

THE NATIONAL ASSEMBLY

No: 32/2004/QH11

SOCIALIST REPUBLIC OF VIET NAM

Independence - Freedom - Happiness

Ha Noi, day 03 month 12 year 2004

LAW ON NATIONAL SECURITY

(Law No. 32/2004/QH11 of December 3, 2004)

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

This Law provides for the national security.

Chapter I

GENERAL PROVISIONS

Article 1.- Regulation scope

This Law prescribes the national security policies; the national security protection principles, tasks and measures; the rights, obligations and responsibilities of agencies, organizations and citizens in protecting the national security.

Article 2.- Subjects of application

This Law applies to agencies, organizations and citizens of the Socialist Republic of Vietnam; foreign individuals and organizations as well as international organizations, that reside or operate in the territory of the Socialist Republic of Vietnam; in cases where the international agreements which the Socialist Republic of Vietnam has signed or acceded to otherwise provide for, such international agreements shall apply.

Article 3.- Term interpretation

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

1. National security means the stability and sustainable development of the socialist regime and the State of the Socialist Republic of Vietnam, the inalienability of the independence, sovereignty, unity and territorial integrity of the Fatherland.
2. National security protection means the prevention, detection, stoppage of, and the struggle to frustrate, all activities of infringing upon the national security.
3. Activities of infringing upon the national security mean acts of infringing upon the political regime, the economic regime, culture, security, national defense, external relations, independence, sovereignty, unity, territorial integrity of the Socialist Republic of Vietnam.
4. National security-threatening dangers mean factors inside and outside the Vietnamese territory, which may actually cause harms to the national security of the Socialist Republic of Vietnam.
5. The national security protection specialized agencies mean the directing, commanding agencies and professional units of the people's armed forces, which are assigned the specialized tasks of advising on, organizing the implementation of, and directly implementing, the tasks of protecting the national security.
6. National security protection specialized officials mean officers and non-commissioned officers of the national security protection specialized agencies, who are assigned the specialized tasks of

advising on, organizing the implementation of, directly implementing, the tasks of protecting the national security.

7. Professional measures mean the working measures taken by national security protection specialized agencies in accordance with law provisions.

8. Important national security targets mean objects, locations, works, political, security, defense, economic, technical-scientific, cultural or social establishments, which are on the law-prescribed list of those to be protected.

9. The people's security means the spiritual and material strengths, the unity and traditions of national construction and defense of the entire nation, which are mobilized for the cause of national security protection, in which the national security protection specialized forces act as the core.

10. The people's security disposition means the organization and deployment of national security protection forces and necessary resources in order to take initiative in protecting the national security.

Article 4.- The national security policies

1. The Socialist Republic of Vietnam State adopts the policy of peace, friendship, expanding exchanges and cooperation with all countries on the basis of respect for each other's independence, sovereignty and territorial integrity, non-interference in each other's internal affairs, equality and mutual benefit.

2. The State adopts the policies of building the national unity bloc; strongly developing economy, culture, society, sciences, technologies, security, national defense and external relations, firmly maintaining the political stability in order to ensure the national security.

Article 5.- Principles for national security protection activities

1. To abide by the Constitution, the law, ensure the interests of the State, the legitimate rights and interests of organizations, individuals.

2. To be placed under the leadership of the Communist Party of Vietnam and the unified management of the State; to mobilize the integrated strength of the political system and the entire nation with the national security protection specialized forces acting as the core.

3. To closely combine the tasks of national security protection with the tasks of economic, cultural, social construction and development; to efficiently coordinate security, defense and external activities.

4. To actively prevent and struggle to foil all schemes and acts of infringing upon the national security.

Article 6.- Building the national security protection force

1. The State builds the national security protection specialized force into a revolutionary, regular, elite and gradually modernized one acting as the core in performing the tasks of protecting the national security.

2. The agencies and organizations shall, within the scope of their respective tasks and powers, have to build the commune police, self-defense and militia forces, office and enterprise security forces, street population defense and civil guards for participation in activities of national security protection according to law provisions.

Article 7.- Ensuring conditions for national security protection activities

The State ensures budget and material bases for national security protection activities in all circumstances, giving priority to strategic, key and important national security areas; adopts

policies to mobilize scientific and technological achievements in service of national security protection activities.

Article 8.- National security protection responsibilities and obligations

National security protection constitutes the cause of the entire population. The agencies, organizations and citizens have the responsibility and obligation to protect the national security according to law provisions.

Article 9.- Regimes and policies for agencies, organizations and individuals engaged in national security protection activities

1. The State protects and keeps secret for officers and men of the national security protection specialized force as well as agencies, organizations and individuals engaged in national security protection.

2. Agencies, organizations and individuals that record achievements in national security protection activities shall be commended/rewarded, have their harmed honor restored, get compensation for property damage incurred by them; for persons who get wounded, health damage or die, they or their families shall enjoy the regimes and policies as prescribed by law.

Article 10.- National security protection propagation and education

1. The Government, the ministries, the ministerial-level agencies, the Government-attached agencies and the People's Committees at all levels shall have to organize and direct the work of propagation for, and education in, national security protection.

2. The information and propaganda agencies shall have to organize the propagation and dissemination of legislation on, and raise the sense of, national security protection for the entire population.

3. The agencies and organizations shall, within the scope of their respective tasks and powers, have to propagate, educate and mobilize Vietnamese citizens, overseas Vietnamese to protect the national security.

4. National security protection education constitutes a national education content. The education and training-State management agencies shall have to include the content of national security protection education into the curricula of schools and other educational institutions, suitable to disciplines and educational levels.

Article 11.- International cooperation in the field of national security protection

The Socialist Republic of Vietnam State adopts the policy of multilateral and bilateral cooperation with other countries and international organizations in national security protection activities in accordance with Vietnamese laws and international laws; implements the international agreements related to the field of national security protection, which the Socialist Republic of Vietnam has signed or acceded to.

Article 12.- Policy on handling of acts of infringing upon the national security

1. All acts of infringing upon the national security must be severely and promptly dealt with strictly according to law provisions. The instigators, ring-leaders, commanders, die-hard opponents shall be severely punished.

2. Persons who are compelled, deceived, dragged to work for organizations or individuals in activities of infringing upon the national security but make confessions and truthfully report thereon shall be given leniency; if they record merits, they shall be commended and/or rewarded.

3. Foreigners who commit acts of infringing upon Vietnam's national security outside the Vietnamese territory may be handled according to laws of the Socialist Republic of Vietnam in

cases where it is so provided for by international agreements which the Socialist Republic of Vietnam has signed or acceded to.

Article 13.- Prohibited acts

1. Organizing, operating, colluding with, instigating, controlling, inciting, buying off, deceiving or dragging other persons to oppose the people's administration, to abolish the leadership role of the Communist Party of Vietnam, to divide the country, to disrupt the national unity bloc.
2. Undertaking the tasks of organizations, individuals to conduct activities of infringing upon the national security or participating in, assisting, providing finance, weapons and means for, organizations and/or individuals to conduct activities of infringing upon the national security.
3. Illegally gathering, storing, transporting, trading in, using, disclosing, supplying or distributing information, documents and articles classified as State secrets.
4. Infringing upon important national security targets.
5. Opposing or hindering agencies, organizations and/or individuals from performing the tasks of national security protection.
6. Abusing the performance of national security protection tasks to infringe upon the interests of the State, the legitimate rights and interests of organizations, individuals.
7. Other acts of infringing upon the national security, prescribed in the Penal Code and relevant legal documents.

Chapter II

NATIONAL SECURITY PROTECTION

Article 14.- Tasks of national security protection

1. Protecting the political regime and the Socialist Republic of Vietnam State, protecting independence, sovereignty, unity and territorial integrity of the Fatherland.
2. Protecting the ideological and cultural security, the national unity bloc, the legitimate rights and interests of agencies, organizations and individuals.
3. Protecting the security in the economic, defense, external relation domains and other national interests.
4. Protecting the State secrets and important national security targets.
5. Preventing, detecting, stopping, frustrating and excluding all activities of infringing upon the national security and dangers threatening the national security.

Article 15.- Basic measures to protect the national security

1. The basic measures for national security protection include mass agitation, legislation, diplomatic, economic, technical-scientific, professional and arms measures.
2. The contents, conditions, competence, order, procedures and responsibility for application of the measures prescribed in Clause 1 of this Article shall be prescribed by law.

