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VIET NAM

@Four film-workers imprisoned for role in "reactionary film"

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SUMMARY

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Amnesty International is concerned by reports that at least four people in the Socialist Republic of Viet Nam (SRV) have received prison sentences in November 1992 allegedly for associating with a foreign film-maker, the Chun Sing Film Company, to produce a film in violation of the government's policies and regulations and for spreading information against socialism. Amnesty International is concerned that the four may be prisoners of conscience.

Charges under the SRV Criminal Code

Pham Cong CANH and **Pham Kim Thanh** were reportedly sentenced to three years imprisonment for "the crime of intentionally violating state economic management principles, policies and regulations and causing serious consequences" as set out in Section 1, Article 174 of the SRV Criminal Code and for "the crime of causing serious consequences through negligence" as stipulated in Article 220 of the Criminal Code.

Nguyen Quoc MINH was sentenced to two years' imprisonment under Article 220 of the SRV Criminal Code "for the crime of causing grave consequences through negligence".

Huyn Xay was reportedly sentenced to 16 months' imprisonment for "the crime of anti-socialist propaganda" as set out in paragraph one, Article 82 of the SRV Criminal Procedure Code. He is further ordered to be confined to remain in his local community for one year upon his release from prison.

Background

In May 1989 a Hong Kong film company, Chun Sing Film (CSF), requested permission from the government to film scenes in Ho Chi Minh City (formerly Saigon). Pham Cong Canh, the former director-general of the government-run Union of Video Cinematography Enterprises, agreed to provide administrative services to the CSF and an agreement between CSF and the union represented by Pham Cong Canh was signed on 22 August 1989.

The authorities alleged that many scenes in the final version of the film violated the film contract and that Pham Cong Canh, Pham Kim Thanh, and Nguyen Quoc Minh had allegedly allowed CSF to do a film with "reactionary contents to smear" the Socialist Republic of Viet Nam (SRV). The authorities had warned Pham Cong Canh about objectionable contents in the film early in the project but was allegedly slow to act and did not try to edit the film before CSF left the country. They were also alleged to be negligent in accepting only \$40,000 as payment to the government, instead of the apparently agreed payment of \$80,000. In addition, the accused allegedly used the money paid by CSF in a dishonest manner. According to the government prosecutor, the People's Organ of Control, the accused were "blinded with money and forgot their responsibility towards their country".

The film, **Loving The Song From Viet Nam** was shown in Viet Nam in June 1991 but was quickly withdrawn. The film was initially titled "Amour-Defi" and later "Lover and Comrade". It reportedly contained scenes of "re-education" camps, torture in prisons and government repression against calls for human rights.

Appeal to the government

Amnesty International is concerned that these four people may be prisoners of conscience imprisoned in contravention of their right to freedom of expression as set out in Article 19 of the International Covenant on Civil and Political Rights of which the Socialist Republic of Viet Nam is a state party. This right includes freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media. In January 1993 Amnesty International wrote the Vietnamese authorities for information on the above-mentioned cases including their present places of detention and the reasons for their arrest and detention, and the nature of the judicial process under which they may have been convicted and sentenced.

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INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM