

Democratic People's Republic of Korea

Criminal Procedure Law

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Chapter 1: Basics of Criminal Procedure Law

Article 1 (Mission of the Criminal Procedure Law)

The Criminal Procedure Law of the Democratic People's Republic of Korea contributes to the accurate handling and processing of criminal cases by strictly establishing systems and order in investigation, prosecution, and trial.

Article 2 (Principle of Implementing the Class Line)

The state strictly distinguishes between enemies and friends in the struggle against anti-state and anti-national crimes, suppresses a small number of ringleaders, incorporates the majority of passive participants, and combines social education with legal sanctions in the struggle against general crimes.

Article 3 (Principle of Implementing the Mass Line)

The state actively relies on the power and wisdom of the masses in handling and processing criminal cases, prioritizes and absolutely defends the interests of the people, and thoroughly protects them.

Article 4 (Principle of Preventing Crimes in Advance)

The state strengthens legal education and control among citizens to prevent crimes in advance.

Article 5 (Principle of Ensuring Comprehensiveness, Scientificity, Objectivity, Prudence, and Fairness)

The state ensures comprehensiveness, scientificity, objectivity, prudence, and fairness in handling and processing criminal cases.

Article 6 (Principle of Ensuring Human Rights)

The state thoroughly ensures human rights in handling and processing criminal cases.

Article 7 (Principle of Using Language in Handling Criminal Cases)

The state handles criminal cases in the Korean language. Interpreters are provided for those who do not know Korean. Foreigners can write documents related to criminal cases in their own language.

Article 8 (Principle of Observing the Principles, Requirements, Procedures, and Methods Prescribed by Law)

The state handles and processes criminal cases in accordance with the principles, requirements, procedures, and methods prescribed by this law.

Chapter 2: General Provisions

Section 1: Participants in Criminal Procedure

Article 9 (Classification of Participants in Criminal Procedure)

Participants in criminal procedure include those responsible for criminal procedure and those involved in criminal procedure.

Article 10 (Investigators)

Investigations are conducted by professional investigators of the relevant legal institutions. Non-professional personnel can also conduct investigations.

Article 11 (Prosecutors)

Prosecution of criminal cases is carried out by prosecutors.

Article 12 (Judges)

Trials of criminal cases are conducted by courts.

Article 13 (Confidentiality and Prohibition of Interference in Handling Criminal Cases)

Participants in criminal procedure must keep confidential any secrets learned during the handling of criminal cases and must not interfere with the handling of criminal cases.

Article 14 (Reasons for Ineligibility to Participate in Criminal Procedure Due to Conflicts of Interest)

Investigators, prosecutors, judges, people's assessors, court clerks, record keepers, experts, interpreters, translators, advisors, and representatives cannot participate in the handling of a criminal case if they have a conflict of interest in the outcome of the case.

Article 15 (Reasons for Ineligibility to Perform Multiple Roles in Criminal Procedure)

Investigators, prosecutors, judges, people's assessors, court clerks, record keepers, defense attorneys, witnesses, experts, claimants for damages, interpreters, translators, advisors, representatives, and guarantors cannot perform multiple roles in the handling of a criminal case. However, prosecutors and witnesses can also act as claimants for damages. Even if their roles change, they cannot become other participants in the case they previously handled or were involved in.

Article 16 (Reasons for Ineligibility to Reinvestigate or Supervise a Case)

If a criminal case is returned by the court due to fabrication, the investigators and prosecutors who handled the case cannot reinvestigate or supervise it again.

Article 17 (Reasons for Ineligibility to Serve as Members of the Court Rehearing the Case)

Judges and people's assessors cannot serve as members of the court rehearing the case in

the first or second instance, extraordinary appeal, or retrial. However, they can participate in the retrial of a criminal case that was returned due to insufficient investigation.

Article 18 (Reasons for Ineligibility to Serve as Witnesses)

Persons with reasons specified in Article 15 of this law, and those who cannot correctly understand or express facts due to mental or physical disabilities, cannot serve as witnesses.

Article 19 (Reasons for Ineligibility to Serve as Experts, Interpreters, Translators, Advisors)

Persons with reasons specified in Articles 14 and 15 of this law, or those without national qualifications or professional knowledge, cannot serve as experts, interpreters, translators, or advisors.

Article 20 (Application for Replacement of Participants in Criminal Procedure)

Participants in criminal procedure can apply for the replacement of other participants if there are reasons specified in Articles 14 to 19 of this law as follows:

1. Application for replacement of investigators is made to the prosecutor.
2. Application for replacement of judges and people's assessors is made to the court.
3. Application for replacement of prosecutors is made to the unit head during investigation and prosecution stages, and to the court during trial stages.
4. Application for replacement of participants involved in the procedure is made to the investigator or the court.

Article 21 (Handling of Applications for Replacement of Participants in Criminal Procedure during Investigation and Prosecution Stages)

Investigators, prosecutors, and unit heads of prosecutorial institutions who receive applications for replacement of participants in criminal procedure during investigation and prosecution stages must handle them within three days. Investigators and prosecutors continue their investigation, supervision, and prosecution activities until the application is resolved.

Article 22 (Handling of Applications for Replacement of Participants in Criminal Procedure during Trial Stages)

Applications for replacement of participants in criminal procedure during trial stages are resolved by the court hearing the case. Applications for replacement of judges and people's assessors are resolved by the remaining members of the court, excluding the judge or people's assessor identified for replacement. If any member of the court insists on

replacement, it is carried out. If the court cannot be constituted to hear the application, it is reconstituted.

Article 23 (Waiver of Rights by Participants in Criminal Procedure)

Investigators, prosecutors, judges, people's assessors, court clerks, record keepers, defense attorneys, experts, claimants for damages, interpreters, translators, advisors, representatives, and guarantors must not participate in the handling of a criminal case if they have reasons specified in Articles 14 to 19 of this law.

Section 2: Evidence

Article 24 (Handling of Criminal Cases Based on Scientific Evidence)

The handling of criminal cases is based on scientific evidence. Only materials related to the criminal case, collected according to the law, and objectively reviewed and confirmed can be used as evidence for resolving the case.

Article 25 (Types of Evidence)

Evidence includes witness statements, expert results, inspection results, physical evidence, documentary evidence, and information obtained from the statements of the accused.

Article 26 (Facts to be Established as Evidence)

Facts that constitute the elements of a crime or affect the determination of punishment must be established as evidence.

Article 27 (Prohibition of Restrictions on Collection and Use of Evidence)

Investigators and courts are not restricted in the collection and use of evidence necessary for handling criminal cases according to the law.

Article 28 (Collection of Evidence)

Evidence is found based on the power and wisdom of the masses, and scientific, technological, and legal means and methods. Found evidence is documented through statements and records. If necessary, photographs, sketches, recordings, and videos can be used to document evidence, which must be noted in the relevant statements and records.

Article 29 (Review of Evidence)

Investigators, prosecutors, judges, and courts review collected evidence by analyzing it, comparing it with other reviewed evidence, and confirming new evidence.

Article 30 (Evaluation of Evidence)

Investigators, prosecutors, judges, and courts evaluate collected and reviewed evidence individually or comprehensively according to the law.

Article 31 (Evaluation of Statements of the Accused)

Statements of the accused obtained through coercion or inducement cannot be used as evidence. If the statement of the accused is the only evidence, the crime is considered unproven. Even if the accused does not admit their crime, if the crime is clearly proven by objective evidence, it is considered proven.

Article 32 (Collection and Documentation of Physical Evidence)

Physical evidence is documented in evidence discovery records, evidence submission records, search and seizure records, and site inspection records according to where and how it was found. The form, characteristics, and traces of physical evidence are documented in evidence inspection records. Two witnesses are appointed to document and fix physical evidence.

Article 33 (Storage of Physical Evidence)

Physical evidence is sealed and stored with case records by the institution handling the criminal case. If the institution cannot store the evidence, it is stored by the relevant institution, and a storage certificate is attached to the case records. Collected precious metals are stored in a bank, and a storage certificate is obtained. Cash is deposited in the relevant bank account, and a temporary deposit certificate is obtained and attached to the case records.

Article 34 (Transfer of Physical Evidence)

When a criminal case is sent to another institution, physical evidence is transferred with the case records. If physical evidence is returned or transferred to the owner or relevant institution, or if the transfer is inappropriate, the relevant documents are transferred.

Article 35 (Handling of Physical Evidence before Case Conclusion)

The following physical evidence can be returned to the owner or possessor, transferred to the relevant institution, or disposed of before the case is concluded:

1. Perishable or unusable items
2. Items that the owner or possessor must use
3. Items that are not evidence
4. Memory media containing reactionary ideological culture and drugs

Article 36 (Methods of Handling Physical Evidence before Case Conclusion)

Investigators who intend to return or transfer physical evidence must prepare a decision and obtain the prosecutor's approval. Judges prepare a ruling. Confirmation is obtained when physical evidence is returned or transferred. Memory media containing reactionary ideological culture and drugs are confiscated and disposed of by the appraisal or

investigation institution. Physical evidence handled before the case conclusion is documented in inspection records, photographs, etc., and attached to the case records with the relevant documents.

Article 37 (Methods of Handling Physical Evidence in Concluded Criminal Cases)

Investigators, prosecutors, judges, and courts handling concluded criminal cases confiscate or dispose of physical evidence that cannot be returned to the owner or possessor. Other physical evidence is returned to the owner or possessor or transferred to the relevant institution, and this fact is noted in the criminal procedure documents concluding the case. Confirmation is obtained from the owner, possessor, or relevant institution, and attached to the case records with the relevant documents.

Section 3: Jurisdiction

Article 38 (Criteria for Establishing Jurisdiction)

Jurisdiction is established based on the mission and duties of legal institutions and the location of the crime to ensure that cases are handled promptly and accurately without being concentrated in any one legal institution.

Article 39 (Jurisdiction of People's Courts)

People's Courts handle general criminal cases that do not fall under the jurisdiction of special courts.

Article 40 (Jurisdiction of Provincial Courts)

Provincial (directly governed city) courts handle appeals and protests against the decisions and judgments of people's courts within the province (directly governed city) as the second instance. They may also directly handle criminal cases under the jurisdiction of people's courts within the province (directly governed city) if necessary.

Article 41 (Jurisdiction of Special Courts)

Military courts handle anti-state and anti-national crimes, military crimes, crimes infringing on military operations, and general crimes committed by soldiers and employees of military departments.

Military industrial courts handle crimes infringing on military industrial operations and general crimes committed by employees of military industrial departments.

Railway courts handle crimes infringing on railway transportation operations and general crimes committed by employees of railway transportation departments.

Article 42 (Jurisdiction of the Central Court)

The Central Court handles appeals and protests against the first-instance decisions and judgments of provincial (directly governed city) courts and special courts as the second

instance, and conducts trials for extraordinary appeals and retrials. It may also directly handle first-instance cases under the jurisdiction of lower courts if necessary.

Article 43 (Jurisdiction of Investigations)

Investigators of prosecutorial institutions investigate general crimes related to administrative and economic operations and general crimes raised during the supervision of law enforcement by legal institutions.

Investigators of public security institutions investigate other general crimes.

Investigators of special legal institutions investigate crimes under the jurisdiction of the corresponding special courts.

Article 44 (Regional Jurisdiction)

Legal institutions handle criminal cases that occur within their jurisdiction. If necessary, they may notify the legal institution in the jurisdiction where the crime occurred or where the criminal resides, and handle the case in the jurisdiction where the crime was detected.

Section 4: Initiation of Handling Criminal Cases

Article 45 (Forms of Initiating Handling of Criminal Cases)

Handling of criminal cases begins with the decision to start an investigation, the decision to transfer the case for investigation, or the ruling to transfer the case to the prosecutor.

Article 46 (Basis for Initiating Handling of Criminal Cases)

Initiation of handling criminal cases is based on reports of crimes from institutions, enterprises, organizations, and citizens. It can also be based on crime data directly collected by the relevant legal institutions.

