



STIFLING THE PUBLIC SPHERE

Media and Civil Society in Egypt, Russia, and Vietnam



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STIFLING THE PUBLIC SPHERE: MEDIA AND CIVIL SOCIETY IN EGYPT, RUSSIA, AND VIETNAM

Introduction *Christopher Walker*

If the authorities in countries such as Egypt, Russia, and Vietnam want to solve complex societal challenges and modernize their economies, one of their first steps should be to improve the environment for civil society and independent media.

Both of these institutions are widely understood to play major roles in effective public policy making and filling in gaps where the state is ill-equipped to respond to societal needs. Civil society functions as an important bridge between the people and the state and as an aggregator of citizens' interests. Independent media are essential for determining the success or failure of government programs and assessing actual conditions in the country. This includes providing objective information on the state of the economy to financial markets and public officials. More fundamentally, independent media enable a deeper understanding of issues of public interest in an increasingly complicated world.

The problem of corruption illustrates the value of these contributions by civil society and free media. Authoritarian systems often make a show of combating graft, but unlike their democratic counterparts, they lack the independent institutions that can truly keep it in check. Anticorruption campaigns undertaken in authoritarian settings are typically superficial and highly selective, targeting low-level offenders or unlucky elites who have fallen out with the leadership, rather than providing authentic institutional changes to ensure that no official is above the law—and that all cases are adjudicated impartially.

“Authoritarian systems often make a show of combating graft, but unlike their democratic counterparts, they lack the independent institutions that can truly keep it in check.”

It is clear that encouraging the development of civil society and independent media would help improve the quality of decision making on public policy, address rampant corruption, and more generally tackle the serious social and economic problems that each country faces.

However, in Egypt, Russia, and Vietnam, repression of civil society and the media is not just severe, but actually getting worse. Crackdowns on civil society have been a prominent feature of the global authoritarian resurgence of recent years,¹ though the practice and its methods have deep historical roots.² Meanwhile, the repression of independent media has proceeded apace, affecting traditional and new media alike around the world.

In order to acquire a better understanding of the environment for media and civil society in a diverse selection of countries, the International Forum for Democratic Studies held three roundtables in 2014–15 featuring presentations by experts on Egypt, Russia, and Vietnam. This report is an outgrowth of those discussions.

I. The Cases of Egypt, Russia, and Vietnam

Though separated by geography, Egypt, Russia, and Vietnam share some common features and challenges. Among other things, they are all large and strategically important countries. According to the most recent data, Egypt's population is 82 million, Russia's is 143 million, and Vietnam's is 90 million.

Egypt has undergone a tumultuous series of political changes since 2011, and now finds itself once again under harsh authoritarian rule. President Abdel Fattah el-Sisi, who seized power in a 2013 coup, has brutally rolled back the space for media and civil society. The Vietnamese Communist Party (VCP) has also intensified its repression of alternative voices in recent years, and faces a deepening set of systemic challenges as the country's economic growth has slowed. Meanwhile, during Vladimir Putin's decade and a half as Russia's paramount leader, the government has become more and more repressive, with civil society and independent media as priority targets for the authorities. And as the Kremlin's domestic repression has deepened, its use of propaganda beyond the country's borders has grown, making Russia an international leader in developing new forms of media manipulation.

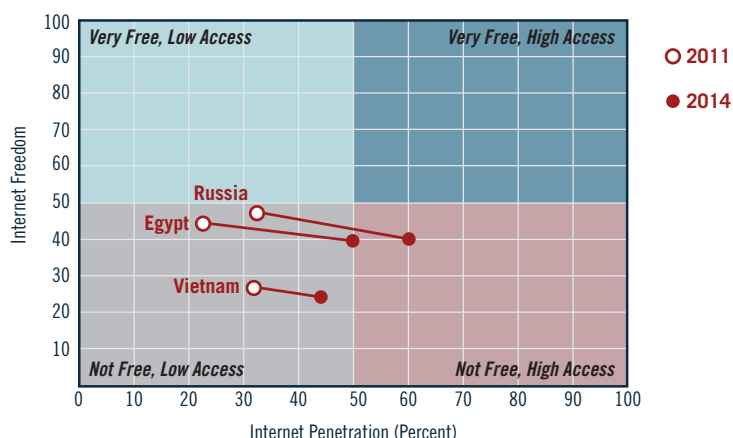
All three countries have ambitions to modernize, which is exemplified by the authorities' encouragement of the Internet's prodigious growth in each case. By some estimates, Internet penetration has doubled in Russia and Egypt over the past five years.

But paradoxically, even as the physical infrastructure for ICTs (information and communication technologies) has improved, each of these countries has undergone a reduction in online freedom, according to Freedom House. The phenomenon has defied the generally held assumption that Internet freedom would expand with Internet access and is a testament to the high priority these countries' leaders place on managing discourse in the public sphere. The shrinking space for online discussion has troubling implications for civil society, which had come to rely on the Internet as a haven for communication given the state's domination of traditional media. It is also a reminder of the broader trend in which authoritarian regimes have actively sought to adapt to the modern information environment.

Such apparently contradictory policies—aspiring to modernization through rapidly growing Internet access, but then devoting extraordinary energy to restricting the medium's influence on issues of public-policy consequence—serve as an emblem of the broader dilemma these regimes face. Their political priorities compel them to systematically crack down on the very institutions that would be essential for meaningful reform and economic progress.

In this report, three experts assess the shape and trajectory of civil society and the media, the restrictions that are placed on them, and how these constraints are holding each country back.

Access Growing, Freedom Shrinking: The Internet in Egypt, Russia, and Vietnam 2011-2014



Internet freedom scores from Freedom House, *Freedom on the Net 2014*, (New York: Freedom House, 2014). Scores have been inverted so that a score of one hundred is “most free” and a score of zero is “least free.” Internet penetration data also obtained from *Freedom on the Net 2014*, which cites International Telecommunications data from 2013.

The stifling of media and civil society is multifaceted. The three case studies depict a range of repressive efforts that are calibrated to achieve particular ends. Sometimes, the authorities choose to co-opt independent voices. In other instances, the regime may create new government-backed versions of media initiatives or civic organizations which mimic the form but not the substance of their authentic counterparts. Some techniques emphasize regulatory controls, while others utilize economic or financial pressure. All three regimes rely on broadly worded laws to punish critics and encourage self-censorship. State-run media remain dominant sources of information for most of the population in each country, and are used by the authorities as a weapon to tarnish and subvert the work of civil society activists and independent journalists.

In her essay on Russia, Maria Snegovaya identifies three distinctive features of the Russian government’s system for media control. The first is a combination of selectivity and “strategic uncertainty” in the censorship regime, which offers a number of clear advantages over traditional mass repression. For example, it is less expensive to maintain, and it allows the regime to backtrack in case of overreach. The second feature is the authorities’ efforts to modify key narratives rather than trying to fully control them. Russia’s modern propaganda system has come to depend in part on the dissemination of falsehoods to sow confusion, especially beyond its borders. Finally, the authorities use a mix of economic pressure and arbitrary legal restrictions to cow or cripple domestic and international media outlets—as well as civil society groups—that threaten regime interests.

As in the Russian case, Zachary Abuza details the Vietnamese government’s use of vaguely worded, catchall laws and decrees to control content on the Internet. He writes that “rather than restricting overall Internet access, which is seen as essential for Vietnam’s economic development, the government focuses on policing content on individual sites.”

The government has focused its coercive measures on websites that are trying to make the critical jump from an individual blog to a multiauthored and edited news portal. Such censorship is paired with proactive

manipulation. Abuza observes that the “head of propaganda for Hanoi’s Vietnamese Communist Party branch acknowledged in 2013 that the city employed some 900 people to shape online discussions and curb criticism, in part by operating 400 different online accounts.” More broadly, he describes a harshly inhospitable environment in which a sharp rise in Internet use has triggered a fierce response from the authorities, targeting both independent media and civil society activists.

In his essay on Egypt, Sherif Mansour narrates the dramatic turns the country took following the 2011 ouster of longtime president Hosni Mubarak, the 2012 election of Islamist president Mohamed Morsi, and the 2013 military coup. He writes that “the Sisi regime’s goal is to return Egypt to the pre-Arab Spring status quo by restoring the state’s control over the public sphere. To this end, it is tightening the screws on civil society and reversing hard-won gains in press freedom. Civil society activists have been imprisoned, driven underground, or forced into exile. The sorts of lively conversations and fierce debates that were possible before the military takeover were pushed off the airwaves and the front pages, and even online refuges for free discussion are being closed through the use of surveillance and Internet trolls.”

Mansour observes that as a result of these pressures, self-censorship has become a common feature of Egypt’s media landscape. He writes: “Rather than face legal, financial, and physical coercion, many outlets have either aligned themselves with the government or at least avoided direct criticism, dramatically limiting the diversity of viewpoints available to Egyptian audiences.”

“State-run media remain dominant sources of information for most of the population in each country, and are used by the authorities as a weapon to tarnish and subvert the work of civil society activists and independent journalists.”

Outside the formal media structures, the Internet and social media have also been deeply affected by el-Sisi’s crackdown on dissent. Despite social media’s important role during and after the Tahrir Square protests of 2011, many high-profile users and organizers, such as Wael Ghonim, have been driven away from their former activities by a constant stream of state-sponsored propaganda and online abuse from government supporters.

It is worth noting that the features shared by these three countries can also be found in other authoritarian states around the world. There is even evidence that various regimes are learning from one another. As Snegovaya observes, the Kremlin’s strategy of selective repression was pioneered by the Chinese Communist Party in the years after the Tiananmen Square crackdown of 1989.

II. Looking Forward

The environment for media and civil society is undeniably grim in all three of the cases examined in this report, due to official policies that limit the potential of the public sphere. But each of the analysts suggests the existence of a powerful latent desire for better information and more responsive governance.

In Egypt, Mansour writes, “while independent and opposition voices struggle to survive, online and in exile, there is some hope in the short term. The Internet may continue to provide a limited haven for the media, opposition satellite stations may grow more popular, or new political developments may offer another chance for significant progress in the public’s understanding of the need for critical media and a true civil society.”

In Russia, as Snegovaya notes, the antigovernment protests of 2011–12 revealed an underlying societal demand for open media and independent information, especially given the vast corruption that is consuming the country.

And Abuza emphasizes that despite the repression, “there are some first-rate journalists in Vietnam, and with fewer restrictions many more would emerge. The press has shown how vigorous it can be when it is given the political space.” He adds that “most Vietnamese, particularly the burgeoning middle class, are quite sophisticated in their outlook and highly determined to build their country into a major economic and diplomatic player in the region. They are also fully aware that a prerequisite for this is freedom of information, including the political space to have honest, civil, and transparent debates over policy. Such societal pressure, coupled with the expansion of the Internet and mobile platforms, is cracking the dam of state censorship and repression.”

While the public sphere in all three of these countries is under siege by the authorities, citizens’ apparent recognition of the need for open media and civil society offers hope for the future. Even if their officials are keeping the lid on for now, the pressure to develop more transparent and responsive systems of governance may ultimately be too strong to contain.

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Endnotes

¹ Douglas Rutzen, “Authoritarianism Goes Global (II): Civil Society Under Assault,” *Journal of Democracy* 26, no. 4 (October 2015): 28–39.

² Anne Applebaum, “Authoritarianism Goes Global (II): The Leninist Roots of Civil Society Repression,” *Journal of Democracy* 26, no. 4 (October 2015): 21–27.

STIFLING THE PUBLIC SPHERE: MEDIA AND CIVIL SOCIETY IN EGYPT

Sherif Mansour

I. Overview

More than four years after the dramatic events in Cairo's Tahrir Square led to the resignation of President Hosni Mubarak and Egypt's first-ever democratic elections, Egyptian civil society and independent media are once again struggling under military oppression. The July 2013 military takeover led by then-general, now-president Abdel Fattah el-Sisi has brought Egypt's brief, imperfect political opening to an end.

The Sisi regime's goal is to return Egypt to the pre-Arab Spring status quo by restoring the state's control over the public sphere. To this end, it is tightening the screws on civil society and reversing hard-won gains in press freedom. Civil society activists have been imprisoned, driven underground, or forced into exile. The sorts of lively conversations and fierce debates that were possible before the military takeover were pushed off the airwaves and the front pages, and even online refuges for free discussion are being closed through the use of surveillance and Internet trolls.

Egypt's uneven trajectory over the past several years is reflected in the rankings it has received from Freedom House's *Freedom of the Press* report, which downgraded Egypt to Not Free in its 2011 edition, covering events in 2010. After the revolution in early 2011, Egypt improved to Partly Free. By the 2013 edition, it was Not Free once again. And this year, Egypt sunk to its worst press freedom score since 2004.

Egypt's plummeting press freedom is in part a result of the many ways in which the state can put pressure on independent media under Egyptian law. While the January 2014 constitution contains clear protections for the media (including, under Article 71, bans on censorship and surveillance), many of the oppressive laws imposed under Mubarak remain in place.¹ These include provisions against defamation, blasphemy, and promotion of extremism, and the list is growing longer. One pending draft law prohibits publication of information pertaining to the armed forces without permission, and violators would be subject to stiff new criminal penalties.² Another draft law would criminalize publication of information that contradicts the government line in terrorism matters.³

In many cases, these repressive laws are backed up by violence. The Committee to Protect Journalists (CPJ) conservatively estimates that 10 journalists have been killed in connection with their work since 2011, and reports that a record number of journalists are sitting in Egyptian jails.⁴

Egypt has more than five hundred newspapers, magazines, journals, and other publications.⁵ While many of these titles are owned by the Egyptian state, many others are privately owned. Most publications struggle financially; the country's economic collapse has forced both state and private newspapers to implement deep budget cuts, though as of 2014, no major news outlet was forced to close its doors.⁶

In addition to their lack of resources, independent news organizations suffer from a lack of advocates. Organizations charged with representing journalists' interests before the government, such as the Egyptian Journalist Syndicate, are reliant on state funding and have consequently proven to be ineffective guardians of press freedom.⁷

Staying afloat has been easier for state media, which are estimated to receive some \$2 billion annually in both direct and advertising subsidies from the state. Exact figures on the amount and type of assistance can be difficult to obtain, given the Egyptian media industry's opacity.

After the military takeover, the Sisi regime quickly consolidated control of the state media, moving in January 2014 to name new chairpersons for all of Egypt's state newspapers. The regime has used its media control to demonize civil society organizations, foreign journalists, and the political opposition, and the generous subsidies given to state media indicate that the leadership places a high priority on its ability to shape public discourse in this way. Control of the state media is undoubtedly one of the last levers of power the current regime would be willing to release.

As a result of these pressures, self-censorship has become common in Egyptian media. Rather than face legal, financial, and physical coercion, many outlets have either aligned themselves with the government or at least avoided direct criticism, dramatically limiting the diversity of viewpoints available to Egyptian audiences.

II. The Growth of the Internet and the Government's Response

A. INTERNET USE AND FREEDOM IN EGYPT

Given the difficult operating environment for traditional media, much of Egypt's most independent news coverage and analysis is found on the Internet. Access to this information is limited by Egypt's relatively low rates of adult literacy (about 74 percent) and Internet penetration. While the latter has grown in recent years, to about 50 percent from only 16 percent in 2007,⁸ a 2013 joint research survey by Gallup and the U.S. Broadcasting Board of Governors found that 73 percent of Egyptians had never used the Internet, mostly because they did not know how.⁹

The same survey found that Egyptians who do access the Internet regularly are using it as an alternative to traditional media: 80 percent of Egyptians who reported using the Internet in the past week did so to access

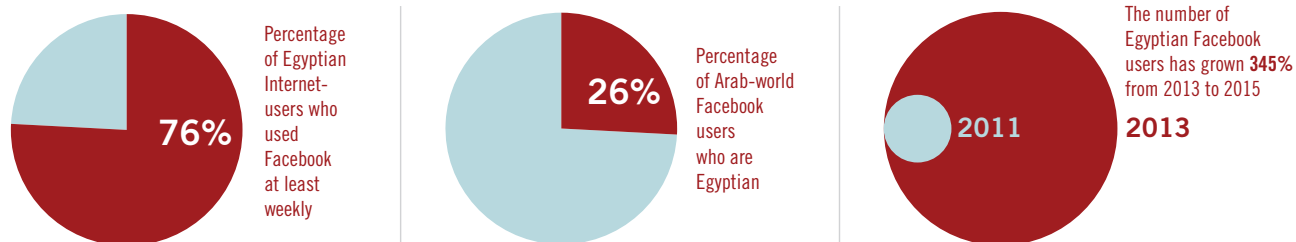
news. Internet-connected Egyptians are also active social-media users: 76 percent of past-week users reported visiting Facebook. The site's popularity has increased tremendously in recent years. At the beginning of 2011, Facebook had about 4.7 million Egyptian users, compared with 16.2 million at the end of 2013. Twenty-six percent of the Arab world's Facebook users are Egyptian, and Facebook is the most visited site in the country.¹⁰

As Egyptian public opinion has become polarized between pro- and anti-government voices, political discourse online has also become highly contentious. Verbal harassment is common, and many activists have been chased offline by aggressive pro-government social-media campaigns. Furthermore, online



Photo by Essam Sharaf, available under a Creative Commons Attribution-Share Alike 3.0 Unported license.

