

Republic of Korea – national procedures for extradition
Updated 11/11/2016

The information contained in this table should be updated on a yearly basis.

The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for extradition:	International Criminal Affairs Division Ministry of Justice Building 1, Government Complex-Gwacheon, 47 Gwanmun-ro, Gwacheon-si, Gyeonggi-do, 13809 Republic of Korea Tel. +82-2-2110-3554 Fax +82-2-3480-3113	
If different from the Central Authority the authority to which the request should be sent (name of the institution, address, telephone, fax and e-mail where available):	N/A	
Channels of communication for the request for extradition (directly, through diplomatic channels or other):	Diplomatic channels.	
Means of communication (e.g. by post, fax, e-mail):	Post.	
Language requirements:	Korean. English translations are also acceptable.	
Documentation required:	Please see Article 12, paragraph 2 of the CoE Convention on Extradition.	
Provisional arrest:	Time limit for presentation	Please see Article 16,

	of formal extradition request if the person is in provisional arrest	paragraph 4 of the Convention.
	Is there a need for an explicit request for prolongation of the provisional arrest beyond the 18 days mentioned in Article 16, paragraph 4 of the European Convention on Extradition (ETS No.24)?	Yes.
Extradition procedures: Please describe shortly the different types of procedure (e.g. normal, simplified, other) indicating the main differences:	<p>Korea recognizes normal procedure and simplified procedure for extradition.</p> <p>In a simplified procedure, in which the person sought consents to extradition, the court shall promptly make a decision as to extradite the person. In this case, the court shall not refuse extradition on grounds for discretionary refusal. When the court decides to extradite the person, the Minister of Justice shall promptly decide whether to issue an extradition order.</p>	
Detention before and after the receipt of the extradition request, (deadlines, conditional release, etc.):	<p>When the Minister of Justice orders the public prosecutor to request an extradition review by the court, the prosecutor shall arrest the person by an arrest warrant for extradition. The extradition arrest warrant is issued by a judge at the request of a public prosecutor.</p> <p>If reasonable, the public prosecutor may suspend the execution of the warrant by putting the person into custody by his/her relative, a protection institution, or other proper persons or by restricting the residence of the person.</p>	
Statutes of limitation for the purpose of prosecution and for the execution of sentences (general principles):	Korean law determines the statutes of limitation for prosecuting criminal offences and for the execution of sentences in relation to the maximum penalty for each offence.	

Provisions concerning extradition of nationals:	Requests for extradition of Korean nationals are subject to discretionary refusal.
Surrender (e.g. deadlines):	Surrender shall be executed within 30 days from the day the extradition order is issued. If the person sought is not in custody at the time the extradition is issued, the time period for surrender shall be 30 days from the day the person sought is arrested by the writ for executing surrender, or is rearrested after the suspension of warrant execution is cancelled.
Other particularly relevant information (such as, specific requirements concerning double criminality):	Extraditable offences shall be limited to offences that are punishable under the law of both the Requesting State and Korea by capital punishment, imprisonment for life or imprisonment for not less than one year.
Links to national legislation, national guides on procedure	Information on Korean legislation : www.law.go.kr/eng/engMain.do Information on the Ministry of Justice www.moj.go.kr/HP/ENG/index.do