

CIVIL PROCEDURE CODE

(No. 24/2004/QH11 of June 15, 2004)

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of December 25, 2001 of the Xth National Assembly, the 10th session.

This Law provides for the order and procedures for settling civil cases and matters and enforcing civil judgments.

Part One

GENERAL PROVISIONS

Chapter 1

TASK AND EFFECT OF THE CIVIL PROCEDURE CODE

Article 1. Regulation scope and task of the Civil Procedure Code

The Civil Procedure Code provides for the basic principles in civil proceedings; the order and procedures for initiating lawsuits at courts to settle cases of civil, marriage and family, business, trade and labor disputes (hereinafter referred collectively to as civil cases) and the order and procedures to request courts to settle matters regarding civil, marriage and family, business, trade or labor requirements (hereinafter referred collectively to as civil matters); the order and procedures for settlement of civil cases, civil matters (hereinafter referred collectively to as civil cases and matters) at courts; the civil judgment enforcement; the tasks, powers and responsibilities of the procedure-conducting agencies, the procedure-conducting persons; the rights and obligations of persons participating in civil proceedings and of relevant individuals, State agencies, people's armed force units, economic organizations, political organizations, socio-political organizations, professional-socio-political organizations, social organizations, socio-professional organizations (hereinafter referred collectively to as agencies, organizations) in order to ensure the speedy, accurate, judicious and lawful settlement of civil cases and matters.

The Civil Procedure Code contributes to the protection of the socialist regime, enhances the socialist legislation, protects the interests of the State, and legitimate rights and interests of individuals, agencies and/or organizations; educates people to seriously abide by law.

Article 2. Effect of the Civil Procedure Code

1. The Civil Procedure Code shall apply to all civil proceedings throughout the territory of the Socialist Republic of Vietnam.
2. The Civil Procedure Code shall apply to all civil proceedings conducted by consular offices of Vietnam in foreign countries.
3. The Civil Procedure Code shall apply to the settlement of civil cases and matters involving foreign element(s); where international treaties which Vietnam has signed or acceded to provide otherwise, the provisions of such international treaties shall apply.
4. For foreign individuals, agencies and organizations that enjoy diplomatic privileges and immunities or consular privileges and immunities under Vietnamese laws, international treaties which the Socialist Republic of Vietnam has signed or acceded to, the civil cases or matters related to such individuals, agencies and/or organizations shall be settled through the diplomatic channel.

Chapter II

BASIC PRINCIPLES

Article 3. Assurance of the socialist legislation in civil procedures

All civil procedural activities of procedure-conducting persons, civil procedure-participants, of relevant individuals, agencies and organizations must comply with the provisions of this Code.

Article 4. Right to request courts to protect legitimate rights and interests

Individuals, agencies and organizations defined by this Code shall have the right to institute civil cases, request the resolution of civil matters at competent courts in order to protect the legitimate rights and interests of their own or of others.

Article 5. Involved parties' right to decision-making and self-determination

1. The involved parties shall have the right to decide whether to initiate civil lawsuits, request competent courts to settle civil cases or matters. The courts shall only accept for settlement civil cases and/or matters when they receive lawsuit petitions and/or

written requests from the involved parties and shall settle the cases and/or matters only within the scope of such lawsuit petitions or written requests.

2. In the course of settling civil cases and/or matters, the involved parties shall have the right to terminate or change their requests or voluntarily reach agreement with one another, which is not contrary to law and social ethics.

Article 6. Supply of evidences and proofs in civil procedures

1. The involved parties shall have the right and obligation to supply evidences to courts and prove that their requests are well grounded and lawful.

Individuals, agencies or organizations that initiate lawsuits or file their requests to protect the legitimate rights and interests of other persons shall have the right and obligation to supply evidences and to prove like the involved parties.

2. The courts shall only verify or gather evidences in the cases prescribed by this Code.

Article 7. Responsibility of competent individuals, agencies and organizations to supply evidences

Individuals, agencies and organizations shall, within the scope of their tasks and powers, be obliged to provide the involved parties and courts with case evidences currently being under their possession or management at the requests of the involved parties and/or courts; in cases where they cannot do so, they must notify such to the involved parties and/or courts in writing and clearly state the reasons therefore.

Article 8. Equality in rights and obligations in civil procedures

All citizens are equal before law and courts regardless of their nationalities, sexes, social status, beliefs, religions, educational levels and occupations. All agencies and organizations are equal regardless of their forms of organization, ownership and other matters.

The involved parties are equal in rights and obligations in civil procedures; the courts have the responsibility to create conditions for them to exercise their rights and perform their obligations.

Article 9. Ensuring the involved parties' right to defense

The involved parties shall have the right to defend by themselves or ask lawyers or other persons who satisfy the conditions prescribed by this Code to defend their legitimate rights and interests.

The courts have the responsibility to provide assurance for the involved parties to exercise their right to defense.

Article 10. Conciliation in civil procedures

The courts have the responsibility to conduct conciliation and create favorable conditions for the involved parties to reach agreement with one another on the resolution of civil cases or matters under the provisions of this Code.

Article 11. Participation of people's jurors in adjudication of civil cases

The adjudication of civil cases shall be participated by people's jurors as provided for by this Code. Upon trials people's jurors are equal in powers to judges.

Article 12. Judges and people's jurors are independent in trial and only comply with law

Upon trial of civil cases, judges and people's jurors shall be independent and only comply with law.

All acts of hindering judges and people's jurors from performing their tasks are strictly prohibited.

Article 13. Responsibilities of civil procedure-conducting agencies, and persons

1. Civil procedure-conducting agencies and persons must respect the people and submit to the people's supervision.
2. Civil procedure-conducting agencies and persons shall be held responsible before law for the performance of their tasks and powers. Where the civil procedure-conducting persons commit law violation acts, they shall, depending on the nature and seriousness of their violations, be disciplined or examined for penal liability according to law provisions.
3. Civil procedure-conducting agencies and persons must keep State secrets, work secrets as prescribed by law; preserve the nation's fine customs and practices, keep professional secrets, business secrets, personal secrets of the involved parties at their legitimate requests.

4. If civil procedure-conducting persons commit illegal acts, causing damage to individuals, agencies and/or organizations, the courts must pay damages to the victims and the civil procedure-conducting persons shall have to reimburse the courts according to law provisions.

Article 14. Collective trial by courts

A court shall conduct the collective trial of civil cases and make decisions by majority.

Article 15. Public trials

1. The court trial of civil cases shall be carried out publicly, anyone can attend the trials, except for cases prescribed by this Code.

2. In special cases where it is necessary to keep the State secrets or preserve the nation's fine customs and practices, keep the professional secrets, business secrets or personal secrets of individuals at legitimate requests of the involved parties, the courts shall conduct trials behind closed doors but must publicly pronounce the judgments.

Article 16. Ensuring impartiality of persons that conduct or participate in civil procedures

Chief judges, judges, people's jurors, court clerks, procuracy chairmen, prosecutors, interpreters and/or expert-witnesses must not conduct or participate in civil procedures if there are good reasons to believe that they may not be impartial in performing their tasks and exercising their powers.

Article 17. Following the two-level adjudication regime

1. The courts shall follow the regime of two-level adjudication

The courts' first-instance judgments or decisions can be appealed or protested against under the provisions of this Code.

First-instance judgments or decisions which are not appealed or protested against according to appellate procedures within the time limit provided for by this Code shall become legally effective. Where first-instance judgments or decisions are appealed or protested against, the cases must undergo appellate trials. The appellate judgments or decisions shall be legally effective.

2. The courts' first-instance judgments or decisions which have already taken legal effect but have been detected with law violations or new details shall be reviewed according to the cassation or reopening procedures under the provisions of this Code.

Article 18. Supervision of trials

Superior courts supervise the adjudication by subordinate courts, the Supreme People's Court supervises the adjudication by courts of all levels in order to ensure a strict and uniform application of law.

Article 19. Assurance of the effect of courts' judgments, decisions

Legally effective judgments, decisions of courts must be enforced and observed by all citizens, agencies and organizations. Individuals, agencies and organizations that have the obligation to execute the courts' judgments, decisions must strictly execute them.

Within the scope of their respective tasks and powers, the People's Courts and agencies or organizations, which are assigned the tasks to enforce courts' judgments or decisions must strictly enforce them and bear responsibility before law for the performance of such tasks.

Article 20. Spoken and written language used in civil procedures

Spoken and written language to be used in civil procedures is the Vietnamese.

Participants in civil procedures may use the voices and scripts of their ethnic groups and in this case interpreters are required.

Article 21. Supervising the law observance in civil procedures

1. The People's Procuracies shall supervise the law observance in civil procedures and exercise the rights to request, petition or protest according to law provisions in order to ensure lawful and timely resolution of civil cases and matters.

2. The People's Procuracies shall participate in court sessions for cases with evidences collected by courts but complained about by the involved parties, for civil matters falling under the courts' jurisdiction and for civil cases and matters with courts' judgments or decisions protested against by the People's Procuracies.

Article 22. Courts' responsibility to transfer documents and papers

1. The courts shall have the responsibility to transfer directly or via postal service their judgments, decisions, summons, invitations and other relevant documents to the participants in the civil procedures according to the provisions of this Code.

2. Where the courts cannot do so, the People's Committees of communes, wards or district townships (hereinafter called collectively commune-level People's Committees) where such persons reside or the agencies or organizations where they work shall have the responsibility to transfer the judgments, decisions, summons, invitations and other relevant papers of courts to such persons when so requested by courts and must notify the courts of the results thereof.

Article 23. Participation of individuals, agencies, organizations in civil procedures

Individuals, agencies and organizations shall have the right and obligation to participate in civil procedures according to the provisions of this Code, and contribute to the lawful and timely resolution of the civil cases and matters at courts.

Article 24. Assurance of the right to complaints and denunciations in civil procedures

Individuals, agencies and organizations shall have the right to complain about, individuals shall have the right to denounce, illegal acts of persons conducting the civil procedures or of any individuals, agencies or organizations in civil proceedings.

Competent agencies, organizations or individuals must accept, consider and settle promptly and lawfully complaints and denunciations; notify in writing the settlement results to the complainants and denouncers.

Chapter III

COURT'S JURISDICTION

Section 1. CIVIL CASES AND MATTERS FALLING UNDER THE COURTS' JURISDICTION

Article 25. Civil disputes falling under the courts' jurisdiction

1. Disputes over the Vietnamese nationality among individuals;
2. Disputes over property ownership;

3. Disputes over civil contracts;
4. Disputes over intellectual property rights, technology transfers, except for the cases prescribed in Clause 2, Article 29 of this Code;
5. Disputes over property inheritance;
6. Disputes over compensation for non-contractual damage;
7. Disputes over the land use right and properties affixed to land under the land legislation;
8. Disputes relating to the professional press operation under law provisions;
9. Other civil disputes as stipulated by law.

Article 26. Civil requests falling under the courts' jurisdiction

1. The request to declare a person losing his/her civil act capacity or having his/her civil act capacity restricted; or to revoke a decision declaring a person losing his/her civil act capacity or having restricted civil act capacity;
2. The request to announce the search of persons who are absent from their residential places and the management of their properties;
3. The request to declare a person missing; or to revoke a decision to declare a person missing;
4. The request to declare a person deceased; or to revoke a decision to declare a person deceased;
5. The request to recognize and enforce in Vietnam civil judgments or decisions or decisions on properties in criminal or administrative judgments or decisions of foreign courts or not to recognize civil judgments or decisions or decisions on properties in criminal or administrative judgments or decisions of foreign courts, which are not required to be enforced in Vietnam;
6. Other civil requests as stipulated by law.

Article 27. Marriage and family-related disputes falling under the courts' jurisdiction

1. Divorces, disputes over child rearing or property division upon divorces.

2. Disputes over division of spousal common property during their marriage.
3. Disputes over change of post-divorce child custodian.
4. Disputes over determination of fathers or mothers for children; or determination of children for fathers or mothers.
5. Disputes over alimonies.
6. Other marriage-and family-related disputes stipulated by law.

Article 28. Marriage-and family-related requests falling under the courts' jurisdiction

1. The requests to revoke illegal marriages;
2. The requests to recognize voluntary divorces, child custody or property division upon divorces;
3. The request to recognize an agreement on change of post-divorce child custodian;
4. The request to restrict rights of a father or mother towards a minor child or his/her right to see the child after divorce;
5. The request to terminate the adoption of children;
6. The request to recognize and enforce in Vietnam foreign courts' judgments or decisions on marriage and family; or not to recognize foreign courts' judgments or decisions on marriage and family which are not required to be enforced in Vietnam;
7. Other marriage-and family-related requests stipulated by law.

Article 29. Business, trade disputes falling under the courts' jurisdiction

1. Disputes arising from business or trade activities among individuals and/or organizations with business registration, which are all for the purpose of profits, including:
 - a) Purchase and sale of goods;
 - b) Provision of services;
 - c) Distribution;

- d) Commercial representation and/or agency;
- e) Consignment;
- f) Renting, leasing, hire-purchase;
- g) Construction;
- h) Consulting, engineering;
- i) Cargo or passenger transportation by rail, road, or inland waterway;
- j) Cargo or passenger transportation by air or sea;
- k) Purchase and sale of shares, bonds and other valuable papers;
- l) Investment, financing, banking;
- m) Insurance;
- n) Exploration and exploitation.

2. Disputes over intellectual property rights or technology transfers among individuals or organizations, which are all for the purposes of profits.

3. Disputes between a company and its members or among members of a company regarding the establishment, operation, dissolution, merger, consolidation, division, separation, organizational transformation of the company.

4. Other business, trade disputes prescribed by law.

Article 30. Business or trade requests falling under the courts' jurisdiction

1. The requests related to the resolution of disputes by Vietnamese commercial arbitrators under law provisions on commercial arbitration;

2. The requests to recognize and enforce in Vietnam foreign courts' judgments or decisions on business or commercial matters, or not to recognize foreign courts' judgments or decisions on business or commercial matters, which are not required to be enforced in Vietnam;

3. The requests to recognize and enforce in Vietnam foreign arbitrators' awards on business or commercial matters;

4. Other business or commercial requests prescribed by law.

Article 31. Labor disputes falling under the courts' jurisdiction

1. Individual labor disputes between employees and employers, which cannot be conciliated by grassroots labor conciliation boards or labor conciliators of labor State management agencies of urban districts, rural districts, provincial capitals, provincial towns or which have not been settled within the time limit prescribed by law, except for the following disputes which must not necessarily be conciliated at the grassroots level:

a) Disputes over labor discipline in the form of dismissal or over cases of unilateral termination of labor contracts;

b) Disputes over damage compensation between employees and employers; over financial support upon termination of labor contracts;

c) Disputes between household servants and their employers;

d) Disputes over social insurance under the provisions of labor legislation;

e) Disputes over damage compensation between laborers and labor exporters.

2. The collective labor disputes between labor collectives and employers, which have been resolved by labor arbitration boards of provinces or centrally-run cities but the labor collectives or employers disagree with the decisions of the labor arbitration boards, including:

a) Disputes over rights and/or interests related to job, wages, income and other working conditions;

b) Disputes over the performance of collective labor accords;

c) Disputes over the rights to set up, join, or operation of, trade union.

3. Other labor disputes prescribed by law.

Article 32. Labor requests falling under the courts' jurisdiction

1. The request to recognize and enforce in Vietnam foreign courts' labor judgments or decisions, or not to recognize foreign courts' labor judgments or decisions which are not required to be enforced in Vietnam;

2. The request to recognize and enforce in Vietnam labor awards of foreign arbitrators;
3. Other labor requests prescribed by law.

Section 2.

JURISDICTION OF COURTS OF DIFFERENT LEVELS

Article 33. Jurisdiction of the people's courts of rural districts, urban districts, provincial capitals, provincial towns

1. The people's courts of rural districts, urban districts, provincial capitals, provincial towns (hereinafter referred collectively to as district-level people's courts) shall have the jurisdiction to settle according to first-instance procedures the following disputes:

- a) Civil disputes over marriage and family, prescribed in Articles 25 and 27 of this Code;
- b) Business, trade disputes prescribed at Points a, b, c, d, e, f, g, h and i of Clause 1, Article 29 of this Code;
- c) Labor disputes prescribed in Clause 1, Article 31 of this Code.

2. The district-level people's courts shall have the jurisdiction to resolve the following requests:

- a) Civil requests prescribed in Clauses 1, 2, 3 and 4 of Article 26 of this Code;
- b) Marriage and family-related requests prescribed in Clauses 1, 2, 3, 4 and 5 of Article 28 of this Code.

3. Disputes and requests prescribed in Clauses 1 and 2 of this Article, which involve parties or properties in foreign countries or which must be judicially entrusted to Vietnamese consulates overseas or to foreign courts, shall not fall under the jurisdiction of the district level people's courts.

Article 34. Jurisdiction of the people's courts of provinces or centrally-run cities

1. The people's courts of provinces or centrally-run cities (hereinafter referred collectively to as the provincial-level people's courts) shall have the jurisdiction to settle according to first-instance procedures the following cases and matters:

a) Civil, marriage- and family-related, business, trade or labor disputes prescribed in Articles 25, 27, 29 and 31 of this Code, except for disputes falling under the jurisdiction of the district-level people's courts as provided for in Clause 1, Article 33 of this Code;

b) Civil, marriage-and family-related, business, trade or labor requests prescribed in Articles 26, 28, 30 and 32 of this Code, except for requests falling under the jurisdiction of the district-level people's courts as prescribed in Clause 2, Article 33 of this Code;

c) Disputes and requests prescribed in Clause 3, Article 33 of this Code.

2. The provincial-level people's courts shall have the jurisdiction to resolve according to first-instance procedures civil cases and matters falling under the jurisdiction of the district-level people's courts as provided for in Article 33 of this Code, which are taken up by provincial-level people's courts for settlement.

Article 35. Territorial jurisdiction of courts

1. Territorial jurisdiction of courts to settle civil cases shall be determined as follows:

a) The courts of the localities where the defendants reside or work, if the defendants are individuals, or where the defendants are headquartered, if the defendants are agencies or organizations, shall have the jurisdiction to settle according to first-instance procedures civil, marriage- and family-related, business, trade or labor disputes prescribed in Articles 25, 27, 29 and 31 of this Code;

b) The involved parties shall have the right to agree with each other in writing to request the courts of the localities where the plaintiffs reside or work, if the plaintiffs are individuals, or where the plaintiffs are headquartered, if they are agencies or organizations, to settle civil, marriage and family-related, business, trade or labor disputes prescribed in Articles 25, 27, 29 and 31 of this Code;

c) The courts of the areas where exists immoveables shall have the jurisdiction to settle disputes over such immoveables.

2. Territorial jurisdiction of courts to settle civil matters shall be determined as follows:

a) The requested courts of the areas where persons are to be declared losing their civil act capacity or having restricted civil act capacity reside or work shall have the jurisdiction to resolve such requests;

b) The requested courts of the areas where persons absent from their residential place are to be announced for search or to be declared missing or dead reside for the last time, shall have the jurisdiction to settle requests for announcement of the search for persons absent from their residential places and management of such persons' properties or requests for declaring a person missing or dead;

c) The courts which have issued decisions to declare persons missing or dead shall have the jurisdiction to resolve requests to revoke their decisions;

d) The courts of the areas where the persons who are obliged to execute foreign courts civil, marriage and family, business, trade, or labor judgments or decisions reside or work, if judgment debtors are individuals or where the judgment debtors are headquartered, if they are agencies or organizations, or where exists the property relating to the enforcement of such judgments or decisions of foreign courts, shall have the jurisdiction to resolve requests to recognize and enforce foreign courts' civil, marriage and family, business, trade or labor judgments or decisions in Vietnam;

e) The courts of the areas where the request senders reside or work, if they are individuals, or where the request senders are headquartered, if they are agencies or organizations, shall have the jurisdiction to settle requests not to recognize foreign courts' civil, marriage and family, business, trade or labor judgments or decisions, which are not required to be enforced in Vietnam;

f) The courts of the areas where the persons who are obliged to execute awards of foreign arbitrators reside or work, if the judgment debtors are individuals or where the judgment debtors are headquartered, if they are agencies or organizations or where exists the property relating to the enforcement of foreign arbitrators' awards, shall have the jurisdiction to resolve requests to recognize and enforce in Vietnam awards of foreign arbitrators;

g) The courts of the areas where illegal marriages are registered shall have the jurisdiction to resolve requests to revoke such illegal marriages;

h) The court of the area where one of the parties to a voluntary divorce, child custody or property division resides or works shall have the jurisdiction to resolve the request to recognize the voluntary divorce, child custody, property division upon divorce;

i) The court of the area where one of the parties that requests the court to recognize their agreement on change of post-divorce child custodian resides or works shall have the jurisdiction to resolve that request;

j) The court of the area where one parent of a minor child resides or works shall have the jurisdiction to resolve a request to restrict rights of the father or mother towards the minor child or his/her right to see the child after the divorce;

k) The court of the area where an adoptive parent or adopted child resides or works shall have the jurisdiction to resolve a request to terminate the child adoption;

l) The courts' territorial jurisdiction to resolve requests relating to the settlement of disputes by the Vietnamese commercial arbitrators shall comply with law provisions on commercial arbitration.

Article 36. Jurisdiction of courts selected by plaintiffs or requesters

1. The plaintiffs shall have the right to select courts for resolution of civil, marriage and family-related, business, trade or labor disputes in the following cases:

a) If the plaintiffs do not know where the defendants reside or work or where their head-offices are located, they may ask the courts of the areas where the defendants last reside or work or where the head-offices of the defendants are last located or where the defendants' properties are located to settle cases;

b) If disputes arise from the operations of a branch of an organization, the plaintiff may ask the court of the area where the organization's head-office is located or where its branch is located to settle them;

c) If defendants do not have residence places, work places or head-offices in Vietnam or the cases related to disputes over alimonies, the plaintiffs may ask the courts of the areas where they reside or work to settle the cases;

d) If disputes are over compensation for non-contractual damage, the plaintiffs may ask the courts of the areas where they reside, work or are headquartered or where the damage is caused to settle them;

e) If disputes are over compensation for damage or allowance upon termination of labor contracts, over social insurance, the rights and/or interests in relation to job, wages, income and other working conditions, for the laborers, the plaintiffs being laborers may ask the courts of the areas where they reside or work to settle them;

f) If disputes arise from the employment of labor by sub-contractors or mediators, the plaintiffs may ask the courts of the areas where their actual employers reside, work or are headquartered or where the sub-contractors or the mediators reside or work to settle them;

g) If disputes arise from contractual relations, the plaintiffs may ask the courts of the areas where the contracts are performed to settle them;

h) If the defendants reside, work or are headquartered in different places, the plaintiffs may ask the court of the area where one of the defendants resides or works or is headquartered to settle them;

i) If disputes are over immoveables which exist in different localities, the plaintiffs may request the court of the area where one of such immoveables exist to settle them.

2. The requesters may select courts to settle their marriage and family-related requests in the following cases:

a) For civil requests prescribed in Clauses 1, 2, 3 and 4 of Article 26 of this Code, the requesters may ask the courts of the areas where they reside, work or are headquartered to resolve them;

b) For requests to revoke illegal marriages as provided in Clause 1, Article 28 of this Code, the requesters may ask the courts of the areas where the illegal marriages are registered to resolve them;

c) For requests to restrict rights of fathers or mothers towards their minor children or their right to visit the children after the divorces, the requesters may ask the courts of the areas where the children reside to resolve them.

Article 37. Transferring civil cases or matters to other courts; settlement of disputes over jurisdiction

1. If a court has accepted a civil case or matter which does not fall within its jurisdiction, it shall issue a decision to transfer the civil case or matter dossier to a competent court and cross out the case or matter in its acceptance book. Such decision must be immediately sent to all involved parties, concerned individuals, agencies and/or organizations.

The involved parties, concerned individuals, agencies and/or organizations shall have the right to complain about such decision within three working days as from the date of receipt of the decision. Within three working days from the date of receipt of a complaint, the chief judge of the court that issued the decision to transfer the civil case or matter must resolve the complaint.

2. Any dispute over the jurisdiction between district-level people's courts within a province shall be settled by the chief judge of the provincial people's court.

3. Any dispute over the jurisdiction between district-level people's courts of different provinces or centrally-run cities or between provincial people's courts shall be settled by the chief judge of the Supreme People's Court.

Article 38. Merging or separating cases

1. A court may merge two or more cases which it has separately accepted into a single case for resolution if merger and resolution in the same case ensure the law compliance.

2. A court may separate a case with different claims into two or more cases if the separation and resolution of the separated cases strictly comply with law.

3. Upon case merger or separation prescribed in Clauses 1 and 2 of this Article, the courts which have accepted the cases must issue decisions and send them immediately to the involved parties and the procuracies of the same level.

Chapter IV

**CIVIL PROCEDURE-CONDUCTING AGENCIES, CIVIL PROCEDURE -
CONDUCTING PERSONS AND REPLACEMENT OF CIVIL PROCEDURE -
CONDUCTING PERSONS**

Article 39. Civil procedure-conducting agencies, civil procedure-conducting persons

1. The civil procedure-conducting agencies include:

- a) The people's courts;
- b) The people's procuracies.

2. The civil procedure-conducting persons include:

- a) The chief judges, judges, people's jurors and court clerks;
- b) Chairmen of procuracies, procurators.

Article 40. Tasks and powers of the courts' chief judges

1. The court's chief judge shall have the following tasks and powers:

- a) To organize the resolution of civil cases and matters falling under the court's jurisdiction;
- b) To decide on the assignment of judges to resolve civil cases or matters, people's jurors to participate in trial panels to hear civil cases; and to decide on the assignment of court clerks to conduct procedures for civil cases and/or matters;
- c) To decide on the replacement of judges, people's jurors, and/or court clerks before the opening of court sessions;
- d) To decide on the replacement of expert-witnesses and/or interpreters before the opening of court sessions;
- e) To issue decisions and conduct civil proceedings under the provisions of this Code;
- f) To settle complaints and/or denunciations under the provisions of this Code;
- g) To protest according to the cessation or reopening procedures against legally-effective court judgments or decisions according to the provisions of this Code.

2. When the chief judge is absent, a deputy-chief judge shall be authorized by the chief judge to perform the chief judge's tasks and powers prescribed in Clause 1 of this Article. The deputy-chief judge shall be answerable to the chief judge for the assigned tasks.

Article 41. Tasks and powers of judges

- 1. To compile case files.
- 2. To decide to apply, change or cancel the provisional emergency measures.
- 3. To decide to stop or suspend the resolution of civil cases or matters.
- 4. To conduct conciliation for the involved parties to reach mutual agreement on the resolution of the cases under the provisions of this Code; to issue decisions recognizing the agreement of the involved parties.
- 5. To decide to bring civil cases to court for trial, or bring civil matters for resolution.
- 6. To decide to summon the participants in court sessions.
- 7. To participate in adjudicating civil cases and resolving civil matters.

8. To conduct other proceedings when resolving civil cases and/or matters according to the provisions of this Code.

Article 42. Tasks and powers of people's jurors

1. To study case files prior to the opening of court sessions.
2. To request the chief judges, judges to issue necessary decisions according to their respective competence.
3. To participate in adjudicating civil cases.
4. To conduct proceedings and vote on issues falling within the trial panels' jurisdiction when adjudicating civil cases.

Article 43. Tasks and powers of court clerks

1. To make necessary professional preparations prior to the opening of court sessions.
2. To announce the rules of court sessions.
3. To report to the trial panels on the list of those summoned to court sessions.
4. To write minutes of court sessions.
5. To conduct other proceedings according to the provisions of this Code.

Article 44. Tasks and powers of procuracy chairmen

1. When performing the tasks of supervising the law observance in the civil proceedings, the procuracy chairmen shall have the following tasks and powers:
 - a) To organize and direct the work of supervising law observance in civil proceedings;
 - b) To decide on assignment of procurators to supervise law observance in proceedings, to participate in court sessions for adjudication of civil cases, sessions for resolution of civil matters according to the provisions of this Code.
 - c) To inspect activities of supervising the law observance in proceedings performed by procurators;
 - d) To decide on replacement of procurators;

e) To protest according to appellate, cassation or reopening procedures against courts judgments or decisions according to the provisions of this Code;

f) To settle complaints, denunciations according to the provisions of this Code.

2. When the procuracy chairman is absent, a deputy-procuracy chairman shall be authorized by the chairman to perform his/her tasks and powers prescribed in Clause 1 of this Article. The deputy chairman is answerable to the chairman for the assigned tasks.

Article 45. Tasks and powers of procurators

When assigned to supervise the law observance in civil proceedings, the procurators shall have the following tasks and powers:

1. To supervise the law observance in the settlement of civil cases, civil matters by courts;

2. To supervise the law observance by participants in the procedures;

3. To supervise court judgments, decisions;

4. To participate in court sessions for adjudication of civil cases, sessions for resolution of matters according to the provisions of this Code and state the procuracies' opinions on settlement of civil cases and/or matters;

5. To perform other tasks and powers falling within the procuracies' jurisdiction according to the procuracy chairmen's assignment.

Article 46. Cases where civil procedure-conducting persons must refuse to conduct the procedures or be replaced

Civil procedure-conducting persons must refuse to conduct the procedures or be replaced in the following cases:

1. They are concurrently the involved parties, the representatives or relatives of the involved parties;

2. They have participated in the capacity as defense counsels of the legitimate rights and interests of involved parties, witnesses, expert-witnesses or interpreters in the same cases;

3. There are clear grounds to believe that they may not be impartial in performing their tasks.

Article 47. Replacing judges or people's jurors

Judges and/or people's jurors must refuse to conduct the civil procedures or be replaced in the following cases:

1. In one of the cases prescribed in Article 46 of this Code;
2. They are in the same trial panel and have a close relationship with one another;
3. They have participated in the first-instance, appellate, cassation or re-opening trials of such cases, except where they are members of the Judges' Council of the Supreme People's Court or the Judges' Committees of the provincial-level people's courts, they may participate in adjudicating a case many times according to the cassation or reopening procedures;
4. They have acted as procedure-conducting persons in such cases in the capacity as procurator or court clerk.

Article 48. Replacing procurators

Procurators must refuse to conduct civil procedures or be replaced in the following cases:

1. In one of the cases prescribed in Article 46 of this Code;
2. They have acted as procedure-conducting persons in the same case in the capacity as judge, people's juror, procurator or court clerk.

Article 49. Replacing court clerks

Court clerks must refuse to conduct civil procedures or be replaced in the following cases:

1. In one of the cases prescribed in Article 46 of this Code;
2. They have acted as procedure-conducting persons in the same case in the capacity as judge, people's juror, procurator or court clerk.

Article 50. Procedures for refusing to conduct civil procedures or requesting to replace procedure-conducting persons.

1. The refusal to conduct the procedures or the request the replacement of procedure-conducting persons before the opening of court sessions must be made in writing, clearly stating the reason(s) and grounds therefor.

2. The refusal to conduct the procedures or the request the replacement of procedure-conducting persons at court sessions must be recorded in the minutes of the court sessions.