Article 16.- Building the people's security and the people's security disposition

1. To mobilize the entire population to participate in the national security protection movement; to educate, mobilize State officials and employees, laborers and all citizens to participate in building localities, agencies and organizations into strong ones; to build the national unity bloc; to raise the people's material and spiritual life.
2. To formulate, and organize the implementation of, strategies, policies and plans for national security protection in association with the building and consolidation of the political system,

economic, cultural, social and external relation development in close combination with building the entire-people's national defense.

3. To enhance the socialist legislation, to build and perfect the system of legislation on national security protection; to specifically define the tasks, powers, responsibilities and obligations of agencies, organizations and individuals in national security protection.

4. To build the national security protection forces into strong ones; to elaborate plans and to organize and arrange forces as well as necessary means for taking initiative in protecting the national security in all circumstances.

Article 17.- Rights and obligations of citizens in national security protection

1. To join in the national security protection forces and perform the national security protection tasks according to law provisions.

2. To denounce acts of infringing upon the national security, acts of abusing the performance of national security protection tasks to infringe upon the interests of the State, the legitimate rights and interests of organizations and individuals.

3. To detect, propose the administrations or the national security protection agencies to redress loopholes and shortcomings in the implementation of legislation on national security protection.

4. To detect, provide in time information and/or documents related to, activities of infringing upon the national security to the nearest administration or national security protection agencies.

5. To act upon the requests of national security protection agencies according to law provisions.

6. To assist, create conditions for, responsible agencies and persons to apply preventive measures, detect, stop and struggle against activities of infringing upon the national security.

Article 18.- Responsibilities of agencies and organizations in national security protection

1. Agencies and organizations shall, within the ambit of their respective tasks and powers, have to organize the performance of tasks defined in Article 14 of this Law and other law provisions on national security protection.

2. To apply measures to protect the internal political security, mobilize the strengths of agencies, organizations for the performance of national security protection tasks; to include the national security protection tasks into professional programs, plans and activities of agencies, organizations.

3. To educate and mobilize all members of their agencies or organizations as well as people to participate in national security protection.

4. To detect, provide in time information and/or documents related to, activities of infringing upon the national security to the nearest national security protection agencies or administrations.

5. To act upon requests of national security protection agencies as provided for by law.

Article 19.- Responsibilities of Vietnam Fatherland Front and its member organizations in national security protection

Vietnam Fatherland Front and its member organizations shall, within the ambit of their respective tasks and powers, have to propagate and mobilize people to build the national unity bloc, to strictly observe the legislation on national security protection; to supervise the observance of legislation on national security protection by organizations and individuals.

Article 20.- To protect the national security upon the appearance of state of emergency, state of war

Upon the appearance of the state of emergency, the state of war, the national security protection shall comply with law provisions on the state of emergency, the state of war.

The Defense and Security Council shall have to mobilize all forces and capabilities of the country for the defense of the Fatherland; perform the special tasks and exercise the special powers assigned by the National Assembly.

Article 21.- Application of a number of necessary measures upon the appearance of dangers threatening the national security but not to the extent of proclaiming the state of emergency

1. Upon the appearance of a threat against the national security, which is, however, not serious enough for promulgation of the state of emergency, the Prime Minister may decide to apply some following measures:

- a) Intensifying the protection of important targets;
 - b) Organizing sentry posts to limit or control people and means operating at certain hours in certain areas;
 - c) Conducting special control at border gates of shipments by air, by sea, inland water, railways and land;
 - d) Limiting or temporarily ceasing the transportation, use of inflammables, explosives, toxins, toxic chemicals, radioactive substances under the lawful use rights of agencies, organizations or individuals; strictly controlling the transportation and use of assorted weapons, support tools;
 - e) Banning, disbanding or restricting big rallies and activities of individuals, organizations, which are deemed harmful to the national security;
 - f) Restricting or suspending operations of theatres, cinemas and/or other public-activity places;
 - g) Controlling the use of communications means in a locality or a certain area;
 - h) Forcing the persons who commit acts harmful to the national security to leave important political, economic, security or defense areas or not to get out of their residence places;
 - i) Mobilizing human and material resources for the performance of national security protection tasks.
2. Agencies, organizations and individuals must obey the orders and/or decisions of agencies and/or persons that apply measures prescribed in Clause 1 of this Article.

