

June 22, 2023

European Union (EU) President Ursula von der Leyen
European Commission
Rue de la Loi/Wetstraat 200
1049 Bruxelles
Belgium

CC. High Representative of the European Union for Foreign Affairs and Security Policy and Vice-President of the European Commission (HR/VP) Josep Borrell Fontelles
European Commission
Rue de la Loi/Wetstraat 200
1049 Bruxelles
Belgium

Re: Strengthening the language concerning South Korean POWs, abductees and detainees as well as North Korean refugees in the North Korean human rights resolution to be adopted by the UN General Assembly on the 70th anniversary of the 1953 Armistice Agreement

Dear High Representative/Vice-President Josep Borrell

For the past 70 years, North Korea has refused to repatriate an estimated 50,000 South Korean prisoners of war (POWs) and 100,000 civilian abductees in clear violation of the 1953 Armistice Agreement as well as the 1949 Geneva Conventions relative to the Treatment of Prisoners of War and relative to the Protection of Civilian Persons in Time of War. Even after 1953, North Korea has denied the repatriation of at least 516 South Korean POWs and civilian abductees including those from the Vietnam War and the 1970 seizure of the ROK Navy broadcast vessel I-2, over 60 seizures of fishing vessels in 1955-1987 and the 1969 Korean Air Lines YS-11 hijacking. Recently, over the past decade, North Korea has continued to detain at least 6 South Korean citizens (Kim Kuk-gi, Choi Chun-gil, Kim Jeong-wook, Kim Won-ho, Ko Hyon-chol and another individual whose name is not known).

As this year marks the 70th anniversary of the 1953 Armistice Agreement, we urge you to demonstrate the shared values of advancing human rights, democracy, the rule of law and accountability by strengthening the language concerning South Korean POWs, abductees and detainees as well as North Korean refugees in the North Korean human rights resolution to be proposed by the European Union (EU) at the upcoming 78th General Assembly.

We note that in the Phnom Penh Statement of November 13, 2022, South Korean President Yoon Suk-Yeol, Japanese Prime Minister Kishida and US President Biden “reaffirm[ed] a shared commitment to the immediate resolution of the abductions issue” with the latter two “also express[ing] their support for the immediate release of the ROK citizens detained in the DPRK”.¹

This was followed by a joint statement made at the UN on December 9, 2022 by 31 states, including South Korea and 18 EU member states (Albania, Austria, Belgium, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Ireland, Italy, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Spain, Sweden) which expressed “concern with the human rights situation of citizens of the Republic of Korea detained in the DPRK, abductions and enforced disappearances of Japanese and

¹ Phnom Penh Statement on US – Japan – Republic of Korea Trilateral Partnership for the Indo-Pacific (November 13, 2022), <https://www.whitehouse.gov/briefing-room/statements-releases/2022/11/13/phnom-penh-statement-on-trilateral-partnership-for-the-indo-pacific>

Republic of Korea citizens, and other nationals who are kept against their will in the DPRK, and unrepatriated prisoners of war” and strongly urged “the DPRK to resolve all outstanding issues with detainees, abductees, and disappeared and immediately return them to their homes”.²

Recently, on April 26, 2023, South Korea and the United States stated that they “will strengthen cooperation to promote human rights in the DPRK as well as to resolve the issues of abductions, detainees, and unrepatriated prisoners of war” in the joint summit statement.³ In a similar vein, the United States also reaffirmed its “commitment to the immediate resolution of the abductions issue” in the summit statements with Japan on May 23, 2022⁴ and January 13, 2023.⁵

We therefore call for strengthening the language from last year’s EU-sponsored North Korean human rights resolution at the UN General Assembly (resolution 77/226 of 15 December 2022) as follows.

The language used in preambular paragraph 24 concerning the South Korean POWs (“Noting with concern the allegations of continued violations of the human rights of unrepatriated prisoners of war and their descendants”) may be strengthened by striking “continued” and inserting “continued denial of the right of repatriation under the Geneva Convention relative to the Treatment of Prisoners of War and” and by striking “descendants” and inserting “descendants, in particular forced labour, enslavement, torture, imprisonment, enforced disappearance, execution, discrimination based on the *songbun* system and enforced separation of families”.

