

No. 18137

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**UNITED STATES OF AMERICA  
and  
REPUBLIC OF KOREA**

**Joint Statement regarding co-operation concerning the case of Mr. Tongsun Park. Done at Seoul on 31 December 1977**

**Mutual Prosecution Assistance Agreement concerning terms and conditions for communicating with Mr. Tongsun Park. Signed at Seoul on 10 January 1978**

**Exchange of notes constituting an agreement relating to the above-mentioned Joint Statement of 31 December 1977. Washington, 21 February 1978**

*Authentic texts of the Joint Statement and the related Agreement: Korean and English.*

*Authentic text of the Exchange of notes: English.*

*Registered by the United States of America on 5 December 1979.*

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**ÉTATS-UNIS D'AMÉRIQUE  
et  
RÉPUBLIQUE DE CORÉE**

**Déclaration commune relative à leur coopération dans l'affaire Tongsun Park. Faite à Séoul le 31 décembre 1977**

**Accord d'entraide en matière de poursuites régissant les communications avec M. Tongsun Park. Signé à Séoul le 10 janvier 1978**

**Échange de notes constituant un accord relatif à la Déclaration commune susmentionnée du 31 décembre 1977. Washington, 21 février 1978**

*Textes authentiques de la Déclaration commune et de l'Accord connexe : coréen et anglais.*

*Texte authentique de l'Échange de notes : anglais.*

*Enregistrés par les États-Unis d'Amérique le 5 décembre 1979.*

## JOINT STATEMENT<sup>1</sup> REGARDING COOPERATION BETWEEN THE GOVERNMENTS OF THE UNITED STATES AND THE REPUBLIC OF KOREA CONCERNING THE CASE OF MR. TONGSUN PARK

The Ambassador of the United States to the Republic of Korea and the Foreign Minister of the Republic of Korea today jointly announce the following understandings between the two governments guiding their mutual cooperation concerning Mr. Tongsun Park.

### 1. MUTUAL PROSECUTION ASSISTANCE AGREEMENT

A Mutual Prosecution Assistance Agreement between the Republic of Korea Ministry of Justice and the United States Department of Justice concerning terms and conditions for communicating with Mr. Tongsun Park will be signed in Seoul between representatives of the Republic of Korea Ministry of Justice and the United States Justice Department prior to the beginning of the questioning of Mr. Tongsun Park. Provisions of the Agreement will be consistent with this Joint Statement.

### 2. DEPARTMENT OF JUSTICE MEETING WITH MR. TONGSUN PARK

Mr. Tongsun Park will meet briefly with United States officials in the United States Embassy in Seoul in the presence of two Korean officials and Mr. Park's counsel. The purpose of this meeting will be for [the] signing by the United States Department of Justice and Mr. Park of a Memorandum of Understanding concerning Mr. Tongsun Park's agreement to give truthful testimony and the Department of Justice's offer to grant him full immunity and, upon completion of his testimony, to seek the dismissal of the indictment now pending against him.

### 3. QUESTIONING OF MR. TONGSUN PARK IN KOREA

A. Mr. Park will be questioned in Seoul by Korean and American prosecutors at a location to be mutually agreed upon and arranged by the Korean side.

B. There will be no limitation on the number of questioning sessions, but such questioning shall be conducted during normal office working hours. Sessions will not be open to the public. The questioning will concern the relationship between Mr. Tongsun Park and United States officials and persons, and Mr. Park's actions with respect to them.

C. Both the Korean and United States prosecutors will engage in full and direct questioning of Mr. Tongsun Park.

<sup>1</sup> Came into force on 31 December 1977 by signature.

D. Oaths will be administered in accordance with Korean law and international practices; polygraph examination may be used; English may be used in questions and answers along with Korean with the help of interpreters; and [a] verbatim record will be made of the testimony.

#### 4. ARRANGEMENTS AND ASSURANCES FOR MR. TONGSUN PARK'S TRIAL TESTIMONY BEFORE UNITED STATES COURTS

A. The purpose of Mr. Tongsun Park's travel to the United States under these arrangements is to testify as a witness in court.

B. The United States Department of Justice will seek dismissal by the court of the pending indictment against Mr. Tongsun Park promptly upon completion of his truthful testimony at the last United States court proceeding and will provide him with full immunity from any past criminal conduct.

C. The intention of the United States Department of Justice is to question Mr. Tongsun Park before the court on the subject of his relations with United States officials and persons, and Mr. Park's actions with respect to them.

D. Mr. Tongsun Park by reason of these arrangements will assume no obligation to appear before Congressional committees in the United States or to undergo questioning by any United States Government agency other than the Department of Justice.

