

Appendix A

ASPIRATIONS AND ENTREATIES OF HIGHLANDERS IN DARLAC
PROVINCE: PRESENTED AT THE PLEIKU CONFERENCE,
OCTOBER 16, 1964

I. PRIORITY (request immediate implementation within one or two weeks)

A. Policy

Request promulgation of a special policy for the protection and support of Highlanders. The policy should consist of three primary principles, as follows:

1. Both Lowlanders and Highlanders are citizens of Vietnam and, as such, should be treated in a uniform manner.

2. Since Highlanders are less civilized than Lowlanders, the Government should reserve certain privileges for Highlanders so that they will be able to raise their standards to that of the Lowlanders.

3. To protect the various tribes, the Government should respect the customs, manners, habits and culture of these individual tribes. Any changes in customs and manners should be brought about by themselves.

In compliance with the policy prescribed above, all Government departments, as well as agencies, should promulgate specific regulations covering all decrees aimed at safeguarding and assisting Highlanders in their efforts to achieve rapid improvement.

B. Administration

1. Request establishment of a Highlanders' representative committee in each province and a national

committee. The office of the latter will be located in the Prime Minister's palace to assist the Government in solving problems relating to Highland people.

2. Request immediate transfer to Highland posts of those Government officials assigned to the Lowlands by the Ngo Dinh Diem regime, such as Mr. Rcom Rok, Administrative Chief Clerk in Pleiku, who was transferred to Quang Nam. More than once he has submitted his request for transfer, which the Department of the Interior has failed to grant.

3. Request removal of corrupt Highlander officials, such as the Deputy Province Chief and the Assistant District Chief, who are harmful to the people. The Highlanders will recommend to the authorities for selection persons with ability and clean records.

4. Request additional assignment of a Deputy Province Chief to the provinces of: Quang Duc, Tuyen Duc, Lam Dong; as well as District Chiefs and Assistant District Chiefs in the areas that do not have any.

5. Request assignment of Highlander officials, qualified to hold such positions as Service Chief or Assistant Service Chief, to special services and offices in Highland region provinces.

6. Request that establishment of the Office for Highlander Affairs, under the Prime Minister, be directed by Highlanders. Owing to the present situation, Highlanders do not have sufficient men with necessary qualifications for many posts. Therefore, it is requested that Highlanders hold command posts such as Chief of Office, Chief of Division, Service Chief, Bureau Chief, etc., with the technical assistance of the Lowlanders.

C. Military

1. Replacement of all CIDG camp commanders in the Highlands by Highlander ARVN officers.
2. Request that Highlanders be given command of any unit made up of Highlanders, such as Regional Forces and Reconnaissance Forces, while any units consisting entirely of Lowlanders would remain under command of Lowland officers.
3. Request return of Highlanders who have been forced to serve with a Catholic priest at Camau since 1960.
4. Approval for young Highlanders with high school diplomas to take the Thu Duc Reserve Officer course, Session 19.
5. Request opening of a special NCO course for Highland NCOs.

D. Economy

Request cancellation of two documents signed by the former Government, Decree No. 153 (1956) and official letter No. 981 (1959), concerning the land property of Highlanders.

E. Cultural

1. Request that teaching of the Highlander dialect (mother tongue) be permitted in primary classes effective the school year 1964-65.
2. Teachers to return to their own tribes to teach in their own languages.

F. Social

1. Establishment of Highland student sponsor associations from the central Government to district level.

2. Establishment of overnight bivouac areas for Highlanders at chief provincial towns and districts.

II. LONG RANGE (implementation in one to three months)

A. Political

Promulgation of a specific regulation for the Highlanders from every point of view:

1. Administrative
2. Military
3. Economic
4. Cultural-educational

B. Administration

1. Legislative: Highlanders to be permitted to elect their deputies freely.

2. Executive: The central Government should have representatives of Highland people at the Prime Minister's office and at lower-level agencies in charge of Highlander affairs.

3. Request promulgation of land development rules and regulations.

4. Request that province and district names such as Quang Duc, Phu Bon, Tuyen Duc, Lam Dong, and counties, etc. be changed back to local names used by local people.

5. Judiciary: To retain their customs, manners, and habits, Highland people are to set up customs-and-manners courts from village up to province level.

C. Military

1. Organization of a particular Highland force, numbering from 25,000 to 50,000 soldiers, to be commanded by the Highlanders.

2. Request opening of an officer training academy and NCO schools especially for Highlanders.

3. Request that display of Highlanders' flag be allowed.

4. At the General Command and Command within tactical zones, there should be a Highlander assistant to settle all problems concerning Highlander soldiers.

5. Request publication of a special document establishing procedures covering the compensation to [survivors of] Highland civilians killed in the anti-Communist struggle.

D. Economy

1. Issue of bulldozers to each Highland district - minimum of two (2) units.

2. Training of more technical cadres.

3. Establishment of consumer and agricultural cooperatives for Highland people - a minimum of one main office at each district.

4. Request that the Government lend money to Highland officials and soldiers for the construction of houses.

E. Social Culture

1. Special preference to Highland students to attend national high schools and universities, and the opening of additional seventh grades for Highland students.

2. Assisting Highland students during exams for liberal arts or technical diplomas.

3. Scholarships to be granted to Highland students.

4. To continue local culture and to maintain the language as well as the writing of Highland people. we request that the teaching of the mother tongue be allowed through the elementary school during the coming year.

F. Welfare

1. Training of more public health workers at all levels.

2. Construction of more public health installations (dispensaries and hospitals from village up to province level).

III. HIGHLAND PACIFICATION

Request that the Highland people themselves pacify the Highland by means of:

1. Expediting the establishment of Highlander units, as prescribed above in Paragraph C. in order to insure security within the Highland territory.

2. Consolidating small villages into larger agglomerations in locations chosen by the Highland people with approval of the authorities.

3. Organizing the training and equipping of Combat Youth in order to safeguard security within new locations.

c/o Provisional Highland Peoples' Representative Committee
Darlac Province
Y-Char-Hdok

Ban Me Thuot
October 5, 1964

Appendix B

ADDRESS PRESENTED BY MR. Y DHE ADRONG, THE CHIEF
REPRESENTATIVE OF THE FULRO (FRONT UNIFIE DE LUTTE DES
RACES OPPIMEES), ON THE OCCASION OF THE HIGHLANDER-
LOWLANDER SOLIDARITY CONFERENCE, PLEIKU.

OCTOBER 17, 1966

I respectfully greet the honored leaders of the Government, the Commander-in-Chief of the Army, all representatives of the Allied nations, and my fellow Highland delegates.

First of all, I would like to express my appreciation to the leaders of the Government for assembling us here to see the valuable work they have done on behalf of our race, particularly in the organization of military training. In our desire to move forward, however, we would also like the Government to aid in raising the standard of living of our people, and in making us equal to our Vietnamese brothers in all respects.

In addition, we have specific aspirations. We still want a Bill of Rights for the Highlanders, and we take this occasion to state such a desire. Specifically, this includes:

1. The right to own our lands.
2. The right to education for our people.
3. The right to speak our own languages and have our people learn to read and write these languages.

These are basic rights for all the races of the world. Before this illustrious gathering, we would like to point out that we were under French colonial rule for 63 years -- from 1891 until 1954. The French and the Vietnamese Emperor Bao Dai respected our rights and

our customs. With the new Government of Diem, the usurper, however, our rights and laws were ignored, and the Highlanders know well it was due to Diem that conflicts were created between the Highlanders and the Vietnamese.

The present Government is very different from that of Diem. It has shown justice in its treatment of the Highlanders. and here we. the representatives of FULRO. would like to express our gratitude to:

General Nguyen Van Thieu, Chief of State
General Nguyen Cao Ky, Prime Minister
General Vinh Loc, Commander of the II Corps
Mr. Paul Nur, Chief of the Special Commission
for Highland Affairs

It is through their sense of justice and honesty that things have changed. We would also like to mention here the letter numbered 641/WP/VP/M, dated August 18, 1966, which has satisfied all of the FULRO, so that they gladly attended this conference with the aim of uniting with the Vietnamese Government in fighting the Viet Cong. We would like to remind the Government that the Highlanders shed blood for the independence of Vietnam, but when independence was gained. the Highland people lost the right to govern their own territory.

In the present war, we fight at your side and we think that, in exchange for our blood, we should be granted a Bill of Rights for the Highlanders. We persevere in our fight against the Viet Cong and, as a result, our people suffer. We have sacrificed our lives, although the Vietnamese Government has not helped us. We realize the importance of the struggle against the Viet Cong and we hope that, now, the Government of Vietnam will hear our case with honesty and justice.

The Bill of Rights must be delivered by the heads of the Vietnamese Government and witnessed by representatives of the United States and other Allied countries.

After the deliverance of the Bill of Rights, we hope that there will be no more conflicts between the Vietnamese and the Highlanders, and that there will be unity.

I respectfully salute the officials, Highland delegates, and all present.

