

BO TU PHAP

VIET-NAM DAN-CHUCONG-HOA
Duc-lap Tu-do Hanh-phuc

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Số: 323 VT

VIET NAM DAN CHU CONG HOA
Duc-lap Tu-do Hanh-phuc

PHIẾU GỬI

Kinh gửi: Văn-Phong Thủ-tướng-Phủ

Văn-kien: Thành-tiết-công-tac tu-phap
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TŁ BO TRƯƠNG BO TU FAP

Phó Văn Phong

Vimed

P-Cung Văn-Phong

Nhung sau nhung that-bei bang-bo cua dich, phu-le o
viet-nam khong-chong-bien-gioi oan ta nam 1950, dan-trong bo-lac-keo
khong-ablec ngay oeng lon manh, dich-la oai cuong-hien
tren-toe: "Danh-nam Viet danh nguo Viet, day chieu-tran
ngoc-chieu-tranh". O vuong Ban lung dich, chuang-to-chue
nguy-quyen, chi-diem do-thao, oai-quot cuop phai. Va voi
cua oai oai thanh-dan-te, doi voi vuong tu-do cat-th
rong-chieu-tranh gian-diec. Chuang dung pha-de
biect-kich thuong-thit de co-hoi tra trong huu-qua
huy-hoat hie tang, co-min, XI-tu-ley, dan, co-thu
Chang-can-ket mot loai or nhai; ben-phai-dong luop
va nguy-niou nhiet, loi-dung danh-chieu toa-sieu dia
me-booc cuong-ep mot co dung-booc tu-bep that
dong pha-heat doan-ket, chong loi chinh-quyen, lai
them oai dich.

BO TU-PHAP

TU³FÁP.

VIET-NAM DAN-CHUNG-NHOA

Doc-lap Tu-do Hinh-pho

8

DOANH QUYEN

nam
tich, 9
KC cua ngan
lam

THANH - TICH

CONG-TAC TU-PHAP TRONG 9 NAM KHANGCHIEN

A.- Trai qua 9 nam khang-chien gian-khở và anh-dũng của Nhân-dân ta, odց-tao Tu-phap da gop phan xung-dang vào ong dan-tranh de Giai-phong dan-toe va xay-lung che-do Dan-ohn Khang-dau.

I. TRUNG-TRI BON PHAM GACH-MANG, BAO-VE CHINH-CUYEN DAN-CHUMHAN-DAN, BAO-VE KHANG-CHIEN.

Lach-mang; thang ton thanh-cong. Nuoc Viet-nam Dan-ohn Cong-bon vua moi thanh-lap ngay 2 thang 9 nam 1945 thi den ngay 23 thang 9 nam 1945, thuc-dan Phap voi su dong-loa cua do-quoc Anh, My da gay lai chion-tranh Xam-lhoc o Nam-bo. Trong khi do o Mich Bac be la Tuong-gioi-Thech can-ket voi bon phan-dong dan so trong nuoc am-mau phu-hoi chinh-quyen moi thanh-lap Cao Toa-an Quan-su duoc thanh-lap theo sac-lenh thang 3 nam 1946 da tran-ep kieu-quyet va kip thoii bon phu-hoi chinh-quyen cua nhan-dan va me-doc-lap oua To-quoc.

Thang 8 nam 1946, khang-chien ton quoc bang no. Dich loi dung un-the quan-sa lac dan tau-cong 8-at han len tan-ra luc-luong cua ta. Cao Toa-an Quan-su thang toy trung-tri bon phan-gach-mang phu-hoi khang-chien, phu-hoi chinh-quyen da gop phan-vao viec bao-ton lac-luong, on-dinh tinh-hinh chinh-tri trong-nhung ngay dan khang-chien, dat co-so cho cuoc khang-chien lac-dai oua toa dan.

