MEMORANDUM

July 16, 1971

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

Attached are the following documents:


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
Outline of Handbook

NATIONAL SECURITY LAWS AND PROCEDURES
Handling of Civilian Security Suspects

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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 therewith 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.N.H.

Saigon, Vietnam
December 1967

1. OFFENDERS 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 insur-
gency, 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 text, 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.18(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 terri-
tory. Art.1(5)Art.4(2)
d. Give or attempt to give classified
defense information to a foreign
nation or a communist organization. Art.2(1)Art.4(2)
e. Sabotage defense ordnance. Art.2(3)Art.4(2)
f. Undermine public or military
morals. Art.2(4)Art.4(2)
g. Obtain information on defense
facilities, by subterfuge or without
authorization. Art.3Art.4(2)
h. Carry on communications prejudicial
to national defense. Art.3(2)Art.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 rela-
tions with the personnel of a communist
organization or the citizens or agents
of an enemy nation in time of war. Art.7(4)

See law appended hereto for more specific information as to
punishment for the various offenses.
an. 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 sacred forces, plotting to act under guise of peace or neutrality in accordance with communist doctrine. Art. 17

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

7. Hoooliganism: Carrying illegal weapons without justified reason and with intent to commit other offenses; forging or using forged permits. 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 is 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

a. Acts in furtherance of Communitarian or pro-communistNeutralism

Law No. 004/65 of 17 May 1965

aa. Communist propaganda and political activity: substantially the same prohibited activities as in subparagraph "a" above.

(In general, activity described under "aa" and "a" may be charged under "a", which is a subsequent enactment providing heavier sentences during the State of War, declared 26 June 1965.)

Draft Evasion and Desertion

bb. Draft evaders and their accomplices are subject to sentence of confinement at hard labor.


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. 013/66 of 21 April 1966

These offenses are usually characterized as charged and indictment 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 C3S. 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
however, that the detainees 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 NVN 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 person who has given active support to military, political or economic activities of the Viet Cong, or the NVA, and who voluntarily decides 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

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.

3. 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., an flagrant delict) 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 delict 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 twenty-four 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 delict) 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.
IV. PROCEDURE 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 one or more 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. Non-Chan 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 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 Examing 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.


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 status of national emergency and of war. This has been limited usually to cases where the accused was apprehended in flagrant delit—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 delit. 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 CRP'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 administ'red is best."
### APPENDICES

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APPENDIX "A"

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 dated 20 October 1955;

Considering Decree 4-TTP dated 20 October 1955 and subsequent documents, prescribing the composition of the Government;

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

Considering the Code of Military Justice;

and after deliberation of the Cabinet:

ISSUE THE FOLLOWING ORDINANCE:

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

1. Conspire with a foreign nation or a communist organization with intent to induce that nation or organization 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, installations, depots, arsenals, plant, material, weapons, ships or aircraft to a foreign nation, a communist organization, 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 recommend 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 or an illegal unit to enter or live on Vietnamese territory, or help them communicate 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 communicate 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 manufacture 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 out fittings which can be used for national defense, or commit sabotage during or after the manufacture of the above material, 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, work site barracks, military camp, naval vessel, merchant ship, aircraft, military hospital, naval or other installation or organization 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 docu-
ments whose nature is such that only authorized persons
may have access to them and that they must not be exposed
in 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
crimes 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
declaw war on the Republic of Vietnam.
2. Take actions which are not authorized by the
Government and which may expose the Vietnamese people
to repression.
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 intermediaries, 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
crimes 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 docu-
ments 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 diplo-
matic 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 aides
and abetters:
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 per-
taining 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 or 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 facili-
tate 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 Law from article 35 to article 146 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

For the First Secretary at the Saigon, 21 August 1956
Signed: NGO DINH DIEM
His Assistant
Signed: TRAN VAN PHUC

Appendix B

Để 47 ngày 21 tháng tam năm 1956 trừng-phạt những tội
phạm chống nền an-ninh quốc-người.

