

ACT ON COUNTER-TERRORISM FOR THE PROTECTION OF CITIZENS AND PUBLIC SECURITY

Act No. 14071, Mar. 3, 2016

Article 1 (Purpose)

The purpose of this Act is to protect the life and property of citizens and to ensure national and public security against terrorism by prescribing matters necessary for the prevention of terrorism, counter-terrorism activities, etc. and compensation for damage, etc. caused by terrorism.

Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows:

1. The term "terrorism" means any of the following conduct carried out for the purpose of impeding the exercise of the authority of the State, a local government, or a foreign government (including a local government of a foreign country and an international organization established in accordance with a treaty or any other international agreement), or for the purpose of causing it to conduct any affair which is not obligatory on it or threatening the public:
 - (a) Killing a human or posing risk to a person's life by causing bodily injury or arresting, confining, kidnapping, inducing, or taking hostage of a person;
 - (b) Any of the following conduct engaged in an aircraft (referring to an aircraft defined in subparagraph 1 of Article 2 of the Aviation Act; hereafter the same shall apply in this item):
 - (c) Any of the following conduct related to a ship (referring to a ship defined in the main sentence of subparagraph 1 of Article 2 of the Act on Punishment for Damaging Ships and Sea Structures; hereafter the same shall apply in this item) or a marine structure (referring to a marine structure defined in subparagraph 5 of Article 2 of the same Act; hereinafter the same shall apply in this item):
 - (d) Placing, detonating, or using in any other way a biochemical, explosive, or incendiary weapon or device made to cause death, serious injury, or serious material damage or having such power on any of the following vehicles or facilities:
 - (e) Any of the following acts related to nuclear materials (referring to the nuclear materials defined in subparagraph 1 of Article 2 of the Act on Measures for the Protection of Nuclear Facilities, etc. and Prevention of Radiation Disasters; hereafter the same shall apply in this item), radioactive materials (referring to the radioactive materials defined in subparagraph 5 of Article 2 of the Nuclear Safety

Act; hereafter the same shall apply in this item), or nuclear facilities (referring to nuclear facilities defined in subparagraph 2 of Article 2 of the Act on Measures for the Protection of Nuclear Facilities, etc. and Prevention of Radiation Disasters; hereafter the same shall apply in this item):

2. The term "terrorist group" means a group of terrorists designated by the United Nations;
3. The term "terrorist suspect" means a member of a terrorist group, a person who has propagated a terrorist group, raised or contributed funds for terrorism, or engaged in other activities of preparing, conspiring, propagandizing, or instigating terrorism, or a person who has a good ground to be suspected of having performed such activities;
4. The term "foreign terrorist fighter" means a Korean or foreigner who has joined a terrorist group or travels or tries to travel with intent to join such group in a country of which he/she is not a national, for the purposes of committing, planning, or preparing for terrorism or joining terrorism;
5. The term "funds for terrorism" means the funds for terrorism against the public, etc. defined in subparagraph 1 of Article 2 of the Act on Prohibition against the Financing of Terrorism and Proliferation of Weapons of Mass Destruction;
6. The term "counter-terrorism activities" means activities related to prevention of and countermeasures against terrorism, including the collection of information related to the terrorism defined in subparagraph 1, management of terrorism suspects, safety control of means of terrorism, such as dangerous materials which can be used for terrorism, protection of human resources, facilities and equipment, ensuring the security for international events, taking countermeasures against a terror threat, and armed repression;
7. The term "related agency" means a State agency engaged in counter-terrorism activities, a local government, and any other agency prescribed by Presidential Decree;
8. The term "counter-terrorism investigation" means such activities as field investigation, inspection of documents, sampling, etc. or requesting a person subject to investigation to submit materials or issue statements, performed to collect information or materials necessary for counter-terrorism activities.

