

LAW

ON ADMINISTRATIVE PROCEDURES

*Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10;
The National Assembly promulgates the Law on Administrative Procedures.*

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Law provides for fundamental principles in administrative procedures; tasks, powers and responsibilities of procedure-conducting agencies and persons; rights and obligations of procedure participants and related individuals, agencies, organizations; order and procedures for instituting lawsuits, settling administrative cases, enforcing administrative judgments and settling complaints and denunciations in administrative procedures.

Article 2. Effect of the Law on Administrative Procedures

1. The Law on Administrative Procedures applies to all administrative procedural activities conducted in the territory of the Socialist Republic of Vietnam.
2. The Law on Administrative Procedures applies to administrative procedural activities conducted by overseas diplomatic missions of the Socialist Republic of Vietnam.
3. The Law on Administrative Procedures applies to the settlement of administrative cases involving foreign elements. In case a treaty to which the Socialist Republic of Vietnam is a contracting party otherwise provides, such treaty will prevail.
4. Administrative cases involving foreign individuals, agencies and organizations and international organizations eligible for diplomatic or consular privileges and immunities under Vietnamese law or treaties to which the Socialist Republic of Vietnam is a contracting party shall be handled through diplomatic channels.

Article 3. Interpretation of terms

In this Law, the terms and phrases below are construed as follows:

1. *Administrative decision* means a document issued by a state administrative agency, another agency or organization or a competent person in this agency or organization, deciding on a specific matter in administrative management activities, and applicable once to one or a number of specific subjects.
2. *Administrative act* means an act taken by a state administrative agency, another agency or organization or a competent person in this agency or organization to perform or not to perform its/his/her task or official duty under law.

3. *Disciplinary decision on dismissal* means a document presented in the form of decision of the head of an agency or organization to apply the disciplinary form of dismissal to a civil servant under his/her management.

4. *Internal administrative decisions and acts of an agency or organization* means decisions and acts taken to manage, direct and administer the performance of the functions and tasks within this agency or organization.

5. *Involved parties* include the plaintiff, defendant and persons with related interests and obligations.

6. *Plaintiff* means an individual, agency or organization that institutes an administrative lawsuit over an administrative decision or act, a disciplinary decision on dismissal, a decision on settlement of a complaint about a decision on handling of a competition case, or over the making of a voter list.

7. *Defendant* means an individual, agency or organization that has made an administrative decision, taken an administrative act or issued a disciplinary decision on dismissal, a decision on settlement of a complaint about a decision on handling of a competition case or made a voter list over which a lawsuit is instituted.

8. *Person with related interests and obligations* means an individual, agency or organization that, though being neither the plaintiff nor the defendant, has his/her/its interests and obligations related to the settlement of an administrative case and, therefore, participates at his/her/its own initiative or at the request of another involved party approved by the court or on summoned by the court to participate in procedures in the capacity as a person with related interests and obligations.

9. *Agencies and organizations* include state agencies, political organizations, socio-political organizations, socio-political-professional organizations, social organizations, socio-professional organizations, economic organizations, non-business units and people's armed forces units.

Article 4. Assurance of socialist legality in administrative procedures

All administrative procedural activities of procedure-conducting persons, procedure participants, and related individuals, agencies and organizations must comply with this Law.

Article 5. Right to request the court to protect rights and legitimate interests

Individuals, agencies and organizations may institute administrative lawsuits to request the court to protect their rights and legitimate interests under this Law.

Article 6. Settlement of matters of compensation in administrative cases

The plaintiff and persons with related interests and obligations in an administrative case may concurrently claim compensation for damage. In this case, regulations on the State's compensation liability and the law on civil procedures shall be applied to the settlement of claims for compensation for damage.

In case an administrative case involves a claim for compensation for damage but under no condition can such claim be proven, the court may separate such claim from this case for subsequent settlement in another civil case under law.

Article 7. Self-determination and discretion of plaintiffs

Individuals, agencies and organizations may decide to institute administrative lawsuits. Courts shall accept administrative cases for settlement only when lawsuit petitions are filed by plaintiffs. In the course of settlement of administrative cases, plaintiffs may withdraw, change or add their lawsuit claims under this Law.

Article 8. Burden of proof in administrative procedures

1. Involved parties have the right and obligation to furnish the court with evidence and prove that their claims are grounded and lawful.
2. The court shall verify and collect evidence in the cases specified by this Law.

Article 9. Responsibility of competent individuals, agencies and organizations to provide documents and evidence

Individuals, agencies and organizations shall, within the ambit of their tasks and powers, sufficiently and promptly provide involved parties, the court and the procuracy with documents and evidence they are keeping or managing at the request of the involved parties. In case they cannot do so, they shall notify such in writing to involved parties, the court and the procuracy, clearly stating the reason.

Article 10. Equality in rights and obligations in administrative procedures

1. All citizens are equal before law and the court, regardless of their nationality, sex, social strata, belief, religion, educational level and occupation.
2. All agencies and organizations are equal, regardless of their forms of organization and ownership and other matters.
3. Involved parties are equal in their rights and obligations in the course of settlement of an administrative case. The court shall create conditions for them to exercise their rights and fulfill their obligations.

Article 11. Assurance of the right of involved parties to protect their rights and legitimate interests

1. Involved parties may protect their rights and legitimate interests by themselves or ask lawyers or others to do so.
2. The court shall assure involved parties of the right to protect their rights and legitimate interests.

Article 12. Dialogues in administrative procedures

In the course of settlement of an administrative case, the court shall create conditions for involved parties to have dialogues on the settlement of their case.

Article 13. People's jurors' participation in the trial of administrative cases

The trial of administrative cases shall be participated by people's jurors in accordance with this Law. In the course of trial people's jurors are equal in power to judges.

Article 14. Judges and people's jurors conduct trial independently and abide by law only

In the course of trial of an administrative case, judges and people's jurors are independent and abide by law only.

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

Article 15. Responsibilities of administrative procedure-conducting agencies and persons

1. Administrative procedure-conducting agencies and persons shall respect the people and Submit' to the people's supervision.
2. Administrative procedure-conducting agencies and persons shall be held responsible before law for the performance of their tasks and powers. In case procedure-conducting persons commit law violations, they shall, depending on the nature and severity of their violations, be disciplined or examined for penal liability under law.
3. Administrative procedure-conducting agencies and persons shall keep state secrets and work secrets under law; preserve fine national customs and traditions; keep professional, business and privacy secrets of involved parties upon their legitimate requests.
4. When administrative procedure- conducting persons commit illegal acts causing damage to individuals, agencies or organizations, agencies employing such persons shall pay compensations for damage to damaged parties. under the law on the State's compensation liability.

Article 16. The court conducts trial on a collegial basis

The court shall conduct trial of administrative cases on a collegial basis and make decisions by majority.

Article 17. Public trial

The trial of administrative cases shall be conducted in public. In case of necessity to keep state secrets or secrets of involved parties upon their legitimate requests, the court shall conduct trial behind closed doors but shall pronounce the judgment publicly.

Article 18. Assurance of impartiality of administrative procedure-conducting persons or administrative procedure participants

Court presidents, judges, people's jurors, court clerks, procuracy directors, procurators, interpreters and experts may not conduct or participate in procedures if there are plausible grounds to believe that they might not be impartial while performing their tasks and powers.

Article 19. Implementation of the two-tier trial regime

1. The court shall implement the regime of two-tier trial of administrative cases, except the trial of administrative cases involving complaints about a list of voters to elect deputies to the National Assembly or a list of voters to elect deputies to People's Councils. Judgments and rulings rendered by first-instance courts may be appealed or protested against under this Law.

First-instance judgments and rulings, if not appealed or protested against according to appellate procedures within the time limit specified in this Law, shall be legally effective. For first-instance judgments or rulings which are appealed or protested against, the cases shall be settled according to appellate procedures. Appellate judgments and rulings shall be legally effective.

2. For legally effective court judgments and rulings, if law violations or new circumstances are discovered, they shall be reviewed according to cassation or reopening procedures under this Law.

Article 20. Trial supervision

Superior courts shall supervise trials conducted by subordinate courts and the Supreme People's Court shall supervise trials conducted by courts at all levels in order to assure the strict and uniform application of law.

Article 21. Assurance of the effect of court judgments and rulings

Legally effective court judgments and rulings on administrative cases shall be executed and respected by individuals, agencies and organizations.

Individuals, agencies and organizations that are obliged to execute court judgments and rulings shall strictly do so.

Within the ambit of their tasks and powers, courts, agencies and organizations assigned with tasks related to the execution of court judgments and rulings shall strictly execute these judgments and rulings and be held responsible before law for their performance of these tasks.

Article 22. Spoken and written languages used in administrative procedures

The spoken and written language used in administrative procedures is Vietnamese.

Administrative procedure participants may use spoken and written languages of their nationalities. In this case, interpreters are required.

Article 23. Supervision of law observance in administrative procedures

1. People's procuracies shall supervise the law observance in administrative procedures in order to assure timely and lawful settlement of administrative cases.

2. People's procuracies shall supervise administrative cases from the time of acceptance for settlement to the time of completion of the settlement; participate in court hearings and sessions; supervise the law observance in the execution of court judgments and rulings; and exercise the right to make requests, recommendations and protests under law.

3. For administrative decisions and acts related to the rights and legitimate interests of minors or persons who have lost their civil act capacity, if these persons have no representatives to institute lawsuits, procuracies may request People's Committees of communes, wards and townships (below collectively referred to as commune-level People's Committees) in which these persons reside to appoint guardians to institute administrative lawsuits to protect their rights and legitimate interests.

Article 24. Responsibility of the court to deliver documents and papers

1. Courts shall deliver directly or send by post their judgments, rulings, summonses and other papers related to administrative procedure participants to these persons under this Law.

2. If it is impossible to deliver directly or send by post judgments, rulings, summonses and other papers to administrative procedure participants, courts shall deliver these documents and papers to commune-level People's Committees of localities in which these persons reside or to agencies or organizations in which these persons work for delivery to these persons.

Commune-level People's Committees of localities in which administrative procedure participants reside or agencies or organizations in which these persons work shall notify courts of results of delivery of court judgments, rulings, summonses and other papers within 5 working days after receiving requests of courts. For mountainous, border, island, deep-lying and remote areas, this time limit is 10 working days.

Article 25. Participation of individuals, agencies and organizations in administrative procedures

Individuals, agencies and organizations have the right and obligation to participate in administrative procedures under this Law and contribute. to promptly and lawfully settling administrative cases at court.

Article 26. Assurance of the right to complain and denounce in administrative procedures

Individuals, agencies and organizations have the right to complain about, and individuals have the right to denounce illegal acts of administrative procedure-conducting agencies and persons or of any individuals, agencies or organizations in administrative procedural activities.

Competent agencies, organizations and individuals shall receive, consider and settle in a timely and lawful manner complaints and denunciations; and notify in writing settlement results to complainants and denouncers.

Article 27. Court fees and legal fees and costs

Court fees and legal fees and costs comply with law.

Chapter II

JURISDICTION OF COURTS

Article 28. Lawsuits under jurisdiction of courts

1. Lawsuits over administrative decisions or acts, except those pertaining to state secrets in the fields of national defense, security and foreign affairs as classified by the Government and those of internal nature of agencies and organizations.
2. Lawsuits over lists of voters to elect deputies to the National Assembly or to People's Councils.
3. Lawsuits over disciplinary decisions on dismissal of civil servants holding the post of general director of a general department or equivalent or lower posts.
4. Lawsuits over decisions on settlement of complaints about decisions on handling of competition cases.

Article 29. Jurisdiction of people's courts of districts, towns or provincial cities

People's courts of districts, towns or provincial cities (below collectively referred to as district-level courts) shall settle according to first-instance procedures the following lawsuits:

1. Lawsuits over administrative decisions or acts of state agencies at the district or lower level within the same administrative boundaries with courts or of competent persons in these state agencies;
2. Lawsuits over disciplinary decisions on dismissal of civil servants under the management of agencies or organizations at the district or lower level within the same administrative boundaries with courts, issued by heads of these agencies or organizations;
3. Lawsuits over lists of voters to elect deputies to the National Assembly or to People's Councils made by agencies in charge of making voter lists within the same administrative boundaries with courts.

Article 30. Jurisdiction of people's courts of provinces and centrally run cities

1. People's courts of provinces and centrally run cities (below collectively referred to as provincial-level courts) shall settle according to first-instance procedures the following lawsuits:

a/ Lawsuits over administrative decisions or acts of ministries, ministerial-level agencies, government-attached agencies, the Presidential Office, the Office of the National Assembly, the State Audit, the Supreme People's Court and the Supreme People's Procuracy, and administrative decisions or acts of competent persons in these agencies, which are filed by plaintiffs whose places of residence, workplaces or offices are located within the same administrative boundaries with the courts. In case plaintiffs have no places of residence, workplaces or offices in the Vietnamese territory, courts of localities in which agencies or persons competent to issue administrative decisions or acts are located have jurisdiction to settle these lawsuits;

b/ Lawsuits over administrative decisions or acts of state agencies among those specified at Point a of this Clause, and administrative decisions or acts of competent persons in these agencies, which are filed by plaintiffs whose places of residence, workplaces or offices are located within the same administrative boundaries with the courts. In case plaintiffs have no places of residence, workplaces or offices in the Vietnamese territory, courts of localities in which agencies or persons competent to issue administrative decisions or acts are located have jurisdiction to settle these lawsuits;

c/ Lawsuits over administrative decisions or acts of provincial-level state agencies within the same administrative boundaries with the courts and of competent persons in these state agencies;

d/ Lawsuits over administrative decisions or acts of overseas diplomatic missions of the Socialist Republic of Vietnam or of competent persons in these missions, which are filed by plaintiffs whose places of residence are located within the same administrative boundaries with the courts. In case plaintiffs have no places of residence in Vietnam, the People's Court of Hanoi city or Ho Chi Minh City has jurisdiction to settle these lawsuits;

e/ Lawsuits over disciplinary decisions on dismissal issued by heads of provincial, ministerial or central agencies or organizations, which are filed by plaintiffs whose workplaces by the time of disciplining are located within the same administrative boundaries with the courts;

f/ Lawsuits over decisions on settlement of complaints about decisions on handling of competition cases, which are filed by plaintiffs whose places of residence, workplaces or offices are located within the same administrative boundaries with the courts;

g/ When necessary, provincial-level courts may pick up lawsuits under jurisdiction of district-level courts for settlement.

2. The Supreme People's Court shall guide the implementation of this Article.

Article 31. Determination of jurisdiction in case both complaint and lawsuit petition are filed

1. In case a plaintiff files a petition to institute an administrative lawsuit at a competent court and concurrently files a complaint with a person competent to settle complaints, the plaintiff may choose the jurisdiction to settle the case.

2. The Supreme People's Court shall guide the implementation of this Article.

Article 32. Transfer of cases to other courts and settlement of disputes over jurisdiction

1. Before deciding to bring a case to trial, if finding that the case does not fall under its jurisdiction, a court shall issue a decision to transfer the case file to a competent court and delete it from the book of case acceptance. This decision shall be promptly sent to the involved parties and the same-level procuracy.

An involved party may file a complaint and the same-level procuracy may file a protest against such decision within 3 working days after receiving it. Within 3 working days after receiving a complaint or protest, the court president that has issued the decision to transfer the administrative case shall settle the complaint or protest. The decision of the court president is final.

2. Disputes over jurisdiction to settle administrative cases between district-level courts in the same province or centrally run city shall be settled by the president of the provincial-level court.

Disputes over jurisdiction to settle an administrative case between district-level courts in different provinces or centrally run cities or between provincial-level courts shall be settled by the President of the Supreme People's Court.

3. The Supreme People's Court shall guide the implementation of this Article.

Article 33. Consolidation or split-up of administrative cases

1. A court may consolidate two or more cases it has separately accepted into a sole case for settlement.

2. A court may split up a case involving different, claims into two or more cases for settlement.

3. Upon consolidating cases or splitting up a case under Clause 1 or 2 of this Article, the court that has accepted this case shall issue a decision to this effect and promptly send it to the involved parties and same-level procuracy.

4. The Supreme People's Court shall guide the implementation of this Article.

Chapter III

PROCEDURE-CONDUCTING AGENCIES AND PERSONS AND CHANGE OF PROCEDURE-CONDUCTING PERSONS

Article 34. Procedure-conducting agencies and persons

1. Administrative procedure-conducting agencies include:

a/ People's courts;

b/ People's procuracies.

2. Administrative procedure-conducting persons include:

a/ Court presidents, judges, people's jurors and court clerks;

b/ Directors of procuracies and procurators.

Article 35. Tasks and powers of presidents of courts

1. Presidents of courts have the following tasks and powers:

a/ To organize the work of settling administrative cases under their courts' jurisdiction;

b/ To assign judges to settle administrative cases, people's jurors to participate in trial panels of administrative cases; to assign court clerks to conduct procedures for administrative cases;

c/ To decide to change judges, people's jurors and court clerks before the opening of court hearings;

d/ To decide to change experts and interpreters before the opening of court hearings;

e/ To issue decisions and conduct administrative procedures;

f/ To file protests against legally effective court judgments or rulings according to cassation or reopening procedures;

g/ To settle complaints and denunciations.

2. The president of a court may authorize a vice president to perform his/her tasks and exercise his/her powers provided in Clause 1 of this Article. Authorized vice presidents shall be answerable to the presidents of courts for the performance of their assigned tasks.

Article 36. Tasks and powers of judges

1. To make case files.

2. To decide to apply, change or cancel provisional urgent measures.

3. To decide to terminate or suspend the settlement of administrative cases.

4. To organize dialogues between involved parties upon request.

5. To decide to bring administrative cases to trial.

6. To decide to summon participants in court hearings.

7. To participate in trying administrative cases.

8. To conduct procedural activities and vote on matters falling under the jurisdiction of trial panels.

Article 37. Tasks and powers of people's jurors

1. To study case files.

2. To request presidents of courts and judges assigned to settle administrative cases to issue necessary decisions within their competence.

3. To participate in trying administrative cases.

4. To conduct procedural activities and vote on matters falling under the jurisdiction of trial panels.

Article 38. Tasks and powers of court clerks

1. To make necessary professional preparations before the opening of court hearings.

2. To announce internal rules of court hearings.

3. To report to trial panels on the presence or absence of participants in court hearings who have been summoned by the court and reasons for their absence.

4. To write minutes of court hearings.

5. To conduct other procedural activities under this Law.

Article 39. Tasks and powers of directors of procuracies

1. When supervising the law observance in administrative procedural activities, directors of procuracies have the following tasks and powers:

a/ To organize and direct the supervision of the law observance in administrative procedures;

b/ To assign procurators to supervise the law observance in administrative procedures, participate in court hearings and sessions to settle administrative cases;

c/ To examine procurators' activities of supervising law observance in administrative procedures;

d/ To decide to change procurators

e/ To file protests against court judgments or rulings according to appellate, cassation or reopening procedures;

f/ To settle complaints and denunciations under this Law.

2. The director of a procuracy may authorize a vice director to perform his/her tasks and exercise his/her powers provided in Clause 1 of this Article. Authorized vice directors shall be answerable to the directors of procuracies for the performance of their assigned tasks.

Article 40. Tasks and powers of procurators

1. To supervise the law observance in (he settlement of administrative cases.

2. To supervise the law observance by procedure participants.

3. To participate in court hearings and sessions to settle administrative cases.

4. To supervise court judgments and rulings.

5. To perform other tasks and exercise other powers failing under procuracies' competence as assigned by their directors.

