

## Allegations of violations of the Declaration on human rights defenders

Submitted by PSPD (People's Solidarity for Participatory Democracy)

Special consultative status with the ECOSOC of UN, Republic of Korea

Date: September 1, 2009

A. Essential information	B. Useful information
<b>1. Name of victim / organization:</b>  OOO / Korean Democracy Government Employees' Union (KDGEU)	<b>Name of alleged victim/s</b> - Name: OOO - Nationality: Republic of Korea - Age :46 - Profession: Chairperson of the Korean Democracy Government Employees' Union (KDGEU)
<b>2. Status of the victims</b> - OOO and 15 members of the KDGEU have been indicted by the Ministry of Public Administration and Security of Korea for participating in a demonstration against the retreat of democracy. 105 public servants including OOO and the fifteen members of the KDGEU are in the process of imposing disciplinary punished.	
<b>3. Alleged violation/s committed against the victims</b> - On June 22, 2009, the KDGEU announced that it would make a public statement concerning the retreat of democracy by joining a	

<p>series of public statements by individuals and organizations. The Ministry of Public Administration and Security (MOPAS) warned that any public servant who participated in such a statement would be definitely punished.</p> <ul style="list-style-type: none"> <li>- On July 13, 2009, the KDGEU placed an advertisement in the daily newspapers, 'KyungHyang Daily' and 'Hankyoreh', stating "we want to be a civil servant for the people, not for the government." The MOPAS has pressed criminal charges against members of the KDGEU and required its district office to place harsh disciplinary punishment on the public servants.</li> <li>- On August 4, 2009, the KDGEU participated in a demonstration and rally against the retreat of democracy. The MOPAS argued that participating in such a rally breaches the public servants' duty of integrity and obedience and the duty to maintain dignity.</li> <li>- On August 4, 2009, 16 members of the KDGEU including the victim, OOO, have been indicted by the MOPAS. The MOPAS required its district offices to which those public servants belong to place a disciplinary punishment on all 105 public servants including the 16 unionists who participated in the demonstration.</li> </ul>	
<p><b>4. Alleged Perpetrators</b></p> <ul style="list-style-type: none"> <li>- OOO / The Minister for Public Administration and Security</li> <li>- OOO / Acting Prosecutor-General, Senior Prosecutor of the Supreme Public Prosecutors Office</li> </ul>	<p><b>Victims or Organizations related to the incident</b></p> <ul style="list-style-type: none"> <li>- OOO / Chairperson (KDGEU)</li> <li>- OOO / First Vice-chairperson (KDGEU)</li> <li>- OOO / Vice-chairperson (KDGEU)</li> </ul>

	<ul style="list-style-type: none"> <li>- OOO / Vice-chairperson (KDGEU)</li> <li>- OOO / Secretary General (KDGEU)</li> <li>- OOO / Director (KDGEU)</li> <li>- OOO / Director (KDGEU)</li> <li>- OOO / Director (KDGEU)</li> <li>- OOO / Director (KDGEU)</li> <li>- OOO / Director (KDGEU)</li> <li>- OOO / Director (KDGEU)</li> <li>- OOO / Director (KDGEU)</li> <li>- OOO / Chairperson (KGEU, Korean Government Employees' Union)</li> <li>- OOO / Director (KGEU)</li> <li>- OOO / Director (KGEU)</li> <li>- OOO / Chairperson (CGEU, Court Government Employees' Union)</li> </ul>
<b>5. Action by authorities</b>  - The prosecution issued the first summon against OOO and two other union members.	<b>Action taken by the victim or by human rights organization</b>  - On August 4, 2009, the Democratic Party demanded the government to withdraw its plan to punish 105 public servants participating in a demonstration. On August 13, 2009, Chu Mi-ae, the Chairperson of the Environment and Labor Committee of the National Assembly, criticized the government that the indictment and the punishment conducted by the government are interpreted as oppressing and attempting to control the public by the police

