

LAW

ON ORGANIZATION OF PEOPLE'S PROCURACIES

Pursuant to the Constitution of the Socialist Republic of Vietnam;

The National Assembly promulgates the Law on Organization of People's Procuracies.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Law prescribes functions, duties, powers and organizational structures of people's procuracies; procurators and other staffs in people's procuracies; and assurance of operation of people's procuracies.

Article 2. Functions and duties of people's procuracies

1. People's procuracies are agencies exercising the power to prosecute and supervise judicial activities of the Socialist Republic of Vietnam.
2. People's procuracies have the duty to safeguard the Constitution and law, human rights, citizens' rights, the socialist regime, interests of the State, and lawful rights and interests of organizations and individuals, thus contributing to ensuring the strict and unified observance of law.

Article 3. The function of people's procuracies to exercise the power to prosecute

1. Exercising the power to prosecute means an activity of people's procuracies in criminal procedure to make the State's accusation against offenders. The power to prosecute shall be exercised right upon the settlement of reports and information on crimes and recommendations for prosecution and throughout the course of institution, investigation, prosecution and adjudication of criminal cases.
2. People's procuracies shall exercise the power to prosecute to ensure that:
 - a/ All offences and offenders shall be detected, charged, investigated, prosecuted and adjudicated in a prompt, strict, accurate, fair and lawful manner, neither let injustice be done on the innocent nor omit offences and offenders;
 - b/ No person will be charged with an offence, arrested, held in custody or temporary detention or have their human rights or citizens' rights restricted in contravention of law.
3. When exercising the power to prosecute, people's procuracies have the following duties and powers:
 - a/ To request the institution of criminal cases; to cancel illegal decisions on institution or non-institution of criminal cases; to approve or not to approve decisions on initiation of criminal

proceedings against the accused issued by investigating agencies or agencies assigned to conduct some investigating activities; to directly institute criminal cases and initiate criminal proceedings against the accused in the cases prescribed by the Criminal Procedure Code;

b/ To decide on, or approve, the application, change or cancellation of measures restricting human rights or citizens' rights in the settlement of reports and information on crimes and recommendations for prosecution and in the laying of charges, investigation and prosecution in accordance with the Criminal Procedure Code;

c/ To cancel other illegal procedural decisions in the settlement of reports and information on crimes and recommendations for prosecution, and in the laying of charges and investigation by investigating agencies or agencies assigned to conduct some investigating activities;

d/ When necessary, to set investigation requirements and require investigating agencies or agencies assigned to conduct some investigating activities to fulfill such requirements;

dd/ To request concerned agencies, organizations and individuals to provide documents to clarify offences and offenders;

e/ To directly settle reports and information on crimes and recommendations for prosecution; to conduct some investigating activities to clarify grounds for laying charges on offenders;

g/ To investigate crimes of infringing upon judicial activities and corruption- and position-related crimes in judicial activities in accordance with law;

h/ To decide on the application of summary procedure in investigation and prosecution;

i/ To decide on the prosecution and accusation against the accused at court hearings;

k/ To protest against court judgments or decisions in case of injustice, wrongful conviction or omission of offences or offenders;

l/ To perform other duties and exercise other powers in making accusations against offenders in accordance with the Criminal Procedure Code.

Article 4. The function of people's procuracies to supervise judicial activities

1. Supervising judicial activities means an activity of people's procuracies to supervise the lawfulness of acts and decisions committed or made by agencies, organizations and individuals in judicial activities. The supervision of judicial activities shall be conducted right upon the receipt and settlement of reports and information on crimes and recommendations for prosecution and throughout the course of settlement of criminal cases; in the settlement of administrative cases, civil, marriage and family, business, commercial and labor cases and matters; in the execution of judgments and settlement of complaints and denunciations about judicial activities; and in other judicial activities in accordance with law.

2. People's procuracies shall supervise judicial activities to ensure that:

a/ The receipt and settlement of reports and information on crimes and recommendations for prosecution; settlement of criminal cases, administrative cases, civil, marriage and family, business, commercial and labor cases and matters; execution of judgments; settlement of complaints and denunciations about judicial activities; and other judicial activities shall be conducted in accordance with law;

b/ The arrest, custody or temporary detention, execution of imprisonment sentences, and regimes of custody or temporary detention, management and education of persons serving imprisonment sentences must comply with law; human rights and other lawful rights and

interests of persons arrested or held in custody or temporary detention and persons serving imprisonment sentences, which are not restricted by law, must be respected and protected;

c/ Court judgments and decisions which are legally valid must be strictly executed;

d/ All violations in judicial activities must be detected and handled in a prompt and strict manner.

3. When performing the function of supervising judicial activities, people's procuracies have the following duties and powers:

a/ To request agencies, organizations and individuals to conduct judicial activities in accordance with law; inspect judicial activities falling under their competence and notify inspection results to people's procuracies; provide dossiers and documents to people's procuracies for the later to examine the lawfulness of acts and decisions in judicial activities;

b/ To directly supervise; verify and collect documents to clarify violations committed by agencies, organizations and individuals in judicial activities;

c/ To handle violations; to request or recommend competent agencies, organizations and individuals to remedy and strictly handle violations in judicial activities; to recommend concerned agencies and organizations to apply measures to prevent violations and crimes;

d/ To protest against illegal court judgments or decisions; to recommend action against illegal acts or decisions committed or made by courts; to protest against illegal acts and decisions committed or made by other competent agencies and persons in judicial activities;

dd/ To supervise the settlement of complaints and denunciations about judicial activities; to settle complaints and denunciations falling under their competence;

e/ To perform other duties and exercise other powers in supervising judicial activities in accordance with law.

Article 5. Protests and recommendations of people's procuracies

1. People's procuracies shall protest against acts, judgments or decisions which are committed or made by competent agencies or persons in judicial activities and involve serious violations, infringing upon human rights, citizens' rights, interests of the State or lawful rights and interests of organizations and individuals. Competent agencies and persons shall settle protests of people's procuracies in accordance with law.

2. In case acts or decisions committed or made by agencies, organizations or individuals in judicial activities involve violations which are less serious and do not fall into the case subject to protest prescribed in Clause 1 of this Article, people's procuracies shall recommend these agencies, organizations or individuals to remedy violations and strictly handle violators; if detecting any loopholes or shortcomings in management activities, they shall recommend concerned agencies and organizations to remedy and apply measures to prevent violations and crimes. Related agencies, organizations and individuals shall consider, settle and reply to recommendations of people's procuracies in accordance with law.

Article 6. Working activities of people's procuracies

1. People's procuracies shall perform the function of exercising the power to prosecute through the following activities:

a/ Exercising the power to prosecute in the settlement of reports and information on crimes and recommendations for prosecution;

b/ Exercising the power to prosecute during the stage of institution and investigation of criminal cases;

c/ Exercising the power to prosecute during the stage of prosecution against offenders;

d/ Exercising the power to prosecute during the stage of adjudication of criminal cases;

dd/ Investigating some types of crime;

e/ Exercising the power to prosecute in mutual judicial assistance in criminal matters.

2. People's procuracies shall perform the function of supervising judicial activities through the following activities:

a/ Supervising the receipt and settlement of reports and information on crimes and recommendations for prosecution;

b/ Supervising the institution and investigation of criminal cases;

c/ Supervising the observance of law by procedure participants during the stage of prosecution;

d/ Supervising the adjudication of criminal cases;

dd/ Supervising the custody, temporary detention and execution of criminal judgments;

e/ Supervising the settlement of administrative cases, civil, marriage and family, business, commercial and labor cases and matters and other matters in accordance with law;

g/ Supervising the enforcement of civil and administrative judgments;

h/ Supervising the settlement of complaints and denunciations about judicial activities by competent agencies in accordance with law; settling complaints and denunciations about judicial activities which fall under their competence;

i/ Supervising mutual judicial assistance activities.

3. Other activities of people's procuracies include:

a/ Crime statistics; law making; and law dissemination and education;

b/ Training and re-training; scientific research; international cooperation and other activities serving their development.

Article 7. Principles on organization and operation of people's procuracies

1. A people's procuracy shall be led by the chief procurator. Chief procurators of people's procuracies at lower levels shall submit to the leadership of chief procurators of people's procuracies at higher levels. Chief procurators of people's procuracies at lower levels shall submit to the unified leadership of the Procurator General of the Supreme People's Procuracy.

People's procuracies at higher levels shall inspect and strictly handle violations committed by people's procuracies at lower levels. Chief procurators of people's procuracies at higher levels may revoke, suspend or cancel illegal decisions issued by chief procurators of people's procuracies at lower levels.

2. At the Supreme People's Procuracy, superior people's procuracies, people's procuracies of provinces and centrally run cities, the Central Military Procuracy and military procuracies of military zones and the equivalent, supervisory committees shall be set up to discuss and decide by majority on important issues and give opinions on cases and matters before submission to chief procurators for decision under Articles 43, 45, 47, 53 and 55 of this Law.

Article 8. Coordination responsibility of people's procuracies

Within the ambit of their functions and duties, people's procuracies shall coordinate with public security agencies, courts, judgment enforcement agencies, inspection agencies, audit agencies, other state agencies, and the Central Committee and member organizations of the Vietnam Fatherland Front in effectively preventing and fighting crimes; promptly and strictly handling crimes and violations in judicial activities; conducting law dissemination and education; formulating legal documents; conducting training and re-training activities and researching crimes and violations.

Article 9. Rights and responsibilities of agencies, organizations and individuals toward activities of people's procuracies

1. Concerned agencies, organizations and individuals shall strictly abide by decisions, and fulfill requests, recommendations and protests of people's procuracies; and may recommend action against, and lodge complaints and denunciations about, illegal acts and decisions of people's procuracies; people's procuracies shall settle or reply to these recommendations, complaints and denunciations in accordance with law.

2. When having grounds to believe that an act or a decision of a people's procuracy is groundless or illegal, investigating agencies or agencies assigned to conduct some investigating activities, courts and judgment enforcement agencies may recommend or request the people's procuracy to reconsider its act or decision. The people's procuracy shall settle or reply to these recommendations or requests in accordance with law.

3. Agencies, organizations and individuals are prohibited from obstructing or intervening into the exercise of the power to prosecute and supervise judicial activities by people's procuracies; taking advantage of the right to lodge complaints and denunciations to slander cadres, civil servants, public employees and other employees of people's procuracies.

Article 10. Supervision of activities of people's procuracies

The National Assembly and National Assembly agencies, deputies and delegations, People's Councils and People's Council deputies, and the Central Committee and member organizations of the Vietnam Fatherland Front shall supervise activities of people's procuracies in accordance with law.

Article 11. Traditional day and badge of people's procuracies

1. The traditional day of people's procuracies is July 26 every year.

2. The badge of people's procuracies is circular in shape with red background, yellow selvage and radial rays; in the middle is a relief five-pointed gold star encircled by rice ears, below which are a sword and a shield; on the shield is half of a dark-blue cogwheel and two letters "KS" in platinum color; the lower half of the badge is encircled by a red strip in front of which is the phrase "The Socialist Republic of Vietnam".

Chapter II

ACTIVITIES TO PERFORM THE FUNCTIONS AND DUTIES OF PEOPLE'S PROCURACIES

Section 1. EXERCISING THE POWER TO PROSECUTE AND SUPERVISE THE RECEIPT AND SETTLEMENT OF REPORTS AND INFORMATION ON CRIMES AND RECOMMENDATIONS FOR PROSECUTION

Article 12. Duties and powers of people's procuracies in exercising the power to prosecute in the settlement of reports and information on crimes and recommendations for prosecution

1. To approve or not to approve the arrest of persons in urgent cases, extension of custody and application of other measures restricting human rights or citizens' rights in settling reports and information on crimes and recommendations for prosecution.
2. To cancel temporary custody decisions and other procedural decisions issued illegally by competent agencies in settling reports and information on crimes and recommendations for prosecution.
3. When necessary, to set out examination and verification requirements and request agencies competent to settle reports and information on crimes and recommendations for prosecution to fulfill such requirements.
4. To directly settle reports and information on crimes and recommendations for prosecution in cases which involve serious violations or show signs of omitting crimes and have not yet been remedied despite of requests of people's procuracies.
5. To perform other duties and exercise other powers so as to exercise the power to prosecute in accordance with the Criminal Procedure Code so as to prevent the omission of offenders and injustice.

Article 13. Duties and powers of people's procuracies in supervising the receipt and settlement of reports and information about crimes and recommendations for prosecution

1. To receive reports and information on crimes and recommendations for prosecution from organizations, agencies and individuals and forward them to competent investigating agencies for settlement.
2. To supervise the observance of law by investigating agencies and agencies assigned to conduct some investigating activities in the receipt of reports and information on crimes and recommendations for prosecution. Investigating agencies and agencies assigned to conduct some investigating activities shall fully and promptly notify people's procuracies of reports and information on crimes and recommendations for prosecution they have received.
3. To directly supervise; and supervise the examination and verification of, making of dossiers on, and results of settlement of, reports and information on crimes and recommendations for prosecution of investigating agencies and agencies assigned to conduct some investigating activities. Investigating agencies and agencies assigned to conduct some investigating activities shall fully and promptly notify people's procuracies of verification and settlement results.
4. When detecting that the receipt and settlement of reports and information on crimes and recommendations for prosecution are conducted in an incomplete or unlawful manner, people's procuracies shall request investigating agencies and agencies assigned to conduct some investigating activities:
 - a/ To receive, examine, verify, and issue decisions on settlement of, reports and information on crimes and recommendations for prosecution in a complete and lawful manner;
 - b/ To inspect the receipt and settlement of reports and information on crimes and recommendations for prosecution and notify inspection results to people's procuracies;
 - c/ To provide documents on violations in the receipt and settlement of reports and information on crimes and recommendations for prosecution;

d/ To remedy violations and strictly handle violators.

5. To settle disputes over competence to settle reports and information on crimes and recommendations for prosecution.

6. To perform other duties and exercise other powers in supervising the receipt and settlement of reports and information on crimes and recommendations for prosecution in accordance with the Criminal Procedure Code.

Section 2. EXERCISING THE POWER TO PROSECUTE AND SUPERVISE THE INVESTIGATION OF CRIMINAL CASES

Article 14. Duties and powers of people's procuracies when exercising the power to prosecute during the stage of investigation of criminal cases

1. To request investigating agencies and agencies assigned to conduct some investigating activities to institute criminal cases or initiate criminal proceedings against the accused or change or supplement decisions on institution of criminal cases or initiation of criminal proceedings against the accused.

2. To cancel decisions on institution of criminal cases, decisions on change or supplementation of decisions on institution of criminal cases or decisions on non-institution of criminal cases, which are issued illegally; to approve or cancel decisions on initiation of criminal proceedings against the accused, decisions on change or supplementation of decisions on initiation of criminal proceedings against the accused, which are issued illegally.

3. To institute, or change or supplement decisions on institution of, criminal cases and initiate, or change or supplement decisions on initiation of, criminal proceedings against the accused in the cases prescribed by the Criminal Procedure Code.

4. To approve or not to approve the arrest of persons in urgent cases, extension of custody or temporary detention, and other measures restricting human rights or citizens' rights.

5. To decide to apply, change, or cancel the application of, the measures of arrest, custody or temporary detention, deterrent measures and other measures restricting human rights and citizens' rights in accordance with law.

6. To approve, not to approve or cancel other procedural decisions of investigating agencies and agencies assigned to conduct some investigating activities.

7. To set out investigation requirements and request investigating agencies and agencies assigned to conduct some investigating activities to conduct investigation to clarify offences and offenders; to request investigating agencies to pursue the accused.

8. To directly conduct some investigating activities to examine or supplement documents or evidences when approving orders or decisions of investigating agencies or agencies assigned to conduct some investigating activities or detecting signs of injustice or wrongful conviction or omission of crimes and violations which have not yet been remedied in spite of requests of people's procuracies.

9. To institute or request investigating agencies to institute criminal cases when detecting criminal signs of acts committed by competent persons in the settlement of reports and information on crimes and recommendations for prosecution or in the laying of charges or investigation.

10. To decide to extend the investigation or temporary detention time limit, transfer cases, apply summary procedure and apply the measure of compulsory medical treatment.

11. To perform other duties and exercise other powers in exercising the power to prosecute in accordance with the Criminal Procedure Code.

Article 15. Duties and powers of people's procuracies when supervising the investigation of criminal cases

1. To supervise the observance of law in institution, investigation and compilation of files of criminal cases by investigating agencies and agencies assigned to conduct some investigating activities.

2. To supervise criminal procedure activities of procedure participants; to request or recommend competent agencies, organizations and individuals to strictly handle procedure participants who commit violations.

3. To settle disputes over investigating competence;

4. To request investigating agencies and agencies assigned to conduct some investigating activities to provide relevant documents serving the supervision of the observance of law in the institution and investigation of criminal cases when necessary.

5. To recommend or request investigating agencies and agencies assigned to conduct some investigating activities to remedy violations committed in the institution and investigation of criminal cases.

6. To request heads of investigating agencies and agencies assigned to conduct some investigating activities to change investigators or investigative officers and strictly handle investigators or investigative officers who commit violations in procedural activities.

7. To recommend concerned agencies and organizations to apply measures to prevent crimes and violations.

8. To perform other duties and exercise other powers in supervising the investigation of criminal cases in accordance with the Criminal Procedure Code.

Section 3. EXERCISING THE POWER TO PROSECUTE AND SUPERVISE JUDICIAL ACTIVITIES DURING THE STAGE OF PROSECUTION

Article 16. Duties and powers of people's procuracies when exercising the power to prosecute during the stage of prosecution

1. To decide to apply, change or cancel the application of, the measures of arrest, custody or temporary detention and other measures restricting human rights or citizens' rights in accordance with law; to request investigating agencies to pursue the accused.

2. To request agencies, organizations and individuals to provide documents related to cases when necessary.

3. To directly conduct some investigating activities to examine or supplement documents or evidences so as to decide to institute criminal cases or in case additional investigation is requested by courts but people's procuracies deem it unnecessary to return case files to investigating agencies.

4. To decide to institute criminal cases or initiate criminal proceedings against the accused, change or supplement decisions on institution of criminal cases or initiation of criminal

proceedings against the accused if detecting that the cases involve other criminal offences or offenders that have not yet been prosecuted and investigated, and return case files to investigating agencies for additional investigation.

5. To decide on the separation, consolidation or transfer of cases for prosecution according to jurisdiction, application of summary procedure and application of the measure of compulsory medical treatment.

6. To decide to extend or not to extend the prosecution time limit and the period of application of a deterrent measure.

7. To decide to prosecute or not to prosecute the accused.

8. To decide to cease or suspend cases or the accused; to decide to resume cases or the accused status.

9. To perform other duties and exercise other powers to decide on the prosecution in accordance with the Criminal Procedure Code.

Article 17. Duties and powers of people's procuracies in supervising judicial activities during the stage of prosecution

1. To supervise criminal procedure activities of procedure participants; to request or recommend competent agencies, organizations and individuals to strictly handle procedure participants who commit violations.

2. To recommend concerned agencies and organizations to apply measures to prevent crimes and violations.

3. To perform other duties and exercise other powers in supervising judicial activities in accordance with the Criminal Procedure Code.

Section 4. EXERCISING THE POWER TO PROSECUTE AND SUPERVISE THE ADJUDICATION OF CRIMINAL CASES

Article 18. Duties and powers of people's procuracies when exercising the power to prosecute during the stage of adjudication of criminal cases

1. To announce indictments or prosecution decisions according to summary procedure and other decisions on accusation against the accused at court hearings.

2. To inquire, arraign, argue and present their viewpoints on the settlement of cases at court hearings.

3. To protest against court judgments or decisions if detecting injustice, wrongful conviction or omission of offences and offenders.

4. To perform other duties and exercise other powers in making accusations in accordance with the Criminal Procedure Code.

Article 19. Duties and powers of people's procuracies when supervising the adjudication of criminal cases

1. To supervise the observance of law in adjudication of criminal cases by courts.

2. To supervise court judgments and decisions.

3. To supervise criminal procedure activities of procedure participants; to request or recommend competent agencies and organizations to strictly handle procedure participants who commit violations.
4. To request courts at the same or lower levels to transfer criminal case files so as to consider and decide to make protests.
5. To protest against court judgments or decisions involving serious violations of procedural regulations.
6. To exercise the right to make requests and recommendations, perform other duties and exercise other powers in supervising the adjudication of criminal cases in accordance with the Criminal Procedure Code.

Section 5. INVESTIGATING ACTIVITIES OF INVESTIGATING AGENCIES OF PEOPLE'S PROCURACIES

Article 20. Investigating competence of investigating agencies of the Supreme People's Procuracy and the Central Military Procuracy

Investigating agencies of the Supreme People's Procuracy and the Central Military Procuracy shall investigate crimes of infringing upon judicial activities and corruption- and position-related crimes committed in judicial activities by cadres or civil servants of investigating agencies, courts, people's procuracies or judgment enforcement agencies or persons competent to conduct judicial activities in accordance with law.

Article 21. Exercising the power to prosecute and supervise the observance of law by investigating agencies of the Supreme People's Procuracy and the Central Military Procuracy

The Supreme People's Procuracy and the Central Military Procuracy shall exercise the power to prosecute and supervise the observance of law in the receipt and settlement of reports and information on crimes and recommendations for prosecution; and the laying of charges and investigation by their investigating agencies as prescribed in Articles 12, 13, 14 and 15 of this Law, and the Criminal Procedure Code.

