

**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; and**
- **the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression**

**Name of Defender:** Mr. Dong-kyun Kang

**Country:** Republic of Korea

**Incident / Violation:** Human rights defender is arrested and harassed by the police due to his actions related to protect environmental rights, right to peace, freedom of expression and opinion, and freedom of peaceful assembly.

**Date of Fact Sheet:** 5 April 2012

<b><i>A Essential Information</i></b>	<b><i>B Useful information</i></b>
<b>1. Name of alleged victim/s</b> Mr. Dong-kyun KANG	<b>Nationality:</b> Republic of Korea <b>Age:</b> 53 <b>Occupation:</b> Leader of Gangjeong Village, Jeju Island, Republic of Korea
<b>2. Status of the victim as a human rights defender</b>  Mr. Kang is the leader of Gangjeong village, where the Republic of Korea Government is planning to construct a naval base without proper consultation with villagers. He is fighting for villagers' right to peace, environmental rights, freedom of expression and opinion, and freedom of peaceful assembly.	<p>Jeju island is located at the southern part of the Republic of Korea. Jeju, the Island of Peace appointed by the Government, is experiencing harsh conflicts because the Ministry of Defence and the Navy of the Republic of Korea are enforcing the construction of a naval base at Gangjeong village without proper consultation with villagers. The naval base construction at Gangjeong is being pushed under the name of national project while human rights violence is frequently employed. People in Gangjeong village have been protesting for years against government's violence and attempts to construct the naval base.</p> <p><b>Problems of constructing naval base in Gangjeong</b></p> <p><u>1. Ongoing human rights violation against villagers, peace activist, and environmental defenders</u></p> <p>From 2010 to 14 April 2012, 442 people were arrested for their participation in peaceful demonstrations against the naval base project. The arrestees include catholic priest, protestant pastor, human rights defenders from other countries like the UK and France as well as Korean human rights</p>

	<p>defenders, and most of all, villagers of Gangjeong.</p> <p><u>2. No proper consultation with villagers</u>  In April 2007, only 87 out of 1,900 villagers participated in a town meeting that decided to host the naval base in Gangjeong village. The announcement was made only four days before the meeting was held. In August 2007, a referendum on the naval base proposal held in the Gangjeong village resulted in an overwhelming opposition by 94% of the villagers. Despite this, the government has continued with the project. This is indeed an affront to the rights of the people of Gangjeong village, particularly their right to take part in the decision-making process affecting their community.</p> <p><u>3. Environmental damage</u>  The coast of Gangjeong village, where is right next to the naval base construction site, is classified as a Biosphere Reserve by UNESCO. The construction of a naval base will destroy the seashore, which is inhabited by a number of endangered marine species, bringing long-lasting negative impact to the environment and ecology.</p>
<p><b>3. Alleged violation/s committed against the victim</b></p> <p>Mr. Kang is currently under several criminal charges including obstruction of official works, obstruction of business, violation of the Public Waters Reclamation Act and the Act on Assembly and Demonstration. His demonstration since the beginning of the protest was continuously peaceful and there was no violence committed from his side. Even so, he was arrested and harassed several times by the police and navy.</p> <p><b>24 August 2011</b>  He was arrested and detained on 24 August 2011 under the charge of obstructing construction because he was protesting on the top of construction crane at the naval base construction site. The court issued a</p>	

<p>detention warrant to Mr. Kang. He was detained for 92 days until the first trial and finally, was released on 23 November with 10,000,000 KRW (around 9,000 USD) bail. He is still on probation for three years. He appealed to the court and is now waiting for the next trial date.</p> <p><b>29 August 2011</b> According to the injunction applied by the navy, Mr. Kang and 76 other human rights defenders are not allowed to enter the construction site including Gurumbi, and asked to pay 2million KRW (around 20,000 USD) whenever they enter the site.</p>	
<p><b>4. Alleged Perpetrators</b></p> <p>Ministry of Defense, Navy of the Republic of Korea, Prime Minister's Office, The National Police Agency (Seogwipo Police Station and Seogwipo Cost Guard)</p>	<p><b>Witnesses</b></p> <p>A number of peace activists, human rights defenders, and villagers who were present during the arrest.</p>
<p><b>5. Action by authorities</b></p> <p>On <b>22 February 2012</b>, President Myung-bak Lee mentioned during his 4-year inauguration speech that he would continue to push construction of Jeju naval base. On <b>23 February 2012</b>, closed meeting among the relevant authorities was held by the Prime Minister's Office. On <b>6 March 2012</b>, the Prime Minister's Office made it clear that they cannot postpone the construction even though errors were found in the plan. The Office also emphasised that it will strictly prohibit people from holding "illegal" actions against the construction of navy base in Jeju.</p> <p>On <b>16 April 2012</b>, the Seogwipo Police Station notified the Gangjeong Village Committee that it is not allowed to hold any demonstration from 15 April 2012 to 12 May 2012. The prohibited six areas are Gangjeong stream gym park, parking lot, in front of the Navy Base Construction Business Committee, in front of the construction site, Jungduk three-way intersection, and</p>	<p><b>Action taken by the victim or by human rights organizations</b></p> <p>One hundred and twenty four Korean organisations including peace organisations, environmental organisations, and religious organisations established a National Network of Korean Civil Society for Opposing to the Naval Base in Jeju Island. Since May 2011, the network has showed its solidarity to Gangjeong villagers and raised problems of constructing naval base in Gangjeong village. The network is doing actions including provide legal aid, lobby to the parliament, hold press conference on human rights violation in Gangjeong, organized people to visit Gangjeong to show solidarity to villagers. PSPD is the secretariat of the network.</p> <p>Internationally, several NGOs and individuals sent solidarity message to villagers of Gangjeong, Jeju. These messages include below:</p> <ul style="list-style-type: none"> <li>- Statement of Support by the Right Livelihood Award Laureates for the Non-violent Struggle against the construction of the Korean/USA Naval Base</li> </ul>