Article 47 (Obligation to Preserve Evidence and Report Crimes)

Institutions, enterprises, organizations, and citizens who know about the preparation, commission, or completion of a crime must preserve the crime scene and items and documents significant for resolving the case, ensuring they are not damaged, and report to public security, prosecutorial, or security institutions on the same day.

Article 48 (Forms of Reporting Crimes)

Crimes can be reported verbally or in writing.

Article 49 (Reception and Understanding of Crime Reports)

Public security, prosecutorial, and security institutions must obligatorily receive crime reports regardless of jurisdiction. Reception of crime reports is done by receiving the report or preparing a report record. Public security, prosecutorial, and security institutions can understand the accuracy of the report data within 10 days of receiving the crime report.

Article 50 (Transfer of Crime Report Data)

Public security, prosecutorial, and security institutions must transfer received crime report data to the relevant institution on the same day if it falls under another institution's jurisdiction.

Article 51 (Notification of Crime Report Handling Results)

Institutions that receive crime reports must notify the reporter of the handling status within one month. If the reporter has opinions on the handling results, they can report again to the higher institution of the handling institution, and the higher institution must notify the reporter of the handling status within one month.

Article 52 (Documentation of Directly Collected Crime Data)

Public security, prosecutorial, judicial, and security institutions must document crime data directly collected during their duties according to relevant regulations.

Article 53 (Reception and Handling of Confession Data)

Confessions are received regardless of jurisdiction and transferred to the relevant institution on the same day if they fall under another institution's jurisdiction. The jurisdictional legal institution that receives confession data must understand and handle the accuracy of the confession data within the specified period.

Section 5: Consolidation and Separation of Criminal Cases**Article 54 (Reasons for Consolidating Criminal Cases)**

Investigators, judges, and first-instance courts consolidate criminal cases into one if multiple people committed crimes together or one person committed multiple crimes, and each case was initiated separately.

Article 55 (Requirements for Consolidating Multiple Crimes Committed by One Person)

If one person committed multiple crimes in their place of residence or various regions, the legal institution handling the criminal must consolidate the cases into one criminal case. If some crimes fall under the jurisdiction of special legal institutions, the special legal institution handles them as one criminal case.

Article 56 (Requirements for Consolidating Crimes Committed by Multiple People)

Crimes committed by multiple people are handled as one case by the institution handling the ringleader. If the ringleader is unknown, the institution that first initiated the handling of the criminal case handles it as one case. If some criminals fall under the jurisdiction of special legal institutions, the special legal institution handles them as one case if necessary.

Article 57 (Procedure for Consolidating Criminal Cases)

When consolidating criminal cases, a decision or ruling is made to consolidate the cases into one criminal case. The prosecutor is notified in this case.

Article 58 (Reasons for Separating Criminal Cases)

Investigators, prosecutors, judges, and first-instance courts separate criminal cases if some criminals have fled, have temporary mental disabilities, or are seriously ill, making it impossible to delay handling other criminals, or if the jurisdictions are different, making it unreasonable to handle the case as one.

Article 59 (Procedure for Separating Criminal Cases)

When separating criminal cases, a decision or ruling is made to separate the cases, and the relevant case records are prepared. The prosecutor is notified in this case. The procedure for transferring separated criminal cases to jurisdictional legal institutions follows Article 124 of this law.

Section 6: Suspension of Criminal Procedure and Medical Measures**Article 60 (Reasons for Suspending Criminal Procedure)**

Criminal procedure is suspended if the suspect or accused has temporary mental disabilities, is seriously ill, or has fled, making it impossible to continue handling the criminal case. The relevant institution conducts the appraisal of mental disabilities and serious illnesses.

Article 61 (Procedure for Suspending Criminal Procedure)

Investigators, prosecutors, judges, and courts handle cases with reasons specified in Article 60 of this law as follows:

1. Investigators make a decision to suspend the investigation with the prosecutor's approval.
2. Prosecutors make a decision to suspend the prosecution.
3. Judges and courts make a ruling to suspend the trial.

Article 62 (Handling of Suspects and Accused with Suspended Criminal Procedure)

If the suspect or accused has temporary mental disabilities or is seriously ill, resulting in the suspension of criminal procedure, medical measures are applied accordingly.

Article 63 (Types of Medical Measures)

Types of medical measures are as follows:

1. Medical measures for those with incurable mental disabilities.

2. Medical measures for those with temporary mental disabilities.
3. Medical measures for those who are seriously ill.

Article 64 (Obligations of Those Receiving Medical Measures)

Obligations of those receiving medical measures are as follows:

1. They must not leave the area specified in the decision or ruling without approval.
2. They must not engage in activities that interfere with the investigation or trial of the criminal case, such as destroying evidence.
3. They must not engage in activities that violate the law.

Article 65 (Selection of Guarantors)

Investigators, prosecutors, judges, and courts appoint two guarantors when applying medical measures to the suspect or accused. In this case, a guarantee letter is obtained from the guarantors.

Article 66 (Obligations of Guarantors)

Obligations of guarantors for those receiving medical measures are as follows:

1. They must control the person receiving medical measures to ensure compliance with the obligations specified in Article 64 of this law.
2. They must immediately notify the relevant public security institution if the person receiving medical measures violates the obligations specified in Article 64 of this law.

Article 67 (Notification of Medical Measures)

Investigators, prosecutors, judges, and courts notify the person receiving medical measures and their guarantors of the reasons for applying medical measures and the obligations to be observed.

Article 68 (Supervision of Those Receiving Medical Measures)

Supervision of those receiving medical measures is conducted by the public security institution in the area where they reside. The public security institution in the area where the person receiving medical measures resides receives notifications from the person or their guarantors about their health status, treatment status, and movements, and regularly confirms them. The relevant public security institution notifies the legal institution that applied the medical measures if the reasons for medical measures no longer exist or if the person receiving medical measures violates the obligations specified in Article 64 of this law.

Article 69 (Lifting or Canceling Suspension of Criminal Procedure)

If the reasons for suspending criminal procedure no longer exist or if the person receiving medical measures violates the obligations specified in Article 64 of this law, a decision or ruling is made to lift or cancel the suspension of criminal procedure, and the handling of the criminal case continues. The prosecutor is notified in this case.

Section 7: Dismissal of Criminal Cases**Article 70 (Reasons for Dismissing Criminal Cases)**

Criminal responsibility is not pursued under the following circumstances, and if these circumstances appear after pursuing criminal responsibility, the criminal case is dismissed:

1. Actions committed by a person under 14 years of age.
2. Actions that do not constitute a crime.
3. Expiration of the statute of limitations for criminal prosecution.
4. Exemption from punishment through special amnesty.
5. Actions for which a final judgment or ruling has been made.
6. Insufficient evidence to transfer the suspect to trial within the investigation period specified by this law.
7. Death of the suspect, accused, or defendant.
8. Crimes committed in a state of mental disability or becoming incurably mentally disabled after committing the crime.

Article 71 (Forms and Procedures for Dismissing Criminal Cases)

Investigators, prosecutors, judges, and courts handle cases with reasons specified in Article 70 of this law as follows:

1. Investigators make a decision to dismiss (cancel investigation) the criminal case and obtain the prosecutor's approval.
2. Prosecutors make a decision to dismiss the criminal case.
3. Judges and courts make a ruling to dismiss the criminal case and notify the prosecutor.

Article 72 (Notification of Dismissal of Criminal Cases)

Investigators, prosecutors, judges, and courts that dismiss a criminal case must notify the

reporter, victim, suspect, accused, defendant, and the relevant public security institution within 48 hours.

Article 73 (Medical Measures in Dismissed Criminal Cases)

Investigators, prosecutors, judges, and courts make a decision or ruling for medical measures when dismissing a criminal case under Article 70, item 8 of this law. In this case, investigators obtain the prosecutor's approval.

Article 74 (Handling of Detained Persons in Dismissed Criminal Cases)

When a criminal case is dismissed, the detention of the suspect, accused, or defendant is lifted on the same day.

Article 75 (Handling of Property Used as Collateral and Compensation in Dismissed Criminal Cases)

Investigators, prosecutors, and courts that dismiss a criminal case confiscate or dispose of property used as collateral that cannot be returned to the victim and attach the relevant documents to the case records. If compensation claims need to be resolved, they notify the claimant that they can file a civil lawsuit. The period for property collateral disposition can be extended by one month, and this is noted in the decision to cancel the investigation, the decision to dismiss the case, the ruling, or the judgment.

Article 76 (Cancellation of Dismissal of Criminal Cases)

Investigators, prosecutors, judges, and courts cancel the dismissal of a criminal case if it is deemed incorrect. In this case, the prosecutor is notified. The reporter and victim are notified of the cancellation of the dismissal.

Article 77 (Effect of Cancellation of Dismissal of Criminal Cases)

When the dismissal of a criminal case is canceled, the legal actions and evidence collected remain valid, and the handling of the case continues.

Section 8: Social Education Measures

Article 78 (Reasons for Applying Social Education Measures)

Prosecutors, judges, and courts apply social education measures when the conditions specified in Article 54 of the Criminal Law are objectively confirmed.

Article 79 (Timing of Applying Social Education Measures)

Social education measures are applied during prosecution, first-instance trial, second-instance trial, and extraordinary appeal.

Article 80 (Procedures for Applying Social Education Measures)

Prosecutors, judges, and courts handle cases with reasons specified in Article 78 of this law as follows:

1. Prosecutors make a decision to apply social education measures to the suspect and obtain the approval of the higher prosecutorial office.
2. Judges and courts make a ruling or judgment to apply social education measures to the accused.

Article 81 (Handling of Persons Receiving Social Education Measures)

When a decision, ruling, or judgment is made to apply social education measures to the suspect or accused, the detention is lifted on the same day.

Article 82 (Handling of Evidence, Compensation, and Property Used as Collateral in Cases with Social Education Measures)

Handling of evidence, compensation, and property used as collateral in cases with social education measures follows Articles 37, 75, and 302 of this law.

Article 83 (Responsibility for Educating Persons Receiving Social Education Measures)

Education of persons receiving social education measures is the responsibility of the institution, enterprise, organization, or local office (ri, town, district) where they belong or reside. For minors, their parents are also responsible.

Article 84 (Reasons for Canceling Social Education Measures)

Social education measures are canceled and criminal responsibility is pursued if the person receiving social education measures commits a new crime within the legally specified period or if a hidden crime is revealed.

Article 85 (Procedures for Canceling Social Education Measures)

Investigators must propose the cancellation of social education measures to prosecutors, judges, and courts if reasons specified in Article 84 of this law appear. Prosecutors, judges, and courts cancel social education measures and return the criminal case to the investigator or prosecutor.

Section 9: Criminal Procedure Documents**Article 86 (Purpose of Preparing Criminal Procedure Documents)**

Criminal procedure documents are prepared by investigators, prosecutors, judges, and courts to document the progress and results of criminal procedure actions. Legal actions and results must be documented to have legal effect.

Article 87 (Types of Criminal Procedure Documents)

Criminal procedure documents include decisions, statements, records, indictments, rulings, and judgments prepared during investigation, prosecution, trial preparation, and trial stages.

Article 88 (Methods of Preparing Criminal Procedure Documents)

Criminal procedure documents must accurately state the date and place of the legal action, the affiliation, position, and name of the preparer, the legal basis and progress of the legal action, and the results. Statements and records must be confirmed by the relevant parties. Criminal procedure documents must bear the signature or seal of the relevant parties, and official seals and stamps must be affixed to the relevant criminal procedure documents.

Article 89 (Confidentiality of Criminal Procedure Documents)

Criminal procedure documents can only be viewed by persons authorized by law.

Section 10: Calculation of Criminal Procedure Periods, Document Delivery, and Bearing of Legal Costs**Article 90 (Calculation of Criminal Procedure Periods)**

Criminal procedure periods are calculated in hours, days, and months. Calculation starts from the next hour or day after the reason for calculation arises. Periods specified in days end at 24:00 on the last day. Periods specified in months end on the same day of the last month as the day the reason for calculation arose. If there is no corresponding day in the last month, the period ends on the last day of that month. If the last day is a national holiday, the period ends on the next working day.

