Article 2
General principles

1. Each Party undertakes to afford the other Party the widest measure of co-operation in respect of the transfer of sentenced persons in accordance with the provisions of this Treaty.

2. A sentenced person may be transferred from the territory of the transferring Party to the territory of the receiving Party, in accordance with the provisions of this Treaty, in order to serve the sentence imposed on him or her. To that end, the sentenced person may express his or her interest to the transferring Party or to the receiving Party in being transferred under this Treaty.

3. Transfer may be requested by either the transferring Party or the receiving Party.

Article 3
Conditions for transfer

1. A sentenced person may be transferred under this Treaty only on the following conditions:

(a) where Japan is the receiving Party, the sentenced person is a Japanese national or any other person who falls within the scope of the Act on the Transnational Transfer of Sentenced Persons (Law No. 66 of 2002) of Japan;

where the Socialist Republic of Viet Nam is the receiving Party, the sentenced person is a Vietnamese national;

(b) if the judgment is final;

(c) if, at the time of receipt of the request for transfer, the sentenced person still has at least one year of the sentence to serve or if the sentence is indeterminate;

(d) if the transfer is consented to by the sentenced person;

(e) if the acts or omissions on account of which the sentence has been imposed constitute a criminal offence according to the law of the receiving Party or would constitute a criminal offence if committed on its territory; and

(f) if the transferring Party and the receiving Party agree to the transfer.

2. The Parties may agree to a transfer even if the time of the sentence to be served by the sentenced person is less than that specified in sub-paragraph (c), paragraph 1 of this Article.

Article 4
Central authorities

1. Each Party shall designate a central authority for the purpose of facilitating communications between the Parties under Articles 5, 6 and 13:

(a) for Japan, the central authority shall be the Ministry of Foreign Affairs; and

(b) for the Socialist Republic of Viet Nam, the central authority shall be the Ministry of Public Security.

2. Communications between the Parties under the said Articles shall be made through the central authorities. Notwithstanding the above, the Ministry of Justice of Japan and the Ministry of Public Security of the Socialist Republic of Viet Nam may communicate with each other directly in case of emergency or other extraordinary circumstances in accordance with the laws and regulations of the respective countries.

Article 5
Requests and replies

1. Requests for transfer and replies shall be made in writing.

2. The requested Party shall promptly inform the requesting Party of its decision on whether or not to agree to the requested transfer.

Article 6
Procedure for transfer

1. Any sentenced person to whom this Treaty may apply shall be informed by the transferring Party of the substance of this Treaty.

2. If the sentenced person has expressed an interest to the transferring Party in being transferred under this Treaty, the transferring Party shall so inform the receiving Party in writing promptly after the judgment becomes final.