



**មជ្ឈមណ្ឌលសិទ្ធិមនុស្សកម្ពុជា**  
**Cambodian Center for Human Rights**

No ...../CCHR

**His Excellency Ngo Anh Dung**  
**Ambassador of Vietnam in Cambodia**  
Embassy of Vietnam in Cambodia  
436, Monivong Blvd  
Khan Chamkarmon  
Phnom Penh  
Cambodia

Monday, 6 August 2012

**Open Letter to His Excellency Ngo Anh Dung, Vietnamese Ambassador to Cambodia, Calling for the Release of Three Dissident Vietnamese Bloggers**

Dear Ambassador,

The Cambodian Center for Human Rights ("CCHR") would like to express deep concern regarding the case and upcoming trial of three Vietnamese pro-democracy bloggers, Mr. Nguyen Van Hai, Mr. Phan Thanh Hai and Ms. Ta Phong Tan, who are scheduled to appear before the Ho Chi Minh People's Court on 7 August 2012. The three are charged under Article 88 of the Penal Code for "conducting propaganda against the state" as a result of their peaceful online criticism of the Vietnamese government. Some signs suggest that a guilty verdict has already been decided and that detainees have endured enormous pressure to confess while in pre-trial detention, where they have been held for an unacceptably long period of time.

The judicial action against the three bloggers for their roles in disseminating free news and opinion to the Vietnamese people is in violation of their rights to freedom of expression and freedom of information. Both rights are protected under Article 19 of the International Covenant on Civil and Political Rights (the "ICCPR") to which Vietnam is a state party. The action is also in breach of Article 69 of the Constitution of the Socialist Republic of Vietnam (the "Constitution"), which guarantees the freedoms of opinion, speech, press and the right to be informed. The arrest and detention of the bloggers for merely exercising their lawful rights is arbitrary in accordance with international provisions, including Article 9 of the ICCPR. Ms. Ta Phong Tan has been held for almost a year, since September 2011, and Mr. Nguyen Van Hai and Mr. Phan Thanh Hai, have been held for almost two years, since October 2010, without trial.

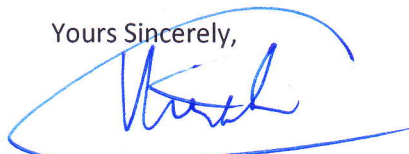
The Public Security Bureau, the People's Prosecutor's Office and the Court have reportedly already discussed the sentences that should be handed down to the three accused, insinuating that they will not be granted a fair trial by an independent judiciary, as stipulated under Article 130 of the Constitution. The trial will be closed to the public and evidence suggests that the right of the accused to be presumed innocent before proven guilty has been waived. The right to a fair and public trial is protected under Article 131 of the Constitution and under Article 14 of the ICCPR; therefore it appears that the upcoming trial will be in violation of international and domestic law.

On 6 July 2012, the United Nations Human Rights Council (the "UNHRC") adopted a new resolution on The Promotion, Protection and Enjoyment of Human Rights on the Internet. The purpose of the resolution is to affirm that human rights and freedoms also apply online. The case against these three pro-democracy bloggers is therefore completely inconsistent with international trends moving to protect online freedoms. Also contrary to international trends is the Vietnamese government's intention to adopt a new *Decree on Management, Provision, and Use of Internet Services and Information on the Network*, which will strengthen the apparatus to censor and criminalize online expression. The Vietnamese government recently indicated plans to seek a seat on the UNHRC.

The crackdown on online expression and the judicial harassment of Vietnamese bloggers is part of a worrying regional tendency towards strict Internet censorship emulating that imposed by the Chinese government. The Royal Government of Cambodia recently announced the planned adoption of a Cyber Law to prevent the 'spreading of false information' while Thailand's restrictive law, the 2007 Computer Crimes Act, takes harsh measures to prevent the dissemination of 'prohibited' information online.

To demonstrate commitment to freedom of expression and online freedoms, CCHR calls upon your Embassy to do all in its power to have charges against the three bloggers dropped and to have their freedom restored immediately, in accordance with international and Vietnamese domestic law.

Yours Sincerely,



Ou Virak, President  
The Cambodian Center for Human Rights (CCHR)  
Phnom Penh, Cambodia