E. The United States Government gives full assurances that it will take all necessary measures to protect the personal safety of Mr. Tongsun Park when in the United States should cause for such measures arise.

F. Mr. Tongsun Park would be admitted to the United States under the authority of the Department of Justice for the specific purpose of and limited periods necessary for testifying at court trials. The United States Government gives full assurances that the Department of Justice does not intend to detain him in the United States. Under these arrangements, therefore, it is expected that he would return to the Republic of Korea promptly after his testimony at each trial.

#### 5. MR. TONGSUN PARK'S TRAVEL TO AND FROM THE UNITED STATES AND THE REPUBLIC OF KOREA

A. The Republic of Korea Government is prepared actively to advise Mr. Tongsun Park to travel to the United States as a witness solely for the purpose of trial testimony, if and when necessary.

B. The Republic of Korea Government will provide Mr. Tongsun Park with a travel document and exit permit in order for him to travel only to and from the United States and the Republic of Korea solely for the purpose of his trial testimony before the United States court, and will take all necessary steps to facilitate his travel for this purpose.

In making public this Joint Statement, the two governments reaffirm their long-standing spirit of friendly cooperation and express their sincere hope for the early settlement of the pending problems between the two governments concerning the case of Mr. Tongsun Park.

DONE at Seoul, Korea, this 31st day of December 1977 in duplicate in the Korean and English languages, both texts being equally authentic.

For the Government  
of the United States:

[Signed — Signé]<sup>1</sup>

For the Government  
of the Republic of Korea:

[Signed — Signé]<sup>2</sup>

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<sup>1</sup> Signed by Richard L. Sneider — Signé par Richard L. Sneider.

<sup>2</sup> Signed by T. Jin Park — Signé par T. Jin Park.

## MUTUAL PROSECUTION ASSISTANCE AGREEMENT<sup>1</sup> BETWEEN THE UNITED STATES DEPARTMENT OF JUSTICE AND THE REPUBLIC OF KOREA MINISTRY OF JUSTICE CONCERNING TERMS AND CONDITIONS FOR COMMUNICATING WITH MR. TONGSUN PARK

1. The Ministry of Justice of the Republic of Korea and the United States Department of Justice agree to render, in accordance with the laws of their respective countries, with the provisions of the Joint Statement regarding cooperation between the Governments of the Republic of Korea and the United States concerning the case of Mr. Tongsun Park issued on 31 December 1977<sup>2</sup> and with the provisions of this Agreement, mutual assistance to the prosecutors in their respective countries with respect to the activities of Mr. Tongsun Park pertaining to alleged bribery of United States officials or persons hereinafter referred to as "the United States officials".

2. All requests for assistance may be communicated directly between the Ministry of Justice of the Republic of Korea and the United States Department of Justice.

3. Mr. Tongsun Park may be represented by counsel of his choice at all meetings and questioning sessions in Korea or the United States.

4. At the meeting to be held at the American Embassy in Seoul in the presence of two Korean officials, Mr. Tongsun Park and United States Justice officials will be expected to sign a Memorandum of Understanding representing the agreement between Mr. Tongsun Park and the United States Department of Justice regarding his promise to give truthful testimony and the Department of Justice's offer to provide him with full immunity from any past criminal conduct, and to seek dismissal of the indictment presently pending against him following the completion of his testimony and cooperation.

5. During the subsequent interrogation of Mr. Tongsun Park in Seoul, Korea, Korean prosecutors will put questions to Mr. Park at the start of each session of questioning. Thereafter, United States prosecutors will put questions to Mr. Park continuously.

6. The United States Department of Justice prosecutors will put questions to Mr. Park in English, and Mr. Park will be expected to answer in English. Mr. Park's answers to a particular question will be stated without delay, and simultaneous translation into Korean or English will be employed as needed. A verbatim record in English will be provided to the Korean prosecution.

7. At the option of the American prosecutors in lieu of questioning on the record, Mr. Park may be examined by [the] United States polygraph examiner concerning any question previously put, or be interviewed off the record by United States prosecutors in the presence of Korean officials.

8. The questioning shall concern Mr. Park's relationship with United States officials, including Congressmen, and related actions or statements made by

<sup>1</sup> Came into force on 10 January 1978 by signature, in accordance with section 15.

<sup>2</sup> See p. 51 of this volume.

Mr. Park or made in his presence. Mr. Park may also be questioned about Korean or American persons or entities utilized by him to conduct such relationship. The questioning shall not concern actions or statements of officials of the Republic of Korea Government or of any third country, except any which may have occurred in the United States or in the presence of United States officials.

9. When Mr. Tongsun Park comes to the United States as a witness in connection with prosecution of indictments against United States officials, the scope of examination by the prosecution shall be the same as in Korea.

