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**MAKING INTELLIGENCE ACCOUNTABLE:
LEGISLATIVE AND EXECUTIVE OVERSIGHT IN OLD
AND NEW DEMOCRACIES
SOUTH KOREA'S NATIONAL INTELLIGENCE
SERVICE**

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SOUTH KOREA'S NATIONAL INTELLIGENCE SERVICE¹

Jon Moran

Abstract

This report analyses the system of oversight and accountability with regard to the National Intelligence Service, the premier intelligence/security organisation in South Korea with responsibility for internal and external national security.

South Korea is an important case study of the role of intelligence agencies during democratisation; in terms of the democratisation process; and the major political and organisational reform of intelligence agencies. Currently South Korea is at a stage where further organisational and legal reforms are needed to increase oversight/accountability and efficiency. The current oversight and accountability system is limited.

The weak oversight partially results from the character of the Intelligence Committee. However importantly the underlying reasons are deeper. Any analysis of the role of the NIS generally must be conducted in political, legal and security context. The same is true of oversight. The reasons for weak oversight of the NIS lie 1] within the official and unofficial power of the executive, to which the NIS remains close 2] the extensive legal definition of national security, and the extensive legal and administrative powers of the NIS and 3] the unofficial influence of the NIS. The NIS remains powerful.

Therefore increasing oversight in South Korea cannot solely be based on strengthening the powers of the Intelligence Committee. Certainly oversight and

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accountability must be strengthened, including rights of appeal against unlawful NIS operations, reform of the system of internal authorisation of operations, increased efficiency and evaluation etc. However the main route for reform must be based on distancing the NIS from the executive; further professionalising the NIS itself and reviewing its extensive legal and administrative powers. Whilst there has been progress with the former, the NIS' powers are likely to remain substantial. However the continuing threat from North Korea means any overhaul of powers must be made with full appreciation of the real threat from the DPRK. The DPRK presents a serious threat to the South on a number of levels.

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GLOSSARY

ANSP	Agency for National Security Planning
DPRK	Democratic Peoples Republic of Korea - North Korea
DSC	Defense Security Command
KCIA	Korean Central Intelligence Agency
NIS	National Intelligence Service
NPA	National Police Agency
NSL	National Security Law
ONTA	Office of National Tax Administration
RoK	Republic of Korea - South Korea

Introduction

This report analyses the system of oversight and accountability with regard to the National Intelligence Service, the premier intelligence/security organisation in the Republic of Korea with responsibility for internal and external national security.

This analysis cannot be undertaken without setting the NIS in its political, legal and historical context. It is this context which highlights both the positive aspects of oversight of the NIS and areas where reforms are needed. For example, political and legal change in South Korea has been remarkable and successful. A sustained period of military backed rule lasted from 1961-1987. The sheer size of the security establishment, erected in the service of an extensive definition of national security, led some observers to question the possibility of democratisation. However a democratisation process, instituted in 1987-88, has been successful - there have been repeated National Assembly elections, local autonomy was introduced in 1995 and Korea's fourth presidential election in succession took place in 2002.

Although democratic reforms have constrained the formerly extensive role of the security services in some areas, the NIS continues to play an evident role in the Korean polity. The requirement for national security with regard to North Korea is a factor in the significant NIS role in domestic affairs. The continuing external threat from North Korea has ensured security issues and thus intelligence organisations have remained central in post-authoritarian politics. However NIS legal and paralegal operations are in evidence in the overall political process and are evident in the mainstream political process. These legal and paralegal activities highlight the need for effective oversight.²

Problems in the Republic of Korea cannot be traced to weak oversight alone. The strength of the executive, the extensive national security legislation, the role of 'network' or unofficial politics, and the politics of national security are other factors which provide the context for NIS power and a lack of oversight which the existing system of parliamentary oversight cannot be expected to remedy.

² And also within East Asian political culture itself. Although there has been extensive debate concerning the extent to which Western normative conceptions of rights can be applied to Asian nations (the 'Asian Values' debate) the East Asian region *does* have an indigenous discourse asserting rights of expression and association and so forth.

Context

To understand the role of intelligence agencies and their oversight it is necessary to understand the role of political power and its affect on law in the Republic of Korea (hereafter South Korea). The development of political power in South Korea saw the creation of a powerful intelligence establishment. This dominated the development of law in South Korea.

South Korea became a sovereign nation in 1948. A period of democracy lasting from 1948-1961 ended in a military coup. From 1961-1987 the military effectively ruled South Korea. During this period the role of the intelligence establishment was massively expanded. National security was a priority. North Korea and most domestic dissent was regarded as a national security threat.

Following the military coup of 1961 which terminated the democratic period of Syngman Rhee (1948-1960) and Chang Myon (1960-61), the South Korean conception of national security drew on the Japanese notion of "Rich nation, strong army" - industrial development as the guarantor of military capability, social cohesion and thus national security. Labour was repressed and excluded. Businesses were also controlled and threatened in the development of "national capitalism." Other civil society groups were tightly regulated, as was the media. In the early 1970s South Korea's 'managed democracy' was replaced by a national security state due to a domestic political crisis coupled with the worsening external situation (increased North Korean activity, and Nixon's planned withdrawal from direct US involvement in East Asian security). The need to marshal society in the Heavy Industry 'Big Push' of the 1970s, another component of national security, also played a role. The existing large security establishment was expanded and its power increased, a power which remained intact until democratisation.

Thus during the 1970s, the national security state, and the subsequent repressive regime of Chun Doo Hwan built upon the existing National Security Law, erecting a security infrastructure of incredible scope and power centred around a strong executive. The security ideology of Park Chung Hee, which involved disinformation, propaganda campaigns and the militarisation of society remained an influential one (Sohn,1989). Groups opposing national development and the adoption of a strong

front towards North Korea - and the two were often viewed as combined - were defined as subversive, for example labour and student organisations.

The legal system developed in the shadow of national security politics. Laws did not function as guarantors of individual or collective rights. Law was subordinated to political authority and the strategy of the moment. The National Security Law (NSL), inherited from Syngman Rhee, contained an extensive definition of national security, with severe penalties for generously defined "anti-state" activity. Most anti-government actions and expressions could be construed as "aiding the enemy" i.e.. North Korea. A series of subsequent laws, including the set strict limits and penalties on a wide range of political behaviour which could be deemed a threat to national security, or - very closely linked to this - a threat to social/political order.

