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Mr Ambassador,

In my capacity as Rapporteur for Follow-up on Conclusions and Recommendations of the United Nations Committee against Torture, I refer to the examination of the second periodic report of the Republic of Korea (CAT/C/53/Add.2) by this Committee at its 36th session on 11 and 12 May 2006. At the end of the session, the Committee's Conclusions and Recommendations (CAT/C/KOR/CO/2) were adopted and transmitted to your Permanent Mission. In paragraph 20 of those Conclusions and Recommendations, the Committee asked, pursuant to its rules of procedure, that the Republic of Korea provide further information regarding areas of particular concern, which warrants immediate action as identified by the Committee in paragraphs 7, 9, 13, 14 and 15 (see extracts annexed).

I am writing to thank you for your Government's communication of 27 June 2007 (CAT/C/KOR/CO/2/Add.1) in which responses concerning the Conclusions and Recommendations were submitted. The Committee would be grateful for clarification as to the following matters to enable it to complete an analysis of the progress made regarding implementation of aspects of the Convention.

The Committee is pleased to learn of the measures taken by the State party to promote a culture of human rights, particularly among law enforcement personnel and staff in detention and correctional facilities, as recommended in paragraph 7 of the Conclusions and Recommendations. Would you clarify how the hotline center of the Human Rights Bureau is made broadly accessible, including how the number is advertised? Please also provide information about the reasons why only 45 of the 207 cases reported in 2006 (May to December, noted in paragraph 2 of your response) were in fact investigated. Also, we would appreciate updated information on the number of complaints received and investigated, the outcomes of investigations and trials, and the punishments and remedies provided, if any.

We welcome the information provided regarding the revision of the Investigation Standards on Human Rights Protection and the establishment of Duty Regulations for Police Officers on Human Rights Protection. Are the half-year reports mentioned in paragraph 5 of your response regularly submitted and what have been the findings of this process? On what grounds is an internal inspection considered to be insufficient? Are any trainings provided specifically to reinforce the implementation of the Investigation Standards and Duty Regulations? Further information on the functions and duties of the Human Rights Protection Team would be helpful, as would updated information on the number of cases of alleged abuse by police officers that have arisen under the Duty Regulations, including the outcomes of each case and remedies provided to victims.

Thank you for the information provided in paragraphs 9-12 regarding training of the police, the officials of the Ministry of Justice and the Prosecutors Office. We would appreciate specific information concerning the curricula used and topics covered in the trainings mentioned in your response. Please also provide information on the number of government officials that have participated in human rights trainings, if possible, disaggregated by official title, district of service, and type of trainings attended.

With regard to the Committee's recommendation in paragraph 9 of its Conclusions and Recommendations on the issue of access to legal counsel during interrogations, we are pleased to note the

revisions of the Criminal Procedure Act which ensure the presence of counsel during interrogations. Please clarify the practice to date on measures taken to implement the regulations allowing detainee access to counsel, clarifying the use of limits to access to counsel provided for in Article 243, section 2 of the Act (mentioned in paragraph 13 of your response). By whom are reasons for such limits established, and for what periods of time have they been applied?

As to the recommendation made regarding substitute cells in paragraph 13 of the Committee's Conclusions and Recommendations, we note with satisfaction that some substitute cells have been closed and new detention facilities are in process of being constructed, with a view to closing other substitute cells. Please provide updated information on the status of the prison construction and reconstruction mentioned in paragraphs 14, 15 and 17 of your response. We reiterate the Committee's request for clarification on the function of substitute cells. In addition, please provide information on whether and how the recommendations made by the Task Force on Substitute Cells (cited in paragraph 16 of your response) have been implemented. We would appreciate receiving updated information on the measures taken to ensure that the conditions of detention in the still-existing substitute cells conform to international minimum standards.

