

Client Alert

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Supreme Court instructs temporary suspension on receiving direct petitions and refrainment from opening court hearings until March 31 due to COVID-19 outbreak

On 10 March 2020, the Supreme People's Court ("**SPC**") issued Directive No. 02/2020/CT-CA regarding the prevention of the COVID-19 outbreak within the People's Court system ("**Directive 02**"). Directive 02 takes effect immediately upon receipt by the lower courts and relevant authorities.

Directive 02 provides for, among other things, instructions to the lower courts on applying measures that may affect parties to lawsuits. Below is a summary of these key instructions:

1. Temporary suspension of the courts' direct receipt of petitions and other documents at the court

Local courts are instructed not to receive hand-delivered petitions and other documents at the courts until the end of March 2020. In the meantime, parties to current lawsuits, including complainants and plaintiffs, are instructed to submit documents to the courts via other permitted means, namely through postal service or electronic submission.

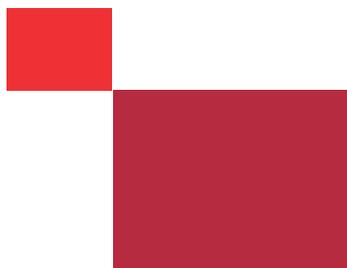
Under the Civil Procedure Code ("**CPC**"), litigants may choose among three methods to submit court petitions, evidence and other documents to courts. Such methods include direct submission at the court, submission via postal service and electronic submission, subject to conditions. The Criminal Procedure Code and Administrative Procedure Law also provides for such methods.

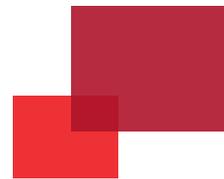
2. Temporary suspension of direct service of court's summons, notices and other documents

Local courts are instructed not to serve directly any documents to parties as well as other authorities until the end of March 2020. Rather, they should make use of postal and other relevant services during this time.

3. Refrainment from opening court meetings and hearings

Local courts are also instructed to refrain from opening court hearings and meetings, as well as refrain from summoning litigants and other concerned parties to the courts until the end of March 2020 for cases whose prescribed time-limit for resolution (including the extended time that the courts can decide by law) does not expire within this period. The SPC further requests that during this period, judges continue reviewing case files and arrange for





hearings and meetings thereafter. If the prescribed time limit (including the extended time) expires within this period, the court can open hearings or hold meetings, but should limit the summons to relevant parties only. Only summoned persons are allowed to attend the hearings or meetings.

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SPC's instructions under Directive 02 will likely cause a delay in the court proceedings for all pending cases in Vietnam. Local courts will unlikely open hearings and hold meetings until the end of March 2020. In the event that the COVID-19 outbreak worsens, the SPC may likely extend the term of Directive 02 past the March 2020 period. Additionally, since email is not a formal channel of communication with courts under the current law, and as there might be some delay by postal service providers during the COVID-19 outbreak, court summons and notices are expected to reach parties later than usual.

Directive 02 is silent as to whether the statute of limitations could be extended due to the court's temporary suspension on receiving direct petitions. The COVID-19 outbreak is not necessarily a *force majeure* event for late submission to courts under the current law. Hence, complainants and plaintiffs are suggested to use registered mail services to submit petitions to the court in order to meet the statute of limitation.

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