Nevertheless, the South democratised in 1987. Remarkably successful economic development had given rise to various groups and strengthened others. Although still weak compared to the strong, pervasive state, these groups could at times effectively mobilise to force political change: sustained protests by the civilian opposition forced Chun Doo Hwan (in power from 1980-1987) to institute a genuine democratisation process. (For an account of the South Korean democratisation process see Johnson, 1989; Han and Park, 1993). President Roh Tae Woo was elected in 1987, followed by Kim Young Sam, elected in 1992, Kim Dae Jung, elected in 1997 and Roh Moo-hyun, elected in 2002.

The Development of the National Security Establishment

In terms of organisation, following the military coup of 1961 the existing intelligence establishment was reorganised and expanded, with military agencies providing the backbone. The Korean Central Intelligence Agency, founded in 1961, had responsibility for domestic and international intelligence gathering and anti-subversion, and stood as the main organisation investigating crimes of subversion as defined in the NSL and other security legislation. Built up from the 3,000-strong Army Counter Intelligence Corps, by 1964 the KCIA had 370,000 employees (Kim, 1976, p.234). It grew into a power base in its own right during the late 1960s and 1970s, with each of its directors challenging for influence in the government structure. In 1979 the then head of the KCIA, Kim Chae Kyu, killed President Park Chung Hee (in power from 1961-1979) after which the KCIA underwent a name change to the

Agency for National Security Planning (ANSP) and reform under President Chun Doo Hwan. Its authority re-emerged in the 1980s, though this time not as an independent power grouping but under the President's wing, as it had been in the early 1960s. The agency in its various forms has had 27 directors, 20 of whom have come from the military.

Chun Doo Hwan's military coup in 1980 led to an increased role for military intelligence in the form of the Defence Security Command (DSC), Chun's initial power base. Chun had headed the DSC under President Park Chung Hee and used it as a platform from which to mount a coup in 1979-80, following Park's death (Kim,1989, p.264). Modelled on the example of centralised political organisation set up by the nationalist Chinese in Taiwan, the DSC had been created to monitor activities inside the military itself, and to prevent external subversion of the military (US DoA, n.d.). In practice through its Directorate 2, the DSC expanded into the surveillance of political parties, universities and the media (FEER) 1.4.1993). Almost every media organisation contained DSC officials.³ Finally, in 1970 the Combat Police Organisation Law established a combat division to counter infiltration and engage in riot duties. Although subsidiary to the military and intelligence agencies, the division constituted a powerful grouping within the state (Lee,1993, p.303). Generally "The police constitute(d) a highly centralised national paramilitary force directly linked to the President of the Republic" (Lee,1993, p.307). Chun Doo Hwan expanded the combat police from 20,000 to 120,000 during the 1980-1986 period (Kim,1989, p.264).

External Threat

South Korea faced a consistent external threat from North Korea (Democratic Peoples Republic of Korea). Following the termination of the Korean War in 1953, the North embarked on a series of probing missions, involving commando raids on the South Korean Presidential residency, the Blue House in 1968, digging tunnels under the DMZ in the 1970s, and terrorist attacks in the 1980s both abroad and on South Korean airlines. In addition lower level North Korean infiltration has included spy

³ author interview K. Kaliher, Chief of Research, Office of the Special Advisor to the C-in-C, United Nations Command, 8.11.1994. The opinions expressed were personal and not official. The DSC was dominated by members of the *Hanahoe* society, led by Chun.

missions, the establishment of long term agents in the South, and the funding of political movements and individuals sympathetic to the North.

Reform and Democratisation: Reducing the Remit of the Security Services

Following democratisation reforms were aimed at the security/intelligence establishment. Under President Roh Tae Woo (1988-1993) the ANSP was gradually weaned away from domestic overt and covert operations. In 1988 the Agency removed its agents from the Seoul Criminal Court and Supreme Court (US DoA, n.d.). Seventy percent of the top echelon were replaced by younger, more professional officers, a process continued by Kim Young Sam (FEER 30.12.1993-6.1.1994). Outside pressure also contributed to reform. The 1988 National Assembly elections had seen the ruling party lose its majority. Opposition parliamentarians pressured the government to accelerate reforms, which aided those reformers in the ruling party itself. Though the ruling party regained its majority in 1990, other figures continued the pressure to reform, particularly the thirty or so generals and ex - security service figures who had joined the opposition following democratisation.⁴ These actors attempted to bring the ANSP under parliamentary scrutiny, which would go some way towards the establishment of an effective oversight committee.

The NSL was reformed in 1991 to limit the applicability of some of the more extensive prohibitions on political activity, since much normal political activity had been classed as a threat to national security under the NSL. Further, after 6 years of negotiations (1988-1994) between the opposition and the government the National Security Planning Agency Act stripped the Agency of powers to investigate crimes defined in Article 7 (praising or sympathising “anti-state” groups) and Article 10 (failing to inform the authorities of “anti -state” group activities under articles 3, 4 and 5.1) of the National Security Law⁵ which had given impressive scope for Agency

⁴ author interview K. Kaliher, Chief of Research, Office of the Special Advisor to the C-in-C, United Nations Command, 8.11.1994. The opinions expressed were personal and not official.

⁵ Article 7 of the National Security Law contains penalties of up to 7 years for those convicted of praising or encouraging, disseminating or cooperating with anti-state groups or those under their control. Article 10 concerns the failure to inform on those engaging in various forms of anti-state activity (Article 3 covers forming “anti-state” groups, Article 4 applies to the commission of “anti-state” acts, and Article 5 covers aiding “anti-state” groups) and carries a penalty of 5 years imprisonment.

investigations of domestic political and social groups [see appendix one]. However these powers were restored with the support of the executive in 1997.

Parliament was also empowered to review the ANSP's budget, important, since according to opposition reports it spent nearly 2% of the national budget in 1992 (FEER, 30.12.1993-6.1.1994). Under Kim Young Sam an Intelligence Committee was established in the National Assembly to supervise the ANSP's budget and planning (Chin,1994, p.11). Kim also continued the reforms aimed at weaning the ANSP from excessive domestic political intelligence activities. After assuming office, Kim named Professor Kim Deok of Hankuk University of Foreign Studies as ANSP director. Kim Deok recalled agents inside social, political and economic organisations, instructing them to keep to their legally defined activities (FEER, 11.3.1993) and further reduced their remit of domestic operation.⁶ In 1992, Lee Jong Chan, former officer in the ANSP and then ruling party Presidential candidate had said: "The NSP has to change from being a SAVAK to a Mossad," i.e.to a professional agency with a demarcated legal-institutional footing (quoted in FEER 15.10.1992). This had certainly been the theoretical result of the reform processes initiated since 1987, but the extent to which this occurred in practice will be examined in later sections.

The election of Kim Dae Jung as President in 1997 facilitated more change. An opposition politician of long standing, Kim Dae Jung had been the target of the intelligence agency in the 1970s and 1980s, and had been sentenced to death for anti-state activities. Kim appointed Lee Jong Chan as ANSP director. Lee was a reformist politician who had previously been an ANSP official. Lee replicated the reforms of Kim Young Sam in the early 1990s. With executive backing, Lee removed top officials and encouraged others to tender resignations. As a result nearly 25 top officials left the ANSP. Other officials were reshuffled. In 1999 the ANSP's name was changed to the National Intelligence Service (NIS). Lee began a process of organisational change, attempting to further move the ANSP away from domestic operations and criminal investigation and towards intelligence gathering and the analysis of international (North Korea and others) developments and threats.

⁶ author interview K. Kaliher, Chief of Research, Office of the Special Advisor to the C-in-C, United Nations Command, 8.11.1994. The opinions expressed were personal and not official.

Roh Tae Woo reduced the DSC's influence and made its command a less prestigious post.⁷ DSC agents were withdrawn from the National Assembly in 1988 (US DoA, n.d.). As with the ANSP, opposition pressure increased the reform drive. The DSC was first subjected to parliamentary scrutiny in 1988, and then again in 1993, this latter process led by a ruling party politician who had once been interrogated and tortured by DSC agents. Kim Young Sam intensified the reforms, immediately replacing the commander of the DSC and moving the DSC under the jurisdiction of the Defence Ministry, rather than the Presidency, and planning a reduction in the DSC's staff from 6,000 to under 5,000 (FEER, 28.10.1993). From 1993 the DSC did a successful job of dismantling the *Hanahoe*, *Aljahoe* and 40 other unofficial societies inside the military.

Reform of the intelligence bureaucracy thus involved the demarcation and limitation of the operational area of intelligence activities, a necessary task since the remit of the ANSP and DSC had been so broad in the past. Reforms were instituted from the presidency, and through pressure by the opposition and some ruling party politicians themselves, some of whom had been formerly in the intelligence services or military. There is no doubt these reforms have had a substantial effect in contributing to the political opening of the system. Not only were security agency operations limited in law, they are open to challenge. Perhaps one sign of the changes lies in the number of former members of the military and ANSP who have joined opposition parties and who can give comment and evidence on intelligence operations. The ruling party has also predictably taken in former members of the ANSP but also former radicals who were subject to the Agency's attentions in past decades. Further, the actions of the ANSP have become more open to scrutiny by the media. As the subsequent sections will demonstrate, some security service operations have been exposed through a series of public scandals involving the presidency, the ANSP/NIS itself, and the political elite. However there are important areas of NIS structure, remit and operations which could be the subject of reform. The debate over reform often provokes political disagreement. However, the agreement for reform often stretches across the political spectrum.

⁷ author interview K. Kaliher, Chief of Research, Office of the Special Advisor to the C-in-C, United Nations Command, 8.11.1994. The opinions expressed were personal and not official.

The Current Situation

The NIS

The NIS basic structure consists of one director three deputy directors and an executive director. The executive director heads administrative support. The three deputy directors each head one of the three major sections of the NIS: **international affairs; North Korea affairs; and domestic affairs**. Each section is itself divided up into relevant bureaus. For example the **domestic affairs section** has an **anti-communism** bureau, investigating long term DPRK agents inside the South; [and an **economic department** within the anti-communism bureau]; a **political department**, which gathers intelligence on political fund gathering [a source of corruption and links to the DPRK] and public/political individuals; whilst the **media department** collects information on TV and newspaper companies.

Each section is responsible for collecting information, planning and co-ordination, threat assessment and counter-intelligence and criminal investigation. The NIS has powers to get information from Ministries and other government agencies. The NIS has criminal investigation powers in areas related to national security. In practice this is a wide remit. Laws covering national security such as the National Security Law (hereafter NSL) and the Military Security Protection Law are wide in scope [see appendix one]. The NIS has around 7-9,000 members

The NIS works with the Supreme Public Prosecutor's Office, whose Public Security Department deals with national security and espionage cases. South Korea operates a US influenced system of criminal investigation: the police and NIS co-operate with an independent Prosecutorial organisation. The Prosecutor General's Office reports to the National Assembly on violations of the NSL.

Areas of Concern

Despite the reforms under Presidents Kim Young Sam and Kim Dae Jung, the ANSP/NIS continued to engage in political activities. Despite Kim Young Sam's policy of moving the ANSP away from domestic political matters, the ANSP was accused of attempting to smear Kim Dae Jung before he was elected in 1997, and ANSP officers were convicted of corruption related offences involving the activities if

important figures in the executive and legislature. Similarly under Kim Dae Jung, NIS officials were convicted of corruption related matters. As examples:

Corruption

Kim Ki-seop, head of policy planning and co-ordination in the NIS under President Kim Young Sam (1993-1997) worked with the President's second son to facilitate political influence peddling. The former director of domestic intelligence at the NIS and his subordinate were convicted of offences concerned with bribery and exercising undue influence on behalf of a business figure during the Kim Dae Jung administration (1998-2003) (Won-bae Kim, 2002).

Human Rights

The NSL remains an extensive piece of legislation. All democratically elected Presidents have promised to reform the NSL but in practice reform has been limited. For example, as mentioned above, President Kim Young Sam reversed some of the reforms to the NSL in the later 1990s, returning powers of investigation to the ANSP/NIS. Provisions of Article 7 of the NSL are held to be in contradiction to the International Covenant for Civil and Political Rights, to which South Korea assented in 1990 (Amnesty International, 2002, p.3).

The NIS has been found to have illegally telephone-tapped media figures, National Assembly politicians, Presidential advisors and businessmen. Recently, the opposition Grand National Party alleged that the NIS ran 3000 telephone taps per day (Lee,2002).

Evaluating Oversight/Accountability

Agency Heads

The head of the NIS is appointed by the executive (the President). Until recently the legislature (National Assembly) had no role in this. The legislature now holds confirmation hearings but cannot block an appointment. The NIS head can be removed by the President. The head of the NIS is a legal person. The head of the

NIS appoints senior officials, including the executive director (who heads administrative support) and the three most important positions the deputy directors of international affairs; North Korea affairs; and domestic affairs.

