

No. 54464*

**Spain
and
Viet Nam**

Treaty on the transfer of sentenced persons 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 18*

Authentic texts: *English, Spanish and Vietnamese*

Registration with the Secretariat of the United Nations: *Spain, 1 May 2017*

**No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

**Espagne
et
Viet Nam**

Traité relatif au transfèrement des personnes condamnées 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 18*

Textes authentiques : *anglais, espagnol et vietnamien*

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

**Aucun numéro de volume n'a encore été attribué à ce dossier. Les textes disponibles qui sont reproduits ci-dessous sont les textes originaux de l'accord ou de l'action tels que soumis pour enregistrement. Par souci de clarté, leurs pages ont été numérotées. Les traductions qui accompagnent ces textes ne sont pas définitives et sont fournies uniquement à titre d'information.*

TREATY
ON THE TRANSFER OF SENTENCED PERSONS
BETWEEN
THE KINGDOM OF SPAIN
AND
THE SOCIALIST REPUBLIC OF VIETNAM

**TREATY ON THE TRANSFER OF SENTENCED PERSONS
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 “the Parties”;

Desirous of further developing legal relations between the two Parties and facilitating communication in judicial matters, have agreed to conclude this Treaty on the transfer of sentenced persons thus favoring the social rehabilitation of persons sentenced in either of the two countries,

Have agreed as follows:

**Article 1
Definitions**

For the purposes of this Treaty, the expression:

- a) “Transferring Party” means the State in which the sentence was imposed and from which the sentenced person who may be, or has been, transferred.
- b) “Receiving Party” means the State to which the sentenced person may be, or has been, transferred in order to continue serving his/her sentence.
- c) “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.
- d) “Sentenced person” means a person who is required to serve a sentence.

Article 2

General Principles

1. The Parties undertake to 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 a court of the transferring Party.
3. Transfer may be requested by either the Transferring Party or the Receiving Party.
4. Under this Treaty the person transferred shall not be arrested, judged or sentenced in the receiving Party for the same offence sentenced.

Article 3

Central Authorities

1. Each Party shall designate a Central Authority to implement the provisions of this Treaty.
 - a) The Central Authority for the Socialist Republic of Viet Nam shall be the Ministry of Public Security.
 - b) The Central Authority for the Kingdom of Spain shall be the Ministry of Justice.
2. The Central Authorities shall communicate directly or by diplomatic channels.

Article 4

Conditions for transfer

1. A sentenced person may be transferred under this Treaty only on the following conditions:

- a) that the person is a national of the Receiving Party;
- b) that the judgment must be final and no legal proceedings are pending in the territory of the transferring Party;
- c) that, at the time of receipt of the request for transfer, the sentenced person has still at least one year of the sentence to serve unless otherwise agreed by both Parties;
- d) that the transfer is consented to by the sentenced person or, if he/she is incapacitated, by his/her legal representative;
- e) that the acts or omissions of the sentenced person on account of which the sentence has been imposed would constitute a criminal offence according to the law of the receiving Party; this condition shall not be interpreted to require that the definition of the offence according to the law of both Parties be identical.
- f) that the Transferring and Receiving Party both agree to the transfer.

2. The Parties may agree to apply the provisions of this Convention to sentences and security measures imposed upon minors, under their respective legislations. In any case, it will be necessary to obtain the consent of the person legally authorized to act on the minor's behalf.

Article 5

Refusal of transfer

The request of transfer for the sentenced person shall be refused under this Treaty, inter alia, in any of the following circumstances: