

Laws and ordinances on punishment of acts of piracy and armed robbery at sea

Act	Details
Criminal Act	<ul style="list-style-type: none"> ○ Shall apply to aliens who commit crimes against the Republic of Korea or her nationals outside the territory of the Republic of Korea. (Article 6) ○ A person who forcibly seizes a ship or forcibly takes another's property after intruding upon a ship shall be punished by imprisonment for not less than seven years. (Article 340)
Act Concerning Punishment of Unlawful Acts against Ships and Marine navigational facilities	<ul style="list-style-type: none"> ○ A person who kills or inflicts injury on a person, with intent to endanger the safety of a ship in operation or a marine navigational facilities, shall be punished by death or imprisonment for life or for not less than three years. (Article 5) ○ A person who hijacks a ship in operation or a marine navigational facilities, or forces the operation of a ship shall be punished by imprisonment for life or for not less than five years. (Article 6) ○ A person who destroys a ship in operation or a marine navigational facilities, or who inflicts damage that may endanger the safety shall be punished by imprisonment for not less than three years. (Article 7) ○ A person, with intent to endanger the safety of a ship in operation, who destroys machinery related to that ship's operation shall be punished by imprisonment for seven years or less. (Article 8) ○ A person who installs or loads an item, which may endanger the safety of a ship in operation or a marine navigational facilities, on that ship or marine navigational facilities shall be punished by imprisonment for seven years or less. (Article 9) ○ A person who transfers false information and thereby endangers the safe operation of a ship shall be punished by imprisonment for seven years or less, or by a fine for thirty million Korean Won or less (Article 10) ○ A person who attempts to commit a crime referred to in Article 5-1, 5-2 (excluding assault), Article 6-1 and Article 7 or Article 10 shall be punished. (Article 11) ○ A person who commits or attempts to commit a crime referred to in Article 6, and therefore kills another or causes another person's death shall be punished by death or imprisonment for life. (Article 12) ○ A person who obstructs the exercise of a person's right or announces to endanger the safety of a ship or a marine navigational facilities in order to threaten another shall be punished by imprisonment for five years or less, or by a fine for twenty million Korean Won or less. (Article 13)

[CRIMINAL ACT]

Article 6 (Foreign Crimes against Republic of Korea and Korean National outside Korea)

This Act shall apply to aliens who commit crimes, other than those specified in the preceding Article, against the Republic of Korea or her nationals outside the territory of the Republic of Korea: Provided, that this shall not apply in case where such acts under Act in effect at the time of the act do not constitute a crime, or the prosecution thereof or the execution of the punishment therefore is remitted.

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 for life or for not less than seven years.

② A person who commits the crime as referred to in paragraph (1), thereby causing injury to another, shall be punished by imprisonment for life or for not less than ten years. <Amended by Act No. 5057, Dec. 29, 1995>

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 imprisonment for life. <Amended by Act No. 5057, Dec. 29, 1995>

[Act Concerning Punishment of Unlawful Acts against Ships and Marine navigational facilities]

Article 4 (Extradition of Criminals)

① The master of a ship of the Republic of Korea may extradite a person, if there are considerable reasons to suspect that the person has committed a crime during navigation as referred to in Article 5 through 13(hereinafter referred to as "Criminal"), to a foreign government agency that is a State Party to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (hereinafter referred to as "SUA Convention"). In such a case, except the case of urgent extradition to foreign state is proper, the ship master shall forward the extradition request and the related documents on the person to be extradited, reasons and estimated date of extradition, and target state to the Justice Minister, and obtain approval from the Justice Minister.

② ~ ③ Omitted

④ If the master of a foreign vessel, which is a State Party to the SUA Convention, wishes to extradite the Criminal to the Republic of Korea, the prosecutor or law enforcement officer as described in Article 196-1 of the Criminal Procedure Law (including fisheries supervision public officials Grade VII and above according to Article 5-18 of the Act Concerning Persons to Implement Law Enforcement and Their Scope of Duty; hereinafter the same shall apply), if no special stipulations are made, shall execute the request. In such a case, the extradition shall

be executed by a judicial police official under the direction of the public prosecutor.
<Amended as of June 13, 2008>

⑤ ~⑥ Omitted

⑦ The Minister of Justice may request the extradition of the alleged offender, whose extradition was accepted under the paragraph (4), to the State Party whose flag the ship was flying at the time of the commission of the offence. As regards to the procedures for requesting extradition, Article 29 through Article 32 of the Act on International Judicial Mutual Assistance in Criminal Matters shall be observed, in which case "request for mutual assistance" shall be construed as "request for acceptance", and "mutual assistance request document" as "acceptance request document".

Article 5 (Assault, Threat, Injury, Murder)

① A person who kills a person on board a ship in operation or marine navigational facilities, with intent to endanger the safety of that ship or marine navigational facilities, shall be punished by death or imprisonment for life or for not less than seven years.

② A person who inflicts injury or assault on, or threatens a person on board a ship in operation or a marine navigational facilities, with intent to endanger the safety of that ship or marine navigational facilities, shall be punished by imprisonment for not less than three years.

③ A person who prepares or conspires with intent to commit the crime as referred to in paragraph (1) shall be punished by imprisonment for ten years or less. However, that punishment may be reduced or exempted if the person voluntarily surrenders to the authorities before the execution of the intended crime.

Article 6 (Ship Hijacking)

① A person, by assault or threat or other methods, who hijacks a ship in operation or marine navigational facilities, or who forces the operation of a ship shall be punished by imprisonment for life or for not less than five years.

② A person who prepares or conspires with intent to commit the crime referred to in paragraph (1) shall be punished by imprisonment for five years or less. However, that punishment may be reduced or exempted if the person voluntarily surrenders to the authorities before the execution of the intended crime.

Article 7 (Damage to Ship or Marine navigational facilities)

A person who damages a ship in operation or a marine navigational facilities, or who inflicts damage that may endanger the safety of a ship in operation or a marine navigational facilities or cargo loaded thereon, shall be punished by imprisonment for not less than three years.

Article 8 (Damage to Ship Operation Equipment/Facilities)

A person, with intent to endanger the safety of a ship in operation, who destroys or severely damages, or causes functional disorder of the machinery and facilities related to that ship's operation shall be punished by imprisonment for ten years or less.

Article 9 (Installment/Loading of Dangerous Goods)

A person who installs or loads a device or substance, which may endanger or is likely to

endanger the safe navigation of the ship or marine navigational facilities, on that ship or marine navigational facilities shall be punished by imprisonment for seven years or less.

Article 10 (Transfer of False Information)

A person who transfers false information and thereby endangers the safe operation of a ship shall be punished by imprisonment for seven years or less, or by a fine for thirty million Korean Won or less.

Article 11 (Criminal Attempt)

A person who attempts to commit a crime referred to in Article 5-1 and 5-2 (excluding assault), Article 6-1 and Article 7 through Article 10 shall be punished.

Article 12 (Murder/Manslaughter, Injury/Accidental Injury by Ship Hijacking)

① A person who commits or attempts to commit a crime referred to in Article 6-1, and thereby kills another or causes another person's death, shall be punished by imprisonment for life or for not less than seven years; and a person who does the same, and thereby injures another's body or causes injuries to another shall be punished by imprisonment for life or for not less than seven years.

② A person who commits or attempts to commit a crime referred to in Article 5-1 and 5-2 (excluding assault) and Article 7, and thereby kills another or causes another person's death shall be punished by death or imprisonment for life or for not less than seven years; and a person who does the same, and thereby injures another's body or causes injuries to another shall be punished by imprisonment for life or for not less than five years.

③ A person who commits or attempts to commit a crime referred to in Article 8 through Article 10, and thereby kills another or causes another person's death shall be punished by imprisonment for life or for not less than five years; and a person who does the same, and thereby injures another's body or causes injuries to another shall be punished by imprisonment for life or for not less than three years.

④ A person who attempts to commit a crime referred to in paragraph (1) through (3) shall be punished.

Article 13 (Threat)

A person, with intent to obstruct the exercise of a person's right or to have a person conduct a non-obligatory act, who commits a crime referred to in Article 5-1, 5-2, Article 7 or Article 8 and announces to endanger the safety of a ship in operation or a marine navigational facilities in order to threaten another, shall be punished by imprisonment for five years or less, or by a fine for twenty million Korean Won or less.