

Republic of Viet-Nam

**THE NEW PRESS LAW
OF VIET-NAM**

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PREFACE

The New Press Law of Vietnam

Introduction by
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PREFACE

In one of the final days of last year, i.e., over two years after he became Chief Executive, President Nguyen Van Thieu promulgated Law 019/69 establishing a comprehensive set of regulations that are to govern press activities in the Republic of Vietnam in the many years to come and thereby can be said to have brought about the advent of a new era for the nation's Fourth Estate.

That it took the legislative and executive branches of government over two years to complete the code, indicates the document has not been made and promulgated simply to satisfy the political and social needs of the moment. And that its two first articles unreservedly recognize the Freedom of the Press as «a fundamental right» of the citizen and prohibits press censorship once for all, also reflects a genuine effort by the nation's leaders to work out something applicable both in times of war and peace.

Indeed. Chapter One of the Press Statute reads in full as follows:

FUNDAMENTAL PRINCIPLES

Article One. Press Freedom is a fundamental right in the Republic of Vietnam. The exercise of Press Freedom shall not be harmful to personal honor, national security, or traditional morality. No suspension of publication shall be made except by due judicial process.

Article Two. Press censorship is prohibited.

With such an opening, nothing of a reactionary character can be added in the following seven chapters of the code to dilute the newly codified freedom. But not content with so stating their view on Press Freedom, the lawmakers make it crystal clear the administration cannot for any reasons impose limitations to Press Freedom as might be seen in the past with such measures as confiscation orders and monopoly of distribution.

After pronouncing unmistakably against suspension without a decision of the courts, Chapter Three only allows the administration to resort to confiscation «with a view to safeguarding national security, public order, and good morals» (Art. 19) but makes compulsory the prosecution of the said publication «within eight days after such confiscation.» In return, however, it also permits counter-action by the sued publisher and provides for the possi-

bility that the administration may lose the case, in which event «the indemnification, in proportion to the damages, shall be covered by public funds.»

Chapter Four makes press distribution no longer the monopolistic concern of any individuals or groups of individuals as have dominated this field during the past quarter of century, reducing to practically nil the chance of the Vietnamese press to come of age. Indeed, it has become an open secret in Saigon that the defective press distribution system in South Vietnam is among the most important factors contributing to keeping it from growing in the right direction.

Indeed, following the days of the Ngo Dinh Diem administration (1954-63) when the distribution of newspapers was practically in the hands of the government, it became in the mid-sixties the monopolistic concern of a group of hoodlums that operate just like the Mafia, extorting as much as they can from the publishing companies and giving as little as possible to the petty newspaper vendors.

Remains it to be seen whether the new regulations will result in a better press distribution system and the gradual elimination of hoodlumism in this essential aspect of the newspaper industry.

The ills of the Vietnamese press, however, should not be traced uniquely to the legal framework in which newsmen have been operating. Some of the most serious handicaps barring the press from coming of age must be found in its century-old history.

The story of the Vietnamese press, especially during its first 100 years, is one of constant struggle, great hardships, few glories, small achievements, and dubious causes. It started in 1865 with *Gia-dinh Bao* (The Journal of Gia-dinh) under the editorship of the celebrated scholar Petrus Truong Vinh Ky, and fought in vain to free itself from the many bonds that prevented its normal development into something approaching the Fourth Estate in other countries.

But born in colonial times, the local press found it impossible to carry out such inborn functions as keeping the public informed and enlightened. It turned to education and entertainment, two of its lesser functions, and made them its main concerns. Pham Quynh's *Dong-duong Tap chi* (Indochina Magazine), which was published during the first three decades of this century, and the Tu-luc Van Doan's *Phong-hoa* (Wind of Change) and *Ngay Nay* (Today) best illustrate this point.

Even in today's publications, the traditions set by Pham Quynh and the Tu Luc literary group are very much in evidence. Most Vietnamese dailies still reserve half or over half their printing space to educational features and serialized novels that have little or nothing to do with events of the day. Some of the mass circulation papers such as *Trang Den* (Black and White) and *Saigon Moi* (New Saigon) practically are void of information and full of fictions instead.