Article 3 (Duties of the State and Local Governments)

- (1) The State and each local government shall establish systems and conditions necessary for the prevention of and the countermeasures against terrorism to protect the life, bodies, and property of the citizens from terrorism, and shall formulate and implement countermeasures.
- (2) In devising countermeasures prescribed in paragraph (1), the State and each local government shall make their best endeavors not to infringe on the basic human rights of citizens.
- (3) A public official who enforces this Act shall respect the basic rights enshrined in the Constitution in enforcing this Act, and shall be obligated to observe due process prescribed by the Constitution and Acts.

Article 4 (Relationship with other Acts)

With regard to counter-terrorism activities, this Act shall prevail over other Acts.

Article 5 (National Counter-Terrorism Commission)

(1) In order to deliberate and resolve on important matters of policies related to counter-terrorism activities, the National Counter-Terrorism Commission (hereinafter referred to as the "Counter-Terrorism Commission") shall be established.

(2) The Counter-Terrorism Commission shall consist of the Prime Minister and persons prescribed by Presidential Decree from among the heads of related agencies, and the Prime Minister shall be the Chairperson thereof.

(3) The Counter-Terrorism Commission shall deliberate and resolve on the following matters:

1. Formulating and assessing policies of the State concerning counter-terrorism activities;
2. Matters concerning the implementation of important mid- and long-term countermeasures, including master plans of the State for counter-terrorism;
3. Matters requiring the sharing and adjustment of duties of related agencies with regard to counter-terrorism activities;
4. Other matters proposed by the Chairperson or a member, deeming it necessary for the Counter-Terrorism Commission to deliberate and resolve on such matters.

(4) Other matters necessary for the organization, operation, etc. of the Counter-Terrorism Commission shall be prescribed by Presidential Decree.

Article 6 (Counter-Terrorism Center)

(1) In order to perform the following matters relating to counter-terrorism activities, the Counter-Terrorism Center comprised of public officials of related agencies shall be established under the jurisdiction of the Prime Minister:

1. Sharing of missions related to national counter-terrorism activities and working-level coordination of matters requiring cooperation;
2. Preparation and distribution of guidelines for long- and short-term national terrorism activities;
3. Issuance of terror alerts;
4. Formulation of safety measures against terrorism at major events of the State;
5. Handling of administrative affairs necessary for the meetings and operation of the Counter-Terrorism Commission;
6. Other matters deliberated on and resolved by the Counter-Terrorism Commission.

(2) Matters necessary for the organization, fixed prescribed number and operation of the Counter-Terrorism Center shall be prescribed by Presidential Decree.

(3) The Counter-Terrorism Center need not to disclose the personal information of its employees.

Article 7 (Counter-Terrorism Human Rights Protection Officer)

(1) In order to prevent the infringement of basic rights of the people which may be caused from counter-terrorism activities of related agencies, one counter-terrorism human rights protection officer (hereinafter referred to as "Human Rights Protection Officer") shall be appointed under the jurisdiction of the Counter-Terrorism Commission.

(2) Matters necessary for the operation of a Human Rights Protection Officer, such as his/her qualifications and term of office, shall be prescribed by Presidential Decree.

Article 8 (Establishment of Exclusive Organization)

(1) The head of a related agency may establish an exclusive organization necessary for the prevention of and countermeasures against terrorism.

(2) Matters necessary for the organization and operation of an exclusive organization and the efficient countermeasures against terrorism shall be prescribed by Presidential Decree.

Article 9 (Collection of Information on Terrorism Suspects, etc.)

(1) The Director of the National Intelligence Service may collect information on terrorist suspects, such as information on their entry into and departure from the Republic of Korea, financial transactions, and use of communications. In such cases, the collection of related information, such as information on their entry into or departure from the Republic of Korea, financial transactions, and use of communications, shall be subject to the procedures provided for in the Immigration Act, the Customs Act, the Act on Reporting and Using Specified Financial Transaction Information, and the Protection of Communications Secrets Act.

