

## Editorial

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### Foreign website owner persecuted by Vietnam political police (Update 4)

*Vietnam takes anti foreign investment stance*

(December 8): Again the political police of Vietnam are illegally blocking the Australian-owned and published business news website.

Right as the annual Vietnam Business Forum (VBF) sat to discuss the myriad and perennial problems facing foreign investment in Vietnam and the incessant sidestepping of World Trade Organisation commitments, the political police stopped all access to Intellasia within the country.

The political police have been waging a brutal campaign against Intellasia.com (est. 2001) and recently Intellasia.Net by persecuting the Australian owner – a 14 year resident of Vietnam – his family, and acquaintances for six months.

All ISPs in Vietnam are again denying access to our readers and clients in Vietnam.

Since attaining WTO membership in January 2007, Vietnam has blatantly turfed out financial and business commitments and pledges it had cynically signed with third party dialogue countries in its ten-year bid for WTO admittance. Such pledges are history.

Furthermore, the government has given the political police carte-blanc to use any means at their disposal to suppress and forcibly remove independent foreign-owned online news entities in lieu of state-controlled agencies.

This is termed the new *Vietnam State Oligarchy* where all business is directly or indirectly controlled by the state and Communist Party officials for their cush.

The entrenched Vietnam State Oligarchy: Foreigners should beware of the hazardous and unstable foreign investment situation in Vietnam.

See article *Intellasia under attack*: <http://www.intellasia.net/news/articles/governance/111233460.shtml>

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## Foreign website owner persecuted by Vietnam political police (Update 2)

(October 3): Following the forced termination of the US-based Intellasia.com under intense pressure and blockage of the website by the Vietnam political police, the Intellasia publisher's wife's company in Vietnam late last week was fined 3.5 million *dong* by the information ministry for what the ministry termed 'operating a website as Dot.com and not using the extension Dot.vn.

This unheard of law dusted off for this instance is quite ludicrous and raises the obvious question of whether all foreign companies in Vietnam must also use a Dot.vn domain extension for their websites no matter that the website is located abroad in their home country and if they don't, will be fined also.

But the nonetheless the PA25 are still, at times, harassing company staff outside of work hours and have blocked all international-sourced mobile phone SMS text messages to the Intellasia publisher's wife. And more insidiously, tape phone calls to the publisher's wife as part of their malevolent campaign.

The vindictiveness and sheer school bullying nature of the PA25 demonstrates that this faceless and very secretive organisation has no moral code to adhere to and is certainly not bound by any civilised law-based restraints. The PA25 continue to persecute and harass from behind and every angle and there is no end in sight; totalitarianism knows no bounds.

Such persecution paints a very bleak picture of Vietnam's foreign investment environment.

## Editorial

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### Foreign website owner persecuted by Vietnam political police

The Communist political police of Vietnam and the culture ministry on September 17 ordered the Australian-owned and Australia published website *intellasia.com* to close or face much more severe persecution, penalties and harassment of the Australian owner and his wife and company in Vietnam that has been ongoing for three months. Therefore, to comply, we have closed *intellasia.com* and have switched to our subsidiary website, *intellasia.net* that has absolutely zero linkage with *intellasia.com* and the business services provided by our company in Vietnam.

But once again Intellasia is under continuous attack after the official online assault last month when the Vietnam political police PA25 on August 17 used state-owned online newspapers to try to destroy the reputations of Intellasia and the Australian owner and his wife over the Intellasia business news website content.

Following the subsequent defence mounted by Intellasia on the same day called 'Intellasia under attack', on the following Wednesday August 21, myself being the website owner, was formally fined 20 million dong on a visa charge, which I believe was obviously a knee-jerk retaliation for publicly defending Intellasia and my wife and I over the alleged 'illegality' claim by PA25 of the Australian-owned and operated website.

On a more sinister note, when paying the fine an official said she had been told by PA25 to unequivocally warn me through my wife that if I did not leave Vietnam as soon as possible "Much more severe action against me would be taken against me". Given the gravity of the threat, I was forced to leave my wife and young son and departed for Perth Australia on August 25 where I am now residing and publishing our Intellasia website on a daily basis.