Chapter III

NATIONAL SECURITY PROTECTION AGENCIES

Article 22.- National security protection agencies

1. The national security protection agencies include:

- a) The directing and commanding agencies and security, intelligence or guard units of the People's Police;
- b) The directing and commanding agencies and army security protection, army intelligence units of the People's Army;
- c) The border guards, the coast guards are agencies specialized in protection of national security in land border and sea border regions.

2. The organizational apparatuses, tasks, specific powers, operational responsibility scopes and coordinative relationship of the agencies defined in Clause 1 of this Article shall be prescribed by law.

Article 23.- Tasks of national security protection specialized agencies

1. The national security protection agencies shall perform the tasks prescribed in Article 14 of this Law.
2. The specific tasks of the national security protection agencies:

- a) To organize the gathering of information, analyze, assess and forecast the situation and propose national security protection policies, solutions and plans;
- b) To guide and inspect agencies, organizations and individuals in exercising the rights and performing the obligations and responsibility to protect the national security, protecting the State secrets, building safe agencies and units, building the national security protection movement;
- c) To organize and direct the prevention, detection and stoppage of, struggle against, activities of infringing upon the national security;
- d) To research into, and apply sciences and technologies to, the work of national security protection;
- e) To effect cooperation with countries, international organizations under international treaties which the Socialist Republic of Vietnam has signed or acceded to in prevention and fight against activities of infringing upon the national security.

Article 24.- Powers and responsibilities of national security protection agencies

1. The national security protection agencies shall have the powers:

- a) To resort to professional measures according to law provisions;
- b) To request agencies, organizations and/or individuals to supply information, documents and/or things when there are grounds to determine that they are involved in activities of infringing upon the national security;
- c) To request finance bodies or organizations, treasuries, banks to inspect and block accounts and/or financial sources related to activities of infringing upon the national security;
- d) To request post, telecommunications agencies or organizations, customs offices to open or hand over mails, telegraphs, postal matters, parcels, commodities for inspection when there are grounds to determine that they contain information, documents, explosives, weapons or other articles harmful to national security;
- e) To check traffic means, communications means, computers, computer networks, objects, documents, commodities, residences, working places or other establishments of agencies, organizations or individuals when there are grounds to determine that they are related to activities of infringing upon the national security;
- f) To requisition according to law provisions communications means, traffic means or other means and the users or operators thereof in emergency cases for the performance of national security protection tasks or the stoppage of consequences harmful to the society, which are occurring or threaten to occur;
- g) To suspend or stop the use of communications means or other activities in the Vietnamese territory when there are grounds to determine that such activities cause harms to the national security; to demand the cessation of transportation by Vietnamese traffic means or foreign traffic means in the Vietnamese territory in order to protect the national security and ensure safety for such means;
- h) To apply necessary measures to protect collaborators, denouncers, witnesses, victims in cases of infringing upon the national security.

2. The heads of the national security protection agencies shall decide on the resort to powers prescribed in Clause 1 of this Article according to the Government-prescribed order and procedures and bear responsibility before law for their decisions.

3. The national security protection agencies shall have the responsibility:

- a) To carry out activities to protect the national security within the scope of their respective functions, tasks and powers as provided for by law;

b) To abide by law provisions on protection of the interests of the State, the legitimate rights and interests of organizations and individuals; in cases where those rights and interests must be restricted due to national security protection requirements, such must be decided by competent persons;

c) To keep secret the assistance rendered by agencies, organizations or individuals to the work of national security protection.

Article 25.- Powers and responsibilities of national security protection officers

1. National security protection officers, while performing their tasks, shall have the powers:

a) To exercise the rights prescribed in Clause 1, Article 24 of this Law under decisions of competent persons of national security protection agencies;

b) To keep secret personal identities, backgrounds, tasks and working means;

c) To be exempt from customs procedures for documents, professional means carried along upon their entries, exits across borders, border-gates;

d) To produce security identity cards in case of necessity in order to request agencies, organizations or individuals to render assistance.

2. The Government shall specify the order, procedures and competence for implementation of the provisions of Clause 1 of this Article.

3. The national security protection officers have the responsibility to strictly observe the State's laws, the professional rules and disciplines of the people's armed forces and bear responsibility before law for their doings.

