

REPUBLIC OF VIETNAM

PRESIDENCY

LAW No. 10/59 of MAY 6, 1959

"Penalties imposed on acts of sabotage, offense to National Security, attempt on people's life and property, and establishment of Special Military Tribunals."

The National Assembly has discussed and devoted,

The President has promulgated the law No. 10/59 of May 6, 1959, regulating the penalties imposed on acts of sabotage, offense to National Security, attempt on people's life and property and creating the Special Military ~~Court~~, *Tribunals*, which reads as follows:

FIRST PART

Acts of Sabotage, offense to National Security, attempt on people's life and property.

ARTICLE 1

Death sentence, and integral, or partial confiscation of property, and also deprivation of office in case of military men, will be imposed on those who commit, or attempt to commit the following crimes purposely to offend national security, to attempt on human lives, or the people's property:

1. Murder, poisoning, kidnapping.

2. Integral or partial destruction of the following by using explosive, by burning, or by any other means to make them unfit for use:

a. Inhabited houses, or houses used for residence, whether occupied or not, churches, pagodas, temples, warehouses, factories, farms, and all dependent constructions belonging to

private persons;

b. Public palaces, buildings, offices, factories, warehouses and generally speaking all kinds of constructions and property belonging to the state, other movables and real state belonging to, or controlled by the state or subject to special cession regime or regimes;

c. Planes, cars, boats and other kinds of cars;

d. Mines, machines, and equipments installed in mines.

e. Weapons, materials, military equipments, posts, offices, warehouses and buildings of all types pertaining to national defense and police;

f. Principal or secondary crops, livestock and mechanical farming tools, forests of all types;

h. Telecommunication networks, post office, radio broadcasting stations, water and power plants, houses or buildings and/or materials pertaining to the exploitation of the above-mentioned plants;

i. Dikes, dams, lines of communication, railroads, airports, ports, bridges and roads and/or technical structures of the above-mentioned bridges and roads;

k. Navigable rivers, either large or small, canals.

ARTICLE 2

Penal servitude for life and integral or partial confiscation of property and also deprivation of office in case of military persons, will be imposed on those who either offend national security or attempt on human lives, or the people's property for sabotage

purposes and those who attempts to perpetrate the following crimes:

1. Banditry either under arms or not, done by^{two}/persons and over;
2. Interruption of land and water communication by terrorism, threat with firearms or other means;
3. Direct or indirect threat about: murder, setting fire to dwellings and crops, kidnapping;
4. Breaking off market day or interdiction of market gathering;
5. Destruction or sabotaging acts which are not defined in the above-mentioned articles.

ARTICLE 3

The penalties defined in the above mentioned articles No. 1 or No. 2 will be imposed on those who participate in an organization or enter into conspiracy to assist the preparation or perpetration of the crimes defined in article 2.

ARTICLE 4

The principal criminals, complices and conspirators fall within the competence of the Special Military Tribunal as will be defined in the 2nd part of this law, and can't benefit extenuating circumstances.

ARTICLE 5

Exemption from penalties or mitigation of penalties on crimes falling within the competence of the Special Military Tribunal,

can be applied to those who, before or when these crimes are committed or being plotted, and before any charges are lodged, will have given the first information to the Government or military, administrative or judiciary authorities, or after the accusation will help to arrest the criminals or their complices.

However, the accused exempt from penalty may be put under police supervision or deported for a time fixed by the tribunal.

PART TWO

Organization of the Special Military Tribunals

ARTICLE 6

Three Special Military Tribunals are now created, whose respective head-offices are in Saigon, Ban-Mê-Thuôt and Huế.

The jurisdiction of the Special Military Tribunal of Saigon includes provinces of South Viet-Nam. The jurisdiction of the Special Military Tribunal of Ban-Mê-Thuôt includes the Highland provinces in Central Viet-Nam. The jurisdiction of the Special Military Tribunal of Huế includes the Coastal provinces of Central Viet-Nam.

According to the eventual need other Special Military Tribunals may be created by Decree, and the delimitation of jurisdiction between new Tribunals and the old ones will also be defined by Decree.

Future changes on jurisdiction will be defined by Decree.

The Special Military Tribunals will have their head office set at the premises of the Court of Appeal, Court of First Instance or Court of Arbitration with enlarged Competency, if they have no separate head office, and will pass judgement in the above mentioned tribunals or elsewhere when needed.

ARTICLE 7

The constituents of each Special Military Tribunal are:

- A Major or higher officer holder of the Licence-en-droit Principal Judge

- A Major town, or Province-Chief at the place of the Court session, or their representative..... Assistant Judge

- A Major or higher officer Assistant Judge

The President, or the Assistant judge will be nominated by an Arrêté of The Secretary of State for National Defense or the Assistant Secretary of State for National Defense.

ARTICLE 8

The position of Government Commissioner will be conferred on a Major or a higher Superior Officer, while the position of assistant Government Commissioner will be conferred on superior officers assisting the Government Commissioner. The number of assistant governments may vary from one to more than one.

The above officers are nominated semestrially by Arrêtés of the Defense Secretary of State or the Assistant Secretary of State for National Defense. When Superior Officers are wanting, Subaltern Officers may be chosen.

Whenever necessary, officers may be nominated at once according to the above procedure.

ARTICLE 9

The Record Office is managed by a Chief Clerk who is assisted by a number of clerks, Secretaries and typists.

The above personnel will be nominated by arrêté of the Defense Secretary of State or The Assistant Secretary of State for National Defense.

ARTICLE 10

All personnel members should take their oath before the Supreme Court of Appeal before taking up their duties. The oath is a written one.

ARTICLE 11

The following fall within the competency of the Special Military Tribunal:

1. Offenses provided in articles 1, 2, and 3 not with standing the guilty person being a civilian or a military.
2. Spyings and treasons determined by Decree No 47 of 8-21-1956.
3. Staking, or Sabotaging National Economy and Finance provided by Decree No 61 of 10-3-1955.
4. Crimes which are determined clearly to be judged by The Special Military Tribunals.

ARTICLE 12

When a case belongs to the competency of the Special Military Tribunal, the Secretary of State For National Defense or the Assistant Secretary of State for National Defense will order, with mention of the reason, the accused to be sent to the court, without examination.

ARTICLE 13

The Government Commissioner reads the indictment, stating the authority of the Tribunal and the details of the crime.

ARTICLE 14

In prosecutions against crimes that fall within the competency of the Special Military Tribunal, The Government Commissioner may dispose of all police force.

ARTICLE 15

Three days after receipt of the order of the Secretary of State for National Defense or the Assistant Secretary of State for National Defense, the Special Military Tribunal will meet for the judgment, as provided in article 12.

The order to offender to appear before The Special Military Tribunal will be sent to the accused 24 hours before the judgment.

ARTICLE 16

The accused may apply for a lawyer to defend his case. If the accused cannot get the service of a lawyer, The Government Commissioner or the President judge must assign a Lawyer to plead for the accused.

ARTICLE 17

The Judgment of the Special Military Tribunal is final and is not to forwarded to the Supreme Court of Appeal.

ARTICLE 18

The sentence passed by the Special Military Tribunal is put into effect according to the procedure determined in the articles 93 to 98 of the Martial Law Book.

ARTICLE 19

In case of a capital punishment, the sentence will be applied only after the rejection of the application for free pardon.

ARTICLE 20

If necessary, an order will fix the clauses governing the carrying out of this law.

ARTICLE 21

All articles running against this Law are cancelled.

This Law will be published in The Official Gazette of the Republic of Viet-Nam

Saigon 5-6-1959

Signed: NGÔ ĐÌNH DIỆM

To:

Copy

- Secretariat of the National Assembly
- Secretariat of the Vice President
- Departments
- Secretariat General of the Presidency
(to be published on the official Gazette of the Republic of Viet-Nam)

B.O.: the Chief of Cabinet
Assistant to The Chief of Cabinet

TRẦN VĂN PHÚC