

AGREEMENT

between the Government of the Czech Republic and the Government of the Socialist Republic of Viet Nam

on Cooperation in Combating Crime

The Government of the Czech Republic and the Government of the Socialist Republic of Viet Nam (hereinafter referred to as “the Contracting Parties”),

Concerned by the expansion of transnational crime, particularly by the increasing abuse of narcotic drugs and psychotropic substances and trafficking in them internationally,

Convinced that cooperation in combating organized crime, illicit traffic in narcotic drugs and psychotropic substances, terrorism and other forms of crime or in preventing them is of fundamental importance,

Aware of the serious nature of the growth of illegal migration and the related security risks,

Wishing to effectively develop bilateral cooperation,

On the basis of mutual respect for independence, sovereignty, territorial integrity, non-interference into internal affairs, equality and mutual benefit,

In accordance with the international obligations and legal regulations of their states,

Have agreed as follows:

Article 1

Scope of Cooperation

(1) The Contracting Parties shall cooperate, in accordance with the legal regulations and international obligations of their states in the prevention and detection of crimes and in the detection of offenders with an emphasis on combating organized crime.

(2) Cooperation in accordance with paragraph 1 of this Article shall be carried out particularly in combating:

- a) crimes against life and health;
- b) terrorism and its financing;
- c) trafficking in human beings, procuring and soliciting prostitution, illicit trafficking in human organs and tissues;
- d) child abuse and child pornography;
- e) manifestations of extremism, racial hatred and xenophobia;
- f) illicit trafficking in narcotic drugs and psychotropic substances in accordance with the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna, December 20, 1988);
- g) illegal production, solicitation, possession, import, export, transit and trade with weapons, ammunition and explosives, chemical, biological, radioactive and nuclear materials, goods and

technologies of strategic importance and with military material as well as other highly dangerous substances, including hazardous waste;

- h) production, possession, transport and circulation of counterfeit money, other means of payments, securities, official documents, in particular passports, and their distribution and use;
- i) illegal financial transactions, legalization of proceeds of crime;
- j) corruption and serious economic crime;
- k) crimes related to objects of cultural and historical value;
- l) theft;
- m) crimes against intellectual property;
- n) cybercrime.

(3) The Contracting Parties shall also cooperate in combating illegal migration, in accordance with the legal regulations and international obligations of their states.

(4) The Contracting Parties shall also cooperate in the preparation for combating crime within the intention of paragraphs 1 and 3 of this Article.

(5) The cooperation under this Agreement shall not include provision of legal assistance in criminal matters, which is within the powers of judicial bodies.

Article 2

Forms of Cooperation

When carrying out the cooperation under the Agreement, the Contracting Parties shall in particular:

- a) notify each other of the findings and data concerning crimes, persons suspected of or involved in committing crime, links between the offenders, information on the organization and structure of groups committing crime, the typical behaviour of the offenders and groups, and on the violation of criminal law and the adopted measures;
- b) provide each other with the information on planned terrorist acts directed against the interests of the Contracting Parties and on the terrorist groups whose members plan, commit or have committed crimes on the territory of the states of the Contracting Parties;
- c) cooperate in the search for persons suspected of committing crime, as well as those trying to avoid criminal liability or evade the service of a sentence;
- d) cooperate in the search for missing persons, including actions connected with the identification of persons or mortal remains;
- e) cooperate in the identification and seizure of proceeds of crime and means of financing terrorism;
- f) cooperate in the search for things;
- g) cooperate in controlled delivery operations to solve a crime or detect all the offenders;
- h) provide each other with personal, technical and organizational assistance in crime prevention and detection and the detection of the offenders;
- i) if necessary, hold working meetings on concrete criminal cases under investigation to prepare and coordinate measures;

- j) exchange information on the results of criminal and criminological research, on the investigation practices, methods and means of work;
- k) exchange information on the methods and new forms of committing crime that surpass the borders of the states of the Contracting Parties;
- l) provide each other with information on objects used as instruments of crimes or proceeding from crime, or their samples;
- m) exchange information and cooperate in the area of combating illegal migration;
- n) exchange legal regulations, analytical and conceptual documents and specialized literature;
- o) cooperate in the area of education, further education and training of police officers and exchange specialists in order to increase their professional knowledge, support the exchange of experience and learn about the means and methods of combating crime.

Article 3 Competent Bodies

(1) The following bodies shall be competent to cooperate under the Agreement within their responsibilities (hereinafter referred to as “competent bodies”):

for the Czech Republic:

- Ministry of the Interior,
- Police Presidium of the Czech Republic,
- General Inspection of the Security Forces,
- Customs Administration of the Czech Republic;

for the Socialist Republic of Viet Nam:

- Ministry of Public Security.

(2) The Contracting Parties shall provide each other with the addresses, telephone and fax numbers and other contacts of the competent bodies and their departments no later than on the date the Agreement comes into force. The competent bodies shall immediately notify each other of any changes in this data.