Article 26.- Equipping weapons, professional technical means, support tools to, and using them by, officers and men of national security protection agencies

Officers and men of the national security protection agencies are equipped with, and entitled to use, weapons, professional technical means, support tools to perform the national security protection tasks according to law provisions.

Article 27.- Regime of managing national security protection information, documents and things

1. Information, documents and objects related to national security protection agencies or gathered by such agencies are classified as State secrets and managed according to law provisions on protection of State secrets.

2. Information, documents and objects prescribed in Clause 1 of this Article, which are of historical, scientific and technological values and have been publicized under law provisions can be transferred to State archival agencies for management.

Article 28.- Regimes and policies towards officers and men of national security protection agencies

Officers and men of the national security protection agencies are recruited, fostered, trained, conferred ranks, promoted to ranks of the people's armed forces and enjoy the preferential regimes and policies according to law provisions.

Chapter IV

STATE MANAGEMENT OVER NATIONAL SECURITY

Article 29.- Contents of State management over national security

1. Formulating, and organizing the implementation of, national security protection strategies, policies, plans and schemes and ensuring necessary conditions for national security protection activities; promulgating, and organizing the implementation of, legal documents on national security protection.

2. Organizing, directing, guiding activities of gathering, detecting, investigating, handling information, documents and/or acts related to activities of infringing upon the national security.
3. Directing, guiding the application of national security protection measures.
4. Organizing the apparatus of, equipping means to, training officials engaged in national security protection; fostering national security protection knowledge to key officials of agencies and organizations; formulating, and organizing the implementation of programs on education in national security protection; formulating and implementing regimes and policies towards agencies, organizations and individuals engaged in national security protection.
5. Examining, inspecting and settling complaints, denunciations in national security protection activities.
6. Effecting international cooperation on national security protection.

Article 30.- Unified State management over national security

1. The Government performs the unified State management over national security protection.
2. The Ministry of Public Security is answerable to the Government for taking the prime responsibility for, and coordinating with the Defense Ministry, the Ministry of Foreign Affairs, other ministries and ministerial-level agencies in, performing the State management over national security protection.

Article 31.- The Defense Ministry's responsibility in the State management over national security

The Defense Ministry shall, within the ambit of its tasks and powers, be answerable to the Government for coordinating with the Ministry of Public Security in performing the State management over national security protection; direct forces under its management to closely coordinate with the People's Police forces and local administrations in national security protection according to law provisions.

The Regulation on coordination between the Ministry of Public Security and the Defense Ministry in performing the national security protection tasks shall be prescribed by the Prime Minister.

Article 32.- Responsibility of the Ministry of Foreign Affairs in the State management over national security

The Ministry of Foreign Affairs shall, within the ambit of its tasks and powers, have to perform national security protection tasks according to the provisions of Article 14 of this Law and other relevant law provisions and coordinate with the Ministry of Public Security, the Defense Ministry and other concerned agencies in national security protection.

The Regulation on coordination between the Ministry of Public Security and the Ministry of Foreign Affairs in performing the national security protection tasks shall be prescribed by the Prime Minister.

Article 33.- Responsibilities of the ministries, ministerial-level agencies in the State management over national security

The ministries, ministerial-level agencies shall, within the ambit of their respective tasks and powers, have to perform the national security protection tasks according to the provisions of Article 14 of this Law, other relevant law provisions and coordinate with the concerned agencies in national security protection.

Article 34.- Responsibility of the People's Committees of all levels in the State management over national security

The People's Committees at all levels shall, within the ambit of their respective tasks and powers, perform the State management over national security protection in their respective localities; perform the national security protection tasks according to the provisions of this Law and other relevant law provisions.

Chapter V

IMPLEMENTATION PROVISIONS

Article 35.- Implementation effect

This Law shall take implementation effect as from July 1, 2005.

The previous regulations contrary to this Law shall all be annulled.

Article 36.- Implementation guidance

The Government shall detail and guide the implementation of this Law

This Law was passed on December 3, 2004 by the XIth National Assembly of the Socialist Republic of Vietnam at its 6th session.

Chairman of the National Assembly
NGUYEN VAN AN

**THE NATIONAL
ASSEMBLY**

CHAIRMAN

(Đã ký)

Nguyen Van An