

Comparative Study on Criminal Procedure in South Korea and Singapore
by Professor Park Yong Chul
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Chaired by Associate Professor Gary F. Bell, Faculty of Law, NUS

16 March 2017, Thursday, 12.00pm – 1.30pm

Lee Sheridan Conference Room, Eu Tong Sen Building, NUS (Bukit Timah Campus)

ABSTRACT

A fully realised comparative study of any area is often overly ambitious, and thus destined to fail. In order to be able to compare one jurisdiction with another, it is necessary to understand both fully beforehand. This is even more the case when one attempts to compare a civil law country (South Korea) with a common law one (Singapore). South Korea, a civil law country, has adopted many legal principles. Notably, although it is outside the common law tradition, it has fairly recently codified the exclusionary rule, and the Supreme Court of South Korea has since rendered a number of decisions upholding this rule, which is a core concept of due process of law. In the United States, with which it is primarily associated, the rule has seen both development and regression. Its main purpose is to ensure that law be enforced fairly, and without engagement in illegal tactics which might result in a verdict based on legally questionable evidence. In South Korea, the rule was codified in 2008, following a number of Supreme Court decisions in which the precise wording of the Criminal Procedure Act was not applied, leading to an outcry from academia that more protection should be given to due process. At the time of its adoption, the basic understanding of the rule within South Korea was derived from the common law tradition, and particularly that of the United States. Since in South Korea the rule is contained in the Criminal Procedure Act, which does not provide for any exceptions, one would have expected it to be applied strictly. However, the rule has in fact been applied in a way which leaves some room for discretion, as can be seen from a number of decisions in which the Supreme Court of South Korea has apparently created exceptions to it.

During this presentation, Professor Park will introduce some important cases from Supreme Court of South Korea and will attempt to compare the rationale and reasoning in these cases with the position in Singapore.

ABOUT THE SPEAKER



Professor Park teaches criminal law/criminal procedure at Sogang University Law School located in Seoul, Korea. He holds J.S.D. and L.L.M. degrees from Cornell University and an L.L.M degree from the George Washington University Law School. He is a comparative criminal procedure professor who has written numerous articles on criminal procedures in Korea, the U.S. and other countries. His scholarly interest ranges from evidentiary issues, including collection of digital evidence, to mental disorders of criminals. He is also active in international conferences, chairing as well as participating as a presenter. He is currently working as an executive director in charge of international affairs for various criminal law related societies in Korea.

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REGISTRATION

There is no registration fee for this seminar but seats are limited.

Light lunch will be provided on a first-come, first-served basis.

Closing Date: **9 March 2017, Thursday**

For enquiries, please contact Melinda Tan at asli@nus.edu.sg