But the attacks did not stop there. After a period of calm for a week or two since being banished abroad, starting Monday September 10, the PA25 instigated blockage filters making the *intellasia.com* website in accessible within Vietnam using domestic internet service providers.

In addition, the PA25 have in the last two weeks been carrying out concerted attacks on our US-based server using what is technically called 'Brute Force Attacks' to attempt to hack into our server (over 15,000 BFAs on last Saturday night alone), instances of variations of denial of service attacks (DDOS) and since Friday a week ago September 14, technical blockages put in place on all emails of our company to and from America.

So for what possible reason is Intellasia suddenly being attacked? We have never had an inkling of any problem in the past and there was no warning of the tumultuous events to come; it was literally a jolt from the blue with no apparent reason. Moreover, Intellasia had never received any official notice or even unofficial warning that the company was contravening a Vietnamese regulation.

On June 29 we received a fax from the culture ministry alleging the Intellasia website carried foreign-sourced articles containing 'bad content'. Then the police raid on our office and continuous harassment by the PA25 commenced over many weeks with such an intensity that stunned us.

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The original attack by the PA25 started with the allegation of 'improper articles' on the Intellasia website and the quite ludicrous charge by the PA25. It is very hard to fathom how any very well balanced report from AFP, DPA, Reuters, AP or other newswires and international newspapers could constitute 'Propaganda against the state'.

Intellasia has had in the past occasional articles concerning activists extracted from international newswires for the last *two years* and we included such because it is simply another news story about Vietnam and that is part of our job; to present all balanced news no matter the subject. We are not and never will be an organisation that only presents only 'good news' articles and sweeps all others under the carpet pretending it isn't there.

Having failed on that angle, the official pressure has since switched tack completely by concentrating on the alleged 'illegal website' angle and the insistence by the culture ministry for our company to obtain a license for online content. Now that would seem reasonable enough on the surface and indeed our company had applied over two years ago for a license but were rudely rebuffed and again recently.

But here's the perverse rub: our company cannot go through the official process to apply for an online license because *all* our company papers were seized by the PA25 10 weeks ago and the PA25 refuses outright to return the papers citing 'ongoing procedures'. Such obfuscation and warped officialdom could well be straight from the pages of Orwell's *1984*.

So is the attack dirty politics or dirty business by taking Intellasia out of the picture? Or one could say it seems to be a form of a nationalisation of a foreigner's assets but in this instance, not by a physical seizure of a foreign company's property reminiscent of some South American countries a couple of decades ago, but the outright elimination of a foreigner's property built up over the years by convoluted legal 'gotchas' to allow state-owned entities to take the foreigner's market position or a even what ostensibly could appear to be, a private company to muscle in under the protective 'umbrella' of a state entity. This sort of action to forcibly eject a successful competitor has happened many times in the past, as we have seen in the course of our daily news reports.

This perhaps is a warning for any foreign organisation in Vietnam. Even after operating in Vietnam for a decade a more building up one's family business, the 'big stick' can come crashing down at any time.

Use of such draconian and aggressive tactics is simply not a way to resolve disputes in a civilised law-based society. But in Vietnam, there is no rule *of* law, only rule *by* law—the big stick approach where legal due process is not a concept and the police seem to think they can operate at will above the law of Vietnam and flaunt the laws of other countries.

The above is not intended as a diatribe against *all* the police and certainly not against the government nor the people. It is meant to detail events as they occurred and the way the system works in Vietnam that can—and does all too often—ensnare the unsuspecting at any time.

### **Peter J Leech**

Proprietor and publisher, *Intellasia.com* *Intellasia.net*, Perth Australia

**Below** is a chronological list of the harassment and interrogations and events that have transpired since the attack and persecution of Peter J Leech and wife and our company Tri Tue A Chau Co Ltd.

