Anti-terrorist Measures in South Korean Domestic Law as Viewed from the Framework of International Law

Hae Kyung KIM*

I. Preface
II. South Korea’s Experience of Terrorism
III. The Necessity for International Law, as Seen in the Review Process for South Korea’s Comprehensive Anti-terrorist Laws
IV. The Current Status of the System of Treaties related to International Terrorism
V. Problems in Domestic Acceptance of International Terrorism-related Conventions from the South Korean Perspective
VI. Conclusion

Abstract

Given the changes in the connotations of the term “terrorism” since the infamous September 11 attacks, this article seeks to understand terrorism through the framework of international and domestic laws. In addition, the article highlights the experiences of South Korea, which has for years avoided military confrontation while responding to state-sponsored terrorism originating in North Korea. The article considers the history of terrorist acts experienced by South Korea and discusses the rejection of some comprehensive anti-terrorism laws due to violation of civil rights. Furthermore, the article details the frameworks, associated issues of 13 international anti-terrorism conventions, the overview of problems that have arisen in relation to penalties for terrorists and other issues in South Korea’s domestic Penal Code. Having entered into a number of international conventions, South Korea has basically consolidated its domestic legal system, but it is clear that it has been unable to sufficiently avoid the problems inherent in the international system of anti-terrorism conventions.

I. Preface

The image conjured by the word “terrorism” has changed significantly since September 11, 20011. However, there is some danger involved in interpreting this situation in accord with a politics that responds “realistically.” As a legal scholar, the author of the present paper is particularly strongly aware of the necessity of considering the situation within a legal framework.

In addition, my own personal background as a citizen of South Korea makes me sensitive to arguments, which have increased in stridency since September 11, that are easily permissive

---

* Assistant Professor, School of Law, Meiji University
1 My own opinions regarding the definition of terrorism cannot be related here due to limitations of space. This paper will proceed based on a concept of terrorism as “acts committed by certain groups based on specific beliefs or ideologies in order to generate fear in societies, in particular through harming or threatening individuals related to or belonging to a particular nation or international organization, as a means of imposing those beliefs or ideologies on that nation or international organization.”
of extreme measures such as military actions. South Korea, in the context of its relationship with its neighbor North Korea, has experienced constant acts of terrorism targeting government dignitaries and commercial aircraft. Given that to date South Korea has never gone to war in response to these incidents, a certain value may be seen in opposing this fact to the present tendency to assume military measures as the appropriate response to terrorism. The fact that since the September 11 attacks, South Korea, in the context of its alliance with the U.S., has become involved in wars and is confronting new terrorist threats, is also suggestive from a number of perspectives.

The purpose of this paper is to deepen legal arguments in relation to terrorism, with two perspectives as the major focus. The first of these is a consideration of how measures in response to terrorism are being instituted within domestic law, which follows the framework of international law. The second is a consideration of the type of legal system South Korea has established in order to resist terrorism that is international in scope. In an attempt to shed light on these issues, the paper will be structured as follows. First, I will consider the history of terrorism in South Korea since the nation’s foundation, and summarize South Korea’s responses.

Before commencing my discussion, I would like to review the status of previous research concerning South Korea’s legal responses to terrorism. Given the nation’s history, a review of South Korean resources reveals a considerable degree of interest in the subject of terrorism, but despite this the tendency has been to focus on specific incidents and related laws. Previous research tends to be limited to 1) discussions that provide an overview of terrorism; 2) discussions of terrorist methods; 3) discussions limited to individual international conventions or specific subjects of conventions, such as Kim (2007) concerning terrorism targeting aircraft; 4) collections of data published by the National Intelligence Service, the Korean National Police Agency, the Ministry of Foreign Affairs and Trade, etc.; and 5) introductions to terrorist organizations. No previous research treats domestic law within the international legal system developed to combat terrorism. This paper will therefore represent the first research to comprehensively take up the relationship between international law and South Korean domestic law related to terrorism.

II. South Korea’s Experience of Terrorism

(1) North Korean state-supported terrorism

During the Cold War, South Korea was frequently subject to hijackings carried out by North Korea. First, in an incident in February 1958, an aircraft belonging to Korean National Airlines, the forerunner of Korean Air, was hijacked by North Korean agents and landed in North Korea. In the Korean Air YS-11 hijacking incident in December 1969, North Korean agents hijacked a Korean Air aircraft and landed it in North Korea.

North Korean terrorism began to take on a more international character with the Rangoon incident in October 1983, in which bombs were concealed in Myanmar’s Martyr’s Mausoleum commemorating Aung San, in an attempt to assassinate South Korean Prime Minister Chun Doo-hwan and his party. The government party were conducting a goodwill visit to Myanmar.

---

in order to enlist support for the Seoul Olympics, and were scheduled to visit the grave of Aung San, considered the father of the country, as one of the stops on their diplomatic itinerary. However, bombs concealed in the roof of the mausoleum exploded, killing 17 members of the South Korean contingent; the deputy prime minister and the foreign minister were among four cabinet members killed by the blast. Four Myanmarese nationals were also killed, and 47 people were injured. A subsequent investigation by the government of Myanmar showed that the incident had been the work of North Korean operatives, and the nation severed diplomatic relations with North Korea. In September 1986, a similar incident occurred at Seoul’s Gimpo International Airport, where a concealed bomb killed five people while Seoul was playing host to the Asian Games. On November 29, 1987, the Korean Airlines Bombing Incident occurred. In this incident, Korean Airlines Flight 858, enroute from Baghdad to Seoul via Abu Dhabi and Bangkok, was blown up in mid-air by a bomb planted by North Korean operatives. All 115 passengers and crew were lost without a trace. One of the North Koreans involved, Kim Hyon-hui, offered testimony concerning the incident, but as in the case of the Rangoon Incident, the North Korean government denied its involvement.

