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**Spain
and
Viet Nam**

**Treaty on extradition between the Kingdom of Spain and the Socialist Republic of Viet Nam.
Madrid, 1 October 2014**

Entry into force: *1 May 2017, in accordance with article 21*

Authentic texts: *English, Spanish and Vietnamese*

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**Espagne
et
Viet Nam**

**Traité d'extradition entre le Royaume d'Espagne et la République socialiste du Viet Nam.
Madrid, 1^{er} octobre 2014**

Entrée en vigueur : *1^{er} mai 2017, conformément à l'article 21*

Textes authentiques : *anglais, espagnol et vietnamien*

Enregistrement auprès du Secrétariat des Nations Unies : *Espagne, 1^{er} mai 2017*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**TREATY ON EXTRADITION
BETWEEN
THE KINGDOM OF SPAIN
AND
THE SOCIALIST REPUBLIC OF VIETNAM**

**TREATY ON EXTRADITION
BETWEEN
THE KINGDOM OF SPAIN
AND
THE SOCIALIST REPUBLIC OF VIETNAM**

The Kingdom of Spain and the Socialist Republic of Vietnam, hereinafter referred to as “Parties”;

Desiring to maintain and strengthen the ties joining their two countries;

Desiring to establish more effective cooperation between their two States in the persecution of crimes and the enforcement of sentences; especially in the fight against organized crime and terrorism;

Convinced of the interests of the both Parties in strengthening cooperation on criminal matters, especially extradition,

Have agreed as follows:

**Article 1
Obligation to extradite**

The Parties agree to extradite to each other, in accordance with the provisions of this Treaty and at the request of the Requesting Party, those persons found on their territory and who are wanted by the Requesting Party for prosecution or for the enforcement of a sentence or security measure handed down by its courts, for an extraditable offence.

Article 2

Extraditable Offences

1. Extradition shall only be granted for those offences punishable under the laws of both Parties, and which meet one of the following conditions:

- a) if the extradition request is aimed at conducting criminal proceedings, that the offence carries a sentence under the legislation of both Parties of a prison term of longer than one year;
or
- b) if the extradition request is aimed at enforcing a sentence or security measure involving deprivation of liberty, at the time of making the request, a period of a least six months of the penalty remains to be served on the part of the person whose extradition is requested.

2. In determining whether an act constitutes an offence under the laws of both Parties in accordance with paragraph 1 of this Article, it shall not matter whether the laws of both Parties place the act within the same category of the offence or denominate the offence by the same terminology.

3. If the extradition request refers to two or more actions, each one of which constitutes an offence under the legislation of both Parties, and at least one of them fulfils the condition of periods of penalties provided for in paragraph 1 of this Article, the Requested Party may grant the extradition for all of them.

Article 3

Mandatory refusal of extradition

Extradition shall be denied if:

- a) The Requested Party considers that the offence requested for extradition is an offence bearing political character, however the offence of terrorism shall not be considered political offence.
- b) The Requested Party has reason to believe that the extradition request was presented with the aim of prosecuting or punishing the person sought on account of that person's race, sex, religion, nationality or political opinions, or adversely affecting the position of the person involved in the criminal proceedings for one of these reasons.
- c) The offences for which extradition is requested are purely military offences under the law of the Requested Party.
- d) The person sought is a national of the Requested Party at the moment when the extradition request is received, or has been granted asylum by the Requested Party.
- e) The criminal action or sentence has lapsed by prescription under the law of either of the Parties.
- f) The courts of the Requested Party have already passed final judgment or concluded a criminal proceedings against the person sought with regard to the offence for which extradition is requested, or the person sought has been tried in a third State for the offence for which extradition is sought, and has been acquitted or fully served the corresponding sentence.
- g) The Extradition request is made as result of a sentence passed in absentia, and the Requesting Party offers no guarantee of the retrial after extradition.