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CIRCULAR

Detailing Classification and Incarceration of Inmates according to Categories

Pursuant to the Law on Execution of Criminal Judgments 2010;

Pursuant to Decree No. 77/2009/ND-CP dated 15 September 2009 issued by the Government defining Ministry of Public Security's functions, duties, rights and organisational structure;

The Minister for Public Security specifies the inmate classification and organisation of inmate incarceration according to categories as follows:

Chapter I

GENERAL PROVISIONS

Article 1. Scope of Regulation

This Circular provides the principles, basis and conditions for inmate classification, aggravation and mitigation of inmate categories, and organisation of inmate incarceration according to categories; regulations on supervision of inmates while working or getting access to vocational training, medical examination or treatment at hospitals or medical centres; and regulations on separating or transferring inmates in accordance with supervision and incarceration requirements.

Article 2. Applicable Entities

This Circular applies to prisons, detention camps, criminal judgment execution management agencies, criminal judgment execution agencies at all levels under the People's Public Security; inmates currently serving prison sentences at prisons and detention camps under the People's Public Security.

Article 3. Principles on Classification and Organisation of Incarceration

1. While serving prison sentences at prisons and detention camps, inmates shall be classified and organised for incarceration as stipulated by the Law on Execution of Criminal Judgment and the provisions of this Circular.

2. Room sharing is not allowed for inmates of different categories, being investigated in the same case, belonging to the same criminal groups or organisations, or inmates with family relationship (grandfather, grandmother, father, mother, wife, husband, son or daughter, brother, sister of their own or their in-laws). In special cases where specific requirements occur, wardens of the prisons or detention camps will make decisions on people who may share rooms.

Chapter II

CLASSIFICATION OF INMATES

Article 4. Basis for Classification

Inmates are classified on the following grounds:

1. Types of crimes, sentence levels, the nature and extent of danger of the offences to the society
2. Personal characteristics
3. Attitudes towards admission of their own crimes
4. Rehabilitation records

Article 5. Inmate Classification

1. Within 05 working days from admitting inmates, prisons and detention camps shall classify and organise incarceration of inmates as stipulated.
2. Inmates are classified into 3 types: A, B and C.
 - a) Type A: referring to inmates committing one of the crimes of infringement upon national security as stipulated in Articles 78 to 91 of the Penal Code (Criminal Code) 1999, which was amended and supplemented in 2009 (the Penal Code 1999); committing one of the crimes of undermining peace, against humanity, and war crimes as stipulated in Articles 341 to 344 of the Penal Code 1999; other inmates classified as Type A due to political and professional requirements.
 - b) Type B: referring to inmates committing one of the crimes stipulated in Articles 93 to 314 of the Penal Code 1999, including scoundrels of professional nature, inmates with previous convictions or previous offences, inmates without permanent places of residence, inmates committing murder, plundering property, stealing property, appropriating property through swindling, raping, raping children, inmates committing narcotics-related crimes, and other inmates not belonging to cases specified at Points a and c of Clause 2 of this Article.
 - c) Type C: referring to inmates committing crimes for the first time, who are former state officials and employees, civil servants, members of social organisations; working people and juvenile offenders committing one of the

crimes specified in Chapter XIII (Crimes of infringement upon citizen's democratic freedoms), Chapter XV (Crimes of infringement upon the marriage and family regimes), Chapter XVI (Crimes of infringement upon the economic management order), Chapter XVII (Environment-related crimes), Chapter XIX (Crimes of infringement upon public safety, public order), Chapter XX (Crimes of infringement upon administrative management order), Chapter XXI (Position-related crimes), Chapter XXII (Crimes of infringement upon judicial activities) under the Penal Code 1999; inmates who unintentionally commit one of the crimes specified in Chapter XII (Crimes of infringement upon human life, health, dignity and honour), and Chapter XIV (Crimes of infringement upon ownership rights) under the Penal Code 1999.

Article 6. Inmates under Type A

Inmates under Type A are classified into 4 categories: Special A (ADB for short), A1, A2, and A3 as follows:

1. Category ADB referring to inmates under the following cases:
 - a. Serving imprisonment sentences of over 15 years, or life imprisonment, or being dangerous re-offenders;
 - b. Acting as ringleaders, key members, active participants;
 - c. Having previous convictions, previous offences or cases of escape from incarceration places;
 - d. Pleading not guilty or being die-hard opposers;
 - đ. Due to political or professional requirements;
 - e. Category A1 with poor re-education records resulting in being reclassified into a higher category.
2. Category A1 referring to inmates under the following cases:
 - a) Serving imprisonment sentences of over 7 years to 15 years;
 - b) Category ADB with good re-education records resulting in category mitigation, or Category A2 with poor re-education records resulting in category aggravation;
3. Category A2 referring to inmates under the following cases:
 - a) Serving imprisonment sentences of over 3 years to 7 years;
 - b) Category A1 with good re-education records resulting in category mitigation, or Category A3 with poor re-education records resulting in category aggravation;
4. Category A3 referring to inmates under the following cases:
 - a) Serving imprisonment sentences of 3 years or less;

- b) Category A2 with good re-education records resulting in being reclassified into the low category.