Section 6. SUPERVISION OF THE CUSTODY, TEMPORARY DETENTION, AND EXECUTION OF CRIMINAL JUDGMENTS

Article 22. Duties and powers of people's procuracies when supervising custody and temporary detention

1. People's procuracies shall supervise the observance of law by competent agencies and persons in holding persons in custody or temporary detention.
2. When supervising custody and temporary detention, people's procuracies have the following duties and powers:
 - a/ To conduct direct supervision at custody houses and detention camps; to ask persons held in custody or temporary detention about the custody or temporary detention;
 - b/ To supervise custody and temporary detention dossiers;
 - c/ To request heads of custody houses and superintendents of detention camps to conduct inspection of custody or temporary detention and notify inspection results to people's procuracies, provide dossiers and documents related to custody or temporary detention, notify the situation of custody or temporary detention, and answer questions about illegal custody or temporary detention decisions, measures or acts;

d/ To decide to immediately release persons who are held in custody or temporary detention in a groundless or unlawful manner;

dd/ To protest against illegal custody or temporary detention decisions and recommend or request agencies and persons competent to conduct custody or temporary detention to suspend the implementation of, amend or annul, illegal custody or temporary detention decisions, or terminate violations and handle violators;

e/ To institute or request investigating agencies to institute criminal cases when detecting cases showing criminal signs in custody or temporary detention in accordance with law;

g/ To settle complaints and denunciations, perform other duties and exercise other powers in supervising custody or temporary detention in accordance with law.

Article 23. Settlement of complaints and denunciations about custody and temporary detention

1. People's procuracies shall settle complaints and denunciations about custody and temporary detention.

2. Agencies and persons competent to conduct custody and temporary detention matters shall forward complaints and denunciations of persons held in custody or temporary detention to people's procuracies within 24 hours after receipt.

3. Chief procurators of people's procuracies of rural districts, urban districts, towns, provincial cities and the equivalent, chief procurators of people's procuracies of provinces and centrally run cities, chief procurators of regional military procuracies and chief procurators of military procuracies of military zones and the equivalent shall settle complaints about illegal decisions and acts in custody and temporary detention made or committed by competent agencies or persons subject to their supervision.

Chief procurators of procuracies at higher levels may settle complaints about the settlement of complaints by chief procurators of procuracies at lower levels; complaint settlement decisions of chief procurators of procuracies at higher levels are legally valid decisions.

4. Chief procurators are competent to settle denunciations about illegal acts in custody or temporary detention committed by competent persons under their supervision.

Past the law-prescribed time limits, if denunciations have not yet been settled, chief procurators of higher-level procuracies may settle denunciations; conclusions on denunciation contents of chief procurators of higher-level procuracies are final.

Article 24. Responsibilities to implement custody- or temporary detention-related requests, recommendations, protests and decisions of people's procuracies

1. Heads of custody houses and superintendents of detention camps shall implement the following custody- or temporary detention-related requests, recommendations, protests and decisions of people's procuracies:

a/ Requests for provision of dossiers and documents related to custody or temporary detention must be implemented immediately; requests for notification of the situation of custody and temporary detention and requests for explanation about illegal decisions, measures or acts in custody or temporary detention must be implemented within 15 days after receipt; requests for self-inspection of custody or temporary detention and notification of inspection results to people's procuracies must be implemented within 30 days after receipt;

b/ Decisions specified at Point d, Clause 2, Article 22 of this Law must be implemented immediately; heads of custody houses and superintendents of detention camps shall still implement such decisions even if they disagree therewith, but they may lodge complaints to competent higher-level procuracies. Chief procurators of higher-level procuracies shall settle such complaints within 10 days after receipt;

c/ Protests specified at Point dd, Clause 2, Article 22 of this Law must be settled within 15 days after receipt; if disagreeing with such protests, heads of custody houses or superintendents of detention camps may lodge complaints to competent higher-level procuracies; higher-level procuracies shall settle such complaints within 15 days after receipt; decisions of higher-level procuracies are legally valid decisions.

2. For recommendations specified at Point dd, Clause 2, Article 22 of this Law, competent agencies, organizations and individuals shall consider and settle them and give replies in accordance with the law on custody and temporary detention.

Article 25. Duties and powers of people's procuracies when supervising the execution of criminal judgments

1. People's procuracies shall supervise the observance of law by courts, criminal judgment enforcement agencies, agencies and organizations assigned to perform some criminal judgment execution duties, competent persons, and agencies, organizations and individuals involved in criminal judgment execution.

2. When supervising the execution of criminal judgments, people's procuracies have the following duties and powers:

a/ To request courts to issue decisions on execution of criminal judgments; to request courts, criminal judgment enforcement agencies, and agencies and organizations assigned to perform some criminal judgment execution duties to conduct inspection of the execution of criminal judgments and notify inspection results to people's procuracies and provide dossiers and documents related to the execution of criminal judgments;

b/ To directly supervise the execution of criminal judgments; to supervise criminal judgment execution dossiers. People's procuracies of provinces and centrally run cities shall directly supervise the execution of imprisonment sentences at prisons based in their localities;

c/ To decide to immediately release persons serving imprisonment sentences which have been imposed in a groundless or unlawful manner;

d/ To request the exemption from, postponement, suspension or cancellation of the serving of sentences; to participate in considering the reduction of or exemption from execution of sentences or judicial measures or shortening of probation period;

dd/ To protest against illegal acts and decisions committed or made by competent agencies and persons in criminal judgment execution;

e/ To recommend or request agencies, organizations and individuals to terminate and remedy violations in criminal judgment execution and strictly handle violators;

g/ To institute or request investigating agencies to institute criminal cases when detecting cases showing criminal signs in criminal judgment execution in accordance with law;

h/ To perform other duties and exercise other powers in supervising criminal judgment execution in accordance with the law on criminal judgment execution.

Article 26. Responsibility to implement criminal judgment execution-related requests, recommendations, protests and decisions of people's procuracies

1. Requests for issuance of criminal judgment execution decisions in accordance with law and requests for provision of dossiers and documents related to criminal judgment execution must be immediately implemented.

2. Courts, criminal judgment enforcement agencies and agencies and organizations assigned to perform some criminal judgment execution duties shall implement requests for self-inspection of criminal judgment execution and notification of self-inspection results to people's procuracies within 30 days after receipt.

3. Competent agencies, organization and individuals shall consider, settle, reply to, or implement, criminal judgment execution-related recommendations, protests and other requests of people's procuracies in accordance with the Law on Execution of Criminal Cases.

Section 7. SUPERVISION OF THE SETTLEMENT OF ADMINISTRATIVE CASES, CIVIL, MARRIAGE AND FAMILY, BUSINESS, COMMERCIAL AND LABOR CASES AND MATTERS AND OTHER MATTERS IN ACCORDANCE WITH LAW; SUPERVISION OF THE EXECUTION OF CIVIL AND ADMINISTRATIVE JUDGMENTS

Article 27. Duties and powers of people's procuracies when supervising the settlement of administrative cases, civil, marriage and family, business, commercial and labor cases and matters and other matters in accordance with law

1. To supervise the return of petitions and requests.

2. To supervise the acceptance and settlement of cases and matters.

3. To collect documents and evidences in the cases prescribed by law.

4. To attend court hearings and meetings and present their viewpoints on the settlement of cases and matters in accordance with law.

5. To supervise court judgments and decisions.

6. To supervise procedural activities of procedure participants; to request or recommend competent agencies and organizations to strictly handle procedure participants who commit violations.

7. To make protests or recommendations against court judgments or decisions involving violations; to recommend or request courts, agencies, organizations and individuals to conduct procedural activities.

8. To perform other duties and exercise other powers in supervising the settlement of administrative cases, civil, marriage and family, business, commercial and labor cases and matters and other matters in accordance with law.

Article 28. Duties and powers of people's procuracies when supervising the execution of civil and administrative judgments

1. To supervise the issuance, handover, interpretation and correction of court judgments or decisions.

2. To directly supervise judgment enforcement by civil judgment enforcement agencies at the same and lower levels, enforcers and related agencies, organizations and individuals.

3. To supervise judgment execution dossiers.
4. To attend court meetings and present their viewpoints on the consideration for exemption from or reduction of the judgment execution obligation related to state budget remittances.
5. To supervise operations of agencies, organizations and individuals involved in judgment execution.
6. To request courts and civil judgment enforcement agencies at the same and lower levels, enforcers, and agencies, organizations and individuals involved in judgment execution:
 - a/ To issue judgment enforcement decisions in accordance with law;
 - b/ To execute judgments and decisions in accordance with law;
 - c/ To conduct self-inspection of judgment execution and notify self-inspection results to people's procuracies;
 - d/ To provide dossiers, documents and exhibits related to judgment execution.

Requests specified at Points a, b and d of this Clause must be implemented immediately; requests specified at Point c of this Clause must be implemented within 30 days after receipt.

7. To recommend courts and civil judgment enforcement agencies of the same and lower levels, enforcers and agencies, organizations and individuals to fully discharge their responsibilities in judgment execution.
8. To protest against court decisions, decisions and acts of heads and enforcers of civil judgment enforcement agencies at the same and lower levels in accordance with law; to request the suspension of judgment execution, amendment or annulment of judgment enforcement decisions containing violations or termination of violations.
9. To perform other duties and exercise other powers in supervising the execution of civil and administrative judgments in accordance with law.

Section 8. SETTLEMENT OF COMPLAINTS AND DENUNCIATIONS AND SUPERVISION OF THE SETTLEMENT OF COMPLAINTS AND DENUNCIATIONS ABOUT JUDICIAL ACTIVITIES

Article 29. Settlement of complaints and denunciations about judicial activities which fall under the competence of people's procuracies

1. People's procuracies are competent to settle the following complaints:
 - a/ Complaints about procedural acts and decisions committed or made by competent persons of people's procuracies in exercising the power to prosecute and supervise judicial activities;
 - b/ Complaints about procedural acts and decisions committed or made by heads of investigating agencies; complaints about results of settlement of complaints about procedural decisions or acts of investigators or deputy heads of investigating agencies by heads of investigating agencies;
 - c/ Complaints about procedural acts and decisions of competent persons of agencies assigned to conduct some investigating activities;
 - d/ Complaints about custody and temporary detention;
 - dd/ Complaints about acts and decisions on management and education of prisoners committed or made by persons assigned to manage and educate prisoners;

e/ Other complaints as prescribed by law.

2. People's procuracies are competent to settle the following denunciations:

a/ Denunciations about violations committed by competent persons of people's procuracies when exercising the power to prosecute and supervise judicial activities;

b/ Denunciations about violations in activities of persons competent to conduct some investigating activities;

c/ Denunciations about violations committed by competent persons in arrest, custody or temporary detention;

d/ Denunciations about violations committed by persons assigned to manage and educate prisoners;

dd/ Other denunciations as prescribed by law.

