

**Part IIX**  
**International Cooperation**  
**Chapter XXXVI**

**General provisions on international cooperation in criminal proceedings**

**Article 340. Principles of international cooperation in criminal proceedings.**

International cooperation in criminal proceedings between authorized bodies in criminal proceedings of the Socialist Republic of Viet Nam and their foreign counterparts shall be conducted in the principles of respect for national independence, sovereignty, territorial integrity, non-intervention in the internal affairs, equality and mutual benefits, in conformity with the constitution of the Socialist Republic of Viet Nam and fundamental principles of international law.

International cooperation in criminal proceedings shall be conducted in conformity with international treaties to which the Socialist Republic of Viet Nam is a State party and the Viet Nameese domestic law. In case where there is no relevant treaty to which the Socialist Republic of Viet Nam is a State party, international cooperation in criminal proceedings shall be conducted under the principle of reciprocity provided that it may not violate Viet Nameese domestic laws, international laws and practices.

**Article 341. Execution of the request for mutual judicial assistance**

In case of execution of the request for mutual judicial assistance, the authorized bodies or persons in criminal proceedings of the Socialist Republic of Viet Nam shall apply relevant provisions of international treaties to which the Socialist Republic of Viet Nam is a State party and other provisions of this Code.

**Article 342. Refusal of execution of the request for mutual judicial assistance**

Mutual judicial assistance in criminal proceedings may be refused by authorized bodies in criminal proceedings of the Socialist Republic of Viet Nam under one of the following circumstances:

1. The request is not consistent with domestic laws of the Socialist Republic of Viet Nam and international treaties to which Viet Nam is a State party and Viet Nam domestic laws.
2. The execution of the request is likely to prejudice the sovereignty, national security and other fundamental interests of the Socialist Republic of Viet Nam.

**Chapter XXXVII**

**Extradition and transfer of the file, documents, objects of the case**

**Article 343. Extradition for prosecution for criminal proceedings or execution of a judgment**

Pursuant to international treaties to which the Socialist Republic of Viet Nam is a State party or to the principle of reciprocity, the Viet Nameese authorized bodies in criminal proceedings can :

1. Lodge a request to their foreign counterparts for extraditing a person who committed offense or was convicted with an enforceable criminal judgment to the Socialist Republic of Viet Nam for prosecution for criminal liability or execution of punishment;
2. Extradite a foreigner who committed offense or was convicted with an enforceable criminal judgment in the territory of the Socialist Republic of Viet Nam to the requesting country for prosecution for criminal liability or execution of punishment.

**Article 344. Refusal of extradition**

1. The Viet Nameese authorized bodies in criminal proceedings shall refuse extradition under one of the following circumstances:

- a) The sought person is a citizen of the Socialist Republic of Viet Nam;
- b) Under the domestic laws of the Socialist Republic of Viet Nam, the sought person cannot be prosecuted for criminal liability or the sought person does not need to serve the sentence due to the lapse of time or other legal reasons;
- c) The sought person is convicted by a court of the Socialist Republic of Viet Nam with an enforceable judgment for the offence for which extradition is requested or if the case is suspended as provided for in the Code
- d) The sought person is residing in Viet Nam for the reason of possible persecution by the requesting country due to the discrimination of race, religion, nationality, minority, social class and political view.

2. The extradition request may be refused under one of the following circumstances:

- a) Under the criminal law of the Socialist Republic of Viet Nam, the offence for which the extradition is requested is not punishable;

b) The sought person is being prosecuted in Viet Nam for the offence for which the extradition is requested.

3. The authorized bodies in criminal proceedings of the Socialist Republic of Viet Nam that refused extradition according to paragraph (1), (2) of this Article have responsibility of notifying their foreign counterparts.

**Article 345 The transfer of the file and evidence of the case**

1. In the case involving foreigners who committed offense in the territory of the Socialist Republic of Viet Nam, if the proceedings can not be conducted because the foreigners are abroad, the authorized bodies in proceedings which are handling the case can transfer the case file to the Supreme People's Procuracy in order to do other necessary procedures to transfer the case to the relevant authorized body abroad.

2. When transferring the case to the relevant authorized body abroad, the authorized bodies in criminal proceedings of the Socialist Republic of Viet Nam can transfer the evidence of the case.