(2) Terrorism in nations subject to international military actions since the 9.11 attacks

Since the 9.11 attacks, South Korea has participated in a variety of capacities in the “war on terror” being conducted chiefly by the U.S. and the UK, including through the dispatch of troops. Concomitant with this has been the involvement of South Korean nationals in a number of terrorist incidents. On June 17, 2004, Kim Sun-il, an interpreter working for an equipment supply company, was kidnapped in Iraq. The South Korean government rejected demands issued on June 21 by the armed group responsible for the kidnapping that it should withdraw all of its military personnel in Iraq within 24 hours and terminate its planned additional dispatch of 3,000 troops. The following day, Kim was killed. The brutal nature of this murder – Kim was decapitated – and the fact that footage of the killing reached the Internet, ensured that the incident received widespread attention. On July 19, 2007, 20 members of the Saemmul Presbyterian Church sent to provide medical and educational services, and three members of a South Korean NGO who joined them in northern Afghanistan, were kidnapped in an incident which resulted later in the deaths of two of the victims. During negotiations, the kidnappers not only requested the release of prisoners being held by the government of Afghanistan, but, as in the case of the kidnapping of Kim Sun-il discussed above, demanded the complete withdrawal of South Korean military personnel from the country. This incident made it clear that there is some connection between the activities of the South Korean military and terrorist acts.

Cases of this type, in which demands are made on the country of origin of the victims of kidnapping to withdraw its troops, are not limited to South Korea. Japan, another East Asian nation involved in the war on terror, has experienced incidents of this type twice in Iraq and once in Pakistan, and in fact such cases are becoming universal, as can be seen in the kidnapping of journalists from various other nations. In the case of acts of terrorism conducted by North Korea, South Korea was able to take action as an individual nation. However, because cases similar to those discussed above arise in the context of international military actions, and further, because the expression of a clear position (refusal to withdraw) rather than negotiation is demanded in these cases, many situations have arisen in which it is difficult to avoid harm to ordinary citizens.
III. The Necessity for International Law, as Seen in the Review Process for South Korea’s Comprehensive Anti-terrorist Laws

Following the 9.11 attacks, South Korea judged that it would be difficult for the nation to respond efficiently to a terrorist incident under the nation’s existing anti-terrorist guidelines. At this time, the soccer World Cup, to be held in Japan and South Korea, was also approaching. In 2001, the nation formulated new draft anti-terrorist legislation, and advance notice was given in the National Intelligence Service announcement 2001–1. However, despite the fact that the legislation passed the Standing Parliamentary Information Committee in the final sitting of the 16th National Assembly, the National Human Rights Commission of the Republic of Korea announced that the law potentially opened the way to violations of human rights. Subsequent protests by citizens’ groups resulted in the law exceeding the deadline for the process of review by the Judiciary Committee, and the legislation was scrapped. However, the Ministry of Government Legislation (the government agency supervising the formulation of legislation) selected the draft for reconsideration during the 17th National Assembly, and presented a report concerning the legislation to then-President Roh Moo-hyun. Further impetus was provided by the killing of Kim Sun-il in Iraq, and on June 27, 2004, An Yeong Keun, the chairperson of the 1st Policy Coordination Committee of the Yeollin Uri Party, the ruling party at the time, indicated that the necessity for the legislation was increasing and that it had already been reviewed within the party. An announced the party’s agreement with the act, stating that the present situation was equivalent to the effective suspension of the foreign intelligence-gathering function of the National Intelligence Service.

In August 2005, the government and the Yeollin Uri Party submitted a revised anti-terrorism legislation to parliament (formally known as the Law concerning the Prevention of Terrorism and the Compensation of Damages, etc.). Under the new legislation, an Anti-terrorism Committee chaired by the Prime Minister would be established directly under the jurisdiction of the President, an Anti-terrorism Center responsible for the investigation and prevention of terrorism would be established under the aegis of this committee, and the director of the National Intelligence Service would be made the head of the Center.

The revised anti-terrorism legislation restricted the granting of police authority to personnel of the Anti-terrorism Center. Following the submission of this draft legislation, the legislative environment changed with the promulgation of three terrorism-related laws, the Law concerning the Safety and Security of Aircraft, the Law concerning Measures to Protect Nuclear Facilities, etc. and to Prevent Radiation Disasters, and the Law concerning Penalties for Inflicting Damage upon Ships or Maritime Structures.

The revised draft anti-terrorist legislation was made up of 15 articles and two supplementary provisions. These can be broadly divided into eight topics and summarized as follows: 1) Definition of terrorism; 2) Establishment of National Anti-terrorism Council, Anti-terrorism

---

3 Kang, Tae-Chol, “T’erŏpangjibŏbanŭi ippŏpchŏk kŏmt’ŏ” [An Examination of Terror Prevention Legislation], Han’guk’erŏhakhoebo [The Korean Association for Terrorism Studies], 2.1 (2009).
4 Son, Tong-Gwon, “Miguk tongsidabalt’erŏ ihu, chuyogukkaŭi taeterŏ ippŏbe kwanhan koch’al” [Post 9/11 America Counter Terrorism Legislation], Taeterŏ yŏn’gu[Korea Research Institute on Terrorism], 26 (2003): 71.
Anti-terrorism Measures in South Korean Domestic Law as Viewed from the Framework of International Law

Center, and anti-terrorist mechanisms; 3) Formulation of measures for the prevention of terrorism and the management of public safety; 4) Anti-terrorism measures for major national events; 5) Immigration restrictions for non-South Korean nationals; 6) Analysis of situation and responses; 7) Requisitioning of personnel for special anti-terrorist units and support for military; and 8) Establishment of penalties for false reports and granting of police authority to personnel of the Anti-terrorist Center.

However, this revised draft was also rejected at the plenary session on the grounds that it potentially increased the powers of the National Intelligence Service. The theoretical background for this judgment was provided by a position document published by the Korean Bar Association. This document first indicated that because the definitions of terrorism, terrorist funding and terrorist organizations in the draft legislation were abstract, depending on the ways in which these definitions were applied, they could provide a basis for abuses of authority and violations of human rights. The document further criticized the draft legislation from the perspective that the granting of authority to the National Intelligence Service, the nation’s information-gathering agency, for activities related to the prevention of terrorism and the mounting of responses to terrorism would introduce imbalances into the principle of checks and balances, and would increase the authority and the lack of transparency of the agency.

