

STANDING COMMITTEE OF NATIONAL ASSEMBLY

No: 23/2004/PL-UBTVQH11

REPUBLIC OF SOCIALIST VIETNAM

Independence - Freedom - Happiness

Hanoi, 20 May 2008 2004

ORDINANCE OF THE STANDING COMMITTEE OF NATIONAL ASSEMBLY

The organization of criminal investigation

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

Pursuant to the criminal law;

This Ordinance of organizational structure, authority to investigate specific agency investigations; duties and powers specified in the work of investigating the border guards, customs, ranger, police marine and other agencies of the People's Police, the People's Army was tasked to conduct a survey activities.

CHAPTER I GENERAL PROVISIONS

Article 1. Investigating body

1. The People's Police have investigated the following agencies:

a) The police investigation of the Public Security Agency Police investigating the provincial cities under central authority (hereinafter referred to collectively as the police investigation agency Provincial Police) Police Agency Police investigating districts, towns and provincial cities (hereinafter referred to as agency police investigation Police district level);

b) Security Agency to investigate the Ministry of Public Security; Security Agency to investigate the provincial cities under central authority (hereinafter referred to as Security Agency investigation Provincial Police).

2. The People's Army has investigated the following agencies:

a) The criminal investigation of Department of Defense; agency criminal investigation and the military equivalent agency criminal investigation area;

b) Security Agency to investigate the Ministry of Defense; Security Agency to investigate the Army and equivalent.

3. The Institute of the Supreme People's Procuracy has the agency to investigate the following:

a) The investigation of the Procuracy of the Supreme People;

b) The investigation of the Procuracy of the Central Military.

4. Investigating agencies have heads, deputy heads and the examiners.

Article 2. Agency tasked to conduct survey activities

Agencies tasked to conduct a survey of activities including border guards, customs, Ranger, Coast Guard forces, other agencies of the People's Police, the People's Army regulations in Articles 19, 20, 21, 22, 23, 24 and 25 of this Ordinance.

Article 3. Task of investigating agencies

Investigation agency conducted investigations of all crime, all measures applied by the criminal law provisions to determine the crime and made the offense, setting records, proposed access factor; find the causes, conditions and requirements offender agencies and organizations to apply the remedy and prevent.

Article 4. Task of investigating agencies tasked to conduct a survey activities

1. Border guards, customs, Ranger, Coast Guard forces when performing their duties in their management that detects the level of offenses to be prosecuted for criminal conduct is the investigation under the provisions of Articles 19, 20, 21 and 22 of this Ordinance.

2. Other agencies of the People's Police, the People's Army was tasked to conduct a survey of work while doing their duties, if detecting signs of the crime shall have the right to initiate prosecutions project, conducted the initial investigation work and transfer the file to the investigating agencies have authority under the provisions of Articles 23, 24 and 25 of the Ordinance.

Article 5. Operation principles investigation

1. The investigating agencies and the agencies tasked to conduct a survey of activities specified in this Ordinance will be conducted to investigate criminal cases. All activities are subject to investigation under the provisions of the criminal law and this Ordinance.

2. Active investigation must respect the facts, conduct an objective, comprehensive and complete; detected accurately and quickly every offense, to clarify the evidence of guilt and evidence of innocence, the aggravating and mitigating criminal liability of persons offenses, not to fit the crime and not the innocent falsely.

3. Investigation agency subordinate subject guide and direct the professional level on the investigating agencies.

Article 6. Responsibilities of the Procuracy of the investigation activities

Procuracy Procuracy to obey the law in the investigation activities to ensure active investigation by investigating agencies, border guards, customs, Ranger, Coast Guard forces, other agencies of the People's Police, the People's Army was tasked to conduct a survey of activities in compliance with the provisions of the criminal law and this Ordinance.

Procuracy to timely detect and require investigating agencies, border guards, customs, Ranger, Coast Guard forces, other agencies of the People's Police, the People's Army was tasked conducted a number of activities to investigate violations of law to overcome the activities of the investigation; grant and revoke certificates for those who defend the case by the border guards, customs, ranger, force Landscape the sea and other agencies of the People's Army was tasked to conduct a survey of active acceptance of the investigation.

Investigating agencies, border guards, customs, Ranger, Coast Guard forces and other agencies of the People's Police, the People's Army was tasked to conduct a survey of activities must be conducted requirements, the decision of the Procuracy of the provisions of the criminal law.

Article 7. Responsibilities of agencies, organizations and citizens in activities to investigate

1. Organizations and citizens have the right and obligation to detect and denounce the crime; is responsible for implementing the requirements and facilitating the investigating agencies, border guards, customs, ranger, force Coast Guard, other agencies of the People's Police, the People's Army was tasked to conduct a survey of operations, heads and deputy heads of investigation agencies, examiners, heads, Deputy Prime head of the agency tasked to conduct a survey of activities to perform the tasks investigated.