	<p>force.</p> <ul style="list-style-type: none"> <li>- On July 21, 2009, the KDGEU released a statement denouncing the oppressive government.</li> <li>- On August 7, 2009, the KDGEU indicted the Minister for Public Administration and Security and director-generals and directors in charge.</li> <li>- On August 5, 2009, People's Solidarity for Participatory Democracy (PSPD) released a statement urging the Ministry of Public Administration and Security to withdraw its plan to punish demonstration participants.</li> </ul>
<p><b>6. Link between the violation and human rights work</b></p> <ul style="list-style-type: none"> <li>- Punishments against public servants who participated in a public statement infringe the right to freedom of opinion and expression which are the fundamental rights guaranteed in the constitution of the ROK. The demonstration mentioned above was a lawful assembly which the Democratic Party, the main opposition party, and civil organizations jointly held on a non-working day so that punishing participants is nothing but abuse of authority.</li> <li>- A democratic country guarantees that the freedom of speech and publication. Likewise, the Republic of Korea is a democratic republic state and its constitution explicitly states 'freedom of press' and 'freedom of expression' as a fundamental right. Therefore, the Lee government has a duty to guarantee the</li> </ul>	<p><b>a. A Public Statement</b></p> <ul style="list-style-type: none"> <li>- People such as scholars, religious leaders or intellectuals announce a public statement to express their concerns when there is political, social crisis or conflict. Recently, individuals and netizens as well as those professions announced own public statement.</li> <li>- The first public statement concerning on the retreated democracy and violations of human rights under the Lee Myung-bak government was declared on June 9, 2009 by professors of the Seoul National University who are representative intellectuals of the ROK. They recognized retreated democracy in the Korean society and urged the Lee government to change policies and not to violate but protect the right to freedom of opinion and</li> </ul>

<p>freedom of assembly and association and the freedom of expression.</p> <p>- This incident violates the General Comment No. 10: Freedom of expression (Art. 19) of the UN CCPR. According to the Art. 19, each state should protect the right to freedom of expression, which includes not only freedom to "impart information and ideas of all kinds" but also freedom to "seek" and "receive" them "regardless of frontiers" and in whatever medium, "either orally, in writing or in print, in the form of art, or through any other media of his choice."</p>	<p>expression, and human rights. The public statement was followed by various academics, religious and social groups, and individuals.</p> <p><b>b. Constitution of the ROK, Article 21 [Speech, Press, Assembly, Association, Honor, Public Morals]</b></p> <p>(1) All citizens enjoy the freedom of speech and the press, and of assembly and association.</p> <p>(2) Licensing or censorship of speech and the press, and licensing of assembly and association may not be recognized.</p> <p>(3) The standard of news service and broadcast facilities and matters necessary to ensure the functions of newspapers is determined by law.</p> <p>(4) Neither speech nor the press may violate the honor or rights of other persons nor undermine public morals or social ethics. Should speech or the press violate the honor or rights of other persons, claims may be made for the damage resulting there from.</p> <p><b>c. KDGEU</b></p> <p>The Korean Democracy Government Employees' Union (KDGEU) is the largest and most representative organization of public servants. It consists of headquarter, 12 regional offices and 110 branch offices with 65,000 union members.</p>
<p><b>7. Who is submitting this information?</b></p> <p>This letter is submitted by:</p> <p>PSPD (People's Solidarity for Participatory Democracy)</p>	

132 Tongin-Dong Jongno-Gu Seoul 110-043 ROK	
<b>Update</b>	

## Allegations of violations of the Declaration on human rights defenders

Submitted by PSPD (People's Solidarity for Participatory Democracy)

Special consultative status with the ECOSOC of UN, Republic of Korea

Date: September 1, 2009

A. Essential information	B. Useful information
<b>1. Name of victim / organization:</b> OOO / KTU (Korean Teachers and Education Workers' Union)z	<b>Name of alleged victim/s</b> - Name: OOO - Nationality: Republic of Korea - Age: 53 - Profession: Chairperson, Korean Teachers and Education Workers' Union (KTU)
<b>2. Status of the victims</b> - The police arrested OOO who was participating in a demonstration. The Ministry of Education, Science and Technology (MOEST) revoked OOO, the KTU chairperson, and dismissed all of the 21 KTU Central Executive Committee members.	
<b>3. Alleged violation/s committed against the victims</b> - The MOEST dismissed OOO, the chairperson of the KTU and imposed a compulsory leave of absence on other KTU members	