Egypt Facebook Statistics (as of 2013)



Data in this chart is as of 2013 and is taken from the sources in endnotes nine and ten.

activity brings both positive and negative attention. It is possible to build an audience online, but doing so risks attracting the unwanted gaze of the security services.¹¹

This state scrutiny has become increasingly sharp as new regulations restrict online anonymity and prohibit the use of encryption, making surveillance easier. Internet service providers are required to maintain databases of their customers' activities and allow the government to access the information. The Citizen Lab, a Canadian research group tracking the use of surveillance and hacking technologies online, has found that the Egyptian government possesses technical capabilities developed by corporations including Hacking Team, Gamma International, and Narus (a subsidiary of Boeing). The Sisi regime has used this technology to target opposition-minded bloggers, Internet journalists, and online activists.

B. CIVIL SOCIETY AND EGYPTIAN MEDIA AFTER TAHRIR

In the months following Mubarak's resignation in 2011, there were hopeful signs that Egypt might achieve enduring reform. The Supreme Council of the Armed Forces (SCAF), which assumed control of the government until elections could be held, presided over an Egypt in which civil society was at its zenith and the independent media were rapidly expanding. Dozens of new outlets and hundreds of nongovernmental organizations (NGOs), trade unions, political parties, and coalition groups were established. Revolutionary activists, NGO leaders, and artists were dominating the public sphere.

Some of the most important government and political institutions, including key elements of the state security apparatus, were shaken up by government reformers and outside activists. A new cabinet was appointed that included some independent opposition members. Notably, for the first time in decades, there was no media and communications minister, symbolizing a reduction in government efforts to interfere with news coverage. Mubarak's ruling party, the National Democratic Party, was formally dismantled, as was the state security agency responsible for brutally repressing political opposition in the country over the previous fifty years.¹³

Despite these promising steps, however, elements of the security apparatus began to reemerge in more visible and troubling ways. The State Security Investigations Service was effectively reconstituted under a new name, National Security; its new director, Hamed Abdullah, was a long-serving member of Egypt's security community.¹⁴

The SCAF began to crack down on individual media and civil society figures. By September 2011, the military leaders had stepped up a campaign against journalists, and several media outlets were raided for "not operating with the proper licenses."¹⁵ In addition, broadcast regulators were prevented from issuing new

licenses for satellite stations, and they publicly threatened to “take legal measures against satellite television stations that jeopardize stability and security.”¹⁶ In December 2011, a leading opposition newspaper, the *Egypt Independent*, was temporarily shut down after running an article about possible divisions within the military elite.¹⁷

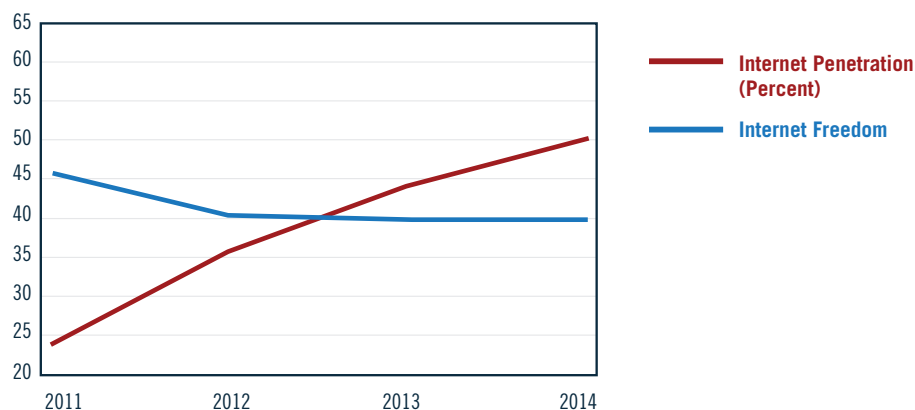
Human rights groups and activists were represented in the government media as “foreign agents” working to incite chaos in Egypt. Conspiracy theories about activists having military training, ties to the U.S. Central Intelligence Agency, and weapons in their offices were repeated constantly on state television and on privately owned channels known to be close to the military regime. In late December, security forces raided the offices of seventeen Egyptian and international NGOs whose work included advocacy on media and freedom of expression issues.

By February 2012, forty-three workers from five international NGOs were formally charged—officially for working without a license from the Ministry of Social Solidarity, but unofficially for promoting foreign-funded “subversive activities” in the country.¹⁸ Elements of the former Mubarak regime tried these workers on false, politicized charges in both the Egyptian courts and in the court of public opinion.¹⁹

A handful of independent media outlets and courageous Egyptian journalists tried to challenge the politicized nature of the case. Egypt’s most renowned satirist and television host, Bassem Youssef, invited Human Rights Watch’s Egypt researcher, Heba Morayef, to discuss the crackdown on NGOs.²⁰ Another prominent television host, Yosri Fouda, ran a full investigative program about the case, which he dubbed “Almahzalah,” or “the absurd case.”²¹

Despite these efforts, the NGO trial was soon forgotten in the midst of a presidential election, shifting political developments in the country, growing apathy toward Egypt’s political transition among international actors, and concerted deception by both the military government and the administration of Mohamed Morsi, the Muslim Brotherhood-backed president from 2012 to 2013.²² In June 2013, all defendants in the case were found guilty and sentenced to between one and five years in prison for supposedly implementing a plan of U.S. and Israeli “soft imperialism.”²³

Internet Freedom and Penetration in Egypt 2011-2014



Data from Freedom House, *Freedom on the Net* (New York: Freedom House), editions 2011 through 2014. Scores have been inverted so that a score of one hundred is “most free” and a score of zero is “least free.” Internet penetration data also obtained from *Freedom on the Net*, which cites International Telecommunications data from the year preceding *Freedom on the Net*’s release.

C. THE RETURN OF REPRESSION

Few issues show the discrepancy between the promise of the 2011 revolution and the reality of repression more clearly than media independence and freedom of speech. Repression against journalists and autonomous outlets helped return Egypt to a system of authoritarian stagnation.

As mentioned above, troubling signs of this repression first emerged under the military-led transitional government in the months following the revolution. Despite their earlier promises to allow free speech, the generals eventually reinstated the position of media minister.²⁴

After Morsi took office as president in June 2012, additional controls were placed on mass media, in violation of his campaign promises. According to the Egypt-based Arab Network for Human Rights Information, Morsi's government chose to retain 70 legal articles and eight laws from the Mubarak era that had been used to suppress independent voices in the media. Morsi also filled the position of information minister with one of his closest political allies, Salah Abdul Maqoud. Together with Maqoud and others, Morsi tightened his grip on state media by appointing loyalists to lead the various outlets. According to the Egyptian Organization for Human Rights, Morsi and his supporters also waged intimidation campaigns against his critics, launching at least 600 criminal defamation cases and far outpacing the rate of such cases during Mubarak's tenure.

In response to the increasingly politicized and repressive behavior of the Morsi government, the media in Egypt grew more partisan and divided between supporters and critics of the president.²⁵ Different camps of journalists and media outlets were formed, ending much of the unity that journalists had sustained since the ouster of Mubarak. Many media voices began to openly align themselves with the former regime and military officials.

By this time, such counterrevolutionary forces were already on the offensive, building their own support base, attacking democracy and human rights advocates, and drawing on sympathetic voices in the media. A leaked video from Muslim Brotherhood-affiliated groups shows then-general el-Sisi telling his fellow officers—months before he and his allies ousted Morsi in July 2013—that he was capable of pressuring major Egyptian media companies to support their narrative as part of a broader political effort to return Egypt to the prerevolutionary status quo.²⁶

It was therefore not a surprise when many journalists cheered the military's ouster of President Morsi. Indeed, most journalists who had opposed Morsi failed to speak out forcefully against military censorship and violence in the initial days after the July 2013 takeover.²⁷ Military leaders soon turned to sympathetic and high-profile voices in the media to help garner support for their rule and revive well-worn national security and antiterrorism rhetoric from the Mubarak era. Such narratives helped silence independent reporting and commentary and restore collective fears and anxieties in the population, which served to bolster the security establishment. For example, Tawfeq Okasha, a longtime supporter of the military, copied Bassem Youssef's highly popular, satirical-style current affairs show to reinforce the new government's policies.

While propping up their media supporters, el-Sisi and his allies also created a hostile atmosphere for independent journalists, censoring criticism and issuing gag orders for specific "sensitive" topics.²⁸ Youssef had to suspend his show, *El Bernameg*, due to such pressures. Major media outlets, including Qatar's Al-Jazeera and Turkey's Anadolu News Agency, were forced to close their offices in the country.²⁹

Media groups that fail to comply with the Sisi government's mandates have been marginalized or worse. In 2014, Egypt was on CPJ's "Risk List" because of the rise in assaults against journalists. For the first time, Egypt was ranked as the third most dangerous country for journalists, following Syria and Iraq, after six journalists were killed there in 2013. Egypt was also ranked the sixth worst jailer of journalists in 2014, and continued to hold at least 22 journalists behind bars as of 29 July 2015. Most have been accused of belonging to the Muslim Brotherhood, which the government has declared a terrorist organization.

"Few issues show the discrepancy between the promise of the 2011 revolution and the reality of repression more clearly than media independence and freedom of speech. Repression against journalists and autonomous outlets helped return Egypt to a system of authoritarian stagnation."

A high-profile case surrounding Al-Jazeera, in which three foreign and Egyptian journalists working for the network's English service were arrested in December 2013 for "aiding terrorism," is emblematic of the Sisi government's repressive approach to independent media and civil society.

Just as most government media and privately owned stations had used anti-American rhetoric to smear the defendants in the NGO trial as foreign provocateurs, the Sisi government and its media allies used anti-Qatari and anti-Turkish rhetoric to argue that the Al-Jazeera journalists were fomenting terrorism and spreading chaos.³⁰

A global outcry about the case—from journalists, democratic governments, and media freedom advocates—eventually compelled the Egyptian authorities to overturn the convictions of the three journalists in early 2015. That August, however, the government subjected all three journalists to a retrial in which they were each sentenced to three years imprisonment for "aiding a terrorist organization," spreading false news, and working without a license (one journalist, an Australian, was tried in absentia).³¹

During the run-up to the meeting of the United Nations General Assembly in September 2015, President el-Sisi pardoned the two Al-Jazeera journalists remaining in custody.³² However, many other journalists remain in custody and Al-Jazeera has effectively halted its operations in the country, while President el-Sisi continues to enjoy the hospitality of international leaders and receive international monetary support, including unconditional aid and huge private investments.

By late 2014, it was obvious that the campaign of repression had left el-Sisi with a tight grip on the domestic media. After a deadly October terrorist attack against the military in Sinai, he explicitly instructed journalists to refrain from agitating the public, saying the media needed to "preserve the integrity of the Egyptian state." The following week, the heads of 17 state and privately owned dailies, including the head of the Egyptian Journalist Syndicate at the time, announced that they had total confidence in the performance of state institutions and would refrain from publishing statements undermining them.³³

Outside the formal media structures, the Internet and social media have also been deeply affected by el-Sisi's crackdown on independent voices. Despite social media's important role during and after the Tahrir Square protests, many high-profile users and organizers, including Wael Ghonim, have been driven away from their

former activities by a constant stream of state-sponsored propaganda and online abuse from government supporters.

For example, the once-popular, Internet-based opposition youth groups that helped force the SCAF from power in 2012 through innovative tactics—including the “Kazeboon” (Liars) campaign, which used projectors to beam images and videos documenting human rights abuses by the military in public spaces around the country, and the “No Military Trials” campaign, which featured graffiti all over the country against abuse of the law by military judges—were all exhausted by the “Sons of Mubarak” campaign, which was funded generously and had a wide mobilization network and a Facebook group disseminating promilitary and counterrevolutionary messages.

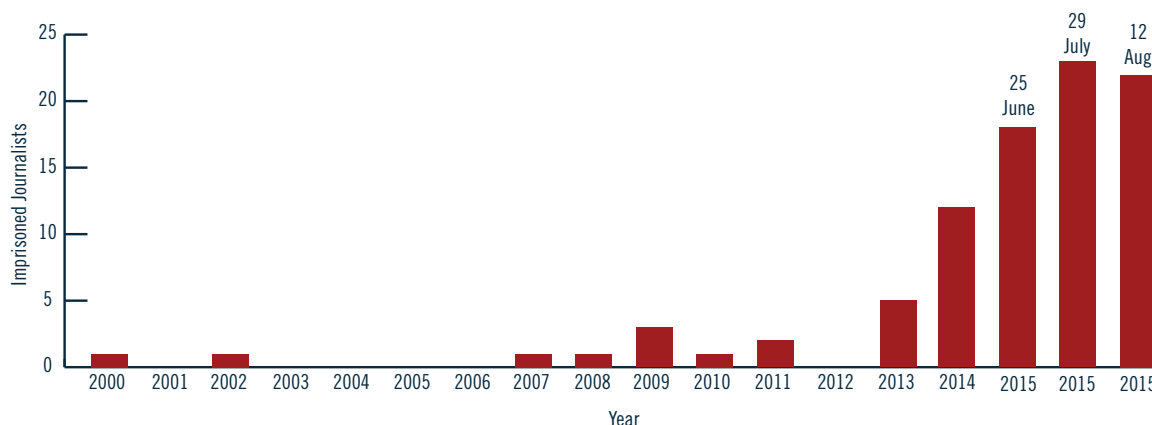
Finally, counterrevolutionary forces also pushed out their competitors with a blitz of “patriotic” content in the popular arts. Promilitary songs, including “Blessed the Hands,” replaced the revolutionary songs that had previously gained popularity among audiences on Egyptian television and radio stations.³⁴

III. Media Adaptation and Innovation

To survive a combination of overt government repression and a severe funding crisis, Egypt’s independent media took shelter online, and opposition journalists and activists formed a diaspora community outside the country. But the government still targets dissidents and journalists both at home and abroad. More than half of those on CPJ’s census of imprisoned journalists as of 1 June 2014 worked online, and most of the rest were working with opposition satellite stations based outside of Egypt.³⁵

With no parliament in place since 2012 and parliamentary elections repeatedly postponed, el-Sisi has full legislative authority.³⁶ The president is expected to sign into law a draft cybercrime bill, framed as antiterrorism legislation, that allows law enforcement agencies to block websites and pursue heavy prison sentences against Internet users for vaguely defined crimes such as “harming social peace” and “threatening national unity.”³⁷ The potential implications for bloggers and journalists are dire, according to regional experts on information systems and human rights.³⁸ The bill has been endorsed by el-Sisi’s cabinet and is awaiting the president’s approval to become law.

Journalists Imprisoned in Egypt 2000–2015



Data from the Committee to Protect Journalists “Prison Census” from 2000–2015.