2. Within their responsibilities, state agencies must immediately notify the agency to investigate all offenses that occur in institutions and in their management; have the right to propose and submit documents related to the investigating agencies to consider prosecution for the offense is; is responsible for implementing the requirements and facilitating the investigating agencies, border guards, customs, ranger, power Coast Guard, other agencies of the People's Police, the People's Army was tasked to conduct a survey of operations, heads and deputy heads of investigation agencies, examiners, heads and deputy heads of agencies tasked to conduct a survey of activities to perform the tasks investigated.

3. Within their responsibilities, agencies must review the investigation and settlement information report, denounce the crime, prosecution recommendations, announced the settlement results to the agencies and organizations have been alert and recommendations who denounce criminals must know and apply the necessary measures to protect people denounce crimes.

Article 8. Monitoring of agencies, organizations and elected representatives to investigate activities of investigating agencies, border guards, customs, Ranger, Coast Guard forces, other agencies of the People's Police , People's Army was tasked to conduct a survey of activities

State agencies, the Committee of Vietnam Fatherland Front and its member organizations of the Front, elected representatives have the right to supervise the investigation activities of investigating agencies, border guards, customs, Check forestry, marine police, other agencies of the People's Police, the People's Army was tasked to conduct a survey of operations, heads and deputy heads of investigation agencies, examiners, Thu chief, deputy heads of the agencies tasked to conduct a survey activities.

In case of detection of acts of unlawful activity to investigate the state agencies, elected representatives may request the Committee of Vietnam Fatherland Front, the member organizations of the Front have recommendations to the competent authorities for consideration and resolution in accordance with the criminal law. Within their responsibilities, investigating agencies, border guards, customs, Ranger, Coast Guard forces, other agencies of the People's Police, the People's Army was tasked to conduct a activities must consider the investigation, settlement and report the settlement results to the agencies, who require or recommend that.

CHAPTER II

ORGANIZATION AND COMPETENCE OF INVESTIGATION AGENCY INVESTIGATION

Section A

ORGANIZATION AND COMPETENCE OF INVESTIGATION AGENCY POLICE INVESTIGATION IN PEOPLE

Article 9. Organization of the police investigation agency in the People's Police

1. Organization of police agencies to investigate include the Ministry of Public Security Police Department criminal investigation of social order, Police Department criminal investigation of order and economic management and position, Police Department investigated criminal drug agency and the Office of Police investigations.

2. Organization of police agencies to investigate include the provincial Public Security Police Department criminal investigation of social order, Police Department criminal investigation of order and economic management and position, the Police Department investigate crimes and drug agency office police investigation.

3. The organization of the police district police investigation team consists of police criminal investigation of social order, police team investigating crimes and order management and economic position, the police team investigate crimes and drug agency assisting apparatus police investigation.

Article 10. Organization of Security Agency to investigate the People's Police

1. Organization of the Security Agency to investigate the Police include investigation room, office professional and office security investigation agency.

2. Organization of Security Agency investigated include Provincial Police investigation teams, professional teams and assistance apparatus Security Agency investigation.

Article 11. Authority to investigate the police investigation agency in the People's Police

1. Police investigate body of district police to investigate criminal cases of offenses prescribed in chapters from Chapter XII to Chapter XXII of the Code when the criminal offenses under the jurisdiction of the Court people at district level, except for crimes under the jurisdiction of the investigating agency to investigate the Procuracy and the Supreme People's Security Agency to investigate the People's Police.

2. Police investigate body Provincial Police to investigate criminal cases of offenses specified in paragraph 1 of this article when the crime under the jurisdiction of the provincial people's courts or crime of authority to investigate the police investigation agency of the district police deem to direct the investigation.

3. Police investigate body of Police to investigate criminal cases of the crime especially serious, complex investigations under the authority of the police investigation agency of the provincial police deem to directly investigation.

Article 12. Competent investigation of security agencies to investigate the People's Police

1. Security Agency investigated Provincial Police to investigate criminal cases of offenses specified in Chapter XI, Chapter XXIV and criminal provisions in Articles 180, 181, 221, 222, 223, 230, 231, 232, 236, 263, 264, 274 and 275 of the criminal law when the crime under the jurisdiction of the provincial People's Court.

2. Security agencies investigating the Police to investigate criminal cases of the crime especially serious, complex investigations under the authority of the Security Agency to investigate the provincial Public Security provided for in Clause 1 of this Article but deems to direct the investigation.

