013, have grown in number and continue to manipulate online content.

Blocking and Filtering

With fewer resources devoted to online content control than in China, the Vietnamese authorities have nevertheless established an effective content filtering system. Censorship is implemented by ISPs rather than at the backbone or international gateway level. No real-time filtering based on keywords or deep-packet inspection has been documented. Instead, specific URLs are identified in advance as targets for censorship and placed on blacklists. The authorities are not known to have instituted restrictions on email or SMS content.

Blocking in Vietnam primarily targets topics with the potential to threaten the Vietnam Communist Party's (VCP) political power, including political dissent, human rights and democracy, as well as websites criticizing the government's reaction to border and sea disputes between China and Vietnam. Content promoting organized religion such as Buddhism, Roman Catholicism, and the Cao Dai group, which the state considers a potential threat, is blocked to a lesser but still significant degree. Vietnamese sites critical of the government are generally inaccessible, whether they are hosted overseas, such as *Talawas*, *Dan Luan*, and *Dan Chim Viet*, or domestically, like *Dan Lam Bao*, *Dien Dan Xa Hoi Dan Su* or *Bauxite Vietnam*.

ISPs use different techniques to inform customers of their compliance with blocking orders. While

12 "Viettel dẫn đầu về di động, VNPT chiếm lĩnh thị phần Internet băng rộng," [Viettel leads in mobile, VNPT gains in broadband market].

13 Geoffrey Cain, "Bloggers the New Rebels in Vietnam," *SFGate*, December 14, 2008, <http://bit.ly/1bhBy1W>.

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some notify users when an inaccessible site has been deliberately blocked, others post an apparently benign error message.¹⁴ Censors largely focus on Vietnamese-language content, so the *New York Times* and Human Rights Watch websites are accessible, while the U.S.-funded Radio Free Asia's Vietnamese-language site is not; similarly, BBC websites are accessible in English but not Vietnamese. Blocking is not consistent across ISPs. A 2012 OpenNet Initiative test of 1,446 sites found Viettel blocked 160 URLs, while FPT blocked 121, and VNPT only 77.¹⁵ There is no avenue for managers of blocked websites to appeal censorship decisions.

Content Removal

The party's Department for Culture and Ideology and the MPS regularly instruct online newspapers or portals to remove content they perceive as problematic, through nontransparent internal, mostly verbal orders.

Intermediary liability has long been implied in Vietnam, but was formalized in 2013 with Decree 72 on the Management, Provision, Use of Internet Services and Internet Content Online. It requires intermediaries—including those based overseas—to regulate third-party contributors in cooperation with the state, and to "eliminate or prevent information" prohibited under Article 5. It holds cybercafe owners responsible if their customers are caught surfing "bad" websites.¹⁶ This process was articulated in Circular 09/2014/TT-BTTTT, issued in October 2014, which requires website owners to eliminate "incorrect" content "within three hours" of its detection or receipt of a request from a competent authority in the form of email, text message, or phone call.¹⁷ The circular also tightened procedure for registering and licensing new social media sites.

It is not clear how much service providers removed content for fear of possible reprisals before the decree was introduced, so its immediate impact was not possible to gauge. Further, it did not outline what penalties non-compliant companies could face, and how the decree might be enforced remains unclear.

Media, Diversity, and Content Manipulation

Internet content producers face a range of pressures that affect the quality of online information. All content needs to pass through in-house censorship before publication. Editors and journalists also risk post-publication sanctions including disciplinary warnings, job loss, or imprisonment. In weekly meetings, guidelines are handed out by a Party Committee to editors about areas and themes to report on or to, as well as the allowed depth and breadth of coverage.

Decree 174, effective since January 2014, introduced administrative fines of VND 100 million (US\$4,700) for anyone who "criticizes the government, the Party or national heroes" or "spreads propaganda and reactionary ideology against the state" on social media.¹⁸ These can be applied to offenses not serious enough to merit criminal prosecution. The decree outlined additional fines

14 Irene Poetranto, "Update on Threats to Freedom of Expression Online in Vietnam," OpenNet Initiative, September 10, 2012, <http://bit.ly/1uC87Qs>.

