

LAW

EXECUTION OF TEMPORARY DETENTION AND CUSTODY

Pursuant to the Constitution of the Socialist Republic of Vietnam;

The National Assembly promulgates the Law on Enforcement of Temporary Detention and Detention.

Chapter I

GENERAL REGULATIONS

Article 1. Scope of Regulation

This Law provides for the principles, order and procedures for execution of temporary detention and detention; organization, tasks and powers of agencies managing and executing temporary detention and custody; rights and obligations of persons held in temporary detention or custody; responsibilities of relevant agencies, organizations and individuals in the execution of temporary detention and detention.

Article 2. Subjects of application

1. Persons held in custody or custody.
2. Agencies and persons competent to manage and execute temporary detention and custody.
3. Investigating agencies; agencies tasked to conduct a number of investigation activities.
4. The People's Procuracies.
5. People's Courts.
6. Relevant agencies, organizations and individuals.

Article 3. Explanation of terminology

In this Law, the following terms shall be construed as follows:

1. *Persons held in custody* are persons who are being managed at detention establishments during the duration of temporary detention or extension of temporary detention in accordance with the provisions of the Criminal Procedure Code.
2. *Persons held in custody* are persons who are being managed at detention establishments during the duration of temporary detention or extension of temporary detention in accordance with the provisions of the Criminal Procedure Code, including the accused; defendants; persons sentenced to imprisonment, persons sentenced to death whose judgments have not yet taken legal effect or are awaiting judgment enforcement; persons held in custody for execution extradition.
3. *Temporary detention and detention regime* means the regime of management and detention of persons held in custody or custody and their diet, accommodation, clothing, personal belongings, medical care, spiritual activities, sending and receiving letters, receiving gifts, receiving books, newspapers and documents, meeting relatives, defense counsels, consular contacts of persons held in custody, etc persons held in custody.
4. *Detention facility* means a place where detention and management of persons held in custody or custody are organized, including detention centers, detention houses and custody chambers of border guard posts.

5. *Extraction* means the removal of persons held in custody or custody from detention establishments for a certain period of time under orders or decisions of competent agencies or persons for the performance of criminal proceedings, medical examination and treatment, consular visits and contacts, etc to exercise other rights and obligations prescribed by law.
6. *List* means a record of brief information on the background, identity, photograph of three poses, printed with two index fingers of a person held in custody or custody made and kept by a competent agency.
7. *Copy only* means a record of brief information on the background and fingerprints of all fingers of the person held in custody or custody made and kept by a competent agency.
8. *Relatives of persons held in custody or custody* are persons related to paternal grandparents or maternal grandparents; natural parents, adoptive parents, parents-in-law, spouses; siblings or natural children, adopted children, daughters-in-law or sons-in-law of persons held in custody or custody; nephews and persons held in custody, persons held in custody and persons held in custody or custody are paternal grandparents or maternal grandparents.

Article 4. Principles of management and execution of temporary detention and custody

1. To comply with the Constitution and law; ensuring human rights, the interests of the State, and the legitimate rights and interests of organizations and individuals.
2. To ensure the strict implementation of orders and decisions on temporary detention, custody and release of competent agencies and persons.
3. Humanitarian assurance; not to torture, coerce, use corporal punishment or any other form of treatment that infringes upon the lawful rights and interests of persons held in custody or custody.
4. To ensure that persons held in custody or custody exercise their human rights and citizens' rights and obligations are not restricted by this Law and other relevant laws.
5. The application of detention management measures must be based on the nature and seriousness of the criminal acts, age, gender and health; ensuring gender equality, legitimate rights and interests of women and children and other personal characteristics of persons held in custody or custody.

Article 5. Coordination responsibilities of agencies, organizations and individuals in the management and execution of temporary detention and custody

Agencies, organizations and individuals shall, within the ambit of their tasks and powers, coordinate with and comply with requests of competent agencies under the provisions of this Law in the management and execution of temporary detention and custody.

Article 6. Supervision of the management and execution of temporary detention and custody

The People's Procuracies shall supervise the observance of law by relevant agencies, organizations and individuals in the management and execution of temporary detention and custody in accordance with the provisions of this Law, the Law on Organization of People's Procuracies and the Criminal Procedure Code.

Article 7. Supervision of the implementation of the regime of temporary detention and detention

The National Assembly, the People's Council and the Vietnam Fatherland Front shall supervise the activities of agencies managing and executing temporary detention and detention and other agencies, organizations and individuals related to temporary detention and detention activities in accordance with law.

Article 8. Prohibited Acts

1. Torture, coercion or use of corporal punishment; forms of cruel, inhuman, degrading treatment and punishment or any other forms that infringe upon the lawful rights and interests of persons held in custody or custody.
2. Failing to abide by orders or decisions of competent agencies or persons on temporary detention, custody or release.
3. Unlawful detention of persons; illegally release persons held in custody or custody; violating regulations on management, guarding and escorting persons held in custody or custody.
4. Obstructing persons held in custody or custody from exercising the right to visit their relatives, the right to defense, legal aid, consular contact, complaints and denunciations, human rights, other rights and obligations of citizens in accordance with the provisions of this Law and other relevant laws.
5. Destroying detention establishments, destroying or intentionally damaging property of detention establishments; organizing the escape or escape from the place of detention; organizing hiding or hiding while being escorted; dismantling persons held in custody or custody.
6. Failing to comply with the internal regulations of detention establishments, the detention management regime or decisions and requests of agencies or persons competent to manage and execute temporary detention or custody.
7. Committing or organizing, inciting, inciting, enticing, assisting, concealing or coercing others to violate the law on execution of temporary detention or custody; taking revenge or infringing upon the life, health, honor, dignity and property of others in the execution of temporary detention or detention.

Article 9. Rights and obligations of persons held in custody or custody

1. Persons held in temporary detention or custody have the following rights:
 - a) Life, body and property are safely protected, honor and dignity are respected; to disseminate their rights and obligations, the internal rules of the detention facility;
 - b) To exercise the right to vote in accordance with the Law on Election of National Assembly deputies and People's Council deputies, and the right to vote for referendum in accordance with the Law on Referendum;
 - c) To be ensured of food, lodging, clothing, personal daily necessities, medical care, spiritual activities, sending and receiving letters, gifts, books, newspapers and documents;
 - d) To meet relatives, defense counsels, and have consular contacts;
 - dd) To be guided, explained and guaranteed to exercise the right to self-defense, ask for defense counsel or legal aid;
 - e) To meet with their lawful representatives to conduct civil transactions;
 - g) To be requested to be released upon the expiration of the temporary detention or detention duration;
 - h) To lodge complaints and denunciations about acts of law violation;
 - i) To be compensated for damage under the provisions of the Law on Compensation Liability of the State if they are illegally detained or detained;
 - k) To enjoy other rights of citizens if they are not restricted by this Law and other relevant laws, except for cases where such rights cannot be exercised because they are being held in custody or custody.
2. Persons held in temporary detention or custody shall have the following obligations:
 - a) Comply with decisions, requests and instructions of agencies and persons competent to manage and execute temporary detention or custody;

b) Comply with the internal rules of the detention facility, the provisions of this Law and relevant laws.

Chapter II

ORGANIZATIONAL SYSTEM, TASKS AND POWERS OF AGENCIES MANAGING AND EXECUTING TEMPORARY DETENTION AND CUSTODY

Article 10. Organizational system of temporary detention and custody management agencies

1. Agencies managing temporary detention and custody in the People's Public Security include:
 - a) Agencies managing criminal judgment enforcement and judicial assistance under the Ministry of Public Security shall manage temporary detention and custody nationwide (hereinafter referred to as agencies managing temporary detention and custody under the Ministry of Public Security);
 - b) Criminal judgment enforcement agencies of police of provinces and centrally-run cities shall manage temporary detention and detention in provinces and centrally-run cities (hereinafter collectively referred to as provincial-level temporary detention and detention management agencies);
 - c) Criminal judgment enforcement agencies of police departments of rural districts, urban districts, provincial capitals, provincial cities and centrally-run cities shall manage temporary detention and custody in rural districts, urban districts, provincial capitals and centrally-run cities (hereinafter collectively referred to as temporary detention management agencies, district-level detention).
2. Agencies managing temporary detention and custody in the People's Army include:
 - a) Criminal judgment enforcement management agencies under the Ministry of National Defense shall manage temporary detention and detention (hereinafter referred to as temporary detention and detention management agencies under the Ministry of National Defense);
 - b) Criminal judgment enforcement agencies of military zones and equivalent shall manage temporary detention and detention of temporary detention camps and detention houses in areas under their management;
 - c) The provincial-level Border Guard Command shall manage the temporary detention of the temporary detention chamber of the border guard station.