Article 41. Cases of refusal or change of procedure-conducting persons

Procedure-conducting persons shall refuse to conduct procedures or be changed in the following cases:

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

2. They have participated in the capacity as defense counsel of the rights and legitimate interests of involved parties, witness, expert or interpreter in the same case;

3. They have participated in the issuance of administrative decisions or are related to administrative acts over which lawsuits are instituted;

4. They have participated in the issuance of decisions on settlement of complaints about administrative decisions or acts over which lawsuits are instituted;

5. They have participated in the issuance of disciplinary decisions on dismissal of civil servants or decisions on settlement of complaints about disciplinary decisions on dismissal of civil servants over which lawsuits are instituted;

6. They have participated in the issuance of decisions on handling of competition cases or decisions on settlement of complaints about decisions on handling of competition cases over which lawsuits are instituted;

7. They have participated in the making of lists of voters to elect deputies to the National Assembly or to People's Councils over which lawsuits are instituted;
8. There are clear grounds to believe that they might not be impartial while performing their tasks.

Article 42. Change of judges or people's jurors

Judges or people's jurors shall refuse to conduct procedures or be changed in the following cases:

1. They fall into one of the cases specified in Article 41 of this Law;
2. They are relatives of other members of the trial panel;
3. They have participated in the first-instance, appellate, cassation or reopening trial of the same case, unless they are members of the Judges' Council of the Supreme People's Court or the judges' committee of a provincial court who are allowed to participate in trying a case for many times according to cassation or reopening procedures;
4. They have conducted procedures in the same case in the capacity as procurator or court clerk.

Article 43. Change of procurators

Procurators shall refuse to conduct procedures or be changed in the following cases:

1. They fall into one of the cases specified in Article 41 of this Law;
2. They have conducted procedures in the same case in the capacity as judge, people's juror, procurator or court clerk;
3. They are relatives of a member of the trial panel of the case.

Article 44. Change of court clerks

Court clerks shall refuse to conduct procedures or be changed in the following cases:

1. They fall into one of the cases specified in Article 41 of this Law;
2. They have conducted procedures in the same case in the capacity as judge, people's juror, procurator or court clerk;
3. They are relatives of one of other procedure participants in the case.

Article 45. Procedures for refusing to conduct procedures or requesting change of procedure-conducting persons

1. The refusal to conduct procedures or request for change of procedure-conducting persons before the opening of a court hearing must be recorded in writing, clearly stating the reason and ground for such refusal or request.
2. The refusal to conduct procedures or request for change of procedure-conducting persons at a court hearing must be recorded in the court hearing minutes.

Article 46. Decisions on change of procedure-conducting persons

1. Before the opening of a court hearing, the change of a judge, people's juror or court clerk shall be decided by the president of the court. If the judge requested to be changed is the president of the court, the change shall be decided by the president of the immediate superior court.

Before the opening of a court hearing, the change of a procurator shall be decided by the director of the same-level procuracy. If the procurator requested to be changed is the director of the procuracy, the change shall be decided by the director of the immediate superior procuracy.

2. During a court hearing, the change of a judge, people's juror, court clerk or procurator shall be decided by the trial panel after hearing opinions of the person requested to be changed. The trial panel shall discuss the change in the deliberation room and decide thereon by majority.

In case a judge, people's juror, court clerk or procurator must be changed, the trial panel shall issue a decision to postpone the court hearing under this Law. The appointment of anew judge, people's juror, court clerk or procurator shall be decided by the president of the court. If the changed person is the president of the court, the appointment shall be decided by the president of the immediate superior court. The appointment of a new procurator shall be decided by the director of the same-level procuracy. If the changed procurator is the director of the procuracy, the appointment shall be decided by the director of the immediate superior procuracy.

3. Within 7 working days after the court hearing is postponed, the president of the court or the director of the procuracy shall appoint a person in replacement of the changed one.

Chapter IV

PROCEDURE PARTICIPANTS AND THEIR RIGHTS AND OBLIGATIONS

Article 47. Procedure participants

Administrative procedure participants include involved parties, representatives of involved parties, defense counsels of the rights and legitimate interests of involved parties, witnesses, experts and interpreters.

Article 48. Administrative procedure law capacity and administrative procedure act capacity of involved parties

1. Administrative procedure law capacity means the capacity to have law-established rights and obligations in administrative procedures. All individuals, agencies and organizations have the same administrative procedure law capacity in requesting courts to protect their rights and legitimate interests.

2. Administrative procedure act capacity means the capacity of a person to exercise his/ her administrative procedure rights or perform his/her administrative procedure obligations on his/her own or to authorize a representative to participate in administrative procedures.

3. An involved party who is full 18 years or older has the full administrative procedure act capacity, except those who have lost their civil act capacity or otherwise provided by law.

4. An involved party who is a minor or a person who has lost his/her civil act capacity shall exercise his/her rights and perform his/her obligations in administrative procedures through his/her at-law representative.

5. An involved party that is an agency or organization shall exercise its right and perform its obligation in administrative procedures through its at-law representative.

Article 49. Rights and obligations of involved parties

1. To provide documents and evidence to prove and protect their rights and legitimate interests.

2. To get access to, read, take note of, copy and see documents and evidence provided by other involved parties or collected by the court.
3. To request individuals, agencies and organizations that are keeping or managing evidence to provide this evidence for furnishing it to the court.
4. To request the court to verify or collect evidence of the case which they cannot verify or collect; to request (he court to summon witnesses, solicit expert examinations and assessment or valuation of assets or appraisal of asset prices.
5. To request the court to apply, change or cancel provisional urgent measures.
6. To participate in court hearings.
7. To request the court to suspend the settlement of the case.
8. To authorize in writing lawyers or other persons to represent them in participating in procedures.
9. To request change of procedure-conducting persons or procedure participants.
10. To request the court to summon persons with related interests and obligations to participate in procedures.
11. To enter into dialogues in the course of settlement of the case by the court.
12. To receive valid notices for exercising their rights and performing their obligations.
13. To defend their rights and legitimate interests or ask other persons to do so.
14. To argue at court hearings.
15. To appeal against or complain about court judgments or rulings.
16. To request competent persons to file protests against legally effective court judgments or rulings according to cassation or reopening procedures.
17. To be provided with extracts of court judgments, court judgments or rulings.
18. To provide sufficiently and promptly relevant documents and evidence at the request of the court.
19. To be present in response to court summonses and abide by court rulings in the course of settlement of the case.
20. To respect the court and strictly observe internal rules of court hearings.
21. To pay court fee and legal cost advances, court fees and legal costs in accordance with law.
22. To strictly abide by legally effective court judgments and rulings.
23. Other rights and obligations provided by law.

Article 50. Rights and obligations of plaintiffs

1. The rights and obligations of involved parties specified in Article 49 of this Law
2. To withdraw part or whole of their lawsuit claims; to change or supplement contents of their lawsuit claims within the statute of limitations for lawsuit institution.

Article 51. Rights and obligations of defendants

1. The rights and obligations of involved parties specified in Article 49 of this Law.
2. To be informed by the court of lawsuits against them.
3. To modify or cancel administrative decisions, disciplinary decisions on dismissal, decisions on settlement of complaints about decisions on handling of competition cases or voter lists over which lawsuits are instituted; to stop or remedy administrative acts over which lawsuits are instituted.

Article 52. Rights and obligations of persons with related interests and obligations

1. Persons with related interests and obligations may make independent claims and participate in procedures on the side of the plaintiff or the defendant.
2. Persons with related interests and obligations that make independent claims have the rights and obligations of the plaintiff specified in Article 50 of this Law.
3. Persons with related interests and obligations that participate in procedures on the side of the plaintiff or have interests only have the rights and obligations specified in Article 49 of this Law.
4. Persons with related interests and obligations that participate in procedures on the side of the defendant or have obligations only have the rights and obligations specified in Clauses 1 and 2, Article 51 of this Law.

Article 53. Inheritance of administrative procedural rights and obligations

1. In case the plaintiff being an individual is dead and his/her rights and obligations are bequeathed, his/her heir may participate in procedures.
2. In case the plaintiff being an agency or organization is consolidated, merged, split up, divided or dissolved, the agency, organization or individual that inherits the rights of obligations of the former shall exercise the procedural rights and perform the procedural obligations of such agency or organization.
3. In case the defendant is a competent person in an agency or organization which is consolidated, merged, split up, divided or dissolved, the person who takes over the rights and obligations of the defendant shall participate in judicial procedures.

In case the defendant is a competent person in an agency or organization whose post no longer exists, the head of this agency or organization shall exercise the rights and perform the obligations of the defendant.

4. In case the defendant is an agency or organization which is consolidated, merged, divided or split up, the agency or organization inheriting the rights and obligations of the former shall exercise the procedural rights and perform the procedural obligations of such agency or organization.

In case the defendant is a dissolved agency or organization with nobody to inherit its rights and obligations, its superior agency or organization shall exercise the rights and perform the obligations of the defendant.

5. The inheritance of procedural rights and obligations may be accepted by the court at any stage in the settlement of an administrative case.

Article 54. Representatives

1. Representatives in administrative procedures include at-law representatives and authorized representatives.

2. An at-Law representative in administrative procedures may be any of the following persons, unless his/her representation right is restricted under law:

a/ Father or mother for a minor child;

b/ Guardian for a ward;

c/ Head of an agency or organization who is appointed or elected under law;

d/ Household head for a household;

e/ Head of a cooperative group;

f/ Other persons defined by law.

3. Authorized representatives in administrative procedures must be full 18 years or older, have the civil act capacity, and authorized in writing by involved parties or their at-law representatives.

4. At-law representatives and authorized representatives in administrative procedures shall terminate their representation under the Civil Code.

5. At-law representatives in administrative procedures shall exercise administrative procedural rights and perform administrative procedural obligations of involved parties whom they represent.

Authorized representatives in administrative procedures shall exercise all administrative procedural rights and perform all administrative procedural obligations of their authorizers. An authorized person may not sub-authorize a third party.

6. The following persons may not act as representatives:

a/ Those being involved parties in the same case with to-be-represented persons with their rights and legitimate interests conflicting with those of to-be-represented persons;

b/ Those currently acting as representatives in administrative procedures for other involved parties, whose rights and legitimate interests conflicting with those of to-be-represented persons in the same case.

7. Cadres and civil servants of courts, procuracies, inspectorates and judgment enforcement agencies; civil servants, officers and non-commissioned officers in public security forces may not act as representatives in administrative procedures, unless they participate in the capacity as representatives of their agencies or as at-law representatives.

Article 55. Defense counsels of the rights and legitimate interests of involved parties

1. Defense counsels of the rights and legitimate interests of involved parties are persons asked by involved parties and accepted by the court to participate in administrative procedures to protect the rights and legitimate interests of involved parties.

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

a/ Lawyers who participate in procedures under the law on lawyers;

b/ Legal counsels or persons who jointly provide legal aid under the Law on Legal Aid;

c/ Vietnamese citizens who have the full civil act capacity and legal knowledge, have not yet been convicted or had been convicted but have had their criminal records remitted, are not subject to the administrative measure of confinement to a medical treatment or educational establishment, and are not cadres or civil servants of courts, procuracies, inspectorates and judgment enforcement agencies or civil servants, officers or non-commissioned officers in public security forces.

3. Defense counsels of the rights and legitimate interests of involved parties may defend the rights and legitimate interests of many involved parties in the same case, provided the rights and legitimate interests of these parties are not conflicting. Many defense counsels may jointly defend the rights and legitimate interests of an involved party in a case.

4. Defense counsels of the rights and legitimate interests of involved parties have the following rights and obligations:

a/ To participate in procedures from the time when the lawsuit is instituted or at any stage of the proceeding process;

b/ To verify or collect evidence and furnish the court with evidence, study case files and take note of and copy documents included in case files for the purpose of protecting the rights and legitimate interests of involved parties;

c/ To participate in court hearings or prepare documents for protection of the rights and legitimate interests of involved parties;

d/ To request on behalf of involved parties change of procedure-conducting persons and other procedure participants under this Law;

e/ To argue at court hearings;

f/ To be present in response to court summons;

g/ To respect the court and strictly observe internal rules of court hearings.

Article 56. Witnesses

1. Witnesses are persons who know circumstances related to cases and are summoned by the court to participate in procedures. Persons who have lost the civil act capacity may not act as witness.

2. Witnesses have the following rights and obligations:

a/ To provide all information, documents and objects in their possession which are related to the settlement of cases;

b/ To honestly testify to circumstances which they know and are related to the settlement of cases;

c/ To be held responsible before law for their testimonies, and pay compensations for damage caused by their untruthful testimonies to involved parties or other persons;

d/ To be present at court hearings in response to court summonses in case witness testimonies must be publicly taken at court hearings. In case witnesses are absent from court hearings

without plausible reasons and their absence impedes the trial, the trial panel may issue decisions to escort them to court hearings;

e/ To undertake before court to exercise their rights and perform their obligations, except minor witnesses;

f/ To refuse to make testimonies if their testimonies are related to state secrets, professional secrets, business secrets or privacy secrets or badly or adversely affect involved parties who are their relatives;

g/ To take leaves during the time they are summoned by the court or make testimonies;

h/ To have travel expenses paid and enjoy other regimes provided by law;

i/ To request courts that have summoned them and competent state agencies to protect their lives, health, honor, dignity, assets, rights and other legitimate interests when they participate in procedures;

j/ To complain about procedural acts, and denounce illegal acts of procedure-conducting agencies and persons.

3. Witnesses who make untruthful testimonies, provide untruthful documents, refuse to make testimonies or fail to be present in response to court summonses without plausible reasons shall be held responsible before law.

Article 57. Experts

1. Experts are persons who possess necessary knowledge and experience, as required by law, about the fields in which exist objects to be expert-examined, who are selected under agreement between involved parties or invited by the court to expert-examine these objects at the request of involved party(ies).

2. Experts have the following rights and obligations:

a/ To read documents included in case files and related to expert-examined objects; to request the court to provide documents necessary for the expert examination;

b/ To question procedure participants about matters related to expert-examined objects;

c/ To be present in response to court summonses and answer questions related to the expert examination;

d/ To notify in writing the court of the impossibility to expert-examine for the reason that contents which need to be expert-examined are beyond their professional capacity or documents provided for the expert examination are insufficient or unusable;

e/ To preserve received documents and return them to the court together with expert conclusions or with a notice of the impossibility to expert-examine;

f/ To refrain from collecting documents by themselves for conducting expert examination or contacting other procedure participants if such contact might affect expert examination results; neither to disclose secret information which they know while conducting expert examination nor notify expert examination results to persons other than those who have decided to solicit expert opinions;

g/ To make independent, honest and grounded expert conclusions;

- h/ To have travel expenses paid and enjoy other regimes provided by law;
 - i/ To undertake before court to exercise their rights and perform their powers.
3. Experts who refuse to make expert conclusions without plausible reasons, make untruthful conclusions or fail to be present in response to court summonses without plausible reasons shall be held responsible before law.
4. Experts shall refuse to conduct expert examination or be changed in the following cases:
- a/ They are concurrently involved parties, representatives or relatives of involved parties;
 - b/ They have participated in procedures in the capacity as defense counsels of the rights and legitimate interests of involved parties, witnesses or interpreters in the same case;
 - c/ They have examined the same object which needs to be examined in the same case;
 - d/ They have conducted procedures in the same case in the capacity as judge, people's juror, court clerk or procurator;
 - e/ There are clear grounds to believe that they might not be impartial while performing their tasks.

Article 58. Interpreters

1. Interpreters are persons who are capable of translating another language into Vietnamese and vice versa when a procedure participant cannot speak Vietnamese. Interpreters are selected under agreement between involved parties and accepted by the court or required by the court to interpret.
2. Interpreters have the following rights and obligations:
- a/ To be present in response to court summonses;
 - b/ To interpret truthfully, objectively and correctly;
 - c/ To request procedure-conducting persons and procedure participants to further explain their statements which need to be interpreted;
 - d/ To refrain from contacting other procedure participants if such contact affects the truthfulness, objectiveness and correctness of their interpretation;
 - e/ To have travel expenses paid and enjoy other regimes provided by law;
 - f/ To undertake before court to exercise their rights and perform their obligations.
3. Interpreters who deliberately make untruthful interpretations or fail to be present in response to court summonses without plausible reasons shall be held responsible before law.
4. Interpreters shall refuse to interpret or be changed in the following cases:
- a/ They are concurrently involved parties, representatives or relatives of involved parties;
 - b/ They have participated in procedures in the capacity as defense counsels of the rights and legitimate interests of involved parties, witnesses or experts in the same case;
 - c/ They have conducted procedures in the capacity as judge, people's juror, court clerk or procurator;

d/ There are clear grounds to believe that they might not be impartial while performing their tasks.

5. The provisions of this Article also apply to persons who know the sign language of the dumb or the deaf.

In case only the representative or relatives of a dumb or deaf person knows his/her sign language, this representative or relatives may be accepted by the court to act as his/her interpreter.

Article 59. Procedures for refusing to conduct expert examination or interpretation or requesting change of experts or interpreters

1. Before the opening of a court hearing, the refusal to conduct expert examination or interpretation or the request for change of an expert or interpreter shall be made in writing, clearly stating the reason for refusal or requested change. The change of an expert or interpreter shall be decided by the court president.

2. At a court hearing, the refusal to conduct expert examination or interpretation or the request for change of an expert or interpreter shall be recorded in the court hearing minutes. The change of an expert or interpreter shall be decided by the trial panel after hearing opinions of the person requested to be changed.

Chapter V

PROVISIONAL URGENT MEASURES

Article 60. Right to request application of provisional urgent measures

1. In the course of settlement of a case, involved parties or their representatives may request the court settling such case to apply one or several provisional urgent measures specified in Article 62 of this Law to provisionally deal with urgent requests of involved parties, protect evidence or preserve the current state so as to prevent irremediable damage or to assure judgment execution.

2. In emergency cases when it is necessary to immediately protect evidence or to prevent possible serious consequences, individuals, agencies or organizations may file applications to request competent courts to issue decisions on application of provisional urgent measures specified in Article 62 of this Law simultaneously with the filing of lawsuit petitions with such courts.

3. Requesters for application of provisional urgent measures are not required to pay a security.

Article 61. Competence to decide on application, change or cancellation of provisional urgent measures

1. The application, change or cancellation of provisional urgent measures before the opening of a court hearing shall be considered and decided by a judge.

2. The application, change or cancellation of provisional urgent measures during a court hearing shall be considered and decided by the trial panel.

Article 62. Provisional urgent measures

1. Suspension of execution of administrative decisions, disciplinary decisions on dismissal or decisions on handling of competition cases.

2. Suspension of performance of administrative acts.
3. Ban on or compulsion of performance of certain acts.

Article 63. Suspension of execution of administrative decisions, disciplinary decisions on dismissal or decisions on handling of competition cases

The measure of suspension of execution of an administrative decision, disciplinary decision on dismissal or decision on handling of a competition case shall be applied if in the course of settlement of a case there is a ground to believe that such decision is unlawful and the execution thereof will lead to irremediable serious consequences.

Article 64. Suspension of performance of administrative acts

The measure of suspension of performance of an administrative act shall be applied when there is a ground to believe that such administrative act is unlawful and the continued performance thereof will lead to irremediable serious consequences.

Article 65. Ban on or compulsion of performance of certain acts

The measure of ban on or compulsion of performance of certain acts shall be applied if in the course of settlement of a case there is a ground to believe that performance or non-performance of some certain acts by an involved party has affected the settlement of the case or the rights and legitimate interests of other persons involved in the case being settled by the court.

Article 66. Liability for requesting the application of inappropriate provisional urgent measures

1. An involved party that requests the court to issue a decision on application of a provisional urgent measure shall be held responsible before law for his/her request. If he/she is at fault in causing damage, he/she shall pay compensations.
2. The court that has applied a provisional urgent measure not true to the request of an involved party, causing damage to the person subject to this measure or to a third party shall pay compensations.

Article 67. Procedures for application of provisional urgent measures

1. Persons who request the court to apply provisional urgent measures shall send their written requests to competent courts, enclosed with evidence of the necessity to apply these measures.
2. A written request for application of a provisional urgent measure must contain the following principal details:
 - a/ Date of writing the request;
 - b/ Name and address of the requester;
 - c/ Name and address of the person against whom the provisional urgent measure is requested to be applied;
 - d/ Summarized contents of the administrative decision, disciplinary decision on dismissal, decision on settlement of a complaint about a decision on handling of a competition case or administrative act over which the lawsuit is instituted;
 - e/ Reason for application of the provisional urgent measure;

f/ Provisional urgent measure which needs to be applied and specific requirements. 3. For a request for application of a provisional urgent measure specified in Clause 1, Article 60 of this Law, the judge assigned to settle the case shall consider and handle the request. Within 48 hours after receiving a request, the judge shall issue a decision on application of a provisional urgent measure. In case of rejecting a request, the judge shall notify such in writing to the requester, clearly stating the reason.

In case the trial panel receives a request for application of a provisional urgent measure during a court hearing, it shall consider and issue a decision on immediate application of the provisional urgent measure. In case of rejecting a request, the trial panel shall notify such to the requester and record such in the court hearing minutes.

4. For a request for application of a provisional urgent measure specified in Clause 2. Article 60 of this Law, after receiving a request enclosed with a lawsuit petition and evidence, the court president shall assign a judge to accept and handle the request. Within 48 hours after receiving a request, the judge shall consider and issue a decision on application of a provisional urgent measure. In case of rejecting a request, the judge shall notify such in writing to the requester, clearly stating the reason.

Article 68. Change or cancellation of provisional urgent measures

At the request of involved parties, courts shall consider and decide to change or cancel provisional urgent measures.

Procedures for changing or canceling provisional urgent measures comply with Article 67 of this Law.

Article 69. Effect of decisions on application, change or cancellation of provisional urgent measures

1. Decisions on application, change or cancellation of provisional urgent measures shall become, effective immediately for implementation.

2. Courts shall immediately deliver or send decisions on application, change or cancellation of provisional urgent measures to involved parties, same-level procuracies and civil judgment enforcement agencies.

Article 70. Complaints or recommendations about decisions on application, change or cancellation or on non-application, non-change or non-cancellation of provisional urgent measures".

1. Involved parties may file complaints and procuracies may file recommendations with presidents of courts currently settling cases about decisions on application, change or cancellation of provisional urgent measures or non-issuance of such decisions by judges. The time limit for filing a complaint or recommendation is 3 working days after the receipt of a decision on application, change or cancellation of a provisional urgent measure or a judge's notice of non-issuance of such decision.

2. At a court hearing, involved parties may complain and the procuracy may recommend to the trial panel about the application, change or cancellation of a provisional urgent measure or non-application, non-change or non-cancellation of such measure.

Article 71. Settlement of complaints or recommendations about decisions on application, change or cancellation or on non-application, non-change or non-cancellation of provisional urgent measures

1. Court presidents shall consider and settle complaints or recommendations mentioned in Clause 1, Article 70 of this Law within 3 working days after receiving these complaints or recommendations.
2. Court presidents' decisions on settlement of complaints or recommendations are final and shall be immediately delivered or sent to involved parties, same-level procuracies and civil judgment enforcement agencies.
3. The settlement of complaints or recommendations at court hearings falls within the competence of trial panels. Trial panels' decisions on settlement of complaints or recommendations are final.

Chapter VI

PROVING AND EVIDENCE

Article 72. Burden of proof in administrative procedures

1. Plaintiffs are obliged to provide copies of administrative decisions, disciplinary decisions on dismissal, decisions on settlement of complaints about decisions on handling of competition cases or decisions on settlement of complaints (if any) and furnish other evidence to protect their rights and legitimate interests. In case of failure to do so, they shall clearly state reasons.
2. Defendants are obliged to provide courts with dossiers of complaint settlement (if any) and copies of documents based on which administrative decisions, disciplinary decisions on dismissal or decisions on settlement of complaints about decisions on handling of competition cases have been issued or administrative acts have been taken.
3. Persons with related interests and obligations are obliged to provide evidence to protect their rights and legitimate interests.

Article 73. Circumstances and facts which are not required to be proved

1. The following circumstances and facts are not required to be proved:
 - a/ Those which are conspicuous to everyone's knowledge and accepted by the court;
 - b/ Those which have been identified in legally effective court judgments or rulings;
 - c/ Those which have been documented and duly notarized or authenticated.
2. If an involved party acknowledges or does not object to circumstances or facts invoked by the other involved party, the latter is not required to prove them. If an involved party has a representative to participate in procedures, this representative's acknowledgement or non-objection is regarded as such involved party's acknowledgement.

Article 74. Evidence

Evidence in administrative cases includes factual things which are handed to courts by involved parties or other individuals, agencies or organizations or collected by courts according to the order and procedures specified in this Law and are used by courts as grounds for determining

whether claims or objections of involved parties are grounded and lawful as well as other circumstances necessary for the proper settlement of administrative cases.

Article 75. Sources of evidence

Evidence is collected from the following sources:

1. Readable, audible or visible materials;
2. Exhibits;
3. Testimonies of involved parties;
4. Testimonies of witnesses;
5. Expert conclusions;
6. Written records of on-site assessment results;
7. Asset valuation and price appraisal results;
8. Other sources specified by law.

Article 76. Identification of evidence

1. Readable materials shall be regarded as evidence if they are originals or lawfully notarized or authenticated copies or provided and certified by competent agencies or organizations.
2. Audible or visible materials shall be regarded as evidence if they are presented together with documents certifying their origins or documents on events related to such audio or video recording.
3. Exhibits to be regarded as evidence must be the original and related to cases or matters being settled.
4. Testimonies of involved parties or witnesses shall be regarded as evidence if they are recorded in writing or in audio tapes or disks or video tapes or disks as prescribed in Clause 2 of this Article or are orally made at court hearings.
5. Expert conclusions shall be regarded as evidence if the expert examination is conducted according to procedures specified by law.
6. Written records of on-site assessment results shall be regarded as evidence if the assessment is conducted according to procedures specified by law and they are signed by members who participate in the assessment.
7. Asset valuation and price appraisal results shall be regarded as evidence if the valuation or appraisal is conducted according to law-prescribed procedures or they are provided by price experts under law.

Article 77. Handover of evidence

1. In the course of settlement of an administrative case by the court, involved parties have the right and obligation to hand over evidence to the court. If they fail to hand over evidence or fail to hand over all evidence, they shall bear all consequences of their failure, unless otherwise provided by law.

2. The handover of evidence by involved parties to the court must be recorded in a minutes of evidence handover and receipt. The minutes must clearly indicate appellations, forms, contents and features of evidence; number of copies and number of pages of evidence and time of receipt; signatures or fingerprints of deliverers and recipients and seal of the court. A minutes shall be made in 2 copies, one shall be included in the administrative case file and the other handed to the involved party that has handed over the evidence.

3. Evidence handed over by involved parties to the court which is in an ethnic minority or a foreign language must be enclosed with its duly notarized or authenticated Vietnamese translation.

Article 78. Verification and collection of evidence

1. If finding that evidence included in administrative case files is inadequate for settling the cases, judges assigned to settle the cases shall request involved parties to hand over additional evidence.

2. In case involved parties are unable to collect evidence by themselves and request the collection of such evidence or when finding it necessary, courts may verify or collect evidence by themselves or entrust verification or collection of evidence for clarifying circumstances of cases.

3. Procuracies may request courts to verify or collect evidence in the course of settlement of cases. In case procuracies protest against court judgments or rulings, they may collect document, materials and evidence by themselves in the course of settlement of cases.

4. Measures to verify or collect evidence include:

a/ Taking testimonies of involved parties;

b/ Taking testimonies of witnesses;

c/ Holding a confrontation;

d/ Conducting on-site inspection and assessment;

e/ Soliciting expert opinions;

f/ Deciding on asset valuation and price appraisal;

g/ Entrusting the collection of evidence;

h/ Requesting individuals, agencies or organizations to provide evidence.

Article 79. Taking of testimonies of involved parties

1. Judges shall take testimonies of involved parties only when the latter have not yet made written testimonies or contents of involved parties' testimonies are inadequate or unclear. Involved parties shall write their testimonies by themselves and sign their names thereon. In case involved parties are unable to write testimonies, judges shall take testimonies. The taking of testimonies of involved parties must only focus on circumstances inadequately or unclearly testified by involved parties. Judges themselves or court clerks shall record testimonies of involved parties in minutes. Judges shall take testimonies of involved parties in the court house or outside the court house when necessary.

2. Minutes recording testimonies of involved parties must be read or heard and signed or fingerprinted by these involved parties themselves. Involved parties may request modifications or supplementations to be written in the minutes and then sign or fingerprint for certification. A minutes must be signed by the person who takes the testimonies and the minutes recorder and appended with the seal of the court. For minutes made in loose pages, each page must be signed and every adjoining two pages appended with a seal. For minutes recording testimonies of involved parties made outside the court house, the testimony taking must be certified by witnesses or by commune-level People's Committees or police offices of the places or by agencies or organizations in which these minutes are made. For involved parties who are illiterate, there must be witnesses chosen by them.

3. The taking of testimonies of involved parties who are aged under 18 or persons with restricted civil act capacity must be conducted in the presence of their at-law representatives, managers or caretakers.

Article 80. Taking of testimonies of witnesses

1. At the request of involved parties or when finding it necessary, judges shall take testimonies of witnesses.

2. Procedures for taking testimonies of witnesses are the same as those for taking testimonies of involved parties specified in Article 79 of this Law.

Article 81. Confrontation

1. At the request of involved parties or when finding contradictions in testimonies of involved parties or witnesses, judges shall hold, a confrontation among involved parties, between involved parties and witnesses or among witnesses.

2. The confrontation must be recorded with the signatures of confrontation participants.

Article 82. On-site inspection and assessment

1. On-site inspection and assessment must be conducted by judges in the presence of representatives of commune-level People's Committees or agencies or organizations in which objects to be inspected or assessed exist On-site inspection and assessment must be notified in advance to involved parties so that they can know and witness such inspection and assessment.

2. On-site inspection and assessment must be recorded in minutes. A minutes must clearly state results of inspection and assessment, clearly describe the site and bear the signatures of persons conducting the inspection and assessment and signatures or fingerprints of involved parties if they are present, representatives of commune-level People's Committees or agencies or organizations in which objects to be inspected or assessed exist and other persons invited to participate in the inspection and assessment. After completing the minutes, persons conducting the inspection and assessment shall request representatives of commune-level People's Committees or agencies or organizations in which objects to be inspected or assessed exist to sign and seal such minutes for certification.

Article 83. Soliciting of expert opinions

1. At the request of involved parties or when finding it necessary, judges shall issue decisions to solicit expert opinions. A decision to solicit expert opinions must clearly indicate the name and

address of the expert, object(s) and matters which need to be expert-examined, and specific requirements requiring conclusions of the expert.

2. Experts that receive decisions to solicit expert opinions shall conduct the examination under law.

3. If., finding expert conclusions are inadequate or unclear or in violation of law, judges shall issue decisions on additional examination or re-examination at the request of involved party(ies).

An expert that has conducted the previous examination may not conduct the re-examination.

Article 84. Soliciting of expert opinions on evidence denounced to be forgery

1. In case an evidence is denounced to be forgery, the provider of such evidence may withdraw it. In case an evidence denounced to be forgery is not withdrawn, the court may decide to solicit expert opinions on it under Article 83 of this Law.

2. In case the evidence forgery shows signs of a crime, the court shall transfer it to a competent investigative agency for examination of penal liability.

3. Providers of forged evidence shall compensate for damage if the forgery of evidence causes damage to others.

Article 85. Asset valuation and price appraisal

1. Courts shall issue decisions on asset valuation and price appraisal at the request of involved party(ies) or when they find it necessary.

2. A valuation council set up by a court is composed of its chairman being the representative of the finance agency and its members being representatives of related professional agencies. A valuation council shall conduct the valuation only when all of its members are present. In case of necessity, representatives of the commune-level People's Committee of the locality in which assets subject to valuation are located shall be invited to witness the valuation. Involved parties shall be notified in advance of the time and venue of the valuation and may attend and give their opinions on the valuation. The competence to decide on prices of valuated assets rests with the valuation council.

3. The finance agency and related professional agencies shall appoint their persons to join the valuation council and create conditions for them to perform their tasks. Persons appointed to be members of a valuation council shall take part in the whole process of valuation.

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

5. The Supreme People's Court shall guide the issuance of decisions on asset price appraisal by courts.

Article 86. Entrustment of collection of evidence

1. In the course of settlement of an administrative case, the court may issue a decision to entrust another court or a competent agency specified in Clause 4 of this Article to take testimonies of involved parties and witnesses, to conduct on-site assessment, asset valuation or other measures to collect evidence and verify circumstances of the administrative case.

2. An entrustment decision must clearly state the names and addresses of the plaintiff, the defendant and specific entrusted jobs to collect evidence.

3. A court that receives an entrustment decision shall perform specific entrusted jobs within 30 days after receiving the entrustment decision and notify in writing results to the court that has issued the entrustment decision. If it cannot perform entrusted jobs, it shall notify such in writing, clearly stating the reason to the court that has issued the entrustment decision.

4. In case evidence has to be collected outside the Vietnamese territory, courts shall carry out procedures for entrustment through competent Vietnamese agencies or authorities of foreign countries under treaties to which Vietnam and these foreign countries are contracting members, or on the principles of reciprocity, non-contravention of Vietnamese law and conformity with international law and practice.

Article 87. Request for provision of evidence by individuals, agencies and organizations

1. In case involved parties have taken all necessary measures but still fail to collect evidence by themselves, they may request the court to do so in order to assure the settlement of the administrative case.

Involved parties that request the court to collect evidence shall make written requests clearly indicating matters to be proved; evidence to be collected; reason(s) why they cannot collect evidence by themselves; full names and addresses of individuals, agencies or organizations that are managing or keeping evidence which need to be collected.

2. Courts or procuracies may request individuals, agencies and organizations that are managing or keeping evidence to provide them.

Individuals, agencies and organizations that are managing or keeping evidence shall provide evidence fully and promptly as requested by courts or procuracies within 15 days after receiving requests. In case they fail to provide evidence fully and promptly as requested by courts or procuracies, they shall, depending on the severity of their violations, be handled under law.

Article 88. Preservation of evidence

1. The preservation of evidence which has been handed over to courts rests with these courts.

2. The preservation of evidence which cannot be handed over to courts rests with their current keepers.

3. When necessary to hand over evidence to third parties for preservation, judges shall issue decisions and make minutes of the handover of evidence to these parties for preservation. Persons undertaking the preservation shall sign the minutes, enjoy remuneration and take responsibility for the preservation of evidence.

Article 89. Assessment of evidence

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

2. Courts shall assess evidence one by one, the link between evidence and confirm the legality of every evidence.

Article 90. Disclosure and use of evidence

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

2. Courts shall not publicly disclose evidence pertaining state secrets, fine national customs and traditions, professional secrets, business secrets and personal privacy at the legitimate request of involved parties.

3. Procedure-conducting persons and procedure participants shall keep secret, as required by law, evidence not to be publicly disclosed under Article 2 of this Article.

Article 91. Protection of evidence

1. In case evidence is being destroyed or in danger of being destroyed or is hard to be collected in the future, involved parties may request in writing the court to decide on application of all necessary measures to preserve evidence. The court may decide to apply one or several of the measures of sealing, keeping, photographing, audio-recording, video- recording, restoration, examination, minutes making and other measures.

2. In case a witness is intimidated, controlled or bought off for the purpose of not providing evidence or providing untruthful evidence, the court may decide to force the person who has intimidated, controlled or bought off the witness to terminate his/her act. In case the act of intimidating, controlling or buying off the witness show signs of a crime, the court shall transfer it to a competent investigative agency for penal liability examination.

Chapter VII

PROVISION. DELIVERY OR NOTIFICATION OF PROCEDURAL DOCUMENTS

Article 92. Obligation to provide, deliver or notify procedural documents

Courts, procuracies and judgment enforcement agencies are obliged to provide, deliver or notify procedural documents to involved parties, other procedure participants and related persons, agencies and organizations under this Law.

Article 93. Procedural documents to be provided, delivered or notified

1. Court judgments and rulings.
2. Lawsuit petitions, appeal applications and protest decisions.
3. Written notices, summons and invitations in administrative procedures.
4. Receipts of court fee or legal cost advances, court fees or legal costs and other expenses.
5. Other procedural documents required by law to be provided, delivered or notified.

Article 94. Persons conducting the provision, delivery or notification of procedural documents

1. The provision, delivery or notification of procedural documents shall be conducted by the following persons:

a/ Procedure-conducting persons or persons of procedural document-issuing agencies who are assigned to provide, deliver or notify procedural documents

b/ Commune-level People's Committees of localities in which procedure participants reside or agencies or organizations in which procedure participants work when so requested by courts, procuracies or civil judgment enforcement agencies;

c/ Involved parties, their representatives or defense counsels of their rights and legitimate interests in the cases specified by this Law;

d/ Postmen;

e/ Other persons defined by law.

2/ Persons who are obliged to provide, deliver or notify procedural documents but fail to properly perform their responsibility shall, depending on the nature and severity of their violations, be disciplined, administratively sanctioned or examined for penal liability. If causing damage, they shall pay compensations under law.

Article 95. Modes of provision, delivery or notification of procedural documents

The provision, delivery or notification of procedural documents shall be conducted by the following modes:

1. Provision, delivery or notification of procedural documents is made directly, by post or through authorized third parties;
2. Public posting;
3. Announcement in the mass media.

Article 96. Validity of provision, delivery or notification of procedural documents

1. The provision, delivery or notification of procedural documents which complies with this Law shall be considered valid.
2. Persons obliged to provide, deliver or notify procedural documents shall comply with this Law.

Article 97. Procedures for provision, delivery or notification of procedural documents

Persons conducting the provision, delivery or notification of procedural documents shall directly hand over relevant procedural documents to persons to whom these documents are provided, delivered or notified. Persons to whom procedural documents are, provided, delivered or notified or who are authorized to provide, delivery or notify these documents shall sign the minutes or book recording the delivery and receipt of procedural documents. The time for calculating the procedural time limit is the date they are provided with, delivered or notified of procedural documents.

Article 98. Procedures for direct provision, delivery or notification to individuals'

1. If persons to whom procedural documents are provided, delivered or notified are individuals, these documents shall be directly handed over to them.
2. In case persons to whom procedural documents are provided, delivered or notified are absent, procedural documents may be handed over to their relatives who have full civil act capacity and live with them and are requested to pledge to immediately hand over these documents to the former. The date when co-residing relatives sign for receipt of procedural documents shall be considered the date of provision, delivery or notification.

In case persons to whom procedural documents are provided, delivered or notified have no relatives who have full civil act capacity and live with them or their relatives refuse to receive these documents on their behalf, these documents may be handed over to street group heads,

village or hamlet chiefs (below collectively referred to as street group heads), commune-level People's Committees or police offices of localities in which persons to whom procedural documents are provided, delivered or notified reside and request these recipients to undertake to hand in person the documents to the former.

3. In case the provision, delivery or notification is conducted through other persons, provider, deliverers or notifies shall make a minutes clearly stating the absence of persons to whom procedural documents are provided, delivered or notified, persons to whom procedural documents are handed over; reasons; date and time of handover; relationship between these persons; undertaking to personally hand over to persons to whom procedural documents are provided, delivered or notified. The minutes must be signed by persons who undertake to deliver procedural documents and providers, deliverers or notifies and witnesses.

4. In case persons to whom procedural documents are provided, delivered or notified have moved to new places with new addresses, procedural documents shall be provided, delivered Or notified to them at new addresses.

5. In case persons to whom procedural documents are provided, delivered or notified are absent and the time of their return is or their addresses are unknown, providers, deliverers or notifies of procedural documents shall make a minutes of failure to provide, deliver or notify, which shall be signed by the person who has provided such information.

6. In case persons to whom procedural documents are provided, delivered or notified refuse to receive these documents, providers, deliverers or notifies shall make minutes of refusal, clearly stating reasons for refusal, with certification by street group heads, commune-level People's Committees or police offices of these persons' refusal.

Article 99. Procedures for direct provision, delivery or notification to agencies and organizations

In case persons to whom procedural documents are provided, delivered or notified are agencies or organizations, procedural documents shall be handed over directly to their at-law representatives or persons responsible for receiving documents who shall sign the receipts. In case agencies or organizations to which procedural documents are provided, delivered or notified have their representatives participating in procedures or appoint their representatives to receive procedural documents, these persons shall sign for receipt of these documents. The date of signing for receipt shall be regarded as the date of provision, delivery or notification.

Article 100. Procedures for public posting

1. The public posting of procedural documents shall be conducted only when whereabouts of persons to whom procedural documents are provided, delivered or notified are unclear or when the direct provision, delivery or notification is impossible.

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

a/ Posting originals of procedural documents at courthouses or authorized commune-level People's Committees:

b/ Posting copies of procedural documents in places or last places of residence of persons to whom procedural documents are provided, delivered or notified or in places in which organizations to which procedural documents are provided, delivered or notified are based or last based;

c/ Making minutes of performance of procedures for public posting, clearly stating the date of posting.

3. The duration of public posting of a procedural document is 15 days counting from the date this document is publicly posted.

Article 101. Procedures for announcement in the mass media

1. The announcement in the mass media shall be conducted only when it is so provided by law or when there is a ground to believe that the public posting does not guarantee that persons to whom procedural documents are provided, delivered or notified get information on these documents.

2. The announcement in the mass media may be conducted if so requested by involved parties. Expenses for announcement in the mass media shall be borne by announcement requesters.

3. An announcement in the mass media shall be published on a central daily for 3 consecutive issues and broadcast on a central radio or television station 3 times in 3 consecutive days.

Article 102. Notification of results of provision, delivery or notification of procedural documents

In case persons conducting provision delivery or notification of procedural documents are neither procedure-conducting persons nor employees of procedural document-issuing agencies, these persons shall promptly notify results of provision, delivery or notification of procedural documents to courts or agencies issuing those documents.

Chapter VIII

INSTITUTION AND ACCEPTANCE OF CASES

Article 103. Right to institute administrative lawsuits

1. Individuals, agencies and organizations may institute administrative lawsuits over administrative decisions or acts or disciplinary decisions on dismissal in case they disagree with these decisions or acts or they have filed complaints with persons competent to settle complaints but their complaints remain unsettled upon the expiration of the time limit for complaint settlement specified by the law on complaints or they disagree with the settlement of their complaints about these decisions or acts.

2. Individuals and organizations may institute administrative lawsuits over decisions on settlement of complaints about decisions on handling of competition cases in case they disagree with these decisions.

3. Individuals may institute administrative lawsuits over lists of voters to elect deputies to the National Assembly or People's Councils in case they have filed complaints with agencies competent to settle complaints but their complaints remain unsettled upon the expiration of the time limit for complaint settlement specified by law or they disagree with the way of settling their complaints.

Article 104. Statute of limitations for lawsuit institution

1. The statute of limitations for lawsuit institution means a time limit within which individuals, agencies and organizations may institute lawsuits to request courts settling administrative cases to protect their infringed rights and legitimate interests. Upon the expiration of that time limit, they no longer have the right to institute lawsuits.
2. The statute of limitations for lawsuit institution for each case is specified as follows:
 - a/ One year from the date of receipt of or knowledge about an administrative decision or act or a disciplinary decision on dismissal;
 - b/ Thirty days from the date of receipt of a decision on settlement of a complaint about a decision on handling of a competition case;
 - c/ The period from the date of receipt of a notice of results of complaint settlement by the voter list-making agency or the date of expiration of the time limit for complaint settlement, in case no notice of results of complaint settlement by the voter list-making agency is Received, to the date five days prior to the election date.
3. In case plaintiffs cannot institute lawsuits within the time limit specified at Points a and b, Clause 2 of this Article due to a force majeure event or another objective obstacle, the period of existence of such force majeure event or another objective obstacle shall not be counted in the statute of limitations for lawsuit institution.
4. The provisions of the Civil Code on the method for determining time limits and statutes of limitations are also applicable to administrative procedures.
5. The Supreme People's Court shall guide the implementation of this Article.

Article 105. Lawsuit petitions

1. A lawsuit petition must contain the following principal contents:
 - a/ Date of its making;
 - b/ Court requested to settle the administrative case;
 - c/ Names and addresses of the plaintiff and defendant;
 - d/ Contents of the administrative decision or act, the disciplinary decision on dismissal or the decision on settlement of a complaint about a decision on handling of a competition case, contents of settlement of the complaint about a voter list, or brief description of the administrative act;
 - e/ Contents of the decision on complaint settlement (if any);
 - f/ Claims requested to be settled by the court;
 - g/ Assurance of non-filing of a complaint with a person competent to settle complaints.
2. Lawsuit petitions shall be signed or fingerprinted by plaintiffs being individuals, signed and sealed by at-law representatives of plaintiffs being agencies or organizations. For lawsuits to protect the rights and legitimate interests of minors or persons who have lost civil act capacity, lawsuit petitions shall be signed or fingerprinted by at-law representatives of these persons. Lawsuit petitions must be enclosed with documents proving that claims of plaintiffs are grounded and lawful.

Article 106. Sending of lawsuit petitions to courts

1. Plaintiffs shall send their lawsuit petitions and enclosed documents to courts competent to settle cases by either of the following modes:

a/ Direct filing at court;

b/ Sending by post.

2. The date of lawsuit institution is the date the lawsuit petition is filed by the involved party with the court or the date postmarked by the sending post office.

Article 107. Receipt and examination of lawsuit petitions

1. Courts shall receive lawsuit petitions filed directly or sent by post by involved parties and shall record them in petition registers and issue written certifications of petition receipt to involved parties.

2. Within 5 working days after receiving a lawsuit petition, the court president shall assign a judge to examine it.

3. Within 5 working days after being assigned, the judge shall examine the lawsuit petition and enclosed documents in order to carry out one of the following procedures:

a/ Accepting the case if it falls under the court's jurisdiction;

b/ Transferring the lawsuit petition to a competent court and notify such to the plaintiff if the case falls under another court's jurisdiction;

c/ Returning the lawsuit petition to the plaintiff, in any of the cases specified in Clause 1, Article 109 of this Law.

Article 108. Request for modification or supplementation of lawsuit petitions

1. In case a lawsuit petition does not contain all the details specified in Clause 1. Article 105 of this Law, the court shall notify such to the plaintiff for modification or supplementation of the petition within 10 working days after the plaintiff receives the court's notice.

2. In case the plaintiff has modified or supplemented his/her lawsuit petition under Clause 1. Article 105 of this Law, the court shall continue settling the case. If he/she fails to modify or supplement his/her lawsuit petition as requested by the court, the court shall return the petition and enclosed documents to the plaintiff.

Article 109. Return of lawsuit petitions

1. The court shall return a lawsuit petition in the following cases:

a/ The plaintiff has no right to institute a lawsuit;

b/ The plaintiff does not have full administrative procedure act capacity

c/ The statute of limitations for lawsuit institution has expired and the plaintiff has no plausible reason;

d/ Conditions for instituting an administrative lawsuit are not fully met;

e/ The matter has been settled with a legally effective court judgment or ruling;

f/ The matter does not fall under the court's jurisdiction;

g/ The plaintiff chooses to have the case or matter settled according to complaint settlement procedures in the case specified in Article 31 of this Law;

h/ The lawsuit petition does not fully contain the contents specified in Clause 1, Article 105 of this Law and is neither modified nor supplemented by the plaintiff under Article 108 of this Law:

i/ The plaintiff fails to produce a receipt of the court fee advance to the court upon the expiration of the notified time limit specified in Clause 1. Article 111 of this Law, unless there is a plausible reason.

2. When returning the lawsuit petition and enclosed documents to the plaintiff, the court shall make a document clearly stating the reason for the return. The document on return of the lawsuit petition shall be sent immediately to the same-level procuracy.

Article 110. Filing and settlement of complaints or recommendations about the return of lawsuit petitions

1. Within 7 working days after receiving a document on return of the lawsuit petition, the plaintiff may file a complaint or the procuracy may file a recommendation with the president of the court, which has returned the lawsuit petition.

2. Within 3 working days after receiving a complaint or a recommendation about the return of the lawsuit petition, the court president shall issue one of the following decisions:

a/ To uphold the return of the lawsuit petition and notify such to the plaintiff or the procuracy;

b/ To receive back the lawsuit petition and enclosed documents in order to accept the case.

3. If, disagreeing with the complaint settlement decision of the court president, within 10 working days after receiving this decision, the plaintiff may file a complaint or the same-level procuracy may file a recommendation with the president of the immediate superior court. Within 7 working days after receiving a complaint or recommendation, the president of the immediate superior court shall settle it. The settlement decision of the president of the immediate superior court is final.

Article 111. Acceptance of cases

1. After receiving the lawsuit petition and enclosed documents, if the judge assigned to examine the lawsuit petition finds that the administrative case fails under his/her jurisdiction, he/she shall notify such to the plaintiff for payment of a court fee advance. In case the plaintiff is exempt from, or not required to pay, the court fee advance, the assigned judge shall notify him/her of acceptance of the case. Within 10 working days after receiving a notice of court fee advance payment, the plaintiff shall pay the court fee advance.

2. The court shall accept the case on the date the plaintiff produces the court fee advance receipt. In case the plaintiff is exempt from, or not required to pay, the court fee advance, the date of case acceptance is the date the judge notifies the plaintiff of the acceptance.

Article 112. Assignment of judges to settle cases

1. Within 3 working days after the date of acceptance of a case, the court president shall assign the judge who has examined the lawsuit petition and accepted the case to settle it. In case the judge who has examined the lawsuit petition and accepted the case cannot continue settling the

case or falls into any case of compulsory refusal to conduct procedures or is changed, the court president shall assign another judge to settle the case.

For a complicated case requiring a prolonged duration of settlement, the court president shall assign an alternative judge to assure uninterrupted (rial).

2. In the course of settlement of a case, if the assigned judge cannot continue with the assigned task, the court president shall assign another judge to continue the task. When the trial is underway without an alternative judge, the case shall be retried from the beginning.

Article 113. Tasks and powers of judges when preparing case files

1. To notify the acceptance of cases.
2. To request involved parties to submit documents and evidence to courts.
3. To verify and collect evidence under this Law.

Article 114. Notification of acceptance of cases

1. Within 5 working days after the date of acceptance of a case, the court shall notify in writing the acceptance of the case to the defendant, persons with interests and obligations related to the settlement of the case and the same-level procuracy.

2. A written notice of acceptance of a case must contain the following principal details:

- a/ Date of its making;
- b/ Name and address of the court that has accepted the case;
- c/ Names and addresses of the plaintiff and the defendant;
- d/ Specific matters requested by the plaintiff to be settled by the court;
- e/List of documents submitted together with the lawsuit petition by the plaintiff;
- f/ Time limit within which the notified person shall submit to the court his/her written opinions on the plaintiff's claims and enclosed documents and evidence (if any);
- g/ Legal consequences of the notified person's failure to submit to the court his/her written opinions on the plaintiff's claims.

Article 115. Rights and obligations of notified persons

1. Within 15 days after receiving a notice, the defendant and persons with related interests and obligations shall submit to the court their written opinions on the plaintiff's claims and enclosed documents and evidence (if any).

If an extension of the time limit is needed, a notified person shall file an application for extension to the court, clearly stating the reason. If the applied extension is grounded, the court shall give a single extension of not more than 10days.

2. In case the defendant and persons with related interests and obligations have received a notice but fail to submit their written opinions within the time limit specified in Clause 1 of this Article without a plausible reason, the court shall continue settling the case under this Law.

3. The defendant and persons with related interests and obligations may request the court to let them know, read, take note of or copy the lawsuit petition and enclosed documents and evidence (if any).

4. Within 10 days after receiving a notice, the procuracy shall appoint a procurator and an alternative procurator (if any) to participate in the settlement of the case and notify such to the court.

Article 116. Right of persons with related interests and obligations to make independent claims

1. In case persons with related interests and obligations do not participate in procedures on the side of the plaintiff or the defendant, they may make independent claims when the following conditions are satisfied:

a/ The settlement of the case is related to their interests and obligations;

b/ Their independent claims are related to the case being settled;

c/ Their independent claims are settled in the same case, thereby making the settlement of the case more accurate and quicker.

2. Procedures for making independent claims comply with the provisions of this Law on procedures for initiating lawsuits by plaintiffs.

Chapter IX

TRIAL PREPARATION

Article 117. Time limit for trial preparation

1. The time limit for trial preparation is specified as follows:

a/ Four months after the date of case acceptance, for the case specified at Point a, Clause 2 Article 104 of this Law;

b/ Two months after the date of case acceptance, for the case specified at Point b, Clause 2, Article 104 of this Law;

c/ For complicated cases or cases encountering objective obstacles, the court president may decide to extend the time limit for trial preparation only once for not more than 2 months, for the case specified at Point a, Clause 1 of this Article, and for not more than 1 month, for the case specified at Point b, Clause 1 of this Article.

2. Within the time limit for trial preparation specified, in Clause 1 of this Article, the judge assigned to preside over the court hearing shall issue one of the following decisions:

a/ To bring the case to trial;

b/ To suspend the settlement of the case;

c/ To terminate the settlement of the case.

3. Within 20 days after the date of issuance of the decision to bring the case to trial, the court shall open a court hearing. With a plausible reason, the time limit for opening a court hearing may be extended but must not exceed 30 days.

Article 118. Suspension of settlement of administrative cases

1. The court shall decide to suspend the settlement of an administrative case in the -following cases:

a/ An involved party being an individual has died or being an agency or organization has been dissolved without any individual, agency or organization inheriting his/her/its procedural rights and obligations;

b/ An involved party being an individual has lost his/her civil act capacity while his/her at-law representative has not been identified;

c/ An involved party cannot be present for a plausible reason upon the expiration of the time limit for trial preparation, except the case in which the trial can be conducted in the absence of involved parties;

e/ Results of the settlement conducted by another agency or of the settlement of another related case or matter need to be waited for.

2. The court shall continue settling an administrative case when the reason for the suspension no longer exists.

3. Decisions on suspension of settlement of administrative cases may be appealed or protested against according to appellate procedures.

Article 119. Consequences of the suspension of settlement of administrative cases

1. The court may not delete the name of an administrative case suspended from settlement from the case acceptance book but shall only note down in this book the number and date of the decision on suspension of the settlement of the administrative case.

2. Court fee and legal cost advances paid by involved parties shall be deposited at the State Treasury and handled when the court resumes the settlement of the administrative case.

Article 120. Termination of settlement of administrative cases

1. The court shall decide to terminate the settlement of an administrative case in the following cases:

a/ The plaintiff being an individual has died while his/her rights and obligations are not inherited; or being an agency or organization has been dissolved without any individual, agency or organization inheriting its procedural rights and obligations;

b/ The plaintiff withdraws the lawsuit petition with the court's approval;

c/ The plaintiff is absent although he/she has been duly summoned twice;

d/ The defendant cancels the administrative decision, disciplinary decision on dismissal or decision on settlement of a complaint about a decision on handling of a competition case, or terminates the administrative act over which the lawsuit is instituted, and the plaintiff agrees to withdraw the lawsuit petition and persons with related interests and obligations who have made independent claims agree to withdraw their claims;

e/ The cases specified in Clause 1, Article 109 of this Law in which the court has accepted the case.

2. Upon the issuance of a decision to terminate the settlement of a case, the court shall return the lawsuit petition, documents and evidence to involved parties if they so request.

3. Decisions on termination of the settlement of administrative cases may be appealed or protested against according to appellate procedures.

Article 121. Consequences of the termination of settlement of administrative cases

1. When a decision on termination of settlement of an administrative case is issued, involved parties have no right to institute a lawsuit requesting the court to resettle this administrative case if the subsequent lawsuit does not bring any difference from the previous one regarding the plaintiff, the defendant and the disputed legal relation, except the cases subject to termination under Points b, d and g. Clause 1, Article 109, Points b and c, Clause 1, Article 120 of this Law and other cases specified by law.

2. Court fee and legal cost advances paid by involved parties shall be handled under the law on court fees and legal costs.

Article 122. Competence to issue decisions on suspension or termination of settlement of administrative cases

1. Judges assigned to settle administrative cases are competent to issue decisions on suspension or termination of settlement of these cases.

2. Within 5 working days after issuing a decision specified in Clause 1 of this Article, the court shall send such decision to involved parties and the same-level procuracy.

Article 123. Decisions to bring cases to trial

1. A decision to bring a case to trial must contain the following principal contents:

a/ Date and venue of opening the court hearing;

b/ Public or behind-closed-door trial;

c/ Names and addresses of procedure participants;

d/ Contents of the lawsuit;

e/ Full names of judges, people's jurors, court clerk, procurators, and alternative judges, people's jurors and procurators (if any).

2. Decisions to bring cases to trial shall be sent to involved parties and same-level procuracies immediately after they are issued.

Article 124. Sending of case files to procuracies for study

Courts shall send case files together with decisions to bring cases to trial to same-level procuracies for study. Within 15 days after receiving a case file, the procuracy shall return it to the court.

Chapter X

FIRST-INSTANCE COURT HEARINGS

Article 125. General requirements on first-instance court hearings

A first-in stance court hearing shall be conducted at the time and in the place indicated in the decision to bring a case to trial or in the notice of re-opening of the court hearing in case of postponement of the court hearing.

Article 126. Direct, oral and continuous trial

1. The trial panel shall directly ascertain circumstances of the case by questioning and listening to presentations of the plaintiff, the defendant, persons with interests and obligations related to the case, representatives, defense counsels-of the rights and legitimate interests of involved parties and other procedure participants; examine and verify collected documents and evidence; listen to opinions of the procuracy presented by a procurator. A judgment shall be based only on questioning, argument results and evidence which have been examined and verified at the court hearing.

2. The trial shall be conducted orally and proceed uninterruptedly, excluding breaks. Members of the trial panel shall try the case from the beginning to the end of the court hearing.

In special cases, the trial may be suspended for not more than 5 days. Upon the expiration of the suspension duration, the trial shall resume.

3. The Supreme People's Court shall guide the implementation of this Article.

Article 127. Internal rules of court hearings

1. People aged under 16 may not enter the court room, unless they are summoned by the court to attend the court hearing.

All people present in the courtroom shall rise as the trial panel enters the courtroom, respect the trial panel, keep order and obey instructions of the presiding judge of the court hearing.

Only persons who are permitted by the trial panel may raise or answer questions or give statements. Persons shall stand while raising or answering questions or giving statements, unless they are permitted by the presiding judge of the court hearing to stay seated for poor health.

2. The Supreme People's Court shall base itself on the provisions of Clause 1 of this Article and other provisions of law to issue internal rules of court hearings.

Article 128. Composition of first-instance trial panels

1. A first-instance trial panel is composed of a judge and two people's jurors. In special cases, a first-instance trial panel may be composed of two judges and three people's jurors.

2. The Supreme People's Court shall guide the implementation of this Article.

Article 129. Presence of members of trial panels and court clerks

1. A court hearing can be conducted only when all members of the trial panel and the court clerk are present.

2. In case a judge or people's juror is absent or unable to continue participating in the trial of the case but there is an alternative judge or people's juror attending the court hearing from the beginning, the latter may replace the absent member of the trial panel in participating in the trial of the case.

3. In case there is no alternative judge or people's juror to replace the absent member of the trial panel under Clause 2 of this Article, the court hearing shall be postponed.

4. In case the court clerk is absent or unable to continue participating in the court hearing and there is no replacement, the court hearing shall be postponed.

Article 130. Presence of procurators

1. Procurators who are assigned by director of same-level procuracies shall participate in court hearings. If they are absent, trial panels shall decide to postpone court hearings and notify such to director of same-level procuracies, except the case specified in Clause 2 of this Article.

2. In case a procurator is absent or unable to continue participating in a court hearing but there is an alternative procurator attending the court hearing from the beginning, the latter may replace the absent procurator in participating in the trial of the case.

Article 131. Presence of involved parties, their representatives and defense counsels of their rights and legitimate interests

1. When being duly summoned by the court for the first time, involved parties, their representatives and defense counsels of their rights and legitimate interests must be present. If any of these persons is absent, the trial panel shall postpone the court hearing, unless the absent person files a written request for trial to be conducted in his/her absence.