Following the scrapping of the draft legislation, there was a change of administration in South Korea, and the Grand National Party took power. Prior to this, the Grand National Party had twice submitted draft anti-terrorist legislation to the parliament (in March 2005 and February 2006), but because it was an opposition party and the legislation did not receive widespread support, these drafts were also rejected. In part stimulated by the kidnap of the Saemmul Presbyterian church missionaries in Afghanistan in July 2007 and the murder of two members of the group, the party, led by its most senior member, Gong Sung-jin, submitted a new draft legislation (formally entitled the Basic Law concerning National Anti-terrorist Activities) to parliament on October 28, 2008. The gist of this draft legislation was the bifurcation of the system of response to terrorism, with the establishment of a standing committee under the Prime Minister’s Office to be responsible for anti-terrorism duties and an Anti-terrorism Center under the National Intelligence Service to oversee practical operations. The draft legislation, made up of 30 articles, can be divided up as follows: 1) Purpose and definitions; 2) Responsibilities of national and regional governments; 3) Relationship with other laws; 4) Establishment of terrorism response plans; 5) Inspection and reporting; 6) Organization of response (policy- and intelligence-related); 7) Management of intelligence; 8) Issuing of terrorism warnings; 9) Designation and disbandment of terrorist organizations; 10) Anti-terrorist and public safety measures for major national events; 11) Elimination of causes of vulnerability to terrorism; 12) System for notification of and report on terrorist incidents; 13) Establishment and operation of special anti-terrorist units; 14) Provision of support for military strength; 15) Rewards; 16) Compensation for victims; 17) Promotion of education and research; 18) International cooperation; and 19) Appeals for assistance to relevant organizations. However, this draft was resisted by citizens’ groups and by the legal sector, including the Korean Bar Association, and the administrative and local administrative sectors on the grounds that the establishment of an

anti-terrorist center under the National Intelligence Service (an organization with an information-gathering function) increased the organization’s authority excessively. Subsequently, the draft bill was passed over. On May 19, 2010, the Special Security Law, essentially the draft anti-terrorism bill discussed above with its main details unchanged, was passed as an effective means of ensuring the safety and security of the G20 Leaders’ Summit, but despite this, as of April 2011 there remains no clear prospect of the enactment of the bill.

Gong Sung-jin and his supporters also submitted a draft law concerning the prevention of cyber-terrorism (formally entitled the National Cyber-danger Management Law) to parliament on the same day as the bill discussed above. This draft legislation concentrated even more authority in the hands of the National Intelligence Service than the previous draft. For example, Article 4 stipulated the establishment of a National Cyber-safety Center under the aegis of the National Intelligence Service, with the details of its organization and operation to be decided by the director of the NIS. Article 6 provided the guidelines for a top-down system for the implementation of cyber-terrorism measures (President → Director of National Intelligence Service → National Cyber-safety Center), in which the director of the NIS would formulate comprehensive plans at the direction of the President. This draft was even more strongly opposed by citizens’ groups and the legal sector than the anti-terrorist draft legislation that had been submitted at the same time. In response to these objections, Gong Sung-jin indicated that there was no organization other than the National Intelligence Service that possessed the means to comprehensively monitor and manage information. Clearly, given the relationship between cyber-terrorism and information, by contrast with the case of normal terrorist activities, it is unavoidable that authority would be concentrated in the hands of the ministries and agencies that administer information. However, inasmuch as the draft treats the Internet, which is intimately related to issues of privacy, it makes no specific mention of this subject, making the existence of a third-party agency essential for the management of privacy issues.

It is necessary for all nations to keep pace with the formulation of international law, and nations throughout the world recognize to some extent their responsibility as members of the international community to speed up their own processes of enactment of legislation. However, the concerns over the violation of human rights being expressed by the legal community and citizens’ groups have not been dispelled, it will be essential to proceed prudently, on the basis of more comprehensive discussion than has been the case to date, at the same time as recognizing the urgency of putting in place new forms of anti-terrorist measures.

In the case of South Korea, however, the variable of the nation’s relationship with North Korea must always simultaneously be taken into consideration. Actions conducted by North Korea did not cease with the bombing of the Martyr’s Mausoleum or the aircraft bombing discussed above. Since the 1990s, the following incidents have occurred: 1) On September 18, 1996, a submarine that had carried North Korean operatives to South Korea ran aground near Gangneung. A gun battle ensued with the South Korean army, resulting in the deaths of 24 North Korean agents and, on the South Korean side, 11 soldiers, one police officer and one reservist, and four civilians; 2) On June 29, 2002, during the soccer World Cup and about two years after the June 2000 Inter-Korean Summit between Kim Dae-jung and Kim Jong-il, a clash

---

occurred between North and South Korean patrol boats in the Yellow Sea, leaving four South Korean sailors dead and one missing; 3) On March 26, 2010, the South Korean naval patrol vessel Cheonan sank in the Yellow Sea following an explosion, with 46 sailors losing their lives. Tensions have certainly not eased between the two countries, with South Korea judging the 2010 incident to be the result of a torpedo attack and the North denying this accusation; and 4) On November 23, 2010, the North Korean army suddenly bombarded Yeonpyeong Island, as a result, two marines and two civilians died. Reflecting the situation between the two nations, the 2006 South Korean Defense White Paper positioned North Korea as a “grave threat,” and introduced measures in response to incursions into territorial waters or airspace. However, whatever the nature of the government’s decisions, it is essential that they do not excessively violate the freedom and privacy of citizens. There is a danger that this could engender a new disaffection with politics and social uncertainty, and thus benefit the terrorists themselves.

IV. The Current Status of the System of Treaties related to International Terrorism

(1) Background to the adoption of treaties related to international terrorism

As indicated by the above discussion, numerous problems exist with regard to anti-terrorist measures in domestic law, which are swayed by public opinion and easily influenced by the circumstances of specific administrations and major terrorist incidents. Another important point is the fact that given the differences between countries in terms of legal systems and awareness of terrorism, the nature of the investigations launched by each of these countries will also differ. Today, there is no room for debate concerning the increasingly international character of terrorism, and it will be important to determine how to work in unison when incidents straddle borders. A clearly defined scope of action will be necessary in order to achieve this goal. Anti-terrorism measures in international law can function as comprehensive guidelines in relation to these issues, and their meaning will only become greater in the future. A country’s ratification of a convention announces the fact that that country is bound by the convention. The ratification of anti-terrorism conventions and other important international conventions results in the modification of domestic law, and the ratification of such conventions also represents an agreement to create the conditions of possibility for international collaborative frameworks.

Between the adoption of the Convention on Offences and Certain Other Acts Committed on Board Aircraft in 1963 and the adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism in 2005, a total of 13 international terrorism-related conventions were adopted.