Appendix C

STATISTICAL DATA ON HIGHLANDER, CHAM, KHMER, AND AGRICULTURAL DEVELOPMENT SCHOOLS
FOR THE YEAR 1966-1967*

PROVINCE	NO. OF SCHOOLS			CLASS- ROOMS	CLASSES	NO. OF TEACHERS			NO. OF STUDENTS			NO. OF BOARDING SCHOOLS	NO. OF BOARDERS		
	Prim	clom	Total			Male	Female	Total	Boy	Girl	Total		Boy	Girl	Total
Highlander Schools															
Tuyen-Duc	3	2	5	18	22	18	2	20	592	202	794	3	270	130	400
DaLat	4	47	51	40	135	100	32	141	2,484	1,279	4,168	6	742	350	1,151
Kontum	2	14	16	31	58	58	6	64	1,314	510	2,024	5	540	10	550
Laot Dong	1	10	11	21	22	22	0	22	553	66	617	2	346	24	370
Phu Bon	1	3	4	1	28	28	1	29	1,054	281	1,350	2	330	40	370
Pleiku	2	8	10	33	36	33	0	33	1,568	128	1,796	6	820	80	900
Quang Duc	4	5	9	27	33	29	5	34	587	227	814	3	180	120	300
TOTAL	17	89	106	266	334	297	46	343	8,767	2,701	11,468	27	3,278	763	4,041
Khmer Schools															
Binh Thuan	0	3	3	5	6	5	0	5	142	74	216	0	0	1	1
Khánh Hòa	1	4	5	15	15	14	0	14	357	133	490	1	300	1	380
Minh Thuan	0	5	5	6	10	5	1	6	141	57	208	0	0	0	0
Phu Yen	0	4	4	5	5	4	0	6	115	51	195	0	0	0	0
Quang Ngai	3	2	5	17	21	13	2	15	465	205	670	0	0	0	0
Quang Tri	0	2	2	3	3	3	0	3	52	0	50	0	0	0	0
TOTAL	4	20	24	51	60	46	3	49	1,272	559	1,831	1	300	80	380
Binh Long	1	0	1	5	6	6	0	6	255	38	293	1	230	20	250
Binh Tuy	0	1	1	1	4	1	1	2	29	45	74	0	0	0	0
Long Khanh	0	7	7	13	18	6	9	15	307	248	555	0	0	0	0
Phuoc Long	2	2	4	9	18	10	0	10	184	89	273	4	335	15	350
TOTAL	3	10	13	28	46	23	10	33	775	420	1,195	5	565	35	600
GRAND TOTAL	24	119	143	345	440	366	59	-25	10,814	3,680	14,494	33	4,143	474	5,021
Cham Schools															
Binh Thuan	4	2	6	20	28	25	2	27	619	450	1,069				
Minh Thuan	7	9	16	50	58	46	1	47	1,379	845	2,224				
TOTAL	11	11	22	70	86	71	3	-4	1,098	1,295	3,293				
Khmer Schools (Pali Pagoda)															
An Giang	0	3	3	8	9	7	0	7	275	234	509				
Ba Ruyen	20	0	20	22	25	19	2	21	437	0	437				
Chau Doc	1	6	6	19	21	13	4	17	929	455	1,384				
Phong Dinh	0	1	1	1	1	1	0	1	38	27	65				
Vinh Binh	1	25	26	49	51	35	4	39	1,343	925	2,268				
TOTAL	22	37	59	99	107	75	10	85	3,022	1,641	4,663				
Agricultural Development Schools															
Phu Yen	1	0	1	0	5	3	0	3	38	18	56				
Binh Long	1	4	5	0	16	11	0	11	276	235	511				
Kien Giang	0	3	3	0	4	7	0	7	213	191	404				
Phuoc Long	2	1	3	0	19	24	0	24	309	278	587				
TOTAL	4	8	12	0	49	45	0	45	836	722	1,558				

Issued by the Chief of the Education Bureau, Directorate of Primary Education, Saigon, April 1966.

Appendix D

OUTLINE OF THE ACTION PROGRAM OF THE SPECIAL COMMISSION FOR HIGHLAND AFFAIRS

I. CONCEPTION

The activities of the Special Commission for Highland Affairs are aimed at implementing the Government policy toward the Highlanders as announced. Under this conception, the activities of the Special Commission for Highland Affairs will tend to achieve these goals:

A. Improve the Highlanders' living conditions in political, administrative, economic, cultural, social fields - to lift Highlanders out of the current state of underdevelopment in the near future, and to permit them to catch up with national progress.

B. Tighten up the brotherhood between Lowlanders and Highlanders to achieve the goals of national concord and community advancement.

C. Induce Highlanders of all walks of life to contribute to the anti-Communist effort.

D. Try to bring over to the national cause, as soon as possible, all dissident and pro-Communist individuals.

II. COURSE OF ACTION

According to the Arrete concerning its organization, the Special Commission for Highland Affairs has the following tasks:

A. Study and suggest the measures to be taken, map out the programs and plans designed to raise the Highlanders' living standards, and submit them to the Chairman of the Central Executive Committee for approval before execution.

B. Carry out special programs and manage and run the agencies specially reserved for Highlanders. In this task, the Special Commission for Highland Affairs will be helped by all Ministries and friendly agencies with advice and with technical facilities.

C. Contribute suggestions, and propagandize and guide Highlanders in carrying out activities in accordance with national lines and policies of which the Ministries and friendly agencies are in charge.

D. Given the above tasks, the activities of the Special Commission for Highland Affairs comprise three parts:

1. Unilateral activities
2. Coordinated activities
3. Motivating activities

III. OBJECTIVES OF ACTIVITIES FOR 1966

The Special Commission for Highland Affairs was established two months after the start of the 1966 fiscal year. Therefore, the program of activities of the Commission will aim at the following immediate objectives:

- A. Improve the organization of the Commission.
- B. Satisfy some of the logical and legitimate aspirations of the Highlanders.