With respect to the 6 South Korean detainees (Kim Kuk-gi, Choi Chun-gil, Kim Jeong-wook, Kim Won-ho, Ko Hyon-chol and another individual whose name is not known), the language used in operative paragraph 18 (h) (“To provide citizens of other countries detained in the Democratic People’s Republic of Korea with protections”) may be updated by replacing “citizens of other countries,” with “citizens of other countries, in particular the Republic of Korea,” given that the only known remaining foreign detainees in North Korea are all from South Korea.

The language in operative paragraph 4 (“Underscores its very serious concern regarding reports of torture and other cruel, inhuman or degrading treatment or punishment, summary executions, arbitrary detention, abductions and other forms of human rights violations and abuses that the Democratic People’s Republic of Korea commits against citizens of other countries within and outside of its territory”) may likewise specify the nationality of the foreign detainees and abductees by replacing “citizens of other countries” with “citizens of other countries, in particular Japan and the Republic of Korea”.

We also ask the EU to consider specifically mentioning the names of the known South Korean detainees in the resolution in light of other country-specific resolutions at the UN General Assembly. Last December, General Assembly resolution 77/228 on the situation of human rights in the Islamic Republic

² Joint Statement Delivered by Ambassador Linda Thomas-Greenfield on the Human Rights Situation in the Democratic People’s Republic of Korea (December 9, 2022), <https://usun.usmission.gov/joint-statement-delivered-by-ambassador-linda-thomas-greenfield-on-the-human-rights-situation-in-the-democratic-peoples-republic-of-korea>

³ Leaders’ Joint Statement in Commemoration of the 70th Anniversary of the Alliance between the United States of America and the Republic of Korea (April 26, 2023), <https://www.whitehouse.gov/briefing-room/statements-releases/2023/04/26/leaders-joint-statement-in-commemoration-of-the-70th-anniversary-of-the-alliance-between-the-united-states-of-america-and-the-republic-of-korea>

⁴ Japan-U.S. Joint Leaders’ Statement: Strengthening the Free and Open International Order (May 23, 2022), <https://www.whitehouse.gov/briefing-room/statements-releases/2022/05/23/japan-u-s-joint-leaders-statement-strengthening-the-free-and-open-international-order>

⁵ Joint Statement of the United States and Japan (January 13, 2023), <https://www.whitehouse.gov/briefing-room/statements-releases/2023/01/13/joint-statement-of-the-united-states-and-japan>

of Iran referred to “Mahsa Amini’s arbitrary arrest and subsequent death while in custody” while General Assembly resolution 77/229 on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine expressed deep concern about “the ongoing reports of arbitrary detentions, arrests and sentencing by the Russian Federation of Ukrainian citizens ... including Emir-Usein Kuku, Halyna Dovhopola, Server Mustafayev, Vladyslav Yesypenko, Nariman Dzhelyal, Iryna Danilovych, Bohdan Ziza, Enver Krosh, Vilen Temeryanov and many others”. General Assembly Resolution 77/230 on the situation of human rights in the Syrian Arab Republic also strongly condemned the targeting of humanitarian workers and persons engaged in medical duties, their means of transport and equipment and hospitals and other medical facilities, specifically citing as examples “the attack against the deconflicted Atarib cave hospital on 21 March 2021 and the terrorist attack against Al-Shifa’ hospital on 12 June 2021”.

Lastly, given the imminent danger of the forced repatriation of North Korean refugees from China when North Korea lifts its COVID border lockdown in force since January 2020, we ask that the language of operative paragraph 2(a)(v) be revised to specify “forced abortion and infanticide against repatriated mothers and their children based on gender and racial grounds” among the retaliations faced by the repatriated North Koreans and to urge States to comply with their obligations of non-*refoulement* under the Torture Convention as well as the Refugee Convention and Protocol.

While symbolic, these proposed amendments, if realized, would not only have a particular meaning for the South Korean POWs, abductees, detainees and North Korean refugees as well as their families, providing the international recognition of their suffering, but also send a clear message to the North Korean government that the international community has not forgotten these long-standing and ongoing systematic, widespread and gross human rights violations.

Thank you.

Sincerely,

Signature organizations and individuals (as of June 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

Citizens’ Alliance for North Korean Human Rights (NKHR)

Committee for Human Rights in North Korea (HRNK)

HanVoice

Human Asia

Improving North Korean Human Rights Center

Justice For North Korea

Korean War POW Family Association

Mulmangcho

People for Successful Corean Reunification (PSCORE)

Save North Korea

Stepping Stone

THINK

Transitional Justice Working Group (TJWG)