Journalists Imprisoned in Egypt, as-of July 29, 2015

JOURNALIST	MEDIA OUTLET	CHARGES	ARREST DATE	STATUS
Samhi Mustafa	Co-Founder, <i>Rassd</i>	Spreading chaos; involvement with the Muslim Brotherhood	August 25, 2013	Sentenced to life in prison
Abdullah al-Fakhary	Executive Director, <i>Rassd</i>	Spreading chaos; involvement with the Muslim Brotherhood	August 25, 2013	Sentenced to life in prison
Mohamed al-Adly	Amgad TV	Spreading chaos; involvement with the Muslim Brotherhood	August 25, 2013	Sentenced to life in prison
Mahmoud Abou Zeid (Shawkan)	Freelance Photographer	Weapons possession; illegal assembly; murder; attempted murder	September 14, 2013	Held in pre-trial detention
Saeed Abuhaj	Videographer, Sinai Media Center	Inciting violence; participating in demonstrations; using arms against police	November 4, 2013	Held in pre-trial detention
Hany Salah el-Deen	Misr 25	Involvement with the Muslim Brotherhood	November 28, 2013	Sentenced to life in prison
Ahmed Fouad	<i>Karmoz</i>	Joining a group that aims to disrupt the law; demonstrating without permission; blocking a road; possessing a weapon	January 25, 2014	Held in pre-trial detention
Mosad Albarbary	Ahrar 25	Publishing false news; spreading chaos; involvement with the Muslim Brotherhood	April 2, 2014	Sentenced to life in prison
Abdel Rahman Shaheen	<i>Freedom and Justice Gate</i>	Inciting and committing violence during protests Aiding terrorism and broadcasting false news	April 9, 2014	Sentenced to three years in prison and fined 10,000 Egyptian pounds; sentenced to three additional years in second, separate case
Omar Abdel Maksoud	<i>Masr al-Arabia</i>	Working for Al-Jazeera	April 15, 2014	Held in pre-trial detention
Emad Sayed Abu Zeid	<i>Suef Online</i>	Publishing false news; belonging to the Muslim Brotherhood	September 1, 2014	Sentenced to three years in prison
Mohamed Ali Hassan	<i>Misr Alan, Al Nahar</i>	Spreading false news; inciting illegal protests; funding illegal protests; belonging to the Muslim Brotherhood	December 11, 2014	Held in pre-trial detention

Journalists Imprisoned in Egypt, as-of July 29, 2015 *continued*

JOURNALIST	MEDIA OUTLET	CHARGES	ARREST DATE	STATUS
Hassan el-Kabbani	Freelance Journalist	Espionage; damaging Egypt's standing abroad; joining an illegal group; disseminating false information to disturb public security and peace Spreading chaos and involvement with the Muslim Brotherhood	January 22, 2015	Held in pre-trial detention; in a second, separate case, sentenced to life in prison
Abdelrahman Abdelsalam Yaqot	<i>Karmoz</i>	Possessing explosives; participating in an illegal protest; belonging to the Muslim Brotherhood	March 21, 2015	Held in pre-trial detention
Youssef Shaaban	<i>Al-Bedaiah</i>	Assaulting police; attempting to storm a police station	May 11, 2015	Sentenced to fifteen months in prison
Mohamed Adly	Correspondent, <i>Tahrir</i>	Belonging to the Muslim Brotherhood; working for Al-Jazeera; publishing false news	July 1, 2015	Held in pre-trial detention
Sherif Ashraf	Freelance Journalist	Belonging to the Muslim Brotherhood	July 1, 2015	Held in pre-trial detention
Hamdy Mokhtar	Photojournalist, <i>El-Shaab el-Jadeed</i>	Belonging to the Muslim Brotherhood	July 1, 2015	Held in pre-trial detention
Wagdy Khaled	Photographer, <i>Al-Masriyah</i>	Belonging to the Muslim Brotherhood	July 3, 2015	Held in pre-trial detention
Yahya Khalaf	Director, Yaqeen	Terrorism; belonging to the Muslim Brotherhood; operating equipment without a license	July 16, 2015	Held in pre-trial detention
Mohamed el-Battawy	Correspondent, <i>Akhbar al-Youm</i>	Belonging to the Muslim Brotherhood	July 17, 2015	Held in pre-trial detention
Aboubakr Khallaf	Founder and Head, Electronic Media Syndicate	Taking pictures and displaying artistic works without a license	July 21, 2015	Held in pre-trial detention

Data from the Committee to Protect Journalists "Prison Census." The 2014 Prison Census found twelve imprisoned journalists in Egypt. By June of 2015, that number had risen to 18 (See "Egypt's Imprisonment of Journalists is at an all-time high," Committee to Protect Journalists). According to an unpublished CPJ assessment, by the end of July 2015 two of those journalists had been released but an additional seven were arrested.

Similarly, in April 2015 the government unveiled the National Media Authority bill, which is expected to be passed after parliamentary elections.³⁹ Local journalists see the bill as a major blow to online media and social-media freedoms in Egypt.⁴⁰ According to the newspaper *Al-Watan*, the new National Media Authority would replace the current Egyptian Radio and Television Union (ERTU), and will regulate not only the official, terrestrial broadcast media but also satellite broadcasts and online video-streaming services like Bambuser and Ustream.

The law may target the resilient and growing exiled opposition media, which are mainly affiliated with the Muslim Brotherhood and broadcast from satellite stations outside the country, including in France and Turkey. Major stations in this sector include Misr al-Aan (Egypt Now), Al-Sharq (The East), and Mekammelin (We Will Continue). They cover opposition activities, including street protests, but they have also played a very prominent role in releasing leaked video and audio recordings of President el-Sisi.

The Egyptian government has put pressure on other countries in the region in a desperate attempt to close down these stations. The most revealing example of such activity involved Mosad Albarbary, the former administrative manager of the Brotherhood-affiliated television channel Misr 25. After a short visit by the Egyptian foreign minister to Lebanon, Albarbary was arrested in April 2014 in Beirut, where he had gone to reopen and manage another satellite station, Ahrar 25, on behalf of the Muslim Brotherhood.⁴¹

Ahrar 25 operated from Lebanon between September 2013 and February 2014, but faced several disruptions before being finally removed from the air due to pressure from neighboring governments, according to news reports.⁴² Albarbary was arrested near Rafik Hariri airport and kept there for five days by Lebanon's security service, following a request by the Egyptian government. He was then deported to Cairo with Egyptian security agents, based on a bilateral extradition treaty between the countries.⁴³ Ahrar 25 staff members reportedly fled Lebanon after Albarbary was arrested.

The Egyptian government and its allies use more sophisticated approaches to lobby democratic countries and justify their censorship outside the Arab region, where they are less influential. In a visit to France in May 2015, the Egyptian prime minister thanked France's High Audiovisual Council for suspending the transmission via French satellites of a pro-Muslim Brotherhood station called Rabaa TV (named after the Cairo square in which hundreds of Morsi supporters were killed in August 2013), and asked it to similarly halt the broadcast of another pro-Brotherhood television channel, Al-Sharq.⁴⁴ The council had acted on the grounds that Rabaa TV incited violence and hatred, an accusation the station denied.⁴⁵ The Egyptian prime minister pressed his case by invoking the recent terrorist attack on the French satirical publication *Charlie Hebdo*, and praised the French model of cracking down on hate speech.⁴⁶ He even said that he hoped to emulate the French system and set up a similar regulatory body in Egypt.

Despite these efforts to improve Egypt's image abroad, repression continues at home. Indeed, some have argued that members of the security apparatus and the judiciary—or what some have called the “deep state”—are now at odds with el-Sisi regarding particular cases that have brought Egypt great embarrassment on the international stage.⁴⁷ For example, while el-Sisi promised international leaders more than once to resolve the Al-Jazeera case by issuing an amnesty, the presiding judge decided to issue his conviction of the three journalists immediately after a visit by U.S. Secretary of State John Kerry.⁴⁸

Under such repressive circumstances, the independent media outlets and opposition or civic activists still operating in Egypt tend to view their mere existence as a success. Some think they can work quietly until another political opening affords them an opportunity to publish and speak in a more candid and open way. During the tightly controlled May 2014 presidential election, which confirmed el-Sisi's takeover, opposition figures like Hamdeen Sabahi were able to use their limited appearances on state-friendly media to expose problems within the regime. Sabahi, el-Sisi's only challenger in the election, forced the former general to confront real policy dilemmas to some degree, revealing his inability to answer basic questions about his plan to revive Egypt's economy. It is possible that parliamentary elections could bring another opportunity for independent voices to make themselves heard.

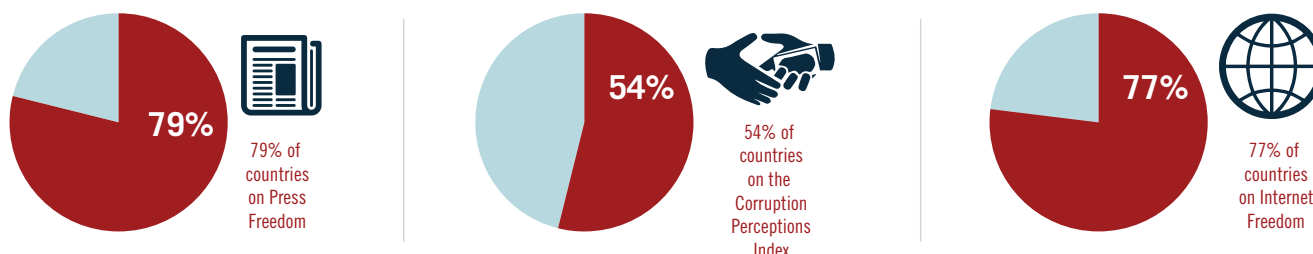
Other journalists and activists have decided to take a hiatus, or to end their careers altogether. Yosri Fouda, who criticized the NGO trial, continued his show despite pressure until late 2014, when he decided to stop. In an interview marking 100 days away from his show, Fouda told another prominent and critical journalist, Al-Nahar TV host Mahmoud Saad, that while he could not continue with the show under the present circumstances, he still believed that the freedoms sought in the 2011 revolution would come in due time.⁴⁹

“After a brief period of openness following Mubarak’s ouster in 2011, the hopes of many Egyptians to live in a free society were met with escalating repressive tactics that focused on civic activists and the media.”

Some of the journalists who stepped away from their work have tried to return, only to be frustrated by the lack of change. Reem Maged, former host of the popular ONtv talk show *Baladna bel Masry*, which was critical of military rule after Mubarak's ouster, chose to stay away from the camera for two years. She then returned in May 2015 with a new show that concentrated on social issues, exploring the lives of Egyptian women. But the program was suspended by its broadcaster after only two episodes. The producer blamed unspecified pressure for the decision.⁵⁰

Given these experiences, many journalists who have tried to maintain their independence have grown increasingly despondent. “In this military regime, there won't be a real opportunity for change,” said Kotb al-Arabi, an Egyptian journalist who is close to the Muslim Brotherhood and a former board member in the Egyptian Journalist Syndicate.⁵¹ The brutal power of the government transcends its own laws and its own constitution, he added. Even when there is a positive development, like the election of independent and critical journalists to the board of the Journalists Syndicate, state institutions are quick to respond harshly. In June 2015, a day after the syndicate organized a protest to object to the arbitrary detention of journalists and criticized the Ministry of Interior, another journalist was arrested at his home and disappeared for several days, despite a law that says the syndicate should be alerted when there is an arrest and that the journalist should be given access to a lawyer during the investigation.⁵²

In 2014, Egypt Performed Worse than...



Press Freedom data from Freedom House, *Freedom of the Press 2014* (New York: Freedom House, 2014). Corruption rankings from Transparency International, *Corruption Perceptions Index 2014* (Berlin: Transparency International, 2014). Internet Freedom data from Freedom House, *Freedom on the Net 2014* (New York: Freedom House, 2014).

However, there are some who believe that the demand for high-quality, independent media, which was strengthened during the period after Mubarak's resignation, still exists. They argue that the demand could be enough to sustain independent media through this troubled time. Bassem Youssef chose to take his satirical show off the air after el-Sisi was elected, concluding that the only alternatives were to be co-opted or self-censor. He said in May 2015 that he is focusing on helping his brand survive. While teaching a course on political satire at Harvard University's Kennedy School, and avoiding the exorbitant fines pending against him in Egypt, he told Mahmoud Saad that he is already starting a new initiative that sponsors young media innovators and talented young people across Egypt to emulate his experience using YouTube.⁵³ "If conditions now do not allow me a platform, the best thing I can do is to give others the same opportunity.... It is better to invest in millions instead of one."⁵⁴

IV. Prospects and Challenges for the Future

After a brief period of openness following Mubarak's ouster in 2011, the hopes of many Egyptians to live in a free society were met with escalating repressive tactics that focused on civic activists and the media. The failures of President Morsi led to a political divide in the media, which undermined promises and opportunities for reform and squandered much-needed unity among revolutionary voices.

The repression became both more brutal and more effective under the current military-led government. El-Sisi's supporters executed a calculated campaign and sought broader acceptance of repression, using the media to silence dissent and promote the president as a new strongman. They controlled the narrative at home by vilifying their opponents and stressing themes of national security and counterterrorism, and launched an aggressive lobbying effort abroad to ensure that they paid a minimal cost for their oppression in their relations with the international community.

While independent and opposition voices struggle to survive, online and in exile, there is some hope in the short term. The Internet may continue to provide a limited haven for the media, opposition satellite stations may grow more popular, or new political developments may offer another chance for significant progress in the public's understanding of the need for critical media and a true civil society.

In fact, there is ample reason to believe that the status quo is untenable, and that another shift in the political situation may not be far away. When el-Sisi declared that he was retiring from the military and running for presidency in March 2014, he asked Egyptians to be patient with him for two years so that he could tackle Egypt's most challenging problems: the deteriorating economic and security situations.⁵⁵ Whenever he comes under pressure, whether from leaked recordings that reveal corruption or from a spike in terrorist attacks, he promises huge new development projects and makes grand pledges to end terrorism.⁵⁶

However, two years after the military takeover, neither the economy nor the security situation have substantially improved. The economy has seen limited progress thanks to aid from Persian Gulf monarchies and some macroeconomic reforms, but it has yet to provide sufficient relief to the poor or create jobs for the growing young labor force. Moreover, the ill-advised expansion of the military's stake in the economy raises additional concerns about corruption.⁵⁷ This may be why el-Sisi in early July signed a law granting him the right to fire heads and members of major state audit agencies when necessary to protect the "supreme interests of the country or any public legal entity."⁵⁸

Experts have long recognized that poor governance, including corruption and the absence of the rule of law, has fueled popular discontent, social and economic instability, and the growth of violent extremist groups across much of the Middle East.⁵⁹ For the cycle of authoritarian misrule and terrorist violence to be broken, citizens must push for open, inclusive, accountable governments that can deal with violent groups, safeguard citizens' rights, and enable these countries to achieve genuine modernization.

This understanding of the region has been borne out in el-Sisi's Egypt. While the president has used the threat of terrorism to silence all critical and opposition voices,⁶⁰ a brutal war in the Sinai is killing soldiers, civilians, and militants alike. Not only has the regime's approach not stopped terrorist attacks, but the number of attacks has actually increased fivefold since el-Sisi took power.⁶¹ This does not bode well for his long-term ability to maintain power without significant opposition.

Finally, el-Sisi may not be able to produce economic growth while maintaining control over media, due to budget constraints at state outlets and the increasing alienation of the Egyptian business community, which operates major private outlets.⁶² Some 28 percent of Egypt's state budget for the fiscal year that started on 1 July 2015 is devoted to interest payments on debt, and the state broadcaster, ERTU, estimated its losses for the same year at 4.1 billion pounds (\$520 million).⁶³ Government-owned newspapers have sustained even bigger losses, reported at more than 12 billion pounds (\$1.5 billion) in 2014.⁶⁴

All of this suggests that Egypt's opposition figures, civic leaders, and independent journalists could have another opening to push for change, if they can hold on long enough to outlast the current, seemingly relentless repression.

The views expressed in this paper represent the opinions and analysis of the author and do not necessarily reflect those of the National Endowment for Democracy or its staff.

