

THE PRESIDENT

Order No. 12/2011/L-CTN of November 25, 2011, on the promulgation of law

THE PRESIDENT OF THE SOCIALIST REPUBLIC OF VIETNAM

Pursuant to Article 103 and Article 106 of the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of December 25, 2001, of the Xth National Assembly, the 10th session;

Pursuant to Article 91 of the Law on Organization of the National Assembly;

Pursuant to Article 57 of the Law on Promulgation of Legal Documents,

PROMULGATES:

the Law on Denunciations,

which was passed on November 11, 2011, by the XIIIth National Assembly of the Socialist Republic of Vietnam at its 2nd session.

President of the Socialist Republic of Vietnam

TRUONG TAN SANG

Law on Denunciations

(No. 03/2011/QH13)

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2011/QH10;

The National Assembly promulgates the Law on Denunciations,

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Law provides for denunciations and settlement of denunciations of illegal acts committed by cadres, civil servants or public employees when performing their tasks or official duties; denunciations and settlement of denunciations of illegal acts committed by agencies, organizations or individuals in the state management of sectors; protection of denunciators and management of denunciation settlement work.

Article 2. Interpretation of terms

In this Law, the terms below are construed as follows:

1. *Denunciation* means that a citizen, according to the procedures specified by this Law, notifies a competent agency, organization or person of an illegal act committed by any agency, organization or person which damages or threatens to damage the interests of the State or rights and legitimate interests of citizens, agencies or organizations.
2. *Denunciation of illegal acts committed by cadres, civil servants or public employees when performing tasks or official duties* means that a citizen notifies a competent agency, organization or person of illegal acts committed by cadres, civil servants and public employees when performing tasks or official duties.
3. *Denunciation of illegal acts in the state management of sectors* means that a citizen notifies a competent state management agency of illegal acts committed by any agency, organization or person in the state management of sectors.
4. *Denunciator* means a citizen who exercises the right to denunciation.
5. *The denounced* means an agency or organization or a person that has committed a denounced act.
6. *Denunciation settler* means an agency or organization or a person that is competent to settle a denunciation.
7. *Denunciation settlement* means the receipt, verification and making of conclusions on denunciation contents and the handling of a denunciation by a denunciation settler.

Article 3. Application of the law on denunciations and settlement of denunciations

1. Denunciations of foreigners residing in Vietnam and settlement of denunciations of illegal acts committed by foreign agencies, organizations or individuals in Vietnam comply with this Law, unless otherwise provided for by treaties to which the Socialist Republic of Vietnam is a contracting party.
2. The denunciation of and reporting on crimes comply with the law on criminal procedure.
3. In case another law otherwise provides for denunciations and settlement of denunciations, such law will prevail.

Article 4. Principles of settlement of denunciations

Denunciations must be settled in a timely, accurate and objective manner according to the law-prescribed competence, order, procedures and time limit, assuring safety for denunciators and protecting the rights and legitimate interests of the denounced in the process of denunciation settlement.

Article 5. Responsibilities of competent agencies, organizations and persons in receiving and settling denunciations

1. Competent agencies, organizations and persons shall, within the ambit of their tasks and powers, receive denunciators and receive and settle denunciations according to law; strictly handle violators; apply necessary measures to prevent possible damage and assure safety for denunciators in terms of life, health, honor, dignity, prestige, employment and confidentiality; assure that denounced act-handling decisions are strictly executed and take responsibility before law for their decisions.

2. Agencies, organizations and persons competent to settle denunciations shall arrange citizen reception offices or places to receive denunciations, complaints, recommendations and reports. The reception of citizens at citizen reception offices or places complies with the Law on Complaints and other relevant laws.

3. Agencies, organizations and persons who are responsible for receiving and settling denunciations but fail to receive and settle them according to this Law, show irresponsibility in receiving and settling denunciations or deliberately settle denunciations in contravention of law shall be strictly handled; if causing damage, they shall pay compensations under law.

Article 6. Responsibilities of agencies and organizations for coordination in denunciation settlement

Concerned agencies and organizations shall, within the ambit of their tasks and powers, coordinate with competent agencies, organizations and persons in settling denunciations. Agencies, organizations and persons that are currently managing or preserving information and documents relating to a denunciation shall fully and promptly provide such information and documents to the person competent to settle such denunciation within 7 days after receiving the latter's request; if failing to provide such information and documents or providing them insufficiently or late, they shall, depending on the nature and severity of their violations, be handled under law.

Article 7. Compliance with denounced act-handling decisions

Denounced act-handling decisions issued by competent agencies, organizations and persons must be respected by other agencies,

organizations and persons and be complied with by concerned agencies, organizations and persons. Those who are responsible for complying with denounced act-handling decisions but fail to do so shall be strictly handled under law.

