

Supreme People's Procuracy
No : 06/ KSDT-AN

Socialist Republic of Viet Nam
Independence-Freedom- Happiness

Hanoi 10th April, 2003

Indictment

Chair of the Supreme People's Procuracy

- In accordance to Articles 141, 142 of the Criminal Prosecution Code;
- In accordance to the Criminal Prosecution Decision number 06/KTVA on April 2, 2002 of the Public Security Ministry, Security Investigation Bureau;
- In accordance to Prosecution Decision 34/KTBC on April 2, 2002, of the Public Security Ministry, Security Investigation Bureau involving *Pham Hong Son for the offence of spying.*

On the basis of investigation findings, the following has been established :

As per the confirmation report provided by the information management agency. On March 27, 2002, the Security Investigation Bureau of the Ministry of Public Security took the urgent decision to arrest Pham Hong Son, an employee of the Tradewind ASIA pharmaceutical company. Upon searching Son's residence, the Security Investigation Bureau of the Ministry of Public Security further uncovered and seized many documents slandering the Party and the Government, which Son had collected and stored. Moreover, one computer was confiscated which contained a hard drive that Son had used to communicate with overseas reactionary elements. On April 2, 2002, the Security Investigation Bureau of the Ministry of Public Security decided to undertake legal proceedings to prosecute defendant Pham Hong Son following Article 80 of the Criminal Code for the acts of collecting and distributing documents abroad for the purpose of opposing the Government of the Socialist Republic of Vietnam.

The investigation and the documents uncovered showed that: from July 2000, after reading a number of articles by political opportunist Tran Khue, Pham Hong Son took the initiative to telephone and establish ties with Tran Khue and through this relationship, Son also had the opportunity to come into contact with a number of other political opportunists such as Hoang Minh Chinh, Le Chi Quang, Nguyen Dac Kinh ... and was provided by these elements with their documents and writings whose content slandered the orientations and policies of the Party, and slandered the regime. From then on, Son willingly supported the view of the mentioned political opportunists and became a follower of the action plan to take advantage of freedom and democracy to advocate pluralism and a multiparty

system in order to oppose the Government of the Socialist Republic of Vietnam (written records 72, 73, 74, 75, 76, 77, 78).

Through his reading of the book «Repenting Fatherland» by Nguyen Gia Kieng, leader of the Thong Luan group in France, a reactionary organization working against the Government of Vietnam, Pham Hong Son had taken the initiative to communicate over electronic mail with Nguyen Gia Kieng. Based on the documents obtained, between December 2001 and January 2002, Son and Nguyen Gia Kieng exchanged email messages 13 times (written records 81, 82, 1211).

By means of electronic mail sent to Son, Nguyen Gia Kieng accepted Pham Hong Son as official member of the reactionary organization «Rally for Democracy and Pluralism». Son was praised as «a model of leadership for the country» (written records 1227, 1228). Nguyen Gia Kieng also discussed with Son that the way to change the nature of the current regime was to remove the restrictions imposed by the Party leadership and Government, and to unify and organize the forces of democracy and pluralism. Son was instructed to set up an organization called « Rally for Pluralistic Democracy,» comprised of approximately one thousand people of which 80% had to be from inside the country. Kieng further instructed Son on the elements to recruit and on the principle to be cautious in his activities but that he should take chances in trusting other people in order to expand the group, and to avoid elements already under surveillance (by the authorities).

Nguyen Gia Kieng requested that Son report on the situation of democracy in Vietnam, on the means required, on plans to divide up the tasks inside and outside the country, and to provide Kieng with email addresses of young people so he could send documents directly to them. Over email to Kieng, Pham Hong Son provided his biography, information on his relatives and disclosed his leanings. Moreover, Son indicated that his objective for action was to unify the forces from inside and outside the country to conduct propaganda and educate the masses, especially the young generations to develop a pro-democracy movement in Vietnam. To accomplish this task, Son suggested that a communication centre be set up, or an electronic newspaper and at the same time, he asked Kieng for financial support and access to international media, along with documents that would form the basis to educate the masses on politics, the economy, and society. Pham Hong Son went on to carry out the tasks requested by Nguyen Gia Kieng (written records 166, 167, 168, 1222, 1223, 1224, 1225, 1227, 1228, 1234, 1235, 1236, 1238, 1239, 1240, 1241, 1242).

Other than Nguyen Gia Kieng, Pham Hong Son also entertained ties with a number of overseas elements, over electronic mail, such as : Tran Nam, Nguyen Phu Long, Bui Dinh Thang, Tran Tu Son (in the U.S.A.), Nguyen Kha Pham Thanh Chuong, Hoang The Chuong in Australia. Over email, Son regularly reported on the situation of the dissident elements in the country, translated and

sent anti-Party and anti-government documents to the above elements to open a campaign accusing our Government of human rights violations (written records 503, 504, 505, 506, 549, 550, 551, 552, 553, 554, 577, 578, 579, 580, 581, 582, 583, 584, 585, 663).

