

ACT ON PUNISHMENT FOR DAMAGING SHIPS AND SEA STRUCTURES

Act No. 6880, May 27, 2003
Amended by Act No. 9109, Jun. 13, 2008

Article 1 (Purpose)

The purpose of this Act is to secure the safe operation of ships and the safety of marine structures by deterring harmful acts against ships in operation and marine structures.

Article 2 (Definitions)

For the purposes of this Act:

1. The term "ship" means any type of vessels not permanently attached to the seabed, including steamships, sailing ships, floating craft, and submarines: *Provided*, That excluded therefrom are warships and ships owned or operated by the State as a naval auxiliary or for customs or police purposes;
2. The term "operation" means all kinds of states of ships in use on the sea, such as navigation, anchorage, mooring, and standby;
3. The term "ships of the Republic of Korea" means ships registered in the Republic of Korea pursuant to relevant Acts and subordinate statutes, such as the Ship Act and the Fishing Vessels Act;
4. The term "foreign ship" means a ship registered in a foreign country;
5. The term "marine structure" means an artificial island, facility, or structure permanently attached to a continental shelf defined by the United Nations Convention on the Law of the Sea for the exploration and development of resources, oceanic scientific research, or any other economic purpose;
6. The term "foreigner" means an individual who does not have the nationality of the Republic of Korea.

Article 3 (Scope of Application to Foreigners)

This Act shall also apply to foreigners falling under any of the following subparagraphs:

1. A foreigner who committed an offense specified in any provision of Articles 5 through 13 against a ship of the Republic of Korea outside the territory of the Republic of Korea;
2. A foreigner who committed an offense specified in any provision of Articles 5 through 13 against or at a marine structure on a continental shelf of the Republic of Korea outside the territory of the Republic of Korea;
3. A foreigner who committed an offense specified in any provision of Articles 5 through 13 outside of the territory of the Republic of Korea, but stays within the territory of the Republic of Korea.

Article 4 (Extradition of Offenders)

(1) The master of a ship of the Republic of Korea may, while in operation, extradite to the governmental authorities of a foreign country, which is a State Party to the Convention for the Suppression of Unlawful Acts against the Safety of Marine Navigation (hereinafter referred to as the "Safety of Marine Navigation Convention"), any person who is deemed to have reasonable grounds to believe that he/she has committed an offense specified in any provision of Articles 5 through 13 (hereinafter referred to as "offender"). In such cases, the master shall report the details of the person subject to extradition, the grounds for the extradition, the scheduled date and time of extradition, the receiving country, and other relevant facts to the Minister of Justice in advance for approval before he/she extradites an offender, except where any unavoidable cause or event requires emergency action.

(2) The master of a ship of the Republic of Korea shall, when he/she intends to extradite an offender pursuant to paragraph (1) to a foreign country, inform the competent governmental authorities of the foreign country about the person subject to extradition, his/her intention to extradite, and the grounds for the extradition before he/she enters the territorial waters of the foreign country, except where there are any exceptional circumstances, and shall also offer relevant evidence along with the offender.

(3) The master of a ship who extradited an offender pursuant to paragraph (1) shall report immediately to the Minister of Justice the details of the receiving person, the date, time, and place of extradition, the receiving authorities, and other relevant facts.

(4) When the master of a ship of a foreign country, which is a State Party to the Safety of Marine Navigation Convention, intends to extradite an offender to the Republic of Korea, a relevant public prosecutor or judicial police officer under Article 196 (1) of the Criminal Procedure Act (including a Class-VII or higher-ranking public official in charge of overseeing fisheries under subparagraph 18 of Article 5 of the Act on the Persons Performing the Duties of Judicial Police Officials and the Scope of their Duties; the same shall apply hereinafter) shall accept the extradition, unless there are any exceptional circumstances otherwise. In such cases, the judicial police officer shall proceed to accept the extradition under the command of the relevant public prosecutor, except where any unavoidable cause or event requires emergency action. <Amended by Act No. 9109, Jun. 13, 2008>

(5) A judicial police officer shall, when he/she accepted an offender extradited pursuant to paragraph (4), report the results thereof immediately to the relevant public prosecutor.

(6) A relevant public prosecutor or judicial police officer may, when he/she accepts an offender delivered pursuant to paragraph (4), demand the master of the ship to present or submit evidence necessary for investigation into the alleged offense and to have the persons on board the ship make an appearance before him/her. In such cases, the operation of the ship shall not be delayed unduly for the investigation.

(7) The Minister of Justice may request the country with which a foreign ship which an offender accepted pursuant to paragraph (4) was on board is registered to accept extradition of the offender. As to the procedure for requesting the acceptance, Articles 29 through 32 of the Act on International Judicial Mutual Assistance in Criminal Matters shall apply *mutatis mutandis*, but the term "request for mutual assistance" shall be construed as "request for acceptance," and the term "written request for mutual assistance" as "written request for acceptance."

(8) A relevant public prosecutor shall, upon receiving a notice of acceptance of extradition from the country to which a request for acceptance was made pursuant to paragraph (7), shall direct the head of the correctional institution, detention center, or any other

place of detention in which the relevant offender is detained to extradite the offender. In such cases, Articles 36 , 37 (1), 39 (1), 40 (1), and 41 of the Extradition Act shall apply to the procedure therefor.

Article 5 (Violence, Threat, Battery, Murder)

(1) Any person who murders a person on board a ship or a marine structure in operation with intent to endanger the safety of the ship in operation or marine structure shall be punished by death or imprisonment with prison labor for life or for not less than seven years.

(2) Any person who physically injures another person, committed violence against another person, or threatened another person on board a ship or a marine structure in operation with intent to endanger the safety of the ship in operation or marine structure shall be punished by imprisonment with prison labor for not less than three years.

(3) Any person who prepares or conspires to intentionally commit an offense under paragraph (1) shall be punished by imprisonment with prison labor for not more than ten years: *Provided*, That any person who voluntarily surrendered before perpetrating the intended offense shall have the sentence mitigated or waived.

Article 6 (Seizure of Ships)

(1) Any person who seizes a ship or marine structure in operation by violence, threat, or any other means or who forces anyone to operate a ship shall be punished by imprisonment with prison labor for life or for not less than five years.

(2) Any person who prepares or conspires to intentionally commit an offense under paragraph (1) shall be punished by imprisonment with prison labor for not more than five years: *Provided*, That any person who voluntarily surrendered before perpetrating the intended offense shall have the sentence mitigated or waived.

Article 7 (Destruction of Ships)

Any person who destroys a ship or marine structure in operation or who inflicted damage on a ship or marine structure in operation or the cargo loaded thereon to the degree to endanger the safety of the ship or marine structure shall be punished by imprisonment with prison labor for not less than three years.

Article 8 (Destruction of Equipment or Facilities Related to Operation of Ships)

Any person who destroys, seriously damages, or causes the malfunction of, any equipment or facility related to the operation of a ship with intent to endanger the safety of the ship in operation, shall be punished by imprisonment with prison labor for not more than ten years.

Article 9 (Installation or Loading of Dangerous Objects)

Any person who installs or loads any object likely to endanger the safety of a ship in operation or marine structure on the ship or marine structure shall be punished by imprisonment with prison labor for not more than seven years.

Article 10 (Communication of False Information)

Any person who conveyed false information and endangered the safe operation of a ship shall be punished by imprisonment with prison labor for not more than seven years or by a fine not exceeding 30 million won.

Article 11 (Attempts)

An attempt to commit an offense under any provision of Articles 5 (1) and (2) (excluding violence), 6 (1), and 7 through 10 shall be punished.

Article 12 (Murder, Manslaughter or Injury by Battery during Seizure of Ship)

(1) Any person who murders or causes another person to be killed during the commission or attempted commission of an offense under Article 6 (1) shall be punished by death or imprisonment with prison labor for life or for not less than ten years, while any person who injures, or causes another person to be injured, during the commission or attempted commission of such an offense shall be punished by imprisonment with prison labor for life or for not less than seven years.

(2) Any person who murders or causes another person to be killed during the commission or attempted commission (excluding violence if Article 5 (2) is applicable) of an offense under any provision of Articles 5 (1) and (2) and 7 shall be punished by death or imprisonment with prison labor for life or for not less than seven years, while any person who injures, or causes to physically injure another person during the commission or attempted commission of such an offense shall be punished by imprisonment with prison labor for life or for not less than five years.

(3) Any person who murders or causes another person to be killed during the commission or attempted commission of an offense under any provision of Articles 8 through 10 shall be punished by death or imprisonment with prison labor for life or for not less than five years, while any person who injures, or causes anyone to physically injure another person during the commission or attempted commission of such an offense shall be punished by imprisonment with prison labor for life or for not less than three years.

(4) An attempted offense under any provision of paragraphs (1) through (3) shall be punished.

Article 13 (Criminal Coercion)

Any person who notifies another person that he/she would endanger the safety of a ship in operation or marine structure by committing an offense under any provision of Article 5 (1) and (2), 7 and 8 to threaten the person with intent to interfere with the person's exercise of a right or to compel the person to perform an act that he/she did not owe a duty to perform shall be punished by imprisonment with prison labor for not more than five years or by a fine not exceeding 20 million won.

ADDENDUM

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

ADDENDA <Act No. 9109, Jun. 13, 2008>

Article 1 (Enforcement Date)

This Act shall enter into force three months after the date of its promulgation. (Proviso Omitted.)

Articles 2 and 3 Omitted.