<p>Gangjeong port. In addition to this, marching from Gangjeong stream gym park to Gangjeong port and Gangjeong meeting hall is also prohibited. This is almost all parts of Gangjeong that are related to navy base construction.</p> <p>The prohibition is based on Article 5 of the Act on Assembly and Demonstration. The police said that “people had sit-in protest in front of the construction site and it obstructs business”. The police blocked all possible demonstration in abovementioned areas including peaceful assembly and demonstration.</p>	<p>in Gangjeong (<b>27 March 2012</b>)</p> <ul style="list-style-type: none"> <li>- Joint Open letter to President of South Korea on Construction of Naval Base and Arrest of Demonstrators in Jeju Island (FORUM-ASIA, FIDH, OMCT and 28 other Asian NGOs, <b>21 March 2012</b>)</li> <li>- Statement of Gwangju Prize Laureates Against Navy Base on World Peace Island Jeju (<b>16 March 2012</b>)</li> <li>- Noam Chomsky, Professor Emeritus of the Massachusetts Institute of Technology (MIT), sent a solidarity message to Gangjeong villagers (<b>30 September 2011</b>)</li> <li>- International Statement in support of Gangjeong Village (Global Network Against Weapons &amp; Nuclear Power in Space, <b>8 June 2011</b>)</li> </ul>
<p><b>6. Link between the violation and human rights work</b></p> <p>Mr. Dong-kyun Kang was arrested and harassed by the police because of his work as a peace activist and environmental defender. As the leader of the village, he has a responsibility to deliver villagers’ message to the government regarding navy base construction. He has been defending villagers’ right to have a peaceful life and their environmental rights.</p>	<p><b>Previous incidents</b></p> <p>As of 14 April 2012, <b>442 people</b> were arrested and/or detained. For more details, please see the table in the Annex.</p> <p>Samsung C&amp;T and Daerim, two construction companies claimed for damage against 10 villagers including Mr. Gang and they are now facing around <b>289,780,000KRW (around 255,000 USD)</b>. The case is still in process at the court.</p> <p>Below is major human rights violations happened in Gangjeong in the past:</p> <ul style="list-style-type: none"> <li>- <b>16 April 2012:</b> Some human rights defenders connected their arms with PVC pipes and made a human wall to prevent a construction vehicle from entering the construction site. The police used <b>electronic saw</b> to cut that PVC pipes which had attached to human rights defenders arms. The police continued to use the saw to cut it even though human rights defenders were screaming out of fear. The saw was not strong enough to cut the PVC pipe but 14 protesters including one catholic priest were arrested during this struggle.</li> <li>- <b>15 March 2012:</b> Mr. Benjamin Monnet, a French activist, while Ms. Angie Zelter, a peace activist and Nobel Peace Prize nominee from the UK was</li> </ul>

