

LEGAL SYSTEM AND STATE APPARATUS IN VIETNAM

PART TWO

THE STATE APPARATUS OF THE SOCIALIST REPUBLIC OF VIETNAM

The State apparatus of the Socialist Republic of Vietnam is organized and operated on the principle that all power belongs to the people; State power is uniform and there is division of power, coordination, control between the state agencies in performing the legislative, executive and judicial powers.

The state apparatus of Vietnam is organized at four levels of administration, including: central level; Province level; Districts, towns, provincial cities and equivalent administrative units level; Communes, wards and towns level. In addition, there are special administrative-economic units established by the National Assembly.

I. THE NATIONAL ASSEMBLY

1. Status and function of the National Assembly

The National Assembly is the highest representative organ of the people and is the highest state power organ of the Socialist Republic of Vietnam. The National Assembly exercises the legislative power, decides important matters of the country and conducts supreme supervision over the activities of the State.

Members of the National Assembly represent the will and aspirations of the people. They are elected by the people in a general election to act on behalf of the people to exercise state power in the National Assembly. They perform their tasks and powers according to the law and keep close contact with voters and are subject to voters' supervision.

The term of each Congress is five years.

2. Duties and powers of the National Assembly

Article 70 of the Constitution of the Socialist Republic of Vietnam stipulates that the National Assembly has the following duties and powers:

- (1) to make and amend the Constitution; to make and amend laws;
- (2) to supervise the implementation of the Constitution, laws and resolutions of the National Assembly; To review reports on the work of the State President, the National Assembly Standing Committee, the Government, the Supreme People's Court, the Supreme People's Procuracy, the National Election Council, the State Audit and other agencies established by the National Assembly;
- (3) To decide on the objectives, norms, policies and basic tasks of socio-economic development of the country;

(4) To decide on the basic financial and monetary policy of the country; regulate, amend or abolish taxes; To decide on the division of revenues and expenditures between the central budget and local budgets; To determine safety limits for national debt, public debt, government debt; To make decisions on state budget estimates and central budget allocations and approve budget settlements;

(5) To decide on the State policies on religions and religions;

(6) To regulate the principles, organization and operation of the State apparatus;

(7) To elect or dismiss the State President, Vice President, Chairman of the National Assembly, Vice Chairman of the National Assembly, Member of the Standing Committee of the National Assembly, Chairmen of various Committees of the National Assembly, the Prime Minister, the Chief Justice of the Supreme People's Court, the Chairman of the Supreme People's Procuracy, the Chairman of the National Election Council, the State Auditor General, the Heads of other agencies established by the National Assembly; To approve the nomination or dismissal of Deputy Prime Ministers, ministers and other members of the Government, Judges of the Supreme People's Court; To ratify the list of members of the National Defense and Security Council and the National Election Council.

(8) To vote on credibility of position holders elected or approved by the National Assembly;

(9) To decide on the establishment or abolishment of the ministry or ministerial-level agency of the Government; To establish, dissolve, merge, divide or adjust the administrative boundaries of provinces and special administrative-economic units; to set up or abolish other agencies in accordance with the Constitution and the law;

(10) To repeal the documents of the State President, the Standing Committee of the National Assembly, the Government, the Prime Minister, the Supreme People's Court and the Supreme People's Procuracy, which are contrary to the Constitution, laws and resolutions of the National Assembly;

(11) To decide on amnesty;

(12) To regulate ranking in the people's armed forces; diplomatic ranking and other state rankings; to stipulate the medals and honorable titles of the State;

(13) To decide on the issue of war and peace; To regulate the state emergency and other special measures to ensure national defense and security;

(14) To decide on the basic policy on foreign affairs; to ratify or decide to join or terminate the effect of international treaties on war, peace, national sovereignty or membership of the Socialist Republic of Vietnam at important international or regional organizations, international treaties on human rights, fundamental rights and

obligations of citizens and other international treaties which are contrary to the Vietnamese laws and resolutions of the National Assembly;

(15) Decide on calling for referendum.

3. The organizational structure of the National Assembly

The National Assembly organs include the Standing Committee, the Ethnic Council and various committees.

3.1. The Standing Committee

The Standing Committee of the National Assembly is the standing body of the National Assembly. It consists of Chairman, the deputy chairmen of the National Assembly and other members. The number of members of the Standing Committee shall be decided by the National Assembly. Members of the Standing Committee of the National Assembly cannot be concurrently members of the Government.

