



## RESOLUTION ON THE SOCIALIST REPUBLIC OF VIET NAM

Since PEN International's 83rd Congress in Lviv, Ukraine, freedoms of expression, assembly and association in the Socialist Republic of Viet Nam (SRV) have deteriorated significantly.<sup>1</sup> Writers, journalists, bloggers and human rights defenders have continued to be criminalised under vaguely-worded national security laws,<sup>2</sup> while at the same time the Vietnamese authorities have sought to tighten their control on the digital sphere – seen as the last bastion of free expression in the country.

Between January – December 2017, PEN recorded 9 cases of persecution of writers in Viet Nam – be they imprisoned, detained or on trial – accounting for 10 per cent of all cases recorded in Asia and the Pacific.<sup>3</sup>

Within the SRV's legal system, the authorities have used a range of abusive tactics to suppress critical debate, such as arbitrary arrest, lengthy pre-trial detention, limiting access to legal counsel, torture while in detention, unfair trials and heavy prison sentences. Additionally, the authorities continue the practice of releasing dissidents into exile, including most recently journalist, blogger and human rights lawyer Nguyen Van Dai and activist Le Thu Ha in June 2018.

### **PEN International remains particularly concerned by the cases of:**

- **Nguyen Ngoc Nhu Quynh**, pen-name Me Nâm (Mother Mushroom), prolific blogger, environmental and human rights defender, co-founder of the Vietnamese Bloggers Network, is currently serving a 10-year sentence for 'conducting propaganda against the SRV.' In February 2018, she was transferred to a new camp at 1,200 kilometres from the city where her two children live. She has reportedly undertaken several hungerstrikes in protest against her treatment while in prison. Her health has reportedly seriously deteriorated.<sup>4</sup>

- **Tran Huynh Duy Thuc**, poet, blogger, online writer. Co-author of the banned book *The Way of Viet Nam*, he has published poems and articles on his various blogs. Arrested in May 2009, he was sentenced in January 2010 to 16 years in prison and 5 years of probationary detention for 'conducting propaganda against the SRV' and 'carrying out activities aimed at overthrowing the people's administration.' In May 2016, he was transferred to a camp, at about 1,400 kilometres from the city where his family lives. His eyesight is reported to be affected by his prison conditions. He has reportedly refused to live in exile abroad as a condition for his early release.

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<sup>1</sup> The latest annual report by Former Vietnamese Prisoners of Conscience group calls 2017 "the worst year for Vietnamese dissidents" (<http://fvpoc.org/>)

<sup>2</sup> Such as articles 79 ('activities aiming to overthrow the people's administration'), 87 ('undermining national unity policy'), 88 ('conducting propaganda against the State of the SRV'), 245 ('causing public disorder') and 258 ('abusing the rights to freedom and democracy to infringe upon the interests of the state, the rights and interests of individuals'). Penalties for such crimes range from seven years in prison to the death penalty.

<sup>3</sup> For more information, see PEN's 2017 Case List: [https://pen-international.org/app/uploads/PEN-CaseList\\_2017-FULL-v2-1UP.pdf](https://pen-international.org/app/uploads/PEN-CaseList_2017-FULL-v2-1UP.pdf).

<sup>6</sup> For more information, see PEN's 2017 Case List: [https://pen-international.org/app/uploads/PEN-CaseList\\_2017-FULL-v2-1UP.pdf](https://pen-international.org/app/uploads/PEN-CaseList_2017-FULL-v2-1UP.pdf)

- **Tran Thi Nga**, pen-name Thuy Nga, blogger, human rights defender, member of the Association of Vietnamese Women for Human Rights which supports and assists prisoners of conscience. She is known for defending the victims of illegal land grabbing. She protested against the alleged perpetrators and accomplices of a huge unprecedented marine pollution in April 2016. Tran Thi Nga was arrested on 21 January 2017. On 25 July 2017, she was sentenced to 9 years in prison and 5 years of probationary detention for ‘conducting propaganda against the SRV’. In February 2018, she was reportedly transferred to a camp more than 1,000 kilometres from the city where her two children live. She is reported to be in poor health.

On 12 June 2018, Vietnam’s National Assembly passed the Cyber Security Law that grants the Ministry of Public Security powers to seize users’ personal information from Internet Service Providers (ISPs) on security grounds. Concerns have been raised that the new law lacks the necessary procedural safeguards. This law, which comes into effect in January 2019, is likely to stifle critical voices – be they expressing concern over government policy, environmental issues, or social injustice – and limit the diversity of ideas and opinions within the public sphere.

Provisions of particular concern in the new Cyber Security Law include the following clauses - which include overbroad and vague prohibitions that would infringe on constitutionally guaranteed freedom of expression and association rights, as well as infringements of citizens’ security and privacy:

**Clause 8:** Prohibits activities that the security forces deem unacceptable. This is understood to include organising, encouraging, teaching as well as reviving historical facts, and “destroying the people’s solidarity”.

**Clause 15:** Prohibits (a) private citizens’ calls for protest, or (b) encouragement to protest “causing disturbance to the peace.”

**Clause 26:** Requires ISPs and social media companies to supply security forces with the activists’ personal information without any legal constraint or procedural safeguard.

In December 2017, the Vietnamese military also revealed that it has created *Force 47*: 10,000 cyber troops to fight “wrongful views online”<sup>5</sup> targeting news websites, Facebook pages and blogs that are deemed to contain wrongful views or anti-state propaganda.

PEN International is deeply concerned by the arrest and arbitrary detention of several persons, including bloggers and human rights defenders owing to their participation in nationwide peaceful demonstrations since June 2018.<sup>6</sup> Citizens should be free to peacefully express their opinion about the Cyber Security Law and the draft Law on “Special Administrative-Economic Zones” which would grant territorial concessions to foreign investors, for a period of 99 years.

**The Assembly of Delegates of PEN International calls on the Socialist Republic of Viet Nam:**

- To repeal the new Cyber Security Law;
- To drop all charges against and release, immediately and unconditionally, all writers, journalists and human rights activists who have peacefully exercised their freedoms of expression and association, especially Mrs. Nguyen Ngoc Nhu Quynh, Tran Huynh Duy Thuc, Mrs Tran Thi Nga and those listed in the Appendix;
- To abolish all forms of censorship and protect all citizens’ constitutionally-guaranteed rights to freely express their views, including those who disagree with or question the government;
- To end the policy of releasing imprisoned writers into enforced exile abroad;
- To guarantee the right to a fair trial with independent judges and lawyers. To improve detention conditions in forced labour camps to meet international standards and to ensure that all detainees

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<sup>5</sup> <https://tuoitrenews.vn/news/politics/20171226/vietnam-has-10000strong-cyber-troop-general/43326.html>

<sup>6</sup> <https://www.hrw.org/news/2018/06/15/vietnam-investigate-police-response-mass-protests>

receive all necessary medical care. *To facilitate* prisoners' family visits, by ensuring that all detainees are held in facilities closer to the family's place of residence;

- *To abide* by Vietnam's obligations to protect the right to freedoms of expression, association, and assembly as a signatory to the International Covenant on Civil and Political Rights (ICCPR).