

<p>REPUBLIC OF KOREA</p> <p>National Procedures for Extradition</p> <p>Updated on 17/12/2020</p>

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

The Central Authority responsible for extradition	International Criminal Affairs Division Ministry of Justice Building 1, Gwacheon Government Complex, 47 Gwanmun-ro, Gwacheon-si, Gyeonggi-do, 13809 Republic of Korea Tel: +82-2-2110-3554, 3555 Fax: +82-2-3480-3113 E-mail : jinse@spo.go.kr , psj10391@spo.go.kr	
If different from the Central Authority, the authority to which the request should be sent	N/A	
Channels of communication for the request for extradition: (directly, through diplomatic channels or other)	Diplomatic Channels	
Means of communication (eg. by post, fax, e-mail ¹):	Post (Official)	
Language requirements:	Korean English translations are also acceptable	
Documentation required:	Refer to Article 12(2) of the CoE Convention on Extradition	
Provisional arrest:	Time limit for presentation of formal extradition request if the person is in provisional arrest	Refer to Article 16(4) of the Convention

¹ Please indicate if encryption or electronic signature is required.

	<p>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)?</p>	<p>Yes</p>
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<p>Extradition procedures:</p>	<p>Korea recognizes normal procedure and simplified procedure for extradition.</p> <p>In a normal procedure, a formal request for extradition should be submitted through diplomatic channels to the Korean Ministry of Foreign Affairs, who forwards the request to the Ministry of Justice (Article 11, Extradition Act). The Minister of Justice reviews the request and sends the request to the Chief Prosecutor of Seoul High Prosecutors' Office and orders the Chief Prosecutor to request the Seoul High Court to conduct a review as to whether the request for extradition shall be granted, provided that the request is deemed reasonable(Article 12, Extradition Act). When a court receives a request for an extradition review, it shall begin the extradition review without delay (Article 14, Extradition Act). The court shall decide upon the request for extradition according to the treaty, convention, and domestic law applicable (Article 15, Extradition Act). When the court decides to grant the extradition, the Minister of Justice shall order the Chief Prosecutor of the Seoul High Prosecutors' Office to surrender the offender, provided that the Requesting State did not withdraw the request or if extraditing the offender is deemed highly inappropriate considering the interests of Korea(Article 34, Extradition Act).</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>
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<p>Detention before and after the receipt of the extradition request: (deadlines, conditional release, etc)</p>	<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>
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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: (eg. 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 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:	<p>Korean Legislation</p> <p>www.law.go.kr/eng/engMain.do</p> <p>Information on the Ministry of Justice</p> <p>www.moj.go.kr/HP/ENG/index.do</p>