

**JUDGES' CHAMBERS  
OF PEOPLE'S SUPREME COURT**

**SOCIALIST REPUBLIC OF VIETNAM**  
**Freedom – Independence – Happiness**  
*Hanoi, 30 March 2020*

No. 45/TANDTC-PC

*Re: settlement of violations relating to prevention  
and fighting against Covid – 19 disease*

**Respectfully to:**

- Chief justices of People's Courts at all level
- Chief justices of military courts at all levels
- Heads of Supreme People's Court

In order to prevent increase in complicated situation caused by Covid – 19 disease at this time, the Judges' Chambers of People's Supreme Court issues guidance on application of law and organisation of settlement of some common violations against law that are satisfied requirements to constitute a crime relating to prevention and fighting against disease, as follows:

**1. Guidance on determination of crimes under the Criminal Procedures Code**

1.1. Any person was notified that he or she was infected by Covid - 19 disease; any person is suspected that he or she was infected by Covid - 19 disease or has returned from Covid - 19 disease outbreak areas, if these persons who have been notified that they are required to perform quarantine commit any of the following acts which may cause others to be infected by Covid - 19 disease, their act will be deemed as an "act of spreading dangerous infectious diseases in human" as provided in Article 240 (1)(c) of Criminal Code 2015 and they shall be subject to crime of spreading dangerous infectious diseases in human:

- a) Escaping from a quarantine place;
- b) Failing to comply with regulations on quarantine;
- c) Refusing and failing to apply distancing or quarantine measures; and
- d) Failing to make medical declaration, making incomplete medical declaration or false medical declaration.

1.2. If any person who has not been determined to be infected by Covid – 19 disease, but living in a quarantine areas or a lockdown area as required by competent authorities commits any of the following acts which causes damages valued at VND100,000,000 or more due to additional expenses on prevention and fighting against disease, the person shall be subject to crime of violations against regulations on safety in crowded areas as provided in Article 295 of Criminal Code 2015:

- a) Escaping from a quarantine area or a lockdown area;
- b) Failing to comply with regulations on quarantine;
- c) Refusing and failing to apply distancing or quarantine measures; and
- d) Failing to make medical declaration, making incomplete medical declaration or false medical declaration.

1.3. If any owner of business establishments and/or any manager of service business establishments (such as bars, clubs, karaoke, massage, beauty salons and so on) who continue(s) to run his and/or her business despite a decision on temporary suspension of business issued by competent authorities or persons for the purpose of prevention and fighting against Covid-19 disease cause damages valued at VND100,000,000 or more due to additional expenses on prevention and fighting

against disease, the owner and/or the manager shall be subject to violations against regulations on safety in crowded areas as provided in Article 295 of Criminal Code 2015.

- 1.4. If any person uploads untrue or misleading information in relation to Covid - 19 disease situation on a computer or telecommunication network which causes bad public opinion, this person shall be subject to crime of illegal provision or use of information on computer networks or telecommunication networks as provided in Article 288 of Criminal Code 2015.
  - 1.5. If any person gives illegally private information, personal secrets which seriously insult dignity, honour of healthy workers, participants in prevention and fighting against Covid – 19 disease, infected patient, and people who was suspected that he or she was infected by Covid – 19 disease, this person shall be subject to crime of insults to another person as provided in Article 155 of Criminal Code 2015.
  - 1.6. If any person abuses Covid – 19 disease situations to provide untrue information on effect of medicine, medical equipment for prevention and fighting against disease so as to obtain property owned by other people, the person shall be subject to crime of obtaining property by fraud as provided in Article 174 of Criminal Code 2015.
  - 1.7. If any person has taken, is taking or takes illegally medicine, medical equipment used for prevention and fighting against Covid – 19 disease out of the borders of the Socialist Republic of Vietnam for the purpose of seeking illegal profits, the person shall be subject to crime of smuggling as provided in Article 188 of Criminal Code 2015.
  - 1.8. If any person abuses scarcity or creates artificial scarcity during Covid – 19 disease situation to buy up all goods announced by the State authorities to be price stabilization goods or stated by the State authorities for re-sale for the purpose of seeking illegal profit, this person shall be subject to crime of hoarding as provided in Article 196 of Criminal Code 2015.
  - 1.9. If any person uses violence, threatens by violence or otherwise obstructs a law enforcement officer from prevention and fighting against Covid – 19 disease, this person shall be subject to crime of resisting a law enforcement officer in performance of his or her official duties as provided in Article 330 of Criminal Code 2015.
  - 1.10. If any person who is liable for prevention and fighting against Covid – 19 disease does not take or fail to take immediately and completely measures on prevention and fighting against disease that causes serious consequences, this person shall be subject to crime of negligence that results in serious consequences as provided in Article 360 of Criminal Code 2015.
2. Guidance on application of penalties and judicial measures
    - 2.1. Application of severe penalties to crimes which cause serious consequences (for instance, spreading Covid – 19 disease among two or more people, cause of death and so on).
    - 2.2. Application of principal penalties being monetary penalty, community sentence or probation as required by law in respect of crimes which do not cause serious consequences or cause less serious consequences.
    - 2.3. In addition to application of principal penalties, the Court also considers application of additional penalties and judicial measures under Criminal Code.
  3. Guidance on organisation of trial for cases in relation to prevention and fighting against Covid – 19 disease
    - 3.1. Proactivity cooperating with Investigation Authority and Procuracy to apply summary procedure in respect of crimes that are satisfied requirements for summary procedures as provided in Article 456 of Criminal Procedure Code; if cases are ineligible for requirements for summary procedure, these cases

will be brought to trial for a period not exceeding ½ of time limit as provided in Criminal Procedure Code.

- 3.2. During Covid – 19 disease situation, cases in relation to prevention and fighting against Covid – 19 disease must be brought to trial in accordance with regulations on prevention and fighting against Covid – 19 disease (do not allow more than 10 people in courtrooms; if there are more than 10 people who are summoned to courtrooms, these people must be arranged to stay in different rooms and use electronic equipment for court attendance (micro, television, camera and so on) or each defendant, plaintiff or participants in proceeding will be on trial separately; keep a distance of at least 2 meters among participants in proceeding and so on)
- 3.3. Only person summoned by the Court may enter the courtroom for court attendance;
- 3.4. During the trial process, it is necessary to formulate appropriate propagation plans (for instance, uploading information, photos, articles, reportage and so on in relation to court trial on mass media) to ensure general education and prevention.

Above is the guidance issued by the Judges' Chambers of People's Supreme Court regarding prevention and fighting against Covid – 19 disease. Subject to Covid – 19 disease situation and judicial practice, the Judges' Chambers will continue to make summary and give guidance on the uniform application of law./.

**FOR AND ON BEHALF OF  
JUDGES' CHAMBERS  
JUDGE**

Signed and sealed

**NGUYEN HOA BINH**