However, while aiming towards global and universal regulation of terrorism, conventions of this type were formulated in response to the types and methods of terrorism that represented a threat at the time of their formulation, with none of them treating terrorism comprehensively or in its entirety.

The 13 multilateral conventions concerning the regulation of terrorism can be classified into five categories and their characteristics summarized as follows.

First, considering conventions dealing with the regulation of terrorism in the air, we have

1) the Convention on Offences and Certain Other Acts committed On Board Aircraft, also known as the Tokyo Convention (adopted in Tokyo on September 14, 1963); 2) the Convention for the Suppression of Unlawful Seizure of Aircraft, also known as the Hague Convention (adopted in the Hague on December 16, 1970); 3) the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, also known as the Montreal Convention (adopted in Montreal on September 23, 1971); and 4) the Convention for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, also known as the Montreal Protocol (adopted in Montreal on February 24, 1988). The formulation of these conventions was necessitated by the fact that acts of terrorism against aircraft began to occur frequently from the 1950s, and these incidents very often crossed national borders. The Hague Convention in particular marked a watershed in applying the “extradite or prosecute” principle, which would form part of all following terrorism-related conventions, to its signatories. However, the existence of states that provide support for terrorism and the frequency of suicide bombing today necessitate a new perspective on this principle. Another major issue is the fact that in cases of hijacking there may be clashes between the jurisdiction of the country of registration of the aircraft, the country in which the aircraft is landed, the main country of business or country of habitual residence of the lessee, and the country of residence of the terrorists, and the order of precedence is unclear.

Second, considering conventions that attempt to regulate terrorism against foreign diplomats or involving hostage-taking, we have 1) the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, also known as the New York Convention (adopted by the UN General Assembly on December 14, 1973); and 2) the International Convention against the Taking of Hostages, also known as the Hostage Convention (adopted by the UN General Assembly on December 17, 1979). While the New York Convention establishes conditions for the prosecution of terrorists by granting jurisdiction also to the country of origin of the victims, the problem remains that it does not establish an order of priority in cases in which a clash of jurisdictions occurs. In addition, because the legal definition of terrorism is unclear, there has been unceasing argumentation concerning whether or not acts committed against internationally protected persons actually constitute terrorist acts. The Hostage Convention incorporates considerations of human rights, enabling a nation requested to deliver up an individual accused of a terrorist act to refuse that request in the event that the prosecution results from the race, religion, nationality, ethnic origin, or political beliefs of the individual in question. However, the problem in practice is that consultations between the parties concerned take precedence in hostage-taking incidents, and these conventions are not applied in the case of actual terrorist acts (for example, the kidnappings discussed above).

Third, looking at conventions regulating maritime terrorism, we have 1) the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, also known as the Rome Convention (adopted in Rome on March 10, 1988); and 2) the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms on the Continental Shelf, also known as the Rome Protocol (adopted in Rome on March 10, 1988). These conventions attempt to fill in the gaps in the conventions falling into the previous two categories, and incorporate successful elements and problematic points in relation to that aim.

Fourth, taking conventions concerning terrorist methods into consideration, we have 1) the
Convention on the Physical Protection of Nuclear Materials (adopted in Vienna on March 3, 1980); 2) the Convention on the Marking of Plastic Explosives for the Purpose of Detection (adopted in Montreal on March 1, 1991); 3) the Convention for the Suppression of Terrorist Bombings (adopted by the UN General Assembly on December 15, 1997); and 4) the International Convention for the Suppression of Acts of Nuclear Terrorism (adopted by the UN General Assembly on April 13, 2005). These conventions reflect the fact that while a comprehensive definition of terrorism does not exist, new terrorist methods are emerging in rapid succession, and attempt to enable the prosecution of terrorists based on the methods used in the crime. However, given their nature, they present the problem of being unable to respond to new terrorist methods.

Fifth, we have the International Convention for the Suppression of the Financing of Terrorism (adopted by the UN General Assembly on December 9, 1999), currently the most comprehensive convention for the regulation of terrorist funding in its entirety. Given that the definition of terrorism is unclear, this convention bases itself on the outcomes of previous international discussions in order to suppress terrorist financing itself. However, the convention also incorporates the standard issues relating to jurisdiction and the extradition of perpetrators, and the ambiguity of the scope of the term "terrorist" creates the problem that what constitutes a criminal act will be defined arbitrarily by the parties to the convention.

(2) Problems of international terrorism-related conventions

The international community has pursued a sectoral approach in its response to the different forms of terrorism, adopting separate conventions for the regulation of terrorism in relation to different fields. However, the texts of such conventions targeting individual fields are formulated and adopted on the basis of compromise between the conflicting interests of the parties to the agreement, and because of this, the types of problems discussed above are inherent in regulating and responding to terrorism on the basis of these separate conventions. The major problems shared by the existing individual conventions can be elaborated as follows.

First, there are limitations on the ability of the conventions to regulate terrorism because none of them are able to designate specific terrorist actions as international crimes. Terrorism-related conventions normally focus on criminal punishment by the courts of the parties to the agreement as the means of regulation of terrorism, and do not introduce the possibility of prosecution and punishment by the International Criminal Court. In addition, while the majority of the conventions explicitly state the "extradite or prosecute" principle, they do not explicitly specify a duty of direct punishment of terrorist crimes, instead stipulating only a duty for each country to create the conditions of possibility for punishment on the basis of severe, or appropriate, criminal penalties. This is interpreted as referring solely to a duty of domestic legislative measures, and in the absence of a clear duty of punishment, unified standards for punishment have not been established.

