

**No. 49765**

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**Republic of Korea  
and  
Thailand**

**Treaty between the Republic of Korea and the Kingdom of Thailand on mutual assistance in criminal matters. Seoul, 25 August 2003**

**Entry into force:** *6 April 2005, in accordance with article 22*

**Authentic texts:** *English, Korean and Thai*

**Registration with the Secretariat of the United Nations:** *Republic of Korea, 6 July 2012*

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**République de Corée  
et  
Thaïlande**

**Traité entre la République de Corée et le Royaume de Thaïlande concernant l'assistance mutuelle en matière pénale. Séoul, 25 août 2003**

**Entrée en vigueur :** *6 avril 2005, conformément à l'article 22*

**Textes authentiques :** *anglais, coréen et thaï*

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** *République de Corée, 6 juillet 2012*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**TREATY  
BETWEEN  
THE REPUBLIC OF KOREA  
AND  
THE KINGDOM OF THAILAND  
ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS**

The Republic of Korea and the Kingdom of Thailand (hereinafter referred to as "the Parties"),

Desiring to improve the effectiveness of both countries in the prevention, investigation, prosecution and suppression of crime through cooperation and mutual assistance in criminal matters,

Have agreed as follows:

**Article 1**  
**Scope of Application**

1. The Parties shall, in accordance with the provisions of this Treaty, grant each other the widest measure of mutual assistance in investigations, prosecutions or proceedings in respect of criminal matters.
2. For the purposes of this Treaty, "criminal matters" means investigations, prosecutions or proceedings relating to any offence the punishment of which, at the time of the request for assistance, falls within the jurisdiction of the Requesting Party.
3. Assistance shall include:
  - (a) taking testimony, statements or evidence from persons;
  - (b) providing information, documents, records, and articles of evidence;
  - (c) locating or identifying persons or objects;
  - (d) serving documents;
  - (e) executing requests for searches and seizures;
  - (f) transferring persons in custody for testimonial purposes;
  - (g) facilitating the appearance of persons in the Requesting Party for testimonial purposes or to assist in investigations;
  - (h) measures to assist in relation to proceeds of crime; and
  - (i) other forms of assistance not prohibited by the law of the Requested Party.
4. This Treaty is intended solely for mutual assistance between the criminal law enforcement authorities of the Parties and is not intended or designed to provide such assistance to private parties.

5. This Treaty shall not apply to the execution of arrest warrants or to military offences. For the purposes of this Treaty, military offences are violations of military laws and regulations which do not constitute offences under ordinary criminal law.

6. This Treaty does not apply to:

- (a) the extradition of any person;
- (b) the execution in the Requested Party of criminal judgments imposed in the Requesting Party except to the extent permitted by the law of the Requested Party and this Treaty;
- (c) the transfer of prisoners to serve sentences; and
- (d) the transfer of proceedings in criminal matters.

## **Article 2**

### **Other Arrangements**

This Treaty shall not affect obligations subsisting between the Parties whether pursuant to other treaties, arrangements or otherwise, or prevent the Parties from providing or continuing to provide assistance to each other pursuant to other treaties, arrangements or otherwise.

## **Article 3**

### **Central Authorities**

1. Each Party shall designate a Central Authority to make or receive requests for the purposes of this Treaty. The Central Authority for the Republic of Korea shall be the Minister of Justice or an official designated by that Minister. The Central Authority for the Kingdom of Thailand shall be the Attorney General or an official designated by the Attorney General.

2. Requests under this Treaty shall be made by the Central Authority of the Requesting Party to the Central Authority of the Requested Party.

**Article 4**  
**Refusal or Postponement of Assistance**

1. Assistance may be refused if, in the opinion of the Requested Party:
  - (a) the request relates to a political offence;
  - (b) the execution of the request would impair its sovereignty, security, public order or other essential public interests;
  - (c) there are substantial grounds for believing that the request for assistance has been made for the purpose of prosecuting or punishing a person on account of that person's race, sex, religion, nationality or political opinions or that that person's position may be prejudiced for any of those reasons; or
  - (d) the conduct which is the subject of the investigation, prosecution or proceeding in the Requesting Party would not constitute an offence under the law of the Requested Party.
2. Assistance may be postponed by the Requested Party if the execution of the request would interfere with an ongoing investigation, prosecution or proceeding in the Requested Party.
3. Before refusing a request or postponing its execution, the Requested Party shall consult with the Requesting Party whether assistance may be granted subject to such conditions as it deems necessary. If the Requesting Party accepts assistance subject to these conditions, it shall comply with them.
4. If the Requested Party refuses or postpones assistance, it shall promptly inform the Requesting Party of the reasons for the refusal or postponement.

**Article 5**  
**Form and Contents of Requests**

1. A request shall be made in writing except that the Requested Party may accept a request in another form in urgent situations. In any such situation, the request shall be confirmed in writing promptly thereafter unless the Requested Party agrees otherwise.