The court shall notify involved parties, their representatives and defense counsels of their rights and legitimate interests of the postponement of the court hearing.

2. When being duly summoned by courts for the second time, involved parties, their representatives and defense counsels of their rights and legitimate interests must be present at the court hearing. If they are absent for non-force majeure events, they shall be handled as follows;

a/ Plaintiffs or at-law representatives who have no representatives to participate in court hearings shall be regarded as having waived their lawsuits and courts shall issue decisions on termination of settlement of cases with regard to their lawsuit claims, unless they request in writing trial to be conducted in their absence. Plaintiffs may institute lawsuits again, provided that the statute of limitations for lawsuit institution has not yet expired;

b/ For defendants or persons with related interests and obligations who make no independent claims and have no representatives to participate in court hearings, courts shall still conduct trial in their absence;

c/ Persons with related interests and obligations who make no independent claims and have no representatives to participate in court hearings shall be regarded as having waived their independent claims and courts shall issue decisions on termination of settlement of cases with regard to their independent claims, unless they request in writing trial to be conducted in their absence. Persons with related interests and obligations who make independent claims may institute lawsuits again with regard to their claims, provided that the statute of limitations for lawsuit institution has not yet expired;

d/ For absent defense counsels of the rights and legitimate interests of involved parties, courts shall still conduct trial in their absence.

Article 132. Trial in absence of involved parties from court hearings

The court shall still conduct trial of a case in the following cases:

1. The plaintiff, the defendant, persons with related interests and obligations and their representatives that are absent from the court hearing request in writing the court to conduct trial in their absence;

2. The plaintiff, the defendant or persons with related interests and obligations that are absent from the court hearing have their representatives participating in the court hearing;

3. The cases specified at Points b and d, Clause 2, Article 131 of this Law.

Article 133. Presence of witnesses

1. Witnesses are obliged to participate in court hearings when summoned by courts to clarify circumstances of cases. In case witnesses are absent but have earlier given their testimonies in person or sent their testimonies to courts, presiding judges of court hearings shall disclose these testimonies.

2. In case witnesses are absent, the trial panel shall decide to postpone the court hearing or to continue with the trial. In case witnesses are absent from the court hearing without any plausible reasons and their absence impedes the trial, they may be escorted to the court hearing under decisions of the trial panel.

Article 134. Presence of experts

1. Experts are obliged to participate in court hearings when summoned by courts to clarify matters related to the expert examination and expert conclusions.

2. In case experts are absent, the trial panel shall decide to postpone the court hearing or to continue with the trial.

Article 135. Presence of interpreters

1. Interpreters are obliged to participate in court hearings when summoned by courts.

2. In case interpreters are absent without any replacements, the trial panel shall decide to postpone the court hearing.

Article 136. Postponement of court hearings

1. Cases in which a court hearing shall be postponed:

a/ The cases specified in Clauses 3 and 4, Article 129; Clause 1, Article 130; Clause 1, Article 131; and Clause 2, Article 135 of this Law;

b/ A trial panel member, procurator, court clerk or interpreter is changed without any replacement;

c/ An expert is changed;

d/ It is necessary to verify or collect additional documents and evidence but the verification or collection cannot be conducted right at the court hearing.

2. Cases of postponement of court hearings specified in Clauses 2, Article 133 and Clause 2, Article 134 of this Law.

Article 137. Duration of and decisions on postponement of court hearings, and competence to postpone court hearings

1. The duration of postponement of a first-instance court hearing is 30 days after the date of issuance of the postponement decision.

2. A decision on postponement of a court hearing must contain the following principal contents:

a/ Date of issuance;

b/ Name of the court and full names of procedure-conducting persons;

c/ Case to be tried;

d/ Reason(s) for postponement;

e/ Time and venue for resumption of the court hearing.

3. The court hearing postponement decision shall be signed by the presiding judge of the court nearing on behalf of the trial panel. In case the presiding judge of the court hearing is absent, the court president shall issue a court hearing postponement decision. The court hearing postponement decision shall be immediately notified to procedure participants. For absent persons, the court shall immediately send the decision to them and concurrently to the same-level procuracy,

4. After postponing a court hearing, if the court cannot resume it at the time and in the place indicated in the court hearing postponement decision, the court shall immediately notify the same-level procuracy and procedure participants of the time and venue for the court hearing.

Article 138. Procedures for rendering court judgments and rulings at court hearings

1. A judgment shall be discussed and passed by the trial panel in the deliberation room.

2. A decision to change a procedure-conducting person, an expert or interpreter, to transfer the case, to suspend or terminate the settlement of the case, or to postpone the court hearing shall be discussed and passed in the deliberation room and made in writing.

3. A decision on another matter shall be discussed and passed in the courtroom, must not be made in writing but shall be recorded in the minutes of the court hearing.

Article 139. Suspension or termination of settlement of cases at court hearings

1. At a court hearing, if any of the cases specified in Clause 1, Article 118 of this Law occurs, the trial panel shall issue a decision on suspension of the settlement of the case.

2. At a court hearing, if any of the cases specified in Clause 1, Article 120 of this Law occurs, the trial panel shall issue a decision on termination of the settlement of the case.

3. In case an involved party produces a new administrative decision which is related to the decision over which the lawsuit is instituted and does not fall under the jurisdiction of the court currently conducting the first-instance trial of the case, the trial panel shall terminate the trial and transfer the case file to a competent court.

Article 140. Minutes of court hearings

1. The minutes of a court hearing must fully indicate the following contents:

a/ The contents specified in Clause 1, Article 123 of this Law;

b/ All proceedings at the court hearing from the beginning to the end;

c/ Questions, answers and statements at the court hearing;

d/ Other contents which must be recorded in the minutes under this Law.

2. In addition to recording the minutes, the court may audio-record and video-record the proceedings at the court hearing.

3. At the end of the court hearing, the trial panel shall examine the minutes, and the presiding judge of the court hearing and the court clerk shall sign it.

4. Procurators and procedure participants may have a look at the minutes of the court hearing and request the recording of modifications and supplements in the minutes and sign it for certification.

Article 141. Preparations for opening of court hearings

Before opening a court hearing, the court clerk shall perform the following jobs:

1. Announcing internal rules of the court hearing;
2. Checking and identifying the presence of court hearing participants who are summoned by the court. If any person is absent, the reason for the absence shall be clarified;
3. Maintaining order in the courtroom;
4. Ordering all people present in the court room to rise when the trial panel enters the courtroom.

Article 142. Opening of court hearings

1. The presiding judge shall open the court hearing and read out the decision to bring the case to trial.
2. The court clerk shall report to the trial panel on the presence or absence of the persons who have been summoned by the court and reason(s) for their absence.
3. The presiding judge shall re-check the presence of the court hearing participants who have been summoned by the court and check the identity cards of involved parties.
4. The presiding judge shall explain the rights and obligations of involved parties and other procedure participants.
5. The presiding judge shall introduce procedure-conducting persons, experts and interpreters.
6. The presiding judge shall ask persons who have the right to request change of procedure-conducting persons, experts and interpreters to see if they request any change and reasons for their requests.

Article 143. Response to requests for change of procedure-conducting persons, experts and interpreters

In case there is a request for change of a procedure-conducting person, an expert or an interpreter at the court hearing, the trial panel shall consider and decide to accept or reject the request under this Law. In case of rejection, the reason therefore shall be clearly stated and recorded in the minutes of the court hearing.

Article 144. Assurance of objectivity of witnesses

1. Before witnesses are questioned about matters which they know and are related to the settlement of the case, the presiding judge of the court hearing may decide to take necessary measures so that witnesses can neither hear each other's testimonies nor communicate with relevant persons.
2. If the testimonies of involved parties and witnesses are interrelated, the presiding judge of the court hearing may decide to separate involved parties from witnesses before the latter is questioned.

Article 145. Questioning of involved parties about change, addition or withdrawal of their claims

1. The presiding judge of the court hearing shall question the plaintiff about change, addition or withdrawal of part or whole of their lawsuit claims.
2. The presiding judge of the court hearing shall question persons with related interests and obligations that have made independent claims about change, addition or withdrawal of part or whole of their independent claims.

Article 146. Consideration of change, addition or withdrawal of claims

1. The trial panel shall accept the change or addition of involved parties' claims provided that the change or addition does not go beyond the scope of their lawsuit claim or initial dependent claims.
2. In case involved parties voluntarily withdraw part or whole of their claims, the trial panel shall accept the request and terminate the trial with regard to the withdrawn part of claims or whole of claims.

Article 147. Change of procedural status

In case the plaintiff withdraws the whole of his/her lawsuit petition but persons with related interests and obligations still maintain their independent claims, the latter shall become the plaintiff.

Article 148. Questing at court hearings

1. The trial panel shall identify all circumstances of the case by listening to opinions of the plaintiff, the defendant, persons with related interests and obligations or representatives of involved parties, defense counsels of the rights and legitimate interests of involved parties, witnesses and experts, and comparing these opinions with collected documents and evidence.
2. After listening to the involved parties' statements, the questioning of each person about each specific matter shall be conducted in the order that the presiding judge of the court hearing shall raise questions first, followed by people's jurors, defense counsels of rights and legitimate interests of involved parties, involved parties, other procedure participants and procurators.

Article 149. Questioning of plaintiffs

1. In case there are more than one plaintiff, they shall be questioned separately one by one.
2. The plaintiff shall be questioned only about matters presented by himself/herself and the defense counsel of his/her rights and legitimate interests which remain unclear, inconsistent or contradictory to their previous testimonies, or contradictory to the statements of the defendant, persons with related interests and obligations and defense counsels of the rights and legitimate interests of these persons.
3. The plaintiff may himself/herself give answers or the defense counsel of his/her rights and legitimate interests may give answers on his/her behalf, then he/she shall give additional answers.

Article 150. Questioning of defendants

1. In case there are more than one defendant, they shall be questioned separately one by one.

2. The defendant shall be questioned only about matters presented by himself/herself and the defense counsel of his/her rights and legitimate interests which remain unclear, inconsistent or contradictory to their previous testimonies, or contradictory to the statements of the plaintiff, persons with related interests and obligations and defense counsels of the rights and legitimate interests of these persons.

3. The defendant may himself/herself give answers or the defense counsel of his/her rights and legitimate interests may give answers on his/her behalf, then he/she shall give additional answers.

Article 151. Questioning of persons with related interests and obligations

1. In case there are more than one person with related interests and obligations, they shall be questioned separately one by one.

2. Persons with related interests and obligations shall be questioned only about matters presented by themselves, defense counsels of their rights and legitimate interests which remain unclear, inconsistent or contradictory to their previous testimonies, or contradictory to statements of the plaintiff, defendants and defense counsels of the rights and legitimate interests of these persons.

3. Persons with related interests and obligations may themselves give answers or defense counsels of their rights and legitimate interests may give answers on their behalf, then they shall give additional answers.

Article 152. Questioning of witnesses

1. In case there are more than one witness, they shall be questioned separately one by one.

2. Before questioning witnesses, the presiding judge of the court hearing shall ask clearly about the relationships between them and involved parties in the case. If witnesses are minors, the presiding judge of the court hearing may ask for help of their parents, guardians or teachers in questioning.

3. The presiding judge of the court hearing shall request witnesses to clearly state circumstances of the case which they know. After witnesses give their statements, they may only be further questioned about points which are unclear, incomplete or inconsistent in their statements or which conflict with their previous testimonies, the statements of involved parties or of defense counsels of the rights and legitimate interests of involved parties.

4. After making their statements, witnesses shall stay in the court room so that they may be further questioned.

5. When necessary to protect witnesses and their relatives, the trial panel shall decide not to disclose information on their personal identities and keep them from being seen by court hearing participants.

Article 153. Disclosure of documents of cases

1. The trial panel shall disclose documents of a case in the following cases:

a/ Procedure participants are absent from the court hearing but have given their testimonies at the stage of trial preparation;

b/ Testimonies given by procedure participants at the court hearing are contradictory to their previous testimonies;

c/ When the trial panel finds it necessary or when the procurator or procedure participants so request.

2. In special cases in which it is necessary to keep state secrets, to preserve fine national customs and practices, to keep professional secrets, business secrets or personal privacy at the request of involved parties, the trial panel shall not disclose documents included in the case file.

Article 154. Listening to audio tapes and disks and watching video tapes and disks

At the request of procurators or procedure participants or when finding it necessary, the trial panel may play audio or video tapes and disks to be listened to or watched at the court hearing, except the cases specified in Clause 2, Article 153 of this Law.

Article 155. Examination of material exhibits

1. Material exhibits, photos or written certifications of exhibits to be presented for examination at the court hearing.

2. When necessary, the trial panel may go together with involved parties for on-site examination of material exhibits which cannot be brought to the court hearing.

Article 156. Questioning of experts

1. The presiding judge of the court hearing shall request experts to present their conclusions on matters they are assigned to examine. During presentation, experts may give additional explanations on their conclusions and grounds for making these conclusions.

2. Procurators and procedure participants present at the court hearing may give comments on expert conclusions or ask about matters which remain unclear or contradictory in expert conclusions or contradictory to other circumstances of the case.

3. If experts are absent from the court hearing, the presiding judge of the court hearing shall disclose expert conclusions.

4. If any procedure participant disagrees with expert conclusions disclosed at the court hearing and requests an additional examination or re-examination, if finding the additional examination or re-examination is necessary for the settlement of the case, the trial panel shall decide on additional examination or re-examination. In this case, the trial panel shall decide to postpone the court hearing.

Article 157. Conclusion of questioning at court hearings

When seeing that circumstances of the case have been fully examined, the presiding judge of the court hearing shall ask the procurator, involved parties, defense counsels of the rights and legitimate interests of involved parties and other procedure participants whether they have any further questions. In case someone has a question and he/she finds such question grounded, the presiding judge of the court hearing shall decide to continue the questioning.

Article 158. Order for making statements during argument

1. After the questioning, the trial panel shall move on to the stage of argument at the court hearing. The order for making statements during argument is as follows:

a/ The defense counsel of the rights and legitimate interests of the plaintiff makes statements. The plaintiff may give additional opinions;

b/ The defense counsel of the rights and legitimate interests of the defendant makes statements. The defendant may give additional opinions;

c/ Defense counsels of the rights and legitimate interests of persons with related interests and obligations make statements. Persons with related interests and obligations may give additional opinions.

2. In case involved parties and defense counsels of the rights and legitimate interests of involved parties are absent from the court hearing but have sent documents on protection of the rights and legitimate interests of involved parties, the trial panel shall disclose these documents at the court hearing.

3. In case involved parties have no defense counsels of their rights and legitimate interests, they shall themselves make statements during argument.

Article 159. Making of statements during argument and replies

When making statements on the assessment of evidence or expressing their points of view on the settlement of the case, persons participating in the argument shall base themselves on documents and evidence already collected and examined or verified at the court hearing as well as results of the questioning at the court hearing. They may reply to opinions of others. The presiding judge of the court hearing may not limit the argument time and shall create conditions for argument participants to fully express their opinions but may interrupt and rule out opinions that are not relevant to the case.

Article 160. Statements of procurators

1. After procedure participants make statements during argument and replies, procurators shall make statements on compliance with the procedure law throughout the course of settlement of the case by judges and the trial panel, law observance by administrative procedure participants from the acceptance of the case to the time of deliberation by the trial panel.

2. The Supreme People's Procuracy and the Supreme People's Court shall guide the implementation of this Article.

Article 161. Deliberation

1. After the argument, the trial panel enters the deliberation room to deliberate the case.

2. Only members of the trial panel can participate in the deliberation. During the deliberation, members of the trial panel shall decide on all matters of the case by majority voting on matter by matter. People's jurors shall vote first and judges shall vote last. If the trial panel is composed of 5 members, the presiding judge of the court hearing shall vote last. Members of minority opinion may present their opinions in writing which shall be recorded in the case file.

3. During the deliberation, the trial panel may base themselves only on documents and evidence already examined and considered at the court hearing, results of the questioning at the court hearing and shall fully consider opinions of procedure participants and procurators.

4. The deliberation shall be recorded in a minutes with all opinions discussed and decisions of the trial panel. The deliberation minutes shall be signed by members of the trial panel in the deliberation room before the pronouncement of judgment(s).

5. For a case involving many complicated circumstances and the deliberation requires a longer time, the trial panel may decide on the deliberation time limit which must not exceed 5 working days after the argument at the court hearing.

The trial panel shall inform all persons present at the court hearing and procedure participants absent from the court hearing of the time, date and place of judgment pronouncement. If the trial panel has done so but some procedure participants are still absent, it shall still conduct the judgment pronouncement under Article 165 of this Law.

Article 162. Resumption of questioning and argument

Through argument or deliberation, if finding that certain circumstances of the case have not been examined, the questioning remains inadequate or more evidence should be examined, the trial panel shall decide to resume the questioning and argument.

Article 163. Jurisdiction of trial panels

1. Trial panels shall examine the legality of administrative decisions, administrative acts, disciplinary decisions on dismissal, decisions on settlement of complaints on decisions on handling of competition cases, voter lists over which lawsuits are instituted, and decisions on settlement of relevant complaints.

2. Trial panels may decide to:

a/ Reject lawsuit claims which are not legally grounded;

b/ Accept part or whole of lawsuit petitions, pronounce cancellation of part or whole of unlawful administrative decisions; order state agencies or competent persons in these state agencies to perform tasks or public duties under law;

c/ Accept part or whole of lawsuit petitions, declare some or all administrative acts unlawful; order state agencies or competent persons in these state agencies to terminate their unlawful acts;

d/ Accept lawsuit petitions, pronounce cancellation of unlawful disciplinary decisions on dismissal; order heads of agencies or organizations to perform tasks or public duties under law;

e/ Accept part or whole of lawsuit petitions, pronounce cancellation of part or whole of unlawful decisions on settlement of complaints about decisions on handling of competition cases; order competent agencies or persons that have issued decisions on settlement of complaints about decisions on handling of competition cases to resettle these cases under the Law on Competition;

f/ Accept part or whole of lawsuit petitions; order agencies making voter lists to modify or supplement these lists under law;

g/ Order agencies or organizations to pay compensations for damage, restore the rights and legitimate interests of individuals, agencies and organizations which are infringed upon by unlawful administrative decisions, administrative acts, disciplinary decisions on dismissal or decisions on settlement of complaints about decisions on handling of competition cases;

h/ Recommend competent state agencies or their heads to examine responsibilities of state agencies or competent persons of these agencies.

Article 164. First-instance judgments

1. Trial panels shall render first-instance judgments in the name of the Socialist Republic of Vietnam.

2. A judgment consists of an introductory part, a part on the contents of the case and reasoning of the court, and a part on the ruling.

3. The introductory part of a judgment must indicate the name of the first-in stance 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 members of the trial panel, court clerk and procurator; names and addresses of the plaintiff, defendant, persons with related interests and obligations, representatives, defense counsels of the rights and legitimate interests of involved parties and other procedure participants; subject matter of the lawsuit; serial number and date of the decision to bring to case to public or behind-closed-door trial; time and place of trial.

4. The part on the contents of the case and reasoning of the court must state the lawsuit petition of the plaintiff; requests of the defendant; requests and independent claims of persons with related interests and obligations; reasoning of the court; points, clauses and articles of legal documents referred to by the court as grounds for settling the case.

In its reasoning, the court must analyze grounds for acceptance or rejection of the claims and requests of involved parties and defense counsels of the rights and legitimate interests of involved parties.

5. The part on the ruling must clearly slate the rulings of the court on each specific matter which needs to be settled in the case, court fee, and the right to appeal against the judgment. If there is a decision which must be executed without delay, such decision must be clearly stated.

Article 165. Pronouncement of judgments

Upon pronouncement of a judgment, all people present in the court room shall rise, except those permitted by the presiding judge of the court hearing to stay seated. The presiding judge of the court hearing or another member of the trial panel shall read out the judgment. After the reading of the judgment, he/she may-give further explanations about the judgment execution and the right to appeal.