The second problem common to the conventions is the fact that their effectiveness in regulating terrorist crimes is halved by the absence of explicit stipulations in regard to state terror and state-supported terrorist acts. The third of the problems is the fact that in the case of terrorist acts committed by specified organizations or by individuals, while some states will view the act as clearly criminal, others will consider it a legitimate method for use by a national liberation movement, and no provisions enabling this conflict of opinion to be accurately judged
V. Problems in Domestic Acceptance of International Terrorism-related Conventions from the South Korean Perspective

(1) Preconditions for acceptance in South Korean domestic law

Because terrorist crimes normally have an international character, it is necessary for legislative measures to clarify their position in relationship to 1) the problem of conflicts in prosecutorial jurisdiction between the state that apprehends a criminal and nations with conflicting interests; 2) the problem of the principle of extradite or prosecute; and 3) the problem of assistance in criminal justice. In order to resolve these problems, which are inherent to terrorist crimes, South Korea has to date joined the relevant international conventions and concluded bilateral conventions, and has fulfilled its obligations in relation to the domestic legislative measures stipulated by the international conventions. By means of this process, South Korea has increased the severity of its penalties for terrorist crimes such as hijacking, has committed thoroughly to the principle of extradite or prosecute, has recognized the exception of the principle of non-extradition of political offenders, and has displayed cooperation with international frameworks such as those for the provision of assistance in criminal justice in the area of the investigation and prosecution of terrorist crimes. However, the failure of the draft anti-terrorism legislation discussed above, despite the fact that, in relation to the criminal acts specified by the international conventions for the regulation of terrorism, such measures are necessary as the establishment of new penalties in domestic law and the establishment of prosecutorial jurisdiction in the case of extraterritorial crimes committed by non-nationals (one of the class of perpetrators specified by the conventions for which prosecutorial jurisdiction does not exist in current domestic law), leaves the nation in a situation in which adequate supplementation of the domestic legal framework via legislative measures is impossible.

(2) Establishment of domestic prosecutorial jurisdiction

Multilateral conventions for the regulation of international terrorism stipulate that the countries concerned in international terrorist acts take measures to assert jurisdiction. “Countries concerned” here refers to the country in which the terrorist act took place (the territoriality principle), the country of nationality of the perpetrator or perpetrators (the active nationality principle), and the country of nationality of the victim or victims (the passive nationality principle). Also falling within the scope of countries concerned are countries whose legal interests are violated by the crime (the protective principle) and countries which might not have a direct interest, but whose common legal interests, as presently recognized between states, are violated by the crime (the cosmopolitan principle).
However, South Korea’s Penal Code stipulates provisions concerning the territoriality principle (Article 2, Article 4), the nationality principle (Article 3), and the protective principle (Article 5, Article 6), but not the cosmopolitan principle. Given this, penalties can be applied under the South Korean penal code when South Korea is the site of a terrorist act, when a South Korean national is the perpetrator of a terrorist act, or when the rights of South Korean nationals or the nation’s legal interests are violated by a terrorist act. However, problems arise when a terrorist act is committed extraterritorially by a non-national which violates the laws or the legal interests of a specific nation, and the perpetrator of the act escapes to and is apprehended in South Korea. In cases of this type, the tendency of international conventions is to take the various measures necessary to establish the jurisdiction (“supplementary jurisdiction”) of the country of residence of the perpetrator. However, in order to do so, legislative measures must be effected within domestic law, and South Korea’s Penal Code does not provide for punishment based on the cosmopolitan principle. Giving consideration to the nature of contemporary terrorism, with the increasingly international character of incidents and frequent movements by perpetrators between their own countries and other countries, this represents a significant problem.

In addition, terrorism-related conventions concluded since 1988, beginning with the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (the Rome Convention) enable states to claim jurisdiction (“voluntary jurisdiction”) in the case of crimes committed by non-nationals making their habitual residence within the country. However, the South Korean Penal Code does not provide for punishment in relation to these instances.

In such cases, South Korea therefore does not possess prosecutorial jurisdiction, and even if prosecutors mount a case in the nation’s courts, the case might be dismissed based on Article 327, Item 1 of the Law concerning Criminal Proceedings (concerning procedures when the court does not possess jurisdiction over the accused). When the investigating authorities have pursued charges against this type of perpetrator, they have no choice but to abandon the case, having no authority of prosecution.

The lack of provisions for punishment for terrorist crimes based on the cosmopolitan principle can be pointed to as a deficiency in South Korea’s legislative system. It will be necessary for South Korea to establish similar provisions, which announce the application of punishment based on the cosmopolitan principle, even in cases in which national interests are in no way involved. The establishment of such provisions in itself would prevent the perpetrators of terrorist crimes overseas from entering the country to avoid punishment, and would provide applicable in cases in which the common interests of nations or of all humanity are affected, irrespective of where the crime was committed, the nationality of the offender or the legal affiliation of the victim.

9 See Article 7(4) of the International Convention for the Suppression of the Financing of Terrorism, Article 6(4) of the Convention for the Suppression of Terrorist Bombings, Article 6(4) of the Rome Convention, etc.

10 See Article 7(2) of the International Convention for the Suppression of the Financing of Terrorism, Article 6(2) of the Convention for the Suppression of Terrorist Bombings, Article 6(2) of the Rome Convention, etc.

11 However, in the case of hijackings, even when committed extraterritorially by a non-national, if the offender is apprehended in South Korea, South Korea has prosecutorial jurisdiction under the terms of Article 3 of the Law concerning the Operational Safety of Aircraft; if the airplane is forced to make an emergency landing in South Korea, South Korea has prosecutorial jurisdiction under the principle of continuing crime.
a guarantee of the application of the provisions of the various international laws related to terrorism.

Another issue can be indicated in relation to domestic prosecutorial jurisdiction. Article 6.1 of the Rome Convention enjoins the parties to the convention to “take such measures as may be necessary to establish its jurisdiction” (“necessary jurisdiction”) in regard to acts committed “against or on board a ship flying the flag of the State at the time the offense is committed.” However, here also South Korea requires a separately executed law that establishes jurisdiction in relation to crimes committed on or against ships flying the South Korean flag. At present, in relation to this, Article 4 of the Penal Code states that the laws contained within are applicable to offenses committed extraterritorially by non-nationals against South Korean ships or aircraft. In other words, South Korea’s prosecutorial jurisdiction in relation to offenses committed on ships flying the South Korean flag is acknowledged by this provision.

(3) Problems related to extradition of perpetrators

South Korea is a signatory to numerous multilateral conventions that incorporate extradition provisions, and has also concluded bilateral conventions concerning extradition with 25 nations. However, this figure cannot be claimed to be high in comparison to European countries which have extradition agreements with more than 100 other countries. In addition to the nation’s efforts to join these international conventions and conclude individual conventions, on August 5, 1988, South Korea promulgated an extradition law which provided for domestic enforcement of any extradition conventions concluded with other countries in future, and that made it possible, if an extradition request was received from a concerned country with which South Korea was not bound in a convention, to grant the request as an act of international cooperation if a guarantee was received that the country would grant an extradition request from South Korea in relation to the same type of crime in future. This law provides detailed stipulations in regard to crimes subject to extradition, reasons for refusal of extradition, extradition procedures, and procedures for requesting extradition from another country.

