

7 October 2013

Individual Complaint to

- the Special Rapporteur on the Situation of Human Rights Defenders;
- the Special Rapporteur on the right 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 - Suppression on the Villagers who are against Miryang 765kV Power Transmission Tower

We are writing to you today to express our grave concerns over the ongoing human rights violations against environmental defenders and villagers affected by the highly controversial construction of 765kV Power Transmission Tower in Miryang, the Republic of Korea.

Miryang is located at the southeast part of the Republic of Korea and close to Busan which is the second largest city in the country. Nuclear plant is being constructed in Busan and to transmit electricity to Seoul, 69 transmission towers are decided to be constructed in 5 villages of Miryang. Villagers have protested against the construction for eight years to protect their land and environment.

On 30 September 2013, the Korea Electric Power Corporation(KEPCO) reopened the transmission tower construction in Miryang after 126 days of suspension without proper consultation with villagers. As a result, human rights violations against environmental defenders and villagers have continuously reported since 30 September 2013.

As of 7 October 2013, 11 human rights defenders were arrested during their protest against the construction of Miryang 765kV Power Transmission Tower. Arrest warrants were requested for four human rights defenders, three were denied and one was issued. Ongoing human rights violations have been documented. It is very difficult to bring food and clothes to the protest site since the police block the road and control access to the protest sites. Human rights defenders including villagers are isolated at the protest sites and it is also hard to document human rights violations.

Human rights activists organized Human Rights Monitoring Team and are visiting the protest site in turn, documenting human rights violations on site. Every day, Human Rights Monitoring Team releases a brief report on human rights violations in Miryang. Below report is based on the report from Human Rights Monitoring Team.

1. Overall Situation of Human Rights in Miryang

1) Controlling Access to the protest site

The police insist that they prioritize safety and human rights of villagers. However, the police control access to the protest sites which make villagers go around steep mountains to enter the protest sites, take away protest tent where villagers could stay warm during protest and do not allow bringing minimum basic staples to protest sites. When human rights defenders asked reasons of controlling access, the police replied “it is a national project and it is for villagers’ safety”. The police say that they prepared ambulance to prevent possible injuries but this cannot be a way to protect human rights violations.

Also, medical personnel cannot enter the protest site even though they show their ID to the police. As the police mentioned, ambulance is staying at the protest site but they are provided by the KEPCO, and villagers refuse to receive medical treatment from the KEPCO. While villagers insist to get medical check-up by a “reliable” medical personnel, their request has been refused by the police. Since most villagers are in their 70~80s, it is very dangerous staying under the sun for a long time, staying overnight in the mountain under cold temperature, and climbing steep mountains every day.

On 4 October 2013, lawyers, Human Rights Monitoring Team and some villagers visited a protest site near the construction site of the transmission tower No. 109 to deliver necessary staples for protest but could not enter the site because of the police. They requested the police to deliver staples on behalf of them and gave it to the police (including plastic screen to cover rain, heating pad, rain coat, tissue, first aid, blanket etc). The police said that they provided tent to avoid sun and water to villagers but did not allow visitors to enter the protest site, so monitoring team could not verify the fact.

Even when the basic staples are delivered to the protest site, it is under the strict control by the police. For example, basic staples can be only delivered by the police in some protest sites.



After the police took protest tent, villagers could avoid wind under one plastic sheet.

2) The Police illegally take photos of human rights defenders

The Police take photos of environmental defenders during protest and even when they are having a rest. According to the Supreme Court’s decision in 1999, collecting photos without warrant is ‘exceptionally’ allowed only when urgency and necessity of collecting information is existing on site

and only when the crime is currently committed. Therefore, taking photos of human rights defenders regardless the situation is illegal. Environmental defenders including villagers complained about this illegal photo taking by the police but the police continue to do so which intensified tension at the protest sites.

Whenever human rights defenders request the police to reveal their identity, they do not reply and continue to take photos of human rights defenders. Most police officers covered their face with masks while taking photos or wear plain costume.