This predilection for fiction, especially Chinese novels, can be found in the most serious dailies, including such rightfully celebrated publications as *Chinh-luan* (Right Opinion) and *Hoa-binh* (Peace), and such otherwise good newspapers as *Thoi-the* (Actualities) and *Tieng Vang* (Echo). Even the Catholic-run *Xay Dung* daily (To Build) and the Buddhist-operated *Quang-duc Journal* deem it necessary to print Chinese author Kim-dung's novels in instalments.

But with the Vietnam crisis continuing unabated, drawing the attention of the public the world over and forcing the Vietnamese to pay greater attention to developments having a direct bearing on their lives, the reading public in Vietnam have begun to be more discriminate in the choice of their reading material each day. Gone are the days when a newspaper sells 100,000 copies simply because it carries the writing of a popular author.

Indeed, the case of *Trang Den* is there to demonstrate that yellow literature is no circulation booster. Although love stories of the kind that make one blush continue to be spread on more than two of its eight pages, its circulation has dropped from about 100,000 to just over 50,000. And *Dien-tin* (Telegraph), which received quite a few warnings from the Information Ministry for its blatantly saucy writing prior to the promulgation of the Press Code, reportedly is having big financial difficulties.

At the other end of the spectrum, such relatively good publications as *Chinh-luan*, have made steady progress, indicating the reading public if not the press is approaching maturity. Indeed, *Chinh-luan's* circulation has been constantly improving and its advertizing space continuously expanding, making its publisher one of the most affluent men in Saigon. Even the Viet Cong attempt at blowing up its printing facilities late last year failed to put it out of business. Furthermore, this daily is setting up one of the most modern newspaper printing plants in South-East Asia.

The case of such factional papers as *Xay-dung* and *Quang-duc* also makes it evidently clear that newspapers catering to the needs

of a special group of interests stand a good chance of seeing the sun rise every morning. Indeed, *Xay-dung's* continued existence for 15 years and the relative prosperity of *Quang-duc* and its predecessor, *Chanh-dao* (The Way), indicate such pressure groups as the Catholics, the Buddhists, and possibly some other minor groups can support a daily newspaper with definite ideas on the nation's many problems.

This is not to say that political organs of the kind of *L'humanité*, the French Communist Party's newspaper, have proven their financial soundness in South Vietnam. The erstwhile *Tieng Noi Dan-toc* (The Voice of the Nation), which wanted to be an opposition paper, folded late last year the victim of a government edict, but people in the know at the time said the publication was in dire financial straits and had to close down anyway.

The case of two other opposition papers, *Cong-luan* (Public Opinion) and *Cap-tien* (The Progressist), is more difficult to assess. Since both papers are in the hands of professional journalists and are supported by financial interests of some importance, their relative success on the market cannot be explained by any single reason. The truth, however, appears that a combination of strait news, editorial factionalism, and good management is a formula that still may be attempted in Vietnam.

Mention should be made here of the «Chiu Choi» school of journalism that was started by the notorious Chu-tu, publisher of a series of defunct newspapers in the 1964-68 period. «Chiu Choi» is untranslatable but it means some combination of fair and foul play expressed in a daredevil writing style and bearing a strong flavor of yellow journalism. Newspapers of this kind have always been financially rewarding until the government gets sore and closes them down. Another such attempt has been recently made soon by Chu-tu's erstwhile comrades, the self-proclaimed «pots and pans» group. Called *Doc-lap* (Independence), its short or long existence in the days to come will demonstrate whether those in power have grown of age as newspaper readers.

In the meantime, however, two simultaneous developments have just been recorded that prove the press in Vietnam is on the right path of development. They came about early this year, when President Nguyen Van Thieu agreed to speak at the inaugural banquet of the Newspapers Editors Association (NEA) in Saigon. By succeeding in inviting the Chief Executive to attend the banquet, NEA scored a *coup de maître* proving the press is no longer a negligible force the government can afford to ignore.

By speaking at the dinner and by making there an important policy statement, President Thieu emphasized his esteem for the working journalists. Special significance must be found in the fact that he did not choose other such press associations as the Syndicate of Publishers, the Federation of South Vietnamese Journalists, and the Union of Journalists, whose membership reflects less concern for the improvement of the profession than petty interests as could be found in most Vietnamese professional leagues.