(3) The Contracting Parties shall immediately notify each other of any changes regarding the responsibilities and names of the competent bodies.

Article 4 Requests for Cooperation

(1) The assistance under this Agreement shall be provided at request. The request for information, means, samples, the adoption of measures or another form of assistance under this Agreement shall be submitted in writing, possibly by fax or electronic mail through the competent bodies. In urgent cases, the request may be submitted orally with an immediate subsequent written confirmation, possibly with confirmation by fax or electronic mail.

(2) The competent body of the requested Contracting Party shall process the request under paragraph 1 of this Article without undue delay. The competent body of the requested Contracting Party may ask for additional information, if necessary for processing the request.

(3) In individual cases, the competent bodies of the Contracting Parties shall provide each other with information without request, should they assume the information is essential for the other Contracting Party in order to prevent and detect crimes or offenders.

Article 5
Refusal of Request

(1) Each Contracting Party may totally or partly refuse the request for assistance or other forms of cooperation under this Agreement where it appears that accepting it could violate sovereignty, security or any other important interests of its state or should it contravene the legal regulations or international obligations of its state.

(2) Should the request be totally or partly refused, the Contracting Parties shall notify each other of this fact and reasons for refusal in writing without undue delay.

(3) The Contracting Parties may set conditions for accepting the request, which shall be obligatory for the other Contracting Party.

Article 6
Language

When implementing this Agreement, the competent bodies of the Contracting Parties shall use the English language, unless agreed otherwise.

Article 7
Liaison Officers

(1) Upon an agreement with the other Contracting Party, each Contracting Party may send liaison officers to the other party's competent bodies.

(2) On the territory of the state of the other Contracting Party, the liaison officers shall provide assistance and advice. They shall provide information and attend to their assignments within the instructions given to them by the sending Contracting Party. They shall provide assistance in establishing contacts and participate in the organisation of working meetings.

(3) The liaison officers of one Contracting Party seconded to a third country may, following a mutual agreement between the Contracting Parties and with a written consent of the third country, represent also the interests of the other Contracting Party.

Article 8
Personal Data Protection

The following provisions shall apply to transferring personal data (hereinafter referred to as "data") and for handling them:

- a) The recipient Contracting Party may use the data only for the purpose and under the conditions set by the Contracting Party transferring it. The data can be used for other purposes only with a prior written consent of the transferring Contracting Party.
- b) At the request of the transferring Contracting Party, the recipient Contracting Party shall provide information on the use of received data and on the results achieved with the help of the data.
- c) The data shall be transferred exclusively to the competent bodies under this Agreement and other bodies competent to combat crime or illegal migration. Disclosing the data to other bodies shall only be possible with a written consent of the transferring Contracting Party.

- d) The transferring Contracting Party shall be obliged to ensure the accuracy of the transferred data and check that the transfer is necessary and purposeful. Should it be later established that wrong data has been transferred or data that should not have been transferred, the recipient Contracting Party must be notified immediately. The recipient Contracting Party shall be obliged to correct the wrong data, or destroy that data which should not have been transferred.
- e) The person whose data has been transferred shall be provided, at his or her request and with a prior written consent of the other Contracting Party, with information on the transferred data and its intended use, provided that the legal regulations of the state of the Contracting Party requested to provide the information do not obstruct this.
- f) The recipient Contracting Party shall be obliged to destroy the received data should it no longer need it for the purpose for which the data was transferred. In the event of a termination of this Agreement, it shall be necessary to destroy all the data received thereunder no later than on the date of its termination, unless it is replaced by a new Agreement.
- g) The Contracting Parties shall be obliged to keep records on the transfer, receipt and destruction of the data. The records shall include information on the reasons for the data transfer, the transferring and the recipient bodies, the time of the transfer, the extent of the data as well as information on the destruction of the data.
- h) The Contracting Parties shall be obliged to effectively protect the transferred data from its accidental or unauthorized destruction, accidental loss, accidental or unauthorized change, accidental or unauthorized transfer, accidental or unauthorized access or from accidental or unauthorized disclosure.
- i) The Contracting Parties shall cooperate in the protection of the transferred data; in particular, they shall inform each other of the possibilities of persons to seek protection of their rights pursuant to Let. e) of this Article.

Article 9

Classified Information

(1) Unless the special agreement conditioning interchange of classified information is concluded, classified information are under this Agreement transferred in accordance with the legal regulations of the states of both Contracting Parties with the respect to:

- a) Information which under the legal regulations of the state of the transferring Contracting Party is subject to security classification, and is marked accordingly, shall be provided by the recipient Contracting Party with protection equal to that given to information subject to the corresponding level of security classification under the legal regulations of its state, in accordance with the table of equivalence of the security classification levels included in the Annex to this Agreement. The Annex forms an integral part of this Agreement.
- b) The transferring Contracting Party shall notify the recipient Contracting Party in writing and without undue delay of any reclassification or declassification of the classified information transferred. The recipient Contracting Party shall carry out the reclassification or declassification in accordance with the notification.
- c) The transferred classified information shall be used only for the purpose for which it has been transferred and shall be made accessible only to persons with a need to know who are authorized thereto under the national legal regulations, i.e. they meet the conditions for access to classified information of the relevant level of the security classification.

