



DEPARTMENT OF STATE

Washington, D.C. 20520

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MEMORANDUM

July 16, 1971

TO: Ambassador Colby  
FROM: L/EA - Robert L. Starr

Attached are the following documents:

1. Handbook on GVN National Security Laws and Procedures (handling civilian security suspects)
2. Annex A, Criteria for Classification and Disposition of Detainees, <sup>MACV</sup> Directive 381-46, 27 December 1967.
3. MACV Directive 20-5, 15 March 1968, on Determination of Eligibility for PWs.

If I can be of any further assistance, please let me know.

Attachments:  
As stated

L:L/EA:RISTarr:cdj:7/16/71

DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY SS DATE 3.17.86

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Outline of HandbookNATIONAL SECURITY LAWS AND PROCEDURESHandling of Civilian Security Suspects

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#### ABBREVIATIONS USED

CSS	Civilian Security Suspect
CSC	Central Security Committee
CTZ	Corps Tactical Zone
GVN	Government of Vietnam
MACV	Military Assistance Command, Vietnam
PSC	Provincial Security Committee
PW	Prisoner of War
RVN	Republic of Vietnam
VC	Viet Cong

#### INTRODUCTION

This handbook summarizes briefly the legal aspects connected with the apprehension, custody, screening, administrative detention, and trial of civilians suspected of offenses against the national security of the Republic of Vietnam (RVN). This includes those civilian suspects known in current terminology as "civil defendants", "civil detainees", and "VC suspects." The term Civilian Security Suspect (CSS) will be used, to include all such individuals.

The study has been made in response to numerous requests for clarification as to the law on the above matters. Unfortunately, both the law and the procedures involved are often lacking in definiteness, coherence, and uniformity. This is due to factors such as historical development, war, insurgency, and attendant political and administrative disorganization.

The legal system of South Vietnam has both French and Oriental roots. In addition, the law is not the same throughout the country, due to French colonial subdivisions. The Criminal Code of South Vietnam (the French Criminal Code, as modified by Decree of 31 Dec. 1912) is applicable in the former Cochinchina and most of the Central Highlands, while the Criminal Code of Central Vietnam, 1933 (formerly used in Annam), is applied in the remainder of the Republic. Other factors arising out of colonial and local law and practices have a bearing on the subject matter.

The fact that laws and regulations are now published only in the Vietnamese language, and that copies and translations are not readily obtainable, makes research and analysis difficult. Indexes and guides to the law are inadequate. Government of Vietnam (GVN) authorities themselves

often find it difficult to ascertain the law on a given subject. For these reasons it was considered particularly important to direct attention toward the practical workings of the system.

No effort is made in this short treatise to discuss or solve difficult operational-legal problems. Rather, this handbook is a limited first attempt at recording the basic existing law and practice, as a point of departure for consideration of solutions for specific problems and for subsequent revised and improved summaries. The advent of the new Constitution (promulgated 1 April 1967) and the installation on 31 October 1967 of the new government thereunder have already resulted in questions being raised as to certain existing emergency laws and regulations. Eventually many of these will be changed, by recodifications and modifications, some of which are now in the planning stage.

R.G.H.

Saigon, Vietnam  
December 1967

## I. OFFENSES AGAINST NATIONAL SECURITY

1. To combat communist subversion and insurgency, successive governments of the Republic of Vietnam (RVN) have promulgated emergency enactments setting forth offenses against the national security. The extremely difficult political and military situation has afforded a poor environment for law-making, so that the resulting collection of Decrees and Decree-Laws does not form a harmonious and comprehensive whole.

2. The new Constitution, promulgated 1 April 1967, provides in Article 4:

- a. The Republic of Vietnam opposes Communism in any form.
- b. Every activity designed to publicize or carry out Communism is prohibited.

The public policy is thus clear, it being left for specific enactments to define offenses and provide punishment therefor.

3. Under the new Constitution, the authority of the Executive to issue decrees is very limited. Legislative authority is vested in the National Assembly. However, for the purposes of this study, it will be assumed that the existing executive decrees in the field of national security will continue in force until repealed, superseded or nullified by legislative, executive or judicial act.

4. For purposes of convenience, we will separate the offenses under group headings and will use terminology employed in the decrees. However, it should be understood that such legal terms are not synonymous with those defined and employed in Western law books or dictionaries. We will also concern ourselves only with persons owing allegiance to the Republic of Vietnam.



OFFENSES PUNISHABLE BY IMPRISONMENT  
FOR MORE THAN FIVE YEARS OR BY DEATH\*

5. Under this heading are crimes in the nature of treason, sedition, espionage, and sabotage. Acts of insurgency, revolt, or terrorism, and acts directed against defense or government facilities, are prohibited as set forth below. A brief description of some of these offenses, with references to the attached texts, follows:

Ordinance 47 of 21 August 1956

- a. Bear arms against the RVN. Art.4(1)
- b. Solicit or aid aggression against the RVN, by a foreign nation or a communist organization. Art.1&4(2)
- c. Help the personnel of a foreign nation or a communist organization to illegally enter or live on Vietnamese territory, or help them communicate with each other or move out of Vietnamese territory. Art.1(5)&4(2)
- d. Give or attempt to give classified defense information to a foreign nation or a communist organization. Art.2(1)&4(2)
- e. Sabotage defense ordnance. Art.2(3)&4(2)
- f. Undermine public or military morale. Art.2(4)&4(2)
- g. Obtain information on defense facilities, by subterfuge or without authorization. Art.3&4(2)
- h. Carry on communications prejudicial to national defense. Art.3(2)&4(2)
- i. Solicit others, or agree to do, any of the above acts. Art.5
- j. Recruit troops for a foreign nation or personnel for a communist organization. Art.7(3)
- k. Knowingly communicate or maintain relations with the personnel of a communist organization or the citizens or agents of an enemy nation in time or war. Art.7(4)

\*See laws appended hereto for more specific information as to punishment for the various offenses.

- l. Knowingly carry on commercial transactions, whether directly or through others, with the personnel of a communist organization or the citizens or agents of an enemy nation in time of war. Art.7(5)
- m. Prejudice the territorial integrity of the country or cause the RVN to lose control over any part of her territory. Art.8(1)
- n. Conspire with foreign agents with intent to prejudice the military or diplomatic situation of the RVN. Art.8(2)
- o. Unauthorized entry into restricted areas around defense installations Art.8(6)
- p. Aiders and abettors are defined (Art.9) and are liable to the same punishment as those who actually commit the crime (Art. 59, Penal Code of South Vietnam).
- q. Failure to inform the authorities of prohibited activities is punishable. Art.10

Law No. 10/59 of 6 May 1959

- r. Listed acts of sabotage or terrorism, or attempts thereat, committed with specified intent are punishable. Art.1&2
- s. Adhere to an organization as a member, or conspire with others, so as to aid in the planning or commission of the foregoing offenses. Art.3

Decree-Law No. 18/64 of 7 August 1964

- t. Terrorists, saboteurs, and speculators who injure the nation's economy, apprehended en flagrant délit, will be sentenced to death. Art.5

Decree-Law No. 004/65 of 19 July 1965

- u. Any person who joins a communist organization or conspires with the communists, to bear arms against the RVN, shall be sentenced to death and total or partial confiscation of his property. Art.14
- v. A person who rebels (against the RVN), or recruits troops and furnishes them with weapons and ammunition, without order or authorization from the Government, shall be sentenced to death. Art.15
- w. Inciting a mob, in order to disturb the security of the state. Art.16

- x. Disseminating communist propaganda or directives; attempting to undermine the anti-communist spirit of the country or to prejudice the struggle of the people and the Armed Forces; plotting to act under guise of peace or neutralism in accordance with communist doctrine. Art.17

Decree-Law No. 004/66 of 15 February 1966

- y. Hooliganism: Carrying illegal weapons without justified reason and with intent to commit other offenses; forging or using forged permits. Art.20  
Those persons who gather in assemblage of two or more and attack, resist or obstruct the public forces in their duties shall be put to death. The killing of such offenders in self defense shall be excused. Art.22

OFFENSES PUNISHABLE BY IMPRISONMENT FOR FIVE YEARS OR LESS\*

Decree-Law No. 93/SL/CT of 1 February 1964

- z. Acts in furtherance of Communism or pro-Communist Neutralism Art.1&2

Law No. 004/65 of 17 May 1965

- aa. Communist propaganda and political activity; substantially the same prohibited activities as in subparagraph "x" above.

(In general, activity described under "aa" and "z" may be charged under "x", which is a subsequent enactment providing heavier sentences during the State of War, declared 34 June 1965.)

Draft Evasion and Desertion

- bb. Draft evaders and their accomplices are subject to sentence of confinement at hard labor.  
Art.10-13, Decree-Law 4/65 of 19 July 1965;  
Art.11, Decree-Law 4/66 of 15 Feb. 1966
- cc. Deserters and their accomplices are subject to sentence of confinement at hard labor or to death, depending on the circumstances of desertion. Their sentence is to be served in military field labor battalions.  
Art.1-3, Decree-Law No.015/66 of 21 April 1966

\*These offenses are usually characterized in charges and indictments as "endangering the national security" or "jeopardizing the national security." See Article 91, Penal Code of South Vietnam.

6. Comments

a. In spite of the improvised nature of the laws setting out offenses against the national security, they are broad in scope and are able to afford substantial protection for the RVN. They should be completely revised when conditions make this feasible, and eventually should be superseded by appropriate provisions in new Codes of Criminal Law and of Criminal Procedure.

b. It is doubtful that mere membership in a communist controlled organization is a punishable offense under existing laws; some definite intent or act specified in the laws must also be shown. However, it appears that an individual who engages in any substantial and provable Viet Cong activity can be charged with an offense under one or more of the various provisions of law summarized above. Also, as will be seen below, the Security Committees can take action on a case even though a criminal act cannot be proven.

c. In lieu of making out a case based on positive acts detrimental to the national security, or in addition thereto, the GVN is often able to charge and prove Desertion from the armed forces, Draft Evasion, or the forging or use of False Identification documents or permits.

d. Adequate evidence of the commission of an offense, available in usable form, is necessary to support the arrest, temporary custody, and trial of a CSS. The requirements are less strict, in order to support administrative detention by Security Committee procedure.

e. The basis for the various emergency enactments and for special punishments and procedures lies in declarations of National Emergency and of war, especially



Ordinance No. 01/UBLDQG of 24 June 1965 (State of War) and  
Decree-Law No. 215/SL/CT of 7 August 1964 (State of Emergency).