Mutual consideration between government leaders and what President Thieu called «the moulders of public opinion», of course, is no guarantee for a sound press but it helps. The next move is clearly up to capital holders and financial circles in Vietnam. If they should think the time ripe to invest in this potentially highly rewarding field, the Vietnamese press may break what has been called its «handicraft character.»

Indeed, quite a few experiments — especially the two news-magazines *Dat Moi* (New Land) and *The Vietnam Inquirer* published in 1968 — have fully demonstrated that there is no shortage of journalistic talents in Vietnam. With over 60 per cent of readers now demanding more news as reflected in a private survey completed last month, and with journalistic schools and courses beginning to turn out graduates by the scores, all indications point to the emergence of conditions favouring the development of a sound press in South Vietnam.

In promulgating the new press law, the government, of course, was aware of the risks it was taking, and the recent establishment of a new committee «to watch press activities» as ordered by Premier Tran Thien Khiem is indicative of some concern that the journalists of Vietnam will not show themselves equal to the prerogatives newly put in their hands.

But, at least, the new Press Law constitutes a framework within which journalists and press organizations can develop and seek their full development. Unless something out of the ordinary should happen that may create havoc in the Vietnamese press world, it is clear the coming of age of the Vietnamese press appears to be simply a matter of time and money.

NGUYEN NGOC PHACH

CHAPTER I

FUNDAMENTAL PRINCIPLES

ARTICLE 1

Press freedom is a fundamental right in the Republic of Viet Nam.

The exercise of press freedom shall not be harmful to personal honor, national security, or traditional morality.

No suspension of publication shall be made except by due judicial process.

ARTICLE 2

Press censorship is prohibited.

CHAPTER II

CONDITIONS GOVERNING PRESS PUBLICATION

ARTICLE 3

Persons or corporate bodies having Vietnamese citizenship shall be entitled to publish a newspaper or a magazine after making a formal declaration at the Ministry of Information.

Court action shall be instituted against any publication which has not made such formal declaration.

The term « publication » used in this edict covers daily newspapers and periodical magazines.

ARTICLE 4

A formal declaration shall consist of the following:

1. A declaration made in three copies bearing the notarized signature of the publisher and listing the name of the newspaper or magazine, its policy and objectives, the full names, pen-names, and addresses of publisher, editor, and manager, plus the address of the newspaper or magazine's office ;

2. Certificates of residence of the publisher, editor, and manager ;

3. Certificates of birth of the publisher, editor, and manager;

4. Legalized copies of diplomas or certificates of experience in presswork of the publisher and editor ;

5. Copies of judicial Form 2 (criminal record) issued to the publisher, editor, and manager within the preceding three months;

6. Copy of contract, if any, used to capitalize the publication.

Any false declaration or forgery of above-mentioned papers shall result in prosecution under provisions of Article 43 of the present law as well as legal prosecution by a court.

ARTICLE 5

Each daily newspaper or periodical must have a publisher, an editor, and a manager.

A publisher can also assume the role of editor.

ARTICLE 6

The publisher, editor, and manager shall fulfill the following requirements: be of Vietnamese citizenship; be at least 25 years old at the time of declaration; not have been sentenced to more than three months' imprisonment for criminal or minor offenses, except those resulting from carelessness or violations of press rules, excepting violations stipulated in Articles 27, 28 or 29; not to make propaganda for Communism or to practise Communism; at least one among the three following people: the publisher, editor, and manager may not be a Deputy or Senator.

The publisher and editor must be in possession of one of the following: a degree in journalism; a university diploma; a certificate of work on an editorial staff for a period over one year; a certificate of work as a reporter for at least two years with a newspaper, information agency, or radio station having legal status in Vietnam; a certificate of work as publisher or editor for at least six months.

ARTICLE 7

The Ministry of Information shall issue a temporary receipt as soon as it receives the formal declarations from the publisher.

Within one month after the issuance of temporary receipt, the Ministry of Information shall issue a formal license to the publisher. The declaration papers will be considered valid at the date the Ministry of Information issues the formal license.

