

## **Table of Contents**

- ***Open letter of HRWF Int'l to the chairman, vice-chairmen and members of the Delegation for Relations with the Korean Peninsula***
  - ***Members of the European Parliament urged to raise the issue of 400 conscientious objectors behind bars***
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## **Open letter of HRWF Int'l to the chairman, vice-chairmen and members of the Delegation for Relations with the Korean Peninsula**

HRWF (17.01.2010) - Website: <http://www.hrwf.net> - Email: [info@hrwf.net](mailto:info@hrwf.net)

**Concerns:** Conscientious objection to military service in South Korea - 400 prisoners - Request for a moratorium and a civilian service

### **Dear members of the European Parliament,**

Human Rights Without Frontiers urges you to put on the agenda of the 12th Inter-parliamentary Meeting EU-RoK to be held on 20-21 January in Strasbourg the issue of the 400 conscientious objectors to military service currently in prison in South Korea.

For years, we have been monitoring the situation of human rights in North Korea and in 2008, we co-organized a conference on the situation in this country at the Parliament with MEP Istvan Szent-Ivani, vice-chair of the then EP Delegation. However, South Korea is also a source of concern as over the past 70 years, 14,000 Jehovah's Witnesses have been imprisoned as conscientious objectors in South Korea. In this regard, we have investigated the issue in South Korea and published a 250-page report entitled "For South Korea Without Prisoners of Conscience."

### **Still no alternative civilian service despite repeated promises**

On September 18, 2007, the Ministry of National Defense (MND) announced that conscientious objectors would be allowed to perform alternative civilian service. One spokesman of the MND said that the MND would submit such a bill during 2008 in order to have it enacted in 2009.

On May 7 2008, Lee, Sung-ju, Chief of Human Rights Division of MND confirmed the position of Korea at the Universal Periodic Review held in Geneva, when he stated: "The Republic of Korea announced a new program to give conscientious objectors the opportunity to participate in alternative civilian service, in September 2007. For the implementation of the new system, the Government has to revise the Military Service Act, and a revised version of it will be submitted to the National Assembly this year (2008)."

On May 29, 2008, the United Nations Human Rights Council recommended to the Republic of Korea as it is noted in the draft report of the working group on the universal periodic review:

17. To recognize the right of conscientious objection by law, to decriminalize refusal of active military service and to remove any current prohibition from employment in Government or public organizations, in line with the recommendation by the Human

Rights Committee. (Slovenia) 24. ... [T]hat active steps be taken to introduce alternatives to military service for conscientious objectors. (United Kingdom)

However, on June 16, 2008, the Korean Government altered its position by stating, in the report containing Views and State's Response to the UPR Recommendations (A/HRC/8/40/Add.1), that "the issue of conscientious objection to military service required further study and the forging of a broad national consensus."

Responding to this, on July 21, 2008, the National Human Rights Commission once again adopted a resolution urging the Government of Korea to implement alternative civilian service.

On September 5, 2008, a three-judge panel of an appellant division of the Choonchun District Court decided to combine four separate appeal cases of young conscientious objectors who are Jehovah's Witnesses and to refer these cases to the Constitutional Court. The Court was asked to review the constitutionality of Article 88, Section 1 of the Military Service Act. The following day, a conscientious objector who had been declared innocent at trial but convicted on appeal, submitted his case directly to the Constitutional Court.

On October 9, 2008, the National Assembly conducted an inspection on the administration of government offices. At this, Kim, Jang-su, former Minister of National Defense who is now an Assemblyman strongly urged the Korean government to keep the promise to implement alternative service. Another assemblyman of an opposing political party also inquired of the director of the Military Manpower Administration what had been done about alternative service? The director avoided any direct comments on this by saying that he was not in charge of the implementation and the study was being conducted.