## II. LEGAL SCREENING

1. Suspects captured by the military are screened under their supervision, with the following results:

<u>Classification</u>	<u>Disposition</u>
Innocent Civilian	Set free
Prisoner of War	To PW Camp
Civilian Security Suspect	To civil authorities
Hoi Chanh (Returnee)	To Chieu Hoi center
Common Criminal	To civil authorities

Interrogation for intelligence purposes is carried out while the detainee is under military control or at an Interrogation Center.

2. Civilian Security Suspects thus received into a detention camp or jail, and those turned over by paramilitary units or arrested by the police, are questioned and investigated by the police. They are then turned over to a military court for trial if there appears to be sufficient evidence; otherwise, they are held for processing by the Provincial Security Committee.

3. It appears that, as a practical matter, the District Chief or the Province Chief has the power to release a CSS who is under his jurisdiction, by finding him to be an Innocent Civilian. This is usually true of the Police Chief also.

4. A broad definition of Prisoner of War has been adopted by MACV (Directive No. 190-3 of 6 April 1967, para 3b)\*. A detainee may be classified as a PW if he was captured while engaging in combat or a belligerent act, or is a member of the Viet Cong forces; but a terrorist, saboteur or spy does not qualify for PW status. It is not necessary,

\*A new MACV Directive on the subject is currently in preparation. The comments made in this paragraph 4 are consistent with the draft Directive now being staffed.

however, that the detainee meet the standards of Article 4 of the Geneva Convention Relative to the Treatment of Prisoners of War (1949), by being a member of an organized military force, wearing distinctive insignia and carrying arms openly. Irregulars may thus be classified as PW's, in a proper case. Political and administrative infrastructure ordinarily should not be so classified, in accordance with the following MACV-J2 message of 25 May 1967:

"3. Members of infrastructure, various associations, and political cadre, draft evaders, deserters, and those suspected of having violated the laws of RVN will normally be classified as civil defendants and not PW's unless they are actually engaged in an overt hostile act at the time of capture."

Considerable variation in screening practice occurs, particularly as between the screening operations conducted by the different Free World forces. Rescreening teams are at work to remove from PW camps persons improperly classified as PW's.

5. The following may be classified as Returnees, provided they meet the current requirements of the Chieu Hoi program:

"Any persons who have given active support to military, political or economic activities of the Viet Cong, or the NVA, and who voluntarily decide to return to the side of the Government of Vietnam. The service with the VC/NVA may have been voluntary or involuntary. However, the act of return should be voluntary."

## III. ARREST AND TEMPORARY CUSTODY

1. The written law on this subject is not readily available in comprehensive form, either to the public or to the responsible authorities. It consists largely of

\*From "The Chieu Hoi Program: Questions and Answers", Chieu Hoi Division, MACCORDS, June 1967.

various enactments of the French which are still applied in the Republic of South Vietnam, plus several GVN Ministerial directives and orders. However, there is a certain uniformity of practice in the country as to arrest and custody of persons suspected of offenses against the national security.

2. A person who is found in the act of committing a serious crime or shortly after its commission or in possession of incriminating evidence (i.e., en flagrant délit) may be arrested by the public authorities—or indeed by any citizen. Offenses against the National Security are serious crimes and the foregoing applies. An act of terrorism would fall under this rule. A civilian so arrested is required to be turned over promptly to the civil authorities.

3. A person suspected of an offense against the national security may be taken into custody or summoned to the police station and held up to twenty-four hours for questioning and investigation.

4. Within twenty-four hours after receiving custody of a suspect, the police should release him or obtain permission from the Prosecutor of the cognizant court to hold him longer in order to complete the preliminary investigation. The Prosecutor may authorize additional periods of temporary custody.

5. The completed police report is delivered to the Prosecutor. Confinement of the accused may be continued during additional investigation by the court and pending trial.

6. There is no habeas corpus procedure for testing the validity of the detention and obtaining the release of the accused. On occasion, persons are held for long periods of time during investigation. However, the period of detention awaiting trial is taken into account when calculating the time to be served by a convicted person.

7. Arrests should be made pursuant to a warrant issued by competent authority except in a case of flagrant délit or where there is danger that the suspect will flee the jurisdiction. Since security suspects are particularly likely to learn of an impending arrest and flee, they are commonly arrested without a warrant, although one may be obtained later. Likewise, permission for detention beyond 24 hours is often obtained after that period has expired.

8. Local variations in the above procedures occur. For example, the permission to hold a suspect longer than twenty-four hours is at times obtained from certain other officials when the Prosecutor of the court having jurisdiction is not readily available.

9. The foregoing general rules are applicable to offenses (such as flagrant délit) where there is adequate concrete evidence and which are considered appropriate for immediate prosecution in the military courts. For the many other cases, which fall under the cognizance of the Security Committees, special procedures have been prescribed by Ministerial orders. These provide that the investigation must be completed within five days. If a supplemental investigation is required, it must be completed in one month, at which time the dossier is to be presented to the Security Committee. Any further detention for purposes of investigation must be authorized by the Minister of Interior. All detentions of security offenders are to be reported to higher authority (Province Chief, or Mayor of autonomous city) within twenty-four hours.

10. The existence of two sets of rules on arrest and custody has created considerable confusion on the subject. In addition, rules and instructions sometimes are not followed.



However, there seems to be no lack of power in the authorities to arrest and to hold a suspect until his case is investigated and disposed of by administrative or judicial action. It is necessary, of course, that sufficient evidence be developed and adequately presented, to justify the arrest or continued custody. Resolute and effective action on the part of the authorities are also essential.

11. It should be mentioned in closing this topic that a person who makes an arrest or imprisons another, without due authority in law, is subject to fine and imprisonment. (Penal Code of South Vietnam, Article 341.) Also, the new Constitution of 1 April 1987, provides in Article 7 that a person who is unjustly detained and later pronounced innocent may sue the State for compensatory damages.

#### IV. PROCESSING AND DETENTION BY PROVINCIAL SECURITY COMMITTEE

1. Civilian Security Suspects who are turned over to the civil authorities by capturing forces, and many of those arrested by the police, are processed by the Security Committee for the Province or autonomous city or area. These committees were established for the purpose of interning persons considered dangerous to the national security. Their procedures are far less exacting and technical than those of the courts.

2. After consideration of the case, the Provincial Security Committee (PSC) may take any one of the following actions:

- a. Release the suspect as innocent, if grounds for detention are deemed insufficient.
- b. Send the case to the appropriate military court for trial, if the evidence is sufficient for prosecution of an offense against the national security.
- c. Recommend detention or enforced residence, for a maximum period of two years.

3. A PSC's recommendation for detention or enforced residence is sent to the Central Security Committee (CSC) in Saigon, for concurrence and forwarding to the Minister of Interior for signature. Another function of the CSC is to study and make recommendations on the cases of imprisoned security offenders who are being considered for conditional or early release. The CSC also reviews cases of security offenders imprisoned in National Corrections Centers and those sentenced by military courts, shortly before the expiration of their term, to determine if release of the prisoner will be prejudicial to the national security. In such cases the CSC may order a further period of detention.

4. Proceedings of Security Committees are closed to the public. The frequency of formal meetings varies greatly in the different areas, some Provinces reporting weekly meetings and others bi-monthly or less. Action may be taken without a formal meeting, the recommendations of the members being presented to the committee in writing. The accused may be allowed to appear personally and to be represented by counsel, although he is accorded no such right.

5. The law authorizes detention or enforced residence for a maximum period of two years, with possible later extensions. The term may be as little as three months. Apparently an extension could be for as much as two years, under the law; but extensions are normally for one year or less. By use of repeated extensions, an offender can be detained for as long as the national interest requires. In lieu of confinement, the committee may order the offender not to live in a certain area, or it may designate an area in which he must live. In the great majority of cases, however, the guilty person is incarcerated. The Vietnamese term An Tri is used to refer to such detention orders.

6. Provincial Security Committees are normally composed of the following Province officials:

Province Chief	Chairman
Deputy Chief for Security	Member
Prosecutor (Legal Advisor)	Member
National Police representative	Member
Military Security Service representative	Member
Sector S-2	Member
Regional Forces/Popular Forces representative	Member

7. The directives of the Minister of Interior do not show the Deputy Chief for Security as a member. The Senior Judge in the civil courts of the Province may appear in the Legal Advisor position, either in place of the Prosecutor of the court of because they are one and the same man (as in the lower courts). The Deputy Chief for Security commonly manages the affairs of the committee; he sits either in place of, or in addition to, the Province Chief. The Sector military commander is entitled to sit personally on the committee but is normally represented by one of the above listed military men.

8. The Central Security Committee in Saigon is constituted as follows:

Minister of Interior	Chairman
Director General of National Police	Member
Director of Corrections	Member
Warden of prison (if accused is confined)	Member

The Province Chief concerned is also allowed to participate in the deliberations of the committee, due to his special knowledge and interest in the case.

9. Administrative detention of security offenders was instituted by Ordinance No. 6 of 11 January 1956, which has

been succeeded by various Decree-Laws and Ministerial orders on the subject. (See Appendices.)

#### V. TRIAL BY MILITARY COURTS

1. Civilian security offenders are tried in the military rather than the civil courts, in accordance with the emergency Decrees and Decree-Laws which define security offenses and specify the forum.

2. It is necessary, of course, that sufficient evidence of the commission of an offense be developed in order to support the arrest, custody, trial and conviction of the suspect. This is relatively easy in a case of terrorist activity but may be quite difficult with other types of prohibited activity, such as those involving propaganda, economic or organizational work on behalf of the Viet Cong. Documentary or physical evidence may be hard to obtain, and witnesses may be reluctant to testify.

3. The police understandably hesitate to arrest or hold a person on the sole basis of hearsay or a private accusation that he is engaged in VC activity. They know that a dossier will have to be prepared on the case, for presentation to the court. It is subject to review by defense counsel.

4. The signed statements of witnesses and of the accused are inscribed in the dossier. Official reports and records may be included or referred to in the dossier. On occasion it may be possible to bring to the attention of the court classified information which will not be incorporated in the official record of the case.

5. Confessions are accepted in evidence, signed by the accused. He may, however, attempt later to show coercion and thus overcome its effect. It is said that a substantial



number of convictions of VC are obtained through confessions.

