

# Situation of Farmer Baek Nam-gi in the Republic of Korea

26 September 2016

Submitted by People's Committee for Farmer Baek Nam-gi and Condemning State Violence



*A farmer, who was shot by police's water cannon on 14 November 2015 during his protest calling for just rice price, was passed away after 317 days of remaining unconscious. Unfortunately, no perpetrator was properly punished nor proper investigation has been conducted until today. As soon as Farmer Baek passed away, the police tried to seize his body, saying that autopsy is necessary when cause of death is not clear. Families and supporters strongly protest against this attempt since they believe that it is clear that Farmer Baek's death is caused by the police's brutality. The police and Prosecutor's Office even requested for a warrant for an autopsy, but the court denied to issue it. The police and the Prosecutor's Office may reapply for a warrant.*

## 1. Background: People's Mass Mobilisation on 14 November 2015

- Farmer Baek Nam-gi joined the People's Mass Mobilisation on 14 November 2015 to demand that rice prices for 2015 be guaranteed. On the day, around 130,000 people joined the rally against the government's anti-people and anti-democracy policies. They came from different groups including workers, farmers, students and urban poor to raise their voices for a society where people's rights and democratic principles are fully guaranteed.
- During a protest, Farmer Baek Nam-gi was struck in the head by police water cannon. He was struck by direct spray which continued after he had been knocked to the ground and was taken to the emergency room of Seoul National University Hospital. Since then he remains unconscious.

## 2. Medical Condition

- Because of a brain haemorrhage due to a fractured nose, optic nerve damage, and a concussion, the medical staff in the emergency room said that after undergoing brain surgery that day, further surgery

would be pointless for such a serious injury and would only help to extend his life but not lead to recovery.

- By February of 2016, more than 50% of his cerebrum, brain stem damage and still unconscious, he remained in this state from which he was unable to recover reliant on an artificial respirator until he was taken to the intensive care unit where he lies 317 days after the initial injury.
- 24 September 2016: Despite being administered a concentrated diuretic, his condition was very serious as he was unable to pass urine, received a transfusion or have antibiotics or nutrients administered.
- 25 September 2016: On the 317th day of his injury, he passed away.
- For further information about the medical opinion, please see the statement released by Association of Physicians for Humanism which is attached to this document.

### **3. Investigation process**

- After Farmer Baek collapsed because of police's water cannon, the police and Prosecutor's Office did not conduct a proper investigation.
- On 18 November 2015, Baek's family filed a criminal complaint to the Prosecutor's Office on seven alleged perpetrators including the then National Police Agency Commissioner General Kang Sin-myung and Chief of Seoul Metropolitan Police Agency Koo Eunsoo. Since then, the Prosecution's office did nothing but have interview with his daughter as a complainant. Until today for 10 months, the Prosecutor's Office is saying that the case is still under 'investigation'.
- Kang's term ended in August, without any official response to the family's call for an apology.
- On 22 March 2016, Baek's family filed a compensation suit against the Government and the police.
- On 12 September 2016, hearing was held at the National Assembly. Even though abuse of police forces and excessive use of police power was confirmed, the main responsible person, the then Police Commissioner General Kang Sin-myung refused to. He said it was 'inappropriate' to issue an apology for every injury or death during crackdowns of demonstrations and causes and legal responsibilities must be clearly defined beforehand. Also, evidence and documents against the police were not submitted. No truth was found.

### **4. Current situation**

- After Farmer Baek passed away at 4pm, the police tried to seize the body for autopsy, arguing cause of death is not clear. The police even blocked roads going to the hospital and did not allow people to enter.
- On the other hand, Baek's families and his supporters are strongly opposing the idea of autopsy. They believe that the police and Prosecutor's Office try to argue different cause of his death, such as chronic disease, not the water cannon shooting.
- Around 6:30pm, the Prosecutor's Office, Farmer Baek's lawyer, doctors, parliamentarians joined post-mortem examination. A large number of people gathered in front of the hospital and around the time that they started post-mortem examination, the police opened a small way, so that people can pay their respect to Farmer Baek.
- At 9:17pm, the People's Committee held a press conference and made it clear that the cause of his death is a 'cerebral haemorrhage', not an acute renal failure and an autopsy is not necessary.
- Nevertheless, at 0:10am on 26 September the Prosecutor's office made a request for a warrant of autopsy to the court and If a warrant is issued, the Prosecutor's Office can conduct autopsy without consent of the family.

- On 26 September 2016, the court refused to issue a warrant but the police and the Prosecutor's Office may reapply for a warrant.



*(Left) People surrounded the ambulance carrying Farmer Baeks' body to protect it from the police. (Right) Police forces were blocking the entrances of the hospital and did not allow people to enter the building.*

## **5. Our Call**

- Guarantee freedom of peaceful assembly of all people!
- End impunity! Punish responsible person for Farmer Baek Nam-gi's Death!
- Hold special prosecutor to end impunity!
- President Park should make an official apology!
- Legislate a strong regulation on the use of water cannon!