SECTION B

ORGANIZATION AND COMPETENCE OF INVESTIGATION AGENCY INVESTIGATION IN THE MILITARY PEOPLE

Article 13. Organization of the criminal investigation agencies in the People's Army

1. Agency Organization of Criminal Investigation Department of Defense including the Office of investigation, prevention and professional assistance apparatus criminal investigation agency.

2. Organization of the criminal investigation agencies and the military equivalent of a board investigation and assistance apparatus criminal investigation agency.

3. Organization of the agency to investigate criminal areas include parts of the apparatus of investigation and assisting the criminal investigation agency.

4. Pursuant to the mission and organization of the Army in each period, the Government of the Standing Committee of National Assembly for decision the establishment or dissolution of the

criminal investigation agencies and the military equivalent, the investigating agencies the region.

Article 14. Organization of the Security Agency to investigate the People's Army

1. Organization of Security Agency Ministry of Defense investigate the rooms including investigation, prevention and professional assistance apparatus Security Agency investigation.
2. Organization of Security Agency investigated and the military equivalent of a board investigation and assistance apparatus Security Agency investigation.
3. Pursuant to the mission and organization of the Army in each period, the Government of the Standing Committee of the National Assembly decide to establish or dissolve Security Agency to investigate the military and their equivalents.

Article 15. Authority to investigate the criminal investigation agencies in the People's Army

1. Agencies investigating criminal investigation of the area of criminal cases on the criminal provisions of the chapter from Chapter XII to Chapter XXIII of the Code when the criminal offenses under the jurisdiction of military tribunals area, except for crimes under the jurisdiction of the investigating agency to investigate the Procuracy Central Military.
2. Criminal investigation agencies and the military equivalent to investigate criminal cases of offenses specified in paragraph 1 of this article when the crime under the jurisdiction of the Court of Military and their equivalents or the criminal investigation under the jurisdiction of the agency criminal investigation, but deems the area to direct the investigation.
3. Criminal investigation agency Department of Defense to investigate a criminal case on the crime especially serious, complex investigations under the jurisdiction of the criminal investigation agencies and the military deems equivalent to the direct investigation.

Article 16. Authority to investigate the security agencies to investigate the People's Army

1. Security agencies investigating the Army and equivalent to investigate criminal cases of offenses specified in Chapter XI and Chapter XXIV of the Code when the criminal offenses under the jurisdiction of military tribunals Army and their equivalents.
2. Security agencies investigating the Ministry of Defense to investigate a criminal case on the crime especially serious, complex investigations under the authority of the Security Agency and the military investigation but deems equivalent to direct investigation.

SECTION C

ORGANIZATION AND COMPETENCE OF INVESTIGATION AGENCY INVESTIGATION

Procuracy's Supreme People's

Article 17. Organization of the investigating agencies of the Institute of the Supreme People's Procuracy

1. Organization of the agency investigating the Procuracy of the Supreme People's Office has investigated and apparatus assisting investigating agencies.
2. Organization of the investigating agencies Procuracy Central Military include parts of the apparatus of investigation and assisting investigating agencies.

Article 18. Authority to investigate the agency investigation of the Procuracy of the Supreme People's

1. Agency investigators Supreme People's Procuracy to investigate criminal cases of some criminal activity violated the judicial officers who are guilty of the judicial bodies when such crimes under the jurisdiction hearing of the People's Court.
2. Investigating body Procuracy Central Military to investigate criminal cases of offenses specified in paragraph 1 of this article when the crime under the jurisdiction of military tribunals.

CHAPTER III
POWERS OF INVESTIGATION AGENCIES ARE OVER
MISSION CARRY ON SOME INVESTIGATION ACTIVITIES

Article 19. Investigation powers of border guards

1. Border guards while performing their duties in their management that detect criminal provisions of Chapter XI and the 119, 120, 153, 154, 172, 180, 181, 188, 192, 193, 194 , 195, 196, 230, 232, 236, 263, 264, 273, 274 and 275 of the criminal law occurred in the border areas on land, coast and islands and on the waters of the Border Office Management Director General of the reconnaissance-guard, commandant border guards provinces and cities directly under the central, head-guard rumors have the right:

a) For less serious crimes where offenders gifts, evidence and background offender is clearly a decision to prosecute the case, the scene examination, examination reviews, testimonies, seizure , custody and preservation of physical evidence and documents directly related to the case, calling for examination if necessary, to prosecute the accused, conduct surveys of measures as prescribed by the criminal law , ended the investigation and transfer the case file to the Procuracy has jurisdiction within twenty days from the date of the decision to prosecute the case;

b) For serious crimes, very serious, extremely serious or less serious crimes, but complicated the decision to prosecute the case, the scene examination, examination reviews, testimonies, seizure, custody and preservation of physical evidence and documents directly related to the case; deems necessary to prevent the right person to escape offenses, destruction of evidence or continue to commit offenses, then the solution is immediately to the police office and would soon begin an emergency order of the competent authority; transfer the case file to the investigating agencies have jurisdiction within seven days from the date of the decision to prosecute the case;

c) apply measures to prevent the provisions of the criminal law.

