

23 June 2014

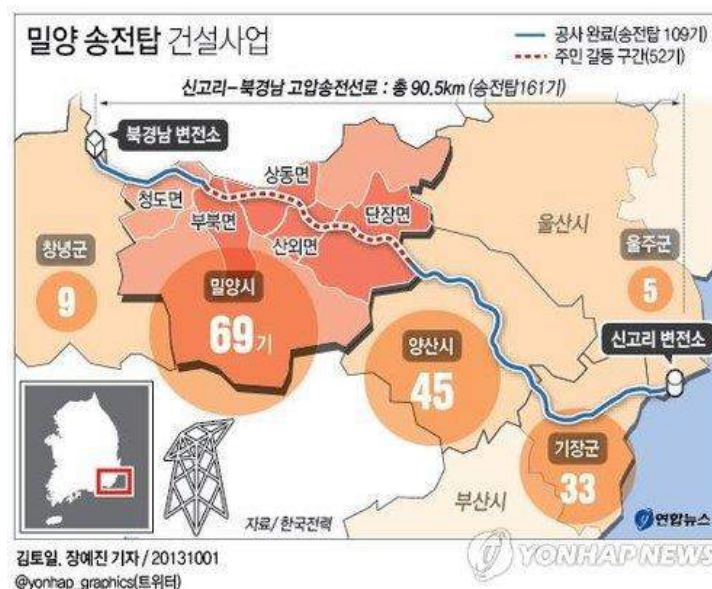
Individual Complaint to

- The Special Rapporteur on the Situation of Human Rights Defenders
- The Special Rapporteur on the rights to freedom of peaceful assembly and of association
- The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
- The Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment

Re: Republic of Korea – Violent Crackdown on the Villagers who are against Miryang 765kV Power Transmission Tower on 11 June 2014

I. Background

Despite worldwide and civil society's opposition against nuclear power plants, the Korean government pushed forward with its plans to build new nuclear power plants. The Korean government's energy policies have been progressing in the direction of steadily increasing the energy supply proportion of nuclear plants and building new nuclear facilities. In accord with these policies, the construction of new nuclear power plants Shingori number 3 and 4, and the new power transmission tower are currently in progress in Uljuo-Gu, Ulsan. Notably, the Korea Electric Power Corporation (KEPCO) received permission from the government in December 2007, to start the construction of sixty nine 765kV transmission towers in five villages of Miryang in order to transmit power from the Shingori power plants to densely populated cities and areas.



Miryang is located southeast of Korea, in South Gyeongsang Province. The 765kV transmission towers are designed to pass through five Miryang villages to transmit electricity from the Shingori nuclear power plant being built in Ulsan.

Causing environmental destruction, violation of health rights, and the damage on crops are the reasons the residents of the five villages have been opposing the construction of the 765kV transmission tower since 2007. Residents went to KEPCO, related government agencies, regional members of congress, and the Blue House to insist on efforts towards a solution. However KEPCO and the government turned a blind eye to the desperate appeals and pressed forward with the construction.

The crude insults and violence of KEPCO employees and private security forces against the residents protesting the construction have had devastating results. Around 4am on January 16th of 2012, residents who were blocking the construction on site had to endure unimaginable cursing and physical violence from approximately fifty private security men. Mr. Chee-oo Lee(age 74) who was a resident of Bora village,Sano township of Miryang committed suicide by burning himself with gasoline with his last words being “I must die for this problem to be solved.”



16 January 2012 8:10pm, resident Mr. Chee-oo Lee(age 74) died after committing suicide by burning himself.

Many of the residents opposing the Miryang transmission tower construction were arrested and injured, and had to endure having their human rights violated. The average age of the residents taking part in the movement against this construction is seventy. The police aggressively suppressed and arrested the aged residents, mostly accusing them of crimes of general obstruction of traffic, business interference, and obstruction of the execution of official duties. The number of injured patients reached sixty four during the two months of suppression by police in October and November of 2013.