<p>while indicting all of them, because they led the announcement of its public statement concerning on the retreat of democracy and violation of human rights.</p> <ul style="list-style-type: none"> <li>- Despite the oppression, on July 2, 2009, the KTU announced its 2nd public statement. Its main points were about protection of freedom of expression, withdrawal of punishments imposed on the teachers who had took part in the statement, enlargement of educational welfare, and suspension of competition-centered educational policies.</li> <li>- Then, the MOEST revoked OOO's teaching license and dismissed other KTU members, and it is attempting to identify those teachers who endorsed the public statements to disclose the names to the public. The Prosecutors' Office searched and seized the KTU offices.</li> </ul>	
<p><b>4. Alleged Perpetrators</b></p> <ul style="list-style-type: none"> <li>- OOO / Commissioner General of the Korean National Police Agency</li> <li>- OOO / Commissioner of the Seoul Metropolitan Police Agency</li> <li>- OOO / Minister of Education, Science and Technology</li> </ul>	<p><b>Victims or Organizations related to the incident</b></p> <ul style="list-style-type: none"> <li>- OOO / Principle Vice-chairperson (KTU)</li> <li>- OOO / Vice-chairperson (KTU)</li> <li>- OOO / Chief (General Administration Office, KTU)</li> <li>- OOO / Chief (policy planning office, KTU)</li> <li>- OOO / Chief (Chamgyoyook (true education) committee)</li> <li>- OOO / Manager (Kangwon-do branch office, KTU)</li> <li>- OOO / Manager (Gyeonggi branch office, KTU)</li> <li>- OOO / Manager (Kyongsangnam-do branch office, KTU)</li> </ul>



	<ul style="list-style-type: none"> <li>- OOO / Manager (Kyongsangbuk-do branch office, KTU)</li> <li>- OOO / Manager (Gwangju branch office, KTU)</li> <li>- OOO / Manager (Daegu branch office, KTU)</li> <li>- OOO / Manager (Daejeong branch office, KTU)</li> <li>- OOO / Manager (Busan branch office, KTU)</li> <li>- OOO / Manager (Seoul branch office, KTU)</li> <li>- OOO / Manager (Ulsan branch office, KTU)</li> <li>- OOO / Manager (Incheon branch office, KTU)</li> <li>- OOO / Manager (Jeollanam-do branch office, KTU)</li> <li>- OOO / Manager (Jeollabuk-do branch office, KTU)</li> <li>- OOO / Manager (Jeju branch office, KTU)</li> <li>- OOO / Manager (Chungcheongnam-do branch office, KTU)</li> <li>- OOO / Manager (Chungcheongbuk-do branch office, KTU)</li> </ul>
<p><b>5. Action by authorities</b></p> <ul style="list-style-type: none"> <li>- On June 18, 2009, the 1st public statement was announced by the KTU. 17,147 teachers from the KTU endorsed it. During a press conference of the KTU on its public statement, the police arrested and detained teachers on the spot. The MOEST dismissed 10 KTU members including OOO and imposed a compulsory leave of absence on 78 KTU members while indicting all of them.</li> <li>- On June 29, 2009, the Seoul Prosecutors' Office launched an investigation against 88 teachers who were indicted. On July 9, 2009, the prosecutors seized and searched the KTU headquarter</li> </ul>	<p><b>Action taken by the victim or by human rights organization</b></p> <ul style="list-style-type: none"> <li>- On July 6, 2009, Fred VAN LEEUWEN, the General Secretary of Education International (EI) delivered a letter of protest, objecting the arrest and detention. He announced that he will report this case to the International Labor Organization (ILO).</li> <li>- On July 6, 2009, Jung Se-gyun, the Opposition party leader, said to OOO that he will strictly inquire this problem to the administration via the National Assembly Standing Committee and an interpellation when the National Assembly is in session.</li> <li>- On July 8, 2009, Noh Hoe-chan, a member of the National</li> </ul>

