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**Argentina
and
Republic of Korea**

Treaty between the Argentine Republic and the Republic of Korea on mutual legal assistance in criminal matters. Seoul, 31 August 2009

Entry into force: *26 July 2013, in accordance with article 22*

Authentic texts: *English, Korean and Spanish*

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**Argentine
et
République de Corée**

Traité entre la République argentine et la République de Corée relatif à l'entraide judiciaire en matière pénale. Séoul, 31 août 2009

Entrée en vigueur : *26 juillet 2013, conformément à l'article 22*

Textes authentiques : *anglais, coréen et espagnol*

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[ENGLISH TEXT – TEXTE ANGLAIS]

TREATY

BETWEEN

THE ARGENTINE REPUBLIC

AND

THE REPUBLIC OF KOREA

ON MUTUAL LEGAL ASSISTANCE

IN CRIMINAL MATTERS

TREATY
BETWEEN THE ARGENTINE REPUBLIC
AND THE REPUBLIC OF KOREA
ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

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

Desirous of extending to each other the widest measure of cooperation in the fight against crime,

Have agreed as follows:

Article 1
Obligation to Provide Mutual Legal Assistance

The Contracting Parties shall, in accordance with this Treaty, provide each other with the widest mutual legal assistance in criminal matters.

Article 2
Scope of Application

1. "Mutual legal assistance", for the purposes of Article 1, means any assistance given by the Requested Party in respect of criminal investigations, prosecutions or proceedings ordered by a competent authority in the Requesting Party.
2. "Competent Authority" of the Requesting Party means the Authority responsible for criminal investigations or proceedings.
3. Criminal matters shall also include investigations, prosecutions or proceedings concerning taxation, customs, foreign exchange or any other financial or tax matters.
4. Assistance may be provided even where the conduct which is the subject of the investigation, prosecution, or proceedings in the Requesting Party would not constitute an offence under the laws of the Requested Party.

5. Assistance shall include:

- a) locating and identifying persons;
- b) notices and delivery of documents;
- c) providing documents and any other record or information;
- d) providing evidentiary items;
- e) taking evidence and obtaining statements from persons in the Requested Party;
- f) making detained or any other persons available to give evidence in the Requesting Party;
- g) performing searches and seizures of assets, including searches of premises;
- h) taking measures to assist in relation to proceeds of crime;
- i) Any other form of assistance shall be provided in accordance with this Treaty, as long as not inconsistent with the law of the Requested Party.

6. This Treaty shall not apply to:

- a) the arrest or detention of any person with a view to the extradition of that person;
- b) the execution in the Requested Party of criminal judgements 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 3
Central Authorities

1. For the purposes of this Treaty, the Central Authorities shall forward and receive requests and replies. The Central Authority of the Argentine Republic shall be the Ministry of Foreign Affairs, International Trade and Worship. The Central Authority of the Republic of Korea shall be the Minister of Justice.

2. The Central Authorities shall communicate through the diplomatic channels or directly with each other for the purposes of this Treaty.

Article 4
Execution of Requests

1. Requests for assistance shall be executed promptly in the manner specified by the Requesting Party and in accordance with the law of the Requested Party.

2. The Requested Party shall, at the request of the Requesting Party, inform the Requesting Party of the date and place of execution of the request for assistance.

Article 5 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 or to an offence under military law which is not also an offence under ordinary criminal law. Reference to a political offence shall not include the following:
 - i) The taking or attempted taking of the life or an attack on the person of a Head of State or Head of Government or a member of his or her family;
 - ii) an act of terrorism;
 - iii) the most serious crimes of concern to the international community as a whole as provided in the Rome Statute of the International Criminal Court;
- 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 by reason 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;
- d) the request relates to the prosecution of a person for an offence in respect of which the person has been released on grounds of lack of sufficient evidence, has been finally acquitted or pardoned, or has served the sentence imposed in the Requested Party.

2. The Requested Party may postpone the assistance when the execution of the request interferes with an ongoing investigation or proceeding in the Requested Party.

3. If the Requested Party refuses or postpones assistance in whole or in part, it shall inform the Requesting Party of the reasons for the refusal or postponement.

4. Before refusing a request or postponing its execution, the Requested Party shall consult with the Requesting Party as to whether assistance may be granted subject to such conditions as the Requested Party deems necessary. If the Requesting Party accepts assistance subject to these conditions, it shall comply with them.

Article 6 Contents of Requests

1. In all cases, requests for assistance shall include: