

Republic of Korea<sup>1</sup> – national procedures for mutual legal assistance in  
criminal matters

States Parties are requested to fill in this table with the necessary information and return it to the Secretariat of the PC-OC. 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 mutual legal assistance:                              | Ministry of Justice<br>International Criminal Affairs Division<br>Government Complex Bldg #1, 47 Gwanmun-ro, Gwacheon -si,<br>Republic of Korea<br>Tel. +82-2-2110-3555<br>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): | The request should be sent to Ministry of Justice.  |
| Channels of communication for the request for mutual legal assistance (directly, through diplomatic channels or other):   | The request for mutual legal assistance shall be made directly to Ministry of Justice.  |
| Means of communication (eg. by post, fax, e-mail <sup>2</sup> ):  | The request for mutual legal assistance shall be made in writing by post.   |
| Language requirements:  | In principle, all requests for mutual legal assistance should be translated into Korean. However, Korea accepts documents in English.   |
| Double criminality requirement, if applicable:  | Korea may not be required to provide the any mutual assistance, if the crime mentioned in the mutual assistance request does not constitute a crime, or if it is a crime where                  |

<sup>1</sup> Updated 23 January 2014.

<sup>2</sup> Please indicate if encryption or electronic signature is required.

|  |  |
|--|--|
|  | no public action may be instituted under the legal system of the Republic of Korea   |
|  |  |
| Limitation of use of evidence obtained:  | The Minister of Justice may request the Minister of Foreign Affairs to determine matters to be observed by the requesting country with respect to the use, return, maintenance of secret, etc. of such materials, and to demand from the requesting country a guarantee of the fulfillment thereof. [Article 22(2) of the MLA Act]   |
|  |  |
| Other particularly relevant information (e.g. documentation required for special types of assistance):   | In cases of a request for mutual assistance, such as examination of a witness, transfer of objects, testimony in the requesting country, etc., the requesting country needs to explain that it is a requisite for the investigation or trial. [ Article 12(2) of the MLA Act]  |
|  |  |
| Links to national legislation, national guides on procedure:   | <ol style="list-style-type: none"> <li>1. The Korean legal information can be found at <a href="http://www.moleg.go.kr">www.moleg.go.kr</a></li> <li>2. General Information on the Korean Ministry of Justice can be found at <a href="http://www.moj.go.kr">www.moj.go.kr</a></li> <li>3. The Korean legislation can be found at <a href="http://www.law.go.kr">www.law.go.kr</a> in Korean.</li> </ol> |
|  |  |
| Parties to the Second Additional Protocol: Link to database with contact details of competent authorities for the purpose of direct transmission of MLA requests |  |