Nhung sau chung that-bai uong-no cua dich, that la san-chien-thang bien-gioi cua ta nam 1950, daug truoc lta-luong khan-khang-chien ngay oang lon manh, dich ra sau tanh-hien am-nuu them-deo : "Dung nguoi Viet danh ngoi Viet, lay chien-tranh nuoichien-tranh". O vung sau lung dich, chung to-chuc nguy-quyen nguy-quyen, chi-diem do-tham, oan-quat cuop pha, vo-vot suc nguoisue oua cua nhan-dan ta. Doi voi vung ta-do cua ta, chung mo-rong chien-tranh gian-diep. Chung dung phi-co oanh-tao, dung-biet-kich tho-phi de phu-loi oan-tron, oan-puon-ta, bin pha, huy-honi hao tang, co-quen, xi-u-diep, duoc biao-thong van-tai. Chung can-ket mot so vöt nhangs ten phan-dong dan so ngon-ko va nguy-hiem chat, loi-lung danh-nghia ton-giao dan-phai de me-hone cuong-ep mot so deng-bao tu-tap theh chung to-chuc fan-dong phu-hoi donh-ket, chong lai chinh-quyen, lam chi diem do-tham cho dich.

De tap-trung luu-luong doi-pho voi an-muu them-dao cua dich, oao Ton-an Quin-an da thong-nhat vao trong oao Ton-an Nhan-dan, Huyen, Tich va Lien Khu. Mot vai conso sau day ve hont-don; cua mot so Ton-an Nhan-dan trong oao Lien Khu chung to chuc dan-tranh tran-ap bon phan oach-mang chu-yen la gian-diep dien ra gny-go va quyet-liet.

Chi trong thang 10 thang dan nam 1953, oao Ton-an Nhan-dan o Lien Khu Viet Bao 488 vu phan oach-mang trong do co 224 vu gian-diep, oao Ton-an o Lien Khu 3 da xu 564 vu. Nhung vu an lon nha vu an Binh-Dinh, vu an Chong-Qung-Dien o Thuathien, vu an Hon Me o Thanh-hoa, vu an Hung-yeu o Nghe-an vv..., phan vo mot so nhung to-chuc gian-diep oai dich la nhung thang-loi to lon trong cong-tao tu-phap.

Cao Ton-an hont-long khong nhang o vung tu-do ma ca o vung sau lung dich. Di doi voi vien phat-trien chien-tranh du-kich, oao Ton-an vuong tam "i chieu" da duoc thanh-lap, xat xu nhung ten gian-diep, phan-tang dai-gian no, ngay sat vi-tri dich, gop phan vao vien chong can, bao ve dan, xay-dung oao khu can ou du-kich. Trong 10 thang dan nam 1953, oao Ton-an Nhan-dan oai 4-Tinh thueo khu Ta ngan da xu 428 vu phan oach-mang trong do co 110 vu gian-diep.

O Tay-bao tu sau chien-lich gini-phong den thang 10 nam 1953, oao Ton-an da xet xu 408 ten trum tho-phi hung ho va gian-diep, biet-kich, gop suc vao oong-chuc van-dong oao Nhan-dan Tay-Bao tien phi tra gina, on-dinh tinh-hinh-hinh-tri, xay-dung co-so chinh-quyen va mat tran o vung rung nui roi gini-phong.

Chinh-sach trung-tri ap-dung trong vien xet-xu la nghiem tri, ket-hop voi khoan-hong. Ton-an ch'xu dong so it nhung ten thu muu thicho, agonafo' don cung, Ton-an xu the bon tay chan va khoan-hong doi voi nhung nguoi-biet hoi-oi. Nhung nguoi bi lue-est lam duong, hoao bi ong-ep ma phamtoi thi duoc thi bong sau khi giao-dao. Chinh-sach trung-tri dung-dan oai Chinh-phu the hien-on-the trong duong loi truy-to xet xu oai Ton-an da co tao dung phan-hon hang ngu dich, co-lap bon dan so, tranh-thu va giao ngo quin-chung lam duong; kot-quai lam cho luu-luong phan-dong-oang mua tan ra.

II. TRUNGTRI BON DIA-CHU CUONG-HAO GIAN AC, BON DIA-CHU CHONG PHAP-LUAT, DAM-BAO THANG-LOI CUA PHONG - TRAO GIAM TO VA CAI-CACH RUOLG DAT.