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STIFLING THE PUBLIC SPHERE: MEDIA AND CIVIL SOCIETY IN RUSSIA

Maria Snegovaya

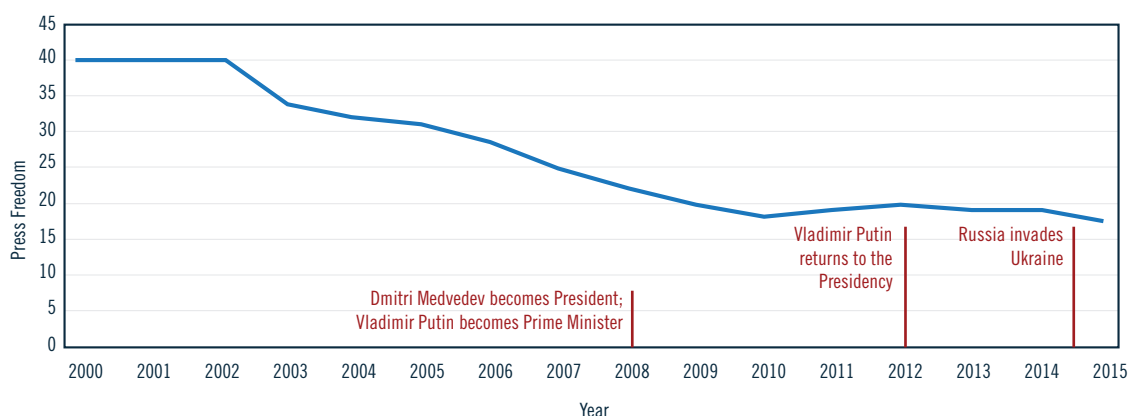
I. Overview

The expectations of the “end of history” that appeared after the Third Wave of global democratization, which culminated in the collapse of the Soviet Union in 1991, are now understood to have been premature. According to the most recent edition of Freedom House’s *Freedom in the World* report,¹ democratic ideals today are under the greatest threat they have faced in 25 years. The countries with declines in freedom have outnumbered those with gains in each of the past nine years. But 2014, the year covered by the 2015 report, was particularly grim: political rights and civil liberties declined in 61 countries, and improved in only 33.

Russia has played an important role in these democratic setbacks. According to Freedom House, the country has been on a downward spiral since the early 2000s. It has received a Not Free status each year since the 2005 edition of *Freedom in the World*,² and over the last 15 years, its civil liberties indicators have deteriorated due to expanded state control over the media, a dramatically increased level of propaganda on state-controlled television (which remains the primary source of information for 90 percent of Russians),³ and new restrictions on the ability of some citizens to travel abroad, among other factors.

However, the most radical changes arguably occurred during the summer of 2012, following large antigovernment protests that began in late 2011 and Vladimir Putin’s return to the presidency in May 2012. Significant developments included the enactment of the “foreign agents” law, which stigmatized civil society organizations, and a crackdown on Russia’s few remaining independent media outlets. Internet freedom was also attacked more severely starting in 2012, with increasingly restrictive legislative measures, expanded content blocking, and enhanced state surveillance capabilities.

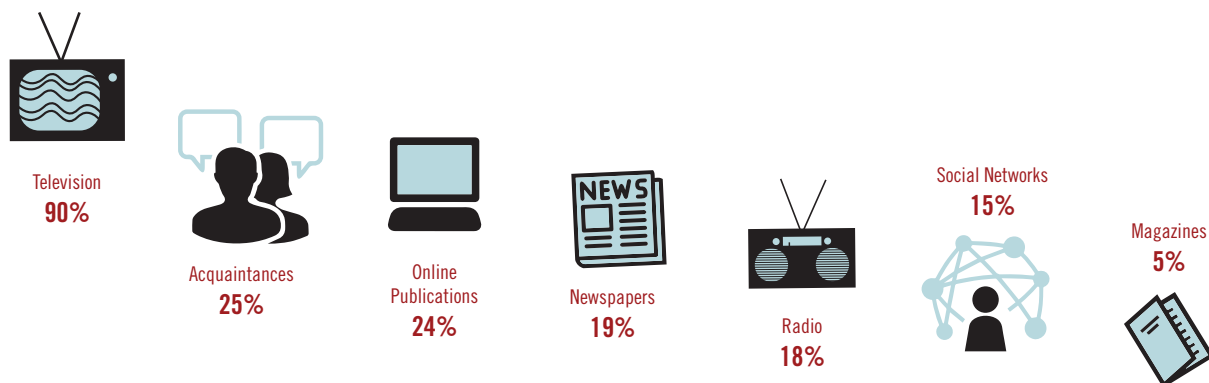
Media Freedom in Russia 2000-2015



Data from Freedom House, *Freedom of the Press* (New York: Freedom House), editions 2000 through 2015. Scores have been inverted so that a score of one hundred is “most free” and a score of zero is “least free.”

Use of News Sources in Russia 2014

Percent of Population



Data from the Levada Center in March 2014, “Российский Медиа-Ландшафт: Телевидение, Пресса, Интернет,” [Russian Media Landscape: Television, Press, Internet] (Moscow: Levada Center, 2014).

Another threshold was crossed in 2014, when Russian forces invaded Ukraine. The attack symbolized an open abandonment of the quasi-democratic camouflage that had allowed electoral autocracies like Russia to survive in the post-Cold War world.⁴ The military action was accompanied by an unprecedented wave of propaganda and growing suppression of dissent within Russia.

The scale of the propaganda campaign is evident in the increased state spending on official media enterprises. Despite international sanctions, falling oil revenues, and a weakening currency, the Kremlin raised allocations to its array of outlets for the 2015 budget, in some cases by as much as 30 percent over the amount for 2014.⁵

II. Three Distinctive Features of Russia’s Media Control

The pattern of media control in Russia has three distinctive features: selectivity and strategic uncertainty in the censorship regime, the use of propaganda tools to reshape rather than completely control the media narrative, and an emphasis on legal and economic methods to suppress or co-opt independent voices.

A. SELECTIVITY AND STRATEGIC UNCERTAINTY IN THE CENSORSHIP REGIME

Although some analysts have attempted to do so,⁶ censorship in today’s Russia cannot be compared to the totalitarian practices of the Soviet Union. The Putin regime tends to implement repression on a selective basis, targeting certain media outlets or individuals in order to motivate self-censorship among the rest.

The contemporary Russian regime is hardly alone in taking this approach. In the changing environment of the late twentieth century, mass repression became extremely costly for dictators and thus unlikely to be employed against a docile population.⁷ In addition, overreliance on the armed forces and the security apparatus to sustain autocratic rule made dictators increasingly vulnerable to coups.⁸ As a result, “aside from outliers such as Cuba, North Korea, and Turkmenistan, today’s authoritarian regimes don’t seek total media domination. Instead they opt for ‘effective media control’—enough for them to convey their strength and puff up their claims to legitimacy while undermining potential alternatives.”⁹

The existence of the “effective media control” strategy in Russia is apparent from the fact that multiple civic freedoms persist, though with constraints. The Internet is still relatively free, even after the Kremlin took a series of steps to increase control over the online sphere in 2012, in advance of the Sochi Olympic Games in February 2014, and throughout the ongoing crisis in Ukraine.¹⁰ Similarly, several independent media outlets—such as the television channel Dozhd (TV Rain), the radio station Ekho Moskv, and the business daily *Vedomosti*—continue to convey viewpoints that differ from those of the Kremlin.

In the past, periods of state pressure on alternative media have come after military conflicts, like those with Georgia and Ukraine, or unfavorable domestic developments for the regime, such as antigovernment protests or worsening economic conditions.¹¹ Typically, after a crackdown passes, the surviving media continue to operate and some new enterprises emerge to replace those that were destroyed. Nevertheless, the overall trend is clearly negative, with fewer and fewer independent outlets emerging from each round of repression.

The strategy of selective repression was pioneered decades ago by the Chinese Communist Party as it sought to build a more open economy while maintaining political control.¹² Rather than engaging in Soviet-style mass repression, China’s rulers deliberately used selective enforcement to create uncertainty as to the boundaries of acceptable speech and media coverage, prompting journalists and activists to curb their own criticism of the authorities. Russian authorities might have learned the idea of selective censorship from their Chinese counterparts, who practice erratic punishment of individuals and corporations.¹³ For example, if two publications publish articles criticizing the same corrupt authorities, Chinese censors may ban one publication rather than both of them and thereby foster uncertainty in the minds of journalists.

Examples of strategic uncertainty in contemporary Russia include the recent case of Svetlana Davydova. A housewife from the town of Vyazma, she was initially detained in January 2015 on charges of high treason for informing the Ukrainian embassy that troops based in her town might be deployed to Ukraine. The charges were eventually dropped, but the high-profile case likely served its purpose as a deterrent to others who opposed Russia’s military involvement in Ukraine. That the Kremlin hoped to suppress such views was later confirmed by Putin’s May decree declaring that information on all Russian military deaths—even during peacetime—would be considered a state secret.¹⁴ The move meant that journalists and activists who discussed casualties in eastern Ukraine could face up to seven years in prison.

Similarly, a number of prohibitive laws adopted by the State Duma in recent years feature deliberately vague wording, which allows for multiple interpretations and gives the authorities freedom to inflict punishment at their discretion. In the above example, Davydova was charged on the basis of November 2012 amendments to the criminal code, which broadened the definition of “high treason” to include the “provision of financial, material, advisory and other assistance” to a foreign state or international or foreign organization. But under such a definition, even a mundane newspaper interview may constitute “high treason.” Other broadly worded pieces of legislation include recently adopted laws on extremism, inciting hatred, offense to religious feelings, distortion of World War II history, and the registration of “foreign agents.” While systematic enforcement of such laws is unlikely, their selective application enables the authorities to apply severe and discretionary punishments to opponents of the system. For instance, the Kremlin has avoided jailing the well-known opposition leader Aleksey Navalny, while issuing harsh prison sentences to his brother and other, less prominent regime opponents.

“...a number of prohibitive laws adopted by the State Duma in recent years feature deliberately vague wording, which allows for multiple interpretations and gives the authorities freedom to inflict punishment at their discretion.”

The system of selective repression and strategic uncertainty provides several clear advantages over traditional mass repression. First, as noted above, it is much less costly: mass repressions require the maintenance of a pervasive security apparatus to effectively eliminate all public dissent. Under contemporary economic conditions, which require societies and international borders to remain relatively open, mass repression might be almost impossible to implement fully. By contrast, the arbitrary jailing of a single person can intimidate hundreds of thousands of others into controlling their own words and actions. Second, a complete clampdown on critical viewpoints, even if it were possible, would endanger the regime by cutting off important safety valves for the expression of public frustrations. Third, strategic uncertainty allows the authorities to backtrack in case of overreach. This benefit is especially obvious in Russian policy on Ukraine. By not acknowledging the presence of the Russian troops in the country, the Kremlin allows itself (and its opponents) a greater number of exit options, whereas admitting to Russian involvement could force international institutions to impose more severe punishments and even lead to full-scale war.¹⁵

B. MODIFYING RATHER THAN CONTROLLING THE NARRATIVE

As Peter Pomerantsev has stressed,¹⁶ today's Russian regime also differs from the Soviet system in that it does not attempt to quash unfavorable information by completely eliminating the source, preferring instead to reshape the narrative. Again, the change is related to the new global conditions that followed the Third Wave of democratization. Autocrats perceived a need to boost their domestic and international support by selling their political systems at home and abroad, guided by “the belief that whose story wins may be more important than whose army wins.”¹⁷

Pomerantsev quotes from a Russian manual called “Information-Psychological War Operations: A Short Encyclopedia and Reference Guide,”¹⁸ which emphasizes the importance of information warfare and summarizes its key principles. These include the notion that information weapons should act “like an invisible radiation” upon their targets, so that the population is not aware of the effect and “the state doesn’t switch on its self-defense mechanisms.” Moreover, unlike in a “normal war,” victory in information war can be partial, as “several rivals can fight over certain themes within a person’s consciousness.”

Indeed, on the international level, Russia’s state media outlets often portray themselves as merely providing an “alternative” viewpoint on world events. Margarita Simonyan, editor in chief of both RT and the Rossiya Segodnya media group, has been quoted as saying that “there is no such thing as objective reporting.” Rather than completely dominating the information space, the Kremlin’s propagandists appear content to muddy the waters.

The logic is as follows: When fake news is created, many journalists who are taught to report both sides will have to repeat the assertion, and public opinion will shift toward the false reality, as the audience typically believes that “there is no smoke without fire.” In one notorious example of this process, Russia’s Perviy Kanal (First Channel) broadcast a fake report claiming that a boy in the Ukrainian town of Slovyansk had been

crucified by the Ukrainian army. The piece featured a supposed interview with the child's mother.¹⁹ Although investigations by other outlets found no evidence to support the story, Perviy Kanal never acknowledged its mistakes or apologized for fabricating the report.²⁰ Even if such stories are methodically debunked, news consumers are not always aware of the corrections, and the falsehoods have a cumulative effect on public perceptions.

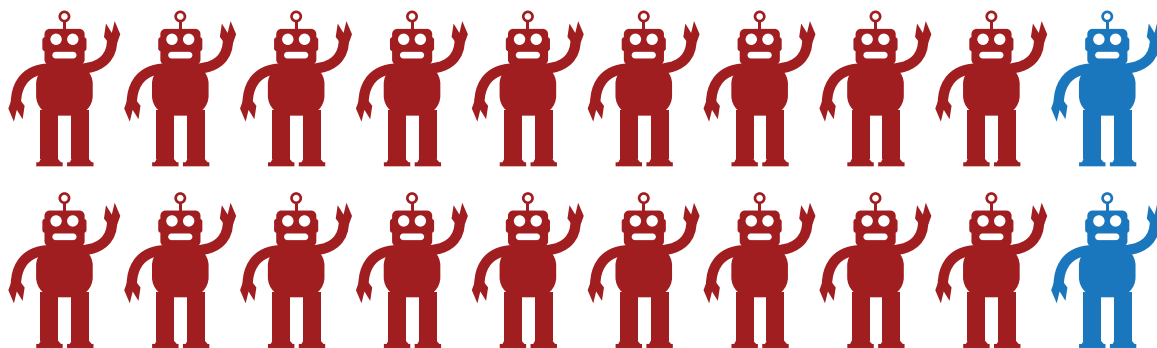
Importantly, however, the “shaping narratives” approach is directed primarily toward foreign audiences. It works particularly well in the democratic world, not only due to the fact that journalists are expected to acknowledge alternative (including official Russian) views, but also because it fits some domestic political sentiments, including skepticism about the objectivity of mainstream media. Within Russia, meanwhile, the Kremlin goes to greater lengths to control the narrative by drowning out or silencing independent voices.

Analysts describe Russia's current disinformation campaign as the 4D approach: “dismiss,” as Putin did for over a month regarding the obvious fact that Russian soldiers had occupied Crimea; “distort,” as with the fabricated story about the crucified boy; “distract,” as Russian media did with alternative theories about the destruction of Malaysia Airlines Flight 17 over eastern Ukraine; and “dismay,” as Russia's ambassador to Denmark did in March 2015 when he threatened to aim nuclear missiles at Danish warships if Denmark joined NATO's missile defense system.²¹ While Pomerantsev emphasizes the novelty of such disinformation strategies, they are hardly different from the doctrine utilized in the West by the Soviet Union, and fairly consistent principles can be traced through the work of Soviet and post-Soviet scholars on the subject.²²

Arguably, the main difference between the Soviet and contemporary disinformation strategies is the emergence of the Internet, which provided wider and faster access to different audiences and allowed the state to multiply the variety of its disinformation approaches. Paid Internet “trolls” and “bots” play a unique role in this area. The first term refers to people in online discussion forums who try to derail conversations with indecent comments, spread misinformation, and steer online discourse with pro-Kremlin rhetoric. By contrast, “bots” are people or programs that engage in mass distribution of short, sometimes identical, messages.