Article 11. Organizational system of agencies executing temporary detention and custody

1. Agencies executing temporary detention and custody include:
 - a) Detention camps under the Ministry of Public Security;
 - b) Detention camps under the Ministry of National Defense;
 - c) Provincial-level police detention centers; detention camps of military zones or equivalent (hereinafter collectively referred to as military zone-level detention camps);
 - d) District-level police detention houses; detention houses of regional criminal investigation agencies in the People's Army;

dd) Temporary detention chambers of border guard posts on islands and borders far from district-level administrative centers.

2. The Minister of Public Security shall decide on the establishment, dissolution, scale and design of detention establishments; promulgate internal regulations of detention establishments in the People's Public Security.

The Minister of National Defense shall decide on the establishment, dissolution, scale and design of detention facilities; promulgate the internal regulations of detention facilities in the People's Army.

Article 12. Tasks and powers of agencies managing temporary detention and custody

1. Tasks and powers of agencies managing temporary detention and detention under the Ministry of Public Security and the Ministry of National Defense:

a/ To assist the Minister of Public Security and the Minister of National Defense in performing the tasks and exercising the powers specified in Articles 63 and 64 of this Law;

b) Organize the implementation of the law on execution of temporary detention and custody;

c/ To provide professional direction and guidance on the uniform application of the law on execution of temporary detention and custody;

d) Decide on the transfer of persons held in temporary detention or custody between detention establishments;

dd) Inspect and examine temporary detention and custody according to its competence;

e) Implement the regime of statistics and reports on the execution of temporary detention and custody;

g) Summarizing the execution of temporary detention and detention;

h) Perform other tasks and exercise other powers assigned by the Minister of Public Security or the Minister of National Defense.

2. Tasks and powers of agencies managing temporary detention and custody at the provincial and military zone levels:

a/ To assist provincial-level police directors and military zone-level heads in managing the execution of temporary detention and detention in their localities;

b) Organize the enforcement of the law on execution of temporary detention and custody;

c/ To provide professional direction and inspect the execution of temporary detention and detention of detention centers and detention houses;

d/ To decide on the transfer of persons held in temporary detention or custody between detention establishments within the provinces and military zones;

dd) Inspect and examine temporary detention and custody according to its competence;

e) Summarize the execution of temporary detention and detention and implement the regime of statistics and reports on temporary detention and detention under the guidance of the temporary detention and detention management agencies of the Ministry of Public Security and the Ministry of National Defense.

3. Tasks and powers of temporary detention and custody management agencies of district-level police offices and regional criminal investigation agencies in the People's Army:

- a) Assist district-level police chiefs and heads of regional criminal investigation agencies in managing the execution of temporary detention and custody in their localities;
- b/ To provide professional direction and inspect the execution of temporary detention and detention of temporary detention houses;
- c) Summarize the execution of temporary detention and custody and implement the statistical regime and report under the guidance of the superior temporary detention and custody management agency;
- d) Directly manage the temporary detention houses of the district-level Police and the regional criminal investigation agencies of the People's Army.

4. Tasks and powers of provincial-level border guard commands:

- a/ To provide professional direction and inspect the execution of temporary detention of temporary detention chambers of border guard stations;
- b) Summarizing the execution of temporary detention and implementing the statistical and reporting regime.

Article 13. Tasks and powers of detention houses and detention camps

1. Detention houses and detention camps shall have the following tasks and powers:

- a) Receiving, compiling dossiers, making lists and copies of persons held in custody or custody under orders or decisions of competent persons specified in the Criminal Procedure Code or persons who have transfer decisions under the provisions of this Law;
- b) Taking measures to manage the detention of persons held in temporary detention or custody;
- c) Apply measures to protect the safety of life, body and property, respect the honor and dignity of persons held in custody or custody;
- d/ To ensure that persons held in temporary detention or custody exercise their rights and perform their obligations in accordance with the provisions of this Law and relevant laws; settle petitions according to their competence or transfer appeals, complaints, denunciations, requests, petitions and proposals of persons held in custody or custody to competent agencies for settlement;
- dd) Assign persons held in custody or custody under extraction orders or transfer decisions of competent persons;
- e) Report to competent agencies when there are grounds to believe that the orders or decisions on temporary detention, custody or release are unlawful;
- g) Coordinate with relevant agencies, organizations and individuals in investigation, prosecution, trial and judgment enforcement;
- h) Notify in writing the agency handling the case 01 day before the expiration of the temporary detention or temporary detention extension duration, 05 days before the expiration of the temporary detention duration, 10 days before the expiration of the temporary detention extension time limit and request the agency handling the case to settle it according to law; in case the

temporary detention or custody duration expires or the agency handling the case fails to settle it, it shall immediately propose the People's Procuracy competent to supervise the management and execution of the temporary detention or custody for handling;

i) Release persons held in temporary detention or custody under decisions of competent agencies or persons;

l) Make statistics and report on the execution of temporary detention and custody.

2. For district-level police detention centers and detention camps, apart from the tasks and powers specified in Clause 1 of this Article, they also have the tasks and powers to receive, manage the detention and education and rehabilitation of inmates and perform other tasks and exercise other powers in accordance with the law on criminal judgment enforcement.

3. Heads of detention centers and superintendents of detention camps have the following tasks and powers:

a) Organize the performance of tasks and exercise the powers of detention houses and detention camps specified in Clauses 1 and 2 of this Article;

b) Decide on classification and organization of detention of persons held in custody or custody;

c) Decide on the inspection, seizure and handling of documents and objects on the list of prohibited items;

d) Issue orders for extraction for medical examination and treatment and in service of detention; to order the extraction or decision to meet relatives, defense counsels or lawful representatives to exercise a number of rights and obligations prescribed by law;

dd) Execute the extraction order or decision of a competent agency for foreigners held in temporary detention or custody for consular contact or humanitarian organizations;

e) Organize the safety protection of detention facilities; ensuring environmental sanitation; prevention and control of natural disasters and epidemics; notify the nearest health agency when an epidemic occurs to coordinate in extinguishing the epidemic.

4. Deputy heads of detention houses and deputy superintendents of detention camps shall assist heads of detention houses and superintendents of detention camps as assigned or authorized by heads of detention houses or superintendents of detention camps and take responsibility within the scope of their assigned tasks.

5. Heads of temporary detention houses, deputy heads of temporary detention houses, superintendents of temporary detention camps, deputy superintendents of temporary detention camps and persons executing temporary detention shall be responsible for their acts and decisions in the observance of the law on execution of temporary detention and custody; if committing violations, depending on the nature and seriousness of their violations, they shall be disciplined or examined for penal liability.

Article 14. Structure and organization of detention houses and detention camps

1. Detention houses are organized as follows:

a) Detention houses are equipped with custody rooms, custody rooms, disciplinary rooms and prisoner management rooms; there are works serving the management of detention and criminal proceedings. Depending on the size of detention, the detention house may have works in service

of daily life, medical care, education of persons held in custody, persons in custody, and execution of imprisonment sentences; there are working and living works of officers, professional soldiers, non-commissioned officers, soldiers, workers and public employees working at the detention house;

b) The organizational apparatus of the detention house in the People's Public Security includes the head of the detention house, the deputy head of the detention house, officers, non-commissioned officers, soldiers, workers and public employees in charge of prison guard, reconnaissance, protection, judicial assistance, general counseling, logistics, technical, etc education, health, records;

c) The organizational apparatus of the detention house The regional criminal investigation agency in the People's Army is composed of the head of the detention house, the deputy head of the detention house, officers, professional soldiers, non-commissioned officers, soldiers, workers and defense officials in charge of prison guard and reconnaissance, etc protection and judicial support, general counseling, logistics, technical, educational, health, dossiers;

d) The head of the detention house or the deputy head of the detention house must be a person who has a police university degree, a security university or a bachelor's degree in law or higher and meets other standards prescribed by the Government.