IV. PROGRAM OF ACTIVITIES

A. Unilateral Activities

1. Improve the organization of the Commission at central and local levels.

2. Increase facilities, construction and repair work, and equipment (personnel, vehicles, materials, etc.) for the Commission and its local agencies.

3. Study on the spot the situation in the Highlands, gather data about the Highlanders' aspirations, review good points and shortcomings with regard to operations of Highland affairs in order to propose logical programs, through official tours, visits, etc.

4. Send touring teams of observers to Malaysia, the Republic of Korea, Japan, the Philippines, Thailand, Taiwan, etc. to study the activities relative to minority ethnic groups, and methods applied in the development of the highlands, so as to prepare and propose efficient measures to the Government.

5. Organize visiting tours of Highlanders to the capital (on National Day), and a convention of ethnic groups on the anniversary of the Promulgation of the Highlanders' Affairs Policy (October 17).

6. Set up an important central mobile theatrical group which will give performances throughout the country with a view to spreading the Highlanders' culture, and will disseminate Government guide lines and policies, as well as the operations of the [Commission for] Highland Affairs.

7. Give protection to a number of Highland villages and hamlets.

8. Continue the management and development of the Truong Son plan; review the organization and functions of the operating teams so as to render their operations more efficient; form more cadres, and give further training to cadres commanding the Truong Son groups now in operation.

9. Provide farming tools, farm animals, seeds, professional instruments, etc. for distribution

to Highlanders and guide them toward developing their economic life.

10. Continue to train Highlander technical cadres and guide them in their vocations in order to bring positive advantages to them as well as to the entire population.

11. Organize a handicraft showroom in Saigon for the exhibition and sale of Highlander products.

12. Organize a Highlander Civilization Show, which will display to best advantage Highlander traditions and Government successes in dealing with Highland affairs.

13. Plan and set up stores in every provincial guest house for the supply to Highlanders of low-priced goods and foodstuffs.

14. Procure school supplies and school books, and edit and print research books and magazines about Highland people as well as school books intended for the Highlanders' use.

15. Continue to grant scholarships to Highlander students and motivate charitable agencies to obtain additional support for this purpose.

16. Establish in Ban Me Thuot a Popular Multi-vocational School to be especially reserved for Highlanders.

17. Transfer the Highlander Students' Boarding House from Hue to Saigon.

18. Build up and repair boarding houses for Highlanders in the Central Highlands.

19. Establish two additional boarding houses for high-school students in Kontum and Pleiku.

20. Plan emergency relief for refugees and victims of natural disasters.

21. Build seven Highlander guest houses, six in Central Highland provinces and one in Saigon.

B. Besides the foregoing activities, the Special Commission for Highland Affairs will make contact and consult with different Ministries and friendly agencies. If there is no objection on their part, the Commission will assume the management . . . of programs intended specifically for Highlanders (such as: Highland Agriculture and Animal Husbandry, Highland Agriculture and Animal Husbandry Training Centers, Highlander Students' Boarding Houses, etc.). which, so far, have been operated by different ministries and friendly agencies.

C. Coordinated Activities

1. Disseminate information and guide the Highlanders in carrying out the operations of which different Ministries and friendly agencies are in charge, in compliance with the general guide lines and policies of the Government.

2. Improve the organization of the Highlanders' New Life Hamlets.

3. Take a census of the entire population and issue identification cards to Highlander citizens.

4. Settle the FULRO problem without delay and appeal for their return to the National side.

5. Search for, translate, and draft a modern set of laws for Highlanders, taking into account their customs and traditions.

6. Proceed to reestablish Highlander Customs and Traditions Courts.

7. Encourage Highlander children to go to the Junior NCO school, and stimulate Highlander youths who meet the required qualifications to attend Officer and NCO academies.

8. Organize structures for and intensify Intelligence and Psywar-Intelligence activities in the Highlands.

9. Proceed to carry out land-survey operations for Highlanders.

10. Study the economic possibilities of each locality, guide the Highlanders in economic development, and find markets for them.

11. Sponsor and encourage Lowlander-Highlander friendship associations, and assist Highlander pupils and students.

12. Promote Highlander language courses and organize examinations for proficiency certificates for Lowlander cadres, civil servants, and servicemen speaking Highlander languages, with a view to helping them obtain their allowances as fixed by the law.

13. Set up public health and social welfare structures in the Highlands in consonance with the needs and conditions of each locality.

14. Make more efficient the relief activities, distribution of relief supplies and allowances, and the relocation of Highlander evacuees and refugees from Communism.

15. Launch a large-scale motivational drive for Highlanders to improve their standard of living in line with the present movement toward a modernized society.

D. Motivating Activities

Motivating activities are aimed at contributing helpful suggestions to friendly agencies or requesting their support for the implementation of the following tasks:

1. Fortify the administrative and organizational structures in the Highland areas.
2. Replace those elements lacking in prestige with qualified men who are respected by the people.
3. Establish Highlander Advisory Councils in provinces, in Corps Tactical Zones, and in the Government.
4. Reorganize those military units of which the Highlanders compose the majority, so as to render effective the motto "Highlanders to protect Highlanders." The guiding principle must be: "Highlanders command, and Lowlanders assist."
5. Revise the status of grades and titles of Highlander administrative cadres.
6. Settle quickly and efficiently cases of war incidents involving Highlanders.
7. Appoint a number of eminent Highlander Officers as Assistant Commanders of Corps Tactical Zones, Division Tactical Areas, and Sectors where Highlanders are living.
8. Try to obtain scholarships for Highlander students to study abroad.
9. Launch a movement of economic development for Highlanders.
10. Limit the sale of strong spirits to Highlanders.

11. Settle the disputes regarding land, and pay damages to expropriated landowners.

12. Request of different foreign aid and social welfare agencies, as well as of private individuals, more farming tools, farm animals, seeds, gifts, foodstuffs, professional instruments, etc. for Highlanders.

13. Stimulate foreign or Vietnamese capitalists to make investments in the Highland areas.

14. Establish more schools in the Highland areas, and, above all, open the Secondary forms VII, III. II. and I in the provinces of Kontum, Pleiku, and Ban Me Thuot for the admission of more Highlander students.

15. Develop adult education classes in Highland villages and hamlets.

16. Expand health activities in the Highlands, and provide more assistance to public health and social welfare agencies, so that they can afford more facilities for development operations, and recruitment of more Highlander employees.

V. CONCLUSION

Above are only the outlines of an emergency [program] for the CF-1966. The Special Commission for Highland Affairs will contact friendly agencies, make studies in each locality, and keep in touch with notables, scholars, and local Highlanders to learn their actual status and aspirations, with a view to drafting a detailed and efficient long-term program.

Appendix E

DECREE LAW NO. 006/65 (JULY 22, 1965) REORGANIZING
HIGHLAND COMMON LAW COURTS IN THE
CENTRAL VIETNAM HIGHLANDS

The Chief of State of the Republic of Vietnam:

Considering the Provisional Constitution, dated October 20, 1964;

Considering the Decision No. 1, dated October 21, 1964, of the National High Council, appointing Mr. Phan Khac Suu to the post of Chief of State of the Republic of Vietnam;

Considering Decree No. 5-QT/SL. dated October 31, 1964, appointing the Prime Minister;

Considering Decree No. 6-QT/SL. dated November 4, 1964, defining the Constitution of the Government;

Considering the Joint Declaration, dated January 9, 1965, of the Civil Government and the ARVN, and

Upon the deliberation of the Cabinet Council, Decrees:

CHAPTER I
GENERAL PRINCIPLES

Article 1. Effective the date of promulgation of this decree-law, the jurisdiction, with respect to Highlanders in different provinces of the Central Vietnam Highlands, will devolve on law courts, in compliance with articles defined as follows:

Article 2. These law courts are only qualified to try civil affairs, Highland affairs, as well as penal affairs in those cases where both parties are Highlanders.

However, when both parties mutually agree to request it, their dispute will be tried by National Courts.

Article 3. All acts of rebellion, disturbance of public order, violation of national security, and homicide perpetrated by Highlanders will be brought up for trial before National Courts according to their cognizance.

The laws to be enforced and the constitution of the law courts are defined in Article 25 of this decree-law.

Article 4. Crimes and offenses committed by Highlander servicemen also will be under the jurisdiction of National Military Courts.

Article 5. All suits of a civil nature between Highlanders and Lowlanders, and trials involving Lowlanders, will be judged by the National Courts according to their cognizance.

The laws to be enforced and the constitution of these law courts are defined in Article 26.

CHAPTER II

ORGANIZATION AND COMPETENCY OF COURTS JUDGING IN COMPLIANCE WITH HIGHLANDER CUSTOMS

Section I. Village "Customs" Law Court

Article 6. The constituents of the Village "Customs" Law Court will be the Village Administrative Committee Chief acting as Presiding Judge, and two Highlander assessors appointed by the inhabitants.

The procedures of selecting the Village "Customs" Law Court assessors are defined in Article 30.

Article 7. The Village "Customs" Law Court sits in the Village Administrative Committee Office and, in principle, holds one session per week, or more if necessary, for settling disputes arising in the village.

Article 8.

1. With respect to civil affairs and Highlander affairs, however important it may be, a dispute will have to be tentatively reconciled first.

The Village Administrative Committee Chairman will take charge of reconciliations by himself. If necessary, he will consult the Highlander assessors.

The Village Administrative Committee Chief should strive to reconcile the litigant parties when they come to present their case.

If the attempt at reconciliation is successful, the Chairman of the Village Administrative Committee will draw up an official record to be signed by both parties. All agreements mentioned in this record will have executory force and will be denied the right of appeal elsewhere.

A reconciled litigation cannot lead to a new lawsuit.

