

**1969 Korean Air Abductees' Families Association submission to the UN
Universal Periodic Review (DPRK)
33rd Session April – May 2019**

EXECUTIVE SUMMARY

In this submission, the 1969 Korean Air Abductees' Families Association provides information under sections A, B, and C:

- In section A, we raise concerns over the DPRK's categorical rejection of all allegations of committing abductions and enforced disappearances of citizens from South Korea.
- In section B, we raise specific concerns regarding the 11 South Korean citizens that were abducted on 11 December 1969 through the hijacking of a civilian aircraft (Korean Airlines YS-11).
- In section C, we share a number of recommendations as put forth by the family members of the aforementioned abductee.

A. Lack of accountability for abductions and enforced disappearances

1. During the previous UPR review (19th), the Democratic People's Republic of Korea (DPRK) claimed that "the issue of 'abduction of south Koreans' did not exist," and **rejected all recommendations** relating to abductions and enforced disappearances.
2. International abductions carried out by the DPRK are well-documented. In its 2014 report, the Commission of Inquiry (COI) on Human Rights in the Democratic People's Republic of Korea found that, since 1950, the country "has engaged in the systematic abduction, denial of repatriation and subsequent enforced disappearance of persons from other countries on a large scale and as a matter of State policy." The vast majority of the abductions and enforced disappearances are linked to the Korean War (1950-53) and the organized migration of ethnic Koreans from Japan. However, between the 1960s and 1980s, hundreds of citizens from South Korea, Japan, and other countries were also abducted and subsequently disappeared.
3. The present submission focuses on the latter category of South Korean citizens that were abducted after the Korean War, known as the "**post-war abductees.**" Since the signing of the 1953 armistice, approximately 3,835 South Korean citizens have been arrested or abducted by the DPRK, of which 3,319 were returned within one and a half years. Between 2000 and 2013, nine abductees managed to escape on their own and return to South Korea, bringing the estimated total of unreturned post-war abductees to 516.

Current Status of Post-War Abductees (estimated)

(Unit: persons)

Category	Total	Fishermen	Passengers and Crew of Korean Airlines	Soldiers / Policemen	Others	
					Domestic	Overseas
Abducted to North Korea	3,835	3,729	50	30	6	20
Returned	Repatriated	3,310	3,263	39	-	8
	Defected	9	9	-	-	-
Remaining in North Korea	516	457	11	30	6	12

Source: Separated Families Division, Ministry of Unification (As of 31 December 2017)

4. Most of the 516 abductees are fishermen, who were captured while working on their fishing boats at sea. The other victims include people that were abducted while working overseas; vacationing teenagers; Vietnam War POWs; members of the South Korean navy and army; and the passengers of a Korean Airlines (KAL) aircraft. The COI determined that the vast majority of the abductees were forcibly disappeared to gain labor and other useful skills for the DPRK, with some of them used to further its espionage and terrorist activities. The COI further concluded that such systematic abductions or denial of repatriation amounted to crimes against humanity.
5. The DPRK categorially denies all allegations of committing “abductions” or “enforced disappearances,” claiming that all those remaining in the DPRK have done so voluntarily. However, the DPRK has thus far failed to adequately respond to the requests by the Working Group on Enforced or Involuntary Disappearances (WGEID) to clarify the circumstances of the reported abduction cases. In the case of Hwang Won, a passenger of the Korean Air YS-11 flight that was abducted in 1969, the DPRK simply stated that there was “no person in [the] country who ha[d] been enforcedly or involuntarily disappeared or detained against his or her will.” No additional evidence was given, nor was there follow-up investigation. According to the latest WGEID report, a total of 233 cases relating to the DPRK remain outstanding, of which 66 cases were newly transmitted over the past one year.
6. The South Korean government has sought to circumvent this impasse by including the abductees under the larger category of “separated families.” Although this measure has enabled the abductees’ families to apply for the Separated Family Reunions, in practice, very few abductees have benefited from it. To get selected, the family members request verification of life status. But for most family members of the abductees, the DPRK has responded that their loved ones were either dead or that it was not possible to verify their life status. Currently, there is no real way to challenge the life status verification provided by the DPRK.
7. Even for the few lucky abductees that are allowed to meet with their families, the Separated Family Reunions are hardly the ideal solution. For one thing, there remains no long-term channels to maintain permanent contact. Written correspondence, telephone communication, and visits to both countries remain prohibited. Family separation resumes following a brief reunification.

