

# Vietnam

	2013	2014		
<b>Internet Freedom Status</b>	<b>Not Free</b>	<b>Not Free</b>	Population:	89.7 million
Obstacles to Access (0-25)	14	14	Internet Penetration 2013:	44 percent
Limits on Content (0-35)	28	28	Social Media/ICT Apps Blocked:	No
Violations of User Rights (0-40)	33	34	Political/Social Content Blocked:	Yes
<b>TOTAL* (0-100)</b>	<b>75</b>	<b>76</b>	Bloggers/ICT Users Arrested:	Yes
			Press Freedom 2014 Status:	Not Free

\* 0=most free, 100=least free

## Key Developments: May 2013 – May 2014

- With at least 31 behind bars, Vietnam continued to be one of the world's worst jailers of netizens in 2014 (see **Violations of User Rights**).
- Article 258 of the penal code (abuse of freedoms to infringe on state interests) was increasingly used to arrest bloggers (see **Violations of User Rights**).
- Decree 174, in effect since January 2014, could punish antistate comments on social media with fines up to \$4,700 (see **Violations of User Rights**).
- Sophisticated malware targeting Vietnamese activists and their supporters worldwide coincided with website blocking and blogger arrests (see **Violations of User Rights**).

## Introduction

Internet freedom showed no improvement during the coverage period of this report, even as Vietnam became a member of the UN Human Rights Council in December 2013. The ruling Vietnamese Communist Party (VCP) has long feared that the internet and social media could challenge its political monopoly, but appeared more wary of international censure for its online policies in the past, notably easing harassment of digital activists between 2004 and 2006 while the country hosted an Asia-Pacific Economic Cooperation summit and joined the World Trade Organization.

The past two years saw no such moderation. While still investing in information and communication technologies (ICTs), the government has doubled the number of netizens behind bars since 2011.<sup>1</sup> By 2014, Vietnam had imprisoned more bloggers than any country in the world except China.<sup>2</sup> Several are serving sentences longer than a decade in conditions so poor that at least two went on hunger strike during the coverage period of this report. The legal framework for restricting online dissent has also tightened. The oppressive Decree 72 on internet management which came into effect in September 2013 intensified content restrictions for domestic internet users, but also required international internet companies to establish at least one server in the country, subject to local law and oversight. It was followed just months later by Decree 174, which threatens authors of antigovernment comments on social media with fines of US\$4,700.

For some years, Vietnamese activists have been the target of sophisticated cyberattacks. In 2014, researchers found that a progovernment squad of hackers, active since 2009, targeted at least one civil society group and at least one news organization writing about Vietnam, as well as Vietnamese bloggers overseas. The malicious software used in the attacks was advanced enough to evade detection by almost all commercial antivirus programs, and sent from servers in locations around the world.

## Obstacles to Access

Internet penetration was at 44 percent in 2013.<sup>3</sup> Vietnam also ranked 88th on a global ICT development index, higher than regional neighbors with a larger gross domestic product like Thailand, Indonesia, and the Philippines.<sup>4</sup>

Vietnam does not report figures for computer literacy, but the 93 percent overall literacy rate has helped equip the adult population to use computers.<sup>5</sup> In large cities, the internet has surpassed newspapers as the most popular source for information.<sup>6</sup> Wi-Fi connections are free in many urban

1 "‘Taking-off Strategy,’ Does it Stepping Up the Development of the ICT Industry in Vietnam?" *Business in Asia*, accessed June, 2012, [http://www.business-in-asia.com/vietnam/vietnam\\_ict.html](http://www.business-in-asia.com/vietnam/vietnam_ict.html).

2 Reporters Without Borders, "2013: Netizens Imprisoned," <http://bit.ly/Wsi72Y>.

3 International Telecommunication Union, "Percentage of Individuals Using the Internet, 2000-2013," <http://bit.ly/14IlykM>. We Are Social, "Social, Digital and Mobile in APAC 2014," <http://wearesocial.net/blog/2014/01/social-digital-mobile-apac-2014/>.

4 International Telecommunication Union, "Measuring the Information Society," 2013, [http://www.itu.int/en/ITU-D/Statistics/Documents/publications/mis2013/MIS2013-exec-sum\\_E.pdf](http://www.itu.int/en/ITU-D/Statistics/Documents/publications/mis2013/MIS2013-exec-sum_E.pdf).

5 UNICEF, "At a Glance: Vietnam," accessed July 2013, [http://www.unicef.org/infobycountry/vietnam\\_statistics.html](http://www.unicef.org/infobycountry/vietnam_statistics.html).

6 "Tình hình sử dụng Internet tại Việt Nam 2011" [The Situation of Internet Use in Vietnam in 2011], VNVIC, August 3, 2011, <http://vnvic.com/tin-tuc-cong-nghe/140-tinh-hinh-su-dung-internet-tai-viet-nam-2011.html>.

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spaces such as airports, cafes, restaurants, and hotels, and city-wide in some tourist destinations. Cybercafes, though affordable for most urban dwellers,<sup>7</sup> provide access for just 36 percent of internet users, and almost 90 percent of citizens can access the internet in their homes and workplaces, 2012 research shows.<sup>8</sup> While access is more limited for the 70 percent of the population living in rural areas, with ethnic minorities and remote, impoverished communities especially disadvantaged, the research documented a remarkable 95 percent of citizens aged 15 to 24 with internet access nationwide. In a country where 50 percent of the population is under 30, this is a promising trend.<sup>9</sup> Monthly access starts around \$12 per month.<sup>10</sup>

Vietnam's mobile penetration was estimated at 131 percent in 2013, based on VNPT figures.<sup>11</sup> Fifty-six percent of users accessed the internet via a mobile device in 2012, almost double the number in 2011.<sup>12</sup> The growth of mobile phone penetration slowed significantly in 2013, as new policies discouraged people from buying new SIM cards.<sup>13</sup> Despite this, the third-generation (3G) network operating since 2009 is growing fast. As of October 2013, Vietnam has 19 million 3G users, up from 3 million in 2011.<sup>14</sup> Vietnam still has no strategy to introduce a 4G network.

The three biggest internet service providers (ISPs) are the state-owned Vietnam Post and Telecommunications (VNPT), which controls 63 percent of the market; the military-owned Viettel (9 percent); and the private FPT (22 percent).<sup>15</sup> VNPT and Viettel also own the three largest mobile phone service providers in the country (MobiFone, VinaPhone, and Viettel), which serve 93 percent of the country's subscriber base, while three private companies share the remainder.<sup>16</sup> Informal barriers prevent new companies without political ties or economic clout from entering the market. Similarly, there is a concentration of internet exchange providers, which serve as gateways to the international internet; four out of six are state or military-owned.<sup>17</sup>

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 nontransparent manner. In 2008, the MIC created the Administrative Agency for Radio, Tele-

7 "Việt Nam: 20% không tin tưởng thông tin trên Internet" [Vietnam: 20% Do Not Trust Information on the Internet], *PA News*, April 15, 2010, <http://news.pavietnam.vn/archives/1547>.

8 We Are Social, "Social, Digital and Mobile in Vietnam," October 30, 2012, <http://bit.ly/Stwb8z>.

9 "Điều tra biến động dân số và kế hoạch hóa gia đình thời điểm 1/4/2012" [Survey of population changes and family planning, at 1 Apr 2012], General Statistics Office, December 2012.

10 See FPT price list, consulted April 2014: <http://internetfpt.org/lap-dat-internet-fpt.html>.

11 International Telecommunication Union, "Mobile-cellular Telephone Subscriptions, 2000-2013."

12 Thankiu, "Cimigo Net Citizens Report 2012," <http://bit.ly/164vsBy>.

13 "Tăng trưởng thuê bao di động giảm mạnh" [Growth of mobile subscription slows down], *Saigon Times*, July 22, 2013, <http://www.thesaigontimes.vn/home/congnghe/toancah/99727/>.

14 "Three Vietnam Telcos hike 3G fees – again," *Thanh Nien News*, October 17, 2013, <http://www.thanhniennews.com/2010/pages/20131017-three-telcos-hike-3g-fees-again.aspx>.

15 "Thị trường Internet cũng sẽ có những vụ sáp nhập?" [Will the Internet Market see Mergers?], *ICTNews*, September 21, 2012, <http://ictnews.vn/home/Internet/77/Thi-truong%2%A0Internet-cung-se-co-nhung-vu-sap-nhap/105064/index.ict>.

16 GSMA Intelligence, "3G growth stalls in Vietnam."

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

vision, 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.<sup>18</sup>

## Limits on Content

*Decree 72 on internet management, introduced in 2013, was the latest in a series of regulations that heavily restrict political commentary and instill self-censorship in an otherwise diverse and lively online community. It was followed by Decree 174, effective since January 2014, which threatens harsh fines for government criticism on social media. While content limits are nothing new in Vietnam, online content today is also subject to manipulation, and officials acknowledged paying commentators for the first time in 2013.*

While the VCP has fewer resources to devote to online content control than its counterpart in China, authorities have nonetheless 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. Different ISPs use different techniques to inform customers of their compliance. While some notify users when an inaccessible site has been deliberately blocked, others post an apparently benign error message.<sup>19</sup>

Researchers have found that Vietnamese ISPs do not block pornography.<sup>20</sup> Blocking primarily targets topics with the potential to threaten the VCP's 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 Buddhism, Roman Catholicism, and the Cao Dai religious 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*, *Anh Ba Sam* or *Dien Dan Xa Hoi Dan Su*.

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.<sup>21</sup> There is no avenue for managers of blocked websites to appeal censorship decisions.

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. The authorities are not known to have instituted restrictions on email or SMS content.

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

19 OpenNet Initiative, "Update on Threats to Freedom of Expression Online in Vietnam," September 10, 2012, <http://opennet.net/blog/2012/09/update-threats-freedom-expression-online-vietnam>.

20 OpenNet Initiative, "Update on Threats to Freedom of Expression Online in Vietnam."

21 OpenNet Initiative, "Update on Threats to Freedom of Expression Online in Vietnam."

The unpredictable and nontransparent ways in which topics become forbidden make it difficult for users to know what might be off-limits, and many self-censor. Bloggers and forum administrators commonly disable commenting functions to prevent controversial discussions. The party's Department for Culture and Ideology and the MPS regularly instruct online newspapers or portals to remove content they perceive as problematic. Editors and journalists who post such content risk disciplinary warnings, job loss, or imprisonment.

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.<sup>22</sup> Blogging platforms were instructed to remove this “harmful” content, report to the government every six months, and provide information about individual bloggers upon request.<sup>23</sup> Decree 02 followed in 2011, giving authorities power to penalize journalists and 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.<sup>24</sup>

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, extended this repressive trend, replacing “blogs” with “social networks” to encompass more online platforms.<sup>25</sup> Article 5 limits overbroad categories of online activity including “opposing the Socialist Republic of Vietnam,” inciting violence, revealing state secrets, and providing false information.

Decree 72 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 also mandates that companies maintain at least one domestic server “serving the inspection, storage, and provision of information at the request of competent authorities.” Social networks are instructed to “provide personal information of the users related to terrorism, crimes, and violations of law” on request. It holds cybercafe owners responsible if their customers are caught surfing “bad” websites.<sup>26</sup> It did not outline what penalties non-compliant companies could face, and how the decree might be enforced remains unclear.

Finally, in November 2013, the government issued Decree 174, which came into effect in January 2014. The decree introduced administrative fines of VND 100 million (\$4,700) for anyone who “criticizes the government, the Party or national heroes” or “spreads propaganda and reactionary

22 OpenNet Initiative, “Vietnam,” August 7, 2012, <https://opennet.net/research/profiles/vietnam>; The Government, “Decree No 97/2008/ND-CP of August 28, 2008,” *Official Gazette* 11-12, August 2008, <http://english.mic.gov.vn/vbqpp/Lists/Vn%20bn%20QPPL/Attachments/6159/31236373.PDF>; Ministry of Information and Communications, “Circular No. 07/2008/TT-BTTTT of December 18, 2008,” *Official Gazette* 6-7, January 2009, <http://english.mic.gov.vn/vbqpp/Lists/Vn%20bn%20QPPL/Attachments/6145/23434370.pdf>.

23 Karin Deutsch Karlekar, ed., “Vietnam,” *Freedom of the Press 2009* (New York: Freedom House, 2009).

24 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://www.article19.org/data/files/pdfs/analysis/comment-on-the-decree-no.-02-of-2011-on-administrative-responsibility-for-pr.pdf>; “Decree 02/2011/ND-CP” [in Vietnamese], January 6, 2011, available at Committee to Protect Journalists, <http://cpj.org/Vietnam%20media%20decree.pdf>.