Article 8(1) of this law stipulates that if the crime for which extradition is requested is an offense of a political nature or a related offense, extradition will not proceed, giving expression to the necessary principle of non-extradition in the case of political offenses. In addition, Article 9(5) of the law stipulates that extradition may be refused when the nature of the offense for which extradition is sought and the environment in which the extradited prisoner will be placed are taken into consideration and extradition is judged to be inhumane, displaying a legislative stance in accord with recent global tendencies. Article 8(1) also sets out exceptions to the principle of non-extradition in the case of political offenses. However, it also stipulates that this will not apply if the offense corresponds to the following offenses defined by other clauses: An offense against the life or person of a head of state/leader of government or that individual’s family (Article 8(1):1; an offense for which South Korea has jurisdiction over the offender or one for which the nation has an obligation of extradition, as specified by a multilateral convention (Article 8(1):2; an offense against the lives or persons of large numbers of people (Article 8(1):3; or a minor offense for which the term of imprisonment is less than one year, as defined in Article 6. Of these, the offenses defined in Article 8(1):1 and Article 8(1):3 are types frequently observed in terrorist acts in the form of assassinations of political officials and acts of indiscriminate mass murder. This is to say that the stipulations of South Korea’s extradition law
also apply indirectly to terrorist acts.

The offenses defined by Article 8(1):2 of the law are, by contrast, directly related to terrorist acts. The reason for this is that South Korea has become a signatory to numerous multilateral conventions for the regulation of terrorism, and has established regulations enabling the extradite or prosecute principle to be applied to the offenses defined by these conventions. From the perspective of its relations with the other members of these conventions, it is essential for South Korea to observe the stipulations of the conventions. However, problems arise in relation to the perpetrators of terrorist acts covered by international conventions to which South Korea is not a party. For example, South Korea became a member of the Rome Convention (established March 10, 1988) on May 13, 2003. However, prior to this, in the event that non-nationals had committed a politically motivated terrorist act on the ocean outside South Korean territorial waters and had subsequently fled to South Korea, the nation, having stipulated no punishments based on the cosmopolitan principle, would have had no prosecutorial jurisdiction over the offenders, and, under the terms of Article 8(1):2 of its extradition law would have had no obligation to extradite the offenders. In such a case, unless the offense corresponded to one of those for which an obligation of extradition is defined in Article 8(1):1 and 8(1):3 of the extradition law, the perpetrators would ultimately have escaped prosecution based on the principle of non-extradition of political offenders. This type of contradiction was inherent in the existing extradition law. In order to correct this situation, it was necessary as a priority to establish explicit provisions concerning exceptions to the principle of non-extradition in the case of terrorist acts. The extradition law was therefore revised on December 14, 2005, and Article 8(2) now stipulates that an offender will not be extradited in the event that the request for extradition is made for the purpose of prosecuting another crime of a political nature or executing an already existing sentence for another offense.

However, as indicated above, together with this it will be necessary for South Korea to establish provisions in the Penal Code for the application of penalties for terrorist crimes on the basis of the cosmopolitan principle, even if they do not affect the nation itself. The establishment of such provisions would enable South Korea to make its own choices and decisions in relation to penalties for terrorist offenders and their extradition or non-extradition. This would also make it possible for South Korea to protect political offenders by choosing not to extradite to the country in which their offense was committed, and, by clearly expressing the will to establish penalties based on the cosmopolitan principle for inhuman terrorist crimes, the nation would present itself on the world stage as a defender of human rights. This legislation would also enable South Korea to push ahead with the conclusion of bilateral extradition conventions, an area in which it lags behind European nations.

(4) Problems related to prosecution and penalties

The international conventions for the regulation of terrorism apply the extradite or prosecute principle in relation to offenders defined by the specific convention to the country of residence of the offender. Accordingly, if the nation of residence of the offender is not the victim of the offense, the nation will in most cases extradite the offender to a nation seeking extradition (in particular to the nation that was the victim of the offense). In the event that the nation of residence of the offender is also the victim of the offense, it is regarded as normal for the offender not to be extradited to another nation, but to be prosecuted and penalized by the courts.
of that nation itself. When an offender is not extradited but prosecuted and penalized in the nation of residence itself, international terrorism-related conventions demand that the nation should exercise its prosecutorial jurisdiction as normal, and to apply penalties as would be the case for an ordinary crime of a very serious nature.

South Korea is a party to international conventions that attempt to regulate hijackings. In relation to hijackings as defined in the conventions to which the nation is a party, South Korea is therefore obliged to respect the extradite or prosecute principle, and also the principle of application of severe penalties when an offender is prosecuted and penalized without being extradited. Based on its obligation to establish domestic legislative measures to provide for penalties for the acts of hijacking stipulated by the conventions, the nation established the Law concerning the Operational Safety of Aircraft on December 26, 1974. This law accords with the general purpose of the international conventions in newly establishing specific provisions for the crime of hijacking (Article 8), the crime of killing or injuring hostages (Article 9), the crime of plotting a hijack (Article 10), the crime of interfering with the operation of an aircraft (Article 11), and the crime of bringing dangerous articles on board an aircraft (Article 12).

The particularly noteworthy feature of this law is that the crimes to which it is applicable, as stipulated in Article 3, correspond exactly to those stipulated in Article 1 of the Tokyo Convention (in the terms of the Tokyo Convention, (a) offenses against penal law; and (b) acts which, whether or not they are offenses, may or do jeopardize the safety of the aircraft or of persons or property therein or which jeopardize good order and discipline on board). Article 1 of the convention includes the hijacking of aircraft registered in any of the nations that are parties to the convention while in flight. Given this, if a contending nation was a party to the same convention, and if that nation was the victim of a hijacking incident, despite the fact that the crime was committed extraterritorially by nonnationals, South Korea would have jurisdiction over the perpetrators, and would be able to prosecute and penalize them. In other words, Article 3 of the Law concerning the Operational Safety of Aircraft provides for penalties based on the cosmopolitan principle in relation to hijackings. This runs counter to the nation’s normal legislative stance.

