

Submission of additional information related to the Conclusions and Recommendations of follow-up measures on the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Second Periodic Report of the Republic of Korea.

1. The following is the ROK's response to the additional information request, sent on 15 November 2008, related to the previous response of the Conclusions and Recommendations (CAT/C/KOR/CO/2) adopted by the Committee Against Torture following its examination of the Second Periodic Report of the ROK.

Human Rights Violations Hotline Center (Paragraph 1~2)

2. The Human Rights Bureau under the Ministry of Justice launched a Human rights Violations Hotline Center (hereinafter 'the Hotline Center'), based on the Regulations on Investigation and Settlement of Human Rights Violations, in order to investigate human rights violations in the process of law enforcement, such as during investigation, correction and immigration control. The Hotline Center is in charge of investigating and providing remedies for any human rights violations that occur when the Ministry of Justice, its sub-organs, and the district prosecutors' offices carry out law enforcement. By analyzing investigation results, the Hotline Center also pursues system improvement and policy development.

3. The Hotline Center receives complaints by telephone, internet and mail, from those claiming to be a victim of a human rights violation during the law enforcement process. With the assistance of the Korea Migrant Center, the Hotline Center provides telephone services that enable victims to report their complaint in about 12 different foreign languages including English, Chinese, Thai and Vietnamese. To make such services accessible to everyone, the Hotline Center has posted its guidelines on the website of the Ministry of Justice (www.moj.go.kr) and of the Human Rights Bureau (www.hr.go.kr). Furthermore, to encourage the use of the Hotline Center by prisoners, a pamphlet describing the functions of the Hotline Center is provided to every prisoner, and promotion posters containing relevant information are posted in the hallways of prisons.

4. The Hotline Center dismisses complaints that are irrelevant to human rights violations during law enforcement, evidently recognized to be false or unreasonable, and complaints for which prescriptions of prosecution, disciplinary punishment and civil actions have expired. The Hotline Center forwards complaints to other relevant divisions and bureaus of the Ministry of Justice, when it concludes that it is more appropriate for them to directly investigate and deal with the case. However, the Hotline Center directly investigates cases that would normally be forwarded to other divisions if such cases raise grave concerns and require immediate remedies. The Hotline Center dismisses some cases found to be false or impossible to verify, or if further remedies are unnecessary as damages have already been recovered.

5. The Hotline Center directly investigated 45 cases out of 207 cases reported from May 2006 to December 2006. Of the other 162 cases, some were forwarded to related departments in the Ministry of Justice in accordance with the Regulations on Investigation, or were found impossible to investigate as they did not fall under the jurisdiction of the Human Rights Bureau in the Ministry of Justice. For all cases that were forwarded, the Hotline Center was notified of the

outcomes of the investigation.

6. When the Hotline Center accepts a human rights violation case, it notifies the alleged violator of this acceptance, requests rectification, and recommends the improvement of relevant procedures. When a grave violation of human rights is confirmed after investigation, the Hotline Center notifies the chiefs of the relevant divisions, bureaus, and departments of the alleged violations, and requests rectification in the form of an official document. For minor cases, the Hotline Center recommends rectification through an official document or oral statement directed to the violator concerned or to the head of the relevant agency. The Hotline Center also guarantees legal aid to victims in consultation with the Korea Legal Aid Corporation. The following summarizes the outcomes reached by the Center after examining submitted cases.

