

II. THE CIRCUMSTANCE OF FACTS

The authors of this complaint include Mr. Seok-gi LEE, Mr. Hong-yeol KIM, Mr. Sang-ho LEE, Mr. Soon-seok HONG, Mr. Dong-geun HAN, Mr. Yang-won CHO and Mr. Geun-rae KIM. The authors have devoted their significant lifetime to pro-democratic activities and political empowerment of left-wingers in the South Korean society. The authors volunteered to work and served for the Unified Progressive Party (hereinafter, the “UPP”) as well as the Democratic Labor Party, the former UPP (hereinafter, the “DLP”), until their arrest and punishment.

Mr. Seok-gi LEE, born on 2 February 1962, had been since 2012 serving as a proportional lawmaker of the UPP until arrest. Mr. LEE joined the UPP when he was nominated as proportional candidate for the 2012 general election. Prior to his political career, Mr. LEE founded in 2005 and served as CEO of a private company called CN Communications, a political campaign management firm. Mr. LEE actively engaged as college student in the South-North unification movement. In March 2003 after graduation from college, Mr. LEE was sentenced to imprisonment for 2 years and 6 months for violation of the National Security Act, Article 7 (hereinafter, the “NSA”). The Government of the Republic of Korea (hereinafter, the “Government”) released Mr. LEE on parole in August 2003 and the then President Moo-hyun ROH reinstated Mr. LEE in 2005.

Mr. Hong-yeol KIM, born on 3 January 1967, was serving as chairperson of *Gyeonggi* provincial committee of the UPP when Mr. KIM was detained. Mr. KIM had been prominent grass-root activities for a long time before Mr. KIM found himself in politics. Mr. KIM took leadership in various civic coalitions dealing with local issues of public interest in *Yangju*, *Gyeonggi* province. The issues included establishment of city hospital, anti-corruption campaign, anti-privatization of water supply service, free school meal plan, residents participatory budgeting at the *Yangju* Municipal Office of Education, and others. Mr. KIM run for the local assemblies—*Yangju* Municipal Assembly (2006) and *Gyeonggi* Provincial Assembly (2010), in which elections Mr. KIM failed to win.

Mr. Sang-ho LEE, born on 15 February 1963, had worked on unemployment and poverty issues in the local level for seventeen years until his detention. Mr. LEE took leadership at the social enterprise support centers in *Suwon* city as well as *Gyeonggi* province before his arrest. Mr. LEE also led grass-root campaign to support unemployed families for a long time. Mr. LEE served as chairperson at the Labor Committee, *Gyeonggi* provincial committee of the DLP. Before Mr. LEE became interested in non-profit work, he was an employee with the *Samsung* Electronics Company, a multinational enterprise. He was dismissed from it due to his attempt to form a labor union.

Mr. Soon-seok HONG, born on 26 March 1964, was serving as vice-chairperson of *Gyeonggi* provincial committee of the UPP when he was arrested. Mr. HONG had extended experience in youth groups as one of key leaders, played a vital role in civil coalition for abolishment of the NSA, and once became a candidate at the UPP primary for the 2012 general election.

Mr. Dong-geun HAN, born on 14 October 1967, founded the *Suwon Saenal* Medical Cooperative in *Suwon* to provide marginalized local people with access to medical assistance. Mr. HAN also served as the president of local medical cooperatives coalition in 2013. In addition, Mr. HAN served as member of the Central Committee from DLP as well as chairperson at the *Yeongtong* district branch of *Suwon* city, *Gyeonggi* province.

Mr. Yang-won CHO, born on 13 August 1963, served as labor pastoral at the *Benedictine Sisters of the Catholic Church* to help laborers defend their rights. Mr. CHO also joined the local, general and presidential election camps and played a significant role in 1995-2010. Mr. CHO served as chairperson at the *Seongnam* city branch of *Gyeonggi* province from DLP. Mr. CHO became employed at CN Communications as election campaign expert since 2012.

