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**South Africa
and
Republic of Korea**

**Treaty on Extradition between the Republic of South Africa and the Republic of Korea.
Seoul, 3 May 2007**

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

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**Afrique du Sud
et
République de Corée**

**Traité d'extradition entre la République sud-africaine et la République de Corée. Séoul,
3 mai 2007**

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

Textes authentiques : *anglais et coréen*

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**TREATY ON EXTRADITION
BETWEEN
THE REPUBLIC OF SOUTH AFRICA
AND
REPUBLIC OF KOREA**

The Republic of South Africa and the Republic of Korea
(hereinafter referred to as "the Parties");

Desiring to provide for more effective cooperation between the two countries in the prevention and suppression of crime, and to facilitate relations between the two countries in the area of extradition by concluding a treaty for the extradition of offenders;

Have agreed as follows:

Article 1

Obligation to Extradite

Each Party agrees to extradite to the other, upon request and subject to the provisions of this Treaty, any person who is wanted for prosecution, trial, or imposition or enforcement of a sentence in the territory of the Requesting Party for an extraditable offence and found in the territory of the Requested Party.

Article 2

Extraditable Offences

1. For the purposes of this Treaty, extraditable offences are offences which, at the time of the request, are punishable under the laws of both Parties by deprivation of liberty for a period of at least one (1) year or by a more severe penalty.
2. Where a request for extradition relates to a person sentenced to deprivation of liberty by a court of the Requesting Party for any extraditable offence, extradition shall be granted only if a period of at least six (6) months of the sentence remains to be served.

3. For the purposes of this Article, in determining whether an offence is an offence against the laws of both Parties:

- (a) it shall not matter whether the laws of both Parties place the acts or omissions constituting the offence within the same category of offence or denominate the offence by the same terminology; and
- (b) the totality of the acts or omissions alleged against the person whose extradition is sought shall be taken into account and it shall not matter whether, under the laws of both Parties, the constituent elements of the offence differ.

4. Where extradition of a person is sought for an offence against a law relating to taxation, customs duties, foreign exchange control or other revenue matters, extradition may not be refused on the ground that the law of the Requested Party does not impose the same kind of tax or duty or does not contain a tax, duty, customs, or foreign exchange regulation of the same kind as the law of the Requesting Party.

5. Where the offence has been committed outside the territory of the Requesting Party, extradition shall be granted where the law of the Requested Party provides for the punishment of an offence committed outside its territory in similar circumstances. Where the law of the Requested Party does not so provide, the Requested Party may, in its discretion, grant extradition.

6. If the request for extradition refers to several offences each of which is punishable under the laws of both Parties, but some of which do not fulfill the other conditions set out in paragraphs 1 and 2 of this Article, extradition may be granted for the latter offences, provided that the person is to be extradited for at least one extraditable offence.

Article 3
Mandatory Grounds for Refusal

Extradition shall not be granted under this Treaty in any of the following circumstances:

- (a) when the Requested Party determines that the offence for which extradition is requested is a political offence or an offence connected with a political offence. Reference to a political offence shall not include the following offences:
 - (i) the taking or attempted taking of the life, or an attack on the person of a Head of State or a Head of Government or a Deputy Head of State or a Deputy Head of Government or a member of such person's family;
 - (ii) an offence in respect of which the Parties have the obligation to establish jurisdiction or extradite by reason of a multilateral international agreement to which they are both Parties, including, but not limited to, such agreements relating to genocide, terrorism or hostage-taking;
 - (iii) using explosives, incendiaries, devices or substances in circumstances in which human life is likely to be endangered or serious bodily harm or substantial property damage is likely to be caused;
 - (iv) murder; and
 - (v) an attempt or conspiracy to engage in counseling, aiding or abetting another person to engage in, or being an accessory after the fact in relation to the conduct referred to in any of sub-paragraphs (i) to (iv).