

SOUTHEAST ASIA

FREE EXPRESSION REPORT 2007

From the freest to the most restricted among them, the countries of Southeast Asia in 2007 suffered a weakening of press freedom.

The situation in Burma—already the worst in terms of environments for free expression and human rights—further deteriorated right before the whole world’s eyes. A notorious regime predictable for its censorship and tight controls now plunges into even more uncertain harshness.

Meanwhile, Singapore widened the scope of its uncompromising media laws to include the new media even as citizens are beginning to test the erstwhile freedom of the Internet. A similar development transpired in Malaysia, where political protests in the last quarter of the year have put the government on edge. The government in Putrajaya has showed signs of backing down from a long-standing promise to never censor the Internet, while political parties and the mainstream media they control have directly taken on bloggers in court.

At the other end of Southeast Asia’s political spectrum, the freest countries have seen backsliding on the press freedom front. The assassination of yet another Filipino radio broadcaster in the final week of December underscored yet again the continuing impunity by which media and press freedom remained under attack. More than this, the Philippine press came under direct pressure and legal challenges from government. In the last 12 months the Philippine media have been threatened and charged by government for everything from “sedition” to “obstruction of justice”, effectively warned that coverage of President Gloria Macapagal Arroyo’s many critics would be dealt with as criminally contemptuous of government and state.

In Indonesia, progressive developments in the reform of some antiquated laws in the Criminal Code were cause for celebration, but these, too, were overshadowed by the uneven, unpredictable, and surprising application of laws to the detriment of press freedom. The country’s promising Press Law remained under-utilised, leaving journalists vulnerable under the Criminal Code. The Indonesian Supreme Court, meanwhile, ordered “Time” magazine to pay former president Soeharto the staggering figure of US\$106 million for an article that supposedly defamed the fallen dictator in 1999.

Such developments as above give a quick and reliable overview of how the press freedom situation worsened in the region through 2007. Even a newly ratified Constitution and post-coup democratic elections in Thailand could not mask a slew of hastily passed laws under what is supposedly a temporary and self-limited military junta—each of which could undermine human rights and democracy and keep a dark cloud over the press and Thailand's electronic media in particular.

Indeed, the passage of laws on “national security” and Internet-related crimes in Thailand was a familiar theme in 2007 to all countries in Southeast Asia, from Vietnam to the Philippines, and Malaysia to Laos. All highlighted the uncertainties they faced and will continue to face in the coming year.

Burma yet again goes from worst to worse

Nineteen years after a bloody crackdown which saw an estimated three thousand Burmese killed in demonstrations for democracy and thousands more exiled, jailed or silenced, history repeated itself. In September 2007 long-suffering Burmese braved the streets of Rangoon again in protest over deteriorating economic conditions and questioning the very legitimacy of the ruling military junta. Once again they were met with force and violence.

Human Rights Watch countered the official tally of 10 dead, including a Japanese journalist, and 14 injured, documenting 20 deaths in Rangoon alone. As violent as the government crackdown was, many believe it could have been far worse. Indeed, even the highest estimates for those killed this year was still far lower than the reported body counts from 1988.

The inevitability of information and image trickling out of Rangoon may have actually saved lives. Open Net Initiative (ONI) confirmed and documented the Burmese junta's extreme reaction of cutting off Internet access inside the country on 29 September. It was restored fully only on 13 October. Clearly the action was meant to prevent information about the crackdown from reaching the world. The reality, however, was also not only that the act of pulling the plug on the Internet came too late; it was also futile—and the junta knew it.

Burma in 2007 demonstrated that in the Internet age, the flow of information is ultimately inevitable—even in and from a country with an Internet-penetration rate of less than one percent—and as such it is the ultimate weapon of human rights advocates worldwide.

Iron-fist grip on mass communications

To be sure, in Burma all aspects of mass communication continue to be in the junta's iron grip. Content for print is controlled and screened by the Press Scrutiny and Registration Board by requiring prior permission for proposed articles, as well as submission of drafts for vetting and the final product for a distribution permit, while online content is similarly curbed through Myanmar Posts and Telecom, one of the country's two Internet service providers. Means of production are controlled through registration of all telecommunication equipment (photocopiers, fax machines, mobile phones, computers, satellite dishes) so that any objectionable content can be traced and its originator penalised, while the Internet is filtered and monitored extensively, preventing access to websites of opposition parties, proxy servers, popular video-sharing sites and free web-based e-mail services. Prices of communication tools are also kept prohibitive: a SIM card for the sole, government-run mobile phone network costs around US\$3,000, leading enterprising owners to offer "public service mobile phones" in return for reasonable fees, while dial-up or broadband Internet fees are from US\$800 to US\$1,600, with Internet cafés only found in the major cities, Rangoon and Mandalay. And finally, there is the threat of jail and torture for those who bring up taboo subjects. On 25 April, two civilians were sentenced to jail terms for

instigating the public against the state by distributing video tapes of the ostentatious wedding of junta chief General Than Shwe's daughter. At least four journalists were sentenced to prison without citing the law under which they are being held.

The state-owned and -controlled media publish propaganda denouncing opposition parties and their activities, as well as foreign media and exiled Burmese media groups. The latter is a divide-and-rule strategy that sows mistrust among the media fraternity, further entrenching the junta's position.

In this most heinous of environments for media, nearly 300 private journals are trying to somehow survive. While navigating the rules on censorship and complying with requirements for propaganda, these private journals are now confronted with a post-crackdown regime that further narrows their already restricted latitude for covering and publishing news. Literary publications have had to tread carefully as most of Burma's renowned writers and poets have been blacklisted—in many cases, banned from using pen-names whose credibility they had long nurtured and built up.

At least nine journalists are believed to have been pushed into exile in Thailand since the September crackdown, joining a community of exiled Burmese media that have themselves been on unstable footing for years. Many more journalists are believed to still be in hiding in Rangoon and Burma's provinces.

Civilian defiance

It was all these restrictions that left no channels for public expression that pushed the Burmese in 2007 to resort to other forms of expression to show their concerns and outrage. Supporters of Aung San Suu Kyi held prayer vigils in the Buddhist-predominant country so that people could gather to remember the democratically elected leader who has been placed under house arrest since 2003. Thousands of monks marched peacefully on the streets of Rangoon and Mandalay to take up the cause of scores of activists detained for protesting against the sudden fuel price hike in August that sent already-high inflation levels spiralling upward. The ultimate statement made was by the tens of thousands of ordinary people who locked arms and marched along with the monks. The junta banned artists, writers, and jailed journalists for gathering to offer alms to the protesting monks.

Even before the August and September protests, there were already signs of ordinary civilians speaking up and demonstrating either singly or in small groups against the economic hardship in the resource-rich country and even bravely calling for the restoration of democracy. An activist challenged the state-controlled media's defamatory reports about her, despite having to face a judicial system that is completely subjugated by the junta and lacking in due process. A retiree posted on his fence what he thought of the media's misinformation about the economic conditions in the country, and though charged for incitement, he was later released.