Mr. Geun-rae KIM, born on 15 February 1967, was a well-known local activist in *Hanam*, *Gyeonggi* province. Mr. KIM had led the taxpayer's lawsuit against the local government in 2003. Mr. KIM had successfully led civic movement for referendum and recall, which brought about two city assemblymen to be recalled in 2006. This is

the only successful case in the Republic of Korea history despite many other attempts. Mr. KIM became a candidate for the UPP primary for the 2012 general election, as well as for *Hanam* mayorship in the 2010 local election, at which cases he failed to be elected.

Backgrounds

Mr. Seok-gi LEE joined the UPP several months before he became a proportional candidate for the 2012 general election. The authors except Mr. Seok-gi LEE have been previous or current members at the executive of *Gyeonggi* provincial committee of the UPP. They have based their political activities and/or grass-root work on *Gyeonggi* province including *Suwon*, *Seongnam*, *Hanam*, *Yangju* and others. Because of the geographical location, they belong to the same committee of the UPP. The authors have known each other not necessarily well but enough to exchange information on their activities when they had a chance to meet.

The authors share the similar political ideology with, known as *National Liberation* (hereinafter, the “NL”) that they gained at college when they involved in student movement to fight against the military regime. The NL has campaigned against U.S. imperialism and advocated good relationship with the Democratic Peoples Republic of Korea (known as North Korea, hereinafter, the “DPRK”) in order to reunite. The NL regarded independence of the Republic of Korea (hereinafter, the “ROK”) incomplete due to U.S. role in Korean Peninsula. The Government, right-wingers and conservative media have accused the NL supporters of being DPRK subordinators or followers. Such assertion is based on the fact that the NL’s political ideology deems similar to the DPRK’s. Those who belong to the NL have denied the accusation.

The NL is not the only progressive political group; there has been a long time rival, known as the People’s Democracy (hereinafter the “PD”). The PD has stressed more on social welfare and civil liberties sought by the people.

In 2000, the NL, the PD and others jointly found the DLP to gain political power through the elections—presidential, general and local. The DLP gained 13% of the

vote in 2004 general election, claiming 10 seats at the National Assembly. The DLP also won a total 139 seats in local assemblies across the nation in the 2010 local election.

In the meanwhile, the DLP failed to settle political scandals among fractions inside and caused some to abandon the party for the new one. The DLP was later merged with a small political faction and founded the UPP in 2011.

The UPP gained 10.3% of the vote during the 2012 general election. It gained 13 seats at the National Assembly: 7 seats from local constituencies and 6 as proportional representatives. It turned out that some members rigged in vote during the UPP's primary to elect proportional representatives. The UPP could not reach an agreement on how to resolve the vote-rigging scandal, which caused the PD and others to quit the UPP for a new party. The UPP also lost significant public support. One of 6 proportional representatives happened to be Mr. Seok-gi LEE.

On 12 December 2012, the DPRK launched a long-range rocket called *Gwangmyeongseong-3*. In response to the UN Security Council's resolution condemning the launch, the DPRK declared on 25 January 2013 a complete invalidation and nullification of the Joint Declaration on the Denuclearization of the Korean peninsula. It also conducted its third nuclear test on 12 February 2013, which triggered the UN Security Council to pass another resolution imposing sanction on the DPRK. The U.S. – ROK joint military exercises took place as scheduled. In response, on 5 March 2013 the DPRK abrogated the Korean War Armistice Agreement. The DPRK released statements that seemed intimidating until April 2013.

It is true that the tension was accelerated in March and April 2013 between two Koreas; however, it was not uncommon that both confronted this manner over the sixty years. Experts also stated that the tension became alleviated from May 2013, as a result of the subsequent proposals for inter-Korean talks. Evidently, the Korean peninsula was not on the verge of imminent war or armed conflict as of May 2013 since two Koreas lowered security alert.