2. Detention camps are organized as follows:

a) Temporary detention camps have sub-detention camps, detention areas, custody cells, cells for people awaiting serving imprisonment sentences, cells for persons sentenced to death, disciplinary cells, sub-camps for management of prisoners; works in service of detention management, procedural activities, judgment enforcement, daily life, medical care, education of persons held in custody, custody and execution of imprisonment sentences; working and living works of officers, professional soldiers, non-commissioned officers, soldiers, workers and public employees working in detention camps;

b) The organizational apparatus of detention camps in the People's Public Security includes superintendents, deputy superintendents, heads of sub-camps, deputy heads of sub-camps, team leaders, deputy team leaders, heads of medical establishments; officers, non-commissioned officers, soldiers, workers and public employees and are organized into teams, detention camps and prisoner management camps to perform the tasks of prison guards, reconnaissance, protection, judicial assistance, criminal judgment enforcement, general counseling, logistics, techniques, education, etc health, records;

c) The organizational apparatus of detention camps in the People's Army consists of superintendents, deputy superintendents, politicians, heads of sub-camps, deputy heads of sub-camps, team leaders, deputy team leaders, heads of medical establishments; officers, professional soldiers, non-commissioned officers, soldiers, workers and defense officials may be organized into teams to perform the tasks of prison guards, reconnaissance, protection, judicial assistance, criminal judgment enforcement, general counseling, logistics, technical, educational, health, etc file;

d) Superintendents, deputy superintendents, heads of sub-camps, deputy heads of camps, team leaders and deputy team leaders specified at Points b and c, Clause 1 of this Article must be persons who have a police university degree, security university or law bachelor's degree or higher and meet other standards prescribed by the Government.

3. Temporary detention chambers and detention chambers in detention houses and detention camps must be designed and built solidly, with door locks, security control facilities, sufficient lighting, ensuring the health of persons held in custody or custody, environmental sanitation, fire prevention and fighting safety, etc in accordance with the climatic characteristics of each locality and the requirements of detention management.

The working rooms of agencies, procedure-conducting persons and defense counsels are designed and built to ensure safety, meet the requirements of investigation, case handling and defense.

Article 15. Temporary detention cells of border guard posts

1. Border guard posts located in deep-lying and remote areas competent to conduct a number of investigative activities may organize custody rooms to manage and implement the regime of temporary detention of persons held in custody under decisions of border guard post chiefs and other competent persons in accordance with the Criminal Procedure Code.

2. The custody chamber of a border guard station has a head of the custody cell and is under the direct management of the chief of the border guard station. The head of the custody cell has the same tasks and powers in the management of persons held in custody as the head of the custody house under the provisions of Clause 3, Article 13 of this Law.

Chapter III

DETENTION MANAGEMENT REGIME

Article 16. Reception of persons held in custody or custody

When receiving persons held in custody or custody, detention establishments shall:

1. To examine information in order to correctly identify persons held in custody or custody under orders or decisions of competent persons;
2. To make a record of handover and receipt of persons held in custody or custody, enclosed documents and dossiers; organize medical examinations and physical examinations of persons held in custody, persons in custody and accompanying children under 36 months of age (if any). The physical examination of persons held in custody or custody who are male and female cadres shall be conducted by female cadres and shall be conducted in discreet places;
3. To take photographs, make lists, make copies and record them in books to monitor persons held in custody or custody;
4. To disseminate, guide and explain the rights and obligations of persons held in custody or custody and the internal rules of the detention establishments; inspect and handle the objects carried before they are brought into the custody chamber or custody cell.

Article 17. Dossiers of management of temporary detention and custody

1. A dossier of management of temporary detention or custody comprises:
 - a) Orders, decisions and records on the arrest, custody, custody, extension of custody, extension of custody, wanted person, release, extraction and transfer of detention places; ratification decisions of the People's Procuracies;

- b) The record of delivery and receipt of the person held in custody or custody, enclosed documents and dossiers; records of delivery and receipt of money and other assets of persons held in custody or custody sent for depository or assigned to their relatives or lawful representatives for management; decisions and records on destruction of items on the list of prohibited items;
 - c) Lists, copies, curriculum vitae and personal documents; documents related to the observance of regulations on detention; records and disciplinary decisions on violations of internal rules and laws on execution of temporary detention and detention; documents on health, medical examination and treatment; documents related to the exercise of rights and obligations of persons held in custody or custody during the period of detention; documents related to the settlement of the transfer of appeals, complaints, denunciations, requests, petitions and proposals of persons held in custody or custody; documents on consular visits and contacts;
 - d) The decision of the competent agency to bring the imprisonment sentenced person to the place of judgment serving; decisions of the Death Penalty Execution Councils to send death sentence persons to execution of the death penalty;
 - dd) Other relevant documents.
2. For persons held in custody who have previously been held in custody, the custody dossiers shall also include documents in the custody dossiers.
3. The Minister of Public Security and the Minister of National Defense shall prescribe the regime of management, storage, exploitation and use of dossiers of management of temporary detention and custody.

Article 18. Classification and management of persons held in custody or custody

1. Persons held in temporary detention or custody shall be arranged according to zones and classified as follows:
- a) Persons held in custody;
 - b) Persons held in custody;
 - c) Persons under 18 years of age;
 - d) Women;
 - dd) Foreigners;
 - e) Persons suffering from group A infectious diseases;
 - g) Persons who commit criminal acts of hooliganism; murder; robbery of property of a particularly serious crime; dangerous recidivism;
 - h) Offenders who infringe upon national security;
 - i) Persons sentenced to death;
 - k) Persons awaiting serving imprisonment sentences;
 - l) Persons who regularly violate the internal rules of the detention facility;

m) Persons who show signs of mental illness or another disease that cause them to lose their cognitive capacity or ability to control their behavior but have not yet been assessed, are waiting for assessment results or are waiting to be sent to compulsory medical treatment establishments.

2. Not to detain persons in the same case who are in the stage of investigation, prosecution or trial.

3. In special cases, due to practical conditions, the detention houses or detention camps are unable to meet the requirements for separate detention or in order to meet the requirements for investigation, prosecution, trial and ensure the safety of the persons held in custody or custody, the heads of the custody houses, The superintendent of the detention center and the head of the detention cell of the border guard station shall coordinate with the agency handling the case in deciding in writing the persons in joint custody.

4. The following persons held in custody or custody may be detained in separate cells:

a) Homosexuals and transgender people;

b) Persons specified at Points e, i and m, Clause 1 of this Article;

c) Pregnant women or children under 36 months old living with them.

Article 19. Management regime for persons held in temporary detention or custody

1. Detention establishments must be guarded, protected, managed, inspected and supervised 24 hours a day.

2. Persons held in custody must stay in custody rooms; persons held in custody must stay in custody cells. When there is an order from the head of the detention facility, they may leave the detention cell or detention cell to carry out the extraction order and other activities under the provisions of Clause 5, Article 20 of this Law and the internal regulations of the detention facility.

3. Persons held in custody or custody whose right to travel, transact, contact, inform, communicate and propagate beliefs and religions is restricted. In case of necessity, the civil transaction must be carried out through a lawful representative and with the consent of the agency handling the case.

4. The transfer of persons held in temporary detention or custody between detention establishments shall be decided by the head of the agency managing the temporary detention or custody after reaching agreement with the head of the agency handling the case and notifying it to the procuracy of the same level. The competence to transfer persons held in temporary detention or custody is prescribed as follows:

a) The transfer between detention establishments in the same province or centrally-run city, military zone or equivalent shall be decided by the head of the agency managing temporary detention and detention at the provincial or military zone level;

b) The transfer between detention establishments other than those belonging to the same province or centrally-run city, military zone or equivalent shall be decided by the head of the agency managing temporary detention or custody at the provincial or military zone level where the transfer is made after reaching agreement with the head of the agency managing the temporary detention temporary detention at the provincial or military zone level where the recipient is received;

- c) The transfer between detention establishments of provincial- or military zone-level police and detention establishments of the Ministry of Public Security or the Ministry of National Defense shall be decided by the heads of agencies managing temporary detention and custody of the Ministry of Public Security or the Ministry of National Defense;
- d) The transfer between the detention facility in the People's Public Security and the detention facility in the People's Army shall be decided by the head of the agency managing the temporary detention or custody of the place of transfer after reaching agreement with the head of the agency managing the temporary detention or custody of the place of receipt.

Article 20. Extracting persons held in custody or custody

1. The extraction of persons held in temporary detention or custody shall be effected only upon the issuance of extraction orders from competent persons under the provisions of the Criminal Procedure Code, the Law on Enforcement of Criminal Judgments and this Law, in the following cases:

- a) To serve the investigation, prosecution, trial and judgment enforcement activities;
- b) Taking them for medical examination and treatment, forensic medical examination or forensic psychiatric examination;
- c) Meeting with relatives, defense counsels or lawful representatives to exercise a number of rights and obligations prescribed by law;
- d) Foreigners who are temporarily detained or detained have consular contact or have contact with humanitarian organizations under the provisions of treaties to which the Socialist Republic of Vietnam is a contracting party or under agreements between the Socialist Republic of Vietnam and the country where the detained persons are located, persons held in custody or for external reasons for each specific case.