If within one month the Ministry of Information does not issue a formal license or does not reject the request by a decision, the declaration shall be automatically considered valid.

In its decision to reject the request for publication license, the Ministry of Information shall have to specify the reasons why.

ARTICLE 8

In case of rejection the applicant may appeal to the Council of State.

The Council of State shall have a maximum period of three months in which to examine the case. The declaration request shall be automatically considered as valid from the date the Council of State passes a judgment to repeal the decision of the Ministry of Information.

ARTICLE 9

Three months after the declaration becomes valid, the publisher must begin publication or the license for publication shall automatically become invalid.

ARTICLE 10

A daily newspaper which stops publication for two months or a periodical which stops publication for four successive issues shall be considered as having voluntarily suspended publication.

ARTICLE 11

A daily newspaper or periodic magazine shall clearly state:

- full name of publisher and managing director;
- full name or pen name of the editor;
- address of the publication;
- the name and address of its printing house;
- the price per copy and the subscription rate.

ARTICLE 12

Before each daily distribution, every newspaper must deposit if printed in Saigon-Gia Dinh:

10 copies at the Ministry of Information;

2 copies at the Prosecutor's Office of the Court of First Instance;

2 copies at the Ministry of Interior;

2 copies at the National Archive.

If printed outside the Saigon-Gia Dinh area:

2 copies at the local Information Office;

2 copies at the Prosecutor's Office of the local tribunal;

2 copies at the Province or District Administrative Office;

2 copies at the National Archive.

The deposited copies must bear the signature of the newspaper's publisher or managing director.

ARTICLE 13

Copies of a daily newspaper may be issued from the printing house no earlier than two hours after its copies have been deposited at the agencies specified in Article 12.

A six-hour time limit is allowed for periodicals.

ARTICLE 14

The publisher must be present at the publishing house. If he is to be away for over two months he must designate someone to replace him temporarily. The latter must meet the conditions as required by Article 6. The above agencies must be informed of the appointment of such caretaker.

ARTICLE 15

Any change of editor, manager, newspaper office, or publishing house, as well as any alteration of capital invested in the publishing of the daily must be reported to the Ministry of Information no less than fifteen (15) days before it occurs. The origin of the capital increase must be justified.

ARTICLE 16

Leasing of publication licenses under any form is strictly prohibited.

ARTICLE 17

Foreigners desiring to publish a newspaper in Vietnam must abide by the provisions of this decree-law — except for that related to citizenship — and must obtain a license from the Minister of Information with the concurrence of the Minister of Interior.

CHAPTER III

RIGHTS AND RESPONSIBILITIES OF THE PRESS

ARTICLE 18

Publications shall not be suspended, either temporarily or permanently, without a decision by the Judiciary.

ARTICLE 19

With a view to safeguarding national security, public order, and good morals, the Minister of Interior — for the Saigon Gia Dinh press — and the Mayors and Province Chiefs — for the provincial press — may order the confiscation of the copies of a daily or periodical before or after it is put in circulation;

However, prosecution before an authoritative criminal court must be made by the authorities ordering the confiscation within eight (8) days after such confiscation.

Pending the decision of the court, the publisher of the confiscated daily newspaper or periodical has the right to continue publication.

ARTICLE 20

In cases provided for by the preceding Article 19, if acquitted by the court, the publisher of the prosecuted daily newspaper or periodical may lodge a counter-action for damage indemnification in the same session of the court. The indemnification, in proportion to the damages, shall be covered by public funds.

ARTICLE 21

The press is granted freedom of information and opinion, provided that the exercise of this freedom does not prejudice individual honor, national security, or traditional morality.

ARTICLE 22

The press may keep its sources of information secret.

ARTICLE 23

The press shall not be prosecuted for reporting or reproducing faithfully:

public debates held by the National Assembly or its Committees;

political statements made by Deputies and Senators;

documents or reports read in public sessions of the National Assembly, or any unclassified documents officially issued by it.

ARTICLE 24

Publications have the right to criticize government policies and projects, provided that the criticism is not aimed at propagandising for Communism or pro-Communist neutrality.