On October 28, 2008, the Center for Social Science in Seoul National University held a public hearing and gathered public opinion about alternative service. This was a part of the study of Professor Jin commissioned by MMA. At the hearing, there was a release of the results of the public opinion, conducted of 554 men and women in experts groups or the leadership class. The opinion was 87.5% for alternative services and accepting the counsel from U.N. Regarding the length of period of service, 62.8% thought that it should be less than 1.5 times the military service period. These 62.8% include 17.9% who are thinking that it should be equal to the military service period.

On December 19, 2008, Professor Jin concluded his study, but the result of his study was twisted and arbitrarily interpreted by MND. On December 24, 2008, the Korean Ministry of National Defense publicly announced that it was still too early to allow alternative service for objectors to military service based on religious conviction. (Reuters, December 24 2008 "South Korea rethinks alternative to conscription") The main reason it gives is that an opinion survey conducted by Professor Jin's team from November 17 to 21 showed that 68.1 percent of the country is opposed to the idea.

The public consensus was one part of Professor Jin's study. The actual conclusion of the final report of his study was that Korean government should implement alternative services for conscientious objectors. However, the Ministry of Defense announced the difficulty to implement alternative service system to the media, pointing out the result of consensus only, which is just a small part of the study. (Hankook Daily January 7, 2009 "the government highlighted the survey result only") According to a newspaper (Daejeon News December 26, 2008 "Defense Ministry prematurely announced its objection to alternative service"), Professor Jin was very much offended to hear the announcement of the Korean Ministry of Defense, for it was contrary to what he really intended.

So far, Korean government has not carried out its duty to implement alternative civilian services. The last National Assembly submitted a bill of alternative service, but the bill was repealed as the National Assembly completed its office. Lawmakers of the 18th National Assembly have not yet submitted a bill about alternative service.

### **Complaints at the UN Human Rights Committee**

In May 2007, 11 complaints were filed with the UNHRC by imprisoned objectors who are conscientious objectors not based on religious reasons like Jehovah's Witnesses. From September 21 2007 until November 6 2007, 100 new complaints were filed with the UNHRC by imprisoned conscientious objectors who are Jehovah's Witnesses. On December 7 2007, these complaints were communicated to the Government of Korea.

By April 25 2008, an additional 388 new complaints were filed with the UNHRC. On April 29 2008, the UNHRC combined these 388 complaints into the case identified as communication No. 1786/2008 on behalf of Mr. Jong-nam Kim et al. and communicated these the Government of Korea.

The Korean Government's reply on the communications filed by COs based on religious reason and not religious one were submitted to the UNHRC dated 14 November 2008, and Comments on the Korean Government's reply on behalf of the 11 COs was handed in to the UNHRC on 23 February 2009.

### **Korean state held responsible for the deaths of five objectors**

On January 15, 2009, the Korean Presidential Commission on Suspicious Deaths in the Military released its decision acknowledging that the Korean government was responsible for the deaths of five young men who were Jehovah's Witnesses forcibly conscripted into the army. The deaths resulted from "the state's anti-human rights violence" and "its acts of brutality" during the 1970s that continued into the mid-1980s. This decision is significant since it is the first one recognizing the state's responsibility for deaths resulting from violence within the military.

The "casualties of state violence" include Kim Jong-sik (died in 1975), Lee Chun-gil (died in 1976), Jeong Sang-bok (died in 1976), Kim Sun-tae (died in 1981), and Kim Yeong-geun (died in 1985). It was only because of conscientious objection to military service that these young men were subjected to degrading acts of brutality and violence at the hands of military personnel. Promises made by Korean government officials in 2008 to resolve the issue of conscientious objection by allowing conscientious objectors to engage in some form of alternative civilian service have not materialized.

According to the Commission's decision, "the beatings and acts of brutality committed against them by military officials were attempts to compel and coerce them to act against their conscience (religion) and were unconstitutional, anti-human rights acts that infringed severely upon the freedom of conscience (religion) guaranteed in the Constitution."