Do ung-hoace dan-tranh cuonong-dan chong su ap-bao va boc lot oai gini-cap dia-chu, oao Ton-an Nhan-dan, dac-biet to-chuc theo sac-locb 150/SL ngay 13 thang 4 nam 1953, duoc thanh-lap trong luu va o nhung noi co phat-doeng quin-chung, voi

on phoi-hop cua cao Ton-na Nhan-dan thuong da xot xu nhanh chong vi va kip thoi bon dia-chu coong-hao Giai se, bon ngoan-co chong lai phap-luat, da vaon tran tat on stoil so da-man tra-uon oan chung, bat chung phai cua dan khia toi, da mang cao them tinh-thieu dan-tranh va oanh-giao oan nhan-dan va lam cho cao tang lop nhan-dan khac cuong dong-tinh voi cuoc dan-tranh oan nong-dan. Ch nh-sach trung-tri ap-dung truoc cao Ton-na la doi voi bau dai gian dai so da can-toi bee-lot chiem-lot, danh viet nong-dan mot coch ten-bao, da ngoan co chong lai phat-dong quan-dung thi thang toy trung-tri con doi di so chung ten-kho thi chi oanh-co truoc phiet Ton roi cho huong khien-hong khong xu phat mac dan chung cung co pham toi ao.

III. GIU-GIN TRAT-TU W-NIEM, BAO-VE TAI-SANG QUOC-GIA, BAO-VE TINH-LANH VA TAI-SAM CUA NHAN-DAN.

Tu trong vung tam bi obiem, dich tung bon luu-manh con-do ra vung tu-do hong pha-roi trat-tu gay kho-khan cho doi song qua nhan-dan va lam giam uy-tin cui chinh-quyen ta. Bon dia-chu-phong-kien o nong-thon tiep-tuc day-tri nhung thoi-tuo xua xa oan xa-hoi en de de tiep-tuc bee-lot qp-bao nong-dan.

Nhung suot trong 8, 9 nam nhan-dan ta van khang-chien gian kho, hy-sinh nhan-dan, van dau-tranh do xay-dung mot trat-tu xa-hoi moi, mot doi song lanh-manh. Ons Ton-na da gop suo vao vice bai-tru troum cap, them o, buon lan, co bao, mai-dam va nhung te non xa-hoi khac.

Khang nhung la o vung han-phuong tu-do oan ta, ta o o nhung khu oan-en du-kich oan lung diob. Rieng trong nam 1953 ong Ton-na Nhan-dan o Lien khu Viet-bao da xu 748 vu luu-manh troum cap. Trong mot dot congtao chong luu-manh to-chuc vao thang 2/53, ong Ton-na-nhan-dan o Lien khu 3 phoi-hop voi Cong-en da bit 116 ten luu-manh va da xu trong bon do 70 ten luu-manh nguy-hiem. Vao do phap phap oo giam cut bo ret.

Nam 1952 ty-le cao vu an xu luu-manh tren cap chiem 40% so an hinh su thuong, o Lien khu Viet-bao, den nam 1953, ty-le da rut xuong con co 20%. Chinh-sach oan ta la trung-tri ket-hop voi giao-dao. Doi voi nhung ten con-do hung-han, nhung ten luu-manh chuyen-aghiep da tac-hai xet ra nguy-hiem thi cao Ton-na trung-tri dc lam guong cho ke khac va dc ong luu-pap cua chinh phu oan doi voi nhung ten luu-manh khao thi ong Ton-na phoi-hop voi Cong-an phan-loai, giao-dao rat thoi-ky lue cho ho tro ve them-gia 120-doac san-xuat. Doi v i nhau, nguoi gian them vat thi chi to-chuc kick-thao truoc nhan-lan, sinp y-kien cho ho sun-chun.

IV. GIAI-QUYET NHUNG XICH-MICH TRONG NOI-BO NHAN-DAN,
TANG-CUONG DOAN-KET, DE DAY MAMH SAN-XUAT VA
KHANG-CHIEN.

Ton-an nhan-dan dong thoi cung da gop phan vao vico dien-giai hop-ly nhung xich-mich ve quyen-loi nha vay muon coong no, cam ban, trong noi-bo nhan-dan de tang-cuong doan-ket tap-trung moi lue-luong vao cong vico san-xuat va danh giao. Dao biet voi van-de giao-dinh oao Ton-an da xet xu nhung vu ly-di theo huong dan-tranh chong tan-tiep phong-kien, giup chi em phu nu thont khai su rang buoc doc so eua xa-hoi cu de xay-dung nhung giao-dinh moi tren tinh-than binh-dang truong-tro va thuong yeu lan nhau. Dao voi mot so truong-hop viec xin ly-di xet khong co ly-do chinh-dang thi Ton-an da co-gang hon-gini cho doi ben vui long dona tu.

