



*Permanent Mission of the Republic of Korea  
Geneva*

*Avenue de l'Ariana 1 P.O.Box 42, 1211 Geneva 20  
Tél: +41(0)22 748 0000 / Fax: +41(0)22 748 0001  
geneva.korea@mofa.go.kr*

**KGV/201/2024**

The Permanent Mission of the Republic of Korea to the United Nations and Other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights (OHCHR) and has the honour to submit, as enclosed, the response of the Government of the Republic of Korea to the joint communication from Special Procedures, dated 26 June 2024 (AL KOR 2/2024).

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

23 August 2024

Enclosed: as stated



Office of the United Nations High Commissioner for Human Rights (OHCHR)

**Response by the Government of the Republic of Korea**  
**to the Joint Communication from the UN Human Rights Council Special Procedures**  
**sent on 26 June 2024**

23 August 2024

**1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.**

For additional information on the allegations, please refer to Attachment 1, a response by Kim Yong-won, Standing Commissioner of the National Human Rights Commission of Korea (NHRCK), to the Joint Communication from the UN Human Rights Council Special Procedures, and Attachment 2, a letter submitted by Song Doo-hwan, Chairperson of the NHRCK, to the Seoul Jungbu Police Station.

**2. Please provide detailed information as to the current status of the ongoing investigation into Mr. Lim, other members of the CMHRK and bereaved family members and how the charges that they are facing are compatible with the Republic of Korea's international legal obligations.**

The police and the prosecutor's office are investigating the ongoing case related to Director Mr. Lim Tae-hoon, other members of the Center for Military Human Rights Korea (CMHRK), and the bereaved families. In addition, the Korean investigative authorities are conducting the investigation in compliance with both domestic and international laws and principles, including presumption of innocence until proven guilty and the requirement that penal offenses be clearly defined by law.

However, providing details of the ongoing investigation is difficult pursuant to Article 6(3) of the *Act on Promotion of the Digitalization of the Criminal Justice Process*, as the details entail "investigation-related information". There are also concerns over "violation of the right to privacy" in accordance with Article 9(1) of the *Official Information Disclosure Act*, as the details include personal information.

**3. Please indicate any measures taken to amend the National Human Rights Commission of Korea's Act to ensure an independent selection committee**

**for the appointment of commissioners, as per the recommendations of the GANHRI Sub-Committee on Accreditation. Please also outline what measures have been taken by your Excellency’s Government to ensure the pluralism, independence and effectiveness of the NHRCK in line with the Paris Principles.**

1) Measures taken to amend the *NHRCK Act* to ensure an independent selection committee for the appointment of commissioners:

- Currently, the NHRCK’s commissioners are nominated by the President, the National Assembly, and the Supreme Court. A nomination committee can be established by the President for the nomination. A proposal to amend the *NHRCK Act* to establish a single nomination committee for all 11 commissioners (Bill No. 19648) was introduced in the 21<sup>st</sup> National Assembly by Parliamentarian Jin Sungjoon. However, the proposed amendment was discarded due to the expiration of the parliamentary term. Since the opening of the 22<sup>nd</sup> National Assembly in May 2024, three amendments to the *NHRCK Act* to establish a single nomination committee for all 11 commissioners have been introduced in the National Assembly. They are currently under discussion (as of August 20, 2024).

<b>Primary Sponsor (Bill No.)</b>	<b>Date of Introduction</b>
Jin Sungjoon (331)	June 11, 2024
Seo Miwha (773)	June 21, 2024
Ko Minjung (1477)	July 3, 2024

2) Measures taken by the Government to ensure pluralism, independence, and effectiveness of the NHRCK in line with the Paris Principles:

- The NHRCK commissioners represent various societal groups, including the academia, legal professionals, religious communities, civil society organizations, women, migrants, and persons with disabilities. In addition to the open recruitment for public officers of the NHRCK Secretariat, the NHRCK seeks to recruit individuals from diverse backgrounds, such as human rights activists and experts, and members of various minority groups, to ensure the diversity of its staff.
- According to Article 3 of the *NHRCK Act*, the NHRCK is an independent organization from the legislative, executive, and judicial branches of government; it is not directed or supervised by any other agency, and independently performs the tasks that fall under its mandate.
- Despite the existing provision guaranteeing the independence of the NHRCK, the following legislative amendments have been proposed to further strengthen its pluralism, independence, and effectiveness.

**Pluralism**

- The Amendment to the *NHRCK Act* primarily sponsored by Parliamentarian Seo Miwha, June 21, 2024, states that at least one person with disabilities with expertise on disability rights, nominated by a disability organization should be included.

**Independence**

- The Amendment to the *NHRCK Act* primarily sponsored by Parliamentarian Jin Sungjoon, June 11, 2024, aims to enhance financial independence by adopting the same budgeting process applied to the independent institutions defined under the *National Finance Act*.
- The Amendment to the *NHRCK Act* primarily sponsored by Parliamentarian Jin Sungjoon, June 11, 2024, aims to ensure organizational independence by referring to its rules, rather than the Presidential Decree, to make decisions on organizational matters.
- The NHRCK Notification of Legislation on May 27, 2024, introduced a new legal provision to delegate part of the authority over the appointment of public officials (NHRCK staff) to the Chairperson).

**Effectiveness**

- The Amendment to the *NHRCK Act* primarily sponsored by Parliamentarian Seo Miwha, June 21, 2024, introduced specific regulations to allow for the disclosure of its meeting minutes.