With regard to paragraph 14 of the Conclusions and Recommendations in which the Committee called on the State party to take all necessary steps to reduce the number of deaths in detention facilities, the Committee would appreciate current data on the number of suicides and sudden deaths in detention, disaggregated by gender, ethnicity, age, and place of detention, which would enable an evaluation of the effectiveness of the preventive measures and programmes implemented by your Government and mentioned in paragraphs 19-24 of your response. Also, with regard to the comprehensive inspections mentioned in paragraph 22—are these carried out for all detainees, and do they include a mental health assessment by a qualified medical professional? Finally, please clarify whether the State party has conducted any analysis into any link between the number of suicides and other sudden deaths in detention facilities and allegations of torture and ill-treatment.

Finally, the Committee appreciates the information provided on the number of suicides caused by abuses and ill-treatment committed by senior soldiers in the military, as discussed in paragraph 25 of your response. What criteria are used for deeming a suicide to be caused by abuse by senior soldiers? Please provide further information on the mental health screening process, if any, for soldiers, and information on the implementation of the project to increase the number of counseling officers at all regimental levels--how many such officers are currently in place, and have these officers been trained to carry out mental health assessments?

Upon receipt of your reply with additional information as requested above, the Rapporteur will be able to assess whether further information may be needed. The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of the Republic of Korea on the implementation of the Convention.

Accept, Mr. Ambassador, the assurances of my highest considerations.



Felice Gaer

Rapporteur for Follow-up on Conclusions and Recommendations
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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION

Conclusions and recommendations of the Committee against Torture
(*Extracts for follow-up*)

REPUBLIC OF KOREA

(...)

C. Subjects of concern and recommendations

(...)

7. Despite the existence of legislative and administrative measures to prevent and prohibit torture and other forms of ill-treatment, the Committee remains concerned at continuing allegations of torture and intimidation committed by law-enforcement officials, in particular in relation to the use of excessive force and other forms of ill-treatment, during arrest and investigation, and in detention and correctional facilities.

The State party should give higher priority to efforts to promote a culture of human rights by ensuring that a policy of zero tolerance is developed and implemented for all law-enforcement personnel, as well as for all staff in detention and correctional facilities. The State party should also intensify its efforts to reinforce human rights education, awareness-raising and training activities in general, and with regard to the prohibition of torture in particular.

(...)

9. The Committee notes with concern that the right to have legal counsel present during interrogations and investigations is not presently guaranteed by the Criminal Procedure Act and is only permitted under guidelines of the public prosecutors' office.

The State party should take effective measures to ensure that fundamental legal safeguards for persons detained by the police are respected. In this regard, the Committee recommends the adoption of the relevant amendments to the Criminal Procedure Act, currently pending before the National Assembly, guaranteeing the right to have legal counsel present during interrogations and investigations.

(...)

13. The Committee is concerned about the number of persons held in "substitute cells" (detention cells in police stations), which are reported to be overcrowded and in poor condition.

The State party should limit the use of "substitute cells", clarify their function, ensure that they provide humane conditions for those detained, and complete the proposed construction of new detention facilities. The Committee also urges the State party to ensure that all detention facilities conform to international minimum standards.

14. The Committee is concerned about the high number of suicides and other sudden deaths in detention facilities. It notes that detailed investigations have not been conducted into the link between the number of deaths and the prevalence of violence, torture and other forms of ill-treatment in detention facilities.

The State party should take all necessary steps to prevent and reduce the number of deaths in detention facilities. Adequate provision of and access to medical care should be provided, and suicide prevention programmes should be established in such facilities. The Committee also recommends that the State party conduct a comprehensive analysis of the link, if any, between the number of such deaths and prevalence of torture and other forms of ill-treatment in detention.

15. The Committee expresses its concern at the number of suicides in the military and at the lack of precise information on the number of suicides caused by ill-treatment and abuse, including hazing, at the hands of military personnel.

The State party should prevent ill-treatment and abusive measures in the military. It is encouraged to conduct systematic research into the causes of suicides in the military and to evaluate the effectiveness of current measures and programmes, such as the ombudsman system, to prevent such deaths. Comprehensive programmes for the prevention of suicides in the military may include, inter alia, awareness-raising, training and education activities for all military personnel.

(...)

20. The Committee requests the State party to provide, within one year, information on its response to the Committee's recommendations contained in paragraphs 7, 9, 13, 14 and 15.

(...)