

THE DEATH PENALTY IN LAW AND IN PRACTICE

REPUBLIC
OF KOREA



**EC
PM** TOGETHER
AGAINST
THE DEATH
PENALTY

REPUBLIC OF KOREA



AREA 100,363 KM²

CAPITAL CITY SEOUL

POPULATION 51,712,619 (2023, World Bank)

OFFICIAL LANGUAGES KOREAN

HEAD OF STATE AND THE GOVERNMENT LEE JAE MYUNG, SINCE 4 JUNE 2025

MINISTER OF FOREIGN AFFAIRS CHO HYUN, SINCE 19 JULY 2025

MINISTER OF JUSTICE JUNG SUNG-HO, SINCE 19 JULY 2025

MINISTER OF NATIONAL DEFENSE AHN GYU-BACK, SINCE 25 JULY 2025

MINISTRY IN CHARGE OF PRISON ADMINISTRATION

MINISTRY OF JUSTICE

MINISTRY IN CHARGE OF MILITARY PRISON ADMINISTRATION

MINISTRY OF NATIONAL DEFENSE



STATUS
WITH A MORATORIUM

DATE OF THE LAST EXECUTION
1997

NUMBER OF DEATH SENTENCES IN 2024
0

NUMBER OF EXECUTIONS IN 2024
0

NUMBER OF DEATH ROW PRISONERS AT THE END OF 2024
57, including 4 in the military prison (AI report 2025)

METHOD OF EXECUTION
HANGING, FIRING SQUAD (MILITARY)

DEATH PENALTY APPLICATION AND CONDITIONS OF DETENTION OF DEATH ROW PRISONERS

APPLICATION OF THE DEATH PENALTY

According to the penal legislation of the Republic of Korea, the death penalty can be imposed for a number of offenses, including crimes which do not meet the “most serious crimes” criteria contained in the ICCPR, which the Republic of Korea has ratified, such as drug-trafficking, spying, kidnapping with intent to kill.

In practice however, no execution has been carried out since 1997, amounting to a 27 year-long *de facto* moratorium.

During this period, death sentences have continued to be ordered, despite not being carried out.

Over the last two decades, the question of the constitutionality of the death penalty has been raised three times at the Constitutional Court which upheld the constitutionality in 1996 and 2010 and has yet to rule on the latest constitutional challenge filed in 2019.

The scope of the death penalty also may also vary over time: for instance, a 2023 reform of the Criminal Act abolished article 251, which prescribed infanticide as an independent offense with the maximum penalty of 10 years in prison, meaning that those who commit infanticide thereafter will be prosecuted for murder and eligible for the death penalty.¹

Two foreign nationals are currently on the death row in Korea: Park Gyung-soo, a Chinese national of Korean ethnicity, whose death sentence was confirmed by the Supreme Court in 2000 and Wang Liwei, a Chinese national of Han Chinese ethnicity, whose death sentence was confirmed by the Supreme Court in 2001.

CONDITIONS ON DEATH ROW

Death row prisoners are incarcerated in solitary confinement, in material conditions which seem to meet the international standards (US State Department human rights report, 2012)

Aside from this material perspective, putting prisoners through “death row phenomenon” has been pointed out as a form of inhuman treatment, as argued by The Advocates for Human Rights, ADPAN, the WCADP and TJWG in a joint report to the UN-HRC in 2023.

1 Advocates for Human Rights, World Coalition Against the Death Penalty, Anti-Death Penalty Asia Network, Transitional Justice Working Group, submission to the HRC, 2023

Even if executions have not been carried out in years, sitting on death row remains a different experience from regular imprisonment, as Won Eon-sik (South Korea’s longest serving death row prisoner, incarcerated since 1993) puts it: “the difference between heaven and earth, life and death”.²

For instance, in August 2023, the Justice Minister ordered correctional facilities to carry out inspections of execution chambers to ensure they were properly maintained. Death row prisoners know that despite the *de facto* moratorium, there is nothing to prevent the resumption of executions.

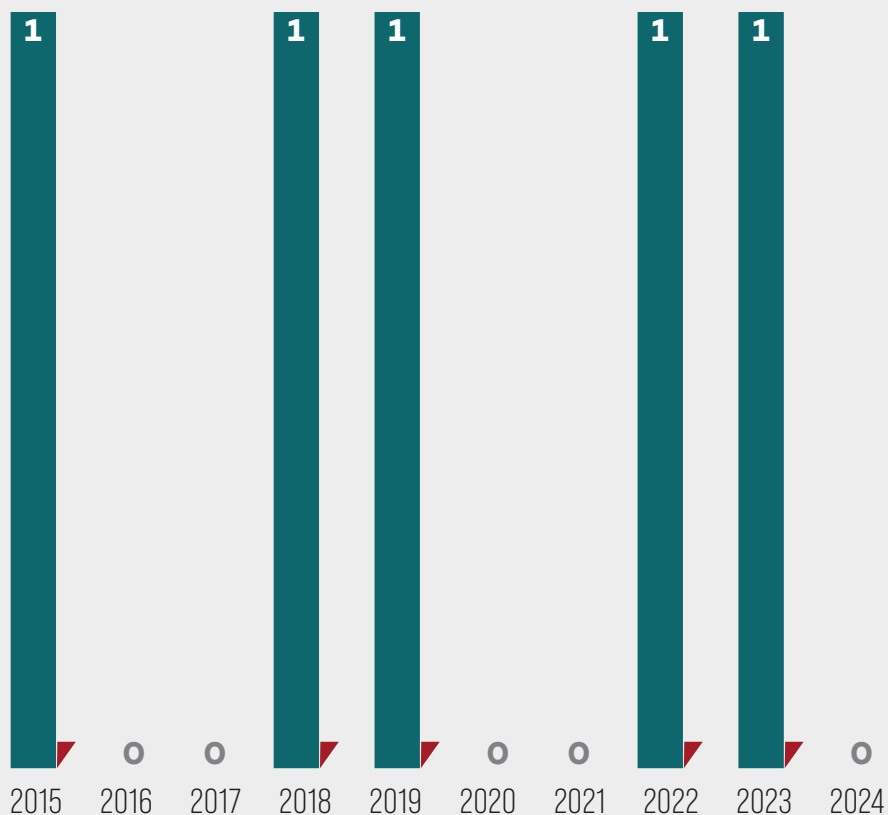
COMMUTATIONS AND RETRIALS

According to article 79 of the Constitution, the President can issue pardons and amnesties, as well as commute sentences.

Since the beginning of the moratorium in 1997, 13 prisoners have had their sentence commuted to life imprisonment. The last commutations took place in 2007.

2 In a letter from 2018 to a law professor (“In letters of contrition, Korea’s longest-serving death row inmate asks if his time is up”, Shin Min-jung, *Hankyoreh*, 2023)

EVOLUTION OF THE NUMBER OF DEATH SENTENCES OVER THE LAST 10 YEARS



NATIONAL LEGAL FRAMEWORK

There are 4 primary legislative texts that provide for the death penalty in South Korea, as well as several special acts, which represent at least 124 articles providing for offences that are punishable by death.

CRIMINAL ACT, 1953

The Criminal Act stipulates the death penalty as one of the available criminal punishments and specifies that executions shall be carried out by hanging in a correctional facility. It provides for the death penalty in cases of crimes against the state (such as insurrection and espionage), as well as for serious violent crimes (including murder, kidnapping resulting in death, rape-murder and robbery-murder).

CRIMINAL PROCEDURE ACT, 1954

The Criminal Procedure Act stipulates that the death penalty shall be carried out by an order of the Minister of Justice within five days from when the order is given. This Act provides that the order to carry out the death penalty shall be given within six months from the day when the death sentence becomes final, but this provision is “advisory” and is now considered a “dead letter” after almost 28 years of de facto moratorium.

MILITARY CRIMINAL ACT, 1962

The Military Court Act, which is lex specialis, stipulates that the death penalty shall be carried out by an order of the Minister of National Defense within five days from when the order is given. This Act provides that the order to carry out the death penalty shall be given within six months from the day when the death sentence becomes final, but this provision is “advisory” and is now considered a “dead letter” after almost 28 years of de facto moratorium.

OTHER ACTS:

JUVENILE ACT, 1958: Requires that the death penalty for offenders under 18 be reduced to 15 years’ imprisonment.

ACT ON SPECIAL CASES CONCERNING THE PUNISHMENT OF SPECIFIC VIOLENT CRIMES, 1990: Provides that juveniles under 18 convicted of specific violent crimes cannot be sentenced to death but to a limited prison term.

NATIONAL SECURITY ACT, 1948: Targets activities considered threatening to the security of the state and provides for the death penalty for membership in or activities related to ‘anti-state organizations’.

ACT ON COUNTER-TERRORISM FOR THE PROTECTION OF CITIZENS AND PUBLIC SECURITY, 2016: Allows the death penalty for the ringleader of a terrorist organization.

ACT ON PUNISHMENT OF CRIMES UNDER JURISDICTION OF THE INTERNATIONAL CRIMINAL COURT, 2007: Allows the death penalty for crimes such as genocide, crimes against humanity, and certain war crimes when they involve murder or acts resulting in death.

NARCOTICS CONTROL ACT, 2000: Allows the death penalty for illegal drug trafficking conducted for profits or repeatedly.

ACT OF SPECIAL CASES CONCERNING THE PREVENTION OF ILLEGAL TRAFFICKING IN NARCOTICS, 1995: Allows the death penalty for illegal drug trafficking conducted as a job.

ACT ON PROTECTION AND INSPECTION OF BURIED CULTURAL HERITAGE, 2010: Allows the death penalty for inflicting an injury resulting in death on a person managing or protecting designated cultural heritage while robbing it.

ACT ON CONSERVATION AND UTILIZATION OF CULTURAL HERITAGE, 1962: Allows the death penalty for inflicting an injury resulting in death on a person managing or protecting designated cultural heritage while robbing it.

RADIOACTIVE WASTE MANAGEMENT ACT, 2008: Allows the death penalty for death resulting from destroying or wrongfully operating any radioactive waste management facility.

ACT ON SPECIAL MEASURES FOR THE CONTROL OF PUBLIC HEALTH CRIMES, 1969: Allows the death penalty for murder or death resulting from manufacturing, processing or selling foods or medicines without permission.

ACT ON PUNISHMENT FOR DAMAGING SHIPS AND SEA STRUCTURES, 2003: Allows the death penalty for murder committed on ships or marine structures with intent to endanger safety and murder or death resulting from hijacking or attempting to hijack a ship.

ACT ON SPECIAL CASES CONCERNING THE PUNISHMENT OF SEXUAL CRIMES, 2010: Prescribes the death penalty for murder or death resulting from aggravated sexual crimes.

ACT ON THE PROTECTION OF CHILDREN AND YOUTH AGAINST SEX OFFENSES, 2000: Allows the death penalty for murder or death resulting from rape or indecent act by force against children.

ACT ON SPECIAL CASES CONCERNING THE PUNISHMENT OF CHILD ABUSE CRIMES, 2014: Allows the death penalty for murder committed in the context of child abuse.

ACT ON PHYSICAL PROTECTION AND RADIOLOGICAL EMERGENCY, 2003: allows the death penalty for being a ringleader of an organization created to deal in radioactive substance, nuclear material, nuclear device, radiological dispersal device, or radiation emission device without any proper authority or for death resulting from such activity.

NUCLEAR SAFETY ACT, 2011: allows the death penalty for harming human lives, bodies or property or disturbing public safety and security by destroying a nuclear reactor.

ACT ON THE ESTABLISHMENT AND OPERATION OF AUXILIARY POLICE COMPANIES, 1970: allows the death penalty for injuring one's own body to evade service in the face of an enemy.

ORGANS TRANSPLANT ACT, 1999: allows the death penalty for death resulting from illegal organ transplant.

ACT ON THE REGULATION OF THE USE AND TRANSFER OF CERTAIN CONVENTIONAL WEAPONS INCLUDING MINES, 2001: allows the death penalty for murder or death resulting from the use of mine, booby trap or other lethal devices.

RAILROAD SAFETY ACT, 2004: allows the death penalty for death resulting from arson and derailment, collision, or destruction of trains.

ACT ON THE AGGRAVATED PUNISHMENT OF SPECIFIC CRIMES, 1966: allows the death penalty in cases of aggravated kidnapping, hit-and-run deaths, repeat violent offenders, and retaliatory murders.

PUNISHMENT OF VIOLENCES, ETC. ACT, 1961: Imposes the death penalty for leaders of organizations formed to commit violent crimes.