Attachments: as stated above

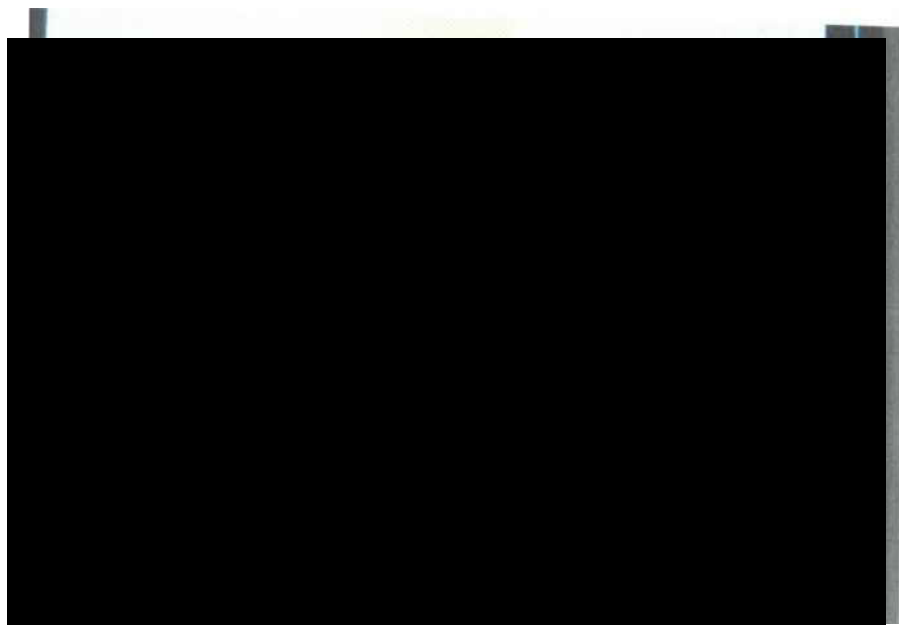
Attachment 1.

(unofficial translation)

A response by Kim Yong-won, Standing Commissioner of the NHRCK, to the joint communication from the UN Human Rights Council Special Procedures

1. Kim Yong-won (hereinafter referred to as Standing Commissioner Kim), a Standing Commissioner of the National Human Rights Commission of Korea (NHRCK) and the Military Ombudsman, has filed a civil suit for damages against the Center for Military Human Rights Korea and its representative Lim Tae-hoon. This is because they have maliciously made defamatory statements about Commissioner Kim's performance of duties and seriously damaged his reputation without providing any evidence whatsoever. They have continued to lie to this day by pretending that their imaginary allegations are well-founded.

2. Standing Commissioner Kim requested the police to investigate the violent acts committed on October 18, 2023 by Lim Tae-hoon, other members of the Center for Military Human Rights Korea, and the bereaved families of soldiers. The case was transferred from the police to the prosecutor's office and is currently being investigated by the prosecutor's office. They did not hold a peaceful demonstration, but committed a felony. On the day, they illegally entered, without permission, the security gate of the 15th floor of the NHRCK, where the chamber of Standing Commissioner Kim is located. They gathered in front of his chamber, holding paper banners and repeatedly shouting, "Kim Yong-won, stop hiding and come out." Standing Commissioner Kim was locked inside his chamber for about two hours. This is not a peaceful rally or protest, but an act of serious violence. The attached photo illustrates the situation.



Attachment 2.

(unofficial translation)

A letter submitted by Song Doo-hwan, Chairperson of the NHRCK, to the Seoul Jungbu Police Station

From: Song Doo-hwan, Chairperson of the National Human Rights Commission of Korea  
To: Seoul Jungbu Police Station  
Date: March 22, 2024

Case No. 2023-007760: An alleged violation of the Act on the Punishment of Violence Activities

As Chairperson of the National Human Rights Commission of Korea (NHRCK) and a person present at the site of the incident, I submit the following opinion regarding the case mentioned above.

1. It is regrettable that Mr. Kim Yong-won, who serves as Standing Commissioner of the NHRCK and the Military Ombudsman, referred 10 bereaved family members and human rights defenders from the Center for Military Human Rights Korea (CMHRK) to the Seoul Metropolitan Police for an investigation on charges of unlawful entry into a structure, special confinement and obstruction of the performance of official duties, etc.

On October 18, 2023, I received a report that 10 bereaved family members of individuals who died in the military and human rights defenders from the CMHRK (hereinafter referred to as bereaved family members and others) gathered outside the entrance gate on the 15th floor of the NHRCK's head office building, requesting a meeting with the Chairperson regarding the handling of their complaint by the Military Ombudsman. I felt it was necessary to discuss the concerns of the bereaved family members and others. However, after consulting with the secretariat, I decided it would be better to schedule a meeting for another day, considering the tasks and activities planned for the day and the procedures for arranging a meeting with the Chairperson. I also notified them of our intention.

I was informed later that the bereaved family members and others refused to leave the building until they met with me. I concluded it would be more appropriate to accept their request and met with them at the reception room inside the Chairperson's office for about an hour and a half.

The bereaved family members and others did not appear violent or intimidating before, during, and after the meeting. We had a serious and intense discussion about the matter as they stated their views and claims, and I explained the NHRCK's position.

That is all that I felt and experienced that day. I would like to clarify that I, the Chairperson of the NHRCK, was the one who was asked to meet with the bereaved family members and others and that I was the one who spoke to them in person.

2. It is regrettable that the Military Ombudsman submitted a request to investigate the bereaved family members and others. I call on the Seoul Jungbu Police Station to promptly examine the persons summoned and conclude the investigation.

I believe that it is a key role and responsibility of a National Human Rights Institution and its leaders to meet with diverse stakeholders, including individuals and civil society groups, and understand their points of view, if necessary, to protect and promote human rights.

I am saddened by the ongoing investigation against the bereaved family members of deceased soldiers and human rights defenders from an advocacy group that supports them. I hope those who have lost their loved ones in the military do not have to suffer any further.