



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUND 1971

EXECUTIVE COMMITTEE
53rd session
Agenda item 3

71FUND/EXC.53/11
14 April 1997

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INCIDENTS INVOLVING THE 1971 FUND

KEUMDONG N°5

Note by the Director

1 At its 44th session, held from 16 to 19 October 1995, the Executive Committee noted that an attack had been carried out on 4 August 1995 on the 1971 Fund's surveyor, Captain S K Kim, President of Korea Marine & Oil Pollution Surveyors Co Ltd (KOMOS), by some 12 representatives of the fishermen who had presented claims in respect of the *Keumdong N°5* incident (document FUND/EXC.44/17, paragraphs 3.5.6 – 3.5.9).

2 The Director expressed his appreciation for the support of the Korean authorities following this regrettable accident and for the support in general that the Korean Government had given the 1971 Fund. He also expressed his deep appreciation of the interest that the Korean Ambassador in London had personally taken in the activities of the 1971 Fund in general and in the problems facing the 1971 Fund in the context of the *Keumdong N°5* incident in particular.

3 The Korean delegation expressed the deep regret of its Government for the attack on Captain Kim. The delegation stated that, although the considerable delay in the settlement of the claims arising out of the *Keumdong N°5* incident had caused great frustration on the part of the fishermen involved, this was in no way any excuse for the attack. The delegation also informed the Committee that two executive members of the *Keumdong N°5* Compensation Claims Committee had been sent to the office of the regional prosecutor as those primarily behind the attack and that the prosecutor was undertaking further investigations. The delegation informed the Committee that the competent authorities had taken appropriate measures to ensure that all surveyors would be able to carry out their work in safety and have persuaded the fishermen that actions of this kind were not the right way to resolve outstanding issues. The Korean delegation urged the Director to make early settlements, in view of the hardship suffered by the fishermen, and to give priority to this matter.

4 The Executive Committee expressed its serious concerns in respect of the attack. It was recognised that the attack on Captain S K Kim had been carried out by individuals without the knowledge of the Korean authorities. The Committee emphasised, however, that unless the Fund's surveyors and experts were able to carry out their tasks in full safety, without any risk of physical violence, threat or intimidation, the 1971 Fund could fulfill neither its functions as laid down in the 1971 Fund Convention nor any tasks entrusted to it by Member States.

5 The Director has recently learnt that on 30 October 1995 the prosecutor made a 'decision of suspension of prosecution', ie a decision not to prosecute the two executive members under investigation. The reason given for the prosecutor's decision not to prosecute them was not that they were not guilty, but because the prosecutor felt it was not appropriate to punish them considering their age, the degree of violence, their previous criminal records and their behaviour after the crime.

6 **Action to be taken by the Executive Committee**

The Executive Committee is invited to take note of the information contained in this document.
