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**Republic of Korea  
and  
Viet Nam**

**Treaty between the Republic of Korea and the Socialist Republic of Viet Nam for the transfer of sentenced persons (with corrections). Seoul, 29 May 2009**

**Entry into force:** *30 August 2010, in accordance with article 15*

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

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**République de Corée  
et  
Viet Nam**

**Traité entre le Gouvernement de la République de Corée et le Gouvernement de la République socialiste du Viet Nam relatif au transfèrement des personnes condamnées (avec corrections). Séoul, 29 mai 2009**

**Entrée en vigueur :** *30 août 2010, conformément à l'article 15*

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

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**TREATY  
BETWEEN THE REPUBLIC OF KOREA  
AND THE SOCIALIST REPUBLIC OF VIETNAM  
FOR THE TRANSFER OF SENTENCED PERSONS**

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

DESIRING the facilitation of legal cooperation and the successful reintegration of sentenced persons into society; and

CONSIDERING that this objective should be fulfilled by giving nationals of the other country who are deprived of their liberty as a result of their commission of a criminal offence the opportunity to serve their sentences in their own country;

Have agreed as follows:

## **ARTICLE 1**

### **DEFINITIONS**

For the purposes of this Treaty:

- (a) "transferring Party" means the Party from which the sentenced person may be, or has been, transferred;
- (b) "receiving Party" means the Party to which the sentenced person may be, or has been, transferred;
- (c) "sentence" means any punishment or measure involving deprivation of liberty ordered by a court for a limited or unlimited period of time on account of a criminal offence;
- (d) "sentenced person" means any person who has been imposed a sentence by a court in the jurisdiction of the transferring Party within the definition of "sentence" stipulated in Paragraph (c) of this Article;
- (e) "national" means a person who has the nationality of the transferring Party or the receiving Party.

## **ARTICLE 2**

### **GENERAL PRINCIPLES**

1. The 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 jurisdiction of the transferring Party to the jurisdiction of the receiving Party in accordance with the provisions of this Treaty in order to serve the sentence imposed on him or her by the transferring Party.

3. The transfer of sentenced persons may be requested by either the transferring Party or the receiving Party.

### **ARTICLE 3 CENTRAL AUTHORITIES**

1. Each Party shall designate a Central Authority to implement the provisions of this Treaty.

2. The Central Authority for the Republic of Korea shall be the Minister of Justice or an official designated by that Minister. The Central Authority for the Socialist Republic of Vietnam shall be the Minister of Public Security or an official designated by that Minister. Either Party may change its Central Authority, in which case it shall promptly notify the other Party of the change.

3. The Parties shall use diplomatic channels in communicating with each other except for in case of urgency or other extraordinary circumstances.

### **ARTICLE 4 CONDITIONS FOR TRANSFER**

1. A sentenced person may be transferred 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; however, this condition shall not be interpreted to require that the offence described in the laws of both 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) at the time the request for transfer is received, the sentenced person has still at least one year of the sentence to serve, or is serving an indeterminate or life sentence;

- (d) the judgment is final, and no further proceedings relating to the offence are pending within the jurisdiction of the transferring Party;
- (e) the transferring and receiving Parties all agree to the transfer; and
- (f) 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 Parties considers it necessary, by his or her legal representative.

2. In exceptional cases, the Parties may agree to a transfer even if the time to be served by the sentenced person is less than that specified in paragraph 1(c) of this Article.

## **ARTICLE 5**

### **VERIFICATION OF CONSENT**

1. Each Party shall ensure that the person who gives consent to the transfer as required by Article 4.1(f) does so voluntarily and with knowledge of the consequences thereof.
2. The transferring Party shall permit an official designated by the receiving Party personally to verify, prior to the transfer, that the sentenced person's consent to the transfer in accordance with Article 4.1(f) is given voluntarily and with knowledge of the consequences thereof.

## **ARTICLE 6**

### **EFFECT OF TRANSFER FOR TRANSFERRING PARTY**

1. The taking into charge of the sentenced person by the authorities of the receiving Party shall have the effect of suspending the enforcement of the sentence by the authorities in the transferring Party.
2. The transferring Party shall not enforce the sentence if the receiving Party considers enforcement of the sentence to have been completed.