



**CAPITAL PUNISHMENT
JUSTICE PROJECT**
Ending the death penalty.



INTERNATIONAL HUMAN RIGHTS GROUPS OPPOSE THE DEATH PENALTY FOR FORMER SOUTH KOREAN PRESIDENT YOON SUK-YEOL WHO IS ON TRIAL FOR INSURGENCY

**JOINT PRESS STATEMENT
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The Anti-Death Penalty Asia Network (ADPAN) and partner civil society organizations oppose the decision of South Korean prosecutors to seek the death penalty for former President Yoon Suk-Yeol during the final hearing of his trial for insurgency on 13 January 2026. ADPAN and partners oppose the death penalty in all circumstances. Pending full abolition, states have a duty to uphold their international commitments. South Korea is a State Party to the International Covenant on Civil and Political Rights (ICCPR) in which the death penalty is an exception to the right to life in very specific terms for intentional killing.¹ Insurgency, as such, does not fall into this category.

We urge special counsel Cho Eun-suk to reconsider seeking the death penalty against former President Yoon prior to the delivery of the verdict and sentencing by the Seoul Central District Court on 19 February. If Yoon is sentenced to death by this court or on appeal, we urge the South Korean government to maintain the 28-year de facto moratorium on carrying out the death penalty.

Justice and Accountability for Former President Yoon's Martial Law Proclamation and Attempt to Occupy the National Assembly by Force Must Be Pursued

Former President Yoon's proclamation of martial law and deployment of military and police forces to occupy the National Assembly on the night of 3-4 December 2024 may be considered a grave assault on freedom, democracy, the rule of law, and human rights in South Korea. The precise motive for Yoon's actions remains murky, but it is clear that there was no war, armed

¹ UN Human Rights Committee, General Comment No. 36 on Article 6: Right to Life, UN Doc. No. CCPR/C/GC/36, September 3, 2019.

conflict or similar national emergency at the time that may justify the imposition of martial law under Article 77 of the South Korean Constitution.

Moreover, under Article 4 of the ICCPR, to which South Korea is a Party, derogations are permitted only in time of public emergency which threatens the life of the nation to the extent strictly required by situation and may never undermine non-derogable rights, including the right to life, protected under Article 6 of the ICCPR. The resort to emergency powers places fundamental rights at heightened risk and threatens democratic governance, particularly when exercised without strict necessity, proportionality, and effective oversight. It is also a context in which the use of capital punishment is especially dangerous, as legal safeguards are strained and the risk of irreversible injustice increases.

The last time that South Korea was under martial law from 1979 to 1981 ushered in a new military dictatorship led by General Chun Doo-hwan, accompanied by brutal killings and the arrest of hundreds of people demanding the return to democracy in the city of Gwangju and elsewhere. While the recent period of martial law ended after only five and a half hours without bloodshed, it brought back the specter of the authoritarian past. It could have resulted in the arbitrary deprivation of life and other violations and abuses and caused irreparable damage to democracy.

The National Assembly subsequently impeached former President Yoon and the Constitutional Court removed him from office in April 2025. Now, he and his accomplices are on trial for insurgency. Should they be found liable after due process, they must face stern justice for their unconstitutional, unlawful, and unjustified criminal acts.

The Death Penalty for Former President Yoon Will Not Advance Justice, But Undermine Human Rights

Accountability must be exercised in full compliance with international human rights law. Under Article 6 of the ICCPR, the death penalty is tolerated only as a narrowly confined exception and under the strictest conditions for the most serious crimes. International human rights bodies have consistently emphasized that States must move progressively toward abolition and refrain from steps that revive or normalize capital punishment.

Following the democratic transition, South Korea has maintained an undeclared moratorium on the carrying out of death sentences for more than 28 years. Legislative bills to abolish the death penalty have been proposed in every session of the South Korean National Assembly, including the current one, since 1999. Many sponsors were pro-democracy activists under military regimes, including those who had been sentenced to death for political offenses. The third challenge against the death penalty, which was filed in 2019, is pending before the Constitutional Court that previously upheld its constitutionality by a 7-2 vote in 1996 and by a 5-4 vote in 2010.

Seeking the death penalty against former President Yoon—after three decades of gradual progress towards abolition—represents a clear regression and risks re-legitimizing capital punishment in violation of South Korea’s international human rights commitments. These commitments are reinforced by successive UN General Assembly resolutions calling for a universal moratorium on executions, including Resolutions 75/183 (2020), 77/222 (2022), and 79/179 (2024), which South Korea has supported.

The UN Human Rights Committee has stressed that “the most serious crimes” in Article 6 of the ICCPR must be read restrictively as “crimes of extreme gravity involving intentional killing.” This interpretation has been endorsed by UN Human Rights Council resolutions on the death penalty, including Resolutions 48/9 (2021), 54/35 (2023), and 60/17 (2025), which South Korea has also supported.

The death penalty does not advance justice. It does not promote healing, restore trust in institutions, or strengthen democratic governance. Instead, it forecloses the possibility of remedy in cases of error and introduces irreversible state violence. The same will be the case for the death penalty against former President Yoon. It risks doing a disservice to justice and undermining the right to life, which is protected by South Korean constitutional law and international human rights law.

What Is Needed Instead of the Death Penalty

Abuses of emergency powers are addressed through strong institutional safeguards and rights-respecting accountability—not execution. Former President Yoon’s declaration of martial law exposed weaknesses that capital punishment cannot remedy. Clear legal limits on emergency powers, independent oversight, and the effective protection of fundamental freedoms are necessary to ensure accountability and prevent recurrence. The death penalty, if revived instead of abolished, may become a tool that aggravates future abuses of emergency powers.

We emphasize that opposing the death penalty does not mean opposing accountability or calling for impunity. Yoon’s actions must be addressed by penalties that are lawful, proportionate, and consistent with international human rights standards. Accountability for abuses of power must reinforce the rule of law, not resurrect a punishment that may undermine the right to life and run counter to international human rights standards.

Our Call

ADPAN and the undersigned civil society organizations urge that:

1. Special counsel Cho Eun-suk withdraw the pursuit of the death penalty against former President Yoon in the present proceedings and to refrain from seeking capital punishment in this or in any other case; instead, he should seek penalties that are lawful, proportionate, and consistent with international human rights law;

2. The Seoul Central District Court exercise heightened restraint at sentencing, in line with South Korea's international human rights obligations and its long-standing non-use of the death penalty; and
3. Authorities of the Republic of Korea to maintain the moratorium on executions as a concrete step toward abolition, commute all death sentences to prison terms, resubmit an opinion of the Minister of Justice to the Constitutional Court in relation to the pending death penalty case (2019 Hun-Ba 59) distancing the Minister from the previous opinions supporting the retention of the death penalty, and to commit to the full abolition of the death penalty, including by taking steps toward accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights.

Signatories:

1. Anti-Death Penalty Asia Network (ADPAN)
2. Capital Punishment Justice Project (CPJP)
3. The Advocates for Human Rights (TAHR)
4. Together Against the Death Penalty (ECPM)
5. World Coalition Against the Death Penalty (WCADP)
6. Maldivian Democracy Network (MDN)
7. Human Rights Watch (HRW)