

LAW

ON ORGANIZATION OF THE PEOPLE'S PROCURACIES

(No. 34/2002/QH10 of April 2, 2002)

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

This Law prescribes the organization and operation of the People's Procuracies.

Chapter I

GENERAL PROVISIONS

Article 1. The People's Procuracies shall exercise the right to prosecution and control of judiciary activities according to the Constitution and laws.

The Supreme People's Procuracy shall exercise the right to prosecution and control of judiciary activities and contribute to ensuring the strict and uniform observance of law.

The local People's Procuracies shall exercise the right to prosecution and control of judiciary activities in their respective localities.

The Military Procuracies shall exercise the right to prosecution and control of judiciary activities according to the provisions of law.

Article 2. Within the scope of their functions, the People's Procuracies have the tasks to contribute to protecting the socialist legislation, protecting the socialist regime and the people's mastery, protecting the property of the State and collectives, protecting the lives, health, property, freedom, honor and dignity of citizens, ensuring that all acts of infringing upon the interests of the State, of collectives, the legitimate rights and interests of citizens shall be handled according to law.

Article 3. The People's Procuracies shall perform their functions and tasks through the following activities:

1. Exercising the right to prosecution and control of law observance in the investigation of criminal cases by investigating bodies and other agencies tasked to conduct a number of investigating activities;

2. Investing some types of offenses against judiciary activities, committed by officials of judicial

bodies;

3. Exercising the right to prosecution and control of law observance in adjudication of criminal cases;
4. Controlling the settlement of civil, marriage and family, administrative, economic and labor cases as well as other matters under the provisions of law;
5. Controlling the law observance in the execution of judgments and decisions of the People's Courts;
6. Controlling the law observance in the custody, detention, management and education of imprisonment debtors.

Article 4. The People's Procuracies shall have the responsibility to receive and settle in time complaints and denunciations under their jurisdiction; control the settlement of complaints and denunciations about judiciary activities of judicial bodies under the provisions of law.

Article 5. The People's Procuracies shall have the responsibility to receive information and denouncement on criminals, which are transferred by agencies, organizations, people's armed force units and individuals.

The People's Procuracies shall have to make statistics on crimes. Within the scope of their functions and tasks, other agencies engaged in legal proceedings shall have the responsibility to coordinate with the People's Procuracies in performing this task.

Article 6. When performing their functions and tasks, the People's Procuracies shall be entitled to issue decisions, protests, petitions and requests and bear responsibility before law for those documents.

Where the above-said documents are contrary to laws, depending on the nature and seriousness of the errors, the documents issuers shall be disciplined or examined for penal liability.

The decisions, protests, petitions and requests of the People's Procuracies must be strictly implemented according to the provisions of law by the relevant agencies, organizations, units and individuals.

Article 7. Within the scope of their functions and tasks, the People's Procuracies shall have the responsibility to coordinate with the courts, police offices, inspectorates, justice agencies and other State bodies, the Fatherland Front and its member organizations and people's armed force units in preventing and fighting crimes effectively, handling in a timely and just manner assorted crimes and law offenses in judiciary activities; propagating and educating in law; making laws; training and fostering officials; researching into crimes and law offenses.

Article 8. The People's Procuracies are led by their directors. The directors of the subordinate People's Procuracies are subject to the leadership of the directors of the superior People's

Procuracies; the directors of the local People's Procuracies and the directors of the Military Procuracies are subject to the unified leadership of the chairman of the Supreme People's Procuracy.

The superior People's Procuracies have the responsibility to inspect, detect, timely redress and strictly handle law violations committed by the subordinate People's Procuracies. The directors of the superior People's Procuracies are entitled to withdraw, suspend or annul groundless and illegal decisions of the subordinate People's Procuracies.

At the Supreme People's Procuracy, the provincial/municipal People's Procuracies, the Central Military Procuracy, the military procuracies of military regions and the equivalent, the Procuracy Committees shall be set up to discuss and decide by majority important issues as provided for in this Law.

