

July 9, 2025

Lee Jae-myung
President of the Republic of Korea
22, Itaewon-ro, Yongsan-gu, Seoul 04383
Republic of Korea
E-mail: president@president.go.kr

CC. Speaker of the National Assembly Woo Won-shik
National Assembly of the Republic of Korea
National Assembly Secretariat
1 Uisadang-daero, Yeongdeungpo-gu, Seoul 07233
Republic of Korea

Acting President of the Constitutional Court Kim Hyung-du
Constitutional Court of Korea
15 Bukchon-ro, Jongno-gu, Seoul 03060
Republic of Korea

Re: South Korea's abolition of the death penalty

Dear Mr. President,

We renew our call for your newly elected government, following the grave concerns about democratic backsliding raised by the martial law declaration of December 3, 2024, to abolish the death penalty. South Korea has not carried out an execution in the past 28 years since December 30, 1997. Ending capital punishment would advance South Korea's transition to a democracy that respects human rights, including the right to life.

The global trend towards the abolition of the death penalty is clear.¹ At the end of 1997, when South Korea carried out its last execution, 102 countries had abolished the death penalty in law or practice (61 for all crimes).² By the end of 2007, when South Korea became an abolitionist country in practice, the number of countries that had abolished the death penalty in law or practice jumped to 134 (91 for all crimes).³ By the end of 2024, that number further increased to 145 (113 for all crimes).⁴

This global trend is reflected in the voting patterns at the UN General Assembly. In December 2007, the UN General Assembly adopted resolution 62/149, the first ever resolution on the moratorium on the use of the death penalty by a 106-46 vote with 34 abstentions.⁵ In December 2020, South Korea for the first time joined the growing number of countries that supported the biennial resolutions with its vote in favor of resolution 75/183, adopted by a 123-38 vote with 24

¹ With respect to the death penalty, countries around the world can be divided into the four categories of: (1) completely abolitionist for all crimes, (2) abolitionist for ordinary crimes only to the exclusion of exceptional crimes such as crimes committed in wartime, (3) abolitionist in practice as no execution has taken place for over 10 years, and (4) retentionist. The countries in the first three categories are collectively called abolitionist in law or practice.

² Amnesty International, The death penalty worldwide: Developments in 1997, 31 March 1998, Index Number: ACT 50/004/1998, pp. 3 and 23, <https://www.amnesty.org/en/documents/act50/004/1998/en>

³ Amnesty International, The death penalty worldwide: Developments in 2007, 15 April 2008, Index Number: ACT 50/002/2008, APPENDIX 1- LIST OF ABOLITIONIST AND RETENTIONIST COUNTRIES AS OF 1 JANUARY 2008; <https://www.amnesty.org/en/documents/act50/002/2008/en>

⁴ Amnesty International, Death sentences and executions in 2024, 8 April 2025, Index Number: ACT 50/8976/2025, ANNEX II: ABOLITIONIST AND RETENTIONIST COUNTRIES AS OF 31 DECEMBER 2024, <https://www.amnesty.org/en/documents/act50/8976/2025/en>

⁵ Resolution adopted by the General Assembly on 18 December 2007: 62/149. Moratorium on the use of the death penalty, A/RES/62/149, 26 February 2008, <https://undocs.org/A/RES/62/149>

abstentions.⁶ In December 2024, resolution 79/179 was adopted by an all-time high of 130 votes in favor with 32 against and 22 abstentions.⁷

We recall that the use of the death penalty is inconsistent with South Korea's international legal obligation to respect fundamental human rights, including the right to life. With 57 persons still on death row, including Won Eon-shik who has been under the death sentence for almost 32 years since November 23, 1993, South Korea may also be in breach of its international legal obligation to prevent torture and other cruel, inhuman or degrading treatment or punishment. UN human rights experts have recently reiterated that the "death row phenomenon" (the psychological effects on prisoners of being on death row for a prolonged period while awaiting an imminent execution under harsh conditions of confinement) has long been characterized as a form of inhuman treatment.⁸ Earlier in 1989, the European Court of Human Rights in *Soering v. United Kingdom* blocked an unconditional extradition request from the United States on this ground.⁹

It is important to note that no criminal justice system is perfect. The police, prosecutors and judges failed to prevent the miscarriage of justice in cases such as the murder of a taxi driver at the Yakchon five-way crossing in Iksan in 2000 and the eighth of the ten Hwaseong serial murders in 1988. While an exonerated person can always be released from prison, bringing him or her from death is impossible. If it is better that ten guilty persons escape than that one innocent suffer, as Blackstone famously said, it must indeed be better that ten guilty persons escape the death penalty than that one innocent suffer the deprivation of life.