In case an involved party does not know Vietnamese, the interpreter shall, after the judgment pronouncement, interpret the full text of the judgment into a language he/she knows.

Article 166. Provision or sending of judgment extracts and judgments

1. Within 3 working days after the end of a court hearing, involved parties shall be provided with judgment extracts by the court.

2. Within 7 working days after the date of judgment pronouncement, the court shall provide or send the judgment(s) to involved parties-and the same-level procuracy.

3. Thirty days after the expiration of the time limit for filing appeals or protests, if no appeal or protest is filed, the court shall provide or send the legally effective judgment(s) to involved parties, the same-level procuracy, the same-level civil judgment enforcement agency and the immediate superior agency of the defendant.

Article 167. Correction or supplementation of court judgments and rulings

1. Court judgments and rulings, once pronounced, must not be corrected or supplemented, except in case obvious spelling errors or erroneous data due to mistakes or calculation errors are detected. Documents on amendments or supplements must be immediately sent by the court to involved parties and the same-level procuracy. For legally effective judgments or rulings,

documents on amendments or supplements shall also be send to the same-level civil judgment enforcement agency and the immediate superior agency of the defendant.

2. The correction or supplementation of judgments and rulings specified in Clause 1 of this Article shall be made by the presiding judge of the court hearing or session together with members of the trial panel trying such case. In case a member of the trial panel cannot make correction or supplementation, the correction or supplementation shall be carried out by the court president.

Chapter XI

PROCEDURES FOR SETTLEMENT OF LAWSUITS OVER LISTS OF VOTERS TO ELECT DEPUTIES TO THE NATIONAL ASSEMBLY OR TO PEOPLE'S COUNCILS

Article 168. Receipt of lawsuit petitions and acceptance of cases

Upon receiving a petition to institute a lawsuit over a list of voters to elect deputies to the National Assembly or to a People's Council, the court president shall assign a judge to immediately accept the case.

Article 169. Time limit for settlement of cases

1. Within 2 days after the acceptance of a case, the judge assigned to accept the case shall issue either of the following decisions:

a/ A decision to bring the case to trial;

b/ A decision to stop the case and return the lawsuit petition.

2. After issuing a decision to bring the case to trial, the court shall immediately send this decision to involved patties and the same-level procuracy.

3. Within 2 days after the issuance of the decision to bring the case to trial, the court shall open a court hearing.

Article 170. Presence of representatives of procuracies and involved parties

Involved parties and the procurator of the same-level procuracy must be present at the court hearing. In case they are absent, the trial panel shall still conduct the trial of the case.

Article 171. Application of other provisions of this Law

1. Other provisions of this Law may be applied to settling administrative cases with regard to lawsuits over lists of voters to elect deputies to the National Assembly or to People's Councils in case this Chapter does not provide for to that effect.

2. The Supreme People's Court shall guide the implementation of this Article.

Article 172. Effect of court judgments or rulings to terminate cases

1. Judgments or rulings to terminate cases of settlement of lawsuits over lists of voters to elect deputies to the National Assembly or to People's Councils take effect immediately for execution, involved parties have no right to appeal and procuracies have no right to protest.

2. Courts shall immediately send their judgments or rulings to terminate cases to involved parties and same-level procuracies.

Chapter XII

APPELLATE PROCEDURES

Article 173. 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 ruling having not yet taken legal effect and being appealed or protested against.

Article 174. Persons having the right to appeal

The involved parties or their representatives have the right to appeal against judgments or decisions of the first-instance courts to suspend or terminate the settlement of cases in order to request the immediate superior courts to directly conduct re-trial according to appellate procedures.

Article 175. Appeal petition

1. An appeal petition must contain the following principal details:

a/ Date of making;

b/ Full name and address of the appellant;

c/ The appealed part of the judgment or ruling of the first-instance court, which has not yet taken legal effect;

d/ The reason(s) for appealing and the appellant's claims;

e/ Signature or fingerprint of the appellant.

2. The appeal petition shall be filed with the first-instance court which rendered the judgment or ruling which is appealed against; the appeal petition must be enclosed with additional documents and evidence (if any) to prove that the appeal is grounded and lawful.

In case the appeal petition is filed with the appellate court, the appellate court shall transfer the petition to the first-instance court for carrying out necessary procedures under Article 186 of this Law.

Article 176. Time limit for filing an appeal

1. The time limit for appealing against the first-instance court's judgment is 15 days counting from the date of judgment pronouncement by the court; for the involved parties that are absent from the court hearing, the time limit for an appeal shall be counted from the date the judgment is handed over to them or publicly posted up at the office of the commune-level People's Committee of the locality in which they reside or are based, for involved parties being agencies or organizations.

2. The time limit for appealing against the first-instance court's ruling on suspension or termination of the settlement of a case is 7 days counting from the date the person who has the right to appeal receives such decision.

3. In case the appeal petition is sent by post, the appeal date is the date postmarked on the envelope by the sending post office.

Article 177. Examination of appeal petitions

1. After receiving the appeal petitions, the first-instance courts shall examine their validity under Clause 1, Article 175 of this Law.

In case the appeal petition lacks details specified in Clause 1. Article 175 of this Law, the first-instance court shall request the appellant to modify and supplement it.

2. In case the appeal petition is filed after the time limit specified in Article 176 of this Law (below referred to as overdue appeal) for a force majeure event or an objective obstacle, the first-instance court shall request the appellant to clearly state the reason and produce documents and evidence (if any) to prove that the reason for the appeal petition being filed late is plausible.

Article 178. Overdue appeals

After receiving an overdue appeal petition, the first-instance court shall forward the petition and the appellant's explanation of the reason for late filing, documents and evidence (if any) to the appellate court.

Within 10 days after receiving the overdue appeal and enclosed documents and evidence, the appellate court shall form a panel consisting of three judges to consider the overdue appeal.

The panel may issue a decision to accept or reject the overdue appeal and clearly state the reason in the decision, which shall be sent to the late appellant, the first-instance court and the procuracy of appellant level.

If the appellate court accepts the overdue appeal, the first-instance court shall carry out procedures provided in this Law and send the case file to the appellate court.

Article 179. Notice of payment of appellate court fee advances

1. After accepting the valid appeal petition, the first-instance court shall notify the appellant thereof so that the latter pays an appellate court fee advance as required by law, unless the latter falls into cases exempt from paying or not required to pay the appellate court fee advance.

2. Within 10 days counting from the date of receiving the court's notice of payment of the appellate court fee advance, the appellant shall pay an advance and submit to the first-instance court the receipt of the advance. Past this time limit should the appellant fail to pay the appellant court fee advance, he/she shall be regarded as having waived the appeal, unless he/she has a plausible reason therefor; the court shall return the appeal petition to the involved party.

Article 180. Notice of appeal

1. When sending the case file and the appeal petition to the appellate court, the first-instance court shall notify the appeal in writing to the same-level procuracy and the involved parties related to the appeal.

2. Involved parties who are notified of the appeal may send to the appellate court documents expressing their opinions on the appealed contents. Such documents shall be included in the case files.

Article 181. Protest by procuracy

The director of the procuracy of the same level or immediate superior level may protest against the first-instance court's judgment or ruling on suspension or termination of the settlement of the case in order to request the immediate superior court to directly settle the case according to appellate procedures.

Article 182. Protest decision of procuracy

1. A procuracy's protest decision must be made in writing and contain the following principal details:

a/ Date of issue and serial number of the protest decision;

b/ Name of the procuracy issuing the protest decision;

c/ Protested parts of the first-instance court's judgment or ruling which has not yet taken legal effect;

d/ Reason(s) for the protest and the procuracy's requests;

e/ Full name of the person signing the protest decision and seal of the procuracy issuing the protest decision.

2. The protest decision must be immediately sent to the first-instance court that has rendered the protested judgment or ruling so that such court shall carry out procedures stipulated in Article 186 of this Law. Enclosed with the protest decision must be additional documents and evidence (if any) to prove that the procuracy's protest is grounded and lawful.

Article 183. Time limit for making a protest

1. The time limit for protesting against the first-instance court's judgment is 15 days for the same-level procuracy and 30 days for the immediate superior procuracy, counting from the date of judgment pronouncement.

2. The time limit for protesting against the first-instance court's ruling on suspension or termination of the settlement of the case is 7 days for the same-level procuracy and 10 days for the immediate superior procuracy, counting from the date the same-level procuracy receives such ruling.

Article 184. Notice of protest

1. The procuracy issuing a protest decision shall promptly send the protest decision to the involved parties related to the protest.

2. Persons who are notified of the protest may send to the appellate court documents expressing their views on the protested contents. Such documents shall be included in the case files.

Article 185. Consequences of appeal or protest

1. The appealed or protested parts of a first-instance court's judgment or ruling must not be executed, unless immediate execution is permitted by law.

2. A first-instance court's judgment or ruling or parts thereof which is or are not appealed or protested against will take legal effect on the date of expiration of the appeal or protest lime limit.

Article 186. Sending of case files, appeals and protests

The first-instance court shall send to the appellate court case files, appeals or protests and enclosed documents and evidence within 5 working days counting from the date on which:

1. The appellant submits the appeal petition to the first-instance court, in case the appellant is exempt from paying or is not required to pay an appellate court fee advance;

2. The appellant submits to the first-instance court the receipt of the appellate court fee advance, in case the appellant has to pay an appellate court fee advance.
3. The first-instance court receives the protest decision from a procuracy.

Article 187. Acceptance of cases for appellate trial

1. Immediately after receiving a case file, an appeal, a protest decision and enclosed documents and evidence, the appellate court shall record it in the case acceptance book.
2. The president of the court of appellate level or the President of the Appellate Court of the Supreme People's Court shall set up an appellate trial panel and assign a judge to preside over court hearings and sessions.

Article 188. Modification, supplementation and withdrawal of appeals or protests

1. Before the opening of an appellate court hearing or during an appellate court hearing, the appellant may modify or supplement his/her appeal and the procuracy that has issued the protest decision may modify or supplement its protest provided that the modification or supplementation must not go beyond the scope of the original appeal or protest, if the appeal or protest time limit has expired.
2. Before the opening of an appellate court hearing or during an appellate court hearing, the appellant may withdraw his/her appeal and the procuracy that has issued the protest decision or the immediate superior procuracy may withdraw the protest.

The appellate court shall terminate the appellate trial of the case against which the appellant has withdrawn his/her appeal or the procuracy has withdrawn its protest. The termination of the appellate trial prior to the opening of a court hearing shall be decided by the presiding judge of the court hearing or by the trial panel during a court hearing.

3. The modification, supplementation or withdrawal of an appeal or a protest before the opening of an appellate court hearing must be made in writing and sent to the appellate court. The appellate court shall notify the involved parties of such modification, supplementation or withdrawal, and notify the same-level procuracy of the modification, supplementation or withdrawal of the appeal of the involved party.

The modification, supplementation or withdrawal of an appeal or a protest during a court hearing must be recorded in the minutes of the court hearing.

Article 189. Addition of new evidence

1. Prior to an appellate court hearing or during an appellate court hearing, the appellant, the procuracy making the protest, a person with interests and obligations related to the appeal or protest, and the defense counsels of the rights and legitimate interests of involved parties may additionally provide new evidence.
2. The appellate court may itself or at the request of an involved party verify newly added evidence. It may entrust the verification under Article 86 of this Law.

Article 190. Scope of appellate trial

The appellate court shall only review parts of the first-instance judgment or ruling which is appealed or protested against or related to the appealed or protested contents.

Article 191. Time limit for appellate trial preparation

1. Within 60 days after the date of accepting a case, the judge assigned to preside over the court hearing shall issue one of the following decisions:

a/ To suspend the appellate trial of the case;

b/To terminate the appellate trial of the case;

c/ To bring the case to appellate trial.

2. For complicated cases or due to an objective obstacle, the president of the appellate court may decide to prolong the trial preparation time limit specified in Clause 1 of this Article, but for not more than 30 days.

3. Within 30 days after the date of issuance of the decision to bring the case to trial, the court shall open an appellate court hearing; in case of a plausible reason, this time limit is 60 days.

4. The decision to bring the case to appellate trial must be forwarded to the same-level procuracy and persons related to the appeal or protest.

Article 192. Composition of appellate trial panel

An appellate trial panel consists of three judges.

Article 193. Presence of appellate trial panel members and court clerks

1. A court hearing may be conducted only when it is attended by all the members of the trial panel and the court clerk.

2. In case the judge is absent or cannot continue participating in the trial but there is an alternate judge who attends the court hearing from the beginning, this person may replace the absent judge to participate in the trial of the case.

3. If there is no alternate judge to replace a member of the trial panel under Clause 2 of this Article, the court hearing must be postponed.

4. In case the court clerk is absent or cannot continue participating in the trial without a replacement, the court hearing must be postponed.

Article 194. Presence of procurator

1. The procurator who is assigned by the director of the same-level procuracy has the duty to participate in the court hearing. If he/she is absent, the trial panel shall decide to postpone the court hearing and inform the director of the same-level procuracy, except the case stated in Clause 2 of this Article.

2. In case the procurator is absent or cannot continue participating in the trial but there is an alternate procurator who attends the court hearing from the beginning, this person may replace the absent judge to participate in the trial of the case.

Article 195. Presence of involved parties, defense counsels of the rights and legitimate interests of involved parties, experts, interpreters and witnesses

1. Upon the first valid summon of the court, the appellant, persons with interests and obligations related to the appeal or protest and the defense counsels of their rights and legitimate interests must be present; in case any of them is absent, the trial panel shall postpone the court hearing.

The court shall inform the postponement of the court hearing to the appellant, persons with interests and obligations related to the appeal or protest and the defense counsels of their rights and legitimate interests.

2. Upon the valid second summon of the court, the appellant, persons with interests and obligations related to the appeal or protest and the defense counsels of their rights and legitimate interests must be present; in case any of them is absent for a non-force majeure event, the court shall handle as follows:

a/ If the appellant is absent without a representative participating in the court hearing, he/she shall be regarded as having waived his/ her appeal and the court shall issue a decision to terminate the appellate trial of the first-instance court's judgment or ruling or parts thereof which is/are appealed against by the absent appellant;

b/ If the persons with interests and obligations related to the appeal or protest and the defense counsels of their rights and legitimate interests are absent, the court shall still conduct the trial in their absence.

3. The presence of witnesses, experts and interpreters in an appellate court hearing complies with Articles 133, 134 and 135 of this Law.

4. In case a procedure participant makes a written request to the court to conduct the trial in his/her absence, the court shall conduct the appellate court hearing in his/her absence.

Article 196. Cases in which the appellate trial panel is not required to open a hearing or summon involved parties

1. The appellate trial panel is not required to open a hearing in the following cases:

a/ Examining an overdue appeal or protest;

b/ Examining an appeal or a protest about court fee;

c/ Examining an appeal or a protest against a ruling of the first-instance court.

2. In the cases stated in Clause 1 of this Article, the trial panel is not required to summon involved parties, unless it is necessary to hear their opinions.

Article 197. Suspension of appellate trial

The appellate court shall issue a decision to suspend the appellate trial of a case; the consequences of suspension of the appellate trial of a case and the resumption of appellate trial comply with Articles 118 and 119 of this Law.

Article 198. Termination of appellate trial

1. The appellate court shall issue a decision to terminate the appellate trial of a case in the following cases:

a/ Cases specified at Point a, Clause 1, Article 120 of this Law;

b/ The appellant withdraws the whole of his/ her appeal or the procuracy withdraws the whole of its protest;

c/ The appellant is absent inspire of the valid second summon;

d/ Other cases provided by law.

2. In case the appellate court issues a decision to terminate the appellate trial of a case under Point b, Clause 1 of this Article, the first-instance judgment or ruling will take legal effect on the date of issuance of such decision.

Article 199. Decision to apply, change or cancel provisional urgent measure

During the settlement of a case, the appellate court may decide to apply, change or cancel provisional urgent measures provided in Chapter V of this Law.

Article 200. Transfer of case files to procuracy for study

After accepting a case for appellate trial, the appellate court shall transfer the case file to the same-level procuracy for study. Within 15 days after receiving the case file, the procuracy shall return it to the court.

Article 201. Postponement of appellate court hearing

1. Cases in which an appeal court hearing must be postponed.

a/ Cases specified in Clause 2. Article 135; Clauses 5 and 4, Article 193; Clause 1, Article 194; and Clause 1, Article 195, of this Law;

b/ A member of the trial panel, the procurator, the court clerk or the interpreter is changed without an immediate replacement;

c/ The expert is changed;

d/ Additional documents and evidence need to be verified and collected but this cannot be done right at the court hearing.

2. Cases in which the appellate court hearing must be postponed are specified in Clause 1, Article 133 and Clause 2, Article 134 of this Law.

3. The duration of postponement and the decision to postpone an appeal court hearing comply with the provisions of Article 137 of this Law.

Article 202. Appellate trial procedures

1. Preparation for the opening of an appellate court hearing, procedures for commencing the hearing, procedures for questioning, disclosure of documents, examination of material exhibits at the hearing, argument at the hearing, judgment deliberation and pronouncement, modification and supplementation of the appellate judgment shall be carried out like first-instance trial procedures.

2. After concluding the procedures for commencing the appellate court hearing, a member of the appellate trial panel shall announce the content of the case, the first-instance judgment's rulings and the content of the appeal or protest.

3. The questioning of the involved parties and procurator about the modification, supplementation or withdrawal of the appeal or protest at the hearing shall be carried out by the presiding judge of the hearing as follows: ask the plaintiff whether he/she withdraws his/her lawsuit petition; ask the appellant or procurator whether he/she modifies, supplements or withdraws his/her appeal or protest.

4. If the procuracy makes a protest, the procurator shall present the procuracy's protest views on the protested first-instance judgment's rulings.

Article 203. Plaintiffs withdraw lawsuit petitions before the opening of or during appellate court hearings

1. If the plaintiff withdraws his/her lawsuit petition before the opening of or during the appellate court hearing, the appellate trial panel shall ask the defendant whether he/she agrees or disagrees therewith and may handle on a case-by-case basis as follows:

a/ It shall disapprove the withdrawal of the lawsuit petition by the plaintiff if the defendant disagrees,

b/ It shall approve the withdrawal of the lawsuit petition by the plaintiff if the defendant agrees. The appellate trial panel shall issue a decision to cancel the first-instance judgment and terminate the settlement of the case. In this case, the involved parties shall still bear the first-instance court fee as decided by the first-instance court and half of the appellate court fee as provided by law.

2. In case the appellate trial panel issues a decision to terminate the settlement of the case, the plaintiff is entitled to re-institute the case according to the procedures provided by this Law, if the statute of limitations for instituting a lawsuit has not yet expired.

Article 204. Hearing of presentations of involved parties, procurators at appellate court hearings .

1. In case an involved party still retains his/ her appeal or the procuracy maintains its protest, the appellate trial panel shall commence the trial by listening to the presentations of the involved party or procurator in the following order:

a/ The defense counsel of the rights and legitimate interests of the appellant presents the content of the appeal and grounds therefore. The appellant may give additional opinions.

In case all the involved parties appeal, the presentations shall be made in the following order: the defense counsel of the rights and legitimate interests of the appellant being the plaintiff and the plaintiff; the defense counsel of the rights and legitimate interests of the appellant being the defendant and the defendant; the defense counsel of the rights and legitimate interests of the person with related rights and obligations and the person with related rights and obligations.

In case only the procuracy protests, the procurator shall presents the content of the protest and grounds therefore; in case there are both appeal and protest, the involved parties shall present the contents of their appeals and the grounds therefore first, then the procurator shall present the content of the protest and grounds therefore;

b/ The defense counsel of the rights and legitimate interests of other involved parties related to the appeal or protest present opinions on the content of the appeal or protest. These parties may give additional opinions.

2. In case the involved parties have no defense counsel, they shall themselves present their opinions on the content of the appeal or protest and their proposals.

3. After the procedure participants present their opinions and replies, the procurator shall present the procuracy's opinions on the law observance in the process of settling the administrative case at the appellate stage.

