

# **Drug Control Policy in Korea**

**March 2004**

Written by Professor Byung In Cho

Visiting Scholar From

The Korean Institute of Criminology

At

The International Centre for Criminal Law Reform and Criminal Justice Policy

We are pleased to share this information with you and encourage you to use these documents for research purposes. Please ensure that all credits are acknowledged when using all or any of the information in these documents. Commercial reproduction is strictly prohibited.

"" SDFL

We are pleased to share this information with you and encourage you to use these documents for research purposes. Please ensure that all credits are acknowledged when using all or any of the information in these documents. Commercial reproduction is strictly prohibited.

**Professor Byung In Cho was a Visiting Scholar  
from the Korean Institute of Criminology**

**International Centre for Criminal Law Reform  
and Criminal Justice Policy  
1822 East Mall, Vancouver  
British Columbia, Canada V6T 1Z1  
[icclr@law.ubc.ca](mailto:icclr@law.ubc.ca)**



## **Table of Contents**

### I. Introduction 5

### II. Current Drug Situation

1. Overall Trends 6
2. Characteristics of Recent Drug-Related Crimes 7
3. Summary of Drug Trends in 2002 8
4. Popular Drugs during Recent Years 10
5. Korea as a Transit Point 11

### III. National Drug Control Strategy

1. Four Goals Stipulated by the Government 12
2. Eradication of Illicit Drug Supply (Goal 1) 115
3. Drastic Reduction in Demand for Drugs (Goal 2) 17
4. Raising Public Awareness about Drug Problems (Goal 3) 19
5. Enhancing International Cooperation (Goal 4) 21

### IV. Drug Control Structure

6. National Anti-drug Coordinating Committee 25
7. Public Prosecutors' Office 23
8. National Police Agency 24
9. Other Drug-related Agencies 26
10. Drug-control Measures and Action Plans 27

### V. Legislation

1. Act on the Control of Narcotics 28
2. Special Act Against Illicit Drug Trafficking 29
3. Anti-money laundering Acts 31

### VI. International Cooperation

4. Article 64 of the Special Act Against Illicit Drug Trafficking 34
5. Signing Drug-related International Conventions and Treaties 35
6. ADLOMICO 36
7. Recent Activities 36

"" SDFL

## VII. Conclusion

1. Expected Trends 39
2. Policy Recommendation 40

[Figure · Table · Chart]

Figure 1. Current Drug Situation 6

Table 1. Arrests by drug type 8

Table 2. Arrests by violation mode 8

Table 3. Arrests by age 9

Table 4. Arrests by occupation 10

Table 5. Drug-related criminal investigators 27

Chart 1. Organizational Structure of National Anti-drug Coordinating Committee 22

Chart 2. Drug Control Structure 25

Chart 3. Penal Provisions 31

"" SDFL

## I. Introduction

Historically, Korea has been viewed as a relatively drug-free country compared to the United States, Japan and other countries worldwide.<sup>1)</sup> Moreover, drugs are not yet perceived as a serious social problem in the Korean peninsula.

This is largely the result of the Korean government's policy of severe punishment of drug-related crimes, including simple drug abuse, in an effort to build a healthy and drug-free society. Among the positive results of the government's strong policy stance against drugs, is the opposition of their use by most Koreans.<sup>2)</sup>

In the 1950s and 1960s, drug-related crimes mainly involved opium and methadone. In the 1970s it was marijuana, and in the 1980s the use of methamphetamines (particularly the locally known "philopone") rapidly increased and remains the major drug.<sup>3)</sup>

From the end of the 1960s, methamphetamines produced with advanced technology in Korea were mainly smuggled out to foreign countries. But a crackdown on illicit drug exports and increasing local production costs due to a total dependence on smuggled-in raw materials (Ephedrine HCL) made drug-exporting operations difficult. Therefore, the local market began to absorb a greater quantity of drugs from the late 1980s amid a widening local distribution network. This had a direct effect of increasing the number of domestic drug addicts.<sup>4)</sup>

Drug abuse has expanded to all strata of society since the 1990s, due in part to market and travel liberalization and the concomitant rise in consumption, as well as the social unrest, following the recent foreign exchange crisis (1997-1998). Recently, adolescents as well as students studying abroad have played a key role in expanding the variety of available drugs, from Yaba, LSD and Ecstasy and other new drugs to potent analgesics like Nalbuphine HCL. New social problems have begun to appear as a result.<sup>5)</sup>

Since 1999, over 10,000 drug-related crimes have been uncovered annually and over 100kg of narcotics have been seized each year. Over 80% of all drugs consumed locally are smuggled in from abroad. Drugs valued at 10 billion won and enough to supply 3,000,000 users simultaneously were smuggled in through the Incheon International Airport. Judging from these trends, inward drug smuggling through airports will increase.<sup>6)</sup>

"" SDFL

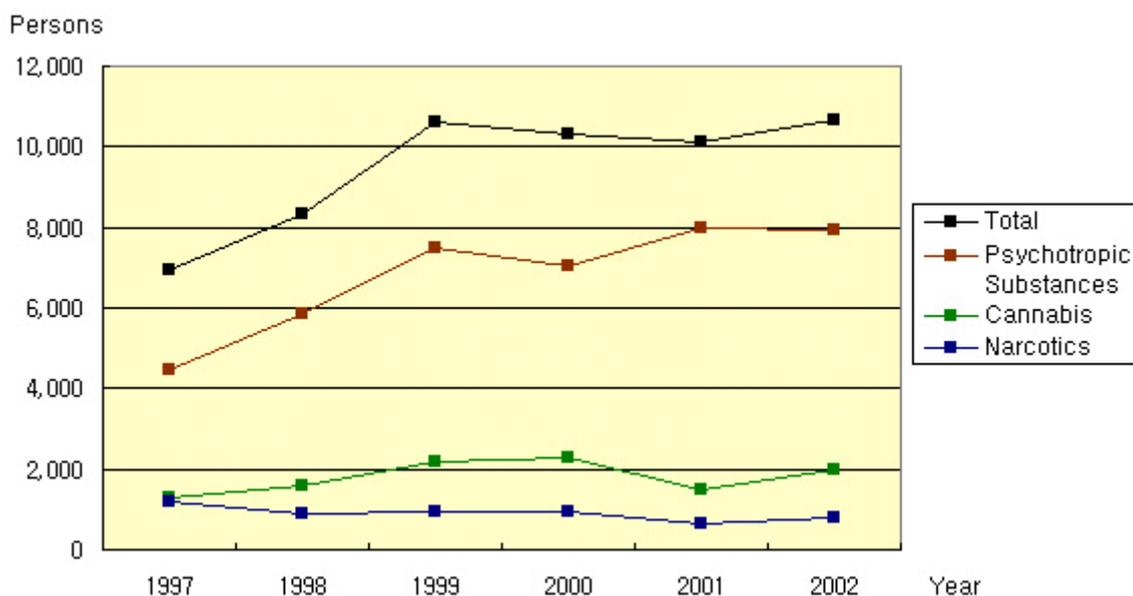
Given these circumstances, it is imperative that prosecutors, police, customs officials and other law enforcement agents make concerted efforts to intensify control activities and expand public information, education, enlightenment, treatment and re-education. They must also actively participate in international drug-related forums and exchange information with other nations in order to strengthen their efforts to stamp out drug-related crimes.

## II. Current Drug Control Situation in Korea<sup>7)</sup>

### 1. Overall Trends

Due to their accessible price and increased availability in Korea, drugs have spread not only to the limited user, but also to all levels of Korean society. The number of drug addicts is estimated to be 200,000 to 300,000. In the past, Korea was a major producer of natural and synthetic drugs. But as a result of the strong crackdown on drug crimes by the government and through publicity activities by NGOs, Korea has been internationally praised for its success in the fight against drugs. Efforts made at a national level towards a drug-free society continue. To cope with the increasing threat of drug-related problems, the Korean drug law enforcement agencies, including the Prosecution, the Police, the Customs and the Maritime Police, have pulled all their resources together and have not spared any effort in the international fight against drugs.

Figure 1. Current Drug Situation



## 2. Characteristics of Recent Drug-Related Crimes<sup>8)</sup>

### (1) Rapid increase of drug abusers and expansion to entire society

There has been an increase in drug-related criminals in the country since 1998, caused by recreational drug users taking advantage of social factors such as tendencies toward pleasure seeking and personal amusement. Recreational drug users which comprise 70% of all drug-related criminals surpassed 10,000 (10,589 persons) for the first time. In addition, the class of user expanded to include farmers, housewives, company employees and students.

### (2) Increase of foreign-made drugs

Most of the methamphetamines and opium uncovered in 2001 were smuggled in from China. New drugs such as Yaba and Ecstasy were brought in from Thailand and the Netherlands. Hashish and marijuana were mainly imported from Pakistan, Ghana and Panama. The importation of foreign-made drug has risen rapidly, and their suppliers tend to be diversified and large scale.

### (3) Expansion of new drugs

Being cheaper and offering stronger effects than existing drugs methamphetamines and heroine are preferred. Since 1999, imports of new drugs like Yaba from Thailand and Ecstasy from Europe and North America have been increasing, and their use has spread to adolescents and students studying abroad.