3.2. Chairman of National Assembly

According to the Constitution of 2013 and the Law on the Organization of the National Assembly, the chairman of the National Assembly shall: 1. preside over sessions of the National Assembly; 2. sign the authentication of the Constitution, laws and resolutions of the National Assembly; 3. lead the work of the Standing Committee; 4. organize the implementation of the National Assembly's external relations; 5. maintain the relationship with National Assembly deputies.

3.3. Ethnic Council

The Ethnic Council consists of the Chairperson, Vice Chairpersons and other members. The Ethnic Council has the responsibility to recommend issues relating to ethnic affairs to the National Assembly; to supervise the implementation of ethnic policies, programs and plans for socio-economic development in mountainous regions and ethnic minority regions.

3.4. Other Committees of the National Assembly

The other Committees of the National Assembly are composed of the Chairperson, Vice Chairpersons and other members. These Committees are tasked to review draft laws, law making proposals or reports as assigned by the National Assembly or its Standing Committee; to exercise supervision within the ambit of tasks and powers prescribed by law; to make recommendations on any issues falling under the competence of the Committees.

III. STATE PRESIDENT

1. Position and functions of the State President

The State President is the Head of State acting on behalf of the Socialist Republic of Vietnam on domestic and foreign affairs.

The State President shall be elected by the National Assembly from the National Assembly deputies. The State President shall be responsible for, and report on his / her work to the National Assembly. The term of office of the President is the term of the National Assembly. The State President issues orders and decisions to perform his / her tasks and powers.

2. Tasks and powers of the State President

The State President has the following tasks and powers:

- (1) To declare the newly promulgated/amended Constitution, laws and ordinances; to request the Standing Committee of the National Assembly to reconsider the Ordinance within ten days from the date of its Ordinance promulgation. If the Standing Committee still approves such ordinance, the State President shall submit to the National Assembly for decision at the nearest session;
- (2) To propose the National Assembly to elect or dismiss the Deputy Presidents or the Prime Minister; based on the resolutions of the National Assembly, to appoint or dismiss the Deputy Prime Ministers, Ministers and other members of the Government;
- (3) To propose the National Assembly to elect or dismiss the Chief Justice of the Supreme People's Court, the Director of the Supreme People's Procuracy; based on the resolutions of the National Assembly, to appoint or dismiss judges, Deputy Chief Justices of the Supreme People's Court, judges of other courts, deputy-directors and procurators of the Supreme People's Procuracy; to approve amnesty; to announce the decision on general amnesty based on the resolutions of the National Assembly;
- (4) To decide on the award of state medals and state honorable titles; to grant or dismiss citizenship, to approve the restoration of Vietnamese nationality;
- (5) To control the people's armed forces, to possess the position of chairmanship of the National Defense and Security Council; to approve the general ranking in the police/army forces, navy Commander-in-chief; to appoint or dismiss of the Chief of General Staff, Director of the General Political Department of the Vietnam People's Army; to announce or annul decisions to declare the state of war based on the resolutions of the National Assembly or the National Assembly Standing Committee; to declare the order of general or partial mobilization, the abolition of the state of emergency based on the resolutions of the Standing Committee of the National Assembly; when the National Assembly Standing Committee cannot meet, to publicize or annul the state of emergency in the whole country or in a particular locality;

(6) to receive ambassadors of foreign countries; to appoint or dismiss Vietnamese Ambassadors to foreign countries based on the resolutions of the Standing Committee of the National Assembly; to approve diplomatic ranking and ambassador ranking; to decide on the negotiation and signing of international treaties in the name of the State; to submit to the National Assembly for ratification the decision on accession or termination of validity of the international treaties as provided for in Clause 14 of Article 70; to approve the ratification, accession to or termination of the validity of other international treaties in the name of the State.

IV. GOVERNMENT

1. Position and functions of the Government

The Government is the highest state administrative organ of the Socialist Republic of Vietnam, exercising the executive power, being the executive body of the National Assembly.

The Government is composed of the Prime Minister, Deputy Prime Ministers, ministers and heads of ministerial-level agencies. The Prime Minister is the head of the Government elected by the National Assembly among its members.

The government works collectively, decides by majority.

