
CIVIL PROCEDURE LAW OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

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Chapter 1 Fundamentals

Article 1 (Objective)

This Law is enacted for the purpose of protecting the civil rights and interests of the institutions, enterprises, organizations and citizens through civil litigation.

Article 2 (Combination of activeness of litigants with responsibility of court)

The State shall ensure that civil litigation is conducted on the principle of properly combining the activeness of litigants with the responsibility of the court.

Article 3 (Provision of rights and conditions)

The State shall provide litigants with litigious rights and conditions of litigation act on an equal footing.

Article 4 (Reliance on popular masses)

The State shall ensure that civil litigation is conducted by relying on popular masses.

Article 5 (Scientific accuracy, impartiality, prudence)

The State shall ensure that scientific accuracy, impartiality and prudence are maintained in the activities of civil litigation.

Article 6 (Applicability)

This Law shall be applicable to the settlement of disputes over the civil rights and interests that arise among institutions, enterprises, organizations and citizens of the DPRK.

This Law shall also be applicable to the settlement of disputes between the institutions, enterprises, organizations and citizens of the DPRK and their foreign counterparts, or the disputes among the foreign institutions, enterprises, organizations and individuals referred to a court of the DPRK.

Chapter 2 General

Article 7 (Mode of settlement)

A civil case shall be settled by a judgment or an award of the court.

Article 8 (Basis of examination of civil case)

Examination of a civil case shall be conducted upon submission of an application for litigation by a litigant, a person interested or a public prosecutor.

Article 9 (Language)

Civil cases shall be examined in Korean.

A person who does not speak Korean shall be provided with an interpreter and a dumb person with a construer.

A foreigner may draw up a document related to the case in his native language.

Article 10 (Publicity, non-publicity)

A civil trial shall be open to the public.

Where a case concerning the State or a citizen is of a confidential nature or the case may have a negative impact on the society, the whole or part of the trial may be closed to the public.

The judgment shall, nevertheless, be made public.

Article 11 (Prohibition of restarting lawsuit)

A litigant shall not, after the judgment has been finalized, re-start a lawsuit against the same person on the same grounds.

Article 12 (Acknowledgement of result of criminal trial)

Where a case to be examined at a civil trial has already been finalized at a criminal trial, the court shall acknowledge it as it stands.

Article 13 (Prohibition of participation in trial or holding concurrent posts)

The judge, people's assessor, public prosecutor, clerk, expert witness, interpreter or construer shall not be permitted to participate in the trial of a case, if they or their relatives are interested in the settlement of the case.

The judge, people's assessor, public prosecutor, clerk, witness, expert witness, interpreter and construer shall not concurrently undertake one another's assignments in the trial.

Article 14 (Prohibition of participation in reexamination of same case)

The judge or people's assessor who participated in the trial of first instance shall not be a member of the tribunal that carries on the first or second instance reexamining the same case.

Article 15 (Prohibition of membership of same court)

A judge and a people's assessor who are of kinship shall not be members of the same tribunal.

Article 16 (Application for replacement)

Where any of the Articles 13, 14 and 15 of this Law is applicable, a litigant may apply to the court for the replacement of the judge, people's assessor, public prosecutor, clerk, expert witness, interpreter or construer.

The application shall be made before the examination of facts starts. The application may, nevertheless, be made after the examination has begun if any cause for the replacement arises or is known.

Article 17 (Handling of application for replacement)

Where any of the Articles 13, 14 and 15 of this Law becomes applicable, the court shall deal with them as stated hereunder:

1. An application for the replacement of the judge or people's assessor shall be settled by an award of the members of the court with the exclusion of the judge or people's assessor in question. In this case, the person in question shall be replaced if even one of the members insists on the replacement; and

2. An application for the replacement of the public prosecutor, clerk, expert witness, interpreter or construer shall be settled by an award.

Article 18 (Term of settlement)

The court shall, upon receipt of a civil case, settle the case of first instance within 2 months. Where settlement of a case within a period of 2 months is impossible due to its complexity or importance, extension of 1 month subject to the approval of the chief justice of the court concerned and another 1 month subject to the chief justice of a higher court shall be granted.

A case of second instance, extraordinary appeal, retrial or judges' council shall be settled within 1 month.

Article 19 (Calculation of term of litigation)

The term of litigation shall be set by day, month or year and shall run from the day after the reason for counting them arises.

In case the term is set by day, it shall be due until 24:00 hours of the day in question; if set by month, until the same day of the month in question as the day when the reason for counting them arises and, if there is not such day, until the last day of that month.

In case the day when the term expires falls on a legal holiday or a Sunday, the term shall expire on the first working day following the said holiday or Sunday.

Article 20 (Acknowledgement of litigation instruments)

In case a note of litigation or appeal or other litigation instruments are sent before the period prescribed by law expires, it shall be acknowledged as having been presented within the set period.

Even after the prescribed period has lapsed, the court may extend the period when there is a justifiable reason.

Article 21 (Fee)

The litigation expenses shall include the State charges and stamp fees needed for the delivery of papers.

Article 22 (Papers to be prepared)

Protocols, written judgment and award shall be drawn up during the preparation or the proceedings of a trial.

Chapter 3 Parties to Litigation

Article 23 (Capacity)

Institutions, enterprises or organizations that are run by independent expenses budget or the self-supporting accounting system, or a citizen may be a party to litigation.

The litigant institutions, enterprises, organizations and citizens shall exercise their litigious rights properly and discharge their duties faithfully.

Article 24 (Right of litigant)

A litigant may attend the trial to explain his arguments, file an application as may be required or express his opinion as to the settlement of the case.

He may present evidence conducive to the settlement of the case, request for the investigation thereof and take part in the investigation.

Article 25 (Waiver of claim by plaintiff)

A plaintiff may waive the claim that he has presented or vary its scope, and the parties to litigation may make a compromise with one another.

The foregoing, however, shall not be applicable in case the plaintiff is an institution, enterprise or organization.