This relentless will to speak up and be heard even against such overwhelming obstacles is also reflected in the new media: ONI said despite a 0.58 percent Internet penetration, tech-

saw university students and youths managed to find opportunities to upload from cell phones and digital camera pictures of the September crackdown and disseminate them through an online and offline network of trusted contacts.

Two months after the first crackdown, the junta is still hounding all those involved in the protests, from the monks and the ordinary people who were photographed with them, to the city folk who sheltered protesters on the run and the citizen journalists who recorded and distributed the images. Mizzima sources said civilians are being sentenced to long prison terms and journalists who were interviewed by foreign radio stations during the uprising are fleeing the country. One entertainment weekly, "Middle Line Journal", has been banned indefinitely for talking to exiled media.

The fate of thousands of people arrested or missing remained unknown as a fearful silence has descended in Burma again. Plainclothes police personnel were monitoring Internet cafés in Rangoon and Mandalay. Blogs, which were mostly personal journals until the September crackdown thrust unto them a crucial new role, have been banned since then.

SEAPA and the International Freedom of Expression Exchange (IFEX), a ???? in October called on the United Nations to include the media, journalists, and the state of the Burmese press on the agenda of any human rights mission that makes it to Rangoon.

With the people of Burma repressed and suppressed more than ever, Burmese journalists say international pressure against the junta must not let up. The junta has traditionally released prisoners on special occasions such as Independence Day. This year, two journalists, Than Win Hlaing and Thaug Tun, were released together with close to three thousand people. After the September protests, 8,585 prisoners were released, about a dozen of them political prisoners, upon United Nations pressure to return to the democratic roadmap.

This report was prepared with input from Nem Davies, Desk Reporter & Media Alert Coordinator of Mizzima News Agency, a SEAPA partner based in New Delhi, India.

Free but fearful in Cambodia

Cambodia appears to have in place all the laws ensuring media freedom, but the reality is a different matter altogether. The constitutional provision for press freedom is ironically often invoked to restrict this very right, for it says, rather broadly, that the exercise of this right must not infringe upon the rights of others, “affect good traditions of society”, and violate public law and order and national security. The interpretation of these restrictions should conform to the standards in the ratified International Covenant on Civil and Political Rights, but that has not been the case.

For example, multiple revisions have incorporated into the 1995 Press Law unwarranted restrictions and self-contradictory stipulations, such as binding journalists to criminal law though acknowledging that “no persons shall be arrested or subject to criminal charges as a result of the expression of opinion”.

Another restrictive constitutional provision that has been repeatedly invoked is Article 7, which states: “The King shall be inviolable”. It was used to justify the confiscation of “Free Press Magazine” over an article that questioned former King Norodom Sihanouk’s immunity from the Khmer Rouge Tribunal.

Despite the seemingly positive act to decriminalise defamation on 13 August—rendering moot the defamation threat against Thach Ket, chief editor of “Sralanh Khmer”, and former king Norodom Sihanouk’s lawsuit against the same newspaper for alleging Queen Monineath was a Vietnamese—there is still another favourite weapon of the authorities: the law on disinformation, which punishes transgressors with imprisonment from six months to three years or a fine of one million to ten million riels (approx. US\$253 to US\$2,530), or both. And even in civil defamation cases, journalists still face the threat of jail if they fail to pay the same steep fines.

Climate of fear

Much of the government’s workings remain shrouded in secrecy, with the access to information law ignored or not enforced by government officials. Journalists operate in a climate of fear made real by the past occurrences of colleagues being attacked and killed. While none was killed for their work this year, the sense of danger lurking persists under the authoritarian leadership of Hun Sen, the prime minister since 1985. Chim Chenda of “Kampuchea Thmei” was threatened with a gun by General Pol Sinuon for addressing the officer by his name, while Chandy of “Reaksmei Kampuchea” received an anonymous death-threat letter after he wrote a story implicating the Commune Chief of Tek Krahamin land grabbing. Phon Phat of “Chbas Ka” found his house razed twice over his reports on illegal logging.

Those threatened for their work would lie low or flee the country until the situation quiets down. A Radio Free Asia reporter bearing the penname “Keo Nimol” had to leave the

country briefly after the prime minister lashed out at him, calling him insolent and rude. His colleague, Lem Pich Pisey, was forced to flee after receiving an anonymous death threat.

The Ministry of Information regularly issues and enforces bans on newspapers for reporting on sensitive issues like corruption and land grabbing, and criticisms against public officials. The biggest casualty was the closing of the major French newspaper, “Cambodge Soir”, in operation for 12 years, after it defied the ban on an environmental report produced by an international non-governmental organisation which alleged official corruption. Soon after, the “Sralanh Khmer” newspaper was warned to stop further reports about the same issue. The “Khmer Amatak” newspaper was suspended a month for incurring the wrath of Deputy Prime Minister Nhiek Bun Chhay over a report.

Government propaganda dominates the national broadcaster, allowing no room for the views of opposition parties. Even in the press and radio—where there is a certain level of plurality as ownership is open to political parties, businesses and non-governmental organisations—the authorities can limit ownership on a whim, as seen in the rejection of the Cambodian Center for Human Rights’ application to run a community radio station.

The Internet is a new medium that is as yet unrestricted, but it is accessible only to the minority middle class in the big cities—an estimated 44,000 users out of a total population of close to 14 million. A burgeoning community of bloggers continues to show and test the viability of the medium, and it will consequently, too, soon test the patience of the authorities.

Ethics problem

A lack of journalism ethics in an underpaid profession has also exposed journalists to physical harm, especially those in the poverty-ridden countryside where there is severe lack of basic infrastructure. A majority of the provincial journalists earn a monthly salary of about US\$40, and would demand payment in return for their articles or other bribes. On 13 January, editors of the “Sangkat Ka”, “Samaki” and “Sangkum Cheat” newspapers were arrested and charged for blackmailing actress Vang Srey No. On 15 February, a “Polrath Khmer” reporter was attacked by an angry mob for alleged extortion. On 27 March, the publisher of “Vichea Khmer” newspaper was arrested for attempted murder. Most of such cases would be resolved behind closed doors or through “under-the-table” negotiations, entrenching the culture of bad journalism rather than breaking the cycle.

To address concerns about ethics and protect freedom of the press in general, a Press Council composed of 13 journalist associations was created on 20 July, with Um Sarin, president of the Cambodian Association for the Protection of Journalists, elected to head the organisation.

This report was prepared with input from Sam Rithy Duong Hak, Vice-President of the Cambodian Association for the Protection of Journalists, a SEAPA partner based in Phnom Penh, Cambodia.

Security, rebuilding issues hamper East Timor media

While the media in East Timor are generally free, their work in 2007 has been hampered by—and kept slaveto—a litany of problems owed to the instability and volatility of the Southeast Asia's youngest nation.

East Timor gained full independence only in 2002 after a brutal 24-year occupation by the Indonesian military. With 45 percent of the people living below poverty level and an estimated 70,000 internally displaced persons, the potential of an unrest being triggered is ever present, endangering journalists and, in doing so, preventing them from providing vital information that could mitigate the situation and aid rebuilding and reconciliation efforts. During the April 2006 violence which killed at least 23 and displaced 20,000 people (including journalists, around 30 of whom are still forced to live in their more protected offices to this day), rumours ruled after a breakdown in communications, further fuelling the crisis.

