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CHARTER OF THE REPUBLIC OF VIETNAM

F O R E W O R D

Faithful to the supreme interests of the Nation and the high sacred ideals of all the republic of Vietnam Armed Forces;

- Confident in the valiant and indomitable tradition of the people, in the perenniality of the Nation and in the glorious future of the country ;

THE MILITARY REVOLUTIONARY COUNCIL

- Aware that, in this extremely critical situation caused by the international emergency and the brutal and cruel policy of Communist imperialism, the Republic of Vietnam Armed Forces must directly assume their historic responsibilities and lead the people toward final victory;

- Aware that it is necessary to set aside all seeds of disunity sowed by the uprooted , the traitors, and the agents of the neutralist colonialism, to regroup all the genuine anti-communist forces of the Nation, to mobilize the live forces of the country to complete the work of national reconstruction in peace, liberty, democracy, unity and prosperity;

Aware that every Vietnamese citizen without distinction of religion, in the cities as well as in the countryside, that every group and every association has to make positive sacrifices to save the endangered Motherland;

Aware that the ideals of liberty, the development of the individual in every respect, as well as the independence and the prosperity of the Nation can only be achieved under a democratic regime;

Aware that, in present state of emergency caused by internal troubles and the threat of invasion coming from the outside, the fundamental individual liberties as well as the democratic institutions cannot be immediately and fully exercised and established, but must be achieved progressively and parallelly with the evolution of the situation.

-Aware that, since the sovereignty belongs to the entire people and must be handed back to the elected representatives of the people, the mission of the Republican Armed Forces of leading the nation must be terminated as soon as the situation permits ;

The Military Revolutionary Council representing all the Armed Forces of the Republic,

After discussion and unanimous approval,

Promulgates the present Charter:

C H A R T E R

CHAPTER 1

Fundamental provisions

Article 1 - Vietnam is a Republic and its territory is one and indivisible.

Article 2 - The sovereignty belongs to the people.

Article 3 - The separation of powers between the executive, the legislative and the judiciary is the guarantee of democracy.

Article 4 - Vietnamese citizens, without distinction of origin, are born equal.

The State recognizes and guarantees the fundamental individual liberties.

Article 5 - The Republic of Vietnam recognizes the principles of International Law when these principles are not contrary to the national sovereignty and contribute to world peace and security, and to the development of cooperation with the other nations on a free and equal basis.

CHAPTER 2

The rights and duties of the citizen

Article 6.- The fundamental democratic liberties are recognized and guaranteed.

Article 7.- No one may be arbitrarily arrested, detained or imprisoned.

Article 8.- No one may be submitted to torture or be victim of cruel, inhuman, or degrading treatment.

Article 9.- The private life, the dignity and the honor of the citizen as well as his family and his home must be respected.

Article 10.- Every citizen has the duty to work and the right to be employed.

Article 11.- Every citizen has the freedom of thought, of creed, of worship and is free to propagate his faith.

Article 12.- Within the framework of the law, every citizen has the freedom of assembly and association.

Article 13.- Every citizen has the right to vote and to be a candidate to elections in accordance with the law.

Article 14.- The right to private ownership is recognized and guaranteed. The State encourages and protects the accession to ownership of every citizen.

For the public good or for the social welfare the State may requisition private properties against payment of damages.

Article 15.- The freedom to form trade-unions and the right to go on strike are recognized and must be exercised in accordance with the law.

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Article 16.- In the public agencies as well as the agencies having to do with national defense, with public security, or with the fundamental needs of community life, the right to go on strike is not recognized. However, the right of the employees and workers in these branches must be guaranteed as in the other branches.

Article 17.- Democratic liberties can only be temporarily restricted for reasons of national security.

Article 18.- Every citizen has the duty to defend the motherland, the integrity of the national territory and the republican regime. Every citizen has the duty to contribute to public expenditures according to his capacities.

CHAPTER 3

The Military Revolutionary Council

Article 19.- The Military Revolutionary Council, representing the Armed Forces of the Republic, is the supreme organization having the mission of leading the people in the present historic situation.

Article 20.- The Military Revolutionary Council elects the President of the Republic. Upon proposition of the President of the Republic, the Military Revolutionary Council appoints the Vice-President. Upon proposition of the President of the Republic, the Military Revolutionary Council accepts the resignation of the Vice President or terminates his functions.

Article 21.- The Military Revolutionary Council appoints the President, one or more Vice-Presidents, as well as the members of the Provisional National Assembly.

In accordance with the procedures mentioned in Article 40, the Military Revolutionary Council accepts the resignation of these persons or terminates their functions.

Article 22.- The Military Revolutionary Council appoints the President of the High Council of Judges.

Article 23.- The Special Court, the members of which are elected from among the members of the Military Revolutionary Council, has the power- in case of high treason

against the Nation or criminal offenses- to sit in judgment of the President, the Vice-President of the Republic as well as the President of the Provisional National Assembly. The organization and the operation of the Special Court, as well as the procedures for prosecution will be subsequently fixed.

CHAPTER 4

The President of the Republic

Article 24.- The President of the Republic is elected by the Military Revolutionary Council and is responsible to the Military Revolutionary Council and to the people.

Article 25.- The President of the Republic is assisted by the Vice-President, the Secretaries and Under-Secretaries of State.

Article 26.- The President of the Republic appoints the Secretaries and the Under-Secretaries of State with the approval of the Military Revolutionary Council.

Article 27.- The President of the Republic accepts the resignations of the Secretaries and Under-Secretaries of State or terminates their functions with the approval of the Military Revolutionary Council.

Article 28.- The functions of the President of the Republic terminate either after his resignation is accepted by the Military Revolutionary Council or following the decision of the Military Revolutionary Council.

Article 29.- In case of death or incapacity of the President of the Republic and prior to the election of the new President by the Military Revolutionary Council, the Vice-President assumes the functions of the President.

Article 30.- The Cabinet Council, presided over by the President of the Republic, includes the Vice-President, the Secretaries and Under-Secretaries of State.

Article 31.- The President of the Republic is Supreme Commander of the Armed Forces of the Republic.

Article 32.- Within the framework of the law, the President of the Republic appoints:

- the ambassadors, ministers plenipotentiary and special envoys having rank of ambassador or ministers plenipotentiary.
- the judges and other magistrates,
- the general officers and superior officers exercising the functions of general officers.

Article 33.- The President of the Republic appoints high-ranking officials in accordance with the existing regulations.

Article 34.- Upon request or with the approval of the Military Revolutionary Council, the President of the Republic proclaims the state of emergency, the state of siege or the state of war. In these situations, a number of existing laws and regulations may be suspended.

An official document will fix the modalities for the proclamation and the duration of these situations.

Article 36.- With the approval of the Military Revolutionary Council, the President of the Republic signs international agreements.

Article 37.- The President of the Republic accredits the ambassadors, ministers plenipotentiary or special envoys having the rank of ambassadors or ministers plenipotentiary of Vietnam to foreign countries, and the ambassadors, ministers plenipotentiary or special envoys having the rank of ambassadors or ministers plenipotentiary of foreign countries to Vietnam are accredited to him.

Article 38.- The President of the Republic has the right to pardon, to reduce, review or annul sentences.

The President of the Republic awards decorations.

Article 39.- In case the independence of the nation, the integrity of the national territory are seriously and urgently threatened, and in case the functioning of the basic institutions of the republican regime or the carrying out of international commitments are seriously hampered, the President

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of the Republic shall make all decisions and take all appropriate measures after consultation with the President of the Provisional National Assembly and with the approval of the Military Revolutionary Council.

The laws shall be sent to the Provisional National Assembly for information.

CHAPTER 5

The Provisional National Assembly

Article 40. - While waiting for a popularly-elected National Assembly, a Provisional National Assembly is hereby established consisting of 150 members :

a) - 100 civilian members :

* partly appointed by the Military Revolutionary Council from among the members of the provincial, municipal and capital councils following the proposition of these councils, each council nominating one member,

* the remainder appointed by the Military Revolutionary Council from among the personalities within or without the political groups.

b) - 50 members representing the Armed Forces of the Republic, appointed by the Military Revolutionary Council.

Article 41. - The Provisional National Assembly shall vote on the laws. The Provisional National Assembly may vote recommendations on the fundamental policy of the nation. These recommendations are not binding. The Provisional National Assembly shall consider drafts of legislation proposed by the Government, or bills of law, or drafts of recommendations proposed by at least 20 of its members.

Article 42. - Within a period of five full days after the vote of the Provisional National Assembly, the laws shall be sent to the President of the Republic.

The President of the Republic shall consult the Juridical Committee provided in Article 57 on these laws as well as on the drafts of the decree-laws.

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The President of the Republic shall promulgate these laws within forty-five full days after reception.

In case of emergency, upon request of the Provisional National Assembly, the delay for promulgation shall be fifteen full days.

Article 43. - During the delay for promulgation, the President of the Republic may send back to the Provisional National Assembly for a second reading one or more articles of the law.

After the second hearing, if the Provisional National Assembly refuses to change the law in accordance with the request of the President of the Republic, the Provisional National Assembly shall make a final decision after a vote by calling over the names of the members. The final decision must be approved by a three-fourths majority of the total number of the members.