2. In case of irreconcilability, if the rate involved in a litigation on civil affairs or Highland affairs is less than 500 VN\$, the Village "Customs" Law Court will be competent to try it according to custom, and with the possibility of appeal to the District Highland Affairs Court within 15 full days after the date sentence is passed.

3. Relative to penal affairs, the Village "Customs" Law Court will be competent to judge, without appeal, petty offenses [resulting in] such sentences as to provide offerings for worship purposes or to carry out hard labor that does not rate over 50 VN\$.

Section II. District Highland Affairs Court

Article 9. At the district level, the Highland Affairs Court will be made up of the District Chief, concurrently Justice of the Peace acting as President of the Court, and two Highlander assessors.

The Court will have an interpreter, concurrently clerk. The Highlander assessors will be elected by local inhabitants, and the election procedures are defined in Article 30.

Article 10. The District Highland Affairs Court will sit at the District Administrative Office. Depending on the case, however, it can be moved and sit at another place within the District.

In principle, the District Highland Affairs Court will sit twice a month, or more, if need be, for expeditious judgment of lawsuits.

Article 11. The District Highland Affairs Court will be competent to:

1. Give a final ruling on appeals of sentences passed with possibility of appeal by the Village Customs Court on civil and commercial affairs, when the costs are not more than 500 VN\$.

2. Judge, with or without possibility of appeal, the lawsuits on civil and commercial matters in which the costs are more than 500 VN\$ and less than 1500 VN\$.

3. Pass sentence, in the first instance and with possibility of appeal, on:

a. Civil and commercial lawsuits which rate over 1500 VN\$ or cannot be specifically rated.

b. All kinds of minor offenses.

The District Highland Affairs Court also will try cases of all offenses traditionally considered serious ones, such as offenses against religions and creeds, viz., desecration of graves, insults uttered during a ritual ceremony, disturbance of an oathtaking ceremony, and offenses against deities.

Besides, this Court can deal ipso jure with all offenses and breaches of the law directly known to itself, and can try these cases within its scope of competency as stipulated above.

Section III. The Highland Affairs Section of the Provincial Court

Article 12. Within every National Court of first instance in the Central Highlands, a Highland Affairs Section will be set up. It will be presided over by a Highlander Presiding Judge, assisted by 2 Highlander assessors, a national clerk who keeps the records of the Court and written documents, and an interpreter.

The jurisdiction of the Highland Affairs Section is that of the National Court of Justice, which also includes a Highland Section exclusively in charge of legal proceedings involving Highlanders.

Highlander assessors will be elected by the people. The assignment of the President of the Court and the method of electing the assessors are provided for in Articles 30 and 34.

Article 13. In principle, the Highland Affairs Section will sit once or twice a month, or more often if necessary for expeditious judgments.

Article 14. The Highland Affairs Section will be competent to:

1. Pass final judgment on appeals from sentences passed in the first instance by Highland District Courts on civil, commercial, and criminal matters.

2. Pass judgment, with possibility of appeal, on all actions at law on either offenses (except those offenses mentioned in Article 3) or crimes which do not fall within the competence of Village Customs Courts and Highland District Courts.

Section IV. Courts of Appeal

Article 15. When hearing a case involving Highlanders, the composition of the National Court of Appeal, previously fixed at 1 President and 2 assessors, will be augmented by 2 Highlander assessors. The Criminal Section of the Court of Appeal will be composed of 1 President, 2 National assessors and 2 Highlander assessors.

The method of electing the assessors is stipulated in Article 30.

The interpretation will be done by an interpreter-clerk.

Article 16. The National Court of Appeal, with the above composition, will be competent to:

1. Pass final judgment on the appeals from penal sentences given in the first instance by the Highland Affairs Section of the Provincial Court.

2. Rehear ~~ex~~-officio the cases which are deemed to be miscarriages of justice on the part of Highland District Courts and Highland Affairs Sections of the Provincial Courts.

The time limit prescribed for the exercise of this right is forty (40) days, effective the date when sentence is passed by the Highland Affairs District Courts or the Highland Affairs Section of the Provincial Tribunal.

The Court of Appeal will judge all cases on their form as well as on their substance within a 30-day time limit, effective the date of its receiving the relevant documents.

In the case of death sentences, the Public Prosecutor, Chief of the Judicial Service, will have the right to propose commutation of the death sentence to the Minister of Justice, who will refer this to the Chief of State for decision.

CHAPTER III

Section I. Application of the Legislation

Article 17. The judicial agencies at different levels, as provided for in Chapter II of this decree-law, will apply regional ways and customs so long as these are not incompatible with the public order.

If the suitors are governed by dissimilar customs, the following will be applied:

- a. Concerning civil and commercial actions, the traditions that are in force in the region in which is located the subject of the action, or those that are in force in the residence locality of the defendant.
- b. Concerning criminal actions, such traditions as are most similar to National criminal laws. In case these actions involve the

public order, the National laws will be applied simply and solely.

Section II. Drafting of Judicial Documents

Article 18. The records of the Village Customs Courts will be written simply, and must be copied in extenso in a book specifically designed for this purpose. The District Chief, who is concurrently National Justice of the Peace, will check them during his inspection tours.

The records of the proceedings of the Highland Affairs District Courts and the Highland Affairs Section of the Provincial Tribunal will be written in the Vietnamese language, in 2 parts, as follows:

Part 1: Brief of the case

- a. Competence of the suitors
- b. Subject of the action
- c. Exposition of the case

Part 2: Judgment of the Court

- a. Reason for the action
- b. Ruling of the Court

When delivering sentence, the judicial agencies at different levels should proclaim the right to lodge an appeal in case of the first hearing, and include this proclamation in the last paragraph of text of the judgment.

A true copy, in extenso, of all records of sentences, on civil as well as on criminal actions, delivered by the Highland Affairs District Courts and the Highland Affairs Section of the Provincial Tribunals will have to be forwarded for appropriate action to the Court of Appeal by the President of the Tribunal concerned ten days, at the latest, after the date that sentence is pronounced.

Section III. Execution of Court Rulings

Article 19. All the sentences passed by the Village Customs Court will become definitive and enforceable following expiration of the 15-day time limit for lodging appeals.

The judgments passed with possibility of appeal by the Highland Affairs District Courts and the Highland Affairs Section of the Provincial Tribunal will become definitive and enforceable following expiration of the 40-day time limit, effective the date when the sentence is delivered. This time limit is accorded to the litigant parties so that they may appeal the Court ruling.

The final rulings will be immediately enforceable, but those of the Highland Affairs District Courts and the Highland Affairs Sections of the Provincial Tribunals will be enforced only after 40 days, effective the date when sentence is delivered. This time limit is accorded to the Court of Appeal to enable it to exercise, if such should be the case, the right to rehear the case as stipulated in Article 16.

Article 20. Such proceedings as an appeal to a higher court for annulment of a sentence will not apply to verdicts based on mores.

Article 21. In case of punishment by fine, the money will have to be paid to the National Budget.

Imprisonment sentences will be served in the existing re-education centers in the Central Highlands. However, sentences of hard labor and imprisonment for more than 3 years may be served in other re-education centers.

Article 22. Those sentenced to death and not granted commutation will be executed by a firing squad.

Article 23. Such measures of grace as commutation of sentence, mitigation of penalties, release on parole, grant of atonement for misdeeds, etc. will be proclaimed by the Chief of State, as proposed by the Chief of Province and in concurrence with the Ministry of Justice. The standard for atonement will be 1 day of hard labor for 1 day of imprisonment.

Article 24. Any case brought before the Courts of various instances to be judged in accordance with regional mores will be exempted from payment of a sum to the Court when a petition is filed for instituting an action or bringing an appeal. However, upon completion of the hearing, the Court will consider the faults of one of the parties, or of both, to determine how much each one will have to pay as costs. These costs will depend, also, on the ways and customs of both parties and will be paid to the National Treasury.

CHAPTER IV

NATIONAL COURTS DEALING WITH OFFENSES OR LITIGATIONS PROVIDED FOR IN ARTICLES 3 AND 4

Article 25. The National Courts dealing with the offenses provided for in Article 3 will apply National laws. The composition of the said Courts will be that stipulated by law, including two additional Highlander assessors. The nomination of Highlander assessors will be defined in Article 30.

Regarding the Courts-martial or Military Field Courts, one of the lawful assessors will be a Highlander.

Article 26. The National Courts of various instances, in judging both civil and criminal cases as defined in Article 5, will apply the National laws. As far as criminal actions are concerned, they may refer to the tribal mores and creeds of the litigant parties so as flexibly to apply aggravating or extenuating circumstances.

The composition of the sessions of District and Province National Courts, as well as that of the Court of Appeal, will be that fixed by law, including 2 additional assessors, one of whom will be a Highlander and the other a Lowlander. For the Court of Appeal sessions held for criminal actions, the 2 people's assessors, of previously fixed panel, will be 1 Highlander and 1 Lowlander. The Highlander assessors will be appointed as provided for in Article 30. The nomination of the Lowlander assessors is defined in Article 31.

Article 27. All legal proceedings will be available for judgments of National Courts regarding criminal and civil cases provided for in Articles 3 and 5.

CHAPTER V

MISCELLANEOUS ITEMS

Article 28. All Court clerks [and] interpreters will be assigned by a ministerial order from the Minister of Justice.

Article 29. When sitting for the judgment of criminal and civil lawsuits among Highlanders, criminal actions involving Lowlanders, and civil actions between Highlanders and Lowlanders, the Court will base its decisions on the opinion of the majority of the panel.

Article 30. Annually, in early December, chairmen of Village Administrative Committees will contact their co-villagers to draw up an official 12-man list of Highlander notables elected by regional people to act as assessors in Village Courts of Customs for the next year. From each list, the District Chief, concurrently Justice of the Peace, will pick out 2 regular assessors and 2 deputy assessors for every Village Court of Customs.