Executive Control

General

The nature of executive control cannot be understood without brief reference to the South Korean constitution. The executive (the Presidency) has significant power. The power stems from the scope for executive decisions, particularly in the area of appointments to government and the legal system. The legislature (the National Assembly) has limited powers, although it can check the executive in certain areas. The judiciary is to some extent overshadowed by the executive. Whilst in national terms the presidency can become a 'lame duck' administration due to perceived policy failure, crisis and National Assembly and media pressure, the executive remains a powerful force in the day-to-day operations of government and state administration.

Executive control of the NIS is strong in formal and informal terms. In the past this led to complaints that the NIS sees its first duty as loyalty to the president. There is little or no transparency or accountability of the executive in its control of the NIS. A recurring problem is the use of the NIS by the president or family members for illicit purposes. Such scandals have been evident in all Presidencies in the democratic era [1987-2002].

Previously the heads of the Office of National Tax Administration (ONTA), the National Police Agency (NPA) and the NIS were not only appointed by the executive, they remained personally close to the executive. These posts remain executive appointments. The Minister of Justice is also appointed by the executive and this official controls/influences whether the prosecutor-general launches investigations. Thus the higher reaches of the national security establishment are approved by the executive and decisions on criminal investigations related to national security are undertaken by individuals appointed by the executive.

The President appoints a national security advisor, a cabinet level post, which is not subject to assembly approval. The President receives intelligence briefings directly from the director general of the NIS [this may change in the future].

The NIS is separate from the military. The military has its own intelligence agency, the Defense Security Command (DSC). Both agencies may work together when necessary. (The Defense Ministry nominates the head of the DSC, whom the President normally accepts. In 2003 for the first time the recommendation was rejected, as the President felt the nominated head did not agree with the President's plans for intelligence reform [Joongang Ilbo, 2003a]).

The NIS is separate from the police. Where the agency and the police conflict the agency has priority. There are few agreed standards of performance for results or compliance with law and policy. Parliament, parts of the media and interested civil society groups currently see this as an area in need of reform.

Safeguards to prevent the use of agencies by members of the government against domestic political opponents were introduced in the 1987-1992 National Assembly. These were reforms to the National Security Law and administrative instructions from the then head of the NIS. However control depends on the head of the NIS being aware of transgressions.

Subsequent incidents have revealed the NIS still targets political opponents of the executive such as politicians, political activists, the media and trade unionists.⁸ It should be pointed out that as well as opponents of the government, the NIS has allegedly acted on its own initiative against political figures it deems to be threats to national security.

The Government does not appear to have a regular independent means of checking upon the work of the NIS. Indeed, the government is in one sense a source of the problem in that executive control of the NIS is evident. This is a subject of calls for reform.

⁸ Confidential author interview with trade union federation official, Seoul, February 1999. Plus subsequent media reports and Amnesty Reports e.g. Amnesty International (2002, pp.2-5).

Checks that do exist include the fact that the executive, through the Minister of Justice, can encourage the Prosecutor's Office to initiate investigations into senior NIS figures. In addition, until it was abandoned by President Kim Dae Jung in 2000 a special police unit, headed by the senior Presidential Secretary for Civil Affairs could initiate investigations of Presidential family members, senior government, bureaucratic and political (including opposition) individuals. Incoming President Roh plans to revive the unit (Joongang Ilbo 2003b).

Evaluative

The current arrangements do not constitute a clear structure of accountability, either politically or in terms of measuring agency efficiency. The relations between the executive and the agency often remain personalised and secret. What one might term network politics is influential. There is a lack of clarity in roles and responsibilities and reporting.

Policy and Tasking

The work of the agency is influenced by executive/ministerial/policy formal and informal networks. The relations involving the agency are personalised.

Executive control does not make sure the agencies function properly; indeed some pressures for intelligence agencies to act improperly actually come from the executive or individuals close to the executive. The NIS is responsible for national intelligence assessments.

National intelligence assessments do not generally stem from interdepartmentally agreed assessments; some organisations and individuals are important in influencing national intelligence assessments. These include the executive, certain advisors, the senior officials in the NIS itself, military intelligence and other influential individuals who may not occupy a relevant post but are important advisors. Bilateral relations are authorised by the executive and supervised by the executive.

There is a plan to place the NIS under the remit of the Board of Audit and Inspection. The Board of Audit and Inspection is an independent constitutional agency, which

currently undertakes financial and performance audits of central and local government agencies, government invested agencies, and agencies which request audits. It reports to the executive and the National Assembly. It can recommend remedial action and reparation.

Evaluative There is no clear framework for the direction of intelligence agencies' work related to the needs of government and its 'customers.' A national security model is influential: the executive is central in deciding intelligence priorities as well as the NIS itself. The NIS has an impressive record in countering external and internal subversion. NIS work responds efficiently to executive priorities and to its own well developed perception of national security. The question is whether these priorities are always appropriate.

Legislation

In terms of whether intelligence services have assurances of the legality of actions they take, here the central controversy is the wide legal scope provided for NIS actions by the relevant national security laws, such as the National Security Law (NSL) and the Military Security Protection Law.

The main law covering the powers of the intelligence agencies is the NSL. This is a law which is very wide in scope and covers an extremely wide definition of offences which the NIS is empowered to investigate [see appendix one]. For example the 'anti-state' acts clause is an elastic term which can cover many acts which in other nations would simply be classed as political activities, and might attract only surveillance.

The NIS also undertakes acts which its officers know to be illegal, such as the telephone tapping and opening of individuals' mail.

The most intrusive measures do not require the minister's signature. They require approval from the relevant senior official within the domestic or foreign branch of the NIS.

There is theoretically regular feedback on the use of powers within the NIS. However one of the main complaints concerning the NIS is that the senior management are often circumvented by internal unofficial networks of agents whose loyalty is based on regional and school alumni ties, both of which are extremely important in South Korea.

Evaluative There are not clear limits that balance ministerial control but also protect against political abuse. This is the case in legal terms and also unofficially. Legally the NIS is bound to the executive; legally the executive has great political power. Legally the NIS has great power. Unofficially the executive has significant influence over the NIS, and the NIS itself has significant influence in terms of investigative and other actions. This raises non-legal political and security judgements as to the appropriate levels of accountability.

Independent Supervision

The review mechanisms for the intelligence service are internal and external. Internally there are chains of command within the domestic and foreign branches which review intelligence operations. Externally the NIS reports directly to the executive. There is also an Intelligence Committee in the National Assembly which oversees the main issues relating to NIS operations.

