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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 the transfer of sentenced persons. Hanoi, 12 September 2008

Entry into force: *20 September 2009 by the exchange of the instruments of ratification, in accordance with article 16*

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

Traité entre le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et la République socialiste du Vietnam concernant le transfert de personnes condamnées. Hanoï, 12 septembre 2008

Entrée en vigueur : *20 septembre 2009 par l'échange des instruments de ratification, conformément à l'article 16*

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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 THE TRANSFER OF SENTENCED PERSONS**

The United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as the "United Kingdom") and the Socialist Republic of Vietnam (hereinafter referred to as "Vietnam"), together the "Contracting Parties";

Taking into consideration the laws and regulations of the Contracting Parties in force regarding enforcement of penal sentences;

Desiring to co-operate in the enforcement of penal sentences;

Considering that this co-operation should serve the interest of the administration of justice;

Desiring to facilitate the successful reintegration of sentenced persons into society;

Considering that these objectives can be best fulfilled by giving foreign sentenced persons the opportunity to serve their sentences within their own society;

Have agreed as follows:

ARTICLE 1

Definitions

For the purposes of this Treaty:

- (a) "transferring Party" means the State from which the sentenced person may be, or has been, transferred;
- (b) "receiving Party" means the State to which the sentenced person may be, or has been, transferred;
- (c) "sentenced person" means a person who is required to be detained in a prison or any other institution in the transferring Party by virtue of a judgment made by a court of the transferring Party on account of a criminal offence;
- (d) "sentence" means any punishment or measure involving deprivation of liberty ordered by a court of the transferring Party for a limited or unlimited period of time on account of a criminal offence;
- (e) "judgment" means a decision or order of a court imposing a sentence;
and

- (f) "national" means:
- (i) in relation to the United Kingdom, a British citizen or any person whose transfer the Government of the United Kingdom considers appropriate having regard to any close ties which that person has with the United Kingdom;
 - (ii) in relation to Vietnam, a person who has the nationality of Vietnam.

ARTICLE 2

General Principles

1. The Contracting Parties shall afford each other the widest measure of cooperation in respect of the transfer of sentenced persons in accordance with the provisions of this Treaty.
2. A sentenced person may be transferred from the territory of the transferring Party to the territory of the receiving Party in accordance with the provisions of this Treaty in order to continue serving the sentence imposed on him or her by the transferring Party.
3. A sentenced person may express an interest to the transferring Party or receiving Party in being transferred under this Treaty.
4. The transfer of sentenced persons may be requested by either the transferring Party or the receiving Party.

ARTICLE 3

Central Authorities

1. For the purpose of implementing this Treaty, each Contracting Party shall designate a Central Authority or Central Authorities.
2. The Central Authority for Vietnam shall be the Ministry of Public Security. The Central Authorities for the United Kingdom shall be:
 - (a) in relation to England and Wales, Her Majesty's Prison Service;
 - (b) in relation to Scotland, the Scottish Prison Service; and
 - (c) in relation to Northern Ireland, the Northern Ireland Prison Service.

3. Unless otherwise required by this Treaty, all communication concerning the transfer of sentenced persons under this Treaty shall be transmitted through the Central Authorities.

ARTICLE 4

Conditions for Transfer

Sentenced persons may be transferred under this Treaty only on the following conditions:

- (a) the acts or omissions for which the sentence has been imposed would constitute a criminal offence under the laws of the receiving Party; this condition shall not be interpreted to require that the offence described in the laws of both Contracting Parties be identical with respect to matters that do not affect the essential nature of the offence;
- (b) the sentenced person is a national of the receiving Party;
- (c) the transferring and receiving Parties agree to the transfer;
- (d) the transfer is consented to by the sentenced person or, where in view of the person's age or physical or mental condition one of the Contracting Parties considers it necessary, by his or her legal representative;
- (e) at the time the request for transfer is received, the sentenced person has still at least one year of the sentence to serve; in exceptional cases, the Contracting Parties may agree to a transfer even if the sentenced person has less than one year of the sentence to serve;
- (f) the judgment is final and no other legal proceedings relating to the offence or any other offence committed by the sentenced person are pending in the transferring Party; and
- (g) the transfer of the sentenced person does not prejudice the Contracting Parties' internal or external security, public order or other essential interests.

ARTICLE 5

Procedures for Transfer

1. Any sentenced person to whom this Treaty may apply shall be informed by the transferring Party of the substance of this Treaty.

2. If a sentenced person expresses an interest to the transferring Party to be transferred, and the transferring Party is prepared, in principle, to approve the request for transfer, the transferring Party shall promptly inform the receiving Party in writing, and provide the following information:

- (a) the name, date and place of birth of the sentenced person;
- (b) the location of the sentenced person and, if available, permanent address in the receiving Party;
- (c) a statement of the facts upon which the conviction and sentence were based;
- (d) the nature, duration and date of commencement of the sentence, the termination date of the sentence, if applicable, and the length of time already served by the sentenced person and any remission to which he or she is entitled on account of work done, good behaviour, pre-trial confinement or other reasons;
- (e) a copy of the judgment and information about the law on which it is based; and
- (f) if available, any other additional information, including medical or social reports on the sentenced person, which may be of significance for the sentenced person's transfer and for the continued enforcement of his sentence.

3. If a sentenced person expresses an interest to the receiving Party to be transferred, the receiving Party shall so inform the transferring Party. If the transferring Party is prepared, in principle, to approve the request for transfer, the transferring Party shall promptly inform the receiving Party in writing, and provide the information referred to in paragraph 2 of this Article. If a sentenced person expresses an interest to the receiving Party to be transferred.

4. If the receiving Party, having considered the information which the transferring Party has provided, is willing to proceed with the transfer, it shall promptly inform the transferring Party in writing, and provide the following information:

- (a) a statement indicating that the sentenced person is a national of the receiving Party for the purposes of this Treaty;