Article 9. The chairman of the Supreme People's Procuracy shall be elected, removed from office and dismissed by the National Assembly at the proposal of the State President; is subject to the National Assembly's supervision, bears responsibility for and reports on activities before the National Assembly; in the recess of the National Assembly, bears responsibility for and reports on activities before the National Assembly Standing Committee and the State President; answers questions, petitions and requests of National Assembly deputies.

Vice-chairmen of the Supreme People's Procuracy and its procurators shall be appointed, removed from office and dismissed by the State President at the proposal of the chairman of the Supreme People's Procuracy.

The directors, deputy-directors and procurators of the local People's Procuracies, deputy-directors of the Central Military Procuracy, directors, deputy-directors and procurators of the military procuracies of military regions and the equivalent, the regional military procuracies and investigators of the Supreme People's Procuracy shall be appointed, removed from office and dismissed by the chairman of the Supreme People's Procuracy.

The directors of the local People's Procuracies are subject to the supervision of the People's Councils of the same levels; have the responsibility to report on their activities before the People's Councils; answer questions, petitions and requests of People's Council deputies.

The deputy-directors shall assist their directors in performing their tasks according to the latter's assignment. When a director is absent, a deputy-director shall be authorized by the director to represent him/her in directing the activities of the procuracies. The deputy-directors are answerable to the directors for their assigned tasks.

Article 10. The Supreme People's Procuracy shall have the responsibility to provide professional training and fostering, manage the contingent of officials, procurators and investigators for the fulfillment of their responsibilities and building of a healthy and strong procuracy service.

Article 11. Procurators and investigators must respect and submit to the supervision of people.

Within the scope of their functions and tasks, the State agencies, organizations, people's armed force units and individuals shall have to create conditions for procurators and investigators to perform their tasks.

All acts of obstructing procurators and investigators from performing their tasks are strictly forbidden.

Chapter II

EXERCISING THE RIGHT TO PROSECUTION AND PROCURATION OF CRIMINAL CASES

Article 12. The People's Procuracies shall exercise the right to prosecution and control the law observance in the investigation of criminal cases by investigating bodies and other agencies which are assigned the task of conducting a number of investigating activities, aiming to ensure that:

1. All criminal acts must be prosecuted, investigated and handled in time, without letting criminals and law offenders go unscathed and without doing injustice to innocent people;
2. No one shall be illegally prosecuted, arrested, put into custody, detained, restricted in civic rights or infringed upon in terms of their lives, health, property, freedom, honor and dignity;
3. The investigation must be objective, all-sided, complete, accurate and lawful; law violations in the process of investigation must be detected and overcome in time and strictly handled;
4. The penal liability examination against defendants must be firmly grounded and lawful.

Article 13. When exercising the right to prosecution in the period of investigation, the People's Procuracies shall have the following tasks and powers:

1. To prosecute criminal cases and defendants; to request the investigating agencies to prosecute or change the decision to prosecute criminal cases or defendants;
2. To put forward investigation request and request the investigating bodies to conduct investigation; to directly conduct a number of investigating activities as provided for by law;
3. To request the heads of the investigating bodies to replace investigators as provided for by law; if the investigators acts show signs of criminal offenses, they shall be criminally prosecuted;
4. To decide on the application, change and cancellation of measures of arrest, custody, detention and other preventive measures, to approve or disapprove decisions of investigating bodies as provided for by law;

5. To annul illegal decisions of investigating bodies;
6. To decide on the prosecution of defendants; decide on suspension or temporary cessation of investigation; to suspend or temporarily cease cases.

Article 14. When carrying out the work of controlling the investigation, the People's Procuracies shall have the following tasks and powers:

1. To control the prosecution; control the investigating activities and the compilation of case dossiers of the investigating bodies;
2. To control the law observance by persons involved in legal proceedings;
3. To settle disputes over the investigating competence under the provisions of law;
4. To request the investigating bodies to overcome law violations in the investigating activities; to request the heads of the investigating bodies to strictly handle investigators who have committed law violations while conducting the investigation;
5. To propose the concerned agencies, organizations and units to apply measures to prevent crimes and law violations.

Article 15.

1. The directors, deputy-directors and procurators of the People's Procuracies must strictly comply with the provisions of law and bear responsibility for their acts and decisions in institution, arrest, custody, detention, prosecution and other decisions according to law provisions.
2. The investigating bodies, the concerned agencies, organizations, people's armed force units and individuals shall have to strictly abide by the decisions and requests of the People's Procuracies as provided for by law.

Chapter III

EXERCISING THE RIGHT TO PROSECUTION AND CONTROLLING THE ADJUDICATION OF CRIMINAL CASES

Article 16. In the period of adjudicating criminal cases, the People's Procuracies shall have to exercise the right to prosecution and ensure that the prosecution applies to the right persons, the right offenses and in strict compliance with law, without letting criminals and law offenders go unscathed; and to control the adjudication of criminal cases with a view to ensuring that the adjudication is conducted in a lawful, just and timely manner.

Article 17. When exercising the right to prosecution in the period of adjudicating criminal cases,

the People's Procuracies shall have the following tasks and powers:

1. To read the indictments, decisions of the People's Procuracies relating to the settlement of cases at court sessions;
2. To argue against defendants at first-instance court hearings, to state their opinions on the settlement of cases at the appellate court hearings; to debate with counselors and other persons involved in legal proceedings at first-instance and appellate court hearings;
3. To state their opinions on the settlement of cases at supervisory and review court sessions.

Article 18. When controlling the adjudication of criminal cases, the People's Procuracies shall have the following tasks and powers:

1. To control the law observance in the adjudicating activities of the People's Courts;
2. To control the law observance by people involved in legal proceedings;
3. To control judgments and decisions of the People's Courts as provided for by law;
4. To request the People's Courts of the same and subordinate levels to transfer dossiers of criminal cases for consideration of and decision on the protest.

Article 19. When exercising the right to prosecution and controlling criminal cases, the People's Procuracies may make protests according to appellate, supervisory and review procedures against judgments and/or decisions of People's Courts according to law provisions; propose the People's Courts of the same and subordinate levels to redress violations in the adjudicating scope; propose the concerned agencies, organizations and units to apply measures to prevent crimes and law violations; if signs of criminal offenses are detected, the criminal institution shall apply.

Chapter IV

CONTROLLING THE SETTLEMENT OF CIVIL, MARRIAGE AND FAMILY, ADMINISTRATIVE, ECONOMIC AND LABOR CASES AS WELL AS OTHER MATTERS UNDER THE PROVISIONS OF LAW

Article 20. The People's Procuracies shall control the settlement of civil, marriage and family, administrative, economic and labor cases as well as other matters under the provisions of law in order to ensure that cases are settled in strict accordance with law and in time.

Article 21. When controlling the settlement of civil, marriage and family, administrative, economic and labor cases as well as other matters according to law provisions, the People's Procuracies shall have the following tasks and powers:

1. To control the case processing and dossier compilation; to request the People's Courts to

verify or to verify by themselves matters which need to be clarified in order to properly handle the cases;

2. To institute cases according to law provisions;
3. To attend court hearings and state their opinions on settlement of cases;
4. To control the law observance in the adjudicating activities of the People's Courts;
5. To control the law observance by people involved in the legal proceedings;
6. To control judgments and decisions of the People's Courts;
7. To request the People's Courts to apply temporary urgent measures under the provisions of law;
8. To request the People's Courts of the same and subordinate levels to transfer dossiers of civil, marriage and family, administrative, economic and labor cases as well as other matters according to the provisions of law for consideration and decision on the protest.

Article 22. When controlling the settlement of civil, marriage and family, administrative, economic and labor cases as well as other matters according to law provisions, the People's Procuracies are entitled to protest according to appellate, supervisory and review procedures against judgments and/or decisions of People's Courts according to law provisions; propose the People's Courts of the same and subordinate levels to redress the law violations in the settlement of cases; if signs of criminal offenses are detected, the criminal institution shall apply.

Chapter V

CONTROLLING THE JUDGMENT EXECUTION

Article 23. The People's Procuracies shall control the law observance by the People's Courts, the judgment- executing agencies, the executioners, the concerned agencies, organizations, units and individuals in the execution of already effective judgments and decisions as well as judgments and decisions immediately executed according to law provisions in order to ensure that those judgments and decisions are executed lawfully, fully and promptly.

Article 24. When controlling the judgment execution, the People's Procuracies shall have the following tasks and powers:

1. To request the People's Courts and the judgment-executing agencies of the same and subordinate levels, the executioners, the agencies, organizations, units and individuals involved in the judgment execution to:

- a) Issue judgment-executing decisions in strict compliance with law;

- b) Inspect by themselves the execution of already effective judgments and decisions as well as the immediately executed judgments and decisions according to law provisions and notify the inspection results to the People's Procuracies;
 - c) Execute already effective judgments and decisions as well as immediately executed judgments and decisions according to law provisions;
 - d) Supply dossiers, documents and material evidences related to judgment execution;
2. To directly control the law observance in the judgment execution by judgment-executing bodies of the same and subordinate levels, the executioners, the concerned agencies, organizations, units and individuals as well as the settlement of appeals, complaints and denunciations against the judgment execution;
 3. To participate in considering the reduction of penalty-serving duration, the remission of criminal records;
 4. To propose the exemption of penalty services according to law provisions;
 5. To protest to the People's Courts and the judgment-executing bodies of the same and subordinate levels, the executioners, the agencies, organizations and units having responsibility in the judgment execution; to request the suspension of judgment execution, the amendment or cancellation of law-breaching decisions in the judgment execution, the termination of illegal acts in judgment execution; if signs of criminal offenses are found, the criminal institution shall apply, or civil cases shall be instituted if it is so provided for by law.

Article 25. The People's Courts, the judgment-executing agencies, the executioners, the agencies, organizations, units and individuals involved in judgment execution shall have to satisfy all the requests prescribed in Clause 1, Article 24 of this Law within thirty days as from the date of receiving such requests.

For the protests prescribed in Clause 5, Article 24 of this Law, the People's Courts, the judgment-executing agencies, the executioners, the concerned agencies, organizations, units and individuals shall have to reply within fifteen days as from the date of receiving the protests.

Chapter VI

CONTROLLING THE CUSTODY, DETENTION, MANAGEMENT AND EDUCATION OF IMPRISONMENT DEBTORS

Article 26. The People's Procuracies shall control the law observance by responsible agencies, units and people in the custody, detention, management and education of imprisonment debtors, aiming to ensure that:

1. The custody, detention, management and education of imprisonment debtors comply with the

provisions of law;

2. The regime of custody, detention, management and education of imprisonment debtors is strictly observed;
3. The lives, property, honor and dignity of persons being held in custody, detention and imprisonment debtors as well as their other rights not stripped off by law are respected.

Article 27.- When controlling the custody, detention, management and education of imprisonment debtors, the People's Procuracies shall have the following tasks and powers:

1. To directly conduct the regular and irregular control of remand houses, provisional detention camps and detention camps;
2. To check the dossiers, documents of agencies of the same and subordinate levels, which are responsible for the custody, detention, management and education of imprisonment debtors; to meet with persons being held in custody, detention and the imprisonment debtors and ask them about the detention and custody;
3. To receive and settle complaints and denunciations about the custody, detention, management and education of the imprisonment debtors;
4. To request agencies of the same and subordinate levels, which manage the remand houses and/or detention camps, manage and educate the imprisonment debtors to examine those places and notify the results thereof to the People's Procuracies;
5. To request agencies of the same and subordinate levels and responsible people to notify the situation of custody, detention, management and education of imprisonment debtors; to reply questions about illegal decisions, measures or acts in the custody, detention, management and education of imprisonment debtors;
6. To protest to agencies of the same and subordinate levels and request them to stop executing, to amend or annul unlawful decisions in the custody, detention, management and education of imprisonment debtors, to put an end to law-breaking acts and handle the law violators.