Also, every year in early December, the District Chief will contact people under his authority to draw up an official 18-man list of Highlander notables, elected by district people, to act as assessors in district Highlander Affairs Courts for the next year. These lists will be forwarded to the Public Prosecutor and Chief of the Judicial Service concerned, who will pick out from each of these lists 2 regular assessors and 4 deputy assessors for every district Highland Affairs Court.

With this contact, the District Chief will draw up another official list of notables of highest repute in his district and nominated by the people for the posts of assessors for the next year in Higher Courts of Customs and in national courts whose composition includes Highlander assessors. The number of notables to be listed for every district will be fixed by the Public Prosecutor, Chief of the Judicial Service concerned, at the rate of one selected for every three nominees. The Public Prosecutor will collect all the aforesaid lists from the districts and pick out regular and deputy assessors for the Courts.

The assessors for every Court will be picked out from the name lists of notables in the jurisdiction of

the Court concerned. The selection of assessors for all Courts must be based on the patriotism and loyalty of the candidates, as well as on their knowledge of Highlander customs.

Supplementary lists may be drawn up in the same manner as defined in the above paragraphs for a wider choice, if need be.

Article 31. For National Courts, the Lowlander assessors mentioned in Articles 2 and 26 will be nominated as follows:

1. For the Section of the Court of Appeal in charge of minor offenses and for the sittings of the Court of Appeal judging civil actions, the Public Prosecutor concerned will select each year regular and deputy assessors from among the notables listed by administrative authorities, to be selected for the posts of people's assessors at the assize Courts.

2. For National Courts of first instance and Justice of the Peace, the Public Prosecutor will select in early December of each year regular and deputy assessors for the next year from among notables listed by District Chiefs. The number of notables so listed will be determined by the Public Prosecutor.

3. The provisions of Presidential Decree No. 4, dated October 18, 1949, concerning the organization of national justice, the requirements for eligibility to the posts of people's assessors, and the punishments in cases of absence without plausible reasons will apply to the nomination of the above assessors.

Article 32. In principle, a notable can act as assessor in one court instance only. In each instance,

a notable may be, concurrently, assessor for the Court of Customs and for National Courts, whose compositions include Highlander assessors, if his dual function does not inconvenience the Court trial.

Article 33. Before taking office, an assessor will be sworn in before the Presiding Judge by declaring that he will carry out his functions correctly and will not disclose whatever he knows while on duty. The oath will be the same as that taken by the Presiding Judge of the Provincial Court for Highlander Affairs, hereunder mentioned in Article 34.

Assessors are challengeable. Any suitor who wants to challenge an assessor will have to make his request before the opening of the trial. The Presiding Judge will consider the reasons for the challenge and will nominate a substitute, selected from among the alternates, if the request is approved. The Presiding Judge's decision on such challenge cannot be appealed to a higher Court.

If, for some reason, a regular assessor cannot attend the Court trial, the alternate will replace him.

Article 34. The notables who have been selected as regular and alternate assessors for the District Court for Highlander Affairs, pertaining to every jurisdiction of the Provincial Court, and for the Highlander Affairs Section of the Provincial Court, will meet at this Court at the invitation of the National Presiding Judge to appoint a Presiding Judge for Highlander Affairs to be selected from among them. The Highlander Affairs Presiding Judge must be an honest man having dignity and education.

If need be, the Minister of Justice may summon another meeting of the panel for the appointment of a new presiding judge in the same manner as mentioned above.

The Provincial Court's Presiding Judge for Highlander Affairs, nominated as mentioned above, will be ratified afterward by an order from the Minister of Justice. Before taking his office, the Presiding Judge for Highlander Affairs will have to be sworn in before the Court of Appeal as follows:

"I swear and pledge to fulfill my duties with dedication, to keep absolutely secret what has been discussed during the Court deliberation, and to behave in everything as a deserving and loyal judge."

The duty tour of the Presiding Judge for Highlander Affairs will be 1 year and will expire at the same time as assessors' duty tours. At their annual meeting, however, the assessors may reelect the Presiding Judge whose duty tour has just ended. There will be no restriction for this reelection.

Article 35. Presiding Judges for Highlanders' Affairs and Highlander and Lowlander assessors are entitled to function fees, including travel and lodging allowances. Their rates will be fixed by an order from the Ministry of Finance, with concurrence of the Ministry of Justice.

Article 36. The order, dated August 9, 1947, and supplemented by another one, dated March 4, 1948, on the setting up of different Courts of Ways and Customs in the Central Highlands, and all other orders and regulations inconsistent with this decree-law will be abrogated.

Article 37. Those criminal and civil actions falling within the competence of Courts of Customs, and whose petitions have been received by National Courts but not yet tried, will be transferred to the above-mentioned Courts as soon as they have been set up.

This decree-law will be published in the Official Gazette of the Republic of Vietnam.

Saigon, Vietnam

PRIME MINISTER

MINISTER OF JUSTICE

July 15, 1965