B. Lack of accountability for the hijacking of a civilian aircraft

8. This section raises specific concerns regarding the 11 South Korean citizens that were reportedly abducted via hijacking of a civilian aircraft (Korean Airlines YS-11).
9. On 11 December 1969, a Korean Air (KAL) aircraft on a domestic flight was hijacked shortly after take-off and was flown to the DPRK. Although the DPRK initially claimed that the pilots had voluntarily flew the plane to the DPRK, it was later discovered that a DPRK agent had threatened the pilots to divert the plane to the North. The plane had 51 people on-board: 4 crew members, 46 passengers, and one hijacker. Although the DPRK returned 39 passengers on 14 February 1970, the remaining 11 people (4 crew members and 7 passengers) were never returned. Like in numerous other cases, the DPRK authorities simply claimed that the 11 were remaining in the DPRK of their own free will.
10. Enforced disappearance is a serious crime, particularly because it is a continuous crime until the fate and whereabouts of every disappeared person is clarified. In the case of the KAL hijacking victims, it was also a forgotten crime, one that has allowed the perpetrators to escape accountability for decades. Since its inception, a key goal of the 1969 KAL Abductees' Families Association has been to break the silence that has surrounded their abductions for so long.
11. On 17 June 2010, Hwang In-cheol, the representative of the 1969 KAL Abductees' Families Association, submitted a case to the WGEID on behalf of his father, Hwang Won (TV producer, 32 at the time of abduction). In November 2011, two other cases were submitted on behalf of Mr. Lee Dong-ki and Mr. Choi Jeong-wong. The DPRK responded in May 2012 that there was "no person in [their] country who ha[d] been enforcedly or involuntarily disappeared or detained against his or her will." The DPRK sent additional replies in September 2012, January 2013, and July 2015, all of which similarly rejected all allegations of carrying out abduction or denial or repatriation.
12. Hijacking of a civilian aircraft is a serious crime under international law. In June 1970, the 17th Session (Extraordinary) of the International Civil Aviation Organization (ICAO) General Assembly passed the Resolution A17-8, which explicitly urged that "all unlawfully seized aircraft ... and all their passengers and crews be permitted to continue their journey as soon as practicable." On 9 September 1970, the United Nations Security Council adopted Resolution 286, in which it "[a]ppeal[ed] to all parties concerned for the immediate release of all passengers and crews without exception, held as a result of hijackings and other interference in international travel." Later that year on 25 November 1970, the UN General Assembly adopted Resolution 2645 (XXV), which condemned, "without exception whatsoever, all acts of aerial hijacking ... and all acts of violence which may be directed against passengers, crew and aircraft engaged in ... civil air transport." Although none of these call for action succeeded in bringing back the 11 victims 49 years ago, each of these documents provide important basis upon which to address the outstanding cases.
13. Since 1983, the DPRK has also been a State Party to the Convention for the Suppression of Unlawful Seizure of Aircraft (Hague Convention), which requires the DPRK to facilitate the onwards travel of any passengers aboard a unlawfully seized

aircraft that lands in the DPRK. The Hague Convention also includes strong accountability provisions. According to the Convention, anyone who hijacks a civilian aircraft is to be extradited or prosecuted “without exception whatsoever.” Accordingly, the DPRK is legally obligated to, at minimum, to conduct a good-faith investigation into the individuals or groups that are responsible for committing the hijacking act.

14. An integral part of that process would be the role of the International Civil Aviation Organization (ICAO). On 4 May 2018, the Reuters reported that ICAO Asia and Pacific Regional Director Arun Mishra and Stephen Creamer, head of the agency’s Air Navigation Bureau, would be visiting the DPRK to discuss an earlier request by Pyongyang to open new air routes. On 8 May 2018, the 1969 KAL Abductees’ Families Association sent an official letter to Dr. Fan Liu, the Secretary General of ICAO, urging the UN aviation agency to make sure that the DPRK faithfully carry out its obligation to “return” the crew and passengers they unlawfully seized on 11 December 1969. At the time of this writing, we have yet to receive an official response from the ICAO Secretariat.

C. Recommendations

15. In his 2016 annual report, the UN High Commissioner of Human Rights kindly highlighted the fact that the “whereabouts of Mr. Hwang Won and 10 other passengers and crew members remain unknown.” Having spent years trying to raise international awareness about the “continuing crime” that the KAL hijacking incident has become, it was truly reassuring to learn that the international community had not turned its back on the 11 men and women that were taken from their loved ones so long ago.
16. The 1969 KAL Abductees’ Families Association makes the following recommendations to the DPRK government:
 - Respond to the cases presented by WGEID in a clear, unambiguous manner and provide the whereabouts and life-status of Hwang Won and those of the other abductees.
 - Abide by the international human rights treaties that the government has voluntarily pledged to, including the Convention for the Suppression of Unlawful Seizure of Aircraft.