3. When settling complaints and denunciations, people's procuracies have the following duties and powers:

a/ To receive, classify, accept, examine and verify complaints and denunciations;

b/ To request agencies, organizations and individuals to explain and provide relevant dossiers and documents;

c/ To apply necessary measures to prevent possible damage;

d/ To issue decisions on settlement of complaints and conclusions on denunciation contents;

dd/ To notify decisions on settlement of complaints and conclusions on denunciation contents to complainants or denunciators.

Article 30. Duties and powers of people's procuracies when supervising the settlement of complaints and denunciations about judicial activities

1. To directly supervise the settlement of complaints and denunciations about judicial activities by competent agencies in accordance with law.

2. To request competent agencies to issue decisions on settlement of complaints and conclusions on denunciation contents, inspect the settlement of complaints and denunciations in judicial activities by themselves and lower levels and notify inspection results to people's procuracies and provide relevant dossiers and documents to people's procuracies.

3. To make conclusions on supervision and exercise of the right to make recommendations or protests in accordance with law.

Article 31. Responsibility to report on the settlement of complaints and denunciations about judicial activities of the Supreme People's Procuracy

1. The General Procurator of the Supreme People's Procuracy shall report on the settlement of complaints and denunciations about judicial activities to the National Assembly.

2. Biannually and annually, the Supreme People's Court, the Ministry of Public Security, the Ministry of National Defense and the Ministry of Justice shall notify in writing the Supreme People's Procuracy of the settlement of complaints and denunciations about judicial activities.

The Supreme People's Procuracy shall assume the prime responsibility for, and coordinate with the Supreme People's Court, Ministry of Public Security, Ministry of National Defense and Ministry of Justice in, guiding the implementation of this Clause.

Section 9. EXERCISING THE POWER TO PROSECUTE AND SUPERVISE MUTUAL LEGAL ASSISTANCE ACTIVITIES

Article 32. Duties and powers of people's procuracies when exercising the power to prosecute in mutual legal assistance in criminal matters

1. To decide to transfer foreign countries' requests for mutual legal assistance in criminal matters to competent Vietnamese investigating agencies for institution or investigation of criminal cases.
2. To request foreign competent agencies to summon witnesses and expert witnesses; collect and provide evidences and documents; and examine penal liability of offenders.
3. To perform the duties and exercise the powers prescribed in Articles 14, 16 and 18 of this Law in case competent Vietnamese agencies conduct investigation, prosecution and adjudication of criminal cases at the request of foreign countries.
4. To perform other duties and exercise other powers when exercising the power to prosecute in mutual legal assistance in criminal matters in accordance with the Criminal Procedure Code and the Law on Mutual Legal Assistance.

Article 33. Duties and powers of people's procuracies when supervising mutual legal assistance activities

1. To supervise the observance of law by agencies and persons conducting and participating in mutual legal assistance in criminal or civil matters, expatriation and transfer of persons serving imprisonment sentences.
2. To attend court meetings on expatriation or transfer of persons serving imprisonment sentences and present their viewpoints.
3. To protest against court decisions on expatriation or transfer of persons serving imprisonment sentences, which contain violations.
4. To exercise the right to make requests and recommendations, perform other duties and exercise other powers in supervising mutual legal assistance in accordance with law.

Section 10. CRIME STATISTICS AND OTHER ACTIVITIES

Article 34. Crime statistics

1. People's procuracies shall assume the prime responsibility for making crime statistics and coordinate with concerned agencies in making criminological statistics.
2. Within the ambit of their functions and tasks, procedure-conducting agencies and other related agencies shall coordinate with people's procuracies in making crime statistics.

Article 35. Scientific research

Within the ambit of their functions and duties, people's procuracies shall conduct criminological research and scientific research in prosecution-related matters so as to contribute to fulfilling their functions and duties and preventing and combating crimes and violations.

Article 36. Law making

The Supreme People's Procuracy may recommend and submit draft laws and ordinances; assume the prime responsibility for, and coordinate with concerned agencies and organizations in, drafting laws; promulgate legal documents falling under its competence in accordance with the law on promulgation of legal documents.

Article 37. Training and retraining

1. People's procuracies shall conduct professional training and retraining to create human resources and elevate qualifications of their procurators, investigators, examiners and other civil servants and public employees in accordance with law.

2. Training institutions of people's procuracies may provide training and retraining in various forms in accordance with law.

Article 38. International cooperation

People's procuracies shall enter into international cooperation in training, retraining, scientific research, and in negotiation for, conclusion of, and accession to, mutual legal assistance agreements and other international agreements in accordance with law.

Article 39. Law dissemination and education

Through exercising the power to prosecute and supervise judicial activities, people's procuracies shall conduct law dissemination and education, thus contributing to the prevention and combat of crimes and violations.

Chapter III

ORGANIZATION OF PEOPLE'S PROCURACIES

Article 40. The people's procuracy system

1. The Supreme People's Procuracy.
2. Superior people's procuracies.
3. People's procuracies of provinces and centrally run cities (below referred to as provincial-level people's procuracies).
4. People's procuracies of rural districts, urban districts, towns, provincial cities and the equivalent (below referred to as district-level people's procuracies).
5. Military procuracies at different levels.

Article 41. Duties and powers of people's procuracies at different levels

1. The Supreme People's Procuracy shall exercise the power to prosecute and supervise judicial activities, contributing to ensure strict and uniform observance of law.
2. Superior people's procuracies shall exercise the power to prosecute and supervise judicial activities related to cases and matters falling under the jurisdiction of superior people's courts.
3. Provincial- and district-level people's procuracies shall exercise the power to prosecute and supervise judicial activities in their localities.

Article 42. Organizational structure of the Supreme People's Procuracy

1. The organizational structure of the Supreme People's Procuracy consists of:

- a/ The Supervisory Committee;
- b/ The Office;
- c/ The investigating agency;
- d/ Departments, institutions and the equivalent;
- dd/ Training institutions, press agencies and other public non-business units;
- e/ The Central Military Procuracy.

2. The Supreme People's Procuracy has the Procurator General, Deputy Procurators General, procurators, examiners; head and deputy heads of the investigating agency, investigators; other civil servants, public employees and other employees.

Article 43. Supervisory Committee of the Supreme People's Procuracy

1. The Supervisory Committee of the Supreme People's Procuracy is composed of:

- a/ The Procurator General of the Supreme People's Procuracy;
- b/ Deputy Procurators General of the Supreme People's Procuracy;
- c/ A number of procurators of the Supreme People's Procuracy as decided by the National Assembly Standing Committee at the proposal of the Procurator General of the Supreme People's Procuracy.

2. The Procurator General shall preside over meetings of the Supervisory Committee, which are held to discuss and decide on the following important issues:

- a/ Working programs and plans of the people's procuracy sector;
- b/ Draft laws and ordinances to be submitted to the National Assembly or National Assembly Standing Committee; reports to be presented by the Procurator General of the Supreme People's Procuracy before the National Assembly, National Assembly Standing Committee or President;
- c/ The working apparatus of the Supreme People's Procuracy;
- d/ Reports to be submitted by the Procurator General of the Supreme People's Procuracy to the National Assembly Standing Committee on matters stated in resolutions of the Judicial Council of the Supreme People's Court, on which the Procurator General holds different opinions; recommendations on crime prevention and combat to be submitted by the Supreme People's Procuracy to the Prime Minister;
- dd/ Selection of employees of the Supreme People's Procuracy who are qualified for sitting examinations for promotion to the rank of high-level, intermediate-level or primary-level procurators;
- e/ Proposals for relief from duty or dismissal of procurators of the Supreme People's Procuracy to be submitted to the Procurator Selection Council of the Supreme People's Procuracy for consideration.

To consider and propose the Procurator General of the Supreme People's Procuracy to re-appoint, relieve from duty or dismiss high-level, intermediate-level and primary-level procurators who are working at the Supreme People's Procuracy.

3. The Supervisory Committee shall issue resolutions when exercising the competence prescribed in Clause 2 of this Article. Resolutions of the Supervisory Committee must be voted for by more than half of its members; in case of equality of votes, the Procurator General's vote shall be decisive.

4. At the request of the Procurator General of the Supreme People's Procuracy, the Supervisory Committee shall discuss and give opinions on complicated criminal cases, administrative cases, civil, marriage and family, business and labor cases and matters before they are submitted to the Procurator General for consideration and decision.

Article 44. Organizational structure of a superior people's procuracy

a/ The supervisory committee;

b/ The office;

c/ Institutions and equivalent units.

2. A superior people's procuracy has its chief procurator, deputy chief procurators, procurators, examiners, civil servants and other employees.

Article 45. Supervisory committees of superior people's procuracies

1. The supervisory committee of a superior people's procuracy is composed of:

a/ The chief procurator of the superior people's procuracy;

b/ Deputy chief procurators of the superior people's procuracy;

c/ A number of procurators.

2. The number of members of the supervisory committee and procurators specified at Point c, Clause 1 of this Article shall be decided by the Procurator General of the Supreme People's Procuracy at the proposal of the chief procurator of the superior people's procuracy.

3. The chief procurator of a superior people's procuracy shall preside over meetings of the supervisory committee of the superior people's procuracy, which are held to discuss and decide on the following important issues:

a/ Implementation of working programs and plans, directives, circulars and decisions of the Supreme People's Procuracy;

b/ Work review reports of the superior people's procuracy;

c/ Selection of employees of the superior people's procuracy who are qualified for sitting examinations for promotion to the rank of high-level, intermediate-level or primary-level procurator;

d/ Proposals for re-appointment, relief from duty and dismissal of high-level, intermediate-level or primary-level procurators who are working at the superior people's procuracy to be submitted to the Procurator General of the Supreme People's Procuracy.

4. Supervisory committees shall issue resolutions when exercising the competence prescribed in Clause 3 of this Article. Resolutions of a supervisory committee must be voted for by more than half of its members; in case of equality of votes, the vote of the chief procurator shall be decisive. In case the chief procurator disagrees with opinions of the majority of members of the supervisory committee, he/she shall still comply with decisions the majority but may report such to the Procurator General of the Supreme People's Procuracy.

5. At the request of the chief procurator of a superior people's procuracy, the supervisory committee of the superior people's committee shall discuss and give opinions on complicated criminal cases, administrative cases, civil, marriage and family, business and labor cases and matters before they are submitted to the chief procurator for consideration and decision.

Article 46. Organizational structure of provincial-level people's procuracies

1. The organizational structure of a provincial-level people's procuracy consists of:

a/ The supervisory committee;

b/ The office;

c/ Divisions and equivalent units.

2. A provincial-level people's procuracy has its chief procurator, deputy chief procurators, procurators, examiners, other civil servants and other employees.

