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**Spain
and
Viet Nam**

Treaty on mutual legal assistance in criminal matters between the Kingdom of Spain and the Socialist Republic of Viet Nam. Madrid, 18 September 2015

Entry into force: *8 July 2017, in accordance with article 25*

Authentic texts: *English, Spanish and Vietnamese*

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**Espagne
et
Viet Nam**

Traité d'entraide judiciaire en matière pénale entre le Royaume d'Espagne et la République socialiste du Viet Nam. Madrid, 18 septembre 2015

Entrée en vigueur : *8 juillet 2017, conformément à l'article 25*

Textes authentiques : *anglais, espagnol et vietnamien*

Enregistrement auprès du Secrétariat des Nations Unies : *Espagne, 8 juillet 2017*

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**TREATY ON MUTUAL LEGAL ASSISTANCE IN
CRIMINAL MATTERS
BETWEEN
THE KINGDOM OF SPAIN
AND
THE SOCIALIST REPUBLIC OF VIET NAM**

**TREATY ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL
MATTERS BETWEEN THE KINGDOM OF SPAIN AND
THE SOCIALIST REPUBLIC OF VIET NAM**

The Kingdom of Spain and the Socialist Republic of Viet Nam (hereinafter referred to as “the Parties”);

Desiring to maintain and strengthen the links that unite both countries;

Wishing to establish a more effective collaboration between the two Parties in the prevention, the investigation, the prosecution and the trial of criminal offences, particularly in the fight against organised crime and terrorism;

Desiring to improve coordination and reciprocal assistance in criminal matters between the two Parties, pursuant to the domestic laws and regulations thereof;

Have agreed as follows:

**PART I
GENERAL PROVISIONS**

**ARTICLE 1
SCOPE OF APPLICATION**

1. The purpose of this Treaty is to regulate mutual legal assistance between the competent authorities of both Parties in relation to criminal matters.
2. In accordance with the provisions of this Treaty and their respective national laws and regulations, the Parties shall provide each other with the widest form possible of legal assistance in the prevention, investigation, prosecution and trial of criminal offences and any activities within the criminal jurisdictional order which are the competence of the competent authorities of the requesting Party at the moment when the assistance is requested.

3. This Treaty shall not be applicable to:
 - a) the arrest of persons for extradition purposes or to extradition requests;
 - b) the execution of criminal court rulings, including the transfer of sentenced persons;
 - c) direct assistance to individuals or third States.
4. This Treaty is entered into solely for purposes of mutual assistance between the Parties. Its provisions shall not confer any right whatsoever in favour of individuals or private persons to obtain, eliminate or set aside evidence or to hinder complying with a request.

ARTICLE 2

CENTRAL AUTHORITIES

1. Each Party shall appoint a Central Authority to be responsible for sending and receiving directly the requests for assistance, pursuant to this Treaty.
2. The Central Authority of the Socialist Republic of Viet Nam shall be the Supreme People's Procuracy. The Central Authority of the Kingdom of Spain shall be the Ministry of Justice. Either Party may change the Central Authority appointed and inform the other of such change through the diplomatic channels.
3. For the purposes of this Treaty, the Central Authorities shall communicate directly between each other, endeavouring to use the new technologies, with a view to solving the problems that could arise in the course of implementing the requests for assistance.
4. The foresaid notwithstanding, the Parties may use diplomatic channels to send or receive requests for assistance or of information pertaining to the implementation thereof, whenever deemed necessary due to the special circumstances of the case.

ARTICLE 3
SCOPE OF THE ASSISTANCE

Assistance shall include:

- a) locating and identifying persons;
- b) effecting service of judicial documents;
- c) obtaining evidence, including statement of persons;
- d) executing search and seizure warrants;
- e) serving notices to obtain the consent of persons to give evidence or to assist in investigations in the requesting Party, and where such persons are in custody, arranging for their temporary transfer to that Party;
- f) searching, freezing, seizing and confiscating the proceeds of crime and the instrumentalities used to such ends;
- g) delivering goods, including the return of objects and the loan of evidence to be produced in court;
- h) exchanging information referring to offences and criminal proceedings in the requested Party;
- i) exchanging information referring to the criminal records and prior convictions of citizens of the other Party;
- j) transfer of criminal proceedings;
- k) any other form of assistance included in the object of this Treaty and which is not contrary to the legislation of the requested Party.