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"DEFEND ORDER AND SECURITY"
A NORTH VIETNAMESE DECREE ON THE PUNISHMENT OF COUNTERREVOLUTIONARIES

Background

The document presented herewith, as broadcast by Radio Hanoi on March 21, is the complete text of a North Vietnamese decree on the punishment of "counterrevolutionary crimes."

Hanoi's National Assembly Standing Committee originally passed the decree on October 30, 1967, and President Ho Chi Minh signed an order promulgating it on November 10. However, for reasons unknown outside Hanoi, the decree was not made public until more than four months later, at a newsconference held by the Secretariat of the National Assembly Standing Committee.

The authority for the decree is Article 7 of the Constitution of the Democratic Republic of Viet-Nam (DRV). This article declares: "The State strictly prohibits and punishes all acts of treason, opposition to the people's democratic system, or opposition to the reunification of the Fatherland."

As defined in the decree, counterrevolutionary crimes are "opposition to the Fatherland and the people's democratic power, sabotage of socialist transformation and construction undermining national defense and the struggle against U.S. aggression for national salvation aimed at defending the North, liberating the South, and reunifying the country."

Fifteen specific crimes said to fit this definition are enumerated in the decree. In brief, they are: (1) treason, in collaboration with a foreign country (2) plotting to overthrow the "people's democratic power" (3) espionage (4) intruding into DRV territory to violate security (5) armed rebellion (6) banditry (7) defecting to the enemy (8) murder, assault and kidnapping (9) sabotage (10) undermining "the people's solidarity" (11) opposing state policies and laws (12) disrupting public order and security (13) disseminating counterrevolutionary propaganda (14) attacking detention camps and freeing convicts (15) harboring counterrevolutionary elements.

The crimes are broken down according to degrees of severity. Punishments matched with each are to be determined by whether a guilty person is "the main plotter, leader, principal culprit, or one who stubbornly opposes the revolution." Both "attempted crimes" and "actual crimes" are punishable.

Leniency is promised "toward those who are forced, enticed, or misled and those who sincerely repent." Provision is also made to exempt from punishment or reduce the sentences of those who show "redemption."

As an example of the provisions, Article 4 of the decree pertains to the crime of "plotting to overthrow the people's democratic power." If an individual is a "plotter, leader, instigator or principal accomplice," he is subject to imprisonment for 15 years to life, or to execution. However, if he is merely a follower or secondary accomplice, he is subject to imprisonment for only five to 15 years or, "under extenuating circumstances", for three to 12 years.

For this crime and most of the others, conviction will also mean loss of the right to vote and to run for election, the right to work in state organizations and in the People's Armed Forces organizations, and the right to hold a responsible position in political economic, cultural and social organizations." The convicted man's property may also be confiscated.

Nhan Dan, official newspaper of the Viet-Nam Workers' Party Central Committee, editorialized on the new regulations March 21. It said the decree "proves the determination of our people to continue socialist construction in the North, defend the common basic ground of revolution over the entire country, struggle against the U.S. war of destruction, consolidate the great rear, support wholeheartedly southern compatriots to defeat the U.S. aggressors and their lackeys, and march forward to peacefully reunify the homeland."

The editorial further stated, "The decree on punishing the counterrevolutionary crimes is the sharp tool strengthening socialist legislation and strengthening dictatorship vis-à-vis the enemy of our people and our nation. In the light of experience, this decree has systematized and perfected the past regulations about repressing counterrevolutionaries in the Democratic Republic of Viet-Nam and is aimed at satisfying the requirements of the current revolutionary tasks. It demonstrates the line and policy of quenching the counterrevolutionaries of our country in the present phase."

In conclusion, the editorial defined who the counterrevolutionaries are by stating, "The counterrevolutionaries in the North comprise the stubborn elements in the former exploiting classes, landlords and capitalists, the reactionary elements profiting by religion, the former puppet administration, army elements not wanting to transform themselves, and the other reactionary and sabotaging elements. Instigated by imperialists, mainly U.S. ones, they plot to intensify activity attempting to obstruct the socialist construction work, weaken our national defense force, and prevent the northern people's support for the Liberation War waged by southern compatriots. The counterrevolutionaries in the north of our country are only a small force, but their scheme is to perfidious and their activity is quite dangerous."