Article 7. Inmates under Type B

Inmates under Type B are classified into 4 categories: Special B (BDB for short), B1, B2, and B3 as follows:

1. Category BDB referring to inmates under the following cases:
 - a) Serving imprisonment sentences of over 15 years or life imprisonment, or being dangerous re-offenders;
 - b) Acting as ringleaders, conspirators in the criminal cases or organisations;
 - c) Having at least 2 previous convictions, performing 2 escapes from incarceration places, or being put into an education facility or reformatory school twice or more;
 - d) Pleading not guilty or being die-hard opposers;
 - e) Category B1 with poor re-education records resulting in category aggravation.
2. Category B1 referring to inmates under the following cases:
 - a) Serving imprisonment sentences of over 7 years to 15 years;
 - b) Re-offending, or having 1 previous conviction, performing 1 escape from incarceration places, or being put once into an education facility or reformatory school;
 - c) Category BDB with good re-education records resulting in being reclassified into the low category, or Category B2 with poor re-education records resulting in category aggravation;
3. Category B2 referring to inmates under the following cases:
 - a) Serving imprisonment sentences of over 3 years to 7 years;
 - b) Category B1 with good re-education records resulting in being reclassified into the low category, or Category B3 with poor re-education records resulting in category aggravation;
4. Category B3 referring to inmates under the following cases:
 - a) Serving imprisonment sentences of 3 years or less;
 - b) Category B2 with good re-education records resulting in being reclassified into the low category.

Article 8. Inmates under Type C

Inmates under Type C are classified into 4 categories: Special C (CDB for short), C1, C2, and C3 as follows:

1. Category CDB referring to inmates under the following cases:

- a) Serving imprisonment sentences of over 15 years or life imprisonment;
 - b) Acting as ringleaders, conspirators in the cases;
 - c) Category C1 with poor re-education records resulting in being reclassified into a higher category.
2. Category C1 referring to inmates under the following cases:
- a) Serving imprisonment sentences of over 7 years to 15 years;
 - b) Category CDB with good re-education records resulting in being reclassified into a lower category, or Category C2 with poor re-education records resulting in being reclassified into a higher category;
3. Category C2 referring to inmates under the following cases:
- a) Serving imprisonment sentences of over 3 years to 7 years;
 - b) Category C1 with good re-education records resulting in category mitigation, or Category C3 with poor re-education records resulting in category aggravation;
4. Category C3 referring to inmates under the following cases:
- a) Serving imprisonment sentences of 3 years or less;
 - c) Category C2 with good re-education records resulting in being reclassified into a lower category.

Article 9. Aggravating and Mitigating Inmates' Categories

At annual reviewing occasions, prisons and detention camps carry out the work of aggravating and mitigating inmates' categories. Conditions and requirements for this work are as follows:

1. Inmates under categories ADB, BDB and CDB,
 - a) Inmates who have served half of their sentence terms and during that time have shown continuous progress in re-education will be considered for the first mitigation of inmate category.

For inmates committing first-time offences and serving sentences of over 15 years' imprisonment or life imprisonment, if their prison sentences are reduced to less than 15 years, the detention camp's supervisor shall decide to allow them first-time mitigation of inmate category.
 - b) Inmates experiencing first-time mitigation of inmate category if showing progress in re-education during one-third of the remaining imprisonment term will be considered for the second mitigation.
2. Inmates under all the other categories who have served one-third of their sentence terms and during that time have shown continuous progress in re-education will be considered for first-time mitigation of inmate category. After that, if they show

continuous progress in re-education during one-fourth of the remaining imprisonment term from the first mitigation will be considered for the second mitigation of inmate category.