We also note that lawmakers have proposed a total of ten bills to abolish the death penalty in every session of the National Assembly, including the current one, since 1999¹⁰ as well as a resolution supporting the accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, in 2018.¹¹

Some of these bills were co-sponsored by more than half the members of the National Assembly at the time and your party currently has a filibuster-proof majority in the National Assembly. Your nominee for the Minister of Justice, Mr.

⁶ Resolution adopted by the General Assembly on 16 December 2020: 75/183. Moratorium on the use of the death penalty, A/RES/75/183, 28 December 2020, <https://undocs.org/A/RES/75/183>

⁷ Resolution adopted by the General Assembly on 17 December 2024: 79/179. Moratorium on the use of the death penalty, A/RES/79/179, 19 December 2024, <https://docs.un.org/A/RES/79/179>

⁸ OHCHR, UN experts warn of associated torture and cruel punishment: World Day Against the Death Penalty (10 October 2022); <https://www.ohchr.org/en/press-releases/2022/10/un-experts-warn-associated-torture-and-cruel-punishment>

⁹ ECtHR, *Soering v. United Kingdom* (Application no. 14038/88), Judgment, (7 July 1989), <https://hudoc.echr.coe.int/eng?i=001-57619>

¹⁰ ROK National Assembly, Bill for the "Special act to abolish the death penalty" (Bill no. 152463) proposed by 90 members including Yoo Jae-geon on 7 December 1999, <https://likms.assembly.go.kr/bill/billDetail.do?billId=016007>; Bill for the "Special act to abolish the death penalty" (Bill no. 161085) proposed by 63 members including Chung Dae-chul on 30 October 2001 and supported by 92 others, <https://likms.assembly.go.kr/bill/billDetail.do?billId=017199>; Bill for the "Special act to abolish the death penalty" (Bill no. 171129) proposed by 175 members including Yoo Ihn-tae on 9 December 2004, <https://likms.assembly.go.kr/bill/billDetail.do?billId=029510>; Bill for the "Special act to abolish the death penalty" (Bill no. 1800928) proposed by 39 members including Park Sun-young on 12 September 2008, https://likms.assembly.go.kr/bill/billDetail.do?billId=PRC_V0K8H0P9L1U2I1O0R4A9K3S6X2M7O8; Bill for the "Special act to abolish the death penalty" (Bill no. 1806259) proposed by 53 members including Kim Boo-kyum on 8 October 2009, https://likms.assembly.go.kr/bill/billDetail.do?billId=PRC_G0V9B1C0R0A8Y1S1F1H4F0Z3F6D2N9; Bill for the "Special act to abolish the death penalty" (Bill no. 1809976) proposed by 10 members including Joo Sun-young on 22 November 2010, https://likms.assembly.go.kr/bill/billDetail.do?billId=PRC_I1U0M1X1C2V2X1M3G3J2E0B5X4N4B1; Bill for the "Special act to abolish the death penalty" (Bill no. 1915958) proposed by 172 members including Yoo Ihn-tae on 6 July 2015, https://likms.assembly.go.kr/bill/billDetail.do?billId=PRC_K1M5Z0N7F0G6S1T3Z5Q5K1F1J4T3H0; Bill for the "Special act to abolish the death penalty" (Bill no. 2022856) proposed by 75 members including Lee Sang-min on 10 October 2019; https://likms.assembly.go.kr/bill/billDetail.do?billId=PRC_G1U9L1S0W1C0J1I4P3W7Q1J6R9C9T6; Bill for the "Special act to abolish the death penalty" (Bill no. 2112795) proposed by 30 members including Lee Sang-min on October 7, 2021; https://likms.assembly.go.kr/bill/billDetail.do?billId=PRC_P2K1H1I0C0B7F0V9D2D4H5N7Z1V2N6; Bill for the "Special act to abolish the death penalty" (Bill no. 2206080) proposed by 65 members including Park Jie-won on November 29, 2024; https://likms.assembly.go.kr/bill/billDetail.do?billId=PRC_C2B4W0V6U0S3B1C3A4B1Z2H1G2H9G7

¹¹ ROK National Assembly, Bill for the "Resolution urging the accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights" (Bill no. 2015870) proposed by 32 members including Keum Tae-sup on 4 October 2018, https://likms.assembly.go.kr/bill/billDetail.do?billId=PRC_Y1J8L1W0U0B4E1W8N0L1P5C1Q0W9N1

Jung Sung-ho, a human rights lawyer, consistently co-sponsored the abolition bills in every National Assembly when he was in office since 2004.

The Constitutional Court twice upheld the constitutionality of capital punishment by a 7-2 vote in 1996 (95 Hun-Ba 1) and by a 5-4 vote in 2010 (2008 Hun-Ga 23). However, it now can declare the death penalty unconstitutional in a case pending before it (2019 Hun-Ba 59) to pave the way for its abolition.

We respectfully call on the new government to immediately take the following steps to make progress towards the abolition of capital punishment, in keeping with its support for the UN General Assembly's resolutions on the moratorium on the use of the death penalty since 2020:

- Declare an official moratorium on executions
- Commute all death sentences to prison terms on the occasion of special amnesties on the Liberation Day or New Year or on other occasions
- Include the preparation for the abolition of the death penalty in the new government's key policy tasks
- Resubmit an opinion of the Minister of Justice to the Constitutional Court in relation to the pending death penalty case (2019 Hun-Ba 59) distancing the Minister from the previous opinions supporting the retention of the death penalty, and raising concerns about its constitutionality
- Repeal or amend all laws that prescribe the death penalty for various criminal offenses, with a view to abolishing capital punishment for all crimes
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty

We also urge South Korea to stop the deportation and extradition of persons to countries in cases in which they would be in danger of being given a death sentence, including the United States¹², Japan, China¹³ and North Korea¹⁴, in violation of the principle of non-*refoulement*. We note the Human Rights Committee's dictum in *Roger Judge v. Canada* in 2002 that "only States parties that 'have not abolished the death penalty' can avail themselves of the exceptions created in paragraphs 2 to 6 [of article 6 of the International Covenant on Civil and Political Rights concerning the death penalty]. For countries that have abolished the death penalty, there is an obligation not to expose a person to the real risk of its application. Thus, they may not remove, either by deportation or extradition, individuals from their jurisdiction if it may be reasonably anticipated that they will be sentenced to death, without ensuring that the death sentence would not be carried out."¹⁵

Lastly, we note that the 5th Regional Congress on the Death Penalty in East Asia will be held in Tokyo, Japan from 7-9 November 2025 and the 9th World Congress against the Death Penalty in Paris, France from 30 June to 3 July 2026. The Paris World Congress, which will be opened by French President Emmanuel Macron and attended by other heads of states and cabinet ministers, especially will offer an excellent opportunity for South Korea to highlight its elevated stature on the global stage. We call upon you and other senior government officials to participate in the Tokyo Regional Congress and the Paris World Congress as an important step towards the abolition.

Sincerely,

Signatories (as of July 9, 2025)

¹² Kang Ji-nam, "Death sentence if sent to the US; Please save my son", Weekly Donga, 2 April 2008, <https://weekly.donga.com/List/3/all/11/84713/1>

¹³ Kim Ki-Yoon, "The killer of a Chinese Public Security officer from 30 years ago who had laundered his identity repatriated", Donga Ilbo, 18 May 2022, <https://www.donga.com/news/Society/article/all/20220518/113468246/1>

¹⁴ HRW, "South Korea Investigates Forcible Return of Two North Koreans: Inquiry Should be Credible, Impartial, Independent", 22 July 2022, <https://www.hrw.org/news/2022/07/22/south-korea-investigates-forcible-return-two-north-koreans>

¹⁵ HRC, *Roger Judge v. Canada*, Views, Communication No. 829/1998, para. 10.4, <https://undocs.org/CCPR/C/78/D/829/1998>

Groups

Abolition Death Penalty of Iraq Organization

ACAT - Belgique (Action des Chrétiens pour l'Abolition de la Torture)