TỔNG-CHỦNG VIỆT-NAM CỘNG-HÒA,
Chủ Hiến-uộc tạm-thới số 1 ngày 26 tháng muội
âm 1955,
Chủ sác-lĩnh số 4-TPP ngày 29 tháng muội năm
955 và các văn-kiện kề tiếp ân-dịnh thành-phủ Chỉnh-phủ,
Chủ bộ hành-lực tu-chính Nam-Việt, bộ hành-
uực Trương-Việt và Bác-Việt,
Chủ bộ quân-lực,
Hội-dòng ngũ-cắc đã tháo-lùn,

Dữ:

Đề thủy nhất. - Phámu tội gian-dịp và bù phệt
a-hình ngời-kẻi nào:

1) Thống-gòi với một người-bàng hay vị một tổ-
chức cộng-gán y phục-xu-hình người-bàng hay tổ-chức do
ý để hàn chống Việt-Nam Cộng-Hòa, hoặc giúp cho họ những
phương tiện bằng cách truy lục cho quan-dịi người-quốc halk
ông-sản xâm nhập vào lãnh-thổ Việt-Nam, hay bằng cách làm
lung-lục lồng trung-thành của hải, lục, công-quấn, hay bất
lục bàn bằng cách nào;

2) Giao-nâp cho người-bàng hay cho một tổ-chức
ông-sản hay cho những nhân-viên cứu họ hoặc quân-đoàn Việt
Nam, hoặc lánh-dị, thăng-trần, thanh-lụy, công-tính, don-
bình, cho dân, công-xương, vết-lưu, khi-giầu, tài-bè, mãi
hay thâu quây sô-hículos Việt-Nam;

3) Xỉu giao quan-hành thuộc hải, lục, công-quản
sang phụng-ngụ một người-bàng hay một tổ-chức cộng-àn, hoặc
kiên cách giúp phương-tình họ, hoặc chịu-bố bị hành-lịnh cho
bị.
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;

1. 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 death, 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, abettors 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 principal or accessories assist 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 10. 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 DIEN (Signature)
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:

Decree

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 Decree 801-a/CT/LDQG/BL dated June 19, 1965 prescribing the composition of the Central Executive Committee;

Considering Ordinance #1-ULJQGQ 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;

ISSUE THE FOLLOWING DECREE-LAW:

PART THREE

VIOLATIONS AGAINST NATIONAL OBLIGATION

ARTICLE 10: Are sentenced to military 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:

- Military 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 military 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 incite 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 military 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

ANTI-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: In 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: In sentenced to military confinement with hard labor for life any person who excites the abhorrence of the people by organizing meetings or demonstrations with the purpose to disturb the security of the state.

ARTICLE 17: In 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 significiation 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 have jurisdiction over the offences set out in this Decree-Law in accordance with procedures prescribed in Decree-Law No. 11/82 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 28: 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
PHÁN THÚS SÂU
THÁNH-QUYỀN - THỦ-ΤΥC


Sắc-lực này được công-bá theo thủ-tyc khẩn-cấp.

Sài-gòn, ngày 23 tháng 7 năm 1965

APPENDIX "F"

Decree Law #06/66 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/QLV/CH/QD 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-CT/LĐQG/BL dated 19 June 1965 and the subsequent Decrees determining the composition of the Cabinet;

To Edit #01-UHLDQG 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 Arrete of the Prime Minister issued upon the recommendation of the Minister of Interior.

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The above Arrete shall also order the disposal of any properties used in activities dangerous to national defense and public security. An intern 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 assemblies 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 THIEN

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Appendix F

SÁC-LUẬT số 004/66 ngày 15 tháng hai năm 1966 đề-túc SÁC-LUẬT số 4/65 ngày 19-7-1965 trung-tri các tội
đedm-co, chưa nghiêm phi-chấp, buôn lậu, tội-19,
hốt mỹ quân-thủ, bán-thủ công-quê, phi-nghiệp,
phá rối trật-â, côn-dố, thân Công và Trung-lập.