The Government is accountable to the National Assembly and reports to the National Assembly, the Standing Committee of the National Assembly and the State President.

2. Duties and powers of the Government

The Government has the following duties and powers:

(1) To organize the implementation of the Constitution, laws, resolutions of the National Assembly, ordinances and resolutions of the Standing Committee of the National Assembly, orders and decisions of the State President;

(2) To propose and elaborate policies to be submitted to the National Assembly or the National Assembly Standing Committee for approval; to decide policies falling within competence of the Government; submit bills, state budget proposal and other proposals to the National Assembly for approval; submit draft ordinances to the Standing Committee of the National Assembly for promulgation;

(3) To uniformly manage the country's economy, culture, society, education, health, science, technology, environment, information, communication, foreign affairs, national defense and social order and security; to implement the order of general mobilization or partial mobilization, the order of the state emergency and other necessary measures to protect the country and ensure the life and property of the people;

(4) To submit to the National Assembly for decision the establishment or abolishment of the ministry or ministerial-level agency; to establish, dissolve, merge, divide or adjust the administrative boundaries of provinces and special administrative-economic units; to submit to the National Assembly Standing Committee for decision the establishment, dissolution, merger, division or adjustment of boundaries of administrative units under provinces;

(5) To uniformly manage the national administration; to manage cadres, civil servants, officials and public employees in state agencies; to organize the inspection, examination and settlement of citizens' complaints and denunciations, the prevention and fighting against bureaucracy and corruption in the State apparatus; to direct the work of ministries, ministerial-level agencies, government-attached agencies and People's Committees at all levels; to guide and inspect the People's Councils in the implementation of documents of superior State agencies; to create conditions for the People's Councils to perform their tasks and powers prescribed by law;

(6) To protect the rights and interests of the State and society, human rights and citizens' rights; to assure social order and safety;

(7) To organize the negotiation and signing of international treaties in the name of the State under the authorization of the State President; to decide on the signing, accession, approval or termination of international treaties on behalf of the Government, except for international treaties to be submitted to the National Assembly for ratification as provided for in Article 14 of the Constitution; to protect the interests of the State and the legitimate interests of Vietnamese organizations and citizens in foreign countries;

(8) To co-ordinate with the Central Committee of the Vietnam Fatherland Front and central agencies of socio-political organizations in performing their tasks and exercising their powers.

3. Tasks and powers of the Prime Minister

The Prime Minister shall have the following tasks and powers:

(1) To lead the work of the Government; to lead the development of policies and organization of law enforcement;

(2) To lead and be responsible for the operation of the state administrative system from central to local level, ensuring the uniformity and smoothness of the national administration;

(3) To submit to the National Assembly for approval the nomination, dismissal, removal from office of the Deputy Prime Ministers, Ministers and other members of the Government; to appoint, remove from office, dismiss Deputy Ministers, equivalent positions of ministries and ministerial equivalent bodies; to approve the

selection and dismissal of, and decide on the transfer or removal of, the chairmen and vice chairmen of the People's Committees in the provinces and centrally-run cities;

(4) To suspend the implementation of or to annul the documents issued by the ministers, heads of ministerial-level agencies, people's committees and chairmen of people's committees of provinces, which contravene the Constitution or legal documents of superior state agencies; to suspend the implementation of the resolutions of the People's Councils of the provinces or centrally-run cities, which are contrary to the Constitution, laws and documents of the superior State agencies, and at the same time propose the National Assembly Standing Committee to annul them;

(5) To decide and direct the negotiation of international treaties; to direct the signing and accession of international treaties falling within the competence of the Government; to organize the implementation of international treaties to which the Socialist Republic of Vietnam is a member;

(6) To Report to the people through the mass media on important matters falling under competence of the Government and the Prime Minister.

4. Tasks and powers of ministers and heads of ministerial-level agencies

Ministers, heads of ministerial-level agencies are members of the Government and heads of ministries and ministerial-level agencies. They are responsible for state management in the assigned field and for organizing and monitoring the implementation of laws in their related fields nationwide.

Ministers and heads of the ministerial-level agencies shall report on their work before the Government or the Prime Minister; implement the regime of reporting to the people on important matters falling under their responsibility.

V. PEOPLE'S COURTS

The People's Courts are the adjudicating body of the Socialist Republic of Vietnam and exercise the judicial power.

