

XXXIV. REPUBLIC OF KOREA⁸³

1. SAFETY OF AIRCRAFT OPERATION ACT⁸⁴

Article 1 (Purpose)

The purpose of this Act is to prevent any conduct that will, as in the hijacking of an aircraft in operation, threaten the safety of aircraft as well as its passengers and crew and will endanger or is likely to endanger any property and equipment on board an aircraft, and to prevent any such act as will compromise in-flight order and regulations.

Article 2 (Definitions)

For the purpose of this Act,

1. "Aircraft hijacking" means seizure of aircraft in operation or coercion of aircraft operation, whether by acts of violence, by threat or by other means.
2. "In operation" starts from the moment when all external doors of an aircraft are closed following embarkation and lasts until the moment when any such door is opened for disembarkation.

Article 3 (Scope of Application)

This Act shall apply to any crime stipulated under Article 1 of the Convention on Offences and Certain Other Acts Committed on Board Aircraft.

Article 4 (Prohibitions)

No one shall carry and get on board an aircraft with, or embark on board any weapons, swords, explosives, toxic or highly inflammable substances.

Article 5 (Power of the Pilot-in-Command)

- (1) The aircraft commander shall be empowered to take necessary measures to deter a person intending or attempting to commit an act which will jeopardize the safety of aircraft, endanger human life and property, and break in-flight order or violate in-flight regulations.
- (2) Any person on board an aircraft shall, when requested by the aircraft commander, cooperate with regard to the measures as referred to in the previous paragraph.

⁸³ Transmitted to the Secretariat by that Government on 20 August 1997.

⁸⁴ Act No. 2742, Dec. 26, 1974

(3) The aircraft commander shall not, when he has landed his aircraft following the arrest of a criminal or criminals responsible for such an act as stipulated in paragraph (1), take off with the arrested criminal or criminals still on board, save in the case of the latter's consent to continued embarkation or in the presence of grounds for rendering his disembarkation impossible.

Article 6 (Delivery and Taking Over of Criminals)

(1) When the aircraft commander delivers a criminal or criminals who committed a crime on board an aircraft in operation, he shall deliver him or them in person or through relevant public officials concerned, to police officers.

(2) When the aircraft commander who has taken over a criminal or criminals is unable to continue his arrest within the aircraft, he shall deliver him or them, to relevant public officials concerned without delay.

Article 7 (Preliminary Investigation)

(1) When a criminal or criminals have been handed over pursuant to the provision of Article 6, paragraph (1), the following steps may be taken.

1. Investigation of crime and demand for production of evidence.
2. Demand for witnesses to the criminal and for production of evidence.

(2) The preliminary investigation stipulated in paragraph (1) shall not unduly delay the operation of the aircraft involved.

Article 8 (Crime of Aircraft Hijacking)

(1) Any person who, by acts of violence, by threat or by other means, hijacks an aircraft in operation, shall be punished by penal servitude for life or for not less than seven years.

(2) Any attempts to commit the crime stipulated under paragraph (1) shall be punishable.

Article 9 (Personal Injury or Death Caused by Hijacking)

Any person who commits the crime stipulated under Article 8 and causes personal injury or death, shall be punished by a capital sentence or by penal servitude for life.

Article 10 (Preparation and Conspiracy of Aircraft Hijacking)

Any person who prepares or plots with intent to commit the crime stipulated under Article 8, shall be punished by penal servitude for not more than

five years. However, the punishment shall be mitigated or remitted in respect of anyone who has surrendered himself prior to the commencement of the purported crime.

Article 11 (Crime of Interfering with Aircraft Operation)

Any person who resorts to fraudulent means or exercises coercion to force a change in the projected route of an aircraft and as a result interferes with the normal operation of the aircraft, shall be punished by penal servitude for not less than one but not more than ten years.

Article 12 (Crime of Embarking Hazardous Articles on Board)

Any person who embarks on board an aircraft or makes someone else carry on board any thing or substance prohibited by the provision of Article 4, shall be punished by penal servitude for not less than two but not more than five years.

ADDENDUM

This Act shall enter into force as from the date of its promulgation.

2. CRIMINAL CODE

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Article 2 (Domestic Crimes)

This Code shall apply both to Korean nationals and aliens who commit crimes within the territory of the Republic of Korea.

Article 3 (Crimes by Koreans outside Korea)

This Code shall apply to all Korean nationals who commit crimes outside the territory of the Republic of Korea.

Article 4 (Crimes by Aliens on Board a Korean Vessel outside of Korea)

This Code shall apply to aliens who commit crimes on board a Korean vessel or aircraft outside the territory of the Republic of Korea.

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Article 119 (Use of Explosives)

(1) Anyone who injures a person, damages property, or disturbs public peace by using explosives shall be punished by death, penal servitude for life or for a period of not less than seven years.

(2) A person who commits the crimes of the preceding paragraph in time of war, natural disaster, or other warlike conditions shall be punished by death or penal servitude for life.

(3) Attempts to commit crimes of the preceding two Paragraphs shall be punished.

Article 120 (Preparations, Conspiracies and Instigation)

(1) A person who conspires or prepares with intent to commit the crimes of paragraphs (1) and (2) of the preceding Article, shall be punished by penal servitude for a period of not less than two years, but if he denounces himself before committing such crimes, the punishment shall be mitigated or remitted.

(2) The preceding paragraph shall also apply to a person who induces another to commit the crimes of paragraphs (1) and (2) of the preceding Article.