10. In addition to testifying as a prosecution witness during trials of United States officials, Mr. Park may be required to cooperate at related court proceedings such as pre-trial motions.

11. It should not be necessary for Mr. Park to appear before the United States grand jury, since the transcripts of the Seoul interrogation will be presented to the grand jury and should suffice in lieu of his personal appearance.

12. In addition, relevant portions of the transcripts of Mr. Park's Seoul interrogation may be provided by the United States Department of Justice to United States Congressional Committees. The Committees will be urged to accept the transcripts in lieu of personal appearances by Mr. Park. In addition, they will be asked by the United States Department of Justice not to subpoena Mr. Park when he visits the United States for trial testimony.

13. Except as provided in paragraphs 10, 11 and 12, all information made available by the Ministry of Justice of the Republic of Korea and the United States Department of Justice pursuant to this Agreement, and all correspondence between them relating to such information and to the implementation of this Agreement, shall be kept confidential and shall not be disclosed to third parties or to government agencies, excluding agencies investigating alleged bribery of the United States officials, unless otherwise agreed.

14. The Ministry of Justice of the Republic of Korea and the United States Department of Justice shall give advance notice prior to the use of any information made available pursuant to this Agreement.

15. This Agreement shall enter into force on the date of signature by both representatives of the Ministry of Justice of the Republic of Korea and the United States Department of Justice.

DONE at Seoul, Korea, this 10th day of January 1978, in duplicate in the Korean and English languages, both texts being equally authentic.

For the United States  
Department of Justice:

[Signed — Signé]<sup>1</sup>

For the Ministry of Justice  
of the Republic of Korea:

[Signed — Signé]<sup>2</sup>

<sup>1</sup> Signed by Benjamin R. Civiletti — Signé par Benjamin R. Civiletti.

<sup>2</sup> Signed by Chong Won Lee — Signé par Chong Won Lee.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup>  
BETWEEN THE UNITED STATES OF AMERICA AND THE  
REPUBLIC OF KOREA CONCERNING THE JOINT STATE-  
MENT OF 31 DECEMBER 1977 REGARDING COOPERATION  
CONCERNING THE CASE OF MR. TONGSUN PARK<sup>2</sup>

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EMBASSY OF THE REPUBLIC OF KOREA  
WASHINGTON, D.C.

February 21, 1978

KAM 78/28

Excellency,

With regard to the voluntary appearances of Mr. Tongsun Park before two committees of the United States Congress, the House Committee on Standards of Official Conduct and the Senate Select Committee on Ethics, and before the United States courts, I have the honor to state that the following is the understanding of the Republic of Korea Government.

1. The Republic of Korea Government will take all necessary steps to facilitate Mr. Park's travel to the United States for the purpose of his voluntary appearances before the two named committees and before the United States courts in furtherance of cooperation embodied in the Joint Statement regarding cooperation between the Governments of the United States and the Republic of Korea concerning the case of Mr. Tongsun Park, dated December 31, 1977,<sup>2</sup> and the Mutual Prosecution Assistance Agreement between the Republic of Korea Ministry of Justice and the U.S. Department of Justice concerning terms and conditions for communicating with Mr. Tongsun Park, dated January 10, 1978.<sup>3</sup>

2. The United States Government will admit Mr. Park to the United States under the statutory authority of the Attorney General and under the protection of the Department of Justice for the specific purposes of and the limited periods necessary for appearances before the two named committees, as well as for testifying at court trials, and gives full assurances that the Department of Justice does not intend to detain him in the United States. Under the arrangements in the above Agreements, therefore, it is expected that he would return to the Republic of Korea promptly after his appearances before the two named committees and his trial testimony.

I would appreciate your confirmation of the above understanding.

Please accept, Excellency, the renewed assurances of my highest consideration.

*[Signed]*

YONG SHIK KIM  
Ambassador

His Excellency Cyrus R. Vance  
Secretary of State  
Washington, D.C.

<sup>1</sup> Came into force on 21 February 1978 by the exchange of the said notes.

<sup>2</sup> See p. 51 of this volume.

<sup>3</sup> See p. 58 of this volume.

## II

February 21, 1978

Excellency,

I have the honor to acknowledge the receipt of your note No. KAM 78-28, dated February 21, 1978, regarding the voluntary appearance of Mr. Tongsun Park before two committees of the United States Congress, the House Committee on Standards of Official Conduct and the Senate Select Committee on Ethics, the text of which reads as follows:

[*See note I*]

In response to your request, I am pleased to confirm the understandings contained in your note.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State:

RICHARD HOLBROOKE

His Excellency Kim Yong Shik  
Ambassador of the Republic of Korea

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