A violence-marred presidential election campaign in 2007 saw a journalist assaulted by militants from the then-ruling party, the Revolutionary Front for an Independent East Timor (FRETILIN), and a broadcast journalist threatened with physical harm by a parliamentarian. Earlier, an unknown group of men, believed to be supporters of FRETILIN, damaged the office of a major newspaper, "Suara Timor Lorosa'e" (STL). A week before that, another group of youths had beaten a non-editorial staffer with stones and sticks. Such threats and attacks have inevitably infused a level of wariness and inhibition in journalists as they go about their work.

Legal protection for the media, while guaranteed by Sections 40 and 41 of the Constitution and strengthened by the heralded Indonesia inherited Press Law, remains murky and untested as the country is still establishing its judicial system and legal framework. The government-adopted Indonesia's Criminal Code, which criminalises defamation, was supposed to have been abrogated by a 2000 executive order issued by the United Nations transitional administration that governed the country while preparing it for independence. However, in 2006, the government sought to re-criminalise defamation. Vetoed by then-president Xanana Gusmao, the bill is awaiting review in Parliament.

Radio reigns

The media, like all institutions being rebuilt in the country, are also hindered by severe problems with infrastructure, financial sustainability and human resources. A few weekly magazines and community radio stations have had to fold in the past because of these constraints.

Radio in East Timor is the cheapest and most accessible mass medium, reaching all 13 districts of the mountainous region defined by remote villages. There are a dozen stations serving the population of close to one million people, including the state-owned Radio

Nacional de Timor Leste (RTL), former rebel station Radio Falintil, the Catholic Church's Radio Timor Kmanek (RTK), Rakambia, and four community-owned concerns. Free-to-air television, provided by the sole national broadcaster, only reaches seven districts, while satellite television is affordable only to businesses and wealthier families. The print media, owned by family businesses, non-governmental organisations and the Church, are rarely found outside the capital, Dili. Internet access is limited due to poor infrastructure and the correspondingly steep charges—the sole public Internet service provider, Timor Telecom, provides broadband for about US\$250 to US\$300, while Internet cafés charge US\$1 to US\$1.50 a minute.

Strengthening media

Media in East Timor plays a crucial role in rebuilding efforts and securing peace by serving the public with accurate and unbiased information. To all appearances, the media remains free; despite its government-owned status, the country's sole national broadcaster RTTL aired an exclusive interview with rebel leader Alfredo Reinaldo without any interference from the authorities. Election coverage was also a success, with all parties given equal access to airtime.

However, as the political situation remains volatile in the young nation, the situation is still precarious for media. Politicians are increasingly becoming more aware of the power of the press, and are exerting undue pressure on them to push their personal and political agendas.

To reinforce protection for media in 2007, SEAPA's partner, the Timor Lorosa'e Journalists Association (TLJA), since January has been spearheading a fledgling committee of key stakeholders to look into a legal framework, including a proposed media bill to replace the draft prepared by the previous administration. Others in the 13-member committee are representatives from East Timor Bar Association (AATL), Sindicato dos Jornalistas Timor Leste (SJTL), Timor Leste Community Radio Association (AKRTL), Radio Timor Leste (RTL), Television Timor Leste (TVTL), Judicial System Monitor Programme (JSMP). Among their objections to the current draft bill are its vague and broad features with respect to civil and criminal defamation—the latter of which they are opposed to—and its total disregard of the value of supporting community radio. The committee also wants a guarantee that other laws will not be used to prosecute journalists, and that media should only be bound by the media law.

TLJA is also conducting journalism workshops to address the lack of human resources and skills in the profession, while the Timor Leste Media Development Center (TLMDC) is serving a similar capacity for the important medium of community radio. Besides training for the professionals, there is also a need for public education on the role of media in a democracy, so that threats from officials and mob attacks, such as had happened this year, will not recur, and disputes with media will be resolved through democratic channels.

This report was prepared with input from Rosario Da Graça Maia, head of International Relations with Timor Lorosa'e Journalists Association, a SEAPA partner based in Dili, East Timor.

Judicial support needed for Indonesia's 'fourth pillar'

The press in Indonesia enjoys a standing as the country's fourth pillar of democracy, and it is in turn backed by Constitutional guarantees for freedom of expression and press freedom, a progressive Press Law and Human Rights Law, and by Indonesia's 2005 Ratification of the International Convention on Civil and Political Rights (ICCPR).

Today there are more than 800 mostly private-owned print media, with one major newspaper serving each province, and thousands of community-based radio stations as well as 12 national television stations throughout the archipelago. To this environment, the Internet brings even more vibrancy as everyone from bloggers to traditional mediators try to exploit the new medium's accessibility and affordability to the general public.

Still, Indonesia showed in 2007 that, as with all countries in the Southeast Asia, legal structures can be easily undermined by new laws, political realities and even the strength of powerful personalities and sectors. Indonesia's courts and legislature, in particular, provided crucial developments for press freedom during the year, creating both crucial wins and troubling losses for advocates of free expression in the archipelago. And outside of legal structures, the Indonesian media's very vibrancy and plurality continued to expose it to mob attacks, especially from factions intolerant of religious freedom in the predominantly Muslim state.

Legal and legislative victories and threats

A significant stride was made when the Constitutional Court revoked articles 154 and 155 of the Criminal Code which criminalised defamation against the government with prison terms of up to seven years. The previous year, the same court revoked three similarly restrictive articles (134a, 136, 137) that banned insults against the president.

But the Criminal Code itself has been under review since 2004 and will be deliberated again in 2008. Rather incongruously, the draft retains provisions for defamation of the president and vice-president despite the Constitutional Court's ruling expunging them last year. Further, the Alliance of Independent Journalists (AJI), a SEAPA founding member based in Jakarta, found 61 articles that may harm free expression. Under Article 209, for example, one can be jailed 10 years for disseminating through the media communist or Marxist principles with the intention of replacing the state ideology. Article 308 imposes a fine of Rp. 30 million (approx. US\$3,200) and a one-year jail term for the dissemination of incomplete or exaggerated news that could lead to "social disorder". Under the Additional Crimes Section, a journalist who has been convicted of any crime may be banned from the profession.

Meanwhile, still pending from 2006 is a draft bill on state secrecy, whose poorly defined terms and scope open it to abuse and may see important information being withheld from the public.

A new threat that emerged this year was the draft bill on general elections. Article 260 allows jail terms or fines for journalists over their reports. Article 103(3) of the same bill can jail an editor-in-chief of a print or electronic media between three and six months and fine them for violating a ban on reporting on campaigns during the cool-off period.

Unpredictability and inconsistency

The government of President Susilo Bambang Yudhoyono, while publicly voicing support for a free media, has unfortunately not been consistent in its actions. In February, it tried to introduce four new broadcasting regulations that would override some of the functions of the National Broadcasting Commission. In September, police ordered a private telecommunications company, P.T. Telkom, to tap the cellular phone of "Tempo" journalist Metta Dharmasaputra and circulated copies of the recorded text messages and conversations without his consent, in retaliation for his investigative report about an alleged tax fraud by a company controlled by tycoon Sukanto Tanoto.

The political leadership's inconsistency, meanwhile, was mirrored in the courts.

Thus, in Indonesia the threat of criminal defamation continued to loom large, while its civil counterpart proved as chilling, as demonstrated by former president Soeharto's civil suit against the international weekly "Time". In a 30 August ruling, the Supreme Court ordered "Time" to pay Soeharto Rp. 1 trillion (approx. US\$106 million) for its 1999 article, "Soeharto Inc.—How Indonesia's Longtime Boss Built a Family Fortune". The magazine was also ordered to publish an apology in several international publications for alleging that the former strongman—whose forced exit following a people's power movement set off Indonesia on a path to democracy after 32 years of authoritarian rule—had amassed a fortune while he was in power. The Supreme Court's decision that overturned the rulings in the lower courts was a severe setback, coming after its celebrated 2006 decision which acquitted "Tempo" editors of criminal defamation and advanced the use of the 1999 Press Law in its place. "Time" is seeking a retrial.

Underused Press Law

The most glaring irony revolves around Indonesia's much-heralded but under-used Press Law which provides for the right of reply and other remedies for press-related disputes without jail terms. With no compelling mechanism for its implementation, most prosecutors and judges find it easy to ignore the law, opting for the harsh Criminal Code instead, which has seven articles related to criminal defamation. Since the Press Law came into effect in 1999, there have been 42 lawsuits against the mass media, out of which only six were handled under the Press Law, according to AJI.

While judicial awareness of the law remains poor, a notable exception was found in a South Jakarta district court on 5 April when it cleared "Indonesia Playboy"'s Erwin Arnada of the criminal charge of publishing indecent material, ruling that the Press Law should have been used instead.

Another case that should have fallen under the purview of the Press Law was that of Risang Bima Wijaya, who was found guilty of libelling Sumadi Martono Wonohito, the executive

director of the "Kedaulatan Rakyat" newspaper. Under the pseudonym "RIS", Risang wrote a series of reports in "Radar Jogja", where he was general manager, alleging Sumadi of sexually harassing an employee. The Supreme Court affirmed the High Court's decision to convict Risang but reduced the prison term to six months. Risang was arrested on 9 December and is now serving his prison term.

Toward the end of the year, Bersih Lubis, a columnist for the "Koran Tempo" daily, was tried for insulting the Attorney-General's Office when he criticised the banning of a high school history textbook. He faces a total maximum jail term of two years and 10 months if found guilty of two charges. AJI has pointed out that this provision for crimes against the authorities should be revoked, since the Constitutional Court has already decriminalised insult against the top two government officers—i.e. the president and vice-president.

While the courts may need a compelling mechanism to apply the Press Law, Indonesia's media community faces the continued challenge of defending the grounds it is gaining against government offensives and extremist pressure out to undermine its independence and plurality.

This report was prepared with input from Anggara Suwahju and Mujib Rahman, Advocacy Officer and Board Member of Advocacy Division, respectively, of the Alliance of Independent Journalists, a SEAPA founding member based in Jakarta, Indonesia.

Surveillance and repression continue in Laos

The ruling Lao People Revolutionary Party (LPRP) continues to maintain its dominance since 1975 through a constitutional provision, Article 3, which names the party as the "leading nucleus" of the functioning of the political system.

Although Article 44 accords citizens the right to freedom of speech and the press, the role of the press is also outlined constitutionally as a link between the party, the state and the masses. Hence, all publications in Laos must be approved by the Ministry of Information, which issues them with publishing licences, and newspaper editors and broadcast producers are appointed mostly from the party.

Local newspapers must use in toto reports by the national news agency Khao San Pathet Lao on important party activities and state affairs, and adhere to ministry guidelines on "sensitive" topics. The government continues to sanitise news on security in the multi-ethnic country, especially the armed struggle of the Hmong tribe, on which foreign coverage is banned. Reports and commentaries about the underdeveloped country's socio-economic problems, bureaucratic inefficiency, malfeasance and corruption are allowed, but not in detail or to the extent of denouncing or causing embarrassment to the individual officers. The foreign ministry also has a say in the content of the media, as a result of which it is forbidden to criticise "friendly countries", particularly Vietnam and Burma.

At the same time, media growth since 2000 has increased public access to information on other matters, if not political issues. There are some 60 publications, including daily and weekly newspapers, monthly and quarterly magazines as well as journals and news bulletins, in Lao, English and French, on trade, tourism, lifestyle and entertainment. Most of them are produced in the capital and have a limited circulation of about 3,000 copies a day because of the small market.

The broadcast sector, being the more accessible medium with 80 percent of the 6.5 million population tuned in to radio and 50 percent to television, remains state-run. The Lao National Radio is the national broadcaster, supplemented by 31 regional and provincial stations, while Lao National TV and Laos Television 3, a joint venture with a Thai company, are the two local broadcasters. However, foreign broadcasts such as Voice of Vietnam, Beijing International Radio, Voice of America, BBC and Radio France International are also accessible. Wealthier residents in the capital and major cities have 24-hour access to some 30 international news and entertainment stations via satellite and cable television, and those close to the Thai border can access programmes from the country. These new channels afford segments of the Lao population a window to the outside world.

The Internet, though introduced in the country in 1997, has yet to make an impact, hampered by lack of skills in human resources, infrastructure and high costs. Charges of about 9,000 Kip (approx. US\$1) per hour in a country where gross domestic product per capita is US\$2,200 limit exploration of the World Wide Web to tourists, entrepreneurs, expatriates, government officials and the media. It is estimated that there are some 25,000 users accessing Internet cafés, most of them found in Vientiane Prefecture. All Internet

providers are controlled by the state and e-mail is monitored. The Prime Minister's Office requires all Internet service providers to submit quarterly reports and link their gateway to facilitate monitoring, but the government's ability to enforce such regulations appears to be limited. Two web forums, Inlaonet and Laoupdate, are popular among students, allowing comments about current affairs and common social problems, occasionally focusing on news reports, but never politically sensitive issues. Some blogs and websites of overseas dissidents are blocked.

Free expression is also severely hampered by restrictive laws. Defamation of the state and false information are criminalised. Producing "anti-government" propaganda can land one with a one-to five-year imprisonment; "inciting social instability" through demonstrations a five-year term; and committing "crimes against the state" a 20-year term or execution. Three local dissidents were sentenced to 20 years of prison in 1991 for expressing their desire for democracy. One died in prison while the other two were released in 2005 for health reasons.

Although the law provides for independence of the judiciary in both criminal and civil matters, in reality, the courts are susceptible to the influence of senior government and party officials, although to a lesser degree than in the past. Impunity, corruption and poor enforcement remain a problem.

Internet under fire in Malaysia

In Malaysia, 2007 was the year in which the government most overtly tried to back down on a touted promise about keeping cyberspace free. A touted guarantee against Internet censorship, made during the time of former prime minister Dr. Mahathir Mohammad and aimed at attracting global investment on the new media, did not stop the current government of Abdullah Ahmad Badawi from attempting to control and prosecute online writers and bloggers over their postings. Such attempts at censorship after the fact have further inhibited a multi-ethnic and multi-religious society that is too used to having its democratic freedoms checked in the name of "stability" and "national security", and is only beginning to seriously explore new media as a means of free expression.

In January, a landmark suit was filed by New Straits Times Press, a major news group closely linked to the dominant ruling party, United Malays National Organisation (UMNO), against popular political bloggers Jeff Ooi and Ahiruddin Attan for "defamation" and "malicious falsehoods" following their critical postings about a major English daily published by the press group.

Increasing calls from ruling politicians for the Internet to be curbed led to the Cabinet announcement in June of a task force to scan for existing legislation that can be used against online pornography and sedition without contravening the country's Bill of Guarantee against Internet censorship. An UMNO proposal for "cyber-troopers" to monitor critical online writers and a spate of harassment followed in the next two months. Laws on sedition, defamation and official secret—which are among the main weapons to check traditional media—were invoked on five Internet-related cases. Opposition activist Nathaniel Tan was charged for defamation and detained four days over a link on his website left by an anonymous poster alleging official corruption. Police questioned fellow activist Tian Chua over a teaser photomontage about a high-profiled murder case of a Mongolian who was blown up to pieces. Political blogger Raja Petra Kamarudin was interrogated for allegedly insulting the monarchy; his wife was subjected to a similar round of questioning despite having nothing to do with blogging. Student Wee Meng Chee was probed for his allegedly seditious music video on YouTube that turned the national anthem into a rap about the general malaise in the country.

Strict control of information

The increasing government harassment of the Internet stemmed from the growing boldness and popularity of blogs that offered alternative views and information to a populace whose right to free expression has been long curtailed by a government that is unable to deal with critical views and maintains strict control of information as its basis of power. Opposition organs are licensed for members only, public talks and rallies organised by marginalised voices are rarely given permits, and books and independent films that offer truths other than the official version are banned. With most of the mass media already under the stable of Media Prima, a government-linked conglomerate, representativeness was further reduced this year when all four major Chinese language newspapers, "Sin Chew Daily", "Guang Ming

Daily", "China Press" and "Nanyang Siang Pau" came under the ownership of timber tycoon Tiong Hiew King, who is perceived to have friendly ties with a ruling party.

A litany of "don't"s issued by various government authorities and the resulting self-censorship have been the norm for the mainstream media since the two-decade authoritarian governance of Dr Mahathir that ended in 2003, and it has been no different under his successor. Public outcry over official scandals or social and religious concerns were nipped in the bud by labelling the issues "sensitive", followed by either a media ban or instructions to limit sources to the ruling elite and authorities. The "Sun", a critical English daily that has striven to provide fair coverage, was frequently admonished publicly and privately. Such admonishments carry weight since all publications must be registered annually under the 1984 Printing Presses and Publications Act, which gives the minister absolute and arbitrary power over licensing, and leaves no option for judicial review.

Beyond verbal threats, journalists were also increasingly physically attacked. Members of the ruling coalition allegedly punched photographer Koh Chun Seng while he was covering an opposition press conference. Another group allegedly fought with photographer P. Malayandi and shouted vulgarities at journalist R. Malini while they were covering a fight that broke out between a ruling party and a rival party. More worrisomely, photojournalist R. Raman was beaten to a coma over his stories while his colleague M. Nagarajan received threats of a similar fate befalling him.

Exposés of bad governance were met with lawsuits, threats of legal action, or media restrictions. Opposition leaders Ronnie Liu, Tian Chua and Khalid Ibrahim were probed for exposing an allegedly lopsided government agreement with a highway concessionaire. The country's premier independent web-based daily, "Malaysiakini", is being sued for defamation by the Sarawak state's chief minister, Abdul Taib Mahmud, over a series of articles that questioned an apparent link between dubious practices in the state's timber trade and businesses connected to his family. The top politician had also sued the Utusan Melayu media group and two opposition politicians who had distributed leaflets about the articles, but later dropped the case against the newspaper, owned by ruling party UMNO, after it apologised. And in what appeared to be retaliation for critical reports against another member of the ruling coalition over corporate mismanagement, authorities suspended Tamil-language daily "Makkal Osai" for 30 days for allegedly offending religious sensibilities.

New media for free media

Contributing to the lack of media freedom is the general political and civil rights environment in Malaysia, which has the mechanisms of a democracy but not the substance. Article 10 of the Constitution guarantees freedom of speech but also allows Parliament to impose restrictions for security reasons. Judicial independence, much eroded since 1988 after the firing of the chief justice and several questionable decisions in the upper courts since then, was questioned again this year after the exposé of a video that caught a senior lawyer in the apparent act of arranging top judicial appointments.

Such exposés would have had a short lifespan if it were not for the Internet, which has increased democratic space in Malaysia and fuelled demand for space elsewhere, in rallies,

public talks and even the mainstream media, as people are beginning to realise how they are shortchanged by the government's monopoly on truth. The presence of international broadcaster Al-Jazeera, which set up office in the Kuala Lumpur capital this year, has also allowed alternative coverage of public events reaching the Malaysian masses.

Al-Jazeera also brought international-standard coverage of local events, previously monopolised by government-owned and -controlled broadcasters, which would frame events to reflect the official position. The convergence of the new technologies of Internet and satellite communications has helped expand the boundaries of press freedom further, as images of local events covered on satellite television were redistributed on the Internet, breaking the traditional media's hold on information.

But the biggest stride for democratic space was made not through the Internet, but rather the most basic form of expressive conduct. Inspired by rallies in Pakistan and Burma against injustice and unhappy by how the government is performing on crucial good governance issues, Malaysians came out in hundreds and thousands in September and November to rally peacefully and separately under different groups. Their causes were diverse: from judicial, human rights and democratic reforms, to the rights of the marginalised ethnic Indians; but all had in common a determination to reclaim the seldom-exercised right to free assembly, which is seldom granted by the police when it comes to causes challenging the government. Although three of the rallies were banned and met with some police resistance; and dozens of protesters and organisers later faced sedition and illegal assembly charges; and, worst—five leaders of the ethnic Indians' protest, P. Uthayakumar, M. Manoharan, R. Kenghadharan, V. Ganabatirau and T. Vasanthakumar, were to be detained for two years without trial under the Internal Security Act (ISA) for allegedly threatening national security, the rallies were a major turning point for freedom of expression in Malaysia, because it showed that more ordinary citizens were no longer afraid to speak with their feet despite the mainstream media's efforts to paint street protests as an "alien" and violent culture.

This report was prepared with input from Yip Wai Fong, Advocacy Officer of Centre for Independent Journalism, a SEAPA partner based in Kuala Lumpur, Malaysia.

Robust Philippine media attacked as 'enemies of state'

Despite a "free-wheeling" tradition emboldened by the strongest constitutional protection in the region, the Philippine media remain vulnerable to laws and policies set by a hostile government, criminal defamation suits from powerful politicians, and contract-style attacks affecting provincial radio journalists in particular.