Article 51. Deciding on the replacement of procedure-conducting persons

1. Prior to the opening of court sessions, the replacement of judges, people's jurors and/or court clerks shall be decided by the courts' chief judges; if the to be-replaced judges are courts' chief judges, their replacement shall be decided by the chief judges of the immediate superior courts.

Prior to the opening of court sessions, the replacement of procurators shall be decided by the chairmen of the procuracies of the same level; if the to be-replaced procurators are procuracy chairmen, their replacement shall be decided by the chairmen of the immediate superior procuracies.

2. At court sessions, the replacement of judges, people's jurors, court clerks or procurators shall be decided by the trial panels after listening to the opinions of the persons requested to be replaced. The trial panels shall discuss the matter at the deliberation rooms and make decisions by majority.

In cases where judges, people's jurors, court clerks and/or prosecutors must be replaced, the trial panels shall issue decisions to postpone the court sessions. The appointment of other judges, people's jurors and/or court clerks as the replacement shall be decided by the courts' chief judges. If the to be-replaced persons are the courts' chief judges, their replacement shall be decided by the chief judges of the immediate superior courts. The appointment of procurators as the replacement shall be decided by the chairmen of the procuracies of the same level; if the to be-replaced procurators are chairmen of the procuracies of the same level, their replacement shall be decided by the chairmen of the immediate superior procuracies.

Chapter V

COMPOSITION OF PANELS FOR RESOLUTION OF CIVIL CASES AND MATTERS

Article 52. Composition of the panel for first-instance trial of civil cases

The panel for first-instance trial of civil cases shall be composed of one judge and two people's jurors. In special cases, the first-instance trial panel may consist of two judges and three people's jurors.

Article 53. Composition of a panel for appellate trial of civil cases

The panel for appellate trial of civil cases shall be composed of three judges.

Article 54. Composition of the panel for cassation or reopening trial of civil cases

1. The cassation or reopening trial panels of the provincial-level people's courts shall be the Judges' Committees of the provincial-level people's courts.

When the Judges' Committees of the provincial-level people's courts conduct the cassation or reopening trials of legally effective judgments or decisions, at least two-thirds of the total number of their respective members must participate therein.

2. The cassation or reopening trial panel of a specialized tribunal of the Supreme People's Court is composed of three judges.

3. The cassation or reopening trial panel of the Supreme People's Court shall be the Judges' Council of the Supreme People's Court.

When the Judges' Council of the Supreme People's Court conducts the cassation or reopening trials of legally effective judgments or decisions, at least two-thirds of the total number of its members must participate therein.

Article 55. Arrangements for resolution of civil matters

1. The civil, marriage and family, business, trade or labor requests prescribed in Clause 5 of Article 26, Clause 6 of Article 28, Clauses 2 and 3 of Article 30, and Article 32 of this Code or the appeals, protests against civil matter-settling decisions shall be settled by a board of three judges.

2. The civil, marriage and family, business, trade or labor requests which do not fall within the cases prescribed in Clause 1 of this Article shall be settled by one judge.

3. Arrangement for resolution of business or trade requests prescribed in Clause 1, Article 30 of this Code shall comply with law provisions on commercial arbitration.

Chapter VI

PARTICIPANTS IN CIVIL PROCEDURES

Section 1. INVOLVED PARTIES IN CIVIL CASES

Article 56. Involved parties in civil cases

1. The involved parties in civil cases mean individuals, agencies and/or organizations, including the plaintiffs, the defendants and the persons with related interests and obligations.

2. The plaintiff in a civil case is the person that initiates lawsuit or the person for whom the other individual, agency or organization prescribed by this Code initiates the lawsuit to request the court to resolve the civil case when he/she/it holds that the legitimate rights and interests of that person have been infringed upon.

Agencies and organizations prescribed by this Code, which institute civil cases to request courts to protect the public interests, the State's interests in the domains under their respective charges are also plaintiffs.

3. The defendant in a civil case is the person against whom the plaintiff initiates a lawsuit or the other individual, agency or organization prescribed by this Code initiates a lawsuit to request the court to resolve the civil case when he/she/it holds that the legitimate rights and interests of the plaintiff have been infringed upon by such person.

4. The persons with related interests and/or obligations in civil cases are those who neither initiate lawsuits nor are sued, but the resolution of the civil cases is related to their interests and/or obligations and, therefore they themselves request or other involved parties request to include them in the proceedings in the capacity as the persons with related interests and/or obligations and such requests are accepted by courts.

Where the resolution of a civil case is related to the interests and/or obligations of a person but no one requests to include him or her in the proceedings in the capacity as the persons with related interests and/or obligations, the court shall have to include that person in the proceedings in the capacity as the person with related interests and/or obligations.

Article 57. The involved parties' civil procedure law capacity and civil procedure act capacity

1. The civil procedure law capacity means the capability to have the law-prescribed rights and obligations in civil procedures. Every individual, agency and organization

shall have the same civil procedure law capacity in requesting the court to protect his/her/its legitimate rights and interests.

2. The civil procedure act capacity means the ability to exercise one's own rights and obligations by him/herself in civil procedures or authorize his/her representative to participate in civil procedures.

3. The involved parties being persons aged full 18 years or older shall have full civil procedure act capacity, except for persons losing their civil act capacity and persons having restricted civil act capacity or except otherwise provided for by law.

4. The involved parties being persons aged under 6 years or persons losing their civil act capacity shall not have the civil procedure act capacity. The protection of the legitimate rights and interests of such persons at courts shall be performed by their lawful representatives.

5. For the involved parties being persons aged between full 6 and under 15 years, the protection of their legitimate rights and interests at courts shall be performed by their lawful representatives.

6. The involved parties being persons aged between full 15 years and under 18 years, who have worked under labor contracts or involved in civil transactions with their own properties shall have the right to participate in civil procedures themselves regarding matters related to such labor or civil relations. In such cases, the court shall have the right to summon their lawful representatives to participate in the procedures. For other matters, the protection of their legitimate rights and interests at courts shall be performed by their lawful representatives.

7. The involved parties being agencies, organizations shall participate in civil procedures through their lawful representatives.

Article 58. Rights and obligations of the involved parties

1. The involved parties shall have equal rights and obligations when participating in civil procedures.

2. When participating in civil procedures, the involved parties shall have the following rights and obligations:

a) To supply evidences and proofs to defend their legitimate rights and interests;

b) To request individuals, agencies and/or organizations that are keeping, managing evidences to supply such evidences to them for submission to courts;

- c) To request courts to verify, gather evidences of the cases, which they cannot do by themselves or request courts to summon witnesses, to ask for expertise, valuation; to complain with the procuracies about evidences already verified, collected by courts at requests of other involved parties;
- d) To read and take notes, photocopy documents and/or evidences produced by other involved parties or collected by courts;
- e) To request courts to decide on the application of provisional emergency measures;
- f) To reach agreement with one another on the resolution of cases; to participate in conciliation conducted by courts;
- g) To receive regular notices for the exercise of their rights and obligations;
- h) To protect by themselves or ask other persons to protect their legitimate rights and interests;
- i) To participate in court sessions;
- j) To request the replacement of civil procedure conducting persons or participants in civil procedures under the provisions of this Code;
- k) To propose to courts matters which need to be inquired from other persons; to confront each other or witnesses;
- l) To argue at court sessions;
- m) To be provided with extracts of court judgments and/or decisions;
- n) To appeal or complain about court judgments and/or decisions according to the provisions of this Code;
- o) To detect and notify to persons competent to protest the grounds for protest according to cassation or reopening procedures against courts' legally effective judgments and/or decisions;
- p) To be present under courts' writ of summon and abide by courts' decisions during the time of resolving of the cases;
- q) To respect courts, and strictly observe the court's rules;
- r) To advance court fees and charges as stipulated by laws;

- s) To strictly abide by the legally effective judgments and/or decisions of courts;
- t) Other rights and obligations prescribed by law.

Article 59. Rights and obligations of the plaintiffs

1. The plaintiffs shall have the following rights and obligations:
 - a) The involved parties' rights and obligations prescribed in Article 58 of this Code;
 - b) To withdraw part or whole of their lawsuit claims; or modify the contents of lawsuit claims;
 - c) To request courts to let persons with related rights and/or interests to participate in the procedures;
 - d) To request the court to suspend the case resolution.
2. A plaintiff who has been duly summoned twice by the court but is still absent shall be deemed to have given up his/her lawsuit.

Article 60. Rights and obligations of the defendants

1. The defendants shall have the following rights and obligations:
 - a) The involved parties' rights and obligations prescribed in Article 58 of this Code;
 - b) To accept part or whole of the plaintiffs' claims or to reject the claims of the plaintiffs;
 - c) To make counter-claims against the plaintiffs if they are related to the plaintiffs' claims or set off the obligations claimed by the plaintiffs;
 - d) To be notified by courts of the lawsuits against them.
2. If a defendant has been duly summoned twice but is still absent, the court shall conduct the trial in his/her absence.

Article 61. Rights and obligations of the persons with related rights and/or obligations

1. Persons with related rights and/or obligations shall have the following rights and obligations:

a/ The rights and obligations prescribed in Article 58 of this Code;

b/ To be allowed to make independent claims or participate in the procedures on the side of the plaintiffs or the defendants.

2. If the persons with related interests and obligations make independent claims, they shall have the plaintiffs' rights and obligations prescribed in Article 59 of this Code.

3. If the persons with related interests and/or obligations participate in the procedures on the side of the plaintiff or only have interests, they shall have the plaintiffs' rights and obligations prescribed in Article 59 of this Code.

4. If the persons with related interests and/or rights participate in the procedures on the side of the defendants or only have obligations, they shall have the defendants' rights and obligations prescribed in Article 60 of this Code.

Article 62. Inheritance of procedural rights and obligations

1. Where the involved parties being individuals die while participating in the procedures and their property rights and obligations are inherited, their heirs shall participate in the procedures.

2. Where the involved parties being agencies or organizations have to terminate their operations or to be dissolved, consolidated, merged, divided, separated or organizationally transformed while participating in the procedures, the inheritance of their procedural rights and obligations shall be determined as follows:

a/ Where the organizations that have to terminate their operations or to be dissolved are joint-stock companies, limited liability companies or partnerships, the individuals and/or organizations being members of such organizations or their lawful representatives shall participate in the procedures;

b/ Where the agencies, organizations that have to terminate their operations or to be dissolved are State agencies, people's armed force units, political organizations, socio-political organizations, professional and socio-political organizations, social organizations, socio-professional organizations or State enterprises, the lawful representatives of the superior agencies of such agencies or organizations or the lawful representatives of the agencies, organizations which are assigned to take over the former's rights and obligations shall participate in the procedures;

c/ Where the organizations are consolidated, merged, divided, separated or organizationally transformed, the individuals or organizations that take over the former's rights and obligations shall participate in the procedures.

3. Where the involved parties are organizations other than legal persons, whose representatives or managers die while participating in the procedures, such organizations shall have to appoint other persons as their representatives to participate in the procedures; if such organizations have to terminate their operations or to be dissolved, the individuals being members of such organizations shall participate in the procedures.

Section 2. OTHER PARTICIPANTS IN THE PROCEDURES

Article 63. Defense counsels of involved parties' legitimate rights and interests

1. The defense counsels of involved parties' legitimate rights and interests are persons asked by the involved parties and accepted by courts to participate in the procedures to protect the involved parties' legitimate rights and interests.

2. The following persons can be accepted by courts to act as defense counsels of the involved parties' legitimate rights and interests:

a) Lawyers who participate in the procedures under the provisions of the legislation on lawyers;

b) Vietnamese citizens who have full civil act capacity, have not been convicted or have been convicted but have their criminal records remitted, who do not fall into the cases of being subject to the application of administrative handling measure of sending to medical treatment establishments, reformatories or to administrative probation; who are not officers or employees in the court, procuracy or police sectors.

3. The defense counsels of the involved parties' legitimate rights and interests can defend the legitimate rights and interests of more than one involved party in the same case, if those persons' legitimate rights and interests do not conflict each other. Many defense counsels of the involved parties' legitimate rights and interests may jointly defend the legitimate rights and interests of one involved party in a case.

Article 64. Rights and obligations of defense counsels of the involved parties' legitimate rights and interests

1. To participate in the procedures right at the time of lawsuit initiation or at any stage in the civil procedures. Defense counsels of the involved parties' legitimate rights and interests may participate in cassation or reopening trial court sessions if the courts deem it necessary.

2. To verify, collect and supply evidences to courts, to study case files and to take notes, to copy necessary documents in the case files in order to defend the legitimate rights and interests of the involved parties.
3. To participate in conciliation, to participate in court sessions or make their written defense of the legitimate rights and interests of the involved parties.
4. To request on behalf of the involved parties the replacement of procedure-conducting persons and/or other procedure participants according to the provisions of this Code.
5. To assist the involved parties in legal matters related to the defense of their legitimate rights and interests.
6. The right and obligations prescribed at Points 1, p and q, Clause 2, Article 58 of this Code.

Article 65. Witnesses

Persons who know details related to the contents of cases may be summoned by courts to participate in the procedures in the capacity as witnesses. Persons who lose their civil act capacity cannot act as witnesses.

Article 66. Rights and obligations of witnesses

1. To supply all information, documents and/or objects they have obtained, which are related to the resolution of cases.
2. To honestly declare details they know, which are related to the resolution of cases.
3. To refuse to make declarations if their declarations are related to State secrets, professional secrets, business secrets, personal secrets or such declarations adversely affect or harm the involved parties being their close relatives.
4. To be off duty while the courts summon them or take their testimonies, if they work in agencies or organizations.
5. To be entitled to travel expenses and other regimes as stipulated by law.
6. To request the courts which have summoned them and competent State agencies to protect their lives, health, honor, dignity, properties and other legitimate rights and interests when participating in the procedures; to complain about procedural acts of procedure-conducting persons.

7. To compensate and bear responsibility before law for damage caused to the involved parties or other persons by their untruthful testimonies.

8. To be present at court sessions under the court's summon if the witness's testimony must be given publicly at court sessions; where witnesses fail to show up at court sessions without plausible reasons and their absence obstruct the trial, the trial panels may issue decisions to escort them to court sessions.

9. To make commitments before courts to perform their rights and obligations, except for cases where the witnesses are minors. Those witnesses who give false testimonies, supply untruthful documents, refuse to give testimonies or are absent without plausible reasons when summoned by courts shall bear responsibility as prescribed by law.

Article 67. Expert-witnesses

Expert-witnesses are persons who have law-prescribed necessary knowledge and/or experiences in the fields where exist objects needed to be expertised, who are selected under the agreement reached between the involved parties or called by courts to expertise the objects in question at the request of one or more involved parties.

Article 68. Rights and obligations of expert-witnesses

1. Expert-witnesses shall have the following rights and obligations:

a) To read documents in the case files which are related to the to be-expertised objects; to request courts to provide documents necessary for the expertise;

b) To question participants in legal procedures about matters related to the to be -expertised objects;

c) To be present under the courts' summons and answer questions related to the expertise and expertising conclusions in an honest, well-grounded and objective manner;

d) To notify the courts in writing of impossibility to conduct the expertise as the matters needed to be expertised go beyond their professional capability and/or the documents supplied in service of the expertising are inadequate or unusable;

e) To preserve the received documents and return them to courts together with their expertising conclusions or with the notices on impossibility to conduct expertise;

f) Not to arbitrarily collect documents for conducting the expertise nor to contact other participants in the procedures if such contacts effect the expertising results; not to disclose secret information they know while conducting the expertise nor to inform the expertising results to other persons, except for the judges who decide to call the expertise;

g) To enjoy travel expenses and other regimes as stipulated by law;

h) To make commitments before courts to perform their rights and obligations.

2. Those expert-witnesses who refuse to make expertising conclusions without plausible reasons or who make untruthful expertising conclusions or are absent without plausible reasons when summoned by courts must bear responsibility therefor as prescribed by law;

3. Expert-witnesses must refuse to take the job or be replaced in the following cases:

a) They fall into one of the cases prescribed in Clauses 1 and 3 of Article 46 of this Code;

b) They have participated in the procedures in the capacity as defense counsels of the legitimate rights and interests of the involved parties, as witnesses or interpreters in the same case;

c) They have conducted the procedures in the capacity as judge, people's juror, procurator or court clerk in the same case.

Article 69. Interpreters

Interpreters are persons capable of translating a foreign language into Vietnamese and vice versa in cases where procedure participants are unable to use Vietnamese. Interpreters shall be selected under the agreement between the involved parties and are accepted or requested by courts.

Article 70. Rights and obligations of interpreters

1. Interpreters shall have the following rights and obligations:

a) To be present under courts' summons;

b) To interpret truthfully, objectively and accurately;

- c) To request procedure-conducting persons and/or participants to additionally explain their words which need to be interpreted;
- d) Not to contact other procedure participants if such contacts affect the truthfulness, objectiveness and accuracy of their interpretation;
- e) To enjoy travel expenses and other regimes as stipulated by law;
- f) To make commitments before courts to perform their rights and obligations.

2. Those interpreters who deliberately provide untruthful translations or are absent without plausible reasons when summoned by courts must bear responsibility therefor as prescribed by law.

3. Interpreters must refuse to take the job or be replaced in the following cases:

- a) They fall into one of the cases prescribed in Clauses 1 and 3 of Article 46 of this Code;
- b) They have participated in the proceedings in the capacity as defense counsels of the legitimate rights and interests of involved parties, witnesses or expert-witnesses in the same case;
- c) They have conducted the procedures in the capacity as judge, people's juror, procurator or court clerk.

4. The provisions of this Article shall also apply to sign-language interpreters for dumb or deaf persons.

Where only representatives or relatives of the dumb or deaf persons understand their sign language, such representatives or relatives may be accepted by courts to act as interpreters for such dumb or deaf persons.

Article 71. Procedures for refusing to give expertise opinions or interpretations or requesting the replacement of expert-witnesses or interpreters.

1. The refusal to give expertise opinions or interpretations or the request for replacement of expert-witnesses or interpreters prior to the opening of court sessions must be made in writing, clearly stating the reasons therefor.

2. The refusal to give expertise opinions or interpretations or the request for replacement of expert-witnesses or interpreters at court sessions must be recorded in the minutes of the court sessions.

Article 72. Deciding on replacement of expert-witnesses, interpreters

1. Prior to the opening of court sessions, the replacement of expert-witnesses and/or interpreters shall be decided by courts' chief judges.
2. At court sessions, the replacement of expert-witnesses and/or interpreters shall be decided by the trial panels after listening to the opinions of the persons requested to be replaced. The trial panels shall discuss matters in the deliberation rooms and make decisions by majority.

Where expert-witnesses or interpreters must be replaced, the trial panels shall issue decisions to postpone the court sessions. The request for other expert-witnesses or interpreters shall comply with the provisions of Articles 67 and 69 of this Code.

Article 73. Representatives

1. The representatives in civil procedures comprise the representatives at law and the proxy representatives.
2. The representatives at law as defined in the Civil Code shall be the representatives at law in the civil procedures, except where the representative right is restricted under law provisions.

Individuals, agencies, organizations that initiate lawsuit to protect the legitimate rights and interests of others shall also be the protected persons' representatives at law in the civil procedures.

3. The proxy representatives as defined in the Civil Code shall be the proxy representatives in civil proceedings; for divorce cases, the involved parties must not authorize others to represent them in civil procedures.

Article 74. Rights and obligations of representatives

1. The representatives at law in civil procedures shall exercise the procedural rights and obligations of the involved parties they represent.
2. The proxy representatives in civil procedures shall exercise the procedural rights and obligations in accordance with the contents of the authorization documents.

Article 75. Cases of disallowance to act as representatives

1. Persons must not act as representatives at law in the following cases:

a) If they are also the involved parties in the same case with the represented persons and their legitimate rights and interests are contrary to those of the represented persons;

b) If they are acting as representatives at law in civil procedures for other involved parties whose legitimate rights and interests are contrary to those of the represented persons in the same case.

2. The provisions in Clause 1 of this Article shall also apply to the case of proxy representatives in civil procedures.

3. Officials or employees in the court, procuracy or police sectors must not act as representatives in civil procedures, except for cases where they participate in civil procedures in the capacity as representatives of their agencies or as representatives at law.

Article 76. Appointing representatives in civil procedures

While civil procedures are conducted, if any involved party is the person who has restricted civil act capacity but has no representative or his/her representative at law falls into one of the cases specified in Clause 1, Article 75 of this Code, the court must appoint the representative to participate in the proceedings at courts.

Article 77. Termination of the representation in civil procedures

The representatives at law, the proxy representatives in civil procedures shall terminate their representation according to the provisions of the Civil Code.

Article 78. Consequences of the termination of representation in civil procedures

1. In cases where the representation at law terminates while the represented persons have come of age or had their civil act capacity restored such persons shall participate in civil procedures themselves or authorize other persons to participate in civil procedures according to procedures prescribed by this Code.

2. In cases where the proxy representation terminates, the involved parties or their heirs shall participate in civil procedures in person or authorize other persons to participate in the procedures according to the procedures prescribed by this Code.

Chapter VII

PROOFS AND EVIDENCES

Article 79. Obligations to prove

1. The involved parties requesting courts to protect their legitimate rights and interests must introduce evidences to prove that such requests are well-grounded and lawful.
2. The involved parties that protest against other persons' claims against them must prove that such protests are well-grounded and must provide evidence to prove.
3. Individuals, agencies or organizations that initiate lawsuit to protect public interests, the State's interests, or request courts to protect others' legitimate rights and interests must introduce evidences to prove that their lawsuits or requests are well-grounded and lawful.
4. The involved parties that are obliged to introduce evidences to prove but fail to introduce evidences or fail to introduce adequate evidences shall have to bear the consequences of such failure to prove or inadequate evidences.

Article 80. Details and facts that are not required to be proved

1. The following details and facts are not required to be proved:
 - a) Details and facts that are clear and come to everyone's knowledge and are accepted by courts;
 - b) Details and facts that have been identified in the court judgments or decisions which are legally effective or in decisions of competent State bodies which have come into force;
 - c) Details and facts that have been recorded in documents and have been duly notarized or authenticated.
2. If either involved party acknowledges or does not protest against the details or facts given by the other involved party, the latter must not prove them.
3. If an involved party has a representative to participate in the procedures, that representative's acknowledgement is regarded as the acknowledgement of such involved party.

Article 81. Evidences

Evidences in civil cases or matters are factual things which are handed to courts by involved parties, individuals, agencies or organizations or gathered by courts according to the order and procedures prescribed by this Code and are used by Courts as bases to determine whether the involved parties' claims or protests are well grounded and lawful or not as well as to determine other details necessary for the proper resolution of civil cases or matters.

Article 82. Sources of evidence

Evidences are gathered from the following sources:

1. Readable, audible or visible materials;
2. Exhibits;
3. Involved parties' testimonies;
4. Witnesses' testimonies;
5. Expertising conclusions;
6. On-site appraisal minutes;
7. Practices;
8. Property evaluation results;
9. Other sources prescribed by law.

Article 83. Identifying evidences

1. Contents-readable materials shall be regarded as evidences if they are originals or copies lawfully notarized or authenticated or supplied and certified by competent agencies or organizations.
2. Audible, visible materials shall be regarded as evidences if they are presented together with documents certifying the origins of those materials or documents related to such audio and/or video recording.
3. Exhibits to be regarded as evidences must be the original and related to the cases or matters.

4. Involved parties' testimonies, witnesses' testimonies shall be regarded as evidences if they are recorded in writing or in audio-tapes, audio-discs, or video-tapes or discs as provided for in Clause 2 of this Article, or are given orally at court sessions.
5. Expertising conclusions shall be regarded as evidences if the expertise is conducted in accordance with the procedures prescribed by law.
6. On-site appraisal minutes shall be regarded as evidences if the appraisal is conducted in accordance with the procedures prescribed by law and they are signed by the members who participate in the appraisal.
7. Practices shall be regarded as evidences if they are recognized by the local community where such practices exist.
8. Property valuation results shall be regarded as evidences if the valuation is carried out in accordance with the procedures prescribed by law or the documents provided by pricing experts comply with the provisions in Clause 1 of this Article.

Article 84. Hand-over of evidences

1. During the process of resolving civil cases or matters by courts, the involved parties shall have the rights and obligations to hand over evidences to the courts; if they fail to hand over the evidences or do not hand over all evidences, they must bear the consequences thereof, except otherwise provided for by law.
2. The hand-over of evidences to courts by involved parties must be recorded in the minutes of evidence hand-over and receipt. The minutes must clearly state the appellations, forms, contents, characteristics of the evidences; the number of copies, the number of pages and time of reception; the signatures or finger prints of the deliverers, the signatures of the recipients and seals of the courts. The minutes must be made in two copies, one shall be incorporated in the case files and the other shall be handed to the involved parties handing over the evidences.
3. The evidences submitted in ethnic minority languages or foreign languages to courts by the involved parties must be enclosed with their Vietnamese translations lawfully notarized or authenticated.

Article 85. Collecting evidences

1. If it is deemed that the evidences included in the files of civil cases or matters have not constituted sufficient grounds for the resolution thereof, the judges shall request the involved parties to deliver additional evidences.

2. Where the involved parties can not collect the evidences by themselves and make requests therefor, the judges may apply one or several of the following measures to collect the evidences:

a) Taking testimonies of the involved parties, witnesses;

b) Calling expertises;

c) Deciding to valuate the properties;

d) Making on-site inspection, appraisal;

e) Authorizing the collection of evidences;

f) Requesting individuals, agencies or organizations to supply readable, audible and/or visible materials, or other exhibits related to the resolution of civil cases or matters.

3. When applying the measures specified at Points b, c, d, e, and f, Clause 2 of this Article, the judges must issue decisions clearly stating the reasons for the application and the request of the courts.

The involved parties are entitled to complain about courts' decisions to apply evidence-gathering measures of courts. Their complaints must be addressed immediately to the procuracies. The procuracies are entitled to request the courts to verify, gather evidences on the basis of the involved parties' complaints, and consider the participation in court sessions.

In case of necessity, the procuracies may request the involved parties, individuals, agencies and/or organizations to supply dossiers, documents and/or exhibits in order to ensure the exercise of right to appeal, cassation or reopening procedures.

Article 86. Taking testimonies of involved parties

1. Judges shall take the testimonies of involved parties only when the latter have not yet made the written testimonies or the contents of their written testimonies are insufficient and/or unclear. The involved parties must write the testimonies themselves and sign their names thereon. Where the involved parties cannot write the testimonies by themselves, the judges shall take their testimonies. The taking of involved parties' testimonies shall only focus on details declared inadequately and/or unclearly by the involved parties. The judges themselves or the court clerks shall record the involved parties' testimonies in the minutes. Judges shall take testimonies

of the involved parties at the court offices or outside the court offices in case of necessity.

2. The minutes recording involved parties' testimonies must be read or heard and signed or fingerprinted by such involved parties. The involved parties may request amendments and/or supplements to be inscribed in the testimony-recording minutes and sign or fingerprint for certification. The minutes must be signed by the persons who take the testimonies, the minutes recorders and affixed with court's seals. If the minutes are made in loose pages, each page must be signed and affixed with seal in both margins. In cases where the minutes of taking the involved parties' testimonies are made outside the court offices, the testimony taking must be certified by witnesses or by the People's Committees or police offices of communes, wards or district, township or by agencies or organizations where the minutes are made.

3. The taking of involved parties' testimonies in one of the cases prescribed in Clauses 4 and 5, Article 57 of this Code must be carried out in the presence of the lawful representatives of such involved parties.

Article 87. Taking testimonies of witnesses

1. At the involved parties' requests or when it is deemed necessary, judges may take testimonies of witnesses at court offices or outside court offices.

2. The procedures for taking witnesses' testimonies shall be the same as those for taking the involved parties' testimonies provided for in Clause 2, Article 86 of this Code.

3. The taking of testimonies of witnesses aged not full 18 years, or of persons with restricted civil act capacity must be carried out in the presence of their representatives at law or guardians.

Article 88. Confrontation

1. At the involved parties' requests or when contradictions are deemed to have existed in the testimonies of the involved parties or witnesses, judges may conduct confrontations among the involved parties, between the involved parties and the witnesses or among the witnesses.

2. Confrontations must be recorded in minutes which must be signed by the participants in such confrontations.

Article 89. On-site inspection, appraisal

1. On-site inspections, appraisals must be carried out by judges in the presence of representatives of the commune-level People's Committees, or agencies, organizations where exist objects which need to be inspected, appraised, and the on-site inspections, appraisals must be notified in advance so that the relevant involved parties know and witness such inspections, appraisals.

2. On-site inspections, appraisals must be recorded in minutes. The on-site inspection, (or) appraisal minutes must clearly state the inspection, appraisal results, clearly describe the sites, contain the signatures of the persons that conduct the inspections, appraisals and the signatures or fingerprints of the involved parties if they are present, the representatives of the commune-level People's Committees or agencies, organizations where exist the to be-inspected-appraised objects and others that are invited to participate in the inspections, appraisals. After completing the on-site inspections, appraisals minutes, the persons that conduct the inspections, appraisals must request the representatives of the commune-level People's Committees, agencies or organizations where exist the objects which need to be inspected, appraised to sign and seal for certification.

Article 90. Requesting expertise

1. Upon the option agreement of the involved parties, or at the request of one or more of the involved parties, judges may issue decisions calling for expertises. The decisions requesting expertises must clearly state the names and addresses of the expert-witnesses, the objects of expertise, matters that need to be expertised and specific requirements requiring the expert-witnesses' conclusions.

2. The expert-witnesses that receive decisions requesting the expertises must carry out the expertises according to law provisions.

3. Where they deem that the expertising conclusions are inadequate, unclear or violate law, at the request of one or more involved parties, the judges may issue decisions calling additional expertises or re-expertises. The re-expertises may be conducted by the persons that have conducted the preceding expertises or by other professional agencies as provided for by law.

Article 91. Requesting expertise of evidences denounced to be forgery

1. Where evidences are denounced to be forgery, the suppliers of such evidences may withdraw them. If not, the denouncers may request the courts to solicit expertises as provided for in Article 90 of this Code.

2. Where the evidence forgery shows criminal signs, the courts shall transfer them to the competent criminal investigation bodies.

3. The suppliers of forged evidences must compensate for damage if the forgery of evidences causes damage to others.

Article 92. Property valuation

1. The courts shall issue decisions to valuate disputed properties in the following cases:

a) It is so requested by one or all of the involved parties;

b) The parties agree on low prices for the purposes of evading taxes or reducing payable court fees.

2. The Pricing Council set up under a court decision is composed of its chairman and members being representatives of the finance bodies and other relevant professional agencies. The Pricing Council shall carry out the valuation only when all their members are present. When necessary, representatives of the commune-level People's Committees of the localities where the properties subject to valuation is located shall be invited to witness the valuation. The involved parties shall be notified in advance of the time and venue of the evaluation and have the right to attend and contribute comments on the evaluation. The right to decide on the prices of the valuated properties shall rest on the Pricing Councils.

3. The finance agencies and other relevant professional agencies shall be responsible for sending their officials to join the Pricing Councils and create conditions for them to perform their tasks. Persons appointed to be members of the Pricing Council must take part fully in the valuation.

