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SOCIALIST REPUBLIC OF VIET NAM

Newspaper editor arrested and detained

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Nguyen Hoang Linh, the editor of the business newspaper *Doanh Nghiep*, was arrested on 8 October, on charges of violating the laws relating to national secrets, according to news reports today. His arrest follows demotion last month from the post of editor-in-chief, after he had written a series of articles five months ago, alleging that Customs officials had been involved in corruption during the purchase of four patrol boats.

The Vietnamese authorities have not revealed exactly what charges Nguyen Hoang Linh is facing. The section of Viet Nam's criminal code dealing with "crimes against National Security" contains 28 Articles, detailing many offences, some of which carry the death penalty. If the alleged offences do relate to "national secrets" then it would seem likely that charges would be brought either under Article 92 - "*the crime of intentionally divulging state secrets and the crime of taking, buying, selling or destroying secret state documents*" - or Article 93 - "*the crime of unintentionally divulging state secrets or causing the loss of secret state documents*". Crimes under Article 92 can be punished by up to 15 years' imprisonment, those under Article 93 by up to seven years' imprisonment. Political trials in Viet Nam fall well short of international standards for fairness, with defendants often unable to say anything, while their lawyers are frequently permitted only to plead for clemency on their client's behalf and not able to call and question witnesses.

The media in Viet Nam is state-controlled, and the right to freedom of expression, although guaranteed in the country's constitution is in fact much restricted by the law. Article 69 of the constitution states: "*Citizens have the rights to enjoy the freedom of speech and the press, to disseminate information and hold meetings...as stipulated by law.*" In practice, the Vietnamese people are not able freely to express their political and religious opinions, if they differ from the official policy of the government. Prosecutions of newspaper editors and journalists are rare, mainly because the content of newspapers has been strictly controlled. However, in recent years, there has been a proliferation of publications in the country, and comment on corruption in business has been much more common. Indeed, the Vietnamese authorities have been keen to crack down on corrupt practices in business dealings, and there have been several high profile trials on corruption charges in the last year. The decision to arrest Nguyen Hoang Linh may have been taken because his articles were critical not of businessmen but of officials working for the government. The attitude of the Vietnamese Government to the mass media often appears contradictory; recently, restrictions on cooperation with the foreign media were tightened, but the authorities announced today that unrestricted access to the Internet will be possible from November 1997.

At this stage, it remains unclear whether Nguyen Hoang Linh is being detained solely for the expression of his peaceful views. If he is, then Amnesty International would regard him as a prisoner of conscience, who should be released immediately and unconditionally.

KEYWORDS: ARBITRARY ARREST1 / CENSORSHIP1 / PRISONERS OF CONSCIENCE1 / EDITORS / JOURNALISTS / DEATH PENALTY / ADDRESSES / RECOMMENDED ACTIONS /

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

What you can do:

- ask for information about the reasons for the arrest of Nguyen Hoang Linh on 8 October, including the exact charges against him and the legislation under which he is being held;
- express concern that Nguyen Hoang Linh may be detained for the peaceful expression of his views, and if so he should be immediately and unconditionally released;
- ask for information about where Nguyen Hoang Linh is being detained;
- urge that while in detention Nguyen Hoang Linh should be allowed full access to a lawyer, a doctor, and his family and should be treated in accordance with international standards;
- urge the Vietnamese Government to uphold and guarantee the right to freedom of expression as stipulated in Article 69 of the constitution;
- remind the Vietnamese Government of its commitment to guarantee fundamental human rights to all its citizens as a state party to the International Covenant on Civil and Political Rights (ICCPR).

Write to:

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