

Extradition of Criminals in ASEAN and Practice in Vietnam

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How to cite this paper: Nguyen, M. T. (2023). Extradition of Criminals in ASEAN and Practice in Vietnam. *Open Journal of Social Sciences*, 11, 182-196.

<https://doi.org/10.4236/jss.2023.119013>

Received: July 23, 2023

Accepted: September 10, 2023

Published: September 13, 2023

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Abstract

Criminal extradition is a special procedure in international criminal proceedings, implemented by countries on the basis of signing bilateral and multilateral international treaties. This is a complex proceeding, requiring countries to strictly adhere to common principles. Within the framework of the article, the author focuses on clarifying some common issues on criminal extradition, criminal extradition in the ASEAN region and practice in Vietnam. Since then, the author also proposes some recommendations related to this procedural activity.

Keywords

Criminal Extradition, Mutual Legal Assistance, Mutual Legal Assistance Agreement

1. Overview of Criminal Extradition

Globalization and international integration are inevitable trends in the current context and have brought countries around the world great opportunities to integrate, develop, and create many achievements in all areas of the world aspect of social life. However, many countries around the world are facing the opposite side of this trend, such as environmental pollution, especially white pollution, the social gap between rich and poor is becoming more and more obvious, instability in social situation, etc. Political and security situations leading to wars, armed conflicts, and social evils also tend to increase, and crimes are increasingly complex and transnational.

According to INTERPOL statistics, every year around the world, there are more than 700 terrorist attacks, killing more than 7000 people and injuring about 1200 people. Dangerous criminal crimes such as murder, robbery, kidnapping and extortion, activities of transnational organized crime gangs are in-

creasing in most countries around the world. Transnational drug crimes and human trafficking crimes, especially women and children, have caused many serious consequences. The operation of lines and organizations bringing illegal immigrants around the world continues to cause many complicated problems for security and order in many countries (Phuoc, 2014).

After committing the crime, many perpetrators fled to other countries to avoid the police's search. This has become a common concern of many countries, requiring cooperation and mutual assistance in the fight against crime. The most typical of which is the extradition of criminals to help the country investigate criminal offences as well as execute judgments against offenders.

Regarding the concept of extradition, there are many different approaches in legal science in our country and in the world based on the scope and direction of research. The term "extradition" was only commonly used around the beginning of the 19th century, but this practice has actually been done for a long time, right from the time when people were still living into tribes (Ngoc Anh, Hong, & Cong, 2006). In fact, the earliest known text of arrest and extradition in history is the Treaty of Peace between Pharaoh Ramses II of Egypt and King Hattusili III of Hittite, inscribed on Ammon's Temple at Karnak (Egypt) and is also preserved on clay tables at Akkodrain in the Hittite vault (Chi & Ly, 2015).

According to the Argentine jurist Pizarro, from the 1930s of the 19th century, "*Extradition is a police measure under the executive power. The handover of fugitives to the Government or a diplomatic officer, when they demand the handover of these people by invoking general principles of human rights or the provisions of an international treaty or agreement... It is a diplomatic act, an act of the Government depends on the situation of relations between the two countries*" (Ngoc Anh, 2012). Jurist J. B. Moor put forward a different point of view in his book "Extradition and the Expression of Relations Between States" published in 1891 as follows: "*Extradition is the act of being handed over by a state to a person accused or arrested conviction of a crime committed outside its territory to the requesting State and which has the power to convict and punish the person*" (Ngoc Anh, 2012).

The international legal dictionary "Black's law dictionary" has introduced the concept of extradition as "*The surrender of a criminal by a foreign state to which he has fled for refuge from prosecution to the state within whose jurisdiction the crime was committed, upon the demand of the latter state, in order that he may be dealt with according to its law. Extradition may be accorded as a mere matter of comity, or may take place under treaty stipulations between the two nations. It also obtains as between the different states of the American Union*" (according to thelawdictionary.org).

With practical experience in the fight against crime, according to the International Police Organization (INTERPOL) defines "*Extradition of criminals is the return of an individual present in the country by a State (requested country) its territory to another State for trial or enforcement of a judgment already in force*

for the offense committed by this individual in the territory of the requesting State”.