2. In case the superintendent of the detention camp, the head of the detention house or the head of the custody cell of the border guard station extracts the person held in custody or custody for medical examination and treatment, it must immediately notify the agency handling the case and the competent procuracy.

3. An extraction order must contain the following principal contents:

- a) Agency, full name, position and rank of the person issuing the order;
- b) Full name, year of birth, nationality, place of residence, act of law violation, date of temporary detention or date of custody of the extracted person;
- c) Purpose and duration of extraction;
- d) Full name, position, rank and agency of the person in charge of escorting the extracted person or the agency in charge of escort;
- dd) Full name, position and rank (if any) of the person receiving the extraction of the agency competent to issue the extraction order;
- e) Date, month and year of issuance of the order; signature of the person who gave the order and stamped.

4. Detention establishments shall inspect and hand over persons held in custody or custody to agencies or persons tasked with escort. Agencies and persons tasked with escorting shall have to

hand over the extracted persons to the persons competent to order the extraction. The delivery and receipt must be recorded in writing, clearly stating the health status of the person and recorded in a monitoring book.

The person competent to order the extraction shall receive the extracted person. Agencies and persons tasked with escorting shall coordinate with detention establishments and persons competent to issue extraction orders, manage and ensure the implementation of diets, accommodation and daily activities for extracted persons in accordance with the provisions of this Law. The escort, management and funding to ensure the implementation of the diet, accommodation and daily life for the extracted persons shall be prescribed by the Government.

When the extraction duration has not expired but the extraction purpose has been completed or the extraction duration has expired, the person requesting the extraction shall hand over the extracted person to the agency or person tasked to escort the extracted person to the detention facility, except for the case where the person held in custody or custody persons held in custody shall be released according to judgments or decisions of competent agencies or persons. If there is a need to continue extraction, there must be an order to extend the extraction. The duration of extraction and extension of extraction must not be longer than the remaining duration of temporary detention or detention.

5. In case of carrying out the activities specified in Clause 1 of this Article inside the area of the detention facility, the head of the detention facility shall decide to remove the person held in custody or custody from the custody cell or custody cell without an extraction order.

Article 21. Transfer of persons held in custody or custody

Detention establishments shall transfer persons held in custody or custody in the following cases:

1. When there is a decision of the agency managing the temporary detention or custody to transfer the person held in custody or custody to another detention facility.
2. When there is a decision of a competent agency to bring the sentenced person to the place of judgment serving.
3. When there is a decision of the Death Penalty Execution Council to send the person sentenced to death for execution.

Article 22. Meetings with relatives, defense counsels, consular contacts of persons held in custody or custody

1. Persons held in custody may meet their relatives once during the custody period and once in each extension of custody. Persons held in custody may meet their relatives once a month; in case of increasing the number of meetings or the meeting persons are not relatives, they must be agreed by the agencies handling the cases. The duration of each meeting shall not exceed one hour.

2. Visitors must produce their identity papers and papers certifying their relationship with persons held in custody or custody in case they are their relatives. The visits must be closely supervised and monitored by the detention facility;

not affecting the criminal proceedings of competent agencies and persons; comply with regulations on visits; in case the case-handling agency so requests, it shall coordinate with the detention facility in supervising and monitoring the visit.

The head of the detention facility shall decide on the specific time of visit; notify the agency handling the case of the visit to the person held in custody or custody.

3. Defense counsels may meet persons held in custody or custody to conduct defenses in accordance with the provisions of the Criminal Procedure Code and this Law in the working rooms of detention establishments or where persons held in custody or custody are undergoing medical examination and treatment; must produce identity papers and papers on the defense.

4. The head of the detention facility shall not agree to visit the person held in custody or custody in the following cases and must clearly state the reason:

- a) The relatives fail to produce their identity papers or papers certifying the relationship with the persons held in custody or custody or the agencies handling the cases make a written request not to allow the persons held in custody or custody to meet their relatives because they feel that it seriously affects the settlement of the cases; the defense counsel fails to produce identity papers or papers on the defense of the person held in custody or custody;
- b) In case of emergency, in order to protect the safety of detention establishments or to organize the arrest of persons held in custody or custody who have escaped;
- c) When an epidemic occurs in the area where the detention facility is located;
- d) When giving emergency treatment to persons held in custody or custody or when persons held in custody or custody are suffering from infectious diseases of group A;
- dd) While taking testimonies or interrogations or the persons held in custody or custody are participating in other procedural activities;
- e) The person held in custody or custody does not agree to visit; In this case, the visitor may directly meet the person held in custody or custody to certify the disagreement to visit;
- g) The visitor deliberately violates the internal regulations of the detention facility or the detention management regime two or more times;
- h) Persons held in temporary detention or custody are being disciplined under the provisions of Clause 3, Article 23 of this Law.

5. Visits to persons held in custody or custody who are foreigners shall comply with the provisions of Clauses 1, 2, 3 and 4 of this Article. Consular contacts with humanitarian organizations shall be carried out under treaties to which the Socialist Republic of Vietnam is a contracting party or international agreements or agreements on a case-by-case basis between the Socialist Republic of Vietnam and the country where the person is held in custody. persons held in custody or with humanitarian organizations. Representatives of Vietnamese diplomatic missions or representatives of the Vietnam Red Cross Society may be invited to attend.

The Government shall detail this Clause.

Article 23. Disciplining persons held in custody or custody who violate the internal regulations of detention establishments and detention management regimes

1. Persons held in temporary detention or custody who violate the internal regulations of detention establishments and the detention management regime shall, depending on the nature and seriousness of their violations, be disciplined in one of the following forms:

- a) Warning;

b) Isolation in the disciplinary room from 01 day to 02 days and may be extended for up to 02 days for persons held in custody; isolation in the disciplinary room from 03 days to 07 days and may be extended up to 10 days for persons in temporary detention. The quarantine period shall not exceed the remaining duration of temporary detention or detention.

2. Discipline in the form of isolation shall be carried out if the person held in custody or custody violates the internal regulations of the detention facility or the detention management regime twice or more or commits the acts specified in Clauses 5 and 7, Article 8 of this Law.

3. Persons who are quarantined in disciplinary chambers who commit acts of drastic opposition to detention establishments, commit suicide, self-injury or infringe upon the lives and health of others shall be shackled with one leg. The duration of leg shackles shall be decided by the head of the detention facility. Leg shackles are not applied to people who are disciplined who are under 18 years old, women, people with severe disabilities or older, and people who are full 70 years old or older. During the period of isolation in the discipline room, persons in custody or custody are restricted from visiting, sending, receiving letters and receiving gifts.

4. The discipline and restriction of visiting, sending, receiving letters and receiving gifts for persons held in custody or custody shall be decided in writing by the head of the detention facility. The record of the violation and the disciplinary decision shall be included in the detention management dossier. If the disciplined person makes progress, the head of the detention facility shall decide in writing the reduction of the disciplinary duration and the abolition of the restriction on visiting, sending, receiving letters or receiving gifts for such person.

Article 24. Management of objects, personal belongings, money and assets of persons held in custody or custody

1. Persons held in custody or custody may only be brought into custody chambers or custody chambers with necessary personal supplies. Objects, personal belongings, money and other assets carried by them must be deposited at the places prescribed by the detention establishments or authorized by their relatives or lawful representatives to manage them. Objects that cannot be preserved during the duration of temporary detention or custody and items on the list of objects prohibited from being brought into custody cells or custody chambers, if they have to be destroyed, the heads of detention establishments must issue written decisions or handle them according to the provisions of law. When annulled, the person held in custody or custody must be witnessed and a record of the cancellation must be made. If they are released or transferred to another place of detention, their objects, personal belongings, money and other assets which have been deposited shall be returned; in case the detention facility damages or loses it, it must pay compensation.

2. The Minister of Public Security and the Minister of National Defense shall prescribe the list of objects prohibited from being brought into custody and detention cells.

Based on the list of objects banned from being brought into the custody cell or custody cell, the head of the detention facility shall decide not to bring into the custody cell or custody room specific objects that are likely to be used for suicide, escaping from the place of detention, causing injury or harm to health. the life of that person or another person.

3. Persons held in custody or custody may use deposited money to purchase essential necessities for their daily activities in the form of book signing.

Article 25. Settlement of cases where persons held in custody or custody escape

1. When the persons held in custody or custody escape, the heads of the detention establishments must immediately organize the arrest and make a record; at the same time, immediately notify the agency handling the case and the competent procuracy to coordinate in handling. All cases of escape must be subject to arrest, investigation and handling measures in accordance with law.
2. If a person held in custody or custody has escaped and surrenders, the receiving agency shall make a record and immediately report it to the agency handling the case and the detention facility for handling according to the provisions of law.

