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Mr KIM Sung-ho
Ministry of Justice
Gwacheon Government Complex
1 Jungang-dong
Gwacheon 427-725
Gyeonggi Province,
Republic of Korea (South Korea)

27 March 2007

Dear Minister Kim,

We would like to express our deep sadness at the death of ten migrants and injury to 17 others – all of whom were detained pending deportation – during the fire in the Yeosu detention facility on 11 February 2007. At the time of the fire, there were reportedly at least 55 non Korean nationals detained in the facility, one of at least 16 detention facilities which detain irregular migrants pending their forced deportation to their home countries.

Amnesty International would like to express its serious concerns regarding the poor safety conditions at the Yeosu detention facility which had earlier caught fire in February 2005. Amnesty International is worried that despite this earlier accident, fire prevention measures to ensure the safety of the detention facility were not implemented by the authorities. This, combined with the delayed response by guards at the detention facility, appears to have resulted in the high number of casualties with nearly half the persons detained being either killed or injured.

We are concerned at reports that a failure to provide sufficient training by authorities to personnel of the detention facility may have resulted in a delayed response by the personnel to cries for help from detainees. Efforts to rescue the persons trapped in the cells were hampered by the fact that their doors could not be opened centrally; they had to be opened one at a time by prison guards. Reports suggest that there was only one prison guard present near the cells that were affected by the fire and that his rescue attempts were delayed as he had to search for the key to unlock the prison doors. It appears that by the time he could find the keys, the doors could not open due to the heat.

Additionally, Amnesty International is concerned by reports that all those who died appeared to have been killed by smoke inhalation. The cell floors were covered by mats made of polyurethane, a flammable material which is known to release potentially lethal toxic gases when burned. To make things worse, the fire alarms did not work and the detention centre did not have a sprinkler system in operation. This reportedly contravened South Korean fire services law, according to which built structures that are larger than 1,000 square metres in area and buildings with more than four floors are required to have sprinkler systems. Yeosu detention facility measures more than 1,200 square metres in area. Moreover, it was reported that the doors in the detention facility were not fireproof, allowing the fire to spread more quickly.

We are also concerned to find that survivors of the fire who have recovered from their physical wounds have been immediately transferred to another detention facility. Many of the survivors have reportedly experienced acute stress reactions and some may now be suffering from post traumatic stress disorder (PTSD). Of the 55 people present at the Yeosu detention centre at the time of the fire, 28 people were judged to be physically fit and not require medical treatment. They were transferred to another detention facility at Cheongju, and by late February, 22 of these detainees were forcibly deported without any compensation.

Amnesty International urges the South Korean authorities to:

- Provide adequate reparation to all those who were harmed, either physically or mentally, as a result of the fire, including those victims who were forcibly deported, and to the relatives of the deceased, irrespective of their legal status;
- Ensure that an independent, impartial and thorough investigation into the deaths and injuries of migrants detained at Yeosu detention facility is carried out. Investigation must include the cause of the fire, the fire safety mechanisms in place (or lack thereof) and the conduct and training of the personnel present at the facility at the time of the fire;
- Ensure that detention of migrants, whatever their legal status, should be justified in each individual case as a necessary and proportionate measure that conforms to international law and standards. Such detention should be subject to periodic judicial review and must not be indefinite;
- Ensure that the level of compensation, as well as other forms of reparation (restitution, rehabilitation, satisfaction and guarantees of non-repetition) should be agreed with the victims and survivors, or else settled in the courts, in proceedings which meet international standards of fairness;
- Take urgent steps to ensure that appropriate safety measures, in particular fire prevention measures, and adequate safety training for personnel in the Yeosu detention facility and all other detention facilities.

In its report, “Republic of Korea (South Korea): ‘Migrant workers are also human beings’,” (AI Index: ASA 25/007/2006), Amnesty International had expressed concern at “persistent reports of poor conditions... in detention facilities used to hold migrant workers.” Amnesty International would like to reiterate its call to the South Korean authorities to ensure that the conditions of detention are consistent with international law and standards, including the UN Standard Minimum Rules for the Treatment of Prisoners and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

I look forward to your comments and assurances that your government will take prompt action to protect the rights of migrants in light of the concerns and recommendations included in this letter. I am also writing on these matters to President Roh Moo-hyun.

Yours sincerely,

For Irene Khan, Secretary General