

May 22, 2023

President Yoon Suk-yeol
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Justice Minister Han Dong-hoon
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Re: South Korea's responsibility as a global pivotal state to ensure judicial accountability for the abductions and enforced disappearances perpetrated by North Korea through the speedy completion of the domestic implementing legislation for the Enforced Disappearance Convention and normalization of the Ministry of Justice's North Korean Human Rights Archive on the occasion of the International Week of the Disappeared

Dear President Yoon Suk-yeol,

On the occasion of the International Week of the Disappeared, we urge South Korea to speedily complete the domestic implementing legislation for the International Convention for the Protection of All Persons from Enforced Disappearance (Enforced Disappearance Convention) and ensure judicial accountability through the Ministry of Justice's North Korean Human Rights Archive in fulfilment of its responsibility as a global pivotal state.

South Korea acceded to the Enforced Disappearance Convention on January 4, 2023, and the Convention entered into force for South Korea thirty days later on February 3. However, South Korea has yet to enact the Enforced Disappearance Convention's domestic implementing legislation which is necessary to fulfil its obligations under the Convention, including the punishment of the crime of enforced disappearance. The continued absence of the implementing legislation may obstruct the future prosecution of the individuals responsible for North Korea's abductions and enforced disappearances in South Korean domestic courts by the strict application of the principle of legality, especially the principle of non-retroactivity.

Fortunately, from November 2020 to September 2021, the Ministry of Justice convened the Enforced Disappearance Convention Implementing Legislation Committee, composed of domestic and international criminal law and international

human rights law experts and representatives from the Ministries of Justice, Foreign Affairs and National Defense.¹ This committee, headed by Judge Kwon O-Gon, formerly the presiding judge in the trial of Radovan Karadžić at the International Criminal Tribunal for the former Yugoslavia, fulfilled its mandate to prepare a draft implementing law.² There are also two implementing bills proposed by lawmakers Jeon Yong-Gi³ and Kim Gi-Hyeon⁴ pending before the Legislation and Judiciary Committee of the National Assembly. We therefore urge the speedy completion of the implementing legislation procedure.

We also note that the Ministry of Justice's North Korean Human Rights Archive prepares the perpetrator cards from the questionnaires on North Korea's human rights violations administered to the North Korean escapees by the Ministry of Unification's North Korean Human Rights Records Center and transferred to the Archive under the North Korean Human Rights Act. We urge that the Ministry of Justice's North Korean Human Rights Archive be returned from the Institute of Justice's Yongin branch to the Government Complex – Gwacheon and the public prosecutors be reassigned to properly support future criminal investigation and prosecution of crimes against humanity and other grave human rights violations including enforced disappearances.

Thank you.

Sincerely,

Signature organizations and individuals (as of May 22, 2023)

Kim Jeong-sam (elder brother of missionary Kim Jeong-wook who has been held in detention in North Korea since 2013)

1969 KAL Abductees' Families Association

Advocacy Forum

Asian Federation Against Involuntary Disappearances (AFAD)

Citizens' Alliance for North Korean Human Rights (NKHR)

Commission for Disappeared and Victims of Violence (KontraS)

Committee for Human Rights in North Korea (HRNK)

Conflict Victims Society for Justice (CVSJ)

Defence of Human Rights (DHR)

HanVoice

Ikatan Keluarga Orang Hilang Indonesia (IKOHI)

International Coalition Against Enforced Disappearances (ICAED)

¹ Ministry of Justice and Ministry of Foreign Affairs, Press Release: UN Enforced Disappearance Convention Accession Bill Approved by State Council, 21 June 2022, <https://www.moj.go.kr/bbs/moj/182/560423/artclView.do>
https://www.mofa.go.kr/www/brd/m_4080/view.do?seq=372431

² MOJ, Established Rule no. 1262: Operational guideline for the Ministry of Justice Enforced Disappearance Convention Implementing Legislation Committee, <http://www.moj.go.kr/bbs/moj/155/530973/artclView.do>

³ ROK National Assembly, Bill for the "Act for the Protection of All Persons from Enforced Disappearance" (Bill no. 2107371) proposed by 10 members including Jeon Yong-Gi on January 14, 2021, https://likms.assembly.go.kr/bill/billDetail.do?billId=PRC_P2E1S0R1F0T8B1V6Z2W9P1X1B2Z7C7

⁴ ROK National Assembly, Bill for the "Act on the Punishment of the Crime of Enforced Disappearance, the Prevention of Enforced Disappearance, the Remedies for the Victims, etc." (Bill no. 2115792) proposed by 10 members including Kim Gi-Hyeon on May 30, 2022, https://likms.assembly.go.kr/bill/billDetail.do?billId=PRC_D2B2M0R4W2K1E1J7M2S9C4O4X2T9D1

Justice For North Korea

Korean War POW Family Association

Mulmangcho

Save North Korea

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Transitional Justice Working Group (TJWG)