Article 26. Settlement of cases of death of persons held in temporary detention or custody

1. In case a person held in custody or custody dies during the period of custody or custody, the head of the detention facility must organize the protection of the scene and immediately notify the investigating agency and the competent procuracy to determine the cause of death; at the same time, notify the relatives and legal representatives of the deceased. Representatives of detention facilities must witness the scene examination and autopsy. In case the deceased is a foreigner, the agency handling the case shall notify the consular office and his/her relatives and lawful representatives.
2. Detention establishments shall carry out death registration procedures in accordance with the civil status law.
3. When the investigating bodies and the procuracies agree to carry out the procedures for burying the deceased, the detention establishments shall have to notify the relatives of the deceased.

In case the relatives of the deceased make a written request, the corpse shall be handed over to them, unless there are grounds to believe that it affects security, order and environmental sanitation. After 24 hours from the date of the notice, if they do not receive the notice, the detention facility shall have to organize the burial. In case the relatives of the deceased submit a written request to receive the ashes or remains after the burial, the head of the detention facility shall discuss with the local administration for settlement according to the provisions of law. The burial must comply with the regulations of the Ministry of Health and local authorities.

4. Foreigners held in temporary detention or custody who die shall be settled in accordance with the provisions of treaties to which the Socialist Republic of Vietnam is a contracting party or international agreements or direct agreements on each specific case between the Socialist Republic of Vietnam and the countries where the persons held in custody are held. temporarily detained to death. In case there is no international treaty or corresponding international agreement or between the Socialist Republic of Vietnam and the country where the person held in custody or custody dies without reaching an agreement on the settlement of the specific case or the nationality of the deceased cannot be determined, the settlement shall be the same as for the Vietnamese person held in custody. temporarily detained to death.
5. Funds related to burial shall be covered by the state budget. The Government shall detail this Clause.
6. If a person held in custody or custody dies who has previously participated in social insurance or is enjoying a pension, the survivorship regime shall comply with the provisions of the Law on Social Insurance.

Chapter IV

REGIMES OF PERSONS HELD IN CUSTODY OR CUSTODY

Article 27. Diet and accommodation of persons held in custody or custody

1. Persons held in temporary detention or custody shall be ensured with quantitative standards on rice, vegetables, meat, fish, sugar, salt, dipping sauce, monosodium glutamate, fuel, electricity and domestic water. The head of the detention facility shall decide on the swap of the quantity of food to suit the reality in order to ensure that the person held in custody or custody eats all the food.

On holidays and Tet as prescribed by law, persons held in custody or custody are entitled to additional meals but the meal level does not exceed five times the standard meal on weekdays.

Based on the requirements for ensuring the health of persons held in custody or custody, the Government shall specify food norms suitable to economic conditions, budget and market price fluctuations.

2. Persons held in custody may receive gifts sent by their relatives during the period of custody no more than once; if the temporary detention extension is extended, each temporary detention extension shall receive a gift once. Persons held in custody may receive gifts sent by relatives no more than three times in 01 month. The quantity of gifts that are food and drinks for each sending must not exceed three times the standard meal on weekdays. The head of the detention facility shall organize the reception, inspection and removal of prohibited objects and fully hand them over to the person held in custody or custody; inspect, prevent and prevent acts of appropriating gifts and daily necessities of persons held in custody or custody. The Minister of Public Security and the Minister of National Defense shall specify the types of gifts that relatives of persons held in custody or custody are allowed to send.

3. Persons held in temporary detention or custody shall be ensured of food safety in eating and drinking. The detention facility organizes the kitchen and is provided with the necessary tools for the preservation of food, food, cooking, drinking water and the distribution of food according to standard portions.

4. The minimum sleeping place for each person held in custody or custody is 02 square meters (m²), arranged with a lying floor and a mat.

Article 28. Regime of clothing and personal belongings of persons held in custody or custody

1. During the period of temporary detention or detention, persons held in custody or custody may use clothes, blankets, mats, curtains and other utensils necessary for their daily activities; if there is a shortage, the detention facility shall lend it. Persons held in custody or custody shall be provided with soap and toothpaste; if they are women, they shall be provided with additional items necessary for women's hygiene.

Officials directly managing detention shall have to guide and request persons held in custody or custody to preserve and ensure hygiene; to recover borrowed utensils when persons held in custody or custody leave detention establishments.

2. The Government shall detail this Article.

Article 29. Regime of sending and receiving letters, books, newspapers and documents of persons held in custody or custody

Persons held in custody or custody may send or receive letters, books, newspapers and documents only when permitted by the agency handling the case. Letters, books, newspapers and documents must be left open and subject to inspection and censorship by detention facilities.

Article 30. Medical care regime for persons held in custody or custody

1. Persons held in custody or custody are entitled to the regime of medical examination and treatment, disease prevention and control. In case of illness, disease or injury, they shall be examined and treated at the medical establishment of the detention facility; if they suffer from serious illnesses or injuries beyond the capacity of the detention establishments, they may be transferred to district- or provincial-level medical examination and treatment establishments, military hospitals or central hospitals for examination and treatment. The detention facility must notify the person's relatives or lawful representative for coordination in care and treatment. Diet, use of drugs and fostering prescribed by medical examination and treatment establishments. Persons held in custody or custody may receive medicines from their relatives and must have prescriptions from physicians and be inspected by detention establishments.

2. For persons held in custody or custody who show signs of mental illness or other diseases that cause them to lose their cognitive capacity or ability to control their acts, the detention facility shall request the agency handling the case to solicit forensic psychiatric expertise. When there is a decision on the application of compulsory medical treatment by a competent agency, the agency handling the case shall coordinate with the detention facility in bringing the person held in custody or custody to the medical treatment establishment stated in the decision.

3. Funding for medical examination and treatment, epidemic prevention and control for persons held in custody or custody shall be covered by the state budget in accordance with the Government's regulations. In cases where persons held in custody or custody have health insurance regimes, they shall be entitled to the regime of medical examination and treatment in accordance with the law on health insurance.

Article 31. Regime of spiritual activities for persons held in custody or custody

The detention facility is equipped with a radio system. On average, twenty persons held in custody, custody or detention facilities with less than twenty persons held in custody or custody shall be issued a local newspaper or a central newspaper. The head of the detention facility shall organize the person held in custody or custody to listen to the radio and read newspapers. If possible, organize them to watch local and central television programs.

Chapter V

REGIMES FOR PERSONS HELD IN CUSTODY OR CUSTODY WHO ARE UNDER 18 YEARS OLD, PREGNANT OR NURSING CHILDREN UNDER 36 MONTHS OLD

Article 32. Scope of application

The temporary detention and detention of persons under 18 years of age, pregnant women or nursing children under 36 months of age shall comply with the provisions of this Chapter and other provisions of this Law.

When the person held in custody or custody is full 18 years old or a woman has a child aged full 36 months or more, the regime of temporary detention or custody shall comply with general regulations.

Article 33. Diet, accommodation and management of persons held in custody or custody who are under 18 years of age

1. Persons held in custody or custody who are under 18 years of age shall be ensured with the same food quota standards as adult persons held in custody or custody and are entitled to an increase in meat and fish but not exceeding 20% of the quantity.
2. Persons held in custody or custody who are under 18 years of age shall be placed in separate custody, except for the case specified in Clause 3, Article 18 of this Law.

Article 34. Regime of meeting relatives, defense counsels and consular contacts of persons held in custody or custody who are under 18 years of age

Persons held in custody or custody who are under 18 years of age are entitled to meet their relatives, defense counsels and consular contacts specified in Article 22 of this Law with the number of visits doubled compared to persons held in custody or custody who are full 18 years of age or older.

Article 35. Diet, accommodation and management of persons held in custody or custody who are pregnant or nursing children under 36 months of age

1. Persons held in custody or custody who are pregnant women shall be provided with reasonable places of residence, shall be entitled to prenatal examination, medical care, and shall be entitled to a diet to ensure their health; if giving birth, they shall be ensured with the standards and quantities of food according to the instructions of doctors or doctors, provided with food, utensils and medicines necessary for the care of newborns, and guaranteed breastfeeding time during the period of breastfeeding. The detention facility shall carry out the procedures for requesting birth registration. The commune-level People's Committee of the locality where the detention facility is headquartered shall have to register and issue birth certificates.

Persons held in custody or custody who are pregnant women or children under 36 months old living with them shall be allocated a sleeping space of at least 03 square meters (m²).

