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Background Briefing:

Vietnam: Ministry of Public Security Wants to Ban Public Use of Audio and Video Recordings

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Radio Free Asia reported that Vietnam's Ministry of Public Security is backing a bill to ban the use of audio and video recording files (see Appendix).

We request your assessment of the following questions:

Q1. What do you make of this move? Why do you the Ministry of Public Security (MPS) are concerned about audio and video recordings?

ANSWER: The Ministry of Public Security (MPS) supports this bill because they want to prevent public incidents from being recorded by private individuals and then broadcast on the internet. It is no secret to them that public use of videos and tape recording in the United States as well as Vietnam have documented excessive use of force by police against suspects. Several videos have led to public outrage in the United States and have resulted in disciplinary action against the police officials involved. The Ministry of Public Security does not want any independent challenge to its version of the facts and in particular does not want any of their officers to be publicly identified for wrongdoing.

Q2. The bill has been attacked from all sides, meaning it could be watered down when it becomes law. But what does the intent of this bill tell you about why the authorities are wary of public scrutiny?

ANSWER: Vietnamese society is changing faster than the police culture nurtured for decades by the Ministry of Public Security. Public scrutiny would act as an independent check on the powers of the MPS whereas the MPS operates from a culture of relative impunity. The MPS wants to control how the public actions of its officers are portrayed. Things will only be more difficult for the MPS when public filming and recording of police actions becomes routine. This will result in public pressure to curb abuses and punish police officials who abuse the law through intimidation and excessive use of force. Probably the greatest fear is that informal networks will develop to monitor the MPS.

Q3. Instead of wasting time coming up with such an infeasible law, what do you think the authorities should have done in hindsight?

ANSWER: In some foreign countries the police are required to video record all their activities either with cameras mounted on their patrol cars or on the officers'

uniforms. This serves to restrain the police from excessive use of force and to gather evidence that may be used against suspects. Vietnam's MPS could have moved in this direction to win public support. Second, the public wants to record police wrongdoing to protect themselves, the MPS should have responded to growing concerns by better training of its officers and better control over their public behaviour. Finally, the MPS could have begun a program asking the public to provide photographs, videos and recordings on an incident to help the police gather and assess evidence. In other words, the MPS could have worked to change its culture from impunity against the public to working with the public to ensure fair law and order.

APPENDIX

Vietnam's Security Ministry Pushes Draft Bill Banning Use of Recording Devices

Radio Free Asia (RFA), April, 13, 2017

Vietnam's Ministry of Public Security has proposed a draft bill banning the use of audio and video recording devices as a national security measure, a move that bloggers and citizen journalists say is intended to prevent them from doing their jobs in the repressive nation that restricts the media.

The draft bill, proposed this month by the ministry that oversees the country's police force, also prohibits the use of disguised apps used to record audio and video.

But some bloggers and citizen journalists, who provide the only independently reported information in Vietnam, where the media is controlled by the Communist Party, believe the bill will prevent them from covering events and writing about abuses committed by authorities and infringements upon people's rights.

"I don't understand how they could come up with this draft," freelance journalist Truong Duy Nhat told RFA's Vietnamese Service. "It sounds ridiculous and just aims at gagging people."

Nhat worked for state-owned newspapers run by police in the coastal town of Danang in central Vietnam, but abandoned mainstream media to begin writing a blog in 2011 that became widely known for its criticism of the government.

Authorities took the blog off the internet after police arrested Nhat in May 2013. He served a two-year prison sentence for posting slanderous articles about Communist Party leaders on his blog.

"Even if it is approved, it won't be feasible because people can take pictures without using cameras," he said. "Everybody has an iPhone, and it is impossible to monitor them when they do recordings."

Independent journalist and blogger Pham Chi said the ministry designed the draft bill because it fears the dramatic development of social media in Vietnam.

"Video clips and pictures are posted online in a very short time," he said. "There are many negative images of policemen on streets, especially traffic police, who are notorious for demanding bribes. That has damaged the entire image of the police. Perhaps the traffic police proposed this."

Freelance journalist Nguyen Thien Nhan agreed.

“They [the police] just want to make things more convenient for themselves, and they don’t want people to record officers who do bad things,” he said.

“They don’t want those pictures shown in public,” he said. “Whenever there is a negative incident that affects the police or the government, they always stand by their own people, provide biased information, and blame the incident on the people.”

“If this bill is passed, the tension between people and police will increase,” Nhan said. “People are now very upset, and this draft will make the tension get even worse, and it could lead to violence.”

Routine harassment, beatings

Police routinely subject bloggers and citizen journalists to harassment, physical assaults, and imprisonment.

Dozens of bloggers and independent journalists have been arrested in recent years because of their online posts, with rights groups accusing the government of using vaguely worded penal code provisions against them to silence dissent.

During the first nine months of 2016, at least 19 bloggers and activists were put on trial and convicted in Vietnam, according to Human Rights Watch’s most recent annual review of human rights around the world.

Vietnam ranks 175 out of 180 countries in the 2016 World Press Freedom Index published by Reporters Without Borders, the Paris-based international nongovernmental organization that promotes and defends freedom of information and the press.

Reported by Kinh Hoa for RFA’s Vietnamese Service. Translated by Viet Ha. Written in English by Roseanne Gerin.

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