From the above-mentioned concepts of criminal extradition, the following characteristics of criminal extradition can be drawn:

First, the basis of extradition is the request for the transfer of the offender. Extradition of criminals is made only on the basis of an extradition request from another country. The country in which the offender is a national, the country in which the crime occurred, the place where the crime was committed, or the country in which the crime has been violated, all have the right to request extradition. But whether or not to accept extradition depends on the decision of the requested country. If more than one country requests the extradition of a person, the requested State shall base its decision on its own laws, relevant multilateral and bilateral international treaties and the specific criminal situation. Whether or not to accept the extradition request of one of those countries.

Second, the person to be extradited is a person who commits an offense in the territory of the requesting State, is being examined for penal liability or has been convicted by a legally effective sentence, and then leaves flee to the requested country. The transfer of the offender at the request of the requesting State shall be carried out by the competent authority of the country concerned with the transfer.

Third, the purpose of extradition is to prosecute the criminal or enforce the judgment against the person who committed the offence. These activities shall be carried out by the requesting State after receiving the person to be extradited from the requested State. In fact, offenders often flee to other countries to avoid being caught and be held criminally responsible. In many cases, offenders have escaped abroad, using fake documents or other means to hide their identities, seek long-term residence, and evade legal punishment. The general purpose of criminal extradition is to hold the person who has committed a fugitive offense to be criminally responsible for the crime he or she has committed. Extradition of criminals carried out has an important meaning for the work of ensuring security and order. Even if the offender uses many tricks to escape, in the end, he still cannot escape criminal prosecution. This result is both a punishment for the offender, as well as a deterrent effect for other offenders who are intending to flee, and more broadly, to educate the citizens' sense of law compliance (Xuyen, 2015).

Fourth, the legal basis of criminal extradition is multilateral international treaties and bilateral international treaties signed by the participating countries. If there is an extradition request in accordance with the relevant international treaty between the member states, the request must be enforced. If the refusal is unfounded, the requested State has violated its international obligations and affected the cooperative and friendly relations between the two countries.

The extradition of criminals complies with the principles of international law

and the specific principles of extradition. Basically, according [Hoa, 2012](#), extradition must ensure the following principles:

- Principle of reciprocity;
- Principle of not extraditing its citizens;
- Principle of non-extradition of political criminals;
- Principle of double identification.

In addition, extradition can only be carried out in practice if it is not in the following cases of non-extradition:

- Do not extradite if the individual being extradited will be convicted of another crime;
- Do not extradite in cases where the individual will be sentenced to death;
- No extradition in cases where an individual is tried twice for the same crime;
- Do not extradite if the individual's offense is committed in one country and another country makes a request for extradition;
- No extradition if the statute of limitations for criminal prosecution has expired;
- No extradition if the offenses noted in the request for extradition fall under the special jurisdiction of the requested State;
- Do not extradite when considering humanitarian issues for the individual being extradited.

Human rights of extradited persons:

Human rights are standards that are recognized and adhered to by the national and international community, which are the crystallization of human values of all humanity. Thanks to these standards, everyone is protected with dignity and human worth and has the opportunity to develop the full potential of the individual as a person, including those who are being led away degree.

The human rights of the extradited people have not been officially and fully recognized in any international treaty, but are basically reflected only through provisions on conditions for refusal of extradition and transfer. However, not all criminal extradition agreements have the same provisions on the conditions for refusal of extradition and transfer, and it would be incorrect to assume that certain provisions on refusal of extradition and transfer are to protect human rights ([Dugard and Van den Wyngaert, 1998](#)). The principle of refusal to extradite, transfer if the requested criminal is a political crime...is mainly to protect the integrity of the criminal justice system of the requested country, as well as to avoid interference interfere in the internal political affairs of a country other than to protect the rights of individuals who are subject to international fugitives ([Colquhoun, 2000](#)).

On the basis of international legal documents and national laws, it can be generalized that the human rights of the extradited, in addition to the basic rights arising in the criminal proceedings, include special rights such as: Right to life, whereby the requested State will refuse to extradite if the person is internationally wanted after being extradited, the transfer may face the death penalty, which

the requesting State requested not to have any commitments not to pronounce or pronounce but not execute the death sentence (Paragraph d of Article 5 of the [United Nations, Model Law on Extradition, 1990](#)); The right not to be subjected to torture, cruel, inhuman or degrading treatment or punishment. Similar to the right to life, the requested country will refuse extradition if an internationally wanted person after being extradited or transferred may face penalties or be subjected to torture or cruel treatment evil, inhuman or degrading (Paragraph c of Article 5 of the [United Nations, Model Law on Extradition, 1990](#)).