### (4) The internet-a new distribution channel

In line with increasing internet usage, websites viewed as contrary to society's interests have opened, including those serving as new distribution and sales channels for illicit drugs like marijuana. Students and foreign gangs attempting to sell marijuana, LSD and Ecstasy via internet and international mail have been uncovered.

### (5) Abuse of medicinal drugs

Nalbuphine HCL and a series of drugs related to Dextro-Metorphan are among medicinal drugs being abused largely by adolescents, and this has become a serious

"" SDFL

social problem. Regulations on the use of Nalbuphine HCL were enacted in January 2001, however these and relevant enforcement efforts have failed to stop the abuse of the drugs by adolescents and workers at amusement spots.

### 3. Summary of Drug Trends in 2002

The number of drug-related arrests in the year of 2002 was 10,673. The total number of drug offenders, which stood at 700 in 1980, jumped to 4,200 in 1990, exceeded the 10,000 mark in 1999, and surpassed 10,000 in 2002 for the fourth consecutive year. (Please refer to Table 1 in the Appendix.)

Table 1. Arrests by drug type

Year Drug	1997	1998	1999	2000	2001	2002
Cannabis	1,301	1,606	2,187	2,284	1,482	1,965
Narcotics	1,201	892	923	954	661	790
Psychotropic Substances	4,445	5,852	7,479	7,066	7,959	7,918
Total	6,947	8,350	10,589	10,304	10,102	10,673

When we break down the drug offenders by drug type, the number of psychotropic substance offenders amount to 74.2% of the total drug offenders in 2002, while cannabis offenders total 18.4%, and narcotics offenders 7.4%. (Please refer to Table 1.)

Table 2. Arrests by violation mode

Year Mode	1997	1998	1999	2000	2001	2002
Manufacturing	11	0	5	8	4	4
Smuggling	161	79	110	190	114	137
Trafficking	682	841	1,127	1,178	1,066	1,329
Cultivation	1,150	866	909	983	414	535
Use	4,045	5,777	7,321	6,858	7,167	7,251
Possession	435	569	744	575	552	549
Others	463	218	373	512	785	868
Total	6,947	8,350	10,589	10,304	10,102	10,673

Breaking down the drug offenders by the type of violation, 70.9% (7,251 individuals) were abusers while 13.8% (1,470 individuals) were supply offenders that included smugglers, traffickers and manufacturers. Though the number of drug suppliers

"" SDFL

occupies only 13.8% of the total, the rapidly increasing number of drug suppliers for illegal profits accounts for the escalating drug arrests and widespread drug usage in our society. (Please refer to Table 2.)

When the drug offender figures are broken down by age, the active working population between the ages of 20 and 40 makes up about 84.8% of all drug offenders. About 17.8% of those charged with drug crimes were in their 20s, and 40.8% in their 30s and 26.2% in their 40s. But for individuals under the age of 20, the percentage drops to 0.7%. We believe this is because the relatively high price of drugs discourages their use by adolescents less than 20 years of age. (Please refer to Table 3.)

Table 3. Arrests by age

Year	Age	15 - 19	20 - 29	30 - 39	40 - 49	50 - 59	Over 60yr.	N/A	Total
1997		67	1,533	2,507	1,238	500	813	289	6,947
1998		77	1,936	3,270	1,667	516	509	375	8,350
1999		50	2,032	4,260	2,466	622	662	497	10,589
2000		30	1,658	4,155	2,697	595	708	461	10,304
2001		24	1,866	4,111	2,667	560	429	445	10,102
2002		79	1,903	4,350	2,796	577	527	441	10,673

When we break down the drug offender figures by occupation, the unemployed constitute the largest percentage (38.8%). Company employees and people running their own businesses are next. (Please refer to Table 4.)

What we find irritating, however, is that the group of drug abuse, once considered to be rampant only among criminals or people in entertainment circles, has pervaded into common society. Salaried men, students, and housewives, a faction that historically was considered non-drug users, are nowadays susceptible to the dangers and temptations of illegal drugs. We believe this would suggest that drug abuse is spreading into every aspect of our society.

Table 4. Arrests by occupation

Occupation	Year	1997	1998	1999	2000	2001	2002
Total		6,947	8,350	10,589	10,304	10,102	10,673
Unemployed		2,424	3,467	4,370	4,121	3,956	4,146
Farmer		834	593	570	540	363	416
Self-employed		598	726	823	711	524	648
Merry-making place worker		623	728	1,015	889	875	241
Unskilled laborer		232	298	367	423	448	434
Office Worker		269	268	381	367	423	1,030
Skilled laborer		151	142	158	212	208	39
Medical professional		179	95	150	193	329	288
Driver		113	125	192	183	149	209
Housewife		54	55	87	122	87	78
Entertainer		21	38	48	81	41	10
Seaman		34	12	47	40	30	38
Fisherman		13	21	27	30	13	31
Student		35	46	45	42	39	64
Others		1,367	1,736	2,309	2,350	2,617	3,001

#### 4. Popular Drugs during Recent Years

##### (1) Methamphetamine

Methamphetamine, commonly called philopone, is the most serious and the most popular drug among psychotropic substances in Korea. The methamphetamine situation in Korea is quite the same as that of our neighboring country, Japan.

China remains the primary source of methamphetamine in the Korean drug market. Most of the drug smugglers are Korean travelers, but some ethnic Koreans in China are becoming deeply involved in the drug smuggling business because they can communicate in both Korean and Chinese.

In addition, some Korean drug supplying organizations have tried to manufacture methamphetamine on their own in clandestine laboratories located in China, with the purpose of smuggling it into Korea. The volume of smuggling in each attempt is growing larger, and the smuggling techniques are becoming more sophisticated. In 2002, 31.3kg of methamphetamine was smuggled to Korea from China, which amounts to 85.8% of the total seizure of 36.8kg. In 2001, that percentage was 87.3%.

"" SDFL

Recently, some brand-new types of harmful club drugs including MDMA have been widely circulated in Korea. MDMA is mainly smuggled from Europe and North America, while Yaba is smuggled from Thailand and LSD from the Netherlands. The volume of the smuggling quantity is still negligible, but the club drug has become popular among locals, especially young college students.

The wholesale price of methamphetamine for 1kg is about US\$50,000 and the going rate for one usage of methamphetamine is US\$75, while one MDMA pill sells for US\$50~80 in Seoul. (US\$1=Won1,200) The price of methamphetamine fluctuates according to the trends of drug smuggling from abroad, mainly China.

## (2) Marijuana

Marijuana is the second most abused drug next to methamphetamine in Korea. In the past, most of the marijuana used in Korea was domestically produced. In recent years, however, marijuana that has been smuggled from abroad has also been found.

In 2002, Korean authorities seized a total of 194.8kg of marijuana, with 137.8kg smuggled from South Africa, Swaziland, etc. In 2001, the total of smuggled marijuana was only 2.1kg and came from Ghana, a country that had no previous drug dealing record with Korea.

## 5. Korea as a Transit Point

We are afraid that Korea will be used as a transit point in more smuggling cases. In November 2001, Korean authorities uncovered 91kg of methamphetamine in a ship of Chinese registry, which had traveled from Beijing, China to Busan, Korea. The smuggled drug was concealed with Chinese noodles in the container. The container was bound for the Philippines.

From February to March 2002, a total of 137.5kg of marijuana was uncovered on 6 different occasions in shipments from South Africa and Swaziland. It was delivered through a series of smuggling efforts. The final destination for the seized marijuana turned out to be Japan.

In October 2002, a Russian man carrying about 38,000 MDMA pills was arrested at the Incheon International Airport. He was supposed to change planes and reach his final destination, New Zealand, via Korea.

"" SDFL

In the cases above, drug control agencies have taken measures to make personal contacts with the corresponding countries and achieve good results with the collaborative investigation.

### III. National Drug Control Strategy<sup>9)</sup>

#### 1. Goals Stipulated by the Government

##### (1) Goals of Korea's Drug Strategy

In order to actively prevent the illicit drug trade and its abuse, former and present Governments have been focusing on the four goals; that is, (1) Eradication of Illicit Drug Supply, (2) Drastic Reduction in Demand for Drugs, (3) Raising Public Awareness about Drug Problem, (4) Enhancing International Cooperation.

Each of above four goals has been believed to be useful and effective in controlling the illegal drug supply and increasing drug abusing population. To accomplish the goals listed above, Korean Government has postulated several sub-goals and objectives to be encouraged and implemented by various government agencies and non-governmental organizations.