6. Hoi Chanh may be a good source of witnesses for the prosecution. In the event of a conflict of testimony, it is common to arrange a "confrontation" of the accused and the witness, for the purpose of ascertaining the truth.

7. Although the rules on admission of evidence are relatively lenient, the accused may rebut such evidence and may demand that witnesses whose statements are in the dossier appear personally in court.

8. In comparison with Anglo-American procedures, criminal cases are not vigorously prosecuted or defended. In the spirit of the French legal system, the court takes the initiative in the conduct of the case, attempting to ascertain both the facts and the law and dispense substantial justice.

#### REGULAR MILITARY COURTS

9. A substantial number of VC cases have been tried in the regular military courts, of which there are four—one in each Corps Tactical Zone (CTZ).

10. The court consists of a President and four other members. The President is normally a civilian judge from the Court of Appeals of the judicial district, although provision is made for the appointment of a military judge advocate as substitute presiding judge. The other members are military men, their rank depending on that of the accused.

11. The chief Prosecutor (Commissaire du Gouvernement) is a judge advocate in the military legal service, as is the Examining Magistrate (Juge d'Instruction Militaire), who conducts a detailed pre-trial examination and prepares a

dossier on the case. This procedure is rather formalized and may take considerable time to complete. Investigative work is done by the military judicial police.

12. Trials are normally public. The accused is entitled to civilian defense counsel, this being at no cost to him if he is unable to pay. Appeals are heard by the Supreme Court of the civil court system.

13. The military courts function under the Directorate of Military Justice, Ministry of Defense.

#### MILITARY FIELD COURTS

14. The present field courts were established in 1962, in order to deal expeditiously with certain offenses during the state of national emergency. There is one court in each of the four CTZ. Their operation has received considerable public attention due to the sensational nature of some of the VC cases tried there and the gravity of the penalties involved.

15. The court consists of five members, the composition being substantially like the regular military court, except that the President is a military officer and need not be a lawyer.

16. Field courts are able to travel as necessary within their CTZ, for the trial of cases in the various Provinces.

17. The procedure in a case going before the field court is considerably simplified and abbreviated, particularly as regards the pre-trial investigation. There is no Examining Magistrate attached to the court, but a pre-trial investigation may be conducted in certain complicated cases. The decision of the court is final, without appeal. In case of a death sentence, however, there is a mandatory petition to the Chief of State for clemency.

18. Various Decrees and Decree-Laws provide for trial of offenses against the national security in the field courts, during the states of national emergency and of war. This has been limited usually to cases where the accused was apprehended en flagrant délit—principally terrorist and sabotage cases.

19. The later Decree-Laws setting forth offenses against the national security have not stated that the jurisdiction of field courts is limited to cases of flagrant délit. GVN authorities have recently said that these laws will be interpreted so as to allow trial of security offenses charged thereunder in the field courts. They have also cooperated in securing the issuance of the attached Decree-Law 049/67, dated 30 October 1967, which authorized the creation of four additional field courts. In view of the broadened spectrum of security cases expected to be tried in the new courts, it is planned by the Directorate of Military Justice that the President will be a qualified military lawyer and the Prosecutor will have a legal assistant to investigate cases and prepare the dossier.

20. The foregoing actions of the GVN have created a substantial additional capability for the expeditious trial of CSS's. Trials may be held in the Provinces and at the planned new detention camps, where courtroom facilities will be provided.

#### CONCLUDING REMARKS

The laws and procedures for dealing with security offenders are far from perfect and eventually must be replaced, as the leaders of the Republic of Vietnam are well aware. But, for the present, the emphasis must continue to be on winning the war. Special studies of areas of uncertainty or weakness in the legal system should be made, and remedial measures taken. It appears, however, that effective results can be obtained within the existing legal framework, which affords the necessary facilities for dealing with the Viet Cong menace, if properly administered and applied. In the words of Alexander Pope:

"For forms of Government let fools contest;  
What'er is best administer'd is best."



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APPENDICES

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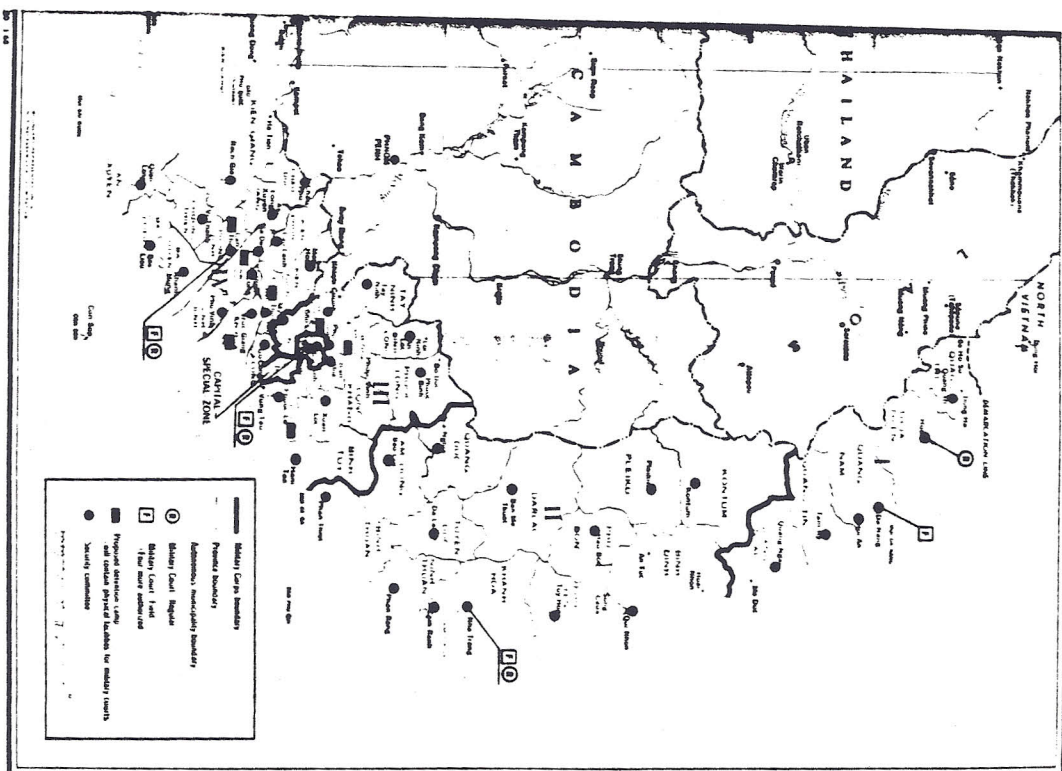
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TH VIETNAM:  
Facilities for Trial or Administrative Action on cases of Civilian Security Suspects



APPENDIX "B"

REPUBLIC OF VIETNAM      Ordinance 47 dated 21 August 1956  
prescribing the punishment of  
crimes against the external  
security of the State

THE PRESIDENT OF THE REPUBLIC OF VIETNAM

Considering temporary Constitution #1 dated  
26 October 1955;

Considering Decree 4-TTP dated 29 October 1955 and  
subsequent documents, prescribing the composition of  
the Government;

Considering the South VN Revised Code of Criminal  
Laws, North VN Code of Criminal Laws and Central VN  
Code of Criminal Laws;

Considering the Code of Military Justice;  
and after deliberation of the Cabinet;

ISSUES THE FOLLOWING ORDINANCE:

ARTICLE 1: Those aliens who commit one of the acts  
listed hereunder shall be convicted of espionage and punish-  
ed by a death sentence:

1. Conspire with a foreign nation or a communist  
organization with intent to induce that nation or organi-  
zation to commit aggression against the Republic of VN;  
or assist in such aggression by aiding the armed forces  
of that nation or organization, or by undermining the  
loyalty of the Vietnamese Army, Navy and Air force, by  
any other means.

2. Surrender Vietnamese Military units, or any part  
of Vietnamese territory, towns, fortifications, installa-  
tions, depots, arsenals, plants, materiel, weapons,  
ships or aircraft to a foreign nation, a communist organi-  
zation, or their personnel.

3. Solicit a member of the Vietnamese Army, Navy  
or Air Force to serve a foreign nation or a communist  
organization, or assist such nation or organization,  
or recruit personnel for them.

4. Conspire with a foreign nation, a communist  
organization or their personnel with intent to assist  
in aggressive acts against the Republic of Vietnam.

5. Help, by any means, the personnel of a foreign  
nation or a communist organization to illegally enter  
or live on Vietnamese territory, or help them communi-  
cate with each other or move out of Vietnamese territory.

ARTICLE 2: Those aliens who commit one of the acts  
listed hereunder shall be convicted of espionage and  
punished by a death sentence:

1. Give classified defense information to a foreign  
nation, a communist organization or their personnel by  
any means and in any form, or attempt by any means to  
gain access to such information with intent to communi-  
cate it to a foreign nation, a communist organization or  
their personnel.

2. Give information to a person working for a  
foreign nation or a communist organization on a scientific  
discovery pertaining to defense, or the method of manu-  
facture pertaining to this discovery or to any defense  
industry, without authorization by competent authority.

3. Intentionally destroy or damage boats, aircraft,  
equipment supplies, construction or outfitings which  
can be used for national defense, or commit sabotage  
whether during or after the manufacture of the above  
materiel, with intent to make it unserviceable or to  
cause an accident in its use.

4. Knowingly participate in a plan designed to  
undermine public or troop morale, or to conspire in  
various plots to exercise pressure regarding the  
decisions of responsible members of the armed service,  
to promote desertion or to obstruct the surrender of  
the enemy.

ARTICLE 3: Those aliens who commit one of the  
acts listed hereunder shall be convicted of espionage  
and punished by a death sentence:

1. Disguise, use a false name or hide real  
nationality in order to enter a fort, construction  
work, post, plant, worksite barracks, military camp,  
naval vessel, merchant ship, aircraft, military  
hospital, naval or other installation or an organi-  
zation or workshop operated for defense purposes.

2. Organize illegal long-range communication by  
mail or any facilities, which is prejudicial to  
national defense, even without disguising or hiding  
real name and nationality.

3. Fly over an area forbidden by military or  
naval authority, or to draw sketches, take photographs,  
carry out terrain survey inside or around military or  
naval positions, constructions, forts and installations  
without authorization of the competent military  
authority.

ARTICLE 4: Those Vietnamese who commit one of the  
acts listed hereunder shall be convicted of treason and  
punished by a death sentence:

1. To bear arms against the Republic of Vietnam.

2. To commit one of the acts listed in Article 1,  
2 or 3 of this Ordinance.



ARTICLE 5: The solicitation of other persons, or the agreement to do one of the acts listed in articles 1, 2, 3 and 4 of this Ordinance shall also be punished as for the commission of these acts.

ARTICLE 6: The term Classified Defense Information referred to herein includes:

1. Military, diplomatic economic and industrial information whose nature is such that only authorized persons may have access to it and that, in the interest of defense, must not be disclosed to other persons.
2. Objects, equipment, documents, drawings, charts, maps, land survey maps, photographs, copies and documents whose nature is such that only authorized persons may have access to them and that they must not be exposed to other persons because their exposure will disclose the types of information referred to above.
3. All types of military information which have not been published by the Government and do not belong to any of the types of information referred to above and whose publication, disclosure, or dissemination whether in part or in total are forbidden by Decree.
4. Information pertaining to actions taken to identify and apprehend the offender and accessories in crimes against the external security of the state, or pertaining to the conduct of their prosecution and examination, or pertaining to pleadings in their trial before the Court.

ARTICLE 7: Those Vietnamese or aliens who commit one of the acts listed hereunder shall be convicted of crime against the security of the State and punished by terms of hard labor:

1. Take actions which are not authorized by the Government and which may cause a foreign nation to declare war on the Republic of Vietnam.
2. Take actions which are not authorized by the Government and which may expose the Vietnamese people to reprisals.
3. Recruit troops for a foreign nation or personnel for a communist organization.
4. Knowingly communicate or maintain relations with the personnel of a communist organization or with the citizens or agents of an enemy nation in time of war.
5. Knowingly maintain commercial transactions, whether directly or through middlemen, with the personnel of a communist organization or the citizens or agents of an enemy nation in time of war.

ARTICLE 8: Those Vietnamese or aliens who commit one of the acts listed hereunder shall be convicted of crime against the security of the State and punished by terms of hard labor:

1. Commit offense against the territorial integrity of Vietnam or cause Vietnam to lose control over any part of her territory by any means.

2. Conspire with foreign agents with intent to cause adverse effect on the Vietnamese military or diplomatic situation.

3. Use any means to gain access to classified defense information or disclose it to the public or to unauthorized persons in any form or by any means, even without intent to communicate it to a foreign nation, a communist organization or their personnel.

4. Either through negligence or non-observance of regulations, to suffer the total, partial or temporary loss or destruction of equipment and documents with which one is entrusted and the exposure of which may disclose classified defense information; or to suffer the exposure, even partially, of these documents and equipment to unauthorized persons.

5. To fly over Vietnamese territory without authorization by competent authority or by a diplomatic agreement.

6. To enter the restricted areas around defense constructions or military and naval installations in violation of restriction orders.

ARTICLE 9: In addition to other provisions of the law, those Vietnamese or aliens who commit one of the acts listed hereunder shall be punished as aiders and abettors:

1. Provide assistance in cash, means of living, hiding places or meeting places to offenders against the security of the State, with full knowledge of their criminal intent.
2. Knowingly act as messenger for offenders against the security of the State, or knowingly help them in the procurement, hiding or transportation of the things pertaining to their crimes.
3. Knowingly receive and conceal objects which will be or have been used to commit offenses against the security of the State or objects and documents pertaining to these offenses.
4. Knowingly destroy, steal, receive, conceal, or falsify a document whether public or private, which may facilitate the investigation of an offense against the security of the State or reveal evidence or facilitate punishment of the offenders.

ARTICLE 10: Those Vietnamese or aliens who know of an attempt or act of espionage or treason but fail to inform military, administrative or judicial authority of this attempt or act immediately upon knowing of them shall be punished by terms at hard labor.

The same punishment shall be applicable to those Vietnamese or aliens who fail to inform the aforesaid authorities of activities prejudicial to national defense conducted by a person with whom they have relations, immediately upon realizing the nature of those activities.



ARTICLE 11: Objects and properties which have been used by the offender to commit the offense shall immediately be confiscated whether they are owned by the offender or not. The Court pronouncing the judgment shall order the confiscation of his salary, to be put in the public funds whether it has been received or not.

In all the cases provided for by the above articles, the Court may in addition order the confiscation of all of the offender's properties. If the offender is a soldier, he shall automatically be subject to "military degradation" (Translator's note: Accessory punishment involving discharge, loss of retirement benefits pertaining to decorations, and loss of civic, political and family rights) in addition to the principal punishment.

ARTICLE 12: This Ordinance rescinds all contrary provisions that were made previously, particularly the Revised Code of Criminal Laws from article 75 to article 85 and the Code of Military Justice from article 146 to article 151.

ARTICLE 13: The Secretary of State, Assistant for National Defense, the Secretary of State for the Interior and the Secretary of State for Justice shall, each according to his respective responsibilities, carry out this Ordinance. This Ordinance shall be published in the Vietnamese Official Gazette.

OFFICIAL

SAIGON, 21 August 1956

For the First Secretary at  
the Presidency  
His Assistant  
Signed: TRAN VAN PHUC

Signed: NGO DINH DIEM

#### Appendix B

Ủy số 47 ngày 21 tháng tám năm 1956 trừng-phạt những tội-phạm chống nền an-ninh quốc-ngoại.

TỔNG-THỐNG VIỆT-NAM CỘNG-HÒA,

Chiếu Hiến-uớc tạm-thời số 1 ngày 26 tháng mười  
ăm 1955,

Chiếu sắc-lệnh số 4-TTP ngày 29 tháng mười năm  
955 và các văn-kiện kế tiếp ấn-định thành-phần Chính-phủ,

Chiếu bộ hình-luật tu-chính Nam-Việt, bộ hình-  
uật Trung-Việt và Bắc-Việt,

Chiếu bộ quân-luật,

Hội-đồng nội-các đã thảo-luận,

DỰ :

Điều thứ nhất. - Phạm tội gián-diệp và bị phạt  
ủ-hình ngoại-kiểu nào:

1)- Thông-đồng với một ngoại-bang hay với một tổ-  
chức cộng-sản mục-dịch xúi-giục ngoại-bang hay tổ-chức đó  
gây hấn chống Việt-Nam Cộng-Hòa, hoặc giúp cho họ những  
phương tiện bằng cách trợ lực cho quân-đội ngoại-quốc hay  
cộng-sản xâm nhập vào lãnh thổ Việt-Nam, hay bằng cách làm  
lung-lạc lòng trung-thành của hải, lục, không-quân, hay bất  
luận bằng cách nào;

2)- Giao-nạp cho ngoại-bang hay cho một tổ-chức  
cộng-sản hay cho những nhân-viên của họ hoặc quân-đoàn Việt  
Nam, hoặc lãnh-địa, thị-trấn, thành-lũy, công-trình, đồn-  
binh, kho đạn, công-xưởng, vật-liệu, khí-giới, tàu-bè, máy  
bay thuộc quyền sở-hữu của Việt-Nam;

3)- Xúi giục quân-nhân thuộc hải, lục, không-quân  
sang phụng-sự một ngoại-bang hay một tổ-chức cộng-sản, hoặc  
kiếm cách giúp phương-tiện họ, hoặc chiêu-mộ binh-linh cho  
họ;



APPENDIX "C"

LAW NO. 10/59. DATED 6 MAY 1959

PART I

SABOTAGE AND OFFENSES AGAINST THE NATIONAL SECURITY AND  
AGAINST THE LIVES AND PROPERTIES OF THE PEOPLE

ARTICLE 1. He who commits or attempts to commit the following acts with specific intent to engage in sabotage, or endanger the National Security, or to injure the lives or properties of the people, will be sentenced to death, to forfeiture of part or all of his properties, and, if a soldier, to forfeiture of rank and military privileges:

1. Murder, poisoning and kidnapping.
2. Knowingly destroying or reducing to unserviceability, in part or in whole, by the use of explosives, fire or any other means, of:
  - a. Dwellings, whether or not occupied by a human being at the time; churches, temples and pagodas; warehouses, workshops, farms and other privately owned structures;
  - b. Public buildings, offices, workshops, warehouses and, in general, all structures owned by government; other properties, movable or immovable owned or controlled by the government or operated by public utility companies;
  - c. Aircraft, boats and vehicles;
  - d. Mines and their equipment;
  - e. Weapons, materiel, military posts, and such offices, warehouses, workshops and structures of all types as are essential to national defense and maintenance of public order;
  - f. Crops, livestock, farm machinery, and forests of all types;
  - g. Signal, postal, radio, power and water supply installations as well as buildings, structures and equipment used in the operation of these installations;
  - h. Dikes, dams, roads and highways, railroads, airfields, harbors, bridges and other structures connected therewith;
  - i. Navigable rivers and canals of all sizes.

ARTICLE 2. He who commits or attempts to commit the following acts with specific intent to engage in sabotage, to endanger the National Security, or to injure the lives and properties of the people, will be sentenced to hard labor for life, to forfeiture of part or all of his properties, and, if a soldier, to forfeiture of rank and military privileges:

1. Robbery with weapons, or by a group of two or more persons;
2. Blocking of traffic on roads and waterways by terrorism, threats with weapons or any other means;
3. Direct or indirect threats of assassination, arson, destruction of corps or kidnapping;
4. Disrupting a market or interfering with intent to bar the people from markets;
5. Other acts of sabotage or in the nature of sabotage which are not listed in the foregoing paragraphs.

ARTICLE 3. He who adheres to an organization as its member, or otherwise associates with other persons so as to aid in the preparation or commission of the offenses described in Articles 1 and 2, will be punished as provided in those two Articles.

ARTICLE 4. The active perpetrators, aiders and abettors, and planners, who are subject to the jurisdiction of Special Military Tribunals as prescribed in part II of this Law, are not entitled to plead extenuating circumstances.

ARTICLE 5. He who, prior to the commission or attempt to commit the foregoing offenses, is the first to reveal to the government or to military, administrative or judiciary authorities, or after proceedings have been initiated against the principals or accessories assists in their apprehension, may benefit from remission or mitigation of punishment for any offenses punishable by Special Military Tribunals.

However, any accused who benefits from remission of punishment may still be sentenced to local banishment or administrative supervision for such period as the tribunal may direct.

\*\*\*\*\*

ARTICLE 19. A death sentence will be executed only when the petition for clemency is rejected.

ARTICLE 20. If it is deemed necessary, a decree will prescribe the procedure to be observed in the execution of this law.