15 Poetranto, "Update on Threats."

16 Poetranto, "Update on Threats."

17 Circular 09/2014/TT-BTTTT, <http://bit.ly/1MS2MPD>.

18 Decree 174/2013/NĐ-CP, Central Database of Ministry of Justice, November 13, 2013, <http://bit.ly/1H0jaxJ>.

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for violations related to online commerce.¹⁹ During the coverage period, Decree 174 has been used heavily. In February 2015, newspaper *Nguoi Cao Tuoi* received a total fine of about US\$35,000 for several offenses.²⁰

These economic and social penalties, in addition to the risk of criminal prosecution, foster self-censorship. The unpredictable and nontransparent ways in which topics become prohibited make it difficult for users to know what might be off-limits, and bloggers and forum administrators routinely disable commenting functions to prevent controversial discussions.

Despite government restrictions, Vietnam's internet is vibrant and offers a diversity of Vietnamese-language content. Although most content addresses personal and apolitical topics, citizen journalism has emerged as an important source of information for many Vietnamese, particularly given the tightly controlled traditional media. People now recognize the parallel existence of official media and alternative counterparts operating exclusively online. In large cities, the internet has surpassed newspapers as the most popular source for information.²¹ In some cases such as the workers' riots in Binh Duong province protesting a Chinese oil rig in the East China Sea in May 2014, Facebook users broke news faster and in more detail than mainstream media outlets restricted by tighter censorship.

YouTube, Twitter, and international blog-hosting services such as Blogger or WordPress are freely available and growing in popularity, although Twitter is used to a lesser extent than in some other Asian countries. Tools for circumventing censorship are well-known among younger, technology-savvy internet users in Vietnam, and many can be found with a simple Google search. Facebook, which faced sporadic—and officially unacknowledged—blocks in 2010 and 2011, was largely accessible and popular in 2015. Government agencies, such as the Ministry of Health, have started to reach out to citizens on Facebook, apparently signaling a shift away from the perception of such platforms as oppositional towards more digital engagement in combination with selective repression and blocking of contents, for propaganda purposes.²²

The government has also taken steps to manipulate public opinion online. In 2013, Hanoi's Propaganda and Education Department revealed that it runs at least 400 online accounts—without specifying what type—and 20 microblogs to fight "online hostile forces."²³ On March 14, 2015, alleged progovernment commentators insulted online activists and hindered them as they gathered offline to commemorate a battle against China although the Hanoi's government denied that these people are under their management.²⁴ Some blogs which criticize high-profile party members, such as *Quan Lam Bao* in 2013, or *Chan Dung Quyen Luc* in 2014, have attracted accusations that they reflect internal power dynamics rather than objective opinion. As such, critics say, they contribute little to the cause of freedom of expression.

19 Anh-Minh Do, "Vietnam introduces two new internet fines: a \$5,000 fine for social media and \$5,000 fine for E-commerce," *Tech in Asia*, November 28, 2013, <http://www.techinasia.com/internet-fines-vietnam/>.

20 Website of Ministry of Information and Telecom, "Xử phạt hành chính Báo Người cao tuổi 699.700.000 đồng," [Administrative fine of 699.7 millions VND handed to *Nguoi cao tuoi* newspaper] February 13, 2015, <http://bit.ly/1M1qnik>.

21 "Tình hình sử dụng Internet tại Việt Nam 2011," [The Situation of Internet Use in Vietnam in 2011] *VNVIC*, August 3, 2011, <http://bit.ly/1LiIH5S>.

22 Associated Press, "Vietnamese Leader Says Banning Social Media Sites Impossible," *Washington Times*, January 15, 2015, <http://bit.ly/1OTtavJ>.

23 Nga Pham, "Vietnam Admits Deploying Bloggers to Support the Government," *BBC*, January 11, 2013, <http://bbc.in/1EQ9whu>.

24 "Dư luận viên phá lễ tưởng niệm Gạc Ma," [Public opinion shapers harassed Gac Ma commemoration] *BBC*, 15 Mar 2015, <http://bbc.in/1KWAu5M>.