AVIATION SECURITY ACT, 1974: allows the death penalty for causing damage to an aircraft sufficient to harm the safety of the aircraft in flight or for murder or causing death by hijacking aircraft.

AVIATION SAFETY ACT, 2016: allows the death penalty for endangering aircraft in flight or causing injuries or deaths by causing danger to aircraft in flight.

ACT ON THE CONTROL OF THE MANUFACTURE, EXPORT AND IMPORT OF SPECIFIC CHEMICAL SUBSTANCES AND BIOLOGICAL AGENTS FOR THE PROHIBITION OF CHEMICAL AND BIOLOGICAL WEAPONS, 1996: allows the death penalty for inflicting harm on human lives, health or property or disturbs public peace by using chemical weapons or biological weapons.

LIST OF LEGISLATIVE PROVISIONS ON THE DEATH PENALTY

CRIMINAL ACT, 1953³ – 20 ARTICLES

- Article 41 (Kinds of Punishment)**
Kinds of punishment shall be as follows
1. Death penalty; [...]
- Article 55 (Statutory Mitigation)**
(1) Statutory mitigation shall be as follows:
1. When a death penalty is to be mitigated, it shall be reduced to imprisonment, with or without labor, for an indefinite term or for at least 20 years up to 50 years; [...]
- Article 66 (Death Penalty)**
The death penalty shall be executed by hanging at a correctional facility.
- Article 87 (Insurrection)**
A person who creates a violence for the purpose of usurping the national territory or subverting the Constitution shall be punished according to the following classifications:
1. A ring leader shall be punished by death, imprisonment with or without labor for an indefinite term;
2. A person who participates in or commands a plot, or engages in other essential activities shall be punished by death or imprisonment with or without labor, for an indefinite term or for at least five years; the same shall also apply to a person who commits acts of killing, wounding, destroying or plundering; [...]
- Article 88 (Homicide for Purpose of Insurrection)**
A person who kills another for the purpose of excluding national power from all or part of the territory of the Republic of Korea or subverting the Constitution shall be punished by death or imprisonment with or without labor for an indefinite term.
- Article 92 (Inducement of Foreign Aggression)**
A person who, in conspiracy with a foreign country, causes to commence hostilities against the Republic of Korea, or who, in conspiracy with foreigners, fight against the Republic of Korea, shall be punished by death or imprisonment with labor for an indefinite term.
- Article 93 (Taking Side with Enemy)**
A person who fights against the Republic of Korea by joining an enemy country shall be punished by death.
- Article 94 (Benefiting Enemy by Levying Soldiers)**
(1) A person who levies soldiers for an enemy country shall be punished by death or imprisonment with labor for an indefinite term. [...]
- Article 95 (Benefiting Enemy by Providing Equipment)**
(1) A person who provides an enemy with country [sic] troops, fortresses, camps, or vessels, airplanes, such other places, equipment or structures to be used for

³ Ministry of Government Legislation (MOLEG) Korean Law Information Center, CRIMINAL ACT (형법) [Enforcement Date 08. Aug, 2023.] [Act No.19582, 08. Aug, 2023, Partial Amendment], <https://www.law.go.kr/lsInfoP.do?lsiSeq=253323&viewCls=engLsInfoR>

military purpose, shall be punished by death or imprisonment with labor for an indefinite term.
(2) A person who provides an enemy with country [sic] arms, ammunition, or such other goods to be used for military purpose shall also be punished as prescribed in the preceding paragraph.

- Article 96 (Benefiting Enemy by Destroying Equipment)**
A person who, for the benefit of an enemy country, destroys or makes [unusable] the military-purpose facilities and goods specified in the preceding Article, shall be punished by death or imprisonment with labor for an indefinite term.
- Article 98 (Spy)**
(1) A person who acts as a spy for an enemy country, or aids or abets a spy of an enemy country, shall be punished by death, imprisonment with labor for an indefinite term or for at least seven years.
(2) The preceding paragraph shall also apply to a person who divulges military secrets to an enemy country.
- Article 114 (Organization of Criminal Groups, etc.)**
A person who organizes a syndicate or group with the intent to commit a crime punishable by death or imprisonment with labor for an indefinite term or for at least four years or who joins such syndicate or group or becomes [acts as] a member of such syndicate or group shall be punished by the penalty prescribed for the intended crime: Provided, That the penalty may be mitigated.
- Article 119 (Use of Explosives)**
(1) A person who injures a person or damages property or disturbs the public safety by using explosives shall be punished by death or imprisonment with labor for an indefinite term or for at least seven years.
(2) A person who commits a crime specified in paragraph (1) in war, during an act of God [natural disaster], or any other warlike incident shall be punished by death or imprisonment with labor for an indefinite term.
(3) Attempts to commit a crime specified in paragraph[s] (1) or (2) shall be punished.
- Article 164 (Setting Fire to Present Living Building)**
(1) A person who sets fire to and burns any building which any person uses as a residence, or any building, train, street car, automobile, ship, aircraft, or underground mining facilities in which any person exists shall be punished by imprisonment with labor for an indefinite term or for at least three years.
(2) A person who commits a crime prescribed in paragraph (1) to injure a person shall be punished by imprisonment with labor for an indefinite term or for at least five years. If it results in death, he or she shall be punished by death or imprisonment with labor for an indefinite term or for at least seven years.
- Article 250 (Murder, Killing Ascendant)**
(1) A person who kills another shall be punished by death, or imprisonment with labor for an indefinite term or for at least five years
(2) A person who kills one's own or any lineal ascendant of one's spouse shall be punished by death, imprisonment with labor for an indefinite term or for at least seven years.
- Article 291 (Killing Another or Causing Death of Another while in Kidnapping, Abduction, Trafficking in Persons and Transportation)**
(1) A person who commits any of the crimes of Articles 287 through 289 [kidnapping, abduction and trafficking in persons], thereby killing a victim of such

crime, shall be punished by death or imprisonment with labor for an indefinite term or for at least seven years. [...]

Article 301-2 (Killing Another or Causing Death of Another by Rape)

A person who commits any of the crimes of Articles 297, 297-2, and 298 through 300 [rape, indecent act, etc.] and kills a victim of such crime shall be punished by death or imprisonment with labor for an indefinite term. If the commission of such crime results in the death of the victim, the perpetrator shall be punished by imprisonment for life or for at least ten years.

Article 324-4 (Murder of Hostage)

If a person who has committed the crime as prescribed in Article 324-2 [coercion by hostage], murders the hostage, the person shall be punished by death or imprisonment [with labor] for an indefinite term. If it results in the death, he/she shall be punished by imprisonment with labor for an indefinite term or for at least ten years.

Article 338 (Murder by Robbery)

If a robber murders another person, he or she shall be punished by death or imprisonment [with labor] for an indefinite term. If such robbery results in death, he or she shall be punished by imprisonment with labor for an indefinite term or for at least ten years.

Article 340 (Piracy)

(1) A person who, through the threat of collective force in the sea, forcibly seizes a ship or forcibly takes another's property after intruding upon a ship, shall be punished by imprisonment with labor for an indefinite term or for at least seven years. [...]
(3) A person who commits the crime of paragraph (1), thereby killing another or causing another person's death or committing rape, shall be punished by death or by imprisonment with labor for an indefinite term.

CRIMINAL PROCEDURE ACT, 1954⁴ – 7 ARTICLES

Article 463 (Execution of Death Penalty)

Death penalty shall be executed by an order of the Minister of Justice

Article 464 (Conclusion of Judgment of Death Penalty and Submission of Records of Trial)

When the judgment which has pronounced death penalty becomes final and conclusive, the prosecutor shall submit the records of trial to the Minister of Justice without delay.

Article 465 (Time to Order Execution of Death Penalty)

(1) The order to execute death penalty shall be given within six months from the day when a judgment becomes final and conclusive.
(2) Where a request for the recovery of right of appeal or for reopening of procedure or application for an extraordinary appeal has been made, the time for completion of such procedure shall not be calculated in the period of six months.

⁴ Ministry of Government Legislation (MOLEG) Korean Law Information Center, CRIMINAL PROCEDURE ACT (형사소송법) [Enforcement Date 09. Dec, 2021.] [Act No.17572, 08. Dec, 2020., Partial Amendment], <https://www.law.go.kr/lsInfoP.do?lsiSeq=223447&viewCls=engLsInfoR>

Article 466 (Period of Execution of Death Penalty)

In the event of the Minister of Justice having ordered the execution of death penalty, such execution shall be carried out within five days.

Article 467 (Presence in Execution of Death Penalty)

(1) Death penalty shall be executed in the presence of the prosecutor, a secretary of a prosecutors' office, and the warden of a prison or detention house or his/her representative.
(2) No person shall enter the place of execution except with the permission of a prosecutor or the warden of a prison or detention house.

Article 468 (Protocol of Execution of Death Penalty)

A secretary of a prosecutors' office who attends the execution of death penalty shall make an account of the execution, on which he/she shall print his/her name and affix his/her seal or write his/her signature jointly with the prosecutor and the warden of a prison or detention house or his/her representative.

Article 469 (Suspension of Death Penalty)

(1) If a person condemned to death penalty is devoid of mental capacity due to a mental disorder or a woman condemned to death penalty is pregnant, the execution shall be stayed by order of the Minister of Justice.
(2) Where the execution of death penalty has been stayed pursuant to the preceding paragraph, the penalty shall be executed by order of the Minister of Justice, subsequent to recovery from the mental disorder or after childbirth.

MILITARY CRIMINAL ACT, 1962⁵ – 47 ARTICLES

Article 3 (Execution of Death Penalty)

A death penalty shall be executed by a firing squad at a place designated by the competent Chief of Staff

Article 5 (Insurrection)

Persons who rise up and take up arms shall be punished by the following:
1. The leader: Death;
2. Persons who participate in the insurrection plot, who assumes command of the insurrection, or who commits murder, causes bodily harm or destruction, or engages in plundering during the insurrection: Death, imprisonment with or without labor for an indefinite term, or imprisonment with or without labor for a term of not less than seven years; [...]

Article 11 (Furnishing of Military Bases and Military Installations)

(1) A person who furnishes the enemy with a military fortress, military base, ship or an aircraft for military use, or other place, facility, or structure shall be punished by death.
(2) A person who furnishes the enemy with weapons, ammunition, or other goods for military use shall also be punished by the penalty provided in paragraph (1).

Article 12 (Destruction of Military Installations, etc.)

A person who destroys a military installation specified in Article 11 or other goods, or makes it impossible to use such an installation or goods for the benefit of the enemy shall be punished by death.

⁵ Ministry of Government Legislation (MOLEG) Korean Law Information Center, MILITARY CRIMINAL ACT (군형법) [Enforcement Date 01. Jul, 2022.] [Act No.18465, 24. Sep, 2021., Amendment by Other Act] <https://www.law.go.kr/lsInfoP.do?lsiSeq=235555&viewCls=engLsInfoR>

Article 13 (Espionage)

(1) A person who commits espionage for the enemy shall be punished by death, while a person who aided and abetted a spy of the enemy shall be punished by death or imprisonment with labor for an indefinite term.

(2) A person who divulges any military secret to the enemy shall also be punished by the penalty provided in paragraph (1).

(3) A person who commits a crime under paragraph (1) or (2) in any of the following areas or institutions shall also be punished by the penalty provided in paragraph (1):

1. An area in which a military unit, military base, or military port is situated or other area publicly announced pursuant to statutes for the protection of military installations;
2. An area to which a military unit moves, area in which a military unit conducts an exercise, area in which a counter-espionage operation is conducted, or any other area in which the military carries out a special operation;
3. A defense industrial entity or research institute designated or commissioned pursuant to the Defense Acquisition Program Act.

Article 14 (Benefitting the Enemy in General)

A person who commits any of the following acts, other than acts under Articles 11 through 13 [specific acts benefitting the enemy], shall be punished by death or imprisonment with labor for an indefinite term or for a term of not less than five years:

1. A person who guides the enemy to a course or who furnishes the enemy with geographic information;
2. A person who coerces a commander into surrendering to the enemy;
3. A person who hides or harbors the enemy;
4. A person who destroys or disrupts a path, bridge, lighthouse, sign, or any other traffic facility or interrupts the traffic of military units or ships, aircraft, or vehicles for military use by any other means;
5. A person who uses a secret code or signal for the enemy, who alters any content of an order, a notice, or report and delivers it altered or neglects the delivery of an order, a notice, or report, or who issues a false order, gives a false notice, or makes a false report;
6. A person who, for the benefit of the enemy, dismisses or disrupts a military unit, naval fleet, flight formation, or troops or interrupts the communications or gathering of a military unit, naval fleet, flight formation, or troops;
7. A person who supplies the enemy with weapons or ammunition for non-military use or goods that may be used for combat purposes;
8. A person who undermines the Republic of Korea's military advantage or gives the enemy a military advantage.