2. Extradition of Criminals in ASEAN

On November 29, 2004, ASEAN countries signed the Agreement on Mutual Legal Assistance in Criminal Matters in Kuala Lumpur, Malaysia (MLAT). This agreement was built at the initiative of Malaysia, this is the first multilateral international treaty on mutual legal assistance in criminal matters between ASEAN countries, demonstrating the common determination in cooperation in crime prevention and control region, especially transnational crime. The MLAT came into effect on September 20, 2005 and now, all ASEAN member states have been members of the MLAT. However, legal matters relating to the arrest or detention of a person for the purpose of extradition; enforce the criminal judgment of the requesting State in the requested State; transfer of detainees for punishment execution and the transfer of criminal cases not covered by the scope of criminal mutual legal assistance covered by the Agreement. These are complex contents, related to many issues, especially human rights and differences in criminal law between countries. Therefore, to deal with these issues, there must be specialized international treaties in each area of regulation. As for extradition, at the regional level, although there are many differences, at present, ASEAN is trying to come to a common international treaty on extradition. In addition, Article 3 of the MLAT also provides for cases where a country automatically refuses and can refuse a request for assistance. In the event of an automatic refusal, States will not comply with a request for assistance, e.g. a request for assistance in connection with the investigation, prosecution or punishment of political crimes; a request for assistance in connection with a criminal act has been convicted, acquitted or pardoned by a court or competent authority of the requesting State...country-specific circumstances or conditions that are considered in deciding whether to make a request for assistance, for example in cases where the implementation of the assistance imposes an undue financial burden on their country ([Duong, 2020](#)).

The investigation and prosecution of crimes within a country will be simpler and more convenient than the investigation and prosecution of transnational crimes because at this time the offenders, related people and evidence can be found in two or more different countries. In the case of the investigation and prosecution of transnational crimes, cooperation between countries is required through cooperation mechanisms such as mutual legal assistance and criminal

extradition. Extradition is a formal process by which a country will hand over a person at the request of another country where that person has been convicted of or has been convicted of a crime within its jurisdiction, including jurisdiction beyond the territory of the requesting State. A country may request the extradition of a person so that he or she faces criminal prosecution in that country or serves a sentence in that country in connection with an extraditable offence. States may seek or offer extradition in connection with transnational crimes through bilateral or multilateral agreements.

However, extradition for transnational crimes in the region will be most effective when countries sign a common extradition agreement. The desire for a regional extradition agreement was made by ASEAN since the [Bali Declaration I on ASEAN Concord 1976](#) (the 1976 Bali Declaration). Then, at the informal ASEAN Summit held in Jakarta 1996, ASEAN leaders called on the bodies to focus on studying the possibility of regional cooperation including criminal extradition ([ASEAN, 1996](#)). The ASEAN Agreement on Mutual Legal Assistance in Criminal Justice was signed in 2004 and has entered into force in all member states, but extradition is also not within the scope of this Agreement. Thus, up to now, ASEAN has not had a separate agreement on extradition, cooperation activities to extradite criminals will be carried out through the provisions of international treaties to which ASEAN countries are signatory members in this regard or under any bilateral agreement concluded between the States. Recently, in the ASEAN action plan on combating transnational crime for the 2016-2025 period, it once again mentioned the issue of legal harmonization among countries as well as proposed effective measures for countries to achieve implementation, including: Reviewing adjustments to national laws and policies, as necessary, to strengthen regional cooperation in areas such as mutual criminal justice and extradition ([ASEAN, 2012](#)).

Although it has not yet signed a separate agreement on extradition, ASEAN also has a provision in the ASEAN Convention on the Prevention of Terrorism 2007 stipulating related to the extradition of criminals in Article 13 as follows: “when a Party requesting extradition on the basis of a treaty in force has received a request for extradition from another Party which does not have an extradition treaty with it, the requested Party, at its option and in accordance with in accordance with its national law, this Convention may be considered as the legal basis for extradition in respect of the offences provided for in Article 2 of this Convention. However, this provision only applies to terrorist crimes”.