3. Inmates while serving their sentences have recorded achievements, such as saving people in dangerous situation, saving valuable property during natural calamities or disasters, or providing information that helps the prisons or detention camps hinder inmates' attempts to oppose or escape from the incarceration places, or other acts that have been rewarded by competent authorities, will be considered for a sudden mitigation of inmate category. Those inmates who perform relentless opposing activities, make contact and act in collusion with other inmates or outsiders in order to perform opposing activities, escape from incarceration places, cause disorder and loss of safety in the prisons, detention camps will be subject to aggravation of inmate category.
4. Prisons and detention camps will set up the Council for consideration of aggravation and mitigation of inmate categories, in which the Supervisor will act as Chairman of the Council, the Deputy Supervisor in charge of reconnaissance will act as Vice-Chairman, the Deputy Supervisor in charge of sub-detention camps, Heads of functional teams, Commander of the security police will act as members. Chairman of the Council will make decisions on aggravation and mitigation of inmate categories, and these decisions will be filed in inmates' records.

Chapter III

ORGANISATION OF INCARCERATION

Article 10. Composition of Inmates Groups

Inmates are divided into groups to be detained and supervised for learning, working, vocational training and daily activities as follows:

1. Each group of ADB and BDB categories shall have no more than 25 inmates;
2. Each group of A1, B1, and CDB categories shall have no more than 30 inmates;
3. Each group of all the other categories shall have no more than 35 inmates.

Article 11. Organisation of Incarceration

1. Prisons shall organise the incarceration of inmates as follows:
 - a) Inmates serving sentences of over 15 years' imprisonment or life imprisonment, dangerous re-offenders are strictly held in Sector I of the Sub-camp close to the commanding centre. All the cells are numbered beginning with I.1, I.2 and so on. Incarceration facilities must be ensured to be strong and solid, separated from other detention houses or detention sectors by walls and fences, and equipped with a security-control system for observation and supervision.

- b) Inmates serving imprisonment sentences of 15 years or less, inmates serving sentences of over 15 years' imprisonment which have been reduced to under 15 years, inmates under categories ADB, BDB, and CDB not belonging to those specified at Point a, Clause 1 of this Article are held in Sector II. All the cells are numbered beginning with II.1, II.2 and so on. Incarceration facilities must be ensured to be strong and solid, separated from other detention houses or detention sectors by walls and fences.

In consideration of the number of inmates under categories ADB, BDB and CDB who do not belong to the ones specified at Point a, Clause 1 of this Article, prison Supervisors shall arrange strict incarceration for them in a number of detention cells, which must be ensured to be strong and solid, and equipped with a security-control system for observation and supervision.

2. On the door of each detention cell there must be a bed plan with each inmate's photograph and details including full name, date of birth, native home, permanent place of residence for the convenience of management and supervision. The inmates' bed plan must be approved by the supervisors of the prisons, detention camps.

Article 12. Inmates in Separate Detention

1. Female inmates are separately held in a sub-camp in each Sector and separated from other detention houses by walls and fences.
2. Minor inmates are separately held in a sub-camp in each Sector and separated from other detention houses by walls and fences.

When minor inmates reach 18 years old, they shall be transferred to the detention sector for adult inmates.

3. Foreign inmates are separately held in a sub-camp in each detention sector and placed close to the commanding centre and is separated from other detention houses by walls and fences.
4. Inmates with extremely dangerous infectious diseases are separately held and are separated from other detention houses by walls and fences
5. Inmates showing signs of suffering a mental illness or other diseases that cause loss of cognitive ability or the ability to control their behaviours pending a court decision for examination and treatment shall be held separately.
6. Inmates who repeatedly violate detention regulations shall be held separately in each detention sector.

Inmates, who repeatedly violate detention regulations and previously violated detention regulations twice or more and were disciplined or educated repeatedly, now re-commit violations.

7. Inmates who show signs or activities of making contact and colluding with other inmates or outsiders in order to carry out opposing activities or attempting to escape from the detention camps; inmates with relentless opposing activities or inmates requiring isolation for feasible education and re-education (namely particularly dangerous inmates) shall be held separately.

Particularly dangerous inmates are held separately in each Sector. Detention cells are built in accordance with designs made by Ministry of Public Security, equipped with technical devices, and make use of professional measures for management and supervision; each detention cell shall hold no more than 8 inmates.

The time for particularly dangerous inmates to be held in separate detention cells is between 3 and 6 months; with progress in rehabilitation they shall be released from separate detention cells ahead of schedule, and with no progress their separate detention term shall be extended.

The terms of separate detention, release from separate detention cells ahead of schedule, extension of separate detention term, restrictions to contacts with relatives, sending and receiving letters, and receiving gifts applied to particularly dangerous inmates shall be subject to decisions by Supervisors at prisons and detention camps. During the time inmates are held in separate detention cells, prisons and detention camp officers, inspectors, and educators are required to make regular meetings with them and provide education for them.