Article 18 (Unlawful Initiation of Combat Engagement)

A commander who initiates combat engagement with a foreign country without good cause shall be punished by death.

Article 19 (Unlawful Continuance of Combat)

A commander who continues combat engagement without good cause after receiving a notice of a truce or an armistice shall be punished by death.

Article 20 (Unlawful Advance or Retreat)

A commander who, in the absence of an unavoidable cause, abuses his or her authority in wartime, during a disturbance, or in an area under martial law to advance or retreat a military unit, naval ship, or an aircraft shall be punished by death, imprisonment with or without labor for an indefinite term, or imprisonment with or without labor for not less than seven years.

Article 21 (Attempted Crime)

An attempt to commit a crime under any provision of this Chapter [articles 18 to 20] shall be punished.

Article 22 (Surrender)

A commander who, rather than fulfill his or her duty to the country, surrenders him or herself to the enemy or abandons a military unit, fortress, military base, naval ship, or an aircraft to the enemy shall be punished by death.

Article 23 (Leading of Military Unit to Escape)

A commander who, rather than fulfill his or her duty to the country, leads a military unit to escape together in the face of the enemy shall be punished by death.

Article 24 (Dereliction of Duty)

A commander who, without good cause, refuses to perform his or her duty or is derelict in his or her duty shall be punished by the following:

1. In the face of the enemy: Death; [...]

Article 25 (Attempted Crime)

An attempt to commit a crime under Article 22 or 23 shall be punished.

Article 27 (Commander's Breakaway from Station of Defense)

A commander who leads a military unit to break away from his or her station of defense or does not go to the area to which he or she is assigned without good cause shall be punished by the following:

1. In the face of the enemy: Death;
2. In wartime, during a disturbance, or in an area under martial law: Death, imprisonment with or without labor for an indefinite term, or imprisonment with or without labor for not less than five years; [...]

Article 28 (Sentry's Breakaway from Station of Defense)

A sentry who, without good cause, breaks away from his or her station of defense or does not go to his or her station of defense by the designated time shall be punished by the following:

1. In the face of the enemy: Death or imprisonment with labor for an indefinite term or for a term of not less than ten years;

Article 29 (Attempted Crime)

An attempt to commit a crime under any provision of this Chapter [article 27 to 28] shall be punished.

Article 30 (Desertion from Military Service)

(1) A person who deserts his or her military unit or his or her duty with intent to evade military service shall be punished by the following:

1. In the face of the enemy: Death or imprisonment with labor for an indefinite term or for a term of not less than ten years;

Article 33 (Fleeing to Enemy's Camp)

A person who flees to the enemy's camp shall be punished by death.

Article 34 (Attempted Crime)

An attempt to commit a crime under any provision of this Chapter [articles 30 to 33] shall be punished.

Article 37 (Danger Caused by Deceit to Navigation)

A person who brings danger to safe navigation of naval ships or aircraft for military use by a false signal or other means shall be punished by the following:

1. In wartime, during a disturbance, or in an area under martial law: Death or imprisonment with labor for an indefinite term or for a term of not less than five years;

Article 38 (False Order, Notification, and Report)

(1) A person who issues a false order, gives a false notification, or makes a false report with regard to a military affair shall be punished by the following:

1. In the face of the enemy: Death or imprisonment with labor for an indefinite term or for a term of not less than five years;

Article 40 (Violation of Sentry Order)

(1) A person who, without good cause, orders a change of sentry or changes a sentry without following established rules shall be punished by the following:

1. In the face of the enemy: Death or imprisonment with labor for an indefinite term or for a term of not less than two years;

Article 41 (Cheating for Intentional Evasion of Service)

(1) A person who inflicts an injury on his or her own body with intent to evade service shall be punished by the following:

1. In the face of the enemy: Death or imprisonment with labor for an indefinite term or for a term of not less than five years;

Article 42 (Supply of Hazardous Foodstuff)

(1) A person who supplies the military with toxic foodstuff shall be punished by imprisonment with labor for not more than ten years.

(2) A person who causes another person to be killed or sustain an injury by committing a crime under paragraph (1) shall be punished by death or imprisonment with labor for an indefinite term or for a term of not less than five years. [...]

(4) A person who commits a crime under paragraph (1) with intent to benefit the enemy shall be punished by death or imprisonment with labor for an indefinite term or for a term of not less than five years.

Article 44 (Insubordination)

A person who resists or disobeys a legitimate order of his or her superior shall be punished by the following:

1. In the face of the enemy: Death or imprisonment with labor for an indefinite term or for a term of not less than ten years; [...]

Article 45 (Mass Insubordination)

Persons who commit a crime under Article 44 in a group shall be punished by the following:

1. In the face of the enemy: The leader shall be punished by death, and the other persons by death or imprisonment with labor for an indefinite term; [...]

Article 50 (Aggravated Assault or Intimidation against Superior)

A person who commits a crime under Article 48 [assault or intimidation against superior], while in possession of a deadly weapon or any other dangerous object, shall be punished by the following:

1. In the face of the enemy: Death or imprisonment with labor for an indefinite term or for a term of not less than five years; [...]

Article 52 (Assault against Superior Causing Death or Injury)

(1) A person who commits a crime under any provision of Articles 48 through 50 causing death of his or her superior, shall be punished by the following:

1. In the face of the enemy: Death, imprisonment with labor for an indefinite term or for a term of not less than ten years;

2. In wartime, during a disturbance, or in an area under martial law: Death or imprisonment with labor for an indefinite term or for a term of not less than five years; [...]

Article 52-4 (Infliction of Aggravated Bodily Injury on Superior)

A person who commits a crime under Article 52-2 [infliction of bodily injury on superior], while in possession of a deadly weapon or any other dangerous object, shall be punished by the following:

1. In the face of the enemy: Death or imprisonment with labor for an indefinite term or for a term of not less than ten years;

Article 52-5 (Infliction of Serious Bodily Injury on Superior)

A person who commits a crime under any provision of Articles 52 (2) and 52-2 through 52-4 resulting in a danger to his or her superior's life or resulting in the deformity or incurable or fatal illness of his or her superior, shall be punished by the following:

1. In the face of the enemy: Death or imprisonment with labor for an indefinite term or for a term of not less than ten years;

2. In wartime, during a disturbance, or in an area under martial law: Death or imprisonment with labor for an indefinite term or for a term of not less than three years: Provided, That the leader of persons who commit a crime under Article 52-3

(1) 2 shall be punished by death or imprisonment with labor for an indefinite term or for a term of not less than seven years; [...]

Article 52-6 (Infliction of Bodily Injury on Superior Causing Death)

A person who commits a crime under any provision of Articles 52-2 through 52-5 causing death of his or her superior shall be punished by the following:

1. In the face of the enemy: Death or imprisonment with labor for an indefinite term or for a term of not less than ten years;

2. In wartime, during a disturbance, or in an area under martial law: Death or imprisonment with labor for an indefinite term or for a term of not less than five years; [...]

Article 53 (Murdering Superior and Preparation and Conspiracy therefor)

(1) A person who murders his or her superior shall be punished by death or imprisonment with labor for an indefinite term. [...]

Article 56 (Aggravated Assault or Intimidation against Sentry)

A person who commits a crime under Article 54, while in possession of a deadly weapon or any other dangerous object, shall be punished by the following:

1. In the face of the enemy: Death or imprisonment with labor for an indefinite term or for a term of not less than three years; [...]

Article 58 (Assault against Sentry Causing Death or Injury)

(1) A person who commits a crime under any provision of Articles 54 through 56, causing death of a sentry, shall be punished by the following:

1. In the face of the enemy: Death or imprisonment with labor for an indefinite term or for a term of not less than five years;

2. In wartime, during a disturbance, or in an area under martial law: A person who commits a crime under Article 54 shall be punished by death or imprisonment with labor for an indefinite term or for a term of not less than three years, and a person who commits a crime under Article 55 or 56 by death or imprisonment with labor for an indefinite term or for a term of not less than five years; [...]

Article 58-4 (Infliction of Aggravated Bodily Injury on Sentry)

A person who commits a crime under Article 58-2, while in possession of a deadly weapon or any other dangerous object, shall be punished by the following:

1. In the face of the enemy: Death or imprisonment with labor for an indefinite term or for a term of not less than five years; [...]

Article 58-6 (Infliction of Bodily Injury on Sentry Causing Death)

A person who commits a crime under any provision of Articles 58-2 through 58-5, causing death of a sentry, shall be punished by the following:

1. In the face of the enemy: Death or imprisonment with labor for an indefinite term or for a term of not less than five years;

2. In wartime, during a disturbance, or in an area under martial law: A person who commits a crime under Article 58-2 shall be punished by death or imprisonment with labor for an indefinite term or for a term of not less than three years, and a person who commits a crime under any provision under Articles 58-3 through 58-5 by death or imprisonment with labor for an indefinite term or for a term of not less than five years; [...]

Article 59 (Murdering Sentry and Preparation and Conspiracy therefor) (1)

A person who murders a sentry shall be punished by death or imprisonment with labor for an indefinite term. [...]

Article 60 (Assault, Intimidation, etc. against Military Person, etc. on Duty)

(4) A person who commits a crime under any provision of paragraphs (1) through (3), causing death of a military person, etc. on duty, other than his or her superior nor a sentry, shall be punished by the following:

1. In the face of the enemy: Death or imprisonment with labor for an indefinite term or for a term of not less than five years;

2. In wartime, during a disturbance, or in an area under martial law: A person who commits a crime under paragraph (1) shall be punished by death or imprisonment with labor for an indefinite term or for a term of not less than three years, and a person who commits a crime under paragraph (2) or (3) by death or imprisonment with labor for an indefinite term or for a term of not less than five years; [...]

Article 60-5 (Infliction of Bodily Injury on Military Person, etc. on Duty Causing Death)

A person who commits a crime under any provision of Articles 60-2 through 60-4, resulting in the death of a military person, etc. on duty, other than his or her superior and a sentry, shall be punished by the following:

1. In the face of the enemy: Death or imprisonment with labor for an indefinite term or for a term of not less than five years;

2. In wartime, during a disturbance, or in an area under martial law: A person who commits a crime under Article 60-2 shall be punished by death or imprisonment with labor for an indefinite term or for a term of not less than three years, and a person who commits a crime under Article 60-3 or 60-4 by death or imprisonment with labor for an indefinite term or for a term of not less than five years; [...]

Article 66 (Arson of Military Installations, etc.)

(1) A person who destroys a military factory, ship, aircraft, or facility, train, tram, automobile, or bridge for combat by setting fire thereto shall be punished by death or imprisonment with labor for an indefinite term or for a term of not less than ten years.

(2) A person who destroys a warehouse that stores goods for military use by setting fire thereto shall be punished by the following:

1. Where goods for military use are present: Death or imprisonment with labor for an indefinite term or for a term of not less than seven years; [...]

Article 67 (Arson of Military Supplies Stored Outdoor)

A person who destroys weapons, ammunition, vehicles, accouterments, equipment, materials, foodstuffs, clothes, or other goods stored outdoor for military use by setting fire thereto shall be punished by the following:

1. In the face of the enemy: Death or imprisonment with labor for an indefinite term or for a term of not less than seven years; [...]

Article 71 (Capsizing or destruction of Ships and Aircraft)

(1) A person who capsizes or destroys a naval ship in commission by colliding or stranding it or navigating it to a dangerous place shall be punished by death or imprisonment with labor for an indefinite term or for a term of not less than five years.

(2) A person who crashes or destroys an aircraft in commission shall also be punished by the penalty provided in paragraph (1).

(3) A person who kills or injures another person by committing a crime under paragraph (1) or (2) shall be punished by death or imprisonment with labor for an indefinite term or for a term of not less than ten years.

Article 75 (Aggravation of Penalty against Crimes Relating to Military Supplies, etc.)

(1) A person who commits a crime under any provision of Chapter XXXVIII through XLI of Part II of the Criminal Act in relation to firearms, ammunition, explosives, vehicles, accouterments, equipment, materials, foodstuffs, clothes, or other goods for military use or property interests of the military shall be punished by following:

1. Where firearms, ammunition, or explosives are involved: Death or imprisonment with labor for an indefinite term or for a term of not less than five years;

2. In other cases: Death or imprisonment with labor for an indefinite term or for a term of not less than one year. [...]

Article 83 (Plundering Resulting in Death or Injury)

(1) A person who commits a crime under Article 82 resulting in death or injury of another person shall be punished by death or imprisonment with labor for an indefinite term. [...]

Article 84 (Rape in Combat Zone)

(1) A person who rapes a person in a combat zone or an occupied area shall be punished by death. [...]

Article 92-8 (Rape, etc. with Murder or Causing Death)

A person who commits a crime under any provision of Articles 92 and 92-2 through 92-5 shall be punished by death or imprisonment with labor for an indefinite term, when he or she murders another person falling under any provision of Article 1 (1) through (3), or by death or imprisonment with labor for an indefinite term or for a term of not less than ten years, when he or she causes death of another person.

MILITARY COURT ACT, 1962⁶ – 7 ARTICLES

Article 506 (Execution of Capital Punishment)

Capital punishment shall be executed according to the command of the Minister of National Defense.

⁶ Ministry of Government Legislation (MOLEG) Korean Law Information Center, MILITARY COURT ACT (군사법원법) [Enforcement Date 18. Dec, 2018.] [Act No.15983, 18. Dec, 2018, Partial Amendment], <https://www.law.go.kr/lsInfoP.do?lsiSeq=205821&viewCls=engLsInfoR>

Article 507 (Determination of Judgment of Capital Punishment and Submission of Court Records)

When the judgment sentencing capital punishment has been determined, the military prosecutor shall, without delay, submit court records to the Minister of National Defense.

Article 508 (Time Limit to Issue Order of Execution of Capital Punishment)

(1) An order to execute capital punishment shall be issued within six months from the date a judgment becomes final.
(2) When a request for the recovery of a right to appeal, retrial or extraordinary appeal to the Supreme Court has been made, the time taken for the completion of such procedures shall not be counted in the period prescribed in paragraph (1).

Article 509 (Time to Execute Capital Punishment)

Capital punishment shall be executed within five days from the time the Minister of National Defense issues an order.

Article 510 (Attendance at Execution of Capital Punishment)

(1) The military prosecutor, prosecution clerk, medical officer and prison warden or a person who stands in for warden shall attend the execution of capital punishment.
(2) No person shall enter a place where capital punishment is to be executed without the permission of the military prosecutor or prison warden.

Article 511 (Protocol of Execution of Capital Punishment)

A prosecution clerk who has attended at the execution of capital punishment shall prepare a protocol of execution, and affix name and seal or sign thereon together with the military prosecutor, medical officer and prison warden or a person who stands in for warden.

Article 512 (Suspension of Execution of Capital Punishment)

(1) If the person who has been sentenced to capital punishment lacks mental capacity due to a mental disorder, or is a pregnant woman, the execution of capital punishment shall be suspended by order of the Minister of National Defense.
(2) Where the execution of capital punishment has been suspended pursuant to paragraph (1), capital punishment shall be executed by order of the Minister of National Defense after the condemned criminal recovers from his/her mental disorder or gives birth to a baby.

JUVENILE ACT, 1958⁷ – 1 ARTICLE

Article 59 (Mitigation of Death Penalty and Life Sentence)

Death penalty or life sentence to a juvenile who was less than 18 years old when the crime was committed, shall be reduced to 15 years of imprisonment.

7 Ministry of Government Legislation (MOLEG) Korean Law Information Center, JUVENILE ACT (소년법) [Enforcement Date 18. Sep, 2018.] [Act No.15757, 18. Sep, 2018., Partial Amendment], <https://www.law.go.kr/lsInfoP.do?lsiSeq=204487&viewCls=engLsInfoR>

ACT ON SPECIAL CASES CONCERNING THE PUNISHMENT OF SPECIFIC VIOLENT CRIMES, 1990⁸ – 1 ARTICLE

Article 4 (Punishment for Juveniles)

(1) Where a juvenile under 18 years of age is supposed to be punished by death penalty or life imprisonment at the time he/she commits a specific violent crime, notwithstanding Article 59 of the Juvenile Act, he/she shall be sentenced to limited imprisonment for 20 years. [...]

NATIONAL SECURITY ACT, 1948⁹ – 4 ARTICLES

Article 3 (Constitution, etc. of Anti-Government Organization)

(1) Any person who constitutes or joins an anti-government organization, shall be punished as follows:
1. A person engaged in the function of a ringleader shall be punished by capital punishment or imprisonment for life;
2. A person engaged in the function of a leading member shall be punished by capital punishment, imprisonment for life or imprisonment for more than five years; [...]

Article 4 (Accomplishment of Purpose)

(1) If a member of an anti-government organization or a person who has received his order, commits any act to accomplish the purpose, he shall be punished as follows:
1. If he commits the act as prescribed in Article 92 through 97, 99, 250 (2), 338 or 340 (3) of the Criminal Act, he shall be punished by the penalty as prescribed in the respective Article;
2. If he commits an act as prescribed in Article 98 of the Criminal Act, or spies, collects, discloses, transmits or mediates any State secret, he shall be punished as follows:
(a) If any military or State secret is a fact, thing or knowledge which is accessible to limited persons to acquire in order to avoid an important disadvantage to the national security, and the said fact, thing or knowledge shall be kept as a secret against any hostile country or anti-government organization, he shall be punished by capital punishment or imprisonment for life;
(b) In case of any military or State secret other than those as referred to in item (a), he shall be punished by capital punishment, imprisonment for life or imprisonment for more than seven years;
3. If he commits the act as prescribed in Article 115, 119 (1), 147, 148, 164 through 169, 177 through 180, 192 through 195, 207, 208, 210, 250 (1), 252, 253, 333 through 337, 339 or 340 (1) and (2) of the Criminal Act, he shall be punished by capital punishment, imprisonment for life or imprisonment for more than ten years;
4. If he destroys any transportation, communication, building or other important facilities used by the State or public organizations, or captures or entices any person, or moves or removes ships, aircraft, automobiles, weapons and other things, he shall be punished by capital punishment, imprisonment for life or imprisonment for more than five years;

8 Ministry of Government Legislation (MOLEG) Korean Law Information Center, ACT ON SPECIAL CASES CONCERNING THE PUNISHMENT OF SPECIFIC VIOLENT CRIMES (특정강력범죄의 처벌에 관한 특례법 (약칭: 특정강력범죄법)) [Enforcement Date 06. Jan, 2016.] [Act No.13716, 06. Jan, 2016., Partial Amendment], <https://www.law.go.kr/lsInfoP.do?lsiSeq=178983&viewCls=engLsInfoR>
9 Ministry of Government Legislation (MOLEG) Korean Law Information Center, NATIONAL SECURITY ACT (국가보안법) [Enforcement Date 07. Jul, 2017.] [Act No.13722, 06. Jan, 2016., Amendment by Other Act], <https://www.law.go.kr/lsInfoP.do?lsiSeq=179033&viewCls=engLsInfoR>

Article 6 (Infiltration and Escape)

[...]

(2) Any person who has infiltrated from or escaped to recieve an order from, or consult an accomplishment of purpose with, an anti-government organization or a member thereof, shall be punished by capital punishment, imprisonment for life or imprisonment for more than five years.

< <This paragraph is not in contravention of the Constitution as far as it is applied to the cases where the said act may definitely threaten the existence and security of the State or free democratic fundamental order, pursuant to the decision which was made by the Constitutional Court on August 27, 1998>> [...]

Article 13 (Special Aggravation)

If a person who was sentenced to a punishment of imprisonment without prison labor or heavier, for a commission of the crime as prescribed by this Act, Articles 13 and 15 of the Military Criminal Act, or Chapters I (Crime of Rebellion) and II (Crime of Foreign Troubles) of Part II of the Criminal Act, and for whom its execution is not terminated, or for whom not more than five years have passed after the termination of or exemption from its execution, commits the crime as prescribed in Article 3 (1) 3 and (2) through (5), Articles 94 (2), 97 and 99 of the Criminal Act from among Article 4 (1) 1, Article 4 (1) 5 and 6, and (2) through (4), Article 5, Article 6 (1), and (4) through (6), Articles 7 through 9, the maximum of the legal punishment against the crime shall be capital punishment.

< <"If a person who was sentenced to a punishment of imprisonment without prison labor or heavier, for a commission of the crime as pre- scribed by this Act, Articles 13 and 15 of the Military Criminal Act, or Chapters I (Crime of Rebellion) and II (Crime of Foreign Troubles) of Part II of the Criminal Act, and for whom its execution is not terminated or for whom not more than five years have passed after the termination of or exemption from its execution, commits the crime as prescribed in ... Article 7 (5) and (1) of this Act, the maximum of the legal punishment against the crime shall be capital punishment" provided in this Article has lost its effect pursuant to the decision of unconstitutionality which was made by the Constitutional Court on November 28, 2002>>

**ACT ON COUNTER-TERRORISM FOR THE PROTECTION
OF CITIZENS AND PUBLIC SECURITY, 2016¹⁰ - 1 ARTICLE**

Article 17 (Crimes of forming terrorist groups)

(1) A person who forms a terrorist group or joins a terrorist group as a member shall be punished as follows:

1. A ringleader shall be punished by death or by imprisonment with labor for an indefinite term or for a term of not less than 10 years; [...]

¹⁰ Ministry of Government Legislation (MOLEG) Korean Law Information Center, ACT ON COUNTER-TERRORISM FOR THE PROTECTION OF CITIZENS AND PUBLIC SECURITY (국민보호와 공공안전을 위한 테러방지법 (약칭: 테러방지법)) [Enforcement Date 09. Feb, 2024.] [Act No.19580, 08. Aug, 2023., Amendment by Other Act], <https://www.law.go.kr/lsInfoP.do?lsiSeq=253319&viewCls=engLsInfoR>

**ACT ON PUNISHMENT OF CRIMES UNDER JURISDICTION
OF THE INTERNATIONAL CRIMINAL COURT, 2007¹¹ - 6 ARTICLES**

Article 8 (Crime of Genocide)

(1) Any person who kills a member of a national, racial, ethnical or religious group with intent to fully or partially destroy the group shall be punished by the death penalty or imprisonment for life or for not less than seven years. [...]

(5) Any attempt to commit any crime provided for in paragraph (1) or (2) shall be punished.

Article 9 (Crimes against Humanity)

(1) Any person who has killed another person by making an extensive or systematic attack directed against any civilian population in connection with the policies of the State, organizations or institutions to commit such attack shall be punished by the death penalty or imprisonment for life or for not less than seven years. [...]

(3) A member of a racial group who commits any act referred to in paragraph (1) or (2) with intent to maintain a regime of systematic oppression and domination over any other racial group or groups shall be subject to the punishment stipulated in each of such paragraphs.

(4) Any person who causes another person's death by committing any act listed in any subparagraph of paragraph (2) or any act referred to in paragraph (3) (limited to acts listed in any subparagraph of paragraph (2)) shall be subject to the punishment stipulated in paragraph (1).

(5) Any attempt to commit a crime provided for in any of paragraphs (1) through (3) shall be punished.

Article 10 (War Crimes against Persons)

(1) Any person who kills a person protected pursuant to international laws on humanity in relation to international or non-international armed conflict (excluding situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature; hereinafter the same shall apply) shall be punished by the death penalty or imprisonment for life or for not less than seven years.

(2) Any person who commits any of the following acts in relation to international or non-international armed conflict shall be punished by imprisonment for life or for not less than five years:

1. Taking as a hostage any person protected pursuant to international laws on humanity;
2. Causing grievous suffering or serious injury to body or health by torturing or mutilating any person protected pursuant to international laws on humanity;
3. Committing rape, forced prostitution, sexual slavery, forced pregnancy or forced sterilization upon any person protected pursuant to international laws on humanity.

(3) Any person who commits any of the following acts in relation to international or non-international armed conflict shall be punished by imprisonment for a fixed term of not less than three years:

1. Deporting or forcibly transferring any person protected pursuant to international laws on humanity from the area in which he/she is present, in violation of international laws;

¹¹ Ministry of Government Legislation (MOLEG) Korean Law Information Center, ACT ON PUNISHMENT, ETC. OF CRIMES UNDER JURISDICTION OF THE INTERNATIONAL CRIMINAL COURT (국제형사재판소 관할 범죄의 처벌 등에 관한 법률 (약칭: 국제형사범죄법)) [Enforcement Date 12. Apr, 2011.] [Act No.10577, 12. Apr, 2011., Partial Amendment], <https://www.law.go.kr/lsInfoP.do?lsiSeq=112303&viewCls=engLsInfoR>

2. Passing sentence upon any person protected pursuant to international laws on humanity or carrying out such sentence, without undergoing a fair and regular trial;
3. Subjecting any person protected pursuant to international laws on humanity to medical or scientific experiments of any kind which are not justified by medical treatment, etc. and which cause serious harm to his/her life or body, without his/her prior voluntary consent thereto;
4. Wounding a member or a combatant of a hostile army who surrenders at discretion or loses the ability to defend himself/herself;
5. Conscripting or enlisting any person under the age of 15 years into armed forces or groups or using him/her to participate in hostilities. [...]
- (6) Any person who causes another person's death by committing any crime provided for in paragraph (2), (3) or (5) shall be punished by the death penalty or imprisonment for life or for not less than seven years.
- (7) Any attempt to commit any crime provided for in any of paragraphs (1) through (5) shall be punished.