Article 26 (Notification of change of address)

Where a litigant moves his place of residence (or its seat) after the suit has been brought, he shall inform the court thereof.

Article 27 (Replacement of litigation party)

Where a case is raised by a person who is not qualified to be a plaintiff or is raised against a person who is not qualified to be a defendant, the court shall not dismiss the case but may replace the person in question with a qualified person.

Even if the litigant disagrees to the replacement, the court may summon a qualified person as a plaintiff or a defendant.

Article 28 (Object of suit)

A suit may be brought by one or several litigants against one or several litigants.

The co-plaintiffs or co-defendants shall perform acts of litigation independently and may leave such acts in the hands of other co-plaintiffs or co-defendants.

Article 29 (Suit by third person)

A third person who has an independent claim to the object of the claim in the presented case may start a suit against the litigant according to the proceedings stipulated in Chapter 6 of this Law and participate in the trial.

The third person shall have the same right as the plaintiff.

Article 30 (Participation of third party)

Where a third person has interests in the outcome of a trial although he does not have an independent claim to the object of the claim in the presented case, he may take part in the trial of the presented case at the request of his own, by the application of a litigant or the decision of the court. In this case, he may not waive, admit or change the claim, make a compromise with a litigant, or request for the execution of the judgment or bring a cross suit.

Article 31 (Transfer of rights and obligations)

In both cases where the civil rights and obligations are transferred to a third person by a contract or in accordance with a decision or instruction of a competent organ after a suit has been raised or a litigant is dead, the litigious rights and obligations shall be transferred to a new litigant. In this case, the acts of litigation that have already been conducted shall continue to be effective.

Article 32 (Mode of acts of litigation)

An institution, enterprise or organization shall perform acts of litigation through a representative or an attorney.

A citizen shall conduct an act of litigation by himself or through an attorney.

The incompetent shall conduct an act of litigation through parents or a guardian.

Article 33 (Attorney)

The litigant who wishes to conduct an act of litigation through an attorney shall give a letter of attorney to the latter.

The attorney in charge of the case shall present the letter to the court.

In case a litigant assigns the act of litigation to his attorney at the court, the protocol of trial that records the fact shall have the same effect as the letter of attorney.

Article 34 (Contents of letter of attorney)

Where a litigant entrusts the attorney with acts of litigation such as waiving or admitting the claim, making a compromise, or giving or receiving money or goods, such acts shall be clarified in the letter.

Article 35 (Capacity of attorney)

A lawyer, a person who is authorized by a litigant or a legal representative may act as an attorney.

A disfranchised person or an incompetent person shall not act as an attorney.

Chapter 4 Evidence

Article 36 (Classification)

Evidence shall comprise the statement of a litigant or a witness, documentary evidence, exhibits, results of expert assessment or inspection.

The court shall deal with civil cases on the basis of scientific evidence.

Article 37 (Statement of litigant, presentation of evidence)

A litigant shall establish his statements and present to the court the evidence required for such establishment.

In case the evidence proves insufficient, the court may demand that the litigant present more evidence.

Article 38 (Collection of evidence by court)

The court may collect evidence in order to examine the case correctly.

Article 39 (Time limit for presentation of evidence by litigant)

A litigant shall present evidence needed for the settlement of the case before the trial starts. However, the evidence that is substantially important for the settlement of the case may be presented even after the trial has begun.

Where a litigant failed to submit the evidence in time, forged the evidence or failed without justifiable reasons to comply with the demand of the court for presentation of evidence, he shall be liable for the consequence thus caused.

Article 40 (Examination of evidence)

Evidence produced by a litigant or gathered by the court shall be used as a basis of judgment and settlement only after it has been examined and ascertained objectively during examination of facts.

Article 41 (Request for collection of evidence)

In case the court has to collect evidence outside its jurisdiction, it may make a request therefor to the competent court.

The competent court shall collect and send the evidence within the period specified in the written request.

Article 42 (Capacity of witness)

A witness shall be a person who knows important facts related to the case.

A person who can neither understand nor make himself understood owing to mental or other physical disorders shall not act as a witness.

Article 43 (Right of witness)

A witness may personally write or verbally express the facts that he or she knows and, if he finds his statements recorded wrongfully, he may demand rectification thereof.

Article 44 (Duty of witness)

A witness shall truthfully state the facts he knows with regard to the case.

Article 45 (Summoning witness)

A witness who is summoned by the court shall arrive in time at the place stated in the writ of summons.

In case the witness fails to comply with the summons of the court, an award may be drawn up to take him into custody.

The award shall be executed by the people's security organ.

Article 46 (Presentation of documentary evidence and material evidence)

An institution, enterprise, organization or citizen shall produce in time documentary evidence and material evidence that are demanded by the court.

In case the original documents cannot be produced, their copies shall do. In this case, they shall be authenticated by the notary office.

Article 47 (Request for expert examination)

Where the court needs specialized knowledge for the examination of a case, it may decide by an award to assign the examination to an expert.

The written award shall contain the subjects, contents and term of expert examination, and shall state the agency or the expert witness and his duties.

Article 48 (Specialized agency)

Expert examination shall be assigned to a specialized agency.

In case an appropriate agency is not available, a person who has a due qualification or professional knowledge in the relevant area shall be entrusted with the examination.

Article 49 (Right of expert witness)

An expert witness shall be entitled to request the court for evidence conducive to the examination and, when he needs professional knowledge in a different area, he may request for cooperation of an expert in that area.

With the judge's approval, the expert witness may ask a litigant and a witness questions needed for expert examination and may take part in the on-the-spot examination.

Article 50 (Obligation of expert witness)

The expert witness shall carry out his assignment properly and present a written opinion to the court, and take part in the trial as required by the court.

Article 51 (Reexamination)

When an expert examination is found insufficient or wrong, the court may, by an award, decide to have it done again or assign it to another expert witness.

Article 52 (Request for preservation of evidence)

Where deemed necessary, a litigant may, before the trial begins, request the court to preserve as evidence the testimony of the witness, documentary evidence and material evidence. The court, if it considers the request reasonable, shall collect evidence and draw up a protocol.

Chapter 5 Court Jurisdiction

Article 53 (Cases to be dealt with by civil trial)

The following cases shall be dealt with by civil trial:

1. Disputes over property except for the cases to be settled by arbitration or administrative procedures;
2. Divorce cases;
3. Determination of a party to rear children, claim for expenses for rearing children and supporting dependants;
4. Ascertainment of civil rights and facts of legal importance; and
5. Other cases that are prescribed to be settled by civil trial.

Article 54 (Jurisdiction of courts at different levels)

A municipal (or district), county people's court shall try civil cases to which the institutions, enterprises and organizations of municipal (or district), county level, and citizens under their jurisdiction are parties.

A court of the province (or municipality directly under the central authority) shall try civil cases that do not fall under the jurisdiction of municipal (or district), county people's court and the special court, as well as civil cases to which foreign corporate bodies and foreigners are parties, and may directly try any case that falls under the jurisdiction of a municipal (or district), county people's court in the province or transfer it to any other municipal (or district), county people's court.

Civil cases to which a foreign corporate body or a foreigner in the Rason Economic and Trade Zone is a party shall be judged by the court in the Zone.

The Supreme Court may directly try any case or transfer it to any other provincial (or municipality directly under the central authority), municipal (or district), or county people's court.

Article 55 (Court in defendant's place of residence)

A civil case shall be tried by the court that has jurisdiction over the defendant's place of residence (or domicile).

A trial involving several defendants with different places of residence (or domiciles) shall be conducted by the court that exercises jurisdiction over the place of residence (or domicile) of one of them.

Article 56 (Court in plaintiff's place of residence)

Any of the following cases shall be tried by the court that has jurisdiction over the place of residence (or domicile) of the plaintiff:

1. Claim of an institution, enterprise or organization against a citizen for property;
2. Claim for expenses for rearing children and supporting dependants;
3. Claim for compensation of damage to health and risks to life;
4. Cases raised by a woman who has a child of less than one year or several children;
5. Cases raised against a prisoner; and
6. Cases raised against the missing.

Article 57 (Place of legal act, place of contractual fulfillment)

Any case that arises as a result of a legal act of an institution, enterprise or organization shall be tried by the court that exercises jurisdiction over the place where the legal act is committed or where the contract is fulfilled.

Article 58 (Case involving claim for real property)

Any case involving a claim for real property shall be tried by the court that has jurisdiction over the place where the said property is located.

Article 59 (Case against transportation institution)

Any case that is raised against a transportation institution concerning freight shipment shall be tried by the court that exercises jurisdiction over the place where the freight is to arrive or has arrived, or where they have been forwarded.

Article 60 (Cross action, case raised by third person)

Any case that arises by a cross action brought by a litigant or that is raised by a third person against a litigant shall be tried by the court that has already begun the trial of the case in question.

Article 61 (Transfer)

Where a court accepts a case that is raised in violation of any of articles 55, 56, 57, 58 and 59 of this Law, it shall transfer it to the court concerned.

Any case whose trial has already begun or which has come from other court shall not be transferred to another court.

Article 62 [Transfer of case under jurisdiction of municipal (or district), county people's court]

Where it is considered that a case that falls under its jurisdiction will be better settled by another court, a municipal (or district) or county people's court may refer it to the relevant court subject to the approval of the provincial (or municipality directly under the central authority) court.

Where a case is to be referred to a court in a different province (or municipality directly under the central authority), approval of the Supreme Court shall be obtained.

Chapter 6 Institution of a Lawsuit

Article 63 (Litigant)

An institution, enterprise, organization or citizen may bring a suit to the court in order to have its (his) civil rights and interests protected.

A public prosecutor may file a suit to the court in order to protect the interests of the State, society and citizens.

Article 64 (Presentation of note of litigation)

A person who wishes to bring a suit shall present a note of litigation to the court.

Article 65 (Acknowledgement of date of litigation)

The date on which the court receives a note of litigation presented by a litigant shall be acknowledged as the date of filing litigation. In case the note of litigation is sent by post or as a confidential document, the date on which it is forwarded shall be acknowledged as the date of filing litigation.

Documents of litigation other than a note of litigation forwarded by post or as confidential document shall be acknowledged as being forwarded on the same day as a note of litigation.

Article 66 (Contents of note of litigation)

A note of litigation shall state the name of the court, the name of a litigant and his age, sex, occupation and address, a summary of the claim and facts of evidence.

Article 67 (Attachments)

The following shall be attached to a note of litigation:

1. Copies of litigation notes corresponding to the number of defendants;
2. Document of notarization in case of a suit against the missing;
3. A list of properties in case of a claim for the division of property;
4. A warrant if the case is brought by an attorney;
5. Stamp needed for the delivery of documents; and
6. A confirmation of payment of State charges.

Article 68 (Cases for which State charges are not payable)

The following cases may be brought to court without paying State charges:

1. Claims for the expenses for rearing children and supporting dependants;
2. Claims for compensation of damage to health and risks to life;
3. Claims for damage caused by acts of crime; or
4. Cases raised by public prosecutors.

Article 69 (Cross action)

A defendant may bring a cross action against the plaintiff.

The cross action shall be filed pursuant to articles 64, 66 and 67 of this Law before the trial begins. However, it may be instituted even after the trial has begun, depending on the nature of the case.

Article 70 (Examination of a note of litigation, rectification of errors)

The court shall examine the note of litigation presented by the plaintiff and, if the note fails to satisfy the requirements of the articles 66 and 67 of this Law, an appropriate period shall be set for the plaintiff to rectify the errors.

Where the errors are rectified within the prescribed period, the litigation shall be admitted as having been brought on the date when the court has first received the note of litigation. Where they fail to be rectified within the prescribed period, the note shall be sent back.