The people's courts have the task of protecting justice, human rights and citizens' rights, protecting the socialist regime, protecting the interests of the State and the legitimate rights and interests of organizations and individuals.

The organizational system of the People's Courts of Vietnam consists of: the Supreme People's Court; the People's High Court; Provincial People's Courts; District People's Courts and the military courts.

1. The Supreme People's Court

1.1. Tasks and powers of the Supreme People's Court

The Supreme People's Court is the highest judicial organ of the Socialist Republic of Vietnam having the following tasks and powers:

(1) Cassation or review judgments or decisions of the courts which already have legal effect and are appealed according to the provisions of the procedural law.

(2) Cassation of the trials conducting by other courts, if required by law.

(3) To carry out the review of trial practice, ensuring uniform application of law in trial.

(4) Training and fostering judges, people's jurors and other court titles.

(5) To manage the organization of the People's Courts and Military Courts in accordance with the Law on Organization of People's Courts and other relevant laws, ensuring independence between Courts;

(6) To submit to the National Assembly bills, draft resolutions; to submit draft ordinances and draft resolutions to the National Assembly Standing Committee.

1.2. The organizational structure of the Supreme People's Court

The Supreme People's Court is composed of a Chief Justice, Deputy Chief Justices, judges, examiners, court clerks and other public servants, civil servants and employees. The organizational apparatus of the Supreme People's Court includes: Council of Judges, assisting apparatus and the institution for training and fostering of court officials.

The Judges' Council of the Supreme People's Court has between 13 and 17 members, including the Chief Justice, deputy-chief justices and judges.

The Judges' Council of the Supreme People's Court has the following tasks and powers:

(1) cassation or review of judgments or decisions of the lower Courts which already have legal effect;

(2) Promulgation of resolutions guiding all lower courts to uniformly apply the law;

(3) Review and select standard judgments that already have legal effect to introduce into a case law for future application at trial.

(4) To provide comments to the reports of the Chief Justice of the Supreme People's Court for submission to the National Assembly, its Standing Committee and the State President;

(5) Contribute opinions to draft laws and draft resolutions for submission to the National Assembly; draft resolutions for submission to the Standing Committee of the National Assembly;

(6) Discuss and comment on draft legal documents to be issued by the Chief Justice of the Supreme People's Court; draft legal documents to be jointly issued by the Supreme People's Court and other related agencies in accordance with the Law on Promulgation of Legal Documents.

2. The People's High Court

2.1. Tasks and powers of the People's High Court

(1) To consider the appeal of judgments or decisions of provincial people's courts which have not yet entered into force and fall under territorial jurisdiction of the High Court;

(2) To conduct cassation or retrial of judgments or decisions of provincial and district People's Courts that have entered into force and fall under territorial jurisdiction of the high court.

2.2. The organizational structure of the People's High Court

The People's High Courts shall have a chief justice, deputy chief justices, judges and other officials. Its organizational apparatus includes the Judges' Committee; specialized courts and assisting apparatus.

The Judges Committee of the People's High Court is composed of the chief justice, deputy chief justices and a number of senior judges approved by the Chief Justice of the Supreme People's Court at the proposal of the Chief Justice of the People's High Court.

Specialized Courts of the High Court include: Criminal Court, Civil Court, Administrative Court, Economic Court, Labor Court, Family and Juvenile Court. The specialized courts of the People's High Courts have the task to consider the appeal of the first instance judgments or decisions of the provincial people's courts that have not yet entered into force and fall under territorial jurisdiction of the High Court.

- The assisting apparatus of the High Court includes administrative office and other units.

3. Provincial People's Court

3.1. Tasks and powers of the provincial people's courts:

(1) To try cases of first instance in accordance with the law.

(2) To try appellate cases where the first-instance judgments or decisions of the district people's courts have not yet come into force.

(3) To examine judgments or decisions of district People's Court, which have entered into force, to find if there are any law violation or any new circumstances arisen to

propose to the Chief Justice of the Supreme People's Court or Chief Justice of the People's High Court for consideration and objection.

(4) To deal with other matters as provided for by law.

3.2. The organizational structure of the provincial people's court includes:

- chief justice, deputy chief justices and provincial judges;
- Judges Committee;
- Specialized Courts, including: Criminal Court, Civil Court, Administrative Court, Labor Court, Family and Juvenile Court;
- Assisting apparatus.

