

Universal Jurisdiction in the Republic of Korea

1. The Concept of Universal Jurisdiction

Upon providing the United Nations with information on the domestic application of the Principle of Universal Jurisdiction, the Republic of Korea first and foremost makes clear the premise that the concept of universal jurisdiction discussed herein is confined to criminal, not civil, jurisdiction; and that universal jurisdiction shall mean the power wielded by a state to punish certain crimes, which by themselves fall outside its territory, nationality or special state interest, on behalf of the entire international community.

2. The Foundation of Universal Jurisdiction in Korean Domestic Law

The jurisdiction of domestic courts is defined mainly by internal law. The concept of

even if it is entirely unconnected to the crime itself. Attached is a list of treaties

incorporating the *aut dedere aut judicare* principle, which Korea has acceded to and ratified. As we shall see below, one among them, previously, has enabled the Korean Supreme Court to invoke universal jurisdiction.

concept.

to implement any treaties to which Korea is a party and which incorporate the *aut*

de jure principle. However, the principle of *aut de jure* is not

were legislated for some of the treaties, and they make clear the legal grounds on which

Appendix

Treaties incorporating the principle of *aut dedere aut judicare* which Korea has ratified

1. The 1949 Geneva Conventions (Entry into force: 1966.8.16)

a) Geneva Convention for the Amelioration of Condition of the Wounded and Sick Armed Forces in the Field of August 12, 1949 (The First Geneva Convention)

b) Geneva Convention for the Amelioration of Condition of Sick Wounded and

Shipwrecked Members of Armed Forces at Sea of August 12, 1949 (The Second Geneva Convention)

9. International Convention against the Taking of Hostages (Entry into force: 1983.6.3)

10. Convention on the Physical Protection of Nuclear Material (Entry into force: 1987.2.8)

11. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Entry into force: 1987.2.8)

Punishment (Entry into force: 1995.2.8)

12. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Entry into force: 2003.8.12)

13. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (Entry into force: 2003.9.8)

14. United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Entry into force: 1988.11.11)