Article 71 (Dismissal)

Where the lawsuit falls under any of the categories specified in article 86 of this Law, the court shall dismiss the institution of a lawsuit.

Article 72 (Lodging complaints)

Where a litigant is aggrieved at the rejection or dismissal of his note of litigation by the court, he may lodge a complaint with a higher court within 10 days.

The court shall settle the case within 10 days of its receipt.

Article 73 (Integration or division of cases)

The court may, by its own decision or at the request of a litigant, integrate or divide a case according to its contents.

Chapter 7 Preparation for Trial

Article 74 (Preparation)

Expeditious and proper handling of civil cases necessitates preparation for a trial.

The preparations shall be made by the judge who is in charge of the case.

Where a case is of a complicated or important nature, an award may be rendered for the involvement of another judge in the preparation for a trial subject to the permission of the chief justice of the competent court. In this case the newly-involved judge shall not have the power to talk to the litigant, entrust an expert examination or intervene in a verification.

Article 75 (Delivery of copy of litigation note and response)

The judge shall send to a defendant a copy of the note of litigation presented by a plaintiff within 2 days of its receipt and ask him to present a response within 3 days of its receipt.

A copy of the response shall be sent to the plaintiff within 5 days of its receipt.

Failure of a defendant to submit a response within the prescribed period of time without any justifiable reason shall not prevent the preparation for a trial and trial of the case from proceeding.

Article 76 (Collection of evidence, formalities)

The judge shall, at the time of preparation for a trial, collect evidence needed for the settlement of the case and go through the formalities related to the handling of the case.

In case of having a witness give testimony relating to the presentation of evidence, the judge shall tell the witness that perjury leads to legal liability.

Article 77 (Talk with litigant)

The judge may talk with a litigant for the preparation of a trial.

Where the litigant avoids a trial or causes hindrance to the settlement of a case, an award on taking him into custody may be given.

The award on taking a litigant into custody shall be executed in accordance with article 45, paragraph 3 of this Law.

Article 78 (Request for expert examination, on-the-spot investigation)

A judge may request for an expert examination and conduct on-site investigation during the preparation for a trial. However, he shall not verify facts by having witnesses meet face to face.

Article 79 (Inspection of scene in question)

The judge may inspect the scene in question during preparations.

Litigants and persons concerned may be allowed to participate in the on-site inspection, with two observers being present.

Article 80 (Preparation of protocol of evidence and investigation)

Upon collecting evidences or conducting on-site investigation, the judge shall draw up a protocol.

The protocol shall, in the order of the investigation, describe the state and characteristics of the site in question and results of the investigation, accompanied by a sketch map, photographs, video recordings, etc.

Article 81 (Property on security)

The judge may, at any time from the institution of a case to the passing of a judgment, have the property of the defendant held on security by an award, which shall be pursuant to the application of a litigant or by his own decision.

The property shall be held on security when it is considered that execution of the judgment is impossible without the property in question.

The award on holding the property on security shall be carried out by the executor of the competent court.

Article 82 (Cancellation or dismissal)

Where the holding of property on security is found unnecessary or wrong, it shall be cancelled or dismissed by an award.

Article 83 (Suspension of preparation for trial)

The preparation for a trial shall be suspended by an award in cases where:

1. A litigant dies;
2. The litigant institution, enterprise or organization is dissolved;
3. The case in question is impossible to be settled until another case that is being dealt with by a trial, arbitration or through administrative procedures is settled; or
4. A special circumstance arises causing the discontinuation of the act of litigation.

Article 84 (Cancellation of suspension)

The court shall render an award on continuing with the preparations upon application by a litigant or by its own decision within 3 months after the preparations have been suspended according to section 1 or 2 of article 83, or after the circumstances that caused the suspension of preparations according to section 3 or 4 of the same article has disappeared.

Article 85 (Granting application for cancellation of litigation)

Where a plaintiff waives his claim or the litigant parties compromise with each other resulting in filing an application for withdrawal of the litigation, the judge shall, if it is not contrary to the law, approve of it by an award.

Article 86 (Dismissal of case)

The court shall dismiss the following cases by an award:

1. Cases that should be dealt with by arbitration or through administrative procedures;
2. Cases on which the judgment or award has been finalized;
3. Cases in which a person who is not qualified to be a litigant is a plaintiff or a defendant and such person cannot be replaced with a qualified person;

4. Cases in which a litigant dies and his rights and duties cannot be transferred to any other person;

5. Cases that are raised against a soldier or a non-commissioned officer of the Korean People's Army and the Korean People's Internal Security Forces;

6. Cases of divorce which involve women who are pregnant or bring up children under the age of 1;

7. Cases of divorce raised in less than 1 year after the judgment or award of the court on divorce has been rendered; or

8. Special circumstances that caused the suspension of a litigation persist for more than six months.

Article 87 (Appeal)

Where any grievance is harboured at the award on dismissal of the case during preparation for a trial, the litigant may appeal to a higher court within 10 days of the receipt of the tenor of the award.

Article 88 (Preparation of award)

Where a judge is convinced that sufficient preparations have been made, he shall give an award on referring the case to trial.

The written award shall state the date and place of the trial, witnesses and expert witness, and whether it will be open or closed to the public.

Article 89 (Notification of date and venue)

The judge shall, 7 days before the trial begins, send to the public prosecutor the records of the case in question and inform the public prosecutor, the litigants and other persons concerned of the date and venue of the trial.

The public prosecutor shall, 2 days prior to the commencement of trial, send litigation record to the court

Article 90 (Modes of notification)

The court shall prepare in writing a notice of the date of trial and other acts of litigation, which shall be delivered directly to the person concerned or sent by post.

Article 91 (Preparation of a protocol)

The judge shall draw up a protocol describing the acts conducted during the preparations for a trial.

Where necessary, the judge may have a clerk participate in the preparations to draw up a protocol.