Particularly dangerous inmates shall work and obtain vocational training in enclosed sectors or workshops surrounded by walls or fencing, and shall be strictly managed.

Particularly dangerous inmates shall have their files set up and recorded for monitoring.

Article 13. Division and transfer of inmates

For inmates serving their sentences in prisons who show signs or activities of colluding, forming cliques, showing localism, ganging up to oppose, attempting to sabotage/destroy or escape from prisons, refusing to work or study, and for inmates who repeatedly violate prisons' regulations and have been educated but show no progress in rehabilitation, the prisons' Supervisors shall decide to transfer them to another sub-camp. Prisons' Supervisors, if deeming it necessary to split, separate and transfer inmates to another prison in order to ensure the prison's order and safety and in response to technical requirements of incarceration, shall report to the Director of the Inmate Management Department, who will report to the General Director of the Police's General Department for Criminal Judgment Execution and Judicial Assistance for a decision to transfer them to another prison.

Chapter IV

MANAGEMENT OF INMATES IN THEIR WORK, VOCATIONAL TRAINING, MEDICAL EXAMINATION AND TREATMENT AT HOSPITALS OR MEDICAL FACILITIES

Article 14. Management of Inmates in Their Work and Vocational Training

1. Inmates shall be assigned work and vocational training in teams. Each inmate shall be overseen by wardens and be escorted and supervised by at least 2 security officers.
2. Inmates under categories ADB, BDB, and CDB shall work and obtain vocational training inside prisons/detention camps or at workshops close to the prisons/detention camps. Workshops must be protected with surrounding fencing and guarding posts, and fencing between working and training areas of inmates' teams.
3. Inmates under categories A1, A2, A3, and B1 shall be arranged to work and obtain vocational training in areas close to the prisons/detention camps.
4. Inmates under categories B2, B3, C1, C2 and C3 shall be arranged to work and obtain vocational training in areas close to the prisons/detention camps.
5. After the time for work and vocational training, inmates shall be put in detention houses or cells for management and incarceration.
6. Equipment and tools for work and vocational training must be strictly managed; wardens in charge of inmate teams shall hand them over to each inmate to use and take care of during their work and vocational training; After the time for working and training, these equipment and tools should be checked, counted, and put in storage for management. Equipment stores must be placed outside the prison/detention sectors.

Article 15. Management of Inmates Getting Medical Examination and Treatment at Hospitals and Medical Facilities

1. Inmates being taken out for medical examination and treatment at hospitals or medical facilities shall always be strictly guarded and supervised 24 hours a day by officers; in case there are no separate rooms for inmates during treatment, at least 2 officers are required for supervision of one inmate.
2. Inmates under categories ADB, BDB, CDB, particularly dangerous inmates, inmates being held at discipline rooms if suffering from a dangerous disease or serious illness that requires being taken to a hospital or medical facility, must be supervised by at least 3 officers; when the disease or illness becomes less serious consultation shall be made with the hospital or medical facility to allow immediate transfer of these inmates to the clinics of the prisons, detention camps for

supervision and treatment under the regimen prescribed by the hospitals or medical facilities.

3. Prisons, criminal judgment execution agencies of police departments at provincial level shall coordinate with local medical facilities at provincial level to build or arrange a number of separate rooms in these facilities for medical treatment of inmates.

Chapter V

IMPLEMENTATION PROVISIONS

Article 16. Implementation Effect

This Circular takes effect on 18 July 2011, and replaces Decision No. 919/2002/QĐ-BCA (V26) dated 01 October 2002 issued by the Minister for Public Security regarding classification and organisation of inmate incarceration according to categories.

Article 17. Responsibility for Organisation of Implementation

1. General Directors of all General Departments, Heads of bodies under Ministry of Public Security, Directors of Police Departments at provincial level or city under central government level, Supervisors at prisons and detention camps, within the ambit of their functions, tasks and powers, shall organise the implementation of this Circular.
2. General Director of the Police General Department for Criminal Judgment Execution and Judicial Assistance shall assist leaders of the Ministry of Public Security to check, supervise and provide guidance for the implementation of this Circular.
3. If there are any difficulties in the process of implementing this Circular, local police departments and units shall report to the Ministry of Public Security (through the Police General Department for Criminal Judgment Execution and Judicial Assistance) for prompt guidance.

MINISTER FOR PUBLIC SECURITY

(Signed)

General Le Hong Anh

Sent to:

- Deputies Ministers (*to give guidance for implementation*);
- General Directors of all General Departments, Heads of bodies under Ministry of Public Security, Directors of Police Departments at provincial level or city under central government level (*for implementation*)
- Archive: VT C81, V11, V19