

COUNTRY REPORT

On implementing the Action program on preventing, combating and eradicating the illicit trade in Small arms and light weapons (SALW)

I. AT NATIONAL LEVEL:

1. The National coordinating Agency:

The Government of the Socialist republic of Vietnam fully manages SALWs.

2. The national contact point:

+ The Police Department for Administration Management and Social Order
– Ministry of Public Security;

+ Address: 40 Hang Bai street – Hoan Kiem district – Hanoi – Vietnam

+ Phone: + 84 4 9362756

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3. Laws, regulations and administrative procedures:

a. Laws, regulations and administrative procedures:

- The Governmental Degree No 47/CP dated August 12th 1996 on management of weapons, explosive materials and support devices defines that the Government of the Socialist republic of Vietnam fully manages the activities of manufacturing, repairing and transporting weapons.

- The Governmental Degree No 02/CP, 05/01/1995, No 11/ND, 03/03/1999, No 12/ND-CP, 23/01/2006 stipulating in details for the implementation of Trade Law on the activities of trading international goods, activities of organizing agent on trading, processing and transiting goods with other countries defines that weapon is the kind of goods which is prohibited to import and export; in case of temporary admission and re-export, there must be permission provided by Ministry of Trade.

- The Penal Code of the S.R of Vietnam has the following Articles:

Article 230: Illegal manufacturing, stockpiling, transporting, using, trading or appropriating military weapons. Those committed shall be sentenced at least 1 year imprisonment and maximum of life imprisonment.

Article 232: Illegal manufacturing, stockpiling, transporting, using, trading or appropriating explosive materials. Those committed shall be sentenced at least 1 year imprisonment and maximum of life imprisonment.

Article 234: Breaching regulations relating to the management of weapons, explosive materials and support devices. The offenders will be subject at least to

non-custodial reform for up to 3 years or 6 months imprisonment, maximum of 15 years imprisonment.

b. The current national solutions:

+ The legal documents relating to managing of weapons which are more and more completed and close to the practice and the requirements of maintaining Security and Order for the country.

+ The imported SALW are equipped for the military, public security and other forces only for the purpose of protecting national security, public safety and social Order.

+ The weapons manufactured in Vietnam are marked accordingly to the regulations.

+ The equipped weapons are kept in record and issued license for each of the gun.

+ The weapon management on manufacturing, quality testing prior checking upon delivery; storage import and export equipment consideration is taken strictly.

+ Using public measures, professional operations by Army, Police, Intelligent Agency, Custom...to collect, detect, combat and seize subjects and evidence and to handle strictly in accordance with registration.

c. The propaganda activities:

+ Press media such as radio, television, booklets, pass hand to hand document and verbal activities are used in schools, residential communities, political, unions and mass organizations...

+ To propagandize the population to detect, announce, collect and submit weapons, explosives to governmental agencies.

+ To sum up and summarize the mobilization periods; to reward for organizations and individuals who gained achievement; to criticize organizations and individuals who did not implement or implemented but not effective or even violated.

4. Law enforcement:

a. All registration documents of Vietnam are always popularized to every body to follow voluntarily, to maintain the registration, to minimize the violations. In case of violations, depending on the level of violations, the punishment will be made in accordance with the laws. A part from fining the violators, the purpose is also to deter others not to violate the laws.

b. In recent years in Vietnam, not many cases relating to illicit manufacturing, trafficking and transporting weapons have been reported. There is no evidence to show that transnational crimes use weapon to terrorize in Vietnam.

Some cases have shown that some criminals buying small arms in order to rob or attack law enforcement forces on their arrest or tracing. Few foreigners, overseas Vietnamese citizens who went abroad or study in overseas countries imported illicitly weapons into Vietnam (mostly shotguns, air gun) but they were all detected and seized.

c. The implemented measures to struggle against violation activities of arms embargo by UN Security Council: Vietnam does not export weapons and does not import weapons to re-export to other countries.

5. Storage management:

The standards for managing the SALW in Military Forces and Public Security Force are as follows:

+ Designing and building weapons storages must meet the Vietnam standards in designing and constructing to prevent fire and explosion.

+ SALWs are kept in accordance with storing regulations.