ARTICLE 25

Publications shall not be prosecuted for printing of translated excerpts or articles from foreign dailies and periodicals whose circulation is authorized in Viet Nam, provided that the translation is faithful and the publication is bona-fide.

ARTICLE 26

Persons or legal entities who are mentioned by name or by indirect allusion in an unmistakable manner in press articles, can require the publisher to insert free of charge their reply to or rectification of the article.

The publisher is bound to insert the reply or rectification in one of the three next issues of the daily newspaper after its receipt. As far as periodicals are concerned, the insertion must be made in one of the two subsequent issues of the periodical after receipt of the reply or rectification.

The insertion must be carried at the same column or columns and with the same type, size, and face as the incriminating article, but it may not exceed twice the length in words of the incriminating article.

If the insertion is not made within the above-specified time and according to the above rules, the publisher shall be liable to a fine ranging from VN\$ 5,000 to VN\$ 50,000, notwithstanding civil damages to the plaintiff.

Refusal to make the insertion shall render the publisher liable to a penalty of from six days to two months of imprisonment and/or a fine ranging from VN\$ 10,000 to VN\$ 100,000, notwithstanding civil damages to the plaintiff.

The court shall decide on the complaint within ten (10) days following its receipt. In addition to penalties and compensation for damages, the publisher shall be ordered to publish a reply or correction from the plaintiff. The sentence is temporarily applied in full to order the publisher to print the reply or correction regardless of counter-charge or appeal.

During an election period, the time-limit as provided for in the second paragraph of this article shall be reduced to 24 hours. The correction or reply must be forwarded to the newspaper's office six hours before the duty copy is deposited. The time allotted to the Court for judgment of the action is reduced to 24 hours.

ARTICLE 27

The press shall not be used to:

- a. incite people to commit theft, robbery, murder, willful assault, or arson;
- b. incite people to violate domestic or external security;
- c. incite military men to disobey military discipline;
- d. praise the aforesaid offenses.

As far as the cases cited in paragraphs a, b, and c are concerned, even if the incitements do not lead to actual offenses, they must be considered as consummated crimes and punished in accordance with the provisions of this law.

ARTICLE 28

The press shall not be used to disseminate speculation, false news, or true news published with the intent of causing one of the following consequences:

- a. jeopardize national security or public order;
- b. jeopardize national economy and finance;
- c. undermine the army's discipline and morale;
- d. sow division between religions, localities, and races.

ARTICLE 29

The press shall not be used to publicize information, documents, or arguments aiming at extolling the theories, policies, or actions of Communism or pro-Communist neutrality.

ARTICLE 30

Any allegation, report, or imputation of a fact that infringes upon the honor or esteem of a person, agency, or group may be regarded as slander.

Any outrageous, contemptible, or invective expression may be regarded as insults.

ARTICLE 31

Evidence of the truthfulness of the facts regarded as slanderous must be established. However, it is strictly forbidden to establish that truthfulness when:

1. the facts are related to the private life of a person;
2. the facts go back to more than ten years;
3. the offense has been pardoned or eliminated, or the sentence has been expunged either by rehabilitation or reversal.

If the truthfulness of the fact regarded as slanderous is established, the accused shall be acquitted.

In any circumstances in which evidence of truthfulness is to be established, if the slanderer is being prosecuted before a criminal court, or is under investigation by the Inspectorate General concerning facts constituting the slander, the trial of the slanderous offense shall be temporarily deferred until completion of the prosecution or inquiry.

ARTICLE 32

The press shall not be used to insult:

a. the President and Vice-President of the Republic of Viet Nam or their successors;

b. the Heads of State, Ambassadors, Envoys, or Consuls of countries having diplomatic relations with the Republic of Viet Nam;

c. the Legislative, Executive, and Judiciary branches, popularly-elected agencies and legally-established bodies;

d. members of the National Assembly, members of the Government, magistrates of the Supreme Court, agents of the public authority, and citizens temporarily or permanently entrusted with a public or electoral mandate, regarding actions related to their duty or functions;

e. individuals, be they persons or legal entities;

f. the memory of the dead, with intention to harm the honor and prestige of their living heirs, spouse, or legatees.

ARTICLE 33

The press shall not be used to slander:

a. the President and Vice-President of the Republic of Viet Nam, or their successors;

b. the Heads of State, Ambassadors, Envoys, or Consuls of countries having diplomatic relations with the Republic of Viet Nam;

c. the Legislative, Executive, or Judiciary branches, popularly-elected agencies and legally-established bodies;

d. members of the National Assembly, members of the Government, magistrates of the Supreme Court, agents of the public authority, and citizens temporarily or permanently entrusted with a public or electoral mandate, regarding actions related to their duty and functions;

e. individuals, be they persons or legal entities;

f. the memory of the dead, with intention to harm the honor or prestige of their living heirs, spouse, or legatees.

ARTICLE 34

The press shall not publicize bills of indictment or other procedural papers of criminal proceedings before their public reading before a hearing, except when the publication of such documents is requested in writing by the prosecutor.

From the moment when the criminal court takes a lawsuit in charge until delivery of its verdict, the press shall not print information or commentaries which might influence the court's impartial judgment.

The press shall not report on the pleading of proceedings of any lawsuit for slander, insult, declaration of paternity, divorce or judicial separation, or on any lawsuit for civil damages, the publication of which has been forbidden by the court.

ARTICLE 35

The press shall not be used to publicize articles, pictures, and drawings infringing upon traditional morality.

CHAPTER IV

PRESS DISTRIBUTION

ARTICLE 36

Persons or corporate bodies have the right to distribute the newspapers or periodicals they publish.

Eight (8) days before commencing operations, the distributor is required to inform both the Information and Interior Ministries of:

distributing office,

names of employees in charge of distribution,

names and addresses of distributing agencies in country.

ARTICLE 37

Persons or corporate bodies who distribute newspapers published by other people, besides abiding by the conditions stipulated in Article 36, shall deposit at the Directorate General of the Treasury a sum of VN\$500,000 and shall send a duplicate receipt to the Information and Interior Ministries within fifteen (15) days before commencing operations. Any infringement of this provision shall lead to the closing of the distributing house and punishment as provided for in Article 43.

ARTICLE 38

Renting out newspapers, in any form, is strictly forbidden. Anybody who rents out or himself rents a newspaper is punishable in accordance with Article 42 of this law.

CHAPTER V

PRESS COUNCIL

ARTICLE 39

The Press Council chosen by the Press Congress shall be invested with juridical status and be entitled:

1. to act as official representative of the press corps;
2. to execute the Press Code drafted by the Press Congress;
3. to contact and to discuss with the government and press groups questions related to the press.

The composition, functions, and number of members of the Press Council shall be fixed by the Press Congress.

ARTICLE 40

The Press Congress shall comprise:

- the president or a representative of the executive committee of all legally-recognized press groups;
- the publishers of newspapers and magazines in circulation;
- a journalist representing each newspaper or magazine in circulation.

Any person receiving wages under any form, permanently collaborating with newspapers, periodicals, or press agencies in the capacity as special correspondent, member of the editorial staff, cameraman, illustrator, or translator of articles for the press is considered a journalist.

Journalists must have a professional card issued by the publisher of the newspaper or periodical, or the director of the press agency for which they work. This professional card must be registered with the Ministry of Information.

ARTICLE 41

The first Press Congress shall be convoked by the Ministry of Information within three (3) months after the promulgation of this law.

CHAPTER VI

PENALTIES

ARTICLE 42

Violation of one of the Articles 11, 12, 14, 15, 36, and 38 shall be penalized by a fine ranging from VN\$5,000 to VN\$50,000.

ARTICLE 43

The violation of one of the Articles 4, 13, 16, 32 paragraphs c, d, e, g, and 37 shall be punishable by imprisonment ranging from six (6) days to two (2) months and/or a fine ranging from VN\$10,000 to VN\$100,000.

ARTICLE 44

The violation of one of the Articles 32, paragraph b, 34 paragraphs c, d, e, g, 35 and 36 shall be punishable by imprisonment ranging from 15 days to three months and/or a fine ranging from VN\$50,000 to VN\$300,000.