### **Conclusions**

For approximately 70 years, the Republic of Korea has convicted almost 14,000 conscientious objectors to over 27,000 years in prison. Every year, 400 to 700 draft-age men who are Jehovah's Witnesses are convicted and are usually sentenced to 18 months in prison. Conscientious objectors who are called up as reservists must face multiple prosecutions and repeated punishments over an eight-year period. Over 80 Witnesses have been subjected to repeated fines totalling hundreds of thousands of dollars because of conscientious objection to military reserve duty. Korea convicts and imprisons the

largest number of conscientious objectors to military service in comparison to any other country in the world.

### **Human Rights Without Frontiers recommends**

to the chairman, the vice-chairmen and members of the EP Delegation for Relations with the Korean Peninsula to urge the South Korean authorities

To declare a moratorium on the sentencing of conscientious objectors to military service;  
To release all objectors currently in prison without any delay;  
To adopt a law introducing an alternative civilian service.

### **Recommended Reading**

[Can Conscientious Objectors Be Good Citizens? A Look at Relationship between Freedom of Conscience and Duty to the State \(2007\)](#) See <http://www.hrwf.net> (Homepage/ Our Reports)

[http://www.hrwf.net/index.php?option=com\\_content&view=article&id=179&Itemid=133](http://www.hrwf.net/index.php?option=com_content&view=article&id=179&Itemid=133)  
(News 2009/ South Korea)

[http://www.hrwf.net/index.php?option=com\\_content&view=article&id=105&Itemid=126](http://www.hrwf.net/index.php?option=com_content&view=article&id=105&Itemid=126)  
(News 2008/ South Korea)

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## **Members of the European Parliament urged to raise the issue of 400 conscientious objectors behind bars**

***HRWF (17.01.2010) - On the occasion of the 12th EU-RoK Interparliamentary Meeting to be held in Strasbourg on 20-21 January 2010, the European Association of Jehovah's Witnesses addressed a letter to the members of the EP Delegation for Relations with the Korean Peninsula in which they asked them to raise the issue of the 400 conscientious objectors to military currently detained in South Korea.***

**Brussels, January 15**

**Mr. / Mrs.**

Member of the Delegation for relations with the Korean Peninsula

Dear Sir / Madam:

We would like to express our deep appreciation for the concern of the European Parliament regarding the respect of freedom of conscience and religion.

We are writing to request your assistance regarding the Christian minority of Jehovah's Witnesses in South Korea. Please find a brief overview of the situation.

- Over the past 70 years more than 14,000 young Jehovah's Witnesses who conscientiously objected to military service have been imprisoned for a total of more than 25,000 years over this issue.
- More than 400 young Jehovah's Witnesses are presently in prison in South Korea because of their conscientious objection to military service.

- Since 1975, five Jehovah's Witness conscientious objectors have died after being forcefully inducted. On October 29, 2008, a Presidential Commission ruled that the Ministry of Defense was responsible for the deaths due to mistreatment suffered at the hands of the military.
- Currently, Jehovah's Witness conscientious objectors amount to a mere 0.2% of the total number of military conscripts. Thus, exempting Jehovah's Witnesses from military service as ministers as some countries have done, or providing them with acceptable alternative civilian service as most other countries have done, would not be a threat to the national security of South Korea.
- In 2004, the Constitutional Court of South Korea urged the National Assembly to implement a law that would provide a solution for conscientious objectors to military service.
- In 2006, the United Nations Human Rights Committee (UNHRC) found that South Korea violated Article 18 of the ICCPR when it sentenced two Jehovah's Witness conscientious objectors to prison terms and stated that South Korea should cease such violations in the future.
- After the 2006 decision of the UNHRC, the government of South Korea publicly announced that it was going to adopt a law on alternative civilian service. But recently, the government of South Korea announced that it was suspending activity on such a law for the present time.

In view of this serious and persistent violation of the fundamental rights of thousands of people in South Korea, could we ask you to invite the South Korean authorities to take measures to solve that sad situation affecting young Jehovah's Witness conscientious objectors during the Interparliamentary Meeting with South Korea?

We will attend that meeting and we would appreciate your help in order to discuss that matter with the Delegation of the Parliament of South Korea.

Yours sincerely,

Andreas Psarros

Luca Toffoli

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