

Vietnam Criminal Procedure Code, Chapter XXXVII

THE NATIONAL ASSEMBLY

No: 19/2003/QH11

SOCIALIST REPUBLIC OF VIET NAM

Independence - Freedom - Happiness

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Ha Noi , Day 26 month 11 year 2003

CRIMINAL PROCEDURE CODE

(No. 19/2003/QH11 of November 26, 2003)

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of December 25, 2001 of the Xth National Assembly, the 10th session;

Chapter XXXVII

EXTRADITION AND TRANSFER OF DOSSIERS, DOCUMENTS AND EXHIBITS OF CASES

Article 343.- Extradition in order to examine penal liability or execute judgments

Basing themselves on the international agreements which the Socialist Republic of Vietnam has signed or acceded to on the principle of reciprocity, the bodies with procedure-conducting competence of the Socialist Republic of Vietnam may:

1. Request the foreign authorities with corresponding competence to extradite persons who have committed criminal acts or convicted under legally valid judgments to the Socialist Republic of Vietnam for being examined for penal liability or serving their penalties.
2. Extradite foreigners who have committed criminal acts or convicted under legally valid judgments, who are being in the territory of the Socialist Republic of Vietnam, to the requesting nations for being examined for penal liability or serving their penalties.

Article 344.- Refusal to extradite

1. The bodies with procedure-conducting competence of the Socialist Republic of Vietnam may refuse to extradite persons in one of the following cases:

- a/ The persons requested to be extradited are citizens of the Socialist Republic of Vietnam;
- b/ Under the provisions of the laws of the Socialist Republic of Vietnam, the persons requested to be extradited cannot be examined for penal liability or serve penalties as the statute of limitations therefor has expired or for other lawful reasons.
- c/ The persons requested to be extradited for penal liability examination have been convicted by the courts of the Socialist Republic of Vietnam under legally valid judgements for the criminal acts stated in the extradition requests or the cases have been ceased under the provisions of this Code;

d/ The persons requested to be extradited are residing in Vietnam for reasons of being possibly ill-treated in the extradition-requesting countries on the grounds of racial discrimination, religion, nationality, ethnicity, social status or political views.

2. The bodies with procedure-conducting competence of the Socialist Republic of Vietnam may refuse to extradite in one of the following cases:

a/ Under the criminal legislation of the Socialist Republic of Vietnam, the acts taken by the persons requested to be extradited do not constitute offenses;

b/ The persons requested to be extradited are being examined for penal liability in Vietnam for the acts stated in the extradition requests.

3. The bodies with procedure-conducting competence of the Socialist Republic of Vietnam which refuse to extradite under the provisions of Clause 1 and Clause 2 of this Article shall have to notify such to the foreign authorities with corresponding competence, which have sent the extradition requests.

Article 345.- Transfer of files and exhibits of criminal cases

1. For cases involving foreigners who have committed offenses on the territory of the Socialist Republic of Vietnam, if the procedure cannot be conducted because such persons have left the country, the bodies with procedure-conducting competence which are handling the cases may transfer the case files to the Supreme People's Procuracy for carrying out the procedures to transfer them to the foreign authorities with corresponding competence.

2. When transferring the case files to the foreign authorities with corresponding competence, the bodies with procedure-conducting competence of the Socialist Republic of Vietnam may transfer also exhibits of the cases.

Article 346.- Delivery, receipt and transfer of documents, objects and money related to criminal cases

1. The delivery and receipt of documents related to criminal cases shall comply with the international agreements which the Socialist Republic of Vietnam has signed or acceded to and the provisions of this Code.

2. The transfer of objects and money related to criminal cases out of the territory of the Socialist Republic of Vietnam shall comply with the laws of the Socialist Republic of Vietnam.

This Code was adopted on November 26, 2003 by the XIth National Assembly of the Socialist Republic of Vietnam at its 4th session.