ARTICLE 45

The violation of one of the Articles 3, 17, 27, 32, paragraph a, 33, paragraph b, and 67 shall be punishable by imprisonment ranging from one to six months and/or a fine ranging from VN\$100,000 to VN\$500,000.

ARTICLE 46

The violation of Articles 28 and 33, paragraph a, shall be punishable by imprisonment ranging from three months to one year and/or a fine ranging from VN\$200,000 to VN\$1,000,000.

ARTICLE 47

The violation of Article 30 shall be punishable by imprisonment ranging from one to five years and a fine ranging from VN\$300,000 to VN\$1,500,000.

ARTICLE 48

In case a newspaper or periodical is found guilty of violation of Articles 27, 28 or 29, the court may impose suspension, either for a fixed period or indefinitely.

ARTICLE 49

In case a newspaper or periodical is found guilty of violation of Articles 27, 28, 29, 32, paragraph b, or 33 paragraph b, the court may order the confiscation or destruction of all the issues in which such violations occur.

In case a newspaper or periodical is found guilty of violation of Articles 32, paragraphs a, c, d, e, g, or 33, paragraphs a, c, d, e, g, the court may, upon request of the civil plaintiff, order the publication of either all or part of the court findings and sentence in the three daily newspapers authorized to publish judicial communiques. The culprits shall be held jointly responsible for the expenses arising from such publication.

CHAPTER VII

PROSECUTION PROCEDURES

ARTICLE 50

In application of the Articles on penalties stipulated in this law, the following persons may be prosecuted as responsible parties, in the following order:

1. the publisher or manager;
2. in the default of the above-named, the editor or author;
3. in the default of the above-named, the owner of the publishing house or printing house;
4. in the default of the above-named, the sellers or distributors.

The convicted persons shall be held jointly responsible for the indemnification of moral and material damages.

ARTICLE 51

If the publisher, manager, or editor is prosecuted, the author shall also be prosecuted as an accomplice. The penalty prescribed for the accomplice shall be the same as that prescribed for the principal responsible party.

ARTICLE 52

All infringements upon press regulations lie within the jurisdiction of the Criminal Court of First Instance, except in the case of criminal acts.

ARTICLE 53

The competent court is that in the locality in which the newspaper or periodical is published.

ARTICLE 54

The prosecution of the offenses committed by the press shall be undertaken upon request of the Public Prosecutor, except:

1. In case the slander or insult is aimed at an agency of the public authorities or of a legally-recognized group, prosecution shall take place on complaint made by the manager of the agency or group.

2. In case the slander or insult is aimed at an agent of the public authorities regarding actions related to his functions, prosecution shall take place on complaint made either by the interested party or by the Minister, Ministry, or Office to which they belong.

3. In case the slander or insult is aimed at the Chiefs of State or representatives of countries having diplomatic relations with the Republic of Viet Nam, prosecution shall take place upon their request for prosecution addressed through the Minister of Foreign Affairs to the Minister of Justice.

4. In case of insult or slander against a member of the National Assembly, the action shall be taken only at the request of the plaintiff.

5. In case of insult or slander against a private individual, the action shall be brought by the person concerned. But the Public Prosecutor shall institute legal proceedings if the insult or slander aims at a group of individuals belonging to a local religion or ethnic minority with a view to sowing division and hatred.

ARTICLE 55

If the Public Prosecutor begins legal proceedings, he must enumerate and describe the offenses against which the action is brought, as well as indicate the texts of laws whose application is requested, lest the indictment be declared void.

ARTICLE 56

If action is taken at the request of the plaintiff, the writ of summons must include, besides the details mentioned in Article 55, the locality where the plaintiff makes his domicile within the jurisdiction of the competent court before which the matter is laid.

ARTICLE 57

The writ of summons shall be delivered to both the defendant and the Public Prosecutor. The time-limit separating the notification of the summons from the appearance before the Court is twenty (20) days.

However, in case of insult or slander against a candidate for an elected office during the electoral period, that time-limit will be reduced to 48 hours, and both Articles 59 and 60 shall not be applied. The case shall be tried within two days after the action is taken.

ARTICLE 58

The defendant shall not be detained awaiting trial, except in case of violation of Articles 27, 28, or 29 of this law.