According to investigations by several independent Russian and foreign journalists, one of the major suppliers of Russian trolls is a firm called the Internet Research Agency, based in a St. Petersburg suburb, that employs hundreds of people across Russia. Each person hired by the company is expected to leave dozens of comments daily on various online publications, articles, and blogs, pushing views on a shifting range of topics

“Internet researcher Lawrence Alexander this year uncovered an apparent bot network of 17,590 pro-Kremlin Twitter accounts, over 90 percent of which had no registered location, time-zone information, or Twitter favorites.”



depending on the news agenda.²³ The campaign is allegedly orchestrated by the Kremlin. The fake user accounts rarely if ever interact with other users through replies or mentions, and the quality of the posts is often poor, with many trolls using recognizable nicknames and making typical Russian mistakes when writing in foreign languages. At the same time, the effort is massive. Internet researcher Lawrence Alexander this year uncovered an apparent bot network of 17,590 pro-Kremlin Twitter accounts, over 90 percent of which had no registered location, time-zone information, or Twitter favorites.²⁴

C. LEGAL AND ECONOMIC METHODS OF CONTROL

Another distinctive characteristic of the Kremlin media control strategy is the importance of legal and economic methods in co-opting or weakening independent media outlets. In their book on Putin,²⁵ Fiona Hill and Clifford Gaddy stress his tendency to use formal documents to justify his actions, and there is some truth to the observation that the Kremlin often tries to hide behind legal rules while pursuing its political agenda. In what could be viewed as an extension of this pattern, whenever possible the leadership attempts to buy and tame independent media outlets rather than engaging in a direct crackdown.

An independent outlet typically comes under threat as soon as it reaches over one or two million people, though the threshold was probably tightened after the 2011–12 opposition protests. The authorities' assessment of the threat fluctuates as each wave of repression comes and goes.

The regime occasionally perpetrates direct attacks on the journalists it finds particularly troublesome. For example, in 2014 Pskov journalist Lev Shlosberg was severely beaten after his paper reported about the burials of Russian soldiers allegedly killed in Ukraine,²⁶ and BBC journalists were attacked and had their camera equipment smashed in Astrakhan while investigating a similar story.²⁷ More than two dozen journalists have been killed in connection with their work during Putin's rule, according to the Committee to Protect Journalists. Still, the regime tends to avoid direct violence if it can accomplish its aims by utilizing some mix of legal and economic pressure.

First, each wave of repression is preceded by the emergence of increasingly restrictive laws, such as the "foreign agents" law or new penalties for "extremism." Second, if an outlet fails to self-censor in the face of such legal threats, the Kremlin attempts to replace the editor in chief or director with a more loyal figure. This strategy has been tried with major news outlets including RIA Novosti, Gazeta.ru, *Kommersant*, Lenta.ru, Ekho Moskv, RBC, and *Nezavisimaya Gazeta*. Yandex, a homegrown Internet search engine, might also come under pressure.²⁸

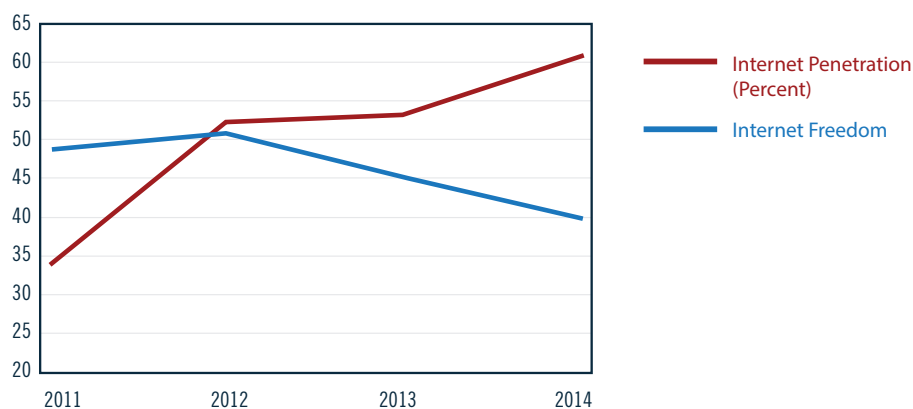
Third, the authorities can engineer the purchase of the targeted outlet by a more loyal owner—a tactic used repeatedly since the 2001 crackdown on then independent television station NTV. Later victims included *Izvestiya*, *Kommersant*, St. Petersburg's Fontanka.ru, and now potentially *Vedomosti*, as the Finnish company Sanoma recently sold its stake in the paper to a Russian businessman, Demyan Kudryavtsev. The move came after the October 2014 passage of a law limiting foreign ownership stakes in Russia media to 20 percent by 2017, which could lead the remaining foreign owners of *Vedomosti* and other outlets, like *Forbes Russia*, to sell. Even social-media companies have been subjected to co-optation through forced ownership changes. Mail.ru, owned by pro-Kremlin billionaire Alisher Usmanov, increased its stake in the popular social network VKontakte after the original owner, Pavel Durov, left Russia under pressure in 2014.

Only when replacing the editor or buying off the outlet is not an option does the Kremlin attempt to cripple its actual operations. Such was the case with TV Rain, whose audience reached the “red zone” of one to two million people in the wake of the 2011–12 opposition protests. TV Rain was owned by its director and an independent Russian businessman, making it difficult to co-opt. Instead, in 2014 TV Rain was cut off from its main cable audience through what seemed to be a Kremlin order. The pretext was an online poll conducted by the channel in early 2014 on the 70th anniversary of the lifting of the siege of Leningrad, in which 800,000 people had died. It asked whether the Soviets should have surrendered Leningrad to the invading Germans in order to save hundreds of thousands of lives. The editors later removed the poll and apologized in the wake of a furious and coordinated attack by pro-Kremlin deputies, who called on the general prosecutor’s office to investigate the station for alleged extremism. Putin’s press spokesman, Dmitriy Peskov, said the channel had crossed a moral redline. Soon afterward, cable providers started pulling it from the air,²⁹ and it remains cut off from most cable television viewers. Moreover, to limit the channel’s ability to earn advertising revenue, in July 2014 the State Duma passed a law that prohibited television channels from carrying advertising if they also earned money through subscriptions—a rule that would also harm many local channels across Russia. (It was later revised to focus on stations carrying foreign content.)³⁰

Some independent outlets that operate exclusively online and cannot be reached effectively through legalistic or economic means are simply shut down or blocked in Russia by federal or local authorities, as has occurred with Grani.ru, Kasparov.ru, EJ.ru, and Navalny’s LiveJournal blogging account.

The cumulative effect of these tactics is that very few independent media survive: among television channels, TV Rain and RBC, neither of which are widely available; among the print media, *Novaya Gazeta*, *Vedomosti*, *New Times*, and *Forbes Russia*; among online outlets there are more examples due to the Kremlin’s inability or unwillingness to seize greater control of the Internet, though blocking and buyouts have increased in recent years.

Internet Freedom and Penetration in Russia 2011-2014



Data from Freedom House, *Freedom on the Net* (New York: Freedom House), editions 2011 through 2014. Scores have been inverted so that a score of one hundred is “most free” and a score of zero is “least free.” Internet penetration data is from *Freedom on the Net*, which cites International Telecommunications data from the year preceding *Freedom on the Net*’s release.

When faced with official pressure, most media are inevitably forced to accept some set of compromises or exchange of favors with state authorities in order to survive. For example, *Novaya Gazeta* published a report on claims by Russian military experts that Malaysia Airlines Flight 17 was shot down by a missile fired from government-held territory in Ukraine. For its part, Ekho Moskvyy devotes about half or a third of its time to pro-Kremlin pundits and publications, a compromise that allows it to continue carrying independent and opposition viewpoints.

An increasing number of independent, cross-border Internet projects have been launched by Russians, such as the Latvia-based news site Meduza and the Estonia-based television service Aru.tv,³¹ but their reach remains relatively limited. Most Russians continue to rely on the state-dominated broadcast networks for news and information.

III. A Similar Approach to Control of Civil Society

The regime's management of nongovernmental organizations (NGOs) generally follows the pattern observed with the media, particularly with respect to the promulgation of multiple, prohibitive laws with vague definitions that allow the authorities to selectively persecute independent groups. And as with the media, the current crackdown on NGOs began in 2012 following Putin's return to the presidency and related opposition protests.

The most notorious of the NGO laws passed in this period is N121-FZ, known as the "foreign agents" law. Adopted in July 2012 but actively enforced only in 2014, it requires NGOs that receive foreign funding and are involved in loosely defined "political activities" to register as "foreign agents." At the time of writing, the Ministry of Justice's website listed nearly 90 groups as "foreign agents."³² The ministry has interpreted the "political activities" component to apply to organizations that "influenced public opinion," organized protests, participated in events outside of Russia, reported to the United Nations about Russia's human rights problems, or possessed politics-related literature in their offices.³³ Consequently, the "foreign agents" list includes such diverse organizations as the Soldiers' Mothers Committee of St. Petersburg, the election-monitoring agency Golos, the human rights center Memorial, and the Chelyabinsk environmental group For Nature. Moreover, the law did not provide any clear procedure for securing removal from the list.

Although the application of the "foreign agent" label has not led to overt persecution, only three NGOs registered voluntarily. Most refused to do so, suspecting that the law would open the door to future prosecutions, bans, or funding restrictions. For example, the Moscow School of Civic Education chose to close in December 2014 following its inclusion on the list. The Levada Center, Russia's only independent polling agency, has repeatedly stated that it may have to close rather than register under the law. The discretionary nature of the law was revealed when the Dynasty Foundation, one of the largest charity foundations in Russia, was added to the list in May 2015. Dynasty's Russian founder, Dmitriy Zimin, used his own money—earned

"The regime's management of nongovernmental organizations (NGOs) generally follows the pattern observed with the media, particularly with respect to the promulgation of multiple, prohibitive laws with vague definitions that allow the authorities to selectively persecute independent groups."

in Russia but kept abroad—to fund the organization. Nonetheless, the Ministry of Justice ruled that Dynasty received “foreign” funding.³⁴ The foundation subsequently shut down.

A more recent law, N129-FZ, adopted in May 2015, allows officials to declare foreign and international organizations “undesirable” and close their operations in Russia. Organizations, employees, and subcontractors that fail to comply are subject to high fines and significant jail time. The criteria for labeling an organization undesirable are unknown. The law simply targets foreign and international groups that “threaten the foundations of the constitutional system of the Russian Federation, its defense capabilities, and its national security.”³⁵ In July, the National Endowment for Democracy became the first organization to be officially blacklisted under the legislation.

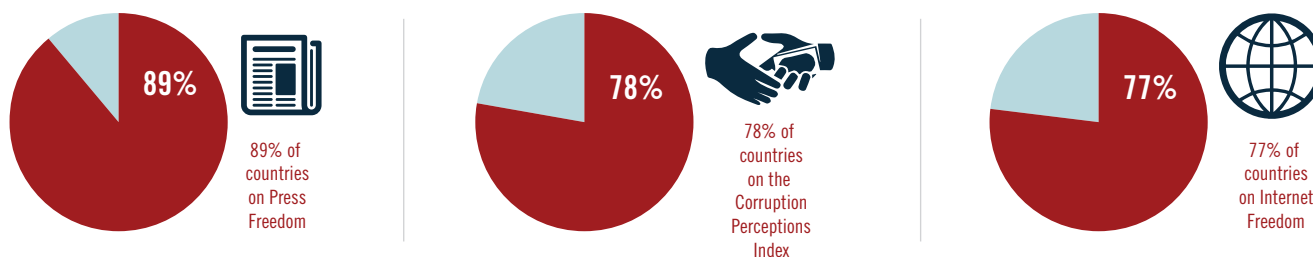
IV. Prospects and Challenges for the Future

The smothering of media and civil society further weakens the Russian system’s ability to tackle the country’s already-rampant corruption and will shrink incentives to reform the economy. That, in turn, is likely to create even more favorable ground for lawlessness and provide more impunity for corrupt officials. Given the unfavorable climate for the operation of independent media and grassroots organizations in Russia, the available courses of action are limited. However, there are a number of strategies that have shown some promise and should be pursued in the future.

Investigative organizations such as Navalny’s Fund to Fight Corruption (FBK) have been effective in exposing the Kremlin’s corruption and played an important role in inspiring the 2011–12 opposition protests. However, such groups face substantive obstacles in reaching the general public and disseminating their work within Russia. Even international social-media services like Facebook and Twitter have proven to be overly compliant with Kremlin requests to block opposition content. Democratic governments and international civil society could do more to assist in this area.

The Magnitsky Act, a U.S. law that imposes travel bans and asset freezes on Russian officials suspected of committing human rights abuses, has proven to be quite painful for Russian elites, as have similar penalties imposed by democratic governments in connection with the invasion of Ukraine. Opposition activists led by Mikhail Kasyanov and Vladimir Kara-Murza have called for sanctions to be extended to Russian journalists and media managers who are most actively engaged in the Kremlin’s propaganda campaign.

In 2014, Russia Performed Worse than...



Press Freedom data from Freedom House, *Freedom of the Press 2014* (New York: Freedom House, 2014). Corruption rankings from Transparency International, *Corruption Perceptions Index 2014* (Berlin: Transparency International, 2014). Internet Freedom data from Freedom House, *Freedom on the Net 2014* (New York: Freedom House, 2014).

Most independent media in Russia are cut off from major funding sources, leaving them completely outmatched by heavily subsidized state media. Democratic governments and foreign NGOs could respond with increased funding for their own Russian-language news services, such as Radio Free Europe/Radio Liberty's Svoboda.org, and support for foreign-based, Russian-founded projects like Meduza, Open Russia, Free Russia Foundation, and the Committee for Russian Economic Freedom. However, more expert discussion is required on how to reach the domestic Russian audience on a large scale.

Important opposition potential is concentrated in Russia's professional class, which is more educated and connected to the outside world. Until 2012, many Russian lawyers, economists, academics, and reformers attempted to change the regime "from within," but later developments have illustrated the futility of such attempts, and large segments of this community have now participated in opposition protests or moved abroad. The Kremlin, meanwhile, has been actively persecuting them. However, Russia's cadre of independent-minded politicians, scholars, journalists, and activists is likely to survive due to its significant size, and future assistance should include measures that help it to grow and strengthen.

Finally, Russophone communities outside of Russia are particularly vulnerable to the Kremlin's propaganda. Such audiences are especially large in the Baltic States and other Eastern European countries, are often poorly assimilated, and receive their information from predominantly Kremlin-friendly channels. Moscow's influence over these communities represents a potential danger to their countries of residence.³⁶ Hence, new, independent Russian-speaking media should be launched in those countries to compete with Kremlin-funded initiatives.

After the annexation of Crimea, the Russian public seemed satisfied with the patriotic propaganda produced by the state-controlled television channels, but this is unlikely to last. The 2011–12 protests revealed a latent societal demand for open media and independent information that is bound to increase in the coming years given Russia's deepening corruption and worsening economic conditions.

The views expressed in this paper represent the opinions and analysis of the author and do not necessarily reflect those of the National Endowment for Democracy or its staff.

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STIFLING THE PUBLIC SPHERE: MEDIA AND CIVIL SOCIETY IN VIETNAM

*Zachary Abuza*¹

I. Overview

A. CIVIL SOCIETY'S STUNTED GROWTH

Civil society in Vietnam is surprisingly weak. After several decades of economic reform that have brought significant socioeconomic transformation, especially to the cities, the government has worked assiduously to control or prevent the rise of independent civil society. It has been very effective in co-opting civil society and making it accountable to the Vietnamese Fatherland Front, an arm of the Vietnamese Communist Party (VCP) and an umbrella organization for 40 different groups, labor unions, and the six officially recognized religions. The Bar Association and Chamber of Commerce, two of the most prominent organizations, do push for changes and reforms, but they work within the confines of party edicts and interests. Environmental organizations have somewhat more space to operate, but groups focused on legal issues, the media, and human rights—such as the Vietnam Path Movement—are all highly constrained.

In general, economic reform and modernization have not led to a concurrent development of civil society, mainly due to concerted government efforts to curtail it. In 2008, the government issued the vaguely worded Decree 97, which prohibited the publication of any research that was critical of the government; the implications of the decree stifled civil society.² Speaking at a ceremony at the Ministry of Public Security on 16 August 2014, Prime Minister Nguyen Tan Dung ordered the security forces to be resolute in preventing individuals from “forming organizations of civil society and nonstate organizations.”³

Since the founding of the Socialist Republic of Vietnam in 1976, and before that the Democratic Republic of Vietnam, the media have been completely in the control of the party and state, and followed the doctrine that the sole purpose of journalism, like the arts, was to serve the revolution. The media are still viewed as propaganda organs, not independent watchdogs. There have been periods of media liberalization, but they have always been short-lived, and too often there were grave repercussions for those who pushed the limits too far.

