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Excellency,

In my capacity as Rapporteur for Follow-up on Conclusions and Recommendations of the United Nations Committee against Torture, I refer to our exchanges to date regarding the examination of the second periodic report of the Republic of Korea (CAT/C/53/Add.2) by this Committee at its 36th session, held on 11 and 12 May 2006 (CAT/C/SR.711 and CAT/C/SR.714), and requests for further information under the Follow-up Procedure.

As explained in my previous letter, the Committee's Conclusions and Recommendations (CAT/C/KOR/CO/2), adopted and transmitted to your Permanent Mission, asked that the Republic of Korea provides information within a year on paragraphs 7, 9, 13, 14 and 15 of the Conclusions and Recommendations. This was done in your communication of 27 June 2007 (CAT/C/KOR/CO/2/Add.1), which was, in turn, followed by my letter of 15 November 2008 requesting some added information.

On behalf of the Committee, thank you for your Government's thorough and helpful reply in its second communication of 10 July 2009 (CAT/C/KOR/CO/2/Add.2). The additional information provided has assisted the Committee in its ongoing analysis of the specific issues of concern. I am writing to seek some clarifications to enable completion of analysis of the progress made regarding implementation of the Committee's recommendations.

With regard to the Committee's recommendation in paragraph 7 of its Conclusion and Recommendations, the Committee welcomes learning of the various measures in place to ensure that the Hotline Center of the Human Rights Bureau is broadly accessible to detainees and prisoners. We would welcome further clarification on the jurisdiction of the Hotline Center in comparison to relevant departments of the Ministry of Justice to which the Hotline Center forwards cases as necessary. Specifically, please clarify which body, if any, has authority to investigate cases that fall outside the jurisdiction of the Hotline Center. We also invite information on the punishments and remedies provided as the result of the investigations and trials of the 42 reported cases where "remedy (was) adopted" in 2008 and the 82 cases in 2009. In this regard, please clarify what punishments were provided, and what compensation was offered.

H.E. Mr. Lee Sung-joo
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Regarding paragraph 9 of the Conclusion and Recommendations, we note with appreciation the regular reporting in the Monitoring Reports on Human Rights and assessments by the Ministry of Justice. Please clarify the number of cases where legal counsel's participation in an interrogation may have been limited under Article 243-2 of the revised Criminal Procedure Act, the reasons for such restriction and whether there were any complaints or allegations of abusive measures committed when the participation by the legal counsel was suspended.

The Committee appreciates the information provided on the training and awareness-raising programmes provided for police and other officials. We invite the State party's comments on the impact of the training programmes on the conduct of the police and other officers. In this regard, the Committee would welcome any information on the reasons for the increase in the number of allegations of human rights violations reported to the Human Rights Protection Team of the National Police Agency, from 10 in 2007 to 19 in 2008.

Regarding the "substitute cell", we are pleased to note the continued efforts taken by the State party to close substitute cells and improve conditions in the still-existing substitute cells. The Committee invites you to submit information on the Ministry of Justice's research on the condition of substitute cells, as mentioned in your reply. Please clarify whether independent bodies have access to these cells.

As to paragraph 14 of the Conclusions and Recommendations in which the Committee called on the State party to take all necessary steps to reduce the number of deaths in detention facilities, the Committee appreciates the statistics provided on the number of suicides and sudden deaths in detention. We note with interest the decrease in the number of sudden deaths from 2007 to 2008, while the number of suicides remained the same in these two years. Please provide the Committee with information on whether the State party's analysis has found any link between the number of suicides and other sudden deaths in detention facilities and allegations of torture and ill-treatment, discussed in paragraph 24 of your response.

Finally, the Committee very much appreciates the clarification provided on the criteria that are used for deeming a suicide to be caused by abuse by senior soldiers and on the mental health screening process, including the use of special counselors.

The Committee looks forward to pursuing the constructive dialogue and exchange it has started with the representatives of the Republic of Korea on the implementation of the Committee's recommendations, and in this context, to receiving clarification to our follow-up questions.

Accept, Mr. Ambassador, the assurances of my highest consideration.



Felice D. Gaer
Rapporteur for Follow-up on Concluding Observations
Committee against Torture