Article 205. Jurisdiction of appellate trial panel

1. To reject the appeal or protest and uphold the first-instance judgment's rulings;

2. To modify part or the whole of the first-instance judgment if the first-in stance court made an unlawful decision in the following cases:

a/ The proving and collection of evidence was adequately carried out in accordance with the provisions of Chapter VI of this Law;

b/ The proving and collection of evidence was not adequately carried out at the first-instance level but evidence has been sufficiently added at the appellate court hearing.

3. To cancel the first-instance judgment and return the case file to the first-instance court for retrial in case there is a serious violation of procedures or new important evidence which the appellant court cannot supplement.

4. To cancel the first-in stance judgment and terminate the settlement of the case if any of the cases specified in Clause 1, Article 120 of this Law arises in the process of first-instance trial.

5. To terminate the settlement of the case according to appellate procedures if the appellate trial must be conducted in the presence of the appellant but the appellant is absent though having been validly summoned twice. In this case the first-instance judgment will take legal effect.

Article 206. Appellate judgment

1. The appellate trial panel shall render an appellate judgment in the name of the Socialist Republic of Vietnam.

2. An appellate judgment contains an introductory part, a part on the case content and reasoning of the court and a part on the ruling.

3. In the introductory part must be stated the name of the appellate court; the serial number and date of acceptance of the case; the serial number of the judgment and the date of judgment pronouncement; full names of the members of the trial panel, court clerk and procurator; full names and addresses of the plaintiff, defendant and persons with related rights and obligations; representatives or defense counsels of their rights and legitimate interests; the appellant or protesting procuracy; and other procedure participants; serial number and date of the decision to bring the case to trial; public or behind-closed-doors trial; and time and venue of trial.

4. In the part on the case content, the appeal or protest and reasoning of the court must be stated the summarized content of the case and ruling of the first-instance court; content of the appeal or protest; reasoning of the appellate trial panel; specific points, clauses and articles of the legal normative documents on which the appellate trial panel has based to settle the case.

In the part on the reasoning of the appellate trial panel must be presented an analysis of the grounds for accepting or rejecting the appeal or protest.

5. In the ruling part must be clearly stated the appellate trial panel's decisions on each specific matter to be settled in the case due to the filing of the appeal or protest, and on the payment of the first-instance court fee and appellate court fee.

6. The appellate judgment takes legal effect on the date it is pronounced.

Article 207. Appellate procedures for rulings of first-instance courts which are appealed or protested against

1. Within 15 days after receiving an appeal or a protest, the appellate court shall hold a session and issue a decision on the settlement of the appeal or protest.

2. A member of the appellate trial panel who has examined the appealed or protested ruling shall briefly present the content of the appealed or protested first-instance ruling, content of the appeal or protest and enclosed documents and evidence (if any).
3. The procurator of the same-level procuracy shall participate in the appellate session and present opinions on the settlement of the appeal or protest before the appellate trial panel makes decision.
4. When examining the first-instance court's ruling which is appealed or protested against, the appellate trial panel has the power to:
 - a/ Uphold the ruling;
 - b/ Amend the ruling;
 - c/ Cancel the ruling and return the case file to the first-instance court for continued settlement of the case.
5. The appellate decision takes legal effect on the date it is issued.

Article 208. Sending of appellate judgments and rulings

Within 30 days after the date of issuing an appellate judgment or ruling, the appellate court shall send it to the involved parties, the court and procuracy which have conducted the first-instance trial, the same-level procuracy, the competent civil judgment enforcement agency and the immediate superior agency of the defendant.

Chapter XIII

CASSATION PROCEDURES

Article 209. Nature of cassation

Cassation means the review of a legally effective court judgment or ruling which is protested against as a serious law violation in the settlement of (the case is detected).

Article 210. Grounds for protest according to cassation procedures

A legally effective court judgment or ruling may be protested against according to cassation procedures when there is any of the following grounds:

1. There is a serious violation in proceedings;
2. The judgment's ruling or the ruling is incompatible with the objective details of the case;
3. There is a serious error in the application of law.

Article 211. Detection of legally effective judgments or rulings which need to be reviewed according to cassation procedures

1. Within 1 year from the date a court judgment or ruling takes legal effect, if detecting a law violation in such judgment or ruling, the involved parties may make a written request to a person competent to protest as defined in Article 212 of this Law to consider making a protest according to cassation procedures.
2. In case a court, a procuracy, an individual or another agency or organization detects a law violation in a legally effective court judgment or ruling, it/he/she shall notify such violation in writing to a person competent to protest as defined in Article 212 of this Law.

3. The Supreme People's Court and the Supreme People's Procuracy shall guide procedures for receiving and processing written requests for protest according to cassation procedures.

Article 212. Persons with the right to protest according to cassation procedures

1. The President of the Supreme People's Court and the Director of the Supreme People's Procuracy have the right to protest according to cassation procedures against legally effective judgments or rulings of the courts of all levels, except decisions of the Judges' Council of the Supreme People's Court.

2. The presidents of provincial-level courts and the directors of provincial-level procuracies have the right to protest according to cassation procedures against legally effective judgments or rulings of district-level courts.

Article 213. Postponement or suspension of execution of legally effective judgments or rulings.

1. Persons who have the right to protest against legally effective court judgments or rulings may postpone the execution of judgments or rulings in order to consider making a protest according to cassation procedures. The postponement duration must not exceed 3 months.

For a civil ruling in an administrative judgment or ruling, a person have the right to protest may request the civil judgment enforcement agency to postpone the enforcement in accordance with the civil judgment enforcement law.

2. A person who has made a protest according to cassation procedures against a legally effective judgment or ruling may decide to suspend the execution of such judgment or ruling until the cassation decision is issued.

Article 214. Decision to protest according to cassation procedures

A decision to protest according to cassation procedures must contain the following principal details:

1. Serial number and date of the protest decision;
2. Position of the protest decision issuer;
3. Serial number and date of the legally effective judgment or ruling protested against;
4. Rulings of the legally effective judgment or ruling protested against;
5. Comments and analysis of the violations or errors of the legally effective judgment or ruling protested against;
6. Legal grounds for making the protest decision;
7. Decision to protest part or the whole of the legally effective judgment or ruling;
8. Name of the court that is competent to conduct cassation review of the case;
9. Proposals of the protesting person.

Article 215. Time limit for protest according to cassation procedures

1. Persons having the right to protest according to cassation procedures may only make their protests within 2 years after the date the court judgment or ruling takes legal effect, except the case specified in Clause 2 of this Article.

2. In case the involved party has made a written request for protest according to cassation procedures within the time limit specified in Clause 1, Article 211 of this Law but the person having the right to protest only detects a serious law violation in the legally effective court judgment or ruling after the time limit for protest expires, the time limit for making protests according to cassation procedures applicable to persons having such right will not depend on that specified in Clause 1 of this Article.

3. The time limit for protesting civil rulings in a court judgment or ruling complies with the civil procedure law.

Article 216. Sending of decisions to protest according to cassation procedures

1. A decision to protest according to cassation procedures must be immediately sent to the court that has issued the legally effective judgment or ruling protested against, the involved parties, the competent civil judgment enforcement agency and persons with rights and obligations related to the protested contents.

2. In case the President of the Supreme People's Court or the president of a provincial-level court protests, the protest decision and the case file must be immediately sent to the same-level procuracy. The procuracy shall study the case file within 15 days after the date of receiving it; upon the expiration of such time limit, the procuracy shall transfer the case file to the court competent to review the case according to cassation procedures.

3. In case the Director of the Supreme People's Procuracy or the director of a provincial-level procuracy protests, the protest decision must be immediately sent to the court competent to review the case according to cassation procedures.

Article 217. Modification, supplementation, withdrawal of protests

1. The person who has protested according to cassation procedures may modify or supplement the protest decision if the protest time limit specified in Article 215 of this Law has not yet expired.

2. Before the opening of or during a court hearing, the person who has protested may withdraw his/her protest. The withdrawal of the protest prior to the opening of a court hearing must be recorded in a document for sending under Article 216 of this Law. The withdrawal of the protest during a court hearing shall be recorded in the hearing's minutes and the cassation panel shall issue a decision to terminate the cassation trial.

Article 218. Composition of cassation panel

1. The cassation panel of a provincial-level court is the judges' committee of the provincial-level court; at least two-thirds of the total members shall participate in reviewing a legally effective judgment or ruling according to cassation procedures; the president of the provincial-level court shall preside over the cassation hearing.

2. The cassation panel of the Administrative Tribunal of the Supreme People's Court consists of three judges of the Supreme People's Court; all three judges shall participate in reviewing a legally effective judgment or ruling according to cassation procedures; the president of the Administrative Tribunal of the Supreme People's Court shall assign a judge to preside over the cassation hearing.

3. The cassation panel of the Supreme People's Court is the Judges' Council of the Supreme People's Court; at least two-thirds of the total members shall participate in reviewing a legally effective judgment or ruling according to cassation procedures; the President of the Supreme People's Court shall preside over the cassation hearing.

Article 219. Cassation jurisdiction

1. The judges' committee of the provincial-level court shall review according to cassation procedures cases in which legally effective judgments and rulings of district-level courts are protested against.

2. The Administrative Tribunal of the Supreme People's Court shall review according to cassation procedures cases in which legally effective judgments or rulings of provincial-level courts are protested against.

3. The Judges' Council of the Supreme People's Court shall review according to cassation procedures legally effective judgments and rulings of appellate courts or the Administrative Tribunal of the Supreme People's Court which are protested against.

4. When the legally effective judgments or rulings on a single administrative case which fall under the jurisdiction of the courts of different levels are protested against, the competent superior court shall review the whole case according to cassation procedures.

Article 220. Participants in cassation hearings

1. A cassation hearing must be participated by the same-level procuracy.

2. When seeing it necessary, the court may summon persons who have participated in procedures and other persons related to the protest to participate in cassation hearings.

Article 221. Time limit for opening cassation hearings

Within 2 months after the date of receiving the protest and case file, the court competent to review the case according to cassation procedures shall open a hearing to review the case according to cassation procedures.

Article 222. Preparations for cassation hearings

The president of a court or the President of the Administrative Tribunal of the Supreme People's Court shall assign a judge to prepare a written presentation on the case at the court hearing. The presentation must summarize the case content and the judgments and rulings of the courts of different levels, and the content of the protest. The presentation document must be sent to members of the cassation panel at least 7 working days before the opening of the cassation hearing.

Article 223. Proceedings at cassation hearings

1. After the presiding judge opens the hearing, a member of the cassation panel shall present the content of the case; the case settlement process; rulings of the legally effective court judgment or ruling protested against, grounds for and reasoning in the protest and proposals of the protesting person.

2. In case procedure participants are summoned by the court, these persons may present their opinions on the protest decision.

The representative of the procuracy expresses the procuracy's opinions on the protest decision.

3. Members of the cassation panel shall discuss and express their opinions on the settlement of the case. The representative of the procuracy shall present the procuracy's opinions on the settlement of the case.

4. The cassation panel shall vote on the settlement of the case.

The cassation decision of the judges' committee of the provincial-level people's court or the cassation panel of the Administrative Tribunal of the Supreme People's Court must be voted for by more than half of the total number of its members.

The judges' committee of the provincial-level court, the cassation panel of the Administrative Tribunal of the Supreme People's Court or the Judges' Council of the Supreme People's Court shall vote in' the order of voting for and then against the protest and other opinions', if no issue is voted for by more than half of the total number of members of the judges' committee of the provincial-level court, the cassation panel of the Administrative Tribunal of the Supreme People's Court or the Judges' Council of the Supreme People's Court, the court hearing shall be postponed. Within 30 days after the date of issuing the decision to postpone the court hearing, the judges committee of the provincial-level court, the cassation panel of the Administrative Tribunal of the Supreme People's Court or the Judges' Council of the Supreme People's Court shall retry the case with the participation of all members.

Article 224. Scope of cassation

1. The cassation panel shall only review parts of the legally effective judgment or ruling protested against or related to the review of the protested contents.

2. The cassation panel may review parts of the legally effective judgment or ruling which is neither protested nor related to the review of the protested against contents, if these parts infringe upon the interests of the State, or the interests of a third party other than the involved parties in the case.

Article 225. Jurisdiction of cassation panel

1. To reject the protest and uphold the legally effective judgment or ruling.

2. To cancel the legally effective judgment or ruling protested against and uphold the lawful judgment or ruling of a subordinate court which has been cancelled or amended;

3. To cancel the legally effective judgment or ruling protested against for retrial according to first-instance or appellate procedures;

4. To cancel the judgment or ruling of the court which has tried the case and terminate the settlement thereof.

Article 226. Cancellation of legally effective judgments or rulings which are protested against and upholding of lawful judgments or rulings of subordinate courts which have been cancelled or amended.

The cassation panel shall issue a decision to cancel the legally effective judgment or ruling protested against and uphold the judgment or ruling of a subordinate court which conducted the trial lawfully which is cancelled or partially or wholly amended by the legally effective judgment or ruling protested against.

Article 227. Cancellation of legally effective judgments or rulings which are protested against for re-trial according to first-instance or appellate procedures

The cassation panel shall issue a decision to cancel the legally effective judgment or ruling protested against for retrial according to first-instance or appellate procedures in the following cases:

1. The collection of evidence and proving have been carried out inadequately or in contravention of the provisions of Chapter VI of this Law;
2. The conclusions in the judgment or ruling do not conform to the objective details of the case or there is a serious error in the application of law;
3. The composition of the first-instance or appellate trial panel fails to comply with the provisions of this Law or there is another serious violation of procedural law.

Article 228. Cancellation of judgments or rulings of courts which have settled the cases and termination of the settlement of the cases

The cassation panel shall issue a decision to cancel the judgment or ruling of the court which has settled the case and terminate the settlement of the case if, in the course of first-instance or appellate trial, there arises a case specified in Clause 1, Article 120 of this Law. The cassation court shall deliver the case file back to the court which has conducted the first-instance trial for returning the lawsuit petition together with enclosed documents and evidence to the plaintiff, if so requested.

Article 229. Cassation decision

1. The cassation panel shall issue a cassation decision in the name of the Socialist Republic of Vietnam.
2. A cassation decision must contain the following details:
 - a/ Date and venue of the court hearing;
 - b/ Full names of members of the cassation panel. In case the cassation panel is the judges' committee of the provincial-level people's court or the Judges' Council of the Supreme People's Court, the full name and position 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 hearing;
 - d/ Name of the case brought to cassation trial by the panel;
 - e/ Full names and addresses of the involved parties in the case;
 - f/ Summary of the content of the case, rulings of the legally effective judgment or ruling protested against;
 - g/ Protest decision; reason for making the protest;
 - h/ Reasoning of the cassation panel, including an analysis of the grounds for accepting or rejecting the protest;
 - i/ Points, clauses and articles of the Civil Procedure Code which the cassation panel refers to in making its decision;

j/ Decision of the cassation panel.

Article 230. Effect of cassation decision

A cassation decision takes legal effect on the date of its issuance by the cassation panel.

Article 231. Sending of cassation decision

Within 30 working days counting from the date of issuance of a cassation decision, the cassation panel shall send it to:

1. The involved parties;
2. The court which has rendered the legally effective judgment or ruling protested against;
3. The same-level procuracy and the procuracy competent to supervise judgment execution;
4. The competent civil judgment enforcement agency;
5. The immediate superior agency of the defendant.

Chapter XIV

REOPENING PROCEDURES

Article 232. Nature of reopening

Reopening means the review of a legally effective judgment or ruling which is protested against due to the appearance of newly discovered details which may substantially change the content of the judgment or ruling and which were unknown to the court and the involved parties when the court rendered such judgment or ruling.

Article 233. Grounds for protest according to reopening procedures

A legally effective judgment or ruling shall be protested against according to reopening procedures when there is one of the following grounds:

1. Important details of the case are newly discovered, which the court and involved parties could not know in the course of settlement of the case;
2. There are grounds to prove that the conclusions of the expert and translations of interpreter were untruthful or evidence is forged;
3. The judge, people's jurors or procurator intentionally distorted the case file or deliberately made unlawful conclusions;
4. The judgment or ruling of a court or decision of a state agency on which the court based itself to settle the case has been canceled.

Article 234. Notice and verification of newly discovered details

1. The involved parties or other individuals, agencies or organizations may, when discovering new details of the case, may send a written request to a person having the right to protest defined in Article 235 of this Law for considering making a protest according to reopening procedures.
2. If discovering new details of a case, the procuracy or the court shall notify them in writing to the persons having the right to protest defined in Article 235 of this Law.

Article 235. Persons having the right to protest according to reopening procedures

1. The President of the Supreme People's Court and the Director of the Supreme People's Procurac.y have the right to protest according to reopening procedures against legally effective judgments or rulings of courts of all levels, except decisions of the Judges' Council of the Supreme People's Court.
2. The president of a provincial-level court and the director of a provincial-level procuracy have the right to protest against legally effective judgments or rulings of district-level courts.
3. The person who has protested against a legally effective judgment or ruling may suspend the execution of such judgment or ruling until a reopening decision is made.

Article 236. Time limit for protest according to reopening procedures

The time limit for protest according to reopening procedures is one year counting from the date a person having the right to protest becomes aware of a ground for protest according to reopening procedures specified in Article 233 of this Law.

Article 237. Jurisdiction of reopening panel

1. To reject the protest and uphold the legally effective judgment or ruling;
2. To cancel the legally effective judgment or ruling for retrial according to first-in stance procedures provided by this Law.
3. To cancel the judgment or ruling of the court which has tried the cases and terminate the settlement of the case.

Article 238. Application of provisions on reopening procedures

Other provisions on reopening procedures are as the same as relevant provisions on cassation procedures in this Law.

Chapter XV

SPECIAL PROCEDURES FOR REVIEWING DECISIONS OF THE JUDGES' COUNCIL OF THE SUPREME PEOPLE'S COURT

Article 239. Requests, recommendations and proposals for reviewing decisions of the Judges' Council of the Supreme People's Court

1. When there is a ground for ascertaining that there is a serious law violation or a newly discovered important detail which might substantially change the content of a decision of the Judges' Council of the Supreme People's Court, which were unknown to the Judges' Council of the Supreme People's Court and involved parties when such decision was issued, such decision shall be reviewed in any of the following cases:

- a/ It is requested by the National Assembly Standing Committee;
- b/ It is recommended by the National Assembly's Law Committee;
- c/ It is recommended by the Director of the Supreme People's Procuracy;
- d/ It is proposed by the President of the Supreme People's Court.

2. If the National Assembly Standing Committee requests, the President of the Supreme People's Court shall report it to the Judges' Council of the Supreme People's Court for reviewing the decision of the Judges' Council of the Supreme People's Court.

3. If the National Assembly's Law Committee or the Director of the Supreme People's Procuracy recommends or the President of the Supreme People's Court discovers a violation or new detail, the President of the Supreme People's Court shall report it to the Judges' Council of the Supreme People's Court for considering such request or recommendation.

If agreeing with the recommendation of the National Assembly's Law Committee or the Director of the Supreme People's Procuracy or with the proposal of the President of the Supreme People's Court, the Judges' Council of the Supreme People's Court shall issue a decision to assign the President of the Supreme People's Court to study the case file and report to the Judges' Council of the Supreme People's Court for consideration and decision. If the Judges' Council of the Supreme People's Court disagrees with such recommendation or proposal, it shall issue a written notice clearly stating the reason.

4. The meeting of the Judges' Council of the Supreme People's Court to consider the recommendation or proposal mentioned in Clause 3 of this Article must be attended by the Director of the Supreme People's Procuracy.

Article 240. Procedures and competence for reviewing decisions of the Judges' Council of the Supreme People's Court

1. The President of the Supreme People's Court shall organize study of the case file, verify and collect documents and evidence, and report to the Judges' Council of the Supreme People's Court to review the decision of the Judges' Council of the Supreme People's Court within 4 months after receiving the request of the National Assembly Standing Committee mentioned in Clause 2, Article 239 or receiving the decision of the Judges' Council of the Supreme People's Court mentioned in Clause 3. Article 239 of this Law.