Digital Activism

While important blogs such as *Anh Ba Sam* and *Que Choa* stopped operating during most of the coverage period due to the arrest of their owners, the easy accessibility of Facebook provided people with opportunities to engage in social activism and share reactions to socio-political events. However, digital mobilization is local rather than national in scale, compared to some other countries in Asia. In 2012, blogs played an important role in rallying public opinion and providing evidence against local authorities who seized agricultural land from farmers.²⁵ In 2013, LGBT activists used social media to show support for same-sex marriage.²⁶ Most recently, in March 2015, social media provided the space for public outcry and helped to organize citizen's protest against the Hanoi government's large-scale deforestation plan, and eventually brought it to a halt.²⁷

Violations of User Rights

The interrogation, imprisonment, and physical abuse of bloggers and online activists, which intensified in 2013, continued during the coverage period. Harsh sentences are handed down in cursory trials often closed to the public and press. In late 2014 and early 2015, Article 258 of the penal code was used to convict at least 10 rights advocates and arrest 4 bloggers. Hackers have targeted Vietnamese anti-government activists since 2009. During the past year, cyberattacks got more personal with campaigns designed to suppress criticism and diversified their targets.

Legal Environment

The constitution, amended in 2013, affirms the right to freedom of expression, but in practice the VCP has strict control over the media. Legislation, including internet-related decrees, the penal code, the Publishing Law, and the State Secrets Protection Ordinance, can be used to fine and imprison journalists and netizens. The penal code's notorious Articles 79 and 88 are commonly used to prosecute and imprison bloggers and online activists for subversion and propaganda against the state.²⁸ Article 258, which punishes "abuse of democratic rights to infringe upon the interests of the State, the legitimate rights and interests of organizations and citizens," is also increasingly being used to arrest bloggers. The judiciary is not independent, and trials related to free expression are often brief, and apparently predetermined. Police routinely flout due process, arresting bloggers and online activists without a warrant or retaining them in custody beyond the maximum period allowed by law.

Since 2008, a series of regulations have extended controls on traditional media content to the online sphere, starting with Decree 97 which ordered blogs to refrain from political or social commentary and barred them from disseminating press articles, literary works, or other publications prohibited by the Press Law.²⁹ Decree 02 followed in 2011, giving authorities power to penalize journalists and

25 Stuart Grudgings, "Web Snares Vietnam as Bloggers spread protests over land," *Reuters*, August 19, 2013, <http://reut.rs/1wBzjyr>.

26 "Hàng nghìn bạn trẻ ủng hộ LGBT nói tôi đồng ý," [Thousands young people support LGBT] *Vietnam Plus*, October 27, 2013, <http://bit.ly/1EQ3XKJ>.

27 Michael Peel, "Hanoi's residents mobilise to save city's cherished trees," *Financial Times*, March 27, 2015, <http://on.ft.com/1WIKOUc>.

28 Reporters Without Borders, "Vietnam."

29 OpenNet Initiative, "Vietnam," August 7, 2012, <http://bit.ly/1Z4zX9m>; The Ministry of Information and Communication, Decree No 97/2008/ND-CP of August 28, 2008, *Official Gazette*, August 11-12, 2008, <http://bit.ly/1j9Ejf5>; Ministry of Information and Communications, Circular No. 07/2008/TT-BTTTT of December 18, 2008, *Official Gazette*, January 6-7, 2009,

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bloggers for a series of infractions, including publishing under a pseudonym. The decree differentiated between journalists accredited by the government and independent bloggers, who are allowed far fewer rights and protections.³⁰

Decree 72 on the Management, Provision, Use of Internet Services and Internet Content Online, which came into effect in September 2013 and replaced Decree 97 of 2008, prolonged this repressive trend of replacing “blogs” with “social networks” to encompass more online platforms.³¹ Article 5 limits overbroad categories of online activity including “opposing the Socialist Republic of Vietnam,” inciting violence, revealing state secrets, and providing false information.

In October 2014, The Ministry for Information and Telecommunication issued Circular 09/2014/TT-BTTTT, which tightens the management of social networks, mostly through tougher requirements for licensing and registration. Among others, the person responsible for the platform should now have a university or higher degree. The website should have a “regime for elimination of incorrect contents within three hours from its detection or the request of a competent authority in the form of email, text or phone.”³²

Prosecutions and Detentions for Online Activities

According to Reporters Without Borders, 29 netizens were imprisoned in Vietnam as of December 2014, compared to 17 in 2011, making the country one of the world’s worst jailers of bloggers and internet users.³³ The increase was fueled by a 2013 court ruling that found 14 Catholic students, bloggers, and human rights activists guilty of subversion under Article 79, in part for their online activities.^{34,35} The sentences ranged from 3 years in prison followed by 2 years under house arrest to 13 years’ imprisonment and 3 years’ house arrest.³⁶

In 2014, Vietnamese authorities used Article 258 to convict at least 10 rights advocates and arrest 4 bloggers.³⁷ Examples during the coverage period include:

- Prominent blogger Nguyen Huu Vinh, who writes *Anh Ba Sam*, and his collaborator, Nguyen Thi Minh Thuy, were arrested on May 5, 2014, for publishing online articles which “abuse democratic freedoms to infringe on the interests of the state.”³⁸
- On June 26, 2014, the Supreme People’s Court in Danang upheld a two-year prison sen-

<http://bit.ly/1FSWgs7>.