Article 47. Supervisory committees of provincial-level people's procuracies

1. The supervisory committee of a provincial-level people's procuracy is composed of:

a/ The chief procurator;

b/ Deputy chief procurators;

c/ A number of procurators.

2. The number of members of the supervisory committee and procurators specified at Point c, Clause 1 of this Article shall be decided by the Procurator General of the Supreme People's Procuracy at the proposal of the chief procurator of the provincial-level people's procuracy.

3. The chief procurator of a provincial-level people's procuracy shall preside over meetings of the supervisory committee, which are held to discuss and decide on the following issues:

a/ Implementation of working programs and plans, directives, circulars and decisions of the Supreme People's Procuracy; implementation of working programs and plans of superior people's procuracies;

b/ Work review reports to be submitted to people's procuracies at higher levels and work report to be presented before the provincial-level People's Council;

c/ Selection of employees of the provincial-level people's procuracy who are qualified for sitting examinations for promotion to the rank of high-level, intermediate-level or primary-level procurator;

d/ Proposals for re-appointment, relief from duty and dismissal of high-level, intermediate-level or primary-level procurators who are working at the provincial-level people's procuracy and district-level people's procuracies under its management to be submitted to the Procurator General of the Supreme People's Procuracy.

4. Supervisory committees shall issue resolutions when exercising the competence prescribed in Clause 3 of this Article. Resolutions of a supervisory committee must be voted for by more than half of its members; in case of equality of votes, the vote of the procurator general shall be decisive. In case the chief procurator disagrees with opinions of the majority of members of the supervisory committee, he/she shall still comply with decisions of the majority but may report such to the Procurator General of the Supreme People's Procuracy.

5. At the request of the chief procurator of a provincial-level people's procuracy, the supervisory committee shall discuss and give opinions on complicated criminal cases, administrative cases, civil, marriage and family, business and labor cases and matters before they are submitted to the chief procurator for consideration and decision.

Article 48. Organizational structure of district-level people's procuracies

1. The organizational structure of a district-level people's procuracy consists of an office and divisions. District-level people's procuracies which have no conditions for establishment of divisions may have working sections and assisting apparatuses.
2. A district-level people's procuracy has its chief procurator, deputy chief procurators, procurators, examiners and other civil servants and other employees.

Article 49. Establishment and dissolution of people's procuracies

The establishment and dissolution of superior people's procuracies, provincial- and district-level people's procuracies shall be decided by the National Assembly Standing Committee at the proposal of the Procurator General of the Supreme People's Procuracy.

Article 50. Duties and powers of military procuracies

1. Military procuracies in the people's procuracy system shall be organized in the Vietnam People's Army to exercise the power to prosecute and supervise judicial activities in the army.
2. Within the ambit of their functions, military procuracies have the duties specified in Clause 2, Article 2 of this Law; protect national security and defense, discipline and strength of the army; protect lawful rights and interests of army men, civil servants, public employees and other employees in the army; and ensure that all crimes and violations must be strictly handled.
3. Military procuracies shall perform the duties and exercise the powers specified in Clauses 1, 2, 3, 4, 5, 6, 8, 9 and 10, Chapter II of this Law and supervise the enforcement of civil judgments under Article 28 of this Law.

Article 51. Military procuracy system

1. The Central Military Procuracy.
2. Military procuracies of military zones and the equivalent;
3. Regional military procuracies.

Article 52. Organizational structure of the Central Military Procuracy

1. The Central Military Procuracy belongs to the structure of the Supreme People's Procuracy.
2. The organizational structure of the Central Military Procuracy consists of:
 - a/ The Supervisory Committee;
 - b/ The office;
 - c/ The investigating agency;
 - d/ Divisions and equivalent units.
3. The Central Military Procuracy has its Chief Procurator, Deputy Chief Procurators, procurators, examiners; head and deputy heads of the investigating agency, investigators, other army men, civil servants, public employees and other employees.

Article 53. The Supervisory Committee of the Central Military Procuracy

1. The Supervisory Committee of the Central Military Procuracy is composed of:

a/ The Chief Procurator;

b/ Deputy Chief Procurators;

c/ A number of procuracies.

2. The number of members of the Supervisory Committee and procurators specified at Point c, Clause 1 of this Article shall be decided by the Procurator General of the Supreme People's Procuracy at the proposal of the Chief Procurator of the Central Military Procuracy.

3. The Chief Procurator of the Central Military Procuracy shall preside over the Supervisory Committee's meetings, which are held to discuss and decide on the following issues:

a/ Working programs and plans of military procuracies;

b/ Work reports to be presented by the Chief Procurator of the Central Military Procuracy before the Procurator General of the Supreme People's Procuracy and the Minister of National Defense;

c/ Recommendations on prevention and combat of crimes in the army to be submitted by the Central Military Procuracy to the Minister of National Defense;

d/ Selection of employees of the Central Military Procuracy who are qualified for sitting examinations for promotion to the rank of high-level, intermediate-level or primary-level procurator;

dd/ Proposals for re-appointment, relief from duty and dismissal of high-level procurators, intermediate-level procurators and primary-level procurators who are working at the Central Military Procuracy to be submitted by the Chief Procurator of the Central Military Procuracy to the Procurator General of the Supreme People's Procuracy.

4. The Supervisory Committee shall issue resolutions when exercising the competence prescribed in Clause 3 of this Article. Resolutions of the Supervisory Committee must be voted for by more than half of its members; in case of equality of votes, the vote of the Chief Procurator shall be decisive. In case the Chief Procurator disagrees with the majority of members of the Supervisory Committee, he/she shall still comply with decisions of the majority but may report such to the Procurator General of the Supreme People's Procuracy.

5. At the request of the Chief Procurator of the Central Military Procuracy, the Supervisory Committee shall discuss and give opinions on complicated cases before they are submitted to the Chief Procurator for consideration and decision.

Article 54. Organizational structures of military procuracies of military zones and the equivalent

1. The organizational structure of the military procuracy of a military zone or the equivalent consists of:

a/ A supervisory committee;

b/ Divisions and assisting apparatus.

2. The military procuracy of a military zone or the equivalent has its chief procurator, deputy chief procurators, procurators, examiners, other army men, civil servants, public employees and other employees.

Article 55. Supervisory committees of military procuracies of military zones and the equivalent

1. The supervisory committee of the military procuracy of a military zone or the equivalent is composed of:

a/ The chief procurator;

b/ Deputy chief procurators;

c/ A number of procuracies.

2. The number of members of the supervisory committee and procurators specified at Point c, Clause 1 of this Article shall be decided by the Chief Procurator of the Central Military Procuracy at the proposal of the chief procurator of the military procuracy of the military zone or the equivalent.

3. The chief procurator of the military procuracy of a military zone or the equivalent shall preside over meeting of the supervisory committee of his/her procuracy, which are held to discuss and decide on the following issues:

a/ Implementation of working programs and plans of the Central Military Procuracy;

b/ Work review reports to be submitted to the Chief Procurator of the Central Military Procuracy and the commander of the military zone or the equivalent;

c/ Selection of employees of the military procuracy of the military zone or the equivalent or regional military procuracies under its management who are qualified for sitting examinations for promotion to the rank of high-level, intermediate-level or primary-level procurator;

d/ Proposals for re-appointment, relief from duty and dismissal of high-level procurators, intermediate-level procurators and primary-level procurators who are working in the military procuracy of the military zone or the equivalent or regional military procuracies under its management to be submitted by the Chief Procurator of the Central Military Procuracy to the Procurator General of the Supreme People's Procuracy.

4. Supervisory committees shall issue resolutions when exercising the competence prescribed in Clause 3 of this Article. Resolutions of a supervisory committee must be voted for by more than half of its members; in case of equality of votes, the vote of the chief procurator shall be decisive. In case the chief procurator disagrees with the majority of members of the supervisory committee, he/she shall still comply with the decision of the majority but may report such to the Chief Procurator of the Central Military Procuracy.

5. At the request of the chief procurator of the military procuracy of a military zone or the equivalent, the supervisory committee shall discuss and give opinions on complicated cases before they are submitted to the chief procurator for consideration and decision.

Article 56. Organizational structures of regional military procuracies

1. The organizational structure of a regional military procuracy consists of working units and an assisting apparatus.

2. A regional military procuracy has its chief procurator, deputy chief procurators, procurators, examiners, other army men, civil servants, public employees and other employees.

Article 57. Establishment and dissolution of military procuracies

The establishment and dissolution of military procuracies of military zones and the equivalent and regional military zones shall be agreed between the Procurator General of the Supreme People's Procuracy and the Minister of National Defense for submission to the National Assembly Standing Committee for decision.

Chapter IV

CADRES, CIVIL SERVANTS, PUBLIC EMPLOYEES AND OTHER EMPLOYEES OF PEOPLE'S PROCURACIES

Section 1. GENERAL PROVISIONS

Article 58. Cadres, civil servants, public employees and other employees of people's procuracies

1. Judicial titles in people's procuracies include:

a/ Chief procurators and deputy chief procurators of people's procuracies and military procuracies at all levels;

b/ Procurators;

c/ Heads and deputy heads of investigating agencies;

d/ Investigators;

e/ Examiners.

2. Other civil servants, public employees and other employees.

3. Military procuracies have the judicial titles prescribed in Clauses 1 and 2 of this Article and other army men.

Article 59. Responsibilities of cadres, civil servants, public employees and other employees of people's procuracies

1. To perform their duties, exercise their powers and be held responsible before law for the performance of their duties and exercise of their powers.

2. To compensate for damage caused when performing duties or exercising powers in accordance with law.

3. To keep state secrets and work secrets.

4. To respect, and submit to supervision by, the people.

5. To strictly observe the Constitution, law and regulations of people's procuracies; to participate in law dissemination and education.

6. To constantly learn and study to improve their professional qualifications.

Article 60. Transfer, rotation and secondment of civil servants and public employees of people's procuracies

1. The Procurator General of the Supreme People's Procuracy shall decide:

a/ To transfer and rotate civil servants and public employees from one people's procuracy to another. When necessary, to transfer and rotate civil servants from one people's procuracy to another within a province or centrally run city.

b/ To second civil servants and public employees of people's procuracies to work at other state agencies or units to meet working requirements.

2. Chief procurators of provincial-level people's procuracies shall decide to transfer and rotate civil servants from one people's procuracy to another within a province or centrally run city.

3. The Minister of National Defense shall decide:

a/ To transfer and rotate procurators, examiners, other army men, civil servants and public employees from one military procuracy to another that are based in different military zones after reaching agreement with the Procurator General of the Supreme People's Procuracy;

b/ To second procurators, examiners, other army men, civil servants and public employees of military procuracies to work at other state agencies or units to meet working requirements after reaching agreement with the Procurator General of the Supreme People's Procuracy.

4. Commanders of military zones and the equivalent shall decide to transfer and rotate procurators, examiners, other army men, civil servants and public employees from one military procuracy to another within their military zones and the equivalent after reaching agreement with the Chief Procurator of the Central Military Procuracy.