##### (2) Goals of Canada's Drug Strategy

A 1998 document, entitled Canada's Drug Strategy(CDS)<sup>10)</sup>, articulates the basic principles, goals, objectives and components of the strategy, as well as the directions and priorities of the federal government, addressing the issues related to the use and abuse of substances such as alcohol, licit and illicit drugs.<sup>11)</sup>

The overarching principle of Canada's Drug Strategy is that substance abuse is primarily a health issue. This important principle raises awareness to the fact that the determinants of health and underlying factors such as housing, employment, social isolation and education, must be considered when addressing substance abuse problems. As a result, Canada's Drug Strategy's approach to substance abuse involves action based on four pillars: control and enforcement, prevention, treatment and rehabilitation, and harm reduction.<sup>12)</sup> The long term goal of Canada's Drug Strategy is "to reduce the harm associated with alcohol and other drugs to individuals, families, and communities."<sup>13)</sup>

"" SDFL

Reducing the harm associated with alcohol and other drugs is to be accomplished through five goals and corresponding objectives:

a) Reduce the demand for drugs (Goal 1)

Increase the understanding of risks associated with illicit drug use (particularly among youth), with particular emphasis on the use of "hard drugs" such as cocaine, LSD, speed and heroine.

b) Reduce drug-related mortality and morbidity (Goal 2)

Reduce high-risk patterns of alcohol and other drug use, including the inappropriate use of inhalants, medications, and performance-enhancing sport drugs.

c) Improve the effectiveness of and accessibility to substance abuse information and interventions (Goal 3)

Identify and promote best practices in substance-abuse prevention, education, treatment and rehabilitation.

d) Restrict the supply of illicit drugs and reduce the profitability of illicit drug trafficking (Goal 4)

- Reduce the illegal importation of illicit drugs.
- Reduce the reported availability of illicit drugs at the street level.
- Reduce the ability of persons involved in the supply and trafficking of drugs making use of the profit from their illegal actions.

e) Reduce the costs of substance abuse to Canadian society (Goal 5)

To achieve these goals and objectives, seven components have been selected to provide the framework for Canada's Drug Strategy: (1) Research and knowledge development, (2) Knowledge dissemination, (3) Prevention Programming, (4) Treatment and rehabilitation, (5) Legislation, enforcement and control, (6) National co-ordination, and (7) International co-operation.

### (3) Goals of Vancouver's Drug Strategy

The City of Vancouver developed A Framework for Action that has been known as a four-pillar approach to drug problems.<sup>14)</sup> The Framework for Action includes four major goals and 36 actions to achieve those goals. The estimated cost of these actions is \$20 to

"" SDFL

30 million per year. The four goals of A Framework for Action are: (1) Provincial and Federal Responsibility, (2) Public Order, (3) Public Health, (4) Coordinate, Monitor and Evaluation.<sup>15)</sup>

▫ Provincial and Federal Responsibility

To persuade other levels of government to take action and responsibility for elements of the framework within their jurisdiction, by encouraging a regional approach to the development of services, and by demonstrating the city-wide, regional, national and international implications of the drug problems in Vancouver. This is the overarching goal and the key element to achieving the following three goals:

▫ Public Order

To work towards the restoration of public order across Vancouver by reducing the open drug scene (Particularly at Main and Hastings), by reducing the negative impact of illicit drugs on our community, by reducing the impact of organized crime on Vancouver communities and individuals, by providing neighborhoods, organizations and individuals with a place to go with their concerns related to safety, criminal activity, drug misuse and related problems, and by implementing crime prevention techniques to increase public safety.

▫ Public Health

To work towards addressing the drug-related health crisis in Vancouver by reducing harm to communities and individuals, by increasing public awareness of addiction as a health issue, by reducing the HIV/AIDS/hepatitis C crisis, by reducing overdose deaths, by reducing the number of those who misuse drugs, and by providing a range of services to groups at risk such as youth, women, Aboriginal persons, and the mentally ill.

▫ Coordinate, Monitor and Evaluation.

To advocate for the establishment of a single, accountable agent to coordinate the implementation of the actions in this framework, and to monitor and evaluate the implementations through senior representatives of the Vancouver/Richmond Health Board, the Vancouver Police Department, the City of Vancouver, the BC Center for

"" SDFL

Disease Control, the Ministry for Children and Families, the Office of the Attorney General, and community representatives.

## 2. Eradication of Illicit Drug Supply (Goal 1)

(1) Resolute, ceaseless enforcement of relevant laws against drug-offenders

### ■ Objectives

- Enhancing the capability of expert investigation of drug-related crimes
- Complete eradication of drug distribution including production and illegal sale
- Blocking smuggling by bolstering surveillance at ports and airports
- Stronger cooperation with nations from which drug are smuggled into Korea
- Stronger cooperation with drug related offices within the nation
- Maintenance of harsh punishments against drug suppliers, and blocking the chance of the repetition of such crimes
- Destruction of the economic basis of drug related criminals by strong enforcement of punishments, like asset forfeiture or additional collection of tax for illegal profit.

In an effort to enhance the capacity of drug investigations by law enforcement authorities and actively cope with well-organized and systematically-structured international drug cartels, a new vice-ministerial-level Narcotics Department was set up on April 23, 2001 within the Supreme Public Prosecutors' Office. This Department serves as both a major policy-making body and a channel for international cooperation.

The Prosecution, Police and Customs Service have been planning to enhance the capability of expert investigation of drug-related crimes through strengthened investigation organizations. This has been carried out particularly through the training of expert investigators, provision of high-tech equipment for investigations, digitalization of information, and the development of more scientific methods of drug signature and analysis. Also, to eliminate drug smuggling, actions have been taken for bolstering the Prosecutions Drug Squads and Joint Drug Investigation Team with the Prosecution and Customs being stationed at ports and airports. Persistent and thorough collection of information and stalking investigations has yielded a powerful crackdown. In the meantime, both the Ministry of Health and Welfare and Korea Food and Drug Administration have concentrated on the prevention of unauthorized leakage of legal narcotics through control and management. The relevant government offices have not

"" SDFL

only activated inter-ministry coordination of opinions and policies pertaining to drugs, but exchanged information and cooperated in investigations.

The Prosecution has also stuck to harsh punishments of drug suppliers by seeking heavy penalties in court and staying with the present system of depriving them of the chance of being released on parole, in cooperation with the Correction Bureau.

A powerful crackdown based on the chance of a repetition of such crimes has been continued by depriving criminals of an economic base. This has been carried out through asset forfeiture and the additional collection of taxes and penalties through persistent follow-ups on illegal proceeds earned through drug-related crimes. For this, wide-ranging preventive procedures have been stipulated in the Special Act against Illicit Drug Trafficking.

(2) Complete elimination of organized crime syndicates involvement in drug-trafficking

#### ■ Objectives

- Bolstering the surveillance of organized crime group movements and strengthening information gathering activities
- Complete elimination of organized crime syndicates and their involvement in the distribution of drugs
- Complete investigation of possibility of involvement in drug transactions by organized crime syndicates
- Strengthened cut-off of linkage with foreign drug trafficking organizations
- Sticking to present policy of harsh punishment and the blocking chance of repeat offenders
- Cut-off fund sources and tighten surveillance of money-laundering

Efforts have been concentrated on wiping out organized crime altogether through a strengthening of crackdowns at the beginning stages and blocking fund sources. Actions have also been taken for thorough information gathering, monitoring activities and international cooperation concerning either departure from or arrival to the country of organized crime syndicates likely to be involved in drug-trafficking, or attempting to connect with foreign organized crime groups.

"" SDFL

An investigation into organized crime has been made to automatically check to see whether they were involved in drug-trafficking. Harsher-than-normal punishments have been sought for drug-trafficking by organized crime. Utmost efforts has been made to prevent repeat offenders by denying drug-related criminals the chance for parole.

### 3. Drastic Reduction in Demand for Drugs (Goal 2)

#### (1) Preventing youth access to drugs

##### ■ Objectives

- Bolstering of activities for prevention of drug abuse and relevant education for youth by the Ministry of Education, the Ministry of Health and Welfare, Korea Food and Drug Administration, the Youth Protection Commission and the Korean Association Against Drug Abuse
- Active public relations for the prevention of illegal use of drugs by youth in cooperation with the mass media, the athletic circle, the entertainment industry and amusement spots
- Bolstering preventive education for youth at juvenile delinquent facilities such as Juvenile Correctional Institutes or Detention Centers
- Strong crackdown and punishment on drug-related crimes perpetrated against our youth

It goes without saying that youth drug abuse is a terrible loss not only for the youth, but for their families and society. This could threaten the foundation of a country. Youth may sometimes be enticed into drug abuse through a friend.

Drug abuse can be attributed to the ignorance of the bad effects drugs can have, such as broken families and the indifference of adults.

The relevant government ministries have taken steps to have youths correctly informed about drugs through school or social education and policies. They have trained expert counselors and educators and actively developed preventive programs, persuading youths to avoid drugs all together.

Actions have also been taken to spread public awareness about the dangers of drug abuse. This has been done in cooperation with the press, sports celebrities and

"" SDFL

entertainment industry, which highly influences youth. Owners of amusement spots has also been encouraged to participate in such preventive programs. Special education about the negative effects of drugs at juvenile delinquent-accommodating facilities have also been bolstered.

The policy of severely punishing offenders engaged in the sale or distribution of drugs to youth by forcing or encouraging youth to use them, has been continued to be enforced.

A flexible judicial system has been applied for young drug abusers, based on comprehensive data such as their criminal records, motives for such actions, and the chances of resuming to normal life. An option for treatment and rehabilitation instead of criminal punishment has been given wherever possible.