CHÚ-TỊCH
ÚT-BAN LÁNH-DẠO QUỐC-GIA

Chủ Cục-pháp ngày 19 tháng sau năm 1965;
Chủ quyết-dịnh số 3-QVNN/QD ngày 14 tháng sau
năm 1965 công igi hỗ-dổng các Tường-lực Quân-lực Việt-nam
Côp-hoa thành-lập và Quản-dính thành-phận Ý-ban Lánh-dạo
Quốc-gia;
Chủ Sắc-lệnh số 01-0/QLQGSL ngày 19 tháng
sau năm 1965 vj các Sắc-luật kề-tiếp Quản-dính thành-phận
Ý-ban Hàng-pháp Trung-uông;
Chủ Tư ngày 1-I/RQCOQ ngày 24 tháng sau năm 1965
ban hành tinh-trực Chủ-trương Trần toàn Lánh-thạo Việt-
Nam Côp-Hoa;
Chủ Sắc-luật số 04/65 ngày 19 tháng backstory năm 1965
Chủ đề-nghi của tông thủ-ky Ý-ban Lánh-dạo Quốc-
gia;
Chủ đề-nghi của Chủ-tịch Ý-ban Hàng-pháp Trung-
uông;
Sau khi Ý-ban Lánh-dạo Quốc-gia đã Thảo-luận và
biệu-quyet;

SÁC-LUẬT:

Điều thứ 2.- Huy用水 đối Sácluật số 4/65 ngày 19
thàng backstory năm 1965 như sau:

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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 misdemeanor 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 Neutrality.

ARTICLE 2. Shall be considered as a Pro-Communist Neutrality person who commits acts of propaganda for and incitement of Neutrality; 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 Codex of Criminal Laws, and other special laws; nevertheless, the sentence pronounced must not be below the minimum sentence.

* * * * * * * *

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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: Saigon, February 1, 1984
Director of Cabinet
Signed: Major General

Signed: Lt Col DO KIM NHIEU
NGUYEN-KHANG
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 authorizing 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

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Appendix H

VIET-NAM CONG-HOA

LUAT so 004/65 ngay 17 thang nam nam 1965 bo-tuc Sach-luat so 093-SL/CT ngay 1 thang hai nam 1964 dat ngoai trong phap-luat Chu-nghia Cong-san va Thuyet Trung-lap than Cong-san.

HOI-DONG QUOC-GIA LAP-PHAP

da thao-luon va biu-quyet,

QUOC-TRUONG VIET-NAM CONG-HOA

Ban-hanh Luat so 004/65 ngay 17 thang nam nam 1965 Nguyen-van nhu sau:

Phieu thuy phat,- Duoc coi nhu nhung hanh-vi dy lieu va trung-phat do Sach-luat so 093-SL/CT ngay 1 thang 2 nam 1964:

a). M1p hanh-dong truc-tiep hay gian-tiep pham phu-bien cac Chanh-sach, khau-hieu, chil-thi cu Cong-san, cua moi ca-nhan hay to-chuc bi Cong-san chi-phai lay hung-huong;

b). M1p van-dong, c9 tac-dung lam suy yeu y-chi chong Cong cuc Que-cong va anh-huong hoa hai cho cuoc chien dau cuu quan-doi va hanh-dan. Nhung am-su va hanh-dong nuoc-dan hoa-binh va Trung-lap theo chu trung Cong-san hoac nhung am-su va hanh-dong tung-tung do dau bi liet vao loi van-dong tren;


Phieu thuy hoi.- Duc cac to-chuc, hiem-bop, co-quan hay doan-tho vi-pham do lai duong nen bi gian-tan va tai-san bi tich thu.