Chapter 8 Trial

Article 92 (Composition of a tribunal)

A trial shall be conducted by a tribunal consisting of the chief judge and two people's assessors.

The judge may conduct the trial on his own in case a claim for divorce is raised against a person who is handicapped, missing or serving a penalty of reform through labour, and in case it is a matter of execution of a judgment, an award or an arbitral award of the external economic arbitration, or a notarial work.

The clerk shall be present in the trial.

Article 93 (Same members of tribunal for same case)

The trial of a case shall be conducted by the same members of a tribunal.

If a member of the tribunal is replaced in the middle of the trial, the trial shall start again from the beginning.

Article 94 (Attendance of public prosecutor)

A public prosecutor shall attend the trial. His absence, however, shall not prevent the trial from proceeding.

Article 95 (Role of chief judge)

The chief judge shall direct the trial and the acts of the litigants to ensure that the real truth of the case is discovered and order is maintained.

Article 96 (Commencement of trial)

The chief judge shall announce the commencement of the trial and identify the litigants.

Article 97 (Default judgment, dismissal of case)

Where a defendant or a litigant party was summoned to attend a trial but fails to do so without any justifiable reasons, the trial shall proceed in his absence.

Where a plaintiff, who was summoned, fails to be present at the court without showing any valid cause, the trial shall be dismissed. In this case, the litigation may be started again.

Article 98 (Impartation of litigious rights and obligations)

The chief judge shall impart the litigious rights and obligations to the litigants.

Article 99 (Confirmation of attendance of witness, expert witness, interpreter and construer)

The chief judge shall confirm the attendance of the witness, expert witness, interpreter and construer.

Where the witness and expert witness are absent, the chief judge shall consult the public prosecutor and the litigants and may either continue or postpone the trial.

Where the interpreter and construer are not present, the trial shall be postponed.

Article 100 (Soliciting views of litigants)

The chief judge shall introduce to the litigants the members of the tribunal, public prosecutor, clerk, expert witness, interpreter and construer, ask them if they wish to have any of them replaced and settle opinions, if any, raised.

Article 101 (Application for new evidence or witness)

The chief judge shall ask the litigant if he has any new evidence to produce, wants any other witness summoned or has any application to make, and shall meet his requests if there is any.

Article 102 (Postponement of trial by application of litigant)

Where the collection of new evidence requested by the litigant requires a lot of time, the chief judge shall postpone the trial by an award.

Article 103 (Beginning of examination of facts)

The chief judge shall announce the beginning of examination of facts and then let the plaintiff make a statement and the defendant make a defense.

Article 104 (Determination of the order of examination of facts)

The court shall solicit the views of the public prosecutor before setting the order of examination.

Article 105 (Order of trial of litigants)

Trial of litigants shall be conducted in the order of the chief judge, people's assessors and public prosecutor and, when it is over, the litigants shall start cross-questioning.

The expert witness may put questions to a litigant with the permission of the chief judge.

Article 106 (Hearing of witness)

Hearing of the witnesses shall be done by calling to the box one person after another in the prescribed order.

The chief judge shall first confirm the identity of the witness and his relation with the litigant and tell him that any perjury shall lead to legal responsibilities, and let him state the facts that he knows about the case.

Article 107 (Questioning of witness by litigants)

When the witness finishes his statement, the chief judge shall let the litigant who has asked for examination of the said witness put questions first and then allow the other litigant to put questions.

Other persons related to the litigation may ask questions to the witness with the permission of the chief judge.

The court may hear, in front of another witness, the witness who has been previously examined or may conduct a face-to-face examination of the witnesses.

Article 108 (Minor witness)

Where a minor is called to the box as a witness, the court shall have his parents, guardian, teacher or some other patron attend.

Article 109 (Examination of witness in case of postponement of trial)

Where a trial is to be postponed, the tribunal may examine the witness present and not summon him to the next session of trial.

Article 110 (Movement of witnesses)

The witness shall not leave the set venue until the trial comes to an end.

Where it is deemed necessary, the chief judge may, after consulting the litigant, release before the trial comes to a close the witness who has been examined.

Article 111 (Examination of evidences collected and preserved)

When the tribunal has collected evidence or examined the witness according to articles 41 and 52, it shall read out and review the protocol thereof in the examination of facts.

Article 112 (Discontinuation of examination of witness)

Where the facts are made clear, the court may discontinue the examination of the witness after consulting the litigants and the public prosecutor.

Article 113 (Hearing of expert witness)

Hearing of the expert witness shall be conducted in such a way as identifying him, permitting him to state the results of his examination and putting questions to him.

The litigant may address questions to the expert witness with the permission of the chief judge.

Where the expert witness is absent, only reading and examining the written expert report will do.

Article 114 (Request for expert examination, re-examination)

Where it is required during the examination of facts to conduct or re-conduct an expert examination, the court shall postpone the trial and decide by an award to seek an expert opinion.

Article 115 (Material evidence, documentary evidence)

Material evidence and documentary evidence shall be placed in the courtroom and examined in such a way as listening to the statement of the litigant about them and putting questions to him.

Article 116 (Inspection of scene, ascertainment of material evidence)

The chief judge may, in the middle of the trial, be authorized by the tribunal to inspect the scene or ascertain the material evidence on the spot. In this case a protocol shall be drawn up and examined in the trial before being used as a basis of the judgment or award.

Article 117 (Settlement of unexpected circumstances)

Where any of the circumstances set out in articles 83, 85 and 86 arises in the middle of a trial, the court shall examine it and render an appropriate award on it.

Article 118 (Divorce case)

When a divorce case is on trial, the problems of bringing up children or division of the property of the family concerned shall also be settled.

In case a party to a divorce case requires support for a certain period, the tribunal shall settle the problem of obligatory support of the other party.

Article 119 (Litigation expenses)

The court shall settle the problem of litigation expenses and their payment.

Article 120 (Additional questions)

The chief judge shall let the people's assessors, public prosecutor and litigants put additional questions.