2. Bureau reconnaissance-guard, commandant border guards provinces and cities directly under the central, head-guard rumors directly organize and direct the activities of investigation, decision or change the assignment of deputies in investigating criminal cases and examine the activities of investigation, decide to change or cancel the decision and left no basis for the laws of the deal and settle accusations by the provisions of the Code element criminal.

As Director General of Border Guard reconnaissance, chief commander of border guards provinces and cities directly under the central, head-guard rumors absence is mandated by the deputies made the powers of the Minister provided for in Clause and be responsible to the Minister for the tasks assigned.

3. After being assigned to investigate a criminal case, Deputy Director General of Border Guard reconnaissance, deputy chief commander of border guards provinces and cities under central authority, Deputy Head of Border Guard has the right to apply measures that test specified in Clause 1 of this Article.

4. Director, Deputy Director General of Border Guard reconnaissance, chief commander and deputy commander of border guards provinces and cities under central authority, Chief rumors, rumors Deputy Chief Border Guard shall be responsible before law for the behavior and their decisions.

Article 20. Powers of the customs investigation

1. The customs authorities when performing their duties in their management that detect crime stipulated in Article 153 and Article 154 of the Code, the Director General of criminal investigations against smuggling, Director General inspection clearance, Customs Director General of the provinces that the provinces and cities under central authority, Director of Chi-gate customs sub-department has the right:

a) For less serious crimes where offenders gifts, evidence and background offender is clearly a decision to prosecute the case, take testimony, seizure, custody and preservation of physical evidence and documents directly related to the case, the examination, examination of the fenced area where the control of Customs, calling for examination if necessary, to prosecute the accused, conducting another survey measures according The law of criminal procedure, ending the investigation and transfer the case file to the Procuracy has jurisdiction within twenty days from the date of the decision to prosecute the case;

b) For serious crimes, very serious, extremely serious or less serious crimes, but complicated the decision to prosecute the case, take testimony, seizure, custody and preservation of physical evidence, documents directly related to the case, visit people, visit places in the fenced area of customs control, transfer the case file to the investigating agencies have jurisdiction within seven days from the date of the the prosecution case.

2. Bureau investigation against smuggling, Director General for customs clearance inspection, Customs Director General of the provinces that the provinces and cities under central authority, Director of Chi-gate customs sub-departments and organizations directly direct the activities of investigation, decision or change the assignment of deputies in the investigation of criminal cases, checking the activities of investigation, decide to change or cancellation decisions without legal basis and contrary laws of the deputies and settle accusations by the provisions of the criminal law.

As Director General of Anti-smuggling investigation, Director General for customs clearance inspection, Customs Director General of the provinces that the provinces and cities under central, sub-department head of Customs Department is absent from the gate one level vice authorized implementation of the powers of the Minister provided for in this Clause and be responsible to the Minister for the tasks assigned.

3. After being assigned to investigate a criminal case, Deputy Director General of Anti-smuggling investigation, Deputy Director General of inspection clearance, Deputy Director General of Customs provinces that the provinces and cities under central authority, Deputy Director Chi-gate customs sub-department has the right to apply measures to investigate the provisions of Clause 1 of this Article.

4. Director, Deputy Director General of Anti-smuggling investigation, the Director, Deputy Director General of the clearance inspection, the Director, Deputy Director General of Customs provinces that the provinces and cities directly under the central sub-department head , Deputy Director Chi-gate customs sub-departments are responsible before law for their actions and their decisions.

Article 21. Powers of investigation Ranger

1. Ranger body when performing their duties in their management that detect criminal provisions in Articles 175, 189, 190, 191, 240 and 272 of the penal code, the Director General of Forest Protection, More Director of FPD, County Chief Ranger County, County Chief County welfare check forest products have the right:

a) For less serious crimes where offenders gifts, evidence and background offender is clearly a decision to prosecute the case, the scene examination, examination reviews, testimonies, seizure , custody and preservation of physical evidence and documents directly related to the case, calling for examination if necessary, to prosecute the accused, conduct surveys of measures as prescribed by the criminal law , ended the investigation and transfer the case file to the Procuracy has jurisdiction within twenty days from the date of the decision to prosecute the case;

b) For serious crimes, very serious, extremely serious or less serious crimes, but complicated the decision to prosecute the case, the scene examination, examination reviews, testimonies, seizure, custody and preservation of physical evidence and documents directly related to the case, transfer the case file to the investigating agencies have jurisdiction within seven days from the date of the decision to prosecute the case.