25 “Decree No. 72/2013/ND-CP, dated July 15, 2013 of the Government on Management, Provision and Use of Internet Services and Online Information,” *Luật Minh Khuê*, <http://luatminhkhue.vn/copyright/decree-no-72-2013-nd-cp.aspx>.

26 OpenNet Initiative, “Update on Threats to Freedom of Expression Online in Vietnam.”

ideology against the state” on social media.<sup>27</sup> These will be applied to offenses not serious enough to merit criminal prosecution. The decree outlined additional fines for violations related to online commerce.<sup>28</sup>

Besides expanding censorship, the government has adopted new measures 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.”<sup>29</sup> Some blogs which criticize high-profile party members, such as *Quan Lam Bao*, have attracted criticism for reflecting internal power dynamics rather than objective opinion.

Despite government restrictions, Vietnam’s internet is vibrant and offers a diversity of content in the Vietnamese language. YouTube, Twitter, and international blog-hosting services such as Blogger or WordPress are freely available and growing in popularity. Facebook, which faced sporadic—and officially unacknowledged—blocks in 2010 and 2011, was largely accessible in 2014, though still required circumvention tools to access in some cases. Facebook overtook local competitor Zing for the first time in 2012, and had more than double the number of Vietnamese subscribers by May 2013.<sup>30</sup>

Although most blogs and social media pages address 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. Websites such as *Anh Ba Sam*, *Que Choa* or *Bauxite Vietnam* react quickly to sociopolitical events and were influential in mobilizing demonstrations in Hanoi and Ho Chi Minh City against China’s claim to the Parcel and Spratly Islands in 2011.<sup>31</sup> In 2012, blogs played an important role in rallying public opinion and providing evidence against local authorities who seized agricultural land from farmers.<sup>32</sup> In 2013, LGBT activists used social media to show support for same-sex marriage.<sup>33</sup>

## Violations of User Rights

*Over the last five years, Vietnam has subjected bloggers and online writers to interrogation, imprisonment, and physical abuse, a repressive trend that intensified in 2013 and 2014. Sentences handed down in cursory trials, which are often closed to the press, are getting longer. Three bloggers were detained under Article 258 of the penal code—abusing freedom to threaten the state—within the space*

27 Decree 174/2013/NĐ-CP, Central database of Ministry of Justice, November 13, 2013, <http://vbpl.vn/TW/Pages/vbpbq-van-ban-goc.aspx?ItemID=32615>.

28 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/>.

29 “Vietnam Admits Deploying Bloggers to Support the Government”, BBC, January 11, 2013, <http://www.bbc.co.uk/news/world-asia-20982985>.

30 “71.4% người dùng Internet tại Việt Nam sử dụng Facebook” [71.4% Internet users in Vietnam use Facebook], *ICT News*, September 23, 2013, <http://ictnews.vn/internet/71-4-nguoi-dung-internet-tai-viet-nam-su-dung-facebook-111922.ict>.

31 “Người biểu tình Thu Hằng bị đưa vào trại” [Demonstrator Thu Hang Sent to Camp], BBC Vietnamese, December 9, 2011, [http://www.bbc.co.uk/Vietnamese/vietnam/2011/12/111209\\_bui\\_hang\\_arrested.shtml](http://www.bbc.co.uk/Vietnamese/vietnam/2011/12/111209_bui_hang_arrested.shtml).

32 Stuart Grudgings, “Web Snare Vietnam as Bloggers Spread Protests Over Land,” Reuters, August 19, 2013, <http://www.reuters.com/article/2012/08/19/us-vietnam-bloggers-idUSBRE87I09I20120819>.

33 “Hàng nghìn bạn trẻ ủng hộ LGBT nói tôi đồng ý”, Vietnam Plus, October 27, 2013, <http://www.vietnamplus.vn/hang-nghin-ban-tre-ung-ho-lgbt-noi-toi-dong-y/227215.vnp>.