Article 121 (Conclusion of examination of facts)

Where the truth of the case is deemed to have been fully discovered, the chief judge shall ask the litigants, people's assessors and the public prosecutor whether they agree to the conclusion of the examination of facts and shall announce the conclusion thereof after reaching agreement thereon with the people's assessors.

Article 122 (Soliciting views of litigants and public prosecutor)

Following the conclusion of the examination of facts, the chief judge shall give the litigants an opportunity to speak and the public prosecutor to state his views on the settlement of the case.

Where a litigant presents a new fact of substantial importance to the settlement of the case, the examination of facts shall start again.

Article 123 (Notification of completion of examination, adoption of judgment)

Upon completion of the examination, the chief judge shall make announcement thereof to the litigants and others concerned and proceed to the consultation room with the people's assessors for the adoption of a judgment.

Article 124 (Preparation of protocol of trial)

The clerk shall draw up a protocol of the trial within 3 days of its completion, specifying the following contents:

1. Date of the trial and name of the court;
2. Names of the members of the tribunal, public prosecutor and clerk;
3. Name of the case;
4. Venue of trial and whether the trial was open or closed;
5. Names of the litigants and their brief CV;
6. All the acts conducted by the tribunal in the order of their conduct;
7. Opinions raised by the litigants and their statement;
8. Awards rendered by the tribunal during the trial;
9. Final statement of the litigants; and
10. Opinion of the public prosecutor.

Article 125 (Opinions of litigants and public prosecutor on protocol of trial)

The litigants and public prosecutor may have access to the protocol within 5 days of drawing up the protocol of trial and, if any omissions or incorrect expressions are found therein, they may submit a written application for rectification.

Where the chief judge finds their opinion reasonable, he shall decide on the revision of the protocol by an award and, if he finds it unreasonable, he shall dismiss their application by an award with the reasons attached thereto.

Chapter 9 Judgment, Award

Article 126 (Conditions of adoption of judgment)

In case it is believed that truth of the case has been fully revealed on the basis of scientific evidence thoroughly examined and ascertained in the trial, the court shall adopt a judgment as required by the law.

Only the judge and people's assessors who have handled the case in question shall participate in the adoption of a judgment.

Article 127 (Points to be discussed and decided)

The court shall discuss and decide the following points for the adoption of a judgment:

1. Whether the claim of the plaintiff and the defense of the defendant are well-grounded;
2. Which laws and regulations to apply and how to deal with the claim;
3. How to dispose of evidences and property held on security;
4. Which legal action shall be applicable to the law violator; and
5. By whom and how much of the litigation expenses are to be borne.

Article 128 (Mode of adoption of judgment)

Judgment shall be adopted by a majority vote of the court.

Where the judge or a people's assessor disagrees with the majority opinion, he may present a written opinion thereon. It shall not be read out when the judgment is announced.

Article 129 (Kinds of judgment)

The court shall render either of the following judgments:

1. Judgment acknowledging the claim; or
2. Judgment rejecting the claim.

Article 130 (Dealing with property on security and evidence)

The court shall properly deal with the property held on security and shall put on record or confiscate such documentary evidence and records that should not be returned to the owner. The rest shall be returned to the owner.

When material evidence or documentary evidence is to be returned to the owner, a certificatory document shall be affixed to the records of the case.

Article 131 (Litigation costs)

The court shall settle the litigation costs as follows:

1. In case the claim of the plaintiff is accepted, the defendant shall be liable to bear the costs; and if it is rejected, the plaintiff shall be liable to bear the costs;
2. In case the claim for a case stipulated in article 68 of this Law is admitted, State commission shall be charged to the defendant; and
3. In disregard of subarticle 1 above, the whole or part of litigation costs may be charged to the plaintiff or defendant at the request of the parties to litigation.

Article 132 (Date of adoption of judgment)

Judgment shall be delivered on the day when the trial is over.

Article 133 (Contents of judgment)

The written judgment shall specify the following:

1. Date of trial and name of the court;
2. Names of the members of the tribunal, public prosecutor and clerk;
3. Name of the case, venue of trial and whether it was open or closed;
4. Names of the litigants and their brief CV;
5. Claim of the plaintiff and response of the defendant;
6. Facts and evidence admitted by the tribunal;
7. Law and regulation on which the judgment is based;
8. A decision on acknowledgement or rejection of a claim;
9. Disposal of the property held on surety and material evidence;
10. Payment of the litigation costs; and
11. Methods of execution of the judgment or award and procedures for appeal and protest.

Article 134 (Pronouncement)

Judgment shall be pronounced in the name of the Democratic People's Republic of Korea.

Article 135 (Penalties on illegal acts during the trial)

Where the tribunal learns that the parties to a divorce and others related to the case violated law, made family troubles and thus marred social atmosphere during the trial, it may take measures to impose an appropriate penalty.

Where the breach of law is serious, an award shall be given to handle it as a criminal case and the facts of violation shall be handed over to the competent organs of public prosecutor or investigation.

Article 136 (Settlement by award)

The tribunal shall settle the case by an award if:

1. A case is transferred or a litigant is replaced;
2. The judge handles the case on his own or completes the handling of the case at the stage of preparation for trial;

3. The procedures of the trial are to be decided;
4. An application of a litigant is dealt with;
5. A penalty is to be imposed on illegal act discovered during the trial; or
6. An application of the external economic arbitration organ for the execution of an arbitration is dealt with.

Article 137 (Adoption of award)

An award shall be adopted according to the same procedures as a judgment.

An award concerning the procedures of a trial shall be given in such a way as writing it down in the protocol of the trial.

Article 138 (Prohibition of revocation, possibility of alteration)

The court of first instance shall not revoke the judgment or award that has already been delivered. However, an award concerning subarticle 4 of article 136 of this Law and a final and conclusive judgment or award on the claims for determination of a party and expenses of rearing children and supporting dependants may be altered.