Article 61. Management of civil servants, public employees and other employees of people's procuracies

1. The Procurator General of the Supreme People's Procuracy shall uniformly manage civil servants, public employees and other employees of people's procuracies at all levels in accordance with law so as to build clean and strong people's procuracies.

2. Chief procurators of other people's procuracies shall, within the ambit of their duties and powers, manage civil servants and other employees of their procuracies in accordance with this Law and as assigned or decentralized by the Procurator General of the Supreme People's Procuracy.

Section 2. THE PROCURATOR GENERAL AND DEPUTY PROCURATORS GENERAL OF THE SUPREME PEOPLE'S PROCURACY AND CHIEF PROCURATORS AND DEPUTY CHIEF PROCURATORS OF PEOPLE'S PROCURACIES AT ALL OTHER LEVELS

Article 62. Procurator General of the Supreme People's Procuracy

1. The Procurator General of the Supreme People's Procuracy shall be elected, relieved from duty and dismissed by the National Assembly at the proposal of the President.

2. The term of office of the Procurator General of the Supreme People's Procuracy follows the term of the National Assembly. When the term of the National Assembly expires, the Procurator General of the Supreme People's Procuracy shall continue performing his/ her duties until the new National Assembly elects a new General Procurator of the Supreme People's Procuracy.

Article 63. Duties and powers of the Procurator General of the Supreme People's Procuracy

1. To lead, direct, guide, inspect and examine the performance of duties, implementation of working plans and building of people's procuracies; to decide on matters related to working activities of the Supreme People's Procuracy.

2. To issue circulars, decisions, directives, charters, regulations and working regimes applicable to people's procuracies.

3. To provide for the working apparatus of the Supreme People's Procuracy for submission to the National Assembly Standing Committee for approval; to decide on working apparatuses of people's procuracies at lower levels; to provide for working apparatuses of military procuracies after reaching agreement with the Minister of National Defense for submission to the National Assembly Standing Committee for approval.
4. To propose the President to appoint, relieve from duty or dismiss Deputy Procurators General and procurators of the Supreme People's Procuracy.
5. To appoint, relieve from duty or dismiss high-level, intermediate-level and primary-level procurators, investigators and examiners of different ranks.
6. To appoint, relieve from duty or dismiss holders of leading and managerial titles under his/her management.
7. To recommend the formulation of laws and ordinances; to direct the formulation and submission of draft laws and ordinances in accordance with law; to request the National Assembly Standing Committee to interpret the Constitution, laws and ordinances.
8. To submit to the President his/her opinions on cases of pleading for mitigation of death sentences.
9. To direct and organize the final review of experiences in exercising the power to prosecute and supervise judicial activities by people's procuracies.
10. To attend meetings of the Judicial Council of the Supreme People's Court to discuss on the provision of guidance on uniform application of law.
11. To make recommendations on the prevention and combat of crimes and violations to the Government, ministries and sectors.
12. To be answerable and report work to the National Assembly; when the National Assembly is in recess, to be answerable and report work to the National Assembly Standing Committee and President; to reply to questions, recommendations and requests of National Assembly deputies.
13. To perform other tasks and exercise other powers in accordance with law.

Article 64. Deputy Procurators General of the Supreme People's Procuracy

1. Deputy Procurators General of the Supreme People's Procuracy shall be appointed, relieved from duty and dismissed by the President at the proposal of the Procurator General of the Supreme People's Procuracy.
2. Deputy Procurators General of the Supreme People's Procuracy shall perform duties and exercise powers as assigned or authorized by the Procurator General of the Supreme People's Procuracy and perform other duties and exercise other powers in accordance with law; to be answerable to the Procurator General and held responsible before law for the performance of their duties and exercise of their powers.
3. The term of office of a Deputy Procurator General is at most 5 years from the date of appointment.

Article 65. Chief procurators of superior people's procuracies

1. Chief procurators of superior people's procuracies shall be appointed, relieved from duty and dismissed by the Procurator General of the Supreme People's Procuracy.

2. Chief procurators of superior people's procuracies have the following duties and powers:

a/ To direct, administer and examine the performance of duties and implementation of working plans of superior people's procuracies; to decide on matters related to working activities of superior people's procuracies; to be answerable and report work to the Procurator General of the Supreme People's Procuracy;

b/ To direct, guide and examine professional operations in exercising the power to prosecute and supervise adjudication by provincial- and district-level people's procuracies;

c/ To perform other duties and exercise other powers in accordance with law.

3. The term of office of the chief procurator of a superior people's procuracy is at most 5 years from the date of appointment.

Article 66. Chief procurators of provincial-level people's procuracies

1. Chief procurators of provincial-level people's procuracies shall be appointed, relieved from duty or dismissed by the Procurator General of the Supreme People's Procuracy.

2. Chief procurators of provincial-level people's procuracies have the following duties and powers:

a/ To direct, administer, inspect and examine the performance of duties and implementation of working plans of provincial-level people's procuracies; to decide on matters related to working activities of provincial-level people's procuracies; to be answerable and report on working activities of the provincial-level people's procuracies and lower-level people's procuracies under their management to the Procurator General of the Supreme People's Procuracy; to report on the exercise of the power to prosecute and supervise adjudication activities by provincial-level people's procuracies and people's procuracies of lower levels under their management to the Procurator General of the Supreme People's Procuracy;

b/ To direct, guide and examine operations of district-level people's procuracies under their management;

c/ To report to provincial-level People's Councils on working activities of the provincial-level people's procuracies and people's procuracies of lower levels under their management; to reply to questions, recommendations and requests of provincial-level People's Council deputies.

d/ To perform other duties and exercise other powers in accordance with law.

3. The term of office of the chief procurator of a provincial-level people's procuracy is at most 5 years from the date of appointment.

Article 67. Chief procurators of district-level people's procuracies

1. Chief procurators of district-level people's procuracies shall be appointed, relieved from duty or dismissed by the Procurator General of the Supreme People's Procuracy.

2. Chief procurators of district-level people's procuracies have the following duties and powers:

a/ To direct, administer and examine the performance of duties and implementation of working plans, and decide on working activities of their people's procuracies and perform other duties and exercise other powers in accordance with law; to be answerable and report on their work to chief procurators of provincial-level people's procuracies; to report on the exercise of the

right to prosecute and supervise adjudication activities to chief procurators of superior people's procuracies when requested;

b/ To present work reports before People's Councils and reply to questions, recommendations and requests of People's Council deputies in accordance with law.

3. The term of office of the chief procurator of a district-level people's procuracy is at most 5 years from the date of appointment.

Article 68. Deputy chief procurators of superior people's procuracies, provincial-level people's procuracies and district-level people's procuracies

1. Deputy chief procurators of superior people's procuracies, provincial-level people's procuracies and district-level people's procuracies shall be appointed, relieved from duty or dismissed by the Procurator General of the Supreme People's Procuracy.

2. Deputy chief procurators of superior people's procuracies, provincial-level people's procuracies and district-level people's procuracies shall perform their duties and exercise their powers in accordance with law and as assigned or authorized by the chief procurators of their people's procuracies; be answerable to the chief procurators of their people's procuracies and held responsible before law for the performance of their duties and exercise of their powers.

3. The term of office of a deputy chief procurator of a superior people's procuracy, provincial-level people's procuracy or district-level people's procuracy is at most 5 years from the date of appointment.

Article 69. Chief Procurator of the Central Military Procuracy

1. The Chief Procurator of the Central Military Procuracy is a Deputy Procurator General of the Supreme People's Procuracy who is appointed, relieved from duty or dismissed by the President at the proposal of the Procurator General of the Supreme People's Procuracy after reaching agreement with the Minister of National Defense.

2. The Chief Procurator of the Central Military Procuracy has the following duties and powers:

a/ To lead, direct, guide and inspect the performance of duties, implementation of working plans and building of military procuracies; to decide on working activities of the Central Military Procuracy;

b/ To present reports on working activities of military procuracies before the Procurator General of the Supreme People's Procuracy and the Minister of National Defense;

c/ To propose the Procurator General of the Supreme People's Procuracy to appoint, relieve from duty or dismiss Deputy Chief Procurators of the Central Military Procuracy; chief procurators and deputy chief procurators of military procuracies of military zones and the equivalent and regional military procuracies; procurators and investigators of military procuracies;

d/ To appoint, relieve from duty and dismiss investigators of different ranks of military procuracies;

dd/ To perform other duties and exercise other powers in accordance with law and as assigned by the Procurator General of the Supreme People's Procuracy and the Minister of National Defense.

3. The term of office of Chief Procurator of the Central Military Procuracy is at most 5 years from the date of appointment.

Article 70. Chief procurators of military procuracies of military zones and the equivalent

1. Chief procurators of military procuracies of military zones and the equivalent shall be appointed, relieved from duty or dismissed by the Procurator General of the Supreme People's Procuracy at the proposal of the Chief Procurator of the Central Military Procuracy.

2. Chief procurators of military procuracies of military zones and the equivalent have the following duties and powers:

a/ To direct, administer and inspect the performance of duties and implementation of work plans, and decide on working activities of their military procuracies; to be answerable and report on working activities of their military procuracies to the Chief Procurator of the Central Military Procuracy; to reply to questions of delegates at army congresses held annually by political agencies of military zones and the equivalent;

b/ To direct, guide and inspect operations of regional military procuracies under their management;

c/ To perform other duties and exercise other powers in accordance with law.

3. The term of office of the chief procurator of the military procuracy of a military zone or the equivalent is at most 5 years from the date of appointment.

Article 71. Chief procurators of regional military procuracies

1. Chief procurators of regional military procuracies shall be appointed, relieved from duty and dismissed by the Procurator General of the Supreme People's Procuracy at the proposal of the Chief Procurator of the Central Military Procuracy.

2. Chief procurators of regional military procuracies shall direct, administer and inspect the performance of duties, implementation of working plans and decide on working activities of their military procuracies and perform other duties and exercise other powers in accordance with law; to be answerable and report on their work to chief procurators of military procuracies at higher levels.

3. The term of office of the chief procurator of a regional military procuracy is at most 5 years from the date of appointment.

Article 72. Deputy chief procurators of the Central Military Procuracy, military procuracies of military zones and the equivalent and regional military procuracies

1. Deputy chief procurators of the Central Military Procuracy, military procuracies of military zones and the equivalent and regional military procuracies shall be appointed, relieved from duty or dismissed by the Procurator General of the Supreme People's Procuracy at the proposal of the Chief Procurator of the Central Military Procuracy.

2. Deputy chief procurators of the Central Military Procuracy, military procuracies of military zones and the equivalent and regional military procuracies shall perform their duties and exercise their powers in accordance with law and as assigned or authorized by the chief procurators of their military procuracies; be answerable to the chief procurators of their military procuracies and held responsible before law for the performance of their duties and exercise of their powers.