B.- Công-tao Tu-phap da dat duoc nhung ket-quan tren day chinh la vi: oao Ton-an nhan-dan da duoc xay-dung va ren luyen trong qua-trinh dan-tranh cua quan-chung va lien-he ngay cung mat-thiet voi quan-chung.

I. DA U-TRANH DE XAY-DUNG TU-TUONG PHAP-LY VA TU-PHAP
DAN-CHIU NHAN-DAN, CAI-TAO REN-LUYEN VI DAO-TAO CAN-BE.

Ngay tu khi dat nen xong eua nua Tu-phap dan-chn, oao can-to Tu-phap da bang-hai them-gia vao vico dan-tranh voi nhung quen-niem sai-lam di san eua che-do thue-dan phong-kien ve mot tu-tuong phap-ly va tu-phap. Cuoc dan-tranh dien ra tren bao chi va trong nhung onoc hoi-nghi hoc-tap tu nam 1947 den nam 1951 moi ngay eua; thu duoc thang-loi ro-ret, xay-dung giao tu-tuong phap-ly va Tu-phap dan-chn nhan-dan ngay ong on-the. Tiep sau do oao can-bo tu-phap daoc hoc-tap chinh-huu, duoc ren luyen trong thuoc-te dan-tranh tran-lop phan ong-hung, daoc boi-duong trong phong-trao phat-don; quan-chung non trong nhung nam gan day tien-bo lai ong ro-ret.

Mot khao, ben ong nhung can-bo Tu-phap on do so can-bo moi xuat-than tu trong thanh-pham nhan-dan lao-dong hono da daoc ren luyen chieu trong dan-tranh oach-mang, thanh-giai ngay ong ong nhien vao cong-tao Tu-phap, de do de tang-cuong khong nhung so luong mn cat chat-luong cua Nguinh Tu-phap.

II. NHAN-DAN HOA BO MAY TU-PHAP - VAI-TRO CUA CAO-HOI-
THAM NHAN-DAN TUNG TOA-AN.

II. NHAN-DAN HOI BO MAY TU-PHAP - VAI-TRO CUA CAO NOI
THAM NHAN-DAN O TRONG TOA-AN.

Ngay tu dau, nhan-dan da tham-gia vao viec xu an voi binh thuoc oao phutbam nhan-dan. Phung toi nam 1950 khi to-chuc oao Toa-an nhan-dan thi tieu-bo hon mot bincu nua voi su co mat cua oao hoi-tham nhan-dan. Oao hoi-tham nhan-dan khong phai chi tham-gia y-kien vao viec xet xu trai lai co quyen quyet-dinh hon nua, trong theo-phap Toa an thi hoi-tham nhan-dan lai chiem da so, dam-bao quyen xet xu theo su o trong tay dai-bieu oao nhan-dan, dam-bao viec thi-hanh chinh-sach va luat-phap theo dung voi quyen-loi va nguyen-vuong oao nhan-dan.

Cung do su co mat cua cao hoi-tham nhan-dan ma o oao vung dan-toi thien-so, dong-bao oao dan-toi da thuc-su tham-gia vao Toa-an, thuc-su nam khien-quyen xet xu, dung tieng cua dan-toi ho trong khi xet xu va van-dung luat-phap oao Chinh-phu thich-nghi voi phong-tuc tap-quan cua moi dan-toi.

III. TO-CHUC NHAN-DAN THAM-GIA NGAY CANG DONG-DAO VAO CONG-TAC TU-PHAP. XAY-DUNG PHUCUO-PHAP CONG-TAC DUA VAO QUAN-CHUNG DI THEO DUONG LOI QUAN-CHUNG
TOA-AN LIEN-HO MOAY CANG MAT-THIET VOI DONG - DAO QUAN-CHUNG.