Besides, ASEAN countries have also signed many bilateral extradition agreements such as: Extradition Agreement between Thailand and Malaysia (1911); Extradition Agreement between Thailand and the Philippines (1981); Extradition Agreement between Thailand and Indonesia (1996); Extradition Agreement between Thailand and Cambodia (1999); Extradition Agreement between Thailand and Laos (2005); Extradition Agreement between Indonesia and Singapore (2007). It can be seen that at present not all countries in the region have signed bilateral extradition treaties with each other, therefore, in the absence of bilateral

agreements, countries will apply provisions of international treaties to which the parties are parties on this issue, such as the United Nations Convention for the Prevention of Transnational Crime. ASEAN countries are all members of the United Nations Convention on the Prevention of Transnational Crime. Article 16 of the Covenant provides for the extradition of criminals, whereby States Parties shall comply with their domestic laws, endeavoring to expedite extradition proceedings and simplify their license requirements evidence relating it to any offense to which this Article applies. If the requested State Party considers the circumstances to be demanding and urgent, then, at the request of the requested State Party and in accordance with its domestic laws and extradition treaties, may arrest the person to be extradited who is present in its territory or take other appropriate measures to ensure that the extradition of that person is carried out. If a State Party in which the accused for an offense to which this article applies is resident does not extradite him on the ground that he is a national of that State, upon receipt of a request from the State Party seeking extradition, will have to transfer this case immediately to the prosecution authorities (Article 16 of the [United Nations Convention against Transnational Organized Crime, 2000](#)).

According to the assessment of the United Nations Office on Drugs and Crime (UNODC), the ASEAN region is facing crimes of drug smuggling, human trafficking, counterfeiting of medical products, and trafficking, illegal wildlife and cybercrime. The Office of the Prosecutor General of Thailand (OAG) said it is working with neighboring countries to draft a draft agreement on the extradition of ASEAN criminals and is expected to come into force before 2024 ([Nam, 2022](#)).

Thus, up to now, ASEAN countries do not have a common extradition agreement in the region, so it is very necessary to study to sign this agreement soon.

3. Criminal Extradition Practices in Vietnam

3.1. Legal Basis for Extradition

Extradition of criminals in Vietnam is governed by many legal documents, the most typical of which is the Criminal Procedure Code 2015 and the [Law on Mutual Legal Assistance 2007](#).

According to Clause 1, Article 32 of the [Law on Mutual Legal Assistance 2007](#), extradition is understood as “*the transfer by one country to another country of a person who has committed an offense or has been convicted of a criminal offence, who is present in its territory, so that the other country can transferred for criminal prosecution or judgment enforcement against that person*”.

The [Law on Mutual Legal Assistance 2007](#) has devoted Chapter IV with 17 articles from Article 32 to Article 48 specifying the scope of extradition, cases of extradition, cases of extradition refusal, dossiers of request for extradition, extradition, measures to prevent extradition, postponement of extradition en-

forcement and provisional extradition, re-extradition, transfer of objects and exhibits related to the case, etc. Accordingly, a person who may be extradited is a person has committed an offense for which the Vietnam Penal Code and the criminal law of the requesting country stipulate an imprisonment term of one year or more, life imprisonment or death, or has been requested by a court of the requesting country be sentenced to imprisonment for which the remaining term of serving the imprisonment sentence is at least six months; the criminal acts of the person requested for extradition do not necessarily belong to the same crime group or the same crime, the elements constituting the crime are not necessarily the same according to the provisions of Vietnamese law and the laws of Vietnam of the requesting country; Where the criminal act of the person requested for extradition occurs outside the territory of the requesting country, the extradition may be made if, according to the provisions of the Vietnamese Penal Code, such act is a criminal act (Article 33 [Law on Mutual Legal Assistance 2007](#)).