4. The valuation must be recorded in minutes, stating clearly the opinions of each member, of the involved parties if they attend. A decision of the Pricing Council must be voted for by more than half of its members. The Pricing Council members, the involved parties, the witnesses must sign the minutes.

Article 93. Entrusting the collection of evidences

1. In the course of resolving civil cases or matters, a court may issue a decision to entrust another court or competent agencies defined in Clause 4 of this Article to take the testimonies of involved parties, and/or witnesses, to conduct on-site appraisals or property valuations or other measures to gather evidences and to verify details of the civil cases or matters.

2. The entrustment decisions must clearly state the names and addresses of the plaintiffs and the defendants, the disputed relationship and specific entrusted jobs to collect of evidences.

3. The court that receives the entrustment decision shall have the responsibility to perform the specific assignments within thirty days after receiving the entrustment decision and notify in writing the results to the court that has issued the entrustment decision. In cases where it cannot realize the specific assignments, it must send a written notification of such failure stating clearly the reasons therefor to the court that has issued the entrustment decision.

4. Where the gathering of evidences must be conducted outside the Vietnamese territory, the courts shall carry out the entrustment procedures through competent Vietnamese agencies or civil procedure-conducting agencies of the foreign country(ies) that has (have) signed judicial assistance agreement(s) with Vietnam or together with Vietnam has (have) acceded to an international treaty on this matter.

Article 94. Requesting individuals, agencies and/or organizations to supply evidences

1. Where the involved parties that have applied necessary measures to gather evidences still fail to gather by themselves, they may request the courts to collect evidences in order to ensure the proper resolution of civil cases and/or matters.

The involved parties that request the courts to gather evidences shall make their written applications clearly stating the point(s) to be proved, the evidence to be gathered, the reasons why they can not gather the evidences by themselves; full names and addresses of the individuals, agencies or organizations that are managing or keeping the evidences which need to be collected.

2. The court may request directly or in writing individuals, agencies or organizations that are managing a keeping the evidences to supply them. The individuals, agencies or organizations that are managing or keeping such evidences shall have the responsibility to supply the evidences fully and in time as requested by the courts within fifteen days as from the date of receiving the requests.

Article 95. Preserving evidences

1. If evidences have been handed over at courts, the preservation of such evidences shall rest with the courts;

2. If evidences cannot be handed over at courts, the preservation of such evidences shall rest with the evidence keepers;

3. Where it is necessary to hand over evidences to the third persons for preservation, judges shall issue decisions and make minutes of the hand-over to those persons for preservation. The persons undertaking the preservation must sign the minutes, be entitled to remuneration and bear the responsibility for preserving such evidences.

Article 96. Assessing evidences

1. The assessment of evidences must be objective, comprehensive, adequate and accurate.

2. Courts must assess evidences one by one, the link between evidences and determine the legality of every evidence.

Article 97. Disclosing and using evidences

1. Every evidence shall be publicly and equally disclosed and used, except for cases specified in Clause 2 of this Article.

2. Courts shall not publicize evidences related to State secrets, fine customs and practices of the nation, professional secrets, business secrets or secrets of individuals' private lives at the legitimate requests of the involved parties.

3. Procedure-conducting persons and procedure participants must keep secret, as provided for by law, evidences classified for non-disclosure as prescribed in Clause 2 of this Article.

Article 98. Protecting evidences

1. Where evidences are being destroyed or are in danger of being destroyed or is hard to be gathered in the future, the involved parties may file their applications requesting the courts to decide on the application of necessary measures to preserve evidence. The courts may decide to apply one or several of the measures including sealing, keeping, photographing, audio-recording, video-recording, restoration, examination, minutes making and other measures.

2. Where witnesses are threatened, controlled or bought off for the purpose of not supplying evidences or supplying untruthful evidences, the courts shall have the right to issue decisions to force the persons who have committed acts of threatening, controlling or buying off the witnesses to terminate their acts. Where the threatening controlling or buying-off acts show criminal signs, the courts shall request procuracies to examine the penal liability.

Chapter VIII

PROVISIONAL EMERGENCY MEASURES

Article 99. Right to request the application of provisional emergency measures

1. During the resolution of civil cases, the involved parties or their lawful representatives or agencies, organizations instituting the cases to protect the legitimate rights and interests of other persons defined in Clauses 1 and 2, Article 162 of this Code are entitled to request the courts handling such cases to apply one or more provisional emergency measures provided for in Article 102 of this Code to provisionally deal with the urgent requests of the involved parties, to protect evidences preserving their current conditions in order to avoid irrecoverable damage or to ensure the judgment execution.
2. In urgent cases where it is necessary to immediately protect evidences or to prevent possible serious consequences, relevant individuals, agencies or organizations may file their applications to request the competent courts to issue decisions to apply provisional emergency measures prescribed in Article 102 of this Code simultaneously with the filing of applications to initiate the lawsuits to such courts.
3. The courts shall issue decisions on their own to apply the provisional emergency measures only in the cases provided for in Article 119 of this Code.

Article 100. Competence to decide on the application, change or cancellation of provisional emergency measures

1. The application, change, cancellation of provisional emergency measures before the opening of a court session shall be considered and decided by a judge.
2. The application, change, cancellation of provisional emergency measures at court sessions shall be considered and decided by the trial panels.

Article 101. Responsibilities for improper application of provisional emergency measures

1. The persons who request the courts to apply provisional emergency measures must be responsible before law for their requests. Where the requests for application of provisional emergency measures are made improperly, thus causing damage to the persons against whom the provisional emergency measures are applied or to the third persons, compensation must be made.

2. If the courts apply the provisional emergency measures improperly, thus causing damage to those subject to such measures or the third persons, the courts shall have to pay compensation therefor in the following cases:

- a) The courts have applied the provisional emergency measures on their own;
- b) The courts have applied other provisional emergency measures than those requested by individuals, agencies or organizations;
- c) The courts have applied the provisional emergency measures beyond the requests of individuals, agencies or organizations.

Article 102. Provisional emergency measures

1. Assigning minors to individuals or organizations to look after, nurture, take care of and educate them;
2. Forcing the prior performance of part of the alimony obligation;
3. Forcing the prior performance of part of the obligation to compensate for damage to individuals whose lives and/or health have been infringed upon;
4. Forcing the employers to advance wages, remunerations or compensations, allowances for labor accidents or occupational diseases incurred by employees;
5. Suspending the execution of decisions on dismissing employees;
6. Distraining the disputed properties.
7. Prohibiting the transfer of property right over the disputed properties.
8. Prohibiting the change of the current conditions of disputed properties.
9. Permitting the harvesting, sale of subsidiary food crops or other products, commodities.
10. Freezing accounts at banks or other credit institutions, State treasury; freezing properties at places of their deposit.
11. Freezing properties of the obligor.
12. Prohibiting involved parties from performing, or forcing them to perform certain acts.

13. Other provisional emergency measures provided for by law.

Article 103. Assigning minors to individuals or organizations to look after, nurture, take care of, and educate them

The assignment of minors to individuals or organizations to look after, nurture, take care of, educate them shall apply if the resolution of cases involves minors who have no guardians.

Article 104. Forced prior performance of part of the alimony obligation

The forced prior performance of part of the alimony obligation shall apply if the resolution of cases is related to alimony requests which are deemed well-grounded and the failure to immediately perform in advance part of the alimony obligation shall affect the health and/or life of the persons entitled to the alimony.

Article 105. Forced prior-performance of part of the obligation to pay compensation for damage to health or life

Forced prior performance of part of the obligation to pay compensation for damage to health or life shall apply if the case resolution is related to requests for compensation for damage to health or life and the requests are deemed well-grounded and necessary.

Article 106. Forcing employers to advance salary, remunerations, compensations or allowances for labor accidents or occupational diseases incurred by employees

Forcing employers to advance salary, remunerations, compensations or allowances for labor accidents or occupational diseases incurred by employees shall apply if the case resolution is related to requests for payment of salary, remunerations, compensations or allowances for labor accidents or occupational diseases and the requests are deemed well-grounded and necessary.

Article 107. Suspending the execution of decisions on dismissing employees

The suspension of execution of decisions on dismissing employees shall apply if the case resolution is related to the dismissal of employees and the decisions on dismissing employees are deemed illegal or seriously affecting the life of the employees.

Article 108. Distraining disputed properties

1. The distraint of disputed properties shall apply if in the course of settling cases there are grounds showing that the keepers of the disputed properties are committing acts of dispersing or destroying the properties.

2. The distrained properties may be kept and preserved at the offices of the judgment-executing bodies or assigned in minutes to one involved party or the third person for management until a decision of the court is issued.

Article 109. Prohibiting the transfer of property right over disputed properties.

The prohibition of transfer of property right over disputed properties shall apply if in the course of settling cases there are grounds showing that the persons possessing or keeping the disputed properties are committing acts of transferring the property right over the disputed properties to other persons.

Article 110. Prohibiting the change of existing conditions of disputed properties

The prohibition to change the existing conditions of disputed properties shall apply if in the process of settling cases there are grounds showing that the persons possessing or keeping the disputed properties are committing acts of disassembly, assembly, expansion or other acts, thus changing the existing conditions of such properties.

Article 111. Permitting to harvest and sell subsidiary food crops or other products or commodities

The permission to harvest and sell subsidiary food crops or other products and commodities shall apply if in the course of settling cases, disputed properties are related to subsidiary food crops or other products, commodities, which are in the period of harvesting or cannot be preserved for a long time.

Article 112. Freezing accounts at banks, other credit institutions, State Treasury

Freezing accounts at banks, other credit institutions, State Treasury shall apply if in the course of settling cases there are grounds showing that the obligors have accounts at banks, other credit institutions or State Treasury and the application of this measure is necessary to ensure the settlement of the cases or to ensure the judgment enforcement.

Article 113. Freezing assets at depositories

Freezing assets at depositories shall apply if in the course of settling cases there are grounds showing that the obligors have their assets deposited and the application of

this measure is necessary to ensure the settlement of the cases or to ensure the judgment enforcement.

Article 114. Freezing the obligors' properties

Freezing the obligors' properties shall apply if in the course of settling cases there are grounds showing that the obligors have such properties and the application of this measure is necessary to ensure the settlement of the cases or to ensure the judgment enforcement.

Article 115. Prohibiting or forcing the performance of certain acts

Prohibiting or forcing the performance of certain acts shall apply if in the course of settling cases there are grounds showing that the non-performance or performance of certain acts by involved parties or individuals, agencies and/or organizations has affected the case resolution or the legitimate rights and interests of others that are involved in the cases being resolved by courts.

Article 116. Application of other provisional emergency measures

Where it is provided for by law, the courts may apply other provisional emergency measures than those prescribed in Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of Article 102 of this Code.

Article 117. Procedures for application of provisional emergency measures

1. The persons who request courts to apply provisional emergency measures must file their applications to competent courts. Such an application must contain the following principal details:

- a) Date of the application;
- b) Name and address of the requester for the application of provisional emergency measures;
- c) Name and address of the person to be subject to the application of provisional emergency measures;
- d) Summarized contents of the dispute or act of infringing upon the legitimate rights and interests of his/her own;
- e) Reasons for the application of the provisional emergency measures;

f) Provisional emergency measures to be applied and specific requirements.

Depending on the requests for application of provisional emergency measures, the requesters must provide the courts with evidences to prove the necessity to apply such provisional emergency measures.

2. For cases of requesting the application of the provisional emergency measures prescribed in Clause 1, Article 99 of this Code, the judges assigned to settle the cases must consider and settle them. Within three days after the receipt of the applications, if the requesters do not have to apply security measures or immediately after such persons apply the security measures prescribed in Article 120 of this Code, the judges must issue decisions to apply the provisional emergency measures; if rejecting the requests, the judges shall notify such in writing to the requesters, clearly stating the reasons therefore.

Where the trial panels receive the written requests for application of provisional emergency measures at court sessions, the trial panels shall consider and issue decisions to apply the provisional emergency measures immediately or after the requesters have completely applied the security measures prescribed in Article 120 of this Code.

3. For case of requesting the application of provisional emergency measures prescribed in Clause 2, Article 99 of this Code, after receiving a written request together with the lawsuit petition and accompanying evidences, the court's chief judge shall appoint one judge to receive and settle the request. Within 48 hours after receiving the written request, the judge must consider and issue a decision to apply provisional emergency measures; if rejecting the request, the judge must notify such in writing to the requester, clearly stating the reasons therefor.

4. Where the provisional emergency measures provided for in Clauses 10 and 11 of Article 102 of this Code are applied, it is only permitted to freeze the bank accounts or properties with value equivalent to the property obligations to be performed by the persons subject to the application of provisional emergency measures.

Article 118. Proposing the application of provisional emergency measures by agencies or organizations which initiate lawsuits to protect others' rights and interests

Agencies, organizations initiating lawsuits to protect others' rights and interests as prescribed in Clauses 1 and 2, Article 162 of this Code shall propose in writing the courts to apply provisional emergency measures, clearly stating the reasons therefor; the to be-applied provisional emergency measures; names and addresses of persons with legitimate rights and interests to be protected; names and addresses of persons

requested to be subject to provisional emergency measures; summarized contents of disputes or acts of infringing upon the legitimate rights and interests of involved parties; evidences to prove that their proposals are well-grounded and lawful.

Article 119. The courts themselves issue decisions to apply provisional emergency measures

The courts shall themselves issue decisions to apply the provisional emergency measures prescribed in Clauses 1, 2, 3, 4 and 5, Article 102 of this Code in cases where the involved parties do not request the application thereof.

Article 120. Forcible application of security measures

1. The persons who request the courts to apply one of the provisional emergency measures prescribed in Clauses 6, 7, 8, 10 and 11, Article 102 of this Code must deposit a money sum, precious metals, precious stones or valuable papers as determined by the courts, which must be equivalent to the property obligation to be performed by the obligor in order to protect the interests of the persons against whom the provisional emergency measures are applied and to prevent the abuse of right to request the application of the provisional emergency measures by requesters.

For cases prescribed in Clause 2, Article 99 of this Code, the time-limit for application of security measures provided for in this Article must not exceed 48 hours after the filing of application.

2. Deposit sum, precious metals, precious stones or valuable papers must be deposited into the frozen accounts at the banks of the localities where the courts deciding to apply the provisional emergency measures are headquartered within the time limits set by the courts.

Where the security measures are taken on public holidays or weekends, the deposited money sums shall be kept at courts. The courts must carry out the procedures for handover and reception thereof and immediately deposit such money sums at banks on the following working day.

Article 121. Changing, additionally applying provisional emergency measures

When the provisional emergency measures being applied are deemed no longer suitable and need to be changed or other provisional emergency measures should be additionally applied, the procedures for changing the provisional emergency measures or additionally applying other provisional emergency measures shall comply with the provision in Article 117 in this Code.

Article 122. Cancellation of the application of provisional emergency measures

1. The courts shall immediately issue decisions to cancel the applied provisional emergency measures in one of the following cases:

a) It is so requested by the persons who have requested the application of provisional emergency measures;

b) The persons who are obliged to execute the decisions on application of provisional emergency measures shall deposit property as security or other persons apply measures to secure the performance of the obligations toward the requesters.

c) Civil obligations of the obligor terminate as provided for in the Civil Code.

2. In case of canceling the application of provisional emergency measures, the courts must consider and permit the persons who have requested the application of provisional emergency measures to receive back the security money sums, precious metals, precious stones or valuable papers prescribed in Article 120 of this Code, except for the cases specified in Clause 1, Article 101 of this Code.

Article 123. Effect of decisions on application, change or cancellation of provisional emergency measures

1. Decisions on application, change, or cancellation of provisional emergency measures shall take immediate implementation effect.

2. The courts must issue or send decisions on application, change or cancellation of provisional emergency measures to the requesters, the persons subject to the application thereof, and relevant individuals, agencies and organizations, and competent civil judgment-executing bodies and procuracies of the same level immediately after the issuance of such decisions.

Article 124. Complaint, petitions about decisions on application, change or cancellation or non-application, non-change, non-cancellation of provisional emergency measures

The involved parties shall have the right to complain, and the procuracies shall have the right to petition to the chief judges of competent courts which are settling cases about decisions on application, change or cancellation of provisional emergency measures, or about the non-issuance of such decisions by judges. The time limit for lodging a complaint or petition is three working days after the receipt of the decision on application, change or cancellation of provisional emergency measures or the

replies of judges about the non-issuance of decisions on application, change or cancellation of provisional emergency measures.

Article 125. Setting complaints and petitions about decisions on application, change, cancellation, or non-application, non-change, non-cancellation of the provisional emergency measures

1. The chief judges of courts must consider and settle complaints and petitions prescribed in Article 124 of this Code within three working days after the receipt of the complaints or petitions.
2. The chief judges' decisions on settlement of complaints, petitions shall be the final ones and must be issued or sent immediately according to the provisions of Clause 2, Article 123 of this Code.
3. At court sessions, the settlement of complaints or petitions falls within the jurisdiction of the trial panels. The trial panels' decisions on settlement of complaints or petitions shall be the final ones.

Article 126. Execution of decisions on application, change or cancellation of provisional emergency measures

1. The decisions on application, change or cancellation of provisional emergency measures shall be executed in accordance with law provisions on civil judgment execution.
2. For the decisions on application of provisional emergency measures involving properties with ownership registration, the involved parties are obliged to submit copies of the decisions to the agencies managing the ownership registration.

Chapter IX

COURT FEES, CHARGES AND OTHER PROCEDURAL EXPENSES

Section 1. COURT FEES AND CHARGES

Article 127. Court fee advance, charge advance, court fees and charges

1. Court fee advances shall include first-instance court fee advances and appellate court fee advances.

2. Court fees shall include first-instance court fees and appellate court fees.
3. Charges shall include charges for providing copies of judgments, decisions or other documents of courts, charges for filing applications requesting courts to settle civil matters, charges for settlement of civil matters and other charges stipulated by law.

Article 128. Handling of collected court fee advance, charge advance, court fees and charges

1. All collected court fees and charges must be fully and timely remitted into the State budget at the State Treasury.
2. Court fee advance and charge advance shall be submitted to the competent judgment-executing agencies for deposit in custody accounts opened at the State Treasury, and shall be withdrawn for judgment execution under court decisions.
3. If the persons who have advanced court fees or charges must bear such fees and/or charges, immediately after the court judgments or decisions take implement effect, the collected advance amounts must be remitted into the State budget.

In cases where the persons who have advanced court fees and/or charges are entitled to partial or full reimbursement of the amounts they have paid under court judgments or decisions, the judgment-executing agencies which have collected the court fee advances or charge advances must carry out procedures to return the money to them.

4. In cases where the resolution of the civil cases or matters is suspended, the already advanced court fees and/or advanced charges shall be disposed when the resolution of the civil cases or matters resumes.

Article 129. Regime of collection and expenditure of court fee advances, charge advances, court fees and charges

The collection of court fee advances and court fees, charge advances and court charges; and the expenditure of court fee advances, charge advances must comply with law provisions.

Article 130. Obligation to advance court fees and advance charges

1. The plaintiffs, the defendants who have made counter-claims against the plaintiffs and the persons with related rights and interests who have made independent claims in civil cases must advance first-instance court fees; the persons who have made appeals must advance appellate court fees, except for cases where they are exempted from, or do not have to pay court fee advances.

2. Persons who have filed applications requesting courts to settle civil matters must advance charges for the resolution of such civil matters, except for cases where they do not have to pay the charge advances.

Article 131. Obligation to pay first-instance court fees

1. The involved parties must bear the first-instance court fees if their requests are not accepted by courts, except for cases where they are exempted from, or do not have to pay such fees.

2. In cases where the involved parties cannot themselves determine their portions in the common properties, and request the courts to settle the division of the common properties, each party must pay the first-instance court fee corresponding to the value of the property portion she/he/it enjoys.

3. If prior to the opening of court sessions, the courts conduct with conciliations and the involved parties have reached mutual agreement on the resolution of cases, they must bear 50% of the first-instance court fee level prescribed in Clauses 1 and 2 of this Article.

4. The plaintiffs in divorce cases must pay first-instance court fees, without depending on whether the courts accept their requests or not. In cases where both parties voluntarily agree on their divorce, each involved party must bear half of the first-instance court fees.

5. If an involved party to a case is exempted from the first-instance court fee, then the other involved party shall still have to pay the first-instance court fee payable under Clauses 1, 2, 3 and 4 of this Article.

6. Where the case is suspended, the obligation to pay first-instance court fee shall be decided when the resolution of the case resumes in accordance with the provisions in Clauses 1, 2, 3, 4 and 5 of this Article.

Article 132. Obligation to pay appellate court fees

1. The appellant must pay the appellate court fees, if the appealed first-instance judgments or decision are maintained by the courts of appeal, except for cases where the appellants are exempted from, or do not have to pay such fees.

2. The appellants shall not pay the appellate court fees, if the appealed first-instance judgments or decisions are amended by the courts of appeal. The courts of appeal must re-determine the obligation to pay first-instance court fees as provided for in Article 131 of this Code.

3. Where the courts of appeal abrogate the appealed first-instance judgments or decisions for first-instance re-trial, the appellants shall not be obliged to pay the appellate court fees. The obligation to pay court fees shall be re-determined when the cases are retried.

Article 133. Obligation to pay charges

The obligation to pay charges shall be determined depending on specific types of civil matters and shall be prescribed by law.

Article 134. Specific provisions on court fees and charges

Court fees, court fee level applicable to each specific type of case, types of charges and the specific charge levels, the cases of exemption or non-payment of court fee or charge advances, the cases of exemption or non-payment of court fees or charges, and other specific matters concerning court fees and charges, which are not prescribed in this Code, shall be stipulated by the National Assembly Standing Committee.

Section 2.

OTHER PROCEDURAL EXPENSES

Article 135. Expertising expense advances, expertising expenses

1. Expertising expense advance is a sum of money estimated by the organization or individual requested by the court to conduct an expertise under a court decision.
2. Expertising expense means a reasonable and necessary sum of money to be spent for the expertise and calculated by the organization or individual conducting such expertise, on the basis of law provisions.

Article 136. Obligation to pay expertising expense advances

1. The persons who request expertises must pay expertising expense advances, except otherwise agreed upon by the parties or provided for by law.
2. In cases where the involved parties agree to choose the expertising agency, or jointly request expertise of the same object, each party must pay half of the expertising expense advance, except otherwise agreed upon by the parties or provided for by law.

Article 137. Handling of paid expertising expense advances

1. In cases where the persons who have advanced expertising expenses do not have to pay the expertising expenses, the persons who must pay the expertising expenses under court decisions must refund the money to the persons who have paid them.
2. In cases where the persons who have paid the expertising expense advances are obliged to pay the expertising expenses, but the paid advance money is not enough to cover the actual expertising expenses, such persons must pay the deficit amount. If the advanced amounts exceed the actual expertising expenses, the surplus shall be refunded to the persons who have advanced the money.

Article 138. Obligation to pay expertising expenses

In cases where the parties do not otherwise agree or the law does not otherwise prescribe, the obligation to pay expertising expenses shall be determined as follows:

1. The persons who request expertises must pay the expertising expenses if the expertising results prove that their requests are groundless.
2. The persons who do not accept the expertising requests must pay the expertising expenses if the expertising results prove that the expertising requests are well grounded.

Article 139. Valuation expense advances, valuation expenses

1. The valuation expense advance means a sum of money estimated by the Evaluation Boards for valuation conducted under a court decision.
2. Valuation expenses are the reasonable and necessary sums of money to be paid for the valuation and calculated by the Valuation Boards on the basis of law provisions.

Article 140. Obligation to advance valuation expenses

1. The persons who request the valuations must advance valuation expenses, except otherwise agreed upon by the parties or provided for by law.
2. In cases where the involved parties could not agree on the prices and request the courts to conduct the valuation, or for cases prescribed at Point b, Clause 1, Article 92 of this Code, each party must pay half of the valuation expenses.

Article 141. Handling of the paid valuation expense advance

1. In cases where the persons who have advanced the valuation expenses do not have to pay the valuation expenses, the persons who are obliged to pay the valuation expenses under court decisions must refund the money to the persons who have advanced the valuation expenses.

2. In cases where the persons who have advanced the valuation expenses are obliged to pay them, but advanced amounts are not enough to cover the actual valuation expenses, such persons must pay the deficits. If the advanced sums exceed the actual valuation expenses, the surpluses shall be refunded to the persons who have advanced the money.

Article 142. Obligation to pay valuation expenses

In cases where the involved parties do not otherwise agree or the law does not otherwise prescribe, the obligation to pay valuation expenses shall be determined as follows:

1. The persons who have requested the valuation must pay the valuation expenses if the valuation results prove that their requests are groundless.

2. The persons who do not accept the valuation requests must pay valuation expenses if the valuation results prove that the valuation requests are well-grounded.

3. In cases where the parties could not agree on the prices and request the courts to conduct the valuation, each party must pay half of the valuation expenses.

4. In cases where the courts issue decisions on valuation as provided for at Point b, Clause 1, Article 92 of this Code:

a) Each involved party must pay half of the valuation expenses if the valuation results prove that the courts' valuation decisions are well grounded.

b) The courts shall pay the valuation expenses if the valuation results prove that the courts' valuation decisions are groundless.

5. In cases where the valuation is conducted for the purpose of dividing a common property, each person who has received a share from such property must bear the valuation expense amount proportionate to the value of the property share he/she has received.

Article 143. Expenses for witnesses

1. Reasonable and actual expenses for witnesses shall be borne by the involved parties.

2. The persons who request the courts to summon witnesses must bear the expenses for such witnesses, if the testimonies of the witnesses are true but not right for the demands of the person requesting to summon such witnesses. If the testimonies are true and right for the demands of the persons requesting to summon such witnesses, the expenses must be borne by the party making requests independent from the former's requests.

Article 144. Expenses for interpreters and lawyers

1. Expenses for interpreters mean sum of money payable to interpreters in the course of settling civil cases or matters as agreed upon by the involved parties and the interpreters or stipulated by law.

2. Expenses for lawyers mean sums of money payable to lawyers as agreed upon by the involved parties and the lawyers within the prescribed scope of the lawyer's office and according to law provisions.

3. Expenses for interpreters or lawyers shall be borne by the persons requesting such interpreters or lawyers, except otherwise agreed upon by the parties.

4. Where the courts request interpreters, the expenses for the interpreters shall be paid by the courts.

Article 145. Specific provisions on other procedural expenses

Specific expenses for expertises, valuation and specific expenses for witnesses, interpreters, lawyers shall be stipulated by the National Assembly Standing Committee.

Chapter X

ISSUANCE, SENDING AND NOTIFICATION OF PROCEDURAL DOCUMENTS

Article 146. Obligation to issue, send or notify procedural documents

The courts, the procuracies and the judgment-executing agencies bodies have the obligation to issue, send or notify procedural documents to the involved parties, other

participants in procedures and relevant individuals, agencies and/or organizations according to the provisions of this Code.

Article 147. Procedural documents to be issued, sent or notified

1. Judgments and decisions of courts.
2. Lawsuits petitions, appeals, protest decisions.
3. Written notices, summons, invitations in civil procedures.
4. Receipts of collection of court fee or charge advances, court fees, charges and other expenses.
5. Other procedural documents prescribed by law.

Article 148. Persons effecting the issuance, sending or notification of procedural documents.

1. The issuance, sending or notification of procedural documents shall be carried out by the following persons:
 - a) Civil procedure-conducting persons or people of the procedure document-promulgating agencies who are tasked to issue, send or notify procedural documents;
 - b) The commune-level People's Committees of the localities where the civil procedure participants reside or the agencies or organizations where the civil procedure participants work when so requested by courts;
 - c) The involved parties, their representatives or the defense counsels of the involved parties' legitimate rights and interests in the cases prescribed by this Code.
 - d) Postmen;
 - e) Other persons defined by law.

2. Persons who are obliged to effect the issuance, sending or notification but fail to properly perform their responsibilities, shall, depending on the nature and seriousness of their violation, be disciplined, administratively handled or examined for penal liability; if causing damage, they must compensate therefor according to law provisions.

Article 149. Modes of issuing, sending or notifying procedural documents

The issuance, sending or notification of procedural documents may be effected by the following modes:

1. Issuance, sending or notification is effected directly or by post office or by the authorized third person;
2. Public posting;
3. Announcement on the mass media.

Article 150. Validity of the issuance, sending or notification of procedural documents

1. The issuance, sending or notification of procedural documents, which is carried out in accordance with this Code, shall be considered valid.
2. The persons who are obliged to effect the issuance, sending or notification of procedural documents must comply with the provisions of this Code.

The persons who are obliged to execute the procedural documents that have been issued, sent or notified must strictly execute them; in case of failure to execute them or improper execution thereof, they shall, depending the nature and seriousness of their violation, be administratively sanctioned or examined for penal liability; if causing damage, they must compensate therefor according to law provisions.

Article 151. Procedures for direct issuance, sending or notification

The persons effecting the issuance, sending or notification of procedural documents must directly hand the relevant procedural documents to the persons to whom such documents are issued, sent or notified. The latter must sign in the minutes or books recording the delivery and receipt of procedural documents. The time for calculating the procedural time limit is the date when they are issued or sent with, or notified of, the procedural documents.

Article 152. Procedures for direct issuance, sending or notification to individuals

1. If the persons to whom procedural documents are issued, sent or notified are individuals, the procedural documents must be delivered directly to them.
2. If they are absent, the procedural documents may be handed to their relatives who have full civil act capacity and live with them, then request such persons to pledge to personally hand the documents to the former. The date when the co-residing relatives

sign for the receipt of the documents shall be considered the date of issuance, sending or notification.

Where the former do not have any relatives who have full civil act capacity and live with them or their relatives refuse to receive the procedural documents on their behalf, such procedural documents can be handed over to the population group leaders, village or hamlet chiefs (hereinafter referred collectively to as population group leaders), People's Committees or police offices of the communes, wards or district townships where the persons to whom the procedural documents are issued, sent or notified reside and request such persons to hand the documents in person to them.

3. If the issuance, sending or notification is effected through other persons, the issuers, senders or notifiers must make a minutes clearly stating the absence of the persons to whom the documents are sent or notified; the persons to whom the procedural documents are delivered; reasons; the date and time of delivery; the relationship between the persons to whom the procedural documents are issued, sent or notified and the persons to whom the procedural documents are delivered, the latter's pledge to deliver the documents in person to the former. The minutes must be signed by the persons who undertake to deliver the procedural documents and the issuers, senders or notifiers and the witnesses.

4. Where the persons to whom the procedural documents are issued, sent or notified have moved to new places with a new addresses, the documents must be issued, sent or notified to them according to their new addresses.

5. Where the persons to whom the procedural documents are issued, sent or notified are absent and the time of their return or their addresses are not known, the issuers, senders or notifiers must make record on failure to issue, send or notify, which shall be signed by the persons who have supplied the information.

6. Where the persons to whom the procedural documents are issued, sent or notified refuse to receive such documents, the issuers, senders or notifiers must make records thereon clearly stating reasons therefor, with certification by population group leaders, commune/ward/district township People's Committees or police offices of their refusal to receive the procedural documents.