Article 28. In the course of controlling the custody, detention, management and education of imprisonment debtors, the People's Procuracies shall have the responsibility to:

1. Detect and handle in time cases of injustice and errors in the custody, detention, management and education of imprisonment debtors; decide the release of persons who are being groundlessly and illegally held in custody, detained or serving imprisonment sentence;
2. When detecting signs of criminal offenses in the custody, detention, management and education of imprisonment debtors, institute the cases or request the investigating bodies to criminally institute the cases.

Article 29. Agencies, units and persons having responsibility in the custody, detention, management and education of imprisonment debtors must transfer to the People's Procuracies the complaints and/or denunciations of the persons being held in custody or detained, and/or imprisonment debtors within 24 hours after receiving such complaints and denunciations.

For the requests prescribed in Clauses 4 and 5 of Article 27 of this Law, the responsible agencies, units and persons shall have to reply them within thirty days as from the date of receiving the requests.

For the decisions prescribed in Clause 1, Article 28 of this Law, the responsible agencies, units and persons shall have to execute them immediately; if disagreeing with such decisions, they still have to execute them but have the right to complain with the immediate superior People's Procuracy. Within ten days as from the date of receiving the complaints, the director of the immediate superior People's Procuracy shall have to settle them.

For the protests prescribed in Clause 6, Article 27 of this Law, the concerned agencies and units shall have to reply them within fifteen days as from the date of receiving the protests; if disagreeing with such protests, the concerned agencies and units may complain with the immediate superior People's Procuracy which must settle them within fifteen day as from the date of receiving the complaints. The decision of the immediate superior People's Procuracy must be executed.

Chapter VII

ORGANIZATION OF THE PEOPLE'S PROCURACIES

Article 30. The system of the People's Procuracies shall include:

1. The Supreme People's Procuracy;
2. The People's Procuracies of the provinces and centrally-run cities;
3. The People's Procuracies of the rural districts, urban districts, provincial capitals, provincial cities;
4. The Military Procuracies.

Article 31.

1. The organizational structure of the Supreme People's Procuracy shall include:
 - a) The Procuracy Committee, Departments, institutes, Office and procurators- training and fostering school;
 - b) The central military procuracy.

2. The Supreme People's Procuracy is composed of the chairman, vice-chairmen, procurators and investigators.

Article 32.

1. The Procuracy Committee of the Supreme People's Procuracy is composed of:

a) The Chairman;

b) The vice-chairmen;

c) A number of procurators to be decided by the National Assembly Standing Committee at the proposal of the chairman of the Supreme People's Procuracy.

2. The Procuracy Committee of the Supreme People's Procuracy meets under the chairmanship of its chairman to discuss and decide on the following important issues:

a) The orientations, tasks and plans on activities of the branch;

b) Draft laws, ordinances to be submitted to the National Assembly and the National Assembly Standing Committee; the reports of the Supreme People's Procuracy to be submitted to the National Assembly, the National Assembly Standing Committee and the State President;

c) The working apparatus of the Supreme People's Procuracy;

d) The reports of the chairman of the Supreme People's Procuracy to be submitted to the National Assembly Standing Committee on his/her opinions disagreeing with the resolutions of the Council of Judges of the Supreme People's Court; the proposals of the Supreme People's Procuracy on the struggle to prevent and fight crimes to be sent to the Prime Minister; important criminal, civil, marriage and family, administrative, economic and labor cases as well as other matters at the request of at least one-third of the total members of the Procuracy Committee.

The resolution of the Procuracy Committee must be voted for by more than half of its total members; where the votes for and the votes against are equal, the side with the vote of the chairman shall be complied with. If the chairman disagrees with the opinions of the majority of the members of the Procuracy Committee, he/she shall still have to comply with the majority's decision, but have the right to report such to the National Assembly Standing Committee or the State President.