Year	Number of Reported Cases	Outcome				
		Forwarded	Rejected	Dismissed	Remedy Adopted	Under Investigation
2007	491	263 (53.5%)	128 (26.0%)	58 (11.8%)	42 (8.6%)	0
2008	1059	536 (50.6%)	313 (29.7%)	124 (11.7%)	82 (7.6%)	4 (0.3%)

Investigation Standards on Human Rights Protection (Paragraph 3~5)

7. In accordance with Investigation Standards on Human Rights Protection (hereinafter 'Investigation Standards'), the Ministry of Justice received and assessed Monitoring Report on Human Rights (hereinafter 'Monitoring Reports') from prosecutors' offices nationwide. Monitoring Reports describe how the current Investigation Standards are being implemented. Since 2007, the Ministry, upon receipt of the Monitoring Reports, has conducted three rounds of assessments on the current condition of human rights protection and has rewarded outstanding agencies. The Ministry's assessments have confirmed that human rights security at all levels has improved as a result of prosecutors' thorough compliance with the Investigation Standards and their awareness of the need to protect human rights throughout their work. In addition, every prosecutors' office nationwide has been conducting training based on the Investigation Standards at least twice a year.

8. Under the Ministry of Justice, the Office of the Inspector General inspects the public prosecutors' office. It investigates and addresses issues involving complaints and corruptions, and analyzes the causes of any irregularities found. Under the Supreme Public Prosecutors' Office, the Inspection Department is in charge of investigating, gathering information on and addressing irregularities of government officials in prosecutors' offices. The Inspection Department also investigates and deals with complaints and other internal affairs. Thus far, the prosecutors' office has been thoroughly carrying out its role in internal monitoring under the two above-mentioned systems, and up to now, no cases have been found to be insufficiently investigated.

Duty Regulations for Police Officers on Human Rights Protection and Human Rights Protection Team in the National Police Agency (Paragraph 8)

9. To develop a full understanding of 'Duty Regulations for Human Rights Protection' (hereinafter 'Duty Regulations') among police officers, the National Police Agency educates

officers on Duty Regulations through various training programs within police training organs and affiliated organs. Such programs include job training, workplace education, specialized human rights education (i.e. education for human rights instructors), and consigned programs (from the National Human Rights Commission).

10. For the purposes of protecting the human rights of suspects and crime victims, the Human Rights Protection Team of the National Police Agency is responsible for integrating and regulating protection plans for crime victims, educating the public and raising awareness of crime victims, and operating the Human Rights Center, as well as reporting and providing consultations for human rights violations and managing custody houses.

11. The following summarizes the outcomes of investigations on human rights violations that were reported to the Human Rights Protection Team of the National Police Agency.

Year	Total	Type		Disciplinary Measures					
		Disclosure of Personal Information	Violence/ Severe Treatment	Total	Discharge	Dismissal	Suspension	Pay Cut	Reprimand
2007	10	7	3	10	0	1	2	0	7
2008	19	13	6	19	1	0	3	6	9

Human Rights Training (Paragraph 9~12)

12. The Ministry of Justice provides different human rights training courses depending on the positions of law enforcement officers. Officials at district prosecutors' offices are provided with working level consultation courses for civil service, courses for advanced investigation and interrogation skills, and courses for human rights sensibility in prosecution, while prisoner authority officers are provided with human respect sensibility courses, skills for treatment of women prisoners and basic principles for treatment of prisoners. Immigration control officers are provided with practical training courses for protection of foreigners, practical training courses on nationality and refugees, lecturer training courses for human rights in immigration control, and courses for immigration human rights sensibility. In 2008, 8,438 officers received training through 93 programs for a total of 541 hours.

13. The Human Rights Bureau, in particular, has offered training on developing human rights sensibility to help officials carry out law enforcement in a way that is mindful of human rights. The human rights sensibility program includes role play, praise relay, group discussion and experience learning through physical interaction. Such activities raise officials' awareness of the value of human rights and necessity of care to others. To develop such programs, the Bureau incorporated the opinions of private specialists by cooperating with private organizations at home and abroad, and sought to improve law enforcement officers' understanding of human rights by implementing programs involving participation, discussion and experience.