30 Article 19, “Comment on the Decree No. 02 of 2011 on Administrative Responsibility for Press and Publication Activities of the Prime Minister of the Socialist Republic of Vietnam,” June 2011, <http://bit.ly/1JPbb1x>; Decree 02/2011/ND-CP, [in Vietnamese] January 6, 2011, available at Committee to Protect Journalists, <http://cpj.org/Vietnam%20media%20decree.pdf>.

31 Decree No. 72/2013/ND-CP, Government on Management, Provision and Use of Internet Services and Online Information, July 15, 2013, <http://bit.ly/1M7Pj7I>.

32 Mong Palatino, “Corporate Critics Say Vietnam’s New Tech Regulations Are Bad for Business,” *Global Voice Advocacy*, November 3, 2014, <http://bit.ly/1LtKLK4>.

33 Reporters Without Borders, “Another blogger held, RWB calls for immediate release,” December 31, 2014, <http://bit.ly/1410Xhx>.

34 Committee to Protect Journalists, “Bloggers imprisoned in mass sentencing in Vietnam,” news alert, January 9, 2013, <http://bit.ly/1Nh8Q7i>.

35 Seth Mydans, “Activists Convicted in Vietnam Crackdown on Dissent,” *New York Times*, January 9, 2013, <http://bit.ly/1Nh8Q7i>.

36 Mong Palatino, “Long Prison Terms For ‘Dissident’ Vietnam Bloggers,” *Global Voices*, January 12, 2013, <http://bit.ly/1j0L426>.

37 Human Rights Watch, “Vietnam: Stop Using Absurd Laws to Imprison Critics,” December 10, 2014, <http://bit.ly/1Q1VBVP>.

38 Human Rights Watch, “Vietnam: Arrests of Internet Activists Escalate,” May 7, 2014, <http://bit.ly/1nt99fD>.

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tence handed down in March 2014 against blogger and former journalist Truong Duy Nhat for publishing critical articles on his blog "*A Different Point of View*." The blogger has been detained since his arrest in May 2013.³⁹

- Nguyen Quang Lap, the well-known writer and owner of *Que Choa*, one of Vietnam's most visited political blogs, was arrested on December 6, 2014. A week earlier, Hong Le Tho, another independent blogger, was arrested in Ho Chi Minh City. Both were charged with "abusing democratic freedoms."⁴⁰ Nguyen Quang Lap was released on February 11, 2015, but the charges were not dropped.
- On February 12, 2015, a provincial court in Dong Nai sentenced three bloggers, Le Thi Phuong Anh, Do Nam Trung and Pham Minh Vu, who were arrested in May 2014 while covering anti-Chinese protests by workers. They received between 12 and 18 months in prison each for using Facebook to "disseminate content that incited and led to anti-state demonstrations."⁴¹
- On 12 May 2015, Kim Quoc Hoa, former editor in chief of the mainstream print and online newspaper *Nguoi Cao Tuoi*, was prosecuted for "abusing democratic freedoms to infringe on the state's interest. Three months earlier, he lost his job and the online version of the newspaper was forced to shut down."⁴²

Arrests and sentences were also documented on other charges:

- On August 26, 2014, a court in the province of Dong Thap sentenced blogger and activist Bui Thi Minh Hang to three years in prison, and her co-defendants, religious workers Nguyen Van Minh and Thi Thuy Quynh, to 30 and 24 months respectively. All three were convicted of "causing public disorder" in public under Article 245 of the penal code. At the trial police prevented 200 people, including friends and relatives, from attending, and arrested 40 supporters of the defendants.⁴³
- Nguyen Dinh Ngoc, another well-known blogger who writes under the pen name Nguyen Ngoc Gia, was arrested in his home in Ho Chi Minh City on December 27, 2014, for illegal activities, with no specific charge given.⁴⁴

Photo journalist Dang Nguyen Minh Man, arrested four year ago and currently serving an eight year prison term with four subsequent years of house arrest for committing "activities aimed at overthrowing the government" has been on hunger strike for prolonged periods to protest the ill-treatment she has received while in detention. Minh Man's treatment is not exceptional. Amnesty International noted in a 2013 report many political prisoners were held in harsh conditions that amounted to cruel, inhumane or degrading treatment.⁴⁵

39 World Organization Against Torture, "Viet Nam: Blogger Truong Duy Nat's two-year prison sentence upheld," June 30, 2014, <http://bit.ly/1vqH2iX>.

40 Human Rights Watch, "Vietnam: Stop Using Absurd Laws to Imprison Critics."

41 Reporters Without Borders, "Three bloggers get jail terms for 'abusing democratic freedom'," February 17, 2015, <http://bit.ly/19zXDx9>.

42 "Nguyên tổng biên tập báo Người cao tuổi bị khởi tố," [Former editor in chief of *Nguoi cao tuoi* is prosecuted] *Tuoi Tre Online*, May 12, 2015, <http://bit.ly/1K3Lgsk>.

43 Reporters Without Borders, "Prominent blogger sentenced to three years in prison," August 29, 2014, <http://bit.ly/1GsGOhe>.

44 "Vietnamese Police Arrest Prominent Blogger," *Radio Free Asia*, December 28, 2014, <http://bit.ly/1Adi0d0>.

45 Media Legal Defense Initiative, "Vietnamese," *Global Voices*, March 16, 2015, <http://bit.ly/1Oikjnh>.

Surveillance, Privacy, and Anonymity

Limited information is available about advanced surveillance technology available to Vietnamese authorities. In 2013, Citizen Lab, a research group based in Canada, identified FinFisher software on servers in 25 countries worldwide, including Vietnam.⁴⁶ Promoted by United Kingdom-based distributor Gamma International as a suite for lawful intrusion and surveillance, FinFisher offers the power to monitor communications and extract information without permission from other computers, such as contacts, text messages, and emails. Citizen Lab noted that the presence of such a server did not prove who was running it, though it is marketed to governments.⁴⁷

Decree 72 requires providers like social networks to “provide personal information of the users related to terrorism, crimes, and violations of law” to “competent authorities” on request, but lacks procedures or oversight to discourage intrusive registration or data collection.⁴⁸ It also mandates that companies maintain at least one domestic server “serving the inspection, storage, and provision of information at the request of competent authorities.” The decree gave users themselves the ambiguous right to “have their personal information kept confidential in accordance with law.” Implementation is at the discretion of ministers, heads of ministerial agencies and governmental agencies, the provincial People’s Committees, and “relevant organizations and individuals”, leaving anonymous and private communication subject to invasion from almost any authority in Vietnam in the future. There has been no known case where the Decree was applied so its consequences are unknown.

Real-name registration is not required to blog or post online comments, and many Vietnamese do so anonymously. However, Vietnamese authorities do monitor online communication and dissident activity. Cybercafe owners are required to install software to track and store information about their clients’ online activities, and citizens must also provide ISPs with government-issued documents when purchasing a home internet connection.⁴⁹ In late 2009, the MIC requested all prepaid mobile phone subscribers register their ID details with the operator and limited each to three numbers per carrier.⁵⁰ As of 2015, however, the registration process is not linked to any central database and could be circumvented using a fake ID.⁵¹ Pay-per-use, called “throw away” or “one off” SIM cards, can be easily purchased without IDs.

Intimidation and Violence

In addition to imprisonment, bloggers and online activists have been subjected to physical attacks, job loss, severed internet, travel restrictions, and other rights violations. On November 2, 2014, former prisoner of conscience and freelance journalist Truong Minh Duc was ambushed and beaten until he lost consciousness by eight police officers in plain clothes, the third of such incidents target-

46 Morgan Marquis-Boire et al., “You Only Click Twice: FinFisher’s Global Proliferation,” Citizen Lab, March 13, 2013, <http://bit.ly/1grgVFd>.

47 “SIM rác vẫn vô tư bày bán,” [Throw away SIM cards still freely available] *Lao Động Newspaper*, October 16, 2014, <http://bit.ly/1M7RW9O>.

48 “Decree No. 72/2013/ND-CP.”