(2) Carrying out a pan-governmental, comprehensive policy for treatment and rehabilitation of drug-addicts

#### ■ Objectives

- Development and implementation of programs for treatment, rehabilitation, relapse prevention, aftercare and social reintegration of drug-addicts
- Implementation of a system for national-level treatment and rehabilitation for young offenders for inhaling adhesive, thinner or other harmful chemical materials
- Flexible judicial action toward drug-addicts
- Provision of assistance to help drug-addicts return to normal life, positively utilizing systems like suspending indictments on the condition of compulsory treatment, and care and protection for treatment. A heavy case of habitual addiction shall be strictly subjected to care and custody for treatment
- Bolstering information and education for the prevention of drug-abuse and repetition of crimes at reformatory facilities

The Ministry of Health and Welfare and Korea Food and Drug Administration shall take actions for improving the capability of treatment and rehabilitation of drug addicts in cooperation with experts in relevant fields. They shall put an emphasis on the active promotion of systematic, efficient treatment and rehabilitation programs.

They have also taken positive action for the provision of treatment and rehabilitation facilities for youth caught in the act of inhaling adhesive, thinner or other harmful

"" SDFL

chemical materials, and actively encourage and support counseling activities on the part of civilian groups.

In order to promote the social reintegration of drug abuse offenders, judicial action for drug-addicts has been made flexible, giving priority to treatment rather than criminal punishment. This has been implemented if treatment and rehabilitation was judged to be preferable according to each individuals record and in consideration of the dual aspects of patient and criminal.

In a bid to give users of illegal drugs a chance to rehabilitate themselves, the Prosecution has designated 3 months each year from April to June since 2001, which has been extended for one month (each June) in previous years, as the Special Period for Self-surrender for Illegal Use of Drugs.

Assistance to help drug-addicts to return to normal life, positively utilizing systems like suspended indictment on condition of compulsory treatment and care and protection for treatment has been provided. Any extreme case of habitual addiction has been strictly subjected to care and custody at a treatment facility.

Provision of special education for prevention of drug abuse and repeat offenses has been geared towards the inmates at reformatory facilities.

#### 4. Raising Public Awareness about Drug Problems (Goal 3)

##### (1) Raising public awareness about drug problems

###### ■ Objectives

- Encouragement, support and activation of an anti-drug movement on the part of NGOs, social leaders and the press
- Fostering a social atmosphere against drugs, and powerful crackdown on harmful environments

For more positive public relations and civilian led activities for the prevention of drug-related crimes, a wide range of social groups, health and community professionals, the private sector, the mass media and NGOs such as the Korean Association Against Drug Abuse, have supported and encouraged people to participate.

"" SDFL

Actions have also been taken on a campaign to reign in rampant materialism and hedonism, together with a full-blown crackdown on illegal amusement spots fostering a decadent atmosphere.

## (2) Establishment of a nationwide cooperation system

### ■ Objectives

- Stronger establishment of a system of voluntary cooperation such as reporting criminal actions to authorities
- Implementation of a system of rewards and provisions of tight security to those who make reports

Efforts have been made to persuade people to cooperate and voluntarily report crimes. The anonymity and safety of reporters of drug crimes have been guaranteed. Vigorous public relations have also been taken to keep people informed of rewards and contact numbers for reporting and counseling in drug-related matters.

The Special Period for Self-surrender for Illegal Use of Drugs has been more actively utilized, encouraging the user to self-surrender or his or her family members, parents, teachers or medical and paramedical professionals to report.

The Prosecution provides a 24-hour hot line whose number is 127 or 1301 without district code for drug information from the public. Also, the office set up a reward system to encourage the public to report any illegal drug activities.

The government has supported civilian anti-drug group movements in cooperation with the mass media, developing a social atmosphere resistant to drugs in order to raise public awareness and enhance the public's participation.

"" SDFL

## 5. Enhancing International Cooperation (Goal 4)

### (1) Establishment of an international cooperation system

#### ■ Objectives

- Establishing and Enhancing an international cooperation system including exchange of information and mutual assistance with foreign government agencies concerned
- Solidification of sub-regional cooperation mechanism like ADLOMICO

Considering the fact that most of the drugs distributed in Korea are smuggled from the outside and that criminals are using Korea as a transit point, it is very important that efficient surveillance and crackdown techniques be set up at ports and airports. These have been backed up by the establishment of an international system of mutual assistance with relevant countries and their relevant agencies for prompt exchange of information and wide ranging cooperation for joint operations.

In this regard, stronger cooperation has been sought with foreign drug-related agencies. In September 2000, the Supreme Public Prosecutors' Office established an informal network composed of working level officials from competent national law enforcement offices among 6 countries, including China, Japan, the Philippines, Thailand and the U.S., for the purpose of legal assistance and the exchange of information on drug investigations. This network has been largely activated so far. Further efforts will also be made for more solid regional cooperation through ADLOMICO, an international conference against drugs founded in 1989 and operated by the Supreme Public Prosecutors' Office.

### (2) Active international cooperation through international agreements or organizations

#### ■ Objectives

- Faithful observance of drug-related international conventions like the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances or resolutions by international organizations
- Fostering mutual assistance with and support of activities of drug-related international organizations like UNODC
- Active participation in and contribution to international conferences like UNCND Korea, a signatory to the 1988 UN Convention and other UN conventions, as well as a member of UNCND, has taken positive steps to solidify the existing structure for

"" SDFL

international cooperation by making bilateral or multilateral treaties with relevant nations.

This includes extradition treaties or mutual legal assistance treaties. Resolutions by international organizations have been thoroughly carried out and activities of international organizations like UNODC have been supported and assisted.

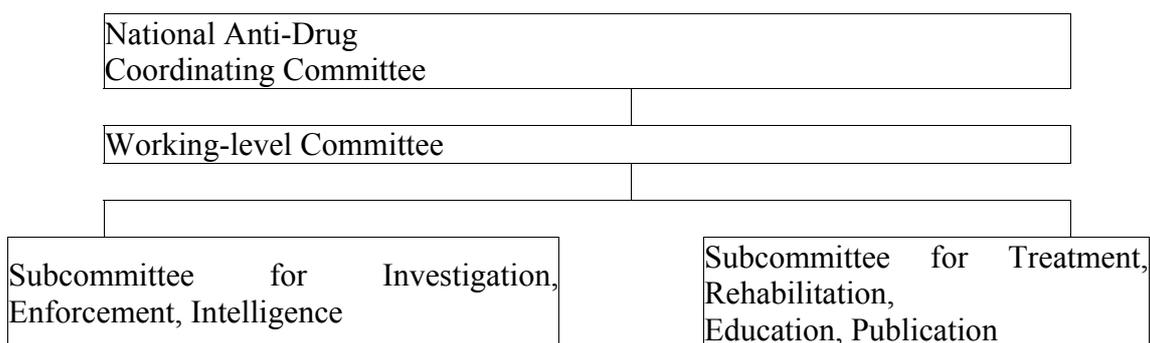
Korea has also actively participated in international conferences such as UNCND or HONLEA showing our firm decree and effort to stamp out the use of illegal drugs. And by doing so, the nation has continued to enhance and publicize its status as a model nation in eradicating illegal drugs.

#### IV. Drug Control Structure<sup>16)</sup>

##### 1. National Anti-drug Coordinating Committee

In order to coordinate drug-related policies, reduce possible conflicts among the drug enforcement agencies and to enhance pan national capabilities against internationalized drug crimes, the National Anti-Drug Coordinating Committee was established upon the proposal by the Supreme Public Prosecutors' Office in December 2001 under the Office of Prime Minister.

Chart 1. Organizational Structure of National Anti-drug Coordinating Committee



The Committee is headed by Minister of the Office for Government Policy Coordination. Following are the main functions:

- Devising and prompting a comprehensive anti-drug policy

"" SDFL

- Enhancing coordination between the agencies and strengthening anti-drug partnership in such fields as drug-related data sharing, international cooperative investigation, treatment, rehabilitation, education, publicities, etc.

Health Canada is the leading developer in Canada's Drug Strategy. To coordinate the Strategy, Health Canada chairs the Assistant Deputy Ministers' Steering Committee on Substance Abuse and interdepartmental committee such as the Interdepartmental Working Group on Substance Abuse. Coordination is key to the success of a federal drug strategy as numerous partners including 14 federal departments, provincial and territorial governments, law enforcement agencies and addictions agencies, as well as non-governmental organizations, are all collaborating on Canada's Drug Strategy.<sup>17)</sup>

## 2. Public Prosecutors' Office<sup>18)</sup>

Until 1989, the working structure of the investigation of drug crime had been dualized as the Police and Ministry of Health and Welfare. The main agency in charge of drug investigation was the Ministry of Health and Welfare even though they conducted investigations under the direction of public prosecutors.

Recognizing that this dualized working structure had been an obstacle to effective investigations, the Government reorganized the drug control structure by establishing the Narcotics Division within the Supreme Public Prosecutors' Office and the drug squad in each District Public Prosecutors' Office in February 1989.

Meanwhile, in October 1995, the Supreme Public Prosecutors' Office initiated a new drug investigation system with increased manpower and budget. About 250 special drug investigators are now eager to devote themselves to the fight against drugs, as warriors in the first front.

Furthermore, in April 2001, Narcotics Department was set up within the Supreme Public Prosecutors' Office (SPPO). The Department has assembled a national drug investigation unit by coordinating drug cases to prevent duplicate investigations and to maximize the efforts of the District Public Prosecutors' Office.