And it is quite pertinent that never at any time throughout the persecution was there any reference by officials or the police of legal action being taken to the courts under as one would expect in a law-governed society. Instead of legal due process, tactics used smack of a police state where individuals' rights are not protected by law.

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## Reverse chronological order of events

**September 21** Intellasia subsidiary websites blocked by political police in retaliation for switching from Intellasia.com to Intellasia.net published in Australia.

**September 12** My wife ordered in writing by culture ministry and PA25 to go to their office. She was informed that our company would be fined again for operating an 'illegal website' (Intellasia website and domain is owned by two Australians and operated in the US)

**September 7 – 10** The Intellasia website was blocked access for viewing in Vietnam by the PA25 by most Vietnam internet providers, in particular, state-run VDC. More insidiously, the PA25 instigated filters to block all email traffic to and from the Intellasia server in the US, thus cutting all communications with our customers in Vietnam and throughout the world. Additionally, the PA25 mounted an attack again on our servers trying to break into the server by what is called brute force attacks and other disruptive hacking methods and mass denial of service requests in an attempt to overload and crash our US-based server. However, by this time the server shields had been strengthened even further by our server management company in the US. The PA25 do not seem to realise – or do not give a whit – that hacking into a US-based server and tampering with it is a US Federal offence.

**Monday September 3 (National Day public holiday)** In very early hours of Monday morning about 4am Vietnam time, our server in the US and our secondary server in Vietnam both crashed at roughly the same time without warning or reasonable operation cause. The US-based company that we hire to manage our server responded in defence but the overload – which being a national holiday, server loading would be almost zero – was still swamped by a type of denial of service attack. And the inference is clear that, as it was a national holiday, the attack was symbolically instigated by the PA25 against Intellasia's US-owned server.

**Wednesday August 29** My wife receives phone call from a woman called Hong from culture ministry threatening further action against us.

**Wednesday August 21** Formally notified of 20 million dong (US\$1,200) fine against myself for defending my wife and company and legality of my website online called 'Intellasia under attack'. In addition, through my wife I was told in no uncertain terms that if I did not leave Vietnam as soon as possible "*Much severer action against me would be taken against me*". Given the gravity of threat, I was forced to leave my family and departed for Perth Australia on August 25.

**Monday August 20**, My wife received a phone call from apartment owner that we rent from for our office saying the local police had called her (we presume on the behest of PA25) telling it 'would be in her best interest' to arbitrarily cancel the office lease contract with Tri Tue A Chau and force our company out. (She did not.)

**Saturday, August 18** Three of four state newspapers run short articles stating same version of the online newspapers but abridged without stating name of website.

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**Friday August 17** Intellasia responds to the attack online entitled 'Intellasia under attack'.

**Friday August 17** Libellous article appears in the An Ninh Thu Do (Capital Security) online newspaper and five or six other state-run online newspapers accusing myself of publishing 'reactionary' articles online (extracted from worldwide newswire articles) and our company Tri Tue A Chau of operating an 'illegal website'. The online newspaper articles published all possible details of our company even down to address and floor and room number of apartment we rent in an obvious bid to destroy our standing in the eyes of our customers.

**Monday August 6** Intellasia partner in Perth Australia sends statement by courier mail to culture ministry and police stating categorically that *Intellasia.com* is foreign owned and operated. No response was ever received.

**Friday August 3**, my digital camera stolen from office overnight. I have never had theft before from my office and can only presume the police illegally entered to take the camera used to take photos of the raid on our office on July 3

**Tuesday July 31**, My wife Tam was ordered to the PA25 at 8:30am and was interrogated by Mdm Huong from PA25 again for two hours with only the same mindlessly repeated questions and accusations. Mdm Huong also said we had placed adverts online without a license.

**Tuesday July 24**, I was ordered to report to the immigration department in Hanoi at 8:30am and was there questioned for two hours by Mdm Huong, and an officer from another police intelligence agency.