Article 139 (Appeal, protest)

Where a litigant, convict or a public prosecutor is aggrieved at a judgment or award given by the court of first instance, he may lodge an appeal or protest.

Where an appeal or a protest is lodged, the judgment or award concerned shall not be executed.

No appeal or protest shall be lodged against a judgment or award rendered by the Supreme Court.

Article 140 (Term of appeal or protest)

The appeal or protest shall be made within 10 days of the receipt of the copies of written judgment or award.

The copies of the written judgment or award shall be given to the litigants, the convict and the public prosecutor within 2 days of the pronouncement of the judgment or award.

Where a dispute arises between the parties to a divorce over the rights to use a State-owned house, the court shall specify its opinion thereof in the copy of the judgment to be forwarded to the people's power organ concerned.

Article 141 (Procedures of appeal or protest)

A litigant, convict or a public prosecutor who wishes to lodge an appeal or protest shall submit a note thereof to the court of first instance that has given the judgment or award.

The note of appeal or the written protest shall contain the reasons for the appeal or protest and the relief sought, as well as the materials that have not been submitted to the court of first instance.

The note of appeal shall be attached to by a confirmation of payment of State charges.

Article 142 (Handling of note of appeal or protest)

Upon expiry of the term of appeal or protest, the court of first instance shall send the note of appeal or the written protest to a higher court within 5 days, together with the records of the case in question.

Article 143 (Revocation of protest)

Where the public prosecutor from a higher prosecutor's office considers the protest made by the public prosecutor of the lower office unreasonable, he may revoke it.

Article 144 (Revocation of appeal)

The litigant who has appealed against the judgment or award of the court of first instance may revoke it before the court of second instance begins.

Article 145 (Finalization of judgment)

A judgment shall be finalized in cases where:

1. The prescribed period expires without an appeal or a protest being lodged;
2. The court of second instance stands by the judgment given by the court of first instance although an appeal or a protest has been lodged; or
3. A final and conclusive judgment is passed.

Chapter 10 Court of Second Instance

Article 146 (Functions)

The court of second instance shall, on the basis of the appeal, protest and records of the case, comprehensively examine whether the judgment or award rendered by the court of first instance satisfies the requirements of the law and are based on scientific evidence, and rectify errors if any.

Article 147 (Composition)

The court of second instance shall be administered by a court of 3 judges.

The litigants, convict and public prosecutor shall be present in the court of second instance. Failure of the litigants, convict or public prosecutor to participate therein shall not prevent the trial from proceeding.

The date of trial shall be notified to the public prosecutor, litigants and convict not later than 3 days before the court of second instance sits.

Article 148 (Procedures)

The court of second instance shall be administered in such a way that the judge delivers a report on the case, examines the case and solicits the views of the litigants, convict and public prosecutor.

Article 149 (Questioning litigants, prohibition of examination of facts)

The court of second instance and public prosecutor may put questions to the litigants and convict on the basis of the records of the court of first instance and the presented appeal or protest. However, examination of facts shall not be conducted.

Article 150 (Acknowledgment of judgment or award of court of first instance)

Where the judgment or award given by the court of first instance is proved right, the court of second instance shall acknowledge it and give an award on rejecting it.

Article 151 (Rectification of judgment or award of court of first instance)

Where it is found that court of first instance has failed to pass a correct judgment or award even though it has examined the truth of the case so clearly that collection of new evidence and fact-finding are no more needed, the court of second instance may rectify the judgement or award.

Article 152 (Return of case)

The court of second instance shall revoke the judgment or award of the court of first instance, give an award on reexamining the case and return it to the preparation stage or the examination stage of the court of first instance in cases where:

1. The composition of the tribunal has failed to comply with the law;
2. The facts that are substantially important to the settlement of the case have not been clarified;
3. The trial is based on evidence that has not been checked or facts that have not been clarified; or
4. The litigant has not been provided with the litigious rights or a person who is not qualified to be a litigant is acknowledged as the plaintiff or the defendant.

Article 153 (Revocation, dismissal of case)

Where the court of second instance finds any matter to which article 86 of this Law is applicable, it shall revoke the judgment or award given by the court of first instance and give an award on dismissing the case.

Article 154 (Award on errors of court of first instance)

Even when the court of second instance does not revoke the judgment or award given by the court of first instance, it may give a separate award pointing out errors of the court of first instance.

Article 155 (Prohibition of appeal or protest)

No appeal or protest shall be lodged against the award of the court of first instance.

Chapter 11 Extraordinary Appeal

Article 156 (Applicability)

Where a final and conclusive judgment or award is contrary to the law, it shall be rectified according to the procedures of the extraordinary appeal.

Article 157 (Reasons for making extraordinary appeal)

An extraordinary appeal may be made any time when substantially illegal acts are found in the records of the case.

Article 158 (Applicant)

An extraordinary appeal shall be lodged with the Supreme Court by the Chief Justice or by the Prosecutor-General.

Article 159 (Right of applicant)

The Chief Justice or the Prosecutor-General shall, before lodging an extraordinary appeal, be entitled to have access to the records of any case that has been settled by any court and to suspend the execution of the judgment or award on the case in question.

The execution of a judgment or award rendered by the Supreme Court shall not be suspended.

Article 160 (Request for records of case)

The court and prosecutor's office may, for the purpose of applying for an extraordinary appeal, request the records of a case that has been handled in the area under their jurisdiction.

Where they find in the records any grounds for the application for the extraordinary appeal, they shall send the records of the case to the Chief Justice or the Prosecutor-General with appropriate opinions attached, and if they fail to do so, they shall send the records back to the competent court.

Article 161 (Request for filing application)

A litigant or a person who has an interest in the settlement of the case may request the competent court or prosecutor's office to file an application for an extraordinary appeal.

Article 162 (Composition of tribunal of extraordinary appeal)

An extraordinary appeal against a judgment or award by any court other than the Supreme Court shall be examined and settled by a tribunal consisting of 3 judges from the Supreme Court, and an extraordinary appeal against a judgment or award by the Supreme Court by the judges' council of the Supreme Court.

