



PERMANENT MISSION OF THE REPUBLIC OF KOREA
GENEVA

KGV/ 130 /2012

Reference: Communication From Special Procedures Joint Allegation Letter AL G/SO
214 (56-23) G/SO 214 (3-3-16) G/SO 214 (53-24) KOR 1/2012

The Permanent Mission of the Republic of Korea to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights, and in response to the latter's note verbale dated 17 April 2012, has the honor to submit, as attached, the Republic of Korea's response to the letter of the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

The Permanent Mission of the Republic of Korea to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurance of its highest consideration.

Encl.: as stated

Geneva, 21 June 2012

OHCHR
Palais des Nations
Avenue de la Paix 8-14
1211 Geneva 10



OHCHR REGISTRY

25 JUN 2012

Recipients :
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**Response of the Government of the Republic of Korea
to the letter of the Special Rapporteur on freedom of religion or
belief, the Special Rapporteur on the independence of judges and
lawyers and the Special Rapporteur on torture and other cruel,
inhuman or degrading treatment or punishment**

1. The Government of the Republic of Korea submits the information requested by the Special Rapporteurs on the independence of religion and others made by the letter [Ref. No. AL G/SO 214 (56-23) G/SO 214(3-3-16) G/SO 214(53-24) Republic of Korea] sent on 13 April, 2012, as follows.

Facts about Mr. [REDACTED] entry to the Republic of Korea

2. Our government finds it difficult to accept the argument that Mr. [REDACTED] entered the Republic of Korea to avoid the alleged risk of persecution in Uzbekistan for his religious beliefs. He entered Korea in 2002 as an industrial trainee under the name of [REDACTED] and stayed until 2008. His visa was terminated in January 2004. He overstayed his visa for approximately 4 years and 5 months thereafter. He voluntarily reported to the Korean government on July 8, 2008 according to the *Illegal Immigrant Voluntary Report Policy* and departed Korea after receiving a departure order. Since Mr. [REDACTED] overstayed in Korea in violation of the immigration law of Korea, he was subject to administrative measures, according to the relevant laws, to be barred from entering Korea for 1 year. However, he changed his name twice within two months after his departure, and re-entered Korea in October 2008 with a new name, [REDACTED]. Regardless of whether the change of the last name, [REDACTED] is legal according to the national law of Uzbekistan, Mr. [REDACTED] stated false information about his change of name and his past visits to Korea on the visa application he submitted in 2008 in order to receive a temporary business visa to re-enter Korea. Mr. [REDACTED] entered Korea with the temporary business visa and then applied for change of status as a spouse of a student, his reason being that he intended to stay with his wife who was studying in Korea. Without detecting his past violations of Korean laws, our government approved his application.

3. Furthermore, during an interview session with a refugee officer held after his application for refugee status, Mr. [REDACTED] responded to a question regarding his purpose of entry that the first time was for work and the second time was for living with wife who was studying in Korea. He did not mention that his entry to Korea is to escape from any potential persecution based on religion.

Deportation Order and Enforcement Process regarding Mr. [REDACTED]

4. Seoul Immigration Office personnel arrested Mr. [REDACTED] on February 7, 2012 on the basis of his illegal entry described above, and issued a deportation order on February 8. Such measures were taken on the ground that he hid his past record of illegal stay and the fact he was subjected to re-entry restrictions, rather than on the fact that he entered Korea with a changed name.
5. The Korean government informed the wife of Mr. [REDACTED] of his detention and deportation enforcement procedure on February 7. His wife promised that she would submit the passport of Mr. [REDACTED] but she broke her promise. Thus our government obtained a travel document from the Embassy of Uzbekistan in the Republic of Korea on February 10. It is not true that the Embassy of Uzbekistan requested Korea to deport Mr. [REDACTED] on the basis of his having used a forged passport. While being in the process of deportation, Mr. [REDACTED] stated that he feared facing persecution and torture due to religious reasons upon his return, and he intended to make a refugee status application. The Korean government received his refugee status application on February 15 and suspended the deportation order until the decision was made on the application.

Refugee Status Application of Mr. [REDACTED] and the Decision of the Korean government

6. Mr. [REDACTED] lodged an application for refugee status from *Hwaseong* Detention Center, where he was being detained at the time. During the interview, he made an unconvincing statement that his mother and mother-in-law residing in Uzbekistan were investigated by the Uzbek police due to the fact that his wife wore *hijab* in Korea. He stated that he had received a phone call from his mother warning him not

to return to his home country but he could not explain coherently the specific details of his communication with his mother, including when he received the phone call.

7. At the completion of the said interview, the Korean government got intelligence that Mr. [REDACTED] had been connected to an international terrorist organization and involved in certain suspicious activities. After further investigation, Mr. [REDACTED] was deemed as a person who poses a real risk to national security. The Korean government came to conclusion that Mr. [REDACTED] was not entitled to international protection as a refugee. Consequently, his refugee status application was rejected and deportation was enforced.
8. In accordance with conventional deportation practice, he was handed to flight attendants at the entrance gate of the flight departing for Uzbekistan. No Uzbek secret police or government officials were notified of the deportation enforcement.

Conclusion

9. Having re-examined the matters in question upon the receipt of the letter from the Special Rapporteurs on freedom of religion and others, the Korean government is convinced that Mr. [REDACTED] was deported in compliance with relevant international laws as well as national laws.

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