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Viet Nam: Sentenced journalist should be released

Vietnamese journalist Nguyen Viet Chien was sentenced to two years' imprisonment yesterday for his reports on alleged corruption. He should be immediately and unconditionally released, Amnesty International said today. The organization considers him a prisoner of conscience.

At a an unfair trial on 14-15 October 2008, Nguyen Viet Chien was found guilty of “abusing democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens” under Article 258 of the Penal Code for his investigative writing since 2005 about a corruption scandal involving the Ministry of Transport.

Local and international press and representatives of several diplomatic missions followed the trial from an adjacent room where closed circuit television showed the proceedings, which according to sources present fell short of international standards.

Nguyen Viet Chien was convicted despite the failure of the prosecutor to present any evidence against him, including by demonstrating how his reporting had harmed the state and the Communist Party of Viet Nam. Nguyen Viet Chien and his defence questioned at the trial why his own recordings of communications with officials from the police authority investigating the corruption allegations were not admissible in court. The recordings demonstrated, according to Nguyen Viet Chien, how the public officials provided him with information that he used in his articles. He can appeal the court decision.

The case against Nguyen Viet Chien and three co-defendants is part of a wider pattern of the government using provisions in the Penal Code to stifle freedom of expression on issues considered by the authorities as politically sensitive. It clearly demonstrates how the authorities misuse vaguely worded criminal law to muzzle free expression, and underlines the need for the government to amend catch-all provisions in the Penal Code, particularly the chapter of National Security Legislation.

A fellow reporter who covered the story, Nguyen Van Hai pleaded guilty at the two-day trial at the Hanoi People's Court and received a non-custodial sentence of a two year re-education programme, according to media reports. He was freed from jail, where he had been held since the two were arrested in May 2008.

Two former police investigators were also convicted. Pham Xuan Quac and Dinh Van Huynh had been charged with “deliberately revealing work secrets”, under Article 286 of the Penal Code. According to Thanh Nien (Young People) newspaper, the indictment accused them of providing the media with inaccurate and unconfirmed information relating to the case. Dinh Van Huynh was sentenced to one year in prison, and Pham Xuan Quac was given an official warning.

Nguyen Viet Chien was reporting for Thanh Nien magazine? and Nguyen Van Hai for Tuoi Tre (Youth) magazine, both of which reported on the so-called PMU 18 scandal, named after a unit within the Ministry of Transport, in which senior officials in the ministry were accused of corruption and arrested. The vice minister was also arrested, but was acquitted early this year.

Press freedom in Viet Nam is severely restricted, but the corruption scandal involving the Ministry was initially dealt with by unprecedented openness. The scandal led to the first ever appearances for questioning by ministers before the National Assembly, which also investigated the graft allegations. The press reported on the scandal, and the case dominated public debate for some time.

The guilty verdicts of Nguyen Viet Chien and Nguyen Van Hai are indicators of just how much the Vietnamese authorities have retreated from that initial that openness, turning the Vietnamese media back to a government mouthpiece.

In the months since the arrests of Nguyen Viet Chien and Nguyen Van Hai, deputy editors of the two media organizations have also been removed from their positions and the authorities have revoked press cards of at least seven other journalists.

Amnesty International calls on the Vietnamese government to lift unlawful restrictions on the right to freedom of expression and to urgently reform provisions in the 1999 Penal Code relating to national security, ensuring vaguely worded provisions are removed or brought into line with international law and standards.

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