Article 91 (Recognition of Effectiveness Based on Document Sending Period)

Criminal procedure documents sent before the legally specified period ends are recognized as being submitted within that period. Even if the period for sending criminal procedure documents has passed, the institution receiving and handling the documents can extend the period if there are reasonable grounds.

Article 92 (Delivery of Criminal Procedure Documents)

Criminal procedure documents are considered delivered when received by the relevant institution, enterprise, organization, or citizen. If the citizen is absent, an adult family member or representative of the institution, enterprise, or organization can receive the criminal procedure documents.

Article 93 (Bearing of Legal Costs)

Living expenses and travel costs for people's assessors, witnesses, experts, interpreters, translators, and advisors mobilized for handling criminal cases are borne by the institution, enterprise, or organization they belong to. For those not employed by an institution, enterprise, or organization, labor compensation and travel costs are borne by the institution that summoned them.

Section 11: Defense

Article 94 (Guarantee of Defense Rights for Suspects and Accused)

Defense rights for suspects and accused are guaranteed in the handling of criminal cases.

Article 95 (Independence of Defense Activities)

Defense attorneys conduct defense activities independently based on the law and facts.

Article 96 (Obligations of Defense Attorneys)

Defense attorneys ensure that criminal cases are handled accurately and that the rights and interests of suspects and accused are protected according to the law.

Article 97 (Right to Select Defense Attorneys)

Suspects and accused have the right to select defense attorneys for assistance. Family members, relatives, and representatives of the organization to which the suspect or accused belongs can also select defense attorneys.

Article 98 (Waiver of Right to Assistance from Defense Attorneys)

Suspects and accused can waive the right to assistance from defense attorneys.

Article 99 (Application for Selection and Request for Appointment of Defense Attorneys)

Applications for selecting private defense attorneys are made from the time the decision to pursue criminal responsibility is made until the ruling to transfer the case for trial.

Requests for appointing public defense attorneys are made within 24 hours of the suspect waiving the right to select private defense attorneys.

Article 100 (Qualifications of Defense Attorneys)

Defense attorneys can be lawyers affiliated with the Korean Bar Association. Persons with lawyer qualifications can also become defense attorneys.

Article 101 (Procedures for Application and Request for Appointment of Defense Attorneys)

Suspects, accused, their family members, relatives, or representatives of the organization to which they belong apply to investigators or judges for the selection of defense attorneys. Investigators or judges who receive the application notify the selected defense attorney within 24 hours. If the suspect who waived the right to assistance from defense attorneys requests assistance, investigators or judges request the appointment of a defense attorney from the relevant committee of the Bar Association.

Article 102 (Notification of Application and Request for Appointment of Defense Attorneys)

The person who receives the application for selection or the relevant committee of the Bar Association that receives the request for appointment must notify the investigator or judge

of their agreement or disagreement within 3 days. Investigators or judges who receive the notification of agreement or disagreement notify the applicant on the same day.

Article 103 (Re-selection and Re-appointment of Defense Attorneys)

If the person who receives the application for selection disagrees or if the investigator or judge rejects the application for selection, a defense attorney is re-selected. If the defense attorney cannot continue their activities due to unavoidable circumstances or if the case is transferred, a defense attorney is re-selected or re-appointed. Re-selection and re-appointment of defense attorneys follow Article 101 of this law.

Article 104 (Priority of Private Defense Attorneys)

If a private defense attorney is selected after a public defense attorney is appointed, the private defense attorney becomes the defense attorney.

Article 105 (Defense for Suspects and Accused with Different Interests)

Defense attorneys cannot defend suspects and accused with different interests together. However, if the suspects and accused do not object, defense attorneys can defend them together.

Article 106 (Meetings between Defense Attorneys and Suspects or Accused)

Defense attorneys can meet and converse with suspects or accused. Investigators, judges, and courts must facilitate meetings between defense attorneys and suspects or accused upon request.

Article 107 (Access to Case Records by Defense Attorneys)

Defense attorneys can access case records after the criminal case is prosecuted.

Article 108 (Collection of Defense Materials and Review of Evidence by Defense Attorneys)

Defense attorneys can collect materials necessary for defending suspects or accused and review and confirm evidence.

Article 109 (Submission of Opinions by Defense Attorneys)

Defense attorneys submit opinions to prosecutors, judges, and courts if they find that the legal rights of suspects or accused are not guaranteed. Prosecutors, judges, and courts must handle the submitted opinions within 3 days and notify the defense attorneys.

Article 110 (Guarantee of Conditions for Defense Activities)

Investigators, prosecutors, judges, and courts must actively guarantee the conditions for defense activities according to the law.

Section 12: Compensation for Damages

Article 111 (Claimants for Compensation)

Institutions, enterprises, organizations, and citizens who have suffered damages due to a crime can claim compensation from the responsible party through the investigator or judge handling the criminal case, or the court. Prosecutors can directly claim compensation from the court on behalf of the interests of institutions, enterprises, organizations, and citizens.

Article 112 (Notification of Compensation Claims)

Investigators, judges, and courts must notify institutions, enterprises, organizations, and citizens who have suffered damages due to the crimes committed by suspects or accused that they can claim compensation.

Article 113 (Persons Responsible for Compensation)

Persons responsible for compensation include suspects, accused, accomplices, or those who bear property responsibility for the actions of the criminal that caused material damage.

Article 114 (Subject of Compensation Claims)

Compensation claims are made for material property damaged due to the crime.

Article 115 (Forms of Compensation Claims)

Compensation claims can be made verbally or in writing. Verbal compensation claims must be documented in a record.

Article 116 (Timing of Compensation Claims)

Compensation claims can be made from the time criminal responsibility is pursued against the criminal until the factual investigation begins in the trial. Victims who could not make compensation claims can claim compensation through civil litigation procedures.

Article 117 (Investigation of Compensation Claims)

Compensation claims are investigated and resolved together with the criminal trial. However, if the investigation of compensation claims hinders the trial, they can be investigated separately. The court dismisses compensation claims.

Article 118 (Prohibition of Reclaiming Dismissed Compensation Claims)

If compensation claims are dismissed in the criminal trial, they cannot be reclaimed. If compensation claims are dismissed in the civil trial, they cannot be reclaimed in the criminal trial court.

Article 119 (Exemption from Fees for Compensation Claims)

Fees are exempted for claims of compensation for material damages caused by crimes.

Article 120 (Submission of Compensation Property)

Investigators, prosecutors, judges, and courts must deposit compensation money

submitted by the responsible party into the relevant bank and obtain a temporary deposit certificate, then prepare a compensation property submission record and attach it to the case records. If material property is submitted, it is documented in a compensation property submission record, sealed, and stored with the case records by the institution handling the criminal case. If the institution cannot store the material property, it is stored by the relevant institution, and a storage certificate is attached to the case records.

Chapter 3: Investigation

Section 1: Duties and Period of Investigation

Article 121 (Duties of Investigation)

The duties of investigation are to identify the suspect and confirm them as the accused, and to fully and accurately reveal the details of the criminal case.

Article 122 (Period of Investigation)

Investigations can be conducted without time restrictions. However, if the suspect is detained, the investigation must be completed within the detention periods specified in Articles 138 and 139 of this law.

Section 2: Initiation of Investigation

Article 123 (Decision to Start Investigation)

Investigators who receive crime reports or directly obtain crime data make a decision to start the investigation based on the grounds and begin the investigation. Investigators must obtain the prosecutor's approval within 48 hours of making the decision to start the investigation.

Article 124 (Transfer of Cases during Investigation)

Investigators who decide to start the investigation of a criminal case and need to transfer it to another investigation institution based on jurisdiction make a decision to transfer the case, notify the prosecutor, and transfer the case to the relevant investigation institution. If the suspect is detained, a decision to transfer and relocate is made.

Article 125 (Investigation Outside Jurisdiction)

Investigators can directly conduct individual investigation actions outside their jurisdiction. In this case, the prosecutor of that jurisdiction can supervise.

Article 126 (Request for Investigation)

Investigators who need to conduct individual investigation actions outside their jurisdiction can request the relevant investigator of that area. The requested investigator must conduct the investigation within 5 days and report back.

Article 127 (Supervision of Investigation)

Supervision of investigation is conducted by the prosecutor. The prosecutor supervises by participating in the investigation or reviewing legal documents, corrects illegal investigations, or instructs necessary investigations to the investigator. Investigators who have opinions on the prosecutor's decisions or instructions must first comply and then submit their opinions to the higher prosecutorial office. The higher prosecutorial office resolves the opinions within 5 days.

Section 3: Decision to Pursue Criminal Responsibility**Article 128 (Collection of Evidence for Decision to Pursue Criminal Responsibility)**

Investigators can request materials or statements from institutions, enterprises, organizations, and citizens for pursuing criminal responsibility. In this case, the person giving the statement is informed that false statements will result in criminal responsibility. Investigators can collect evidence for pursuing criminal responsibility through inspections, searches, seizures, psychological experiments, identifications, confrontations, and can request appraisals.

Article 129 (Conditions for Decision to Pursue Criminal Responsibility)

The decision to pursue criminal responsibility is made when there is a criminal act, the person who committed the act is identified, and it is clearly proven that criminal responsibility can be pursued against them.

Article 130 (Form of Decision to Pursue Criminal Responsibility)

Investigators prepare a decision to pursue criminal responsibility in the form of a written decision.

Article 131 (Notification of Decision to Pursue Criminal Responsibility and Right to Select Defense Attorney)

Investigators must notify the suspect within 48 hours of making the decision to pursue criminal responsibility. In this case, the suspect is informed of the right to select a defense attorney for assistance, and this is documented in the decision to pursue criminal responsibility.

Article 132 (Sending the Decision to Pursue Criminal Responsibility)

Investigators must send a copy of the decision to pursue criminal responsibility to the prosecutor within 48 hours.

Article 133 (Modification, Cancellation, and Addition of Decision to Pursue Criminal Responsibility)

Investigators must make the relevant decision and notify the prosecutor on the same day if it is revealed that the applied articles, clauses, and paragraphs of the Criminal Law need to

be modified, canceled, or new articles, clauses, and paragraphs need to be added. If it is revealed that the suspect was incorrectly identified, the decision to pursue criminal responsibility is canceled with the prosecutor's approval.

Section 4: Arrest and Detention

Article 134 (Purpose of Arrest and Detention)

Arrest and detention are conducted to prevent suspects and accused from evading investigation or trial, obstructing the investigation of the criminal case, and to ensure that suspects and accused can be met whenever necessary.

Article 135 (Timing of Arrest and Detention)

Arrest and detention are conducted after the decision to pursue criminal responsibility. In special cases, arrest and detention can be conducted before the decision to pursue criminal responsibility with the prosecutor's approval. In this case, the decision to pursue criminal responsibility must be made within 10 days.

Article 136 (Persons Responsible for Arrest)

Arrest is conducted by investigators. Arrest cannot be conducted without an arrest warrant.

Article 137 (Types of Detention)

Types of detention are as follows:

1. Detention in custody.
2. House arrest.
3. Regional detention.

Article 138 (Detention Period)

The detention period for investigating criminal cases where articles, clauses, and paragraphs of the Criminal Law predicting life imprisonment, indefinite imprisonment, or death penalty can be applied is 1 month. The detention period for investigating criminal cases where articles, clauses predicting labor training can be applied is 10 days. The detention period for investigating criminal cases returned by the court where articles, clauses, and paragraphs predicting life imprisonment, indefinite imprisonment, or death penalty can be applied is 20 days, and the detention period for investigating criminal cases where articles, clauses predicting labor training can be applied is 7 days.