There are no independent committees or boards mandated to control and supervise NIS operations. There is a government proposal to place the NIS under the remit of the Board of Audit and Inspection.

Evaluative Current independent mechanisms to assess NIS compliance with the law, assess management performance and scrutinise accounts are weak. One of the problems is, as stated, that the laws governing national security and NIS operation give the NIS very broad powers. Significantly many of the noticeable debates concerning the role of the NIS arise from a non-specific source such as National Assembly members, media reports and the actions of civil society groups.

Legislative Oversight Bodies

The National Assembly

Previously the heads of the ONTA, National Police Agency and the NIS were not only appointed by the executive, they remained personally close to the executive. These posts remain executive appointments. The Minister of Justice appointed by the executive and this controls/influences whether the prosecutor-general launches investigations. Thus the higher reaches of the national security establishment are approved by the executive and decisions on criminal investigations related to national security are undertaken by individuals appointed by the executive.

There was no confirmation hearing for the head of the NIS before the National Assembly until 2003. The executive can still proceed with the appointment despite National Assembly opposition. The National Assembly Intelligence Committee can call the nominated head before it for a hearing but, like the full National Assembly, cannot block his nomination.

Other senior NIS appointments are not subject to National Assembly confirmation hearing.

The Prosecutor General's Office reports to the National Assembly on violations of the NSL. As mentioned the relevant division of the Prosecutorial system works with the NIS on the investigation of relevant crimes.

The Parliamentary Oversight Committee

The National Assembly's Intelligence Committee was formed in 1994. It is a standing committee. It has 12 members. Numbers and functions are determined by Assembly regulations. The committee has ruling and opposition party members. Currently the committee is composed of 6 ruling party (Millenium Democratic Party) and 6 opposition (Grand National Party) members. The head is from the Ruling Millenium Democratic Party. The members elect the chairman. The chairman controls proceedings and officially represents the committee. The committee examines bills

relevant to national security and provides commentary on these. The Committee holds hearings for individuals nominated for senior positions in the NIS.

The Committee produced a formal report backed by a unanimous vote rejecting the nomination of Ko Young-Koo as head of the NIS, and also suspended its operation in protest at this and one other nomination for the senior positions in the NIS, who they view as having a history of academic sympathy with North Korea (Lee,2003; Park, 2003).

The Committee can interview members of the NIS. The results are not made public. The exception has been the 2003 interview with the nominated head of the NIS. The Committee does not have the power to subpoena witnesses.

The Committee receives reports from the NIS on intelligence matters. These include reports on the national security situation both domestically and with reference to North Korea. There has been criticism of the quality of intelligence presented to the Committee:

“There used to be a lot of second and third rate information first reported in the media and then repackaged and delivered to the committee” - GNP Intelligence Committee member Hong Joo-pyo (quoted in Lee, 2003).

In terms of inspecting premises, Intelligence Committee members or other National Assembly figures apparently have limited scope to investigate interrogation centres used for national security investigations. For example the interrogation chambers in the Seoul District Prosecutor’s Office were established in 1989. They were only inspected twice in 1996 by National Assembly members; and after the death of a detainee. NIS figures accused of crime were interrogated there, as well as those accused of crimes under the NSL (Chang,2002).

Judicial Oversight

Constitutional Court

The Constitutional Court was established in 1988 as a result of the democratisation process and acts as a body of judicial review. The Court interprets the Constitution

and interprets statutes in terms of their Constitutionality. The Court has nine justices, serving terms of 6 years which may be renewed.

A topic of concern is the fact that the Constitutional Court's decisions are not adhered to in practice. Since 1988 the Court has struck down in whole or in part 269 statutes. However approximately 50 of these have not been changed by the National Assembly. This figure includes more than 12 laws in the last two years.⁹

The Constitutional Court declared in an appeal judgement in 1992 that the provision on the NSL which allows detention of suspects for 50 days before charge was unconstitutional. The National Assembly has never reformed the NSL in accordance with this or many other judgements on criminal investigation which the court calls unconstitutional.

Other Bodies

The Presidential Truth Commission on Special Deaths was established in 2000 by law. Its establishment was proposed by then President Kim Dae Jung. The legislation establishing it and providing it with powers was approved by the National Assembly. Its mandate ran until 2003 when its term expired. Examined 80 suspicious deaths under previous authoritarian governments, many allegedly involving the intelligence agencies. This had more power than the Intelligence Committee. However it did not have power to subpoena witnesses, nor government officials. Nevertheless 53 cases were completed, including 24 convictions of agents of the KCIA and ANSP [previous forms of the NIS]. 20 cases were left unresolved. According to members of the Commission, the police, military and NIS were uncooperative in producing relevant witnesses and documents.

Kim Dae Jung established a *National Human Rights Commission* which examines relevant legislation, comments on it, and generally raises the profile of human rights issues. However it was ignored concerning the 2002 Terrorism Prevention Bill, which it argued was unnecessary considering the existing wide provisions of the NSL. This bill fell due to the subsequent Presidential election.

⁹ Cited in a review by National Assembly member Hee-ryong Won, of the opposition Grand National Party, quoted in Won-bae Kim 'Assembly slow to change laws' Joongang Ilbo 17.9.2002.

Civil Society

South Korea has a tradition of vigorous civil society activity. Many civil society groups have highlighted the lack of accountability of the Korean political system generally, and of the National Intelligence Service in particular. Such groups include the left leaning Peoples Solidarity for Participatory Democracy (PSPD) and Lawyers for a Democratic Society. The media, including mainstream newspapers, have continually highlighted issues concerned with NIS accountability, efficiency and probity (including the role of serving and former NIS officers in corruption scandals).

In international terms, a range of organisations have focused their attention on the operation of the NIS and the NSL, including Amnesty International, Human Rights Watch.

Civil society agencies in effect function as an ad-hoc form of accountability. These groups, particularly the media have often successfully pressured for investigations and prosecutions, on issues such as corruption and human rights. Of course civil society activity itself raises general and specific problems: civil society groups are self appointed; they are not themselves rigorously accountable.

General

Current Reforms

Current reforms do not seem to be aimed at increasing the oversight and accountability of the NIS. Rather they are aimed at more fundamental organisational and functional change, which in time should have the effect of reducing some accountability problems. For example, particularly since 1999 political debate has concentrated on what functions the NIS should actually have. Recent and planned reforms aim to move the NIS more to an intelligence gathering and analysing agency, rather than an agency involved in criminal investigation. This should reduce some of the controversies over NIS accountability by taking away controversial areas of operation.