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Document No. 26

Complete Text

DECREE ON THE PUNISHMENT OF COUNTERREVOLUTIONARY CRIMES

(Hanoi Radio domestic service in Vietnamese 0415 GMT 21 Mar 68)

(Text) Recently, the National Assembly Standing Committee Secretariat held a press conference to make public a decree on the punishment of counterrevolutionary crimes. Newspaper, news agency, and the "Voice of Viet-Nam" correspondents were present. On behalf of the National Assembly Standing Committee Secretariat, Comrade Truong Tan Phat read President Ho's promulgation and the decree on the punishment of counterrevolutionary crimes. Chairman of the National Assembly Standing Committee Comrade Truong Chinh discussed the meaning and importance of the decree, emphasizing some of its points. He then talked with the newsmen.

Following is the promulgation of the DRV (Democratic Republic of Viet-Nam) President:

Considering Article 63 of the DRV Constitution and the Resolution of the DRV National Assembly Standing Committee, a decree is hereby promulgated on the punishment of counterrevolutionary crimes.

DRV President Ho Chi Minh, 10 November 1967.

Following is the decree on the punishment of counterrevolutionary crimes:

Considering Article 7 of the DRV Constitution, in order to strengthen the People's democratic dictatorship, protect the fatherland of the people, and the people's democratic state, insure the complete victory of the socialist revolutionary cause and of the anti-U.S. national salvation resistance, protect the North, liberate the South, peacefully achieve national reunification, heighten the people's revolutionary enlightenment and mobilize all the people to actively participate in maintaining security and order, the present decree defines counterrevolutionary crimes and stipulates punishment for counterrevolutionary criminals.

Chapter 1 - Counterrevolutionary Crimes and the Principle Governing the Punishment of Counterrevolutionary Crimes.

Article 1 - Counterrevolutionary crimes are opposition to the fatherland and the people's democratic power, sabotage of socialist transformation and construction undermining national defense and the struggle against the U.S. aggression for national salvation, aimed at defending the North, liberating the South, and reunifying the country.

Article 2 - Both attempted crimes and actual crimes are punishable. The guiding principles on the punishment of counterrevolutionaries will be to severely punish the main plotters, leaders, principal culprits, and those who stubbornly oppose the revolution; to be lenient toward those who are forced, enticed, or misled and those who sincerely repent; to reduce or exempt punishment for those who show redemption.

Chapter 2 - Crimes and Punishments.

Article 3 - Treason to the fatherland: Any citizen of the Democratic Republic of Viet-Nam who collaborates with a foreign country to harm national independence and sovereignty, unification and territorial integrity of the fatherland, and the socialist regime will be imprisoned 20 years to life or executed.

Article 4 - Plotting to overthrow the people's democratic power; Those who set up or participate in counterrevolutionary organizations to overthrow the People's democratic power and to destroy the political, economic and social systems stipulated in the DRV Constitution will be liable to the following punishment:

A - The plotters, leaders, instigators, and principal accomplices will be imprisoned from 15 years to life or executed.

B - Other accomplices will be imprisoned from 5 to 15 years. Under extenuating circumstances, the culprits will be imprisoned from 3 to 12 years.

Article 5 - Espionage: Those who commit the following crimes: Supplying, transmitting, stealing, collecting, and retaining state and military secrets for future supply and transmission to the imperialists and their lackeys or to foreign intelligence services; receiving instructions from foreign countries, recruiting agents to gather intelligence or engaging in other counterrevolutionary activities; sending signals to direct enemy air raids; or receiving instructions from foreign countries, collecting and supplying information and documents which are not state secrets, but can help foreign countries harm the interests of the Democratic Republic of Viet-Nam will be liable to the following punishments:

A - The leaders, the commanders, the main accomplices, the fifth-column members, and those who have caused great damage will be sentenced to imprisonment ranging from 12 years to life imprisonment or to capital punishment.

B - The spies who do not belong to the above-mentioned groups will be sentenced to imprisonment ranging from 5 to 12 years.

Article 6 - Violating security and territory: Those who intrude into the territory and undermine the security of the Democratic Republic of Viet-Nam will be punished as follows:

A - The leaders, the commanders, and those who have committed serious crimes will be sentenced to imprisonment ranging from 12 years to life imprisonment or to capital punishment.

B - Their accomplices will be sentenced to imprisonment ranging from 5 to 12 years.

C - Those who provide the above-mentioned groups with supplies, guides, and assistance will be sentenced to imprisonment ranging from 2 to 10 years.

Article 7 - Armed rebellion: Those who engage in armed rebellion to oppose or undermine the people's democratic power and the People's Armed Forces will be punished as follows:

A - The main plotters, leaders, commanders, the main accomplices, and those who have caused great damage will be sentenced to imprisonment ranging from 12 years to life imprisonment or to capital punishment.