ARTICLE 59

When the defendant asks to bring evidence substantiating the veracity of the disputed facts, in accordance with Article 31, the defendant must, within ten days after receiving the writ, inform both the Public Prosecutor and the plaintiff of:

1. the facts alleged to be slanderous, the veracity of which he seeks to prove;
2. copies of the documents to be submitted at the Court;
3. the names, professions, and addresses of the witnesses through whom he wishes to submit proofs of his innocence.

The defendant in the above notification shall attest to a domicile within the jurisdiction of the court having competence in the lawsuit on penalty of being deprived of the right of establishing the veracity of the disputed facts.

ARTICLE 60

Five days after receipt of the above notification, or in any case at least three days before the hearing, the plaintiff or the Public Prosecutor, depending upon the circumstances, shall be bound to provide to the accused at his elected domicile copies of all documents submitted at the court and the names, professions, and addresses of the witnesses through whom the plaintiff or the Public Prosecutor wishes to give proof to the contrary, on pain of being deprived of this right.

ARTICLE 61

If he judges the presence of one or more witnesses advanced by either the plaintiff or the accused may be harmful to public order or traditional morality, the Public Prosecutor may suspend delivery of the summons.

However, the presiding judge in charge of the lawsuit may revoke the above-mentioned public prosecutor's decision.

ARTICLE 62

In all cases of slander or insult, the withdrawal of the plaintiff's complaint shall invalidate the prosecution. The withdrawal of the complaint shall be accepted in every procedural phase, even before the Supreme Court.

ARTICLE 63

Aggravation of penalties resulting from repetition of the offense shall not be applied to the offenses provided for in this law.

However, this provision shall not be applied in cases in which there is repetition of the offense twice in one year.

ARTICLE 64

Public prosecution and civil action related to minor offenses provided for in the present law shall be prohibited after a period of three full months counting from the day the offense shall have occurred, or the first day of prosecution of the offense.

ARTICLE 65

Civil action shall not be separated from public prosecution except in case of death of, or amnesty to the accused.

ARTICLE 66

Article 463 of the Revised Criminal Code, and Article 415 of the Hoang Viet Penal Code are applicable in all cases stipulated in the present law. However, in any case of extenuating circumstances, the pronounced verdict shall not be less than half of the minimum penalty provided for the offense.

CHAPTER VIII

GENERAL PROVISIONS

ARTICLE 67

Newspapers and periodicals presently in circulation are regarded as legally published. However, in order to regularize their situation, the publishers shall submit a dossier including the documents listed in paragraphs 1, 2, and 6 of Article 4 of this law, within three months after the promulgation of this law.

Thereafter, those newspapers or periodicals having not yet submitted the above-mentioned documents shall be suspended.

Violation of the preceding paragraph shall be punishable under the penalties prescribed in Article 45 of this law.

ARTICLE 68

All regulations contrary to the provisions of this law are abrogated, in particular the provisions related to the press established in the following documents:

- Law of July 29, 1881 on freedom of the press in South Viet Nam;
- Decree of August 24, 1939 on the control of the press;
- Decree of August 24, 1941 requiring previous authorization by regional administrative authorities before the publication of newspapers or periodicals;
- Decree Law No. 2/64 of February 19, 1964, recognizing freedom of speech and freedom of the press;
- Decree Law No. 10/64 of April 30, 1964 on free publication and organization of the press.

ARTICLE 69

This law shall be published in the official gazette of the Republic of Viet Nam.

Saigon, December 30, 1969
President Nguyen Van Thieu

of Journalism, Dalat University, and press correspondent for London-based newspapers.

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4. PEACE AND BEYOND, Official Statements and Communiqués on Peace and Postwar Development, July-September 1968.
5. POSTWAR DEVELOPMENT OF VIET-NAM, A Summary Report of the Joint Development Group, March 1969.
6. POLITICAL PARTIES AND POLITICAL OPPOSITION IN VIET-NAM, Law No. 009/69 of June 19, 1969.
7. THE NEW PRESS LAW OF VIET-NAM, Law No. 019/69 of December 30, 1969.