3. The term of office of a deputy chief procurator of the Central Military Procuracy, a military procuracy of a military zone or the equivalent or a regional military procuracies is at most 5 years from the date of appointment.

Article 73. Responsibilities of chief procurators and deputy chief procurators of people's procuracies at different levels in exercising the power to prosecute and supervise judicial activities

When exercising the power to prosecute and supervise judicial activities, chief procurators and deputy chief procurators of people's procuracies at different levels shall strictly observe the Constitution and law and be held responsible before law for their acts and decisions in the laying of charges, arrest, custody, temporary detention, prosecution, adversarial process, protest and other acts and decisions within their competence; if acting against the law, they shall, depending on the nature and seriousness of their violations, be disciplined, administratively sanctioned or examined for penal liability; if causing damage, they shall pay compensation in accordance with law.

Section 3. PROCURATORS AND EXAMINERS OF PEOPLE'S PROCURACIES

Article 74. Procurators

Procurators are persons who are appointed in accordance with law to perform the function of exercising the power to prosecute and supervise judicial activities.

Article 75. General criteria for procurators

1. Being Vietnamese citizens who are loyal to the Fatherland and the Constitution of the Socialist Republic of Vietnam, have good ethical qualities, are incorrupt and honest, have firm political stance and resolve to safeguard the socialist legislation.
2. Possessing a bachelor or higher degree in law.
3. Having been professionally trained in prosecution.
4. Having been engaged in practical work for a certain period of time in accordance with this Law.
5. Being physically fit to fulfill assigned duties.

Article 76. Procurator ranks

1. Ranks of procurators of people's procuracies include:

- a/ Procurators of the Supreme People's Procuracy;
- b/ High-level procurators;
- c/ Intermediate-level procurators;
- d/ Primary-level procurators.

2. The Supreme People's Procuracy has procurators of four ranks. The Central Military Procuracy has its Chief Procurator being a procurator of the Supreme People's Procuracy and high-level, intermediate-level and primary-level procurators. Other procuracies have high-level, intermediate-level and primary-level procurators.

Article 77. Criteria for appointment of primary-level procurators

A person who fully meets the criteria prescribed in Article 75 of this Law and the following conditions may be appointed as a primary-level procurator of a people's procuracy; if being an in-service army officer, he/she may be appointed as a primary-level procurator of a military procuracy:

1. Having been engaged in legal work for at least 4 years;
2. Being capable of exercising the power to prosecute and supervise judicial activities;
3. Having passed a primary-level procurator selection examination.

Article 78. Criteria for appointment of intermediate-level procurators

1. A person who fully meets the criteria prescribed in Article 75 of this Law and the following conditions may be appointed as an intermediate-level procurator of a people's procuracy; if being an in-service army officer, he/she may be appointed as an intermediate-level procurator of a military procuracy:

- a/ Having worked as a primary-level procurator for at least 5 years;
- b/ Being capable of exercising the power to prosecute and supervise judicial activities;
- c/ Being capable of guiding primary-level procurators to exercise the power to prosecute and supervise judicial activities;
- d/ Having passed an intermediate-level procurator selection examination.

Article 79. Criteria for appointment of high-level procurators

1. A person who fully meets the criteria prescribed in Article 75 of this Law and the following conditions may be appointed as a high-level procurator of a people's procuracy; if being an in-service army officer, he/she may be appointed as a high-level procurator of a military procuracy:

- a/ Having worked as an intermediate-level procurator for at least 5 years;
- b/ Being capable of exercising the power to prosecute and supervise judicial activities;
- c/ Being capable of guiding intermediate-level procurators to exercise the power to prosecute and supervise judicial activities;
- d/ Having passed a high-level procurator selection examination.

2. In case due to the personnel demand of a people's procuracy, a person who has been engaged in legal work for 15 years or more and fully meets the criteria prescribed in Article 75 of this Law and at Points b, c and d, Clause 1 of this Article may be appointed as a high-level procurator of the people's procuracy; if being an in-service army officer, he/she may be appointed as a high-level procurator of a military procuracy.

Article 80. Criteria for appointment of procurators of the Supreme People's Procuracy

1. A person who fully meets the criteria prescribed in Article 75 of this Law and the following conditions may be selected and appointed as a procurator of the Supreme People's Procuracy:

- a/ Having worked as a high-level procurator for at least 5 years;
- b/ Being capable of directing and administering the exercise of the power to prosecute and supervise judicial activities of the Supreme People's Procuracy;
- c/ Being capable of settling important issues falling under the competence of the Supreme People's Procuracy.

2. In case due to the personnel demand, a person who has been engaged in legal work for 20 years or more and fully meets the criteria prescribed in Article 75 of this Law and at Points b

and c, Clause 1 of this Article may be appointed as a procurator of the Supreme People's Procuracy.

Article 81. Appointment of procurators in special cases

In special cases, persons who are transferred by competent agencies or organizations to hold leading positions in people's procuracies of different levels and fully meet the criteria prescribed in Article 75 and the conditions prescribed in Clause 2, Article 77 and at Points b and c, Clause 1, Article 78, 79 and 80 of this Law though having not yet worked as primary-level, intermediate-level or high-level procurators or not yet been engaged in legal work for the prescribed period of time may be selected and appointed as primary-level, intermediate-level or high-level procurators of the Supreme People's Procuracy.

Article 82. Term of office of procurators

The initial term of office of procurator is 5 years. For procurators who are reappointed or entitled to rank promotion, the subsequent term of office is 10 years.

Article 83. Duties, powers and responsibilities of procurators

1. When exercising the power to prosecute and supervise judicial activities, procurators shall observe law and submit to the direction of chief procurators of people's procuracies.

Procurators shall abide by law and be held responsible before law for their acts and decisions in exercising the power to prosecute and make adversarial arguments at court hearings and to supervise judicial activities.

Procurators shall observe decisions of chief procurators of their people's procuracies. When having grounds to believe that a decision of the chief procurator of his/her people's procuracy is illegal, a procurator may refuse to perform the assigned duty and shall report such in writing to the chief procurator. In case the chief procurator determines to execute the decisions, he/she shall issue a written decision thereon and the procurator shall execute the decision but is not held responsible for any arising consequences and, at the same time, shall report the case to the chief procurator of the competent higher-level people's procuracy. The chief procurator shall take responsibility before law for his/her decision.

Chief procurators of people's procuracies shall examine and strictly handle violations committed by procurators when performing their assigned duties and may revoke, terminate or cancel illegal decisions of procurators.

2. Specific duties and powers of procurators when exercising the power to prosecute and supervise judicial activities are prescribed by law.

3. In case more than one procurator jointly settle a case, procurators of lower ranks shall obey the assignment and direction of procurators of higher ranks.

4. When performing their duties, procurators may make decisions, conclusions, requests and recommendations in accordance with law.

Article 84. Prohibited acts of procurators

1. Acts which cadres and civil servants are prohibited by law from taking.

2. Providing consultancy to persons who are arrested, held in custody or temporary detention, involved parties or other procedure participants, making the settlement of cases or matter unlawful.

3. Interfering in the settlement of cases or matters or taking advantage of their powers to influence persons responsible for settling cases or matters.
4. Bringing files of cases or matters out of the premises of their agencies, unless for performing their assigned duties or approved by competent persons.
5. Receiving outside prescribed places the accused, defendants, involved parties or other procedure participants in cases or matters which they are competent to settle.

Article 85. Oath of procurators

Persons who are appointed to procurator ranks must make an oath:

1. To be absolutely loyal to the Fatherland and dedicatedly serve the people;
2. To intransigently combat all crimes and violations.
3. To resolutely safeguard the Constitution, law, justice and social equality;
4. To constantly strive, learn and follow President Ho Chi Minh's teaching "Being impartial, upright, objective, prudent and modest";
5. To strictly abide by discipline and organizational and operational principles of people's procuracies.

Article 86. Council for Selection of Procurators of the Supreme People's Procuracy

1. The Council for Selection of Procurators of the Supreme People's Procuracy is composed of the Procurator General of the Supreme People's Procuracy as its chairperson and representatives of leaderships of the Ministry of National Defense, the Ministry of Home Affairs, the Vietnam Fatherland Front's Central Committee and the Central Committee of the Vietnam Lawyers' Association as its members.

The list of members of the Council for Selection of Procurators of the Supreme People's Procuracy shall be decided by the National Assembly Standing Committee at the proposal of the Procurator General of the Supreme People's Procuracy.

2. The Council for Selection of Procurators of the Supreme People's Procuracy has the following duties and powers:

a/ To select qualified persons to act as procurators of the Supreme People's Procuracy at the proposal of the Supervisory Committee of the Supreme People's Procuracy for submission by the Procurator General of the Supreme People's Procuracy to the President for appointment.

b/ To consider cases in which procurators of the Supreme People's Procuracy may be relieved from duty under Clause 2, Article 88 of this Law at the proposal of the Supervisory Committee of the Supreme People's Procuracy for submission by the Procurator General of the Supreme People's Procuracy to the President for relief from duty;

c/ To consider cases in which procurators of the Supreme People's Procuracy may be dismissed under Clause 2, Article 89 of this Law at the proposal of the Supervisory Committee of the Supreme People's Procuracy for submission by the Procurator General of the Supreme People's Procuracy to the President for dismissal.

3. The Council for Selection of Procurators of the Supreme People's Procuracy shall work on a collegial basis; decisions of the Selection Council must be voted for by more than half of its members.

Article 87. The Examination Council for Selection of Primary-Level Procurators, Intermediate-Level Procurators and High-Level Procurators

1. The Examination Council for Selection of Primary-Level Procurators, Intermediate- Level Procurators and High-Level Procurators shall be composed of the Procurator General of the Supreme People's Procuracy as its chairperson and one Deputy Procurator General of the Supreme People's Procuracy, the Chief Procurator of the Central Military Procuracy and representatives of leaderships of the Ministry of National Defense, the Ministry of Home Affairs and the Central Committee of the Vietnam Fatherland Front as its members.

The list of members of the Examination Council for Selection of Primary-Level Procurators, Intermediate-Level Procurators and High-Level Procurators shall be decided by the Procurator General of the Supreme People's Procuracy.

2. The Examination Council for Selection of Primary-Level Procurators, Intermediate- Level Procurators and High-Level Procurators has the following duties and powers:

a/ To organize examinations for selection of Primary-Level Procurators, Intermediate- Level Procurators and High-Level Procurators;

b/ To announce lists of persons who pass examinations;

c/ To propose the Procurator General of the Supreme People's Procuracy to appoint persons who pass examinations as Primary-Level Procurators, Intermediate-Level Procurators and High-Level Procurators.

3. The working regulation of the Examination Council for Selection of Primary-Level Procurators, Intermediate-Level Procurators and High-Level Procurators shall be prescribed by the Procurator General of the Supreme People's Procuracy.