In addition, Joint Drug Intelligence Task Force manned by the Prosecution and Customs was established in the Supreme Public Prosecutors' Office in February 2002. The Task

"" SDFL

Force is to gather and analyze information to detect emerging threats in the rapidly developing world of drugs.

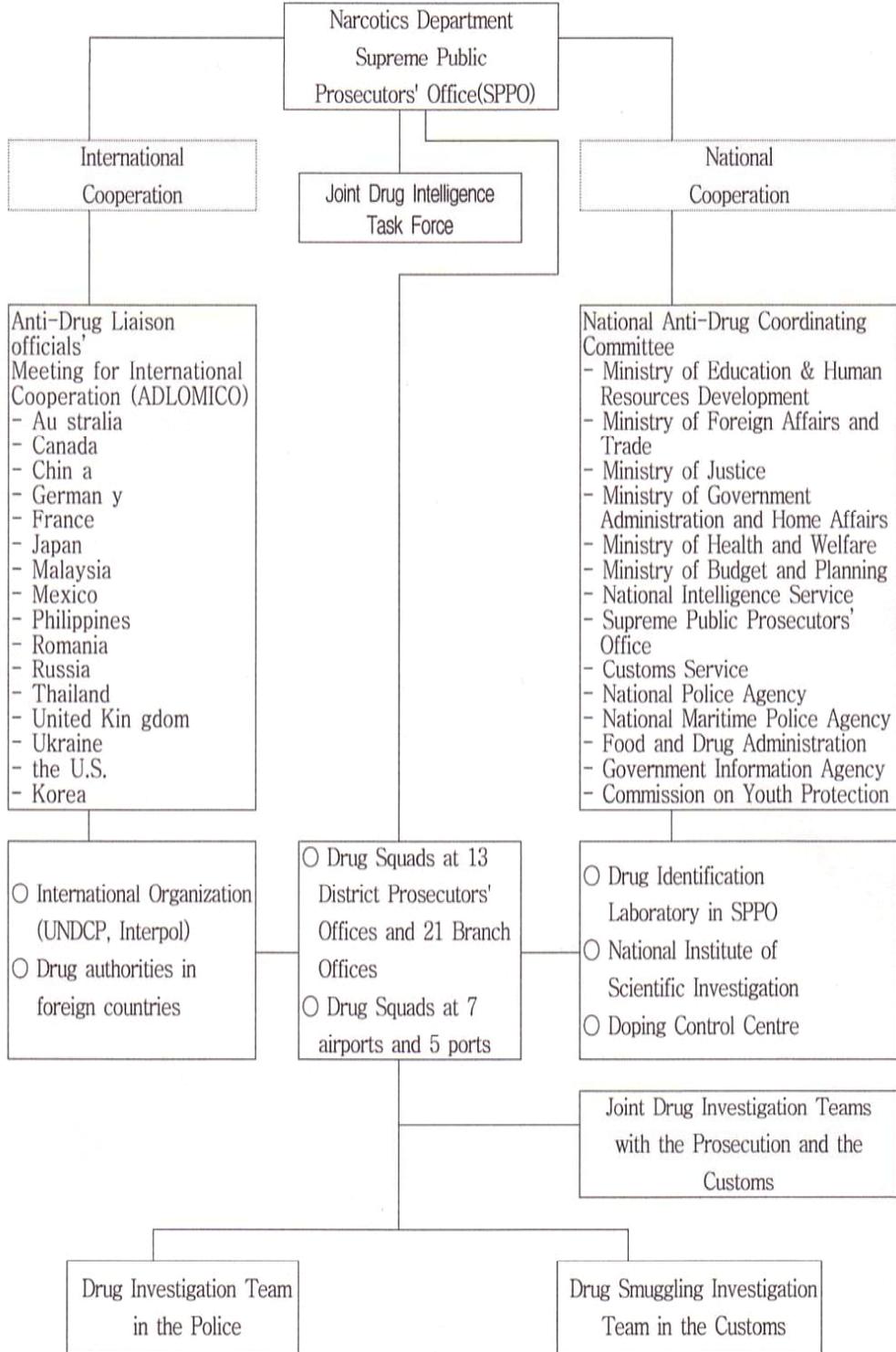
The Narcotics Department (SPPO) consists of 9 departments; the Department of Planning & Coordination, Central Investigation, Criminal Affairs, Violent Crimes, Narcotics, Public Security, Trial & Litigation, Inspection and one Administration Bureau. Each department and bureau has several divisions which respectively specialize in specific fields. Among them, the Narcotics Department, as a drug-related policy-making body and a channel for international cooperation, supervises all the investigations by the drug squad in each District Public Prosecutors' Office and the police.

### 3. National Police Agency

The Korea National Police Agency also play an important role in enforcing the drug laws. In Korea, the Police initiate the investigation of most criminal cases including drug cases. However, since the public prosecutors have the authority to supervise and direct the Police investigation under the Criminal Procedure Act, the Police should report important cases to the public prosecutors and conduct the investigation under the instruction of the public prosecutors.

.... / np

Chart 2. Drug Control Structure



(as of December 2003)

"" SDFL

While the drug squads in each Public Prosecutors' Office have concentrated on the investigation of drug supply such as illicit manufacture and smuggling, the Police have mainly conducted their investigations on drug abuse. Recently, the Police have been getting more active in drug control.

Recognizing that the National Police should exert its capacity in controlling illegal drug trade, the Narcotic Division was set up at the Detective Department in the National Police Agency in October 2002, with additional deployment of 33 drug crime investigators to the newly established division.<sup>19)</sup> Furthermore, the National Police Agency has tried to concentrate its resources on illegal drug trade control by enlarging the annual budget, replacing the detection systems, and by emphasizing the education of drug crime investigators.

#### 4. Other Drug-related Agencies

##### (1) Customs Service

The Customs officers did not have the power to investigate drug offenses until 1990. In August 1990, the government vested in Customs officers the authority to investigate drug offences within the customs area. They now investigate drug offences concerning smuggling under the direction of public prosecutors.

##### (2) National Maritime Police Agency

In August 1996, the Maritime Police, which had belonged to the Police before, was newly instituted as an extra-ministerial agency of the Ministry of Maritime Affairs and Fisheries. It has the power to investigate those drug crimes which are committed on the sea.

##### (3) Ministry of Health and Welfare

The primary responsibility of the Ministry of Health and Welfare is to make policy on the prevention, treatment and rehabilitation of drug-addicts. They do not have the power to investigate drug offences.

"" SDFL

#### (4) Food and Drug Administration

The Korea Food and Drug Administration is responsible for controlling and regulating legal drugs and precursor chemicals. The other functions are to develop activities on drug prevention and its public relations, and to perform working-level matters related to treatment and rehabilitation of drug-addicts.

#### 5. Drug-control Measures and Action Plans<sup>20)</sup>

Currently, Korea's drug-related criminal investigators consist of 959 police officers, 231 prosecutors, and 275 customs officials, totaling 1,865 persons. As of December 2003, the National Police Agency has 959 specialized drug-related criminal investigators operation in the drug sections of 120 metropolitan police departments and 14 mobile units. This figure reflects a major augmentation of anti-drug manpower, prompted by an anticipated increase in smuggling of foreign-made drugs during the 2002 World Cup finals and the growing number of domestic drug abusers.

Table 5. Drug-related criminal investigators

Division	Total	Police	Prosecutors	Customs officials
Persons	1,865	959	231	275

Moreover, the police have switched from a user-to supplier-focused approach in their investigations. To enhance the effectiveness of their operations, the Korean National Police have established an elite group of 200 investigators who receive specialized training four times a year. The most competent female police officers working in drug enforcement have been selected and trained for special field duty involving investigations of women and adolescents.

Widespread use of mobile drug detectors and other sophisticated equipment has greatly enhanced the scientific side of drug investigations, while all drug-related criminal investigators engage in information collection and sharing in the effort to interdict and eliminate the distribution of illegal narcotics. In close coordination with local prosecutorial and customs officials, inspections at entry and exit points of airports and ports have been augmented.

"" SDFL

Through active participation in the UN and various international conferences, Korean police agencies have been learning and adopting the best measures to deal with the drug problem. Furthermore, cooperative channels with neighboring countries such as China and Japan have been established, including multilateral meetings, exchanges of information, and joint investigation systems for the complete eradication of drug-related crime.

## V. Legislation

### 1. Act on the Control of Narcotics

Act on the Control of Narcotics has been effective to control cannabis, narcotics and psychotropic substances since July 1, 2000.<sup>21)</sup> The former 3 Acts (Cannabis Control Act, Narcotics Act and the Psychotropic Substances Control Act) dealing with narcotics issue by kinds was combined into this Act on July 1, 2000.

