

Life Imprisonment in South Korea: Law and Practice in Recent Trends

Additional information about “Life sentences in South Korea” (as of October 4, 2021)

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In our report, the following should be read with additional knowledge about the penal system set up by the Criminal Code of South Korea (reformed in April 15, 2010).

2 - 1 What’s on the table

The abolition of capital punishment is a global tendency.

As for South Korea, it has never executed a death penalty since the last ones in December 1997.

But the death penalty is still alive even dormant for a long time. So, South Korea has no life sentence system at all.

According to a certain source (<https://www.refworld.org/docid/3f49e3ed4.html>), article 42 says:

Article 42 (Term of Penal Servitude and Imprisonment without Prison Labor) Imprisonment or imprisonment without prison labor shall be either for **life** or for a limited term, and the limited term shall be from one month to **fifteen years** [thirty years after the reform of 2010]: Provided [t]hat it may be extended **twenty-five years** [fifty years after the reform of 2010] in case of the aggravation of punishment.

This translation is confusing, let alone the term of imprisonment. In the original meaning in Korean, “life” should be read as “without definite term or for indefinite term,” which follows the articulation taken by the Criminal Code of Japan (set in 1907). What is important is that imprisonment can be divided into two types: imprisonment (with prison labor) and imprisonment without prison labor, and each category of imprisonments (with or without prison labor) shall be served for “life” (it should be read as for indefinite term) or for a limited term (with definite term of imprisonment: for more than one month and up to 30 years, which can be extended up to 50 years in aggravated case). Prisoners sentenced for indefinite term may stay sometimes until the last day of his/her life, but he/she can be liberated under a condition of parole (conditional liberation), while he/she should follow terms or obligations of parole for life (until the last day of his/her life).

Having said that, we would like to ask your attention to a simple fact: if South Korea has already had a kind of life imprisonment, so many experts don’t need to involve in such a long

and hot debate about possible introduction of life sentence. They don't need to run about among European countries or the USA to search real matter of fact about variety of life imprisonment systems. And the conference should have asked any others to report "life" sentence system a la mode of South Korea.

Frankly speaking, statistics published by L. Yoon, March 22, 2021 is misleading. We have not such a big number of life prisoners (1,343), rather correctly speaking none at the present.