2. Detention establishments must organize the care and nurturing of children under 36 months of age. Persons held in custody or custody who have children aged full 36 months or older must send their children to their relatives for nurturing; in case there are no relatives to adopt them, the head of the detention facility shall request the Department of Labor, War Invalids and Social Affairs of the locality where the detention facility is located to designate the social protection establishment to receive and nurture them. Within 02 working days from the date of receipt of the request, the Department of Labor, War Invalids and Social Affairs shall designate the social relief establishment to receive and nurture. Persons held in custody or custody after being released may receive their children who are being raised by social relief establishments.
3. The Government shall detail the regime of care and nurturing of children under 36 months of age in detention establishments.

Chapter VI

REGIMES FOR PERSONS SENTENCED TO DEATH WHO ARE IN CUSTODY

Article 36. Scope of application

The regime for persons sentenced to death who are in custody shall comply with the provisions of this Chapter and other provisions of this Law.

Article 37. Diet, accommodation and custody management for persons sentenced to death

1. Persons sentenced to death who are in custody are entitled to the same diet, clothing, daily life, medical care, gifts, sending and receiving letters, books, newspapers and documents as other persons in custody.
2. Visits to persons sentenced to death whose judgments have taken legal effect or are awaiting judgment execution shall be decided by the superintendents of detention camps; for persons sentenced to death whose judgments have not yet taken legal effect, the provisions of Article 22 of this Law shall be complied with. The organization of visits must ensure absolute safety.
3. Detention establishments must ensure that persons sentenced to death exercise the right to appeal, the right to request consideration according to cassation or reopening procedures, the right to apply for commutation of the death penalty in accordance with the provisions of the Criminal Procedure Code and other rights of persons held in custody under the provisions of this Law.
4. In case a person sentenced to death has a commutation decision to life imprisonment or a commutation sentence to life imprisonment or fixed-term imprisonment, the head of the detention facility shall transfer such person to a place of detention of the person awaiting serving the imprisonment sentence. In case of cancellation of the judgment for re-investigation, the head of the detention facility shall transfer the person sentenced to death to the detention cell to serve the investigation activities.
5. Detention establishments shall return money and property deposited and personal belongings of persons who have been sentenced to death to their relatives or trustees.
6. Detention camps must organize separate cells or quarters for the detention of persons sentenced to death. In the course of managing the temporary detention of persons sentenced to death, if deeming that they show signs of absconding, suicide or other dangerous acts, the heads of the detention establishments shall decide on the shackling of one leg and organize the monitoring, management and prevention.
7. The Minister of Public Security and the Minister of National Defense shall detail Clauses 2 and 6 of this Article.

Chapter VII

ASSURANCE OF CONDITIONS FOR MANAGEMENT AND EXECUTION OF TEMPORARY DETENTION AND CUSTODY

Article 38. Ensuring payroll, human resources, material foundations and funding for the management and execution of temporary detention and custody

1. The State shall ensure payrolls and human resources for agencies managing and executing temporary detention and custody. Persons in charge of the management and execution of

temporary detention and custody shall be trained, fostered and trained in professional and legal skills in accordance with their assigned tasks and powers.

2. The State shall ensure material foundations for the management and execution of temporary detention and custody, including land, offices, detention and auxiliary works, equipment, weapons, combat gears, means of transport, communications, professional techniques and material conditions. other techniques. To prioritize the assurance of material foundations for detention facilities in deep-lying, remote, mountainous, extremely difficult socio-economic areas and key areas in terms of national security, social order and safety.

3. The State shall ensure funding for the implementation of the regime of temporary detention and detention. The estimation, use and settlement of funds to ensure the management and execution of temporary detention and custody shall comply with the provisions of the Law on the State Budget.

Article 39. Use of weapons, professional technical means and combat gears

Officers, non-commissioned officers, professional soldiers, soldiers and soldiers of the People's Police and the People's Army when performing the tasks of executing temporary detention or custody may use weapons, professional technical means and supporting tools.

Article 40. Database on execution of temporary detention and custody

1. The database on execution of temporary detention and custody shall be uniformly managed by the Ministry of Public Security and is a part of the national database on crime prevention and combat information in service of the state management of execution of temporary detention and custody.

2. The establishment, collection, storage, handling, protection, exploitation and use of databases on execution of temporary detention and custody shall be prescribed by the Government.

Article 41. Regimes and policies for agencies, organizations and individuals in the management and execution of temporary detention and custody

1. Officers, non-commissioned officers, professional soldiers, soldiers and soldiers of the People's Police, the People's Army and public security and defense workers and public employees performing the task of managing and executing temporary detention or custody shall be entitled to preferential regimes and policies in accordance with law.

2. Agencies, organizations and individuals participating in the management and execution of temporary detention or custody with achievements shall be commended and rewarded; if they suffer damage to their lives, health or property, they shall be entitled to regimes and policies as prescribed by law.

Chapter VIII

SUPERVISION OF MANAGEMENT AND EXECUTION OF TEMPORARY DETENTION AND DETENTION

Article 42. Tasks and powers of the People's Procuracy when supervising the management and execution of temporary detention and detention

1. The People's Procuracies shall supervise the observance of law by competent agencies and persons in the management and execution of temporary detention and custody.
2. When supervising the management and execution of temporary detention or custody, the People's Procuracies shall have the following tasks and powers:
 - a) Supervision at detention centers, detention houses and custody rooms; to ask persons held in custody or custody about temporary detention or custody;
 - b) Supervise dossiers of temporary detention and custody;
 - c) Request the head of the detention house, the superintendent of the detention camp or the head of the detention cell of the Border Guard to self-inspect the temporary detention or detention and notify the results to the procuracies; supply of dossiers and documents related to the execution of temporary detention and detention; notification of the execution of temporary detention and detention; to reply on decisions, measures or acts that violate the law in temporary detention or detention;
 - d) To decide on the immediate release of persons held in temporary detention or custody without grounds and in contravention of law;
 - dd) Protesting, petitioning or requesting competent agencies or persons in the temporary detention or custody; to suspend the execution, amendment or annulment of decisions that violate law in the management and execution of temporary detention or custody, termination of acts of law violation and request the handling of law violators;
 - e) Initiate criminal cases or request investigating agencies to institute criminal cases when detecting cases showing signs of crime in the management and execution of temporary detention or custody in accordance with law;
 - g/ To settle complaints and denunciations and perform other tasks and exercise other powers in the supervision of the management and execution of temporary detention and detention in accordance with the provisions of this Law, the Law on Organization of People's Procuracies and the Criminal Procedure Code.

Article 43. Responsibilities for implementation of requests, petitions, protests and decisions of the People's Procuracy in the management and execution of temporary detention and detention

The head of the detention house, the superintendent of the detention camp and the head of the detention cell of the Border Guard shall have to comply with the following requests, proposals, protests and decisions of the People's Procuracy in the management and execution of temporary detention and detention:

1. Requests for the supply of dossiers and documents related to the management and execution of temporary detention or custody must be made immediately; requests for notification of the situation of temporary detention or custody, requests for replies on decisions, measures or illegal acts in temporary detention or custody shall be made within 15 days; requests for self-inspection of temporary detention or custody and notification of results to the People's Procuracies shall be made within 30 days from the date of receipt of the requests;
2. The decisions specified at Point d, Clause 2, Article 42 of this Law must be implemented immediately; if they disagree with such decisions, they shall still have to execute them, but they

may lodge complaints with the competent superior People's Procuracies. Within 10 days from the date of receipt of the complaint, the chairman of the superior People's Procuracy shall have to settle it;

3. The protests specified at Point dd, Clause 2, Article 42 of this Law must be settled within 15 days from the date of receipt of the protests; if they disagree with the protests, they may lodge complaints with the competent superior People's Procuracies; The superior People's Procuracy must settle the complaint within 15 days from the date of receipt of the complaint; decisions of superior People's Procuracies are legally effective decisions;

4. The petitions specified at Point dd, Clause 2, Article 42 of this Law must be considered, settled and replied to the People's Procuracies within 30 days from the date of receipt of the petitions.

Chapter IX

COMPLAINTS AND DENUNCIATIONS AND SETTLEMENT OF COMPLAINTS AND DENUNCIATIONS IN THE MANAGEMENT AND EXECUTION OF TEMPORARY DETENTION AND CUSTODY

Section 1. COMPLAINTS AND SETTLEMENT OF COMPLAINTS IN THE MANAGEMENT AND EXECUTION OF TEMPORARY DETENTION AND CUSTODY

Article 44. Complaints about the management and execution of temporary detention or custody

1. Persons held in temporary detention, custody and other relevant agencies, organizations and individuals have the right to lodge complaints about decisions or acts of competent agencies or persons in the management and execution of temporary detention or custody if there are grounds to believe that such decisions or acts are unlawful. infringing upon their legitimate rights and interests.