Such rewards as prescribed by the Presidential Decree shall be paid to any person who has provided any information on, or made an accusation against a crime, relevant to the narcotics investigation agency prior to its discovery, or arrested the relevant criminal.<sup>22)</sup>

Any person who has illicitly supplied the narcotics or drugs for habitual profit-making shall be punished by death penalty, imprisonment for life or for not less than 10 years.<sup>23)</sup> Any person who habitually supply illegal narcotics or drugs shall be punished by aggravating up to 1/2 of the penalty stipulated for the relevant crimes.<sup>24)</sup> Any attempt to commit the drug crimes prohibited by the Act shall be punished.<sup>25)</sup>

The narcotics, etc., and the relevant facility, equipment, fund or means of transportation that have been furnished for the crimes as defined by this Act as well as any proceeds derived therefrom shall be confiscated, provided that, where they are not confiscable, the value equivalent thereto shall be collected in addition.<sup>26)</sup>

In case the representative of a corporation, an agent, commercial servant, or other employee of the corporation or any individual who commits any of the crimes as prescribed by this Act with respect to the business of narcotics on behalf of the corporation or the individual, the said corporation or the individual, in addition to the wrongdoer concerned, shall also be punished by a fine not exceeding 100 million won (in the case of marijuana, 50 million won), provided that, in the case of the crimes as

"" SDFL

defined in Articles 61 through 65, a fine corresponding to each applicable article shall be imposed.<sup>27)</sup>

## 2. Special Act Against Illicit Drug Trafficking

The purpose of this Act is to prescribe special cases, etc. for the Narcotics Act, the Psychotropic Drugs Control Act, the Cannabis Control Act, and other related Acts to seek the repression and prevention of narcotics-related crimes through the prevention of activities that encourage narcotics-related illegal acts and to seek the effective execution of international conventions in this regard.<sup>28)</sup>

This law, which has been effective since December 6, 1995, contains the provisions concerning money laundering, controlled delivery, asset forfeiture and international legal assistance. From the beginning, this Act has been prepared to be compatible with 1988 Convention against Drug Abuse and Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

Notwithstanding the provisions of the Immigration Control Act, in the case where any immigration control officer receives an application for entry from a foreigner, even though such foreigner is suspected to be the person who falls under the person set forth in Article 11 (1) 1 of the Immigration Control Act, he may permit the foreigner's entry after acquiring the approval of the Minister of Justice, upon the request by the Public Prosecutor declaring the necessity to allow the foreigner to enter the country for the purpose of investigating narcotics-related crimes since a sufficient surveillance system has been established to prevent the distribution of narcotics and the escape of foreigners.<sup>29)</sup>

Notwithstanding the provisions of the Immigration Control Act, in case where an immigration control officer receives an application for landing permission from a foreigner as stipulated under the provisions of Article 14 (1), even though the foreigner is suspected to be the person who falls under the person prescribed in Article 11 (1) 1 of the Immigration Control Act, he may permit the foreigner's landing after obtaining the approval of the Minister of Justice, upon the request by the public prosecutor declaring the necessity to allow the foreigner to enter the country for the purpose of investigating narcotics-related crimes since a sufficient surveillance system has been established to prevent the distribution of narcotics and the escape of foreigners.<sup>30)</sup>

"" SDFL

Any person who harbors or disguises the nature, location, origin, or restoration of illegal profits for the purpose of hindering the investigation or the detection of narcotics-related crimes or the source of illegal profits, or avoiding the confiscation of illegal profits shall be either punished by imprisonment not exceeding 7 years or a fine not exceeding 30 million won, or both penalties shall be imposed cumulatively.<sup>31)</sup>

Any person who knowingly accepts the illegal profits shall be either punished by imprisonment not exceeding 3 years or given a fine not exceeding 10 million won, or both penalties shall be imposed cumulatively. This shall not apply to such cases where the person who accepted the illegal profits presented as a performance of obligations prescribed in Acts and subordinate statutes, or the person who gave and received the illegal profits presented as a performance of the obligations under a contract (within the limits of a contract that provides the creditor with a reasonable profit) not knowing the circumstances that the performance of such obligations would be performed with the illegal profits at the time of the contract.<sup>32)</sup>

The properties shall be confiscated in the case where the specified crimes are related to the property mixed with either illegal profits itself or property generated from illegal profits. If it is not deemed to be proper to confiscate the whole property as stipulated under the provisions against the mentioned crimes, part of it may be confiscated.<sup>33)</sup>

In the case where the confiscation of the property is deemed to be not proper considering the property's nature, status quo of use, existence of rights of other person than the criminal on the property, or other circumstances, the property may avoid being confiscated notwithstanding the provisions of paragraph (1).<sup>34)</sup>

In case where the property, as stipulated under the provisions of illegal property is mixed with other properties other than the illegal property and the illegal property should be confiscated, the illegal property (within the limits of the part related to the mixture) or the equivalent amount or volume of it may be confiscated from among the property generated by the mixture.<sup>35)</sup>

In the case where the court has a reasonable ground to find that a property may be subject to confiscation under this Act, the Narcotics Act, the Psycho-tropic Drugs Control Act, the Cannabis Control Act and other Acts and subordinate statutes (hereinafter referred to as the "property subject to confiscation"), and deems it necessary to confiscate the property, the court may prohibit the disposition of the property by issuing an order to preserve the confiscation of the property upon the request of the public prosecutor or *ex officio*.<sup>36)</sup>

"" SDFL

In the case where the court has issued or is going to issue the order to preserve confiscation of the property over which the superficies, hypothec and other rights exist, if there exists a reasonable ground to judge that the above rights might be extinguished by the confiscation and it is deemed that the confiscation of the property is necessary, or if there is a reasonable ground to judge that the above rights are fictitious, then the court may prohibit the disposition of the rights by issuing a supplementary order to preserve confiscation additionally upon the request of the public prosecutor or *ex officio*.<sup>37)</sup>

Chart 3. Penal Provisions

Drug Type			Penalties
Cannabis	Cocaine, Heroin	Methamphetamine	
Smuggling	Smuggling/ Manufacturing/ Trafficking	Smuggling/ Manufacturing	Life sentence or Imprisonment for 5 years or more
Cultivation	Possession	-	Imprisonment for 1 years or more
-	Use	Trafficking/ Possession/Use	Imprisonment for 10 years or less
Use	-	-	Imprisonment for 5 years or less

In the document, in order to preserve confiscation or the supplementary order, the name of the defendant, the summary of the facts constituting the offense charged, the provisions of the Acts and subordinate statutes which constitute the basis of the confiscation, the specification of property or rights of which disposition is prohibited, the name of the person to whom the property or the rights belong, date of issuance, and other matters provided by the Supreme Court Rules shall be written, and the judge in charge shall sign and seal it.<sup>38)</sup>

### 3. Anti-money laundering Acts

In November 2001, the new anti-money laundering bills came into effect, by the Financial Transaction Reports Act and the Proceeds of Crime Act. The laws stipulate the establishment of the Korean Financial Intelligence Unit (KoFIU), the introduction of suspicious transactions reporting system and the facilitation of information exchange with overseas FIUs. Furthermore, the extent of predicate offences has been enlarged to 36 serious crimes.

"" SDFL

The purpose of The Financial Transactions Reporting Act is effectively to cope with an inflow and outflow of illegal funds (Korean currency transactions or foreign exchange dealings) which is expected to be on the rise as foreign currency transactions are fully liberalized, and to prescribe the facts on report and use of information on special financial dealings needed in regulating money laundering, and thereby to prevent anti-social criminal activities, and to contribute to the establishment of the order of transparent financial transactions.<sup>39)</sup>

Financial Intelligence Units shall be established under the aegis of the Ministry of Finance and Economy, which is meant to conduct activities of gathering and analyzing information on dubious financial dealings suspected of being cases of money laundering and illegal foreign exchange transactions. The Chief of the FIU should annually report related matters to a regular session of the National Assembly (including number of cases of receiving reports from financial institutions, the number of cases of providing information on specific financial dealings for law enforcement agencies, the number of cases of exchanging information with foreign financial intelligence units, and other statistics related to the work of FIU).<sup>40)</sup>

Financial companies that spot dealings worth more than W 50 million or US\$ 10,000 but doubt they are criminal in nature (they are suspected of being cases of money laundering and illegal foreign exchange transactions) are required to report such dealings to the FIU without delay. Those who violate the provisions of Article 4, shall be liable to a non-penal fine of not more than W5million.<sup>41)</sup>

FIU transfers the information on specific financial transactions to Prosecutor General, Administrator of the National Taxation Office, Administrator of Customs Office or when it admits investigation is needed into illegal assets or criminal cases related to money laundering or infringement of taxation-customs duties, or monitoring financial business.<sup>42)</sup>

FIU should provide the information on specific financial transactions only to the National Election Commission when it ascertains information is related to the facts against Article 30 prescribed in the Act on Political Funds (A person, a political party, a corporation, or any organization who gives or takes political funds in a way of not being provided by the Act)<sup>43)</sup>

FIU can provide or be given information on specific financial transactions to or from foreign financial intelligence units in accordance with the principle of reciprocity when

"" SDFL

it admits it needed.<sup>44)</sup> A staff of FIU or any person engaged in the investigation of specific criminal cases related to information on specific financial transactions, or of political funds, should not reveal or provide to others the information on specific financial transactions which has come to his knowledge in the course of the practice of his profession. Those who violate Article 9 shall be punished by imprisonment for not more than 5 years or a fine not exceeding 3 million won.<sup>45)</sup>

The purpose of The Proceeds of Crime Act is to regulate the disguising and harboring of illegal profits (money laundering) obtained from specific crimes including organized crime or flight of capital to overseas. It also serves the purpose of prescribing an exception to the Criminal Code on the confiscation of illegal profits and collection of corresponding value, and thereby to prevent anti-social criminal activities, and to contribute to the elimination of the economic factors which might be conducive to crimes.<sup>46)</sup>