The police taking photos of protesters.

3) Excessive use of force by the Police

According to the testimony by villagers, the police show different attitude depends on the presence of media and visitors from outside. The police even called old villagers “commis”. When the protesters tried to start a fire for heating, the police threaten them to arrest and saying it is a violation of the Forest Law, and used fire extinguisher on villagers’ gas burner and food.

On 3 October 2013, some catholic nuns visited the protest sites with food, to stand in solidarity with villagers. However, city council officers and the police who tried to enforce administrative vicarious execution untangled catholic nuns’ hood and punched their chest. When this story is covered by the media, the police asked for ID of the catholic nun and argued that it was the police who were hit at that incident.



Old female villagers dig a hole under the ground, making noose above the hole and staying in there as a way of protest. A woman sitting in front with a vest is a member of Human Rights Monitoring Team (Left) A struggle of villagers (Right)

2. Arrest 7 HRDs who entered the heliport

- Date of arrest: 3 October 2013
- Arrest site: Geumgok heliport (Construction Zone No. 4)
- Seven were arrested (1 was dismissed on warning; the rest 5 people were detained for 48 hours and released. For Mr. Sang-hong LEE, an Arrest warrant was requested and issued)
- Charges: Violating Article 136 of the Criminal Code(Obstruction of Business), Punishment of Violence, etc. Act

1) Name of Arrestees

- Hong-chul PYON, a member of Daegu Green Party
- Sang-ok LEE, a member of Daegu Green Party
- Soo-hee JUNG, Energy Justice Action
- Min KIM, a member of Seoul Youth Left
- Min-jung KIM, a citizen from Busan
- Dong-ju CHAE, a student of Pulmoo High School (dismissed on warning)
- Sang-hong LEE, Gyeongju Korean Federation For Environmental Movement (Arrest warrant was issued under the charge of violating Punishment of Violence, etc. Act. At the time of the arrest, he was under probation for his past human rights related activities.)

2) Situation

The Government is planning to enforce administrative vicarious execution on a protest tent in front of the construction site of transmission tower No. 4. On 3 October 2013, villagers and human rights defenders from different parts of the country stayed around the protest camp to protect it from being demolished.

From around 9am on 3 October 2013, helicopters started to deliver construction materials and villagers and activists were lying on the street as a form of protest. Since the helicopters continue to transport construction materials, seven environmental defenders tried to enter the heliport by crossing fence and were arrested by the police. While moving arrestees from heliport to police vehicle, six policemen carried one human rights defender and prevented journalists from taking photos.

For Mr. Sang-hong LEE, an arrest warrant was issued under the charge that they damaged the fence, and therefore, violating Punishment of Violence, etc. Act. However, according to Mr. LEE, the fence was not fixed properly and therefore, when human rights defenders approached the fence, it was easily demolished and it was only part of the entire fence. Therefore, it cannot be considered as a huge damage or loss. He believes that it is an excessive treatment considering his peaceful protest and it was not notified to him that his arrest warrant was requested.

3. Arrest of 2 HRDs who protested against illegal collection of photos

- Date of arrest: 3 October 2013
- Arrest site: Geumgok heliport (Construction Zone No. 4)

- Two were arrested (2 people were detained for 48 hours. Arrest warrant was requested for Mr. Jae-sik LEE but was denied by the court.)
- Charges: Violating Article 136 of the Criminal Code(Obstruction of Business)

1) Name of Arrestees

- Hyun-seung CHO, a student of Daegu University
- Jae-sik LEE, Daegu Korean Confederation of Trade Unions (The Prosecutor's Office requested for an arrest warrant but the court denied the warrant.)

2) Situation

Around 2:30pm on 3 October 2013, environmental defenders including villagers held a small demonstration and continued to make a speech. The police took photos of participants and speakers at the protest which intensified unnecessary tensions. According to the Supreme Court's decision in 1999, collecting photos without warrant is 'exceptionally' allowed only when urgency and necessary of collecting information is existing and only when the crime is currently committed. As it was not an illegal protest, some participants of the protest raised their voice against the police and the police pushed them. During this process, some participants of the protest and some villagers were dragged into the police formation.