In 2010, a major crackdown on dissidents and the media preceded the 11th Party Congress, the latest iteration of an event held every five years to usher in the new leadership of the VCP and the government.⁴ There was an expectation that censorship would be eased, but those hopes were dashed. In 2012 Prime Minister Dung, who was mired in corruption scandals (including the \$4 billion Vinashin scandal and nepotism allegations surrounding his daughter) and criticized widely within the party for managerial incompetence, called for bloggers who were delighting in the scandals to be “seriously punished.”⁵ And so they were. As a government report put it, “They have slandered the country’s leadership, fabricated and distorted information, agitated against the party and the state, and caused suspicion and mistrust in society.” Since then, control over the media has only increased.

B. HOW DOES VIETNAM CONTROL THE MEDIA?

The Vietnamese government uses a large number of vaguely worded, catchall laws and decrees to control content on the Internet, most recently Decree 72. The decree “bans the use of Internet services and online information to oppose the Socialist Republic of Vietnam; threaten the national security, social order, and safety; sabotage the ‘national fraternity’; arouse animosity among races and religions; or contradict national traditions, among other acts.”⁶

Although the September 2013 Constitution provides for the freedom of the media and freedom of association (Article 25),⁷ there are many loopholes and caveats—in particular Articles 14.2 and 15.4—that trump such rights if they violate undefined national security interests.

Decree 174 explicitly states the punishments for anyone posting “anti-state propaganda” on online social networks, including fines of VND 70 million to VND 100 million (\$3,330 to \$4,750). The decree came into effect in January 2014.⁸

The government uses vague and arbitrary national security language to criminalize speech, such as “threatening the unity of the socialist fatherland,” “abusing democratic freedoms” (Article 258 of the Penal Code), disseminating “antistate propaganda” (Article 88), “threatening national security,” or engaging in “activities aimed at overthrowing the government” (Article 79).⁹ One of the country’s most prominent bloggers was recently arrested and accused by police of “undercutting the people’s faith in the leadership of the party.”

In addition, much of the media sector is still governed by the 2006 Decree on Cultural and Information Activities, which criminalizes the dissemination of “reactionary ideology,” revealing secrets (party, state, military, and economic), and denial of the “revolutionary achievements” of the party-state, none of which are defined. It further puts in legal jeopardy anyone who publishes something without prepublication review. Possible punishments include both imprisonment and fines of up to VND 30 million.

Behind the laws is a powerful state apparatus and a political will to enforce legal restrictions. In January 2015, the minister for public security and Politburo member General Tran Dai Quang said that his ministry would be proactively taking on dissent as one of its primary missions.¹⁰

Trials for media offenses and dissent in general are swift, usually concluding within a day, or in the case of one blogger, Le Thanh Tung, an hour.¹¹ Trials are typically held behind closed doors, with no media present.

The arrest, imprisonment, and harassment of defense lawyers who take on the cases of political dissidents and journalists have meant that few such defendants receive adequate legal representation. It is telling that the authorities were willing to arrest Le Cong Dinh, one of the few Western-trained lawyers in the country, who won a major case for Vietnam at the World Trade Organization (WTO) and could arguably be considered a national hero. He was arrested and imprisoned from 2009 to 2013 for nothing more than defending dissidents and bloggers. The charge was “colluding with domestic and foreign reactionaries to sabotage the Vietnamese State.”¹² Though now free, he has been disbarred—a stark warning to fellow lawyers.

Another lawyer and rights advocate, Dr. Cu Huy Ha Vu, was sentenced to seven years in prison in April 2011 for his lawsuits against the prime minister and his defense of politically sensitive clients, including a Roman Catholic parish. Lawyer Nguyen Van Dai was placed under house arrest in 2011, and continued to face harassment by security forces after his release in March 2015.¹³ In January 2014, the government revoked the law license of Vo An Don, though the Vietnamese Bar Association has resisted this disbarment.¹⁴

Even if every political detainee received full legal representation, it is not clear that it would help, as the courts continue to be a tool of the government and party, used to maintain their monopoly on power. There is no judicial independence in Vietnam. Not one blogger or dissident has ever been acquitted in a court of law, nor has any won on appeal,¹⁵ though appellate courts have reduced sentences on occasion.

Sentences are harsh, averaging over eight years in prison. In September 2012, Nguyen Van Hai (*Dieu Cay*), who blogged about corruption, was sentenced to 12 years in prison, while a former policewoman who blogged about legal abuses and human rights, Ta Phong Tan (*Cong Ly va Su That*), was sentenced to 10 years in prison (of which she served three before her September 2015 release and exile to the United States) and stripped of her party membership, and Phan Thanh Hai (*Anh Ba Saigon*) was sentenced to four years.¹⁶ In their one-day show trial, prosecutors stated that the three bloggers had “distorted the truth about State and Party, created anxiety among citizens and supported schemes to overthrow the government.” The court found that they were “seriously affecting national security and the image of the country in the global arena.”¹⁷

The government often tries to portray bloggers and other critics as agents of the West in order to delegitimize them. And efforts to defend them by both governments and nongovernmental organizations (NGOs) in democratic countries tend to reinforce the xenophobic security forces’ belief that these individuals are plotting to overthrow the regime. Two blogs that were highly critical of Prime Minister Dung were branded “villainous ploys of hostile forces.”¹⁸

More recently authorities have gone after bloggers and dissidents for supposed tax evasion, as in the case of lawyer Le Quoc Quan in December 2012,¹⁹ and Nguyen Van Hai in 2008, before he was resented to prison for violating Article 88 of the Penal Code, “conducting propaganda against the Socialist Republic.”²⁰

Taking a page out of the Singaporean playbook, the Vietnamese government has also started to rely on libel laws to silence the media. For example, in July 2012, a court sentenced three activists for defaming the Communist Party.²¹

“Journalists and bloggers are currently more afraid of attacks by government thugs and police than of actual jail time. The authorities may be turning to these tactics because formal trials and incarcerations attract unwanted diplomatic attention.”

Short of imprisonment, bloggers and citizen journalists report frequent harassment, threats, and other forms of intimidation by security forces. In November 2014, a freelance journalist was nearly beaten to death outside Ho Chi Minh City.²² Even employees of state-owned media are subject to such treatment: In September of that year, four state media journalists were assaulted in the course of an investigation in Quang Ngai Province.²³ And in December 2014, a female democracy activist and blogger, Nguyen Hoang Vi, was beaten by female security forces.²⁴ Human Rights Watch reported that at least 14 journalists were beaten during 2014.²⁵ Most recently, Nguyễn Ngọc Quỳnh, who writes under the name “Mother Mushroom,” was severely beaten while temporarily detained — though not charged — in June 2015.²⁶

There are other forms of Intimidation. Independent journalist Doan Trang, behind the web portal Vietnam Right Now, was detained immediately upon her arrival from study in the United States, as was Dr. Nguyen Quang A.²⁷ Given such incidents, journalists and bloggers are currently more afraid of attacks by government thugs and police than of actual jail time. The authorities may be turning to these tactics because formal trials and incarcerations attract unwanted diplomatic attention.²⁸

Most media outlets in Vietnam are owned by the state. Line ministries, party organs, and the military each have their own media organs and online presence. All broadcast media are controlled by the state. The Ministry of Information and Communications has jurisdiction over all newspapers, magazines, book publishers, television stations, radio stations, and websites. By law, all content of print or broadcast outlets' Internet editions must adhere to the offline versions. At the VCP's 10th Plenum, in January 2015, the party laid out a plan through 2025 to increase state control over the media. General Secretary Nguyen Phu Trong said the party-state would make investments in state-owned media, especially in their online and multimedia platforms, while explicitly banning private media.²⁹

And yet, the party leadership is working assiduously to centralize authority over the burgeoning media industry. A draft press law released in June 2015 strives to consolidate the state owned media sector, which has become "commercialized," by streamlining the number of media organs, reducing the number of government or party entities that are allowed to publish, and reducing the number of journalists and staff by 4,000 and 6,000 respectively.³⁰

The VCP Propaganda Department does not directly censor the media, certainly not in the way it used to. But news editors meet with department officials once a week to review published and upcoming stories. Individual journalists have to decide how far they can go; these decisions can destroy their careers, and are hard to gauge because the boundaries of permissible content are undefined and shift with the political winds. The greatest threat to modern Vietnamese media is not direct state censorship, but self-censorship.

State retaliation for inadequate self-censorship can be heavy-handed. On 9 February 2015, the Ministry of Information and Communications took the newspaper *Ngươi Cao Tuổi (The Elderly)* offline and fired its editor in chief. The paper, which had run a series of highly critical articles on corruption, was accused of showing "signs of revealing state secrets."³¹

In short, state control of the media is thorough. According to Human Rights Watch, Vietnam imprisoned 63 bloggers or democracy activists in 2013 and 29 in 2014, in what the organization describes as a "revolving door" strategy of releases and new detentions.³² According to the Committee to Protect Journalists, Vietnam in 2014 imprisoned 16 journalists, including 14 freelancers for their online work, making the country one of the world's top five jailers of journalists, second only to China in Asia.³³ In 2014, Freedom House's *Freedom of the Press* rated Vietnam's media as "Not Free"; only eleven countries out of 197 scored more poorly than Vietnam.³⁴ In an indication that the "revolving door" was indeed continuing to spin, reports emerged on 29 November 2014 that yet another blogger, Hong Le Tho, had been arrested. Less than a week later, novelist and blogger Nguyen Quang Lap was arrested; his detention was especially notable for the fact that he was a very well-known author whose novels, scripts, and stories had previously been published by state media.³⁵ Yet, in the first half of 2015, only dissidents and bloggers have been imprisoned.

There have been cases in the past of senior party leaders calling for media freedoms. The most famous of these was General Tran Do, who issued a manifesto in 1998 that criticized the party's lack of democracy and applied for a license to open an independent newspaper. But he died under house arrest in 2002; his memoirs were

confiscated by the authorities, and illegal copies were officially banned. The party's "verdict" in his official eulogy was less charitable than his wartime leadership and heroism merited.³⁶

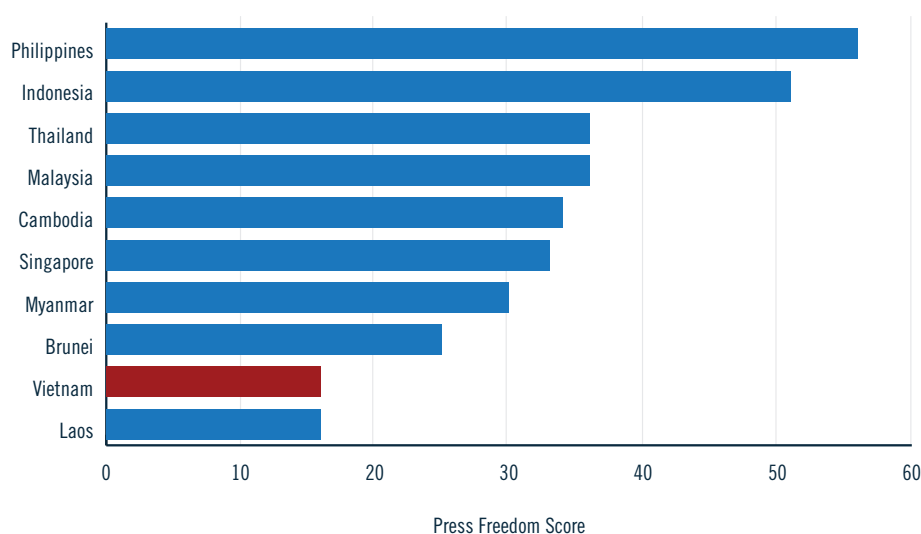
Some senior party members still advocate for fundamental freedoms. For example, on 28 July 2014, 61 former top VCP members sent a letter to the party leadership calling for comprehensive reforms, particularly economic and legal reforms, in order to "escape" reliance on China.³⁷ They urged the VCP to transform Vietnam's political structure "from that of a totalitarian regime to one of democracy in a way that is both firm and peaceful" so that it would no longer "lag behind other nations."

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II. The Growth of the Internet and the Government's Response³⁹

The Internet and the proliferation of related technology has altered Vietnam's information landscape. Forty-four percent of the population, over 39 million people, are now online, making Vietnam the 14th-largest Internet market in the world.⁴⁰ Vietnam has the third-highest rate of Internet penetration in Southeast Asia, behind only Singapore (73 percent) and Malaysia (67 percent).⁴¹ Vietnam's penetration rate is much higher than that of Thailand (29 percent), a much wealthier and more developed country; Indonesia (16 percent), which has a level of development similar to Vietnam's; and even the Philippines (37 percent), which has the greatest degree of Internet freedom in the region. Although annual growth of new users in Vietnam is now in the single digits, penetration continues to deepen. It is estimated that over 60 percent of urbanites and suburbanites are connected.

Freedom of the Press in Southeast Asia 2014



Data from Freedom House, *Freedom of the Press 2014* (New York: Freedom House 2014). Scores have been inverted so that a score of one hundred is "most free" and a score of zero is "least free."

“In Vietnam, the growth of the internet far outpaced the government’s ability to contain it technologically—the government has relied instead on laws and decrees that put the onus of regulation and control on ISPs and content producers.”

While the expansion of the Internet in Vietnam has benefited from economies of scale, the proliferation of 3G mobile technology (Vietnam still has no 4G network), and an estimated 22 million smartphones in use, it has also been driven by the production of and demand for desirable content.⁴² Freedom House estimates that 60 percent of news and information now comes from the Internet. Vietnam’s population, now 90.5 million, is young (65 percent under the age of 35), well educated, and increasingly tech-savvy.

The Ministry of Public Security has an army of Internet censors, and Vietnam is the most repressive country for Internet freedom in Southeast Asia, according to Freedom House,⁴³ especially with respect to its limits on content and violations of user rights. However, the Internet is surprisingly freewheeling in Vietnam. There is no equivalent of China’s elaborate, large-scale filtration and censorship system, known as the “Great Firewall.” When China built its Internet infrastructure, it did so with control in mind. In Vietnam, the growth of the Internet far outpaced the government’s ability to contain it technologically.

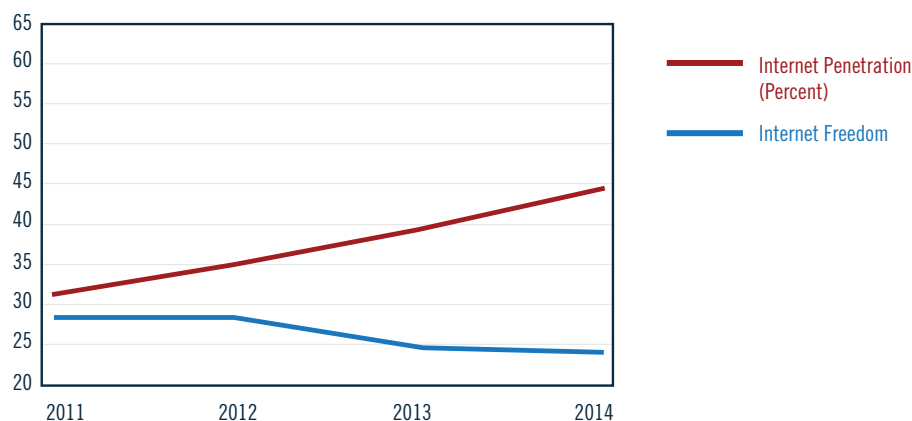
The government has relied instead on laws and decrees that put the onus of regulation and control on Internet service providers (ISPs) and content producers. In 2001, after the number of Internet users increased fourfold to over a million in just a year, the government issued the first of many decrees regulating Internet content, Decree 55. It prohibited all Internet use aimed at disrupting security, violating “social ethics and customs,” or opposing the government, and authorized individual ministries to issue regulations on Internet management and activity. The ministries continued the pattern of vague and general language. For example, in 2002, the Ministry of Culture and Information issued Decision 27, which criminalized any content that “instigates the people against the government and sabotages the great national unity.”