*of two months in mid-2013. Hackers have targeted Vietnamese antigovernment activists since 2009. In 2014, analysis of recent cyberattacks showed them diversifying targets as well as technology to suppress criticism of the Vietnamese state, and increasingly combining with more openly acknowledged official tactics like online manipulation and website blocking.*

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 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.<sup>34</sup> 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.

Reporters Without Borders counted 31 netizens imprisoned in Vietnam as of April 2014, compared to 17 in 2011.<sup>35</sup> This significant jump was fuelled by a January 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.<sup>36,37</sup> The sentences ranged from 3 years in prison followed by 2 years under house arrest to 13 years' imprisonment and 3 years' house arrest.<sup>38</sup>

Sentences continued to be passed during the coverage period. In May 2013, two students, Nguyen Phuong Uyen, 21, and Dinh Nguyen Kha, 25, who were arrested in October 2012 for disseminating antigovernment materials in public places and online, were jailed for 6 and 8 years respectively. Citing the indictment, Reporters Without Borders said they had been accused of contact with an overseas dissident over Facebook.<sup>39</sup> An appeals court later reduced the sentences to 3 years' probation for Uyen and 4 years' imprisonment for Kha.<sup>40</sup> Lawyer and blogger Le Quoc Quan, who was arrested in December 2012 shortly after the BBC Vietnamese service published one of his articles on its website, was sentenced in October 2013 to 30 months in prison and a fine of VND 1.2 billion (\$57,000) for tax evasion, a charge frequently trumped up by the government to silence dissidents.<sup>41</sup>

34 Reporters Without Borders, "Internet Enemies: Vietnam."

35 Reporters Without Borders, <http://en.rsf.org/report-vietnam,85.html>.

36 Committee to Protect Journalists, "Bloggers imprisoned in mass sentencing in Vietnam," news alert, January 9, 2013, <http://www.cpj.org/2013/01/10/bloggers-imprisoned-in-mass-sentencing-in-vietnam.php>.

37 Seth Mydans, "Activists Convicted in Vietnam Crackdown on Dissent," *New York Times*, January 9, 2013, [http://www.nytimes.com/2013/01/10/world/asia/activists-convicted-in-vietnam-crackdown-on-dissent.html?\\_r=0](http://www.nytimes.com/2013/01/10/world/asia/activists-convicted-in-vietnam-crackdown-on-dissent.html?_r=0).

38 "Long Prison Terms For 'Dissident' Vietnam Bloggers," *Global Voices Online*, January 12, 2013, <http://globalvoicesonline.org/2013/01/12/long-prison-terms-for-dissident-vietnam-bloggers/>.

39 Reporters Without Borders, "Appeal Court Upholds Jail Time For Five Bloggers," May 23, 2013, [http://en.rsf.org/vietnam-appeal-court-upholds-jail-time-for-23-05-2013,44666.html?utm\\_source](http://en.rsf.org/vietnam-appeal-court-upholds-jail-time-for-23-05-2013,44666.html?utm_source).

40 "Sinh viên Phương Uyên hưởng án treo" [Student Phuong Uyen get probation], BBC, August 16, 2013, [http://www.bbc.co.uk/vietnamese/vietnam/2013/08/130816\\_uyen\\_kha\\_appeal.shtml](http://www.bbc.co.uk/vietnamese/vietnam/2013/08/130816_uyen_kha_appeal.shtml).

41 Committee to Protect Journalists, "Vietnamese Blogger Jailed on Tax Evasion Charges," October 4, 2013, <https://cpj.org/2013/10/vietnamese-blogger-jailed-on-tax-evasion-charges.php>.

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Arrests were also ongoing, particularly under Article 258. Police arrested blogger Truong Duy Nhat in May 2013.<sup>42</sup> Two arrests on the same charge followed in June, targeting the prominent 61-year-old Pham Viet Dao, who wrote about sensitive issues such as the territorial disputes with China,<sup>43</sup> and blogger Dinh Nhat Uy, who is Dinh Nguyen Kha's brother.<sup>44</sup> In October, after a four-hour trial, Uy was sentenced to one year on probation.<sup>45</sup> In March 2014, Pham Viet Dao was sentenced to 15 months in prison;<sup>46</sup> Truong Duy Nhat was given two years.<sup>47</sup> On May 5, 2014, blogger Nguyen Huu Vinh, who writes *Anh Ba Sam*, was arrested on the same charge.<sup>48</sup>