Article 139 (Extension of Detention Period)

If the investigation cannot be completed within the periods specified in Article 138, paragraph 1 and 3 of this law, city (district), county-level investigators can extend the detention period by 1 month with the approval of the city (district), county prosecutor's

office head, provincial (directly governed city)-level investigators can extend the detention period by 1 month with the approval of the provincial (directly governed city) prosecutor's office head, and central-level investigators can extend the detention period by 1 month with the approval of the central prosecutor's office head. For criminal cases requiring further extension of the detention period, the provincial (directly governed city) prosecutor's office head and the central prosecutor's office head can approve extensions of 1 month each. For criminal cases where the investigation cannot be completed within the period specified in Article 138, paragraph 2 of this law, the detention period can be extended by 5 days with the prosecutor's approval. Requests for extension and approval of the detention period must be made within the detention periods specified for investigation in Article 138 and this article.

Article 140 (Procedures for Detention in Custody)

Investigators who intend to detain suspects in custody must send an application for issuing an arrest warrant and a decision for detention in custody to the prosecutor for approval. When detaining suspects in custody, investigators must present identification and the arrest warrant to the suspect, and send a copy of the decision for detention in custody to the detention institution. Investigators must notify the suspect's family, organization, and relevant public security institution of the reasons and location of detention within 48 hours of detaining the suspect.

Article 141 (Procedures for House Arrest)

Investigators who intend to place a suspect under house arrest must send the decision for house arrest to the prosecutor for approval. When placing a suspect under house arrest, investigators must present the approved decision for house arrest to the suspect and appoint two guarantors. The guarantors must provide a guarantee letter stating that they will ensure the suspect complies with the requirements and will present the suspect to the investigator, prosecutor, or court whenever required.

Article 142 (Procedures for Regional Detention)

Investigators who intend to place a suspect under regional detention must send the decision for regional detention to the prosecutor for approval. When placing a suspect under regional detention, investigators must present the approved decision for regional detention to the suspect and obtain a written pledge from the suspect.

Article 143 (Lifting and Changing Detention Decisions)

Investigators can lift or change the type of detention for a suspect at any time during the investigation by making a reasoned decision and obtaining the prosecutor's approval.

Article 144 (Circumstances for Arrest, Search, and Seizure without Prosecutor's Approval)

Investigators can arrest a suspect, search their body or residence, and seize evidence without the prosecutor's approval under the following circumstances:

1. When the suspect is caught in the act of committing a crime or immediately after committing a crime.
2. When the victim or a witness identifies the suspect as the criminal.
3. When traces of the crime are found on the suspect's body or at their residence.
4. When the suspect attempts to commit suicide, escape, or is being pursued.
5. When the suspect's place of residence is unknown.

Article 145 (Handling of Suspects Arrested without Prosecutor's Approval)

Investigators who detain a suspect without the prosecutor's approval under Article 144 must prepare a decision for detention within 48 hours and obtain the prosecutor's approval. If the decision to pursue criminal responsibility is not made within 20 days of detention, the suspect must be released immediately. If the suspect is found to be eligible for house arrest, the detention decision is changed. If the suspect escapes, the detention decision is suspended. If the escaped suspect is recaptured, the suspension of the detention decision is lifted, and the prosecutor is notified.

Article 146 (Handling of Suspects Not Subject to Detention)

Investigators who determine that a detained suspect is not subject to detention must notify the prosecutor of the date and reason for the arrest within 48 hours and release the suspect.

Section 5: Interrogation of Suspects

Article 147 (Timing of Interrogation of Suspects)

Investigators must interrogate suspects within 48 hours of notifying them of the decision to pursue criminal responsibility.

Article 148 (Interrogation Hours)

Interrogation of suspects is conducted between 8:00 AM and 8:00 PM. In special cases, investigators can interrogate suspects until 10:00 PM with the prosecutor's notification. In this case, the prosecutor must participate in the interrogation.

Article 149 (Location of Interrogation of Suspects)

Interrogation of detained suspects is conducted in the interrogation room. The escort of the suspect is carried out by guards at the investigator's request. If a non-detained suspect is

summoned for interrogation at a specific location, a summons is sent to the suspect. If the suspect does not respond to the summons without a valid reason, they can be brought in for interrogation.

Article 150 (Prohibition of Coercive Interrogation)

Investigators must not use coercive methods to force suspects to admit to crimes or use leading questions to obtain statements.

Article 151 (Individual Interrogation of Suspects)

Investigators must ensure that suspects do not have contact with each other and interrogate each suspect individually in a separate location.

Article 152 (Participation of Record Keepers and Witnesses in Interrogation of Suspects)

Record keepers participate in the interrogation of suspects. Investigators can appoint witnesses to participate in the interrogation if necessary.

Article 153 (Interrogation of Suspects Who Do Not Know Korean or Have Language or Hearing Disabilities)

Investigators must appoint interpreters for suspects who do not know Korean and persons who can interpret the expressions of suspects with language or hearing disabilities. Interpreters and interpreters are informed that false interpretation or translation will result in criminal responsibility. If interpreters or interpreters participate in the interrogation, this fact is documented in the record.

Article 154 (Rights of Suspects)

The rights of suspects are as follows:

1. To request an explanation of the reasons for pursuing criminal responsibility against them.
2. To directly refute the charges or request a thorough investigation if they do not admit to the crime.
3. To receive assistance from a defense attorney.
4. To request the replacement of investigators and other participants in the legal process.
5. To write their statements directly in the interrogation record or request modifications, deletions, or additions to the content of the interrogation record.
6. To submit opinions to the prosecutor or defense attorney if they believe their rights have been violated.

Article 155 (Obligations of Suspects)

Suspects must respond to the investigator's questions and comply with summons. Suspects must not engage in activities that obstruct the investigation of the criminal case, such as destroying evidence.

Article 156 (Procedures for Interrogation of Suspects)

Investigators first confirm the suspect's identity, family relationships, and career history, then inform them of their rights and obligations. Investigators ask the suspect for their opinion on the decision to pursue criminal responsibility and allow the suspect to speak about the crime first, followed by necessary questions.

Article 157 (Preparation of Interrogation Records)

Interrogation records are prepared when suspects are interrogated.

Section 6: Interrogation of Witnesses**Article 158 (Location of Witness Interrogation)**

Witness interrogation is conducted at the location where the witness is present. If necessary, witnesses can be summoned for interrogation. If the witness does not respond to the summons without a valid reason, they can be brought in for interrogation.

Article 159 (Interrogation of Witnesses Who Do Not Know Korean or Have Language or Hearing Disabilities)

The procedure for interrogating witnesses who do not know Korean or have language or hearing disabilities follows Article 153 of this law.

Article 160 (Individual Interrogation of Witnesses)

Witness interrogation is conducted individually in a location without other witnesses. Investigators must ensure that witnesses do not have contact with each other until the interrogation is completed.

Article 161 (Interrogation of Witnesses Under 14 Years Old)

When interrogating witnesses under 14 years old, teachers, parents, guardians, or other protectors must be present.

Article 162 (Rights of Witnesses)

Witnesses have the right to write their statements directly in the record or request modifications, deletions, or additions to the content of the record. If they believe their rights have been violated, they can submit opinions to the prosecutor.

Article 163 (Obligations of Witnesses)

Witnesses must respond promptly when summoned by investigators. Witnesses must accurately answer questions about facts related to the crime.

Article 164 (Procedures for Witness Interrogation)

Investigators interrogating witnesses must first confirm the witness's identity and relationship with the suspect or victim, then explain the reason for the interrogation, the witness's rights and obligations, and inform them that false statements will result in criminal responsibility. Investigators allow the witness to speak about the crime first, followed by necessary questions.

Article 165 (Preparation of Witness Interrogation Records)

Interrogation records are prepared when witnesses are interrogated.

Section 7: Confrontation and Identification Interrogation**Article 166 (Reasons for Confrontation Interrogation)**

Confrontation interrogation is conducted when there are essential differences in the statements of multiple witnesses about the same crime that cannot be resolved by other means.

Article 167 (Requirements for Confrontation Interrogation)

Investigators must not inform the persons being confronted about the issues to be clarified in advance, and must prevent them from colluding or being influenced by threats or false statements from other witnesses.

Article 168 (Procedures for Confrontation Interrogation)

Investigators must have the persons being confronted state their previously given statements related to the issue. After their statements, investigators ask necessary questions to clarify differences and allow the persons being confronted to ask each other questions if they have any opinions on the responses.

Article 169 (Preparation of Confrontation Interrogation Records)

Records are prepared when confrontation interrogation is conducted. The records must document the notification to witnesses and experts about criminal responsibility for false statements, the statements about the issue, the investigator's questions and the responses in order, and the questions and responses exchanged between the persons being confronted.

Article 170 (Reasons and Requirements for Identification Interrogation)

Identification interrogation is conducted to identify persons or objects related to the resolution of the criminal case. Investigators must present multiple persons or objects similar to the identification target simultaneously and must not imply or force their own opinions during the identification process. Witnesses must be present during identification interrogation.

Article 171 (Procedures for Identification Interrogation)

Before presenting the identification target, investigators must ask the identifier detailed questions about the characteristics of the target and document the responses. The identification target is then presented for identification. Investigators ask the identifier to confirm the characteristics by which they identified the person or object.

Article 172 (Preparation of Identification Interrogation Records)

Records are prepared when identification interrogation is conducted. The records must document the notification to witnesses about criminal responsibility for false statements, the questions asked to the identifier about the characteristics of the target before presenting it, the responses, and the identification process and results.

Section 8: Inspection and Psychological Experiment**Article 173 (Purpose of Inspection)**

Investigators conduct inspections to find and document evidence, traces, and characteristics related to the crime at the location, on objects, or on persons' bodies.

Article 174 (Types of Inspection)

Types of inspection are as follows:

1. On-site inspection.
2. Inspection of evidence.
3. Inspection of deceased persons.
4. Medical examination of living persons.

Article 175 (Inspection of Evidence)

Objects and documents found at the crime scene or seized are inspected on-site. If the inspection takes a long time or special circumstances require it, evidence can be moved to another location for inspection.

Article 176 (Consent for Inspection)

If necessary for inspection, consent from the owner is obtained to exhume graves or destroy objects. If consent cannot be obtained, necessary actions for inspection can still be taken.

Article 177 (Preparation of Decision for Medical Examination and Delegation of Medical Examination)

A decision for medical examination is prepared when conducting a medical examination. When delegating a medical examination to another person, a decision for delegation of medical examination is prepared.

Article 178 (Time for Inspection and Medical Examination)

Inspections and medical examinations are conducted during the day. In urgent cases, they can be conducted at night.

Article 179 (Presentation of Decision for Medical Examination)

Persons conducting medical examinations must present identification and the decision for medical examination or the decision for delegation of medical examination to the person being examined.

Article 180 (Presence of Witnesses during Inspection and Medical Examination)

Witnesses must be present during inspections and medical examinations. Female witnesses must be present during the medical examination of females.

Article 181 (Participation of Experts in Inspection)

Experts can participate in inspections if necessary.

Article 182 (Preparation of Inspection and Medical Examination Records)

Records are prepared when inspections and medical examinations are conducted. The records must document the state and characteristics at the time of inspection and examination, and the results. Sketches and photographs can be attached. If a person other than the investigator conducts the medical examination, they prepare the medical examination record.

Article 183 (Reasons for Psychological Experiment)

Psychological experiments are conducted to verify the possibility of seeing, hearing, or performing certain actions and whether the results could have been achieved by such causes.

Article 184 (Requirements for Psychological Experiment)

Requirements for psychological experiments are as follows:

1. They must be conducted in the same location, time, environment, and conditions as the event being verified.
2. Witnesses must be present, and the experiment must be conducted multiple times.
3. Investigators must not force or inform participants of their own opinions during the experiment.

Article 185 (Prohibition of Psychological Experiment)

Psychological experiments cannot be conducted if they pose a risk to human life, health, dignity, or the property of the state, social cooperative organizations, or citizens.

Article 186 (Preparation of Psychological Experiment Records)

Records are prepared when psychological experiments are conducted. The records must document the conditions ensured for the experiment, the process, and the results.

Section 9: Appraisal**Article 187 (Reasons for Appraisal)**

Appraisal is conducted when specialized scientific and technical knowledge is required for investigating a criminal case. Abnormal corpses, the extent of injuries on bodies, symptoms of mental disability in witnesses, the mental state of criminals, reactionary ideological literature and art works, and historical relics must be appraised.