49 “Internet Censorship tightening in Vietnam,” *Asia News*, June 22, 2010, <http://bit.ly/1yJgoHk>.

50 Phong Quan, “Sim Card Registration Now Required in Vietnam,” *Vietnam Talking Points*, January 16, 2010, <http://bit.ly/1M7SsVj>.

51 “Quản lý thuê bao di động trả trước: Chuyện không dễ,” [Managing Prepaid Mobile Subscribers Isn’t Easy] *Vinhphuc*, January 14, 2013, <http://bit.ly/1EQ4f4r>.

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ing rights campaigners within a two month period.⁵² In January 2015, 12 bloggers and right activists were assaulted by anonymous thugs as they were visiting a fellow activist.⁵³

On April 30, 2015, the 40th anniversary of the end of the Vietnam War, bloggers and activists were placed under close surveillance, subjected to intimidation and, in some cases, assaulted. House arrest measures were reinforced; independent reporters—including Pham Chi Dung, who is on the Reporters Without Borders list of “information heroes” —were prevented from covering the celebrations.⁵⁴ Finally, on May 11, 2015, blogger and activist Nguyen Chi Tuyen, most recently active in protests against government’s tree felling in Hanoi, was beaten brutally by thugs, hospitalizing him.⁵⁵

Technical Attacks

Activists in Vietnam and abroad have been the target of systematic cyberattacks.⁵⁶ When activity was first documented in 2009, the attackers used Vietnamese-language programs to infect computers with malicious software to carry out distributed denial-of-service (DDoS) attacks on blogs and websites perceived as critical of the government. Google estimated that “potentially tens of thousands of computers” were affected,⁵⁷ but Vietnamese authorities took no steps to find or punish the attackers.⁵⁸

Activists today are subject to account takeovers, where spear-phishing emails disguised as legitimate content carry malware which can breach the recipient’s digital security to access private account information. In 2013, attackers seized control of a handful of important alternative blogs, including websites *Anh Ba Sam*, *Que Choa*, and blogs written by activists Xuan Dien, Huynh Ngoc Chanh, and others.⁵⁹ It is common for sites to post a list of alternative URLs in case the current one is hacked.

Starting in 2013, attacks using malware to spy on journalists, activists and dissidents have become more personal. California-based Electronic Frontier Foundation (EFF) and Associate Press journalists have received infected emails inviting them to human right conferences or offering academic papers on the topic, indicating that the senders are familiar with the activities and interest of the receivers. According to EFF’s analysis, the detection rate for the malware is very low - only one anti-virus vendor out of a possible 47 could detect it as of January 2014.⁶⁰ In 2015, targeted personalized attacks were reported by several internet professionals in Vietnam.⁶¹

52 Reporters without Borders, “Journalist beaten unconscious by eight policemen,” November 25, 2015, <http://bit.ly/1L2zpHr>.

53 Human Right Watch, “Vietnam: Plainclothes Agents Target Rights Campaigners,” news release, January 25, 2015, <http://bit.ly/1CI0f6Q>.

54 Reporters Without Borders “Police harass information hero on Vietnam war anniversary,” April 30, 2015, <http://bit.ly/1GslirO>.

55 “Thugs Attack Vietnamese Anti-China Activist on Hanoi Street,” *Radio Free Asia*, May 11, 2015, <http://bit.ly/1Ivee4a>.

56 “Human Rights Watch, “Vietnam: Stop Cyber Attacks Against Online Critics,” news release, May 26, 2010, <http://bit.ly/1LtNLWW>.

57 Neel Mehta, “The chilling effect of malware,” *Google Online Security Blog*, March 30, 2010, <http://bit.ly/1OikX4a>.

58 Human Rights Watch, “Vietnam: Stop Cyber Attacks Against Online Critics.”

59 David Brown, “Mysterious Attack on a Vietnamese Blog,” *Asia Sentinel*, March 18, 2013, <http://bit.ly/1OTAiYV>; “Cách vào Quechoa và HM blog khi bị chặn,” [Que Choa has been hacked] *Hieu Minh Blog*, February 14, 2014, <http://bit.ly/1jKKHJV>.

60 Eva Galperin and Morgen Marquis-Boire, “Vietnamese Malware Gets Very Personal,” Electronic Frontier Foundation, January 19, 2014, <http://bit.ly/1jtmpRJ>.

61 Personal interviews, 2015.