(2) The Director of the National Intelligence Service may request the Chairman of the Financial Services Commission to take such measures as suspension of payment, etc. against any financial transaction used or likely to be used for terrorism as a result of the collection and analysis of information prescribed in paragraph (1).

(3) The Director of the National Intelligence Service may request personal information (including sensitive information prescribed in the Personal Information Protection Act) and location information of a terrorist suspect from a personal information manager defined in Article 2 of the Personal Information Protection Act and a location information provider provided for in Article 5 of the Act on the Protection, Use, etc. of Location Information.

(4) The Director of the National Intelligence Service may conduct counter-terrorism investigations and trace terrorist suspects to collect information or materials necessary for counter-terrorism activities. In such cases, he/she shall report such fact to the Chairperson of the Counter-Terrorism Commission.

Article 10 (Formulation of Measures for Safety Management for Prevention of Terrorism)

(1) The head of each related agency shall formulate terrorism prevention measures for key national facilities prescribed by Presidential Decree and facilities and equipment used by many people (hereinafter

referred to as "terrorist target facilities") and measures for safety management of explosives, guns, and chemical, biological, and radiological materials (hereinafter referred to as "means of terrorism") and important events of the State.

(2) Matters necessary for the formulation and implementation of measures for safety management prescribed in paragraph (1) shall be prescribed by Presidential Decree.

Article 11 (Prior Elimination of Factors Vulnerable to Terrorism)

(1) The owner or manager of any terrorist target facilities or means of terrorism shall strive to eliminate factors vulnerable to terrorism, such as installation of security equipment.

(2) The State may, where necessary, fully or partially subsidize costs incurred by the owner or manager of any terrorist target facilities or means of terrorism referred to in paragraph (1).

(3) Matters necessary for persons entitled to receive subsidies for costs, and the standards, methods, procedures, etc. for granting subsidies prescribed in paragraph (2) shall be prescribed by Presidential Decree.

Article 12 (Requests for Urgent Elimination, etc. of Materials Instigating or Propagandizing Terrorism)

(1) Where any writings, drawings, or symbolic expressions that instigate and propagandize terrorism, methods of making dangerous articles, such as explosives that can be used for terrorism, etc. are circulated via the Internet, broadcasting, newspapers, bulletin boards, etc., the head of the related agency may request the cooperation from the head of the relevant institution for the urgent elimination, suspension, supervision, etc. thereof.

(2) The head of the relevant institution, in receipt of a request for cooperation prescribed in paragraph (1), shall take necessary measures and notify the results thereof to the head of the related agency.

Article 13 (Regulation on Foreign Terrorist Fighters)

(1) The head of a related agency may request the Minister of Justice to temporarily prohibit any Korean or foreigner from departing from the Republic of Korea if he/she is suspected on a reasonable ground of departing from the Republic of Korea as a foreign terrorist fighter.

(2) The period for temporary prohibition against departure prescribed in paragraph (1) shall be 90 days: Provided, That if there exist any good grounds based on which a judgment can be made to continue prohibition against departure, the head of the related agency may request the extension of such period by specifying the grounds therefor.

(3) The head of a related agency may request the Minister of Foreign Affairs to invalidate the passport of a person who has become a member of foreign terrorist fighters, under Article 13 of the Passport Act, and to refuse to reissue a passport thereto prescribed in Article 12 (3) of the same Act.

Article 14 (Protection of Informants and Financial Reward)

(1) The State shall protect an informant of terrorism, a person who has provided information for arresting criminals, or arrested criminals, or his/her relatives, in accordance with the Act on Protection of Specific Crime Informants, Etc.

(2) The head of a related agency may pay a financial reward to a person who has made it possible to prevent terrorism in advance by reporting facts concerning the planning or execution of terrorism or to a person who has reported a person involved in or volunteered for terrorism or arrested such person, as prescribed by Presidential Decree.

