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### **PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT**

**Joint written statement\* submitted by People's Solidarity For Participatory Democracy (PSPD) and Asian Forum For Human Rights And Development (FORUM-ASIA), non-governmental organisations in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 February 2009]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

### **Forced eviction lead six people killed in the Republic of Korea**

On 20 January 2009, six people including one police officer were killed during the protest against forced eviction and the police crackdown in Yongsan, a central part of Seoul in the Republic of Korea.<sup>1</sup> This incident illustrates the accumulated infringements on the right to adequate housing by the Government which has executed redevelopment projects devoid of consultations with the affected persons and communities.

On the day of the incident, there were violent clashes between a number of protesters and the police commandos who were deployed to dissolve the protest as well as to roundup the protesters. Most of the protesters were tenants and small business owners who had been forced out of their homes and businesses under the Seoul City's redevelopment plan. The redevelopment projects have been continued in certain areas of Seoul in order to build new high-rise apartment buildings which are too expensive for the urban poor who originally lived in the location. The redevelopment plan only meant that the urban poor tenants would be subject to severe threat of being forcibly evicted.

The government authorities could have prevented this tragic incident by ensuring adequate safety and security measures in place before the violent clash occurred. The incident was the result of an excessive and disproportionate response from the police commandos who showed little regard to the safety and life of the protesters.

For instance, the Government dispatched 1,500 police officers including the anti-terror operation unit in order to disperse 50 protesters. According to the police operation regulations, the police should take all precautionary measures to prevent any possible accidents at the protest. However, the police did not make any attempts to remove flammable substances and ingredients from the protest spot, which caused fires and explosions thus killed six people in the incident. Furthermore, the police did not block the violent behaviors of private demolition services against protesters. This gave rise to speculation that the police was in complicit with the private construction companies in the run up to forced eviction as well as during the crackdown operation against the protesters.

Regrettably, during a press conference on 9 February 2009, the Public Prosecutor's Office concluded that the police bear no responsibility for this incident and instead, indicted many protesters under the charge of obstructing police duty as well as violating other several laws.<sup>2</sup> This is a clear case where the legitimate activities of human rights defenders were falsely accused and denied by the Government as ever highlighted by the Special Representative of the Secretary-General on human rights defenders, Ms. Hina Jilani in her annual report to the UN Human Rights Council in 2007. The Special Representative has expressed her concerns regarding human rights violations against human rights defenders, particularly those who work on the right to adequate housing, including protest against forced evictions.<sup>3</sup>

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<sup>1</sup> The Hankyoreh, "6 killed in clash between police and protesters in Yongsan", 20 January 2009

<sup>2</sup> The Korea Times, "27 Indicted Over Yonsan Fire Tragedy", 9 February 2009

<sup>3</sup> 4<sup>th</sup> session of the UN Human Rights Council, Report of the Special Representative of the Secretary-General on human rights defenders, A/HRC/4/37, 24 January 2007, paras. 61-66

According to the General Comment No.4 and No.7 of the UN Committee on Economic, Social and Cultural Rights (CESCR), each State should use all appropriate means to promote the right to adequate housing including adoption of legislative measures, prevent and punish forced evictions carried out without appropriate safeguards by private persons or bodies, and most of all, not evict people in particularly bad weather or at night unless the affected persons consent otherwise.<sup>4</sup>

In the Republic of Korea, which is a State Party to the ICESCR, however, the eviction processes are often conducted at night or in winter, as a deliberate tactic to prevent the displaced tenants from resisting the demolitions. The forced evictions are violent in nature, involving the destruction of the properties and in some cases, resulting in incendiary fires, where there is a strong resistance to the demolition. The construction companies employ 'private demolition services' who rampantly use violence, threats, and in some cases sexual harassment towards the residents.

**PSPD and FORUM-ASIA call upon the Government of the Republic of Korea:**

- a) To seriously re-examine the Yongsan incident in a fair and transparent manner to bring justice to the victims of this tragic incident and the forced eviction;
- b) To adopt legislative measures to prevent and punish forced evictions without appropriate safeguards, especially the evictions taking place in bad weather or at night;
- c) To provide protection, such as compensation and temporary housing, to victims of forced evictions resulting from development projects, and ensure that adequate housing is available to members of vulnerable or marginalized groups as recommended by the CESCR in its consideration of the 2<sup>nd</sup> periodic report of the Republic of Korea in 2001 (E/C.12/1/Add.59);
- d) To provide adequate training programmes to judicial, law enforcement and other government officials on the international norms and standards relating to the right to adequate housing; and
- e) To invite the Special Rapporteur on the right to adequate housing to visit the Republic of Korea and get expert advice with a view to improve the relevant situation of vulnerable or marginalised groups in the country.

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<sup>4</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment 4, "The right to adequate housing" and General Comment 7, "The right to adequate housing Art. 11.1, Forced evictions"