ACAT - France (Action des chrétiens pour l'abolition de la torture)

ACAT - Germany (Action by Christians for the Abolition of Torture)

Anti-Death Penalty Asia Network (ADPAN)

Balay Alternative Legal Advocates for Development in Mindanaw, Inc. (BALAOD Mindanaw)

Banglar Manabadhikar Surksha Mancha (MASUM)

Bahrain Centre for Human Rights (BCHR)

Bar Association of Puerto Rico (BAPR) / Colegio de Abogados de Puerto Rico (CAPR)

Capital Punishment Justice Project (CPJP)

Center for Legal Support and Inmates' Rehabilitation (CELSIR)

Center for Prisoners' Rights (CPR)

Centro para la Apertura y el Desarrollo de América Latina (CADAL)

Citizens United for Rehabilitation of Errants (CURE)

Coalition nigérienne contre la peine de mort (CONICOPEM)

Collectif français « Libérons Mumia ! »

Cornell Center on the Death Penalty Worldwide (CCDPW)

Crime Si Poa

CrimeInfo

Culture pour la Paix et la Justice (CPJ)

Death Penalty Focus

DITSHWANELO – The Botswana Centre for Human Rights

Droits et Paix (Rights and Peace)

Federal Association of Vietnamese Refugees in the Federal Republic of Germany

Foundation for Human Rights Initiative (FHRI)

Forum Marocain pour la Vérité et la Justice (FMVJ)

German Coalition to Abolish the Death Penalty (GCADP)

HanVoice

Harm Reduction International (HRI)

Helsinki Committee for Human Rights in Serbia (HCHRS)

Hope Behind Bars Africa (HBBA)

Human Asia

Human Rights Dallas

Human Rights Office Kandy

Human Rights Watch (HRW)

Humanity Diaspo

International Academic Network for the Abolition of Capital Punishment (REPECAP)

International Child Rights Center (InCRC)

International Federation for Human Rights (FIDH)

Iran Human Rights (IHRNGO)

Italian Federation for Human Rights (FIDU - Federazione Italiana Diritti Umani)

Julian Wagner Memorial Fund (JWMF)

Juvenile Justice and Child Rights Committee of Lahore Bar Association

Kenya Human Rights Commission (KHRC)

Kenyan Section of the International Commission of Jurists (ICJ Kenya)

Korea Center for United Nations Human Rights Policy (KOCUN)

Legal Awareness Watch (LAW)

Lawyers For Human Rights International (LFHRI), India

Lembaga Bantuan Hukum Masyarakat (LBHM)

Lifespark

Malaysians Against Death Penalty and Torture (MADPET)

Moroccan Coalition Against the Death Penalty (CMCPM)

National Committee on North Korea (NCNK)

Nessuno tocchi Caino (Hands Off Cain)

Norden Directions

Observatoire Marocain des Prisons (OMP)

Odhikar

Papua New Guinea National Research Institute (PNG NRI)

Pax Christi Uvira

Programme Against Custodial Torture & Impunity (PACTI)

Rescue Alternatives Liberia (RAL)

Réseau des Associations de Défense des droits de l'Homme et des Militants Abolitionnistes de la peine de mort (RADHOMA)

Social Action, Rehabilitation and Rehabilitation Centre for Victims of Torture, War and Violence (SOHRAM-CASRA)

Society for Threatened Peoples (STP) / Geschäfte der Gesellschaft für bedrohte Völker (GfbV)

Southern Methodist University Human Rights Program

Taiwan Alliance to End the Death Penalty (TAEDP)

Together against the Death Penalty / Ensemble contre la peine de mort (ECPM)

The Advocates for Human Rights (TAHR)

Transitional Justice Working Group (TJWG)

Union Chrétienne pour le Progrès et la Défense des Droits de l'Homme (UCPDHO)

Witness to Innocence (WTI)

Women Beyond Walls

World Coalition Against the Death Penalty (WCADP)

Individuals

Lord Alton of Liverpool / Independent Crossbench Member of the House of Lords & Co-chair of the All Party Parliamentary Group on North Korea

Tomás Ojea-Quintana / Former UN Special Rapporteur on the situation of human rights in the DPRK