Article 153. Procedures for direct issuance, sending or notification to agencies, organizations

Where the persons to whom the procedural documents are issued, sent or notified are agencies or organizations, the procedural documents must be delivered directly to their representatives at law or persons responsible for the receipt thereof, who must sign the receipts. Where the agencies or organizations to which the documents are

issued, sent or notified have their representatives to receive the procedural documents, such persons shall sign for the receipt thereof. The date of signing for receipt shall be regarded as the date of issuance, sending or notification.

Article 154. Procedures for public posting

1. The public posting of procedural documents shall be effected only when the whereabouts of the persons to whom the procedural documents are issued, sent or notified are not known or when the direct issuance, sending or notification cannot be conducted.

2. The public posting of procedural documents shall be conducted by courts directly or by the commune-level People's Committees under courts' authorization, of the localities where the persons to whom the procedural documents are issued, sent or notified reside or reside last according to the following procedures:

a) Posting the originals of the procedural documents at the offices of the courts or the commune-level People's Committees of the localities where the persons to whom the documents are issued, sent or notified reside or reside last;

b) Posting the copies thereof at the places of residence or last residence of such persons to whom the documents are issued, sent or notified;

c) Making records on the public-posting procedures, clearly stating the date of posting.

3. The duration for public posting of procedural documents shall be fifteen days as from the date of posting.

Article 155. Procedures for announcement on the mass media

1. The announcement on the mass media shall be effected only when it is so provided for by law or when there are grounds to believe that the public posting does not guarantee that the persons to whom the procedural documents are issued, sent or notified get the information on such documents.

The announcement on the mass media can be effected if so requested by the other involved parties. The fees for announcement on the mass media shall be borne by the announcement requesters.

2. Announcement on the mass media shall be published on central dailies for three consecutive issues, and broadcast on the central radio or television station three times for three consecutive days.

Article 156. Notification of results of issuance, sending or notification of procedural documents

Where the persons that issue, send or notify the procedural documents are neither courts nor procedural document-issuing agencies, nor their officials, such persons must notify the results of issuance, sending or notification of procedural documents to the courts or the agencies issuing such procedural documents.

Chapter XI

PROCEDURAL TIME LIMITS

Article 157. Procedural time limits

1. The procedural time limit is a period of time which is determined from this point of time to another point of time for the procedure-conducting persons, procedure participants or relevant individuals, agencies or organizations to perform procedural acts prescribed by this Code.
2. The procedural time limit can be determined in hour, day, week, month, year or an event which may occur.

Article 158. Application of the Civil Code's provisions on time limits

The method of calculating the procedural time limits, the provisions on procedural time limits, the starting time and the ending time of the procedural time limits in this Code shall comply with the corresponding provisions of the Civil Code.

Article 159. The statute of limitations for lawsuits, the statute of limitations for requests

1. The statute of limitations for lawsuits is the time limit during which subjects have the right to initiate lawsuits to request the courts to settle civil cases in order to protect their legitimate rights and interests, which have been, infringed upon; if that time limit expires, they will lose their right to initiate lawsuits unless otherwise provided for by law.
2. The statute of limitations for requests is the time limit during which subjects have the right to request the courts to settle civil matters in order to protect the legitimate rights and interests of individuals, agencies or organizations; the public interests

and/or the State's interests if that time limit expires, they shall lose the right to request, unless otherwise provided for by law.

3. Where the law does not otherwise prescribe the statute of limitations for lawsuits or for requests, those time limits are stipulated as follows:

a) The statute of limitations for initiating a lawsuit to request the court to settle a civil case is two years as from the date the legitimate rights and interests of individuals, agencies or organizations, public interests or the State's interests are infringed upon;

b) The statute of limitations for requesting the court to settle a civil matter is one year as from the date the right to request arises.

Article 160. Application of the Civil Code's provisions on statute of limitations

The Civil Code's provisions on statute of limitations shall apply in civil procedures.

Part Two

PROCEDURES FOR SETTLING CASES AT FIRST-INSTANCE COURTS

Chapter XII

INSTITUTION AND ACCEPTANCE OF CASES

Article 161. Right to institute cases

Individuals, agencies and organizations are entitled to institute cases by themselves or through their lawful representatives (hereinafter referred collectively to as the litigators) at competent courts to request the protection of their legitimate rights and interests.

Article 162. Right to institute civil cases to protect legitimate rights and interests of other persons, public interests and/or the State's interests

1. The population, family and children agencies and the Women's Union shall, within the scope of their tasks and powers, have the right to institute marriage-and family-related cases if it is so stipulated by the Law on Marriage and Family.

2. Superior Trade Unions of the grassroots Trade Unions shall have the right to institute labor cases where it is necessary to protect the legitimate rights and interests of the labor collective as prescribed by law.

3. Agencies and organizations shall, within the scope of their respective tasks and powers, have the right to institute civil cases to request courts to protect the public interests and/or the State's interests in the domains under their respective charge.

Article 163. Scope of initiation of lawsuits

1. An individual, agency or organization may initiate a lawsuit against another or many other individuals, agencies or organizations regarding one legal relation or many interrelated legal relations for settlement in the same case.

2. Many individuals, agencies or organizations may jointly initiate a lawsuit against another individual, agency or organization regarding one legal relation or many interrelated legal relations for settlement in the same case.

3. Competent individuals, agencies or organizations defined by this Code may initiate lawsuits against another individual, agency or organization or many other individuals, agencies or organizations regarding one legal relation or many interrelated legal relations for settlement in the same case.

Article 164. Form and contents of a lawsuit petition

1. Individuals, agencies and organizations initiating lawsuits must prepare their petitions.

2. A lawsuit petition must include the following principal contents:

a) Date of its making;

b) Name of the court receiving the lawsuit petition;

c) Name and address of the litigator;

d) Name and address of the person with his/her rights and interests to be protected;

e) Name and address of the person who is sued;

f) Name(s) and address(es) of persons(s) with related rights and obligations, if any;

g) Specific matters requested to be settled by the court against the defendant, the persons(s) with related rights and obligations;

h) Names and addresses of witnesses, if any;

- i) Documents and evidences to prove that the lawsuit petition is well-grounded and lawful;
- j) Other information which the litigator deems necessary for the resolution of the case;
- k) The lawsuit petition must be signed or fingerprinted by the individual being the litigator; or signed or stamped by the lawful representative of the agency or organization being the litigator.

Article 165. Documents and/or evidences accompanying lawsuit petitions

The litigators must send together with their lawsuit petitions, documents and/or evidences to prove that their claims are well-grounded and lawful.

Article 166. Submission of lawsuit petitions to courts

1. Persons who institute cases shall forward their lawsuit petitions and the accompanying documents and/or evidences to courts competent to settle their cases by the following modes:

- a) Direct submission at courts;
- b) Sending them to courts by post.

2. The date of initiating a lawsuit shall be the date on which the lawsuit petition is filed at court or the postmarked date of sending the petition.

Article 167. Procedures for receiving lawsuit petitions

Courts must receive lawsuit petitions lodged by litigators directly or via post and must record them in the petition registers. Within five working days as from the date of receiving the petitions, the courts must consider them and issue one of the following decisions:

- 1. To proceed with the procedures to accept the cases if they fall within their jurisdiction;
- 2. To transfer the lawsuit petitions to competent courts and notify the litigators thereof if the cases fall under other courts' jurisdiction;
- 3. To return the lawsuit petitions to the litigators if such matters do not fall under the court's jurisdiction.

Article 168. Returning lawsuit petitions

1. The courts shall return the lawsuit petitions in the following cases:

a) The statute of limitations for lawsuit has expired;

b) The petitioners have no right to initiate a lawsuit or do not have full civil procedure act capacity;

c) The matters have been resolved by effective judgments or decisions of courts or legally binding decisions of competent State agencies, except for cases where the courts reject the applications for divorce, for change in child adoption, change of alimony levels or damage compensation levels, or applications for the reclaim of leased or lent properties or houses leased, lent or offered for other people's free-of-charge stay, which have not been recognized by courts due to the lack of lawsuit conditions;

d) The notification time limit prescribed in Clause 2, Article 171 of this Code has expired while litigators fail to come to courts to carry out procedures for accepting the lawsuits, except for cases where there are plausible reasons;

e) There are not sufficient conditions to initiate lawsuits;

f) The cases do not fall under the courts' jurisdiction.

2. When returning lawsuit petitions, courts shall make written documents enclosed therewith, clearly stating the reasons therefor.

Article 169. Request for amendment and/or supplementation of lawsuit petitions

1. In cases where a lawsuit petition does not fully contain the details prescribed in Clause 2, Article 164 of this Code, the court shall notify such to the litigator for amendment and/or supplementation within a time limit set by the court, which, however, must not exceed thirty days; for special cases, the court may extend that time limit but for not more than fifteen days.

2. In cases where the litigators have amended and/or supplemented their lawsuit petitions strictly according to the provisions of Clause 2, Article 164 of this Code, the courts shall continue processing the cases; if they fail to amend and/or supplement their lawsuit petitions as requested by courts, the courts shall return the petitions as well as documents and evidences to the litigators.

Article 170. Lodging and settling complaints about the return of lawsuit petitions

1. Within three working days as from the date of receiving the lawsuit petitions and accompanying documents as well as evidences, which are returned by courts, the litigators may file their complaints to the chief judges of the courts which have returned the lawsuit petitions.

2. Within three working days as from the date of receiving the complaints about the return of lawsuit petitions, the courts' chief judges must issue one of the following decisions:

a) To uphold the return of the lawsuit petitions;

b) To receive back the lawsuit petitions and accompanying documents as well as evidences in order to process the cases.

Article 171. Accepting cases

1. After receiving lawsuit petitions and accompanying documents and/or evidences, if deeming that the cases fall within their jurisdiction, the courts shall immediately notify the litigators thereof in writing so that they may come to courts for carrying out procedures to advance the court fees in cases where they are liable thereto.

2. The courts shall estimate the court fee advance amounts, write them down on the notices and hand them to the litigators for payment of court fee advances. Within fifteen days as from the date of receiving the courts' notices on payment of court fee advances, the litigators must pay such advances.

3. The courts shall accept the cases after the litigators submit to the courts the court fee advance payment receipts.

4. In cases where the litigators are exempt from, or not required to pay, court fee advances or court fees, the courts must accept the cases upon receiving the lawsuit petitions and accompanying documents and/or evidences.

Article 172. Assigning judges to settle cases

1. Within three working days as from the date a case is accepted, the court's chief judge shall assign a judge to resolve the case.

2. In the course of settling the case, if the assigned judge cannot continue with the assigned task, the chief judge of the court shall assign another judge to continue that work; in cases where the trial is being underway without the alternative judge, the case must be retried from the beginning.

Article 173. Tasks and powers of judges when preparing case files

1. To notify the acceptance of the cases.
2. To request the involved parties to submit documents and evidences to courts.
3. To apply of one or several measures to collect evidences according to the provisions of Clause 2, Article 85 of this Code.

Article 174. Notice on acceptance of cases

1. Within three working days as from the date of receiving the cases, the courts must send written notices to defendants, individuals, agencies, and organizations with rights and obligations related to the settlement of the cases, to the procuracies of the same level on their acceptances of the cases.
2. Such a written notice must contain the following principal details:
 - a) Date on which the notice is made;
 - b) Name and address of the court accepting the case;
 - c) Name and address of the litigator;
 - d) Specific matters requested by the litigator for resolution by the court;
 - e) List of documents and evidences submitted together with the lawsuit petition by the litigator;
 - f) The time limit within which the notified person must submit to the court his/her written opinions on the litigator's claims and the accompanying documents and/or evidences, if any.
 - g) Legal consequences of the notified person's failure to submit to the court his/her written opinions on the claims in question.

Article 175. Rights and obligations of the notified persons

1. Within fifteen days as from the date of receiving the notices, the notified persons must submit to courts their written opinions on the litigators' claims and the accompanying documents and/or evidences, if any.

In cases where an extension of the time limit is needed, the notified persons must file their applications therefor to the courts, clearly stating the reasons; if the extension

applications are well grounded, the courts must permit the extension, which, however, must not exceed fifteen days.

2. The notified persons may request the courts to let them read, take note or copy the lawsuit petitions and the accompanying documents as well as evidences.

Article 176. Defendants' right to make counter-claims

1. Together with their obligation to submit to courts their written opinions on the litigators' claims, the defendants are entitled to file counter-claims against the plaintiffs.

2. The defendants' counter-claims against the plaintiffs shall be accepted in one of the following cases:

a) The counter-claims are made to clear liability against the plaintiffs' claims;

b) The counter-claims, if accepted, may exclude the partial or full acceptance of the plaintiffs' claims;

c) There is an interrelation between the counter-claim and the plaintiff's claim, and if these claims are settled in the same case, the resolution of such case shall be more accurate and quicker.

Article 177. Right of persons with related rights and obligations to make independent claims

In cases where the persons with related rights and obligations do not participate in the procedures on the side of the plaintiff or the defendant, they shall be entitled to make independent claims when the following conditions are met:

1. The resolution of the case is related to their rights and obligations;

2. Their independent claims are related to the case being settled;

3. If their independent claims are settled in the same case, the resolution of such case shall be more accurate and quicker.

Article 178. Procedures for making counter-claims or independent claims

The procedures for making counter-claims or independent claims shall comply with this Code's provisions on procedures for initiating lawsuits by plaintiffs.

Chapter XIII

CONCILIATION AND TRIAL PREPARATION

Article 179. Time limit for trial preparation

1. The time limits for preparation for trial of cases of various types are specified as follows:

- a) For the cases prescribed in Articles 25 and 27 of this Code, the time limit shall be four months counting from the date of acceptance of the cases;
- b) For the cases prescribed in Articles 29 and 31 of this Code, the time limit shall be two months counting from the date of acceptance of the cases.

For complicated cases, or when due to objective obstacles, the courts' chief judges may decide to extend the trial preparation time limits but for not more than two months for cases prescribed at Point a and one month for cases prescribed at Point b, Clause 1 of this Article.

2. Within the trial preparation time limits prescribed in Clause 1 of this Article, the courts shall, on a case-by-case basis, issue one of the following decisions:

- a) To recognize the agreement between the involved parties;
- b) To suspend the resolution of the case;
- c) To stop the resolution of the case;
- d) To bring the case to trial.

3. Within one month as from the date of issuing the decision to bring the case to trial, the court must open a trial session. In case of plausible reasons, this time limit shall be two months.

Article 180. Principle for conducting conciliation

1. The courts must, during the period of preparation for the first-instance trial of cases, carry out conciliations for the involved parties to reach agreement on the resolution of the cases, except cases which must not be conciliated or cannot be conciliated as stipulated in Articles 181 and 182 of this Code.

2. The conciliation must be conducted on the following principles:

a) Respect for the voluntary agreement of the involved parties, non-use of force or non-threat to use force to compel the involved parties to reach agreements against their will.

b) The contents of agreements between the involved parties must not contravene law and social ethics.

Article 181. Civil cases which must not be conciliated

1. Claims for compensation for damage caused to State assets.
2. Civil cases arising from transactions which are contrary to law or social ethics.

Article 182. Civil cases which cannot be conciliated

1. The defendants are intentionally absent though having been duly summoned twice by courts.
2. The involved parties can not take part in the conciliation for plausible reasons.
3. The involved parties being wives or husbands in divorce cases, who have lost their civil act capacity.

Article 183. Notices on conciliation sessions

Before conducting conciliation sessions, the courts must notify the involved parties or their lawful representatives of the time and venue of the conciliation sessions as well as issues to be conciliated.

Article 184. Participants in a conciliation session

1. The judge who presides over the conciliation session.
2. The court clerk who records the minutes of the conciliation session.
3. The involved parties or their lawful representatives.

In a case with many involved parties, where one of them is absent from the conciliation meeting, but the present parties agree to proceed with the conciliation and such conciliation shall not affect the rights and obligations of the absent party, the judge shall conduct the conciliation among the present parties. If the involved parties request the postponement of the conciliation meeting so that all involved parties can be present, the judge must postpone the conciliation session.

1. The interpreter, if involved parties do not know Vietnamese.

Article 185. Conciliation contents

When conducting conciliations, the judges shall brief the involved parties on relevant law provisions on settlement of the cases so that they relate them to their rights and obligations, and analyze the legal consequences of successful conciliation so that they voluntarily reach agreements on the resolution of the cases.

Article 186. Minutes of conciliation

1. The conciliations shall be recorded by court clerks in minutes. The minutes of conciliation must contain the following principal details:

- a) Date on which the conciliation session is held;
- b) Venue of the conciliation session;
- c) Participants in the conciliation session;
- d) Opinions of the involved parties or their lawful representatives;
- e) Contents which have been or have not been agreed upon by the involved parties.

2. A minutes of conciliation must be fully affixed with signatures or fingerprints of the parties present at the conciliation session, signature of the court clerk recording the minutes, and signature of the judge presiding the conciliation session.

When the involved parties have reached mutual agreements on issues to be settled in civil cases, the courts must make records of the successful conciliation. Such records must be immediately sent to the parties participating in the conciliation.

Article 187. Issuing decisions to recognize the agreements of the involved parties

1. Upon the expiry of the seven-day time limit after making the records on successful conciliation, if no parties change their opinions on such agreement, the judge who presides over the conciliation session or another judge who has been assigned by the court's chief judge shall issue a decision recognizing the agreement of the involved parties.

Within five working days after the issuance of the decision to recognize the agreement of the involved parties, the court must send the decision to the involved parties and the procuracy of the same level.

2. The judge shall only issue a decision to recognize the agreement of the involved parties if they have reached an agreement on the resolution of the whole case.

3. In the cases stipulated in Clause 3 of Article 184 of this Code, where the present parties have reached agreement on the settlement of their case, such agreement shall be valid only for the present persons and shall be recognized by the judge in a decision if it does not affect the rights and obligations of the absent parties. In cases where such agreement affects the rights and obligations of the absent parties, it shall be valid and recognized by the judge in a decision only if it is accepted in writing by the parties that are absent from the conciliation session.

Article 188. Effect of decisions to recognize the involved parties' agreements

1. The decisions to recognize the involved parties' agreements shall take effect immediately after they are issued and neither appealed nor protested against according to the appellate procedures.

2. The decisions to recognize the involved parties' agreements may be protested against according to the cassation procedures only if there are grounds to believe that such agreements were reached as a result of mistakes, deceptions, intimidation or they contravene law or social ethics.

Article 189. Suspension of the resolution of civil cases

1. The involved parties being individuals have died or being organizations have been merged, divided, separated or dissolved without any individuals, agencies or organizations inheriting their procedural rights and obligations.

2. One involved party being an individual has lost his/her civil act capacity while his/her representative at law has not been determined yet.

3. The legal representative of the involved party terminates without a replacement.

4. The results of resolution of another related case or matter, which, as required by law, must be settled by other agencies or organizations before the cases are resolved, need to be waited for.

5. Other circumstances as prescribed by law.

Article 190. Consequences of the suspension of resolution of civil cases

1. The court must not delete the names of suspended civil cases from the case acceptance books but only note down the number and date of the decisions to suspend the resolution of such civil cases in the case acceptance books.
2. The court fee advances and court fees paid by the involved parties shall be deposited at the State Treasury and handled when the courts proceed with the resolution of the civil cases.
3. Decisions to suspend the resolution of the civil cases may be appealed or protested against under appellate procedures.

Article 191. Resuming the resolution of suspended civil cases

The courts shall resume the resolution of suspended civil cases only when the suspension reasons no longer exist.

Article 192. Stopping the resolution of civil cases

1. After accepting cases which fall within their respective jurisdiction, the courts shall issue decisions to stop the resolution of the civil cases in the following circumstances:
 - a) The plaintiffs or defendants being individuals have died while their rights and obligations are not inherited;
 - b) Agencies or organizations have been dissolved or declared bankrupt without any individuals, agencies or organizations inheriting their procedural rights and obligations;
 - c) The litigators withdraw their lawsuit petitions with the courts' approval or the litigators have no right to initiate lawsuits;
 - d) Agencies or organizations withdraw their written lawsuits in cases where there are no plaintiffs or where the plaintiffs request not to continue resolving the cases;
 - e) The involved parties have reached agreements among themselves and do not request the courts to continue resolving the case;
 - f) The plaintiffs are still absent although they have been duly summoned twice;
 - g) The courts have issued decisions to open bankruptcy procedures for enterprises or cooperatives being a party to the cases and the resolution of such cases is related to the obligations and property of such enterprises or cooperatives;

h) Other circumstances prescribed by law.

2. The courts shall issue decisions to stop the resolution of civil cases, delete names of such cases from the case acceptance books and return the lawsuit petitions and accompanying documents as well as evidences to the involved parties if the cases fall into one of the circumstances under which the lawsuit petitions must be returned as provided for in Article 168 of this Code.

Article 193. Consequences of the stoppage of resolution of civil cases

1. When the decisions to stop the resolution of civil cases are issued, the involved parties shall not be entitled to initiate lawsuits to request the courts to re-settle such civil cases if the institution of the subsequent cases does not bring in any difference from the previous cases in terms of the plaintiff, defendant and the disputed legal relations, except for cases prescribed at Points c, e and f of Clause 1, Article 192 of this Code and cases otherwise provided for by law.

2. In cases where the courts issue decisions to stop resolving civil cases as provided for in Clause 1, Article 192 of this Code, the court fee advance money paid by the involved parties shall be confiscated by the State for public fund.

3. In cases where the court issue decisions to stop resolving civil cases as provided for in Clause 2, Article 192 of this Code, the court fee advance money paid by the involved parties shall be refunded to the payers.

4. The decisions to stop resolving civil cases may be appealed or protested against under appellate procedures.

Article 194. Competence to issue decisions to suspend or stop the resolution of civil cases

1. The judges who are assigned to resolve civil cases shall be competent to issue decisions to suspend or stop the resolution of such civil cases.

2. Within five working days after the issuance of decisions to suspend or stop the resolution of civil cases, the courts must send such decisions to the involved parties and the procuracies of the same level.

Article 195. Decisions to bring cases to trial

1. A decision to bring a case to trial shall contain the following principal details:

a) Date of issue of the decision;

- b) Name of the court issuing that decision;
- c) The case to be brought to trial;
- d) Names and addresses of the plaintiff, the defendant or other persons who initiate the lawsuit to request the court to settle the case, persons with related rights and obligations;
- e) Full names of the judge, people's jurors, court clerk and full names of the alternate judge or people's jurors, if any;
- f) Full name of the procurator who takes part in the court session, if any;
- g) Time, date and venue of the trial session;
- h) Public trial or closed trial;
- i) Full names of persons who are summoned to the court session.

2. Decisions to bring the cases to trial must be sent to the involved parties and the procuracies of the same level immediately after the issuance thereof.

Where the procuracies participate in court sessions as provided for in Clause 2, Article 21 of this Code, the courts must send the case files to the procuracies of the same level. Within fifteen days after receiving the dossiers, the procuracies must study then return the files to the courts.

Chapter XIV

FIRST-INSTANCE COURT SESSIONS

Section 1. GENERAL PROVISIONS ON FIRST-INSTANCE COURT SESSIONS

Article 196. General requirements for first-instance court sessions

The first-instance court sessions must be conducted on the right times and at the right places inscribed in the decisions to bring the cases to trial or in the notices on reopening the court sessions in cases where the court sessions have been postponed.

Article 197. Direct, oral and continuous hearing

1. The courts must directly ascertain details and facts of the cases by questioning and listening to the presentations of the plaintiffs, the defendants, persons with related rights and obligations, lawful representatives, defense counsels of the legitimate rights and interests of the involved parties and other participants in the procedures; examine and verify collected documents and evidences; listen to the opinions of the procuracies on the resolution of the cases if the procurators participate in the court sessions. Judgments shall only be rendered on the basis of the results of arguments and inquiries at the court sessions as well as the evidences which have been examined and verified at the court sessions.

2. The hearing shall be conducted orally and continuously, excluding breaks. Members of the Trial Panels shall hear the cases from the beginning to the end, except for the circumstances provided for in Clause 1, Article 198 of this Code.

In special circumstances prescribed by this Code, the hearing may be temporarily ceased for no more than five working days. Upon the expiry of that cessation time limit, the trial shall resume.

Article 198. Replacement of Trial Panel members in special cases

1. Where judges or people's jurors cannot continue to participate in the trial, the trial may be continued if there are alternate judges or people's jurors if they are present at the court sessions from the beginning.

In cases where a Trial Panel consists of two judges and the presiding judge cannot continue to participate in the trial, the other judge being member of the Trial Panel shall act as the presiding judge of the court session and the alternate judge shall be added to be member of the Trial Panel.

2. In cases where there is no alternate judge or people's juror to replace a member of the Trial Panel, or where the presiding judge of the court session must be replaced while there is no judge for replacement as provided for in Clause 1 of this Article, the case shall be retried from the beginning.

Article 199. Presence of plaintiffs at court sessions

1. The plaintiffs must be present at court sessions under court subpoena; if they are absent for the first time for plausible reasons, the court sessions must be postponed.

2. If a plaintiff has been duly summoned for the second time but is still absent, he/she/it shall be regarded as having waived his/her/its lawsuit and the court shall issue a decision to stop the resolution of the case. In cases where the court issues a decision to stop the resolution of the case, the plaintiff may initiate a lawsuit again

provided that the statute of limitations for such initiation of lawsuit has not yet expired.

Article 200. Presence of defendants at court sessions

1. The defendants must be present at court sessions under court subpoena; if they are absent for the first time for plausible reasons, the court sessions must be postponed.
2. If a defendant has been duly summoned for the second time but is still absent, the court shall continue to hear the case in his/her absence.

Article 201. Presence of persons with related rights and obligations

1. Persons with related rights and obligations must be present at court sessions under court subpoena; if they are absent for the first time for plausible reasons, the court sessions must be postponed.
2. If the persons with related rights and obligations have been duly summoned for the second time but are still absent, the courts shall continue to hear the cases in their absence.
3. If the persons with related rights and obligations who make independent claims and have been duly summoned for the second time but are still absent, they shall be regarded as having waived their independent claims, and the courts shall issue decisions to stop the resolution of the cases in respect of the independent claims of the persons with related rights and obligations if the plaintiff and the defendant so agrees. In cases where the courts issue decisions to stop resolving the cases in respect of the independent claims, the persons with related rights and obligations shall be entitled to initiate lawsuits again in respect of their independent claims provided that the statute of limitations for such initiation of lawsuits has not yet expired.

Article 202. Trial in absence of involved parties from court sessions

The courts shall proceed with the case hearing in the following circumstances:

1. The plaintiff, the defendant or the persons with related interests and obligations, who are absent from court sessions, file their applications to request the courts to conduct the trial in their absence;
2. The plaintiff, the defendant or the persons with related interests and obligations, who are absent from court sessions, have their lawful representatives to attend the court sessions;

3. The cases prescribed in Clause 2, Article 200 and Clause 2, Article 201 of this Code.

Article 203. Presence of defense counsels of legitimate rights and interests of the involved parties

The defense counsels of legitimate rights and interests of the involved parties must attend court sessions under court subpoena. If they are absent for the first time for plausible reasons, the court sessions must be postponed. If the persons defending legitimate rights and interests of the involved parties are still absent after being summoned for the second time, the courts shall proceed with the case hearing. In this case, the involved parties shall themselves defend their legitimate rights and interests.

Article 204. Presence of witnesses

1. Witnesses shall be obliged to attend court sessions under court subpoena to clarify details of the cases. Where the witnesses are absent but have earlier given their testimonies in person or sent their testimonies to courts, the judges presiding over the court sessions shall make public such testimonies.

2. Where witnesses are absent, the Trial Panels may decide to postpone the court sessions or keep hearing the cases. Where the witnesses are absent from the court sessions without plausible reasons and their absence hinders the trial, they may be escorted to court sessions under decisions of the Trial Panels.

Article 205. Presence of expert-witnesses

1. Expert-witnesses shall be obliged to attend court sessions under court subpoena to clarify issues relating to the expertise and expertising conclusions.

2. Where the expert-witnesses are absent, the Trial Panels shall decide to postpone the court sessions or keep hearing the cases.

Article 206. Presence of interpreters

1. Interpreters shall be obliged to attend the court sessions under court subpoena.

2. Where the interpreters are absent without substitutes, the Trial Panels shall decide to postpone the court sessions, except for cases where the involved parties keep requesting to continue the trial.

Article 207. Presence of procurators

1. The procurators assigned by the heads of the procuracies of the same level shall have the duty, to attend the court sessions.

2. Where the procurators are replaced at court sessions or cannot continue to participate in the trial sessions and the alternate procurators are available, the latter may attend the court sessions for continued trial of the cases if they are present at the court session from the beginning.

In cases where alternate procurators are not available for replacement, the Trial Panels shall decide to postpone the court sessions and promptly notify the heads of the procuracies of the same level thereof.

Article 208. Time limit for postponing a court session and decision to postpone a court session

1. In cases where the trial panel decides to postpone the court session according to the provisions of Clause 2 of Article 51, Clause 2 of Article 72 and Articles 199, 200, 201, 203, 204, 205, 206, 207 and 215, and Clause 4 of Article 230, of this Code, the time limit for postponement of a first-instance court session shall not exceed thirty days after the issue of the decision to postpone the court session.

2. A decision to postpone a court session must contain the following principal details:

a) Date of its issuance;

b) Name of the court and full names of persons conducting the procedures;

c) The case to be brought to trial;

d) Reasons for the postponement of the court session;

f) Time and venue for re-opening of the court session.

3. The decisions to postpone the court sessions must be signed by the judges presiding over the court sessions on behalf of the trial panels and be publicly notified to procedure participants. For absent persons, the courts shall immediately send the decisions to them and concurrently to the procuracies of the same level.

4. In cases where the courts cannot re-open the court sessions on the right time and at the right places inscribed in the decisions to postpone the courts sessions, the courts must immediately notify the procuracies of the same level and procedure participants of the time and venues for re-opening the court sessions.

Article 209. Internal rules of court sessions

1. People aged under 16 years shall not be allowed to enter the court rooms, except where they are summoned by courts to attend the court sessions.

All people present in the court room must stand up as the Trial Panel enters the court room, respect the Trial Panel, maintain order and strictly follow the instructions of the presiding judge of the court session.

Only those persons who are permitted by the trial panel can raise questions, reply or give statement. The persons who question, reply or give statement must stand up, except where they are permitted by the presiding judges of the court sessions to sit while making questions, replies or statements for health reasons.

2. The Chairman of the Supreme People's Court shall base him/herself on the provisions of Clause 1 of this Article to issue the internal rules of court sessions.

Article 210. Procedures for rendering court judgments or decisions at court sessions

1. Judgments must be discussed and adopted by the Trial Panels in the deliberation rooms.

2. Decisions to replace the procedure-conducting persons, expert-witnesses, interpreters, to transfer the cases, to suspend or stop the resolution of cases, or to postpone court sessions must be discussed and adopted at the deliberation rooms and made in writing.

3. Decisions on other matters shall be discussed and adopted by the Trial Panels at the court rooms and need not to be made in writing but must be recorded in the minutes of the court sessions.