Article 12 (War Crimes against Humanitarian Activities, Distinctive Emblems, etc.)
[...]

- (2) Any person who causes another person's death or any grievous bodily injury to another person by making improper use of the distinctive emblems prescribed in the Geneva Conventions, a flag of truce, or a flag, military insignia or uniform of the enemy or of the United Nations in relation to international or non-international armed conflict shall be punished according to the following classifications:
 1. Any person who causes another person's death shall be punished by the death penalty or imprisonment for life or for not less than seven years; [...]
 - (3) Any attempt to commit any crime provided for in paragraph (1) or (2) shall be punished.

Article 13 (War Crimes Using Forbidden Means)

- (1) Any person who commits any of the following acts in relation to international or non-international armed conflict shall be punished by imprisonment for life or for not less than three years:
 1. Directing an attack against the civilian population as such or against individual civilians not directly taking part in hostilities;
 2. Attacking buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where sick and wounded persons are gathered, which are not military objectives, or attacking villages, dwellings or buildings which are undefended or dams or other installations which involve physical danger;
 3. Making an attack which causes the loss of life or injury to civilians or severe damage to civilian objects and which would be clearly excessive in relation to the necessities of military operations;
 4. Utilizing a person protected pursuant to international laws on humanity to render certain objects immune from military operations;
 5. Using starvation of civilians as a means of warfare by depriving them of objects indispensable to their survival or impeding the supply of such objects, in violation of international laws on humanity;
 6. Directing or coercing subordinates to kill enemy combatants without exception as a military commander;
 7. Killing or wounding individuals belonging to an enemy army or combatant adversaries by using any treacherous act forbidden in international laws.
- (2) Any person who causes death or injury to any person protected pursuant to

international laws on humanity by committing any crime provided for in any of paragraph (1) 1 through 6 shall be punished according to the following classifications:
1. A person who causes the death of such person shall be punished by the death penalty or imprisonment for life or for not less than seven years; [...]

Article 14 (War Crimes Using Forbidden Weapons)

- (1) Any person who employs any of the following weapons in relation to international or non-international armed conflict shall be punished by imprisonment for life or for not less than five years:
- (2) Any person who causes any harm to another person's life, body or property by committing any crime provided for in paragraph (1) shall be punished by the death penalty or imprisonment for life or for not less than seven years.
- (3) Any attempt to commit any crime provided for in paragraph (1) shall be punished.

NARCOTICS CONTROL ACT, 2000¹² – 1 ARTICLE

Article 58 (Penalty Provisions)

- (1) Any of the following persons shall be punished by imprisonment with labor for an indefinite term or for not less than five years:
 1. A person who exports or imports, manufactures, trades, or assists in the trade of, narcotic drugs, or who possesses or owns them for such purposes, in violation of subparagraphs 2 and 3 of Article 3, or Article 4 (1), 18 (1), or 21 (1);
 2. A person who manufactures, exports, or imports precursors for the purpose of manufacturing the narcotic drugs or psychotropic substances, or who holds or possesses them for such purpose, in violation of subparagraph 4 of Article 3;
 3. A person who manufactures, exports or imports, trades, assists in the trade of, or gives or receives, psychotropic substances under subparagraph 3 (a) of Article 2, or other psychotropic substances containing their substance, or who holds or possesses them for such purpose, in violation of subparagraph 5 of Article 3;
 4. A person who obtains extraction from plants or mushrooms used as raw materials of the psychotropic substances under subparagraph 3 (a) of Article 2, or who exports or imports such plants or mushrooms, or holds or possesses them for such purpose, in violation of subparagraph 6 of Article 3;
 5. A person who exports or imports cannabis, or who holds or possesses it for such purpose, in violation of subparagraph 7 of Article 3;
 6. A person who manufactures, exports, or imports psychotropic substances under subparagraph 3 (b) of Article 2 or other psychotropic substances containing their substance, or who holds or possesses them for such purpose, in violation of Article 4 (1);
 7. A person who gives, receives, prepares, administers, or delivers narcotic drugs to a minor, or who trades, gives, receives, prepares, administers, or delivers psychotropic substances or temporary narcotics, in violation of Article 4 (1) or 5-2 (5);
 8. A person who violates Article 5-2 (5) 1 or 2, with respect to Group 1 temporary narcotics.
- (2) Any person who has committed any of the offenses under paragraph (1) for profit-making or repeatedly shall be punished by death penalty, imprisonment with labor for an indefinite term or for not less than 10 years.

¹² Ministry of Government Legislation (MOLEG) Korean Law Information Center, NARCOTICS CONTROL ACT (마약류 관리에 관한 법률) [Enforcement Date 22. Oct, 2024.] [Act No.20512, 22. Oct, 2024., Amendment by Other Act], <https://www.law.go.kr/lsInfoP.do?lsiSeq=265891&viewCls=engLsInfoR>

ACT OF SPECIAL CASES CONCERNING THE PREVENTION OF ILLEGAL TRAFFICKING IN NARCOTICS, 1995¹³ – 1 ARTICLE

Article 6 (Illegal Importation, etc. Conducted for Business Purposes)

(1) Any person who conducts an activity under Article 58 (excluding paragraph (4) of the same Article), 59 (1) through (3) (limited to activities related to the provisions of paragraph (1) 1 through 4 and 9 of the same Article and excluding psychotropic drugs in subparagraph 4 of the same paragraph), or 60 (1) 4 (including any habitual offender and any criminal attempt) of the Narcotics Control Act. (including any person who conducts an activity under Article 9 as well as an activity mentioned above for business purposes) for business purposes shall be punished by death, imprisonment for life, or imprisonment for not less than ten years. In such cases, a fine not exceeding 100 million won shall be imposed concurrently. [...]

ACT ON PROTECTION AND INSPECTION OF BURIED CULTURAL HERITAGE, 2010¹⁴ – 1 ARTICLE

Article 32 (Aggravated Offenses)

(1) Punishment on a person who commits a crime prescribed in Article 31 (illegal excavation, etc.) by exhibiting the power of an organization or crowd or by carrying dangerous objects shall be raised up to one-half of the punishment prescribed in the same Article.

(2) Any person who inflicts an injury on a person managing or protecting the designated cultural heritage (including provisionally designated cultural heritage) or a precious national treasure (including provisionally designated precious national treasures or provisionally designated scenic spots) by committing a crime prescribed in paragraph (1) shall be punished by imprisonment with labor for an indefinite term or for a term of not less than five years. Where such injury leads a person to death, such offender shall be punished by death or by imprisonment with labor for an indefinite term or for a term of not less than five years.

ACT ON CONSERVATION AND UTILIZATION OF CULTURAL HERITAGE, 1962¹⁵ – 1 ARTICLE

Article 93 (Cumulative Crimes)

(1) A person who commits a crime stipulated under Articles 90 through 92 [export without permission, etc.] by demonstrating the force of an organization or a large number of people or carrying a dangerous object in his or her possession shall be sentenced to cumulative punishment by half that stipulated under the relevant Articles.

- 13 Ministry of Government Legislation (MOLEG) Korean Law Information Center, ACT ON SPECIAL CASES CONCERNING THE PREVENTION OF ILLEGAL TRAFFICKING IN NARCOTICS, ETC. (마약류 불법거래 방지에 관한 특별법 (약칭: 마약거래방지법)) [Enforcement Date 05. Jan, 2021.] [Act No.17826, 05. Jan, 2021., Partial Amendment], <https://www.law.go.kr/lsInfoP.do?lsiSeq=228085&viewCls=engLsInfoR>
- 14 Ministry of Government Legislation (MOLEG) Korean Law Information Center, ACT ON PROTECTION AND INSPECTION OF BURIED CULTURAL HERITAGE (매장유산 보호 및 조사에 관한 법률 (약칭: 매장유산법)) [Enforcement Date 08. Aug, 2023.] [Act No.19592, 08. Aug, 2023., Amendment by Other Act] <https://www.law.go.kr/lsInfoP.do?lsiSeq=253557&viewCls=engLsInfoR>
- 15 Ministry of Government Legislation (MOLEG) Korean Law Information Center, ACT ON CONSERVATION AND UTILIZATION OF CULTURAL HERITAGE (문화유산의 보존 및 활용에 관한 법률 (약칭: 문화유산법)) [Enforcement Date 14. Feb, 2025.] [Act No.20286, 13. Feb, 2024., Partial Amendment], <https://www.law.go.kr/lsInfoP.do?lsiSeq=260205&viewCls=engLsInfoR>

(2) Any person who inflicts an injury on a person managing or protecting the designated cultural heritage or provisionally designated cultural heritage by committing a crime prescribed in paragraph (1) shall be punished by imprisonment with labor for an indefinite term or for a term of not less than five years. Where such injury leads a person to death, such offender shall be punished by death or by imprisonment with labor for an indefinite term or for a term of not less than five years.

RADIOACTIVE WASTE MANAGEMENT ACT, 2008¹⁶ – 1 ARTICLE

Article 39 (Penalty Provisions)

[...]

(2) Any person who kills another person by destroying or wrongfully operating any radioactive waste management facility shall be punished by death penalty or imprisonment with labor for life or not less than seven years.

(3) An attempt to commit any crime under paragraph (1) or (2) shall be punished. [...]

ACT ON SPECIAL MEASURES FOR THE CONTROL OF PUBLIC HEALTH CRIMES, 1969¹⁷ – 3 ARTICLES

Article 2 (Punishment for Manufacturing Illegal Foods, etc.)

(1) A person who manufactures or processes foods or additives without permission or without filing a report or registration under Article 37 (1), (4), and (5) of the Food Sanitation Act, a person who manufactures or processes functional health foods without permission in accordance with the provisions of Article 5 of the Health Functional Foods Act, a person who counterfeits or adulterates foods, additives or functional health foods identical to those already licensed or reported, a person who, knowing such fact, sells or acquires them for the purpose of sale or offers good offices for sale, a person who manufactures or processes them in violation of each of the provisions of Articles 6 and 7 (4) of the Food Sanitation Act or Article 24 (1) of the Health Functional Foods Act, and a person who, knowingly, sells or acquires them for the purpose of sale or offers good offices for sale, shall be punished in accordance with the classifications set forth in the following subparagraphs:

1. Where foods, additives or functional health foods are seriously harmful to the human body, he/she shall be sentenced to imprisonment for life or for not less than five years; [...]
3. Where a crime listed in subparagraph 1 is committed, causing the death or injury of another, he/she shall be sentenced to death penalty, imprisonment for life or for not less than five years. [...]

Article 3 (Punishment for Manufacturing Illegal Medicines, etc.)

(1) A person who manufactures medicines without permission under Article 31 (1) of the Pharmaceutical Affairs Act or who sells, acquires for the purpose of sale,

- 16 Ministry of Government Legislation (MOLEG) Korean Law Information Center, RADIOACTIVE WASTE MANAGEMENT ACT (방사성폐기물 관리법 (약칭: 방사성폐기물법)) [Enforcement Date 28. Nov, 2017.] [Act No.15082, 28. Nov, 2017., Partial Amendment], <https://www.law.go.kr/lsInfoP.do?lsiSeq=199122&viewCls=engLsInfoR>
- 17 Ministry of Government Legislation (MOLEG) Korean Law Information Center, ACT ON SPECIAL MEASURES FOR THE CONTROL OF PUBLIC HEALTH CRIMES (보건범죄 단속에 관한 특별조치법 (약칭: 보건범죄단속법)) [Enforcement Date 01. Jan, 2021.] [Act No.17761, 29. Dec, 2020., Amendment by Other Act], <https://www.law.go.kr/lsInfoP.do?lsiSeq=224863&viewCls=engLsInfoR>

arranges sale of, or purchases for the purpose of medical treatment, such products with the knowledge of such fact, a person who substitutes the efficacy of main ingredients with the efficacy of entirely different ingredients or manufactures medicines that contain substantially less amount of main ingredients than as permitted in violation of subparagraph 2 of Article 62 of the same Act or who sells, acquires for the purpose of sale, arranges sale of, or purchases for the purpose of medical treatment, such products with the knowledge of such fact, or a person who counterfeits or alters medicines similarly to permitted ones or who sells, acquires for the purpose of sale, arranges sale of, or purchases for the purpose of medical treatment, such products with the knowledge of such fact shall be punished in accordance with the following classifications:

1. Where the medicine is seriously harmful to the human body, or where the medicine falling under medicines prescribed by Presidential Decree from among medicines subject to release approval by the State under Article 53 of the Pharmaceutical Affairs Act substantially lacks in efficacy or content: Imprisonment for life or for not less than five years; [...]
3. Where the crime under subparagraph 1 is committed and results in death or injury of persons: Death penalty or imprisonment for life or for not less than five years. [...]