Article 163 (Judges' council of Supreme Court)

The judges' council of the Supreme Court shall consist of the Chief Justice, his deputy and judges.

The judges' council shall sit when the two thirds or more of all its members are present and the award shall be adopted by a majority vote of the members who are present.

The judges' council shall be presided by the Chief Justice.

Article 164 (Attendants)

The Prosecutor-General shall take part in the judges' council.

A public prosecutor from the Supreme Prosecutor's Office shall participate in the examination of an extraordinary appeal conducted by a tribunal of 3 judges from the Supreme Court.

The date of the examination of the extraordinary appeal shall be notified to the Supreme Prosecutor's Office 3 days in advance.

Article 165 (Procedures)

In the trial of an extraordinary appeal, the report on the case shall be heard and the presented materials examined, and the opinions of the Prosecutor-General or the public prosecutor shall be heard.

A case of the extraordinary appeal shall be settled by an award.

The Supreme Court shall, upon conducting trial of an extraordinary appeal, settle the civil case in accordance with the articles 150~154 of this Law.

Article 166 (Disposal of property)

Where a final and conclusive judgment or award is altered or revoked by an extraordinary appeal, the Supreme Court shall settle the issue of the disposed property.

Chapter 12 Retrial

Article 167 (Purpose)

Retrial shall be staged in order to rectify the judgment or award that has already been finalized in cases where:

1. The evidence that has served as the basis of the judgment or award is confirmed as being false;

2. A fact which can affect the judgment or award is found after the trial is over;

3. It is found that a litigant or a member of the tribunal has committed illegal acts that may affect the settlement of the case; or

4. It is found that the judgment or award was based on a judgment or award, or a decision or instruction of a State organ that had been revoked.

Article 168 (Applicant)

The application for retrial shall be made by the Chief Justice or Prosecutor-General to the Supreme Court.

Article 169 (Application by court or prosecutor's office)

The court or the prosecutor's office may, if deemed necessary, apply for retrial. The application for retrial shall be made to a court or prosecutor's office one level higher.

Article 170 (Application by litigant or third person)

A litigant or a third person concerned may request a relevant court or prosecutor's office to apply for retrial.

The retrial shall be applied for within 3 months from the date when the appropriate reason is found and evidence shall be attached to the written application.

Article 171 (Fact-finding, settlement)

The court or the prosecutor's office shall, upon receipt of the application for retrial, conduct the necessary fact-finding within 1 month. Where the application is reasonable, it shall send it, with its opinions affixed, to the Supreme Court or the Supreme Prosecutor's Office; if it is wrongful, it shall reject it by an award or decision.

Article 172 (Composition of tribunal)

The case brought to retrial shall be examined and settled by a tribunal consisting of 3 judges from the Supreme Court.

A public prosecutor from the Supreme Prosecutor's Office shall be present in the retrial.

The Supreme Court shall inform the Supreme Prosecutor's Office of the date of the retrial 3 days ahead.

Article 173 (Procedures of retrial)

The retrial shall be conducted in such a way as hearing the report on the case, examining the reason for the application, and listening to the public prosecutor from the Supreme Prosecutor's Office.

Article 174 (Settlement)

After conducting the retrial, the Supreme Court shall, if the reason for the application is considered right, revoke the final judgment or award, and shall either refer the case to the court of first instance for reexamination or revoke the case.

Where the application for retrial is considered unreasonable, it shall be rejected.

Chapter 13 Execution of Judgment or Award

Article 175 (Term of execution of judgment or award)

The judgment and award shall be executed by the executor of the court after they are finalized.

Institutions, enterprises, organizations and citizens shall comply with the demands of the executor concerning the execution of the judgment or award.

The executor may ask for the cooperation of the people's security organ for the execution of a judgment or award if he meets with any hindrance or resistance.

Article 176 (Writ of execution)

Where a judgment or award on the claim for property is finalized, the judge from the court that has passed the said judgment or award shall issue a writ of execution by his decision or at the request of the litigant or public prosecutor.

An application for the issuance of a writ of execution shall be made within 2 months of the finalization of the judgment or award.

The executor shall perform the writ of execution within 1 month of its receipt.

Article 177 (Attendance of obligor)

The executor shall notify the prosecutor of the act of execution to be conducted 3 days in advance and let the obligor participate in the execution.

The obligor may point out the property to be executed.

Article 178 (Execution of property of institution, enterprise or organization)

Execution of the property of an institution, enterprise or organization shall be conducted by the relevant bank.

The relevant bank shall carry out the execution within 10 days of receipt of the writ and shall inform the executor of the result.

Where the institution, enterprise or organization fail to discharge the obligation within 1 month of receipt of the writ, the court may, by rendering an award, freeze the accounts of the institution, enterprise or organization pending the discharge of obligation.

Article 179 (Suspension)

The judge may suspend the execution for a certain period in cases where:

1. The debtor has some problems that should be taken into account;
2. The litigants, who are citizens, decided to compromise with each other and made a request for the discontinuation of the execution; or
3. The execution is impossible because the property does not exist.

Article 180 (Disposal of executed property, preparation of protocol)

Upon completion of the execution the executor shall hand over the executed property to the person entitled to it and submit a protocol of execution to the judge.

Article 181 (Dismissal)

The court shall dismiss the execution in cases where:

1. The judgment or award on which the writ of execution is based has been revoked;
2. The execution is applied for after the set period has expired; or
3. The litigant citizen waived the application for the execution.

Article 182 (Complaints, settlement)

Where a litigant or a third person concerned is aggrieved at an act of execution performed by the executor, he may lodge a complaint with the court to which the executor belongs.

The court shall, in the presence of the applicant, examine and settle the complaint within 15 days of its receipt.

Where a litigant is aggrieved at the award of the court, he may appeal to a higher court.