Article 188 (Types of Appraisal)

Types of appraisal include forensic appraisal, forensic psychiatric appraisal, forensic chemical appraisal, trace appraisal, handwriting appraisal, ballistic appraisal, technical appraisal, accounting appraisal, and character appraisal.

Article 189 (Appraisal Institutions)

Appraisal is conducted by specialized appraisal institutions. If there are no specialized appraisal institutions, appraisal can be requested from persons with national qualifications or specialized knowledge in the relevant field.

Article 190 (Notification to Criminals about Appraisal)

When requesting an appraisal, the criminal is informed about the appraisal institution or appraiser.

Article 191 (Request for Appraisal)

When requesting an appraisal, a decision for requesting appraisal is sent to the appraisal institution or appraiser. The decision must specify the issues to be clarified, the necessary materials for appraisal, the appraiser's obligations, and the criminal responsibility for false appraisal. Necessary materials for appraisal are sent to the appraisal institution or appraiser along with the request.

Article 192 (Obligatory Compliance with Appraisal Request)

Institutions or appraisers who receive an appraisal request must obligatorily conduct the appraisal and respond promptly to the requesting institution's requirements.

Article 193 (Rights of Appraisers)

Appraisers can request the institution that requested the appraisal to provide necessary materials or involve relevant specialists in the appraisal.

Article 194 (Period and Report of Appraisal)

Appraisers must conduct the appraisal within 10 days and prepare an appraisal report to

be sent to the requesting institution. The appraisal report must reflect the facts revealed during the appraisal. If multiple appraisers have different results on the same issue, separate appraisal reports are prepared.

Article 195 (Interrogation of Appraisers and Reappraisal)

If there are unclear aspects in the appraisal or doubts about the appraisal report, or if multiple appraisers have different results, appraisers can be interrogated or reappraisal can be requested.

Section 10: Search and Seizure

Article 196 (Purpose and Reasons for Search and Seizure)

Search and seizure are conducted to find criminals or collect and use necessary items or documents to clarify criminal facts. Searches are conducted when there are sufficient grounds to believe that a criminal is hiding or that necessary items or documents for clarifying the crime are present. Seizures are conducted when the person does not comply with the request to produce items or documents significant for resolving the case.

Article 197 (Approval for Search and Seizure)

Search and seizure are conducted under the approval of a prosecutor. Investigators who wish to conduct search and seizure must prepare a written decision for search and seizure and obtain the prosecutor's approval.

Article 198 (Presentation of Decision for Search and Seizure)

Investigators must present identification and the decision for search and seizure to the person being searched or from whom items are being seized.

Article 199 (Security Organization at Search Location)

Necessary personnel can be organized to secure the search location.

Article 200 (Time for Search and Seizure)

Search and seizure are conducted during the day. In urgent cases, search and seizure can be conducted at night.

Article 201 (Presence of Witnesses during Search and Seizure)

Witnesses must be present during search and seizure. When searching or seizing items or documents from institutions, enterprises, or organizations, their representatives must be present. When searching a woman's body, a female witness must be present.

Article 202 (Search and Seizure According to Diplomatic Protocol)

When searching the building or residence of a foreign mission in our country in relation to detecting a crime or criminal, or seizing items or documents, diplomatic protocol must be

followed. In this case, the prosecutor participates, and representatives from the foreign affairs department and the relevant mission must be present.

Article 203 (Objects and Methods of Seizure)

Only items and documents related to the crime are seized. An inventory of seized items is prepared, and a copy is given to the person from whom the items were seized.

Article 204 (Preparation of Search and Seizure Records)

Records are prepared when search and seizure are conducted. The records must document the location, general condition, characteristics, quantity of items and documents found during the search and seizure, and any opinions raised.

Section 11: Property Collateral Measures

Article 205 (Purpose of Property Collateral Measures)

Property collateral measures are taken to ensure the execution of punishment and to compensate for property damage suffered by the state, social cooperative organizations, and citizens due to the crime.

Article 206 (Timing of Property Collateral Measures)

Property collateral measures are taken after the decision to pursue criminal responsibility and the identification of the person responsible for compensation, but before the trial begins. In special cases, property collateral measures can be taken regardless of the above timing.

Article 207 (Objects and Scope of Property Collateral Measures)

Property collateral measures are taken on the property of persons who committed crimes that can result in property confiscation or on the property of suspects or those materially responsible for the suspect's crime. The amount of collateral is limited to the amount of confiscation or compensation claims.

Article 208 (Decision for Property Collateral Measures)

Investigators who intend to take property collateral measures must make a reasoned decision. The decision is prepared in the form of a written decision for property collateral measures.

Article 209 (Methods of Property Collateral Measures)

Investigators taking property collateral measures must present identification and the decision for property collateral measures to the person whose property is being collateralized and appoint witnesses.

Article 210 (Preparation of Property Collateral Measures Records)

Investigators must prepare records and an inventory of collateralized property when taking

property collateral measures. The records must document the process of taking property collateral measures and any opinions raised.

Article 211 (Lifting and Cancellation of Property Collateral Measures)

Investigators must make a decision to lift or cancel property collateral measures if they are no longer necessary or if it is confirmed that they were taken incorrectly.

Article 212 (Handling of Cases Where Property Collateral Measures Cannot Be Taken)

If there is no property to collateralize, a record documenting the reasons is prepared.

Article 213 (Handling of Perishable or Unusable Property)

Perishable or unusable items among the collateralized property are transferred to the relevant institution with a reasoned decision. In this case, the decision and the confirmation received from the institution are attached to the case records.

Section 12: Conclusion of Investigation

Article 214 (Reasons for Concluding Investigation)

Investigators conclude the investigation when it is recognized that the full details of the criminal case have been completely and accurately clarified by scientific and objective evidence.

Article 215 (Prosecutor's Review of Case before Conclusion of Investigation)

Investigators must send the case records to the prosecutor before concluding the investigation. The prosecutor reviews the investigation within 10 days and provides necessary opinions to the investigator. The prosecutor reviews whether the full details of the criminal case have been completely and accurately clarified by scientific and objective evidence, whether the investigation was conducted according to the requirements and procedures specified in this law, and whether the correct articles, clauses, and paragraphs of the Criminal Law were applied to the recognized crime through reviewing the case records and discussions with participants in the criminal procedure or on-site inspections.

Article 216 (Procedures for Concluding Investigation)

Investigators intending to conclude the investigation must notify the suspect of the conclusion, show the case records, and ask if there are any requests. If the suspect's request is justified, further investigation is conducted; if unjustified, the request is rejected. If further investigation is conducted based on the suspect's request, the relevant records are shown to the suspect.

Article 217 (Prosecutor's Participation in Conclusion of Investigation)

The conclusion of the investigation is conducted with the participation of the prosecutor.

Article 218 (Preparation of Investigation Conclusion Records)

Investigators prepare records when concluding the investigation. The records must document the suspect's name, the date and time of conclusion, the process of showing the case records, the handling of raised opinions, and the prosecutor's participation.

Article 219 (Decision to Transfer Case to Prosecutor)

After concluding the investigation, investigators make a decision to transfer the case to the prosecutor on the same day and transfer the case records and evidence to the prosecutor.

Article 220 (Submission and Handling of Opinions on Rights Violations)

Witnesses, experts, interpreters, translators, advisors, suspects, and guarantors who believe their rights have been violated can submit opinions to the investigator or prosecutor from the day they become aware of the violation until the conclusion of the investigation. Investigators and prosecutors who receive opinions on rights violations must prepare a written opinion within 48 hours and send it to the prosecutor or the head of the prosecutor's office. The prosecutor or the head of the prosecutor's office who receives the opinion must handle it within 3 days and notify the result.

Chapter 4: Prosecution**Article 221 (Duties of Prosecution)**

The duties of prosecution are to decide whether to prosecute criminal cases that have concluded investigation.

Article 222 (Prosecution Period and Detention Period)

Prosecutors must handle the case within 5 days from the day the investigation is concluded. For criminal cases where labor training can be applied, the case must be handled within 3 days. The detention period for the suspect for prosecution is the same as the prosecution period.

Article 223 (Prosecution of Criminal Cases)

Prosecutors prosecute criminal cases in court if they recognize that punishment can be applied to the suspect. When prosecuting a criminal case in court, the indictment and case records are sent along with the evidence.

Article 224 (Preparation of Indictment)

Prosecutors preparing to prosecute a criminal case must prepare an indictment. The indictment must include the date, the prosecutor's affiliation and position, name, the suspect's identity, the facts and evidence confirmed during the investigation, circumstances that can influence the determination of the suspect's criminal responsibility and the degree of punishment, the articles, clauses, and paragraphs of the

Criminal Law applied to the recognized crime, and the court to which the case is being prosecuted.

Article 225 (Documents Attached to the Indictment)

The indictment must be accompanied by documents specifying the names and residences of the suspect, witnesses, and experts to be involved in the trial, the date of the suspect's detention and the place of detention, evidence, and the status of compensation claims and property collateral measures.

Article 226 (Prohibition of Repeated Prosecution)

If the court returns a criminal case due to insufficient evidence to make a judgment, the case cannot be prosecuted again if the necessary evidence is not collected.

Chapter 5: First Instance Trial

Section 1: Duties and Composition of the First Instance Court

Article 227 (Duties of the First Instance Trial)

The duties of the first instance trial are to finally confirm the crime and the accused through trial and to make a judgment based on legal analysis and evaluation.

Article 228 (Public Nature of the First Instance Trial)

The first instance trial is conducted publicly. If it is necessary to protect state or personal secrets or if it may have a negative social impact, the trial can be partially or fully closed. Even if the trial is closed, the pronouncement of the judgment is public.

Article 229 (Independence of the Court)

The court is independent in the trial and conducts trial activities based on the law.

Article 230 (Recognition of Established Facts)

Facts established in civil trials and arbitration are recognized as they are in criminal trials. However, whether the established facts constitute a crime is determined in the criminal trial.

Article 231 (Composition of the First Instance Court)

The first instance court is composed of a presiding judge and two people's assessors. In special cases, the court can be composed of three judges.

Article 232 (Fixation and Replacement of Court Members)

The trial of the same criminal case is conducted by the initially composed court members. If court members are replaced during the trial, the trial must start from the beginning.

Article 233 (Participation of Prosecutors, Defense Attorneys, and Court Clerks in the Trial)

The trial is conducted with the participation of prosecutors and defense attorneys. If the accused waives the right to assistance from a defense attorney, the trial can be conducted without the participation of a defense attorney. A court clerk participates in the first instance trial.

Article 234 (Presiding Judge in the Trial)

The presiding judge directs the trial and the activities of trial participants to ensure that the truth of the criminal case is accurately revealed and controls them to strictly maintain trial order.

Article 235 (Prosecutor in the Trial)

In the trial, the prosecutor exposes and proves the crime and the accused with scientific evidence and insists on the accurate legal responsibility.

Article 236 (Defense Attorney in the Trial)

In the trial, the defense attorney ensures that the truth of the criminal case is accurately revealed, the actions of the accused are correctly analyzed and evaluated, and the legal rights of the accused are accurately guaranteed.

Article 237 (Courtroom Decoration, Seating Arrangement, and Attire)

The national emblem of the Democratic People's Republic of Korea is hung in the upper middle part of the front wall of the courtroom, and the national flag is displayed below it. Court members sit in the presidium seats, while the prosecutor, defense attorney, witnesses, and the accused sit in seats facing each other on the left and right below the presidium. The court clerk sits in the middle seat below the presidium. Court members wear court attire during the trial, and the prosecutor and court clerk wear designated attire.

Article 238 (Participation of the Accused in the Trial)

The accused participates in the trial. If the accused refuses to participate in the trial, they are brought in or detained for the trial.

Article 239 (Prohibition of Detaining the Accused in the Courtroom)

The accused is not detained in the courtroom. However, if the accused resists or attempts to escape, they can be detained.