4. District People's Court

4.1. District People's Courts shall have the tasks and powers to conduct first-instance cases according to the law and to handle other matters as prescribed by law.

4.2. District People's Courts structure may include Criminal Court, Civil Court, Family and Juvenile Court, Administrative Court. If necessary, the Standing Committee of the National Assembly can permit to establish other specialized courts at the request of the chief justice of the Supreme People's Court.

5. Military courts

Military courts include: Central Military Court, zone military courts and regional military courts.

5.1. Central Military Court

5.1.1. Tasks and powers of the Central Military Court

- (1) To hear appealed cases, which have received the first instance judgments or decisions of the zone military courts, but have not yet entered into force;
- (2) To conduct cassation or review of already entered into force judgments or decisions of the zone military courts and regional courts;
- (3) To perform other tasks and powers as prescribed by law.

5.1.2. The organizational structure of the Central Military Court is composed of the chief justice, deputy chief justices, Judges Committee, Appellate Court and the assisting apparatus.

5.2. Zone Military Courts

5.2.1. Tasks and powers of the zone military courts

- (1) To try first instance cases according to the Criminal Procedure Code;
- (2) To hear appeals of criminal cases, which have received the first-instance judgments or decisions of regional courts, but have not entered into force;
- (3) To perform other tasks and powers as prescribed by law.

5.2.2. The organizational structure of the zone military court: consists of the chief justice, deputy chief justices, judges committee and assisting apparatus.

5.3. The regional military court

5.3.1. Tasks and powers of the regional military courts

- (1) To conduct first instance cases according to the Criminal Procedure Code;
- (2) To perform other tasks and powers as prescribed by law.

6. Judges

6.1. Judge levels:

Judges are persons who meet conditions and criteria as prescribed by the law and appointed by the State President.

Judges are ranked as follows:

- Supreme People's Court Judges;
- High Court judges;
- Intermediate judges;
- Primary Judges.

6.2. Judges' terms:

The initial terms of a judge is five years; If they are re-appointed, the subsequent term shall be 10 years.

6.3. Criteria for Judges

Judges should meet the following general criteria:

- (1) Being a Vietnamese citizen; loyal to the Fatherland and the Constitution of the Socialist Republic of Vietnam; having good moral characters, strong political will and strong courage; ready for protection of justice, integrity and honesty;
- (2) Having a bachelor of law degree or higher;
- (3) Having been trained in adjudication;

- (4) Having worked in practice for a certain time as described by law;
- (5) Having good health to fulfill assigned tasks.

VI. PEOPLE'S PROCURACY

1. Functions, tasks and powers of the People's Procuracies

The People's Procuracy exercises the right to prosecution and supervises judiciary activities. The People's Procuracy has the task of protecting the law, human rights and citizens' rights, protecting socialist regime, interests of the State and legitimate rights and interests of organizations and individuals, ensuring that the law is implemented strictly and consistently.

The People's Procuracy has the following tasks and powers:

- (1) exercising the right to prosecution, supervising the receipt and handling of report on crimes and requesting for initiating a case;
- (2) exercising the right to prosecution and supervising the investigation of criminal cases;
- (3) exercising prosecution rights and supervising judiciary activities during the prosecution period;
- (4) exercising the right to prosecution and supervising the trial of criminal cases;
- (5) Investigating crimes of infringing upon judicial activities, crimes related to corruption committed during the process of judicial activities by officials and employees of the investigating bodies, the court, the people's procuracy, the judgment-executing agency and other persons having the right to conduct judiciary activities;
- (6) supervising the custody, detention and execution of criminal sentences;
- (7) supervising the settlement of administrative cases, civil cases, marriage and family, business, trade, labor and other matters according to the law; supervising the execution of civil and administrative court decisions;
- (8) settling complaints and denunciations and supervising the settlement of complaints and denunciations in judiciary activities;
- (9) exercising prosecution rights and supervising mutual judicial assistance;
- (10) Collect crime statistics and other works.

2. The organizational structure of the People's Procuracy

The structure of People's Procuracies is composed of: the Supreme People's Procuracy; People's High Procuracy; Provincial People's Procuracy; District People's Procuracy; Military Procuracy at all levels.