Article 8. Prohibited acts

1. Causing difficulties or troubles to the exercise of the right to denunciation by citizens.
2. Showing irresponsibility in denunciation settlement.
3. Disclosing denunciators' names, addresses, autographs or other information which may reveal their names.
4. Distorting denunciation case files in the course of denunciation settlement.
5. Failing to settle denunciations or deliberately settling denunciations in contravention of law; abusing positions and powers in settling denunciations to commit illegal acts, harass or cause troubles to the denounced.
6. Failing to discharge or improperly discharging the responsibility for protecting denunciators.
7. Obstructing or illegally intervening in denunciation settlement.
8. Obstructing the exercise of the right to denunciation; intimidating, taking revenge on, repressing or offending denunciators.
9. Covering up the denounced.
10. Deliberately making untruthful denunciations; provoking, forcing, inducing or buying off others to make untruthful denunciations; assuming others' names to make denunciations.
11. Buying off or giving bribes to denunciation settlers; intimidating, taking revenge on or offending denunciation settlers.
12. Taking advantage of denunciations to carry out propaganda against the State or infringe upon the State's interests; distorting, slandering, causing public insecurity and disorder or offending others' honor, dignity and prestige.
13. Reporting untrue information on denunciations and settlement of denunciations.
14. Violating other provisions of the law on denunciations and settlement of denunciations.

Chapter II

RIGHTS AND OBLIGATIONS OF DENUNCIATORS, THE DENOUNCED, AND DENUNCIATION SETTLERS

Article 9. Rights and obligations of denunciators

1. A denunciator has the following rights:

a/ To file a written denunciation or make verbal denunciation to competent agencies, organizations or persons according to law;

b/ To have his/her full name, address, autograph and other personal information kept confidential;

c/ To request competent agencies, organizations and persons to inform him/her of the acceptance and transfer of his/her denunciation to competent agencies for settlement and of denunciation settlement results;

d/ To make a subsequent denunciation if having grounds to believe that his/her denunciation is settled by competent agencies, organizations or persons not in accordance with law or his/her denunciation remains unsettled past the prescribed time limit;

e/ To request competent agencies, organizations or persons to protect him/her if being intimidated, taken revenge on or repressed;

f/ To be commended and rewarded according to law.

2. A denunciator has the following obligations:

a/ To clearly state his/her full name and address;

b/ To honestly present denunciation contents; to provide available information and documents relating to denunciation contents;

c/ To take responsibility before law for denunciation contents;

d/ To pay compensations for damage caused by his/her act of deliberately making untruthful denunciation.

Article 10. Rights and obligations of the denounced

1. A denounced has the following rights:

a/ To be informed of denunciation contents;

b/ To show evidences to prove that denunciation contents are not true;

c/ To receive written conclusions on denunciation contents;

d/ To request competent agencies, organizations and persons to handle those who deliberately make untruthful denunciations and those who deliberately settle denunciations in contravention of law;

e/ To have its/his/her infringed rights and legitimate interests restored, receive public apologies and corrections and compensations for damage

caused by untruthful denunciations or improper settlement of denunciations.

2. A denounced has the following obligations:

a/ To explain in writing about the denounced act; to provide relevant information and documents at the request of competent agencies, organizations and persons;

b/ To strictly comply with handling decisions of competent agencies, organizations and persons;

c/ To pay compensations for damage caused by its/his/her illegal act.

Article 11. Rights and obligations of denunciation settlers

1. A denunciation settler has the following rights:

a/ To request the denunciator to provide information and documents relating to denunciation contents;

b/ To request the denounced to give written explanations about the denounced act;

c/ To request other agencies, organizations and persons to provide information and documents relating to denunciation contents;

d/ To take measures to inspect, verify and collect evidences to serve denunciation settlement according to law; to apply measures according to its/his/her competence to prevent or stop illegal acts;

e/ To make conclusions on denunciation contents;

f/ To handle according to its/his/her competence or propose a competent agency, organization or person to handle according to law.

2. A denunciation settler has the following obligations:

a/ To assure objectiveness, honesty and lawfulness in denunciation settlement;

b/ To take necessary measures according to its/his/her competence or request functional agencies to protect the denunciator and his/her relatives and providers of information relating to the denunciation;

c/ Not to disclose information that can place the denounced at a disadvantage pending availability of conclusions on denunciation contents;

d/ To take responsibility before law for denunciation settlement;

e/ To pay compensations for damage caused by its/his/her unlawful denunciation settlement.

Chapter III

SETTLEMENT OF DENUNCIATIONS OF ILLEGAL ACTS
COMMITTED BY CADRES, CIVIL SERVANTS AND PUBLIC
EMPLOYEES WHEN PERFORMING TASKS OR OFFICIAL DUTIES

Section 1

DENUNCIATION-SETTLING COMPETENCE

Article 12. Principles of determining competence

1. A denunciation of an illegal act committed by a cadre, civil servant or public employee when performing his/her tasks or official duties shall be settled by the head of the agency or organization managing such cadre, civil servant or public employee.

A denunciation of an illegal act committed by the head or deputy head of an agency or organization when performing his/her tasks or official duties shall be settled by the head of his/her direct superior agency or organization.

2. A denunciation of an illegal act committed by a cadre, civil servant or public employee managed by many agencies or organizations when performing his/her tasks or official duties shall be settled by the head of the agency or organization directly managing such cadre, civil servant or public employee in coordination with related agencies and organizations.

3. A denunciation of an illegal act committed by a cadre, civil servant or public employee when performing his/her tasks or official duties which shows signs of crime shall be settled by a procedure-conducting agency under the law on criminal procedure.

Article 13. Competence to settle denunciations of illegal acts committed by cadres and civil servants when performing their tasks or official duties in state administrative agencies

1. Chairpersons of People's Committees of communes, wards or townships (below collectively referred to as commune-level People's Committees) are competent to settle denunciations of illegal acts committed by cadres and civil servants under their direct management when performing their tasks or official duties.

2. Chairpersons of People's Committees of rural districts, urban districts, towns or provincial cities (below collectively referred to as district-level People's Committees) are competent to settle denunciations of illegal acts committed when performing tasks or official duties by chairpersons or deputy chairpersons of commune-level People's Committees, heads or deputy heads of professional agencies under district-level People's Committees and cadres or civil servants they appoint and directly manage.

3. Heads of professional agencies of People's Committees of provinces or centrally run cities are competent to settle denunciations of illegal acts committed when performing tasks or official duties by heads or deputy heads of professional units attached to their agencies and cadres or civil servants they appoint and directly manage.

4. Chairpersons of People's Committees of provinces or centrally run cities (below collectively referred to as provincial-level People's Committees) are competent to settle denunciations of illegal acts committed when performing tasks or official duties by chairpersons or deputy chairpersons of district-level People's Committees, heads or deputy heads of professional agencies under provincial-level People's Committees, and cadres or civil servants they appoint and directly manage.

5. Directors general, directors and holders of equivalent posts who are decentralized to manage cadres and civil servants are competent to settle denunciations of illegal acts committed when performing tasks and official duties by heads or deputy heads of units under their general departments, departments and equivalent units, and cadres or civil servants they appoint and directly manage.

6. Ministers and heads of ministerial-level agencies are competent to settle denunciations of illegal acts committed when performing tasks or official duties by heads or deputy heads of agencies and units under their ministries and ministerial-level agencies, and cadres or civil servants they appoint and directly manage.

7. The Prime Minister is competent to settle denunciations of illegal acts committed when performing tasks and official duties by ministers, deputy ministers, heads or deputy heads of ministerial-level agencies, heads or deputy heads of government-attached agencies, chairpersons or deputy chairpersons of provincial-level People's Committees, and cadres or civil servants he/she appoints and directly manages.

Article 14. Competence to settle denunciations of illegal acts committed by cadres and civil servants of other state agencies when performing their tasks or official duties

1. Presidents of People's Courts and directors of People's Procuracies of all levels are competent to:

a/ Settle denunciations of illegal acts committed by civil servants under their direct management when performing their tasks or official duties;

b/ Settle denunciations of illegal acts committed respectively by presidents and deputy president of subordinate People's Courts and directors or deputy directors of subordinate People's Procuracies.

2. The State Auditor General is competent to settle denunciations of illegal acts committed when performing tasks or official duties by chief auditors or deputy chief auditors of specialized or regional audit offices and by civil servants he/she appoints and directly manages.

Chief auditors of specialized or regional audit offices are competent to settle denunciations of illegal acts committed when performing tasks or official duties by civil servants they appoint and directly manage.

3. Heads of other state agencies are competent to settle denunciations of illegal acts committed when performing tasks and official duties by civil servants they appoint and directly manage.

4. Agencies competent to manage cadres who are National Assembly deputies or deputies to People's Councils of all levels are competent to settle denunciations of illegal acts committed by cadres under their management when performing their tasks or official duties.

Article 15. Competence to settle denunciations of illegal acts committed by public employees in public non-business units when performing tasks

1. Heads of public non-business units are competent to settle denunciations of illegal acts committed when performing tasks by public employees they recruit, appoint and directly manage.

2. Heads of agencies competent to manage public non-business units are competent to settle denunciations of illegal acts committed when performing tasks by managing public employees they appoint.

Article 16. Competence to settle denunciations of illegal acts committed by cadres, civil servants and public employees of political organizations and socio-political organizations when performing their tasks

Heads of agencies of political organizations or socio-political organizations are competent to settle denunciations of illegal acts committed by cadres, civil servants and public employees under their direct management when performing their tasks.

Article 17. Competence to settle denunciations against illegal acts committed by persons who are not cadres, civil servants or public employees but assigned to perform tasks or official duties

Heads of agencies and units directly managing persons who are not cadres, civil servants or public employees but are assigned to perform tasks or official duties are competent to settle denunciations of illegal acts committed by such persons when performing their tasks or official duties.

Section 2

ORDER AND PROCEDURES FOR SETTLEMENT OF DENUNCIATIONS

Article 18. Order of denunciation settlement

A denunciation shall be settled in the following order:

1. Receiving and handling denunciation information;
2. Verifying denunciation contents;
3. Making conclusion on denunciation contents;
4. Settling the denunciation by the denunciation settler;
5. Publicizing conclusions on denunciation contents and the decision to handle the denounced act.

Article 19. Forms of denunciation

1. Denunciations may be made in written or verbal form.
2. In case a denunciation is made in writing, the written denunciation must clearly indicate the date of denunciation; the full name and address of the denunciator; and denunciation contents. The written denunciation must be signed or fingerprinted by the denunciator. In case many persons jointly make a written denunciation, such denunciation must clearly indicate the full name and address of every denunciator, bear the signatures or fingerprints of all denunciators and state the full name of the representative of the denunciators for coordination when the denunciation settler requests.
3. In case a denunciation is made verbally, the denunciation recipient shall guide the denunciator in making a written denunciation or make a record of the denunciation and request the denunciator to sign or fingerprint on that record for certification. This record must clearly state the contents specified in Clause 2 of this Article. In case many persons jointly make a verbal denunciation, the denunciation recipient shall guide denunciators in appointing a representative to present denunciation contents.

Article 20. Reception and handling of denunciation information

1. When receiving a denunciation, a denunciation settler shall classify and handle it as follows:
 - a/ If the denunciation falls under its/his/her settling competence, the denunciation settler shall, within 10 days after receiving it, examine and verify the full name and address of the denunciator and decide to accept or reject the denunciation for settlement and concurrently notify the denunciator of the reason for rejection of the denunciation, if so requested.

In case of necessity to conduct examination and verification in many places, this time limit may be extended to at most 15 days;

b/ If the denunciation falls beyond its/his/her competence, the denunciation settler shall, within 5 working days after receiving it, forward the written denunciation to a competent agency, organization or person and notify such to the denunciator if the latter so requests. In case a denunciator makes a verbal denunciation, the denunciation recipient shall guide the denunciator to come to a competent agency, organization or person to make denunciation.

2. A competent person may refuse to accept a denunciation for settlement in the following cases:

a/ The denunciation has already been settled by the competent person but the denunciator fails to provide any new information or evidences;

b/ The denunciation of which denunciation contents and information provided by the denunciator are insufficient for identifying a violator or an illegal act;

c/ The denunciation which the competent person has no conditions for examining and verifying illegal acts and violators.

3. In the course of receiving and handling denunciation contents, if considering that the denounced act shows signs of crime, the denunciation-receiving agency or organization shall forward the dossier, documents and information relevant to the denunciation to a competent investigation agency or procuracy for handling according to law.

4. In case the denounced act damages or threatens to damage the interests of the State or collectives or the lives and property of citizens, the denunciation-receiving agency or organization shall apply necessary measures according to its competence to promptly prevent the illegal act.

Article 21. Time limit for denunciation settlement

1. The time limit for settling a denunciation is 60 days after it is accepted. For a complicated case, this time limit is 90 days after the denunciation is accepted.

2. When necessary, a competent person may extend the time limit once for at most 30 days or at most 60 days, for complicated cases.

Article 22. Verification of denunciation contents

1. A denunciation settler shall verify or assign a state inspectorate of the same level or a responsible agency, organization or person to verify denunciation contents (below collectively referred to as denunciation content verifier).

2. The assignment of the responsibility to verify denunciation contents by a denunciation settler to a denunciation content verifier must be recorded in a minutes covering the following details:

a/ Date of assignment of the verification responsibility;

b/ Name and address of the denounced;

c/ Person assigned to verify denunciation contents;

d/ To-be-verified contents;

e/ Verification time;

f/ Powers and responsibilities of the person assigned to verify denunciation contents.

3. The denunciation content verifier shall take necessary measures to collect information and documents and clarify denunciation contents. Collected information and documents must be made in writing and, when necessary, recorded in a minutes and kept in the denunciation case file.

4. In the course of verification, the denunciation content verifier shall create conditions for the denounced to explain and present evidences to prove the to-be-verified denunciation contents correct or wrong. Explanations of the denounced must be recorded in a minutes containing the signatures of the denunciation content verifier and the denounced.

5. The person assigned to verify denunciation contents has the rights and obligations specified at Points a, b, c and d, Clause 1, and Points a, b, c, d and e, Clause 2, Article 11 of this Law and, at the same time, shall make conclusion on the verified contents and propose handling measures to the denunciation settler.

Article 23. Responsibilities of chief inspectors of various levels and the Government Inspector General

1. Chief inspectors of ministries, ministerial-level agencies, provinces, centrally run cities, provincial-level departments, rural districts, urban districts, towns and provincial cities shall:

a/ Verify denunciation contents, make conclusions on verified contents and propose measures for handling denunciations falling under the settling competence of the heads of state administrative agencies of the same level when so assigned.

b/ Consider and make conclusions on the settlement of denunciations by the heads of direct subordinate agencies of the state administrative agencies of the same level which shows signs of violation; if there are grounds to believe that the denunciation settlement shows signs of

violation, propose heads of the state administrative agencies of the same level to consider and re-settle these denunciations.

2. The Government Inspector General shall:

a/ Verify denunciation contents, make conclusions on verified contents and propose measures for handling denunciations to be settled by the Prime Minister when so assigned;

b/ Consider and make conclusions on the denunciation settlement by ministers, heads of ministerial-level agencies, heads of government-attached agencies or chairpersons of provincial-level People's Committees which shows signs of violation; if concluding that the denunciation settlement shows signs of violation, propose the Prime Minister to consider and re-settle these denunciations.

Article 24. Conclusion on denunciation contents

1. Based on denunciation contents, written explanations of the denounced, results of verification of denunciation contents and relevant documents and evidences, denunciation settlers shall make written conclusions on the denunciation contents.

2. Written conclusions on denunciation contents must have the following details:

a/ Results of verification of denunciation contents;

b/ Conclusion that the denunciation is correct, partially correct or wrong; determination of the responsibility of each individual for correct or partially correct denunciation contents;

c/ Handling measures according to competence; proposals on handling measures to competent agencies, organizations or persons (if any).

Article 25. Handling of denunciations by denunciation settlers

After obtaining conclusions on denunciation contents, a denunciation settler shall handle the denunciation as follows:

1. If concluding that the denounced does not violate regulations during the performance of tasks or official duties, the denunciation settler shall notify such in writing to the denounced and its/his/her managing agency, restore the rights and legitimate interests of the denounced, which have been infringed upon due to the untruthful denunciation and, at the same time, handle according to its/his/her competence or propose a competent agency, organization or person to handle those who deliberately make untruthful denunciation.

2. If concluding that the denounced violates regulations during the performance of tasks or official duties, the denunciation settler shall apply handling measures according to its/his/her competence or propose a competent agency, organization or person to handle according to law.

3. If the denounced act shows signs of crime, the denunciation settler shall immediately transfer the case file to a competent investigation agency or procuracy for settlement according to law.

Article 26. Sending of conclusions on denunciation contents

1. The denunciation settler shall send written conclusions on denunciation contents to the denounced. The sending of written conclusions must assure non-disclosure of information on the denunciator and protection of state secrets.

2. In case a denunciator requests written notification of the results of denunciation settlement, the denunciation settler shall send a notice of the results of denunciation settlement to the denunciator. This notice must clearly state conclusions on denunciation contents and handling of the denounced, except contents which are state secrets.

3. The denunciation settler shall send written conclusions on denunciation contents to the state inspectorate and its/his/her direct superior agency.

Article 27. Subsequent denunciations and their settlement

1. In case a denunciation remains unsettled past the prescribed time limit or there are grounds to believe that the denunciation is settled not in accordance with law, the denunciator may make a subsequent denunciation to the head of the direct superior agency of the person responsible for settling the denunciation.

2. Within 10 days after receiving a subsequent denunciation, the head of the direct superior agency shall consider and handle it as follows:

a/ If the denunciation remains unsettled past the time limit prescribed in Article 21 of this Law, he/she shall request the person responsible for settling the denunciation to settle it and clearly explain the reason for delayed settlement; take measures to handle violations committed by the person responsible for settling the denunciation;

b/ If the denunciation has been lawfully settled by the head of the direct subordinate agency in accordance with law, he/she shall not re-settle the denunciation and, concurrently, notify the denunciator of the refusal to re-settle the denunciation and request him/her to stop the denunciation;

c/ If the denunciation has been settled by the head of the direct subordinate agency not in accordance with law, he/she shall re-settle the denunciation in the order specified in Article 18 of this Law.

Article 28. Responsibilities of investigation agencies and procuracies when receiving denunciations or files of denunciation cases which show signs of crime

Within 20 days after receiving a denunciation or denunciation case file specified in Clause 3, Article 20, or Clause 3, Article 25 of this Law, an investigation agency or a procuracy shall send a notice of acceptance and handling of the case to the agency or organization which has transferred the denunciation or the denunciation case file. For a complicated case, the time limit for notification may be extended to at most 60 days.

Article 29. Denunciation case files

1. The settlement of a denunciation must be recorded in a case file comprising:

- a/ The written denunciation or the document on denunciation contents;
- b/ The decision on acceptance of the denunciation for settlement;
- c/ Verification records, assessment results, information, documents and evidences collected in the course of denunciation settlement;
- d/ Written explanations of the denounced;
- e/ Written conclusions on denunciation contents;
- f/ The report on the results of verification of denunciation contents, in case the denunciation settler assigns another person to conduct the verification;
- g/ Conclusions on denunciation contents;
- h/ The handling decision and written proposals on handling measures (if any);
- i/ Other relevant documents.

2. A denunciation case file must be paginated by the sequence of documents therein. The preservation, exploitation and use of denunciation case files comply with law and must assure non-disclosure of information on denunciators.

Article 30. Publicity of conclusions on denunciation contents and decisions to handle denounced acts

1. A denunciation settler shall publicize conclusions on denunciation contents and the decision to handle the denounced act by:

- a/ Publicizing at a meeting of the agency or organization in which the denounced works;
 - b/ Posting up at the working office or citizen reception place of the agency or organization which has settled the denunciation or issued the decision to handle the denounced act; or
 - c/ Publishing in the mass media.
2. The publicity of conclusions on denunciation contents and decisions to handle denounced acts must assure non-disclosure of information on the denunciator and contents which are state secrets.
 3. The Government shall detail the publicity of conclusions on denunciation contents and decisions to handle denounced acts.

Chapter IV

SETTLEMENT OF DENUNCIATIONS OF ILLEGAL ACTS IN THE STATE MANAGEMENT OF SECTORS

Article 31. Denunciation-settling competence

1. A denunciation of an illegal act committed by an agency, organization or person which is related to the state management functions of any agency shall be settled by such agency. Persons who have the competence to handle administrative violations in state management agencies are competent to settle denunciations of illegal acts under their assigned management, unless otherwise provided by law.
2. For a denunciation related to state management functions of several agencies, these agencies shall coordinate with one another to determine the settling competence or report to their superior state management agencies for the latter to assign an agency to assume the prime responsibility for denunciation settlement. A denunciation falling under the settling competence of several agencies shall be settled by the agency that first accepts it for settlement.
3. A denunciation of an illegal act showing signs of crime shall be settled by a procedure-conducting agency according to the law on criminal procedure.

Article 32. Order and procedures for denunciation settlement

1. The order of and procedures for receiving, classifying, verifying and making conclusions on denunciation contents and deciding on the handling of denunciations of illegal acts in the state management of sectors comply with Articles 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29 and 30 of this Law, except the cases specified in Article 33 of this Law.

If concluding that the denounced has committed illegal acts in the state management of sectors, the handling of these acts must also comply with the law on handling of administrative violations.

2. In case the law on handling of administrative violations provides a settlement time limit different from that specified in Article 21 of this Law, the time limit for denunciation settlement must not exceed the time limit for handling of administrative violations provided by the law on handling of administrative violations.

Article 33. Order and procedures for settling denunciations with clear contents, specific evidences and sufficient grounds for immediate handling

1. A denunciation of an illegal act in the state management of sectors which has clear contents, specific evidences and sufficient grounds for immediate handling shall be settled in the following order:

a/ The competent person receives and handles denunciation information;

b/ If the denounced act falls into the sector under his/her management, the denunciation recipient directly verifies or proposes a person competent to settle the denunciation to verify denunciation contents, apply necessary measures to stop the illegal act and make a record on the illegal act (if any). Information on the denunciator shall be verified and examined if the denunciation settler considers it necessary for the handling of the denounced act,

c/ The denunciation settler issues a decision to handle an illegal act according to its/his/her competence or proposes a competent agency to handle according to law.

2. The denunciation case file shall be compiled together with the dossier of handling of the administrative violation according to the law on handling of administrative violations.

Chapter V

PROTECTION OF DENUNCIATORS

Article 34. Scope, subject and duration of protection

1. A denunciator shall be protected at his/her places of residence, workplaces, places where his/her property exist and other places as decided by competent agencies.

2. To-be-protected persons include:

a/ Denunciators;

b/ Relatives of denunciators.

3. The protection duration shall be decided by competent agencies depending on the practical situation of each denunciation case and the degree and nature of acts of infringing upon the rights and legitimate interests of to-be-protected persons.

Article 35. Rights and obligations of to-be-protected denunciators

1. A denunciator has the following rights:

a/ To request the denunciation settler and competent agencies or organizations to apply measures to protect him/her or his/her relatives when having grounds to determine that he/she is disciplined, dismissed, subject to job transfer, repressed or otherwise discriminated against; or has his/her life, health, honor, dignity, prestige, property and rights and other legitimate interests threatened to be infringed upon or infringed upon due to his/her denunciation;

b/ To be informed of the protection measures to be applied; to request change of protection measures if having grounds to believe that these measures cannot assure his/her safety; to refuse the application of protection measures;

c/ To request extension of the protection duration; to request re-protection;

d/ To receive compensations according to the law on the State's compensation liability if he/she has requested competent agencies, organizations or persons to apply necessary measures to protect him/her but these agencies, organizations or persons fail to apply protection measures or apply protection measures in a delayed or improper manner, causing damage to his/her life, health or property or spiritual life.

2. A denunciator has the following obligations:

a/ To send a written request for protection in the cases specified in Articles 37, 38 and 39 of this Law to the denunciation settler or other agencies or organizations that are competent to apply measures to protect denunciators. In case of emergency, he/she may come in person or use other means of communication to request immediate protection but later shall send an official request to agencies or organizations competent to apply protection measures;

b/ To provide information, documents and evidences to determine that his/her life, health, property, honor, dignity or other rights and legitimate interests are really infringed upon or threatened to be infringed upon and take responsibility before law for information and documents they have provided.

c/ To abide by requirements concerning the protection of responsible agencies and organizations; not to disclose protection measures to others.

Article 36. Protection of confidentiality of information on denunciators

When receiving and settling denunciations or exploiting and using information and documents provided by denunciators, competent agencies, organizations and persons shall keep confidential full names, addresses, autographs and other personal information of denunciators and concurrently apply necessary measures according to their competence or request competent agencies or organizations to apply necessary measures to assure information confidentiality and protect denunciators.

Article 37. Protection of denunciators at workplaces

1. A denunciator who is a cadre, civil servant, public employee or laborer currently working in a state agency, political organization, socio-political organization, non-business unit, economic organization or another agency or organization shall have his/her working position assured and not be discriminated against in their employment in any form.

2. Those who are competent to manage and employ cadres, civil servants, public employees and laborers may neither discriminate against denunciators in their employment nor take revenge on, threaten or affect the rights and legitimate interests of denunciators.

3. When a denunciator has grounds to believe that he/she is discriminated against in his/her employment, resulting in a decrease in his/her income and damage to his/her rights and legitimate interests, he/she may request the person who has settled his/her denunciation or the head of the direct superior agency of the person competent to manage and employ him/her to take measures to consider and handle those who have committed this act. A denunciator who is a contractual laborer may request the grassroots trade union organization and local labor management agency to take measures to protect his/her rights and legitimate interests.

4. When receiving a denunciator's request, competent persons shall conduct examination and verification and, if the denunciator's request is plausible, apply measures according to their competence or propose competent persons to apply the following protection measures:

a/ Invalidating, temporarily invalidating or partially or wholly annulling the decision on disciplining the denunciator or other decisions infringing upon his/her rights and legitimate interests;

b/ Restoring the denunciator's working position, job, incomes and other legitimate interests of his/her employment;

c/ Promptly handling those who take revenge on or intimidate the denunciator thus affecting his/her rights and legitimate interests;

d/ Taking other protection measures according to law.

Article 38. Protection of denunciators at places of residence

1. Denunciators will not be discriminated against in exercising his/her civic rights and obligations at their places of residence.

2. People's Committees of all levels shall, within the ambit of their tasks and powers, assure that denunciators are not discriminated against, taken revenge on or intimidated thus affecting their rights and legitimate interests.

3. When a denunciator has grounds to believe that he/she is discriminated against in exercising his/her civic rights and obligations at places of residence, he/she may request the person who has settled his/her denunciation to request the chairperson of a competent People's Committee to take measures to protect and restore his/her rights and legitimate interests which have been infringed upon and, at the same time, consider and handle those who have committed these violations.

4. When receiving a denunciation settler's request for protection of a denunciator, the chairperson of the People's Committee shall examine, verify and apply the following measures according to his/her competence to protect the denunciator:

a/ Invalidating, temporarily invalidating or partially or wholly annulling the administrative decision or act which infringes upon the denunciator's rights and legitimate interests;

b/ Restoring the denunciator's rights and legitimate interests which have been infringed upon;

c/ Promptly and strictly handling those who commit acts of infringing upon the denunciator's rights and legitimate interests;

d/ Taking other protection measures according to law.

Article 39. Protection of denunciators' lives, health, property, honor, dignity and prestige

1. When receiving information that a denunciator is intimidated, taken revenge on or repressed, the denunciation settler shall direct or coordinate with public security agencies or other competent agencies in taking measures to promptly prevent these acts and protect the denunciator and propose competent agencies to handle those who intimidate, take revenge on or repress the denunciator according to law.

2. When a denunciator has grounds to believe that his/her denunciation may harm his/her or his/her relatives' lives, health, property, honor, dignity or prestige, he/she may request the denunciation settler or public security agencies to apply necessary protection measures.

3. If the denunciator's request is plausible, the denunciation settler or public security agencies shall promptly apply or request competent agencies to apply the following measures to protect the denunciator and his/her relatives:

a/ Arranging a shelter, in case the lives and health of the denunciator and his/her relatives are in danger;

b/ Arranging forces, means and instruments to directly protect the lives, health, property, honor, dignity and prestige of the denunciator and his/her relatives at necessary places;

c/ Applying measures to prevent and handle acts of infringing upon or threatening to infringe upon the lives, health, property, honor, dignity and prestige of the denunciator and his/her relatives according to law;

d/ Applying other protection measures according to law.

Article 40. Detailing the protection of denunciators

The Government shall specify measures to protect denunciators and responsibilities of competent agencies, organizations and persons for protecting denunciators.

Chapter VI

RESPONSIBILITIES OF AGENCIES AND ORGANIZATIONS FOR DENUNCIATION SETTLEMENT MANAGEMENT

Article 41. Responsibilities of state management agencies for denunciation settlement work

1. The Government shall perform the uniform state management of denunciation settlement work in state administrative agencies nationwide.

2. The Government Inspectorate shall take responsibility before the Government for the state management of denunciation settlement work under the Government's competence.

3. Ministries, ministerial-level agencies and People's Committees of all levels shall perform the state management of denunciation settlement work under their management.

4. Inspectorates of ministries, ministerial-level agencies, provinces, centrally run cities, provincial-level departments, rural districts, urban

districts, towns and provincial cities shall assist heads of state management agencies of the same level in managing denunciation settlement work.

Article 42. Responsibilities of People's Courts, People's Procuracies, State Audit, other state agencies, political organizations and socio-political organizations

1. The Supreme People's Court, the Supreme People's Procuracy, the State Audit, other state agencies and central agencies of political organizations and socio-political organizations shall, within the ambit of their tasks and powers, manage denunciation settlement work; and periodically notify the Government of denunciation settlement work in their agencies and organizations.

2. Provincial- and district-level People's Courts and People's Procuracies and local agencies of political organizations and socio-political organizations shall, within the ambit of their tasks and powers, manage denunciation settlement work; and periodically notify People's Committees of the same level of denunciation settlement work in their agencies and organizations.

Article 43. Responsibilities for coordination in denunciation settlement

1. When necessary, the Prime Minister may work with the President of the Supreme People's Court or the Director of the Supreme People's Procuracy; chairpersons of provincial- and district-level People's Committees may work with presidents of People's Courts and directors of People's Procuracies of the same level for coordination in denunciation settlement work.

2. The Government, the Supreme People's Court and the Supreme People's Procuracy shall periodically report on denunciation settlement work to the National Assembly, the National Assembly Standing Committee and the President and notify this work to the Central Committee of the Vietnam Fatherland Front.

3. Ministries, ministerial-level agencies, government-attached agencies and provincial-level People's Committees shall report on the denunciation settlement work in their agencies to the Government on a periodical basis or at the latter's request.

4. People's Committees, People's Courts and People's Procuracies shall periodically report on denunciation settlement work in the localities and sectors under their management to People's Councils of the same level and their superior agencies and notify this work to the Vietnam Fatherland Front Committees of the same level.

Article 44. Supervision by Vietnam Fatherland Front Committees and member organizations

1. Vietnam Fatherland Front Committees and member organizations shall mobilize people and their members to strictly abide by the law on denunciations; and supervise the implementation of the law on denunciations and settlement of denunciations.

2. Vietnam Fatherland Front Committees and member organizations shall receive citizens who come to make denunciations, lodge complaints or give recommendations or feedbacks; when receiving denunciations, study and forward them to competent persons for settlement.

3. A denunciation forwarded by a Vietnam Fatherland Front Committee or a member organization of the Front must be considered and settled and settlement results must be notified in writing to the organization which has forwarded the denunciation within 7 days after the date of issuing a handling decision; if disagreeing with settlement results, the organization which has forwarded the denunciation may request the direct superior agency or organization of the denunciation settler to consider and settle the denunciation; the concerned agency or organization shall reply this request within 7 days after the issuance date of the handling decision.

Chapter III

COMMENDATION AND HANDLING OF VIOLATIONS

Article 45. Commendation

Agencies, organizations and persons who have recorded outstanding achievements in denunciation settlement and denunciators who have rendered merits in preventing damage to the State, organizations and individuals shall be materially and spiritually commended.

The Government shall specify the regime of commendation for persons with outstanding achievements in denunciation.

Article 46. Handling of violations committed by denunciation settlers

Denunciation settlers who commit the acts specified in Clauses 1, 2, 3, 4, 5, 6, 7, 8 and 9, Article 8 of this Law or violate other provisions of the law on denunciation settlement shall, depending on the nature and severity of their violations, be disciplined or examined for penal liability; if causing damage, they shall pay compensations under law.

Article 47. Handling of violations committed by persons responsible for executing decisions to handle denounced acts

Persons responsible for complying with decisions to handle denounced acts but fail to comply with such decisions shall, depending on the nature

and severity of their violations, be disciplined, administratively sanctioned or examined for penal liability; if causing damage, they shall pay compensations under law.

Heads of competent agencies and organizations who fail to apply necessary measures to promptly handle denunciation settlers having committed the violations specified in Article 46 of this Law shall, depending on the nature and severity of their violations, be disciplined or examined for penal liability under law.

Article 48. Handling of violations committed by denunciators and other related persons

Denunciators and related persons who commit any of the acts specified in Clauses 6, 7, 8, 9, 10, 11, 12 and 13, Article 8 of this Law or violate other provisions of the law on denunciation and denunciation settlement shall, depending on the nature and severity of their violations, be disciplined, administratively sanctioned or examined for penal liability; if causing damage, they shall pay compensations under law.

Chapter VIII

IMPLEMENTATION PROVISIONS

Article 49. Effect

1. This Law takes effect on July 1, 2012.
2. The provisions on denunciations and settlement of denunciations of Law No. 09/1998/QH10 on Complaints and Denunciations, which was amended and supplemented under Law No. 26/2004/QH11, and Law No. 58/2005/QH11, cease to be effective on the effective date of this Law.
3. Denunciations which have been accepted before the effective date of this Law and not yet completely settled shall be further settled under Law No. 09/1998/QH10 on Complaints and Denunciations, which was amended and supplemented under Law No. 26/2004/QH11, and Law No. 58/2005/QH11.

Article 50. Implementation detailing and guidance

1. The Government shall detail and guide articles and clauses assigned to it in this Law and specify denunciations and settlement of denunciations in the People's Army and People's Public Security forces.
2. In pursuance to this Law, other state agencies and competent agencies of political organizations and socio-political organizations shall guide the implementation of the law on denunciations and settlement of denunciations within their agencies and organizations.

This Law was passed on November 11, 2011, by the XIIIth National Assembly at its 2nd session.-

Chairman of the National Assembly
NGUYEN SINH HUNG

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