On May 29th 2013, the eighth year of the Miryang residents' movement against the tower construction, KEPCO and the residents decided to search for an alternative pathway through a professional consultancy group and agreed on a forty day tentative suspension of construction. However, the careless and insincere data submission by KEPCO kept the consultancy group from properly conducting their work. In the end, KEPCO restarted construction on October 1st 2013, adhering to their original position. A police force of 3,000 people, 1,000 KEPCO employees and 150 Miryang City Hall employees were mobilized to suppress opposition rising from the Miryang residents. Over 4,000 government forces were hired against senior citizens.

There was also an incidence of suicide by poisoning by a Miryang resident opposing the construction. Mr. Han-sook Ryu (age 74), who resided on the land reserved for the tower, drank pesticide on

December 2nd 2013 after participating in a protest against the construction. He was immediately moved to a hospital but passed away early on the 6th of January 2014. According to his family and hospital staff, Mr. Ryu said he had tried to commit suicide because, “Once the tower is built I cannot do anything. I would rather die than live to see that.” On December 12th 2013, a memorial was set up in Miryang park and in front of Seoul City Hall to mourn the death of Mr. Ryu, only to have it torn down by the police on the same day.

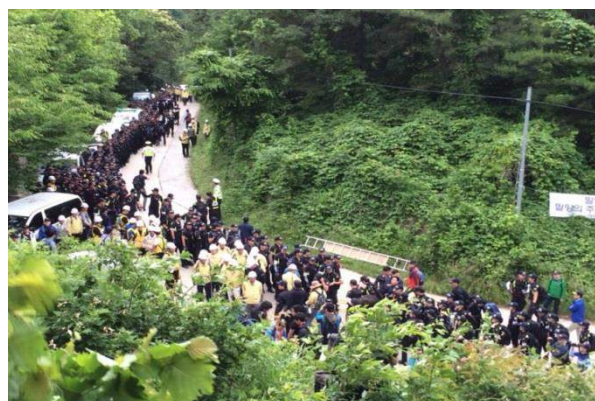


12 December 2012, The police are restraining attempts to set up a memorial for Mr. Ryu.

II. The 11th of June 2014 human rights violations caused by the by Miryang City Hall administration

1. Excessive use of governmental forces and indiscriminate arrests

The residents of Miryang have built sit-in sites on tower construction sites and at the village entrance to protest. The Miryang City Hall administration defined the sit-in sites on construction site number 101, 115, 127, 129, as illegal and issued a warrant on June 9, 2014 and warned of using Administrative Execution of Action in order to tear down the sit-in protest sites at 6am on the 11th of June 2014. At around 6:10am on that day, the Administrative Execution of Action¹ began.



11 June 2014 The forces mobilized to tear down the sit-in sites amounted to 2,000 police and 200 Miryang public officers.

¹ Administrative Execution of Action' is the execution of administrative duties by the intendant when the obligated agent fails to execute them. In the case of Miryang, the City Hall defined the protest sit-in sites as illegal facilities on May 27 2014, and warned for them to be torn down by June 2, 2014 announcing that they will carry out an Administrative Execution of Action for the facilities to be forcefully torn down.

Around 2,000 police officers and 200 Miryang public officers were mobilized to suppress the 100 senior residents gathered on four construction sites. In protest, the residents linked arms to fight arrest, threw mud, chained their necks, and fought naked. However the police forced suppression of the protest, and sent in male police officers into a shelter where a female resident was protesting naked to forcefully pull her out. They cut the chains binding their necks with a cutting machine.



11 June 2014 A male policeman is forcefully dragging out an aged female resident.

The police restricted the freedom of assembly, and applied laws maliciously to arrest residents. In the process of the forced tear down of the protest, the police arrested a resident and a human rights defender who were peacefully protesting, accusing them for the obstruction of the execution of official duties.

2. Continuous occurrence of injuries

Many human rights defenders were injured during the forced removal by government forces.. By 3:30pm on the 11th of June 2014 at, twenty one protesters including local residents, Catholic nuns and other citizens were injured by police violence and some were transferred to hospital.



11 June 2014 The nuns are being forcefully dragged out by the police. Seven nuns were injured on this day.

During the forced removal, village resident Mr. Park(age 74) had his cane taken away by the police and fractured his ankle as he fell. Two residents from Miyrang's Boobook-Myeon Weeyang village had to be treated for fractured legs and injured backs, and two nuns also suffered from fractured arms.

