

REPUBLIC OF KOREA
PERMANENT MISSION TO THE UNITED NATIONS

MUN/260/22

13 May 2022

The Permanent Mission of the Republic of Korea to the United Nations presents its compliments to the United Nations Office of Legal Affairs (OLA) and, with reference to the

Enclosed: As Stated

letter's Note Verbal (Reference: LA/COD/50/1) dated January 10, 2022, I, [Name], [Title]

The Republic of Korea has incorporated the principle of universal jurisdiction into domestic legislation by allowing prosecution of certain crimes that did not take place in the territory of the Republic of Korea by foreign nationals.

The Criminal Act extends criminal liability under universal jurisdiction for crimes of trafficking in persons to implement the United Nations Convention against Transnational and Organized Crime by amending Article 296-2 (Universality) of the Criminal Act in 2013.

-

* Article 287 (Kidnapping or Abduction of Minors), Article 288 (Kidnapping, Abduction, etc. for Purpose of Indecent Acts, etc.), Article 289 (Trafficking in Persons), Article 290 (Inflicting or Causing Another's Bodily Injury while in Kidnapping, Abduction, Trafficking in Persons, Transportation, etc.), Article 291 (Killing Another or Causing Death of Another while in Kidnapping, Abduction, Trafficking in Persons, Transportation, etc.), Article 292 (Receiving, Harboring, etc. of Person Kidnapped, Abducted, Trafficked, or Transported), Article 294 (Attempts)

The Republic of Korea also enacted the Act on Punishment of Crimes under Jurisdiction of the International Criminal Court to implement the Rome Statute of the International Criminal Court in 2011, the Act on Punishment for Damaging Ships and Sea Structures to implement the United Nations Convention on the Law of the Sea in 2021, and the Act on Counter-terrorism for the Protection of Citizens and Public Security to implement the related resolutions of the United Nations Assembly and Security Council in 2021. The universality clauses provide a basis for the exercise of universal jurisdiction to related crimes when these have been committed abroad by foreign nationals.

* Article 8 (Crime of Genocide), Article 9 (Crimes against Humanity), Article 10 (War Crimes against Persons), Article 11 (War Crimes against Property and Rights), Article 12 (War Crimes against Humanitarian Activities, Distinctive Emblems, etc.), Article 13 (War Crimes Using Forbidden Means), Article 14 (War Crimes Using Forbidden Weapons), Article 15 (Dereliction of Duties by Commanders, etc.), Article 16 (Offences against Administration of Justice)

The Act on Punishment of Crimes under Jurisdiction of the International Criminal Court Article 3 (5) and the Act on Punishment for Damaging Ships and Sea Structures Article 3, 3 conditions their universal jurisdiction on the presence of the perpetrator in the territory of the Republic of Korea after the commission of the alleged offence. Therefore, investigation authorities will not open an investigation where the alleged perpetrator is not present in the country or where the alleged perpetrator has not been identified.

Crimes or category of Legislation
crimes (Penal provisions)

Crime of Genocide	Act on Punishment of Crimes under Jurisdiction of the International Criminal Court Article 3 (5) (Article 8)	Rome Statute of the International Criminal Court
Crimes against Humanity	Act on Punishment of Crimes under Jurisdiction of the International Criminal Court Article 3 (5) (Article 9)	Rome Statute of the International Criminal Court
War Crimes against Persons	Act on Punishment of Crimes under Jurisdiction of the International Criminal Court Article 3 (5) (Article 10)	

Administration of Justice	Crimes under Jurisdiction of the International Criminal Court Article 3 (5) (Article 16)	International Criminal Court
Piracy	Act on Punishment for Damaging Ships and Sea Structures Article 3, 3 (Articles 5 through 13)	United Nations Convention on the Law of the Sea
Terrorism	Act on Counter-terrorism for the Protection of Citizens and Public Security Article 19 (Article 17)	Related resolutions of the United Nations Assembly and Security Council