Because, as indicated above, South Korea is a party to international conventions related to hijackings, has established a law concerning aircraft safety, and has provided for penalties based on the cosmopolitan principle, virtually no irresolvable legal problems arise between the nation and the other parties to the convention in the matter of terrorist hijacking incidents. However, with regard to other forms of international terrorism, the nation is not a member of the relevant international conventions, and has not stipulated penalties based on the cosmopolitan principle. In the event that a nonnational committed a terrorist act other than a hijacking overseas and subsequently fled to South Korea, it would be difficult for the nation to prosecute and penalize that individual under its domestic legal procedures. In this case, there would be extradition problems. At the same time, if South Korea had not concluded an extradition convention with the nation of jurisdiction, it would be difficult to extradite the offender. This raises fears that South Korea will be used as a refuge for terrorists, and the necessity for domestic legislative measures that will prevent this has been pointed out.

---

12 Son, "Miguk tongsidabalt’erō ihu, chuyogukkauĩ tae’erō ippōbe kwanhan koch’al.” 109–110.
(5) Issues in the establishment of domestic laws

Given consideration to the stipulations of the four international conventions related to the regulation of terrorism (the Rome Convention, the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms on the Continental Shelf, the Convention for the Suppression of Terrorist Bombings, and the International Convention for the Suppression of the Financing of Terrorism) which, unlike the others, South Korea had still not become a party to by 2003, when the majority of other nations had joined international terrorism-related conventions in the wake of the 9.11 attacks, we find that prior to the nation’s accession to the conventions there were cases in which acts that constituted crimes under the terms of the conventions did not constitute crimes under the terms of South Korean domestic law. In other words, in order to accede to these conventions, it was first necessary for the nation to rapidly correct the lacunae in its domestic law in terms of stipulation of penalties.

First, Article 3(1) of the Rome Convention defines the endangerment of the safe navigation of a ship through the communication of information known to be false as constituting an offense. However, because South Korea’s Penal Code and Special Law incorporated no penalties for the communication of false information, separate legislative measures were required. The Law concerning the Safety of Shipping was accordingly revised.

Second, Article 2 of the Convention for the Suppression of Terrorist Bombings defines the following acts as constituting offenses: The delivery, placement, discharge or detonation of an explosive or other lethal device in a public place with the intention of causing 1) Death; 2) Serious injury; 3) Major economic loss; 4) Attempting to commit such an offense or participating as an accomplice in such an offense; and 5) Contributing to a terrorist group that commits such an offense. However, the penalties stipulated in Article 119 (concerning the use of explosives) and Article 172 (concerning the detonation of explosive substances) of South Korea’s existing Penal Code did not cover all of the acts specified by the convention. In particular, no penalties were stipulated for the delivery of disease-causing agents or biological toxins or for the attempted destruction of facilities. With regard to penalties for contributing to terrorist groups, some of the terms of the convention exceeded the scope of interpretation of stipulations regarding complicity in South Korea’s Penal Code. Consequently, it was necessary to establish penalties in the Penal Code by means of separate legislative measures. Provisions concerning the use of explosives were revised in Articles 119–121, and provisions concerning the detonation of explosive substances were revised in Article 172. The government expressed the intention of establishing severe penalties, and for the use of explosives applied the death penalty, or penalties of life imprisonment or imprisonment for seven years or more to acts causing death, injury or damage to property and to acts threatening public safety (including attempted offenses).

Third, South Korea’s domestic law contained a number of lacunae in relation to the International Convention for the Suppression of the Financing of Terrorism. First, Article 2 of

---

13 The revision was made to Article 1(5), concerning the relationship between the Law concerning the Safety of Shipping (Law 8221; revised January 3, 2007) and international conventions. “In the event that the provisions of this law differ from the standards for safety established by international conventions concerning the safety of ships and their passengers engaged in international navigation, the provisions of the relevant international convention will take precedence. However, this will not apply when the provisions of this law are more stringent than the standards established by international conventions.”
the convention defines the provision or collection of funds for use in terrorist acts, the attempt to commit an act of the type discussed above or participation in such an act, or contribution to the commission of an act of the type discussed above by a terrorist group as offenses. However, these acts were judged as not forming part of the category of serious offenses to which the relevant South Korean laws, the Law concerning the Reporting, Use, etc. of Information concerning Specified Financial Transactions and the Law for the Regulation, Punishment, etc. of Concealment of Unlawful Profits, were applicable, and some of the stipulations of the convention regarding the provision of support for terrorist organizations exceeded the scope of interpretation of the stipulations of South Korea’s Penal Code concerning complicity. In addition, because the purpose of the International Convention for the Suppression of the Financing of Terrorism was to cut off the supply of funds in advance, conflicts arose between the provisions of the convention and the Law concerning the Reporting, Use, etc. of Information concerning Specified Financial Transactions and the Law for the Regulation, Punishment, etc. of Concealment of Unlawful Profits, put into effect in South Korea on November 28, 2001, the purpose of which was to prevent future money laundering. This fact necessitated the revision of related laws to make it possible to track and circulate information regarding terrorist financing and to cut off such financing.

14 Article 2 of the Law for the Regulation, Punishment, etc. of Concealment of Unlawful Profits was revised as indicated below (revised March 22, 2004 and December 21, 2007). The definition of the terminology employed in the law is as follows: Article 2(1) “Designated offense” refers to offenses specified in a separate table as being committed for the purpose of unlawfully obtaining financial gain (“Serious crimes” below) and, as specified by Article 2(2):2, offenses stipulated by 1) the Law concerning Penalties for Procurement of Sexual Services, etc. (limited to the knowing provision of funds, land or premises to assist in the sale of sexual services), 2) Article 5(2) and Article 6 (restricted to “Uncommitted crimes” in Article 5(2)) of the Law concerning Penalties for Acts of Violence, etc., 3) Article 3(1) of the Law for the Prevention of Bribery of Foreign Civil Servants in International Business Transactions, 4) Article 4 of the Law concerning the Application of More Severe Penalties, etc. in the Case of Specific Economic Crimes, and Articles 8 to 16 of the Law concerning Penalties, etc. for Crimes under the Jurisdiction of the International Criminal Court.

15 The Law concerning the Prohibition of Obtaining Funds for the Purpose of Threatening the General Public, etc. (Law No. 8697; formulated December 21, 2007; entered into force December 22, 2008) can be offered as a concrete example. Under the terms of this law, individuals, corporate entities or groups judged as being involved in the procuring of funds through menaces may be publicly identified as such and have restrictions placed on their financial transactions, and criminal penalties are applied to individuals soliciting or supplying funds (Article 2(1), Article 4, Article 6).