By 2005, the number of Internet users was nearly 11 million, most of whom accessed the medium from cafes, which prompted a new round of decrees and regulations. In July 2005, the Ministries of Public Security, Culture and Information, and Post and Telecommunications issued Inter-agency Circular 02, which required Internet cafes to collect and store data on customers (including their national ID card data) as well as their web histories and e-mail for 30 days. In November 2005, the National Assembly passed the Electronic Exchange Law, whose Article 49 gives the government “full access to computer networks, databases and electronic message traffic, as well as the authority to block computer networks.” Yet these decrees could not keep pace with the explosive growth in Internet usage; within three years, the number of users doubled to over 20 million, and by 2010 there were 28 million users.

Rather than restricting overall Internet access, which is seen as essential for Vietnam’s economic development, the government focuses on policing content on individual sites. The head of propaganda for Hanoi’s VCP branch acknowledged in 2013 that the city employed some 900 people to shape online discussions and curb criticism, in part by operating 400 different online accounts.⁴⁴

Specific parts of the Internet are firewalled, and four of the six exchanges with the international Internet are government controlled. However, many users employ circumvention tools like virtual private networks (VPNs)

Internet Freedom and Penetration in Vietnam 2011-2014



All data taken from Freedom House, *Freedom on the Net* (New York: Freedom House), editions 2011 through 2014. Scores have been inverted so that a score of one hundred is “most free” and a score of zero is “least free.” Internet penetration data also obtained from *Freedom on the Net*, which cites International Telecommunications data from the year preceding *Freedom on the Net*’s release.

to access blocked content on overseas Vietnamese websites and foreign Vietnamese-language news services, such as Radio Free Asia or the British Broadcasting Corporation (BBC).⁴⁵

Although two of the three ISPs, representing 78 percent of the market, are government owned, monitoring is inconsistent.⁴⁶ Some of the responsibility falls to the Ministry of Public Security, while other duties fall to the Ministry of Information and Communications or ISPs themselves. One of the largest providers, Viettel, is owned by the military; this was the one company the military fought tooth and nail to retain when the government tried to force it to give up its business interests. The Vietnamese People’s Army (VPA) argued that it should hold on to Viettel for national security reasons, but it was clearly interested in the income generated in this growing industry. Content restrictions among the three ISPs vary, and potential harm to profits is always a consideration.

Just as there is no equivalent in Vietnam to China’s “Great Firewall,” there is also no parallel to China’s ban on foreign social-media platforms. China has both the coercive power and the market share to force the creation of indigenous platforms such as Sina Weibo, its leading microblogging site. Vietnam pushed for the development of an indigenous microblogging site, Mimo.vn, but it fared poorly.⁴⁷ Vietnam has one of the world’s fastest growing populations of Facebook users; while this prompted a ban on the site, it was easily circumvented and has been de facto lifted.⁴⁸ Facebook now has 71 percent of Vietnam’s social-networking market share, twice the number of the Vietnamese counterpart, Zing Me.⁴⁹ The government made a very large investment in Go.vn, another alternative social-media platform, and this too has been a bust, especially because users have to provide their government-issued ID number to register an account.

By 2013, there were over 36 million Internet users, with 40 percent Internet penetration overall and an even higher figure in the cities. Vietnam had the 12th-highest degree of Internet penetration in the world, despite its low level of economic development. With the proliferation of smartphones and the 3G network, over 50 percent of Vietnamese were using the Internet for news and information, and there were an estimated 300,000 blogs. Facebook had an estimated 22 million users by 2014.⁵⁰ The government could not keep pace.

On 15 July 2013, the government issued the Decree on Management, Provision, and Use of Internet Services and Information Content Online (Decree 72/2013-ND-CP), effective on 1 September 2013. The decree is vaguely worded and bans “the use of Internet services and online information to oppose the Socialist Republic of Vietnam; threaten the national security, social order, and safety; sabotage the ‘national fraternity’; arouse animosity among races and religions; or contradict national traditions, among other acts.” The law prohibited blogs, websites, and social media from sharing news content online, and it required social media to provide account information if a law had been violated. Essentially the government did not want citizens discussing negative news, poor policy decisions, government failings, or high-level corruption scandals. At best, the decree’s wording was highly confusing and subject to broad interpretation by authorities. It also required foreign Internet companies to maintain servers in Vietnam, subjecting them to penalties if they did not censor content on their pages. And it held cybercafe owners responsible if customers visited inappropriate sites.

In terms of enforcement, it is relatively simple for security forces to use algorithms—similar to those used by search engines—to determine who are the most popular or influential bloggers, and whose writings get the most cross-posts or shares, allowing the government to be more surgical with its countermeasures.

In addition to legal controls and the blocking of individual sites, the government employs cyberattacks on sites it deems threatening. In 2010, very sophisticated attacks using advanced malware and other cyberespionage tools began to be detected in the accounts, computers, and phones of dissidents, but also of an Associated Press journalist and Viet Kieu (overseas Vietnamese) bloggers.⁵¹ The government denied any role, but security researchers at Google and McAfee both concluded that the attacks originated in Vietnam. Cybersecurity experts describe sophisticated phishing attacks on bloggers as well as increased use of application attacks. In 2013, the University of Toronto’s Citizen Lab published research exposing Vietnam’s use of FinFisher, a surveillance software package developed by the German firm Gamma International GmbH and known for its use in “targeted attacks against human rights campaigners and opposition activists in countries with questionable human rights records.”⁵² All of this, of course, violates Article 21 of the 2013 Constitution, which guarantees the right to “privacy of correspondence.” Nevertheless, Vietnam has not deployed more powerful cyberattack weapons on the scale of China’s “Great Cannon.”

In response to the apparent government attacks, there has been a surge in efforts by overseas organizations to provide training and tools for encryption and cybersecurity. The overseas-based Viet Tan, which the Vietnamese government has declared a “terrorist organization,” set up an instructional website in 2010 and conducts online and Skype trainings.⁵³

III. Media Adaptation and Innovation

A. THE EMERGENCE OF INDEPENDENT AND CITIZEN JOURNALISM

Since 2005, blogging has made substantial inroads. More people are willing to take great personal risks to stand up to the state and expose corruption, abuses, environmental degradation, and bad public policies that they feel are not adequately covered in state-controlled media. In 2004–05, both Google and Yahoo established Vietnamese-language news pages and took feeds from two of the most progressive newspapers in the country, *Tuoi Tre* and *Thanh Nien*. This came at a time when Internet usage was surging, and more and more Vietnamese were getting their news online. But it also exposed Vietnamese to each Internet company’s blogging platform, and importantly, neither company maintained servers in Vietnam.

The number of bloggers is unknown, but it is clear that the figure is growing and that they are becoming bolder as dissatisfaction with government policies, media coverage, and exposure to external or foreign media have increased. In 2005, two leading dissidents, Tran Khue and Hoang Minh Chinh, launched the first truly provocative and openly political website, “Democracy Movement,” which was hosted on a server based in the United States. It was immediately attacked and taken down by government hackers. In 2006, Bloc 8406, a dissident group, released its Manifesto on Freedom and Democracy in Vietnam, which was one of the first collective Internet campaigns calling for wholesale political reform.

The surge in blogging led the government to enact Decree 97 on the Management, Supply, and Use of Internet Services and Electronic Information on the Internet,⁵⁴ in August 2008, and the Ministry of Information and Communications’ Circular No. 7, issued that December. These were blunt instruments that made it a crime to use the Internet 1) to oppose the government; 2) to undermine the state and state unity, or threaten national security, public order, or social security; or 3) to incite violence or crime.⁵⁵

The year 2008 had featured a perfect storm of soaring inflation, a serious economic slowdown, and rampant corruption, leading to a surge in online blogging and complaints on social media. These blogs featured some of the country’s best-known dissidents who emerged in the 1980s and 1990s, but had a limited ability to reach a wider audience. These included Ha Si Phu (Hasiphu.com), Tran Khai Thanh Thuy (Trankhaithanhthuy.blogspot.com), Nguyen Thanh Giang (Nguyenthanhgiang.com), and Le Quoc Quan (Lequocquan.blogspot.com).

Many were emboldened by national hero General Vo Nguyen Giap, who became a pointed critic of the government, particularly over its agreement to sell a Chinese firm the right to mine bauxite in a pristine and environmentally sensitive region of the Central Highlands.⁵⁶ The nonagenarian general’s letters were circulated on the blogs, empowering and inspiring many, though he himself never took to the Internet.

In 2012, several bloggers came together and founded the Free Journalists Club after one posted an open letter to the prime minister calling for media freedoms. The group was quickly shut down, and the three founders were arrested and imprisoned, but the number of bloggers continued to grow as more became frustrated with important issues that went uncovered in the state media.

The blogosphere was essential to dissent against the draft of the 2013 Constitution, which the government released for public comment. In January 2013, a group of 72 intellectuals petitioned the Constitutional Drafting Committee to make several amendments, including the abolition of Article 4, which enshrines the VCP as the leading force in the state and society; the establishment of a multiparty political system; and a provision requiring the military to defend the nation, not the party. Not surprisingly, these were all rejected. Yet Petition 72, as the appeal became known, garnered more than 6,000 signatures, which would not have been possible without the Internet.⁵⁷

Also in 2013, the Network of Vietnamese Bloggers (NVB) was established, and 130 bloggers signed its online petition calling for the repeal of Article 258 of the Penal Code. Many of the signatories revealed their identities for the first time, and by mid-2014, more than 300 had signed the petition.⁵⁸ NVB launched two campaigns in the fall of 2014. The first was “We Want to Know,” which demanded that the government disclose diplomatic agreements with China. It followed a summer of heightened tensions due to China’s placement of an oil exploration rig in waters claimed by Vietnam.⁵⁹ The second campaign condemned the government’s decision to hold extravagant celebrations on the 60th anniversary of the liberation of Hanoi from the French, despite a slowing economy and other pressing socioeconomic needs.⁶⁰

In many ways it is the organizing, not necessarily the reporting and blogging, that has gotten these activists in trouble with authorities. One of the country's most famous bloggers and a cofounder of the NVB, Nguyen Ngoc Nhu Quynh ("Mother Mushroom,") has expressed concern that her NVB activities are more threatening to the state than her writing.⁶¹ The three founders of the Free Journalists Club—Nguyen Van Hai, Ta Phong Tan, and Phan Thanh Hai⁶²—collectively received 26 years of jail time. In this difficult context the decision in May 2015 by twenty established writers to quit the official Việt Nam Writers' Association and establish their own independent organization, the League of Independent Vietnamese Writers, is immensely brave.⁶³ The development of a robust and independent civil society is the regime's greatest threat.

The sentences of the three Free Journalists Club founders are broadly in line with those received by the other bloggers and journalists who have been imprisoned in recent years, though several have been released before completing their terms, while others have yet to be sentenced. As of December 2014 there were at least 16 bloggers and journalists behind bars.⁶⁴ The mere act of antigovernment blogging is likely to earn a sentence of four to six years, but trying to organize independent civil society can draw terms more than twice as long.

In October 2014, the satirical website Haivl.com was fined some \$100,000 and shut down by the government for "seriously violating good norms, publishing lusty, sexy, objectionable pictures, offending famous figures," according to the vice minister of information and culture. However, it may have drawn the authorities' attention simply by being too independent and popular.⁶⁵

Bloggers are routinely harassed and arrested, and their websites are blocked or shut down, including those of Nguyen Huu Vinh (pen name Anh Ba Sam)—*Chep Su Viet* (Writing Vietnamese History) and *Dan Quyen* (Civil Rights)—in 2014.⁶⁶ In November, after detaining them for six months, the government charged him and his assistant with publishing essays "that had the potential to tarnish the state apparatus' prestige."

Toidihoilo.com (literally "I paid a bribe"), a site where people could share their stories of official corruption, has also been taken down.⁶⁷ The operators say they are "awaiting a permit," so they moved to Facebook, which is much harder for the government to block.

Land rights remain one of the most sensitive and potentially explosive issues for the party. The mainstream media are consequently very restrained in their coverage of the subject. Most land contracts established at the advent of the *Doi Moi* reform program in the early 1990s began to expire in 2013, and there was palpable fear that local party officials would try to seize valuable property; technically the state could reclaim land without paying any compensation. In a well-known case in 2012, a fish farmer in Hai Phong fought off government officials and security forces who came to seize his land. Though he was later arrested for attempted murder, at the time even the prime minister had to back his claim due to the outpouring of public support that spread through social media. Also in 2012, bloggers set up cameras to film the forced eviction of villagers to make way for a luxury housing estate outside of Hanoi.⁶⁸ The film went viral. In April 2014, a forcible land expropriation backed by police was recorded by two people with mobile-phone cameras, clearly showing extreme brutality by security forces.⁶⁹ These images also went viral within days, though not without consequences for those who filmed and disseminated them.

Imprisonment and Sentencing of Bloggers and Activists in Vietnam since 2010, as-of June 2015

ACTIVIST NAME	REASON FOR ARREST	SENTENCE RECEIVED
Tran Huynh Duy Thuc	Organized politics	16 years
Dang Xuan Dieu	Organized religion	13 years
Ho Duc Hoa	Organized religion	13 years
Paulus Le Van Son	Organized religion	13 years
Nguyen Van Hai	Organized journalism	2.5 years tax evasion, 12 years
Ta Phong Tan	Organized journalism	10 years
Dinh Dang Ding	Organized petition	6 years
Nguyen Van Duyet	Organized religion	6 years
Nguyen Xuan Nghia	Organized politics	6 years
Le Thanh Tung	Organized politics	5 years
Nong Hung Anh	Blogging and online media	5 years
Lu Van Bay	Blogging	4 years
Nguyen Van Khuong	Mainstream media	4 years
Pham Nguyen Thanh Binh	Blogging	3 years
Le Quoc Quan	Blogging	2.5 years for tax evasion
Truong Duy Nhat	Blogging	2 years
Dinh Nhat Uy	Social media	15-month suspended sentence
Nguyen Huu Vinh	Blogging	Detained, no trial yet
Nguyen Thi Minh Thuy	Blogging	Detained, no trial yet
Hong Le Tho	Blogging	Detained, no court appearance
Nguyen Quang Lap	Blogging	Detained, no court appearance
Pham Viet Dao	Blogging	Not sentenced
Vo Thanh Tung	Mainstream media	Not sentenced

Note: Some activists and bloggers who received sentences have since been released, while others remain in prison.

Due to public mistrust of the state media, unofficial news portals and blogs—such as Basam.info and Phamdoantrang.com, by Pham Doan Trang, and Nguyen Cong Luan's Danluan.org—are very influential. In 2012, two independent websites were doing some of the most trusted reporting: *Dan Lam Bao* (Citizen Journalists) and *Quan Lam Bao* (Senior Officials Working as Journalists). The latter site was getting 32,000 hits an hour after Prime Minister Dung condemned it on television for its trenchant criticism of his ties to a banker, Nguyen Duc Kien, who was sentenced to 30 years in prison for a \$1.1 billion fraud.

Inexplicably, the dissident group Bloc 8406's website, Khoi8406vn.blogspot.com, is still up and running. Chandungquyenluc.blogspot.com (Portraits of Power), is one of the fastest-growing blogs, focusing exclusively on the inner workings, corruption, family connections, and business interests of the most senior leadership. Meanwhile, *Dan Lam Bao* seems to get more outspoken by the day, publishing critical histories of the party and leadership as well as the most thorough compendium of recent arrests of dissidents and journalists.⁷⁰ One recent initiative by Reporters Without Borders has been to create a mirror site for *Dan Lam Bao* on the servers of major Internet companies that the government cannot afford to block.⁷¹

The government has focused its coercive measures on websites that are trying to make the critical jump from an individual blog to a multiauthored and edited news portal. A case in point is the arrest of 65-year-old blogger Hong Le Tho. His blog, *Nguoi Lot Gach* (The Bricklayer), at Nguoiilotgach.blogspot.com, was not even public and required an invitation.⁷² But it was apparently too critical of the government, especially regarding its China policy. The last posted article, not written by Hong Le Tho, suggested that the prime minister had prostituted Vietnam to China—clearly an attack that the leadership would not countenance.

In September 2015, Hanoi police raided the production studio of an underground TV station, Conscience TV, that had been broadcasting on YouTube since August 2015; they detained seven people, including the editor and presenter.⁷³ The government has threatened to impose harsh fines. But with low financial costs and technical barriers to entry, the government is fighting an uphill battle.