The impunity by which Filipino journalists continued to get killed in 2007 was further complicated by the active promulgation of repressive laws and the restrictive interpretation of existing ones by the government of President Gloria Macapagal-Arroyo. Law suits, criminal libel, meanwhile, were abused by political figures, most prominently by the husband of President Arroyo, no less.

The biggest threat to emerge was the anti-terror Human Security Act, effected on 15 July, whose vague terms put too much discretion in the hands of the government and military. Among other things, the law, which carries a prison term of 40 years, allows for government to tap the phones of journalists suspected of involvement in terrorism.

The constitutionality of the law is being challenged at the Supreme Court. Pending its potential rejection by the High Tribunal, however, the cloud of all things concerning "national security" continues to hang over the media. It bears reminding that a week-long state of emergency in February 2006—put in place ostensibly to preempt an alleged coup plot—was itself also rebuked by the Supreme Court. All the same, government actions in that week left in its wake acts of surveillance on critical media, a pending sedition case against a newspaper, and a chilling effect spilling into 2007.

In this same vein, the arrest of more than 30 journalists and media technicians who were covering the 29 November 2007 siege of a hotel by rebels led by a former military officer underscored government's continuing contempt for media, and its quick trigger in invoking "emergencies" as a rationale for limiting journalists' access and rights to information. Even as the Philippine media, government officials, the police, and the military at the end of the year entered into dialogues to hammer out codes of conduct during emergency and military situations, Justice officials plainly declared that journalists covering such situations may simply be charged as accessories to a crime, parties to sedition, and/or "obstructions" to justice.

Attacks and killings

The government also bears some responsibility for the high number of threats of physical harm and attacks against journalists. Though the number of those killed in the course of their journalism dropped from the previous year, the authorities' pronounced lack of political will in successfully prosecuting those who attack and kill journalists implicitly encourages more of such attacks. Since 2001, the start of Arroyo's administration, only two

cases, that of Edgar Damalerio and Marlene Esperat, resulted in convictions—and none have brought actual masterminds to justice.

Most of the 33 journalists killed over work since 2001 are from radio, a popular medium in the underdeveloped provinces where judicial and enforcement institutions are weak. Many are not paid staff but blocktimers, who oftentimes act as mouthpieces of local politicians who finance their airtime to attack rivals.

To their credit, the media community acknowledges that among the factors making the issue of impunity complex in the Philippines is the matter of professionalism and ethics. They acknowledge the industry's own responsibility to address the problem. Recognising that good journalism is its own first line of defense against any threat, CMFR conducts ethics trainings and has initiated the creation of local citizens' press councils to address media disputes through dialogue and better understanding of the media's role.

But media's introspection has merely underscored the failure of government to in turn recognize its own responsibility and culpability in the problem. What has been lacking in the situation, however, is a stronger demonstration of government's acceptance of its responsibility to stop the killings, and to create a stronger environment for law and order throughout the country. Ultimately, the shame of impunity rests on the national government, as its failure to deliver justice is seen to encourage bolder attacks against the media, and human rights advocates in general.

Criminal libel

Libel, a crime under Article 353 of the Revised Penal Code, is once again a favored weapon of powerful personalities to threaten and harass Filipino journalists.

While libel suits against journalists rarely see a conviction in the Philippines because the courts maintain international standards for proving malice, two convictions during the year—in particular, the five-year-old case against provincial radio broadcaster Alex Adonis, which saw him sentenced in absentia to four years in jail—illustrate a chilling reality that generally poorly paid journalists in the Philippines face when challenging powerful public officials.

Moreover, the criminal nature of the charge is in itself still enough to harass— if only rarely to convict. No less than the president's husband, Jose Miguel Arroyo, filed 11 lawsuits against 46 journalists from 2002 to 2006, holding perhaps little realistic chances of sending anyone to jail, but dragging too many through the legal system all the same and threatening to keep his critics if not in jail at least tied up in court.

Although Mr. Arroyo promised to withdraw the libel cases this year after a heart operation, journalists and media organisations, which include CMFR and PCIJ, are continuing with a class action suit against the presidential spouse for abusing his right to sue and violating media freedom.

Strong ally in Supreme Court

The Philippine media and human rights advocates in general fortunately found an extremely strong ally at the highest level of the judiciary, the Supreme Court, led by Chief Justice Reynato Puno. To help find a way out of the culture of impunity darkening the whole Philippines, the Supreme Court tightened procedures to compel witnesses to help in investigations and granted families of enforced disappearances access to official documents and information about their cases. The chief justice created 99 special courts that will try cases of extrajudicial killings in 60-day marathon hearings that will produce decisions after 30 days. The 2001 killing of radio journalist Rolando Ureta may be the first case related to journalist killings to be tried in the special courts. The Ureta case is also a key case that the Freedom Fund for Filipino Journalists (FFFJ), a coalition of six media organisations that include CMFR and PCIJ, is helping to prosecute.

This report was prepared based on information obtained from the "Philippine Press Freedom Report 2007", produced by the Center for Media Freedom and Responsibility, a SEAPA founding member based in Manila, the Philippines, with additional input from Jose F. Santos, the CMFR Press Alerts Officer.

Singapore tightens stranglehold on free expression

Singaporean leaders have made it plain for all its citizens and the international community to know that the city-state harbours no ambition or direction of being a democratic state. For press freedom and free expression, in particular, Singapore in 2007 continued to be unblinking and unapologetic in its restrictive rules and policies. Indeed, if there was any development in these areas at all, it was to follow through its previous year's theme—apply the noose it put in place on the foreign media and tighten the other on the Internet.

The People's Action Party (PAP) has governed the city-state with an iron grip since 1959. Freedoms of expression and assembly had been sacrificed in the interest of maintaining public security in the multi-ethnic and -religious country. Speaking in public requires a police permit; so, too, a gathering of more than four people outdoors.

Intolerant of dissent or alternative views, the government has long monopolised and subjugated a once lively local press and continues to strategise, through new laws and regulations, to thwart any novel attempts to break its stranglehold on freedom of expression.

Over the years, the government has perfected the art of suppression by frequently applying its arsenal of laws on leading opposition figures and critics; this, coupled with its unbroken record of wins in Singapore's courts, has effectively instilled fear of speaking up among the local populace, thus cultivating a deeply ingrained culture of self-censorship.

Defamation a favourite tool

Defamation is a favourite and effective tool to silence opponents, as acknowledged in a 2006 condemnation from the International Commission of Jurists. Many opponents have been bankrupted and thus barred from participating in the elections. The most prominent victim is opposition leader Dr. Chee Soon Juan. Sued in 1993 and 2001 for defamation and ordered to pay Lee Kuan Yew and other PAP leaders US\$600,000, Dr. Chee is no longer eligible to stand for elections after another suit in 2006 bankrupted him. He is also banned from travelling overseas. Dr. Chee has been arrested and imprisoned six times, mostly for defying the law on public speaking. For taking up his cause and often speaking in his defence, Dr. Chee's sister, Siok Chin, in 2007, has undergone the same legal challenges as her brother.