2. The meeting of the Judges' Council of the Supreme People's Court must be attended by the Director of the Supreme People's Procuracy. If finding it necessary, the Supreme People's Court may invite related persons, agencies and organizations to the meeting.

3. After listening to the report of the President of the Supreme People's Court, opinions of the Director of the Supreme People's Procuracy and related persons, agencies and organizations (if any) at the meeting, the Judges' Council of the Supreme People's Court may issue a decision to cancel the decision of the Judges' Council of the Supreme People's Court that involves a serious law violation or when there is a new important detail that substantially changes the content of such decision: cancel the effective judgment or ruling of a subordinate court that involves a serious law violation or when there is a new important detail that substantially changes the content of such judgment or ruling, and depending on a case-by-case basis, make the following decision:

a/ To reject the lawsuit claim, if it is not based on any legal grounds;

b/ To accept part or the whole of the lawsuit claim, cancel part or the whole of the administrative decision which is illegal; to compel the state agency or competent person in the state agency to perform its/his/her task or official duty in accordance with law;

c/ To accept part or the whole of the lawsuit claim, declare illegal some or all of administrative acts concerned; to compel the state agency or competent person in the state agency to terminate such illegal acts;

d/ To accept the lawsuit claim, cancel the disciplinary decision on dismissal which is illegal; to compel the head of the agency or organization to perform his/her task or official duty in accordance with law;

e/ To accept part or the whole of the lawsuit claim, cancel part or the whole of the decision on settlement of the complaint about the decision on handling of a competition case which is illegal; compel the agency or competent person that has issued the decision on settlement of the complaint about the decision on handling of the competition case to resettle the case in accordance with the Competition Law;

f/ To Identify compensation liabilities in the cases specified at Points b, c, d and e. Clause 3 of this Article, compel agencies, organizations to pay damages and restore the rights and legitimate interests of individuals, agencies and organizations which were infringed upon by the administrative decision, administrative act, disciplinary decision on dismissal or decision on handling of the competition case; to identify the compensation liability of the Supreme People's Court for its decision which is cancelled for a serious law violation due to unintentional or intentional fault and has damaged the involved party, or indemnify the liability to indemnify asset value in accordance with law;

g/ To recommend a competent state agency or the head of a competent state agency to consider the liability of the state agency or competent person in the state agency in case of intentional law violation causing serious consequences to individuals, agencies and organizations.

4. The decision of the Judges' Council of the Supreme People's Court must be voted for by at least three-quarters of total members of the Council.

5. The Supreme People's Court shall assume the prime responsibility for, and coordinate with the Supreme People's Court in, guiding the implementation of this Article.

Chapter XVI

PROCEDURES FOR EXECUTING COURT JUDGMENTS OR RULINGS ON ADMINISTRATIVE CASES

Article 241. Court judgments or rulings on administrative cases to be executed

1. Legally effective judgments or rulings or parts thereof of the first-instance court which are not appealed or protested against according to appellate procedures.

2. Judgments or rulings of the appellate court.

3. Cassation decisions or reopening decisions of the court.

4. Decisions issued according to special procedures of the Judges' Council of the Supreme People's Court under Article 240 of this Law.

5. Decisions of the court to apply provisional urgent measures though they may be appealed or protested against.

Article 242. Explanation of court judgment and ruling

1. The person in favor of whom a judgment is executed, the person obliged to execute a judgment, persons with rights and obligations related to the execution of a court judgment or ruling and the civil judgment enforcement agency have the right to request in writing the court

which has issued the judgment or ruling specified in Clause 1, 2, 3 or 4, Article 241 of this Law to explain unclear points in the judgment or ruling for execution.

2. The presiding judge of the court hearing or session shall explain the judgment or ruling of the court. In case he/she no longer works as judge of the court, the president of such court shall explain the judgment or ruling.

3. Explanation of a court judgment or ruling must be based on the judgment or ruling, minutes of the court hearing or session and minutes of deliberation.

4. Within 15 days after the date of receiving a written request, the court shall issue a written explanation and send it to the individuals, agencies and organizations that are provided or delivered the judgment or ruling under this Law.

Article 243. Execution of court judgment and ruling

1. A court judgment or ruling on an administrative case specified in Article 241 of this Law shall be executed as follows:

a/ If it rejects the lawsuit petition concerning an administrative decision, disciplinary decision on dismissal, decision on settlement of a complaint about the decision on handling of a competition case or voter list, (the involved parties shall continue implementing such decision in accordance with law;

b/ If it cancels the whole or part of an administrative decision, decision on settlement of a complaint about the decision on handling of a competition case, the decision or part of the decision which is cancelled will no longer be effective. The involved parties shall execute the judgment or ruling based on the rights and obligations already identified therein;

c/ If it cancels the disciplinary decision on dismissal, this decision will no longer be effective. Within 10 days after receiving the judgment or ruling, the head of the agency or organization having issued such disciplinary decision shall execute the judgments ruling;

d/ If it declares illegal the administrative act taken, the person obliged to execute the judgment shall terminate such administrative act on the date of receiving the judgment or ruling;

e/ If it declares illegal the act of non-performing a task or an official duty, the person obliged to execute such judgment shall perform the task or official duty in accordance with law on the date of receiving the judgment or ruling;

f/ If it compels the voter list-making agency to modify or supplement the voter list, the person obliged to execute the judgment shall immediately modify or supplement the list upon receiving the judgment or ruling;

g/ If the court issues a decision on application of provisional urgent measures, the person to whom such measures are applied shall immediately implement such decision upon receiving it;

h/ Rulings on assets in the judgment, or ruling shall be executed in accordance with the civil judgment enforcement law.

2. The person obliged to execute a judgment shall report in writing on the result of execution to the civil judgment enforcement agency of the same level with the court which has conducted first-instance trial of the case.

Article 244. Request for execution of court judgment or ruling

1. In case the person obliged to execute a judgment fails to execute the judgment, the person in favor of whom the judgment is executed may request the person obliged to execute the judgment to immediately execute the court judgment or ruling specified at Point f or g, Clause 1, Article 243 of this Law.

2. After 30 days counting from the date of receiving a legally effective court judgment or ruling or upon the expiration of the time limit for executing a court judgment or ruling, if the person obliged to execute a judgment fails to execute the judgment, the person in favor of whom the judgment is executed may request in writing person obliged to execute the judgment to execute the court judgment or ruling under Point b, c, d or e. Clause 1, Article 243 of this Law.

3. If the person obliged to execute a judgment fails to execute the court judgment or ruling, within 15 days after the date of making a written request under Clause 2 of this Article, the person in favor of whom the judgment is executed may send a written request to the civil judgment enforcement agency of the place in which the court which has conducted the first-instance trial is located to urge the execution of the judgment or ruling. Upon receiving such request, the civil judgment enforcement agency shall urge the person concerned to execute the judgment and advise in writing the immediate superior agency of such person to direct the execution and the same-level procuracy to supervise the execution.

4. Upon receiving the written request of the person in favor of whom a judgment is executed for urging the judgment execution under Clause 3 of this Article, the civil judgment enforcement agency shall open a book to monitor and manage the execution for such person. The person in favor of whom a judgment is executed shall provide the civil judgment enforcement agency a copy of the court judgment or ruling and other related documents to prove that though having received a valid written request, the person obliged to execute a judgment still deliberately fails to execute the judgment.

Within 5 working days after receiving a written request of the person in favor of whom a judgment is executed for urging the judgment execution, the civil judgment enforcement agency shall issue a document urging the person obliged to execute a judgment to execute the court judgment or ruling strictly according to its content.

Article 245. Responsibilities for complying with requests for judgment execution

1. Within 30 days after receiving a document of the civil judgment enforcement agency urging the execution of the court judgment or ruling, the person obliged to execute a judgment shall inform in writing his/her execution to the civil judgment enforcement agency.

2. Upon the expiration of the time limit specified in Clause 1 of this Article, if the person obliged to execute a judgment fails to execute the judgment or does not inform the result of execution, the civil judgment enforcement agency shall notify in writing the immediate superior agency of such person thereof for examination and direction of the judgment execution and handling his/her liability under law. and at the same time send a notice to the civil judgment enforcement management agency or the immediate superior civil judgment enforcement management agency for monitoring and assistance to the immediate superior agency of such person in directing the execution.

3. Within 30 days after receiving the written notice of the judgment enforcement agency specified in Clause 2 of this Article, the immediate superior agency of the person obliged to

execute a judgment shall examine and direct the judgment execution in accordance with law and notify the judgment enforcement agency thereof.

Article 246. Stale management of execution of administrative judgment

1. The Government shall perform the unified state management of the execution of administrative judgments nationwide; coordinate with the Supreme People's Court and the Supreme People's Procuracy in the state management of the execution of administrative judgments; and annually report to the National Assembly on the execution of administrative judgments.

2. The Ministry of Justice shall take responsibility before the Government for performing the state management of the execution of administrative judgments, and has the following tasks and powers:

a/ Promulgating or submitting to competent agencies for promulgation legal documents on execution of administrative judgments;

b/ Assuring sufficient personnel, physical foundations and equipment for the state management of the execution of administrative judgments;

c/ Guiding, directing and providing professional training in the management of the execution of administrative judgment; disseminating and educating about the law on execution of administrative judgments;

d/ Examining, inspecting and settling complaints and denunciations about the management of the execution of administrative judgments;

e/ Reporting to the Government on the execution of administrative judgments;

f/ Making and implementing plans on statistics, monitoring and review of the execution of administrative judgments.

3. The civil judgment enforcement management agency and the civil judgment enforcement agency under the Ministry of Justice shall assist the Minister of Justice in performing the state management of the execution of administrative judgments and performs the tasks defined in this Law and the Government's regulations.

Article 247. Handling of violations in the execution of administrative judgment

1. Agencies, organizations and individuals that are obliged execute court judgments or rulings but intentionally fail to execute them shall, depending on a case-by-case basis, be administratively sanctioned, disciplined or examined for penal liability.

2. Those who abuse their positions and powers to intentionally obstruct the judgment execution shall, depending on a case-by-case basis, be administratively sanctioned, disciplined or examined for penal liability; if causing damage, they shall pay compensations in accordance with law.

Article 248. Supervision of the execution of administrative judgment

The procuracies shall, within the scope of their tasks and powers, supervise the law observation by the involved parties and individuals, agencies and organizations related to the execution of court judgments or rulings in order to ensure the timely, full and lawful execution.

The procuracies have the right to recommend individuals, agencies and organizations obliged to execute administrative judgments and immediate superior agencies and organizations of agencies

and organizations obliged to execute court judgments and ruling to take measures to organize the serious execution of court judgments and rulings.

Chapter XVII

COMPLAINTS AND DENUNCIATIONS IN ADMINISTRATIVE PROCEDURES

Article 249. Decisions and acts in administrative procedures which may be complained about

1. Individuals, agencies and organizations may complain about decisions or acts of administrative procedure-conducting agencies or persons in administrative procedures when they have grounds to believe that such decisions or acts are illegal or infringing upon their rights and legitimate interests.
2. If being appealed or protested against, complained about or petitioned, first-instance, appellate, cassation or reopening judgments or rulings of courts or other procedural decisions issued by administrative procedure-conducting persons shall not be settled according to the provisions of this Chapter but shall be settled according to the provisions of corresponding chapters of this Law.

Article 250. Rights and obligations of complainant

1. The complainant has the following rights:
 - a/ To lodge a complaint by himself/herself or through a representative;
 - b/ To lodge a complaint at any stage of settlement of the case;
 - c/ To withdraw a complaint at any stage of settlement of the case;
 - d/ To receive a written reply on the acceptance of his/her complaint for settlement; to receive the complaint settlement decision;
 - e/ To have his/her rights or legitimate interests restored; to receive damages in accordance with law.
2. The complainant has the following obligations:
 - a/ To lodge a complaint with a person who is competent to settle it;
 - b/ To give truthful statements, provide information and documents to the person settling the complaint; to take responsibility before law for the contents of their statements and provided information and documents;
 - c/ To strictly abide by the complaint settlement decision which has taken legal effect.

Article 251. Rights and obligations of complained person

1. The complained person has the following rights:
 - a/ To produce evidence of the legality of his/ her decision or act in administrative procedures which is complained about;
 - b/ To receive the complaint settlement decision concerning his/her decision or act in administrative procedures.
2. The complained person has the following obligations:

a/ To explain his/her decision or act in administrative procedures being complained about; provide relevant information or documents when so requested by competent agencies, organizations or persons;

b/ To strictly abide by the complaint settlement decision which has taken legal effect;

c/ To compensate for damage or reimburse or remedy the consequences caused by his/her illegal decisions or acts in administrative procedures as required by law.

Article 252. Statute of limitations for lodging a complaint

The statute of limitations for lodging a complaint is 15 days counting from the date the complainant receives or knows about the procedural decision or act which he/she considers illegal.

In case the complainant cannot exercise his/ her right to lodge a complaint within the time limit stated in this Article because of a force majeure event or an objective obstacle, the duration in which the force majeure event or objective obstacle exists shall not be counted into the statute of limitations for complaint.

Article 253. Competence and time limit for settlement of complaints against procurators, deputy directors or directors of procuracies

Complaints about procedural decisions or acts of procurators or deputy directors of procuracies shall be settled by the directors of such procuracies within 15 days after receiving the complaints. If disagreeing with the settlement results, the complainants may lodge their complaints with the immediate superior procuracies. Within 15 days after receiving the complaints, the directors of the immediate superior procuracies shall consider and settle them.

Complaints about procedural decisions or acts of the directors of procuracies shall be settled by the directors of the immediate superior procuracies within 15 days after receiving the complaints.

Article 254. Competence and time limit for settlement of complaints against court clerks, people's jurors, judges, vice presidents or presidents of courts

Complaints about procedural decisions or acts of court clerks, people's jurors, judges, or vice presidents of courts shall be settled by the courts' presidents within 15 days after receiving the complaints; if disagreeing with the settlement results, the complainants may lodge their complaints with the immediate superior courts. Within 15 days after receiving the complaints, the presidents of the immediate superior courts shall consider and settle them.

Complaints about procedural decisions or acts of presidents of courts shall be settled by the presidents of the immediate superior courts within 15 days after receiving the complaints.

Complaint settlement decisions of presidents of courts must be sent to complainants and same-level procuracies.

Article 255. Competence and time limit for settlement of complaints against experts

Complaints about acts of experts in administrative procedures shall be settled by the heads of the expert-examination organizations which directly manage the experts within 15 days after receiving the complaints; if disagreeing with the settlement results, the complainants may lodge complaint with the heads of the immediate superior agencies managing the expert-examination

organizations. Within 15 days after receiving the complaints, the heads of the immediate superior agencies shall consider and settle them.

Article 256. Persons with the right to denounce

Citizens may denounce to competent agencies, organizations or persons illegal acts of procedure-conducting agencies or persons which cause or threaten to cause damage to the State's interests or rights and legitimate interests of citizens, agencies or organizations.

Article 257. Rights and obligations of denouncer

1. The denouncer has the following rights:

- a/ To file his/her in writing or personally present the denunciation to a competent agency, organization or individual;
- b/ To request his/her full name, address and autograph be kept secret;
- c/ To request the result of settlement of his/ her denunciation be informed to him/her;
- d/ To request competent agencies, organizations or persons to protect him/her from intimidation, repression or revenge.

2. The denouncer has the following obligations:

- a/ To honestly present the content of his/her denunciation;
- b/ To clearly state his/her full name and address;
- c/ To take responsibility before law for untruthful denunciation.

Article 258. Rights and obligations of denounced person

1. The denounced person has the following rights:

- a/ To be notified of the denunciation content;
- b/ To produce evidence that the denunciation content is untrue;
- c/ To have his/her rights and legitimate interests that have been infringed upon restored; to have his/her honor restored; and to receive compensation for the damage caused by the untrue denunciation;
- d/ To request competent agencies, organizations or persons to handle persons who gave untruthful denunciations.

2. The denounced person has the following obligations:

- a/ To explain his/her denounced act; to provide relevant information and documents when so requested by competent agencies, organizations or persons;
- b/ To strictly abide by the handling decision of the competent agency, organization or person;
- c/ To pay damages, reimburse or remedy consequences caused by his/her illegal administrative procedural acts as required by law.

Article 259. Competence and time limit for settlement of denunciations

1. Denunciations of illegal acts of a person competent to conduct procedures of a certain competent agency shall be settled by the head of such agency.

In case the denounced person is the president, a vice president or a court or the director or a deputy director of a procuracy, the president of the immediate superior court or the director of the immediate superior procuracy shall settle the case.

The time limit for settlement of a denunciation is 60 days after accepting the denunciation; for complicated cases, this time limit may be longer but must not exceed 90 days.

2. Denunciations of illegal acts which show criminal signs shall be settled according to the provisions of the Criminal Procedure Code.

Article 260. Procedures for complaint and denunciation settlement

The procedures for settlement of complaints and denunciations comply with the provisions of this Chapter and other legal provisions on complaints and denunciations which are not contrary to the provisions of this Chapter.

Article 261. Responsibilities of persons competent to settle complaints or denunciations

1. Competent agencies, organizations or persons shall, within the scope of their tasks and powers, receive and promptly and lawfully settle complaints or denunciations; to strictly handle violators: apply necessary measures to prevent possible damage; to ensure strict execution of settlement decisions and 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 shall pay compensations according to law.

Article 262. Supervision of law observation in the settlement of complaints and denunciations in administrative procedures

The procuracies shall supervise law-observance in the settlement of complaints and denunciations in administrative procedures in accordance with law. The procuracies may request or recommend the courts of the same and lower levels, responsible agencies, organizations and persons to ensure that the settlement of complaints and denunciations is grounded and lawful.

Chapter XVIII

IMPLEMENTATION PROVISIONS

Article 263. Effect

1. This Law takes effect on July 1, 2011.

2. The May 21, 1996 Ordinance on Procedures for Settlement of Administrative Cases, Ordinance No. 10/1998/PL-UBTVQH10, and Ordinance No. 29/2006/PL-UBTVQH11 Amending and Supplementing a Number of Articles of the Ordinance on Procedures for Settlement of Administrative Cases cease to be effective on the effective date of this Law.

Article 264. To amend and supplement a number of articles of the Land Law

1. To amend and supplement Clause 2, Article 136 of the Land Law as follows:

"2. Disputes over land use rights to which the involved parties have no land use right certificates or any of the papers specified in Clauses 1, and and 5. Article 50 of (his Law shall be settled as follows:

a/ In case the chairperson of the People's Committee of the rural district, urban district, town or provincial city has settled the dispute but one or all of the involved parties disagree(s) with such decision, he/she/they may lodge a complaint with the chairperson of the People's Committee of the province or centrally run city concerned for settlement or may initiate a lawsuit under the Law on Administrative Procedures;

b/ In case the chairperson of the People's Committee of the province or centrally run city has settled the dispute but one or all of the involved parties disagree(s) with the settlement decision, he/she/they may lodge a complaint with the Minister of Natural Resources and Environment or may initiate a lawsuit under the Law on Administrative Procedures."

2. To amend and supplement Article 138 of the Land Law as follows:

"Article 138. Complaints and denunciations concerning land-related administrative decisions or acts

Land users may lodge complaints about land-related administrative decisions or acts.

The order and procedures for settlement of complaints about land-related administrative decisions or acts comply with the law on complaints. The order and procedures for settlement of lawsuits about land-related administrative decisions or acts compl with the provisions of the Law on Administrative Procedures."

Article 265. Implementation detailing and guidance

The Government, the Supreme People's Court and the Supreme People's Procuracy shall, within the ambit of their respective tasks and powers, detail and guide the articles and clauses assigned in this Law; and guide other necessary provisions of this Law to meet state management requirements.

This Law was passed on November 24,2010, by the XIIth National Assembly of the Socialist Republic of Vietnam at its 8th Session.-

CHAIRMAN OF THE NATIONAL ASSEMBLY

Nguyen Phu Trong