## **6. Contact Details**

### **People's Committee for Farmer Baek Nam-gi and Condemning State Violence**

- Ms. Gayoon Baek (People's Solidarity for Participatory Democracy), +82 (0)2 723 5051, [gayoon@pspd.org](mailto:gayoon@pspd.org)
- Ms. Mikyung Ryu (Korean Confederation of Trade Unions), +82 (0)2 2670 9118, [inter@kctu.org](mailto:inter@kctu.org)
- Ms. Oksoon Cheong (IUF Asia/Pacific), +82 (0)11 9762 6500, [ok-soon@iuf.org](mailto:ok-soon@iuf.org)

\* Reference 1. Medical Opinion by Association of Physicians for Humanism

\* Reference 2. Oral Statement delivered by Ms. Baek Minjuwha, a daughter of Farmer Baek Nam-gi at the 32nd Session of the UN Human Rights Council

## **Reference 1. Medical Opinion by Association of Physicians for Humanism**

Patient: Baek Nam-gi (male, 69)

The patient lost consciousness as he fell down by the force of a police water cannon on 14 November 2015. He was moved to the emergency room of Seoul National University Hospital. Testing revealed a traumatic subdural haemorrhage and subarachnoid haemorrhage resulting from a brain haemorrhage and multiple fractures across a large region of his skull and eye socket.

The results of the initial neurological examination and video inspection indicated that his condition would not improve and that surgery would also be meaningless so he could be discharged from the hospital. The patient is currently in the intensive care unit 317 days after receiving life-saving surgery.

Following surgery, the patient has remained in a coma and reliant on an artificial respirator unable to breath by himself. Having had repeated complications including pituitary function loss of the entire brain, pneumonia, fungemia, bedsores, a pulmonary embolism and septicaemia, and currently suffering multiple organ failures including renal failure and a pulmonary edema, the patient is receiving intensive treatment in the intensive care unit but it is not likely that he can be kept alive much longer.

The causes of the patient's condition are the brain haemorrhage and skull fracture sustained due to the power and pressure of the police water cannon. These can be confirmed in the CT scan recorded on the same day and surgery log. In the process of being moved to the intensive care unit 317 days after sustaining the injuries, complications and multiple organ failures caused by a common infection and being administered medicine. Due to treatment of the wounded area and physical deterioration, there is a very high possibility of his condition worsening in light of the patients' likely death an autopsy is deemed unnecessary. In addition, if the family does not wish for there to be an autopsy after the patients' death is announced, the cause of death is the aforementioned underlying medical condition and there is no reason for this to be doubted.

25 September 2016

Association of Physicians for Humanism

Kim Gyeong-il, Specialist Neurosurgeon

Lee Hyeon-eui, Specialist Neurosurgeon

Lee Bora, Internal Medicine Specialist

**Reference 2. Oral Statement delivered by Ms. Baek Minjuwha, a daughter of Farmer Baek Nam-gi at the 32nd Session of the UN Human Rights Council**

32nd Regular Session of the UN Human Rights Council

Item 3: Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development

Interactive Dialogue with the UN Special Rapporteur  
on the rights to freedom of peaceful assembly and of association

Oral Statement Delivered by Ms. Minjuwha Baek on Behalf of  
People's Solidarity for Participatory Democracy (PSPD)  
Korean Center for United Nations Human Rights Policy (KOCUN)  
MINBYUN-Lawyers for a Democratic Society

Friday, 17 June 2016

Thank you, Mr. President.

My name is Minjuwha Baek, and I am the daughter of the 69 year-old farmer Namgi Baek in South Korea who was mentioned in the Special Rapporteur's report. My father was targeted and knocked down by the police's water cannon on 14 November last year during a protest for the increase in rice prices. He remains in coma for more than 200 days due to severe brain damage.

The Government imposed an arbitrary ban on the protest, claiming it was not an assembly but a crime. They named the protest unlawful and not peaceful even before it took place. The police arrested or summoned more than 500 protesters. This includes Mr. Sang-kyun Han, the president of KCTU, facing up to 8-year imprisonment for organizing the protest.

The police blocked main roads and streets with hundreds of bus barricades and thousands of police forces, even hours before the protest. The police shot water cannons with capsicine to protesters indiscriminately for hours.

No apology, No investigation, No justice.

The South Korean government insisted on having a thorough investigation. For 7 months, all they did was summoning my sister once. If you hit someone who is not attacking you, you should apologize and do everything to fix it. Every human being knows this.

We want a Sincere apology, Thorough investigation, and Justice for my family and for all.  
Thank you. Mr. President.

17 June, 2016  
Geneva, Switzerland