Article 15 (Support for Damage from Terrorism)

(1) Any person who has suffered physical and property damage caused by terrorism shall immediately report such fact to a related agency: Provided, That where it is impracticable to report it due to any extenuating circumstances such as a hostage, a legal or contractual guardian of such person in accordance with legal or contractual relationship shall report it immediately when he/she becomes aware of such fact.

(2) The State and a local government may subsidize fully or partially expenses incurred by a person who has suffered damage prescribed in paragraph (1) for his/her medical treatment and recovery, as prescribed by Presidential Decree: Provided, That the same shall not apply to a person who has visited or sojourned in a country or region, in which visiting or sojourning is prohibited without obtaining approval from the Minister of Foreign Affairs under the proviso to Article 17 (1) of the Passport Act.

(3) Matters necessary for the standards for and the procedures, amount, methods, etc. of subsidization of expenses prescribed in paragraph (2) shall be prescribed by Presidential Decree.

Article 16 (Special Compensations)

(1) A special compensation may be granted to the bereaved family of a person who has lost his/her life due to terrorism or a person who has become physically disabled or suffered damage requiring long-term medical treatment, by determining grades based on the degree of the damage: Provided, That the same shall not apply to a person who has visited or sojourned in a country or region, in which visiting or sojourning is prohibited without obtaining approval from the Minister of Foreign Affairs under the proviso to Article 17 (1) of the Passport Act.

(2) Matters necessary for the standards for and the procedures, amount, methods, etc. of payment of special compensations shall be prescribed by Presidential Decree.

Article 17 (Crimes of Forming Terrorist Groups, etc.)

(1) A person who forms a terrorist group or joins a terrorist group as a member shall be punished as follows:

1. A ringleader shall be punished by death or by imprisonment with labor for an indefinite term or for a term of not less than ten years;
 2. A person who has an important role such as planning or commanding terrorism, shall be punished by imprisonment with labor for an indefinite term or for a term of not less than seven years;
 3. A person who becomes a member of foreign terrorist fighters in a foreign country shall be punished by imprisonment with labor for a term of not less than five years;
 4. Others shall be punished by imprisonment with labor for a term of not less than three years.
- (2) A person who supports a terrorist group by raising, arranging, or keeping funds knowing that it is a fund for terrorism or disguising the fact concerning the acquisition and origin of such funds shall be punished by imprisonment with labor for not more than ten years or by a fine not exceeding 100 million won.
- (3) A person who supports joining a terrorist group or recommends or instigate others to join a terrorist group shall be punished by imprisonment with labor for not more than five years.
- (4) An attempted crime prescribed in paragraph (1) or (2) shall be punished.
- (5) A person who prepares or conspires with intent to commit a crime prescribed in paragraphs (1) or (2) shall be punished by imprisonment with labor for not more than three years.
- (6) If any act prescribed as a crime in a domestic Act, such as the Criminal Act, falls under the terrorism defined in Article 2, such act shall be punished in accordance with the penalty provisions of the relevant Act.

Article 18 (False Accusation and Forgery)

- (1) A person who makes a false accusation or commits perjury or forges, destroys, or conceals any evidence for the purpose of having a criminal punishment imposed upon a third party shall be punished by aggravating the punishment by 1/2 of the punishment provided for in Articles 152 through 157 of the Criminal Act.
- (2) If a public official engaged in a criminal investigation or an information-related duty, his/her assistant, or a person who directs such affairs commits any act provided for in paragraph (1) by abusing his/her authority, the punishment on him/her shall be the same as the punishment provided for in paragraph (1): Provided, That if the minimum statutory punishment is less than two years, the punishment shall be two years.

Article 19 (Universality)

A foreigner who commits a crime provided for in Article 17 outside the territory of the Republic of Korea shall also be subject to the application of domestic Acts.

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That Articles 5 through 8, 10, 11, and 14 through 16 shall enter into force three months after the date of its promulgation.

Article 2 Omitted.

Last updated : 2018-03-20