2. Forest Protection Bureau, Chi Director FPD, County County chief ranger, ranger County Chief County welfare organization directly produce and direct the activities of investigation, decision or change the assignment of deputies the investigation of criminal cases, checking the activities of investigation, decide to change or cancel the decision and left no basis for the laws of the deal and settle accusations by the provisions of the CPC criminal.

As Director General of Forest Protection, Chi Director FPD, County Chief Ranger County, County Chief County welfare check is a forest products are absent deputies authorized implement the powers of the Minister provided for in this Clause and be responsible to the Minister for the tasks assigned.

3. After being assigned to investigate a criminal case, Deputy Director General of Forest Protection, Department Chief Deputy FPD, County Chief Deputy County welfare check forest products have the right to apply measures to investigate the provisions of Clause 1 of Article hey.

4. Director, Deputy Director General of Forest Protection, sub-department head, Department Deputy Chief FPD, County General, County Chief Deputy County Ranger, County General, County Chief Deputy County welfare check forest products must be responsible before the law on the behavior and their decisions.

Article 22. Powers to investigate the Coast Guard forces

1. The units of Coast Guard forces when performing their duties in their management that detect criminal provisions of Chapter XI and the 153, 154, 172, 183, 188, 194, 195, 196, 212, 213, 221, 223, 230, 231, 232, 236, 238, 273 and 274 of the criminal law that occur on the sea areas and continental shelf of the Socialist Republic of Vietnam by force Landscape the sea is managing Director, region commander, Squadron leader, Sea captain and the Coast Guard captain has the right:

a) For less serious crimes where offenders gifts, evidence and background offender is clearly a decision to prosecute the case, the scene examination, examination reviews, testimonies, seizure , custody and preservation of physical evidence and documents directly related to the case, calling for examination if necessary, to prosecute the accused, conduct surveys of measures as prescribed by the criminal law , ended the investigation and transfer the case file

to the Procuracy has jurisdiction within twenty days from the date of the decision to prosecute the case;

b) For serious crimes, very serious, extremely serious or less serious crimes, but complicated the decision to prosecute the case, carried out field tests, medical reviews, testimonies, collected keeping, custody and preservation of physical evidence and documents directly related to the case, transfer the case file to the investigating agencies have jurisdiction within seven days from the date of the decision to prosecute the case;

c) apply measures to prevent the provisions of the criminal law.

2. Director, Chief Regional Commanders, Squadron leader, Sea captain and the Coast Guard Captain directly organizing and directing the activities of investigation, decision or change the assignment of deputies in the investigation of the case the the inspect the activities of investigation, decide to change or cancel the decision and left no basis for the laws of the deal and settle accusations by the provisions of the criminal law.

As Director, Chief Regional Commanders, Squadron leader, Sea captain and the Coast Guard captain is absent, then a deputy for the implementation of the authorized powers of the Minister provided for in this Clause and be responsible to Minister for the tasks assigned.

3. After being assigned to investigate a criminal case, Deputy Director, Deputy Chief Regional Commanders, Squadron Deputy Director General, Deputy Customs captain and vice captain Coast Guard has the right to apply measures to investigate the provisions of Clause This one.

4. Director, Deputy Director, Regional Chief commander, deputy chief commander region, Squadron Chief, Deputy Chief Squadron, Sea captain, vice captain Hai, captain and vice captain the Coast Guard must be responsible before law on the behavior and their decisions.

Article 23. Powers of investigation agencies by police in the People's Police were tasked to conduct a number of activities to investigate

1. Police Department traffic roads - railways, Police Department waterway traffic, Police Department fire prevention, fire fighting, Police Department administrative management of social order, Police Department to protect and support from Justice, Police Department traffic roads - railways, Police Department waterway traffic, Police Department fire prevention, fire fighting, Police Department administrative management of social order, Police Department to protect and support legal assistance, detention camp, detention camp while doing their duties, which detect the signs of the crime under the jurisdiction of the investigating police agency to investigate the provisions of Article 11 of this Ordinance, the Department Bureau Police road traffic - railway track of all waterway traffic police, Director General of Police fire prevention, fire fighting, Director General of Police administrative management of social order, the Director Police Department to protect and support the judiciary, Head of the Police road traffic - railway, Manager waterway traffic police, Police Office Manager Fire, Police Manager administrative management about social order, Manager police protection and judicial assistance, Executive Detention, Superintendent of Prisons decision to prosecute the case, taking testimony, the scene examination, examination review, seizure , custody and preservation of physical evidence and documents directly related to the case, transfer the case file to the investigating police agency has jurisdiction within seven days from the date of the decision to prosecute the case .