- d) The transferred classified information shall be made accessible to other than the competent bodies stated in this Agreement and to other bodies competent to combat crime and illegal migration only with a written consent of the transferring Contracting Party.
- e) Any violation of the legal regulations of the state of the recipient Contracting Party concerning the protection of the transferred classified information shall be without undue delay reported to the transferring Contracting Party, including information on the circumstances of the violation of the legal regulations, its consequences and the measures adopted to reduce the consequences and prevent such violations in the future.

(2) Classified information may be transferred directly between the competent bodies, which shall be notified through diplomatic channels.

Article 10

Transfer of Information to Third Parties

(1) The provision of transferred information and documents including classified information to third countries and international organizations shall only be possible with a written consent of the transferring Contracting Party.

(2) Unless the Vietnamese side indicates otherwise, the Czech side may share information necessary for the purpose of border protection and visa policy, provided by the Vietnamese side in the framework of cooperation under this Agreement, with third states, when using the information systems established under the European Union law.

Article 11

Expenses

Unless the competent bodies of the Contracting Parties agree otherwise in advance the Contracting Party providing assistance to the other Contracting Party shall bear the costs of the implementation of cooperation under this Agreement given that the Contracting Parties shall pay attention to mutual balance and reciprocity of the costs.

Article 12

Evaluation and Implementing Arrangements

(1) The competent bodies of the Contracting Parties shall regularly evaluate the cooperation under this Agreement.

(2) In case of need, the competent bodies of the Contracting Parties may conclude arrangements to implement this Agreement.

Article 13

Settlement of Disputes

Any possible disputes concerning the interpretation or implementation of this Agreement shall be solved through negotiations between the competent bodies of the Contracting Parties. If the disputes are not settled by these means, they shall be further solved through diplomatic channels.

Article 14
Compatibility with Other International Agreements

This Agreement is without prejudice to obligations ensuing from other international agreements by which the states of both Contracting Parties are bound.

Article 15
Suspension of Implementation

Each Contracting Party may temporarily entirely or partly suspend the implementation of this Agreement should it be necessary for ensuring the state security, public order, safety or health of persons. The Contracting Parties shall notify each other of the adoption or withdrawal of such a measure without undue delay through diplomatic channels. The suspension of the implementation of this Agreement and its withdrawal shall become effective upon the expiration of fifteen days after the delivery of such a notification to the other Contracting Party.

Article 16
Final Provision

(1) This Agreement shall enter into force on the sixtieth day from the date of receipt of the last notification of the Contracting Parties, through diplomatic channels, that the internal legal procedures for entry into force of this Agreement have been fulfilled.

(2) This Agreement is concluded for an indefinite period of time with the exception of Article 9 paragraph 1 which shall expire by entry into force of the special agreement conditioning interchange of classified information. Each Contracting Party may denounce the Agreement in writing at any time. The Agreement shall terminate six months following the date of the receipt of the notification of denunciation to the other Contracting Party.

Done inHanoi..... onJune 7, 2017..... in two originals, each of them in the Czech, Vietnamese and English languages, all texts being equally authentic. In case of difference in the interpretation, the English version shall prevail.

ON BEHALF OF THE GOVERNMENT
OF THE CZECH REPUBLIC

Vítězslav Grepl
Ambassador Extraordinary and
Plenipotentiary of the Czech Republic to
the Socialist Republic of Viet Nam

ON BEHALF OF THE GOVERNMENT
OF THE SOCIALIST REPUBLIC OF
VIET NAM

Le Qui Vuong
Vice Minister of Public Security

Annex

to the Agreement between the Government of the Czech Republic and the Government of the Socialist Republic of Viet Nam on Cooperation in Combating Crime

In accordance with Article 9 paragraph 1 Let. a) of the Agreement between the Government of the Czech Republic and the Government of the Socialist Republic of Viet Nam on Cooperation in Combating Crime and taking in consideration the respective legal regulations, the Contracting Parties have determined that the following levels of security classification are comparable for the needs of this Agreement:

VYHRAZENÉ/RESTRICTED or DŮVĚRNÉ/CONFIDENTIAL	–	MẬT/CONFIDENTIAL
TAJNÉ/SECRET	–	TỐI MẬT/SECRET
PŘÍSNĚ TAJNÉ/TOP SECRET	–	TUYỆT MẬT/TOP SECRET

When the Czech side receives from the Vietnamese side information classified as MẬT/CONFIDENTIAL, on the Czech side it shall be always classified as DŮVĚRNÉ/CONFIDENTIAL.