Thu-tuong so ra sach-linh an-dinh the-thuc.
APPENDIX I

REPUBLIC OF VIETNAM
NATIONAL DIRECTORY COUNCIL
THE CHAIRMAN'S OFFICE

Decree-Law No. 01/68 of 21 April 1968 prescribing punitive measures for deserters and accessories in war-time.

THE CHAIRMAN OF THE NATIONAL DIRECTORY COUNCIL

5. Considering Ordinance No. 01-UBLQG 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

DECLAR-LAW

ARTICLE 1. As long as the State of warlaste as proclaimed over the territory of the Republic of Vietnam and from the date of proclamation of the present Decree-Law, all military personnel guilty of desertions, all abetters and accessories 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.
ARTICLE 7. When serving their sentence, convicted deserters MUST not be kept in jail but shall be sent directly to the field to serve in special Field Labor Battalions.

ARTICLE 8. 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 or compensation allowance.

ARTICLE 9. 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 10. 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 11. Any person who by whatever means, whether effective or not, incites or promotes desertion shall be sentenced to the same sentence as adjudged to the deserter; if he is military, 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 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 VAN THIU
b). Tất cả người nào có tình giúp phương tiện, chém chập hoặc chế tạo đạn pháo tự hoặc tự tạo đạn, đều là quân nhân cấp bỉ cùng hình phạt và cách tự hình dầm cho quân nhân cấp bỉ, nếu là thường dân sẽ bị xử phạt 5 năm cấm cò.

c). Đối với các xích-nghiệp thương mại, kỹ-nghiệp, và các người hành nghề tự do, Toà án có thể tuyên đồng của xích-nghiệp hay cảm hành nghề trong một thời gian hữu hạn hay hình viễn.


Piêu thứ 9. - Một khi tổ chức được xác nhận, Toà không được phép cho bị-can được huống trưởng hợp giải khinh, ngoài trừ trưởng hợp quân nhân cấp bỉ tự ý ra trình diện.

Piêu thứ 10. - Nhưng điều khoản trên với Sắc-lưu này đều được tạm đình chỉ áp dụng.

Piêu thứ 11. - Một khi tình trạng cho phép và đã tài lấp sự bình thường của luật-pháp, một Sắc-lưu khác ảnh-thể tuyên-bổ này bỏ Sắc-lưu này sẽ được công bố.


Sắc-lưu này được đăng vào Cống-báo Viêt-nam Cộng-hòa.

Sài-gòn, ngày 21 tháng tư năm 1966
Trung-tướng NGUYỄN VĂN THỊNH

APPENDIX 3

Decree No. 1763 MD/AM 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.

* * * * * * *

The Prime Minister,

- Considering Constitutional Act dated 19 June 1965,
- Considering Decree No 001/CT/LGD/SL of 19 June 1965 and subsequent documents prescribing the composition of the Office of the Prime Minister,
- Considering Decree Law No 006/65 of 19 July 1965, amended by Decree Law No 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 No 004/66 dated 18 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


CHỦ-TỊNH Ủ-ĐÀN HÀNH-PHÁP TRUNG-ÂNG,

Chiều Quốc-pháp ngày 19 tháng sau năm 1965;

Chiều Sắc-l.flatMap số 001-a/CT/LĐQP/SL ngày 19 tháng sau năm 1965 và các văn-kíp kiện tiếp An-dịnh thành-phàn Ý-ban Hành-pháp Trung-Âng;


Nghĩa Định :


Nghĩa Định này được đăng vào Công-báo Việt-nam Công-hòa.

Sài-gòn, ngày 24 tháng chúa năm 1966

Thủ-tướng NGUYỄN CĂO KÝ

APPENDIX "E"

DECREED 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/GVQH/QĐ dated 14 June 1966; amended by Decision #7/GVQH/QĐ dated 6 June 1968, of the NRFAP General Council prescribing the establishment and the composition of the National Directory;

Considering Decree #001-a/CT/LĐQP/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 #11/82 dated 31 May 1982 and subsequent documents prescribing the establishment of Military Field Courts;

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

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.