May 10 Lecture

Mr. Hong-yeol KIM, chairperson of *Gyeonggi* provincial committee of the UPP, felt that it was needed to better understand the then current political situation in the Korean peninsula. Mr. KIM decided to open a lecture and subsequently invited Mr. Seok-gi LEE to speak. Mr. KIM limited the audience of the lecture to the previous and/or current executive members of *Gyeonggi* provincial committee only.

The lecture took place on 10:00 p.m., 10 May 2013 at the *Gonjiam Youth Training Center* (hereinafter, the “May 10 lecture”). Around 130 members were attending. Some were asked to park far from the location of the lecture hall and to switch off their mobile phone. This was part of security manual practiced by the left-wingers to avoid sorts of penetration from intelligence agencies. This practice started due to the history of crack-downs on them. It turned out, however, that some brought small babies with them to the lecture. The lecture hall was closed from outside and no televised or radio broadcasting was provided to the public. Each attendee contributed 10,000 Korean Won, about 10 US dollars, to pay for the lecture hall rental.

The May 10 lecture lasted briefly for about 10 minutes until its dismissal because of worries about security breach. Mr. Hong-yeol KIM and Mr. Seok-gi LEE made statements in the lecture. Mr. Hong-yeol KIM introduced Mr. Seok-gi LEE with such remarks as “We are still hearing gunshots fired from guns and cannons over the land, sky, and seas of South Korea in May, just like we did in March and April. it is the present reality that the war situation continues,” “What is the power to keep peace? I think peace is achievable when we fight against the imperialistic ambition to accomplish aggression on the Korean peninsula,” and “As resolving that we take full-fledged actions under the current political circumstances, I invite Mr. Seok-gi LEE to speak.”⁴

After the introduction, Mr. Seok-gi LEE made remarks to the effect, “The present political situation, in 2013, on the Korean peninsula represents a whole new history that we have never experienced before ... it is a war,” “there are revolutionary wars,

⁴ Annex 4: The Supreme Court decision: *2014Doh10978* (22 January 2015)

and there are rightful wars. The present situation on the Korean peninsula marks a critical juncture at which revolution and anti-revolution will be discerned,” “I came here today not to make a lecture about the political situation, but to make a resolution as to what we should prepare and fight for under current circumstances,” and “When a call is issued, you must come like the wind immediately ... you should not bring your child. No child should be brought to a battlefield ... this is not a quasi-war, but an actual war. The supreme committee of the Korean People’s Army nullified the Korean Armistice Agreement as of March 5. The nullification of the Korean Armistice Agreement means a war. I urge you to clearly remember that this war can take a form different from that of traditional wars.” During the speech, Mr. LEE also reprimanded Mr. Geun-rae KIM, one of the authors, who arrived at the lecture late.⁵

May 12 Lecture

Two days later, another lecture of the same nature took place at 10:00 p.m. at the *Marist Brothers*, a Catholic group’s premises, in *Hapjeong-dong, Seoul* (hereinafter, the “May 12 lecture”). Approximately the same number attended.

Mr. Hong-yeol KIM opened the lecture with the remark to the effect, “Our nation remains to be in a crucial situation lying between war and peace, and our people’s desire to respond to a war of invasion and transform it into a war of justice is increasing. The U.S. imperialists’ military maneuvers posing threat to the lives of our people clearly reveal the face of the common enemy facing the Korean people” and “In order to bring together successfully and victoriously all the anti-U.S. battles, taking place across the Korean peninsula, we must ensure that our people’s sovereign capability will create an absolute advantage. To that end, we must be fully dedicated.”⁶

After the introduction, Mr. Seok-gi LEE delivered the May 12 lecture with the following statements, in excerpt from the decision made by the Seoul High Court.⁷

⁵ Id.

⁶ Id.

⁷ The statements were excerpted from the decision of the Seoul High Court, the appeal court since it contained more detailed expressions made at the May lectures than the decision of the

Since 2012, it has been pointed out that the present time would mark the time of great tumultuous changes in this fiercely tumultuous era, in which the old order of controlled by the U.S. imperialists would collapse and be replaced by the new order led by the independent advancement of our people.