Other participants requested the police to identify who were dragged into the police formation but their request was ignored. Therefore, it was not possible to identify who were put into the police vehicle and who were arrested. Later, it was found that two HRDs were arrested and arrest warrant was issued for Mr. Jae-sik LEE which was denied later by the court.

4. Arrest of 2 HRDs while protesting against excessive use of force by the police

- Date of arrest: 3 October 2013
- Arrest site: Near construction site of transmission tower No. 126 (Boobuk-myon, Weeyang-ri)
- Two were arrested and arrest warrants were requested for both HRDs.
- Charges: Violating Article 136 of the Criminal Code(Obstruction of Business)

1) Name of Arrestees

- Jin CHOI, Busan Keun Deul
- Ji-hye HONG, Human Rights Activist at SARANGBANG Group for Human Rights / Human Rights Monitoring Team



30 staffs of the KEPCO tried to enter the protest site and facing villagers. (Left)
Three female staffs of the KEPCO who were forced to stand in the front (Right)

2) Situation

Around 6pm on 3 October 2013, around 30 staffs of the KEPCO entered the protest site. While villagers and human rights activists continued sit in protest, officer in charge of the KEPCO ordered its staffs to enter. When villagers blocked the road and requested the KEPCO staffs to go around, the officer in charge pushed three female staffs to the front and asked them to enter.

As it became difficult for the KEPCO staffs to enter the protest site, the police intervened. The police pushed protesters to either side of the road and tensions were intensified. Human rights defenders on site were pushed against the wall by the police shield.

Under the protection by the police, the KEPCO staffs entered the construction site. Afterwards, several villagers raised their voice against the police. One old female villager held the police shield and 3~4 police officers aggressively stopped the old lady and pushed her. Jin CHOI raised his voice against the police about his attitude toward this old lady and soon after, he was dragged into the police formation. As a result, human rights activists of the Human Rights Violation Monitoring Team requested to release Jin CHOI, and again the police dragged Ms. Ji-hye HONG into the police line. While other members of the Human Rights Violation Monitoring Team complained against excessive use of force by the police and requested to return two human rights defenders, the police took them to the police station.

According to the testimony by Jin CHOI, he joined the Miryang protest after reading a story in the newspaper, to stand in solidarity with villagers. When he arrived at the protest site No. 126, the police with shield and villagers were facing each other. One old lady who was standing right in front of the police waved her stick to police camera to protest, and accidentally fell down to the ground. When Mr. CHOI went towards to support the old lady but fell down on the ground, and dragged into the police formation. At that time, he was beaten by the police around his face and neck, passed out for a while. When he woke up, he lost his glasses, felt pain on his neck and chin, one tooth was loose, and had pain on his eye.

5. Alleged Perpetrators

- The Korea Electric Power Corporation(KEPCO)
- The National Police Agency
- The Ministry of Trade, Industry & Energy: The Ministry of Trade, Industry & Energy establishes overall energy plan in the Republic of Korea. Therefore, they are responsible for estimating energy demands, deciding construction of energy plants and planning construction of transmission tower. The KEPCO is an implementing body of decisions made by the Ministry of Trade, Industry & Energy.

6. Requests of Miryang Villagers and Civil Society Organisations

- Immediately release all arrested human rights defenders
- All basic staples including tent, sleeping bags, heating equipment, food, water should be delivered to villagers at the protest sites without being controlled by the police
- Reliable medical personnel should be able to have a free access to the protest sites.

- Immediately stop construction of 765kV Miryang Transmission Towers and start genuine dialogue with villagers.
- Establish a committee for social dialogue to fully discuss validity of the construction and hold a TV debate for a public discussion.

7. Who is submitting this information?

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