3. ATOMIC ENERGY ACT

Wholly Amended by Law No. 3549, Apr. 1, 1982

Amended by Law No. 3850, May 12, 1986

Law No. 4541, Mar. 6, 1993

Law No. 4940, Jan. 5, 1995

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to contribute to the improvement of the citizens' living standard and the enlargement of the social welfare and to strive for the prevention of disaster resulting from radiation and the safety of the public, by providing for the matters concerning research, development, production and utilization of atomic energy (hereinafter referred to as "atomic energy utilization") and concerning safety control thereof, and thereby promoting the advancement of science and development of the industry.

Article 2 (Definition)

For the purpose of this Act, <Amended by Law No. 3850, May 12, 1986>

1. the term “atomic energy” means all forms of energy released in the course of nuclear fission or nuclear transformation;
2. the term “nuclear materials” means nuclear fuel materials and nuclear source materials;
3. the term “nuclear fuel materials” means materials capable of producing atomic energy, such as uranium, thorium, etc., as specified by the Presidential Decree;
4. the term “nuclear source materials” means materials which are raw materials for nuclear fuel materials, such as uranium ore, thorium ore, etc., as specified by the Presidential Decree;
5. the term “radioactive materials” means nuclear fuel materials, spent nuclear fuel, radioisotopes and nuclear fission products;
6. the term “radioisotopes” means isotopes and their compounds which emit radiation, as specified by the Presidential Decree;
7. the term “radiation” means electromagnetic waves or particle beams which are capable of direct or indirect ionization of air, as specified by the Presidential Decree;
8. the term “nuclear reactors” means the apparatus in which nuclear fuel materials are used as fuel, excluding those specified by the Presidential Decree;
9. the term “radiation generating devices” means the equipment which generates radiation by means of accelerating charged particles, as specified by the Presidential Decree;
10. the term “related facilities” means such facilities as specified by the Presidential Decree concerning the safety of nuclear reactors;
11. the term “refining” means physical or chemical processing of nuclear source materials in order to increase the content of uranium or thorium contained in nuclear source materials;
12. the term “conversion” means chemical processing of nuclear fuel materials in order to change nuclear fuel material into such a form that they become suitable for fabrication;
13. the term “fabrication” means physical or chemical processing of nuclear fuel materials in order to change nuclear fuel materials into such a form that they may be used as fuel in a reactor;

14. the term “spent nuclear fuel processing” means processing of nuclear fuel materials which have been used as fuel in a reactor or other nuclear fuel materials which have been subject to nuclear fission reaction for the purpose of research and experiment, or it means separation of nuclear fuel materials and other materials from spent nuclear fuel by physical or chemical process;

15. the term “nuclear fuel cycle enterprise” means the enterprise related to refining, conversion, fabrication or spent nuclear fuel processing;

16. the term “radiation area” means the area in which the degree of surface contamination of substances by external radiation dose, concentration of radioisotopes in the air or water, or radioisotopes that might exceed the permissible radiation dose, the permissible concentration or the permissible contamination as specified by the Ordinance of the Prime Minister;

17. the term “internationally controlled materials” means materials which are subject to a security measure according to a treaty relating to research, development and utilization of the atomic energy and other international undertaking (hereinafter referred to as “international undertaking”) and which are determined by the Ordinance of the Prime Minister; and

18. the term “radioactive waste” means a radioactive substance or materials contaminated thereby which is subject to waste (including spent nuclear fuel).

CHAPTER II ATOMIC ENERGY COMMISSION

Article 3 (Atomic Energy Commission)

In order to deliberate and decide on important matters concerning atomic energy utilization and safety, the Atomic Energy Commission (hereinafter referred to as “Commission”) shall be established under the jurisdiction of the Prime Minister. <Amended by Law No. 3850, May 12, 1986>

Article 4 (Function of Commission)

The Commission shall deliberate and decide on the following matters:
<Amended by Law No. 3850, May 12, 1986; Law No. 4940, Jan. 5, 1995>

1. Matters concerning the establishment and policy of the general atomic energy promotion program for utilization and safety control of the atomic energy;
2. Consolidation and coordination for utilization and safety control of the atomic energy;

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Article 112 (Fee)

Any person who desires to apply for a permission, designation, approval, license or inspection under this Act, shall pay the fees as determined by the Ordinance of the Prime Minister. However, the Minister of Science and Technology may exempt the payment of fees for the State, local government or every kind of school specified by the Education Act or the agency to which the Government pays the contribution under this Act or other law, and which is prescribed by the Presidential Decree.

Article 113 (Enforcement Decree)

Matters necessary for the enforcement of this Act shall be determined by the Presidential Decree.

CHAPTER XIII PENAL PROVISIONS

Article 114 (Penal Provisions)

- (1) Any person who has destroyed a reactor and thereby damaged human life, body or property, or disturbed the public security, shall be punished by death, imprisonment for life or for not less than three years.
- (2) Any person who has committed a crime as referred to in paragraph (1) in cases of war, natural disaster, or the state of emergency equivalent to those shall be punished by death or imprisonment for life.
- (3) An attempted criminal act of the crimes as referred to in paragraphs (1) and (2) shall be punished.
- (4) Any person who has prepared, conspired or agitated with intent to commit the crimes as referred to in paragraph (1) or (2) shall be punished by a definite term of not less than three years.

Article 115 (Penal Provisions)

- (1) Any person who improperly manipulated radioactive materials, etc., reactor and related facilities, nuclear fuel cycle facilities or radiation generating devices and thereby caused danger to human life or body, shall be punished by imprisonment with or without hard labor for not less than one year but not more than ten years.
- (2) Any person who has caused another's death by committing a crime as referred to in paragraph (1), shall be punished by imprisonment for a definite term of not less than three years.