Article 240 (Rights of the Accused)

The rights of the accused are as follows:

1. To request the exclusion of court members and trial participants if there are reasons specified in Articles 14 to 19 of this law.
2. To deny the charges if they are recognized as groundless.

3. To request the collection of new evidence and the participation of new witnesses in the trial.
4. To question witnesses, experts, or co-accused.
5. To select or request the replacement of a defense attorney and to waive the right to assistance from a defense attorney.
6. To submit opinions to the court if they believe their interests and rights are violated during the trial.
7. To make a final statement after the factual investigation is completed.
8. To appeal.

Article 241 (Obligations of the Accused)

In the trial, the accused must answer questions and comply with trial order.

Article 242 (Reasons for Not Investigating Compensation Claims)

If the claimant for compensation or their representative does not participate in the trial, the compensation claim is not investigated. In this case, the victim can file a separate compensation claim.

Article 243 (Organization of Public Trials on Site)

The court can organize trials on site to awaken the masses and prevent crimes. In this case, representatives of institutions, enterprises, organizations, and the victim, as well as other case participants, can expose and condemn the actions of the accused.

Article 244 (Period of the First Instance Trial and Detention Period)

The first instance court must conclude the trial within one month from the day the trial preparation ruling is made. However, in particularly complex cases where the trial cannot be concluded within the first instance trial period, it can be extended by 10 days. The trial of the accused in criminal cases where articles and clauses predicting labor training can be applied must be concluded within 10 days from the day the trial preparation ruling is made. The detention period for the accused for the first instance trial is the same as the first instance trial period.

Article 245 (Transfer of Cases during the Trial)

Judges and courts can make a ruling to transfer cases if necessary.

Article 246 (Supervision of the Trial)

The prosecutor supervises the trial. The prosecutor supervises whether the trial is conducted accurately according to legal requirements and procedures by participating in the trial or reviewing trial records and can submit opinions to the court if illegal activities

are discovered. If the prosecutor's opinions are received, the judge resolves them during trial preparation, and the court resolves them during the trial.

Section 2: Preparation for Trial

Article 247 (Person Responsible for Trial Preparation)

The judge assigned to the case is responsible for trial preparation. The assigned judge makes a decision for trial preparation within 48 hours.

Article 248 (Contents to be Reviewed in Trial Preparation)

The contents to be reviewed in trial preparation are as follows:

1. Whether the investigation sufficiently covered the crime.
2. Whether there is a basis for prosecution.
3. Whether the correct articles, clauses, and paragraphs of the Criminal Law were applied to the prosecuted crime.
4. Whether any accomplices were unjustly excluded from criminal responsibility.
5. Whether the principles, requirements, and procedures specified in this law were accurately followed.

Article 249 (Verification of Crime Scene and Evidence)

The judge can go to the site to verify the crime scene and evidence to achieve the purpose of the trial. In this case, new evidence cannot be collected.

Article 250 (Decision to Transfer Criminal Case to Trial)

If the investigation is deemed sufficient for trial, the judge makes a decision to transfer the criminal case to trial. If the prosecuted crime is correct but the articles, clauses, and paragraphs of the Criminal Law were incorrectly applied, the judge adds or modifies the prosecuted articles, clauses, and paragraphs and transfers the criminal case to trial.

Article 251 (Decision to Return Criminal Case to Prosecutor)

If the investigation is insufficient for trial, if there were significant procedural violations affecting the judgment, or if there are substantial errors in the indictment, the judge makes a decision to return the criminal case to the prosecutor.

Article 252 (Prosecutor's Opinion in Trial Preparation)

In trial preparation, the judge listens to the prosecutor's opinion when making decisions according to Articles 247, 248, 250, and 251 of this law. Copies of the decision required for appeal by the prosecutor are sent within 2 days from the day the decision is made.

Article 253 (Prosecutor's Appeal against Decisions in Trial Preparation)

If the prosecutor has opinions on the decisions made in trial preparation, they can appeal to the higher court. This follows Article 314 of this law.

Article 254 (Delivery of Indictment and Decision Copies)

The judge sends a copy of the indictment to the accused 3 days before the trial begins. If a decision to modify the prosecuted articles, clauses, and paragraphs of the Criminal Law is made, copies of the decision are sent to the accused and the defense attorney 3 days before the trial begins.

Article 255 (Notification of Trial Date)

The judge notifies the people's assessors, prosecutor, accused, defense attorney, and claimant for compensation of the trial date 3 days before the trial begins and sends a summons to witnesses and experts. If a witness required for the trial does not appear without a valid reason, they are brought in. The procedure for bringing in witnesses follows Article 158 of this law.

Article 256 (Handling of Applications and Opinions)

All applications and opinions submitted during the trial preparation stage after the criminal case is prosecuted are resolved by the judge assigned to the case. All applications and opinions submitted during the trial are resolved by the court.

Section 3: Trial**Article 257 (Procedure of the First Instance Trial)**

The first instance trial follows the procedure of starting the trial, factual investigation, arguments and defense, the accused's final statement, and pronouncement of the judgment.

Article 258 (Start of the First Instance Trial)

The presiding judge announces the start of the trial, confirms the identity of the accused, asks about the receipt of the indictment copy and the date of detention, and informs the accused of their rights and obligations.

Article 259 (Hearing Opinions of Trial Participants)

The presiding judge informs the trial participants of the court members, prosecutor, defense attorney, court clerk, expert, interpreter, and advisor, and asks if there are any opinions on their replacement.

Article 260 (Notification of Absent Witnesses and Experts)

The presiding judge informs the trial participants of the reasons for the absence of summoned witnesses and experts and listens to their opinions.

Article 261 (Notification of the Right to Apply for New Evidence and Compensation Claims)

The presiding judge informs the trial participants that they can apply for new evidence or claim compensation and makes the relevant decision.

Article 262 (Start of Factual Investigation)

The presiding judge announces the start of the factual investigation and asks the prosecutor to read the indictment.

Article 263 (Confirmation of the Accused's Admission of Charges)

The presiding judge asks the accused if they admit to the charges.

Article 264 (Determination of the Order of Investigation)

The presiding judge asks for the opinions of the prosecutor and defense attorney and determines the order of investigation in consultation with the court members. The order of investigation is announced in the courtroom.

Article 265 (Order of Interrogation of the Accused)

The interrogation of the accused begins with the accused speaking about their crime, followed by questions from the trial participants in the order determined by the court.

Article 266 (Individual Interrogation of the Accused)

In trials involving multiple accused, the court interrogates each accused individually in the courtroom.

Article 267 (Handling of Accused Disrupting Trial Order)

If the accused continues to disrupt trial order despite warnings from the presiding judge, they can be removed from the courtroom by decision, and the factual investigation can proceed. After the factual investigation, the accused is brought back to participate.

Article 268 (Start of Witness Interrogation)

Witnesses are summoned individually for interrogation in the order determined. The presiding judge confirms the identity of the witness, their relationship with the accused, and informs them of the criminal responsibility for false statements before allowing them to speak about what they know.

Article 269 (Order of Witness Interrogation)

After the witness's statement, the person who requested the witness's interrogation questions them first. Afterward, trial participants can question the witness with the presiding judge's approval. The presiding judge also allows the accused to question the witness.

Article 270 (Re-interrogation and Confrontation Interrogation)

If necessary, previously interrogated witnesses can be re-interrogated, or witnesses and the accused can be confronted. In special circumstances, the presiding judge can allow the previously interrogated witness to leave before the factual investigation is completed after hearing the opinions of the trial participants.

Article 272 (Suspension of Witness Interrogation)

If the crime is accurately revealed during the factual investigation, witness interrogation can be suspended.

Article 273 (Participation of Experts in the Trial)

Experts can participate in the trial if necessary.

Article 274 (Reappraisal in the Trial)

If there are deficiencies or doubts in the appraisal results, the court can order a reappraisal by decision.

Article 275 (Review and Confirmation of Evidence and Documents)

The court reviews and confirms evidence and documents during the factual investigation. The prosecutor and defense attorney can also review and confirm evidence and documents at any time during the factual investigation.

Article 276 (Methods of Reviewing and Confirming Statements and Interrogation Records)

The court can review and confirm evidence by reading statements and interrogation records during the factual investigation.

Article 277 (On-site Verification of Evidence)

If necessary, the court can go to the site with the trial participants to verify evidence. The presiding judge can also do this on behalf of the court.

Article 278 (Prohibition of Evidence Collection)

The court cannot directly collect evidence during the factual investigation. If evidence needs to be collected, the criminal case is returned to the prosecutor.

Article 279 (Investigation of Compensation Claims)

If the crime is accurately revealed during the factual investigation, the investigation of evidence is concluded, and the investigation of compensation claims is conducted. The presiding judge confirms the identity of the claimant for compensation, allows them to state their claim, and then asks the accused to respond.

Article 280 (Conclusion of Factual Investigation)

The presiding judge asks the prosecutor, defense attorney, and people's assessors if there

is anything more to investigate and announces the conclusion of the factual investigation. If a person responsible for educating the accused or related to the crime participated in the factual investigation, they are allowed to draw lessons before the conclusion is announced.

Article 281 (Order of Arguments and Defense)

After the factual investigation, the presiding judge allows the prosecutor and defense attorney to present their arguments and defense in order. If necessary, representatives of institutions, enterprises, organizations, the victim, and the claimant for compensation can also speak.

Article 282 (Contents of Arguments)

Arguments expose and condemn the crime of the accused, scientifically prove the grounds for guilt, and argue for the application of the punishment specified in the prosecuted articles, clauses, and paragraphs of the Criminal Law.

Article 283 (Contents of Defense)

Defense explains the conduct of the trial according to the requirements of the Criminal Procedure Law, the guarantee of the accused's legal rights, the recognition of the prosecuted crime and the applied legal provisions, the causes of the crime, and the lessons to be learned, and argues for consideration in determining the punishment based on the accused's character. If the accused's actions are recognized as innocent, the grounds for innocence are accurately explained.

Article 284 (Supplementary Arguments and Defense)

The presiding judge can allow supplementary arguments and defense if requested by the prosecutor, claimant for compensation, or defense attorney.

Article 285 (Basis of Arguments and Defense)

Arguments and defense are based on the evidence reviewed and confirmed during the trial.

Article 286 (Final Statement of the Accused)

The presiding judge allows the accused to make a final statement after the arguments and defense. If new facts with substantial significance for resolving the criminal case are presented in the accused's final statement, the trial is resumed to investigate those facts.

Article 287 (Conclusion of the Trial)

The presiding judge announces the conclusion of the trial after the accused's final statement and deliberates with the people's assessors in the deliberation room to adopt the judgment.

Section 4: Addition and Modification of Prosecution

Article 288 (Reasons for Additional Prosecution)

Additional prosecution is made when the facts of the prosecuted crime remain unchanged, but the applicable articles, clauses, and paragraphs of the Criminal Law that should have been applied were not applied.

Article 289 (Timing of Additional Prosecution)

Additional prosecution can be made during trial preparation and trial.

Article 290 (Procedure for Additional Prosecution)

If the facts of the crime are revealed but the applicable articles, clauses, and paragraphs of the Criminal Law were not applied, the court listens to the prosecutor's opinion, adds the prosecution, and then, based on the opinions of the accused and the defense attorney, can postpone the trial for 5 days for crimes where indefinite labor reform or higher punishment can be applied, and for 3 days for crimes where labor training can be applied.

Article 291 (Reasons for Modification of Prosecution)

Modification of prosecution is made when new facts are discovered that require changing the articles, clauses, and paragraphs of the Criminal Law applied to the accused to lighter punishment, or when the facts of the prosecuted crime remain unchanged but the articles, clauses, and paragraphs of the Criminal Law were incorrectly applied.

Article 292 (Timing of Modification of Prosecution)

Modification of prosecution is made during trial preparation and trial. It can also be made during the second instance trial and extraordinary appeal.