The above overseas elements instructed Son on how to move about, to engage in activities, to use special fonts to exchange email without being detected by the authorities. Son also received money from the above elements and distributed money to the following individuals : Le Chi Quang 100 USD, Nguyen Vu Binh 1 million Dongs. Son himself received 150 USD to mobilize and support the families of elements already under arrest and to cover for his activity expenses. Other than receiving money, Son further wrote a document entitled «Proposal to set up a voluntary fund for democracy in Vietnam» which aimed to gather funds from various sources to purchase documents, update information, publish documents and cover telephone and internet expenses (written records 166, 167, 168).

Throughout the investigation, Son denied having any ties with those elements with whom he had exchanged email, stated that the documents on his hard drive came from hackers, and that he had received no money from overseas elements (written records 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 114, 115, 116, 117, 118, 129, 130, 131, 132). However, statements by Pham Hong Son`s wife Vu Thu Ha indicated that Son`s home internet service had been used by him and only Son knew his own email access code. Also, Ha had noticed Son being involved in «activities» and had advised him to stop, but he did not listen (written records 135, 136, 137, 138, 139). Mrs Nguyen Thi Kim Chung, Le Chi Quang`s mother also stated to have received money transferred by Son and she has voluntarily returned 100 USD to the investigating authorities (written records 142, 143, 144, 146, 147). Nguyen Vu Binh has also disclosed to have received 1 millions Dongs from Son to support Binh`s activities (written records 148, 149, 150, 151).

Findings confirmed Son`s internet activities as registered at the post office corresponded with the documents seized at Son`s residence.

CONCLUSION

With the documents and evidence in this file, there are sufficient grounds to conclude that :

From July 2000 to March 2002, Pham Hong Son entertained ties with a number of overseas reactionary elements through electronic mail. Son received money and guidance from these reactionary elements in exile abroad to gather documents with anti-Party and anti-government contents, gathered information which he then distributed to the above elements so they could accuse the Government of human rights abuses. Under the guidance of Nguyen Gia Kieng,

Pham Hong Son actively worked to organize and expand pro-pluralism and pro-democracy forces in Vietnam, and provided email addresses to Kieng so the latter could send documents into the country.

The above acts by Pham Hong Son fell under the spying offense of Point c, Section 1, Article 80 of the Socialist Republic of Vietnam`s Criminal Code.

Elements linked to Son have been prosecuted and dealt with in other trials.

Article 80; Charge of Spying

1. Whoever has engaged in one or several of the following acts shall be punished by a 12 to 20 year sentence, a life sentence or a death sentence.
 - a) Activities of spying, sabotaging or establishing an infrastructure to spy and to sabotage against the Socialist Republic of Vietnam;
 - b) Set up an infrastructure to spy and sabotage under the guidance of other countries; engage in gathering intelligence, identification, providing shelter, providing directions, or in other activities to help individuals from abroad to spy and conduct sabotage;
 - c) Make available or gather to make available state secrets to other countries; gather and make available news and other documents to enable other countries to work against the Socialist Republic of Vietnam.

DEFENDANT`S BIOGRAPHY

Family name and first name : *Pham Hong Son*

Born in : 1968 Location : Nam Dinh

Originally from : Nam Dinh city, province of Nam Dinh

Profession : Employee of Tradewind ASIA pharmaceuticals

Education : Hanoi Medical University

Nationality : Vietnamese Ethnicity : Kinh Religion : None

Permanent Residence Registration :

P303E2 Bach Khoa Collective, Hai Ba Trung, Hanoi

Residence : 72B Thuy Khue, Tay Ho, Hanoi

Son of : Mr. Pham Van Than, 77 years old, and Mrs. Vu Thi Mui, 76 years old

Currently residing at 155 Hoang Van Thu, Nam Dinh city, Nam Dinh prov.

Wife : Vu Thu Ha, born in 1971

Currently residing at 72B Thuy Khue, Tay Ho, Hanoi

Has 2 children : Pham Vu Anh Quan, born in 1997,

and Pham Vu Duy Tan, born in 1999.

Previous Criminal Record : none

Defendant is currently in temporary detention at B14 detention camp, Public Security Ministry.

For the above reasons :

DECREE

- 1) Prosecute before the City of Hanoi`s People`s Court to try defendant Pham Hong Son for the offence of spying as per Point c, Section 1, Article 80 as presented above.
- 2) Authorize the City of Hanoi`s People`s Procuracy to carry out the prosecution before the Court.

Attached to the indictment is the complete file comprised of 5 sections, starting from number 01 to number 5.

On behalf of the Chair of
Supreme People`s Procuracy
Prosecutor Nguyen Manh Hien
Signature and Stamp

Receivers :

- People`s Procuracy of Hanoi
- The Security Investigation Bureau - Ministry of Public Security
- People`s Court, City of Hanoi
- Defendant Son
- Office record, 2 copies