+ Ministry of Defense, Ministry of Public Security and other authorized agencies stimulate regulations on storing, arranging and delivering SALW very closely.

b. Checking SALW in Stores:

The SALW will be checked regularly and unforeseen through which we can master the quantity, quality and types of SALWs. Annually, the SALWs will be classified into 5 levels and the SALWs of 5th level, un-repairable weapons, will be destroyed as the stimulated procedures.

6. Collecting and destroying:

a. The procedure of destroying:

SALWs are collected, the 5th level SALWs in storages of MoD, MPS will be destroyed. Before destroying the SALWs, a list of the SALWs to be destroyed will be made; a council will be established; destroying; making minutes for the destruction; keeping records for the destroyed SALWs.

SALWs destruction is to make SALWs unusable and non-recycle. The gun barrel of SALWs and other metal parts will be destroyed as stimulated regulations.

b. The quantity and types of SALWs in Vietnam are enough to equip and provide for the purpose of protecting national sovereignty, public safety and social order, not superfluous. Therefore, destruction is not the solution to handle the superfluous SALWs. The destruction here is applied to available broken SALWs in the storages or with SALWs submitted from War waste or be equipped but having no demand to use, out of order and un-repairable.

c. Except the exception at ii paragraph of POA, all weapons which were seized or collected are all destroyed.

d. Information relating to the seized or destroyed SALWs provided to regional and international organizations:

For example, From 12/1999 to 2/2000 the Vietnamese antirevolutionary exiled group, led by Nguyen Huu Chanh, sent their members to bring 25 kg of explosives, 30 detonators many parts of remote detonators into Vietnam for the purpose of terror. They were all seized by law enforcement agencies of Vietnam. Nguyen Huu Chanh, barring red notice, was arrested by Ministry of Justice of Republic of Korea on 5/4/2006.

7. Export control:

a. The license system for import and export:

Vietnam does not export weapons to oversea individuals and organizations. Weapons are imported to serve for the purpose of protecting the national sovereignty, public safety and social order.

Importing and exporting SALWs into and out of Vietnam to protect Head of State and Government, special guest of Central Party, State and National Assembly; sporty purposes; competitions, exhibition and making an offer...are all licensed by MPS in accordance with the Governmental Degree No 74/CP on 12/8/1996.

b. Identifying the last user of SALWs:

On importing the SALWs for the purposes of protecting the national sovereignty, public safety and social order, MoD and MPS also confirm the last SALWs user, commit not to convey to the third countries.

8. Mediation:

Vietnam does not mediate for SALWs trading.

9. Marking, restoring and tracking down:

a. Marking SALWs: Every SALW manufactured in Vietnam is all marked. Marking is a process of manufacturing SALWs.

b. Unique marking: It must be clear, difficult to erase and redo.

c. Identifying manufacturing country: Marking need to show the information such as manufacturing country, serial number, type...

d. The record will be kept in 30 years long.

d. Measures to track down:

* Public measures:

+ Record of Importing management (If SALWs were manufactured domestically); From the result of production to storing and exporting.

- + The record of approval to equip for organizations and units.
- + Record of registration, license of MoD and MPS provided to organizations and units which are equipped and used.

- + Handling over record between organizations and units which are equipped and used and users (*between manager and user*).

- * Professional measures of Intelligent Agency, MoD, MPS, Custom Administration, Court, Prosecution...to investigate, identify and conclude:

- + Population mobilization

- + Surveillant investigation

- h. Cooperation in tracking down:

There are many possibilities of cooperation in tracking down the SALWs as follows:

- + If requested by another country: The MPS is focal point to receive and process the intelligent/information (through Interpol National Central Bureau of Vietnam). Then the authorized departments of MPS will investigate and reply the request. In some complicated cases, the MPS will coordinate with other relevant agencies of MoD, Custom Administration...to investigate, conclude and answer.

- + If happened in Vietnam: (All most cases were made by criminals). If the case relates to MoD, the investigation will be chaired by the Investigation Bureau of MoD. The other cases will investigated by Investigation Bureau of MPS. The Investigation Bureau of MoD and MPS cooperate closely in investigating cases relating to illicit SALWs trafficking, transporting and using.

II. Improving awareness:

- + Vietnam widely propagandizes the SAWLs management on press media such as newspapers, radio and television; printed as documents of studying in schools; widely propagandizes for mass organizations, unions, residential communities in national wide.

- + To organize mobilizing phase to detect and submit SALWs;

- + To sum up and summarize the mobilization periods; to reward for organizations and individuals who gained achievement; to criticize organizations and individuals who did not implement or implemented but not effective.

- + To deal with organizations and individuals who violated seriously regulations of managing and using SALWs.

II. REGIONAL LEVEL:

1. Legal documents: Vietnam signed the following legal documents to prevent, suppressing and eradicating illicit SALWs trafficking.

- In 1998, signed the cooperation agreement with Republic of Philippine.
- In 2003, hosted the Senior Official Meeting on Transnational Crimes of ASEAN members countries (SOMTC);
- In 2005: hosted the ASEAN Ministerial Meeting on Transnational Crimes – AMMTC and signed the Memorandum of Understanding on preventing and suppressing crimes.

2. The regional action Plan to prevent, suppress and eradicate illicit SALWs trafficking:

Vietnam signed the cooperation Agreements on preventing and suppressing transnational crimes, terrorist acts including illicit SALWs trafficking with ASEAN member countries, neighboring countries such as Lao PDR, Cambodia and many other countries in the world.

3. Regional cooperation:

a. Establishing sub-regional mechanisms to prevent, suppress and eradicate illicit SALWs trafficking cross border.

Vietnam signed the cooperation agreements on preventing and suppressing transnational crimes, SALWs, explosives, and drug trafficking, human trafficking, particularly, women and children with Mekong Sub-Delta region countries, bordering countries such as Lao, China, Cambodia, ASEAN member countries.

b. Initiatives implemented by Vietnam:

In the process of developing the above mentioned Projects, Conventions, MOUs...in preventing and suppressing crimes, Vietnam joined in that process actively and responsibly, in which there is a lot of contents that is close with the current situations of each country on criminal intelligence, tracking down fugitive criminals barring red notice of Interpol, extradition, joint patrolling in border areas and at sea, the cooperation between Custom Administration and Security at Boder Gates.

III INTERNATIONAL LEVEL:

1. Regarding to the International Conventions against Terrorists and transnational crimes, Vietnam is a party of 8 International Conventions against international terrorists as follows:

+ The 1963 Tokyo Convention on Offences and Certain Acts Committed on Board Aircraft.

+ The 1970 Hague Convention for the Suppression of Unlawful Seizure of Aircraft.

+ The 1971 Montreal for the Suppression of Unlawful Acts against the Safety of Civil Aviation.

+ The 1973 Convention on the Prevention and Punishment of Crimes against International Protected Person, including Diplomatic Agents.

+ The 1988 Montreal Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation.

+ The Protocol on Punishment of Unlawful Acts against the Safety of Construction in continental shelf – 1988.

+ The International Convention on Punishment of Terrorist Financing Acts – 1999.

2. International assistance and cooperation:

a. Assistance including technical and financial assistance that Vietnam have received or looking forwards to receiving to implement measures to prevent, suppress and eradicate illicit SALWs trafficking:

Currently, some NGOs are assisting Vietnam both in experts and finance in disarming mines and explosive remain in the War. This assistance has brought effective results, minimized the dead and injured for Vietnamese people; it also constraint bad guys to search SALWs to commit crimes.

b. The implemented Initiatives:

In order to improving the legal assistance and other types of cooperation to assist investigation and criminal procedures regarding to illicit SALWs trafficking, Vietnam cooperates with many other countries to perfect the legal documents, signing the bilateral and multi-bilateral Conventions, Protocols, MOUs on preventing and suppressing transnational crimes, terrorist acts, illicit weapon trafficking, drug trafficking...

c. Interpol cooperation in identifying organizations and individuals trafficking SALWs:

In recent years, Interpol Vietnam has been cooperating closely with ICPO, Intepol NCBs to receive and analyse criminal intelligence, checking red notice criminals, prohibiting entering Vietnam against 500 suspects of terrorists, ensuring safety for International Conferences held in Vietnam such as ASEM 5, APPR 13...

Conclusion:

In recent years, Vietnam has implemented effectively the UN Action Plan in fields of propaganda and education for the people to understand the management and usage of SALWs; The SALWs equipment, management and usage are served for the purpose of Defense and National Security; minimize the activities of illicit SALWs trafficking; controlling organized crimes, the SALWs trafficking and transporting SALWs; Cooperating closely with the sub-regional, regional and international countries to strengthen the anti-terrorist activities.