<p>and Seoul branch office without an investigation on the accuser.</p> <ul style="list-style-type: none"> <li>- On July 18, 2009, the MOEST announced that “we are under consideration to put additional punishments on teachers who endorsed in both the 1st and the 2nd public statement, and will open to the public how many teachers per school are sentenced to punishment” after the 2<sup>nd</sup> public announcement by the KTU.</li> <li>- On July 24, 2009, the police arrested OOO who participated in a demonstration.</li> <li>- On July 31, 2009, the MOEST revoked OOO and all of the 21 KTU Central Executive Committee members who led the statement.</li> <li>- The MOEST is currently attempting to identify those who endorsed the public statements.</li> </ul>	<p>Assembly and the leader for the New Progressive Party, recognized that it is necessary to deal with the problem on the National Assembly level.</p> <ul style="list-style-type: none"> <li>- On July 16, 2009, the Lawyers for a Democratic Society organized a team of lawyers for teachers who are to be accused and punished for their endorsement of the public statements.</li> <li>- On July 31, 2009, the Korean Democratic Labor Party gave a briefing in demanding a withdrawal of the KTU teachers’ dismissal and discharge including OOO’s.</li> </ul>
<p><b>6. Link between the violation and human rights work</b></p> <ul style="list-style-type: none"> <li>- The Lee Myung-bak government argues that the teachers violated the ‘prohibition of collective activities’ provision, and the code of conduct for obligation of faithfulness, obedience and dignity maintenance. However, prior to it, civilian freedom of expression must be protected. Expressing opinions on government policies should not be a reason for a disciplinary punishment even though he or she is in a teaching profession. The freedom of opinion and expression, which is one of the fundamental rights guaranteed in the constitution of the ROK, should not be deprived regardless of</li> </ul>	<p><b>a. A Public Statement</b></p> <ul style="list-style-type: none"> <li>- People such as scholars, religious leaders or intellectuals announce a public statement to express their concerns when there is political, social crisis or conflict. Recently, individuals and netizens as well as those professions announced own public statement.</li> <li>- The first public statement concerning on the retreated democracy and violations of human rights under the Lee Myung-bak government was declared on June 9, 2009 by professors of the Seoul National University who are representative intellectuals of</li> </ul>

<p>that the subject is a teacher.</p> <p>- This incident violates the General Comment No. 10: Freedom of expression (Art. 19) of the UN CCPR. - This incident violates the General Comment No. 10: Freedom of expression (Art. 19) of the UN CCPR. According to the General Comment No. 10: Freedom of expression (Art. 19) of the UN CCPR, each state should protect the right to freedom of expression, which includes not only freedom to "impart information and ideas of all kinds" but also freedom to "seek" and "receive" them "regardless of frontiers" and in whatever medium, "either orally, in writing or in print, in the form of art, or through any other media of his choice".</p>	<p>the ROK. They recognized retreated democracy in the Korean society and urged the Lee government to change policies and not to violate but protect the right to freedom of opinion and expression, and human rights. The public statement was followed by various academics, religious and social groups, and individuals.</p> <p><b>b. Constitution of the ROK, Article 21 [Speech, Press, Assembly, Association, Honor, Public Morals]</b></p> <p>(1) All citizens enjoy the freedom of speech and the press, and of assembly and association.</p> <p>(2) Licensing or censorship of speech and the press, and licensing of assembly and association may not be recognized.</p> <p>(3) The standard of news service and broadcast facilities and matters necessary to ensure the functions of newspapers is determined by law.</p> <p>(4) Neither speech nor the press may violate the honor or rights of other persons nor undermine public morals or social ethics. Should speech or the press violate the honor or rights of other persons, claims may be made for the damage resulting there from.</p>
<p><b>7. Who is submitting this information?</b></p> <p>This letter is submitted by:</p> <p>PSPD (People's Solidarity for Participatory Democracy)</p> <p>132 Tongin-Dong Jongno-Gu Seoul 110-043 ROK</p>	
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A. Essential information	B. Useful information
<b>1. Name of victim / organization:</b> OOO / People's Solidarity for Participatory Democracy	<b>Name of victim / organization:</b> - Name: OOO - Nationality: Republic of Korea - Age: 39 - Profession: Deputy Secretary General of the People's Solidarity for Participatory Democracy
<b>2. Status of the victims</b> - Ten activists, including OOO, were detained by the police, while doing a press conference at the Gwanghwamun Square. The activists were detained for 48 hours and later released, which is the maximum duration of detention without a warrant.	
<b>3. Alleged violation/s committed against the victims</b> - On August 3, 2009, around eleven o'clock a.m. at Gwanghwamun Square, a press conference was held about the abolition of 'the Use and Administration of Gwanghwamun Square Ordinance' with the	