2. The statute of limitations for first-time complaints is 30 days from the date of receipt or knowledge of decisions or acts in the management and execution of temporary detention or custody which the complainants believe are in violation of law.

In cases where the complainants are unable to exercise their right to lodge complaints in accordance with the statute of limitations due to illness, natural disasters, business trips, study abroad or other objective obstacles, the time of such obstacles shall not be included in the statute of limitations for complaints.

The statute of limitations for the next complaint is 15 days from the date of receipt of the complaint settlement decision of the competent person.

Article 45. Cases of complaints about the management and execution of temporary detention or custody not accepted for settlement

1. The complained decision or act is not directly related to the lawful rights and interests of the complainant.

2. The complainant does not have full civil act capacity without a lawful representative, except for cases where the complainant is a person held in custody or custody.

3. The representative does not have papers proving his/her lawful representation.
4. The statute of limitations for complaints has expired.
5. The complaint for which a complaint settlement decision has taken legal effect.

Article 46. Competence to settle complaints in the management and execution of temporary detention and custody

1. Chairpersons of district-level People's Procuracies, chairpersons of provincial-level People's Procuracies, chairmen of regional military procuracies, chairmen of military zone military procuracies and equivalent persons shall settle complaints about unlawful decisions or acts in the management and execution of temporary detention or custody by competent agencies and persons under their supervisory responsibility.

The chairman of the superior People's Procuracy is competent to settle complaints about the settlement of complaints of the chairman of the subordinate People's Procuracy; the complaint settlement decision of the chairman of the superior People's Procuracy is a legally effective decision.

2. Agencies and persons competent to manage and execute temporary detention or custody that receive written complaints specified in Article 44 of this Law must forward the complaints of the persons held in temporary detention or custody to the People's Procuracies within 24 hours after receiving the complaints.

Article 47. Rights and obligations of complainants in the management and execution of temporary detention and custody

1. Complainants have the following rights:

- a) To lodge complaints by themselves or through their lawful representatives; Complainants may directly lodge complaints or send written complaints through agencies or persons competent in the management and execution of temporary detention or custody;
- b) Withdraw the complaint during any period of the complaint settlement process;
- c) To receive complaint settlement decisions;
- d) Continue to lodge complaints in case of disagreement with first-time complaint settlement decisions;
- dd) To be restored to their lawful rights and interests that have been infringed upon and to be compensated for damage in accordance with law.

2. Complainants have the following obligations:

- a) Truthfully present the facts and provide information and documents to the complaint settler; take responsibility before law for the contents presented and the provision of such information and documents;
- b) Comply with legally effective complaint settlement decisions.

Article 48. Rights and obligations of complained persons in the management and execution of temporary detention and custody

1. The complained persons have the following rights:

- a) Give evidence of the lawfulness of the decision or act in the management and execution of the complained custody or custody;
- b) To receive decisions on settlement of complaints about their decisions and acts in the management and execution of temporary detention or custody.

2. The complained persons have the following obligations:

- a) Explanation of the decisions and acts in the management and execution of temporary detention or custody complained about; to provide relevant information and documents at the request of competent agencies and individuals;
- b) Comply with legally effective complaint settlement decisions.

Article 49. Tasks and powers of the People's Procuracies when settling complaints in the management and execution of temporary detention and custody

- 1. To receive and settle complaints about complained decisions and acts.
- 2. To request the complainant or the complained person to explain and supply information and documents related to the complaint.
- 3. To notify in writing the acceptance of the complaint and send the settlement decision to the complainant and the complained person.
- 4. To take responsibility before law for the settlement of their complaints.

Article 50. Time limit for settling complaints and sending complaint settlement decisions in the management and execution of temporary detention or custody

- 1. The time limit for settling complaints for the first time in the management and execution of temporary detention is 02 days, and in the management and execution of temporary detention is 05 days from the date of receipt of complaints.
- 2. The time limit for settling complaints for the second time in the management and execution of temporary detention is 03 days, and in the management and execution of temporary detention is 10 days from the date of receipt of complaints.
- 3. In case of necessity, for complicated cases, the time limit for settlement of complaints may be extended but must not exceed 05 days in the management and execution of temporary detention or 20 days in the management and execution of temporary detention from the date of expiration of the time limit for settlement of complaints.
- 4. Within 24 hours after the issuance of the complaint settlement decision, the complaint settlement decision issuer shall send the decision to the complainant and the complained person.

Article 51. Dossiers of settlement of complaints in the management and execution of temporary detention and custody

- 1. A complaint settlement dossier comprises:
 - a) A written complaint or a written record of the complaint contents;
 - b) The written explanation of the complained person;
 - c) The record of verification, verification and conclusion;
 - d) Decisions on complaint settlement;

dd) Other relevant documents.

2. Complaint settlement dossiers must be numbered and kept at complaint-settling agencies.

Article 52. Procedures for settling first-time complaints in the management and execution of temporary detention and custody

1. After accepting the complaint, the procuracy competent to settle the complaint for the first time shall conduct verification and request the complainant or the complained person to explain and supply information and documents related to the complaint; work with relevant agencies, organizations and individuals to clarify the complaint contents and issue decisions on settlement of complaints for the first time.

2. A first-time complaint settlement decision takes legal effect if the complainant does not lodge further complaints within the statute of limitations prescribed by this Law.

Article 53. Contents of decisions on settlement of first-time complaints in the management and execution of temporary detention or custody

A first-time complaint settlement decision must contain the following contents:

1. Name of the agency, date of issuance of the decision;
2. Full names and addresses of the complainants and the complained persons;
3. Complaint contents;
4. Results of verification of complaint contents;
5. Legal grounds for settling complaints;
6. The conclusion of the complaint is true, partially true or false;
7. To uphold, annul or request the modification or cancellation of part of the complained decision or forcible termination of the implementation of the complained decision or act;
8. The compensation for damage and remedy of consequences caused by unlawful decisions or acts;
9. To guide the involved parties' right to make subsequent complaints.

Article 54. Procedures for settling second-time complaints in the management and execution of temporary detention and custody

1. In case of continuation of the complaint, the complainant must send an application enclosed with a copy of the decision on settlement of the first-time complaint and relevant documents to the procuracy competent to settle the second-time complaint.

2. In the course of settling complaints, procuracies competent to settle second-time complaints may request procuracies to settle first-time complaints and relevant agencies, organizations and individuals to supply information and documents related to the complaint contents; to work with the complained persons and complainants when necessary; verify and take other measures as prescribed by law to settle complaints. Agencies, organizations and individuals, when receiving requests, must strictly comply with such requests. The second complaint settlement decision takes legal effect.

Article 55. Contents of second-time complaint settlement decisions in the management and execution of temporary detention and custody

A second-time complaint settlement decision must contain the following contents:

1. Name of the agency, date of issuance of the decision;
2. Full names and addresses of the complainants and the complained persons;
3. Complaint contents;
4. Results of verification of complaint contents;
5. Legal grounds for settling complaints;
6. Conclusions on the complaint contents and the settlement of the person competent to settle the complaint for the first time;
7. Upholding, annulling or requesting the modification or cancellation of part of the complained decision or forcible termination of the implementation of the complained decision or act;
8. The compensation for damage and remedy of consequences caused by unlawful decisions or acts.

Section 2. DENUNCIATIONS AND SETTLEMENT OF DENUNCIATIONS IN THE MANAGEMENT AND EXECUTION OF TEMPORARY DETENTION AND DETENTION

Article 56. Denunciations in the management and execution of temporary detention and custody

1. Persons held in temporary detention, custody and all persons shall have the right to denounce to competent agencies or persons acts of law violations committed by any competent person in the management and execution of temporary detention or custody, causing damage or threatening to cause damage to the interests of the State, legitimate rights and interests of agencies, organizations and individuals.
2. Agencies and persons competent to manage and execute temporary detention or custody must transfer denunciations to the procuracies of the same level within 24 hours after receiving them.

Article 57. Rights and obligations of denunciators in the management and execution of temporary detention and custody

1. Denunciators have the following rights:
 - a) Send an application or directly denounce it to a competent agency or person;
 - b) To request the confidentiality of their full names, addresses and biographies;
 - c) Request to be notified of denunciation settlement results;
 - d) Request competent agencies to protect them when threatened or repugnant.
2. Denunciators have the following obligations:
 - a) Truthfully present the denunciation contents;
 - b) Clearly state his/her full name and address;

c) Take responsibility before law for the untruthful denunciations.

