

April 30, 2024

President Yoon Suk-yeol

CC. Prime Minister Han Duck-soo
Foreign Minister Cho Tae-yul
Unification Minister Kim Yung-ho
Justice Minister Park Sung-jae
National Defense Minister Shin Won-sik

Re: South Korea's responsibility as a global pivotal state to raise the issues of North Korean escapees and Vietnam War-era prisoners of war (POWs) at Vietnam and Cambodia's Universal Periodic Reviews (UPRs) on May 7 and 8

Dear President Yoon Suk-yeol,

We urge your government, as a global pivotal state, to raise the issues of North Korean escapees and Vietnam War-era prisoners of war (POWs) at Vietnam and Cambodia's Universal Periodic Reviews (UPRs) on May 7 and 8.

The Leaders' Joint Statement in Commemoration of the 70th Anniversary of the Alliance between the United States of America and the Republic of Korea of April 26¹ and the subsequent "Spirit of Camp David: Joint Statement of Japan, the Republic of Korea, and the United States" of August 19² last year referred to strengthening the cooperation and shared commitment to the resolution of the issues of abductees, detainees, and unrepatriated prisoners of war.

During the State Council meeting on January 16, you emphasized that "The North Korean residents are of the same nation as us who are entitled to enjoy the same freedoms, human rights and prosperity as us" and that "North Korean escapees are nationals of the Republic of Korea under the Constitution of the Republic of Korea" and stated his wish for the Ministry of Foreign Affairs "to strengthen cooperation with the international community to better protect North Korean escapees".³

In your audience with Julie Turner, the US Special Envoy for North Korean Human Rights Issues, on February 15, Foreign Minister Cho Tae-yul stated that you will continue to strengthen diplomatic efforts for the speedy resolution of the North Korean escapees issue.⁴ During the second ROK-US Consultations on North Korean Human Rights which was held in Washington on the 15th, Chun Young-Hee, Director-General for Korean Peninsula Peace Regime, emphasized that the ROK government has designated July 14 as the "North Korean Escapees' Day", has made efforts to support the settlement of North Korean escapees and has been strengthening the protection and support for overseas North Korean escapees.⁵

¹ 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>

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-states1>

³ 대한민국 정책브리핑, "제 4 회 국무회의 브리핑", 2024. 1. 16., <https://www.korea.kr/briefing/stateCouncilView.do?newsId=148924842>

⁴ 외교부 보도자료, "조태열 외교장관, 줄리 터너 미국 북한인권특사 접견", 평화외교기획단 2024. 2. 15., https://www.mofa.go.kr/www/brd/m_4080/view.do?seq=374641

⁵ 외교부 보도자료, "한미 북한인권 협의 개최(4.15, 워싱턴)", 평화외교기획단 2024. 4. 16., https://www.mofa.go.kr/www/brd/m_4080/view.do?seq=374879

At the United Nations Human Rights Council, Vietnam and Cambodia's 4th Universal Periodic Reviews (UPRs) will be held on May 7 from 9 am to 12:30 pm⁶ and on May 8 from 9 am to 12:30 pm⁷ (Geneva local time) respectively. Both Vietnam and Cambodia are major transit countries along the way from China to Thailand for North Korean escapees.

For the Vietnam UPR, the ROK government should ask about the situation of refugees, including North Korean escapees, and related laws and institutions, the preparation for the ratification of the UN Refugee Convention and Protocol, the compliance with the principle of non-refoulement under article 3 of the UN Convention against Torture which was ratified on February 5, 2015 in the questions submitted in advance; and recommend compliance with the principle of non-refoulement under the UN Convention against Torture and third-state resettlement for refugees, including North Korean escapees as well as the ratification of the UN Refugee Convention and Protocol.

For the Cambodia UPR, the ROK government should ask about the situation of refugees, including North Korean escapees, and related laws and institutions, the compliance with the principle of non-refoulement under the UN Refugee Convention and Protocol as well the UN Convention against Torture which were acceded to on October 15, 1992 in the questions submitted in advance; and recommend compliance with the principle of non-refoulement under the UN Refugee Convention and Protocol as well the UN Convention against Torture and third-state resettlement for refugees, including North Korean escapees.

The questions submitted in advance for Vietnam⁸ and Cambodia,⁹ available on the UPR website, which was last updated on April 24, do not contain questions from South Korea.