From this the premise, I would like to point out a couple of things which can be easily missed even though you hold high political integrity in your daily life by conducting many discussions and joint implementations. What is more important here is what to and how to fight in this present situation. This tumultuous era is when the old order will collapse and be transformed into the new era. The political, financial, military, environmental, and cultural hegemony led by the U.S. imperialists is being collapsed.

In this tumultuous era, where is the Korean peninsula located? The Korean peninsula is the weakest loop of the order controlled by the U.S. imperialists and most fierce confrontation to come into conflict with repression against the people and the class. In other words, I think that the Korean peninsula will be the center stage of world revolution where the world order built by the U.S is destroyed and the hegemonic empire mostly led by the U.S is collapsed.

It is 2013 now, and the situation differs significantly from that of 2012. There are three points to make better understanding with respect to the present situation. North Korea succeeded in launching its Kwangmyongsong-3 satellite on December 12, 2012. This is magnificent in the history of space science.

The next thing, which we should not miss, is that North Korea succeeded in conducting its third nuclear test on February, 12, 2013. This is huge. The third nuclear test means that North Korea reached nuclear fusion stage with plutonium, atomic energy, and uranium. To speak easily, North Korea has

Supreme Court did. And their translation was conducted word-to-word and thus some part seem to not make sense or not easy to understand.

succeeded in developing a hydrogen bomb. What is important here is that it can be made into very small size of bomb with multiplied power.

What is the next now? It is, of course, to make an official announcement regarding this to the world. What was the first announcement issued by the supreme committee of the Korean People's Army on March, 2013? The nullification of the Korean Armistice Agreement. This is the core essence, in calibrating the present situation.

Continued Kwangmyongsong-3 satellite of 2012, the new innovation in the history of space science, and the third nuclear test of 2013, the nullification of the Korean Armistice Agreement was announced as aggregated competence of North Korea to cut the old loop between North Korea and the U.S.

The real war staged on April. The U.S. conducted simulation war drill against North Korea. Therefore, it is 2013 now that F-22, B52, the recent 6-party talks, strike by the U.S. army and the fiercest confrontation between North Korea and the U.S. take place.

I am telling objectively that there are two types of views in the U.S. regarding the relationship between North Korea and the U.S. However, the judgement by the defense intelligence agency was right. The junction in the conception of a powerful state possessing nuclear weapons that I am talking about now, is that the North Korea has already succeeded in making a smaller, lighter and more various bomb through the third nuclear test. To be further, with high degree of precision, North Korea emerged as a threat who could strike the main land of the U.S. This is what the nuclear power means. You should understand this well. It is not how to realize the preparation for possessing nuclear weapons in terms of the development of science and technology. This is war again. This is real problem about military war. The defense intelligence agency made a judgement that this would become real threats.

To summarize this, the nullification of the Korean Armistice Agreement on March, 5, of 2013 is important junction and a powerful momentum for

revolution by which the order of controlled by the U.S. imperialists could be put to an end and a new chapter of our people's self-reliance could be opened. Through the nullification of the Korean Armistice Agreement on March, 5, of 2013, the previous old relationship between North Korea and the U.S. is no longer expected. The distorted structure of 60-year period of armistice represented by the Korean Armistice Agreement was over. These three are facts. Then, letting the bygones be bygones, we are stepping into the new phrase and what will we do in the new phrase? This is the basis to penetrate the present situation.

The time of this great transition could come sooner if our sovereign capability improves exponentially. However, if our sovereign capability is not enough or suffers from many twists and turns, the old order of the the U.S. imperialists, which could differ from the previous one, however, will remain in this distorted structure. Whether to put to and end of this loop is the basic situation to penetrate the present situation.