Two of the longest-serving bloggers went on separate hunger strikes during the coverage period of this report to protest against their prison conditions. Nguyen Van Hai, who writes under the pen name Dieu Cay ("Peasant's Pipe") was kept in detention after completing a two and a half year prison term for alleged tax evasion in 2010, then sentenced to an additional 12 years in prison and 5 years under house arrest for "activities against the government" in 2012.<sup>49</sup> Through his blog, he has been a vocal critic of the government's human rights record and an advocate for Vietnamese sovereignty over the Spratly Islands. He refused to eat for more than a month in July 2013 until authorities agreed to investigate his petitions protesting abusive treatment.<sup>50</sup> The New York-based Committee to Protect Journalists honored him in absentia with an International Press Freedom Award in October 2013.<sup>51</sup> Another vocal online dissident, Cu Ha Huy Vu, went on hunger strike for three weeks in June. He is serving a sentence of seven years in prison and three years house arrest handed down in a 2011 trial that was closed to the public.<sup>52</sup> He was released early in April 2014.<sup>53</sup>

In addition to imprisonment, bloggers and online activists have been subjected to physical attacks, job loss, severed internet, travel restrictions, and other rights violations. During the coverage period of this report, several bloggers were harassed for organizing and participating in public events, including a series of incidents in May 2013. Police in Hanoi, Nha Trang, and Ho Chi Minh City beat bloggers who took part in picnics around the country, arranged via Facebook for people interested

42 Committee to Protect Journalists, "Vietnamese Blogger Detained on Anti-State Charges," news alert, May 30, 2013, <http://cpj.org/2013/05/vietnamese-blogger-detained-on-anti-state-charges.php>.

43 Committee to Protect Journalists, "Prominent Vietnam blogger arrested in Hanoi," news alert, June 14, 2013, <http://cpj.org/2013/06/prominent-vietnam-blogger-arrested-in-hanoi.php>.

44 "Confidence Tricks," *Economist*, June 22, 2013, <http://www.economist.com/news/asia/21579883-repression-fierce-self-criticism-mild-confidence-tricks>.

45 "Vietnam: Drop Charges Against Internet Activist," Human Right Watch, October 28, 2013, <http://www.hrw.org/news/2013/10/28/vietnam-drop-charges-against-internet-activist>.

46 "Vietnam Jails Blogger for Critical Posts," Al Jazeera, March 19, 2014, <http://www.aljazeera.com/news/asia-pacific/2014/03/vietnam-jails-blogger-critical-posts-20143197839471148.html>.

47 "Vietnam Jails Ex-journalist Over Anti-government Blog," Reuters, March 4, 2104, <http://in.reuters.com/article/2014/03/04/vietnam-court-idINL3NOM13KF20140304>.

48 "Reason to arrest Anh Ba Sam", *Tuoi Tre*, May 9, 2014, <http://tuoitre.vn/Chinh-tri-xa-hoi/Phap-luat/606530/ly-do-bat-anh-ba-sam.html>.

49 "Y án với Điều Cày và Tạ Phong Tần" [Sentences uphold for Dieu Cay and Ta Phong Tan], BBC Vietnamese, December 28, 2012, [www.bbc.co.uk/vietnamese/vietnam/2012/12/121228\\_xu\\_khang\\_an\\_dieu\\_cay.shtml+&cd=10&hl=vi&ct=clnk&gl=vn](http://www.bbc.co.uk/vietnamese/vietnam/2012/12/121228_xu_khang_an_dieu_cay.shtml+&cd=10&hl=vi&ct=clnk&gl=vn).

50 Reuters, "Jailed Vietnam Blogger Ends Hunger Strike After 5 Weeks," via Voice of America, August 3, 2013, <http://www.voanews.com/content/reu-jailed-vietnam-blogger-ends-hunger-strike-after-5-weeks/1722847.html>.

51 Sumit Galhotra, "A Daughter's Plea for her Father's Freedom in Vietnam," *CPJ Blog*, November 21, 2013, <http://www.cpj.org/blog/2013/11/a-daughters-plea-for-her-fathers-freedom-in-vietna.php>.