Article 211. Minutes of court sessions

1. Minutes of a court session must be fully inscribed with the following details:

a) Main contents of the decision to bring the case to trial as stipulated in Clause 1 of Article 195 of this Code;

b) All developments at the court session from the beginning to the end;

c) Questions, answers and statements given at the court session.

2. Apart from recording the minutes of court sessions, the audio-recording and/or video-recording of the developments of the court session can be made only when it is consented by the Trial Panels.
3. At the end of a court session, the presiding judge of the court session must examine the minutes and co-sign on the minutes with the court clerk.
4. The procurator and procedure participants shall be entitled to read the minutes of the court session immediately after the end of the court session and request the inclusion of amendments or additions into the minutes and sign for certification.

Article 212. Preparing for the opening of a court session

Before the opening of a court session, the court clerk must perform the following jobs:

1. Briefing on the internal rules of the court session;
2. Examining and identifying the absence or presence of the persons participating in the court sessions under the court's subpoenas or notices; if any person is absent, the reasons therefor must be clarified;
3. Maintaining order in the court room;
4. Requesting all people present in the court room to stand up when the Trial Panel enters the court room.

Section 2.

PROCEDURES FOR COMMENCING A COURT SESSION

Article 213. Opening a court session

1. The presiding judge of the court session shall open the court session and read out the decision to bring the case to trial.
2. The court clerk shall then report to the Trial Panel on the presence and absence of the persons participating in the court session under the court's subpoenas or notices and the reasons for their absence.

3. The presiding judge shall cross-check the presence of the participants in the court session under the court's subpoenas or notices and examine identities of the involved parties.
4. The presiding judge shall explain the rights and obligations of the involved parties and other procedure participants.
5. The presiding judge shall introduce full names of the procedure-conducting persons, expert-witnesses, interpreters.
6. The presiding judge shall ask persons who are entitled to request the replacement of procedure conductors, expert-witnesses or interpreters to see if they wish to replace anyone.

Article 214. Handling requests for replacement of procedure conductors, expert-witnesses and/or interpreters

In cases where certain persons request the replacement of procedure conductors, expert-witnesses and/or interpreters, the trial panels must consider and decide in accordance with procedures stipulated in this Code and may accept or not accept such request. In case of non-acceptance, the reasons therefor must be clearly stated.

Article 215. Considering and deciding on the postponement of court sessions upon someone's absence

When any procedure participants are absent from court sessions and they do not fall into the cases where the courts must postpone the court sessions, the presiding judges must ask to see if there is any one requesting the postponement of the court sessions or not. If there is, the Trial Panels shall consider and decide thereon according to the procedures stipulated in this Code and may accept or not accept such request. In case of non-acceptance, the reasons therefor must be clearly stated.

Article 216. Securing the objectivity of witnesses

1. Before witnesses are asked about matters they know, which are related to the resolution of the cases, the presiding judges may decide to take necessary measures so that witnesses cannot hear each other's testimonies nor contact the relevant persons.
2. In cases where the testimonies of the involved parties and the witnesses are interrelated, the presiding judges may decide to isolate the involved parties from the witnesses before the witnesses are questioned.

Section 3.

PROCEDURES FOR INQUIRIES AT COURT SESSIONS

Article 217. Inquiring the involved parties about change, supplementation or withdrawal of their claims

The inquiring process shall start with the presiding judge's inquiry of the involved parties about the following issues:

1. Inquiring the plaintiffs to see whether or not they wish to change, supplement or withdraw part or whole of their lawsuit petitions;
2. Inquiring the defendants to see whether or not they wish to change, supplement or withdraw part or whole of their counter-claims;
3. Inquiring the persons with related rights and obligations who make independent claims to see whether or not they wish to change, supplement or withdraw part or whole of their independent claims.

Article 218. Considering the change, supplementation or withdrawal of claims

1. The trial panels shall accept the change and/or supplementation of the involved parties' claims, if such change or supplementation does not fall beyond the scope of their original lawsuits, counter-claims or independent claims.
2. Where an involved party voluntarily withdraws part or whole of his/her claim, the Trial Panel may accept such request and stop the trial regarding the withdrawn part or whole of the claim.

Article 219. Changing the procedural status

1. Where the plaintiff withdraws the entire lawsuit claim, but the defendant still maintains his/her counterclaims, the defendant shall become the plaintiff and the plaintiff shall become the defendant.
2. Where the plaintiff withdraws the entire lawsuit claim and the defendant withdraws the entire counterclaims, but persons with related rights and obligations still maintain their independent claims, the persons with related rights and obligations shall become plaintiffs while the persons who are obliged under the independent claims shall become defendants.

Article 220. Recognizing the agreements of involved parties

1. The presiding judge shall ask whether the involved parties can reach mutual agreement on the resolution of the cases or not. In cases where they reach agreements on the resolution of the cases and their agreements are voluntary, not contrary to law or social ethics, the trial panels shall issue decisions to recognize their agreements on the resolution of the cases.

2. The court decisions recognizing the involved parties' agreements on the resolution of the cases shall take legal effect.

Article 221. Listening to the involved parties' presentations

1. In cases where certain involved parties still maintain their claims and cannot reach agreements on the resolution of the cases, the Trial Panels shall commence the hearing the cases by listening to presentations of the involved parties in the following order:

a) The defense counsels of the plaintiff's legitimate rights and interests shall present the plaintiff's claims and evidences to prove that their claims are well-grounded and lawful. The plaintiff shall be entitled to give additional opinions.

In cases where agencies or organization institute the cases, their representatives shall present the lawsuit claims and evidences to prove that their lawsuit claims are well-grounded and lawful.

b) The defense counsels of the defendant's legitimate rights and interests shall present the defendant's opinions on the plaintiff's claims; the defendant's counter-claims and proposals as well as evidences to prove that such proposals are well grounded and lawful. The defendant shall be entitled to give additional opinions.

c) The defense counsels of the legitimate rights and interests of persons with related rights and obligations shall present the latter's opinions on the claims and proposals of the plaintiff and the defendant; independent claims and proposals of the persons with related rights and obligations as well as evidences to prove that such proposals are well grounded and lawful. The persons with related rights and obligations shall be entitled to give additional opinions.

2. In cases where the plaintiff, the defendant or the persons with related rights and obligations have no defense counsels of their legitimate rights and interests, they shall present by themselves their claims and proposals as well as evidences to prove that such claims and proposals are well grounded and lawful.

3. At the court sessions, the involved parties and defense counsels of their legitimate rights and interest are entitled to supplement evidences to prove their respective claims and proposals.

Article 222. Sequence of inquiry at court sessions

After listening to presentations by the involved parties, the inquiry of each person about each matter shall be carried out in the order that the presiding judge shall inquire first, then the people's jurors; the defense counsels of legitimate rights and interests of the involved parties; then the involved parties, and other procedure participants. Where procurators participate in court sessions, their inquiries shall follow the involved parties' inquiries.

Article 223. Inquiring plaintiffs

1. In cases where there are more than one plaintiff, they shall be inquired and separately one by one.

2. The plaintiffs shall be inquired only about matters presented by themselves or by the defense counsels of their legitimate rights and interests which are unclear, inconsistent or contradictory to their previous testimonies, or contradictory to the presentations of the defendant, the persons with related rights and obligations and/or the defense counsels of their legitimate rights and interests.

3. Plaintiffs may themselves reply or the defense counsels of their legitimate rights and interests may reply on their behalf, then the plaintiffs may give additional answers.

Article 224. Inquiring defendants

1. In cases where there are more than one defendant, each defendant shall be inquired separately.

2. The defendants shall only be inquired about matters which have been unclearly presented by themselves or the defense counsels of their legitimate rights and interests or have been inconsistent or contradictory to their previous testimonies, or contradictory to the claims of the plaintiffs or the persons with related rights and obligations and/or the defense counsels of their legitimate right and interests.

3. Defendants may answer questions by themselves or the defense counsels of their legitimate rights and interests answer on their behalf before the defendants give additional answers.

Article 225. Inquiring persons with related rights and obligations

1. In cases where there are more than one person with related rights and obligations, each of them shall be inquired separately.
2. The persons with related rights and obligations shall only be inquired about matters which have been unclearly presented by themselves or by the defense counsels of their legitimate rights and interests or have been inconsistent or contradictory to their previous testimonies or contradictory to the claims of the plaintiffs or proposals of the defendants or the defense counsels of legitimate rights and interests of these persons.
3. Persons with related rights and obligations may answer questions by themselves or the defense counsels of their legitimate rights and interests answer on their behalf before they give additional answers.

Article 226. Inquiring witnesses

1. In cases where there are more than one witness, each of them shall be inquired separately.
2. Before questioning witnesses, the presiding judges shall ask clearly about the relations between them and parties involved in the cases; if witnesses are minors, the presiding judges may request their parents, guardians or teachers to help in the inquiries.
3. The presiding judges shall request the witnesses to present details of the cases which they know. After the witnesses complete their presentations, they may only be further questioned about points which they have presented unclearly, incompletely or inconsistently or which have been contradictory to their previous testimonies, contradictory to the presentations of the involved parties and/or the defense counsels of the involved parties' legitimate rights and interests.
4. After completing their presentations, the witnesses shall stay in the court rooms so that they may be further questioned.
5. In cases where it is necessary to secure the safety of the witnesses or their relatives, the Trial Panels may decide not to disclose information on their personal identities and must keep them from being seen by attendants to the court sessions.

Article 227. Disclosing case documents

1. The Trial Panels shall make public case documents in the following cases:

- a) Procedure participants are absent from court sessions but have given their testimonies during hearing preparation;
- b) Testimonies given at court sessions by procedure participants are contradictory to their previous testimonies;
- c) In other cases where the Trial Panels deem it necessary or where the procurators or procedure participants so request.

2. In special cases where it is necessary to keep State secrets, to preserve the nation's fine customs and practices, to keep professional secrets, business secrets or private secrets at the requests of the involved parties, the trial panels shall not disclose documents included in the case files.

Article 228. Hearing audio-tapes and/or discs, watching video tapes and/or discs

At the request of the procurators or the procedure participants or when deeming it necessary, the Trail Panels may arrange for the audio tapes and/or discs to be heard, and/or video tapes and/or discs to be screened at court sessions, except for the cases stipulated in Clause 2 of Article 227 of this Code.

Article 229. Examining exhibits

Exhibits, photos or records certifying exhibits may be presented for examination at court sessions.

When necessary, the Trial Panels may go together with the involved parties for on-site examination of exhibits which can not be brought to court sessions.

Article 230. Inquiring expert-witnesses

1. The presiding judges shall request the expert-witnesses to present their conclusions on matters they have been assigned to expertise. During their presentations, the expert-witnesses may give additional explanations on the expertising conclusions and the grounds to make such conclusions.

2. Procurators and procedure participants present at court sessions shall be entitled to give comments on the expertising conclusions, to ask about matters which are unclear or contradictory in the expertising conclusions or contradictory to other details of the cases.

3. In cases where the expert-witnesses are absent from court sessions, the presiding judges shall publicize the expertising conclusions.

4. If any procedure participants disagree with the expertising conclusions publicized at court sessions and request the expert-witnesses to make additional expertise or re-expertise, if deeming that the additional expertise or the re-expertise is necessary for the settlement of the cases the Trial Panels shall decide on the additional expertise or re-expertise; in this case, the Trial Panels shall decide to postpone the court sessions.

Article 231. Concluding the inquiries at court sessions

When deeming that the case details have been fully examined, the presiding judges shall ask the procurators, the involved parties, the defense counsels of the legitimate rights and interests of the involved parties and other procedure participants whether they request to ask about any matters or not; in cases where someone has such request and he/she deems that such request is well grounded, the presiding judges shall decide to continue the inquiries.

Section 4.

ARGUMENT AT COURT SESSIONS

Article 232. Order for making arguments

1. At the end of the inquiring process, the Trial Panels shall move on to the arguments at court sessions. The order for making arguments shall be as follows:

a) The defense counsels of the plaintiffs' legitimate rights and interests shall make their presentations. The plaintiffs may make additional comments. In cases where agencies or organizations initiate lawsuits, the representatives of such agencies or organizations shall present their opinions. The persons having their rights and interests protected may give additional comments;

b) Defense counsels of the defendants' legitimate rights and interests shall make their presentations. The defendants may make additional comments;

c) Defense counsels of the legitimate rights and interests of persons with related rights and obligations shall make presentations. Persons with related rights and obligations may make additional comments.

2. In cases where the plaintiffs, the defendants or persons with related rights and obligations have no one to defend their legitimate rights and interests, they shall themselves make presentations during the arguments.

Article 233. Presentations during arguments and responses

When making presentations on the assessment of evidences or expressing their views on the resolution of cases, persons participating in the arguments must base themselves on documents and evidences that have been collected, examined and verified at court sessions as well as results of the inquiring process at court sessions. They may respond to the opinions of others. The presiding judges must not limit the argument time but create conditions for persons participating in the arguments to fully express their opinions, but may interrupt ideas irrelevant to the cases.

Article 234. Presentations of procurators

In cases where procurators attend court sessions, after the procedure participants present their arguments and responses, the presiding judges shall ask the procurators to express the procuracies' views on the resolution of the cases.

Article 235. Resuming inquiries

Through arguments, if deeming that details of the cases have not been considered, or have been considered insufficiently, or it is necessary to additionally examine evidences, the trial panels shall decide to resume the inquiring process. Once the inquiries end, the arguments must continue.

Section 5.

DELIBERATION AND PRONOUNCEMENT OF JUDGMENTS

Article 236. Deliberation

1. At the end of arguments, the trial panels enter the deliberation rooms to deliberate the cases.
2. Only members of the trial panels can participate in the deliberation. During the deliberation, the trial panel members must resolve all matters of the cases by way of majority voting on matter by matter. The people's jurors shall vote first while the judges shall vote last. The minority may express their opinions in writing which shall be recorded in the case files.
3. Deliberation must be based only on documents and evidences which have been examined considered at court sessions, results of inquiries at court sessions and the full consideration of opinions of procedure participants and procurators.

4. Deliberation must be recorded in minutes specifying all opinions discussed and decisions of the trial panels. The deliberation records must be signed at the deliberation rooms by all members of the trial panels before the judgments are pronounced.

5. Where the cases involve many complicated circumstances and the deliberation requires a longer time, the trial panels may decide on the deliberation time limit which, however, shall not exceed five working days after the end of arguments at court sessions.

The trial panels must inform all persons present at court sessions and the absent procedure participants of the hours, date and place where the judgments shall be pronounced; if the trial panels have made the notification while some proceeding participants are absent, the trial panels shall still proceed with the pronouncement of judgments as provided for in Article 239 of this Code.

Article 237. Resumption of inquiries and arguments

Through deliberation, if deeming that details of the cases have not been considered, the inquiries have yet been sufficient or evidences should be further examined, the trial panels may decide to resume the inquiries and arguments.

Article 238. First-instance judgments

1. Courts shall render judgments in the name of the Socialist Republic of Vietnam.
2. A judgment shall contain an introduction, contents of the case and assessment of the court, and the court's decision.
3. The introduction section of the judgment must clearly state the name of the first-instance court; the serial number and date of the case acceptance; the serial number of the judgment and the date of judgment pronouncement; full names of the members of the trial panel, the court clerk, the procurators, expert-witnesses and interpreter (if any); full names and addresses of the plaintiff, defendant, persons with related rights and obligations; agencies or organizations initiating the lawsuit; the lawful representatives, the defense counsels of the legitimate rights and interests of the involved parties; subject matter of the dispute; the serial number and date of the decision to bring the case to public trial or closed trial; time and place of trial.
4. The section of the judgment contents and court assessment must state the lawsuit claims of the plaintiff; the lawsuit of the agency or organization, the defendant's counter-claim; independent claims of persons with related rights and obligations;

assessment of the court; points, clauses and articles of the legal documents which the court used as grounds for the resolution of the case.

The court assessments must analyze grounds for acceptance or non-acceptance of the claims, proposals of the involved parties, the defense counsels of the legitimate rights and interests of the involved parties.

5. The court ruling section must clearly state the court decisions on each issue to be resolved in the case, on court fees and right to appeal against the judgment; in cases where there are decisions which must be executed immediately, such decisions must be clearly stated.

Article 239. Pronouncing judgments

Upon pronouncement of a judgment, all people in the court room must rise up, except for special cases permitted by the presiding judge. The presiding judge or another member of the trial panel reads out the judgment and may, after reading the full text of the judgment, give further explanation of the judgment execution and the right to appeal.

In cases where any involved parties do not know Vietnamese, the interpreter must interpret the judgment in full into the language they know.

Article 240. Amendment or supplementation of judgments

1. A judgment, once pronounced must not be amended or supplemented, except where obvious mistakes in spelling, in data due to confusion or miscalculation are detected. The amendment or supplementation must be immediately notified to persons having rights and/or obligations related thereto; and at the time to agencies, organizations initiating the lawsuits and procuracies of the same level

2. The judgment amendment or supplementation stipulated in Clause 1 of this Article must be made by judges in coordination with the people's jurors being members of the trial panel. In cases where such judges no longer hold the judge's position, the courts' chief judges shall make such amendment or supplementation.

Article 241. Supplying judgment extracts and judgments

1. Within three working days after the end of a court session, the involved parties, agencies or organizations initiating the lawsuits shall be supplied with judgment extracts by the court.

2. Within ten days as from the date of judgment pronouncement, the court shall hand over or send the judgment to the involved parties, agencies or organizations initiating the lawsuit and the procuracy of the same level.

Part Three

PROCEDURES FOR RESOLUTION OF CASES AT APPEAL COURTS

Chapter XV

NATURE OF APPELLATE TRIAL AND THE APPEAL OR PROTEST AGAINST JUDGMENTS, DECISIONS OF FIRST-INSTANCE COURTS

Article 242. Nature of appellate trial

Appellate trial means the re-trial by the immediate superior court of a case with the first-instance court's judgment or decision having not yet taken legal effect and being appealed or protested against.

Article 243. Persons having the right to appeal

The involved parties or their representatives, agencies or organizations initiating lawsuits shall have the right to lodge their appeals against judgments or decisions of the first-instance courts to suspend or stop the resolution of cases in order to request the immediate superior courts to conduct re-trials according to the appellate procedures.

Article 244. Application for an appeal

1. An application for an appeal must have the following principal contents:
 - a) Date on which the application is made;
 - b) Full name and address of the appellant;
 - c) The section of judgment or decision of the first-instance court, which has not yet taken legal effect and is appealed.
 - d) The reason(s) for appealing and the appellant's claims.
 - e) Signature or fingerprint of the appellant.

2. The appeal application must be filed with the first-instance court which rendered the first-instance-judgment or decision being appealed against; where the appeal application is filed with the appeal court, the appeal court must transfer the application to the first-instance court for carrying out necessary procedures and sending the case file to the appeal court as provided for in Article 255 of this Code.

3. The appeal application must be accompanied with additional documents and/or evidences, if any, to prove that their appeals are well grounded and lawful.

Article 245. Time limit for an appeal

1. The time limit for an appeal against the first-instance court's judgment is fifteen days as from the date of judgment pronouncement; for the involved parties being absent from the court sessions, the time limit for an appeal shall be counted from the date the judgment is handed to them or publicly posted up.

2. The time limit for an appeal against the first-instance court's decision on suspending or stopping the resolution of the case is seven days counting from the date the person who has the right to appeal receives such decision.

3. In cases where the appeal application is sent by post, the appeal date shall be calculated on the basis of the sending postmark date printed on the envelope.

Article 246. Examination of appeal applications

1. After receiving the appeal applications, the first-instance courts must examine their validity as provided for in Clause 1, Article 244 of this Code.

2. In case of overdue appeals, the first-instance courts shall request the appellants to further explain the reasons therefor and produce documents and/or evidences, if any, to prove that the reasons for late submission of their appeal applications are plausible.

Where the appeal applications are made not in compliance with the provisions of Clause 1, Article 244 of this Code, the first-instance courts shall request the appellants to amend or supplement them.

Article 247. Overdue appeals

1. Appeals that are not made within the time limit stipulated in Article 245 of this Code shall be the overdue appeals. After receiving overdue appeal applications, the first-instance courts must forward the applications and the appellants' explanation of the reasons for late filing the appeals, documents and/or evidences, if any, to the appeal courts.

2. Within ten days after receiving the overdue appeals and the accompanying documents and/or evidences, the courts of appeal shall set up a Panel consisting of three judges to consider the overdue appeals. The Panel may issue decisions to accept or not to accept the overdue appeals and clearly state the reasons therefor in such decisions. The appeal courts must send their decisions to the late appellants and the first-instance courts. If the appeal courts accept the overdue appeals, the first-instance courts shall carry out procedures stipulated in this Code and forward the case files to the appeal courts.

Article 248. Notification of payment of appeal court fee advance

1. After accepting the valid appeal applications the first-instance courts must notify the appellants thereof so that they pay the appeal court fee advances as required by law, if they do not fall cases of being exempt from, or having not to pay, the appeal court fee advances or appeal court fees.

2. Within ten days as from the date of receiving the courts' notifications of payment of the appeal court fee advances, the appellants must pay the court fee advances and submit to the first-instance courts the receipts of the payment of court fee advances. If past this time limit the appellants fail to pay the appeal fee court advances, they shall be deemed to have given up their appeals, unless they have plausible reasons therefor.

Article 249. Notice of appeal

1. After receiving the valid appeal applications, the first-instance courts must notify such in writing to the procuracies of the same level and the involved parties.

2. Persons who are notified of the appeals shall be entitled to send to the appellate courts documents expressing their opinions on the appealed matters. Such documents shall be included in the case files.

Article 250. Protest by procuracies

The head of the procuracy of the same level or the immediate superior level shall be entitled to protest against the first-instance court's judgments or decisions to suspend or stop the resolution of the cases in order to request the immediate superior court to directly settle the cases according to the appellate procedures.

Article 251. Protest decisions of procuracies

1. The procuracies' protest decisions must be made in writing and contain the following principal contents:

- a) Issuing date and serial number of the protest decision;
 - b) Name of the procuracy that issues the protest decision;
 - c) Protested sections of the first-instance court's judgments or decisions which have not yet taken legal effect.
 - d) Reason(s) for such protest and the procuracy's claims.
 - e) Full name of the person signing the protest decision and seal of the procuracy issuing the protest decision.
2. The protest decisions must be immediately sent to the first-instance courts that have rendered the protested judgments or decisions so that such courts shall carry out procedures stipulated by this Code and send the case files to the appeal courts as provided for in Article 255 of this Code
 3. Enclosed with the protest decisions shall be additional documents and/or evidences to prove that the procuracies' protests are well grounded and lawful.

Article 252. Time limit for a protest

1. The time limit for making a protest against the first-instance court's judgment shall be fifteen days for the procuracy of the same level and thirty days for the immediate superior procuracy, counting from the date of judgment pronouncement. In cases where the procurators do not attend the court sessions, the protest time limit shall be counted from the date the procuracy of the same level receives the judgment.
2. The time limit for making a protest against the first-instance court's decision on suspending or stopping the resolution of the case shall be seven days for the procuracy of the same level and ten days for the immediate superior procuracy, counting from the date the procuracy of the same level receives such decision.

Article 253. Notification of protests

1. The procuracy issuing a protest decision must promptly send the protest decision to the parties relating to the protest.
2. Persons who are notified of the protest shall be entitled to send to the appellate court documents expressing their views on the protested matters. Such documents shall be included in the case files.

Article 254. Effects of an appeal or a protest

1. The appealed or protested parts of the first-instance judgment or decision shall not be enforced, except where the law requires the immediate enforcement thereof.
2. The first-instance courts' judgments, decisions or parts thereof, which are not appealed or protested against, shall take legal effect as from the date of expiry of the appeal or protest time limit.

Article 255. Forwarding case files, appeals, protests

The first-instance courts must forward to the appeal courts case files, appeals and/or protests and the accompanying documents, evidences within five working days from the date:

1. The appeal or protest time limit expires if the appellant must not pay the appeal court fee advance;
2. The appellant submits to the first-instance court the receipt of appeal court fee advance payment.

Article 256. Modifying, supplementing, withdrawing appeals, protests

1. Before the opening of appeal court sessions or at appeal court sessions, the appellants may modify or supplement their appeals and the procuracies issuing protest decisions may modify or supplement their protests provided that the modification or supplementation must not go beyond the scope of the original appeals or protests, if the appeal or protest time limit has expired.
2. Before the opening of appeal court sessions or at appeal court sessions, the appellants may withdraw their appeals and the procuracies issuing protest decisions or the immediate superior procuracy may withdraw their protests.

The appeal courts shall stop the appellate trial of parts of the cases against which the appellants have withdrawn their appeals or the procuracies have withdrawn their protests.

3. The modification, supplementation or withdrawal of appeals or protests before the opening of appeal court sessions must be made in writing and sent to the appellate courts. The appeal courts must promptly notify the involved parties of such modification or withdrawal.

The modification, supplementation or withdrawal of appeals or protests at court sessions must be recorded in the minutes of the court sessions.

Chapter XVI

PREPARATION FOR AN APPELLATE TRIAL

Article 257. Accepting cases for appellate trial

1. Immediately after receiving case files, appeals, protests and accompanying documents, evidences, the appeal courts shall record them in acceptance books.
2. The chief judge of the appeal court or the chief judge of the appeal court of the Supreme People's Court shall set up the Appellate Trial Panel and assign a judge to act as the presiding judge.

Article 258. Time limit for appellate trial preparation

1. Within 2 months as from the date of receiving a case, the appeal court shall, depending on each specific case, issue one of the following decisions:
 - a) To suspend the appellate trial of the case;
 - b) To stop the appellate trial of the case;
 - c) To bring the case to appellate trial.

For complicated cases or due to objective obstacles, the chief judge of the appeal court may decide to prolong the trial preparation time limit but for not more than one month.

2. Within one month as from the date of issuance of the decision to bring the case to trial, the court must open an appeal court session; in case of plausible reasons, this time limit shall be two months.
3. Decisions to bring the case to appellate trial must be forwarded to the procuracies of the same level and persons relevant to the appeal or the protest.

Article 259. Suspension of the appellate trial of cases

The appeal courts shall issue decisions to suspend the appellate trial of cases; the consequences of suspension of the appellate trial of cases and the resumption of appellate trial of cases shall comply with the provisions of Articles 189, 190 and 191 of this Code.

Article 260. Stoppage of the appellate trail of cases

1. The appeal courts shall issue decisions to stop the appellate trial of cases in the following cases:

- a) Cases prescribed at Points a and b of Clause 1 of Article 192 of this Code;
- b) The appellants withdraw the entire appeals or the procuracies withdraw the entire protests;
- c) Other cases prescribed by law.

2. Where the appeal courts issue decisions to stop the appellate trials of cases under the provisions of Point b, Clause 1 of this Article, the first-instance judgments or decisions shall take legal effect as from the date the appeal courts issue such decisions.

Article 261. Decisions to apply, change or cancel the provisional emergency measures

During the appellate trials, preparation time limit, the appeal courts may decide to apply, change or cancel provisional emergency measures prescribed in Chapter VIII of this Code.

Article 262. Forwarding the case files to the procuracies for study

- 1. After accepting cases for appellate trial, the appeal courts must transfer the case files to the procuracies of the same level for study.
- 2. The time limit for the procuracies of the same level to study the case files shall be fifteen days as from the date of receiving the case files; upon the expiry of such time limit, the procuracies must return the case files to the courts.

Chapter XVII

APPELLATE TRIAL PROCEDURES

Article 263. Scope of appellate trial

The appeal courts shall only review the parts of the first-instance judgments or decisions, which are appealed or protested against or related to the review of the appealed or protested contents.

Article 264. Participants in appeal court sessions

1. The appellants, the involved parties, individuals, agencies and/or organizations that are related to the resolution of the appeals or protests and the defense counsels of the involved parties' legitimate rights and interests must be summoned to the appeal court sessions. The courts can summon other procedure participants to court sessions if they deem it necessary for the resolution of the appeals or protests.
2. Procurators of the procuracies of the same level must participate in the appeal court sessions in cases where the procuracies lodge the protests or have participated in the first-instance court sessions.

Article 265. Suspension or stoppage of appellate trials at court sessions

At appeal court sessions, the suspension or stoppage of the appellate trail of cases shall comply with the provisions of Articles 259 and 260 of this Code.

Article 266. Postponement of appeal court sessions

1. In cases where procurators of the procuracies of the same level, who must participate court sessions, are absent, the appeal court sessions must be postponed.
2. If the appellants are absent for the first time for plausible reasons, the court sessions must be postponed. If the appellants who have been duly summoned twice but are still absent, they shall be considered having waived their appeals and the courts shall issue decisions to stop the appellate trial of the cases, appealed by the absent appellants.
3. If procedure participants other than the appellants are absent from court sessions, the postponement or continuation of the appeal court sessions shall comply with the provisions of Articles 199, 200, 201, 202, 203, 204, 205 and 206 of this Code.
4. The duration for postponement of, and the decisions to postpone, the appeal court sessions shall comply with the provisions of Article 208 of this Code.

Article 267. Preparation for the opening of appeal court sessions and procedures for starting the appeal court sessions

The preparation for the opening of appeal court sessions and the procedures for starting the appeal court sessions shall comply with the provisions of Articles 212, 213, 214, 215 and 216 of this Code.

Article 268. Inquiries at court sessions

1. After the conclusion of the procedures for opening an appeal court session, a member of the trial panel shall announce the contents of the case, the decision of the first-instance judgment and the appealed or protested contents.

2. The presiding judge shall ask the following:

a) Whether or not the plaintiff wishes to withdraw his/her/its lawsuit petition.

b) Whether or not the appellant or the procurator wishes to change, supplement or withdraw their appeal or protest;

c) Whether or not the involved parties can reach mutual agreements on the resolution of the case.

Article 269. Plaintiffs withdraw lawsuit petitions before the opening of, or at, appeal court sessions

1. If the plaintiffs withdraw their lawsuit petitions before the opening of, or at, appellate court sessions, the Trial Panels must ask the defendants whether they agree therewith or not and may settle on a case-by-case basis as follows:

a) Disapproving the withdrawal of lawsuit petitions by the plaintiffs if the defendants disagree;

b) Approving the withdrawal of lawsuit petitions by the plaintiffs if the defendants agree. The Appellate Trial Panels shall issue decisions to abrogate first-instance judgments and stop the resolution of the cases. In this case, the involved parties are still required to pay the first-instance court fees as decided by the first-instance courts and half of the appellate court fees as provided for by law.

2. In cases where the Appellate Trial Panels issue decisions to stop the resolution of the cases, the plaintiffs shall be entitled to re-institute the cases according to the procedures prescribed by this Code, if the statute of limitations for such case re-institution has not yet expired.

Article 270. Recognizing the agreement of the involved parties at appeal court sessions

1. At appeal court sessions, if the involved parties can reach mutual agreement on the resolution of their cases and their agreements are voluntary and not contrary to law or social ethics, the appellate trial panels shall render appellate judgments to revise the first-instance court judgments and recognize the agreement of the involved parties.

