

South Korea – President Moon Jae-in, pardon Han Sang-gyun

(Bangkok, 2 June 2017) – It has been just under a month since Moon Jae-in, a former human rights lawyer, was elected to become the new President of South Korea. Taking over from disgraced Park Geun-hye, he has already made several commitments to human rights. One of them is his expressed intention, earlier this week, to bolster the National Human Rights Commission of Korea. Another is the scrapping of state-authored history textbooks, which were among the triggers for the protests in November 2015. Last Friday, he also instructed the national police agency to review the use of water cannons and bus blockades to repress protesters. The President, who convincingly won with the promise to radically break away from the controversy-ridden Park administration, now has an opportunity to back-up his pledges by pardoning labour-rights leader, Han Sang-gyun, whose conviction was just upheld by the Supreme Court on Wednesday, 31 May 2017.

‘President Moon Jae-in should practise what he preaches, and pardon Han Sang-gyun’, says John Samuel, Executive Director of the Asian Forum for Human Rights and Development (FORUM-ASIA), ‘Han Sang-gyun has already been wrongfully detained for one and a half years and his release is long overdue’.

Han Sang-gyun is the leader of one of the biggest labour unions in South Korea, the Korean Confederation of Trade Unions (KCTU). On 10 December 2015 he was arrested in Seoul, and charged with, amongst other things, violating the Assembly and Demonstration Act and General Obstruction of Traffic (Article 185 of the Criminal Code). These charges were related to the accusation that he had orchestrated a massive anti-government protest, particularly the Third People’s Rally on 14 November 2015 and 12 other rallies in 2014-2015

On 4 July 2016, he was sentenced to five years in prison and a fine of 500,000 Korean Won (KRW), equivalent to around 435 US Dollars. He was found guilty of, among other things, causing injury to a public official (Article 144(2) of the Criminal Code); obstructing the discharge of duties by a public official (Article 144 of the Criminal Code); the destruction of public goods (Article 141 of the Criminal Code); and obstructing traffic (Article 185 of the Criminal Code). The Court at the time stated that ‘only peaceful demonstrations are protected as freedom of expression in the Constitution’.

However, on 13 December 2016, an Appellate Court reduced the sentence to three years in prison, claiming that there was no evidence supporting claims that police officers had had difficulties breathing caused by the protests.

On 25 April this year, the UN Working Group on Arbitrary Detention issued an opinion that the charges against Han Sang-gyun were in violation of his right to freedom of expression, freedom of assembly and of peaceful association. ‘The South Korean government’s detention of Han Sang-gyun constitutes an arbitrary deprivation of liberty that is in violation of the Universal Declaration of Human Rights and the

International Covenant on Civil and Political Rights' the Working Group explained in its 78th Opinion and instructed that 'the government should immediately release Han and compensate him according to international law.'

Still, on Wednesday, 31 May 2017, the Supreme Court denied Sang-gyun Han's final appeal and upheld his conviction, both the prison sentence and the monetary fine.

The President is aware that Han Sang-gyun and his colleagues stood up for the cause the President also holds dear, through rallies which they organised in accordance with the rights enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. FORUM-ASIA reiterates its call¹ to uphold justice for Han Sang-gyun, and to guarantee the rights to freedom of expression and peaceful assembly, which are guaranteed by the Constitution of South Korea². Pardoning Han Sang-gyun is the only logical next step for President Moon Jae-in.

About FORUM-ASIA:

FORUM-ASIA is a 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 freedoms of expression, assembly and association, human rights defenders, and democratisation.

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¹ <https://www.forum-asia.org/?p=21201>

² <https://www.forum-asia.org/?p=19836>