

Testimony before the
United States House of Representatives
Briefing on
Media Freedom in Vietnam
Presented by the
Committee to Protect Journalists
Robert Dietz
Asia Program Coordinator

April 29, 2014

Congresswoman Loretta Sanchez, Congresswoman Zoe Lofgren, and fellow members of today's panel:

Thank you very much for allowing me to take part in today's briefing. The Committee to Protect Journalists was founded in 1981 with the goal of defending journalists worldwide. As the definition of what constitutes journalism has changed with the advent of the Internet and other digital media platforms, CPJ has come to represent not only traditional journalists, but bloggers and others who use social media as well.

Nowhere is that more evident than in Vietnam, which ranks as the fifth worst jailer of journalists in the world, according to CPJ's most recent prison census. CPJ's numbers are sometimes lower than other organizations' because we try to separate people we consider journalists rather than human rights or political activists, though the distinction is hard to make at times, particularly in countries like Vietnam, where there is no independent mainstream media.

In Vietnam, there are at least 17 journalists currently held behind bars, a number that has been steadily rising. Of those 17 in prison, 14 are held in relation to their online journalism. The

remaining three work in traditional print media. The longest held prisoner, a blogger, is Nguyen Van Hai, who was first arrested in 2008 on tax evasion charges and then held and re-tried in 2012 for “conducting propaganda against the state.” He is one of the three founding members of the Free Journalists Club website, established in 2007 but now defunct. A court found the group guilty of “abusing the popularity of the Internet to post articles which undermined and blackened Vietnam's (leaders), criticizing the (Communist) party (and) destroying people's trust in the state.” Their convictions were upheld on appeal later in 2012.

Of those in prison, 14 are held on “anti-state” charges, almost all of them accused under Article 88 of the penal code, a vague law that bars “conducting propaganda” against the state and is punishable by up to 20 years in prison. A few are held under Article 258 for “abusing democratic freedoms.” One blogger is charged with tax evasion. He is expected to eventually be re-tried on anti-state charges. Of the print journalists, one is held on anti-state charges, the other two—investigative reporters—are held under bogus bribery charges. Many of them complain of abusive treatment, extended periods of isolated confinement, and poor medical care.

These journalists are being held because Vietnam maintains some of the most severe media controls in Asia. All news media in the country are owned and controlled by the one-party state. There are no privately run news outlets. Forbidden topics include the activities of political dissidents and activists, factional divisions inside the Communist Party, human rights and pro-democracy issues, and any mention of ethnic differences between the country's once-divided northern and southern regions. Reporting on anti-China protests related to territorial disputes or China's financial investments in Vietnam is also barred. As the economy grows, the authorities have also blocked criticism of the government's economic management, land conflicts between the government and local communities, and the business dealings of top Communist Party members.

The clampdown dates back to 2008, when the government began to suppress independent bloggers in a bid to bring the Internet under the same strict regulations and controls that are used to censor and guide the mainstream media. Still, the number of politically oriented bloggers has

grown alongside the country's fast-rising Internet penetration rates, estimated by government figures at about 40 percent of the population.

To cope with that growth, a new decree was signed into law on July 15, 2013, that restricts online freedoms with even harsher penalties. Among other provisions, Decree 72 on the Management, Provision, and Use of Internet Services and Online Information bans Vietnamese Internet users from linking to or reposting news from international media outlets and restricts the types of content that foreign companies are allowed to host on their Vietnam-related websites or platforms. The decree prohibits using the Internet to "go against the state of the socialist republic of Vietnam, jeopardize national security or social order," or "damage national unity." We see such "anti-state" legislation using sweeping, vague terms in many authoritarian countries. In Asia, the most notable example is China.

CPJ does not see the anti-media policies of Vietnam reversing any time soon. Indeed, we suspect they may even become stricter in the future. But despite these trends, the country enjoys relatively close ties to the United States. We see the negotiations surrounding the 12-country Trans-Pacific Partnership (TPP) trade agreement, in which Vietnam will be an important member, as an opportunity for the democratic countries that will be partners to the TPP to pressure Vietnam's government to alter its abusive media policies—not just online, but in the broader media landscape as well.

Thank you for convening this timely hearing and bringing Congressional attention to the plight of Vietnam's jailed journalists.