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Agreement between Ukraine and Democratic People's Republic of Korea on Extradition of Persons Sentenced to Prison for Serving of the Sentence

Ukraine and Democratic People's Republic of Korea have concluded the present Agreement with the objective of enhancing cooperation between the two countries in the sphere of justice.

Entry into force / validity:

The Agreement between Ukraine and Democratic People's Republic of Korea on Extradition of Persons Sentenced to Prison for Serving of the Sentence was signed on November 12, 2004 in Pyongyang.

Ukraine ratified the Agreement by Law on June 22, 2005. The Law entered into force on July 19, 2005.

The validity term of the Agreement is undetermined. Each of the Parties can denounce it through written notification through diplomatic channels. The Agreement shall become invalid 6 months after receipt by the other Party of such notification.

Subject matter / summary:¹⁾

The Parties shall be obligated to extradite to each other convicted persons with the objective of serving of a sentence given to them by the sentencing Contracting Party, on the territory of the administering State.

The Parties shall cooperate with each other through their Central bodies, which are:

- on the part of Ukraine – Ministry of Justice,
- on the part of Democratic People's Republic of Korea – Central Court.

Extradition of a person sentenced to prison for serving of the sentence can be done only under condition of fulfillment of the following conditions:

- the convicted person is a citizen of the administering State;
- action, for which the person was convicted, is a crime also by the legislation of the administering State;
- as of the date of the request on extradition, the judgement delivered for the convict took force and the term of the sentence not served by the convict amounts to no less than one year;
- the convicted person has given a written consent or, in case it is impossible due to age, physical or psychic condition of the convict, his representative has given a written consent to extradition;
- both Parties have agreed to extradition.

Extradition of the convicted person can be rejected in the following cases:

- if one of the Parties believes that extradition will inflict damage on its sovereignty, security, social order or goes against the main principles of legislation;
- if the convicted person has unpaid debt or a trial has not been finished against the convicted person, launched for other reasons.

Contracting Parties have the right to request for extradition of the convicted person. The convicted person or their representative or members of their families or relatives can appeal to any Party asking for extradition. The requested Party must inform the requesting Party about its decision concerning the request on extradition as soon as it is possible.

Administering State provides the sentencing State the following documents:

- documents or information confirming that the convicted person is a citizen of the Administering State;
- texts of the articles of the Criminal Law of the administering State, according to which the actions for which the person was

convicted are also a crime.

In case it is necessary, the Parties can request from one another additional documents.

The sentencing State must ensure voluntary consent on extradition of the convicted person or his legal representative informing them in full on legal consequences of the extradition, which must be confirmed in the statement on consent to extradition.

The administering State must ensure execution of judgment in full, being guided at that by its national legislation. The administering State has the right to reduce the term of the sentence to the convict or apply grant of parole to the convict in accordance with the laws of its country. Each of the Parties has the right to apply amnesty and pardon to extradited convict. Reconsideration of the case can be done only by the sentencing State. In case of replacement of the sentence, administering State must as soon as possible present to the sentencing State copies of corresponding decision together with the text of the law on the basis of which the sentence was changed.

Expenses for extradition of the convicted person, which arose from his extradition, shall be carried by the Party for which they appeared. Expenses connected with extradition and continuation of execution of judgment after extradition of the convicted person shall be carried by the administering State. Expenses connected with transit shall be carried by the Party, which sent the request for transit through the territory of the other Party.

- The administering State must as soon as possible provide the sentencing State corresponding information on execution of judgment in the following cases:
- the administering State believes that the judgement has been fully executed;
- the convicted person escaped prior to the end of the term of the sentence;
- at request of the sentencing State.

The Agreement shall be applied for judgement delivered prior and after it entered into force.

1) Summary is prepared by Yaroslav the Wise Institute of Legal Information.

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