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**United Kingdom of Great Britain and Northern Ireland
and
Viet Nam**

Treaty between the United Kingdom of Great Britain and Northern Ireland and the Socialist Republic of Vietnam on mutual legal assistance in criminal matters. Hanoi, 13 January 2009

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**Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
et
Viet Nam**

Traité d'entraide judiciaire en matière pénale entre le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et la République socialiste du Vietnam. Hanoï, 13 janvier 2009

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[ENGLISH TEXT – TEXTE ANGLAIS]

**TREATY BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND AND THE SOCIALIST REPUBLIC OF
VIETNAM ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL
MATTERS**

The Government of the United Kingdom of Great Britain and Northern Ireland and the Socialist Republic of Vietnam (hereinafter referred to as “the Parties”):

Desiring to improve the effectiveness of the law enforcement authorities of both countries in criminal proceedings, and to combat crime in a more effective way as a means of protecting their respective democratic societies and common values;

Having due regard for human rights and the rule of law;

Mindful of the guarantees under their respective legal systems which provide an accused person with the right to a fair trial, including the right to adjudication by an impartial tribunal established pursuant to law;

Have agreed as follows:

CHAPTER I

GENERAL PROVISIONS

ARTICLE 1

Scope of Assistance

1. The Parties shall provide the widest measure of mutual legal assistance, in accordance with the provisions of this Treaty and in conformity with their respective domestic laws, for the purpose of criminal proceedings.
2. Mutual assistance may also be afforded in proceedings in respect of acts which are punishable under the domestic law of the requesting or the requested Party by virtue of being infringements of the rules of law, where the decision may give rise to proceedings before a court having jurisdiction in particular in criminal matters.
3. Assistance shall include:
 - (a) taking the testimony or statements of persons including by video-conference or television;
 - (b) providing documents, records, and other evidentiary material;
 - (c) serving documents;

- (d) locating or identifying persons where required as part of a wider request for evidence;
- (e) transferring persons in custody according to article 12 (Transfer of Persons in Custody);
- (f) executing requests for search and seizure;
- (g) identifying, tracing, restraining, seizing, confiscating and disposal of proceeds of crime and assistance in related proceedings;
- (h) return of assets;
- (i) sharing of assets in accordance with Chapter II;
- (j) such other assistance as may be agreed between the Central Authorities.

ARTICLE 2

Definitions

1. "Criminal proceedings" means the investigation, prosecution and adjudication of criminal offences, including the restraint, seizure or confiscation of proceeds of crime and instrumentalities of crime.
2. "Instrumentalities of crime" means any property which has been, is or is intended to be used in connection with the commission of an offence.
3. "Assets" includes money and all kinds of moveable or immoveable and tangible or intangible property, and includes any interest in such property.
4. "Proceeds of crime" means any assets derived or realised, directly or indirectly, by any person as a result of criminal conduct, or the value of any such assets.

ARTICLE 3

Central Authorities

1. Central Authorities shall be established by both Parties.
 - (a)
 - (i) For the United Kingdom, the Central Authorities for the purpose of sending requests shall be:

- (aa) the Secretary of State;
 - (bb) the Lord Advocate (for matters pertaining to Scotland).
 - (ii) For the United Kingdom, the Central Authorities for the purpose of receiving requests shall be:
 - (aa) the Secretary of State;
 - (bb) the Lord Advocate (for matters pertaining to Scotland) and/or
 - (cc) Her Majesty's Revenue and Customs.
 - (b) For the Socialist Republic of Vietnam, the Central Authority shall be the People's Supreme Procuracy.
2. The Central Authorities shall communicate directly with one another for the purposes of this Treaty.
3. The Parties may at any time designate any other authority as a Central Authority for the purposes of this Treaty. Notification of such a designation will take place by exchange of diplomatic notes.
4. In cases of urgency, requests may be transmitted via the International Criminal Police Organization (Interpol).

ARTICLE 4

Refusal of Assistance

1. The Central Authority of the Requested Party may refuse assistance if:
- (a) the execution of the request would prejudice the sovereignty, security, ordre public or other essential interests of the Requested Party;
 - (b) the request relates to a person who, if proceeded against in the Requested Party for the offence for which assistance is requested, would be entitled to be discharged on the grounds of a previous acquittal or conviction;
 - (c) the request relates to an offence that is regarded by the Requested Party as a military offence;
 - (d) the request relates to criminal proceedings which are politically motivated; or

- (e) the conduct to which the request relates fails to satisfy a requirement of the domestic law of the Requested Party requiring the establishment of dual criminality.

2. Before refusing assistance pursuant to this Article, the Central Authority of the Requested Party shall consult with the Central Authority of the Requesting Party to consider whether assistance can be given subject to conditions the Requested Party deems necessary. If the Requesting Party accepts assistance subject to these conditions, it shall comply with the conditions.

3. If the Central Authority of the Requested Party refuses assistance, it shall inform the Central Authority of the Requesting Party of the reasons for refusal.

ARTICLE 5

Form and Content of Requests

1. A request for assistance shall be in writing. The request shall be in the language of the Requesting Party accompanied by a translation into the language of the Requested Party, unless otherwise agreed.

2. The request shall include the following:

- (a) the name and address of the authority conducting the criminal proceedings to which the request relates;
- (b) the subject matter and nature of the proceedings for the purposes of which the request is made;
- (c) a summary of the information giving rise to the request, including the applicable penalty and a statement and text of the relevant laws;
- (d) a description of the evidence or other assistance sought and details of any court or other deadlines; and
- (e) the purpose for which the evidence or other assistance is sought.

3. To the extent necessary and possible, a request shall also include:

- (a) the identity, date of birth, nationality and location of any person from whom evidence is sought;
- (b) the identity, date of birth, nationality and location of a person to be served, that person's relationship to the proceedings, and the manner in which the service is to be made;