Thus, Ko Young-hoo, the nominee for the head of the NIS has stated:

“It is not desirable for the intelligence body to abandon all of its investigative authority, but the right to investigate domestic related security crimes will be discarded” - (Controversy erupts over National Security Law Korea Herald 23.4.2003).

Powers to investigate domestic subversion and the violation of security related laws may be transferred to the NPA and the Public Prosecutor’s Office[s].

Other areas of operation are being taken away from the NIS remit. For example, a new national crisis bureau is to be established to collect and analyse information on national crises and prepare prevention and reaction plans. Although NIS officials will play a significant role, this was a task previously undertaken solely by the NIS (Lee, 2003b). In addition, the police are to expand their intelligence gathering and analysis functions to identify possible areas of social and political conflict and develop responses to these (Yoon, Chang-hee Police to expand intelligence units Joongang Ilbo 29.7.2003).

In addition procedural reforms may help to distance the NIS from its close position to the executive, a central problem identified by this report. Thus it is proposed that newly elected President Roh will not receive intelligence briefings directly from the NIS.

Summary

Positive Developments

South Korea has made important progress in the areas of human rights, reform of the actions of police and intelligence agencies, and oversight and constructive criticism of these agencies. This is true in its own right, but it is particularly impressive given South Korea’s political and legal history. This saw the military, the security and intelligence establishment wield enormous power from the 1960s up until the late 1980s. Despite the criticisms made in this report, the reforms which have taken place in South Korea are, in this context especially remarkable.

There is a vigorous debate in parliament, the media and in civil society about the role of the NIS in South Korea. Further, a number of serving and ex-NIS figures have been convicted of criminal offences after vigorous investigations and prosecutions. The Presidential Truth Commission on Special Deaths has made a significant contribution to investigating alleged past abuses by officials, including those from the NIS. Current reforms aimed at further professionalising the NIS will hopefully sustain a process of reform.

However, NIS accountability and oversight is not at a stage that is appropriate to answering many of the questions posed in the report guidelines. The problem is that the level of accountability of the NIS is fundamentally affected by South Korea's system of government, political culture and legal environment. These structural factors will govern the development of accountability and oversight.

Structural Factors Inhibiting Reform

South Korea's political system overshadows structures of accountability that may develop. That is, the power of the executive is officially and unofficially strong. The president makes high-level intelligence appointments, has a close relationship with senior NIS officials and receives direct information and makes input on intelligence operations. The NIS is closely bound to the executive, both formally and informally. Thus whilst pressure to reform the NIS comes from the executive, in a sense this perpetuates the problem. The need to reform the powers of the executive is one reason why there is recurring debate about the possibility of moving to a cabinet system of government in South Korea.

Indeed, despite democratisation, the political system is still managed by existing (state) elites who employ the security services as part of their strategy of control. South Korean democracy can be included under the rubric of "illiberal democracy," a more open political system but one still characterised by the ideas and imperatives of social control (often underpinned by Confucian ideology.) In this corporatist system state elites have the deciding voice in matters of social concern and national policy, over the wishes of business, organised labour and other civil society groups (Bell et al, 1995). Democracy in this sense, whilst tangible and genuine, is also a system in which existing elites seek to maintain control. The security services are a part of this

process: the NIS is thus embedded in a bureaucratic and politicised system of government which influences its priorities and operations.

Civil society and the media remain important areas of unofficial oversight and accountability which complement the weak executive and parliamentary systems.

Therefore increasing oversight and accountability in South Korea cannot solely be based on strengthening the powers of the Intelligence Committee. Certainly oversight must be strengthened, including rights of appeal, more evaluation, internal authorisation, efficiency, monitoring etc. However the main route for reform must be based on further professionalising the NIS itself and reviewing its extensive legal and administrative powers. Whilst there has been progress with the former, the NIS' powers are likely to remain substantial.

The Threat from the DPRK

Since the scope of national security politics remains wide the role of the NIS is extensive, and 'Western-style' accountability systems cannot reasonably be introduced. In this sense the case for exceptional national security legislation and a major role for the NIS remains a necessity. The South faced, faces a very real security threat from North Korea. This threat operates on a number of levels - a clear conventional threat, a middle-level threat from insurgencies, a threat from terrorist operations, and a more subtle threat from espionage and subversion through agents and political movements in the South. It is this context which must always guide judgements about the reform of intelligence in South Korea. In this respect this paper rejects the idealist model of evaluating intelligence:

The analysis of the role of intelligence agencies must take account of the political, legal and social *context*. It is not helpful to view security/intelligence agencies in an isolated manner. The wider social matrix within which the intelligence establishment operates requires identification. This avoids the dichotomy of the "Idealist" approach (concerned with the morality of intervention and accountability) and the "Realist" approach (focused on performance to the exclusion of wider issues) often associated with studies of intelligence agencies (Robertson, 1987, p.98).

Recommendations for Reform

NIS

Continue organisational reform of the NIS e.g. moving the criminal investigation of domestic to the police; Strengthen internal lines of management in the NIS, including the sanction of the use of powers by senior NIS officers; Improve intelligence analysis and targeting to ensure domestic political activists are not unreasonably surveilled.

Legal

Develop procedures to ensure Constitutional Court decisions on national security related matters are given priority; Legal reform to the NSL to introduce a reasonable definition of national security, along the lines of that operating in Canada.

Oversight

Strengthen the National Assembly Oversight Committee: increasing staff and resources and possibly introduce power to subpoena witnesses; Involve the Bureau of Audit and Inspection in the evaluation of NIS operations. However this must be restricted to matters of general public sector efficiency. The BAI should not have access to classified intelligence product; The introduction of an appeals or oversight body e.g. along the lines of a surveillance commissioner in the United Kingdom; Consider establishing an independent oversight body for all intelligence matters; Or strengthen the National Human Rights Commission, so that its recommendations of national security related matters are binding; Consider reactivating a commission along the lines of a Presidential Commission on Suspicious Deaths, but perhaps with a wider remit e.g. dealing with Human Rights Infringements.

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Appendix One: The National Security Law

Author Note : This translation covers up to 1994. The NSL was redrafted in 1994 to remove the ANSPs role in investigating crimes under a.7 and a.10 AND in 1997 to restore the ANSPs role in investigating crimes under a.7 and a.10.