The threat of defamation has been sure to extend to the international press that circulate in Singapore—"Economist", the "International Herald Tribune", Bloomberg, the "Asian Wall Street Journal" and "Far Eastern Economic Review" have had to pay heavy fines on top of apologising for "defaming" Singapore officials.

The "Review" is fighting another libel suit brought against it by Prime Minister Lee Hsien Loong and his father, Minister Mentor Lee Kuan Yew, after a 2006 article on Dr. Chee criticised the government's handling of a corruption scandal in the country's largest charity.

On 17 October this year, at the threat of being slapped with a defamation suit, London's "Financial Times" was forced to apologise to the Lees for allegedly implying nepotistic practices in its 29 September article, "Sovereign fundstry to put on an acceptable face". The newspaper also forked out an unspecified sum of damages as compensation to the Lees and the prime minister's wife, Ho Ching, who heads the state investment company Temasek.

Outdoor and virtual protests

There is no respite in other forms of expression or alternative outlets. Among those banned were an independent film, "Zahari's 17 years", about the incarceration of a former top journalist and political activist; a reading in conjunction with the country's gay pride festival, over a text by Ng Yi-Sheng about a young man's fictional sexual romps with military officers and government officials; and a photograph exhibition called "Kissing", which consisted of images of same-sex people doing just that (homosexual acts are outlawed in Singapore).

Such a restrictive environment has not deterred a small band of political and social activists from persisting in exercising their right to free expression despite the constant harassment. Small-group protests against the Burmese junta were held at various locations in the city despite a ban on outdoor protests at the summit of the Association of South East Nations (ASEAN).

Recognising the threat to its authority, even though it comes in minute spurts, the government is not taking any chances and is reviewing the Penal Code to broaden the scope of unlawful assembly from an intention to commit "mischief" and "trespass" to a common objective to commit "any offence".

A more vibrant outlet for dissent, the Internet, which is accessible to about two-thirds of the 4.5 million population, is also being tightened. Already, Internet service providers, content providers for political parties and websites offering political or religious content must register with the Media Development Authority and abide by its regulations, while podcasting and videocasting for election campaigning and party propaganda are banned; now, the government is looking into including new media in the code that governs competition in the print and broadcast media markets. Ostensibly to keep abreast with media convergence and ensure fair play in the market, the code will in reality limit plurality, as how it is for the print and broadcast sectors.

The government has also appointed an advisory council to study the social, ethical, legal and regulatory impact of interactive and digital media. The report will be released for public consultation in the first half of 2008.

From tolerant coup to unstable democracy in Thailand

In a full year under military rule, free expression in Thailand was unstable as it hinged on the benevolence and patience of the military. Under a junta-appointed government and a new charter replacing the heralded 1997 Constitution, Thais found themselves testing new grounds of tolerance as the spate of defamation threats and lawsuits that characterised the rule of the previous government of Thaksin Shinawarta was replaced by a rise in lèse-majesté arrests and charges, Internet harassment, and the enactment of four new laws affecting freedom of expression.

After initially blunt attempts to block any news about the fate of the ousted, self-exiled former leader carried by supportive community radio stations, websites and the new Hong Kong-based satellite channel People's Television, the junta eventually eased off enough to allow even rallies. Some semblance of normality returned after a new Constitution was approved on 24 August, setting the stage for elections and the restoration of democracy in the kingdom, in keeping with the military's purported reason for staging the coup.

The new Constitution gives the same protections for free expression, and is in areas better at explicitly stating protection for editorial independence, banning prior censorship and, for the first time, barring direct and indirect political ownership of businesses related to media and telecommunication. It also suggests a self-regulatory or an independent body to protect media rights, which includes guarding against political and commercial interference in editorial matters.

However, the passage of the charter—and subsequently of new national security and Internet-related laws—was as controversial as the coup. While the junta largely allowed criticisms and rallies against its leaders and the coup, it was less tolerant when it came to allegations of the real masterminds behind the coup as well as a call to boycott the referendum on the new charter, which was voted in with no real choice for the people and while 35 of Thailand's 76 provinces, perceived to be Thaksin's strongholds, remained under martial law. Vocal anti-coup and anti-charter activist, webmaster Sombat Boonngamanong, was arrested and detained a day for refusing to stop his critical speech to about 150 people in Chiang Rai, a city in northern Thailand.

Most tellingly, the junta-pointed legislature rushed through at the eleventh hour the most dangerous law, the National Security Act, which gives the military sweeping powers to override an elected government in situations deemed harmful to national security. Besides allowing for restrictions on freedom of movement, assembly and information, it also permits detention without trial for up to six months. Following intense pressure from civil society groups, the draft law was amended to put the prime minister as the nominal head of the military body in charge, the Internal Security Operations Command, and its operations would be subjected to judicial review.

Print thrives; broadcast and Internet dive

The junta's treatment of the media was also uneven. It left alone the traditionally strident, largely private press that, besides recognising its limits on the taboo subject of the monarchy, could barely hide its glee at the junta's disposal of their common enemy, Thaksin. However, the junta could not handle the no-holds-barred commentaries found on the Internet, especially relating to the monarchy. It blocked popular video-sharing site YouTube for five months over a video that was disrespectful to the King, suspended several critical online forums ostensibly over "national security" concerns, and rushed through a law that affected online free expression.

The Computer-Related Offences Commission Act was essentially meant to prevent crimes committed through new media. However, it also targets pornographic and anti-monarchy content, and the ubiquitous "national security" threats. The hushed-up arrest of two individuals for allegedly posting lèse-majesté comments on online forums, whose charges were later dropped, brought home the far-reaching net cast by the law on 12 million active Internet users, who may not be aware that they may be committing offences under the law, which also penalises the use of proxy servers to access banned sites, and encompasses offences committed abroad. The law also created mini-Napoleons in private Internet service providers which are now taking it upon themselves to police online content.

A positive development following constant lobbying from local media groups was the Press Registration and Notification Act, approved on 29 August to replace the draconian 1941 Printing Act that has been used over six decades to stifle critical media. Under the new law, Special Branch Police Division will no longer be the authority for licensing and closure of media outlets. Instead, publishers of newspapers need only register their publication with the government's registrar as a matter of procedure. However, a provision in the act prohibits import of foreign publication with contents criticising the monarchy.

The development in the broadcast sector was quite topsy-turvy under the military rule, underscoring the immensely intertwined political and commercial interests that long prevented the end of state monopoly of the industry. Under the 1955 Radio and Television Act, the broadcast media are owned entirely by the state. There are some 500 radio stations owned by the state through various agencies from public relations to police and Defence Ministry, and five state-owned television stations, but most of them are leased out to private operators on a contractual basis.

While television and radio stations were subjected to severe censorship and tightened controls with regard to political comments and any reports about Thaksin, the pending legal reform of the sector has ironically made a great stride forward. At least two keys legislation crucial to ending state and military monopoly in the media business sailed through among hundreds of laws passed by the junta-appointed legislature which ended its mandate on 21 December, the last work day before the general elections.