B - Their accomplices will be sentenced to imprisonment ranging from 3 to 12 years.

Article 8 - Banditry: Those who for counterrevolutionary purposes engage in armed activities in mountainous or coastal areas; kill cadres, civil servants, military men, policemen, or the people; pillage and burn the properties of the state and people, and disturb security and order will be punished as follows:

A - The leaders, commanders, and those who have committed grave crimes will be sentenced to imprisonment ranging from 10 years to life imprisonment or to capital punishment.

B - Their accomplices will be sentenced to imprisonment ranging from 2 to 10 years.

Article 9 - Defecting to the enemy or fleeing to foreign countries for counterrevolutionary purposes:

A - Those who defect to the enemy or flee to foreign countries for counterrevolutionary purposes will be sentenced to imprisonment ranging from 3 to 12 years.

B - Those who for counterrevolutionary purposes force, entice, or help others to defect to the enemy or flee to foreign countries will be sentenced to imprisonment ranging from 5 to 15 years. Under certain circumstances, the culprits will be sentenced to life imprisonment or capital punishment.

Article 10 - Murder, assault, injuring, kidnapping, or threatening to kill people for counterrevolutionary purposes:

A - Those who, for counterrevolutionary purposes, kill cadres, state personnel, military men, policemen, or other people will be imprisoned from 15 years to life or executed.

B - Those who, for counterrevolutionary purposes, beat, injure, or kidnap cadres, state personnel, military men, policemen, or other people will be imprisoned from 2 to 10 years.

Article 11 - Sabotage: Those who for counterrevolutionary purposes, commit the following crimes:

A - Destroying the organs of the government, of political parties, and of people's organizations in the Viet-Nam Fatherland Front, the barracks of the People's Armed Forces, and the national defense installations;

B - Destroying dikes, dams, bridges, roads, means of communication, transport, information and liaison, factories, warehouses, cultural works, or other property of the state, cooperatives, or the people;

C - Stealing weapons, explosives, machines, raw materials, fuel, or other state property;

D - Using poisons, disseminating insects and worms, spraying chemical poisons, or using other means to harm human beings, cattle, crops, or trees;

E - Undermining the socialist monetary system and trade;

F - Intentionally performing their tasks badly or refusing to carry them out in order to sabotage production, interrupt or hinder the activities of state organs, people's organizations, or economic, military, scientific, cultural, and social organizations;

G - Urging, enticing, or inciting others to undermine labor and military discipline and the fighting spirit of the People's Armed Forces and the people will be imprisoned from 10 years to life or executed. Under extenuating circumstances, the culprits will be imprisoned from 5 to 10 years.

Article 12 - Undermining the people's solidarity and unity bloc: Those who, for counterrevolutionary purposes, propagandize for, organize, or engage in other activities aimed at:

A - Undermining the people's solidarity and unity bloc, creating feuds and discord among the people and the People's Armed Forces, sowing discord within the Viet-Nam Fatherland Front, between the people and the government, between the People's Armed Forces and state organs;

B - Undermining the nationalities policy and creating enmity and disputes among the fraternal nationalities living together on Vietnamese territory;

C - Undermining religious policy, sowing discord among religions, between the religious and non-religious, and between religious people and the government, using religion to encroach upon religious people's democratic freedoms and prevent them from fulfilling their citizen's duties or joining the people's organizations, cooperatives, or military, economic, cultural, and social organizations will be imprisoned from 5 to 15 years.

Article 13 - Opposing or sabotaging the carrying out of state policies and laws:

A - Those who, for counterrevolutionary purposes, oppose, sabotage, or hinder the carrying out of state policies, laws and plans will be imprisoned from 2 to 10 years.

B - Those who, for counterrevolutionary purposes, force, entice, or encourage others to oppose, sabotage, or hinder the carrying out of state policies, laws, or plans will be imprisoned from 5 to 15 years.

C - Those who oppose, sabotage, or hinder the execution of national defense plans or create serious obstacles to the carrying out of state policies, laws, or plans will be imprisoned for life or executed.

Article 14 - Disrupting public order and security:

A - Those who, for counterrevolutionary purposes, agitate, attract, and assemble groups to disturb public security and order or obstruct state cadres and personnel, troops, and security agents in the performance of their duties are liable to prison terms ranging from 5 to 12 years.

B - Those who, for counterrevolutionary purposes, participate in disrupting public security and order are liable to prison terms ranging from 2 to 5 years.