Article 33. The chairman of the Supreme People's Procuracy shall have the following tasks and powers:

1. To direct the performance of tasks and working plans on procuracy and the building of the People's Procuracies in all aspects; to decide on matters related to the procuracy work, which do not fall under the jurisdiction of the Procuracy Committee;

2. To issue decisions, directives, circulars, charters, regulations and working regimes applicable to the procuracy sector;
3. To direct and inspect the activities of the People's Procuracies and the Military Procuracies of all levels, the work of training and fostering officials of the procuracy sector;
4. To define the working apparatus of the Supreme People's Procuracy and submit it to the National Assembly Standing Committee for ratification; to decide on the working apparatuses of the local People's Procuracies; to define the working apparatus of the Military Procuracies after reaching agreement with the Defense Minister and submit it to the National Assembly Standing Committee for ratification;
5. To direct the drafting of laws and ordinances and submit them according to law provisions; to propose the National Assembly Standing Committee to explain the Constitution, laws and/or ordinances when deeming it necessary for the uniform application of laws;
6. To submit to the State President his/her own opinions on cases where the convicts apply for commutation of death sentence;
7. To organize the statistics on crimes;
8. To attend meetings of the Council of Judges of the Supreme People's Court to discuss the guidance for uniform application of laws.

Article 34.

1. The organizational structure of the People's Procuracy of a province or centrally-run city is composed of the Procuracy Committee, various sections and the Office.
2. A provincial/municipal People's Procuracy is composed of the director, deputy-directors and procurators.

Article 35.

1. The Procuracy Committee of a provincial/municipal People's Procuracy is composed of:
 - a) The director;
 - b) Deputy-directors;
 - c) A number of procurators to be decided by the chairman of the Supreme People's Procuracy at the proposal of the director of such provincial/municipal People's Procuracy.
2. The Procuracy Committee of a provincial/municipal People's Procuracy meets under the chairmanship of its director to discuss and decide on the following important issues:

- a) The realization of orientations, tasks, working plans, directives, circulars and decisions of the Supreme People's Procuracy;
- b) The activity review reports to be sent to the Supreme People's Procuracy; the activity reports to be presented before the People's Council of the same level;
- c) Important criminal, civil, marriage and family, administrative, economic and labor cases;
- d) Other important matters prescribed by the chairman of the Supreme People's Procuracy.

A resolution of the Procuracy Committee must be voted for by more than half of the total number of its members; where the votes are split equal, the side with the director's opinions shall be complied with. If the director disagrees with the opinion of the majority of the Procuracy Committee's members, he/she shall still comply with the majority's decision but may report such to the chairman of the Supreme People's Procuracy.

The directors of the provincial/municipal People's Procuracies shall decide on matters falling outside the jurisdiction of the Procuracy Committee.

Article 36.

1. The People's Procuracy of a rural district, an urban district, a provincial capital or city comprises various working sections and an assisting apparatus, which are headed by the director and deputy-directors.
2. The People's Procuracy of a rural district, an urban district, a provincial capital or city is composed of the director, deputy-directors and procurators.

Chapter VIII

THE MILITARY PROCURACIES

Article 37. The Military Procuracies are organized in the Vietnam People's Army to exercise the right to prosecution and control of judiciary activities under the provisions of law.

Article 38. The Military Procuracies shall include the Central Military Procuracy, the Military Procuracies of military regions and the equivalent, the regional Military Procuracies.

Basing him-/herself on the tasks of the army in each period, the chairman of the Supreme People's Procuracy shall reach agreement with the Defense Minister on, and submit to the National Assembly Standing Committee for decision, the establishment of Military Procuracies of military regions and the equivalent as well as the regional Military Procuracies.

Article 39. The Central Military Procuracy structurally belongs to the Supreme People's Procuracy.

The director of the Central Military Procuracy shall be a vice-chairman of the Supreme People's Procuracy, who has the task of directing the activities of the Military Procuracies of all levels, takes responsibility for and report on the procuracy work in the army to the chairman of the Supreme People's Procuracy.

Article 40. The army men, military employees and workers working at the Military Procuracies shall have the rights and obligations according to the regimes prescribed for the army; and enjoy the allowances regime applicable to the procuracy sector.

Article 41. The organization and operation of the Military Procuracies and the supervision over the activities of the Military Procuracies shall be stipulated by the National Assembly Standing Committee.

Chapter IX

PROCURATORS AND INVESTIGATORS

Article 42.