52 Reporters Without Borders, "Prime Minister Urged to Free All Imprisoned Bloggers and Journalists," September 1, 2011, <http://en.rsf.org/vietnam-prime-minister-urged-to-free-all-01-09-2011.40879.html>.

53 "Vietnamese Dissident Arrives in US after Early Release from Prison," Voice of America, April 8, 2014, <http://www.voanews.com/content/vietnamese-dissident-arrives-in-us-after-early-release-from-prison/1888486.html>.

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in human rights.<sup>54</sup> In Saigon, blogger Nguyen Hoang Vi documented her mother and sister's facial abrasions after police attacked their picnic.<sup>55</sup> In May, at least one internet user attending a dissident trial reported on Facebook that an officer outside the court punched him in the chest.<sup>56</sup> The same month, blogger Huynh Ngoc Chanh, recipient of the 2013 Global Netizen Prize from Reporters Without Borders and Google, was denied permission to leave the country.<sup>57</sup> Beatings and harassment continued in Ho Chi Minh City in December 2013 during a celebration of International Human Rights Day.<sup>58</sup>

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.<sup>59</sup> 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.<sup>60</sup> As of 2014, however, the registration process is not linked to any central database and could be circumvented using fake ID.<sup>61</sup>

Decree 72 requires all providers—and social networks in particular—to provide user information to “competent authorities” on request, but lacks procedures or oversight to discourage intrusive registration or data collection.<sup>62</sup> 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 coming years.

In 2013, Citizen Lab, a research group based in Canada, identified FinFisher software on servers in 25 countries worldwide, including Vietnam.<sup>63</sup> 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 such as contacts, text messages, and emails without per-

54 “*Dã ngoại nhân quyền tại Việt Nam*” [Human rights picnic in Vietnam], BBC, May 5, 2013, [http://www.bbc.co.uk/vietnamese/vietnam/2013/05/130505\\_human\\_right\\_display\\_vn.shtml](http://www.bbc.co.uk/vietnamese/vietnam/2013/05/130505_human_right_display_vn.shtml).

55 “Human Rights Picnic Follow Up Report: Bloggers in Saigon Violently Beaten,” *Dan Lam Bao*, May 8, 2013, <http://danlambaovn.blogspot.fr/2013/05/human-rights-picnic-follow-up-report.html#.UukQMfnIZu1>.

56 Reporters Without Borders, “Appeal Court Upholds Jail Time For Five Bloggers.”

57 “Blogger Huynh Ngoc Chanh bị cấm đi Mỹ” [Blogger Huynh Ngoc Chanh was denied travel to the US], BBC, May 10, 2013, [http://www.bbc.co.uk/vietnamese/vietnam/2013/05/130510\\_blogger\\_huynh\\_ngoc\\_chanh\\_bi\\_cam\\_xuat\\_canh.shtml](http://www.bbc.co.uk/vietnamese/vietnam/2013/05/130510_blogger_huynh_ngoc_chanh_bi_cam_xuat_canh.shtml).

58 “Bloggers bị đánh đập dã man tại Sài Gòn: một cái tát vào Hội đồng Nhân quyền LHQ”, [Bloggers were beaten up brutally in Saigon], Radio Free Asia, December 10, 2013, [http://www.rfa.org/vietnamese/in\\_depth/poli-secur-beat-blogg-12102013084007.html](http://www.rfa.org/vietnamese/in_depth/poli-secur-beat-blogg-12102013084007.html); Reporters Without Borders, “Vietnam - Police use violence against bloggers at human rights picnics,” *Trust*, May 10, 2013, <http://www.trust.org/item/20130508094839.0000-puhmi>.

59 “Internet Censorship Tightening in Vietnam,” *Asia News*, June 22, 2010, <http://www.asianews.it/news-en/Internet-censorship-tightening-in-Vietnam-18746.html>.

60 Phong Quan, “Sim Card Registration Now Required in Vietnam,” Vietnam Talking Points, January 16, 2010, <http://talk.onevietnam.org/sim-card-registration-now-required-in-vietnam/>

61 “Quản lý thuê bao di động trả trước: Chuyện không dễ,” [Managing Prepaid Mobile Subscribers Isn't Easy], *Vinhphuc*, January 14, 2013, [http://www.vinhphuc.vn/ct/cms/Convert/thiahanpl/Lists/tintuc/View\\_Detail.aspx?ItemID=10](http://www.vinhphuc.vn/ct/cms/Convert/thiahanpl/Lists/tintuc/View_Detail.aspx?ItemID=10).