Article 58. Rights and obligations of denounced persons in the management and execution of temporary detention and custody

1. Denounced persons have the following rights:

- a) To be notified of the denunciation contents;
- b) Give evidence to prove that the denunciation is untrue;
- c) To be restored to the infringed legitimate rights and interests, to have their honor and dignity restored, and to be compensated for damage caused by untrue denunciations;
- d) Request competent agencies, organizations and individuals to handle untruthful denunciations.

2. Denounced persons have the following obligations:

- a) Explanation of the denounced act; to provide relevant information and documents at the request of competent agencies and persons;
- b) Comply with denunciation settlement decisions of competent agencies and persons;
- c) To pay compensation for damage and remedy consequences caused by their unlawful acts.

Article 59. Dossiers of denunciation settlement in the management and execution of temporary detention and custody

1. The settlement of denunciations must be made into dossiers. A dossier of denunciation settlement comprises:

- a) A written denunciation or a document stating the denunciation contents;
- b) Decisions on acceptance and settlement of denunciations;
- c) Verification records, assessment results, information, documents and evidences collected in the course of settlement;
- d) A written explanation of the denounced person;
- dd) Report on the result of verification of denunciation contents in case the denunciation settler assigns another person to conduct verification;
- e) Conclusions on denunciations;
- g) Decision on handling;
- h) Other relevant documents.

2. Denunciation settlement dossiers must be numbered in the order of documents. The storage, exploitation and use of denunciation settlement dossiers shall comply with the provisions of law, ensuring that information about denunciators is not disclosed.

Article 60. Competence, procedures and time limit for settlement of denunciations

1. The competence and procedures for settling denunciations of the People's Procuracies shall comply with the provisions of Clause 4, Article 23 and Article 29 of the Law on Organization of the People's Procuracies.

2. The time limit for settling denunciations is 60 days from the date of acceptance; for complex cases, the time limit for settling denunciations may be longer, but must not exceed 90 days.
3. Denunciations of law-breaking acts showing signs of crime shall be settled in accordance with the provisions of the Criminal Procedure Code.

Article 61. Responsibilities of persons competent to settle denunciations

1. Competent agencies and persons shall, within the ambit of their tasks and powers, receive and settle in a timely and lawful manner; strictly handle violators; apply necessary measures to prevent possible damage; ensure that the settlement decisions are strictly implemented and take responsibility before law for their decisions.
2. Persons competent to settle denunciations who fail to settle denunciations or lack responsibility in settling them or settle them illegally shall, depending on the nature and seriousness of their violations, be disciplined or examined for penal liability; if causing damage, they must pay compensation according to the provisions of law.

Chapter X

RESPONSIBILITIES IN THE MANAGEMENT AND EXECUTION OF TEMPORARY DETENTION AND CUSTODY

Article 62. Responsibilities of the Government

1. To perform the unified state management of the execution of temporary detention and custody nationwide.
2. To direct the Government's agencies and provincial-level People's Committees in the management and execution of temporary detention and detention.
3. To coordinate with the Supreme People's Court and the Supreme People's Procuracy in executing temporary detention and custody.
4. To annually report to the National Assembly on the management and execution of temporary detention and custody.

Article 63. Responsibilities of the Ministry of Public Security

The Ministry of Public Security shall assist the Government in performing the state management of the execution of temporary detention and custody and shall have the following responsibilities:

1. To promulgate according to its competence or submit to competent agencies for promulgation legal documents on the execution of temporary detention and custody; to organize the implementation of the law on the execution of temporary detention and custody;
2. To provide professional direction and guidance on the uniform application of the provisions of law on execution of temporary detention and custody;
3. To suspend or annul according to its competence or propose competent authorities to annul regulations on the execution of temporary detention and custody contrary to the provisions of this Law;

4. To decide on the allocation of funds and ensure conditions for the management and execution of temporary detention and custody;
5. To promulgate forms, papers and books on the management and execution of temporary detention and custody;
6. To build and manage databases on execution of temporary detention and custody;
7. To make state statistics on the execution of temporary detention and custody; report to the Government on the management and execution of temporary detention and detention;
8. To examine, inspect, commend and handle violations in the management and execution of temporary detention and custody;
9. To manage the organizational system, payroll and human resources; to provide professional training, training and retraining in the management and execution of temporary detention and custody;
10. To organize preliminary and scientific research on the management and execution of temporary detention and custody;
11. To carry out international cooperation in the field of management and execution of temporary detention and custody.

Article 64. Responsibilities of the Ministry of National Defense

1. To promulgate according to its competence legal documents on the execution of temporary detention and custody; to organize the implementation of the law on the execution of temporary detention and custody in the People's Army.
2. To provide professional direction and guidance on the uniform application of the provisions of law on the execution of temporary detention and custody in the People's Army.
3. To suspend or annul according to its competence or propose competent authorities to annul regulations on the execution of temporary detention and custody contrary to the provisions of this Law.
4. To decide on the allocation of funds and ensure conditions for the management and execution of temporary detention and detention in the People's Army; direct medical establishments in the People's Army to arrange separate zones and rooms for medical examination and treatment for persons held in custody or custody.
5. To promulgate forms, papers and books on the management and execution of temporary detention and detention in the People's Army.
6. Statistics on the execution of temporary detention and detention in the People's Army; coordinate with the Ministry of Public Security in building a database on execution of temporary detention and custody.
7. To examine, inspect, commend and handle violations in the management and execution of temporary detention and detention in accordance with law in the People's Army.
8. To manage the organizational system and payroll of human resources; training, training and fostering professional skills in the management and execution of temporary detention and detention in the People's Army.

9. To organize preliminary and scientific research on the management and execution of temporary detention and custody in the People's Army.

Article 65. Responsibilities of the Supreme People's Procuracy

1. To coordinate with the Ministry of Public Security, the Ministry of National Defense and other concerned agencies in guiding the implementation of the law on the execution of temporary detention and custody.
2. To supervise and direct the procuracies at all levels to supervise the management and execution of temporary detention and custody and the settlement of complaints and denunciations in accordance with the provisions of this Law and relevant laws.
3. To comply with the regime of statistics and reports on the execution of temporary detention and custody in accordance with law.

Article 66. Responsibilities of the Supreme People's Court

1. To coordinate with the Ministry of Public Security, the Ministry of National Defense and other concerned agencies in guiding the implementation of the law on the execution of temporary detention and custody.
2. To comply with the regime of statistics and reports on the execution of temporary detention and detention in accordance with law.

Article 67. Responsibilities of the Ministry of Health

The Ministry of Health shall direct district- and provincial-level medical examination and treatment establishments to build or arrange separate zones and rooms for medical examination and treatment for persons held in custody or custody; direct medical establishments and health agencies to guide, assist and support the prevention and control of epidemics, medical examination and treatment for persons held in custody and custody at detention facilities.

Article 68. Responsibilities of the Ministry of Labor, War Invalids and Social Affairs

The Ministry of Labor, War Invalids and Social Affairs shall direct the provincial/municipal Services of Labor, War Invalids and Social Affairs and social relief establishments to receive, care for and nurture children of persons held in custody or custody without relatives to receive care and nurturing in accordance with the provisions of this Law and other relevant laws.

Article 69. Responsibilities of the Ministry of Finance

The Ministry of Finance shall coordinate with the Ministry of Public Security and the Ministry of National Defense in making budget estimates to ensure conditions for the management and execution of temporary detention and detention.

Article 70. Responsibilities of the Ministry of Planning and Investment

The Ministry of Planning and Investment shall coordinate with the Ministry of Public Security and the Ministry of National Defense in formulating plans on equipping means, material foundations and techniques to ensure the implementation of this Law.

Article 71. Responsibilities of provincial-level People's Committees

Provincial-level People's Committees shall have to allocate land, provide funding support from local budgets, create favorable conditions for the construction and management of detention

facilities in their localities, and direct local state agencies to coordinate in ensuring security and safety for detention facilities.

Chapter XI

IMPLEMENTATION PROVISIONS

Article 72. Enforcement effect

This Law takes effect from July 1, 2016.

Article 73. Detailed Regulations

The Government and competent agencies shall detail the articles and clauses assigned in the Law.

This Law was approved by the National Assembly of the Socialist Republic of Vietnam in its 10th session on November 25, 2015.

CHAIRMAN OF THE NATIONAL ASSEMBLY

Nguyen Sinh Hung

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