

18 June 2010

Mr. Frank La Rue
UN Special Rapporteur on the Right to Freedom of Opinion and Expression
c/o Office of the UN High Commissioner for Human Rights
Palais Wilson, 52 Rue des Paquis
CH-1201 Geneva, Switzerland

URGENT APPEAL

Re: Threats of Prosecution against the People's Solidarity for Participatory Democracy (PSPD) for Its Written Submission to the Member States of the UN Security Council

Dear Mr. La Rue,

We are writing to bring to your urgent attention the threats of prosecution under the National Security Law faced by a non-governmental civic organization in South Korea, for its submission of a letter and report to the member States of the UN Security Council.

On 11 June 2010, the People's Solidarity for Participatory Democracy (PSPD), a NGO in consultative relationship with the UN and a member organization of FORUM-ASIA, transmitted an open letter together with its 27-page report to the permanent missions of 15 member States of the UN Security Council in New York, raising doubts over the results of the investigation by the Joint Civilian-Military Investigation Group (JIG) into the sinking of the South Korean naval vessel *Cheonan*. The JIG concluded that North Korea was responsible for the incident by torpedoing the *Cheonan* and thereby killing 46 navy personnel. In the letter and report addressed to the UN Security Council member States, PSPD urged the governments of both South and North Korea to refrain from any provocative action which would threaten the peace on the Korean peninsula, and requested the South Korean government to reinvestigate the incident for further transparency, objectivity and consistent substantiation through the disclosure of all available information to the public.

Since 14 June 2010, a series of condemnatory statements have been made by the high-level government officials including the President, the Prime Minister and the Ministry of Foreign Affairs and Trade, depicting the PSPD as hindering diplomatic efforts by the government in pushing for an action of the UN Security Council to hold North Korea accountable for the *Cheonan* incident. Such responses by the government officials, the ruling party as well as the conservative media have provoked abusive actions including verbal and physical attacks by some of the public against the PSPD and its staff.

Furthermore, on 16 June 2010, we received a disturbing news report that the Seoul Central District Prosecutor's Office initiated investigation against the PSPD for charges of i) benefiting the enemy (North Korea) in violation of the National Security Law, ii) defaming the members of the JIG by spreading false information, iii) interfering in the official duties of the government's diplomatic affairs. It was also reported that the PSPD staff who were involved in the compilation

and submission of the letter and report to the UN Security Council member States will be summoned for further investigation.¹

Given the extensive experiences of FORUM-ASIA in interacting with numerous permanent missions to the UN, we are overwhelmingly stunned to hear this unprecedented news that a national NGO in consultative status with the UN, would be considered as having committed a crime and is being investigated with a possibility of persecution under domestic laws such as the National Security Law and the Criminal Code for its communicating of the information and views on public affairs to the diplomatic missions in New York.

Moreover, the arbitrary interpretation and application of the National Security Law by law enforcement officials have been repeatedly raised as a serious concern by the UN human rights mechanisms including the Committee on Civil and Political Rights. We are also reminded that during the country visit to South Korea in May, you highlighted defamation cases and emphasized that public office entails public scrutiny as part of checks and balances of any democratic system.

In this regard, we urge you to communicate urgently with the government of the Republic of Korea on this matter and recommend it to immediately cease arbitrary legal action against the PSPD in order to respect, protect and fulfill the right to freedom of opinion and expression, which includes the right to impart information and full access to the UN system.

Sincerely yours,



Yap Swee Seng
Executive Director

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¹ “Civic Group Faces Investigation over Cheonan Letter to UNSC”, The Korea Times, 15 June 2010, http://www.koreatimes.co.kr/www/news/nation/2010/06/113_67699.html; “GNP Urges Legal Action on NGO Sending Letter to UN”, The Korea Times, 17 June 2010, http://www.koreatimes.co.kr/www/news/nation/2010/06/116_67840.html; “Government Goes after Critical Civic Group”, Joongang Daily, 18 June 2010, <http://joongangdaily.joins.com/article/view.asp?aid=2922019>; “Far-Right Groups Launch Violent Protests against PSPD”, The Hankyoreh, 18 June 2010, http://english.hani.co.kr/arti/english_edition/e_national/426298.html