2. The involved parties may also reach agreement on the payment of the first-instance court fees. If they fail to reach such agreement, the courts shall make decision according to law provisions.

Article 271. Hearing presentations of the involved parties at appeal court sessions

1. In cases where the involved parties still uphold their appeals or the procuracies maintain their protests while the involved parties cannot reach mutual agreement on the resolution of the cases, the appellate trial panels shall start the case trial by listening to the presentations of the involved parties in the following order:

a) The defense counsels of the appellants' legitimate rights and interests shall present the appealed contents and the grounds therefor. The appellants may give additional opinions. In cases where all involved parties appeal, the presentations shall be made in the following order: the defense counsels of legitimate rights and interests of the appellants being plaintiffs and the plaintiffs; the defense counsels of legitimate rights and interests of the appellants being defendants and the defendants; the defense counsels of the legitimate rights and interests of the appellants being persons with related rights and obligations and the persons with related rights and obligations.

In cases where only procuracies protest, the procurators shall present the protested contents and the grounds therefor; in cases where there are both appeal and protest, the involved parties shall present the appealed contents and the grounds therefore first, then the procurators shall present the protested contents and the grounds therefor;

b) The defense counsels of legitimate rights and interests of other parties related to the appeal or the protest shall present their opinions on the appealed and protested contents. The involved parties may give additional opinions.

2. In cases where the involved parties have no defense counsels, they shall themselves present their opinions on the appealed or protested contents as well as their proposals.

3. At the appeal court sessions, the involved parties and procurators may produce additional evidences.

Article 272. Procedures for inquiries and publicization of documents, examination of exhibits at appeal court sessions

1. Procedures for inquiring participants and publicizing documents, examining exhibits at appeal court sessions shall be the same as those applicable at first-instance court sessions.

2. The inquiry shall be made on matters falling within the scope of appellate trials as stipulated in Article 263 of this Code.

Article 273. Arguments at appeal court sessions

Arguments at appeal court sessions shall be conducted in a way similar to those at the first-instance court sessions, and the order of presentation shall comply with the provisions of Article 271 of this Code and the arguments shall be conducted only on matters falling within the scope of appellate trials and having been already asked at the appeal court sessions.

Article 274. Deliberation and judgment pronouncement

The deliberation, the inquiry resumption and arguments, the time for deliberation, pronouncement, amendment and supplementation of appellate judgments shall comply with the first-instance procedures.

Article 275. Jurisdiction of the appellate trial panels

The appellate trial panels shall have the following rights:

1. To uphold the first-instance judgments;
2. To revise the first-instance judgments;
3. To repeal the first-instance judgments and transfer the case files to the first-instance courts for retrial of the cases;
4. To abrogate the first-instance judgments and stop the resolution of the cases.

Article 276. Amendment of first-instance judgments

The appellate trial panels can revise part or whole of a first-instance judgment if the first-instance court made a decision in contravention of law in the following cases:

1. The proof and collection of evidences have been carried out sufficiently and in accordance with the provisions of Chapter VII of this Code.
2. The proof and collection of evidences have not yet been carried out sufficiently at the first-instance level but have been fully supplemented at appellate court sessions.

Article 277. Annulment of first-instance judgments and transfer of case files to the first-instance courts for retrial of cases

The appellate trial panels shall annul the first-instance judgments and transfer the case files to the first-instance courts for retrial of the cases in the following circumstances:

1. The proof and collection of evidences have failed to comply with the provisions of Chapter VII of this Code or have not yet been fully carried out while the supplementation thereof cannot be made at the appeal court sessions;
2. The composition of the first-instance Trial Panels has fail to comply with the provisions of this Code or other serious procedural violations have been committed.

Article 278. Annulment of first-instance judgments and stoppage of case resolution

The appellate trial panels shall annul first-instance judgments and stop the case hearings if during the resolution of the cases at the first-instance court sessions, the cases fell under one of the circumstances stipulated in Article 192 of this Code.

Article 279. Appellate court judgments

1. The appellate trial panels shall, in the name of the Socialist Republic of Vietnam, render appellate court judgments.
2. An appellate court judgment shall be composed of:
 - a) The introduction;
 - b) The case contents, appeal, protest, assessment;
 - c) The court ruling.
3. The introduction section must clearly state the name of the appeal court; the code number and date of the case acceptance; the serial number of the judgment and the date of judgment pronouncement; full names of the members of the trial panel, court clerk, procurator, expert-witness and interpreter; full names and addresses of the plaintiffs, defendants, persons with related rights and obligations; agencies or organizations initiating the lawsuit or their lawful representatives, the defense counsels of their legitimate rights and interests; names of appellants or protesting procuracy; public or closed trial, time and place of trial.
4. The section on the case contents, the appeal or the protest and assessment must summarize the contents of the case and decision of the first-instance court; content of the appeal or protest; assessment of the appellate trial panel; specific points, clauses and articles of the legal normative documents on which the appellate trial panel base to settle the case.

The assessment of the appellate trial panel must analyze grounds for accepting or not accepting the appeal or the protest.

5. The court ruling section must clearly state the appellate trial panel's decisions on matters which had to be settled in the case due to the appearance of appeal or protest, and on the payment of the first-instance court fees and/or appellate court fees.

6. The appellate judgments shall take effect as from the date they are pronounced.

Article 280. Procedures for appellate revision of decisions of the first-instance courts which are appealed or protested against

1. When reviewing first-instance courts' decisions, which are appealed or protested against, the appellate trial panels shall not be required to open court sessions nor summon the involved parties, except where it is necessary to hear their opinions before making decisions.

2. Procurators of the procuracies of the same level shall participate in the appellate meetings to review the first-instance courts' judgments which are appealed or protested against.

3. One member of the appellate trial panel shall present the summarized contents of the first-instance judgments which are appealed or protested against, the contents of the appeals or the protests and accompanying documents as well as evidences, if any.

4. The procurators state the procuracies' opinions on the resolution of the appeals or protests before the appellate trial panels make decisions.

5. When reviewing the first-instance courts' decisions, which are appealed or protested against, the appellate trial panels shall have the power to:

a) Uphold the first-instance courts' decisions;

b) Amend the first-instance courts' decisions;

c) Abrogate the first-instance courts' decisions and transfer the case files to the first-instance courts for continued resolution of the cases.

6. The appellate decisions shall take effect as from the date they are issued.

Article 281. Forwarding appellate judgments, decisions

Within fifteen days as from the date the appellate judgments or decisions are issued, the appellate courts must forward the judgments and/or decisions to the courts which conducted the first-instance trials, the procuracies of the same level, the competent civil judgment-executing bodies, the appellants, persons whose rights and obligations are related to the appeals or the protests or their lawful representatives.

In cases where the appeal court of the Supreme People's Court conducts the appellate trials, this time limit may be longer but shall not exceed twenty five days.

Part Four

PROCEDURES FOR REVIEWING LEGALLY EFFECTIVE JUDGMENTS, DECISIONS

Chapter XVIII

CASSATION PROCEDURES

Article 282. Nature of cassation

Cassation means the review of courts' legally effective judgments or decisions, which are protested against as serious law violations in the settlement of cases are detected.

Article 283. Grounds for protest according to cassation procedures

Legally effective judgments or decisions of courts shall be protested against according to cassation procedures when there is one of the following grounds:

1. Conclusions in the judgments or decisions are incompatible with the objective details of the cases;
2. Serious violations are committed in legal proceedings;
3. Serious errors are made in the application of laws.

Article 284. Discovering legally effective judgments or decisions which need to be reviewed according to cassation procedures

1. The involved parties, individuals, agencies or other organizations are entitled to discover law violations in legally effective judgments or decisions of courts and notify such in writing to the persons entitled to protest as defined in Article 285 of this Code.

2. Where law violations are discovered in legally effective judgments or decisions of courts, the procuracies and/or the courts must notify such in writing to the persons entitled to protest, defined in Article 285 of this Code.

Article 285. Persons who are entitled to protest according to cassation procedures

1. The chief judge of the Supreme People's Court and the Chairman of the Supreme People's Procuracy shall be entitled to protest according to cassation procedures against the legally effective judgments or decisions of the courts of all levels, except for cassation decisions of the Council of Judges of the Supreme People's Court.

2. The chief judges of the provincial-level People's Courts and the chairmen of the provincial-level People's Procuracies shall be entitled to protest according to the cassation procedures against legally effective judgments or decisions of district-level People's Courts.

Article 286. Postponement and suspension of enforcement of legally effective judgments or decisions

1. Persons who are competent to protest against legally effective judgments or decisions of courts may request the postponement of enforcement of judgments or decisions in order to consider the protests according to cassation procedures. The postponement of enforcement of judgments shall comply with law provisions on civil judgment execution.

2. Persons who have protested according to cassation procedures legally effective judgments or decisions shall have the right to decide on the suspension of enforcement of such judgments or decisions until the cassation decisions are made.

Article 287. Decisions to protest according to cassation procedures

A decision to protest according to cassation procedures shall consist of the following principal contents:

1. Number and date of the protest decision;
2. Position of the person who makes the protest decision;
3. Number and date of the legally effective judgment or decision being protested against;
4. Rulings of the legally effective judgment or decision being protested against;

5. Comments, analysis of the violations or errors of the legally effective judgment or decision being protested against;
6. Legal grounds for making the protest decision;
7. Decision to protest against parts or whole of the legally effective judgment or decision;
8. Name of the court that is competent to conduct cassation review of such case;
9. Proposals of the protestant.

Article 288. Time limit for protest according to cassation procedures

Persons who are entitled to protest according to cassation procedures may only make their protests within three years as from the date the court judgments or decisions take legal effect.

Article 289. Modification, supplementation, withdrawal of protest decisions according to cassation procedures

1. Persons who have protested according to cassation procedures shall be entitled to modify or supplement the protest decisions if the protest time limit prescribed in Article 288 of this Code has not yet expired.
2. Persons who have protested shall be entitled to withdraw parts or whole of the protest decisions before the opening of court sessions or at cassation review court sessions.

Article 290. Forwarding decisions to protest according to cassation procedures

1. Decisions to protest according to cassation procedures must be immediately sent to the courts that have issued the legally effective judgments or decisions being protested against, the involved parties, the competent civil judgment-executing agencies and persons whose rights and obligations are related to the protested contents.
2. In cases where the Chief Judge of the Supreme People's Court or the chief judges of the provincial-level People's Courts protest, the protest decisions and the case files must be immediately sent to the people's procuracies of the same level. The procuracies shall study the files within 15 days as from the date of receiving the case files; upon the expiry of such time limit, the procuracies must transfer the case files to the courts competent to hear the cases according to cassation procedures.

3. In cases where the Chairman of the Supreme People's Procuracy or the heads of the provincial-level people's procuracies protest, the protest decisions must be immediately sent to the courts competent to hear the cases according to cassation procedures.

Article 291. Jurisdiction to review cases according to cassation procedures

1. The Committee of Judges of the provincial-level people's courts shall review according to cassation procedures legally effective judgments and decisions of the district-level people's courts, which are protested against.

2. The Civil Court, the Economic Court, the Labor Court of the Supreme People's Court shall review according to cassation procedures legally effective judgments or decisions of the provincial-level people's courts, which are protested against.

3. The Council of Judges of the Supreme People's Court shall review according to cassation procedures legally effective judgments and decisions of appellate courts, the Civil Court, the Economic Court and the Labor Court of the Supreme People's Court, which are protested against.

4. When legally effective judgments, or decisions on the same civil case which fall under the jurisdiction of the courts of different levels as stipulated in Clauses 1 and 2 of this Article are protested against, the competent superior court shall review the whole case according to cassation procedures.

Article 292. Participants in cassation review court sessions

1. The cassation review court sessions must be participated by the Procuracies of the same level.

2. When deeming it necessary, the courts shall summon proceedings participants and other persons related to the protest to participate in cassation review court sessions.

Article 293. Time limit for opening of cassation review court sessions

Within four months as from the date of receiving the protests and case files, the courts competent to cassation review must open court sessions to review cases according to cassation procedures.

Article 294. Preparations for cassation review court session

The court chief judges shall assign a judge to prepare written explanation of the case at the court session. The written explanations summarize the case contents and the

judgments, decisions of the courts of different levels as well as the protested contents. The explanation must be forwarded to members of the Cassation Review Councils at least seven days before the opening of the cassation review court sessions.

Article 295. Proceedings at cassation review court sessions

1. After the presiding judge opens a court session, a member of the Cassation Review Panel shall present the brief contents of the case; the case handling process; rulings of the legally effective court judgments or decisions being protested; grounds for the protest and proposals of the protestant. The representative of the procuracy shall express the opinions of the procuracy on the protest decision.

2. In cases where proceedings participants or other persons are summoned by the courts to participate in the cassation review court sessions, these persons shall be allowed to present their opinions on the protest decision. The representative of the procuracy expresses the opinion of the procuracy on the protest decision.

3. Members of the Cassation Review Panel shall discuss and express their opinions on the resolution of the case. The representative of the procuracy presents the opinions of the procuracy on the resolution of the case.

4. The Cassation Review Panel shall vote on the resolution of the case.

The cassation review decisions of the Committees of Judges of the provincial-level people's courts or the Judges' Council of the Supreme People's Court must be voted for by more than half of the total number of their members.

The Judges' Committee of the provincial-level people's courts or the Judges' Council of the Supreme People's Court shall vote in the order of for and against the protest and other opinions; if the decisions are not voted for by more than half of the total number of members of the Judges' Committee of a provincial-level people's court or the Judges' Council of the Supreme People's Court, the court session must be postponed. Within 30 days as from the date of issuing the decision to postpone the court session, the Judges' Committee or the Judges' Council must re-try the case with the participation of all members.

Article 296. Scope of the cassation review

1. The Cassation Review Panels shall only review parts of legally effective judgments or decisions being protested against or related to the review of the protested contents.

2. The Cassation Review Panels shall be entitled to review parts of the legally effective judgments or decisions which are neither protested against nor related to the

review of the protested contents, if these parts infringe upon the interests of the State, or the interests of the third parties other than the involved parties in the cases.

Article 297. Jurisdiction of the Cassation Review Panels

The Cassation Review Panels shall have the following rights:

1. To reject the protests and uphold the legally effective judgments or decisions;
2. To uphold the lawful judgments or decisions of the subordinate courts, which have been annulled or amended;
3. To annul legally effective judgments or decisions for re-trials according to the first-instance or appellate procedures;
4. To annul judgments or decisions of the courts which have tried the cases and stop the resolution thereof.

Article 298. Upholding the subordinate courts' lawful judgments or decisions which have been annulled or amended

The Cassation Review Panels shall issue decisions to annul legally effective judgments or decisions being protested and uphold the judgments or decisions rendered legally by subordinate courts but partially or entirely annulled or amended by legally effective judgment or decisions being protested.

Article 299. Annulment of the legally effective judgments or decisions, which are protested against, for first-instance re-trial or appellate re-trial

The Cassation Review Panels shall issue decisions to annul legally effective judgments or decisions being protested against for re-trials according to the first-instance or appellate procedures in the following cases:

1. The proof and collection of evidences have been carried out insufficiently or in contravention of the provisions of Chapter VII of this Code;
2. The conclusions in the judgments or decisions do not conform to the objective details of cases or serious errors are committed in the application of law.
3. The composition of the first-instance or appellate trial panel fails to comply with the provisions of this Code or other serious procedural violations have been committed.

Article 300. Annulment of legally effective judgments and/or decisions and stoppage of case resolution

The Cassation Review Panels shall issue decisions to annul legally effective judgments and/or decisions and stop the case resolution if the cases fall under one of the circumstances stipulated in Article 192 of this Code.

Article 301. Cassation review decisions

1. The Cassation Review Panels shall issue decisions in the name of the Socialist Republic of Vietnam.

2. A cassation review decision must contain the following principal contents:

- a) Date and place of opening the court session;
- b) Full names of members of the Cassation Review Panel. In cases where the Cassation Review Panel is the Committee of Judges of a provincial people's courts or the Council of Judges of the Supreme People's Court, the full name and title of the presiding judge and the number of members participating in the hearing shall be specified;
- c) Full names of the court clerk and the procurator participating in the court session;
- d) Name of the case that has been brought to cassation review trial by the Panel;
- e) Full names and addresses of the involved parties in the case;
- f) Summary of the contents of the case, rulings of the legally effective judgment or decision being protested against;
- g) Decision to protest; grounds for making the protest;
- h) Assessment of the Cassation Review Panel analyzing the grounds for accepting or not accepting the protest;
- i) Points, clauses or articles of the Civil Procedure Code, on which the Cassation Review Panel bases to make decision;
- j) Decision of the Cassation Review Panel.

Article 302. Effect of the cassation review decisions

The cassation review decisions shall take legal effect as from the date the Cassation Review Panels issue them.

Article 303. Forwarding the cassation review decisions

Within five working days as from the date of issuance of decisions, the Cassation Review Panels must forward the cassation decisions to:

1. The involved parties and other persons with related interests and obligations under the cassation review decisions;
2. The courts which have rendered legally effective judgments or decisions being protested against;
3. The procuracy of the same level, the competent civil judgment-executing agencies.

Chapter XIX

REOPENING PROCEDURES

Article 304. Nature of reopening procedures

Reopening means the review of legally effective judgments or decisions which are protested against due to the appearance of newly detected details which may substantially change the contents of the judgments or decisions and which were not known to the courts and the involved parties when the courts rendered such judgments or decisions.

Article 305. Grounds for protest according to reopening procedures

Legally effective judgments or decisions shall be protested against according to reopening procedures when there is one of the following grounds:

1. Important details of the case were newly discovered which the involved parties could not have known in the course of resolving the case;
2. There are grounds to prove that the conclusions of the expert witnesses and translations of interpreters were untruthful or evidences were falsified;
3. Judges, people's jurors or procurators intentionally diverted the case files or deliberately made unlawful conclusions;

4. The criminal, administrative, civil, marriage and family, business, commercial or labor decisions of courts or decisions of State agencies on which the courts based themselves to resolve the cases had already been annulled.

Article 306. Notice and verification of newly discovered details

1. The involved parties, individuals, agencies or organizations shall be entitled to discover new details of cases and notify them in writing to the persons entitled to protest, defined in Article 307 of this Code.

2. In cases where new details of cases are discovered, the procuracies and the courts must notify them in writing to the persons entitled to protest, defined in Article 307 of this Code.

Article 307. Persons entitled to protest according to reopening procedures

1. The Chief Judge of the Supreme People's Court and the Chairman of the Supreme People's Procuracy shall have the power to protest according to reopening procedures against legally effective judgments or decisions of courts of all levels, except for the decisions of the Council of Judges of the Supreme People's Court.

2. Chief Judges of the provincial-level people's courts and heads of the provincial-level people's procuracies shall have the power to protest against legally effective judgments or decisions of the district-level people's courts.

3. Persons who have protested against legally effective judgments or decisions shall have the power to suspend the enforcement of such judgments or decisions until the reopening decisions are made.

Article 308. Time limit for protest according to reopening procedures

The time limit for protest according to reopening procedures shall be one year counting from the date the persons having the power to protest acquire grounds for protest according to reopening procedures prescribed in Article 305 of this Code;

Article 309. Jurisdiction of the Reopening Procedure Panels

The Reopening Procedure Panels shall have the following rights:

1. To reject protests and uphold legally effective judgments or decisions;

2. To annul legally effective judgments or decisions for first-instance retrial according to the procedures prescribed by this Code;

3. To annul legally effective judgments or decisions and stop the resolution of the cases.

Article 310. Application of the provisions on reopening procedures

Other provisions on reopening procedures shall comply with the provisions on the cassation procedures prescribed in this Code.

Part Five

PROCEDURES FOR RESOLUTION OF CIVIL MATTERS

Chapter XX

GENERAL PROVISIONS ON PROCEDURES FOR RESOLUTION OF CIVIL MATTERS

Article 311. Scope of application

The courts shall apply the provisions of this Chapter and other provisions of this Code, which are not contrary to the provisions of this Chapter, to resolve civil matters prescribed in Clauses 1, 2, 3, 4 and 6 of Article 26 and Clauses 1, 2, 3, 4, 5 and 7 of Article 28, Clauses 1 and 4 of Article 30, Clause 3 of Article 32 of this Code.

Civil matters mean a situation where individuals or organizations have no disputes but request courts to recognize or not to recognize a legal event which serves as a basis for the rise of civil, marriage and family, business, commercial or labor rights and obligations of their own or of other individuals, agencies or organizations, or request courts to recognize their civil, marriage and family, business, commercial or labor rights.

Article 312. Petitions for the court resolution of civil matters

1. Persons requesting courts to resolve civil matters must file their petitions with competent courts defined in Section 2 of Chapter III of this Code.

2. A petition shall contain the following principal contents:

a) Date of making the petition;

b) Name of the court that is competent to handle the petition;

- c) Full name and address of the petitioner;
 - d) Specific issues requested to be resolved by the court; reasons, purposes and bases of the request for a court resolution of such civil matters;
 - e) Full names and addresses of persons who are related to the resolution of the petition, if any.
 - f) Other information that are deemed by the petitioner to be relevant to the resolution of his/her petition;
 - g) Signature or fingerprint of petitioner being individual or signature and seal of the lawful representative of the agency or organization being the petitioner.
3. The petition must be accompanied by documents, evidences to prove that the petitions are well-grounded and lawful.

Article 313. Participants in meetings to resolve civil matters

1. The courts must hold open meetings to resolve civil matters.

After issuing decision to hold meetings for resolution of civil matters, the courts must immediately send such decisions and the dossiers on the civil matters to the procuracies of the same level for study. The procuracies must study them within seven days after the receipt of the dossiers; past this time limit, the procuracies must return the dossiers to the courts for holding meetings to resolve the civil matters.

2. Procurators of the procuracies of the same level must attend the meetings. In cases where they are absent the meetings must be postponed.
3. Petitioners or their lawful representatives must participate in the meetings under the courts' subpoena.

If petitioners are absent for the first time for plausible reasons, the courts shall postpone the meetings. Where petitioners request the courts to resolve the civil matters in their absence, the courts may do so. If petitioners have been duly summoned twice but still absent, they shall be deemed to waive their petitions and the courts shall issue decisions to stop the resolution of the civil matters. In cases where the courts issue decisions to stop the resolution of the civil matters, the petitioner's right to request the courts to resolve the civil matters according to the procedures prescribed by this Code shall still be guaranteed.

4. Related persons or their lawful representatives may be summoned to the meetings by courts. In case of necessity, the courts may summon witnesses, expert-witnesses and/or interpreters to attend the meetings. If any of them is absent, the courts shall decide to postpone the meetings or to proceed with the meetings.

Article 314. Procedures for conducting meetings to resolve civil matters

1. A meeting to resolve civil matters shall be conducted in the following order:

- a) The court clerk shall report on the presence or absence of meeting participants;
- b) The judge shall open the meeting; check the presence or absence of persons who are summoned to the meeting and their identity cards;
- c) Petitioner or his/her lawful representative shall present specific issues that are requested to be dealt with by the court; reasons, purposes and grounds for requesting the court resolution of such civil matters;
- d) Related persons or their lawful representatives shall express their opinions on matters pertaining to their rights and obligations in the resolution of the civil matters;
- e) Witnesses present their opinions; or expert-witnesses present their conclusions and explain issues which remain unclear or contradictory;
- f) Evidences shall be examined;
- g) Procurator shall present the procuracy's views on the resolution of the civil matters;
- h) The judge shall consider and decide to accept or not to accept the request for resolution of the civil matters;

2. In case where a person is absent, the judge may publicize the testimonies, documents and/or evidences supplied or disclosed to the court by that person.

Article 315. Decision on resolution of civil matters

1. A decision to resolve civil matters shall contain the following principal contents:

- a) Date of making the decision;
- b) Name of the court that issues the decision;
- c) Full names of the judge, procurator, court clerk;

- d) Full name and address of the petitioner for the resolution of civil matters;
- e) Specific matters requested to be resolved by the court;
- f) Names and addresses of the related persons;
- g) Assessment of the court and grounds for accepting or not accepting the petition;
- h) Legal bases for resolution of civil matters;
- i) Court's rulings;
- j) Court fees to be paid.

2. Decisions to resolve civil matters must be forwarded to the procuracies of the same level, competent judgment-executing agencies, the petitioners for the resolution of civil matters and individuals, agencies and/or organizations whose rights and obligations are related to such decisions within five working days as from the date of issuance of such decisions.

Article 316. Appeal and protest against civil matter-resolving decisions

Petitioners and individuals, agencies and/or organizations whose rights and obligations are related to civil matter-resolving decisions shall be entitled to appeal, the procuracies of the same level and immediate superior procuracy shall be entitled to protest against civil matter-resolving decisions in order to request the immediate superior court to re-settle them according to the appellate procedures, except those decisions prescribed in Clauses 2 and 3, Article 28 of this Code.

Article 317. Appeal or protest time limits

1. The petitioners and individuals, agencies and/or organizations whose rights and obligations are related to civil matter-resolving decisions shall be entitled to appeal against such decisions within seven days as from the date the courts issue such decisions, except for cases prescribed in Clause 1 of Article 358 and Clause 1 of Article 372 of this Code. In cases where they are not present at court sessions, such time limit shall be counted from the date they receive the civil matter-resolving decisions or the date such decisions are announced or posted up.

2. The procuracies at the same level shall be entitled to protest against civil matter-resolving decisions within 7 days, the immediate superior procuracies shall be entitled to protest within 15 days as from the date the courts make such decisions, except for cases prescribed in Clause 2, Article 358 and in Clause 2, Article 372 of this Code.

Article 318. Procedures for appellate trial of civil matter-resolving decisions which are appealed or protested against

The procedures for appellate review of civil matter-resolving decisions being appealed or protested against shall comply with the provisions of Article 280 of this Code.

Chapter XXI

PROCEDURES FOR RESOLUTION OF PETITIONS TO DECLARE PERSONS LOSING THEIR CIVIL ACT CAPACITY OR HAVING RESTRICTED CIVIL ACT CAPACITY

Article 319. The petitions to declare persons losing their civil act capacity or having restricted civil act capacity

1. Persons with related rights and obligations, relevant agencies or organizations shall be entitled to request courts to declare persons losing their civil capacity or having restricted civil act capacity according to the provisions of the Civil Code.
2. The petitions for courts to declare persons losing their civil act capacity or having restricted civil act capacity must fully contain the details prescribed in Clause 2, Article 312 of this Code.
3. The petitions for courts to declare persons losing their civil act capacity must be accompanied by the conclusions of professional bodies and other evidences to prove that such persons suffer mental or other diseases that render them unable to perceive or control their acts.
4. The petitions for courts to declare persons having restricted civil act capacity must be accompanied by evidences to prove that such persons are drug addictive or addicted to other stimulants, thus leading to a damage or loss of the assets of their families.

Article 320. Preparation for petition consideration

1. The time limit for preparing the consideration of a petition for the court to declare a person losing his/her civil act capacity or having restricted civil act capacity shall not exceed thirty days as from the date the court accepts the petition. Upon the expiry of such time limit, the court shall issue a decision to hold a meeting to consider the petition.

2. During the time limit of preparing the petition consideration, at the proposals of the involved parties, the courts may request the examination of the health or ailments of the persons who are requested to be declared losing their civil act capacity or having restricted civil act capacity. In this case, the courts shall issue decisions to open meetings to consider the petitions after the examination conclusions are made.

3. During the preparation for consideration of a petition, if the petitioner withdraws his/her petition, the court shall issue a decision to stop the petition consideration.

4. Within fifteen days as from the date the decision to open a meeting is issued, the judge must hold such meeting to consider the petition.

Article 321. Decisions to declare persons losing their civil act capacity or having restricted civil act capacity

1. The courts may accept or reject petitions to declare persons losing their civil act capacity or having restricted civil act capacity.

2. In cases where a petition is accepted by the court, the court shall issue a decision to declare a person losing his/her civil act capacity or having restricted civil act capacity.

In its decision to declare a person having restricted civil act capacity, the court must decide on the at-law representative of the person having a restricted civil act capacity and the scope of representation.

Article 322. Petitions for annulling decisions to declare persons losing their civil act capacity or having restricted civil act capacity

1. When a person who is declared by the court to have lost his/her civil act capacity or have had a restricted civil act capacity is no longer in the declared state, that person or persons with related rights and obligations or relevant agencies or organizations may request the court to issue a decision to annul the decision that has declared such person losing his/her civil act capacity or having restricted civil act capacity.

2. A petition for the court to annul the decision that declares a person losing his/her civil act capacity or having restricted civil act capacity must include all the contents prescribed in Clause 2 of Article 312 of this Code.

Article 323. Preparing for petition consideration and decisions of courts

1. The time limit for preparing to consider a petition requesting the court to annul a decision that has declared a person losing his/her civil act capacity or having

restricted civil act capacity shall comply with the provisions of Article 320 of this Code.

2. The court may accept or reject petitions for annulling decisions that have declared persons losing their civil act capacity or having restricted civil act capacity.

3. In case of accepting the petitions the courts shall issue decisions to annul the decisions that have declared persons losing their civil act capacity or having restricted civil act capacity.

Chapter XXII

PROCEDURES FOR RESOLUTION OF PETITIONS TO ISSUE NOTICES ON SEARCH OF PERSONS ABSENT FROM THEIR RESIDENCE PLACES

Article 324. Petitions for issuing notices on search of persons absent from their residence places

1. Persons with related rights and interests shall be entitled to request courts to issue notices on search of persons absent from their residence places when such persons are absent for six consecutive months or more, and at the same time request courts to apply measures for management of the assets of the absent persons under the provisions of the Civil Code.

2. A petition for the court to announce the search of a person absent from his/her residence place must contain all contents prescribed in Clause 2 of Article 312 of this Code.

3. The petitions to request courts to issue notices on search of persons absent from their residence places must be accompanied by evidences to prove that such persons have been absent for six consecutive months or more. In case of petitions for the courts to take measures to manage the assets of the absent persons, the petitioners must provide documents on the situation of assets of the absent persons, the management of the existing assets as well as the list of the absent persons' relatives.

Article 325. Preparing to consider petitions

1. The time limit for preparing to consider a petition for the court to issue a notice on search of a person absent from his/her residence place shall be 20 days as from the date the court receives the petition. Upon the expiry of such time limit, the court shall issue a decision to open a meeting to consider the petition.

2. Within the above-mentioned time limit, the courts may issue decisions to stop the petition consideration if the petitioners withdraw their petitions or the persons on search notice return and request the courts to stop considering the petitions.

3. Within 10 working days as from the date of issuance of the decision to open a meeting, the judge must open a meeting to consider the petition.

Article 326. Decisions to issue notices on search of persons absent from their residence places

1. The courts may accept or not accept petitions for issuance of notices on search of persons absent from their residence places.

2. In case of accepting a petition the court shall issue a decision to accept the petition and issue a notice on search of a person absent from his/her residence place. If a petition for the court to take necessary measures to manage the assets of the absent person is accepted, the court's decision to accept the petition must also decide on the application of measures to manage the assets of such person according to the provisions of the Civil Code.