S Korea's National Security Law

Editor's note: This is an unofficial translation of the National Security Law (see below for the original document). The sole purpose of this translation is to make the main gist of the Law available to our non-Korean readers. The readers are fore-wa rned that this English version is neither an accurate nor a legal representation of the Law. Several sections and paragraphs dealing with purely prosecutor matters are omitted. Some of the legal terms used here may not be precise or legally correct.

Chapter 1: Preamble

Article 1: Objectives

1. This Law is to suppress anti-State acts that endanger national security and to ensure nation's security, people's life and freedom.
2. Interpretation and application of this Law shall be limited to the least measures required to achieve the objectives of (1) above and any expanded interpretation of this Law or infringement of the basis citizens' rights guaranteed by the Constitution shall not be permitted.

Article 2: Definitions

1. The term "anti-State groups" refers domestic or foreign organizations or groups whose intentions are to conduct or assist infiltration of the Government or to cause national disturbances. (Revised 91.5.31)
2. Invalidated! (91.5.31)

Chapter 2. Crimes and Punishments

Article 3: Forming anti-State groups

1. Those who organize, or join, an anti-State group shall be punished as follows:
 1. Death or life imprisonment for the chief instigators or organizers.
 2. Death, life imprisonment or minimum five years in prison for leadership cadres.
 3. Minimum 2 years in prison for lesser members.
2. Minimum 2 years in prison for those who encourage others to join an anti-State group.

3. Those who violate [1] and [2] shall be punished.
4. Minimum 2 years for those who plan or contemplate a [1.1] or [1.2] crime.
5. Maximum 10 years in prison for those who plan or contemplate [1.3]. (Revised 91.5.31).

Article 4: Commission of anti-state acts

1. Members of an anti-State group or those who are under the influence of an anti-State organization who commit an anti-State act shall be punished as follows: (Revised 91.5.31)
 1. Those who commit an act as defined by the Criminal Codes articles [92], [97], [99], [250.2], [338] or [340.2] shall be punished as set forth in the Codes.
 2. Those who commit an act as defined by the Criminal Codes article [98] or who access, gather, leak, transmit or compromise a national security secret shall be punished as follows:
 3. Death or life imprisonment if it involves a military secret or information which is critical to national security and restricted to government authorities.
 4. Death, life or minimum 7 years in prison if it involves other military or national security secret.
 5. Death, life or minimum 10 years for violating Criminal Codes [115], [119.1], [147], [148], [164] or [169]. [177.1] or [180]. [192] or [195]. [207], [208], [210], [250.1], [252], [253], [333] or [337], [339] or [340.1, 2]
 6. Death, life or minimum 5 years in prison for destruction of public or government buildings or other structures essential for transportation, communication; abduction or seduction of officials; or theft or removal of ships, airplanes, automobiles, weapons or other materials - related to the fore-mentioned functions.
2. Minimum 3 years in prison for acts defined in the Criminal Codes [214] or [217], [257] or [259] or [262]; or theft, removal, counterfeit, alteration of state secret documents or materials.
3. Minimum 2 years in prison for promoting or propagating acts defined in [1] or [5] or for creating or spreading false rumors aimed at causing social turmoil.

Article 5: Willful help or provision of money and materials

1. Those who on their own will aid anti-state groups or members or those who are under their control and commit acts as defined in [4.1] shall be punished as set forth in [4.1].
2. Up to 7 years in prison for accepting valuables from anti-state groups, members or those under their control knowing that their actions will endanger state security or freedom and democracy. (Revised 91.5.31).
3. [1] and [2] crimes will be punished.
4. Minimum 10 years in prison for preparing or plotting acts defined in [1].

5. Dropped (91.5.31).

Article 6: Infiltration and escape

1. Up to 10 years in prison for those escape to or infiltrate from an area controlled by anti-state groups being aware that such acts will endanger the national security and the democratic freedom of the society. (Revised 91.5.31).
2. Death, life or minimum 5 years imprisonment for those who escape to or infiltrate in order to receive from, discuss with or execute anti-state acts for anti-state groups.
3. Dropped (91.5.31)
4. All [1] and [2] crimes will be punished. (Revised 91.5.31).
5. Up to 7 years imprisonment for those who plan or plot acts as defined in [1].
Minimum 2 years imprisonment for those who plan or plot acts as defined in [2] (Revised 91.5.31).

Article 7: Praising or sympathizing

1. Up to 7 years in prison for those who praise, encourage, disseminate or cooperate with anti-state groups, members or those under their control, being aware that such acts will endanger the national security and the democratic freedom. (Revised 91.5.31).
2. Dropped, 91.5.31.
3. Minimum of one year in prison for those who organize or join a group intending to commit acts defined in [1]. (Revised 91.5.31).
4. Minimum two years in prison for those who create or spread false information which may disturb national order as members of anti-state groups as defined in [3] (Revised 91.5.31).
5. Punishments as defined in [1], [3], or [4] for those who create, import, duplicate, possess, transport, disseminate, sell, or acquire documents, arts or other publications for the purpose of committing acts as defined in [1], [3], or [4] respectively. (Revised 91.5.31).
6. [1], [3] or [5] crimes shall be punished. (Revised 91.5.31).
7. Up to five years in prison for those who plan or plot acts defined in [3]. (Revised 91.5.31).

Article 8: Meeting, Corresponding and etc.

1. Up to 10 years in prison for those who confer, correspond, or communicate using other means with anti-state groups, members or those under their control, being aware that their acts will endanger the national security and the democratic freedom. (Revised 91.5.31).
2. Dropped 91.5.31.
3. [1] crimes shall be punished. (Revised 91.5.31).

4. Dropped 91.5.31.

Article 9: Aiding

1. Minimum five years in prison for those who knowingly provide fire arms, ammunition, explosives and other weapons to those who have committed or plan to commit acts defined in [3] or [8]. (Revised 91.5.31).
2. Up to ten years in prison for those who knowingly provide valuables or other monetary benefits or facilities for hiding, meeting, communicating, and contacting or provide other conveniences to persons who have committed or plan to commit acts defined in [3] or [8]. This punishment may be reduced or waved in cases involving family members. (Revised 91.5.31).
3. [1] and [2] suspects shall be punished.
4. Minimum one year in prison for those who plan or plot the acts defined in [1].
5. Dropped 91.5.31.

Article 10: Failure to inform

Maximum five years in prison or a fine of 2000,000 won for those who fail to inform the police or security officials of persons who have committed acts defined in [3], [4], [5.1, 3 and 4]. This punishment may be reduced or waved in the case of involving family members. (Replaced 91.5.31).