Again I stated emphatically that the domain *Intellasia.com* is owned by me and an Australian partner registered to a Perth, Western Australia address and that the website is operated in the US and the leased server paid for in Australia.

At the same time I was being interrogated, my wife Tam was also being questioned by the PA25 office once again without any apparent reason except to disorient us both.

**Monday July 16**, at 6:50 am after leaving my house to go to work at the office a kilometre away I was going up a slight rise to a T junction when I was nearly rammed from behind by a truck which came within half a metre blasting the horn. I had to swerve suddenly to the left and I nearly toppled over before stopping -- if I hadn't the truck might have rammed into me. The truck continued fast and turned right into the T junction and disappeared amongst the heavy early morning traffic. The truck was a police truck and driver a policeman.

I have in the 14 years of driving in Vietnam nearly been hit by recklessly speeding taxis but never a police truck. A complete coincidence? Perhaps so but then again perhaps not given the events leading up to that incident and the following harassment and intimidating actions by the police we were and still are subject to.

**Tuesday July 10**, Tri Tue A Chau main translators and four staff were ordered to the PA25 headquarters and were interrogated from 8am until 2pm.

**Friday July 6**, My wife Tam went to the culture ministry, this time accompanied by a lawyer on my insistence.

The chief inspector said that the PA25 had put in motion a charge of 'Propaganda against the state' against Tam and the penalty for which is two years in jail.

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22 Sep 2007

**Tuesday July 3**, at about 9am the office of Cty Tri Tue A Chau was raided by six or eight culture ministry officials and the political police (PA25) led by one Mdm Huong from PA25. When I asked, Mdm Huong refused to state her full name, refused to show any ID, warrant, or any paper signed by their superior authorising the raid.

Before asking any questions, Mdme Huong abruptly accused us of running an illegal website.

I explained that myself and my partner in Australia are the owners of the Intellasia website and in addition the website is operated in the US and we did not need any license issued from within Vietnam.

In addition, Mdm Huong from PA25 refused to accept the Power of Attorney that had been drawn up by a Hanoi lawyer authorising myself to act on behalf of the director of Tri Tue A Chau Co.

Mdm Huong then demanded to see all company papers and scrutinising each individual one, then after half an hour demanded to see the same papers again over and over again. This went on for nearly three hours with numerous officials and police coming and going. A culture ministry official wrote a paper stating that the website was 'illegal'.

Mdm Huong then hauled my wife Tam off to be interrogated by PA25 at a culture ministry department office for the rest of the day.



**Stellar Reach - Vietnam law extends to the moon:** When asked by Mdm Huong from the PA25 (far left), I replied that given an internet connection, I could operate the Intellasia website from anywhere, even from the moon. Mdme Huong retorted: 'Well, it doesn't matter. You still need a Vietnamese license'

**Tuesday July 3 raid** by the political police and culture ministry officials.

Were they there to check the company papers in detail again, which they already had numerous copies -- or was the real reason to intimidate to extract bribes?

That is too often the scenario in Vietnam: Then the next day the Economic Police arrive for an 'investigation' then a couple days later the local police, then tax officials will show up at the door.

Harrassment for bribes never stops in Vietnam...



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22 Sep 2007

**Friday June 29**, Cty Tri Tue A Chau received a terse fax message in Vietnamese from the Ministry of Culture and Information stating that some of the externally sourced English news articles on the Intellasia.com website said [quote] "bad things about Vietnam".

The fax message ordered the director of Tri Tue A Chau Co being my wife Tam, to go to the ministry and see the chief inspector in Hanoi on Friday afternoon July 6 at 2pm.

The fax did not have a sender's number nor when we telephoned would anyone provide a fax number to respond.

### **Prior events**

Prior to the events listed above, whenever there was a political court trial of a lawyer or activist, the Intellasia server was often hit by intense brute force attacks and other disruptive hacking methods and sometimes mass denial of service requests. At the time, given the very poor state of the internet in Vietnam, we thought the trickling internet connections were dragging down our server. But it seems, given the circumstances, the police were illegally attacking our US-based server.

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