1. The procurators shall be appointed according to law provisions to perform the task of exercising the right to prosecution and control of the judiciary activities.
2. The investigators of the Supreme People's Procuracy shall be appointed according to law provisions to perform the tasks of criminal investigation.

Article 43. Vietnamese citizens, who are loyal to the Fatherland and the Constitution of the Socialist Republic of Vietnam, have good qualities and virtues, are incorrupt and honest, have the law bachelor degree, have been professionally trained in procuracy and investigation, are determined to protect the socialist legislation, have a law-prescribed period for practical work, have good health to ensure the fulfillment of assigned tasks, can be appointed to be procurators or investigators.

The specific criteria, the Procurator Selection Council and the regulation on selection of procurators and investigators shall be stipulated by the National Assembly Standing Committee.

Article 44. The term of office of a procurator or an investigator shall be five years.

Article 45.

1. When performing the tasks assigned and exercising the powers delegated by their directors, the procurators must abide by law and submit to the personal direction of the directors of the People's Procuracies of their levels and to the unified leadership of the chairman of the Supreme People's Procuracy.

The specific tasks and powers of the procurators shall be stipulated by the Ordinance on

Procurators of the People's Procuracies.

2. When performing the tasks assigned and/or exercising the powers delegated by the heads of the investigating agencies, the investigators shall have to abide by law and submit to the personal direction of the heads of the investigating agencies and the unified leadership of the chairman of the Supreme People's Procuracy.

The tasks and powers of the investigators shall be stipulated by law.

Article 46.

1. The directors, deputy-directors and procurators, the heads of the investigating agencies and the investigators of the People's Procuracies must take responsibility before law for the performance of their tasks and the exercise of their powers; if committing law-breaking acts, they shall, depending on the nature and seriousness of their violations, be disciplined or examined for penal liability according to the provisions of law.

2. If the directors, deputy-directors and procurators, the heads of the investigating agencies or investigators of the People's Procuracies cause damage while performing their tasks and/or exercising their powers, the People's Procuracies where such people work shall have to compensate for the damage and the persons who have caused the damage shall have to refund the compensation to the People's Procuracies as provided for by law.

Chapter X

ENSURING THE OPERATION OF THE PEOPLE'S PROCURACIES

Article 47.

1. The total payroll, the numbers of procurators and investigators of the People's Procuracies shall be decided by the National Assembly Standing Committee at the proposal of the chairman of the Supreme People's Procuracy.

Basing him-/herself on the total payroll decided by the National Assembly Standing Committee, the chairman of the Supreme People's Procuracy shall decide on the payrolls of the local People's Procuracies and units under the Supreme People's Procuracy.

2. The payroll, the numbers of procurators and investigators of the Military Procuracies shall be decided by the National Assembly Standing Committee at the proposal of the chairman of the Supreme People's Procuracy after reaching agreement with the Defense Minister.

Article 48. The salary and allowance regime, the identity cards and uniforms for officials of the procuracy sector and the regime of preferences for the procurators and investigators when performing their tasks shall be stipulated by the National Assembly Standing Committee.

Article 49.

1. The operational funding of the People's Procuracies shall be estimated by the Supreme People's Procuracy which shall propose the Government to submit it to the National Assembly for decision.
2. The operational funding of the Military Procuracies shall be jointly estimated by the Defense Ministry and the Supreme People's Procuracy, which shall propose the Government to submit it to the National Assembly for decision.
3. The management, allocation and use of funding shall comply with the legislation on State budget.
4. The State shall prioritize the investment in the development of information technology and other facilities to ensure that the people's procuracy sector well perform its functions and tasks.

Chapter XI

IMPLEMENTATION PROVISIONS

Article 50. This Law shall replace the October 7, 1992 Law on Organization of the People's Procuracies. The previous regulations contrary to this Law are all annulled.

This Law was passed on April 2, 2002 by the 10th National Assembly of the Socialist Republic of Vietnam, at its 11th session.

**THE NATIONAL
ASSEMBLY
CHAIRMAN
(signed)
Nguyen Van An**