Any person who harbors or disguises illegal profits obtained or disposed from the specific crimes such as organized crime, bribery, smuggling, flight of capital overseas and illegal political funds, shall be either punished by imprisonment not exceeding 5 years or a fine not exceeding 30 million won. The attempted offense of paragraph (1) of this Article shall be punishable as well. Any person who prepares or conspires for the purpose of committing the crimes prescribed in paragraph (1) of this Article shall be punished by imprisonment not exceeding 2 years or a fine not exceeding 10 million won.<sup>47)</sup>

Any person who knowingly accepts the illegal profits shall be either punished by imprisonment not exceeding 3 years or a fine not exceeding 20 million won.<sup>48)</sup> Any person who is employed by the financial institution shall report, without delay, to the competent law enforcement agencies when they become aware that the property they accept in the course of carrying out their duty of illegal profits, or the concerned counter party of the transaction commits an act that falls under the crimes prescribed in Article 3. Any person who violates the Article 5 shall be either punished by imprisonment not exceeding 2 years or fined an amount not exceeding 10 million won.<sup>49)</sup>

## VI. International Cooperation

### 1. Article 64 of the Special Act Against Illicit Drug Trafficking

The Special Act Against Illicit Drug Trafficking contains the clause describing the international cooperation for effective drug control.<sup>50)</sup> In the case where a foreign country has requested cooperation concerning a foreign criminal case against the Act that falls under narcotics-related crimes in the execution of a final and conclusive judgment of confiscation or collection, or in the preservation of a property for confiscation or collection purposes in compliance with a treaty, mutual assistance may be rendered to the request except where the request falls under specified categories.

- a) When confiscating a property where a right such as superficies or hypothec is exhibited under the Acts and subordinate statutes of the Republic of Korea for the cooperation of the execution of the final and conclusive judgment of confiscation, if necessary, such rights shall be maintained.
- b) In the case where the trial against the case regarding the cooperation o crime is pending before a court of the Republic of Korea, or a judgment which has already been determined, or in the case where the confiscation preservation order or collection preservation order upon the property subject to the cooperation has already been issued;
- c) In the case where the property is subject to the execution cooperation of a final and conclusive judgment of confiscation, or is related to the preservation cooperation request which is aimed at the confiscation, does not fall under a property that may be preserved for confiscation or adjudged to be confiscated under the Acts and subordinate statutes of the Republic of Korea;
- d) In the case where it is deemed impossible to adjudge collection or to preserve collection against the cooperation of crime related to execution, cooperation of a final judgment of collection or related to the preservation cooperation request, which is aimed at collection under the Acts and subordinate statutes of the Republic of Korea;
- e) In the case where it is found that the third party who has a reasonable ground to be recognized as the owner of the property that is related to the execution cooperation request of a final judgment of confiscation, or has the rights including superficies

"" SDFL

and hypothec, over the above property, and is found that he may not claim his rights at the trial concerned due to the reasons for which he cannot be responsible; and

- f) In the case where it is found there exists no reason as stipulated under the provisions regarding the preservation cooperation aimed at confiscation or collection, provided that shall not be so, if the preservation cooperation request is based on the preservation judgment aimed at confiscation or collection, or the request is made after the final judgment of confiscation or collection sentenced by the court or judge of the foreign country who requested cooperation.

## 2. Signing Drug-related International Conventions and Treaties

The Korean Government has implemented its obligations under the three major UN Conventions as a party to all these conventions, including the 1961 Single Convention on Narcotic Drugs, 1971 Convention on Psychotropic Substances and the 1988 Convention against Drug Abuse and Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

When it comes to international cooperation in the fight against drugs, we are taking every possible measure to promote judicial cooperation, which includes extradition, mutual legal assistance, and other forms of cooperation.

Extradition is a key tool in judicial cooperation and in 1989 the Korean government adopted national legislation on extradition and entered into criminal extradition treaties with 17 countries; Argentina, Australia, Brazil, Canada, Chile, China, Indonesia, Japan, Mexico, Mongolia, New Zealand, Paraguay, Philippines, Spain, Thailand, Uzbekistan and the U.S.(as of December 2003)

Also, deeply recognizing that the mutual legal assistance is very essential in making a global impact against drug trafficking, Korea has adopted national legislation in 1990, permitting and facilitating cooperation in the field of mutual legal assistance and had concluded bilateral treaties on legal assistance, in criminal matters with 12 countries; Australia, Brazil, Canada, China, France, Hong Kong, Indonesia, Mongolia, New Zealand, Russia, Uzbekistan and the U.S. (as of December 2003)

"" SDFL

### 3. ADLOMICO

Since April 1989, the Supreme Public Prosecutors' Office has organized quarterly meetings with drug-related officials from several embassies in Seoul, with the purpose of strengthening international cooperation and facilitating exchange of information on international drug crimes.

The meeting was entitled ADLOMICO which stands for Anti-Drug Liaison Officials' Meeting for International Cooperation. In observing the International Day Against Drug Abuse and Illicit Trafficking June 26, the June ADLOMICO meeting was extended for 3 days to include not only members of the ADLOMICO in Korea but also executive drug enforcement officials from their own respective countries as well as working-level senior officials of the agencies concerned in Korea, and some experts at international organizations such as UNODC and ICPO.

The extended ADLOMICO meeting, first held in 1990, has been held in a variety of beautiful places in Korea such as Gyungju, Sokcho, Busan, Jeju and Seoul.

ADLOMICO has developed into an Anti-Drug international conference bringing together 138 drug-related senior officials from 22 countries and 3 international organizations at the 12th ADLOMICO, held in Seoul in 2001, compared with the first meeting with only 25 participants from 5 countries. As of December 2003, membership includes 16 countries; Australia, Canada, China, Germany, France, Japan, Malaysia, Mexico, Philippines, Romania, Russia, Thailand, United Kingdom, Ukraine, the U.S. and Korea.

### 4. Recent Activities

#### (1) Korea-Japan Meeting on Drug Profiling System

In December 2001, a group of drug profiling analysts from the Japan National Police Agency visited the Drug Signature and Analysis Center of the Supreme Public Prosecutors' Office, and talked about ways in which to exchange information about the drug profiling database and to strengthen the cooperation against the internationalized, organized drug smuggling crimes between two agencies.

"" SDFL

## (2) Counter-drug Strategy Conference

A Counter-drug Strategy Conference by the domestic and foreign drug-related agencies was held at the Supreme Public Prosecutors' Office on January 25, 2002. The Conference was attended by 50 persons from various drug law enforcement agencies, to effectively cope with ever internationalized drug crimes. The participants explored ways for strengthening a cooperative investigation system among the national law enforcement agencies and reinforcing regional cooperation through sharing experience and information.

## (3) United Nations Commission on Narcotic Drugs

The 45th United Nations Session on the Commission on Narcotic Drugs was held in Vienna from March 11 to 15, 2002. The Korea delegation consisted of related officials from the Ministry of Foreign Affairs and Trade, Supreme Public Prosecutors' Office, Police, Customs Service, Food & Drug Administration, and National Intelligence Service.

## (4) Precursor Chemical Control Seminar

In May 2002, the Precursor Chemical Control Seminar was held for 2 weeks at the Supreme Public Prosecutors' Office with the support of U.S. DEA. The headquarters of the DEA sent diversion experts to Korea for the Korean law enforcement officials' precursor chemicals training. 64 officials from the Supreme Public Prosecutors' Office, Police, Customs Service, Food & Drug Administration and CID in the U.S. army attended and had in-depth discussions on the distribution channel of precursor chemicals, major control cases and state of the art investigative techniques.

## (5) Workshop on regional cooperation to counter ATS

From August 14 to 15, 2002, a Workshop on regional cooperation to counter ATS was held in Zhongshan, China. 7 countries participated in the Northeast Asian region and UNODC in Bangkok. The participants exchanged information on the current situation of precursor chemicals in the Northeast Asian region.

"" SDFL

(6) Meeting of Heads of National Drug Law Enforcement Agencies

The 26th Meeting of the Heads of National Drug Law Enforcement Agencies, Asia and the Pacific, was held in Bangkok from November 11 to 15, 2002. The Korea delegation consisted of related officials from Supreme Public Prosecutors' Office, Customs Service, Police, Maritime Police and Food & Drug Administration.

(7) Director General to Visit NNCC, China

Director General of Narcotics Department Gwark Young-chull visited the National Narcotics Control Commission (NNCC) from January 13 to 18, 2003. During his visit to China, bilateral talks with Permanent Deputy Secretary General of NNCC Yang Feng-rui for discussions on major issues of bilateral interest. During these talks, they exchanged views on the current situation of illegal drugs and engaged in a wide-range of discussions on bilateral cooperation in international joint operations on drug crimes.

(8) Asia-Pacific Operational Drug Enforcement Conference

The 8th Asia-Pacific Operational Drug Enforcement Conference was held in Tokyo, from February 4 to 7, 2003. The 6-member delegation of Korea consisted of related officials from the Supreme Public Prosecutors' Office, Police and Customs Service.

