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**South Africa
and
Republic of Korea**

Treaty between the Republic of South Africa and the Republic of Korea on mutual legal assistance in criminal matters. Seoul, 3 May 2007

Entry into force: *20 June 2014, in accordance with article 21*

Authentic texts: *English and Korean*

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**Afrique du Sud
et
République de Corée**

Traité entre la République sud-africaine et la République de Corée relatif à l'entraide judiciaire en matière pénale. Séoul, 3 mai 2007

Entrée en vigueur : *20 juin 2014, conformément à l'article 21*

Textes authentiques : *anglais et coréen*

Enregistrement auprès du Secrétariat des Nations Unies : *Afrique du Sud, 8 octobre 2014*

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**TREATY
BETWEEN
THE REPUBLIC OF SOUTH AFRICA
AND
THE REPUBLIC OF KOREA
ON
MUTUAL LEGAL ASSISTANCE
IN CRIMINAL MATTERS**

The Republic of South Africa and the Republic of Korea
(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 this Treaty, grant each other assistance in criminal matters.
2. For the purposes of this Treaty, "criminal matters" means investigations, prosecutions or proceedings in respect of offences the punishment of which, at the time of a request for assistance, falls within the jurisdiction of the competent authorities of the Requesting Party.
3. Criminal matters shall also include matters connected with offences against a law relating to taxation, customs duties, foreign exchange control, or any other revenue matters.
4. Assistance shall include:
 - (a) taking evidence or statements from persons;
 - (b) providing information, documents, records, and articles of evidence;
 - (c) locating or identifying persons or items;
 - (d) serving documents;
 - (e) executing requests for search and seizure;

- (f) assisting in the availability of detained persons or others to give evidence or assist in investigations;
 - (g) measures to assist in relation to proceeds of crime; and
 - (h) any other form of assistance compatible with the object of this Treaty and not prohibited by the laws of the Requested Party.
5. This Treaty shall 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, nor prevent the Parties from providing or continuing to provide assistance to each other pursuant to other treaties, arrangements or otherwise.

Article 3

Central Authority

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 South Africa shall be the Department of Justice and

Constitutional Development. The Central Authority for the Republic of Korea shall be the Minister of Justice or an official designated by that Minister.

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

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 or to an offence under military law which is not also an offence under ordinary criminal law;
- (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 or punishment of a person for conduct that would not, if it had taken place within the jurisdiction of the Requested Party, have constituted an offence;
- (e) the request relates to the prosecution of a person for an offence in respect of which the person has been finally acquitted or pardoned or has served the sentence imposed in the Requested Party; or