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The need for international cooperation in investigation and criminal trials has increased.

- The number of MLA cases is growing every year.
### Statistics of Korea’s MLA

<table>
<thead>
<tr>
<th>By year</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
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### Statistics of MLA between Korea and ASEAN countries

<table>
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<th>By year</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
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<td>0</td>
<td>1</td>
<td>0</td>
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</table>
Current state of bilateral MLA treaties – Of the 28 treaties between Korea and other countries, including Australia, 20 of them took effect.

<table>
<thead>
<tr>
<th>No.</th>
<th>Country</th>
<th>Signing Date</th>
<th>No.</th>
<th>Country</th>
<th>Signing Date</th>
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<td>1</td>
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<td>India</td>
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<td>Republic of South Africa</td>
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<td>9</td>
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<td>Kuwait</td>
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<td>12</td>
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<td>Argentina</td>
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<td>2003.08.25.</td>
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<td>Malaysia</td>
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</table>
Korea acceded to the MLA Convention of Council of Europe
- The Convention took effect on 29 Dec 2011.
- By acceding to the Convention, Korea is now able to proceed MLA with 46 countries.

In Korea, MLA requests are processed under the Principle of Reciprocity.
MLAT

Scope of MLA

- Investigation on whereabouts of a person or object
- Presentation of documents and records
- Service of documents
- Gathering of evidence, seizure, search and verification
- Hearing of statements, and other measures to make any person testify or cooperate with the investigation in the requesting country
3. Restriction on MLA

- Where it may be detrimental to the Republic of Korea’s sovereignty, national security, public peace and order, or public morals.

- Where it is deemed that the crime under mutual assistance is one of a political nature, or the request for mutual assistance is made for the purpose of an investigation or trial on another crime of a political nature.

- Where the crime under mutual assistance does not constitute a crime, or it is a crime against which no public action may be instituted, under the Act of the Republic of Korea.

- Etc.
Central Authority of MLA in Korea is the Ministry of Justice.

Korea receives a letter of MLA through a diplomatic channel or by direct mail.

KMOJ orders the District Prosecutors' Office to proceed with MLA, unless any supplements are required.
Proceeding MLA

District Prosecutors' Office proceeds with MLA
- Proceeding with MLA incorporates hearing of witness statements, gathering bank account information, etc.

District Prosecutors' Office sends results to KMOJ.

KMOJ reviews the results and sends a reply to the requesting country through a diplomatic channel or by direct mail, unless any additional requests are made.
Most countries use diplomatic channels to send their letters of MLA.
- Delivery takes approximately 1-3 weeks on average.

However, some countries use direct mail to ensure more expeditious process.
- US, Japan and Hong Kong
- Delivery takes approximately 3 days on average.
Currently, MLA in asset recovery is not being employed between Korea and ASEAN countries.

Eliminating the criminal motive through asset recovery is just as essential as punishing the criminal.

Utilizing MLA in asset recovery should be invigorated in order to pursue the criminal proceeds related to corruption or drugs so they can be returned to the proper authorities.
Asset Recovery Procedure in Korea

Fundamentally, the procedure is analogous to that of a typical MLA.

However, Korea only allows criminal confiscation.

Confiscation preservation order and collection preservation order are also allowed.
MLAT

6 Examples (1)

- **Transfer of A Person in Custody for Testimony**

  - Korean court needed a testimony from a convict in Japan.
  
  - This is a first case between Korean that involved a transfer of a convict for the testimony.
  
  - KMOJ inquired JMOJ on whether such request can be processed.
  
  - JMOJ sounded out the convict’s intention to testify.
  
  - Continual contact through an attaché
Transfer of A Person in Custody for Testimony

Progress of Case

- 2012. 1. 11. Korea sent the letter of MLA to J MOJ.
- 2012. 2. 2. J MOJ transferred the convict to Korea.
- 2012. 2. 3. The convict gave a testimony in Korean court.
- 2012. 2. 6. The convict was transferred back to Japan.
Invigorating Cooperation Between Central Authorities

- Exchanging contact points between central authorities
  - Allows immediate follow-up via E-mail between people in charge when questions arise during MLA

- Actively utilizing direct mail between central authorities in urgent cases
  - Promotes swift MLA process

- Producing and distributing instruction manuals
Reinforcing International Cooperation (2)

- Importance of Bilateral Consultation

Regular consultation improves mutual understanding of different MLA procedures and reinforces cooperation between people in charge of MLA.

Korea had bilateral consultations with Japan in March 2012, with China in May 2012, and with the US in June 2012.
Importance of Preliminary Evaluation

By evaluating in advance the possibility of MLA, MLA processing period, means of MLA, etc. among the people in charge, MLA can be processed faster and more precisely.

Korea currently conducts preliminary evaluation on MLA cases with the US and Japan.
Thank you for your attention