(9) Korea-Japan Meeting on Narcotic Control

The 17th Korea-Japan Meeting on Narcotic Control of crimes related to illegal drugs and amphetamine was held in Seoul on March 20, 2003. The 9-member delegation of Korea consisted of related officials from the Ministry of Foreign Affairs and Trade, the Supreme Public Prosecutors' Office, Police, Maritime Police, Customs Service and Food & Drug Administration. Taking this opportunity, the participants exchanged views on the current situation of illegal drugs and amphetamine used in both countries, and engaged in a wide-range of discussions on bilateral cooperation in investigation and regulation of related crimes, as well as future measures, regarding promotion and treatment in efforts to prevent future misuse of illegal drugs.

## VII. Conclusion

### 1. Expected Trends

#### (1) Increase in illegal drug manufacture

The illegal manufacturing of methamphetamines, which had been wholly eradicated for some time, has resumed with imports of Ephedrine HCL from China beginning in 1999. Several ex-convicts have been arrested for illegally producing methamphetamine using Ephedra Sinica. Attempts to illegally manufacture methamphetamines are expected to increase.

#### (2) Involvement of illegal aliens in drug-related crimes

The increase in illegal aliens following Korea's economic recovery in 1999 has led to a similar increase in smuggling of methamphetamines and cocaine, often in connection with drug ring operation in the home countries of the illegal aliens. In 2000, such drug-related crimes decreased, but the relative scale of operations grew, and the range of smuggled drugs expanded from the traditional marijuana to include new drugs like Ecstasy and others.

If Korean authorities are unable to check these activities at the beginning and if illegal aliens establish links with local drug rings to expand their activities, the nation's drug abuse situation could become seriously exacerbated.

#### (3) Involvement of organized crime in drug dealing

Owing to close surveillance and an intensive crackdown by criminal investigation agencies, organized crime in Korea has generally avoided the drug trade as a source of illicit financing. Still, some cases have been uncovered in which local criminal rings have gradually become involved in the drug trade, and it is possible this trend will continue.

#### (4) Drug abuse among adolescents

In comparison with many foreign countries, drug abuse among adolescents in Korea is minimal. Drug-related crimes committed by minors have seen a dramatic decline from 134 cases in 1994, to 50 cases in 1999, and 79 in 2002. This is largely the result of a

"" SDFL

government policy to protect adolescents by amending relevant laws stipulation that selling drugs to minors will be treated as a capital offense.

But Korea's educational system, wherein students are pitted against each other in cutthroat competition for high scores on university entrance exams, is seen as a contributing factor behind many youngsters losing sight of core values and falling prey to the allure of drugs.

## 2. Policy Recommendation

The Korean Government has so far devoted itself to carrying out a variety of activities to rid the country of drugs under the grand proposition of cutting off supply and reducing demand as measures against drug-related crimes.

As a result, domestic circumstances have improved to such an extent that ordinary people rarely realize that the nation still suffers from a drug problem. Korea has been internationally praised for its great success in the fight against drugs.

However, international drug trafficking organizations have always tried to find ways in which to expand their sphere of activity beyond national boundaries and legal systems, which means that the drug problem is no longer limited to a single country.

It is also feared that domestic gangs and illegal immigrants might get involved in drug trafficking. They may also be linked with international criminal organizations and there is a possibility that more and more people might abuse drugs. This requires stronger and more effective drug control than ever before.

Despite efforts, there does not seem to be an easy way to completely root out drug crimes in the near future because smuggling techniques are becoming more internationalized and diversified than ever before. Drug distribution channels continue to diversify and trafficking volumes keep getting larger.

Traditionally, the Korean Government has been taking a firm stand against drug smuggling, abuse, and trafficking. Crime organizations in Korea have generally refrained from drug trafficking due to the governments aggressive crackdown measures. In recent years, however, they have begun to get involved in drug trafficking in search of newer sources of income. Even though these organizations are quite small in scale

"" SDFL

and size, the Korean Government is actively conducting clean-up operations so that this problem may not become more serious in the future.

For these reasons, the Government as a whole should feel more and more, the necessity and importance of international investigative assistance, including the sharing of information in the early stages of any case. And hopefully, it should always be ready to cooperate with foreign investigative agencies to combat against drug use.

[The end]

Footnotes

1. International Narcotic Control Board, *Annual Report for 2002*, February 2003, pp.31- 75.
  2. Korean National Police Agency, *Drug-related Crimes in Korea: Status and Countermeasures*, 2002, p.3.
  3. Sang Hee Kim et al, *Korea's Drug Control Policy and Reformative Alternatives*, Research Report (No.91-12), Korean Institute of Criminology, 1991.
  4. Ibid.
  5. Ibid.
  6. Narcotics Department, *White Paper on Narcotic Crimes 2002*, Supreme Public Prosecutors' Office, Republic of Korea, April 2003, pp.95-96.
  7. Ibid.
  8. Korean National Police Agency, *Drug-related Crimes in Korea: Status and Countermeasures*, 2002, p.12.
  9. Narcotics Department, *Drug Control in Korea 2003*, Supreme Public Prosecutors' Office, p.4-9,
  10. A Committee comprised of representatives from 11 federal departments and a number of non-federal partners developed Canada's Drug Strategy.
  11. Paddy Torsney, M.P., *Policy for the New Millenium: Working Together To Redefine Canada's Drug Strategy*, Report of the Special Committee on Non-Medical Use of Drugs, December 2002, pp.26-28.
  12. Ibid.
  13. Government of Canada, *Canada's Drug Strategy*, Health Canada, 1998.
  14. City of Vancouver, *A Framework for Action: A Four-Pillar Approach to Drug Problems in Vancouver*, April 2001, pp.31-32.
  15. Ibid.
  16. Narcotics Department, *Drug Control in Korea 2003*, Supreme Public Prosecutors' Office, p.10-13,
  17. Paddy Torsney, M.P., op. cit., p.27.
- The role of the public prosecutor under the criminal justice system of Korea may be categorized into three fields; investigation, prosecution and other related activities to prove the crime, and execution of sentence. The the public prosecutors are vested with sole authority and responsibility for carrying out criminal investigations and the police are required to conduct such investigations under direction and instructions of the public prosecutor.
19. Korea National Police Agency, *Police White Paper 2003*, Chapte 4 Section 2-6.

"" SDFL

20. The Korean National Police Agency, Drug-related Crimes in Korea: Status and Countermeasures, 2002, p.14.
21. ADDENDA of the Act on the Control of Narcotics.
22. Article 54(Rewards),
23. Article 58(Penal Provision) (2),
24. Article 63(Penal Provision) (2).
25. Article 63(Penal Provision) (3).
26. Article 67 (Confiscation).
27. Article 68 (Joint Penal Provision).
28. Article 1 (Purpose).
29. Article 3 (Special Provisions for Entry and Landing Procedure) (1).
30. Article 3 (Special Provisions for Entry and Landing Procedure) (2).
31. Article 7 (Harboring and Disguise of Illegal Profits, etc.) (1).
32. Article 8 (Acceptance of Illegal Profits).
33. Article 13 (Confiscation of Illegal Profits) (1).
34. Article 13 (Confiscation of Illegal Profits) (2).
35. Article 14 (Confiscation of Property Mixed with Illegal Profits, etc.).
36. Article 33 (Confiscation Preservation Order) (1).
37. Article 33 (Confiscation Preservation Order) (2).
38. Article 33 (Confiscation Preservation Order) (3).
39. Article 1(purpose).
40. Article 3 (Financial Intelligence Unit).
41. Article 4 (Report by financial institutions to the FIU).
42. Article 7 (Providing information for law enforcement authorities) Clause 1.
43. Article 7 (Providing information for law enforcement authorities) Clause 3.
44. Article 8 (Exchange of information with foreign financial intelligence units).
45. Article 9 and 13 (secrete guarantee of information on financial transactions /and penalty).
46. Article 1(Purpose).
47. Article 3 (Harboring and Disguise of Illegal Profits, etc.)
48. Article 4 (Acceptance of Illegal Profits).
49. Article 5 (Report by Financial Institutions).
50. Article 64 (Performance of Mutual Cooperation) (1).

"" SDFL

## References

1. Sang Hee Kim et al, *Korea's Drug Control Policy and Reformative Alternatives*, Research Report(No.91-12), Korean Institute of Criminology, December 1991.
2. Paddy Torsney, M.P., *Policy for the New Millenium: Working Together To Redefine Canada's Drug Strategy*, Report of the Special Committee on Non-Medical Use of Drugs, December 2002.
3. City of Vancouver, *A Framework for Action: A Four-Pillar Approach to Drug Problems in Vancouver*, April 2001.
4. Government of Canada, *Canada's Drug Strategy*, Health Canada, 1998.
5. International Narcotic Control Board, *Annual Report for 2002*, February 2003.
6. Korea National Police Agency, *Police White Paper 2003*.
7. Korean National Police Agency, *Drug-related Crimes in Korea: Status and Countermeasures*, 2002.
8. Narcotics Department, *White Paper on Narcotic Crimes 2002*, Supreme Public Prosecutors' Office, Republic of Korea, April 2003.
9. Narcotics Department, *Drug Control in Korea 2003*, Supreme Public Prosecutors' Office, March 2003.
10. Act on the Control of Narcotics
11. Special Act Against Illicit Drug Trafficking
12. Financial Transaction Reports Act
13. Proceeds of Crime Act.