ADRESSES

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

SAIGON, 30 October 1967

Signed: LT. GENERAL NGUYEN VAN THIEN

OFFICIAL COPY

Director of the Cabinet
Signed: Colonel PHAN TDU NGUYEN

CERTIFIED TRUE COPY

Chief of Press Service & Official Gazette, Office of the Prime Minister
Signed: NGUYEN QUANG MINH
APPENDIX "L"

REPUBLIC OF VIETNAM
#215-8L/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 communist 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 Vietnam.

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

Saigon, 7 August 1964

Lieutenant General NGUYEN KHANH
Signed

Appendix L

VIET-NAM CỘNG-HÒA

Số: 215-8L/CT

CHỦ-TỊCH

HỘI-DƯNG QUẢN-DỊCH-CÁCH-MẠNG

Chiều các Hiến-doc tem thế số 1 ngày 4 tháng 11 năm 1963 và số 2 ngày 7 tháng 2 năm 1964;

Chiều quyết-dịnh ngày 30 tháng giêng năm 1964 của Hội-dương Quản-dị Cach-mang chỉ-dịnh Trung-tụng NGUYEN-KHANH giữ chức-vụ Chủ-tịch Hội-dương Quản-dị Cach-mạng;

Xét hiện tình khăn-trường quốc-phố và để bảo-vệ toàn vẹn Lành-thọ Việt-nam Cống-hoa trước hịch-họa xâm-lăng cộng-khai của Đế-quốc Cống-san,

SÁC-LƯỢT:

Biểu thư 1.- Hãy tuân-bô tình-trạng khăn-trường trên toàn lãnh-thọ Việt-nam Cống-hoa, để từ ngay công-bố Sắc-lựt này và cho tới khi có lãnh mới.

Biểu thư 2.- Luật-lệ ngố xét ra căn ninguna thỉ-hành sẽ được tuyên-bô tăng dinh-chỉ áp-duy.


Sắc-lựt này sẽ được công-bố theo thủ-tức khăn-cấp.

Sài-gòn, ngày 7 tháng tam năm 1964

Trung-tụng NGUYEN KHANH

Signed
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
ỨT-BAN LÃNH-ĐẢO QUỐC-GIA.
Số: 01/UBLDQG

CHỦ-TỊCH
ỨT-BAN LÃNH-ĐẢO QUỐC-GIA

Chỉ đạo pháp ngày 19 tháng Sáu năm 1965 thể chất cơ cấu Quốc-gia;
Chỉ đạo đề nghị của Hội đồng An-ninh Quốc-gia,

D Y:

Biểu thư 1.- Hãy ban-bành tính-trưng chiến-tranh trên toàn lãnh-thổ Việt-nam Cộng-hòa.

Biểu thư 2.- Úy-nhệm Úy-ban

Biểu thư 3.- Úy này được ban-bành theo thủ-túc khẩn-cấp.

Sài-gòn, ngày 24 tháng Sáu năm 1965
Trung-tướng NGUYỄN VĂN THIEU
Chủ-tịch Úy-ban Lãnh-dạo Quốc-gia
APPENDIX "N"

Code d'Instruction Criminel (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 prevenu surpris en flagrant délit, ou poursuivi, soit par la calmeur 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'amenée, si le crime ou délit sape portée peine afférente ou inframante.—
Instr.16, 30,40,41, ; Pen. 7,6,475-120.

Loi du 20 Mai 1863

Sur l'instruction des flagrants délit en devant les tribunaux correctionnels

(D. P. 62. 4. 109).

ARTICLE 107. Tout inculpé arrêté et établi 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'amenée, dans les vingt-quatre heures au plus tard de l'entrée de l'inculpé dans la maison de dépôt ou d'arrêt.

À 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'amenée 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.