Article 15 - Disseminating counterrevolutionary propaganda:

A - Those who, for counterrevolutionary purposes, disseminate propaganda opposing the people's democratic administration and distorting the socialist regime;

B - Those who, for counterrevolutionary purposes, disseminate the enemy's psychological warfare themes, distort the anti-U.S. resistance for national salvation and for national independence and national reunification, and spread rumors thereby, causing confusion among the people;

C - Those who, for counterrevolutionary purposes, disseminate propaganda favoring imperialist enslavement policy and debauched culture;

D - Those who, for counterrevolutionary purposes, write, print, circulate, or conceal publications, (words indistinct) pictures, or any other materials having counterrevolutionary contents and purposes are liable to prison terms ranging from 2 to 12 years.

Article 16 - Attacking detention camps, freeing convicts, and organizing escapes from detention camps and prisons: Those who, for counterrevolutionary purposes, attack detention camps, free convicts, and organize escapes from detention camps and prisons are liable to the following penalties:

A - Those who mastermind, lead, and command such actions, those who play active roles, those who cause major losses, and those detained for a serious crime are liable to prison terms ranging from 12 years to life or execution.

B - Those who participate in the above acts are liable to prison terms ranging from 3 to 12 years.

Article 17 - Harboring counterrevolutionary elements: Those who knowingly harbor, conceal, provide supplies for, and help the counterrevolutionary elements to hide themselves, to conceal material evidence, or destroy the proof of their crime are liable to prison terms ranging from 2 to 10 years.

Chapter 3 - General Provisions

Article 18 - (Words indistinct) punishment: In addition to the punishment set forth in the provisions contained herein, those who commit the counterrevolutionary crimes listed in Chapter 2 will also be punished as follows:

A - Those who commit any of the crimes listed from Article 3 to Article 16 will be deprived of the following civil rights for 2 to 5 years: The right to vote and to run for election; the right to work in state organizations and in the People's Armed Forces organizations; and the right to hold a responsible position in political, economic, cultural and social organizations.

B - Part or all the property of those who commit one of the crimes listed from Article 3 to Article 16 may be confiscated.

C - Those who commit any of the crimes listed in Chapter 2 may be subjected to control, restricted residence, or prohibited from residing in a number of localities for 1 to 5 years.

Article 19 - Cases which involve severe punishment: Those who commit counter-revolutionary crimes which are listed in Chapter 2 and which are committed in the following cases will be severely punished.

A - Those who cause direct damage to the anti-U.S. national salvation resistance and to the national defense task.

B - Those who take advantage of the wartime situation or of the conditions existing in the localities subjected to hostilities, natural calamities, or other difficulties to commit their counterrevolutionary crimes.

C - Those who carry out counterrevolutionary activities in an organized manner.

D - Those who take advantage of their authority to carry out counter-revolutionary activities.

E - Those who adopt extremely wicked tricks and particularly dangerous methods to commit counterrevolutionary crimes.

F - Those whose criminal actions have caused serious consequences.

G - Those who commit new crimes after having previously been convicted of counterrevolutionary actions or having committed crimes against the people.

H - Those who commit crimes as reactionary elements and who have refused to rehabilitate themselves.

Article 20 - Cases involving reduction of punishment or exemption from punishment: Those who commit the counterrevolutionary crimes which are listed in Chapter 2 and which involve one or many of the following cases may be entitled to a reduction of punishment or an exemption of punishment:

A - Those who plot crimes but voluntarily refrain from carrying them out.

B - Those who, before their crime has been discovered, sincerely confess and clearly reveal their own conspiracy and actions and those of their accomplices.

C - Those who deliberately carry out a conspiracy in an incomplete manner or advise their accomplices to carry out the conspiracy masterminded by the counter-revolutionaries in an incomplete manner.

D - Those who have carried out actions which have reduced the detrimental effect of their crimes.

E - Those who commit crimes because they were compelled or deceived and whose actions have not yet caused great damage.

F - Those who, while being detained and prior to trial, sincerely repent their crimes and render meritorious service in order to atone for their crimes.

Article 21 - Application of identical principles: The trial of the counter-revolutionary crimes which are not listed in this decree may be conducted in accordance with the provisions concerning similar crimes listed in this decree.

Article 22 - Effect of the decree:

A - The counterrevolutionary crimes which were committed prior to the promulgation of this decree and which have not yet been tried will be tried in accordance with this decree.

B - Provisions which run counter to this decree are hereby rescinded. This decree was approved by the National Assembly Standing Committee on 30 October 1967.

Signed
DRV National Assembly Standing
Committee Chairman

Truong Chinh