Article 327. Notices on search of persons absent from their residence places

A notice on search of a person absent from his/her residence place must contain the following principal contents:

1. Date of issuance of the notice;

2. Name of the court that issues the notice;

3. Serial number and date of the court's decision to accept the petition for issuance of a notice on search of a person absent from his/her residence place;

4. Full name and address of the petitioner;

5. Full name, date of birth or age of the person to be searched for and the address of his/her latest residence place before his/her absence.

6. Addresses of relevant individuals or organizations for contacts by the person to be searched for or other persons having information on the person to be searched for.

Article 328. Announcement of notices on search of persons absent from their residence places

1. A notice on search of a person absent from his/her residence place must be published on a central daily for three consecutive issues and broadcast on the national Radio or TV station for three times in three consecutive days.

2. All expenses for the publication or broadcasting of notices on search of persons absent from their residence places shall be borne by the petitioners.

Article 329. Effect of decisions on issuance of notices on search of persons absent from their residence places

Decisions on issuance of notices on search of persons absent from their residence places prescribed in Article 326 of this Code shall automatically cease to be effective in cases where the persons to be searched for return.

Chapter XXIII

PROCEDURES FOR RESOLUTION OF PETITIONS FOR DECLARING PERSONS MISSING

Article 330. Petition for declaring a person missing

1. Persons with related rights and interests shall be entitled to request the court to declare a person missing under the provisions of the Civil Code.

2. A petition for the court to declare a person missing must fully contain the details prescribed in Clause 2 of Article 312 of this Code.

3. The petitions must be accompanied by evidences to prove that the persons who are requested to be declared missing have been absent for two consecutive years or more without authenticated information on whether they are still alive or dead and prove that the petitioners have taken sufficient measures for search notices. In cases where the courts have issued decisions on notice on search of the persons absent from their residence places, copies of such decisions must also be submitted.

Article 331. Preparing for petition consideration

1. Within 20 days as from the date of receiving a petition for declaring a person missing, the court shall issue a decision on a notice on search of the person who is requested to be declared missing.

2. The content of such a notice and the announcement of the notice shall comply with the provisions of Articles 327 and 328 of this Code. The time limit for such a search notice shall be four months as from the date of publishing or broadcasting the notice for the first time.

3. Within the time limit for announcing a notice, if the petitioner withdraws his/her petition or the person who is requested to be declared missing returns and requests the court to stop considering the petition, the court shall issue a decision to stop the consideration of the petition for declaring that person missing.

Article 332. Decision to declare a person missing

1. Within fifteen days as from the expiry of the time limit for announcing a search notice, the court shall open a meeting to consider a petition for declaring a person missing.

2. The court may accept or not accept petitions.

3. In case of accepting a petition, the court shall issue a decision declaring a person missing. In cases where the court is requested to take measures to manage assets of the person who is declared missing and the request is accepted, the court's decision must also indicate specific measures to be taken to manage assets of that person according to the provisions of the Civil Code.

Article 333. Petitions for annulling court decisions declaring persons missing

1. In cases where a person who is declared missing returns or where there is reliable information affirming that such person is still alive, that person or persons with related rights and interests may request the court to issue a decision annulling the decision that has declared such person missing.

2. A petition for the court to annul a decision declaring a person missing must fully contain the details prescribed in Clause 2 of Article 312 of this Code.

3. Such a petition must be accompanied by evidences to prove that the person who is declared missing has returned or is still alive.

Article 334. Decision to annul a decision that declares a person missing

1. Within 15 days as from the date of accepting a petition for annulling a decision that has declared a person missing, the court shall open a meeting to consider the petition.

2. The courts may accept or not accept petitions.

3. In case of accepting a petition, the court shall issue a decision to annul the decision that has declared a person missing, deciding on the legal consequences of the annulment of the decision declaring such person missing under the provisions of the Civil Code.

Chapter XXIV

PROCEDURES FOR RESOLUTION OF PETITIONS FOR DECLARING PERSONS DEAD

Article 335. Petition for declaring a person dead

1. Persons with related rights and interests may request the court to declare a person dead according to the provisions of the Civil Code.
2. A petition for the court to declare a person dead must fully contain the details prescribed in Clause 2 of Article 312 of this Code.
3. The petitions must be accompanied by evidences to prove that the persons who are requested to be declared dead have already died in one of the cases specified by the Civil Code.

Article 336. Preparing for petition consideration

1. The time limit for preparing to consider a petition for declaring a person dead shall not exceed thirty days as from the date the court receives the petition; upon the expiry of that time limit, the court must issue a decision to open a meeting to consider the petition.
2. Within the time limit for preparing to consider a petition, the court shall issue a decision to stop considering the petition if the petitioner withdraws his/her petition or the person who is requested to be declared dead returns and requests the court to stop the consideration of the petition.
3. Within ten days as from the date of issuing the decision to open the meeting, the court shall open a meeting to consider the petition.

Article 337. Decision to declare a person dead

1. The courts may accept or not accept petitions to declare persons dead.
2. In case of accepting a petition, the court shall issue a decision declaring a person dead. In such decision, the court shall determine the date on which that person died

and the legal consequences of declaring a person dead according to the provisions of the Civil Code.

Article 338. Petitions to annul court decisions that have declared persons dead

1. In cases where the person who is declared dead returns or where there is reliable information affirming that such person is still alive, that person or persons with related rights and interests may request the court to issue decision annulling the decision that has declared such person dead.

2. A petition for the court to annul a decision declaring a person dead must fully contain the details prescribed in Clause 2, Article 312 of this Code.

3. The petitions must be accompanied by evidences to prove that the persons who are declared dead have returned or are still alive.

Article 339. Decisions to annul decisions that have declared persons dead

1. Within 15 days as from the date of receiving a petition for annulling a decision that has declared a person dead, the court shall open a meeting to consider the petition.

2. The courts may accept or not accept petitions.

3. In case of accepting a petition, the court shall issue a decision to annul the decision that has declared a person dead. In the latter decision, the court must determine the legal consequences of the annulment of the decision declaring a person dead according to the provisions of the Civil Code.

Chapter XXV

PROCEDURES FOR RESOLUTION OF CIVIL MATTERS RELATING TO COMMERCIAL ARBITRATION ACTIVITIES IN VIETNAM

Article 340. Civil matters relating to Vietnamese commercial arbitration activities that fall under the jurisdiction of the court

1. Appointment or change of arbitrators;

2. Application, change or cancellation of provisional emergency measures;

3. Abolition of arbitral awards;

4. Other civil matters prescribed by the legislation on Vietnamese commercial arbitration.

Article 341. Resolving procedures

Procedures for resolution of civil matters pertaining to Vietnamese commercial arbitration activities shall comply with the provisions of the legislation on Vietnamese commercial arbitration.

Part Six

**PROCEDURES FOR RECOGNITION AND ENFORCEMENT IN VIETNAM
OF CIVIL JUDGMENTS OR DECISIONS OF FOREIGN COURTS AND/OR
FOREIGN ARBITRAL AWARDS**

Chapter XXVI

**GENERAL PROVISIONS ON PROCEDURES FOR RECOGNITION AND
ENFORCEMENT IN VIETNAM OF CIVIL JUDGMENTS OR DECISIONS
OF FOREIGN COURTS AND/OR FOREIGN ARBITRAL AWARDS**

Article 342. Civil judgments or decisions of foreign courts, foreign arbitral awards

1. Civil judgments or decisions of foreign courts are judgments or decisions on civil, marriage and family, business, commercial or labor matters, decisions on the property matters in criminal or administrative judgments or decisions of foreign courts and other judgments or decisions of foreign courts which are considered civil judgments or decisions under Vietnamese law.

2. Foreign arbitral awards mean awards that are rendered outside the territory of Vietnam or within the territory of Vietnam by foreign arbitrators selected by the parties concerned to resolve disputes arising from legal business, commercial or labor relations.

Article 343. Principles for recognition and enforcement of civil judgments or decisions of foreign courts or arbitral awards of foreign arbitrators

1. Vietnamese courts shall consider, recognize and enforce in Vietnam civil judgments or decisions of foreign courts in the following cases:

a) Civil judgments or decisions of courts of the countries which, together with Vietnam, have signed or acceded to international treaties on this matter;

b) Judgments or decisions of foreign courts, which are recognized and enforced under Vietnamese law.

2. Vietnamese courts shall consider, recognize and enforce in Vietnam foreign arbitral awards if such awards are declared in a countries or by arbitrators of the countries which have together with Vietnam signed or acceded to international treaties on this matter.

3. Civil judgments or decisions of foreign courts or arbitral awards of foreign arbitrators may also be considered by Vietnamese courts for recognition and enforcement in Vietnam on a reciprocal basis without requiring Vietnam and such foreign countries to sign or accede to international treaties on such matter.

4. Civil judgments or decisions of foreign courts or arbitral awards of foreign arbitrators shall be enforced in Vietnam only after they are recognized and permitted for enforcement by Vietnamese courts.

5. Civil judgments or decisions of foreign courts, which are not requested to be enforced in Vietnam and against which no non-recognition requests have been filed shall be automatically recognized in Vietnam under the international treaties which Vietnam has signed or acceded to.

6. Vietnamese courts shall consider the non-recognition of civil judgments or decisions of foreign courts, which are not requested to be enforced in Vietnam, only when there are petitions for non-recognition thereof.

Article 344. Right to request the recognition and enforcement of civil judgments or decisions of foreign courts or foreign arbitral awards

1. The judgment creditors or their lawful representatives may file petitions with Vietnamese courts for recognition and enforcement of civil judgments or decisions of foreign courts or foreign arbitral awards if the judgment debtors being individuals reside or work in Vietnam, or the judgment debtors being agencies or organizations are headquartered in Vietnam or their properties related to the enforcement of the judgments or decisions of foreign courts or foreign arbitral awards exist in Vietnam at the time when the applications are filed.

2. The involved parties, persons with related legitimate rights and interests or their lawful representatives may file their petitions requesting Vietnamese courts not to

recognize judgments or decisions of foreign courts which are not requested for enforcement in Vietnam.

Article 345. Ensuring the right to appeal or protest

The involved parties shall be entitled to appeal or the procuracies shall be entitled to protest against court decisions to recognize or not recognize civil judgments or decisions of foreign courts or foreign arbitral awards to immediate superior courts for review under the provisions of this Code.

Article 346. Ensuring the effect of Vietnamese courts' decisions to recognize or not recognize civil judgments or decisions of foreign courts or foreign arbitral awards

1. Civil judgments or decisions of foreign courts or foreign arbitral awards, which have been recognized and permitted by Vietnamese courts for enforcement in Vietnam shall have full legal effect like legally effective civil judgments or decisions of Vietnamese courts and be enforced according to the civil judgment-executing procedures. Civil judgments or decisions of foreign courts, which are not recognized by Vietnamese courts, shall have no legal effect in Vietnam.

2. Foreign arbitral awards which have been recognized and permitted by Vietnamese courts for enforcement in Vietnam shall have full legal effect like legally effective decisions of Vietnamese courts and be enforced according to the civil judgment-executing procedures.

Article 347. Notices on the results of petition consideration

Vietnamese courts shall, within fifteen days as from the date of issuing decisions, notify through the Ministry of Justice the foreign courts which have rendered the judgments or decisions, the involved parties, individuals, agencies and/or organizations related to the decisions of the results of consideration of the petitions for recognition and enforcement in Vietnam of such judgments or decisions; and notify the individuals, agencies or organizations that have filed the petitions and other individuals, agencies or organizations relevant to the Vietnamese courts' decisions of the results of consideration of the petitions for recognition and enforcement in Vietnam of foreign arbitral awards.

Article 348. Ensuring the right to transfer money or property for execution of civil judgments or decisions of foreign courts or foreign arbitral awards

The State of the Socialist Republic of Vietnam shall ensure the transfer from Vietnam to foreign countries of money and assets for enforcement of civil judgments or decisions of foreign courts or foreign arbitral awards, which have been recognized

and permitted by Vietnamese courts for enforcement in Vietnam. Such transfer of money and assets shall comply with Vietnamese laws.

Article 349. Fees for recognition and enforcement of civil judgments or decisions of foreign courts or foreign arbitral awards

Persons who file petitions for recognition and enforcement in Vietnam of foreign courts' civil judgments or decisions or foreign arbitral awards must pay fee amounts prescribed by Vietnamese laws.

Chapter XXVII

PROCEDURES FOR CONSIDERATION OF PETITIONS FOR RECOGNITION AND ENFORCEMENT IN VIETNAM OF CIVIL JUDGMENTS OR DECISIONS OF FOREIGN COURTS

Article 350. Petitions for recognition and enforcement in Vietnam of civil judgments or decisions of foreign courts

1. Petitions for recognition and enforcement in Vietnam of civil judgments or decisions of foreign courts must be filed to the Vietnamese Ministry of Justice and contain the following principal details:

a) Full names and addresses of residence places or work places of the judgment creditors or their lawful representatives; if the judgment creditors are agencies or organizations, the full names and addresses of their head-offices must be fully inscribed;

b) Full names and addresses of residence places or work places of the judgments debtors; if the judgments debtors are agencies or organizations, the full names and addresses of their the head-offices must be fully inscribed; in cases where the judgment debtors being individuals have no so residence places or work places in Vietnam or the judgment debtors being agencies or organizations have no head-offices in Vietnam, their petitions must also specify the addresses of the places where exist the properties and assorted assets relating to the enforcement of foreign courts' civil judgments or decisions in Vietnam.

c) Requests of judgment creditors; where foreign courts' judgments or decisions have been partly enforced, the judgment creditors must clearly state the executed parts and the remaining parts requested for recognition and continued enforcement in Vietnam.

3. Petitions in foreign languages must be enclosed with their Vietnamese versions which are duly notarized or authenticated.

Article 351. Papers, documents accompanying the petitions

1. The petitions shall be accompanied by papers and documents provided for in international treaties which Vietnam has signed or acceded to. In cases where such international treaties do not so provide for or are not available, the petitions must be accompanied by duly certified copies of the foreign courts' judgments or decisions; documents certifying that such judgments or decisions have taken effect, have not expired and should be enforced in Vietnam, except where these details have already been clearly stated in the judgments or decisions; documents certifying that copies of the judgments or decisions have been sent to the judgment debtors who have to execute such judgments or decisions. In cases where the judgment debtors or their lawful representatives are absent from foreign courts' hearings, documents certifying that they have been duly summoned are required.

2. Papers, documents accompanying the petitions which are made in foreign languages, must be enclosed with their Vietnamese versions which are duly notarized or authenticated.

Article 352. Transferring dossiers to courts

The Ministry of Justice must, within seven days after receiving the petitions and accompanying papers and/or documents, transfer dossiers to competent courts as provided for in Articles 34 and 35 of this Code.

Article 353. Receiving dossiers and requesting additional explanations

1. Within three working days as from the date of receiving the dossiers transferred by the Ministry of Justice, the competent courts must accept them and notify the procuracies of the same level thereof.

2. The courts shall, within the time limit for preparing to consider the petitions, have the right to request the petitioners or the foreign courts which have rendered the judgments or decisions to explain unclear matters in the dossiers.

The written requests for additional explanations and written replies shall be sent via the Vietnamese Ministry of Justice.

3. Within seven days after receiving the written requests for additional explanations from Vietnamese courts, the Ministry of Justice shall forward such requests to the petitioners or to the foreign courts.

4. Within seven days after receiving the written explanations, the Ministry of Justice shall forward them to the Vietnamese courts which have requested such written explanations.

Article 354. Preparation for petition consideration

1. The courts shall, within four months after receiving the petitions, make one of the following decisions, depending on each specific case:

a) To stop the petition consideration if the petitioners withdraw their petitions or the judgment debtors have voluntarily executed the judgments or decisions or the judgment debtors being individuals have died and their rights and obligations have not been inherited; or if the judgment debtors being agencies or organizations have been dissolved or have gone bankrupt and their rights and obligations have been dealt with under the provisions of Vietnamese laws;

b) To stop the petition consideration and return the dossiers to the Ministry of Justice in cases where such petitions do not fall under their jurisdiction or the judgment debtors' addresses or the places where exist the assets related to the judgment cannot be identified;

c) To open meeting to consider the petition.

In cases where the courts request additional explanations as provided for in Clause 2, Article 353 of this Code, the time limit for petition consideration preparation shall be extended for two more months.

2. The courts must open meetings within one month after the issuance of the decisions to open meetings to consider the petitions.

The courts shall forward the dossiers to the procuracies of the same level for study within fifteen days before the opening of court meetings. At the end of this time limit, the procuracies of the same level must return the dossiers to the courts for opening meetings to consider the petitions.

Article 355. Meetings to consider petitions

1. Petition shall be considered at a meeting conducted by a Panel consisting of three judges, one of whom shall act as the presiding judge under the court's chief judge's assignment.

2. The procurators of the procuracy of the same level must participate in the meeting; in cases where the procurators are absent, the meeting must be postponed.

3. The meeting shall be conducted in the presence of the judgment debtors or their lawful representatives; if they are absent for the first time for plausible reasons, the meeting must be postponed.

The petition consideration shall still proceed if the judgment debtors or their lawful representatives have filed their petitions requesting the courts to consider the petitions in their absence or if they have been duly summoned twice but are still absent.

4. The Panel shall not re-try the case but only examine and compare the civil judgment or decision of a foreign court and the papers, documents attached to the petition with relevant provisions of Vietnamese law and international treaties which Vietnam has signed or acceded to in order to make decision.

5. After having considered the petition and the attached papers and documents and listened to the opinions of the summoned people and the procurator, the Panel shall discuss and decide the case by majority.

The Panel shall have the right to issue a decision to recognize and enforce in Vietnam or not to recognize the civil judgment or decision of a foreign court.

Article 356. Foreign courts' civil judgments or decisions which shall not be recognized and enforced in Viet Nam

1. The civil judgments or decisions which have not yet taken legal effect under the provisions of law of the countries where the courts have rendered such judgments or decisions.

2. The judgment debtors or their lawful representatives were absent from court sessions of foreign courts because they had not been duly summoned.

3. The cases fall under the exclusive jurisdiction of the Vietnamese court.

4. There has been a legally effective civil judgment or decision on the same case, that has been made by the Vietnamese court or by the foreign court but has been recognized and permitted by the Vietnamese court for enforcement in Vietnam or the Vietnamese court has accepted and been settling the case before it is accepted by a foreign court.

5. The statutes of limitation for judgment execution have expired under the law of the countries where the courts rendered such civil judgments or decisions or under Vietnamese law.

6. The recognition and enforcement in Vietnam of the judgments or decisions of foreign courts are contrary to fundamental principles of the Vietnamese law.

Article 357. Sending decisions of courts

As soon as decisions are issued under Articles 354 and 355 of this Code, the courts must immediately send them to the involved parties and the procuracies of the same level. If the involved parties reside overseas, the decisions will be delivered to them through the Ministry of Justice.

Article 358. Appeal and protest

1. Within fifteen days as from the date the courts make decisions under Articles 354 and 355 of this Code, the involved parties or their lawful representatives are entitled to appeal against such decisions. In cases where the involved parties or their lawful representatives are not present at the meetings to consider the petitions, the appeal time limit shall be counted from the date they receive such decisions. The appeals must clearly state the reasons for and the requests of the appeals.

In cases where *force majeure* events or objective obstacles have disabled the involved parties or their lawful representatives to lodge their appeals within the above time limit, the duration in which the *force majeure* events or objective obstacles exist shall not be included in the time limit for appeal.

2. The procuracies of the same level or the Supreme People's Procuracy shall be entitled to protest against court decisions prescribed in Articles 354 and 355 of this Code.

The time limit for protest by the procuracies of the same level shall be fifteen days and by the Supreme People's Procuracy shall be thirty days, counting from the date the court make such decision.

Article 359. Consideration of appeals, protests

1. The Supreme People's Court shall review decisions of the provincial-level people's courts, which are appealed or protested against, within one month as from the date of receipt of the dossiers. In case of requesting the clarification as provided for in Article 353 of this Code, this time limit shall be prolonged but must not exceed two months.

2. The composition of a Panel set up to review an appealed or protested decision shall consist of three judges, one of whom shall be assigned by the chief judge of the appeal court of the Supreme People's Court to act as the presiding judge.

The meeting to review the appealed or protested decision shall be conducted like the meeting to consider petitions, prescribed in Article 355 of this Code.

3. The Panel shall be entitled to uphold, amend part or whole of the decision of the provincial level people's court or to stop the consideration of the appeal or protest if the involved party withdraws his/her appeal or the procuracy withdraws its protest or if there appears one of the grounds specified at Point a, Clause 1, Article 354 of this Code.

The decision rendered by the Supreme People's Court shall be final one and take implementation effect.

Chapter XXVIII

PROCEDURES FOR CONSIDERATION OF PETITIONS FOR NON-RECOGNITION OF CIVIL JUDGMENTS OR DECISIONS OF FOREIGN COURTS, WHICH DO NOT REQUIRE ENFORCEMENT IN VIETNAM

Article 360. Time limit for lodging non-recognition petitions

1. Within thirty days as from the date of receipt of foreign courts' civil judgments or decisions not requiring the enforcement in Vietnam, the involved parties, persons with related rights and obligations or their lawful representatives are entitled to file their petitions to the Ministry of Justice requesting the Vietnamese courts not to recognize such judgments or decisions.

2. In cases where the petitioners can prove that due to *force majeure* events or objective obstacles they can not file their petitions within the time limit prescribed in Clause 1 of this Article, the duration in which the *force majeure* events or objective obstacles exist shall not be calculated into the time limit for forwarding the petitions.

The restoration of the statute of limitations for forwarding petitions shall be considered and decided by the chief judges of the courts which accept the petitions.

Article 361. Non-recognition petitions

1. A petition for non-recognition of a civil judgment or decision of a foreign court must contain the following principal details:

a) The petitioner's name and address of his/her residence place or work place; if the petitioner is an agency or organization, the full name and head-office address of that agency or organization shall be fully inscribed.

b) Requests of the petitioner.

2. The petitions must be accompanied by valid copies of the civil judgments or decisions of foreign courts and necessary papers and documents to prove that the non-recognition petitions are well grounded.

3. The petitions and accompanying papers as well as documents in foreign languages must be enclosed with their Vietnamese versions lawfully notarized or authenticated.

4. The sending of petitions and accompanying papers to competent courts shall comply with the provisions of Article 352 of this Code.

Article 362. Considering non-recognition petitions

1. The preparation for considering petitions and the consideration of petitions for non-recognition of foreign courts' civil judgments or decisions shall comply with the provisions of Articles 354 and 355 of this Code.

2. The Panels for petition consideration shall be entitled to issue one of the following decisions:

a) Not recognizing the civil judgments or decisions of the foreign courts;

b) Rejecting the non-recognition petitions.

3. Foreign courts' civil judgments or decisions which do not require enforcement in Vietnam shall not be recognized in the cases stipulated of Article 356 of this Code.

Article 363. Forwarding courts' decisions; appeals or protests

The forwarding of court decisions; the lodging of appeals or protests and the consideration of appeals or protests shall comply with the provisions in Articles 357, 358 and 359 of this Code.

Chapter XXIX

PROCEDURES FOR CONSIDERING PETITIONS FOR RECOGNITION AND ENFORCEMENT IN VIETNAM OF FOREIGN ARBITRAL AWARDS

Article 364. Petitions for recognition and enforcement in Vietnam of foreign arbitral awards

1. Petitions for recognition and enforcement in Vietnam of foreign arbitral awards must be sent to the Vietnamese Ministry of Justice and contain the following principal details:

a) The judgment creditors' full names and addresses of their residence places or work places or their lawful representatives in Vietnam;

If the judgment creditors are agencies or organizations, their full names and head-office addresses must be fully inscribed;

b) The judgment debtors' full names and addresses of their residence places or work places; if the judgment debtors are agencies or organizations, their full names and head-office addresses must be inscribed; in cases where the judgment debtors being individuals have no residence places or work places in Vietnam or the judgment debtors being agencies or organizations have no head-offices in Vietnam, the petitions must be clearly inscribed with the addresses of the places where exist properties and assorted assets related to the enforcement in Vietnam of the foreign arbitral awards.

c) Requests of the judgment creditors;

2. Petitions in foreign languages must be accompanied by their Vietnamese versions lawfully notarized or authenticated.

Article 365. Papers, documents accompanying petitions

1. Accompanied with petitions shall be papers and documents prescribed in international treaties which Vietnam has signed or acceded to. In cases where international treaties do not prescribe them or are not available, the petitions must be accompanied by valid copies of the foreign arbitral awards and valid copies of the arbitral agreement among the parties on the resolution of their disputes which may arise or have arisen through arbitration procedures, provided that the laws of relevant countries stipulate that they can be resolved through such procedures.

The arbitral agreement may be the arbitration terms provided for in the contract, or a separate agreement on arbitration, which has been concluded by the concerned parties after the disputes arise.

2. If papers and/or documents accompanying the petitions are in foreign languages, their lawfully notarized or authenticated Vietnamese versions must also be sent.

Article 366. Transferring dossiers to courts

1. Within seven days as from the date of receiving the petitions as well as accompanying papers and documents, the Ministry of Justice shall transfer the dossiers to competent courts as stipulated in Articles 34 and 35 of this Code.
2. In cases where the Ministry of Justice has already transferred the dossiers to competent courts but later receives notices from competent foreign agencies saying that they are considering the cancellation of, or have already cancelled or suspended the foreign arbitral awards, the Ministry of Justice shall immediately notify the courts thereof in writing.

Article 367. Receiving case files

1. Within three working days as from the date of receiving case files from the Ministry of Justice, the competent courts must accept the files and notify the judgment debtors being individuals, agencies or organizations as well as the procuracies of the same level thereof.
2. The courts are entitled to request the individuals, agencies or organizations that have filed the petitions to clarify obscure details in the petitions.

Article 368. Preparation for considering petitions

1. Within two months as from the date of accepting petitions, the competent courts shall, on a case-by-case basis, issue one of the following decisions:
 - a) To suspend the consideration of petitions in case of receiving written notices from the Ministry of Justice saying that the foreign competent agencies are reviewing foreign arbitral awards;
 - b) To stop the consideration of petitions if the judgment creditors being individuals, agencies or organizations withdraw their petitions or the judgment debtors being individuals, agencies or organizations have voluntarily executed the judgments; the judgment debtors being agencies or organizations have been dissolved or gone bankrupt and their rights and obligations have been handled according to the provisions of Vietnamese law or the judgment debtors being individuals have died while their rights and obligations are not inherited;
 - c) To stop the consideration of the petitions in case of receiving written notices from the Ministry of Justice saying that foreign competent agencies have cancelled the foreign arbitral awards or stopped the enforcement thereof;

d) To stop the consideration of petitions and return the files to the Ministry of Justice in cases where such consideration does not fall within the courts' jurisdiction, where the judgment debtors being agencies or organizations have no head-offices in Vietnam, where the judgment debtors being individuals neither reside nor work in Vietnam, or where it is impossible to identify the places where exist the assets related to the enforcement of the awards in Vietnam;

e) To open hearing sessions to consider petitions.

In cases where the courts request explanations, as provided for in Clause 2, Article 367 of this Code, the time limit for preparation for petition consideration shall be extended for two more months.

2. The courts must open hearing sessions to consider the petitions within twenty days as from the date of issuing the decisions to open such hearing sessions. The courts must forward the case files to the procuracies of the same level for study within ten days before the opening of the hearing sessions; at the end of this time limit, the procuracies must return the case files to the courts for opening hearing sessions to consider the petitions.

Article 369. Hearing sessions for consideration of petitions

1. The consideration of a petition shall be conducted at a hearing session by a Trial Panel which is composed of three judges, one of whom shall act as the presiding judge under the assignment of the court's chief judge.

2. Procurators of the procuracies of the same level must participate in the hearing sessions. In cases where they are absent, the hearing sessions must be postponed.

3. The hearing sessions shall be conducted in the presence of the judgment debtors or their lawful representatives; if they are absent for the first time for plausible reasons, the hearing sessions must be postponed.

The consideration of petitions shall still proceed if the judgment debtors or their lawful representatives request the courts to consider the petitions in their absence or if they have been duly summoned for the second time, but are still absent.

4. The trial panel shall not re-try the disputes which have already been dealt with by the foreign arbitrators but only check and compare the foreign arbitral awards and their accompanying papers or documents with the provisions of this Code, other provisions of Vietnamese law and relevant international treaties which Vietnam has signed or acceded to.

5. After considering the petitions and the accompanying papers or documents and hearing the opinions of the summoned persons and of the procurators, the trial panels shall deliberate the cases and make decisions by majority.

The trial panels may issue decisions to recognize and enforce the foreign arbitral awards or issue decisions not to recognize foreign arbitral awards.

Article 370. Cases of non-recognition

1. Foreign arbitral awards shall not be recognized and enforced in Vietnam in the following cases:

a) Parties to the arbitral agreement have no capacity to sign such agreement under the law applicable to each party.

b) The arbitral agreement is legally invalid under the law of the country, which has been selected by the parties for application, or the law of the country where the awards were declared if the parties had not chosen law applicable to such agreement;

c) The judgment debtors being individuals, agencies or organizations were not promptly and properly notified of the appointment of arbitrators and of procedures for resolution of disputes at foreign arbitration organization, or could not exercise their procedural rights for plausible reasons;

d) Foreign arbitral awards are declared on disputes not requested by the parties for resolution or going beyond the request of the parties to the arbitral agreement. In cases where the awards can be separated into distinct parts on matters requested for resolution and parts on matters not requested for resolution at foreign arbitration organizations, the parts on matters requested for resolution may be recognized and permitted for enforcement in Vietnam;

e) The foreign arbitration personnel or the procedures for dispute resolution by foreign arbitrations do not comply with the arbitral agreement or with the law of the country where the foreign arbitral award is pronounced if the arbitral agreement does not prescribe such matters.

f) The foreign arbitral awards have not yet been legally binding on the parties;

g) The foreign arbitral awards have been cancelled or suspended from enforcement by competent bodies of the countries where the awards were pronounced or the countries whose laws have been applied.

2. Foreign arbitral awards shall also not be recognized and permitted for enforcement in Vietnam, if the Vietnamese courts deem that:

- a) The disputes can not be resolved by arbitration under Vietnamese law;
- b) The recognition and enforcement in Vietnam of the foreign arbitral awards run counter to the basic principles of Vietnamese law.

Article 371. Forwarding court decisions

Immediately after issuing the decisions prescribed in Articles 368 and 369 of this Code, the courts shall send the decisions to the involved parties and the procuracies of the same level; if the involved parties stay abroad, such decisions shall be sent through the Ministry of Justice.

Article 372. Appeal and protest

1. Within fifteen days as from the date the courts issue decisions prescribed in Articles 368 and 359 of this Code, the involved parties or their lawful representatives may lodge appeals against such decisions; in cases where the involved parties are not present at the hearing sessions to consider the petitions, the appeal time limit shall be counted from the date they receive such decisions. The appeals must clearly state the appeal reasons and requests.

In case of *force majeure* events or objective obstacles, which have rendered the involved parties or their lawful representatives unable to lodge their appeals within the above time limit, the duration in which the *force majeure* events or objective obstacles exist shall not be calculated into the appeal time limit.