62 “Decree No. 72/2013/ND-CP”

63 Morgan Marquis-Boire et al., “You Only Click Twice: FinFisher's Global Proliferation,” Citizen Lab, March 13, 2013, <https://citizenlab.org/2013/03/you-only-click-twice-finishers-global-proliferation-2/>.

mission from other computers. Citizen Lab noted that the presence of such a server did not prove who was running it, though it is marketed to governments.

Activists in Vietnam and abroad have been the target of systematic cyberattacks since 2009.<sup>64</sup> When their activity was first documented, 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 attacking the government. Google estimated that “potentially tens of thousands of computers” were affected,<sup>65</sup> but Vietnamese authorities took no steps to find or punish the attackers.<sup>66</sup>

Since then, the hackers’ methods have evolved, though their targets remain the same. 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.<sup>67</sup> It is common for sites to post a list of alternative URLs in case the current one is hacked. In January 2014, researchers revealed that at The Associated Press newswire and the U.S.-based nonprofit Electronic Frontier Foundation had also been targeted—for coverage of Vietnam—by malicious hackers spending “tens of thousands of dollars” to launch attacks from servers around the world.<sup>68</sup> Analyzing the suspicious emails, the California-based Electronic Frontier Foundation said the group responsible appeared to have been operating since late 2009, though their malware was advanced, detectable by only one of nearly fifty antivirus vendors.<sup>69</sup>

Attacks sometimes coincide with abusive comments debasing the site’s content, a hallmark of manipulated online discourse, but not traceable to state actors. In the past year, they corresponded with more official controls such as website blocking and arrests. A California-based blog was hacked in 2013. Once the owner, Ngoc Thu, regained control of the site and moved it to a different URL, it was blocked by ISPs.<sup>70</sup> Blogger Truong Duy Nhat’s website became briefly inaccessible after his arrest in May 2013. When it reappeared, the blog automatically installed malware on visitors’ devices, targeting a self-selecting audience of his supporters for surveillance and future cyberattacks.<sup>71</sup>

64 Human Rights Watch, “Vietnam: Stop Cyber Attacks Against Online Critics,” news release, May 26, 2010, <http://www.hrw.org/news/2010/05/26/vietnam-stop-cyber-attacks-against-online-critics>.

65 George Kurtz, “Vietnamese Speakers Targeted in Cyberattack,” *CTO* (Blog), March 30, 2010, <http://siblog.mcafee.com/cto/vietnamese-speakers-targeted-in-cyberattack/>; Neel Mehta, “The Chilling Effect of Malware,” *Google Online Security Blog*, March 30, 2010, <http://googleonlinesecurity.blogspot.com/2010/03/chilling-effects-of-malware.html>.

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

67 David Brown, “Mysterious Attack on a Vietnamese Blog,” *Asia Sentinel*, March 18, 2013, <http://www.asiasentinel.com/politics/mysterious-attack-on-a-vietnamese-blog/>; “*Que Choa bị hack?*” [Que Choa has been hacked?], February 14, 2014, <http://hieuminh.org/2014/02/13/breaking-news-que-choa-bi-hack/>.

68 Chris Brummit, “Vietnam’s ‘Cyber Troops’ Take Fight to US, France,” Associated Press, via *Irrawaddy*, January 21, 2013, <http://www.irrawaddy.org/asia/vietnams-cyber-troops-take-fight-us-france.html>.

69 Eva Galperin and Morgan Marquis-Boire, “Vietnamese Malware Gets Very Personal,” Electronic Frontier Foundation, January 19, 2013, <https://www.eff.org/deeplinks/2014/01/vietnamese-malware-gets-personal>.

70 Chris Brummit, “Vietnam’s ‘Cyber Troops’ Take Fight to US, France.”

71 Article 19, “Vietnam: ARTICLE 19’s submission to the UN Universal Periodic Review,” June 19, 2013, <http://www.article19.org/resources.php/resource/37111/en/vietnam:-article-19-s-submission-to-the-un-universal-periodic-review>.