Article 3-2 (Special Aggravation for Second Offenders)

A person who commits a crime under Article 2 (1) 1 or 3 (1) 1 again within 3 years after he or she is sentenced to a punishment for committing a crime under Article 2 or 3 and the execution of such sentence is terminated or exempted, shall be punished by death or imprisonment with labor for an indefinite term, or by imprisonment with labor for at least 5 years.

ACT ON PUNISHMENT FOR DAMAGING SHIPS AND SEA STRUCTURES, 2003¹⁸ – 2 ARTICLES

Article 5 (Violence, Threat, Battery, and Murder)

- (1) Any person who murders a person on board a ship or a marine structure in operation with intent to endanger the safety of the ship in operation or marine structure shall be punished by death or imprisonment with prison labor for life or for not less than seven years. [...]

Article 12 (Murder, Manslaughter or Injury by Battery during Seizure of Ship)

- (1) Any person who murders or causes another person to be killed during the commission or attempted commission of an offense under Article 6 (1) shall be punished by death or imprisonment with prison labor for life or for not less than ten years, while any person who injures, or causes another person to be injured, during the commission or attempted commission of such offense shall be punished by imprisonment with prison labor for life or for not less than seven years.
- (2) Any person who murders or causes another person to be killed during the commission or attempted commission (excluding violence in cases under Article 5 (2)) of an offense under any provision of Articles 5 (1) and (2) and 7 shall be punished by death or imprisonment with prison labor for life or for not less than seven years, while any person who injures or causes to physically injure another person during the commission or attempted commission of such offense shall be

18 Ministry of Government Legislation (MOLEG) Korean Law Information Center, ACT ON PUNISHMENT FOR DAMAGING SHIPS AND SEA STRUCTURES (선박 및 해상구조물에 대한 위해행위의 처벌 등에 관한 법률 (약칭: 선박위해처벌법)) [Enforcement Date 16. Mar, 2021.] [Act No.17930, 16. Mar, 2021., Partial Amendment], <https://www.law.go.kr/lsInfoP.do?lsiSeq=230155&viewCls=engLsInfoR>

- punished by imprisonment with prison labor for life or for not less than five years.
- (3) Any person who murders or causes another person to be killed during the commission or attempted commission of an offense under any provision of Articles 8 through 10 shall be punished by death or imprisonment with prison labor for life or for not less than five years, while any person who injures or causes anyone to physically injure another person during the commission or attempted commission of such an offense shall be punished by imprisonment with prison labor for life or for not less than three years.
 - (4) An attempted offense under any provision of paragraphs (1) through (3) shall be punished.

ACT ON SPECIAL CASES CONCERNING THE PUNISHMENT OF SEXUAL CRIMES, 2010¹⁹ – 2 ARTICLES

Article 3 (Special Robbery and Rape)

- [...]
- (2) A person who commits a crime prescribed in Article 297, 297-2, 298, or 299 of the Criminal Act in the course of committing a crime under Article 334 or 342 (limited to an attempt to commit a crime under Article 334) of the same Act shall be punished by death or by imprisonment with labor for an indefinite term or for at least 10 years.

Article 9 (Murder Associated with Rape, or Rape Resulting in Death)

- (1) A person who murders another person in the course of committing a crime prescribed in any of Articles 3 through 7 and 15 (limited to an attempt to commit a crime under any of Articles 3 through 7) of this Act or a crime prescribed in any of Articles 297, 297-2, and 298 through 300 of the Criminal Act shall be punished by death or imprisonment with labor for an indefinite term. [...]
- (3) A person who commits a crime prescribed in Article 6, 7, or 15 (limited to an attempt to commit a crime under Article 6 or 7), thereby causing the death of another person, shall be punished by death or by imprisonment with labor for an indefinite term or for at least 10 years.

ACT ON THE PROTECTION OF CHILDREN AND YOUTH AGAINST SEX OFFENSES, 2000²⁰ – 1 ARTICLE

Article 10 (Murder Associated with Rape, or Rape Resulting in Death)

- (1) When a person who commits an offense referred to in Article 7 murders another person, he or she shall be punished by death penalty or imprisonment with labor for an indefinite term.
- (2) When a person who commits an offense referred to in Article 7 causes death of another person, he or she shall be punished by death or by imprisonment with labor for an indefinite term or for a term of at least 10 years.

19 Ministry of Government Legislation (MOLEG) Korean Law Information Center, ACT ON SPECIAL CASES CONCERNING THE PUNISHMENT OF SEXUAL CRIMES (성폭력범죄의 처벌 등에 관한 특례법 (약칭: 성폭력처벌법)) [Enforcement Date 16. Oct, 2024.] [Act No.20459, 16. Oct, 2024., Partial Amendment], <https://www.law.go.kr/lsInfoP.do?lsiSeq=265789&viewCls=engLsInfoR>

20 Ministry of Government Legislation (MOLEG) Korean Law Information Center, ACT ON THE PROTECTION OF CHILDREN AND YOUTH AGAINST SEX OFFENSES (아동 · 청소년의 성보호에 관한 법률 (약칭: 청소년성보호법)) [Enforcement Date 17. Apr, 2025.] [Act No.20462, 16. Oct, 2024., Partial Amendment], <https://www.law.go.kr/lsInfoP.do?lsiSeq=265781&viewCls=engLsInfoR>

ACT ON SPECIAL CASES CONCERNING THE PUNISHMENT OF CHILD ABUSE CRIMES, 2014²¹ – 1 ARTICLE

Article 4 (Murder by Child Abuse and Death Resulting from Child Abuse)

(1) Where a person who commits any of the child abuse crimes under subparagraph 4 (a) through (c) of Article 2 murders the child, the person shall be punished by death penalty, or by imprisonment with labor for an indefinite term or for not less than seven years. [...]

ACT ON PHYSICAL PROTECTION AND RADIOLOGICAL EMERGENCY, 2003²² – 1 ARTICLE

Article 47 (Penalty Provisions)

(1) Any person, who jeopardizes human life and bodies or harms property and the environment by accepting, carrying, possessing, keeping, manufacturing, using, transporting, remodeling, disposing of, or dispersing any radioactive substance, nuclear material, nuclear device, radiological dispersal device, or radiation emission device without any due authority, shall be punished by imprisonment with labor for life or for at least one year.

(2) Any person, who commits a crime prescribed in Article 329, 333, 347, 350, or 355 (1) of the Criminal Act with regard to any radioactive substance, nuclear material, nuclear device, radiological dispersal device, or radiation emission device, shall be subject to an additional punishment of up to half of the penalty determined by the relevant Article of the same Act.

(3) Any person who commits sabotage or electronic infringement shall be punished by imprisonment with labor for a period from one to 10 years.

(4) Any person, who commits any of the following acts with the intention of compelling an individual, corporation, public institution, international organization, or nation to commit a specific act he, she, or it has no obligation to do or of interfering with him, her, or it in exercising his, her, or its authority, shall be punished as follows:

1. A person, who uses any radioactive substance, nuclear material, nuclear device, radiological dispersal device, or radiation emission device, shall be punished by imprisonment with labor for a fixed term of at least two years;

2. A person, who causes the leakage of any radioactive substance during use of, or by damaging, any nuclear facility or any facility related to radioactive substances (referring to any facility or device that serves to produce, store, process, dispose of, or transport radioactive substances), shall be punished by imprisonment with labor for life or for at least three years.

(5) Any person who threatens to commit a crime prescribed in paragraph (1), (3), or (4) against the general public shall be punished by imprisonment with labor for not exceeding seven years or by a fine not exceeding 70 million won.

(6) Any person, who organizes a syndicate or group with the intent to commit a crime prescribed in any of paragraphs (1) and (3) through (5) or who joins such syndicate or group or acts as a member of such syndicate or group, shall be punished as follows:

21 Ministry of Government Legislation (MOLEG) Korean Law Information Center, ACT ON SPECIAL CASES CONCERNING THE PUNISHMENT OF CHILD ABUSE CRIMES (아동학대범죄의 처벌 등에 관한 특례법 (약칭: 아동학대처벌법)) [Enforcement Date 26. Dec, 2023.] [Act No.19832, 26. Dec, 2023., Partial Amendment], <https://www.law.go.kr/lsInfoP.do?lsiSeq=257197&viewCls=engLsInfoR>

22 Ministry of Government Legislation (MOLEG) Korean Law Information Center, ACT ON PHYSICAL PROTECTION AND RADIOLOGICAL EMERGENCY (원자력시설 등의 방호 및 방사능 방재 대책법 (약칭: 방사능방재법)) [Enforcement Date 09. Dec, 2021.] [Act No.18238, 08. Jun, 2021., Partial Amendment], <https://www.law.go.kr/lsInfoP.do?lsiSeq=232701&viewCls=engLsInfoR>

1. A ring leader shall be punished by death or imprisonment with labor for life or for at least 10 years;

2. A leading member shall be punished by imprisonment with labor for life or for at least seven years;

3. Other members shall be punished by imprisonment with labor for a fixed term of at least two years.

(7) Any person, who carries or manufactures any radioactive substance, nuclear material, nuclear device, radiological dispersal device, or radiation emission device with the intent to offer it for a crime prescribed in any of paragraphs (1) and (3) through (5), shall be punished by imprisonment with labor for not exceeding 10 years.

(8) Any person who injures any other person by committing a crime prescribed in paragraph (1), (3), or (4) shall be punished by imprisonment with labor for life or for at least three years. If such person causes any other person to die, he or she shall be punished by death or imprisonment with labor for life or for at least five years.

(9) Any person who has attempted a crime prescribed in any of paragraphs (1) through (4) shall be punished. [...]

NUCLEAR SAFETY ACT, 2011²³ – 1 ARTICLE

Article 113 (Penalty Provisions)

(1) Any person who damages human lives, bodies or property, or disturbed public safety and security by destructing a nuclear reactor shall be punished by a death sentence, life imprisonment, or imprisonment with prison labor for a limited term of at least three years.

(2) Any person who commits a crime referred to in paragraph (1) in time of war, natural disaster, or a state of emergency equivalent thereto shall be punished by a death sentence or life imprisonment.

(3) A criminal attempt of the crimes referred to in paragraphs (1) and (2) shall be punished. [...]

ACT ON THE ESTABLISHMENT AND OPERATION OF AUXILIARY POLICE COMPANIES, 1970²⁴ – 1 ARTICLE

Article 9 (Penalty Provisions)

[...]

(5) A person who inflicts an injury on his own body with intent to evade service shall be punished by imprisonment with labor for not more than three years: Provided, That a person who commits any offense referred to in the main clause in the face of an enemy shall be punished by capital punishment, imprisonment with labor for an indefinite term, or imprisonment with labor for at least five years. [...]