For China's 4th UPR on January 23, South Korea for the first time asked about "the asylum procedures that escapees from foreign origin including the Democratic People's Republic of Korea have access to", "measures [taken] to protect and support women escapees from foreign origin including the Democratic People's Republic of Korea who are exposed to trafficking", "measures [taken] to protect and support children born in China to women escapees from foreign origin including the Democratic People's Republic of Korea" in the questions submitted in advance and followed up by recommending among other things "Provide adequate protection to escapees from foreign origin including the Democratic People's Republic of Korea", "Respect relevant international norms such as the principle of non-refoulement" and "Consider adopting a national refugee law as part of its efforts to implement the 1951 Convention relating to the Status of Refugees".¹⁰

By contrast, for Russia's 4th UPR on November 13 last year, despite the fear of the repatriation of North Korean escapees and expansion of the sending of North Korean workers in light of Russia's expanded military cooperation with Russia following its invasion of Ukraine, South Korea for the first time did not participate in a Russia UPR.¹¹ As in South Korea's initial abstention from a vote on the Crimea human rights resolution at the Third Committee of the United Nations General Assembly on November 16, 2022 followed by its vote in favor at the plenary meeting on December 15 after some controversy, the lack of consistency in human rights diplomacy is worrying.

The 4th UPRs for Laos and Mongolia, other major transit countries along the escape route for North Korean refugees, are also scheduled for April/May and October/November respectively next year. For the Laos and Mongolia UPRs too, South Korea should ask about the situation of refugees, including North Korean escapees, and related laws and institutions, the preparation for the ratification of the UN Refugee Convention and Protocol, the compliance with the principle of non-refoulement under article 3 of the UN Convention against Torture in the questions submitted in advance; and recommend

⁶ Universal Periodic Review - Viet Nam, <https://www.ohchr.org/en/hr-bodies/upr/vn-index>

⁷ Universal Periodic Review - Cambodia, <https://www.ohchr.org/en/hr-bodies/upr/kh-index>

⁸ OHCHR, Extranet: Universal Periodic Review (UPR): 46th session: Viet Nam, <https://uprmeetings.ohchr.org/Sessions/46/VietNam/Pages/default.aspx>

⁹ OHCHR, Extranet: Universal Periodic Review (UPR): 46th session: Cambodia, <https://uprmeetings.ohchr.org/Sessions/46/Cambodia/Pages/default.aspx>

¹⁰ OHCHR, Extranet: Universal Periodic Review (UPR): 45th session: China, <https://uprmeetings.ohchr.org/Sessions/45/China/Pages/default.aspx>

¹¹ Universal Periodic Review - Russian Federation, <https://www.ohchr.org/en/hr-bodies/upr/ru-index>

compliance with the principle of non-refoulement under the UN Convention against Torture and third-state resettlement for refugees, including North Korean escapees, as well as the ratification of the UN Refugee Convention and Protocol.

Moreover, during the Vietnam War, North Korea paid 3,000 USD each to take South Korean POWs, including Staff Sergeant Park Seong-ryeol [박성렬 병장], Captain Kim In-sik [김인식 대위], Staff Sergeant Chung Joon-taek [정준택 하사], Staff Sergeant Ahn Hak-soo [안학수 하사], First Lieutenant Cho Joon-beom [조준범 중위], Corporal Ahn Sam-I [안삼이 상병], Sergeant Lee Yong-sun [이용선], among other things, to use them in the propaganda broadcast directed at South Korea.¹² Therefore, we urge the ROK government to ask for documents and information on South Korean POWs in the questions submitted in advance and to recommend the sharing of such documents and information as well as cooperation in the repatriation of South Korean POWs who had been sent to North Korea.

Thank you.

Sincerely,

Signature organizations and individuals (as of April 30, 2024)

Kim Kyu Li and Kim Hyuk (elder sister and cousin of Kim Cheol-ok who was repatriated by China to North Korea on October 9, 2023)

Citizens' Alliance for North Korean Human Rights (NKHR)

HanVoice

Justice For North Korea

Korean War POW Family Association

Mulmangcho

No Chain

Stepping Stones

THINK

Transitional Justice Working Group (TJWG)

¹² 정희상, “기밀 해제 문서에 담긴 베트남전 국군 포로 실체”, 시사인 2021. 4. 2., <https://www.sisain.co.kr/news/articleView.html?idxno=44185>