The competent procedure-conducting agency of Vietnam shall refuse to extradite in the following cases: the person requested for extradition is a Vietnamese citizen; the statute of limitations has expired or for other reasons the person requested for extradition cannot be prosecuted for penal liability or served a fine; the person requested to be extradited for criminal prosecution has been convicted by a Vietnamese court by a legally effective judgment of the offense stated in the extradition request or the case has been suspended under provisions of the criminal procedure law of Vietnam; there is reason to believe that the person sought may be persecuted in the requesting country because of race, religion, nationality, ethnicity, social class or political opinion. In addition, Vietnam may refuse extradition if the conduct committed by the person requested for extradition is not considered a crime under Vietnamese law or the person requested for extradition is being examined for penal liability in Vietnam. Vietnam for the conduct stated in the extradition request (Article 35 [Law on Mutual Legal Assistance 2007](#)). This regulation demonstrates flexibility and flexibility in international cooperation on extradition, creating favorable conditions for competent courts to consider extradition decisions or to refuse extradition in each specific case.

Regarding the principle of international cooperation in criminal proceedings, including extradition of criminals, Article 492 of the Criminal Procedure Code 2015 stipulates that “*international cooperation in criminal proceedings shall be carried out on the principle of respect for national independence, sovereignty, territorial integrity, non-interference in each other’s internal affairs, equality and mutual benefit, in accordance with the Constitution, laws of Vietnam and international treaties that Socialist Republic of Vietnam is a member; In case Vietnam has not signed or acceded to relevant international treaties, international cooperation in criminal proceedings shall be carried out on the principle of reciprocity but not contrary to Vietnamese law, in accordance with the provisions of law, international law and international custom*”. The subject of extradition

activities is also clearly defined in Article 493 of the Criminal Procedure Code 2015: “*The Ministry of Public Security is the central agency of the Socialist Republic of Vietnam in extradition and transfer of detainees serve a prison sentence, The Supreme People’s Procuracy is the central agency of the Socialist Republic of Vietnam in criminal mutual legal assistance and other international cooperation activities in accordance with law*”.

Up to now, according to [Supreme People’s Court \(2021\)](#), Vietnam has signed many bilateral international treaties on extradition of criminals, specifically as follows:

No.	Name of Agreement	Signed Date	Effective Date
1	Agreement on extradition between the Socialist Republic of Vietnam and the Republic of Korea	15/9/2003	19/4/2005
2	Agreement on extradition between the Socialist Republic of Vietnam and the Democratic and People’s Republic of Algeria	14/4/2010	28/3/2014
3	Agreement on extradition between the Socialist Republic of Vietnam and the Republic of India	12/10/2011	12/8/2013
4	Agreement on extradition between the Socialist Republic of Vietnam and Australia	10/4/2012	07/4/2014
5	Agreement on extradition between the Socialist Republic of Vietnam and the Republic of Indonesia	27/6/2013	26/4/2015
6	Agreement on extradition between the Socialist Republic of Vietnam and the Kingdom of Cambodia	23/12/2013	9/10/2014
7	Agreement on extradition between the Socialist Republic of Vietnam and Hungary September	16/9/2013	30/6/2017
8	Agreement on extradition between the Socialist Republic of Vietnam and the Kingdom of Spain	01/10/2014	01/5/2017
9	Agreement on extradition between the Socialist Republic of Vietnam and the Democratic Socialist Republic of Sri Lanka	07/4/2014	01/12/2017
10	Agreement on extradition between the Socialist Republic of Vietnam and the People’s Republic of China	07/4/2015	12/12/2019
11	Agreement on extradition between the Socialist Republic of Vietnam and the French Republic	06/9/2016	01/5/2020
12	Agreements between the Socialist Republic of Vietnam and the Republic of Kazakhstan on extradition	15/6/2017	15/11/2019
13	Agreement on extradition between the Socialist Republic of Vietnam and Mongolia	10/7/2019	28/5/2021
14	Agreement on extradition between the Socialist Republic of Vietnam and the Republic of Mozambique	9/12/2019	12/5/2021

3.2. Result

In recent years, Vietnam's criminal extradition activities as both the requesting country and the requested country have taken place quite a lot. According to statistics of the Ministry of Public Security, as of mid-2019, more than 1200 Vietnamese offenders have fled abroad, of which 235 people have been ordered red by INTERPOL, many suspects of particularly serious crimes, more than 310 people. The suspect is wanted by INTERPOL, suspected of hiding in Vietnam (Thu, 2022).

Advantages of extradition activities in Vietnam:

First, extradition activities receive the attention and investment of the country's Party-State

Recognizing the importance of international cooperation in crime prevention in general and extradition activities in particular, the Party and State have paid attention to invest in improving the quality of increasingly developed activities. Extensive development, increasing quality. Vietnam has effectively coordinated with other countries, especially bordering countries, to conduct extradition lawfully, quickly and in accordance with the provisions of Vietnamese law as well as international law.