23 Ministry of Government Legislation (MOLEG) Korean Law Information Center, NUCLEAR SAFETY ACT (원자력안전법) [Enforcement Date 13. Feb, 2024.] [Act No.20308, 13. Feb, 2024., Partial Amendment], <https://www.law.go.kr/lsInfoP.do?lsiSeq=260427&viewCls=engLsInfoR>

24 Ministry of Government Legislation (MOLEG) Korean Law Information Center, ACT ON THE ESTABLISHMENT AND OPERATION OF AUXILIARY POLICE COMPANIES (의무경찰대 설치 및 운영에 관한 법률) [Enforcement Date 23. Mar, 2021.] [Act No.17961, 23. Mar, 2021., Partial Amendment], <https://www.law.go.kr/lsInfoP.do?lsiSeq=230431&viewCls=engLsInfoR>

ORGANS TRANSPLANT ACT, 1999²⁵ – 2 ARTICLES

Article 44 (Penalty Provisions)

- (1) Any of the following persons shall be punished by imprisonment with labor for an indefinite term or imprisonment with labor for a limited term of not less than two years:
1. A person who recovers or transplants an organ, etc. infected by a communicable pathogen, affected by cancer cells, or at risk of causing harm to the life or body of a transplant recipient, in violation of Article 11 (1);
 2. A person who recovers an organ, etc. for which no transplant recipient has been selected, in violation of Article 11 (2);
 3. A person who recovers an organ, etc. from a person falling under any subparagraph of Article 11 (3), in violation of the same paragraph;
 4. A person who recovers an organ, etc. from a minor under 16 years of age, in violation of Article 11 (4);
 5. A person who recovers an organ, etc. which may not be recovered from a living person, in violation of Article 11 (5);
 6. A person who recovers an organ, etc. from a person who is not determined brain dead under Article 18;
 7. A person who determines brain death in violation of Article 18 (2);
 8. A person who recovers an organ, etc. without obtaining consent of a donor, in violation of Article 22 (1) or (2);
 9. A person who recovers an organ, etc. from a brain-dead patient, in violation of Article 22 (3).
- (2) A person who violates any subparagraphs of paragraph (1), thereby causing the death of another shall be punished by capital punishment, the imprisonment with labor for an indefinite term, or for a limited term of not less than five years.

Article 46 (Penalty Provisions)

- (1) When a specialist under Article 18 (1) or a physician in charge of treatment falsely prepares a brain death examination report and makes a determination of brain death on a person who is not brain dead, he or she shall be punished by imprisonment with labor for a limited term of not less than one year. [...]
- (3) A person who commits an offense prescribed in paragraph (1), thereby causing death of another shall be punished by capital punishment, imprisonment with labor for an indefinite term, or imprisonment with labor for a limited term of not less than five years.

ACT ON THE REGULATION OF THE USE AND TRANSFER OF CERTAIN CONVENTIONAL WEAPONS INCLUDING MINES, 2001²⁶ – 1 ARTICLE

Article 10 (Penalty Provisions)

- (1) Any person who murders or injures other person in utilizing a weapon prohibited from use under Article 3 or in violation of Articles 3 or 5 shall be punished as follows:

25 Ministry of Government Legislation (MOLEG) Korean Law Information Center, ORGANS TRANSPLANT ACT (장기등 이식에 관한 법률) [Enforcement Date 21. Aug, 2025.] [Act No.20329, 20. Feb, 2024., Partial Amendment], <https://www.law.go.kr/lsInfoP.do?lsiSeq=260589&viewCls=engLslInfoR>

26 Ministry of Government Legislation (MOLEG) Korean Law Information Center, ACT ON THE REGULATION OF THE USE AND TRANSFER OF CERTAIN CONVENTIONAL WEAPONS INCLUDING MINES (지뢰 등 특정 재래식무기 사용 및 이전의 규제에 관한 법률 (약칭: 재래식무기법)) [Enforcement Date 10. Aug, 2014.] [Act No.12564, 09. May, 2014., Partial Amendment], <https://www.law.go.kr/lsInfoP.do?lsiSeq=153871&viewCls=engLslInfoR>

1. Any person who murders other person shall be punished by death or imprisonment with labor for an indefinite term or for a term of not less than seven years; [...]

RAILROAD SAFETY ACT, 2004²⁷ – 1 ARTICLE

Article 80 (Aggravated Punishment)

- (1) A person who kills other person by committing any crime referred to in Article 78 (1) [arson and derailment, collision, or destruction of trains] shall be subject to capital punishment, life imprisonment, or imprisonment with labor for a term of not less than seven years. [...]

ACT ON THE AGGRAVATED PUNISHMENT OF SPECIFIC CRIMES, 1966²⁸ – 4 ARTICLES

Article 5-2 (Aggravated Punishment of Kidnapping and Inducement)

- (1) Any person who commits a crime provided for in Article 287 of the Criminal Act against a minor under 13 years of age shall be punished aggravatingly depending on the purpose of the kidnapping or inducement as follows: [...]
2. Where a person commits the crime with the purpose of killing the kidnapped or induced minor, the person shall be punished by capital punishment, by imprisonment with labor for an indefinite term, or by imprisonment with labor for not less than seven years.
- (2) If a person who has committed a crime provided for in Article 287 of the Criminal Act commits any of the following acts against a minor under 13 years of age, the person shall be punished aggravatingly as follows: [...]
2. Where a person kills the kidnapped or induced minor, the person shall be punished by capital punishment or by imprisonment with labor for an indefinite term; [...]
4. Where a person commits a crime provided for in subparagraph 3 resulting in the death of the minor, the person shall be punished by capital punishment, by imprisonment with labor for an indefinite term, or by imprisonment with labor for not less than seven years. [...]

Article 5-3 (Aggravated Punishment for Driver of Hit-and-Run Vehicle)

- [...]
- (2) If the accident-causing driver removes the victim from the accident scene and runs away after abandoning the victim, the person shall be subject to the following aggravated punishments:
1. Where the person runs away after the death of the victim, or the victim dies after person's running away, the person shall be punished by capital punishment, by imprisonment with labor for an indefinite term, or by imprisonment with labor for not less than five years; [...]

Article 5-5 (Aggravated Punishment of Second Offender of Injury Resulting from Robbery)

- Any person who was sentenced to any punishment for a crime prescribed in Article 337 or 339 of the Criminal Act, or an attempt thereof, again commits the

27 Ministry of Government Legislation (MOLEG) Korean Law Information Center, RAILROAD SAFETY ACT (철도안전법) [Enforcement Date 27. Sep, 2024.] [Act No.20425, 26. Mar, 2024., Partial Amendment], <https://www.law.go.kr/lsInfoP.do?lsiSeq=261477&viewCls=engLslInfoR>

28 Ministry of Government Legislation (MOLEG) Korean Law Information Center, ACT ON THE AGGRAVATED PUNISHMENT OF SPECIFIC CRIMES () () [Enforcement Date 27. Dec, 2022.] [Act No.19104, 27. Dec, 2022., Partial Amendment], <https://www.law.go.kr/lsInfoP.do?lsiSeq=246619&viewCls=engLslInfoR>

crime within three years after the execution of the sentence is completed or exempted, shall be punished by capital punishment, by imprisonment with labor for an indefinite term, or by imprisonment with labor for not less than 10 years.

Article 5-9 (Aggravated Punishment of Retaliatory Crime)

(1) If any person commits a crime prescribed in Article 250 (1) of the Criminal Act, with the intent to retaliate against offering clues for any criminal investigation, such as accusation and complaint, making a statement, testifying, or presenting materials, in connection with the investigation or trial of the person's or another person's criminal case, the person shall be punished by capital punishment, by imprisonment with labor for an indefinite term, or by imprisonment with labor for not less than 10 years. The same shall apply where the person commits a crime with intent to prevent offering clues for the criminal investigation, such as accusation and complaint, making a statement, testifying or presenting materials, to make any accusation or complaint withdrawn, or to make a false statement, testimony, or presentation of false materials. [...]

PUNISHMENT OF VIOLENCES, ETC. ACT, 1961²⁹ – 1 ARTICLE

Article 4 (Organization and Activities of Organizations, etc.)

(1) Any person who forms an organization or group aimed at committing the crimes provided for in this Act, or who joins such organization or group, or acts as a member thereof, shall be punished pursuant to the following classifications:
1. Its leader: Death, imprisonment with labor for an indefinite term or at least ten years;

[...] AVIATION SECURITY ACT, 1974³⁰ – 1 ARTICLE

Article 80 (Aggravated Punishment)

(1) A person who kills other person by committing any crime referred to in Article 78 (1) [arson and derailment, collision, or destruction of trains] shall be subject to capital punishment, life imprisonment, or imprisonment with labor for a term of not less than seven years. [...]

AVIATION SAFETY ACT, 2016³¹ – 2 ARTICLES

Article 138 (Crime of Endangering Aircraft in Flight)

(1) A person who crashes, capsizes, or destroys an aircraft, light sport aircraft, or ultra-light vehicle in flight with people aboard shall be punished by death, life imprisonment, or imprisonment with labor for at least five years.

29 Ministry of Government Legislation (MOLEG) Korean Law Information Center, PUNISHMENT OF VIOLENCES, ETC. ACT (폭력행위 등 처벌에 관한 법률 (약칭: 폭력행위처벌법)) [Enforcement Date 06. Jan, 2016.] [Act No.13718, 06. Jan, 2016., Partial Amendment], <https://www.law.go.kr/lsInfoP.do?lsiSeq=178989&viewCls=engLsInfoR>

30 Ministry of Government Legislation (MOLEG) Korean Law Information Center, AVIATION SECURITY ACT (항공보안법) [Enforcement Date 28. Jan, 2022.] [Act No.18354, 27. Jul, 2021., Partial Amendment], <https://www.law.go.kr/lsInfoP.do?lsiSeq=234339&viewCls=engLsInfoR>

31 Ministry of Government Legislation (MOLEG) Korean Law Information Center, AVIATION SAFETY ACT (항공안전법) [Enforcement Date 19. Oct, 2023.] [Act No.19394, 18. Apr, 2023, Partial Amendment], <https://www.law.go.kr/lsInfoP.do?lsiSeq=250091&viewCls=engLsInfoR>

(2) A person who crashes, capsizes, or destroys an aircraft, light sport aircraft, or ultra-light vehicle in flight with people aboard for committing a crime referred to in Article 140 shall be punished by death, life imprisonment, or imprisonment with labor for at least five years.

Article 139 (Crime of Causing Injuries or Deaths by Causing Danger to Aircraft in Flight)

A person who causes injuries or deaths of people by committing a crime referred to in Article 138 shall be punished by death, life imprisonment, or imprisonment with labor for at least seven years.

ACT ON THE CONTROL OF THE MANUFACTURE, EXPORT AND IMPORT OF SPECIFIC CHEMICAL SUBSTANCES AND BIOLOGICAL AGENTS FOR THE PROHIBITION OF CHEMICAL AND BIOLOGICAL WEAPONS, 1996³² – 1 ARTICLE

Article 25 (Penalty Provisions)

[...]

(2) Any person who inflicts harm on human lives, health or property or disturbs public peace by using chemical weapons or biological weapons shall be punished by capital punishment or by imprisonment with labor for an indefinite term or for not less than seven years. [...]

32 Ministry of Government Legislation (MOLEG) Korean Law Information Center, ACT ON THE CONTROL OF THE MANUFACTURE, EXPORT AND IMPORT OF SPECIFIC CHEMICAL SUBSTANCES AND BIOLOGICAL AGENTS FOR THE PROHIBITION OF CHEMICAL AND BIOLOGICAL WEAPONS (화학무기 · 생물무기의 금지와 특정화학물질 · 생물작용제 등의 제조 · 수출입 규제 등에 관한 법률 (약칭: 생화학무기법)) [Enforcement Date 03. Feb, 2022.] [Act No.18820, 03. Feb, 2022., Partial Amendment], <https://www.law.go.kr/lsInfoP.do?lsiSeq=240071&viewCls=engLsInfoR>

INTERNATIONAL LEGAL FRAMEWORK

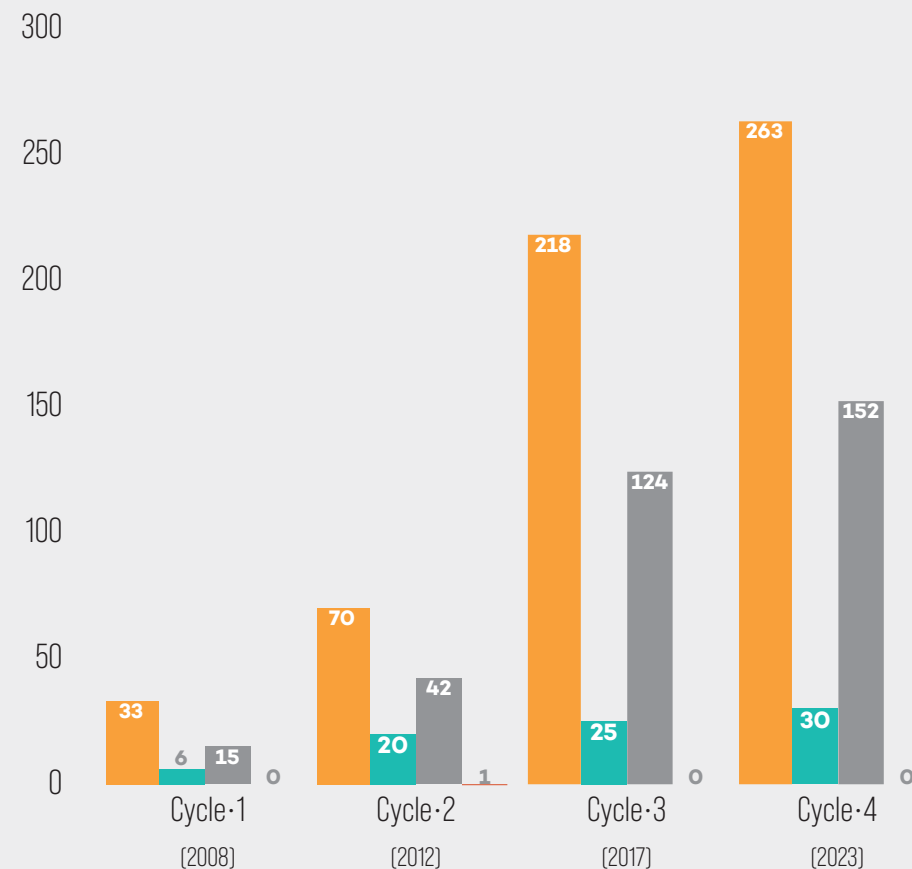
MAIN INTERNATIONAL TEXTS ON THE ABOLITION OF THE DEATH PENALTY

TEXT	DATE OF RATIFICATION OR ACCESSION
International Covenant on Civil and Political Rights, 1966	10 April 1990 (accession)
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, 1989	X
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984	9 January 1995 (accession)
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 2002	X
Convention on the Rights of the Child, 1989	20 November 1991 (ratification)