Article 11: Special duty cases

Up to 10 years in prison for security duty officials who continue in office while in contact with persons who have committed anti-state acts. This punishment may be reduced or waved in cases involving family members.

Article 12: False accusations

1. Persons who falsely accuse or falsify, hide or alter evidence to cause others to be prosecuted under this Law shall be punished as if they themselves have committed the acts.
2. Government employees, engaged in crime investigation or intelligence or those who support or direct these employees, who abuse their position to commit [12.1] acts shall be punished in accordance with [12.1] - except a minimum of two years in prison if the punishment is less than two years.

Article 13: Special provisions

The maximum penalty shall be death if a person, who has previously within the last five years committed crimes defined by this Law, the Military Criminal Codes [13], [15], or Criminal

Codes [2.1] civil disorder crimes, [2] external act crimes, commits act s defined in [3.1.3] and [3.2] or [3.5], [4.1.1], Criminal Codes [94.2], [97, 99], [99.2].Ù.

Article 14: Term reductions

Terms of punishment may be reduced for self-cognition cases. (Revised 91.5.31).

Article 15: Reward confiscation

1. If a person commit a crime under this Law and collects a reward under this Law, the reward will be confiscated. If it cannot be confiscated, the prison term will be extended.
2. Prosecution may order confiscation of smuggled goods and transfer to the state treasury.

Article 16: Reduction of punishment terms

Punishment terms may be reduced or waved under one of the following conditions:

1. Voluntary surrender after the commission of a crime under this Law.
2. Persons who have committed a crime under this Law and who turn in others who have committed a crime or impeded others from committing a crime under this Law.
3. Dropped 91.5.31.

Article 17: Other applicable laws

The Labor Management Law [9] shall not apply to those who commit crimes under this Law.

Chapter 3: Special Prosecutions

Article 18: Arrest and detention of witnesses

1. Witnesses to a crime who fail to appear before a prosecutor or a police investigator when ordered more than twice without proper explanations may be arrested and detained.
2. If necessary, witnesses to a crime under this Law may be detained at a nearby police station or other appropriate location on a temporary basis.

Article 19: Extension of detention period

1. District prosecutors may grant one-time extension of a person detention period as set forth in Criminal Prosecution Codes [203] of a crime suspect of [3] or [10] if the interrogators request such an extension and present sufficient cause for said extension.
2. District prosecutors may grant up to two extensions of a person detention period as set forth in Criminal Prosecution Codes [203] of a crime suspect of [1] if the interrogators request such an extension and present sufficient cause for said extension .
3. The detention extension of [1] and [2] above shall be limited to 10 days.

Article 20: Appeals

1. The prosecution may grant appeals in accordance with the Criminal Codes [51] to those who have committed a crime under this Law.
2. [1] appeals shall be void if no action is taken in two years.
3. If a person is granted an appeal and violates rules and regulations per supervision and reporting as set by the Minister of Justice, the appeal shall be voided.
4. In case of [3] above, apparels may be re-arrested in accordance with [208] of the Criminal Codes.

Chapter 4. Rewards and Merits

Article 21: Rewards

1. Persons who inform prosecutors or security officers of or arrest a person committing a crime under this Law shall be paid a reward bonus as set by the President.
2. [1] applies as well to security officers or police officers who search and arrest criminals under this Law.
3. [1] applies to cases in which suspects are killed or commit suicide in the course of their arrest.

Article 22: Additional rewards

1. 50% of monetary value of any property confiscated in connection with Article 21 may be added to the reward earned.
2. 50% of moneys, coming from anti-state groups, members or those under their control, turned into police or security officers may be paid to persons involved. This applies equally to persons who are members of or under control of anti-state groups.
3. The President shall determine all matters of requests and distribution of rewards.

Article 23: Compensation

Those who suffer loss or death while in reporting or arresting persons who have committed acts defined by this Law shall be compensated in accordance with the presidential decrees for the martyrs or their families appropriate for former or active members of the military and security agencies. (Replaced 91.5.31).

Article 24: National Security Service Recognition Committee

1. National Security Service Recognition Committee (hereinafter referred to as the Committee) shall be established under the Justice Ministry for the purpose of ascertain and determining [2.3] bonus qualifications. (Revised 91.5.31).
2. The Committee may request the applicants' presence or investigate their request; and may request government agencies for information appropriate to the investigation.
3. The Committee's composition and administration shall be determined by the President.

Article 25: Military Criminal Code applications

If a person who has committed a crime under this Law and who is under the jurisdiction of the Military Criminal Code [2.1] provisions, the prosecutor shall be deemed to a military court prosecutor. (Revised 87.12.4).

Epilogue

Article 1: Effective date

This Law shall become effective upon its promulgation.

Article 2: Anti-Communist Law

This Law supersedes the Anti-Communist Law which is abolished, except those who committed prior acts shall be prosecuted under the Anti-Communist Law.

Article 3: Other applicable laws

1. The Social Security Law shall be modified as follows: [2.3] shall be replaced as set below and [4] shall be dropped.
2. National Security Law [3], [9], Addenda [2.3] shall be replaced by [4] and [3] shall be modified as follows.
3. [Not included in this English translation - Translator]

Article 4: Process adjustments

1. Persons convicted under the prior Criminal Code [2.2] civil disorder crimes, [3] external crimes, prior National Defense Law [32], [33], prior Coastal Defense Law [8.2], [9], prior Emergency Situation Law special detentions, Anti-Communist Law, and prior National Security Law shall be deemed convicted under Criminal Codes [2.1] internal disorder, [2] external disorder, Military Criminal Law [13], [15] or this Law.
2. Prior convictions under the Special Crime Code [6] shall be deemed convictions under this Law.
3. Punishments executed under the Anti-Communist Law or the prior National Security Law shall be deemed punishments under this Law.
4. Bonuses and rewards earned per the Anti-Communist Law prior the enactment of this Law shall be processed using this Law.

Addendum - 87.12.4

1. This Law goes into effect on February 25, 1988.
2. Dropped [2] and [4].

Addendum - 91.5.31

1. This Law goes into effect upon its promulgation.
2. Acts committed prior to the effective date of this Law shall be prosecuted under the laws existing prior to this Law.
3. Persons who have been convicted of national security law violations shall be deemed as if convicted under this Law.



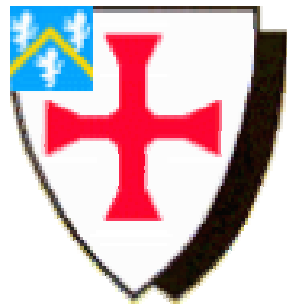
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