2.1. Supreme People's Procuracy

2.1.1. Tasks and powers

The Supreme People's Procuracy exercises the right to prosecution and supervise the judiciary activities, ensuring strict and uniform compliance with the law.

2.1.2. Organizational structure:

The Supreme People's Procuracy has a director, deputy-directors, procurators, supervisors, the heads and deputy heads of the investigating bodies, investigators, officials, employees and other laborers. Its organizational apparatus includes the Procuracy Committee, Administrative Office, Inspection agency, departments, institutes, training institutions, press agencies and other public service delivery agencies and Central Military Procuracy.

The Procuracy Committee is composed of the director, deputy-directors and a number of procurators of the Supreme People's Procuracy as decided by the National Assembly Standing Committee at the proposal of the Supreme People's Procuracy Director.

The Procuracy Committee meetings are chaired by the Director to discuss and decide the following important issues:

- (1) Program and work plan of the Supreme People's Procuracy;
- (2) Draft laws and ordinances to be submitted to the National Assembly and its Standing Committee; reports of the director of the Supreme People's Procuracy to be submitted to the National Assembly, its Standing Committee and the State President;
- (3) Working apparatus of the Supreme People's Procuracy;
- (4) Reports of the Director of the Supreme People's Procuracy to be submitted to the Standing Committee of the National Assembly on the disagreements of the Director with resolutions of the Judges Council of the Supreme People's Court;
- (5) Recommendations of the Supreme People's Procuracy on the prevention and combating of crimes to be submitted to the Prime Minister;
- (6) Ranking persons working at the Supreme People's Procuracy into the different categories such as senior procurators, intermediate procurators and primary procurators;
- (7) Requesting the procurators selection council of the Supreme People's Procuracy to consider dismissal or removal of procurators of the Supreme People's Procuracy.

(8) Requesting the Director of the Supreme People's Procuracy to re-appoint, remove from office or dismiss senior procurators, intermediate procurators and primary procurators of the Supreme People's Procuracy.

(8) Other issues as decided by the Director of the Supreme People's Procuracy.

2.2. People's High Procuracy

2.2.1. Tasks and powers

People's High procuracies exercise the right to prosecution and supervise judiciary activities related to cases falling under the competence of the people's high courts.

2.2.2. Organizational structure

The People's High Procuracy has a Director, Deputy Directors, procurators, inspectors, public servants and other laborers. Its apparatus includes:

- a / Procuracy Committee;
- b) Administration Office;
- c) Institutes and the equivalent

The Procuracy Committee of the People's High Procuracy is composed of: Director, deputy directors of the People's High Procuracy and some procurators as decided by the Director of the Supreme People's Procuracy at the proposal of the Director of the People's High Procuracy.

The Procuracy Committee meetings are chaired by the Director of People's High Procuracy to discuss and decide the following important issues:

- (1) The implementation of the program, work plan, directives, circulars and decisions of the Supreme People's Procuracy;
- (2) Work report of the People's High Procuracy;
- (3) Ranking persons working at the People's High Procuracy into the different categories such as senior procurators, intermediate procurators and primary procurators;
- (4) Requesting the Director of the Supreme People's Procuracy to re-appoint, remove from office or dismiss senior procurators, intermediate procurators and primary procurators of the People's High Procuracy;
- (5) Other issues as decided by the Director of the People's High Procuracy.

2.3. Provincial People's Procuracy

2.3.1. Tasks and powers

Provincial People's Procuracies exercise the right to prosecution and supervise judiciary activities within their respective provinces and cities.

2.3.2. Organizational structure:

Provincial People's Procuracy has a director, deputy directors, procurators, inspectors, public servants and other laborers. Its organizational apparatus consists of:

- a) Procuracy Committee;
- b) Administration Office;
- c) Divisions and the equivalent.

2.4. District People's Procuracies

2.4.1. Tasks and powers:

The District People's Procuracies exercise the right to prosecution and supervise judiciary activities within their districts.

2.4.2. Organizational structure:

A District People's Procuracy has a director, deputy directors, procurators, inspectors, civil servants and other laborers. Its organizational is composed of:

- a) Administration Office;
- b) Professional sections;
- c / For places where conditions do not allow, working teams can replace professional sections.

