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Republic of Korea
and
Viet Nam

Treaty on extradition between the Republic of Korea and the Socialist Republic of Vietnam. Seoul, 15 September 2003

Entry into force: *19 April 2005 by the exchange of the instruments of ratification, in accordance with article 20*

Authentic texts: *English, Korean and Vietnamese*

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République de Corée
et
Viet Nam

Traité d'extradition entre la République de Corée et la République socialiste du Viet Nam. Séoul, 15 septembre 2003

Entrée en vigueur : *19 avril 2005 par l'échange des instruments de ratification, conformément à l'article 20*

Textes authentiques : *anglais, coréen et vietnamien*

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[ENGLISH TEXT – TEXTE ANGLAIS]

TREATY ON EXTRADITION
BETWEEN
THE REPUBLIC OF KOREA
AND
THE SOCIALIST REPUBLIC OF VIETNAM

The Republic of Korea and the Socialist Republic of Vietnam (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 Party, in accordance with the provisions of this Treaty, any person who is found in its territory and sought by the other Party for prosecution, trial, or execution of punishment for an extraditable offence.

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 year or by a more severe penalty.

2. Where the 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 the Parties place the conduct constituting the offence within the same category of offence or denominate the offence by the same terminology;

(b) the totality of the conduct alleged against the person whose extradition is sought shall be taken into account and it shall not matter whether, under the laws of the 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 grounds 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 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 offences provided that the person is to be extradited for at least one extraditable offence.

Article 3
Mandatory Refusal of Extradition

1.   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 request is an offence bearing political character;
   (b) when the person sought is being proceeded against or has been tried and convicted or acquitted in the territory of the Requested Party for the offence for which his extradition is requested;

(c) when the prosecution or the punishment for the offence for which extradition is requested would have been barred by prescription of the lapse of time under the law of the Requested Party had the same offence been committed in the Requested Party. Acts or circumstances that would suspend the lapse of time under the law of the Requesting Party shall be given effect by the Requested Party, and in this regard the Requesting Party shall provide a written statement of the relevant provisions of its law relating to the lapse of time;

(d) when the Requested Party has well-founded reasons to suppose that the request for extradition has been presented with a view to prosecuting or punishing the person sought, by reason of race, religion, nationality, sex or political opinion, or that that person's position may be prejudiced for any of those reasons.

2. The provision of paragraph 1(a) shall not be applicable to the following offences:

(a) the taking or attempted taking of the life or an attack on the person of a Head of State or a member of his or her family;

(b) 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.

Article 4
Discretionary Refusal of Extradition

Extradition may be refused under this Treaty in any of the following circumstances:

1. when the offence for which extradition is sought is regarded under the law of the Requested Party as having been committed in whole or in part within its territory;

2. when the person sought has been finally acquitted or convicted in a third State for the same offence for which extradition is requested and, if convicted, the sentence imposed has been fully enforced or is no longer enforceable;