

Mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

REFERENCE:
UA PRK 2/2019

28 January 2020

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 40/20, 36/6, 35/15 and 34/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the announcement made by the Government of the Republic of Korea on 7 November 2019.

According to the announcement, on 7 November¹, the Government of the Republic of Korea deported two North Korean residents who were seized from the East Sea on 2 November to the Democratic People's Republic of Korea through Panmunjeom.

In this regard, we wish to urge your Excellency's Government to inform about their whereabouts and ensure due process and fundamental human rights for these two individuals, including the right to the presumption of innocence, the right not to be subjected to torture and other forms of ill-treatment and the right to a fair trial and equality before the courts, guaranteed by the International Covenant on Civil and Political Rights and other human rights treaties to which the Democratic People's Republic of Korea is a State Party. We would also like to refer your Excellency's Government to the 1992 Declaration on the Protection of all Persons from Enforced Disappearance, in particular that any act of enforced disappearance is an offence to human dignity (article 1) and that no State shall practice, permit or tolerate enforced disappearance (article 2.1).

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

¹ Press release by the Ministry of Unification of the Republic of Korea on 7 November 2019:
https://unikorea.go.kr/eng_unikorea/news/releases/?boardId=bbs_000000000000034&mode=view&cntId=54222&category=&pageIdx=

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with international instruments.

Please also provide any additional information and any comment you may have on the above-mentioned allegations.

Please note that a letter with a similar content has been sent to the Government of the Republic of Korea.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of our highest consideration.

Tomás Ojea Quintana
Special Rapporteur on the situation of human rights in the Democratic People's Republic
of Korea

Luciano Hazan
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

Nils Melzer
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or
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