Article 293 (Procedure for Modification of Prosecution)

If new facts are discovered that require changing the articles, clauses, and paragraphs of the Criminal Law applied to the accused to lighter punishment, or if the facts of the prosecuted crime remain unchanged but the articles, clauses, and paragraphs of the Criminal Law were incorrectly applied, the court listens to the prosecutor's opinion, modifies the prosecution by decision, and continues the trial to make a judgment. If the facts of the prosecuted crime remain unchanged but the articles, clauses, and paragraphs of the Criminal Law need to be changed to heavier punishment, the court listens to the prosecutor's opinion, modifies the prosecution by decision, and then, based on the opinions of the accused and the defense attorney, can postpone the trial for 5 days for crimes where indefinite labor reform or higher punishment can be applied, and for 3 days for crimes where labor training can be applied.

Article 294 (Handling of New Criminals and Law Violators)

If the court discovers during the trial that there are facts requiring criminal responsibility or administrative punishment for persons other than the accused, the court listens to the

prosecutor's opinion and can make a decision to return the criminal case to the prosecutor or make a decision to impose administrative punishment. In this case, a decision for detention can be made.

Section 5: Judgment

Article 295 (Conditions for Judgment)

The court hands down a judgment based on scientific evidence that has been sufficiently reviewed and confirmed during the trial, ensuring that the criminal case has been accurately revealed.

Article 296 (Participants in Adopting Judgment)

The adoption of the judgment involves the judge and the people's assessors who participated in the trial.

Article 297 (Issues to be Discussed and Decided in Adopting Judgment)

The issues to be discussed and decided in adopting the judgment are as follows:

1. Whether the prosecuted crime occurred.
2. Whether the accused committed the crime.
3. Whether the crime has the characteristics of a crime.
4. What punishment to impose on the accused and to what extent.
5. How to resolve the compensation claim.
6. How to handle the evidence.
7. How to handle the detention issue.
8. How to handle the collateralized property.

Article 298 (Adoption of Judgment and Decision)

Judgments and decisions made during the trial are adopted by the majority vote of the court members. Judges or people's assessors who disagree with the majority opinion can submit a written opinion.

Article 299 (Types of Judgment)

The types of judgment are as follows:

1. Judgment imposing punishment.
2. Judgment applying social education measures.
3. Judgment of innocence.

Article 300 (Pronouncement of Judgment)

The pronouncement of the judgment is made in the name of the Democratic People's Republic of Korea.

Article 301 (Lifting of Detention)

If a judgment of innocence, suspension of punishment execution, or application of social education measures is made, or if a decision to dismiss the case is made, the detention of the accused is lifted on the same day.

Article 302 (Handling of Evidence and Collateralized Property)

The handling of evidence and collateralized property follows Articles 37 and 211 of this law when a judgment or decision is made.

Article 303 (Resolution of Compensation Claims)

The resolution of compensation claims is as follows:

1. If the compensation claim is justified, compensation is provided.
2. If there is no crime or the accused did not commit the crime, the compensation claim is dismissed.
3. If the accused's actions do not constitute a crime, the compensation claim is not resolved. In this case, the victim can file a separate compensation claim.

Article 304 (Return of Case)

If the investigation did not sufficiently reveal the crime to the extent that a judgment can be made, or if there were significant violations of the principles and procedures of this law affecting the judgment, the court makes a decision to return the criminal case to the prosecutor.

Article 305 (Restriction on Returning Case)

The court cannot return the criminal case if it is recognized that the trial can proceed based on the evidence already collected without collecting additional evidence. Even if the detention period specified in Article 139 of this law has passed during the investigation stage, the case cannot be returned if it is prosecuted again.

Article 306 (Preparation of Judgment Document)

The judgment document must include the name of the country pronouncing the judgment, the date of the trial, the names of the court members, prosecutor, defense attorney, and court clerk, the name of the case, the public or private nature of the trial, the identity of the accused, the name and residence of the claimant for compensation, the court's recognition of the crime and the explanation of the evidence, the compensation claim and the court's recognition, other issues that must be specified according to the nature of the

case, the articles, clauses, and paragraphs of the Criminal Procedure Law and Criminal Law on which the judgment is based, the issue of applying punishment, the compensation claim, evidence, collateralized property, detention issue, and appeal procedure. Judgment documents suspending punishment execution, applying social education measures, or declaring innocence must accurately specify the reasons and grounds.

Article 307 (Delivery of Judgment and Decision Copies)

The court sends copies of the judgment and decision to the prosecutor, accused, defense attorney, and claimant for compensation within 2 days from the day the judgment or decision is made.

Article 308 (Preparation and Viewing of Trial Records)

The court clerk prepares the trial records within 5 days from the end of the trial. The prosecutor and defense attorney can view the trial records within 5 days from the day the preparation is completed and can submit written requests for modifications, additions, or deletions. The presiding judge instructs the court clerk to make corrections if the requests are justified and rejects them by decision if they are unjustified.

Article 309 (Contents to be Reflected in Trial Records)

The contents to be reflected in the trial records are as follows:

1. Date and location of the trial.
2. Names of the court members, prosecutor, defense attorney, and court clerk.
3. Name of the case.
4. Identity of the accused.
5. Name and residence of the claimant for compensation.
6. Actions taken by the court according to the order of the trial.
7. Opinions and applications submitted by the trial participants.
8. Decisions made by the court during the trial.
9. Contents of arguments and defense.
10. Final statement made by the accused.

Article 310 (Submission of Appeals and Objections)

The accused, defense attorney, and claimant for compensation who have opinions on the judgment or decision of the first instance court can appeal to the higher court, and the prosecutor can submit objections.

Article 311 (Jurisdiction of Prosecutor's Objections)

City (district), county prosecutors can submit objections to the judgments and decisions of the relevant people's courts. Provincial (directly governed city) prosecutors and central prosecutors can submit objections to the judgments and decisions of the relevant provincial (directly governed city) courts and people's courts. Special prosecutors can submit objections to the judgments and decisions of the relevant special courts.

Article 312 (Judgments and Decisions that Cannot Be Appealed or Objected)

Judgments and decisions that cannot be appealed or objected are as follows:

1. Judgments and decisions adopted in the first instance trial of the central court.
2. Decisions adopted in the second instance trial, extraordinary appeal, and retrial.

Article 313 (Procedure for Appeal)

Persons intending to appeal must submit an appeal document to the first instance court within 10 days from the day they receive a copy of the judgment or decision. However, persons sentenced to labor training must submit the appeal document within 3 days. The first instance court sends the appeal document along with the case records to the higher court on the same day the appeal period ends.

Article 314 (Procedure for Objection)

Prosecutors intending to submit objections must submit an objection document to the first instance court within 10 days from the day they receive a copy of the judgment or decision. However, objections to judgments and decisions applying labor training must be submitted within 3 days. The first instance court sends the objection document along with the case records to the higher prosecutor's office on the same day the objection period ends. The higher prosecutor who receives the objection reviews the case within 48 hours and sends the case records along with the objection to the higher court or cancels the objection within 3 days for cases applying labor training and within 10 days for other cases.

Article 315 (Suspension of Execution of Judgment and Decision)

Judgments and decisions that are appealed or objected are not executed.

Article 316 (Confirmation of First Instance Judgment and Decision)

The first instance judgment and decision are confirmed in the following cases:

1. When the appeal and objection period has passed.
2. When the second instance court supports the judgment and decision of the first instance court.
3. When judgments and decisions that cannot be appealed or objected are made.

Chapter 6: Second Instance Trial

Article 317 (Mission of the Second Instance Trial)

The mission of the second instance trial is to comprehensively review the judgment and decision of the first instance court based on the case records, appeals, and protest materials to ensure they meet legal requirements and are based on scientific evidence, and to correct any errors.

Article 318 (Composition of the Second Instance Court)

The second instance trial is conducted by a court composed of three judges.

Article 319 (Second Instance Trial Period and Detention Period)

The second instance court shall resolve the case within 25 days from the day of reviewing the appealed or protested case records. For labor training cases, the review must be completed within 7 days. The detention period for the accused for the second instance trial is the same as the trial period.

Article 320 (Participation of Prosecutor and Defense Counsel in Second Instance Trial)

The prosecutor participates in the second instance trial. If the accused or defense counsel has appealed, the defense counsel is also included.

Article 321 (Sending Case Records and Prosecutor's Review Period)

Before the second instance trial, the second instance court sends the appeal document along with the case records to the prosecutor. The prosecutor can review labor training case records for 3 days and other case records for 10 days.

Article 322 (Notification of Second Instance Trial Date)

The second instance court notifies the prosecutor and defense counsel of the trial date 2 days before the trial.

Article 323 (Scope of Second Instance Trial Review)

The second instance trial review primarily focuses on the points raised in the appeal or protest document, while also examining whether the investigation and first instance trial adhered to legal requirements and procedures, and whether any violations affected the judgment. If there are doubts about facts not pointed out in the appeal or protest document, those will also be reviewed.

Article 324 (Procedure of Second Instance Trial Review)

The presiding judge announces the start of the trial review, reports the details of the crime case judged by the first instance court, the judgment, the reasons for the appeal or protest, and allows the prosecutor, defense counsel, and court members to express their opinions.

Article 325 (Conclusion of Second Instance Trial Review)

The presiding judge expresses their final opinion and announces the end of the second instance trial review, then deliberates with the court members to make a decision.

Article 326 (Issues to be Decided in Judgment Adoption)

The issues to be decided in judgment adoption are as follows:

1. Whether the appeal or protest has grounds.
2. Whether the recognized facts and the applied criminal law provisions match.
3. Whether the punishment was correctly applied.
4. Whether the investigation or first instance trial adhered to legal requirements and procedures.

Article 327 (Adoption of Judgment)

The judgment is adopted by a majority vote of the court members.

Article 328 (Support for First Instance Judgment)

If the second instance court recognizes that the judgment and decision of the first instance court were adopted in accordance with legal requirements, it supports the judgment.

Article 329 (Return of Case)

If the investigation or first instance trial did not sufficiently prove the crime to the extent that it affects the judgment, or severely violated legal requirements and procedures, or applied criminal law provisions incorrectly, or determined the punishment incorrectly, the second instance court cancels the judgment and returns the case to the prosecutor or first instance court.

Article 330 (Dismissal of Case)

If the first instance court did not dismiss a crime case that should have been dismissed, the second instance court directly cancels the judgment and dismisses the crime case.

Article 331 (Modification of Judgment)

The second instance court directly modifies the judgment of the first instance court in the following cases:

1. If the first instance court incorrectly applied criminal law provisions with heavier punishment.
2. If the first instance court applied heavier punishment.
3. If the first instance court did not apply or incorrectly applied additional punishment that should have been applied.
4. If the first instance court correctly recognized the facts in the damage compensation claim review but made an incorrect judgment.

Article 332 (Trial Review of Returned Case)

The first instance court that receives a crime case returned by the second instance court follows the judgment of the second instance court.

Article 333 (Prohibition of Disadvantageous Change)

The first instance court that re-judges a crime case whose judgment was canceled based on an appeal cannot impose a heavier punishment than the initial judgment.

Article 334 (Supplementary Judgment)

The second instance court can point out deficiencies in the investigation or first instance trial through judgment. The investigation or first instance court follows the judgment of the second instance court.

Article 335 (Notification of Trial Results)

The second instance court sends a copy of the judgment document to the prosecutor and appellant within 2 days from the end of the trial.

Chapter 7: Extraordinary Appeal and Retrial

Section 1: Extraordinary Appeal

Article 336 (Mission of the Extraordinary Appeal)

The mission of the extraordinary appeal is to correct confirmed judgments and decisions that violate legal requirements.

Article 337 (Composition of the Extraordinary Appeal Court)

Extraordinary appeal cases against confirmed judgments and decisions of all courts except the Central Court are reviewed and resolved by a court composed of three judges of the Central Court. Extraordinary appeal cases against the first and second instance judgments and decisions of the Central Court are reviewed and resolved by the plenary session of the Central Court judges.

Article 338 (Period of Extraordinary Appeal)

The extraordinary appeal court shall resolve the case within one month from the day of reviewing the case records for which an extraordinary appeal has been filed. For labor training cases, the review must be completed within 7 days. The detention period for the accused for the extraordinary appeal is the same as the appeal period.

