



South Korea

Foreign Nationals and the Death Penalty

Death Penalty Overview

According to data collected by the Supreme Court of Korea (SCOURT) and the Ministry of Justice (MOJ), there were 60 people on death row in 2020 (South Korean White Paper, 2020). Of these individuals, just two were foreign nationals, both of whom were from China.

Death penalty offences in South Korea include murder, arson and explosives resulting in death, treason and espionage, as well as child abuse resulting in death, which was added in 2021.

Executions have not been carried out in South Korea since 1998. South Korea also voted in favour of the United Nations resolution for a moratorium on executions (A/RES/75/183) in 2020. However, the 2010 SCOURT ruling still justifies the death penalty as the highest punishment to be rendered by South Korean courts and courts continue to sentence people to death.

Polling by Realmeter indicates that more than half of the South Korean population (51.7%)

are in favour of the death penalty and believe it to be necessary for the criminal justice system.

Previously, death row prisoners were not permitted to take part in rehabilitation programs and other benefits provided in Korean prisons. This was changed in 2009, when a new law was passed, allowing death row prisoner to enjoy similar services provided by the system.

Foreign Nationals

According to a White Paper published by the MOJ (2021), the number of foreign nationals in the criminal justice system has been on the rise in recent years.

Foreign nationals in the South Korean criminal justice system, including those on death row, are housed in special correctional institutions, apart from South Korean prisoners. These institution are known be equipped with dedicated personnel for interpretation, and assistance with consular services.

All of the foreign nationals under sentence of death in South Korea between 2016 and 2021 were Chinese nationals, sentenced for cases of rape and murder.



Entrance placard to one of the prisons for foreign nationals

Kyung Su Park

Kyung Su Park, a Chinese-Korean from China, entered South Korea for an industrial trainee program.

Park ran away from his workplace without permission and was living in Korea as an illegal immigrant when he broke into the home of a mother and daughter, where he raped and murdered three people in the house.

Park was sentenced to death in 2000. He appealed to the SCOURT but the case was dismissed, upholding the lower court's death penalty.

Wang Li Wei



Wang Li Wei, a Chinese national, entered South Korea on an industrial trainee program.

After running away without permission from the workplace, he raped, robbed and killed two women.

He was sentenced to death in December 2000. His appeal was dismissed in November 2001.

Acknowledgements

With special thanks to Chae Yun Bae for his assistance with this research on South Korea.