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**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:
TORTURE AND DETENTION**

**Written statement* submitted by the Asian Legal Resource Center (ALRC),
a non-governmental organization in general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2006]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

VIOLENT REPRESSION OF DEMONSTRATORS IN THE REPUBLIC OF KOREA

1. 1. Police brutality, especially by the riot police, has caused serious concern in recent years that human rights are trailing democracy in the Republic of Korea. Police brutality has on many occasions caused serious injury to protesting citizens and, in at least one reported case, death. Riot police in Korea have a practice of removing the protective rubber hems from their metal shields and sharpening their edges, which are then used as potentially lethal weapons against protesters, among other forms of serious force. The following cases illustrate:

a. On 15 November 2005, a 43-year-old farmer named Jeon Yong-Cheol was beaten by riot police during a rally in Seoul. On November 17, Jeon was taken to the Boryeong Asan hospital as he was unable to control his body movements. He was then transferred to the Chungnam National University Hospital, where he was hospitalized and treated for a cerebral hemorrhage. He underwent brain surgery twice but died at around 6:30am on November 24. The cause of death recorded by the autopsy surgeons of the National Institute of Scientific Investigation was cerebral hemorrhage due to a skull fracture. However, a forensic doctor who participated in the autopsy on behalf of Jeon's family has requested another examination, as the group of forensic doctors carrying out the autopsy made no conclusion as to what caused the skull fracture. Nonetheless, the Seoul police disingenuously maintained that Jeon died due to a fall in his home after the rally.

b. Riot police also caused permanent paralysis to another farmer at the same November 15 rally, Hong Deok-Pyo, after beating his backbone, neckbone and spinal cord. Mr. Hong succumbed to his injuries on 18 December 2005. Kim Deok-Yoon was also beaten on that occasion, fracturing his arm and causing hemorrhaging of his lungs. Altogether, some 150 people were injured on November 15, eight seriously, one resulting in death.

c. During the protests at a new US army site in Peongtaek during July 2005 many protesters were injured. A senior police commander, Lee Jong-woo, reportedly shouted to the riot police to "beat, kick and kill the demonstrators". About 140 were injured on that occasion, but no legal or disciplinary action was taken against Lee, who was also supervising riot police at the rally on November 15.

d. In March 2005 the National Human Rights Commission of Korea (NHRC) issued recommendations regarding a riot police attack on protesters in Buan opposing government plans to construct a nuclear waste storage facility during 2003, where an estimated 100 people were injured. It concluded that the use of excessive violence violated the rights of the protesters and urged the Korean National Police Agency to compensate the victims. The NHRC also opined that the prohibition of demonstrations at night has no legal justification. The police have maintained that demonstrations at night are illegal and have attempted to punish protesters who have participated in such events. The Korean National Police Agency has shown reluctance to implement the NHRC's recommendations.

2. The Government of Korea is complicit in the violent abuse of demonstrators by the police by failing to take disciplinary action against officers found to have committed unwarranted acts of violence and by maintaining laws restricting the freedom of assembly, such as by way of its revised bill for the Law on Assembly and Demonstration of 29 December 2003. The National

Security Law also ensures the continued violation of freedom of expression and association, despite recommendations by the Human Rights Committee that it be amended, and calls from the NHRC and many civil society groups for its abolition. The Human Rights Committee has noted the broad interpretation and application of the National Security Law often results in violations of human rights.

3. Democracy in Korea was achieved through a relentless struggle by its citizens against military dictatorship, particularly in the 1970s and 1980s. The use of thousands of uniformed and plain-clothed police to batter ordinary protesters brings back dark memories of military rule, when expression and dissent were brutally suppressed, and when massacres were commonplace. No Korean citizen would wish to return the country to that dark past or to see the blood of more citizens shed. The Government of Korea too should be expected to respond quickly to any international initiatives on these events.

4. The Asian Legal Resource Centre (ALRC) therefore urges the Commission to call for the Government of Korea to order full and impartial investigations into the death of Jeon Yong-Cheol, including forensic reexamination and independent judicial inquest. The riot police responsible for his brutal act as well as their superiors must be held responsible. Full independent criminal inquiries must also be conducted into all other cases of injuries caused to protestors, especially serious injuries, notably those of Hong Deok-Pyo and Kim Deok-Yoon. Effective measures to bring police brutality to an end must be initiated without delay. In particular, a law must be introduced to criminalise torture in accordance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which the Republic of Korea is a party.

5. The Republic of Korea is regarded as a model of democracy and development in Asia. The Government of Korea should be aware that the violence against protestors in Korea comes as a shock to people around the region, discouraging them in their own fights for democracy and justice. The people of Asia are looking towards Korea to set an example of a society where the views and rights of all citizens, particularly vulnerable groups, are respected and upheld.