ARTICLE 21. Any provisions that are contrary to the contents of this law are rescinded. This law will be published in the RVN Official Gazette.

SAIGON, 6 May 1959

NGO DINH DIEM  
(Signature)

LUẬT SỐ 11/59 NGÀY MÔNG 8 THÁNG NĂM 1959 SỬA ĐỔI  
VÀ BỔ-TÚC DỰ SỐ 57/3 NGÀY 23 THÁNG MƯỜI  
NĂM 1956, QUY-ĐỊNH THỂ-LỆ HÀNH-NGHỆ Y-SĨ  
NHA-SĨ VÀ NỮ HỘ-SINH.

Quốc-hội đã thảo-luận và biểu-quyết;

Tổng-thống ban-hành luật số 11/59 ngày  
mông 8 tháng năm 1959, nguyên-văn như sau:

APPENDIX "D"

Decree-Law No. 18/64

The Prime Minister,

Considering the Provisional Constitutional Act No. 1  
of November 4, 1963:

Considering the Decisions of February 7, 1964 of the  
Military Revolutionary Council designating Major General  
Nguyen Khanh to form the Government:

Considering the Decree-Law No. 215-SL/CT of August 7,  
1964 of the Military Revolutionary Council proclaiming  
the State of Emergency; following discussion by the  
Cabinet:

Decrees

ARTICLE 1. During the State of Emergency and from  
the date of promulgation of this Decree-Law onwards,  
the following measures will be applied:

\*\*\*\*\*

- Order the detention of or assign residence to  
those elements who are considered as dangerous to the  
national security.

\*\*\*\*\*

ARTICLE 4. Any violation of public order and  
national security will fall under the jurisdiction of  
the military court and will be dealt with according  
to urgent procedures.

ARTICLE 5. Terrorists, people who indulge in  
sabotage, speculators harmful to the national economy,  
caught red-handed, will be sentenced to death and will  
not benefit from attenuating circumstances.

All these cases must be tried by the military  
court in the shortest time possible and without pre-  
trial examination.

\*\*\*\*\*

This Decree-Law will be promulgated according to  
urgent procedures.

Saigon, August 7, 1964

Signed: NGUYEN KHANH



APPENDIX "E"

REPUBLIC OF VIETNAM

NATIONAL LEADERSHIP DIRECTORY

Office of the Chairman

Number 004/65

THE CHAIRMAN OF THE NATIONAL LEADERSHIP DIRECTORY

Considering the Provisional Convention of June 19, 1965;

Considering Decision #3-QLVNCH/QD dated June 14, 1965 of the General Council of the Armed Forces of the Republic of Vietnam prescribing the establishment and the composition of the National Leadership Directory;

Considering Decree #01-a/CT/LDQG/SL dated June 19, 1965 prescribing the composition of the Central Executive Committee;

Considering Ordinance #1-UBLDQG dated June 24, 1965 promulgating the State of War throughout the territory of the Republic of Vietnam;

On the recommendation of the Chairman of the Central Executive Committee;

ISSUES THE FOLLOWING DECREE-LAW:

ARTICLE 1: In order to safeguard the public security and order to the utmost, particularly serious punishments are applied to the offences listed in this decree-law during the state of war.

\* \* \* \* \*

PART THREE

VIOLATIONS AGAINST NATIONAL OBLIGATION

ARTICLE 10: Are sentenced to solitary confinement with hard labor those youths:

- Who use fraudulent manners or tricks so as to avoid presenting themselves when they reach the age to fulfill their military obligations.

- Who make themselves physically disabled or ask other persons to cause their physical disability so as to avoid the fulfillment of their military obligations, either temporarily or permanently.

The principal offender and his accomplices are sentenced to the same penalties.

ARTICLE 11: It will be considered as a failure to report for induction and the offender will be sentenced as follows:

- Solitary confinement with hard labor: those who are duly notified to report for induction but fail to report to the designated place within 20 clear days including the day mentioned in the orders; those who enlist or re-enlist but fail to report to the designated place within a period of 20 clear days, including the day mentioned in the travel orders.

- Three years of imprisonment: A citizen who knows that his particular draft registration number is printed in a public notice for induction or re-induction but fails to present himself to the military authority of the place where he resides for the regularization of his status within a period of 15 days, commencing on the date mentioned in the public notice.

ARTICLE 12: Is sentenced to solitary confinement with hard labor any member of the Commission of Mobilization Census, the committee of draft exemption or draft adjournment, or the Medical Examination Committee, who, upon being requested to give opinions or to conduct any examination,

- promises to assist or incites young men or servicemen to avoid their military obligations.

- Falsifies papers concerning military obligations so as to assist or incite young men or servicemen to apply for exemption from or delay of military service.

ARTICLE 13: Are sentenced to a penalty of a term from five years of solitary confinement with hard labor to hard labor for a term of years all servicemen of the Regular, Regional, and Popular Forces, members of public forces, and personnel of various public services (including regular, contractual and journey personnel) who, within a time-limit of 15 days, without rightful cause, refuse to carry out an order of transfer or appointment, or an order for an official mission, issued by the rightful authorities in command.

If the breach is committed by a band or with intent to impede the functioning of the public service, the maximum penalty will be applied.

PART IV

TREASON - DISTURBANCE OF STATE SECURITY

PRO-COMMUNISM & NEUTRALISM

ARTICLE 14: Any person who joins a Communist organization or collaborates with the Communists, to bear arms against the country, shall be punished by

sentence of death and a total or partial confiscation of his property. In case the offender is a serviceman, this violation also brings about his military degradation.

ARTICLE 15: Is sentenced to death any person:

- Who rebels or incites other armed people to rebel, or recruits soldiers and furnishes them with weapons and ammunitions without order or authorization from the government.

- Who, without authority, voluntarily takes command of a platoon, a warship, a wing of airplanes, a sea port or a city.

ARTICLE 16: Is sentenced to solitary confinement with hard labor for life any person who excites the mob by organizing meetings or demonstrations with the purpose to disturb the security of the state.

ARTICLE 17: Is sentenced to hard labor for a term of years any person:

- Who directly or indirectly disseminates any policy, slogan, or directive of the communists, or of an individual or a league influenced or controlled by the Communist.

- Who commits any act in order to undermine the anti-communist spirit of the country or to cause harmful affect to the struggle of the people and the Armed Forces.

- Who plots to act under disguised signification of peace or neutralism in accordance with communist doctrine.

- Who popularizes, circulates, distributes, brings to public attention, sells, exhibits at public places, or conceals with those purposes, any printed materials, pictures, or other media, so as to attain the purposes mentioned in the above three paragraphs.

ARTICLE 18: Organizations, associations, establishments or leagues which violate article 17 are automatically dissolved.

The chairman of the Central Executive Committee will issue decrees to prescribe the liquidation of the property of the organizations, associations, establishments or leagues which violate the afore-mentioned article.

\*\*\*\*\*

#### PART VI

##### JURISDICTION - PROCEDURES

ARTICLE 24: Throughout the State of War the military field courts will have jurisdiction over the offences set out in this Decree-Law in accordance with

procedures prescribed in Decree-Law No. 11/62 of May 21, 1962 establishing the Military Field Courts.

ARTICLE 25: Once culpability has been established, the court is not authorized to give consideration to extenuating circumstances for the accused.

#### PART VII

ARTICLE 26: All provisions of any other laws and regulations which are inconsistent with this Decree-Law are suspended from enforcement.

ARTICLE 27: The Chairman, the Commissioner General, and the Commissioners of the Central Executive Committee, each in accordance with his responsibility, executes this Decree-Law.

Saigon, July 19, 1965

Signed:

Major General NGUYEN-VAN-THIEU



PHẦN THỨ SÁU

THẨM-QUYỀN - THỦ-TỤC

Điều thứ 24.- Tòa-án Quân-sự Mặt Trận, trong suốt thời gian có tình-trạng chiến-tranh, có thẩm-quyền xét-xử các tội-trạng qui-định trong sắc-luật này, theo thể thức qui-định trong sắc-luật số 11/62 ngày 21-5-1962 thiết-lập Tòa-án Mặt-trận.

Điều thứ 25.- Một khi tội-trạng đã được xác-nhận, tòa không được phép cho bị cáo được hưởng trường-hợp giảm khinh.

Điều thứ 26.- Những điều-khoản của các luật-lệ hiện hữu trái với Sắc-luật này đều được tạm đình chỉ áp-dụng.

Điều thứ 27.- Chủ-tịch, Tổng-ủy-viên và Ủy-viên ban Hành-pháp Trung-ương, chiếu nhiệm-vụ, lãnh thi-hành sắc-luật này.

Sắc-luật này được công-bố theo thủ-tục khẩn-cấp.

Sài-gòn, ngày 23 tháng 7 năm 1965

APPENDIX "F"

Decree Law #004/66 dated 15 February 1966, complementing Decree-Law #4/65 dated 19 July 1965 relative to the punishment of speculation illegal transfer of funds, smuggling, bribery, influence peddling, violations of public security, embezzlement of public funds, rebellion, hooliganism, communist sympathizers and neutralists.

THE CHAIRMAN OF THE NATIONAL LEADERSHIP COMMITTEE,

With reference to the Constitutional Charter of 19 June 1965;

To Resolution #3/QLVNCH/QĐ dated 14 June 1965 by the Convention of Commanders in the Republic of Vietnam Armed Forces activating the National Leadership Committee and determining its composition;

To Decree #01-a/CT/LĐQG/SL dated 19 June 1965 and the subsequent Decrees determining the composition of the Cabinet;

To Edit #01-UBLĐQG dated 24 June 1965 declaring a state of war throughout the territory of the Republic of Vietnam;

To Decree-Law #04/65 dated 19 July 1965;

To the recommendations of the Secretary General of the National Leadership Committee; and

To the recommendations of the Premier of the Government;

And after deliberation and voting by the National Leadership Committee;

Issues the following Decree-Law:

ARTICLE 1. Decree-Law #04/65 dated 19 July 1965 is hereby complemented as follows:

\*\*\*\*\*

ARTICLE 11. (New paragraph 2) Three years of imprisonment: Any citizen who knows he is called or recalled to military service whether under a collective draft or not and fails to report to the military authorities at his place of residence within 15 full days after the date prescribed in the public announcement.

ARTICLE 19. (New) Those persons considered dangerous to the national defense and public security may be interned in a prison or designated area, or banished from designated areas for a maximum period of two years, which is renewable; the internment and banishment shall be ordered by Arrête of the Prime Minister issued upon the recommendation of the Minister of Interior.

The same Arrête shall also order the disposal of any properties used in activities dangerous to national defense and public security.

An internee who escapes or attempts to escape from the area of internment or forced residence shall be liable to Reclusion.

ARTICLE 20. (New) The following persons shall be convicted of hooliganism:

- Those who carry illegal weapons without justified reason and with intent to commit other offenses; and

- Those who forge or use forged permits to move from one place to another.

ARTICLE 21. (New) Those persons above 15 years of age who are convicted of hooliganism shall be punished with a fixed term at hard labor.

Those persons under 15 years of age who are convicted of hooliganism shall be turned over to Government reformatory institutions; when they reach the age of 15 they shall be released or prosecuted before the Court, depending on the record of their conduct during the reformatory period.

ARTICLE 22. (New) Those persons who gather in assemblage of two or more and attack, resist or obstruct the public force personnel in their duties shall be punished with death.

The killing of offenders in self defense shall be excused.

\*\*\*\*\*

ARTICLE 24. (New) During the state of war and in accordance with the procedures prescribed in Decree-Law #11/62 dated 21 May 1962 activating these tribunals, Military Field Tribunals shall have jurisdiction over the offenses described in the present Decree-Law, except those offenses dealt with in Decree-Law #003/66 dated 15 February 1966 activating the Special Tribunal.

ARTICLE III. This Decree-Law shall apply to cases of violations against Decree-Law #4/65 dated 19 July 1965 that have not been prosecuted.

ARTICLE IV. The Premier, the Ministers, the Secretaries and Under-Secretaries shall each according to his responsibilities execute this Decree-Law.

This Decree-Law shall be published in the Republic of Vietnam Official Gazette.

Saigon, 15 February 1966

Maj General NGUYEN VAN THIEU

#### Appendix F

SẮC-LUẬT số 004/66 ngày 15 tháng hai năm 1966 bổ-túc Sắc-luật số 4/65 ngày 19-7-1965 trừng-trị các tội đầu-có, chuyển ngân phi-pháp, buôn lậu, hối-lộ, hối mại quyền-thổ, biến-thủ công-quy, phản nghịch, phá rối trị-an, côn-đồ, thân Cộng và Trung-lập.

#### CHỦ-TỊCH

#### ỦY-BAN LÃNH-ĐẠO QUỐC-GIA

Chiếu Ước-pháp ngày 19 tháng sáu năm 1965;

Chiếu quyết-định số 3-QLVNCH/QĐ ngày 14 tháng sáu năm 1965 của hội-đồng các Tướng-lãnh Quân-lực Việt-nam Cộng-hòa thành-lập và ấn-định thành-phần Ủy-ban Lãnh-đạo Quốc-gia;

Chiếu Sắc-lệnh số 01-a/CT/LHQG/SL ngày 19 tháng sáu năm 1965 và các Sắc-luật kế-tiếp ấn-định thành-phần Ủy-ban Hành-pháp Trung-ương;

Chiếu Dự số 1-UBLHQG ngày 24 tháng sáu năm 1965 ban hành tình-trạng chiến-trang trên toàn lãnh-thổ Việt-Nam Cộng-Hòa;

Chiếu Sắc-luật số 04/65 ngày 19 tháng bảy năm 1965

gia; Chiếu đề-nghị của tổng thư-ký Ủy-ban Lãnh-đạo Quốc

ương; Chiếu đề-nghị của Chủ-tịch Ủy-ban Hành-pháp Trung-

Sau khi Ủy-ban Lãnh-đạo Quốc-gia đã thảo-luận và biểu-quyết;

#### SẮC-LUẬT :

Điều thứ 2.- Nay sửa đổi Sắc-luật số 4/65 ngày 19 tháng bảy năm 1965 như sau:



APPENDIX "G"

REPUBLIC OF VIETNAM

No. 93/SL/CT

The Chairman of the Military Revolutionary Council,

In consideration of Provisional Constitution dated Nov 11, 1963;

In consideration of Proclamation by the Military Revolutionary Council dated January 30, 1964;

In consideration of Ordinance No. 8 dated May 14, 1951 promulgating the Code of Military Justice, and the subsequent documents;

In consideration of the Ordinance No. 8 dated May 16, 1954 prescribing the direct trial without examination procedures by military courts of persons accused of flagrante delicto felony or misdemeanour prescribed in the Code of Military Justice;

And upon the present circumstances of the country;

Issued the following Decree-Law

ARTICLE 1. By this Decree are outlawed private persons, parties, leagues, associations that commit acts of any form which are, directly or indirectly, aimed at practicing Communism or Pro-Communist Neutralism.

ARTICLE 2. Shall be considered as a Pro-Communist Neutralist a person who commits acts of propaganda for and incitement of Neutralism; these acts are assimilated to acts of jeopardizing public security.

(Note of the translator: The act of jeopardizing public security is punished by Article 91 para 3 of the South Vietnam Revised Code of Criminal Laws with a maximum penalty of 5 years of imprisonment.)

ARTICLE 3. Those who violate Articles 1 and 2 are tried in accordance with the third paragraph of Article 2 of the Code of Military Justice.

In case of a flagrante Delicto offense, the offender is subjected to trial by a military court without any preliminary examination in accordance with emergency procedures prescribed by Ordinance No. 8 dated May 16, 1954.

ARTICLE 4. Punishments applied by the Military Court are those prescribed by the Code of Military Justice, the Codes of Criminal Laws, and other special laws; nevertheless, the sentence pronounced must not be below the minimum sentence.

\*\*\*\*\*

ARTICLE 9. The Prime Minister, the Ministers, and the Secretaries of State, each according to his responsibility, shall carry out this Decree-Law.

This Decree-Law shall be proclaimed in accordance with emergency procedures.

Official:  
Director of Cabinet

Saigon, February 1, 1964

Signed: Lt Col DO KIEM NHIEU

Signed: Major General  
NGUYEN-KHANH

APPENDIX "H"

LAW #004/65 DATED 17 MAY 65

\*\*\*\*\*

ARTICLE 1. The following acts will be within the scope of and subject to the punishments provided for in Decree-Law 093-SL/CT dated 1 February 1964:

a. All acts directly or indirectly aimed at disseminating policies, slogans or directives of the Communists or of individuals and organizations controlled or influenced by the Communists.

b. All campaigns that in effect weaken the anti-communist spirit of the nation and cause prejudice to the struggle of the Armed Forces and the people, including plots and acts serving the Communist cause that are camouflaged as peace or neutralist movements and similar acts.

c. Dissemination, circulation, distribution, offer to the public, sale, display in public or storage for the same purposes, of publications, pictures and communications through other media that have the above effects.

ARTICLE 2. Those organizations, associations, agencies or groups that violate Article 1 will be dissolved and their properties confiscated.

The Prime Minister will issue a Decree prescribing the procedure for disposing of the properties owned by such organizations, associations, agencies or groups.

ARTICLE 3. Except for cases where Ordinance No. 47 dated 21 August 1956 relative to external security of the State may be applied, all cases of violations against this Law will be punished with from one to five years of imprisonment; supplementary punishments (limiting civil rights) provided for in Article 42 of the South Vietnam Penal Code or in Article 27 of the Central Vietnam Penal Code may also be imposed.

ARTICLE 4. During the state of national emergency each Military Field Tribunal will have jurisdiction to try the offenses listed in this Law if the offenders are apprehended in flagrante delicto in its Corps Tactical Zone, in accordance with the procedure prescribed in Decree Law 11/62 dated 21 May 1962 activating Military Field Tribunals.

In cases other than flagrante delicto and in times other than state of national emergency, Military Tribunals will have jurisdiction.

ARTICLE 5. This Law will be promulgated in the urgency procedure and published in the Republic of Vietnam Official Gazette.

PHAN-KHAC-SUU

Appendix H

VIỆT-NAM CỘNG-HÒA

LUẬT số 004/65 ngày 17 tháng năm năm 1965 bổ-túc Sắc-luật số 093-SL/CT ngày 1 tháng hai năm 1964 đặt ngoài vòng pháp-luật Chủ-nghĩa Cộng-sản và thuyết Trung-lập thân Cộng-sản.

HỘI-ĐỒNG QUỐC-GIA LẬP-PHÁP

đã thảo-luận và biểu-quyết,

QUỐC-TRƯỞNG VIỆT-NAM CỘNG-HÒA

Ban-hành Luật số 004/65 ngày 17 tháng năm năm 1965 nguyên-văn như sau:

Điều thứ nhất.- Được coi như những hành-vi dụ liệu và trừng-phạt do Sắc-luật số 093-SL/CT ngày 1 tháng 2 năm 1964:

a). Mọi hành-dộng trực-tiếp hay gián-tiếp nhằm phổ-biến các Chánh-sách, khẩu-hiệu, chỉ-thị của Cộng-sản, của mọi cá-nhân hay tổ-chức bị Cộng-sản chi-phối hay ảnh-hưởng;

b). Mọi vận-dộng cổ tác-quảng làm suy yếu ý-chí chống Cộng của Quốc-gia và ảnh-hưởng có hại cho cuộc chiến đấu của quân-dội và nhân-dân. Những âm-mưu và hành-dộng nguy-danh hòa-bình và Trung-lập theo chủ trương Cộng-sản hoặc những âm-mưu và hành-dộng tương-tự đều bị liệt vào loại vận-dộng trên;

c). Sự phổ-biến, lưu-hành, phân-phát, đề ực cho dân chúng mang ra bán, trưng-bày ở nơi cộng cộng và tàng trữ với các mục đích đó, các loại ấn-phẩm, tranh ảnh cùng mọi phương-tiện truyền-bá khác có tác-dụng kể trong hai đoạn trên.

Điều thứ hai.- Các tổ-chức, hiệp-hội, cơ-quan hay đoàn-thể vi-phạm điều 1 đương nhiên bị giải-tan, và tài-sản bị tịch-thâu.

Thủ-tướng sẽ ra sắc-lệnh ấn-định thể-thức



thanh-toán tài-sản của các tổ-chức, hiệp-hội, cơ-quan hay đoàn-thể nói trên.

Điều thứ ba.- Ngoài trừ trường-hợp có thể áp-dụng Dự 47 ngày 21 tháng tám năm 1956 về an-ninh quốc-ngoại, mọi vi-phạm Luật này sẽ bị phạt tù từ 1 năm tới 5 năm. Ngoài ra còn có thể tuyên-phán các phụ-hình dự-liệu trong điều 42 Hình-luật canh-cải hay điều 27 Hoàng-việt Hình-luật.

Điều thứ tư.- Tòa-án Quân-sự Mặt Trận, trong suốt thời gian có tình-trạng khẩn-trương, có thẩm-quyền xét-xử các tội-trạng qui-định trong Luật này, do bị-can phạm qua-tang tại lãnh-thổ Vùng Chiến-thuật, theo các thể-thức qui-định trong Sắc-luật số 11/62 ngày 21 tháng năm 1962 thiết-lập Tòa-án Quân-sự tại Mặt-trận.

Nếu không phải phạm-pháp quả-tang hoặc trong tình-trạng bình-thường thì nội-vụ thuộc thẩm-quyền Tòa-án Quân-sự xét-xử.

Điều thứ năm.- Luật này được ban-hành theo thủ-tục khẩn-cấp và sẽ đăng vào Công-bao Việt-Nam Cộng-Hòa.

Sài-gòn, ngày 17 tháng năm năm 1965

PHAN KHẮC SỬU

APPENDIX "I"

REPUBLIC OF VIETNAM  
NATIONAL DIRECTORY COUNCIL  
THE CHAIRMAN'S OFFICE

Decree-Law No. 015/66 of 21 April 1966 prescribing punitive measures for deserters and accomplices in war-time.

THE CHAIRMAN OF THE NATIONAL DIRECTORY COUNCIL

Considering Provisional Constitutional Act of 19 June 1965.

Considering Decision No. 3-QLVNCH/QĐ of 14 June 1965 of the General Assembly of RVNAP prescribing the creation and the composition of the National Directory Council.

Considering Ordinance No. 8 of 14 May 1961 promulgating the Code of Military Justice.

Considering Decree-Law No. 11/62 of 21 May 1962 prescribing the activation of Military Field-Courts.

Considering Ordinance No. 01-UBLDQG of 24 June 1965 proclaiming the State of war over the whole territory of the Republic of Vietnam.

Upon recommendation of the Chairman of the Central Executive Committee,

After deliberations and vote of the National Directory Council.

ISSUES THE FOLLOWING

DECREE-LAW

ARTICLE 1. As long as the State of war lasts as proclaimed over the territory of the Republic of Vietnam and from the date of promulgation of the present Decree-Law, all military personnel guilty of desertion, all abettors and accomplices of deserters shall be sentenced in accordance with the special punitive measures as set forth below:

ARTICLE 2. Punishments for desertion shall be as follows:

- Death: If the deserter abandoned his unit to join the enemy or the rebels.
- Hard labor for life: If he deserted in presence of the enemy or rebels.
- Hard labor for a specified duration: If he deserted while his unit was being engaged in operation or has received orders to engage operations.

- 5 years of solitary confinement with hard labor in case he deserted while his unit was not engaged in operations or if he deserted in such circumstances as are specified in the Code of Military Justice and the punishments prescribed therein are lighter than that provided herein.

ARTICLE 3. When serving their sentence, convicted deserters shall not be kept in jails but shall be sent directly to the field to serve in special Field Labor Battalions.

ARTICLE 4. Convicted deserters shall automatically receive the supplementary punishment of military degradation, be deprived of their rights to pay and allowances and in case of death shall be deprived of their rights to be recognized as having died for the Country, and of the right to any subsidy of any kind for the widow. In case of wound or infirmity, they shall not be entitled to any subsidy or compensation allowance.

ARTICLE 5. While serving their sentence, if they escape:

- The first time, the sentence previously adjudged shall be doubled;

- The second time, they shall be sentenced to death.

ARTICLE 6. In case they already have been convicted for desertion and sentenced in application of punitive measures specified in the present decree law, and have thereafter been rehabilitated, if they desert again the sentence shall increase by one degree.

#### ARTICLE 7.

a. Any person who by whatever means, whether effective or not, incites or promotes desertion shall if he is military be sentenced to the same sentence as adjudged to the deserter and shall serve his sentence the same way as does the deserter; if he is a civilian, he shall be sentenced to 5 years of solitary confinement with hard labor.

b. Any person convicted of having intentionally given assistance of any kind, harbored a deserter or concealed a deserter shall, if he is military, be sentenced to the same punishment as adjudged to the deserter; he shall serve his sentence the same way as does the deserter. If he is a civilian he shall be sentenced to 5 years of solitary confinement with hard labor.

c. As for commercial industrial firms and liberal profession practitioners, the court may either order the closing of the firms or the cessation of practice, or the temporary suspension thereof.

ARTICLE 8. Military Field-Courts, as long as this Decree-Law is effective, shall have jurisdiction over all the aforesaid offenders, in accordance with the conditions set forth in Decree-Law No. 11/62 dated 21 May 1962 ordering the establishment of Military Field Courts.

ARTICLE 9. In case their guilt is recognized by the Courts, no mitigating circumstances may be considered in favor of the accused, except in case they have voluntarily turned themselves in.

ARTICLE 10. All previous articles in conflict with the present Decree-Law shall be temporarily of no effect.

ARTICLE 11. Whenever the situation of the nation so allows, and in order to restore normal legal processes, another Decree-Law shall be promulgated to supersede the present Decree-Law.

ARTICLE 12. The Chairman of the Central Executive Committee is, in accordance with his official duties, charged with the execution of the present Decree-Law.

The present Decree-Law shall be published in the Republic of Vietnam Official Gazette.

Saigon, 21 April 1966

Signed: Major General NGUYEN V THIEU



b). Bất cứ người nào cố tình giúp phương-tiện, chứa chấp hoặc che chở cho kẻ đạo ngũ phạm tội, hoặc trốn tránh, nếu là quân-nhân sẽ bị cùng hình-phạt và cách thụ hình dành cho quân-nhân đạo-ngũ; nếu là thường dân sẽ bị xử phạt 5 năm cấm cố.

c). Đối với các xí-nghiệp thương-mại, kỹ-nghệ và các người hành nghề tự-do, Tòa-an có thể tuyền đóng cửa xí-nghiệp hay cấm hành nghề trong một thời gian hữu-hạn hay vĩnh-viễn.

Điều thứ 8. - Tòa-an Quân-sự Mặt trận, trong suốt thời gian Sắc-luật này được thi-hành, có thẩm quyền xét xử và áp-dụng các hình-phạt cho các can-phạm đã nói trên đây theo các điều-kiện án-dịnh trong Sắc-luật số 11/62 ngày 21 tháng năm năm 1962 thiết-lập Tòa-an Quân sự Mặt trận.

Điều thứ 9. - Một khi tội trạng được xác-nhận, Tòa không được phép cho bị-can được hưởng trường-hợp giam khinh, ngoại trừ trường-hợp Quân-nhân đạo-ngũ tự ý ra trình diện.

Điều thứ 10. - Những điều khoản trái với Sắc-luật này đều được tạm đình chỉ áp-dụng.

Điều thứ 11. - Một khi tình-trạng cho phép, và để tái lập sự bình-thường của luật-pháp, một Sắc-luật khác minh-thị tuyền-bố hủy bỏ Sắc-luật này sẽ được công-bố.

Điều thứ 12. - Chủ-tịch Ủy-ban Hành-pháp Trung-ương lãnh-nhiệm-vụ thi-hành Sắc-luật này.

Sắc-luật này được đăng vào Công-báo Việt-nam Cộng-hòa.

Sài-gòn, ngày 21 tháng tư năm 1966

Trung-tướng NGUYỄN VĂN THIỆU

#### APPENDIX "J"

Decree No. 1763 ND/AN of 24 September 1966 delegating to the Minister of National Security the authority to order deterrent measures against persons regarded as dangerous to the National Defense or Public Security.

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The Prime Minister,

- Considering Constitutional Act dated 19 June 1965,

- Considering Decree #001/a/CT/LDQG/SL of 19 June 1965 and subsequent documents prescribing the composition of the Office of the Prime Minister,

- Considering Decree Law #004/65 of 19 July 1965, amended by Decree Law #004/66 of 15 February 1966, prescribing deterrent measures for certain offenses committed during the state of war,

Issues the following Decree:

#### ARTICLE 1.

There is hereby delegated to the Minister of National Security the power to pronounce by order the following deterrent measures, of administrative internment in a prison or compulsory residence in a designated area or banishment from certain local areas, for a maximum period of 2 years, which may be extended at the expiration.

The Minister of National Security will be responsible for deciding the disposition of objects, money or other property involved in activities dangerous to the National Defense or Public Security, as prescribed in Article 19 of Decree-Law #004/66 dated 15 February 1966.

#### ARTICLE 2.

The Minister of National Security and the Minister of Justice will carry out this Decree Law in accordance with their respective responsibilities.

This Decree-Law will be published pursuant to emergency procedures.

Saigon, 24 September 1966

Vice Air Marshal  
NGUYEN CAO KY

Signed

## Appendix J

**NGHỊ-ĐỊNH** số 1763/NP/AN ngày 24 tháng 9 năm 1966 ủy-quyền cho Tổng Ủy-viện An-ninh duyệt-ky các nghị-định an-trí, hoặc cưỡng-bách cư-trú, hoặc biệt-trú khỏi nơi cư-trú những phần-tử có hành-động nguy-hiểm cho quốc-phong và an-ninh công-cộng và quyết-định những tai-vật dùng vào các hoạt-động nguy-hiểm cho quốc-phong và an-ninh công-cộng.

### **CHỦ-TỊCH ỦY-BAN HÀNH-PHÁP TRUNG-ƯƠNG,**

Chiếu Ước-pháp ngày 19 tháng sáu năm 1965;

Chiếu Sắc-lệnh số 001-a/CT/LĐQG/SL ngày 19 tháng sáu năm 1965 và các văn-kiện kế tiếp ấn-định thành-phần Ủy-ban Hành-pháp Trung-ương;

Chiếu Sắc-luật số 004/65 ngày 19 tháng bảy năm 1965 bổ túc bởi Sắc-luật số 004/66 ngày 15 tháng hai năm 1966 quy-định chế-tải đối với một số tội danh trong tình-trạng chiến-tranh,

### **NGHỊ-ĐỊNH :**

**Điều thứ 1.-** Nay ủy-quyền cho Tổng Ủy-viện An-ninh duyệt-ky các nghị-định an-trí, hoặc cưỡng-bách cư-trú hoặc biệt-trú khỏi nơi cư-trú trong những địa-diểm chỉ-định trong thời hạn tối đa 2 năm và có thể gia-hạn mỗi kỳ tối đa 2 năm, những phần-tử có hành-động nguy-hiểm cho quốc-phong và an-ninh công-cộng, cũng quyết-định về những tai-vật được dùng-vào các hoạt-động nguy-hiểm cho quốc-phong và an-ninh công-cộng nếu có, như đã quy-định tại điều 19 của Sắc-luật số 004/66 ngày 15 tháng hai năm 1966 thượng chiếu.