Article 88. Relief from duty of procurators

1. Procurators shall be automatically relieved from duty when they retire, resign or shift to other professions.

2. Procurators may be relieved from duty due to their poor health, family circumstances or other reasons which are likely to render them unable to fulfill their assigned tasks.

Article 89. Dismissal of procurators

1. Procurators shall be automatically dismissed when they are convicted by a court under legally effective judgments.

2. Depending on the nature and seriousness of their violations, procurators may be dismissed when:

a/ Committing a violation in exercising the power to prosecute and supervise judicial activities;

b/ Violating the provisions of Article 84 of this Law;

c/ Possessing no ethical qualities;

d/ Committing another illegal act.

Article 90. Examiners

1. Examiners are persons who are appointed in accordance with law to assist procurators in exercising the power to prosecute and supervise judicial activities; perform other duties and exercise other powers as assigned by chief procurators of their people's procuracies.

2. Examiner ranks include:

a/ Examiners;

b/ Principal examiners;

c/ Senior examiners.

3. The criteria for appointment to and conditions for promotion of examiner ranks shall be provided by the National Assembly Standing Committee at the proposal of the Procurator General of the Supreme People's Procuracy.

4. Examiners have the following duties and powers:

a/ To examine files of cases and matters and report results to procurators;

b/ To make dossiers of supervision of cases and matters;

c/ To assist procurators in conducting other activities when exercising the power to prosecute and supervise judicial activities;

d/ To perform other duties and exercise other powers as assigned by procurators general of their procuracies.

5. Examiners shall be held responsible before law and answerable to procurators and chief procurators of their people's procuracies for the performance of their duties and exercise of their powers. If committing illegal acts, they shall be disciplined, administratively handled or examined for penal liability depending on the nature and seriousness of their violations.

Section 4. HEADS, DEPUTY HEADS, INVESTIGATORS AND OTHER STAFFS OF INVESTIGATING AGENCIES OF THE SUPREME PEOPLE'S PROCURACY AND THE CENTRAL MILITARY PROCURACY

Article 91. Heads and deputy heads of investigating agencies of the Supreme People's Procuracy and the Central Military Procuracy

1. Heads and deputy heads of investigating agencies of the Supreme People's Procuracy and the Central Military Procuracy shall be appointed, relieved from duty or dismissed by the Procurator General of the Supreme People's Procuracy.

2. The head and deputy heads of the investigating agency of the Supreme People's Procuracy shall be held responsible before law and the Procurator General of the Supreme People's Procuracy for the performance of their duties and exercise of their powers.

3. The head and deputy heads of the investigating agency of the Central Military Procuracy shall be held responsible before law and the Chief Procurator of the Supreme People's Procuracy for the performance of their duties and exercise of their powers.

Article 92. Investigators and other staffs of investigating agencies of the Supreme People's Procuracy and the Central Military Procuracy

1. Ranks of examiners and other staffs of investigating agencies of the Supreme People's Procuracy and the Central Military Procuracy and criteria for appointment and conditions for promotion to these ranks shall be prescribed by law.

2. When performing the duties and exercising the powers assigned by the head of the investigating agency of the Supreme People's Procuracy, investigators and other staffs of the

investigating agency shall observe law and submit to direction of the head of the investigating agency and uniform leadership of the Procurator General of the Supreme People's Procuracy.

3. When performing the duties and exercising the powers assigned by the head of the investigating agency of the Central Military Procuracy, investigators and other staffs of the investigating agency shall observe law and submit to direction of the head of the investigating agency and uniform leadership of the Chief Procurator of the Central Military Procuracy.

Chapter V

ASSURANCE OF OPERATION OF PEOPLE'S PROCURACIES

Article 93. Total payrolls, number and proportions of procurator ranks and investigator ranks of people's procuracies

1. The number of procurators of the Supreme People's Procuracy must not exceed 19.
2. The total payrolls, number of procurators and proportions of procurator ranks at procuracies at each level; the number of investigators and proportions of investigator ranks at the Supreme People's Procuracy shall be decided by the National Assembly Standing Committee at the proposal of the Procurator General of the Supreme People's Procuracy after obtaining opinions of the Government.

Based on the total payrolls, number and proportions of procurator ranks decided by the National Assembly Standing Committee, the Procurator General of the Supreme People's Procuracy shall decide on the payroll, number of procurators, other civil servants, public employees and other employees of units under the Supreme People's Procuracy and people's procuracies at lower levels.

3. The total payrolls, number of procurators and proportions of procurator ranks at military procuracies at each level; the number of investigators and proportions of investigator ranks at the Central Military Procuracy shall be decided by the National Assembly Standing Committee at the proposal of the Procurator General of the Supreme People's Procuracy after reaching agreement with the Ministry of National Defense.

Based on the total payrolls, number and proportions of procurator ranks decided by the National Assembly Standing Committee, the Chief Procurator of the Central Military Procuracy shall decide on the number of procurators of military procuracies at each level after reaching agreement with the Ministry of National Defense.

Article 94. Funds and physical foundations

1. The State shall assure operation funds and physical foundations for people's procuracies in accordance with law.
2. The Supreme People's Procuracy shall estimate and propose the Government to submit operation funds of people's procuracies to the National Assembly for decision. In case the Government and the Supreme People's Procuracy cannot reach agreement on estimated operation funds of people's procuracies, the Procurator General of the Supreme People's Procuracy shall propose the National Assembly to consider and decide on such funds. The management, division, allocation and use of operation funds must comply with the budget law.
3. Operation funds of military procuracies shall be estimated and reported to the Chief Procurator of the Central Military Procuracy to the Ministry of National Defense for the latter to submit them to the Government for subsequent submission to the National Assembly for

decision. The management, division, allocation and use of operation funds of military procuracies must comply with the budget law.

4. The State shall prioritize investment in building of working offices and procurement of equipment to improve operation capacity for people's procuracies.

Working offices, equipment and working devices of military procuracies shall be guaranteed by the Government at the proposal of the Minister of National Defense.

Article 95. Wage regimes

1. Procurators, investigators and examiners have different wage scales and grades.

2. The wage regimes applicable to procurators, investigators and examiners of people's procuracies shall be decided by the National Assembly Standing Committee at the proposal of the Procurator General of the Supreme People's Procuracy. The wage regime applicable to other civil servants, public employees and other employees of people's procuracies must comply with law.

3. The wage regimes applicable to procurators, investigators, examiners, other army men, civil servants, public employees and other employees of military procuracies shall comply with those applicable in the army.

Article 96. Allowance regimes

1. The particular allowance regimes for cadres, civil servants and public employees of people's procuracies shall be submitted by the Procurator General of the Supreme People's Procuracy to the National Assembly Standing Committee and the Government for decision.

2. Procurators, investigators, examiners, other army men, civil servants, public employees and other employees of military procuracies are entitled to the allowance applicable to procuracies in accordance with law.

Article 97. Formal attires, procurator identity cards, investigator and examiner certificates

1. Cadres, civil servants, public employees and other employees of people's procuracies shall be provided with formal attires and badges; procurators shall be provided with insignia and identity cards; investigators and examiners shall be provided with insignia and certificates to perform their duties.

Procurators, investigators, examiners, other army men, civil servants, public employees and other employees of military procuracies shall be provided with formal attires according to the regime applicable to the army.

2. The National Assembly Standing Committee shall provide the allocation and use of formal attires of the procuracy sector, badges and insignia of leaders of people's procuracies at different levels, procurators, investigators and examiners at the proposal of the Procurator General of the Supreme People's Procuracy.

The Procurator General of the Supreme People's Procuracy shall provide the form, material and color of attires; the allocation and use of official attires of other civil servants, public employees and other employees of people's procuracies.

3. Procurator identity cards shall be granted and managed by the Procurator General of the Supreme People's Procuracy. The form, size and color of procurator identity cards shall be provided by the National Assembly Standing Committee at the proposal of the Procurator General of the Supreme People's Procuracy.

4. Investigator and examiner certificates shall be provided, issued and managed by the Procurator General of the Supreme People's Procuracy.

Article 98. Training and retraining

1. The State shall guarantee funds for training and retraining work of people's procuracies in accordance with law.

2. The State shall encourage and create favorable conditions for the development of human resources for people's procuracies; adopt preferential policies for training and retraining civil servants and public employees of people's procuracies, who are ethnic minority people or work in mountainous areas, islands, or areas with extremely difficult socio-economic conditions.

3. The training and retraining of procurators, investigators, examiners, other army men, civil servants, public employees and other employees of military procuracies shall comply with regulations of the Supreme People's Procuracy and the Ministry of National Defense.

Article 99. Commendation and handling of violations

1. Cadres, civil servants, public employees and other employees of people's procuracies who record outstanding achievements in their work shall be commended and rewarded in accordance with the law on emulation and commendation and regulations of people's procuracies.

Army men, civil servants, public employees and other employees of military procuracies who have recorded outstanding achievements in their work shall be commended and rewarded in accordance with the law on emulation and commendation and regulations of people's procuracies and the Ministry of National Defense.

2. Cadres, civil servants, public employees and other employees of people's procuracies who commit violations or breaches of discipline shall, depending on the nature and seriousness of their violations, be disciplined, administratively handled or examined for penal liability in accordance with law and regulations of people's procuracies.

Army men, civil servants, public employees and other employees of military procuracies who commit violations or breaches of discipline shall, depending on the nature and seriousness of their violations, be disciplined, administratively handled or examined for penal liability in accordance with law and regulations of people's procuracies and the Ministry of National Defense.

Chapter VI

IMPLEMENTATION PROVISIONS

Article 100. Effect

1. This Law takes effect on June 1, 2015, except the articles and clauses mentioned in Clause 2 of this Article.

2. Article 40; Article 49; Clauses 3,4 and 5, Article 63; Article 74; Article 76; Points b and c, Clause 1, Article 79; Points b and c, Clause 1, Article 80; and Clause 1, Article 93, take effect on February 1, 2015.

3. Law No. 34/2002/QH10 on Organization of People's Procuracies, Ordinance No. 03/2002/PL-UBTVQH11 on Procurators of People's Procuracies which was amended and supplemented under Ordinance No. 15/2011/PL-UBTVQH12 and Ordinance No. 05/2002/ PL-UBTVQH11, cease to be effective on the effective date of this Law,

Article 101. Implementation guidance

The Government, the Supreme People's Procuracy and concerned agencies shall, within the ambit of their duties and powers, detail and guide the implementation of Clause 2, Article 31, and Articles 86, 87, 90, 94, 95, 96, 97, 98 and 99 of this Law.

This Law was passed on November 24, 2014, by the XIIIth National Assembly of the Socialist Republic of Vietnam at its 8th session.-

**CHAIRMAN OF THE NATIONAL
ASSEMBLY**

Nguyen Sinh Hung