Considering the fact that most of the protesting residents are aged, the police did not prepare for injuries when even though they should have. In fact, there was only one ambulance on site however the police neglected the injured. Of the elders dragged out from their shelters, one was on medication for high blood pressure, but the police stopped him from getting his medication from his shelter.



11 June 2014 A woman in her sixties fainted during the forced tear down but she had to be laid on the ground for a while without an ambulance at hand. There was only one ambulance on site that day.

3. Violation of the right to legal counsel and obstruction of the press

The police obstructed press activities by dragging out reporters or blocking them from approaching the scene, and violated the residents' right to legal counsel. A lawyer from Minbyun-Lawyers for a Democratic Society stated that "I announced my position as a lawyer, but was dragged out from the protest on construction site number 129 and 127 under the pretense that I was obstructing the execution of official duties" and stated that "dragging out a lawyer who is not committing illegal actions is illegal arrest." However, the police, forcefully removing and isolating the protesters reasoned that their measures were not 'arrest' and proceeded in restraining the residents' right to legal counsel.



11 June 2014 Lawyer Young-geun Bae is insisting on the residents' right to legal counsel but the police is restraining him from meeting the residents.

The police's forced evacuation is also illegal. According to the law, the main agent of the Administrative Execution of Action must be the City Hall administration of Miryang and the police are only allowed to assist in emergency situations. However, the administrative execution of June 11, 2014 showed the police at the forefront of the removal of the protest and sit-in sites.

4. Illegal collection of evidence

The police used cameras to regularly film the residents and the protesters at the site of the forced evacuation. Even before the June 11 2014 administrative execution had started, and during times when protesters were sitting and resting police officers continuously collected video footage as evidence even when protesters were sitting and resting.

According to the established 'Regulation of collection of evidence' of the National Police, the collection of evidence means 'filming, recording, or tape-recording of situations deemed to be illegal during various rallies, and demonstrations'. The National Human Rights Committee pointed out that the widespread and indiscriminate collection of evidence by the police on April 10, 2014, 'might result in the violation of the right to assemble, protected under the constitution, and collection of evidence without the consent of the assembled participants can violate their right of privacy' and advised the National Police that they must restrict the collection of evidence at sites of assembly or demonstrations. In 1999 the Supreme Court had ruled that 'the collection of evidence without a warrant should be restricted to when there is a need to preserve evidence of illegal actions by an assembly or demonstration participants.'

However at the Miryang site the police did not hesitate to acquire extensive evidence. Even when the elderly women appealed that they could not breath and their hands and feet went into spasm, the police did not check on their health and instead continued to film the situation. Treating the injured residents as criminals and pushing ahead with the collection of evidence is clearly unlawful, inhumane and insulting to the residents.

III. National Human Rights Commission of Korea

The National Human Rights Commission(NHRCK) dispatched thirteen Human Rights Protectors to Miryang, in order to prevent human rights violations during the process of the Miryang Administrative Execution by proxy. Also, the NHRCK made a request to the National Police Agency to make efforts to protect human rights during the process.

However, at the sit-in site of the protest against the construction of the Miryang transmission towers, the employees of the NHRCK only watched the police violate human rights as residents were dragged from the scene. They would only make passive counteractions by blowing on their whistles when they judged that a human rights violation was taking place.

Even in a situation where the residents were being physically harmed, the NHRCK did not make any objections or interventions whatsoever and simply watched the conflict between the police and the residents.

IV. Our Recommendations

The government of the Republic of Korea needs to initiate a genuine consultation with the residents to gather residents' opinions regarding the construction of the high-voltage transmission towers and to secure the rights of the residents.

The police need to stop and prevent human rights violations against Miryang residents and human rights supporters. Additionally, the police needs to be held responsible and penalize police enforcement officers who exerted excessive physical force against residents.

The NHRCK needs to come up with a measure to intervene and prevent the use of excessive force by the government and the police in future situations of human right violations by governmental authority.

V. References

1. International Concerns and Media Coverage on the Miryang Transmission Tower Construction

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2) Media Coverage on the situation of 11 June 2014

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