Article 339 (Participation of Prosecutor in Extraordinary Appeal)

The prosecutor of the Central Prosecutor's Office participates in the extraordinary appeal court composed of three judges of the Central Court. The head of the Central Prosecutor's Office participates in the plenary session of the Central Court judges.

Article 340 (Filer of Extraordinary Appeal)

The head of the Central Court or the head of the Central Prosecutor's Office files the extraordinary appeal to the Central Court.

Article 341 (Period for Filing Extraordinary Appeal)

There is no time limit for filing an extraordinary appeal. An extraordinary appeal against a guilty judgment can be filed even after the convicted person has died.

Article 342 (Grounds for Filing Extraordinary Appeal)

An extraordinary appeal is filed when it is evident from the confirmed case records that the handling of the crime case fundamentally violated the law.

Article 343 (Cases Where Extraordinary Appeal Cannot Be Filed)

An extraordinary appeal cannot be filed for crime cases where the punishment has already been executed, if the appeal is based on the reason that the punishment was too lenient, or if the statute of limitations for criminal prosecution has expired.

Article 344 (Application for Filing Extraordinary Appeal)

For crime cases to be filed for an extraordinary appeal, the case records along with relevant opinions are sent to the head of the Central Court or the head of the Central Prosecutor's

Office. Courts and prosecutor's offices at all levels can request case records handled within their jurisdiction to apply for an extraordinary appeal.

Article 345 (Request for Case Records for Filing Extraordinary Appeal)

The head of the Central Court and the head of the Central Prosecutor's Office can request records of any crime case handled by any court to file an extraordinary appeal. Case records not filed for an extraordinary appeal are returned on the same day.

Article 346 (Suspension of Execution for Filing Extraordinary Appeal)

The head of the Central Court and the head of the Central Prosecutor's Office can suspend the execution of judgments and decisions through the relevant court when requesting records to file an extraordinary appeal. However, the execution of judgments and decisions of the Central Court cannot be suspended.

Article 347 (Filing of Extraordinary Appeal)

The head of the Central Court and the head of the Central Prosecutor's Office, if there are grounds for filing an extraordinary appeal, prepare an extraordinary appeal document and send it along with the case records to the Central Court. For extraordinary appeal cases filed by the head of the Central Court, the case records are sent to the Central Prosecutor's Office before the extraordinary appeal review.

Article 348 (Notification of Extraordinary Appeal Review Date)

The Central Court notifies the Central Prosecutor's Office of the extraordinary appeal review date 2 days before the trial.

Article 349 (Scope of Extraordinary Appeal Review)

The extraordinary appeal review comprehensively examines the legality and basis of the judgment and decision, including whether the crime and evidence proving it are accurate, whether the accused was correctly identified, whether legal requirements and procedures were violated, and whether the punishment was correctly applied.

Article 350 (Procedure of Extraordinary Appeal Case Review)

The extraordinary appeal review starts with a report on the case, followed by necessary reviews, listening to the opinions of the head of the Central Prosecutor's Office or the prosecutor, and making the relevant judgment.

Article 351 (Handling of Extraordinary Appeal Cases)

The court reviewing the extraordinary appeal case handles the crime case according to Articles 328 to 331 of this law.

Article 352 (Execution Time of Judgment)

The judgment of the court reviewing the extraordinary appeal case is executed immediately without a confirmation period.

Article 353 (Notification of Extraordinary Appeal Review Results)

The court reviewing the extraordinary appeal case sends a copy of the judgment document to the applicant or petitioner within 2 days from the day of the judgment.

Section 2: Retrial

Article 354 (Mission of Retrial)

The mission of the retrial is to correct errors in confirmed judgments and decisions based on new facts.

Article 355 (Composition of Retrial Court)

Retrial cases are reviewed and resolved by a court composed of three judges of the Central Court.

Article 356 (Period of Retrial)

The retrial court shall resolve the case within one month from the day of reviewing the case records for which a retrial has been filed. For labor training cases, the review must be completed within 7 days. The detention period for the accused for the retrial is the same as the retrial period.

Article 357 (Participation of Prosecutor in Retrial)

The prosecutor of the Central Prosecutor's Office participates in the retrial.

Article 358 (Filer of Retrial)

The head of the Central Prosecutor's Office files the retrial to the Central Court.

Article 359 (Period for Filing Retrial)

There is no time limit for filing a retrial. A retrial against a guilty judgment can be filed even after the convicted person has died.

Article 360 (Grounds for Filing Retrial)

A retrial is filed in the following cases:

1. When it is known that the evidence on which the judgment or decision was based is false.
2. When new facts that could affect the judgment or decision, which were not known at the time of the trial, are discovered.

Article 361 (Application for Filing Retrial)

Citizens or institutions, enterprises, and organizations can apply for a retrial to the prosecutor. The prosecutor who receives the application conducts the necessary investigation within one month and, if there are grounds, prepares a retrial application document and sends it along with the case records and investigation materials to the head of the Central Prosecutor's Office. If the prosecutor directly obtains materials that serve as grounds for a retrial, the same procedure is followed.

Article 362 (Suspension of Execution for Filing Retrial)

The head of the Central Prosecutor's Office can suspend the execution of judgments and decisions through the relevant court when requesting records to file a retrial.

Article 363 (Filing and Rejection of Retrial)

The head of the Central Prosecutor's Office, if the application for a retrial is justified, prepares a retrial application document and sends it along with the case records to the Central Court. If the application for a retrial is unjustified, a decision to reject it is made and the case records are returned.

Article 364 (Notification of Retrial Date)

The Central Court notifies the Central Prosecutor's Office of the retrial date 2 days before the trial.

Article 365 (Scope of Retrial)

The retrial comprehensively reviews the facts that serve as grounds for the retrial, confirms the accuracy of the accused, and determines whether the punishment was correctly applied.

Article 366 (Procedure of Retrial Case Review)

The retrial starts with a report on the case by the prosecutor, followed by necessary reviews, and making the relevant judgment.

Article 367 (Handling of Retrial Cases)

If the application for a retrial is unjustified, the retrial is rejected and the confirmed judgment or decision is supported. If the application for a retrial is justified, the court cancels the confirmed judgment or decision and returns the crime case to the prosecutor or first instance court, or directly dismisses it.

Article 368 (Execution Time of Retrial Judgment)

The judgment of the court reviewing the retrial case is executed immediately without a confirmation period.

Article 369 (Notification of Retrial Results)

The court reviewing the retrial case sends a copy of the judgment document to the applicant through the prosecution agency within 2 days from the day of the judgment.

Chapter 8: Execution of Judgments and Decisions

Article 370 (Timing of Execution of Judgments and Decisions)

Judgments and decisions are executed after they are confirmed. The death penalty can only be executed with the approval of the relevant authority.

Article 371 (Sending Execution Documents)

The presiding judge sends the execution documents to the relevant punishment execution agency within 2 days after the judgment or decision is confirmed.

Article 372 (Supervision of Execution of Judgments and Decisions)

The prosecutor supervises the execution of judgments and decisions. The execution of the death penalty is carried out with the participation of the prosecutor.

Article 373 (Execution of Death Penalty Judgment)

The execution of the death penalty judgment is carried out by the punishment execution agency that received the death penalty execution order document and a copy of the judgment.

Article 374 (Report of Death Penalty Execution Results)

The punishment execution agency that received the death penalty execution order document and a copy of the judgment executes the death penalty and reports the results to the relevant court within 3 days.

Article 375 (Execution of Life Imprisonment, Fixed-Term Imprisonment, and Labor Training)

The execution of life imprisonment, fixed-term imprisonment, and labor training is carried out by the relevant punishment execution agency that received a copy of the judgment, decision, and confirmation notice issued by the court.

Article 376 (Calculation of Punishment Execution Period)

The calculation of the punishment execution period for life imprisonment, fixed-term imprisonment, and labor training starts from the day the judgment is executed. If the accused was already detained, the period is calculated from the day of detention. The period of hospitalization in the punishment execution agency's hospital during the execution of life imprisonment, fixed-term imprisonment, and labor training is included in the punishment execution period.

Article 377 (Execution of Disqualification from Voting and Fines)

The execution of disqualification from voting is carried out by the city (district) or county people's committee that received a copy of the judgment and release certificate from the punishment execution agency after the basic punishment execution is completed. The execution of fines is carried out by the relevant agency.

Article 378 (Execution of Disqualification and Suspension of Qualifications)

The execution of disqualification and suspension of qualifications is carried out by the agency that granted the qualifications, which received a copy of the judgment and release certificate from the punishment execution agency after the basic punishment execution is completed.

Article 379 (Execution of Property Confiscation)

The execution of property confiscation is carried out by the court's execution officer within one month from the day of receiving the execution documents. In this case, a witness is appointed, and an execution report and confiscated property list are prepared and attached to the case records. A copy of the confiscated property list is given to the person whose property was confiscated. Any opinions related to the execution of property confiscation are resolved by the relevant court judge within 3 days.

Article 380 (Execution of Property for Compensation)

The execution of property for compensation is carried out by the court's execution officer within two months from the day of receiving the execution documents. In this case, a witness is appointed, and two copies of the execution report and compensation property list are prepared. One copy of the compensation property list is given to the compensation claimant, and a receipt confirming the transfer of property is obtained. Any opinions

related to the execution of property for compensation are resolved by the relevant court judge within 3 days.

Article 381 (Forced Execution of Property)

If the property owner unjustifiably refuses to execute property confiscation or compensation, forced execution is carried out.

Article 382 (Reasons for Suspension of Punishment Execution)

The execution of life imprisonment, fixed-term imprisonment, and labor training is suspended if the person temporarily suffers from mental illness, is seriously ill, escapes, or if new crimes are committed or hidden crimes are revealed, requiring criminal case handling. For pregnant women, punishment execution is suspended from 3 months before childbirth to 7 months after childbirth.

Article 383 (Reasons for Dismissal of Punishment Execution)

The execution of life imprisonment, fixed-term imprisonment, and labor training is dismissed if the person becomes irrecoverably mentally ill or dies. In this case, an assessment is conducted.

Article 384 (Proposal for Suspension, Dismissal, and Early Release of Punishment Execution)

The responsible person of the punishment execution agency proposes the suspension, dismissal, or early release of life imprisonment, fixed-term imprisonment, and labor training execution to the head of the relevant prosecutor's office. The head of the prosecutor's office reviews and confirms the proposal and either rejects it or submits it to the relevant court.

Article 385 (Review of Suspension, Dismissal, and Early Release of Punishment Execution)

The suspension, dismissal, or early release of life imprisonment, fixed-term imprisonment, and labor training execution is resolved by the relevant court or judge through judgment. The suspension of punishment execution is resolved within 3 days from the proposal, dismissal or early release within 10 days.

Article 386 (Handling and Management of Persons Who Received Suspension of Punishment Execution)

Persons who temporarily suffer from mental illness or are seriously ill and received suspension of punishment execution are subject to medical treatment. Pregnant women

who received suspension of punishment execution are subject to house arrest or regional arrest. The management of persons who received suspension of punishment execution is carried out by the relevant public security agency.

Article 387 (Lifting of Suspension of Punishment Execution)

The relevant court or judge lifts the suspension of punishment execution for persons who temporarily suffered from mental illness, were seriously ill, or pregnant, if the reasons for suspension no longer exist. The suspension period is not included in the punishment execution period.

Article 388 (Handling of Crimes Committed by Persons During Punishment Execution or Suspension)

The handling of criminal cases for persons who committed crimes during punishment execution or suspension starts according to Article 45 of this law.

Article 389 (Notification of Review Date for Applications Related to Execution of Judgments and Decisions)

The court reviewing applications related to the execution of judgments and decisions notifies the prosecutor of the review date 2 days in advance.

Article 390 (Review of Applications Related to Execution of Judgments and Decisions)

The review of applications related to the execution of judgments and decisions follows the procedures of the second instance trial.