2.5. Military Procuracy at all levels

2.5.1. Tasks and powers

Military procuracies are organized in the Vietnam People's Army to exercise the right to prosecution, supervise judicial activities in the army, ensure security, national defense, discipline and combat power of the military, protect the legitimate rights and interests of military personnel, public servants, employees and other laborers in the army, ensure that all offenses and violations of law are strictly addressed.

2.5.2. The system of military procuracy

- a) Central Military Procuracy;
- b / Zone Military Procuracies and the equivalent;
- c / Regional military procuracy.

3. Procurators:

Procurator are appointed in accordance with the law to perform the function of prosecution and judiciary activities supervision.

Procuratorial Ranks include:

- a / Procurators of the Supreme People's Procuracy;
- b/ Senior Procurators;
- c / Intermediate procurators;
- d / Primary procurators.

All procurators should meet the following criteria:

- (1) Being a Vietnamese citizen; loyal to the Fatherland and the Constitution of the Socialist Republic of Vietnam; having good moral characters, strong political will and strong courage; ready for protection of justice, integrity and honesty;
- (2) Having a bachelor of law degree or higher;
- (3) Having been trained in procuracy profession;
- (4) Having worked in practice for a certain time as described by law;
- (5) Having good health to fulfill assigned tasks.

The State President shall appoint and dismiss the procurators of the Supreme People's Procuracy as prescribed.

The Director of the Supreme People's Procuracy shall appoint primary procurators, intermediate procurators and senior procurators.

Procurators shall be appointed for the first time for a term of 5 years; In cases where they are re-appointed or promoted, the duration shall be 10 years.

The initial terms of a procurator is five years; If they are re-appointed, the subsequent term shall be 10 years.

VII. LOCAL GOVERNMENT

1. Local government system

Local government system in different administrative units of the Socialist Republic of Vietnam includes:

- 1) Provincial/city governments;
- 2) District/ town governments;

- 3) Commune/ward governments;
- 4) Special administrative-economic unit established by the National Assembly.

2. Organizational structure of local governments

The local government at each level consists of People's Council and People's Committee organized suitably to the characters of each administrative unit (rural, urban, island or special administrative-economic units).

2.1. People's Council

The People's Council is the local authority, representing the will, aspirations and mastership of the people, elected by the local people, responsible to the local people and the superior State authorities.

The People's Council decides local issues as prescribed by law and supervises the observance of the Constitution and laws in the localities and the implementation of resolutions of the People's Councils.

2.2. People's Committee

People's committees are elected by the People's Councils of the same level as the executive bodies of the People's Councils and the State administrative bodies at local level. They are responsible to the People's Councils of the same level and superior State administration agencies.

The People's Committees are in charge of organizing the implementation of the Constitution, laws and resolutions of the People's Councils in their respective localities and performing other tasks assigned by the superior State agencies.

3. Tasks and powers of the local government

- (1) Organize and ensure the implementation of the Constitution and laws in the respective area;
- (2) Decide local issues within the scope of authority provided for by the law;
- (3) Perform the tasks and exercise the powers delegated by the superior State administrative organs;
- (4) Inspect and supervise the organization and operation of lower level authorities in respective locality;
- (5) To be answerable to the superior State agency for the performance of their tasks and powers as prescribed;
- (6) Coordinate with state agencies at all levels to promote regional economic integration, implement regional planning, ensure the unification of the national economy;

(7) Decide and organize the implementation of measures to promote the people's mastery, mobilize social resources for socio-economic development and construction and ensure national defense and security in respective areas according to the law;

(8) Be under inspection and supervision of superior state agencies.

VIII. COUNCIL OF NATIONAL ELECTION

The National Election Council is an agency set up by the National Assembly, which has the task of organizing the election of deputies to the National Assembly, directing and guiding the election of deputies to the People's Councils at all levels.

The National Election Council is composed of the President, Vice-Presidents and the Members.

The specific organization, tasks and powers of the National Election Council and its number of members is prescribed by the law.

IX. STATE AUDIT

The State Audit is an agency set up by the National Assembly, which operates independently and obeys only the law. It's in charge of auditing the management and use of State budget and public assets.

The State Auditor General is the head of the State Audit, elected by the National Assembly. His/her term of office is prescribed by law.

The State Auditor General reports the audit results and work results to the National Assembly. Between sessions of the National Assembly, State Auditor General reports to the Standing Committee of the National Assembly.

The specific functions, tasks and powers of the State Audit are prescribed by law.