The two laws are the Public Service Broadcasting Agency Act and the amendment bill to the Broadcasting and Television Act. The former gives birth to the country's first public

broadcast service in TiTV, the successor to Thailand's first independent television, the trouble-plagued iTV. The latter is intended to regulate the broadcast sector and prevent monopoly of the broadcast business either by the state or big business.

Proponents said the fast-tracked broadcast laws under the junta-appointed legislature made up for the lost six years under Thaksin and even a decade under his predecessors. However, opponents, including civil right activists, attacked the process as illegitimate and lacking in independent scrutiny.

In theory, the passage of the two laws would have been a welcome surprise for press freedom advocates, but following a sudden reshuffle of a dozen of TiTV's executives and management staff two days before the election, doubts were raised as to whether the station could truly operate as public service without state interference.

Vietnam reverts to severe suppression of dissidents

In the months prior to its acceptance into the World Trade Organization, which was formalised on 11 January 2007, the one-party totalitarian government of Vietnam appeared to have eased off from its notorious suppression of dissidents and even released a few from prison. Since then, however, the situation has regressed and many prominent dissidents—especially from Bloc 8406, a pro-democracy movement that emerged on 8 April 2006—have been arrested, charged and are serving prison terms for spurious offences against the state. One of them, Father Nguyen Van Ly, a Catholic priest and editor of a pro-democracy publication, was sentenced to eight years in prison for allegedly disseminating anti-government propaganda. His four editorial assistants, Nguyen Phong, Nguyen Binh Thanh, Hoang Thi Anh Dao and Le Thi Le Hang, received sentences of six years, five years, and 18 months on suspension, respectively.

The country's 1992 constitution recognises the right to freedom of opinion, expression and association for all citizens. However, the Press Law puts all administrative aspects of the press, including editorial appointments, under government hands, and spells out the function of the press as protecting "party lines and policies", as well as detecting and promoting "positive factors". Hence, the government runs some 600 media outlets from the digital, broadcast and print sectors.

Even with such controls in place, the local press still faces other restrictions. The Press Law requires journalists to pay monetary damages or publish retractions to individuals or organisations whose reputation have been harmed by their articles, regardless of the truth. The Criminal Code contains an array of provisions that can be used against the media—spying, slandering, abusing democratic freedom to infringe on the state's interest can land one with lengthy jail terms, fines or bans from certain positions. Further, a decree in July 2006 punishes journalists who reveal "state secret and harmful information", "reactionary ideology" and deny "revolutionary achievements", with fines of up to 30 million dong (approx. US\$2,000). Journalists must show the articles to interviewees before publishing or face a fine of up to seven million dong (approx. US\$450). Using anonymous sources begets a fine of three million dong (approx. US\$190). Though there are no prison terms provided, publications can be suspended. All this adds to a severe case of self-censorship in the local press.

Foreign journalists do not necessarily have it better. They must be approved by the Press and Information Department, Ministry of Foreign Affairs. They must hire an authorised press officer, who acts as both watcher and interpreter, and ask permission before starting on any story. The government has punished critical foreign correspondents by not issuing them with the required visas. This year, BBC correspondent Bill Hayton was denied a permanent correspondent's visa and had to leave the country.

Known dissidents are under constant surveillance. The state intercepts their mail, blocks phone lines and periodically hauls them up for interrogation as a form of continual harassment.

Little respite is found online, though the Internet is fast gaining popularity, reaching about 20 percent of the 85 million population—especially IT-savvy youngsters and overseas-educated Vietnamese—and is commonly available in hospitality and entertainment spots at a charge of about 16,000 Dong (approx. US\$1) per hour. Domestic websites must be registered and their content subject to the authorities' approval. Local Internet service providers must store information transmitted online for at least 15 days and help security agents in monitoring online activities. The government also monitors e-mail based on certain keywords and uses firewalls to block sites deemed politically or culturally inappropriate, such as those of overseas dissidents and, occasionally, the US-based Radio Free Asia and Voice of America.

Most users access the Internet from cyber cafés, making control of this venue important for the state. Hence, proprietors of Internet outlets are required by regulation to register users' personal information and store records of websites visited for 30 days.

Among those sentenced for their online writings this year were journalist Huynh Nguyen Dao, physician Le Nguyen Sang and entrepreneur Nguyen Bac Tuyen, who are serving reduced prison terms ranging from two years and a half to four years, for spreading "anti-government propaganda", a crime under Article 88 of the Criminal Code. Journalist Tran Khai Thanh Thuy, too, was allegedly arrested for the same offence in calling for greater democracy.

Nguyen Vu Binh, a former journalist with "Tap Chi Cong San" (The Communist Magazine), had served close to five years of his seven-year prison term and three-year house arrest sentence for posting articles of a "reactionary nature" before he was pardoned and released by President Nguyen Minh Triet this year.

The law provides for the independence of judges and lay assessors; however, in practice the ruling party controls the courts at all levels by retaining effective executive power to appoint judges. Most judges are members of the party. Trials are open to the public, except over sensitive cases. Defendants have the right to be present and have a lawyer, although not necessarily the lawyer of their choice. However, lawyers often have little time before trial to examine the evidence against their clients. Most of the hearings this year only lasted three to four hours.

After the 11th Party Congress in June, the government has been toughening measures to control the media in order to contain what it perceived to be a growing assertiveness of the local press in their recent coverage of corruption cases. Such hardening of its state control followed the media's aggressive coverage of the embezzlement of foreign funds involving senior officials at the Ministry of Transport (PMU 18) in 2005.

The following court's ruling on the case dealt a blow to the local media's new-founded courage in digging up on sensitive issues. The officials involved were convicted of breaching code of ethics, not corruption as the media would like to see happening. To the local press's further dismay, World Bank and Japan, Vietnam's two major funders did not signal any disapproval of such ruling.

Ever since, the climate of news censorship has become tense. There has been an instruction from the government to hunt down whistle blowers in the PMU scandal which revealed a systematic and serious misuse of state fund for personal gains including a gambling of European football matches.

The media was also facing limitation in trying to further follow up the case. A new Prime Minister decree was passed banning the media from quoting news sources. Only senior officials of the Director General level were authorized to answer the press' questions further limited the media from obtaining other source of information than the official ones.

Such climate coincided with the restructuring of the existing ministries in which Ministry of Information and Culture was split, with the Department of Press and Information incorporated to Ministry of Science and Technology and the Culture segment is now part of Ministry of Sports Tourism and Culture.

said the restructuring of the Department of Press and Information, the media's main regulator was widely seen as the government's effort to consolidate its control over the media which includes online media.

Out-spoken press and burgeoning online news publications were among the subject of close scrutiny. Their editors were increasingly under pressure to "strictly" follow the government's guidelines in news reporting on sensitive issues and further self-censorship

The routine news meeting at the Press and Information Department has become "grill" session of news editors during which government officials produced a long list of what they deemed as unfavorable or inaccurate reports.

There were reports that two deputy editors of "Truoi Tre" (Youth) were forced to resign over their resistance to the government's news guidelines. But officials said the resignation was normal since both had reached a retirement age.