<p>presence of over fifty reporters. The police arrested 10 people, including OOO from the PSPD, putting them into a police bus. The police accused the people of having an assembly without permission, saying that it was not a press conference but an assembly since people said loudly political catchphrases and held pickets that had “political catchwords.”</p>	
<p><b>4. Alleged Perpetrators</b></p> <ul style="list-style-type: none"> <li>- OOO (Police commissioner)</li> <li>- OOO (Police commissioner of Seoul)</li> </ul>	<p><b>Victims or Organizations related to the incident</b></p> <ul style="list-style-type: none"> <li>- OOO / policy director (New Progressive Party)</li> <li>- OOO / General director (Culture Action)</li> <li>- OOO / Human rights defender (PSPD)</li> <li>- OOO / Policy director (Democratic Party)</li> <li>- OOO / Human rights defender (Jinbo Network)</li> </ul>
<p><b>5. Action by authorities</b></p> <ul style="list-style-type: none"> <li>- On August 4, 2009, Han Seung-Soo, the prime minister, stated “I hope there will be no more demonstrations (like the Gwanghwamun case) from now on” at a Cabinet meeting.</li> </ul>	<p><b>Action taken by the victim or by human rights organization</b></p> <ul style="list-style-type: none"> <li>- On August 4, 2009, NGOs and four opposition parties held a press conference to request the government to guarantee the freedom of expression. They denounced the government for arresting the activists during the press conference at the Gwanghwamun Square.</li> </ul>
<p><b>6. Link between the violation and human rights work</b></p> <ul style="list-style-type: none"> <li>- A democratic country guarantees freedom of speech and publication. Likewise, the Republic of Korea is a democratic republic state and its constitution explicitly states ‘freedom of press’ and ‘freedom of expression’ as a fundamental right. Therefore, the Lee government has a duty to guarantee the freedom of assembly</li> </ul>	<p><b>Constitution of the ROK, Article 21 [Speech, Press, Assembly, Association, Honor, Public Morals]</b></p> <p>(1) All citizens enjoy the freedom of speech and the press, and of assembly and association.</p> <p>(2) Licensing or censorship of speech and the press, and licensing of assembly and association may not be recognized.</p>

<p>and association and the freedom of expression.</p> <p>- This incident violates the General Comment No. 10: Freedom of expression (Art. 19) of the UN CCPR. According to the General Comment No. 10: Freedom of expression (Art. 19) of the UN CCPR, each state should protect the right to freedom of expression, which includes not only freedom to "impart information and ideas of all kinds" but also freedom to "seek" and "receive" them "regardless of frontiers" and in whatever medium, "either orally, in writing or in print, in the form of art, or through any other media of his choice."</p>	<p>(3) The standard of news service and broadcast facilities and matters necessary to ensure the functions of newspapers is determined by law.</p> <p>(4) Neither speech nor the press may violate the honor or rights of other persons nor undermine public morals or social ethics. Should speech or the press violate the honor or rights of other persons, claims may be made for the damage resulting there from.</p>
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Date: September 1, 2009

A. Essential information	B. Useful information
<b>1. Name of victim / organization:</b> OOO / Emeritus professor at Yonsei University, the former chairman of the Socialist Workers League of Korea (SWL)	<b>1. Name of victim / organization:</b> - Name: OOO - Nationality: Republic of Korea - Age: 65 - Profession: Emeritus professor at Yonsei University, the former chairman of the Socialist Workers League of Korea (SWL)
<b>2. Status of the victims</b> - OOO and eight executives of the SWL were indicted without detention by the Prosecution for violating the National Security Law.	
<b>3. Alleged violation/s committed against the victims</b> - On August 11, 2009, the Prosecution indicted OOO (the former chairman of the SWL) and eight executives of the SWL without detention for violating the National Security Law. While participating in candlelight rallies, memorial assemblies for the	

