

**No. 49823**

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**Republic of Korea  
and  
Viet Nam**

**Treaty between the Republic of Korea and the Socialist Republic of Vietnam on mutual legal assistance in criminal matters. Seoul, 15 September 2003**

**Entry into force:** *19 April 2005 by the exchange of the instruments of ratification, in accordance with article 21*

**Authentic texts:** *English, Korean and Vietnamese*

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**République de Corée  
et  
Viet Nam**

**Traité d'entraide judiciaire en matière pénale entre la République de Corée et la République socialiste du Viet Nam. Séoul, 15 septembre 2003**

**Entrée en vigueur :** *19 avril 2005 par l'échange des instruments de ratification, conformément à l'article 21*

**Textes authentiques :** *anglais, coréen et vietnamien*

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[ ENGLISH TEXT – TEXTE ANGLAIS ]

**TREATY  
BETWEEN THE REPUBLIC OF KOREA  
AND THE SOCIALIST REPUBLIC OF VIETNAM  
ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL  
MATTERS**

Republic of Korea and the Socialist Republic of Vietnam (hereinafter referred to as "the Parties"),

Desiring to improve the effectiveness of cooperation between the two countries in the field of mutual legal assistance in criminal matters on the basis of mutual respect for sovereignty, equality and mutual benefit,

Have agreed as follows:

## **Article 1**

### **Scope of Application**

1. The Parties shall, in accordance with the provisions of this Treaty, grant each other assistance in criminal matters.
2. For the purposes of this Treaty, "criminal matters" means investigations, prosecutions or proceedings relating to any offence, including offences against a law related to taxation, customs duties, foreign exchange control or other revenue matters, the punishment of which at the time of the request for assistance falls within the jurisdiction of the Requesting Party.
3. Assistance shall include:
  - (a) taking evidence or statements from persons;
  - (b) providing information, documents, records and articles of evidence;
  - (c) locating or identifying persons or items;
  - (d) serving documents;
  - (e) executing requests for search and seizure;
  - (f) making arrangements for persons to give evidence or assist in criminal investigations, prosecutions or proceedings in the Requesting Party;
  - (g) tracing, restraining, forfeiting and confiscating the proceeds and instrumentalities of criminal activities; and
  - (h) other assistance consistent with the object of this Treaty which is not inconsistent with the law of the Requested Party.

4. Assistance granted under this Treaty does not include:
  - (a) the extradition, or the arrest or detention for that purpose, of any person;
  - (b) the execution in the Requested Party of criminal judgments imposed in the Requesting Party except to the extent permitted by the law of the Requested Party and this Treaty;
  - (c) the transfer of persons in custody to serve sentences;
  - (d) the transfer of proceedings in criminal matters.

## **Article 2**

### **Other Assistance**

This Treaty shall not affect any existing obligations between the Parties, whether pursuant to other treaties, arrangements, or otherwise, nor prevent the Parties from providing assistance to each other pursuant to other treaties, arrangements, or otherwise.

## **Article 3**

### **Central Authority**

1. The Parties at all times shall each have a person who, or an authority which, is designated as the Central Authority to transmit and receive requests for the purposes of this Treaty.
2. The following persons or authorities are hereby designated to be the Central Authorities at the commencement of this Treaty:
  - (a) For the Republic of Korea, the Central Authority is the Minister of Justice or an official designated by that Minister ;
  - (b) For the Socialist Republic of Vietnam, the Central Authority is the Prosecutor-General of the People's Supreme Procuracy or an official designated by that Prosecutor-General.
3. Each Party shall notify the other of any change of its Central Authority referred to in paragraph 2 of this Article.

4. The Central Authorities shall normally communicate directly with one another, but may, if they choose, communicate through the diplomatic channel.

#### **Article 4**

##### **Contents of Requests**

1. Requests for assistance shall:
  - (a) specify the purpose of the request and the nature of the assistance sought;
  - (b) identify the person, agency or authority that initiated the request;
  - (c) include a description of the nature of the criminal matter, including a summary of the relevant facts and laws and applicable penalties;
  - (d) include a statement indicating the current status of the investigation or proceeding; and
  - (e) include a statement specifying any time frame within which compliance with the request is desired.
2. Requests for assistance, where relevant and so far as possible, shall also include:
  - (a) the identity, nationality and location of the person or persons who are the subject of, or who may have information relevant to, the criminal matter;
  - (b) where the request is for assistance under Article 10,
    - (i) a description of the matters about which persons are to be examined including, where appropriate, any questions that the Requesting Party wishes to be put to those persons; and
    - (ii) a description of any documents, records or articles of evidence to be produced and, where relevant, a description of the appropriate person to be asked to produce them;
  - (c) where the request is for assistance under Article 11 or 12, information about the allowances and expenses to which a person traveling to the Requesting Party would be entitled;
  - (d) where the request is for assistance under Article 15 or 16, a description of the material sought and, where relevant, its likely location;