**Điều thứ 2.-** Tổng Ủy-viện An-ninh, Tổng Ủy-viện Tư-pháp chiếu nhiệm-vụ lãnh thi-hành nghị-định này.

Nghị-định này được đăng vào Công-báo Việt-nam Cộng-hòa.

Sài-gòn, ngày 24 tháng chín năm 1966  
Thiếu-tướng NGUYỄN CAO KỶ

## APPENDIX "K"

DECREE LAW #049/67 dated 30 October 1967 prescribing the establishment of four additional mobile Military Field Courts.

### THE CHAIRMAN OF THE NATIONAL DIRECTORY

Considering the Constitution of the Republic of Vietnam, dated 1 April 1967;

Considering Decision #3/QLVNCH/QD dated 14 June 1965, amended by Decision #7/QLVNCH/QD dated 6 June 1966, of the RVNAF General Council prescribing the establishment and the composition of the National Directory;

Considering Decree #001-a/CT/LĐQG/SL dated 19 June 1965 promulgating the State of War throughout the territory of the Republic of Vietnam;

Considering Ordinance #8 dated 14 May 1951 promulgating the Code of Military Justice;

Considering Decree-Law #11/62 dated 31 May 1962 and subsequent documents prescribing the establishment of Military Field Courts;

Considering Decree #205/CT/LĐQG/SL dated 2 December 1965 prescribing regulations governing the organization and responsibilities of agencies subordinate to the Ministry of National Defense and the RVNAF;

Upon recommendation of the Office of the Prime Minister;

After deliberation and approval by the National Directory;

### ISSUES THE FOLLOWING DECREE-LAW:

**ARTICLE 1.** There are hereby established four additional mobile Military Field Courts, for the trial of offenses against the National Security.

**ARTICLE 2.** These courts will be organized as needed, in the various Corps Tactical Zones.

**ARTICLE 3.** The Prime Minister, Ministers, and the Secretaries of National Defense, Justice, and Finance will carry out this Decree-Law in accordance with their official responsibilities.

This Decree-Law will be published pursuant to emergency procedure.

SAIGON, 30 October 1967

### ADDRESSES

Office of the Prime Minister  
Cabinet  
Subordinate Agencies  
Office of the Deputy Prime Minister  
Upper House  
Lower House  
Ministry of National Defense  
Ministry of Justice  
Ministry of Finance  
Ministry of Interior  
Corps Tactical Zones  
Mayors and Province Chiefs  
Official Gazette

Signed: LT. GENERAL NGUYEN  
VAN THIEU

### OFFICIAL COPY

Director of the Cabinet  
Signed: Colonel VU DUC NHUAN

### CERTIFIED TRUE COPY

Chief of Press Service & Official  
Gazette, Office of the  
Prime Minister  
Signed: HUYNH QUANG MINH



APPENDIX "L"

REPUBLIC OF VIETNAM  
#215/SL/CT of 7 August 1964

THE CHAIRMAN OF THE MILITARY REVOLUTIONARY COUNCIL,

- Considering the Provisional Constitutional Act #1 dated 4 Nov 1963, amended by Provisional Constitutional Act #2 dated 7 Feb 1964,

- Considering the Decision of 30 January 1964 of the Military Revolutionary Council appointing Lt General Nguyen Khanh as Chairman of the MRC,

- Considering the present serious situation requiring special measures in order to safeguard the whole territory of the Republic of Vietnam against the communists' invasion.

Issues the following Decree-Law:

ARTICLE 1. There is hereby proclaimed a State of Emergency throughout the territory of Vietnam, as of this date until further order.

ARTICLE 2. Any law or regulation which shall be deemed necessary not to be applied may be declared temporarily suspended.

ARTICLE 3. The Prime Minister will carry out this Decree-Law by taking adequate measures to maintain the security of the State and to safeguard the whole territory of the Republic of Vietnam.

This Decree-Law shall be published in accordance with emergency procedures.

Saigon, 7 August 1964

Lieutenant General NGUYEN KHANH

Signed

Appendix L

VIỆT-NAM CỘNG-HÒA

Số: 215-SL/CT

CHỦ-TỊCH

HỘI-ĐỒNG QUÂN-ĐỘI CÁCH-MẠNG

Chiệu các Hiến-ước tạm thời số 1 ngày 4 tháng 11 năm 1963 và số 2 ngày 7 tháng 2 năm 1964;

Chiếu quyết-dịnh ngày 30 tháng giêng năm 1964 của Hội-đồng Quân-đội Cách-mạng chỉ-dịnh Trung-tướng NGUYỄN-KHANH giữ chức-vụ Chủ-tịch Hội-đồng Quân-đội Cách-mạng;

Xét hiện tình khẩn-trương quốc-nội và để bảo-vệ toàn vẹn Lãnh-thổ Việt-nam Cộng-hòa trước hiểm-họa xâm-lăng công-khai của Đế-quốc Cộng-san,

S Ắ C - L U Ậ T :

Điều thứ 1.- Nay tuyên-bố tình-trạng khẩn-trương trên toàn lãnh-thổ Việt-nam Cộng-hòa, kể từ ngày công-bố Sắc-luật này và cho tới khi có lệnh mới.

Điều thứ 2.- Luật-lệ nào xét ra cần ngưng thi-hành sẽ được tuyên-bố tạm đình-chỉ áp-dụng.

Điều thứ 3.- Thủ-tướng Chánh-phủ lãnh trách-nhiệm ban-hành những biện-pháp thích-ứng để bảo-vệ an-ninh và lãnh-thổ Quốc-gia.

Sắc-luật này sẽ được công-bố theo thủ-tục khẩn-cấp.

Sài-gòn, ngày 7 tháng tám năm 1964

Trung-tướng NGUYỄN KHÁNH

APPENDIX "M"

Ordinance No. 01/UBLDQG of June 24, 1965

Proclaiming a State of War throughout the

Republic of Vietnam

ARTICLE 1: There is hereby proclaimed a State of War throughout the territory of Vietnam.

ARTICLE 2: During the State of War, the Central Executive Committee is delegated the power to take appropriate measures for safeguarding the territory of the country and the public security and order.

ARTICLE 3: This Ordinance is promulgated in accordance with emergency procedures.

Chairman of the National  
Leadership Committee

Major General NGUYEN VAN THIEU

Appendix M

VIỆT-NAM CỘNG-HÒA

ỦY-BAN LÃNH-ĐẠO

QUỐC-GIA.

Số: 01/UBLDQG

CHỦ-TỊCH

ỦY-BAN LÃNH-ĐẠO QUỐC-GIA

Chiều Đức-pháp ngày 19 tháng sáu năm 1965 tổ-chức cơ-cấu Quốc-gia;

Chiều đề-nghị của Hội-đồng An-ninh Quốc-gia,

D Ụ :

Điều thứ 1.- Ngay ban-hành tình-trạng chiến-tranh trên toàn lãnh-thổ Việt-nam Cộng-hòa.

Điều thứ 2.- Ủy-nhiệm Ủy-ban Hành-pháp Trung-ương, suốt trong thời kỳ tình-trạng chiến-tranh, áp-dụng các biện-pháp thích-ứng để bảo-vệ lãnh-thổ về trật-tự an-ninh công-cộng.

Điều thứ 3.- Dự này được ban-hành theo thủ-tục khẩn-cấp.

Sài-gòn, ngày 24 tháng sáu năm 1965

Trung-tướng NGUYỄN VĂN THIỆU  
Chủ-tịch Ủy-ban Lãnh-đạo Quốc-gia



APPENDIX "N"

SUPPLEMENTAL NOTES

Code D'Instruction Criminelle (Suite de la loi du 17 Novembre 1808)

ARTICLE 106. Tout dépositaire de la force publique, et même toute personne, sera tenu de saisir le prévenu surpris en flagrant délit, ou poursuivi, soit par la calmerie publique, soit dans les cas assimilés au flagrant délit, et de le conduire devant le procureur du Roi (le procureur de la République), sans qu'il soit besoin de mandat d'amener, si le crime ou délit emporte peine afflictive ou infamante.— Instr. 16, 30, 40, 41,; Pen. 7, 8, 475-120.

Loi du 20 Mai 1863

Sur l'instruction des flagrants délits devant les tribunaux correctionnels

(D. P. 63. 4. 109).

ARTICLE 107. Tout inculpé arrêté et état de flagrant délit pour un fait puni de peines correctionnelles est immédiatement conduit devant le procureur impérial (le procureur de la République) qui l'interroge, et, s'il y a lieu, le traduit sur-le-champ à l'audience du tribunal.

Dans ce cas, le procureur impérial (le procureur de la République) peut mettre l'inculpé sous mandat de dépôt.

ARTICLE 93. (L. 8 dec. 1897.) Dans le cas de mandat de comparution, il (le juge d'instruction) interrogera de suite; dans le cas de mandat d'amener, dans les vingt-quatre heures au plus tard de l'entrée de l'inculpé dans la maison de dépôt ou d'arrêt.

A l'expiration de ce délai, l'inculpé sera conduit, d'office et sans aucun nouveau délai, par les soins du gardien-chef, devant le procureur de la République, qui requerra du juge d'instruction l'interrogatoire immédiat. En cas de refus, d'absence ou d'empêchement dûment constaté du juge d'instruction, l'inculpé sera interrogé sans retard, sur les réquisitions du ministère public, par le président du tribunal ou par le juge qu'il désignera; à défaut de quoi le procureur de la République ordonnera la mise en liberté immédiate de l'inculpé.

Tout inculpé arrêté en vertu d'un mandat d'amener qui, en violation du paragraphe précédent, aura été maintenu pendant plus de vingt-quatre heures dans la maison de dépôt ou d'arrêt sans avoir été interrogé par le juge d'instruction ou conduit, comme il vient d'être dit, devant le procureur de la République, sera considéré comme arbitrairement détenu.