Discussions on Facebook are surprisingly spirited. Within days of the arrest of Nguyen Quang Lap, the Facebook site Free Bo Lap was created, with 3,240 likes in its first four days and very active postings. Unable to shut down Facebook or individual pages on their own, in mid-2014 government cyberoperatives began to send “abuse” reports to Facebook to have pages of critics removed. Between June and August, over 100 pages were shuttered, prompting the international community to appeal to Facebook to review its policy.⁷⁴

The government clearly pays attention to social media to gauge public sentiment. This was evident in March 2015, when the Hanoi municipal government reversed its plan to cull 6,700 trees throughout the city. Citizens had quickly taken to the web and Facebook to express their anger at the plan. Two Facebook pages created to save the trees, Facebook.com/manfortree and “6,700 people for 6,700 trees,” garnered over 80,000 “likes” within days, prompting the government to not only stop the cull, but punish the responsible officials.⁷⁵

It must be acknowledged that blogs and social media can sometimes be very irresponsible and provide false information. For example, there were wild rumors that Nguyen Ba Thanh, arguably the country's most popular politician, had been poisoned by political rivals; he had died from a rare form of cancer. The state media eventually had to release information to counter the rumors, though in a transparent society the information would not have been withheld in the first place, and would have been conveyed by trustworthy independent media.⁷⁶

Some in the leadership have resigned themselves to the fact that social media are here to stay. In January 2015, the prime minister told officials that social media are “a necessity and cannot be banned.” And he acknowledged that “you are all on social media, checking Facebook for information.”⁷⁷ He made clear that the government would not stop the dissemination of media if it is “correct” and “accurate,” and encouraged authorities to use the Internet and social media to provide information, for both efficiency and transparency. But other government officials warned that the Internet was being exploited by “hostile forces” who used social media to spread “malicious rumors” and “harmful information.” Truong Minh Tuan, the deputy minister of information and communications, said that websites hosted by foreign servers were defaming the party and state to create distrust in society.

B. THE IMPACT OF CITIZEN JOURNALISM ON STATE MEDIA

Citizen journalists empowered with technology and the Internet have had an important impact on mainstream media. For the most part, the quality of state media is quite poor, especially in the VCP's flagship daily *Nhan Dan* and the army's *Bao Quan Doi Nhan Dan*. However, Vietnamese state media are not monolithic. There is some very good journalism being done, even if it is clearly in the minority. Investigative journalism is such a new field that when the first Asian Investigative Journalists Conference was held in Manila in November 2014, only two Vietnamese were accepted.

The quality of journalism has a lot to do with the boldness of the editorial leadership and the willingness of individual journalists to push for more independence in investigating and reporting. Recently, the former editor of *Thanh Nien*, Nguyen Cong Khe, spoke out in the *New York Times* about the critical need for a free press in Vietnam.⁷⁸ It was important that the call came from a Vietnamese journalist and not a foreign NGO or an overseas dissident. The original article was circulated in Vietnam, in Vietnamese. Likewise, in September 2013, a petition circulated urging the government to allow space for honest discussion and debate over policy. Three former editors of mainstream newspapers were among the 130 people who signed it.⁷⁹

Some journalists truly push the envelope in their reporting. They understand that lack of transparency will only facilitate political and legal abuses, increase the country's endemic corruption, and limit economic development and social justice. *Thanh Nien* and *Tuoi Tre* have been at the forefront of this effort, producing a number of excellent exposés and investigative reports, especially considering the constraints and risks that the journalists face.

The state media are also under economic pressure, competing in an increasingly crowded marketplace. The circulation and advertising revenue of even the two most widely read and trusted media organs, *Thanh Nien* and *Tuoi Tre*, have fallen by two-thirds since 2008, by some estimates.⁸⁰ Both are run for profit. State outlets have added more entertainment coverage and improved their websites, increasingly including video and other multimedia content. Two news portals, VNExpress and VietnamNet, are operated by state-owned Internet companies, though neither is profitable. State television is also reeling, as some 26 percent of the urban population and 15 percent of rural residents aged 15 to 54 watch television content—including from overseas sources on YouTube—on their digital devices. Major players such as Vietnam Television, the digital broadcaster

“Lack of transparency will only facilitate political and legal abuses [and] increase the country's endemic corruption.”

VTC, and Ho Chi Minh City Television (HTV) have modernized programming and launched online streaming sites to win back viewers and attract advertising, but provincial stations are caught in a downward spiral.⁸¹ Likewise, a handful of media organs under firm central control are becoming multi-media organs under the current draft press law, at the same time the number of media organs and journalists are being streamlined.

In short, Vietnam's state media, like the Vietnamese economy, are currently suspended between two opposing models: the plan and the market.

IV. Prospects and Challenges for the Future

A. PUSHING THE ENVELOPE

There are some first-rate journalists in Vietnam, and with fewer restrictions many more would emerge. The press has shown how vigorous it can be when it is given the political space. This was very apparent in mid-2014, at the height of the maritime dispute with China. Indeed, that topic is perhaps the only area in which the media have very few constraints, as any official attempt to suppress the public's strong views on the issue would seriously threaten the regime's legitimacy. But other areas of reportage that emerged over the past year highlight the great potential of Vietnamese journalism. For the most part, they involve social issues.

Tuoi Tre published an exposé about the illegal organ trade in which the reporter actually infiltrated a trafficking ring by offering to sell a kidney.⁸² The story featured crime syndicates, corruption in state-owned hospitals, people driven to desperation by poverty, and social injustice. Another *Tuoi Tre* journalist went undercover to investigate the world of illegal drug detoxification centers.⁸³

The state media were notably allowed to cover Hong Kong's prodemocracy protest movement, known as Occupy Central. Clearly the state censors realized that the public would learn about the demonstrations from unofficial sources, and wanted to control the reporting. But the fact that there was any coverage at all of a student-led, grassroots campaign to challenge the Chinese Communist Party on the issue of free elections was fascinating. It inspired citizen journalists to increase their own coverage, and generated an online campaign supported by 22 nascent civil society groups, whose statement included the phrase "Hong Kong today, Vietnam tomorrow" and featured an umbrella, the symbol of Hong Kong's prodemocracy movement.⁸⁴

Journalists are more frequently addressing the growing problem of inequality, a sensitive issue in an ostensibly socialist system. There are some issues, like property rights and land seizures, which need much more attention but are too politically fraught for serious coverage.⁸⁵ There has been more reporting on the ultrawealthy—those with assets worth \$30 million or more—often without much analysis on how government policy may or may not have contributed to such imbalances. *Thanh Nien* simply reported on a Swiss bank's finding that the number of ultrawealthy had increased to 210 in 2014 from 195 in 2013.⁸⁶ Per capita income in Vietnam is roughly \$2,000 a year.

Since a mid-2014 speech in which President Truong Tan Sang warned that false confessions and police torture were seriously undermining the regime, *Thanh Nien* has not missed an opportunity to report on trials of former policemen convicted of torture and abuse.⁸⁷ The outlet covered the National Assembly's first hearings and debate on the extent of the problem, and published excerpts of unbelievably revealing testimony by the minister of public security, the vice director of the Supreme People's Procuracy, the vice chief of the Supreme

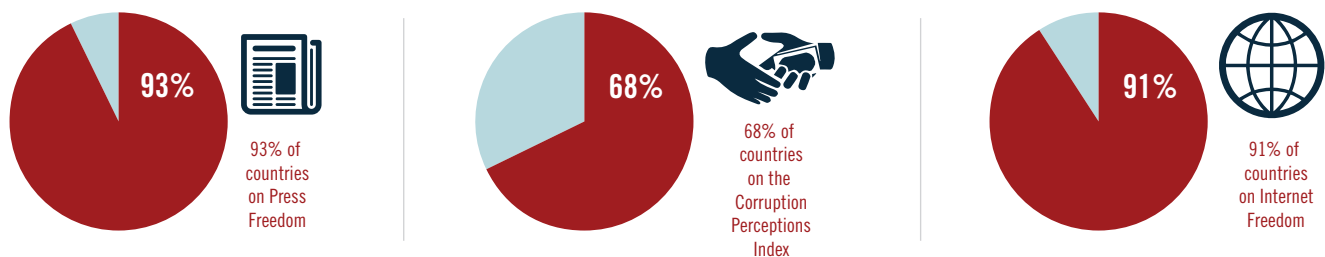
“Vietnam’s state media, like the Vietnamese economy, are currently suspended between two opposing models: the plan and the market.”

Court, and the vice chairman of the Vietnam Bar Association.⁸⁸ All not only acknowledged the problem, but also said that the instances of police abuse and torture were rising, and that the number of cases was woefully underreported. In December 2014, *Thanh Nien* covered the rare case of a stay of execution, in which the court cited its concerns over flimsy and inconsistent evidence and “investigative procedural shortcomings,” linking the case to other grave “miscarriages of justice.”⁸⁹ Because of forced confessions and prosecutorial misconduct, *Thanh Nien* has pushed a very strong editorial line against the death penalty.⁹⁰ The paper has also focused on the issue of detainee deaths, reporting that between October 2011 and September 2014, 226 people died of unnatural causes while in custody.⁹¹

The Vietnamese media are being increasingly explicit in demanding protection against abuses and intimidation. In September 2014, four journalists from state-owned media were assaulted while investigating illegal mining in Quang Ngai. Although none of its own journalists were involved, *Thanh Nien* picked up the issue and called on the government to investigate the attack.⁹² Likewise, the Ho Chi Minh City Journalists Association has routinely lobbied the courts in cases involving journalists.

Reporting on corruption is a mixed bag. Corruption is endemic in Vietnam, and the party and state have identified it as the single greatest threat to their legitimacy and monopoly on power. Transparency International’s 2014 Corruption Perceptions Index ranked Vietnam 119 out of 175 countries and territories, or sixth among the 10 states of Southeast Asia, with a score of 31 out of 100.⁹³ Government leaders believe that periodic anticorruption campaigns and a handful of high-profile arrests are sufficient. While they know that some media coverage is needed, they fear what would happen if journalists were given free rein. Anticorruption reportage has increased, largely within boundaries set by the VCP’s Propaganda Department and the Ministry of Information and Communications. However, in the opaque world of Vietnamese politics, journalists are never sure whether such cases are really about corruption or political rivalries.

In 2014, Vietnam Performed Worse than...



Press Freedom data obtained from Freedom House, *Freedom of the Press 2014* (New York: Freedom House, 2014). Corruption rankings obtained from Transparency International, *Corruption Perceptions Index 2014* (Berlin: Transparency International, 2014). Internet Freedom data obtained from Freedom House, *Freedom on the Net 2014* (New York: Freedom House, 2014).

Almost every figure in a major corruption case in the past two years had some ties—usually close ties—to a senior political figure engaged in factional infighting. This makes corruption reporting especially dangerous for journalists, as one never knows who will win such political battles. The recently fallen chairman of Ocean Bank was said to be a close ally of Politburo member and National Assembly chairman Nguyen Sinh Hung.⁹⁴ Reporting on a corruption investigation into the former top anticorruption official, Tran Van Truyen, who had allegedly accrued \$10 million in assets, has been relatively aggressive, leading to calls for much greater transparency if the government is to have any hope of maintaining public credibility.⁹⁵

Reportage on corruption can be biting sardonic. In one exposé about officials' failure to enforce or comply with financial disclosure requirements implemented in 2013, the author cited cases in which hidden wealth was revealed only when it was stolen from the officials in question. In one case, burglars made off with VND 2.8 billion (\$143,000), and the victimized official reported the theft to authorities.⁹⁶ In another, an official claimed that thieves took \$77,000 from his desk drawer.

Intrepid editors pick their battles carefully. They need sensitive political antennae to determine what is permissible, and some issues are firmly out of bounds, such as religion or intraparty debates. For example, there was no coverage in 2013 of Petition 72, the document created by intellectuals who hoped to amend the draft constitution. In September 2014, a group of former military officers wrote a letter to the president and prime minister asking that the constitution be amended so that the military would be legally bound to defend the state and people, not the Communist Party.⁹⁷ A response was published in the state-controlled media only because the document had already circulated widely in the blogosphere. There is unlikely to be discussion of the controversial Article 4 of the constitution, which puts the VCP above the law, in the mainstream media.

But as seen with the issue of police abuses, reporting on human rights is starting to take place in major outlets. The media are carrying more stories about human trafficking and other social injustices, which amount to implicit attacks on failed government policies. *Tuoi Tre* and *Thanh Nien* both report on the arrest of dissidents and bloggers, going as far as they can, and often letting the government's vague and obtuse justifications speak for themselves. Environmental concerns are likely to be an important topic in the coming years; Vietnam is highly vulnerable to climate change and rising sea levels, which will have a devastating impact on the economy and individual livelihoods.

Despite the signs of progress and journalists' efforts to expand the scope of permissible coverage, critical and investigative reporting remain very dangerous, and even employees of mainstream state media outlets continue to face imprisonment for their work.

B. CRACKS IN THE DAM

Some have optimistically predicted that independent media will supplant the state media.⁹⁸ At least in the short term, however, the state media will endure. They are relatively well resourced, and they have crucial government backing in a one-party authoritarian state. The VCP simply will not allow its official outlets to fail. It cannot currently envision a free press; state control of the media is enshrined in Article 60 of the 2013 Constitution.

Competition from the nascent private press poses little immediate threat, as it has so many limitations. It comprises a handful of individuals, it is largely illegal, it has minimal resources, and it is up against a state security apparatus that is trying to crush it. Indeed, the authorities are likely to escalate their assault in the

run-up to the 12th Party Congress, expected in the first quarter of 2016. Of the 18,298 convicts pardoned on Vietnam's 2015 national day celebration, not one was a political prisoner.⁹⁹

While discussions on Facebook and other private websites are surprisingly freewheeling, users do engage in self-censorship given the risk and costs of punishment. The proliferation of technology and the Internet may have changed the game and given the private media the potential for rapid expansion, but until the state decides that such outlets are not a threat, they will be systematically targeted, with a focus on multiauthored and edited sites as opposed to individual blogs.

In the longer term, the VCP will have to deal with a fundamental contradiction in its core interests: The one-party system cannot survive if corruption remains unchecked, but graft cannot be rooted out without the exposure provided by a free press, which—once unleashed—could itself present a threat to one-party rule. Some party leaders appear to view press freedom as something that can be turned on and off as needed. But journalists do not see it that way. Once they have space to investigate and report, they will fight tooth and nail to keep it. They are in many cases patriots who hope to contribute to their country's development by serving in effect as public ombudsmen.

Similarly, economic growth is a mainstay of the government's legitimacy, but further progress will be hampered in the absence of transparency and the free flow of information. Vietnamese leaders have often spoken of their fear of being caught in the "middle-income trap," yet their own insistence on information control could make that fear a reality. The government's myriad restrictions are already having a negative impact on the country's Internet entrepreneurs and investors.¹⁰⁰ Software development is arguably the brightest star in the private sector, and exactly the type of business the country needs to create a more advanced economy. It is also very mobile, and can easily leave Vietnam for a more conducive working environment.

Most Vietnamese, particularly the burgeoning middle class, are quite sophisticated in their outlook and highly determined to build their country into a major economic and diplomatic player in the region. They are also fully aware that a prerequisite for this is freedom of information, including the political space to have honest, civil, and transparent debates over policy. Such societal pressure, coupled with the expansion of the Internet and mobile platforms, is cracking the dam of state censorship and repression.

There are some signs of hope. In September 2015, Nguyen Sinh Hung, the Chairman of Vietnam's legislature and a Politburo member, publicly called for amending the vague national security laws, the primary tools of repression: "We should not let the [overly vague national security] laws exist, paving the way for virtually anyone to be detained."¹⁰¹ Well said, but this will not be taken up until after the 12th Party Congress, and even then only if reformers come out in a strong position.

The status quo is simply not sustainable. What is needed is for a few courageous political leaders to embrace a notion they know to be true: a nation is strengthened, not weakened, by the free flow of information.

The views expressed in this paper represent the opinions and analysis of the author, and not the National War College or Department of Defense, nor do they necessarily reflect those of the National Endowment for Democracy or its staff.

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