Second, the legal basis for extradition is increasingly complete

Vietnam has signed 14 Mutual Legal Assistance Agreements with provisions on extradition and special agreements on extradition with countries around the world such as Hungary, Republic of Korea, India and Spain... Vietnam has joined as a party to a number of international and regional conventions such as the Anti-Terrorism Convention, the Convention on Drug Prevention, Combat and Control, and the Anti-Corruption Convention. The **Law on Mutual Legal Assistance** in 2007 and the Criminal Procedure Code in 2015 also create very specific legal bases for carrying out criminal extradition activities.

Third, INTERPOL Vietnam has effectively promoted its role

INTERPOL Vietnam Office is the focal point in international cooperation in crime prevention and control of the People's Public Security force and the Vietnamese Police force in particular within the framework of cooperation between INTERPOL, ASEANAPOL and other agencies law enforcement of INTERPOL and ASEANAPOL member countries in the prevention and fight against transnational and international crimes related to Vietnam. INTERPOL Vietnam carries out specific coordination activities in handling requests for investigation of cases, tracing and arresting criminals, and matters of mutual criminal justice assistance and extradition in cases, especially in cases with Vietnamese countries that have not signed treaties on mutual legal assistance in criminal matters and extradition agreements. Through more than 30 years of practice, INTERPOL Vietnam has affirmed its role and effectiveness in line with the general trend of police cooperation in crime prevention and control in the context of globalization and international integration comply with INTERPOL regulations, international laws as well as national laws.

The shortcomings and limitations of extradition activities in Vietnam:

First, the system of legal documents of Vietnam as well as of other countries is still not consistent, many provisions in the laws are still “disparate”, leading to the implementation of foreign requirements and requirements. Foreign requests to carry out activities on mutual criminal justice assistance in general and extradition activities in particular still face many difficulties to the settlement of criminal cases and crime prevention and control activities.

The system of documents guiding the laws and regulations on mutual legal assistance in Vietnam is still incomplete, leading to confusion in the implementation of the authorities. There are still many countries that have not signed criminal justice assistance agreements with our country, leading to a passive, prolonged situation, and even failure to resolve extradition.

Second, the activities of signing and joining international treaties related to the field of criminal legal assistance have not yet met the practical needs. Our State has not yet signed many bilateral agreements on mutual criminal legal assistance with foreign countries. Especially in countries where the crime situation with foreign elements related to Vietnam is complicated, such as Germany, the US, Canada, Singapore... Meanwhile, the previously signed agreements are still of a regulatory nature general, has not been explained by instructions, so it is difficult to apply. Therefore, there has not been an adequate legal corridor to actively support extradition activities. Some signed documents have not been carefully calculated, so the content, form and field of cooperation are both wide and not suitable with the reality of Vietnam.

Third, on the coordination mechanism between Vietnamese functional units and foreign functional units, there are still many obstacles, having to go through many complicated procedures and intermediate steps, taking a lot of time can reach the enforcement agencies directly. Especially, the laws of European countries and the US stipulate very complicated procedures for making a request for mutual legal assistance in criminal matters. This activity is carried out through many stages with the coordination of many ministries and branches. This causes many difficulties for requests for mutual legal assistance in criminal matters as well as for extradition activities in particular, in some cases, but in fact, they are forced to return and escort. In practice, pushback is considered as a measure applied mainly among countries that do not have domestic laws on extradition; mainly based on close relations between countries (Ministry of Public Security, 2014). The pushback procedure is simpler than the extradition procedure, so the fact is that in many cases the parties involved have taken advantage of this point, distorting the nature of the extradition activity. The coordination relationship in the process of settling and implementing extradition requests is sometimes still formal, not fully promoting the spirit and responsibility “reciprocity” and international practices in coordination relations.