Co Toa-en lien-ho mat-thiet voi quan-chung khong phai chi uong quan cac hoi-tham nhan-dan ma hon nua tron; moi cong-to tu-phap tu viec dieu-tra khai-thao cho den viec xet xu thi-hanh an, Toa-an den duu vao quan-chung. Toa-an di luu-dong dieu tra xet xu tai cho de tien loi cho nhan-dan va de duoc sat nhan-dan. Cong-tao dieu-tra khai-thao khong phai doi-thuan chi daa vao ky-thuat trinh-sat, khai-thao ong ohung ma Toa-an con dung lue-luong can dong-dao quan-chung, timtoi, nhan-xet ong-oap tai-lieu, giup-do sang-kien. Trong oao phien Toa, nhan-dan duoc phat-bieu y-kien, cung-oap tai-lieu, nhan-xet ve muc an, phe-binh Toa-an. Dac-biet trong oao phien Toa dieu-hinh, viec van-dong quan-chung tham-gia duoc to-chuc theo mot quy-zo rong lon. Truoc ngay phien Toa, Toa-an phoi-hop voi oao co-quan chinh-quyen va oao doan-the nhan-dan to-chuc cho nhan-dan hoc-tap va an, chuan-bi tu-tuong, sac dichthai-do di du phein Toa. Dac-biet oao kho obu va nhan chung duoc boi-duong chu-dao. Ngay xu an, quan-chung di du phein Toa co to-chuc, co lanh-dao. Toa-an truy hoi, cong-to buoc toa den ket-hop chung voi oao co-quan oao kho obu, nhon ohung va oao co-quan quan-chung. Hinh-thuc phein Toa dieu-hinh tu nam 1963 tro lai day da tro thanh ne-nep o khap oao Tỉnh Trung-Nam Bao, ma co o vung la-de va o lich-huu. Ngay co o vung dan-toi tien-so nhat Tay-Bao trong oao phien Toa xu an chinh-tri o Dong Lao Cai, o Sop La co tu 300 den 1000 nguoi den du, hang-hai,

len vach toi so bon gian-diep, biet-kich, trum phi hung ao, onng trong nam 1953, da co nhung vu an dieu-hinh rat lon nhu vu an Phong Quang Dien o Thuy-Thien xu oanh don giao 4 coi so da co 2 van nguoi du. Vu an Hon Le o Thanh-hoa da tha-hut 5 van nguoi toi phien ton. Vu an Hung-Yen o Nghia-an da huy-dong nhan-dan Cong giao 10 Huyen them, in vao vico dien-tru xet xu, mo phien Ton trong 7 dem va co doi toi 7 van dong-bao den dn.

^{la} moi luu to-chno xet xu theo duong loi quan-chung nhu the la mot, phong-trao giao-dao nhan-dan duong len bao-ve luat-phap dan-tranh voi ke thu can nhan-dan, can oanh-mang.

Gan day lan thanh-lap oac Ton-an Nhan-dan Dao-biet trong phong-trao phat-lng quan-chung giam to va can-oanh ruong dat. Do la nhung Ton-an duoc to-chno, duoc ren luyen thu-thanh ngay trong phong-trao dan-tranh can quan-chung phuc-vu truc-tiep cuoc dan-tranh can quan-chung va duoc quan-chung tin-zhiem va boi-duong va-kop-trong-xet-xu. Do la mot truong can-tao va renlyen can-bo can rat tot va cung la mot nguon dao-tao can-bo Tu-phap moi rat lon. Mat khao, oac Ton-an Nhan-dan Dao-biet da va dang thu-thep duoc nhung kinh-nghiem phong-phu khon; nhung ve mat to-chno va le-loi-lam vico ma ca ve phan chay-hanh chinh-sach va lanh-dao dan-tranh, gop phan vao vico xay-dung non Tu-phap dan-chu nhan-dan, mot non tu-phap dan-tranh de cung-co hoa-binh thue-hieu Thong-nhat, hoan-thanh Doc-lap va xay-dung che-do Dan-chu Nhan-dan.