2. Director, Head of the provisions in Clause 1 of this Article, Director, Detention, Superintendent of Prisons directly organized and directed the activities of investigation, decision or change the assignment of deputies in the investigation services criminal cases,

inspection activities to investigate and decide to change or cancel the decision and left no basis for the laws of the deal and settle accusations by the provisions of the criminal law.

When the Director, Manager, Executive Detention, Superintendent of Prisons absence is mandated by the deputies made the powers of the Minister provided for in this Clause and be responsible to the Minister for the tasks assigned.

3. After being assigned to investigate a criminal case, Deputy Director, Deputy Director, Detention Deputy, Deputy Superintendent of Prisons has the right to apply measures to investigate the provisions of Clause 1 of this Article.

4. Director, Deputy Director, Chief, Deputy Director, Superintendent, Detention Deputy, Superintendent, Deputy Superintendent of Prisons shall be responsible before law for their actions and their decisions.

Article 24. Powers of investigation agencies by security forces in the People's Police were tasked to conduct a number of activities to investigate

1. The Department of Security, the Security Office at the Provincial Police direct fight, against the criminal provisions of Article 12 of this Ordinance, while doing their duties, which detect the signs of crime range, the Director General, Chief of Security at the office of provincial police decision to prosecute the case, taking testimony, the scene examination, examination review, seizure, custody and preservation of physical evidence, documents directly related to the case; the review should immediately stop the offense has run away, destroy evidence or continue to commit offenses, then the solution is just to the police office and would immediately begin emergency command of the competent authority; within seven days from the date of the decision to prosecute the case to transfer the case file to the Security Agency has jurisdiction to investigate.

The security team at the district police in their duties, but his discovery of the signs of criminal investigation under the authority of the Security Agency Provincial Police investigation is conducted immediately access the start of a offenses fled, taking testimony, seizure, custody and preservation of physical evidence and documents directly related to the case and immediately notify the Security Agency to investigate the provincial level.

2. Director, Head of the provisions in Clause 1 of this article directly organize and direct the activities of investigation, decision or change the assignment of deputies in the investigation of criminal cases, inspection activities to investigate and decide to change or cancel the decision and left no basis for the laws of the deal and settle accusations by the provisions of the criminal law.

As Director, Chief of Security Police in the absence of a provincial deputies are commissioned implementing powers of the Minister provided for in this Clause and be responsible to the Minister for the tasks assigned.

3. After being assigned to investigate a criminal case, Deputy Director, Deputy Head of Security at the Provincial Police have the right to apply measures to investigate the provisions of Clause 1 of this Article.

4. Director, Deputy Director, Chief, Deputy Chief of Security Police at the provincial level must be responsible before law for their actions and their decisions.

Article 25. Powers of investigation agencies in the People's Army was tasked to conduct a survey of activities

1. Detention Director, Superintendent of Prisons in their duties, but his discovery of the signs of crime under the jurisdiction of the investigating agency to investigate criminal prosecution to the criminal liability is the decision to prosecute the case, the scene examination, take testimony, review medical examination, seizure, custody and preservation of physical evidence and documents directly related to the case, transfer the case file to the investigating agencies Criminal competent within seven days from the date of the decision to prosecute the case.

When Detention Director, Superintendent of Prisons absence a deputy for the implementation of the mandate and powers of the Minister for the provisions of this paragraph and shall be responsible before the Minister for the tasks assigned.

2. Heads of independent units for the regiment and discovers equivalent offense under the jurisdiction of the investigating agency to investigate the People's Army, occurred in the area of the unit is stationed may make minutes of the offender gifts, take testimony, review medical examination, seizure, custody and preservation of physical evidence and documents related to the case, apply preventive measures prescribed by the criminal law, immediately transfer the dossiers to the investigating agencies have jurisdiction.

3. Detention Director, Superintendent of Prisons, the heads of independent units of the regiment level and equivalent are responsible before law for their actions and their decisions.

CHAPTER IV RELATIONS AND COORDINATION IN JOINT DISTRIBUTION INVESTIGATION ACTIVITIES

Article 26. Relationship between the investigating agencies, the agencies tasked to conduct a survey activities

1. The relationship between the investigating agencies together, the investigating agencies with the agency tasked to conduct a survey of activities between agencies tasked to conduct a survey of activities together relations and is assigned to coordinate the activities investigated.

The written request of the agency investigating agency should be tasked to conduct a survey of activities strictly implemented.

2. With respect to the signs of sin which is not clearly defined authority to investigate the agency to investigate any discovered immediately prior to the application of measures to investigate the provisions of the criminal law; when the of the authority to investigate the transfer case to investigating agencies authorized under the provisions of the criminal law.

3. Agencies tasked to conduct a number of activities to investigate, prosecute the case, take measures to prevent the authorities to immediately send the decision to the Procuracy and inform the investigating agencies competent to know.

4. Police units, people, people's security, military control is responsible for supporting and implementing the requirements of the heads and deputy heads of agencies to investigate, investigator, and by the head, Deputy Prime head of the agency tasked to conduct a number of activities to investigate the activities investigated.

Article 27. Trust survey

When necessary, investigating agencies may delegate to other agencies investigating a number of activities carried out to investigate. Decisions entrusted to specify specific requirements. Investigation agency mandated with the responsibility to fully implement the mandated period that the investigating agencies mandated requirement.

In the case of investigating agencies are not mandated to be implemented in part or whole of the mandate, they must notify you in writing, clearly stating the reason for investigating agencies have mandated that.

Article 28. Dispute settlement jurisdiction to investigate

1. When there are disputes between the competent investigating agencies to investigate the Director of Institute of People's Procuracy of the same level where crimes occurred or where the offender has to decide.
2. When there are disputes over authority to investigate the border guards, customs, Ranger, Coast Guard forces, the Director of the Institute Prosecution competent where the incident to decide.

In case of necessity, investigating agencies have authority may request the agency tasked to carry out some activities to investigate immediately transfer the case file to direct the investigation. The requirements of the investigating agencies have required the implementation of value to the agency tasked to conduct an investigation activities.

CHAPTER V

STANDARDS AND PROCEDURES appoint and dismiss Examiners

Article 29. Investigators

Investigator was appointed under the provisions of law to their duties to investigate criminal cases.

Article 30. Standard examiners

1. Vietnam citizens loyal to the Fatherland and the Constitution of the Socialist Republic of Vietnam, have good moral quality, integrity and honesty, which the university level security, university police or university laws, professional certificates are investigating, have time to do practical work under the provisions of this Ordinance, a health guarantee complete assigned tasks shall be appointed examiners.

In case the staff needs, people with university degrees others have said the standards and certification of professional investigation will also be appointed as examiners.

2. Examiners has three level of primary examiners, examiners intermediate and senior examiners:

a) The eligible defined in Clause 1 of this article, time work legislation four years, the Police officers, military officers in active service, officers People's Procuracy, able to investigate the case of less serious crime, serious can be appointed as primary examiners;

b) The eligible defined in Clause 1 of this Article and the primary examiners at least five years, able to investigate the case of very serious crime, particularly serious and ability to guide the work of investigation primary examiners can be appointed examiners intermediate.

In case the staff needs, who meet the criteria prescribed in paragraph 1 of this article, time legal work from nine years or more, capable of investigating cases of crime very seriously important, extremely serious and potentially guide the work of investigation primary examiners can be appointed examiners intermediate;

c) The eligible defined in Clause 1 of this Article and the intermediate examiners at least five years, able to study and propose integrated measures to prevent and combat crime, capable of investigate the case of very serious crime, particularly serious, complex, capable of guiding the

activities of the examiners to investigate elementary, intermediate examiners can be appointed Article senior investigator.

In case the staff needs, who meet the criteria prescribed in paragraph 1 of this article and have time to do legal work from fourteen years, capable of research, General proposed measures preventing and combating crime, able to investigate the case of very serious crime, particularly serious, complex, capable of guiding the activities of the investigated primary examiners, examiners intermediate can be appointed senior examiners.

3. In special cases, the agencies and organizations authorized to work in what the investigating agencies, but has no certificate of professional investigation, not enough time stipulated in point b or c of Clause 2 of this article, but have other criteria prescribed in paragraph 1, point b or c of paragraph 2 of this Article shall also be appointed examiners examiners intermediate or advanced.

4. Term examiners five years from the date of appointment.

Article 31. Jury examiners

1. Jury Investigation senior, intermediate and examiners examiners primary in the People's Police:

a) Jury Investigation senior people in the Police and intermediate examiners, examiners of the primary investigating agencies including the Police General Department of Construction Police force People as Chairman, representatives of leading police investigation agency, security agency investigation, the Department held - staff and Legal Department Ministry of Public Security of commissioners;

b) Jury Investigation intermediate members, examiners in the primary investigating agencies and the provincial Public Security Police Agency survey of district police include Provincial Director of Police as Chairman, Agency representatives led police investigation and security agencies to investigate, room organization - staff and the Office of the Provincial Police commissioner;

c) List of Jury commissioner examiners in the People's Police by the Minister of Public Security decided to request the chairman of the selection.

2. Jury Investigating the People's Army members include Chairman of the General Political Department as Chairman, representatives of leading criminal investigation agency, security agency investigation, Department staff and Department of Legislation Defense is the commissioner.

List commissioner Jury Investigating the People's Army members by the Minister of Defense decided the request of the chairman of the selection.