14. The Police Academy, the Police Comprehensive Academy, the Criminal Investigation Training Institute and local police academies are in charge of educating police officers. In order to foster comprehensive understanding on human rights, these organizations provide courses such as development of understanding on human rights, types of human rights and issues, and human

rights and constitutional law. For issues related to crime victims, the organizations also provide courses on the following: human rights protection for criminal victims, institutions and laws for protection of victims, and principles and skills for consultation with victims. In addition, to promote the protection of suspects under investigation, the following courses are offered: human rights protection and action at the police working level, interview skills before interrogation of suspects, and execution of police authority and human rights protection. In 2008, 950 officers (students) at the Police Academy, 31,045 students at the Police Comprehensive Academy, 76,548 students at the National Central Police Academy, and 2,561 officers at the Criminal Investigation Training Institute received training. In total, 111,104 individuals received training through 131 programs for a total of 2,569 hours.

Access to Legal Counsel during the Interrogation Process (Paragraph 13)

15. To guarantee the right to counsel, Articles 89, 200-6, 201-2 and 209 of the Criminal Procedure Act allow suspects and defendants access to legal counsel. In accordance with Article 243-2 of the revised Criminal Procedure Act, legal counsels are permitted to participate in the interrogation process, unless reasonable causes can be established. Moreover, in order to ensure a transparent investigation, the Criminal Procedure Act was revised to introduce a system enabling video recording of the interrogation process. Article 244-2 of the same Act provides for the video recording of suspects and relevant processes, and as a result, 25,191 cases were recorded by prosecutors' offices in 2008.

16. Article 9-2 of the Regulations on Procurator Affairs and Article 16-2 of the Regulations on Managing Police Affairs stipulate that an investigation agency may limit a legal counsel's participation in the interrogation process, provided that reasonable grounds can be established to show that the legal counsel's participation significantly impedes the investigation, such as causing disruption to the interrogation or revealing confidential information on the investigation. More specifically, the following acts by a legal counsel may prevent him/her from joining the interrogation process: 1. Intervening in the interrogation process without receiving approval from the district prosecutor, or behaving or speaking in an insulting manner, 2. Answering in place of suspects or inducing certain answers or changes in the suspect's testimony, and 3. Raising objections unreasonably, among other acts. In accordance with Clause 5, Article 243-2 of the Criminal Procedure Act, district prosecutor officers and judicial police officers are allowed to participate in interrogations carried out by legal counsels. The same Clause also stipulates that district prosecutors and police officers must record their participation and restrictions thereon in the examination and interrogation process.

17. District prosecutors or officers under the authority of district prosecutors in charge of the interrogation process should decide whether there is any reason to restrict the participation of legal counsels, and any restrictions remain effective until the causes of the restrictions are resolved.

Substitute Cell (Paragraph 14~18)

18. Cells in police offices near prosecutors' offices or courts of justice are temporarily used as substitute cells in cases where no detention facilities, such as prisons or detention centers, are located within the jurisdictional district of the prosecutors' office.

19. A Task Force on substitute cells recommended the gradual reduction of the number of

substitute cells and the improvement of detention conditions in the remaining ones.

20. Accordingly, substitute cells within Jung-Eup police office were shut down in March 2008. Young-Wol, Mil-yang, Hac-Nam Prisons are currently carrying out groundwork to replace existing substitute cells (the works are expected to be completed in October 2009). The Jung-Eup Prison designed a new building in 2008 (the construction work is expected to begin in 2009), while Sok-cho Prison has planned to purchase land. In addition, Sung-Ju Prison is designing a building (construction is expected to begin in 2010). Other correctional facilities are discussing their budget with the authorities.

21. To ensure that the conditions of remaining substitute cells meet at least the minimum level stipulated by international standards, lighting and fitness equipment were installed in cells, and prisons now provide consultation services by female police officers for women prisoners. Separate protection detention rooms were installed to detain unruly individuals, thereby guaranteeing other detainees the right to sleep peacefully, while restrooms were remodeled to allow enclosure. By regularly inspecting the substitute cells, relevant prosecutors' offices have been extending their jurisdiction from illegal detentions to human rights violations since 2009. Ministry of Justice is expected to research on the condition of every substitute cell in 2009.

Suicide during Detention (Paragraph 19~24)

22. The following summarizes recent statistics on suicide or accidental deaths in detention facilities.

Year	Category	Total	Gender		Nationality		Age					Location	
			Male	Female	Korean	Foreigner	20 or under	30	40	50	60 or over	Detention House	Prison
2007	Suicide	16	15	1	15	1 (China)	3	3	8	2	0	7	9
2007	Accidental Death	18	18	0	18	0	1	2	9	4	2	5	13
2008	Suicide	16	16	0	16	0	1	5	5	4	1	7	9
2008	Accidental Death	12	12	0	12	0	0	1	2	6	3	2	10

23. The comprehensive investigations mentioned in paragraph 22 of the previous response are being carried out on all detainees in correctional facilities. An official with qualification in psychotherapy or counseling therapy evaluates the results of a checklist for prevention of suicide in correctional facilities. If the official detects any potential for suicide in a detainee, the detainee is then reassessed by a medically qualified head of a public health department.

24. The Korean government, regional correction headquarters and Korea correctional services thoroughly analyze the overall circumstances of a death in detention such as details of the death and the possibility of severe violence in cases involving death, including suicide, in order to analyze the link between the number of deaths (suicide and accidental death) and torture or ill treatment in detention facilities. If there are suspicions that severe treatment was involved, the Office of the Inspector General of the Ministry of Justice also conducts a separate inspection in some cases, carried out in secret.

Suicide in the Military (Paragraph 25~27)

25. When accidents including suicides occur in the military, the unit is obligated to report immediately to senior soldiers, as well as to the military police and the military prosecution office, which are military investigation agencies. The scene of the accident must be preserved until investigators arrive. The bereaved families are notified immediately and allowed to be present during the postmortem examination and autopsy process. Upon their request, the families can designate experts including doctors, professors and police officers to participate in the examination and autopsy process.

26. When severe treatment by a senior soldier is mentioned explicitly in a suicide note, or when violence or harsh treatment by a senior soldier is revealed in surveys or statements of witnesses during investigations, the cause of death may be determined as suicide caused by severe treatment by a senior soldier. To determine whether this is the case, military investigation agencies such as military police and the military prosecution office conduct an investigation.

27. To prevent suicides in the military, those with potential for maladjustment or suicide are identified at the recruit training camp on the basis of observation, consultation of records and personality tests. Even after the troops are transferred, the military continues to carry out consultations with commanders and expert counselors, and implement vision camps and humane education. The vision camp is a four-day, three-night program consisting of psychotherapy and humane education for a small group of 15 to 20 recruits identified to be in need of protection and attention under the supervision of a chaplain officer. The program seeks to aid the adjustment of identified officers and to resolve problems they are facing, but participants remain under supervision even after the completion of the program.

28. To resolve maladjustment problems and to prevent accidents, since 2005 the military has employed qualified 'special counselors for barrack life' (called 'counseling officers for barrack life' in the previous response), as shown below. To expand the existing system from the division level to the regiment level, the military plans to increase the number of special counselors to 148 in 2010 and 455 in 2011.

	Total	Army	Navy	Air Force
Total Number	105	74	19	12
2008 Workforce	40	28	8	4
Recruited in 2009	65	46	11	8

29. The Personnel Planning Bureau (Military Service Policy Division) under the Ministry of National Defense seeks to strengthen the capability of the special counselor for barrack life to conduct psychological analyses and consultations by requiring a preeducation period of two weeks. Programs include suicide prevention education, counseling techniques, human rights education, and an annual in-service education (a two-day, one night course) entailing education for prevention of suicide in the military. A special counselor for barrack life is also required to have one of the following qualifications: as a psychiatric social worker (certificates for the first and second degree), a mental health clinical psychologist (certificates for the first and second degree), a clinical psychiatrist (certificates for the first and second degree). Special counselors are thus required to have qualification in psychoanalysis.