

South Korea: Unjust convictions given to Trade Union Leader Sang-gyun Han

(Seoul/Bangkok, 11 July 2016) – The Asian Forum for Human Rights and Development (FORUM-ASIA), a regional human rights group with 58 members across Asia, strongly denounces the Seoul Central District Court's decision sentencing Sang-gyun Han to five years in prison and a 500,000 Korean Won (KRW) fine - equivalent to 434 US Dollars - for carrying out his legitimate work as a labour rights activist and human rights defender.

The Court found him guilty of inciting illegal actions in 13 rallies in which he was involved, including in the peaceful 'People's Rally' on 14 November 2015 in Central Seoul that led to police violently dispersing a largely peaceful protest. The regional human rights group urges the Appellate Court to reverse the verdict and to immediately and unconditionally release Sang-gyun Han.

Sang-gyun Han, the leader of the Korean Confederation of Trade Unions (KCTU), was arrested on 10 December 2015 at the Jogye Temple in Seoul. Since then, around 500 KCTU members have been summoned by the police for taking part in the 'People's Rally' in November 2015, twenty –including Sang-gyun Han - of whom have been detained and indicted. In July 2016, thirteen have been released on bail or suspended sentence, while the remaining seven are still awaiting for the Court to hand down its verdict. Among these seven, three will have their trials in the coming weeks. Against Tae-sun Bae, the Executive Director of the Organisation Department of the KCTU, the prosecutors requested six years of imprisonment, and her trial will be held on 19 July 2016. The prosecutors also sought five-year jail sentence for Hyun-dae Lee, the Director of the Organisation Department of the KCTU and Sung-deok Cho, the Vice President of the Korean Public Service and Transport Workers' Union (KPTU). Their trial will be held on 21 July 2016.

On 4 July 2016, the Seoul Central District Court convicted Sang-gyun Han on all eight counts against him, including violating the Assembly and Demonstration Act and General Obstruction of Traffic (Article 185 of the Criminal Code). The Court was of the opinion that Sang-gyun Han bore heavy responsibility for inciting illegal actions, inflicting injuries on police officers, and damaging police buses during the November 2015 rally. The Court also stated that *"only peaceful demonstrations are protected as freedom of expression in the Constitution"*.

"The guilty verdict against Sang-gyun Han is a clear result of the manifestation of the increasing crackdown on peaceful protests and labour rights movements in South Korea," says Evelyn Balais-Serrano, Executive Director of FORUM-ASIA, *"Sang-gyun Han is a human rights defender, who has been vigorously advocating for the protection of labour rights in South Korea. Putting him behind bars for exercising his fundamental and constitutional rights is a major setback in the protection of human rights in the country."*

Such a sentence would set a bad precedent. It would have a chilling effect on human rights defenders and civil society who often face intimidation and judicial harassment for exercising their right to freedoms of expression and peaceful assembly in South Korea.

FORUM-ASIA reiterates its call¹ to the Government of South Korea that the rights to freedom of expression and peaceful assembly are fundamental human rights as guaranteed by the Constitution of South Korea. As such, these rights must be respected and exercising them should not be deemed a criminal offence.

South Korea, as the current President of the UN Human Rights Council should become a role model for other

¹ South Korea: Immediately Release Trade Union Leader Sang-gyun Han and Drop all Charges, <http://www.forum-asia.org/?p=19836>.

countries in protecting and promoting human rights. *“We wish to remind the Government of South Korea of the recommendation by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, following his official visit to South Korea in January 2016 that assembly organisers should not be prosecuted for allegedly inciting violence and no civil suits should be lodged against them for compensation and damages,²”* stresses Balais-Serrano.

About FORUM-ASIA:

FORUM-ASIA is a Bangkok-based regional human rights group with 58 member organisations in 19 countries across Asia. FORUM-ASIA has offices in Bangkok, Jakarta, Geneva and Kathmandu. FORUM-ASIA addresses key areas of human rights violations in the region, including freedom of expression, assembly and association, human rights defenders, and democratisation.

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² United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai’s Report on official visit to South Korea (A/HRC/32/36/Add.2).