16 Seung, Nak-In, "Jakŭm set’ak Pangjipŏpjeron" [A Legal Discussion of Preventing Money Laundering], (Seoul: Kyŏngin Munhwa Publishing, 2007).

17 Revisions were made, first, to Article 4, concerning the reporting of suspicious transactions in illegal assets, etc., Article 4(2), concerning the reporting of transactions in large sums by financial institutions, etc., Article 5(2), concerning the responsibility of financial institutions, etc. to identify customers, Article 6 (revised December 21, 2007), concerning the publication of materials, etc. concerning foreign exchange transactions, Article 7 (revised January 17, 2005, December 21, 2007, and February 29, 2008), concerning the provision of information to investigative agencies, etc., and Article 11 (revised January 17, 2005), concerning the supervision and prosecution of financial institutions, etc., of the Law concerning the Reporting, Use, etc. of Information concerning Specified Financial Transactions (Law No. 8863; partially revised February 29, 2008). Next, revisions were made to Article 8 (revised March 31, 2005), concerning the seizure of profits from crimes, etc., Article 10, concerning taxes in arrears, and Article 11 (revised December 19, 2008), concerning the provision of international assistance, of the Law for the Regulation, Punishment, etc. of Concealment of Unlawful Profits (Law No. 9141; partially revised December 19, 2008; entered into force March 20, 2009).
In addition, Article 8 of the International Convention for the Suppression of the Financing of Terrorism stipulates the identification, detection, freezing or seizure of funds allocated for the purpose of committing terrorist offenses and the seizure of any proceeds derived from such offenses, and Article 18 stipulates that parties to the convention shall take the necessary measures in their domestic legislation to prevent the offenses defined in Article 2. However, the legal basis for the identification of financial transactions presumed to be related to terrorism and the presentation of that information to foreign governments was lacking in the relevant legislation in South Korea. For example, Article 4 of the Law concerning the Use of Real Names and the Preservation of Confidentiality in Financial Transactions prohibits on principle the communication of information regarding financial transactions without the agreement of the individual in whose name the transactions were undertaken, and stipulates only six exceptions, including the issuance of a warrant by a court of law. The necessity of appropriately revising the law to enable terrorist funding to be tracked had therefore increased. Related to this, on March 22, 2002, the UN judged a report submitted by South Korea concerning its anti-terrorist activities to be insufficient based on UN Security Council Resolution 1373 (September 28, 2001), and requested a follow-up report. The follow-up report was to contain details of legal provisions and procedures for the monitoring of suspicious financial transactions, due diligence with respect to reports from financial institutions, etc. regarding terrorist funding, and specific legal provisions for the suspension of terrorist funding. South Korea revised the pertaining legislation, the Law concerning the Use of Real Names and the Preservation of Confidentiality in Financial Transactions, in order to satisfy the standards required by the UN.

However, even if South Korea was able to solve these issues and become a party to all of the international terrorism-related conventions, many problems would still confront the nation in regard to the prevention of terrorism, the application of penalties to terrorists, and the extradition of terrorists. In the case of the trial conducted over the Korean Airlines bombing incident in 1987, the perpetrator Kim Hyon-hui was first arraigned on March 7, 1989 and, despite appeals, the death sentence was handed down in 1990. Kim, however, was subject to a special pardon from the South Korean President due to the fact that she was the sole living witness to the events and would stand as living testimony to North Korea’s aggressiveness and its acts of encroachment on its neighbor. The possibility cannot be denied that serious problems will be caused in future by such arbitrary decisions on the scope of political crimes. From this perspective, we may point to the necessity of modifying the system of international conventions itself. We must formulate a comprehensive convention for the prevention of terrorism that incorporates clear definitions and resolves ambiguities; the necessity for South Korea to join such a convention and modify its domestic laws in accord with it will only increase in future.

---

19 Revisions were made to Article 3 (revised March 30, 2002 and February 29, 2008), concerning the conducting of financial transactions under real names, Article 4 (revised March 30, 2002, March 24, 2006, August 3, 2007, and February 29, 2008), concerning the guarantee of confidentiality in financial transactions, Article 4(2) (Revised March 24, 2006), concerning reporting of the status of provision of information regarding financial transactions, etc., and Article 4(3) (revised March 24, 2006 and February 29, 2008), concerning the recording and management of information regarding financial transactions, etc., of the Law concerning the Use of Real Names and the Preservation of Confidentiality in Financial Transactions (Law No. 9324; partially revised December 31, 2008).
VI. Conclusion

A consideration of South Korea’s domestic laws related to international terrorism clearly reveals problems related to definitions of terrorism, including difficulties in relation to the identification of a terrorist or a political offense, and problems inherent to the individually adopted international terrorism-related conventions, as for example in cases in which either South Korea or a nation with which it was involved was not yet a party to a convention.

In addition, given that South Korea has frequently experienced acts of terrorism at the hands of North Korean agents, and is situated in a political environment that necessitates the continuation of national service even today, the introduction of powerful regulations concerning the monitoring of information and a legal system that enables flexible political responses are desirable trends. The growing international opposition to terrorism since the 9.11 attacks has provided further impetus to these trends. However, the danger that domestic legal systems will be too quickly modified in response to a temporary international consensus is high. This is the very reason why it is necessary for domestic law to move in parallel with international law. Naturally, this mode of procedure does not imply a lack of action in response to the North Korean system. The point that must be taken into consideration in this regard is the increased resolve expressed by North Korea since 9.11 to participate in the system of international terrorism-related conventions. The application of specific restrictions to North Korea’s domestic laws through the acceleration of this tendency and the movement of the nation towards accession to international conventions surely hold the possibility of shifting the situation to a more peaceful footing.

To date, insufficient points of connection have been established between discussions of international terrorism-related conventions and discussions of domestic law. However, given the advancement of globalization and the increasing danger that any individual might become a victim of international terrorism, it is essential that we keep both within focus simultaneously. The conventions that have been adopted amid the welter of international argumentation reflect increasing international cognizance of human rights, the sophisticated awareness of terrorists themselves, and a stance of working to bring terrorist crimes to justice. I believe that South Korea’s supplementation of its domestic laws in line with these conventions will not only benefit anti-terrorist measures, but will have a beneficial influence on the nation’s system of domestic law in its entirety.