	<p>asked to leave the country. Both of them were actively participated in the peace movement in Gangjeong.</p> <ul style="list-style-type: none"> <li>- <b>19 May 2011:</b> Nine people including villagers and human rights defenders who were peacefully protesting were taken to police station.</li> <li>- <b>14 March 2012:</b> Three Veterans For Peace members from the US who came to Korea to support peace movement in Jeju, Gangjeong was denied to enter the country at the airport without ground reason.</li> <li>- <b>30 September 2011:</b> Three religious pastors were arrested while they were having a mass at the navy base construction site. They were arrested under the charge of interfering businesses.</li> <li>- <b>2 September 2011:</b> Around 600 police officers entered Gangjeong village and arrested more than 35 people including catholic priests, nuns, human rights defenders and peace activists.</li> <li>- <b>24 August 2011:</b> The police arrested and detained Mr. Dong-kyun Kang under the charge of interfering businesses.</li> <li>- <b>7 July 2011:</b> The police applied for an injunction to 76 people including Mr. Dong-kyun Kang, under the charge of obstructing businesses.</li> </ul>
<p><b>7. Who is submitting this information?</b></p> <p>This letter is submitted by:  Ms. HyunBach Chung  Co-Representative  People's Solidarity for Participatory Democracy (PSPD)  Tel. +82 2 723-7250, Fax: +82 2 6919 2004  Email: peace@pspd.org, www.peoplepower21.org</p>	

**<Annex 1>**

**List of Arrests in Gangjeong since January 2010 to April 2012 (as of 14 April 2012)**

	Date	Reason of Arrest	Number	Location
Year 2010	18 January	Violation of the Act on Assembly and Demonstration Obstruction of official work	53	Navy Base Construction Business Committee Site

	27 December	Violation of the Act on Assembly and Demonstration	34	Navy Base Construction Business Committee Site
Year 2011	19 May	Obstruction of business	9	Jungduk Restaurant
	15 July	Arrest Warrant	5	Arrestees' home
	24 August	Obstruction of business	3	Navy Base Construction Business Committee Site
	1 September	Arrest Warrant (Obstruction of business, Violation of the Public Waters Reclamation Act)	3	In front of Local Jeju Court
	2 September	Obstruction of business	35	Three-way intersection in Gangjeong
	2 September	Arrest Warrant (Obstruction of business)	3	Gangjeong Community Hall
	30 September	Obstruction of business	3	In front of the construction site
	2 October	Misdemeanour, violence charges	11	Inside Navy Base Construction Business Committee
	2 October	Misdemeanour	4	Gurumbi Rockbed
	4 October	Violation of the Act on Assembly and Demonstration	9	Gurumbi Rockbed
	6 October	Obstruction of business	8	Gurumbi Rockbed
	6 October	Obstruction of business	2	Construction site
	14 October	Suspicion of violence	1	Arrestee's home
	7 November	Misdemeanour	5	Gurumbi Rockbed
	8 November	Obstruction of business	3	Shilla Hotel, Jeju
	8 November	Trespass	1	Parking lot of the Navy Base Construction Business Committee Site
	23 December	Obstruction of business	1	In front of the construction site
	26 December	Obstruction of business	27	In front of the construction site
Year 2012	10 January	Obstruction of business	29	In front of the construction site
	16 January	Obstruction of business	2	In front of the construction site
	26 January	Obstruction of business	5	Seawall
	27 January	Obstruction of business	4	Seawall
	30 January	Obstruction of business	3	In front of the construction site
	3 February	Misdemeanour	5	Gurumbi Rockbed
	3 February	Obstruction of business	3	In front of the construction site
	5 February	Misdemeanour	10	Gurumbi Rockbed
	9 February	Obstruction of business	3	Matburi
	9 February	Obstruction of business	2	In front of the construction site
	18 February	Violation of the Act on Assembly and Demonstration	14	Gurumbi Rockbed

	21 February	Violation of the Public Waters Reclamation Act	4	Gurumbi Rockbed
	26 February	Violation of the Act on Assembly and Demonstration	21	Gurumbi Rockbed
	27 February	Obstruction of business	5	Gangjeong port
	6 March	Obstruction of business	4	Storage of gunpowder that will be used to blast Gurumbi Rockbed
	7 March	Obstruction of business, Obstruction of public transportation	19	Gangjeong stream
	8 March	Obstruction of business	2	Near Gurumbi Rockbed
	9 March	Obstruction of business, Property damage	20	Gurumbi Rockbed
	10 March	Obstruction of official work	1	Port
	12 March	Obstruction of business	16	Gurumbi Rockbed
	19 March	Obstruction of business	10	Storage of gunpowder that will be used to blast Gurumbi Rockbed
	21 March	Property damage	4	Coast of Gurumbi Rockbed
	23 March	Obstruction of official work	2	Near Gangjeong port
	26 March	Obstruction of business	1	In front of the provincial government building
	29 March	Obstruction of business	1	Inside the village
	31 March	Obstruction of business, Obstruction of public transportation	9	Storage of gunpowder that will be used to blast Gurumbi Rockbed
	3 April	Obstruction of business	5	Construction site
	4 April	Obstruction of business	1	In front of the construction site
	7 April	Obstruction of official work	1	Provincial Police Agency
	12 April	Obstruction of business	5	Bubwhan Road
	14 April	Obstruction of official work, Property damage	11	Gangjeong Port
	<b>Total</b>		<b>442</b>	