Article 44. - The draft of the national budget must be sent to the Bureau of the Provisional National Assembly before the first of October and must be finally voted upon before the thirty-first of December.

Article 45. - Members who initiate new items of expenditures must propose equivalent items of receipts.

Article 46. - In case of emergency, war, internal troubles, economic or financial crises, the Provisional National Assembly may delegate to the President of the Republic the power to sign decree-laws within the framework and the duration of the delegation of power. The decree-laws must be sent to the President of the Provisional National Assembly immediately after they are signed.

During the regular sessions following the expiration of the period of delegation of power, if the Provisional National Assembly does not reject them, these decree-laws ipso facto become laws.

Article 47. - In between the sessions of the Provisional National Assembly, in accordance with urgent requirements, the President of the Republic may sign decree-laws. These decree-laws have to be sent to the Provisional National Assembly immediately after they are signed.

In the regular session which follows the signing of these decree-laws, if the Provisional National Assembly does not reject them, they shall ipso facto become laws.

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Article 48. - Members may not be prosecuted, traced, arrested or judged for statements made during the sessions or for their votes at the Provisional National Assembly or at the Committees of this Assembly.

Except for flagrante delicto cases, members may not be prosecuted, traced, arrested or judged during the sessions of the Provisional National Assembly, including the time spent for going to and returning from the sessions.

Article 49. - The President of the Republic may send messages to the Provisional National Assembly and make declarations at this Assembly.

Secretaries and Under-Secretaries of State may confer with the President, the Vice President and the Chairmen of the Committees of the Provisional National Assembly.

With the approval of the President of the Republic, the President of the Provisional National Assembly may invite Secretaries and Under-Secretaries of State to the Committees to give clarifications on drafts of law.

Article 50. - Each year the Provisional National Assembly holds two regular sessions.

One session begins on the first Monday of April and shall not last more than two months.

The other session begins on the first Monday of October and shall not last more than three months.

Article 51. - In between the regular sessions, the President of the Republic may call extraordinary sessions of the Provisional National Assembly, in which cases the President of the Republic shall fix the agenda.

Article 52. - The Provisional National Assembly shall meet in open sessions. For special reasons the President of the Republic or the Bureau of the Provisional National Assembly may request that the Assembly meet behind closed doors.

Article 53. - The minutes of the debates shall be published in the Official Journal except when the Provisional National Assembly meets behind closed doors.

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CHAPTER 6

The Judiciary

Article 54. - Judges shall exercise their functions according to their conscience, with impartiality, and with due respect of the law.

Article 55. - To guarantee the independence of the judges, the High Council of Judges shall decide on the transfer of and disciplinary measures against the judges.

The Military Revolutionary Council shall appoint the President of the High Council of Judges.

The President of the Republic shall appoint and promote the judges following the proposition of the High Council of Judges.

Article 56. - A law shall fix the composition, organization and operation of the High Council of Judges according to the following principles : the President of the High Council of Judges shall be appointed by the Military Revolutionary Council, the Members shall be elected by the judges at all levels.

CHAPTER 7

Specialized Agencies

Article 57. - The Juridical Committee is in charge of giving its opinion on the laws, drafts of decree-laws, decrees and orders sent to it by the President of the Republic.

An official document shall fix the composition, organization, and operation of the Juridical Committee.

Article 58. - The President of the Republic shall establish specialized agencies responsible for presenting ideas, giving opinions and drafting projects on questions raised by the Government.

CHAPTER 8

Final Provisions

Article 59. - While waiting for the provincial, municipal and capital councils to be elected, the Military Revolutionary Council shall appoint the members of the Provisional National Assembly from among the representatives of the various parts of the country, following the proposition of the province chiefs, mayors, and prefects.

The term of office of these members shall automatically terminate when other members have been designated according to the procedures provided for in Article 40.

Article 60. - A Provisional High Council of Judges consisting of four members is appointed by the Military Revolutionary Council.

This High Council shall draw up a list of judges and propose their appointment to the President of the Republic in accordance with Article 55 of the present Charter.

The responsibility of the Provisional High Council of Judges shall terminate when the permanent High Council is established in accordance with the law.

Article 61. - The above national institutions shall be established and operating at the latest one month after the promulgation of the present Charter.

Article 62. - The Provisional Constitutional Acts No. 1 of November 4, 1963 and No. 2 of February 7, 1964 are hereby abrogated.

The existing laws and regulations are still applicable except for those that are contrary to the present Charter.

The present Charter shall take effect on the day it is promulgated.

Made in Saigon on the 16th of August in the year 1964.

The Military Revolutionary Council.

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