



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
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REFERENCE: CAT/Follow-up

27 June 2019

Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the Committee against Torture, I have the honour to refer to the follow-up to the examination of the combined third to fifth periodic reports of the Republic of Korea, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of the 60<sup>th</sup> session, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/KOR/CO/3-5, para. 49) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 14 (d) and (e), 26 and 36 (b) of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 15 February 2019 providing your Government's response on the above-mentioned paragraphs (CAT/C/KOR/CO/3-5/Add.1) and to make the following comments:

Excessive use of force by law enforcement officials (para. 14 (d) and (e))

While taking note of the information provided by the State party regarding the outcome of the investigations into the death of Mr. Baek Nam-Gi and the subsequent prosecution of the former chief of the Seoul Metropolitan Police Agency (SMPA), the former Commander of the 4<sup>th</sup> Mobile Corps of the SMPA and two officers of the Mobile Corps, the Committee regrets that the State party has not provided information on the sentences imposed on the persons convicted. Moreover, the Committee observes with concern that according to the information included in the State party's follow-up replies, the Prosecutor's Office filed an appeal in this case on 8 June 2018, arguing that that the not guilty judgement regarding one of the accused was "the result of misunderstanding of the relevant facts and legal principles" and that the sentencing of the other defendants was "lenient compared to their liabilities" (see CAT/C/KOR/CO/3-5, Add.1, para. 4).

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It also notes again with concern the lack of any investigations into the alleged excessive use of force against the families bereaved by the Sewol ferry accident.

Lastly, the Committee takes note of the establishment by the National Police Agency of the Fact-finding Commission on Human Rights Violations and its investigations into policing practices for the management of demonstrations and assemblies. It regrets, however, that the State party has not provided detailed information on the Commission's findings and recommendations and on their implementation (2/B2).

'Substitute cells' in police stations (para. 20)

While appreciating the measures adopted by the State party to replace the so-called 'substitute cells' in police stations with new correctional facilities, the Committee is concerned about the expected delays in these construction projects due to budgetary constraints and opposition by residents in the regions concerned. Recalling its previous recommendation, the Committee encourages the State party to continue its efforts to improve further the conditions of detention. It should also ensure that female detainees are always guarded by officers of the same gender (2/B2).

Abuse in the military (para. 36 (b))

The Committee appreciates the information provided by the State party on its efforts aimed at establishing an office of the Military Ombudsman, but regrets that the State party's follow-up report does not elaborate on the Ombudsman's powers to conduct investigations into allegations of abuse and violence in the military (2/B1).

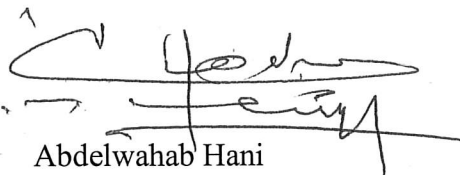
Implementation plans (para. 49)

The Committee regrets that the State party has not provided information about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations included in its concluding observations (C).

The Government of the Republic of Korea is encouraged to provide additional information, if any, which may further contribute to the Committee's analysis of the progress made regarding the specific issues of concern. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the combined third to fifth periodic reports.

The Committee looks forward to a continued constructive dialogue with the authorities of the Republic of Korea on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.



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