

August 25, 2023

Director of National Security Office Cho Tae-yong

CC. Prime Minister Han Duck-soo
Minister of Foreign Affairs Park Jin
Minister of Unification Kim Yung-ho
Minister of Justice Han Dong-hoon
Minister of National Defense Lee Jong-sup

Re: A government bill for the establishment of a POW investigative commission

Dear Director of National Security Cho Tae-yong,

We call for a government bill approved by the State Council for the establishment of an investigative commission on prisoners of war (POWs). On June 24, 2021, ahead of the 71st commemoration of North Korea's illegal invasion of South Korea, you sponsored the Bill for the Act on Fact-Finding and Restoration of Honor for the Korean War-era Prisoners of War with 28 other co-sponsors, but the bill has not even been discussed after its introduction in the National Defense Committee in August that year.¹ Since the first-ever invitation of three POWs to President Yoon Suk-yeol's inauguration ceremony on May 10 last year, three POWs including Mr. Lee Gyu-il, one of the three invitees, have passed away, leaving only 12 of the 80 escaped POWs alive now. Though already 70 years too late, the government must take measures to investigate and document the grave human rights violations committed by North Korea against the POWs and their families to raise domestic and international awareness about the issue and to resolve the POW issue through the realization of their immediate return and accountability, including the repatriation of the remains of the deceased.

At the ROK-US-Japan trilateral summit at Camp David on August 18, the three nations "commit[ed] to strengthening cooperation to promote respect for human rights in the DPRK and reaffirm a shared commitment to the immediate resolution of the issues of abductees, detainees, and unrepatriated prisoners of war".² However, the sad reality is that even if the three nations want to make efforts to resolve the POW issue, there are no basic updated figures let alone an official report from the ROK government. According to the last publicly available figures in August 2007, the National Intelligence Service (NIS) stated that there are in total 1,770 POWs (560 alive, 910 dead, 300 missing) held captive in North Korea whose identities have been confirmed based on testimonies from North Korean escapees, escaped POWs and people with relations in South Korea.³ Thousands of more North Korean escapees and escaped POWs have arrived in South Korea since then, but because of the ROK government's failure to release the updated figures the 2014 report by the UN Commission of Inquiry on human rights in the DPRK (COI) recorded an estimated 560 POWs alive in North Korea. In fact, these official figures have not been updated for the past 16 years.

For the escaped families of POWs from North Korea, the Ministry of National Defense (MND) is keeping track of only the household counts and not the head counts for the bureaucratic reason that the assistance for POW families under the Act on the Repatriation, Treatment of the ROK Armed Forces Prisoners of War is provided to the household units. Therefore, 161 and "about" 430 POW family members that have arrived in South Korea in the 2008 and 2014 Defense White Papers respectively are the last confirmed figures by the ROK government.

The Committee on Fact-Finding of Korean War Abductions, established by the Act on Fact-Finding of the Damage from North Korea's Abductions during the Korean War and Restoring Honor of the Victims which was enacted in 2010, made factual findings by among other things receiving reports from the families of the wartime civilian abductees and

¹ ROK National Assembly, Bill for the Act on Fact-Finding and Restoration of Honor for the Korean War-era Prisoners of War (Bill no. 2111051) proposed by 29 members including Cho Tae-yong on June 24, 2021, https://likms.assembly.go.kr/bill/billDetail.do?billId=PRC_B2M1Z0V6A1G6R0M9E1M1C2O7Q1B

² The Spirit of Camp David: Joint Statement of Japan, the Republic of Korea, and the United States (August 18, 2023), <https://www.whitehouse.gov/briefing-room/statements-releases/2023/08/18/the-spirit-of-camp-david-joint-statement-of-japan-the-republic-of-korea-and-the-united-states>

³ Korea Institute for National Unification (KINU), Proposals to resolve the POWs and abductees issues (2007), p. 8 [in Korean], <https://repo.kinu.or.kr/handle/2015.oak/1050>

conducting oral and documentary investigation and legal findings on accountability under international humanitarian law, international criminal law and international human rights law as well as publishing a comprehensive report in Korean and English and a combined list of the abductees to publicize its findings at home and abroad. For the POWs, at a minimum, a fact-finding commission established by the government must make factual and legal findings on accountability and publish a comprehensive report in Korean and English and a combined list on par with the wartime civilian abductees accounting for the POWs from the Vietnam War and the seizure of the navy broadcast vessel ROKS I-2 in 1970.

A bill to establish the POW investigative commission will eventually have to be passed in the National Assembly, but it would be politically difficult to oppose a government bill for which a firm governmental commitment for budgetary, administrative and political support has been confirmed. We urge you to take this opportunity to lead the diplomatic efforts to resolve the POWs issue.

We also urge the abolition of the 3-class system for POWs on account of their “hostile acts” during captivity in North Korea, the establishment of a dedicated office for unrepatriated POWs similar to the Defense POW/MIA Accounting Agency (DPAA) of the US Department of Defense and the creation of the POW medal.

Thank you.

Sincerely,

Signature organizations and individuals (as of August 25, 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

Association of North Korean Defectors (NKD)

Citizens’ Alliance for North Korean Human Rights (NKHR)

Committee for Human Rights in North Korea (HRNK)

HanVoice

Improving North Korean Human Rights Center

Justice for North Korea

Korean War POW Family Association

Mulmangcho

No Chain

North Korea Strategy Center (NKSC)

Save North Korea

Stepping Stone

THINK

Transitional Justice Working Group (TJWG)