3. Jury examiners in the Procuracy of the Supreme People's Institute for the Supreme People's Procuracy as Chairman, representatives of the Committee Procuracy Procuracy of the Supreme People, representing leadership institute Central Military Procuracy, investigating agencies and the Organization - staff of the Procuracy of the Supreme People's commissioner.

Director of Institute of the Supreme People's Procuracy appoint a Deputy Director of Institute of the Supreme People's Procuracy as chairman of the selection. List of members of board member selection census in the People's Procuracy Director of the Institute of the Supreme People's Supreme Procuracy decided on the proposal of the Chairman of the selection.

Article 32. Duties and powers of the board of examiners selection

Jury Investigating members have duties and powers of the following:

1. Recruitment of qualified examiners to request the agency to work organization - staff to Chairman of the Council recommended the Minister of Public Security, Minister of Defense, Director of Institute of People's Procuracy Supreme appointed;
2. Consider the case of census may be or may be dismissed from office as provided in Article 34 of this Ordinance to the Council President suggested the Minister of Public Security, Minister of Defense, Institute Chief Procuracy of the Supreme People's or dismissal from office examiners.

Article 33. The investigation must not do

Investigators are not doing the following:

1. What law officials, civil servants or officers and soldiers of the armed forces people not to do;
2. Providing advice to the accused, litigants or other participants in the proceedings to resolve the case for the wrong provisions of law;
3. Unlawful intervention in the settlement of the case or take advantage of his influence affecting those who are responsible for resolving;
4. Bring the case file or documents in the case file from the agency, if not for their assigned tasks or without the consent of the competent authority;
5. Meeting the accused, litigants or other participants in the proceedings in a case where you have jurisdiction outside the permitted areas.

Article 34. Appointment, dismissal, from office examiners

1. The appointment, dismissal, resignation and to grant and revoke certificates of examiners in the People's Police by the Minister of Public Security decided, the People's Army by the Minister of Defense decided, at the Institute the Supreme People's Procuracy Director of the Institute of the Supreme People's Procuracy decided.
2. Investigator of course is resignation or removal of examiners upon retirement, transferred others.

Investigation may be resignation or removal of examiners because of health, family situation or other reasons impossible to ensure completion of assigned tasks.

3. Investigators lost of course titles examiners when convicted by the Court's judgments have legal force or discipline in the form of stripping the title People's Police, Marshal Duke of Army officers people.
4. Depending on the nature and extent of violations, examiners may be from office examiners in any of the following cases:
 - a) Violation of the investigation of criminal cases;
 - b) Violation of the provisions of Article 33 of this Ordinance;
 - c) If disciplined in the form of the managerial positions in accordance with the law for officials and public employees;
 - d) Violations of moral qualities;
 - e) The violations of law.

Article 35. Appointment, dismissal, resignation or heads and deputy heads of agencies to investigate

1. The census is a senior or intermediate examiners, with institutional capacity and direct investigation activities can be appointed as heads and deputy heads of investigation agencies.
2. The appointment, dismissal, resignation and to grant and revoke certificates of heads and deputy heads of investigation agencies in the People's Police by the Minister of Public Security decided, the People's Army by the Minister defense decisions, the Procuracy of the Supreme People's Procuracy Director of the Institute of the Supreme People's decision.

CHAPTER VI SECURE OPERATION OF INVESTIGATION AGENCY

Article 36. Mode for examiners

1. Investigator was paid, allowances and other regimes and other rights prescribed by law.
2. While conducting operations investigation, examiners have priority to buy tickets to travel by public transport, free bridges, ferries, roads, traffic-free charges in the city and town.

In urgent cases, to prevent criminal action, chase offenders, emergency victims, examiners used means of transport, communications of agencies, organizations and individuals including the means he controls, except for vehicles of diplomatic representative offices, foreign consulates, representative offices of international organizations and other persons enjoying privileges and immunities diplomatic or consulate and must be repaid as soon as the situation is no longer urgent; case damage occurs investigating agencies are responsible for compensation in accordance with the law.

Article 37. Funding to ensure active investigation

1. Funding to ensure work is an investigation in the state budget.

The estimation and management, supply, use and settlement expense of ensuring active investigation be done under the laws of the state budget.

2. State priorities for investment and development of information technology and other means to ensure that the investigating agencies make good functions, their duties.

CHAPTER VII Implementing Provisions

Article 38. Implementing Provisions

This Ordinance replaces the Ordinance on Organization of Criminal Investigation April 4, 1989.

Government, Institute of the Supreme People's Procuracy shall powers are responsible for their own detailed regulations and guidelines for implementation of this Ordinance. /.

TM. STANDING COMMITTEE OF NATIONAL ASSEMBLY

CHAIRMAN

(Signed)

Trần Đức Lương