<p>Yongsan tragedy, which 5 civilians and 1 police officer were killed during the oppression of the strike by the police force, and demonstrations for the strike of Ssangyong Motors, they circulated propaganda leaflets. The prosecutors argued that the propaganda leaflets violated the National Security Law because these contained messages that denied parliamentarism and capitalism, and confiscation and nationalization of property of conglomerates. Prosecutors accused OOO and the SWL members of attempting to agitate participants of demonstrations for violence. The law that the Prosecutors cited is in direct contrast to the UN and other states because they recommended the abolition of the National Security Law several times.</p>	
<p><b>4. Alleged Perpetrators</b></p> <ul style="list-style-type: none"> <li>- OOO (Acting Prosecutor-General, Senior Prosecutor of the Supreme Public Prosecutors Office)</li> </ul>	
<p><b>5. Action by authorities</b></p> <ul style="list-style-type: none"> <li>- The Prosecution and the Police requested an arrest warrant of Oh twice in August and November, 2008 for violating the National Security Law. The court rejected these requests on the ground due to insufficient cause that his behavior and activities were a threat to the existence, safety and liberal democratic orders of the society.</li> <li>- Upon the rejection of a warrant, the Police have searched for more evidences such as seizing and investigating the Internet website and</li> </ul>	<p><b>Action taken by the victim or by human rights organization</b></p> <ul style="list-style-type: none"> <li>- On August 12, 2009, the SWL held a press conference and urged the Lee government to stop suppressing freedom for social and political activities and withdraw indictment of the SWL members.</li> <li>- On August 15, 2009, the Democratic Party, a main opposition party, gave a press briefing and criticized the Lee government for unreasonable application of the National Security Law to the SWL case. It also denounced that the Lee government attempted to bring</li> </ul>



<p>e-mails of the SWL, tracing mobile phones of the SWL members, seizing traces of candlelight and other demonstrations that the SWL members were present.</p>	<p>the society under the control of the government and the police force.</p>
<p><b>6. Link between the violation and human rights work</b></p> <ul style="list-style-type: none"> <li>- This indictment violates the freedom of conscience, opinion and expression.</li> <li>- Democracy values pluralism. Indicting the SWL members just because of having a notion of socialism without evidence of an unlawful act reflects the intention of the Lee government to suppress and control the right to freedom of opinion and expression. This is an arbitrary and groundless application of the National Security Law which is the product of the Cold War and confrontation between South and North Korea.</li> <li>- The UN Human Rights Committee in 2006 and the UPR working group in 2008 recommended abolishment of the National Security Law.</li> <li>- This incident violates the General Comment No. 10: Freedom of expression (Art. 19) of the UN CCPR. According to the General Comment No. 10: Freedom of expression (Art. 19) of the UN CCPR, each state should protect the right to freedom of expression, which includes not only freedom to "impart information and ideas of all kinds" but also freedom to "seek" and "receive" them "regardless of frontiers" and in whatever medium, "either orally, in</li> </ul>	<p><b>a. Constitution of the ROK, Article 21 [Speech, Press, Assembly, Association, Honor, Public Morals]</b></p> <ul style="list-style-type: none"> <li>(1) All citizens enjoy the freedom of speech and the press, and of assembly and association.</li> <li>(2) Licensing or censorship of speech and the press, and licensing of assembly and association may not be recognized.</li> <li>(3) The standard of news service and broadcast facilities and matters necessary to ensure the functions of newspapers is determined by law.</li> <li>(4) Neither speech nor the press may violate the honor or rights of other persons nor undermine public morals or social ethics. Should speech or the press violate the honor or rights of other persons, claims may be made for the damage resulting there from.</li> </ul> <p><b>b. The National Security Law</b></p> <ul style="list-style-type: none"> <li>- The National Security Law was made in 1948 and applied as the separation of the Korean Peninsula and the confrontation between them were lasting. It defines the Democratic People's Republic of Korea (DPRK) as a non-state organization, and imposes harsh punishments on the acts or behaviors benefiting the DPRK. The National Security Law was utilized for justifying the dictatorship</li> </ul>

writing or in print, in the form of art, or through any other media of his choice".	regimes, for removing the conscious social groups criticizing the dictatorship or resisting, and for controlling the society and people.
<b>7. Who is submitting this information?</b> This letter is submitted by: PSPD (People's Solidarity for Participatory Democracy) 132 Tongin-Dong Jongno-Gu Seoul 110-043 ROK	
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Date: September 1, 2009

A. Essential information	B. Useful information
<b>1. Name of victim / organization:</b> OOO / Journalist of Voice of People (VOP)	<b>Name of victim / organization:</b> - Name: OOO - Nationality: Republic of Korea - Age: 30 - Profession: Journalist of Voice of People (VOP), Internet News Media
<b>2. Status of the victims</b> - Four journalists, including OOO, were arrested by the police, and released 48 hours later. They were covering the story of the sit-in strike by Ssangyong Motors Workers Unionists.	
<b>3. Alleged violation/s committed against the victims</b> - From May 21 to August 6, 2009, workers of Ssangyong Motors occupied the factory and went on a strike against mass lay-offs. The police discretionally exerted its power by using excessive violence against the workers participating in the sit-in strike. While reporting	<b>Summary of the Ssangyong Auto Workers Union's Strike</b> - In January 2009, Ssangyong Motors, one of the representative automobile producing companies, officially addressed its plan for fundamental restructuring in accordance with its financial difficulties, including the plan to fire 2,646 workers, which amounts

<p>negotiations between employers and workers of Ssangyong Motors was taking place, journalists reported about excessive use of the police force and prejudiced exercise of governmental authority on the workers.</p> <p>- On August 6, 2009, the police arrested 4 journalists on the charge of ‘unlawful entry of an edifice’.</p>	<p>to 36% of the total workers. Its trade union refuted that it was trying to fire workers while the government and the company did not take any responsibilities for business management failure. The company did not show a serious effort on negotiations with the trade union, causing a strike.</p> <p>- The lack of social safety net in Korea causes the workers to fall below poverty line when they are unemployed or fired. That is why workers fiercely protested against the company's unfair dismissal.</p> <p>- On May 21, 2009, Ssangyong Motors Trade Union occupied its factory and initiated a strike against the mass dismissal. From July 17, the Ssangyong company side and the police prohibited supplies of water, food and medical suppliers to workers on strike in the factory, putting the worker’s lives at risk.</p> <p>- On August 2, 2009, Ssangyong Motors' company-side announced that they failed reaching an agreement.</p> <p>- As the police moved into the factory to suppress the strike, it used excessive force on the strikers such as highly enriched tear bombs and Taser guns, which were prescribed to be used against terrorists.</p> <p>- On August 6, 2009, representatives from both parties managed to reach an agreement. However, the police arrested 96 unionists who stayed on the sit-in site after the agreement. Sixty-four workers were arrested and confined, the largest scale in the history of strike in Korea.</p>
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<p><b>4. Alleged Perpetrators</b></p> <ul style="list-style-type: none"> <li>- OOO (Gyeonggi-do Attorney General)</li> </ul>	<p><b>Victims or Organizations related to the incident</b></p> <ul style="list-style-type: none"> <li>- OOO / Journalist (VOP)</li> <li>- OOO / Journalist (Media Chungcheong)</li> <li>- OOO / Journalist (Media Chungcheong)</li> <li>- OOO / Journalist (Labor and World)</li> </ul>
<p><b>5. Action by authorities</b></p> <ul style="list-style-type: none"> <li>- The police arrested and interrogated 4 journalists including OOO, and then released them 48 hours later, which is the maximum duration of detention without a warrant.</li> </ul>	<p><b>a. Action taken by the victim or by human rights organization</b></p> <ul style="list-style-type: none"> <li>- On August 7, 2009, the VOP made a protesting statement against the arrest of the journalists by the police, and demanded the authorities for an explanation and apology.</li> <li>- On August 7, 2009, the National Union of Media workers and People's Coalition for Media Reform issued an urgent official statement against the police's attempt to restrict freedom of speech.</li> <li>- On August 7, 2009, the opposition parties including Korean Democratic Labor party, Democratic party, New Progressive Party held a press conference, announcing that the government and the police were trying to suppress even the rightful coverage activities by the media.</li> </ul> <p><b>b. International Society's opinions of the Ssangyong Motors Incident</b></p> <ul style="list-style-type: none"> <li>- On July 4, 2009, Brazil Foreign Ministry demanded an explanation from the Ambassador about the unreasonable exercise of governmental authority on Ssangyong Motors affairs.</li> <li>- On July 23, 2009, the ILO urgently expressed their concern for the</li> </ul>

	<p>violence the police imposed on the strikers, and wrote a letter to the Lee Myung-bak government demanding that it respect the strikers' human rights.</p> <ul style="list-style-type: none"> <li>- On July 27, 2009, the AHRC (the Asian Human Rights Commission) strongly urged the Lee government to "allow the workers access to basic needs such as food, water and medicine, as far as the workers' health is concerned," and at the same time, criticized "the unnecessary use of force taken by the police", pointing out that "it is clearly contrary to the definition of torture under the UN Convention Against Torture."</li> <li>- On July 27, 2009, the AFL-CIO (American Federation of Labor and Congress of Industrial Organizations), the largest labor association in the USA, expressed deep worries to President Lee Myung-bak about restricting workers' access to water, food and medical care.</li> <li>- On July 29, 2009, the Forum-Asia strongly demanded the Lee government and the Ssangyong Motor Company to "put an end to the repressive measures being used against the striking workers."</li> <li>- On July 29, 2009, Trades Union Congress wrote to the South Korean Ambassador to the UK, urging his government to promote negotiations with striking Korean workers occupying the Ssangyong Motor plant, instead of attacking and starving them out.</li> </ul>
<b>6. Link between the violation and human rights work</b>	<b>Constitution of the ROK Article 21 [Speech, Press, Assembly,</b>

<ul style="list-style-type: none"> <li>- The police have a duty to allow free access to media outlets. They also have a duty to protect civilians, especially when there is a high likelihood of conflict and violence. But the ROK police arrested the journalists when an agreement between the both parties was about to be made. This was an act of retaliation against the journalists who were reporting about the inhuman treatment of the strikers by the police. Furthermore, the arrest was an unconstitutional act in violation of the fundamental right to freedom of press.</li> <li>- A democratic country guarantees freedom of speech and publication. Likewise, the Republic of Korea is a democratic republic state and its constitution explicitly states 'freedom of press' and 'freedom of expression' as a fundamental right. Therefore, the Lee government has a duty to guarantee the freedom of assembly and association and the freedom of expression.</li> <li>- This incident violates the General Comment No. 10: Freedom of expression (Article. 19) of the UN CCPR. According to the General Comment No. 10: Freedom of expression (Art. 19) of the UN CCPR, each state should protect the right to freedom of expression, which includes not only freedom to "impart information and ideas of all kinds" but also freedom to "seek" and "receive" them "regardless of frontiers" and in whatever medium, "either orally, in writing or in print, in the form of art, or through any other media of his choice".</li> </ul>	<p><b>Association, Honor, Public Morals]</b></p> <ul style="list-style-type: none"> <li>(1) All citizens enjoy the freedom of speech and the press, and of assembly and association.</li> <li>(2) Licensing or censorship of speech and the press, and licensing of assembly and association may not be recognized.</li> <li>(3) The standard of news service and broadcast facilities and matters necessary to ensure the functions of newspapers is determined by law.</li> <li>(4) Neither speech nor the press may violate the honor or rights of other persons nor undermine public morals or social ethics. Should speech or the press violate the honor or rights of other persons, claims may be made for the damage resulting there from.</li> </ul>
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<p><b>7. Who is submitting this information?</b></p> <p>This letter is submitted by:</p> <p>PSPD (People's Solidarity for Participatory Democracy)</p> <p>132 Tongin-Dong Jongno-Gu Seoul 110-043 ROK</p>	
<p><b>Update</b></p>	