2. The procuracies of the same level or the Supreme People's Procuracy may protest against court decisions prescribed in Articles 368 and 369 of this Code.

The time limit for a procuracy of the same level to lodge a protest is fifteen days and that for the Supreme People's Procuracy is thirty days, counting from the date the court issues the decision.

Article 373. Considering appeals or protests

1. Within one month counting from the date it receives case files, the Supreme People's Court shall review a provincial-level people's court's decision which is appealed or protested against. In cases where explanations are requested as stipulated in Clause 2 of Article 367 of this Code, this time limit shall be extended but must not exceed two months.

2. A panel for review of appealed or protested decisions is composed of three judges, including one presiding judge assigned by the chief judge of the appeal court of the Supreme People's Court. The review sessions shall be conducted like the petition-considering sessions prescribed in Article 369 of this Code.

3. The Review Panels shall be entitled to uphold or partially or entirely amend decisions of the provincial-level people's courts, to suspend or stop the review of appeals or protests in cases where the involved parties withdraw their appeals or the procuracies withdraw their protests, or where there appear the grounds prescribed at Points a, b and c of Clause 1, Article 368 of this Code.

The decisions of the Supreme People's Court shall be the final ones and take implementation effect.

Article 374. Annulling recognition and enforcement decisions

1. In cases where they receive written notices from the Ministry of Justice saying that foreign competent agencies are considering the cancellation or suspension of foreign arbitral awards which have been decided for enforcement in Vietnam, the heads of the civil judgment-executing agencies shall issue decisions to suspend the enforcement of the foreign arbitral awards and send such decisions to the courts which have issued the decisions to recognize and permit the enforcement in Vietnam of, foreign arbitral awards.

The heads of the civil judgment-executing agencies may apply guarantee measures necessary for the continued enforcement of the foreign arbitral awards if so requested by the judgment creditors being individuals, agencies or organizations.

2. Immediately after receiving the written notices from the Ministry of Justice saying that foreign competent agencies have annulled or suspended the enforcement of foreign arbitral awards, the Vietnamese courts which have issued decisions to recognize the foreign arbitral awards and permit their enforcement in Vietnam shall issue decisions to cancel such decisions and send them to the judgment-executing agencies.

Right after receiving the courts' decisions, the heads of civil judgment-executing agencies shall issue decisions to stop the enforcement of the foreign arbitral awards.

Part Seven

ENFORCING CIVIL JUDGMENTS OR DECISIONS OF COURTS

Chapter XXX

GENERAL PROVISIONS ON ENFORCEMENT OF COURTS' JUDGMENTS, DECISIONS

Article 375. To be-enforced judgments or decisions of courts

1. The to be-enforced civil judgments or decisions of courts are those that already took effect, including:

a) Judgments or decisions or parts of judgments or decisions of the first-instance courts, which are not appealed, protested against according to the appellate procedures;

b) Judgments or decisions of appeal courts;

c) Cassation decisions or reopening trial decisions of courts;

d) Civil judgments or decisions of foreign courts, foreign arbitral awards, which have been recognized and permitted for enforcement in Vietnam under Vietnamese courts' legally effective decisions.

2. The following judgments or decisions of the first-instance courts shall be enforced immediately even though they may be appealed or protested against:

a) Judgments or decisions on alimonies, remuneration, reinstatement of laborers, wages, severance allowances, social insurance or compensations for loss of lives, health or mental damage suffered by citizens;

b) Decisions on application of provisional emergency measures.

Article 376. Grounds for enforcement of court judgments or decisions

Court judgments or decisions shall be enforced when there are the following grounds:

1. The to be-enforced judgments or decisions prescribed in Article 375 of this Code;

2. The judgment-executing decision of competent judgment-executing agency.

Article 377. Right to request enforcement of court judgments or decisions

1. In cases where the involved parties fail to voluntarily execute judgments or decisions, the judgment creditors and the judgment debtors shall base themselves on

the courts' judgments or decisions to request the competent judgment-executing agencies to issue decisions for judgment execution.

2. The persons who request the enforcement of court judgments or decisions must file their application for judgment enforcement or directly present to the judgment-executing agencies the contents of their applications and information relevant to the judgment execution, together with judgments or decisions requested for enforcement.

Article 378. Responsibilities of individuals, agencies and/or organizations in enforcing court judgments or decisions

1. Individuals, agencies and/or organizations shall, within the scope of their tasks and powers, have the responsibilities to fully realize the requests of executors in executing the courts' judgments or decisions.

2. The presidents of the People's Committees of all levels shall, within the scope of their tasks and powers, have the responsibilities to direct the coordination among the concerned agencies in enforcing the courts' judgments or decisions in their respective localities according to law provisions on civil judgment enforcement.

The commanders of military zones and the equivalent shall, within the scope of their tasks and powers, have the responsibilities to organize the coordination among the concerned agencies in enforcing the judgments in the military zones and the equivalent.

3. Public security offices shall have the responsibility to maintain order and promptly stop acts of obstructing or resisting the enforcement of court judgments or decisions. In cases where the coercive enforcement measure is applied, the public security offices and concerned agencies shall have to coordinate in realizing such measure at the requests of the heads of the judgment-executing agencies or of the executors.

Article 379. Inspecting and supervising the enforcement of court judgments or decisions

The people's procuracies shall, within the scope of their tasks and powers, inspect and supervise the law observation by the involved parties, the judgment-executing agencies, executors, and individuals, agencies and organizations related to the enforcement of court judgments or decisions in order to ensure the timely, full and lawful enforcement of court judgments or decisions.

Chapter XXXI

PROCEDURES FOR ENFORCING COURTS' JUDGMENTS AND DECISIONS

Article 380. Granting of court judgments or decisions

When court judgments or decisions must be enforced under the provisions of Article 375 of this Code, the courts which have pronounced such judgments or decisions shall grant such judgments or decisions to the judgment creditors and the judgment debtors with the inscription: "For enforcement."

The courts must explain to the judgment creditors and the judgment debtors their rights to claim, the enforcement time limit and their obligations to execute the judgments according to the provisions of the legislation on civil judgment enforcement.

Article 381. Time limit for delivery of court judgments or decisions

1. For judgments or decisions to be enforced under the provisions of Point a, Clause 2, Article 375 of this Code, the courts which have pronounced the judgments or decisions must send them to the judgment-executing agencies of the same level with the courts which conducted the first-instance trials within ten days as from the date of issuance of such judgments or decisions.

For decisions on the application of provisional emergency measures, the courts which have issued such decisions must immediately transfer them to the judgment-executing agencies of the same level.

2. For judgments or decisions other than those prescribed in Clause 1 of this Article, the courts which have pronounced such judgments or decisions must transfer them to the judgment-executing agencies of the same level with the courts which conducted the first-instance trials within thirty days as from the date the judgments or decisions come into force, except otherwise prescribed by law.

3. When transferring judgments or decisions, the courts must enclose them with the records on distraintment or temporary seizures of exhibits, assets or other relevant documents, if any.

Article 382. Explanation of court judgments, decisions

1. The judgment creditors, the judgment debtors, persons with their rights and obligations related to the enforcement of judgments or decisions of courts and the judgment-executing agencies shall have the right to request in writing the courts

which have issued the judgments or decisions to explain unclear points in the judgments or decisions for execution.

Within fifteen days as from the date of receiving the written requests, the courts must make the written explanations and send them to the requestors, the procuracies of the same level and persons with their rights and obligations related to the enforcement of the court judgments or decisions.

2. The judges making the decisions or the judges presiding over the court sessions shall have the responsibility to explain the court judgments or decisions. In cases where they are no longer judges of the courts, the chief judges of such courts shall explain the court judgments or decisions.

3. The explanation of court judgments or decisions must be based on the minutes of the court sessions and the minutes of deliberation.

Article 383. Statute of limitations for requesting enforcement of court judgments or decisions

1. Within three years as from the date a court judgment or decision takes legal effect, the judgment creditor and the judgment debtor are entitled to request the competent judgment-executing agency to issue a decision to enforce that court judgment or decision.

In cases where the time limit for fulfillment of the obligations is specified in the court judgment or decision, the three-year period shall be counted from the date the obligations are due; for court judgments or decisions to be enforced periodically, the three-year time limit shall be applied to each of period counting from the date the obligations are due.

2. In cases where persons requesting the enforcement of court judgments can prove that due to objective obstacles or *force majeure* events they could not request the judgments enforcement within the prescribed time limit, the duration in which the objective obstacles or *force majeure* events exist shall not be counted into the statute of limitations for requesting the judgment enforcement; for cases of postponing or suspending the enforcement of court judgments or decisions as stipulated in Articles 286 and 307 of this Code, the postponement or suspension period shall not be counted into the statute of limitations for requesting the judgment enforcement, except for cases where the judgment creditors agree to let the judgment debtors postpone or suspend the judgment execution.

Part Eight

HANDLING ACTS OF OBSTRUCTING CIVIL PROCEEDINGS; COMPLAINTS AND DENUNCIATIONS IN CIVIL PROCEDURES

Chapter XXXII

HANDLING ACTS OF OBSTRUCTING CIVIL PROCEEDINGS

Article 384. Handling measures applicable to defendants and persons with related rights and obligations

In cases where defendants or persons with related rights and obligations, who did not file independent claims, have received court subpoena for the second time but are still absent from the courts or from the court sessions without plausible reasons, they shall, on a case-by-case basis, be imposed with caution or fines by the courts.

Article 385. Handling measures applicable to persons who commit acts of obstructing the collection and verification of evidences by procedure-conducting persons

1. Those who commit one of the following acts shall, depending on the seriousness of their violations, be imposed with caution, pecuniary fines or administrative custody by courts or subject to criminal case institution:

- a) Forging or destroying important exhibits, thus obstructing the resolution of cases by courts;
- b) Providing false testimonies or documents;
- c) Refusing to give testimonies, declining to give expertising conclusions, or refusing to provide documents;
- d) Deceiving, intimidating, buying off or using force against witnesses in order to prevent them from standing as witness or compel other persons to give false testimonies;
- e) Deceiving, intimidating, buying off or using force against the expert-witnesses in order to prevent them from fulfilling their tasks or to compel them to give conclusions contrary to objective facts;

f) Deceiving, intimidating, buying off or using force against interpreters in order to prevent them from fulfilling their tasks or to compel them to give untruthful, inobjective and/or wrong translations;

g) Infringing upon the honor, dignity or prestige of procedure-conducting persons; intimidating, using force against or committing other acts of obstructing the procedure-conducting persons from applying measures to verify and collect evidences as prescribed by this Code;

h) Other violation acts prescribed by law;

2. Public security offices shall have the task to enforce courts' decisions to hold violators in administrative custody.

Article 386. Handling measures applicable to witnesses who are intentionally not present under courts' subpoenas

1. In cases where witnesses have been duly summoned by courts but have deliberately declined to go to courts or to be present at court sessions without plausible reasons and their absence caused obstacles to the collection and/or verification of evidences or the adjudication of cases, the courts are entitled to issue decisions to escort them to court sessions or to impose caution or pecuniary fines.

2. Decisions on escorting witnesses must clearly state the time and places of their issuance; the full names and positions of the persons issuing the decisions; the full names, dates of birth and residence places of the witnesses, the time and places for the witnesses to be present.

3. The public security offices shall have the task to enforce the court decisions to escort witnesses. Executors of such decisions must read out and explain them to the escorted persons and make records on the escort.

Article 387. Handling measures applicable to persons who violate the internal rules of court sessions

1. Persons who commit acts of breaking the internal rules of court sessions, can, depending on the seriousness of the violations, be imposed with caution, fines, forcible departure from court rooms or administrative custody by the presiding judges.

2. Public security offices shall have the task to protect court sessions, to enforce the presiding judges' decisions on forcible departures from court rooms or administrative custody against persons who cause disturbance at court sessions.

3. In cases where persons violate the internal rules of court sessions to such an extent that they must be examined for penal liability, the courts shall be entitled to institute criminal cases according to criminal legislation.

Article 388. Responsibilities of the procuracies in cases where the courts institute criminal cases

1. In cases where the courts institute criminal cases as stipulated in Clause 1 of Article 385 and Clause 3 of Article 387 of this Code, within ten days as from the date of issuing the institution decisions, the courts shall transfer to the competent procuracies the institution decisions and documents as well as evidences substantiating the criminal acts.

2. The procuracies must consider the case institution and the initiation of criminal proceedings against the accused within the time limit prescribed by the Criminal Procedure Code. If the procuracies decline such institution and prosecution, they must notify the courts which have issued the decisions to institute the cases thereof in writing, clearly stating the reasons therefor.

Article 389. Handling measures applicable to individuals, agencies or organizations that fail to abide by court decisions on supply of evidences to courts

1. Individuals, agencies or organizations that fail to abide by court decisions on supply of evidences they are managing or keeping may be cautioned, fined or forced to do so under court decisions.

2. Individuals or heads of agencies or organizations specified in Clause 1 of this Article can be disciplined or examined for penal liability according to law provisions.

Article 390. Procedures, competence for imposing penalties, fine levels

Procedures and competence for imposing penalties and fine levels for acts of obstructing civil proceedings shall be prescribed by the Standing Committee of the National Assembly.

Chapter XXXIII

COMPLAINTS AND DENUNCIATIONS IN CIVIL PROCEDURES

Article 391. Decisions and acts in civil procedures, which may be complained about

1. Individuals agencies and organizations are entitled to complain about procedural decisions or acts of civil procedure-conducting agencies or persons when they have grounds to believe that such decisions or acts are illegal or infringe upon their legitimate rights and interests.

2. For first-instance, appellate, cassation or reopening judgments or decisions of courts or other procedural decisions issued by civil procedure-conducting persons, if being appealed, protested against, complained about or petitioned, they shall be settled not according to the provisions of this Chapter but according to the provisions of corresponding chapters of this Code.

Article 392. Rights and obligations of complainants

1. Complainants shall have the following rights:

- a) To lodge complaints by themselves or through their lawful representatives;
- b) To lodge their complaints at any stage of the resolution of the cases;
- c) To withdraw their complaints at any stage of the resolution of the cases;
- d) To receive written replies on the acceptance of their complaints; to receive the complaint-resolving decisions;
- e) To have their legitimate rights or interests restored; to receive damages as provided for by law.

2. Complainants shall have the following obligations:

- a) To lodge their complaints to the right persons who are competent to settle them;
- b) To give truthful presentations, to supply information and documents to persons handling the complaints; to take responsibility before law for the contents of their presentations and the supply of such information and documents;
- c) To strictly abide by the complaint-resolving decisions which have taken legal effect.

Article 393. Rights and obligations of the complained persons

1. The complained persons shall have the following rights:

- a) To produce evidences of the legality of their procedural decisions or acts which are being complained about;

b) To receive decisions on the resolution of the complaints about their own procedural decisions or acts.

2. The complained persons shall have the following obligations:

a) To explain their procedural decisions or acts being complained about; provide relevant information or documents when so requested by competent agencies, organizations or individuals;

b) To strictly abide by the decisions on the resolution of the complaints, which have taken legal effect;

c) To compensate for damage or address the consequences caused by their illegal procedural decisions or acts as provided for by law.

Article 394. Statute of limitations for lodging complaints

The statute of limitations for lodging a complaint is fifteen days as from the date the complainant receives or knows the procedural decision or the act, which he/she deems illegal.

In cases where complainants cannot exercise their right to lodge their complaints within the time limit prescribed in this Article because of *force majeure* events or objective obstacles, the duration in which the *force majeure* events or objective obstacles exist shall not be counted into the statute of limitations for complaint.

Article 395. Competence and time limit for resolution of complaints against procurators, deputy heads or heads of procuracies

Complaints about procedural decisions or acts of procurators, or deputy heads of procuracies shall be settled by the heads of such procuracies within fifteen days as from the date of receipt of the complaints. If disagreeing with the settlement results, the complainants may lodge their complaints to the immediate superior procuracies. Within fifteen days as from the date of receiving the complaints, the immediate superior procuracies must consider and settle them. The immediate superior procuracies are competent to make final resolution.

Complaints about procedural decisions or acts of the heads of procuracies shall be settled by the immediate superior procuracies within fifteen days as from the date of receiving the complaints. The immediate superior procuracies are competent to make final resolution.

Article 396. Competence and time limit for resolution of complaints against the court clerks, people’s jurors, judges, deputy chief judges, or chief judges

Complaints about procedural decisions or acts of court clerks, people’s jurors, judges, or deputy chief judges shall be settled by the courts’ chief judges within fifteen days as from the date of receiving the complaints; if disagreeing with the settlement results, the complainants may lodge their complaints to the immediate superior courts. Within fifteen days as from the date of receiving the complaints, the immediate superior courts must consider and settle them. The immediate superior courts are competent to make final resolution.

Complaints about procedural decisions or acts of chief judges shall be settled by the immediate superior courts within fifteen days as from the date of receiving the complaints. The immediate superior courts are competent to make final resolution.

The complaint-settling decisions of the chief judges must be sent to the complainants and the procuracies of the same level.

Article 397. Competence and time limit for resolution of complaints against expert-witnesses

Complaints about acts in civil procedures committed by expert-witnesses shall be settled by the heads of the expertising organizations which directly manage the expert-witness within fifteen days as from the date of receiving the complaints; if disagreeing with the settlement results, the complainants may complain with the heads of the immediate superior agencies managing the expertising organizations. Within fifteen days as from the date of receiving the complaints, the heads of the immediate superior managing agencies must consider and settle them. Their decisions shall be the final ones.

Article 398. Persons who have right to denounce

Citizens are entitled to denounce to competent agencies, organizations or individuals illegal acts of competent procedure-conducting persons, which cause or threaten to cause damage to the State’s interests or legitimate rights and interests of citizens, agencies or organizations.

Article 399. Rights and obligations of denouncers

1. Denouncers shall have the following rights:

a) To file their written denunciations or directly present denunciations to competent agencies, organizations or individuals;

- b) To request that their full names, addresses and autographs be kept secret;
- c) To request that the results of resolution of their denunciations be notified to them;
- d) To request competent agencies, organizations or individuals to protect them from intimidation, repression or revenge.

2. Denouncers shall have the following obligations:

- a) To honestly present the contents of their denunciations;
- b) To clearly state their full names and addresses;
- c) To take responsibility before law for untruthful denunciations.

Article 400. Rights and obligations of the denounced persons

1. Denounced persons shall have the following rights:

- a) To be notified of the denunciation contents;
- b) To produce evidences to prove that the denunciation contents are untrue;
- c) To have their legitimate rights and interests that have been infringed upon restored; to have their honor restored; and to enjoy compensation for the damage caused by false denunciations;
- d) To request competent agencies, organizations or individuals to handle persons who gave untruthful denunciations.

2. Denounced persons shall have the following obligations:

- a) To explain their denounced acts; to provide relevant information and documents when so requested by competent agencies, organizations or individuals;
- b) To strictly abide by the handling decisions of competent agencies, organizations or individuals;
- c) To pay damages, address consequences caused by their illegal civil procedural acts according to law provisions.

Article 401. Competence and time limit for resolution of denunciations

1. Denunciations of illegal acts of persons competent to conduct procedures of any competent agencies shall be settled by the heads of such agencies.

In cases where the denounced persons are courts' chief judges, deputy-chief judges, heads or deputy-heads of the procuracies, the chief judges of the immediate superior courts or the heads of the immediate superior procuracies shall have responsibility to settle the cases.

The time limit for resolution of a denunciation shall not exceed sixty days as from the date of accepting the denunciation; for complicated cases, the time limit for denunciation resolution may be longer but shall not exceed ninety days.

2. Denunciations of illegal acts which show criminal signs shall be settled according to the provisions of the Criminal Procedure Code.

Article 402. Procedures for complaint and denunciation resolution

The procedures for resolution of complaints and denunciations shall comply with the provisions of this Chapter and other law provisions on complaints and denunciations, which are not contrary to the provisions of this Chapter.

Article 403. Responsibilities of persons competent to settle complaints, denunciations

1. Competent agencies, organizations or individuals shall, within the scope of their tasks and powers, have the responsibility to receive and promptly and properly settle complaints or denunciations; to strictly handle violators; to apply necessary measures to prevent possible damage or losses; to ensure strict execution of settling decisions and have to take responsibility before law for their decisions.

2. Those who are competent to settle complaints or denunciations but fail to settle them, show irresponsibility in settling them or settle them illegally shall, depending on the nature and seriousness of their violations, be disciplined or examined for penal liability; if causing damage, they must pay compensations therefor according to law provisions.

Article 404. Inspection and supervision of law observance in resolution of complaints and denunciations in civil procedures

The people's procuracies shall inspect and supervise the law observance in the resolution of complaints and denunciations in civil procedures according to law provisions. The procuracies are entitled to request or petition the courts of the same

and lower levels, responsible agencies, organizations and individuals to ensure that the settlement of complaints and denunciations is well grounded and lawful.

Part Nine

PROCEDURES FOR RESOLVING CIVIL CASES AND MATTERS INVOLVING FOREIGN ELEMENTS AND JUDICIAL ASSISTANCE IN CIVIL PROCEDURES

Chapter XXXIV

GENERAL PROVISIONS ON PROCEDURES FOR RESOLUTION OF CIVIL CASES AND MATTERS INVOLVING FOREIGN ELEMENTS

Article 405. Application principles

1. The courts shall apply the provisions of Chapter XXXIV and Chapter XXXV of this Code to settle civil cases and matters involving foreign elements. In cases where these chapters do not contain such provisions, they are entitled to apply other relevant provisions of this Code.
2. A civil case or matter involving foreign elements means a civil case or matter where at least one of the involved parties is a foreigner or an overseas Vietnamese; or civil relations between the involved parties being Vietnamese citizens, agencies or organizations but the bases for establishing, changing or terminating such relations comply with foreign laws, have arisen overseas or assets involved in such relations are located overseas.

Article 406. Procedural rights and obligations of foreign individuals, agencies, organizations

1. Foreign citizens, stateless people, foreign agencies and organizations, international organizations (hereinafter referred collectively to as foreign individuals, agencies and organizations) are entitled to initiate lawsuits at Vietnamese courts in order to request the protection of their legitimate rights and interests when such rights and interests are infringed upon or disputed.
2. Foreign individuals, agencies and organizations, when participating in civil procedures, shall have the same procedural rights and obligations like Vietnamese citizens, agencies and organizations.

3. The Vietnamese State may apply the principle of reciprocity to restrict the corresponding procedural rights of foreign nationals, agencies or organizations of the countries where their courts restrict certain civil procedural rights of Vietnamese citizens, agencies or organizations.

Article 407. Civil procedure-legal capacity and civil procedural act capacity of foreign citizens and stateless people

1. The civil procedure-legal capacity and civil procedural act capacity of foreign citizens or stateless people shall be determined as follows:

a) Pursuant to the laws of the countries of which the citizens bear the nationality; pursuant to Vietnamese law if citizens bear the Vietnamese nationality and a foreign nationality; pursuant to the laws of the countries where the citizens reside, if they each bears several foreign nationalities, except otherwise provided for by Vietnamese law;

b) Pursuant to Vietnamese law if the citizens permanently reside, work or live in Vietnam;

c) Pursuant to the laws of the countries where the stateless people permanently reside, work or live;

d) Pursuant to Vietnamese law if the civil procedural acts are performed in the Vietnamese territory.

2. Foreign citizens or stateless people can be recognized as having civil procedural act capacity in the Vietnamese territory, if they have no civil procedural act capacity under foreign laws but have the civil procedural act capacity under Vietnamese law.

Article 408. Civil procedure-legal capacity of foreign agencies and organizations, and international organizations in civil procedures

1. The civil procedure-legal capacity of foreign agencies and organizations is determined under the law of the countries where such agencies or organizations were established, except otherwise stipulated by Vietnamese law.

2. The civil procedure-legal capacity of international organizations is determined on the basis of the international treaties serving as basis for the establishment of such organizations, their operational regulations, or the international treaties signed by competent Vietnamese agencies.

Article 409. Protection of legitimate rights and interests of involved parties being foreign individuals, agencies or organizations

Involved parties being foreign individuals, agencies or organizations participating in procedures at Vietnamese courts are entitled to request lawyers to protect their legitimate rights and interests according to the provisions of Vietnamese law.

Chapter XXXV

JURISDICTION OF VIETNAMESE COURTS TO SETTLE CIVIL CASES AND/OR MATTERS INVOLVING FOREIGN ELEMENTS

Article 410. General provisions on the Vietnamese courts' jurisdiction to resolve civil cases and/or matters involving foreign elements

1. The Vietnamese courts' jurisdiction to resolve civil cases and/or matters involving foreign elements shall be determined under the provisions of Chapter III of this Code, except where this Chapter contains different provisions.
2. Vietnamese courts shall settle civil cases and/or matters involving foreign elements in the following cases:
 - a) The defendant is a foreign agency or organization, which is headquartered in Vietnam or the defendant has a managing agency, branch or representative office in Vietnam;
 - b) The defendant is a foreign national or stateless person who permanently resides, works or lives in Vietnam or has assets in the Vietnamese territory;
 - c) The plaintiff is a foreign national or stateless person who permanently resides, works or lives in Vietnam, for civil cases or matters claiming alimonies or parent identification;
 - d) Civil cases or matters related to civil relations which are established, changed or terminated on the grounds prescribed by Vietnamese law, or which happen in the Vietnamese territory but involve at least one party being foreign individual, agency or organization.
 - e) Civil cases or matters related to civil relations which are established, changed or terminated on the grounds prescribed by foreign laws or which happen in foreign countries, but involve all parties being Vietnamese citizens, agencies or organizations and either the plaintiff or the defendant resides in Vietnam;

f) The disputes arise out of a contract with the partial or full performance thereof taking place in the Vietnamese territory;

g) The divorce cases with the plaintiffs or the defendants being Vietnamese citizens.

Article 411. Exclusive jurisdiction of Vietnamese courts

1. The following civil cases involving foreign elements shall fall under the exclusive jurisdiction of Vietnamese courts:

a) Civil cases involving rights to properties being immoveables in the Vietnamese territory;

b) Disputes arising out of transportation contracts where the carriers have their head-offices or branches in Vietnam;

c) The divorce case between a Vietnamese citizen and a foreign citizen or a stateless person if both spouses reside, work or live in Vietnam;

2. The following civil matters involving foreign elements shall fall under the exclusive jurisdiction of Vietnamese courts:

a) Determining a legal event, if this event occurs in the Vietnamese territory;

b) Declaring that a foreign national or a stateless person has lost his/her civil act capacity or has had restricted civil act capacity if he/she resides, works or lives in Vietnam and such declaration relates to the establishment of his/her rights and obligations in Vietnam;

c) Declaring that a foreign national or a stateless person is missing or dead, if he/she is present in Vietnam at the time of occurrence of events which constitute grounds for declaring a person missing or dead, and such declaration relates to the establishment of his/her rights and obligations in Vietnam;

d) Requesting by a foreigner a Vietnamese court to declare that a Vietnamese citizen is missing or dead if such a declaration relates to the establishment of rights and obligations of that foreigner in Vietnam;

e) Recognizing that an asset in the Vietnamese territory is derelict or recognizing the current manager's ownership over derelict immovables in the Vietnamese territory.

Article 412. Not changing the jurisdiction of courts

Civil cases or matters which have been accepted for settlement by Vietnamese courts under this Code's provisions on jurisdiction must be continually settled by such courts even though during the resolution process there appear changes of nationalities, residential places or addresses of involved parties or appear new details which make such civil cases or matters fall under the jurisdiction of other Vietnamese courts or foreign courts.

Article 413. Returning the lawsuit petitions or petitions or stopping the resolution of civil cases or matters if they have been settled by foreign courts

1. Vietnamese courts shall return lawsuit petitions, applications or stop the resolution of civil cases or matters involving foreign elements if foreign courts have already issued judgments or decisions on the resolution thereof and the countries of such foreign courts and Vietnam have signed or acceded to international treaties that provide for the recognition and enforcement of civil judgments or decisions.

2. Vietnamese courts shall return the lawsuit petitions, petitions or stop the resolution of civil cases or matters involving foreign elements if foreign courts have already accepted such civil cases or matters and the foreign courts' judgments or decisions on such civil cases or matters are recognized and enforced in Vietnam.

Chapter XXXVI

JUDICIAL ASSISTANCE IN CIVIL PROCEDURES

Article 414. Principles for judicial assistance in civil procedures

1. Judicial assistance in civil procedures between Vietnamese courts and foreign courts shall be effected on the principle of respect for each other's national independence, sovereignty and territorial integrity, non-interference in each other's internal affairs, equality and mutual benefits and in compliance with the international treaties which the Socialist Republic of Vietnam has signed or acceded to and with Vietnamese laws.

2. In cases where the Socialist Republic Vietnam and foreign countries have not yet signed or acceded to international treaties prescribing the juridical assistance in civil procedures, the judicial assistance in civil procedures may be accepted by Vietnamese courts on the principle of reciprocity but must not be contrary to Vietnamese laws, international laws and practices.

Article 415. Judicial entrustment

1. Vietnamese courts may judicially entrust foreign courts or be judicially entrusted by foreign courts to conduct a number of civil-proceeding activities under the provisions of international treaties which Vietnam has signed or acceded to or on the principle of reciprocity.

2. Vietnamese courts shall decline judicial entrustment from foreign courts in the following cases:

a) The exercise of judicial entrustment infringes upon the sovereignty of Vietnam or threatens the security of Vietnam;

b) The exercise of judicial entrustment does not fall within the jurisdiction of Vietnamese courts.

Article 416. Formalities for judicial entrustment

1. The judicial entrustment by Vietnamese courts to foreign courts or by foreign courts to Vietnamese courts must be made in written documents, which shall be sent to competent Vietnamese agencies under the provisions of the international treaties which Vietnam has signed or acceded to or the provisions of Vietnamese law.

2. After receiving the judicial entrustment documents, the competent Vietnamese agencies must immediately send them to the Vietnamese courts or to the foreign agencies competent to receive the entrustment documents of Vietnamese courts.

Article 417. Judicial entrustment documents

1. A judicial entrustment document must contain the following principal details:

a) The date on which the document is made;

b) Name and address of the entrusting court;

c) Name and address of the entrusted court;

d) Full name and address of the individual, agency or organization related to the judicial entrustment;

e) Contents of the entrustment;

f) Requests of the entrusting court.

2. Judicial entrustment documents must be accompanied by papers and/or documents necessary for the realization of the entrustment, if any.

Article 418. Recognizing papers or documents made, issued or certified by foreign competent agencies

1. Vietnamese courts shall recognize papers and documents made, issued, or certified by foreign competent agencies in accordance with foreign laws or outside the Vietnamese territory if such papers or documents have been consularly legalized except otherwise provided for by international treaties which Vietnam has signed or acceded to.

2. Papers and documents made in foreign languages must be accompanied by their Vietnamese versions lawfully notarized or authenticated when being sent to Vietnamese courts.

This Code was passed on June 15, 2004 by the XIth National Assembly of the Socialist Republic of Vietnam at its 5th Session.

Chairman of the National Assembly
NGUYEN VAN AN