In fact, regarding the information that “Vu Aluminum” was arrested in Singapore, the problem is that, currently, Vietnam and Singapore do not have an agreement on extradition of criminals. Therefore, when arresting Vu “aluminum” on the territory of Singapore, the authorities will handle them in accor-

dance with the law of that country. In the case that Vu “aluminum” applies for asylum, if he meets the conditions prescribed by the law of this country and is in line with international law, “Vu Aluminum” can be considered and accepted. If in the history of relations between Vietnam and Singapore, there has been a case where Vietnam has returned and extradited criminals similar to the above at the request of Singapore, Vietnam can still negotiate and request this country to extradite “Vu Aluminum” for the Vietnamese side according to the principle of “gain, reciprocity”. However, because there is no agreement on mutual legal assistance and criminal extradition between the two countries, it is difficult to request the return of the accused “Vu Aluminum” to Vietnam, unless otherwise provided for by international law other (Bao & Nguyen, 2018).

Fourthly, the staff working on mutual legal assistance activities in general and extradition activities in particular is still thin and weak in many aspects, especially in terms of foreign languages and knowledge of international law. This has greatly affected the working efficiency, as well as the process of international cooperation in terms of exchanging and sharing experiences and participating in international forums, conferences and seminars, between the police forces and the police supervise countries on mutual legal assistance in criminal matters.

Strengthening international cooperation on criminal extradition, transfer of sentenced persons and crime prevention must be concerned by the competent authorities of Vietnam because this is both an indispensable need. Objectivity is the responsibility of our country to ensure human rights and protect citizens. On the basis of assessing the advantages and shortcomings and limitations of extradition activities, a number of recommendations can be proposed to improve the effectiveness of extradition activities as follows:

First, to build and perfect the legal basis for extradition of criminals

Currently, in the Vietnamese legal system, the provisions on extradition are not really clear, specifically, there is a lack of synchronization, leading to the overlapping of functions and powers of agencies when applying. Therefore, it is necessary to have a system of documents detailing the implementation of extradition regulations, including the order and procedures for implementation, clearly defining competence, responsibilities and coordination among competent agencies as well as their rights to conduct extradition activities. At the same time, it is necessary to quickly develop a Law on Extradition and a Law on Transfer of Persons currently serving prison sentences.

Second, organize the implementation of international treaties effectively

The reality of mutual legal assistance activities in general and extradition activities in particular shows that participating in the signing of international treaties is only the first step, creating the foundation for these activities, while the actual organization of the implementation of international treaties is only the first step. Effective implementation requires each country to have the appropriate organization. Vietnam has signed many bilateral and multilateral international treaties, but these treaties need to be implemented effectively, improving

the quality of international cooperation in the matter of extradition between the armed forces. Vietnamese police force and the police force of other countries in the world. In the coming time, Vietnam also needs to strengthen the signing and effective implementation of international treaties on extradition and transfer of people sentenced to prison, crime prevention and control, especially with other neighboring countries, countries in the region and countries with traditional relations with Vietnam, countries or territories where many Vietnamese citizens are serving prison sentences or many citizens are serving prison sentences in Vietnam; strengthen coordination with relevant units to effectively implement international treaties to which Vietnam is a member (according to [Vietnam Integration Magazine, 2018](#)).

Third, improve the professional qualifications of the subject of extradition of the criminal

Organizing training courses, disseminating knowledge about the process of implementing international cooperation activities on crime prevention in general as well as the criminal extradition process for competent agencies and individuals. Improve professional skills, practice skills, foster foreign language skills in order to perform effectively and quickly. Strengthening international cooperation in training and training the police force through joint programs with foreign training institutions in order to interact and learn from the experiences of the police forces of other countries in coordination in international cooperation against crime in general and extradition in particular. To step up the training and retraining of officers in charge of extradition and transfer of people currently serving prison sentences; expand the scale and quality of staff training in professional and legal work, focusing on innovating training forms, especially training in knowledge, skills and tactics with high practicality.

4. Conclusion

The situation of crime in the country and in the world is increasingly dangerous and complicated, the fight against crime is not a task of any country, but requires cooperation between countries. Extradition of criminals is an effective international cooperation activity so that countries can prosecute criminally and execute criminal judgments against criminals who are hiding in another country. The reality of criminal extradition activities in Vietnam, besides the advantages, also has many difficulties and challenges that require more drastic actions of the competent authorities. In the coming time, if the General Agreement on Extradition in ASEAN is promulgated, the signing will create a legal corridor for countries including Vietnam to solve problems and problems for more effective implementation criminal extradition activities.

Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

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