VOTE ON THE UNITED NATIONS GENERAL ASSEMBLY RESOLUTION CALLING FOR A UNIVERSAL MORATORIUM ON THE USE OF THE DEATH PENALTY



UNIVERSAL PERIODIC REVIEWS



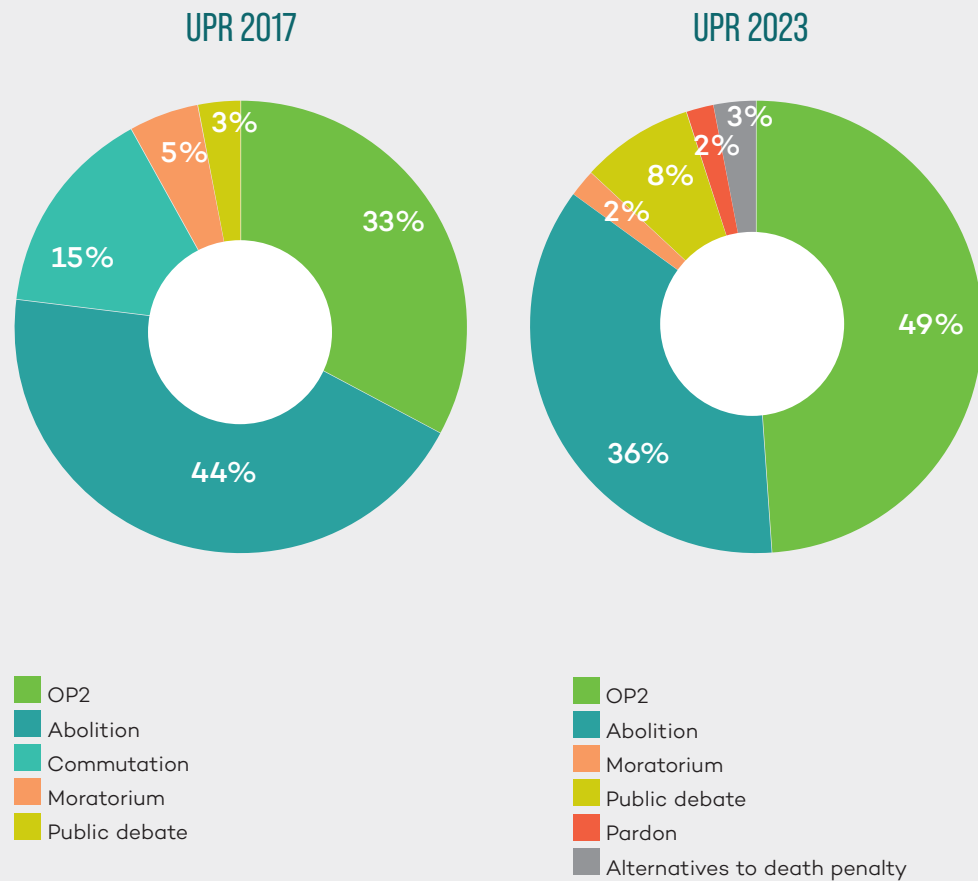
- Total number of recommendations
- Number of recommendations on the death penalty
- Total number of supported recommendations
- Number of supported recommendations on the death penalty

RECOMMENDATIONS ON THE DEATH PENALTY MADE TO THE REPUBLIC OF KOREA IN 2023

No.	RECOMMENDATION	Number	Supported	Noted
139.8	Abolish the death penalty and accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Australia)	1		1
139.9	Consider abolishing the death penalty in law and ratify the Second optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (France)	1		1
139.10	Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the 1961 Convention on the Reduction of Statelessness and the Protocol to Eliminate Illicit Trade in Tobacco Products (Panama)	1		1
139.11	Consider the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Portugal)	1		1
139.12	Approve a legislative initiative that eliminates the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, since, despite the moratorium, the courts continue to hand down death sentences (Spain)	1		1
139.13	Abolish the death penalty and ratify without reservation the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Iceland)	1		1
139.14	Consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Uruguay)	1		1
139.15	Accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and take the necessary measures to ensure its implementation (Côte d'Ivoire)	1		1
139.16	Abolish the death penalty (Iceland) (Paraguay);	2		2
	Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and commute all existing death sentences (Mexico)	1		1
139.17	Consider abolishing the death penalty (Timor-Leste);	1		1
	Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Belgium) (Chile) (Estonia) (Finland) (Germany) (Lithuania) (Switzerland) (United Kingdom of Great Britain and Northern Ireland)	8		8

139.18	Accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, as well as accede to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Luxembourg)	1		1
139.22	Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Colombia)	1		1
139.25	Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Paraguay)	1		1
139.52	Consider abolishing the capital punishment and introducing alternatives to death penalty (Kazakhstan)	1		1
139.53	Take concrete steps towards the formal abolition of the death penalty (Marshall Islands)	1		1
139.54	Entrench its moratorium on executions through the formal abolition of the death penalty, including by taking legislative action to permanently remove the death penalty from Korean law (New Zealand)	1		1
139.55	Take steps towards the legal abolition of the death penalty, based on the longstanding moratorium (Norway)	1		1
139.56	Take steps towards the legal abolition of the death penalty, while commuting the existing sentences to life imprisonment (Slovakia)	1		1
139.57	Continue its review of its legislation and policy with a view to abolishing the death penalty de jure (Timor-Leste)	1		1
139.58	Continue efforts on abolishing the death penalty at the legislative level (Uzbekistan)	1		1
139.59	Fully abolish the death penalty, which has been under a de facto moratorium for 25 years (Canada)	1		1
139.60	Abolish the death penalty (Costa Rica)	1		1
139.61	Formally abolish the death penalty and commute death sentences to lesser punishment or full pardons (Cyprus)	1		
139.62	Consider adopting a de jure moratorium on capital executions (Italy)	1		1
TOTAL		30	0	30

EVOLUTION OF TOPICS OF RECOMMENDATIONS RELATING TO THE DEATH PENALTY ISSUED TO KOREA BETWEEN 2017 AND 2023

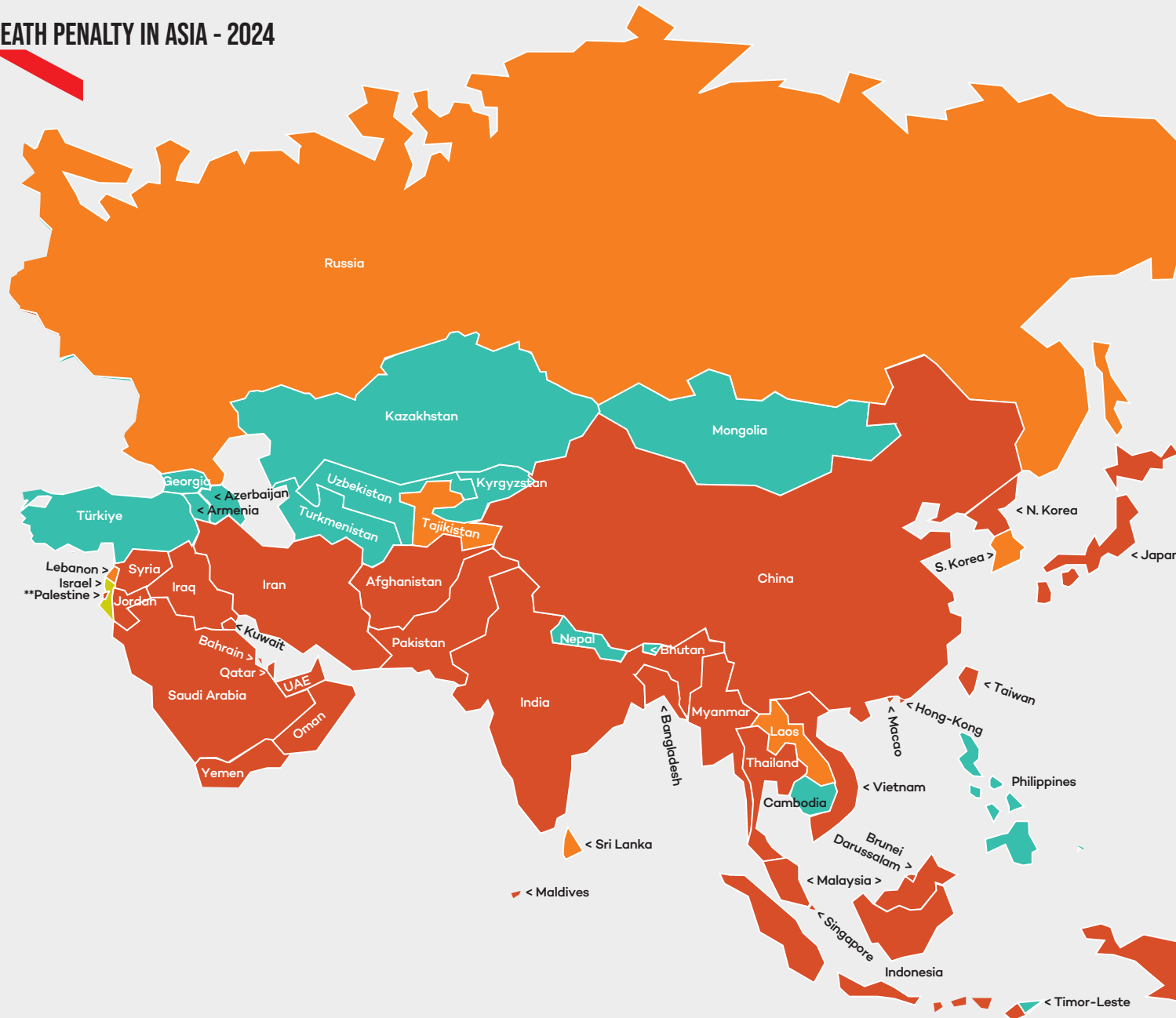


The recommendations made during Republic of Korea's last UPR confirmed the high priority towards the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights (OP2) and the abolition of the death penalty. These two issues represent, by far, the largest part of the themes mentioned in the recommendations (77% in 2017, 85% in 2023).

The OP2 theme continues to be the most cited in 2023 (23 countries), with countries asking Korea to take a formal stand on the international scene to confirm its longstanding (since 1997) de facto moratorium on executions.

Other demands during the 2023 UPR include the pardon or the commutations of all death sentences to imprisonment sentences, the formalisation of the moratorium, and alternatives to the death penalty.

THE DEATH PENALTY IN ASIA - 2024



14 ABOLITIONIST STATES FOR ALL CRIMES

States or territories where the death penalty is abolished.

1 ABOLITIONIST STATES FOR ORDINARY CRIMES

States or territories where the death penalty is abolished unless there are exceptional circumstances.

6 STATES WITH A MORATORIUM ON EXECUTIONS

States or territories where the death penalty is implemented but no executions have been carried out for at least 10 years and which did not oppose the latest UN resolution for a universal moratorium on executions and/or having ratified OP2*.

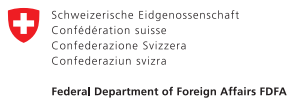
28 RETENTIONIST STATES

States or territories where the death penalty is implemented.

ABOLITION NOW

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