The second one is how to see the present situation. To simplify, , the revolutionists in South Korea, who stand under the present situation where the old order is collapsing and we are stepping into the new phrase have several inclinations. Let`s face directly the present situation. This is why discussion was organized and today`s meeting requested, I guess. It is one side of the South Koreans` views and the other side of the North Koreans ones. Then what shall we do? It is righteous for us to look at the present situation more broadly in the perspective of revolutionizing the Korean peninsula and take an independent and proactive approach under which we accept the responsibility for the revolution of the South Korean side.

The essence of the present situation is big battle between the U.S. imperialists and Korean people, not conflict between the two Koreans. The U.S. imperialists missed, however, there only remain two Koreans. What is coming from there is a flower not a gun. This is one inclination. The other inclination is whether the entire Korea problem would be solved by North Korea and the U.S. in the

present situation, while South Korea does nothing. That is, the inclination to consider South Korea a mere dependent variable.

If the time of this great transition could come through the conflicts between North Korea and the U.S., we could just pray for that. However, the reality is not that simple, but very cruel. If the revolutionists in South Korea fail to fulfill their missions, then, we have to pay for that with our blood. Why? The unification of our nation, the revolution of unification, is accomplished by sovereign capabilities of two Koreans. This is our new approach regarding the revolution of unification. We should understand the war correctly. To do this, we are gathering today.

Then what position should we take? Of course, we, as the revolutionists who accept the responsibility for the revolution of the South Korean side, look at the present situation and prepare independently and proactively to end invasion attempts and military system by the U.S. imperialists in the perspective of sovereign capabilities of two Koreans.

However, our pursuit and protection of peace differs from pacifism. In a situation where a war materializes, peace cannot exist without first annihilating the core substance of our enemy's invasive posture. Peace cannot be made by peace. Though it is clear that we pursue a flower rather than a gun, however, we should rather face the nation's problem fomented in the Korean peninsula at the present with a gun time to time.

What shall we do to respond effectively to the present situation? Firstly, we must first be armed with the faith in victory. Our priority should be placed on solid awareness of both the political and ideological aspects of the present situation.

It is manifest from the present situation that the general trend is moving toward the time of great change and transition. However, a harsh ordeal is foreseen for the revolutionists in South Korea. We should prepare ourselves for the ordeal, the second 'March of Suffering'.

Why is a harsh ordeal foreseen while we are reaching at victorious situation? It is natural when we think about the reason, the crisis at Goguryeo. Mentioning crisis of war itself is the logic of the imperialists. Why our crisis? It is called crisis for the the ruling powers, who pursue the permanent their ruling system as always, when there is sign of destruction of their order and ruling system, while we call it revolutionary opportunity to put an end to the old system and build a new order and future. That is what it is.

We are not the ruling powers. In North Korea, every behavior is considered patriotic. Everyone deserves a prize in North Korea. However our behavior is considered treacherous by the ruling powers.

I jumped several premises that you should understand previously to save the time. One of them is that there is no all-out war when your nation becomes a nuclear power. You should acknowledge this. I have skipped this part, considering you all knew that there would be no all-out war between North Korea and the U.S. If all-out war takes place, more than ten million will die and it is like we are going back to the Choson dynasty era. It is not what everyone wants. In the future, local and unconventional warfare will be take place. The realm of modern warfare includes psychological, ideological and propaganda warfare.

Lastly, what shall we prepare for conducting the new types of war? Arming ourselves with the faith in victory as I mentioned right before is the most important thing. Even though the general trend is moving toward the time of great change and transition and we are reaching at victorious situation, the revolutionists in South Korea should prepare for 'March of Suffering'. Even the sacrifice is in vanity, however, it is necessary and pretty natural to suffer from sacrifice.

The ruling powers consider that the overall military armed conflict is accelerated and sharp confrontation between sovereign capabilities in North Korea-U.S. relationship or two Koreas relationship. Then, what do the ruling powers fear most? What do they do first? To stabilize the threats against the

system. We are the only faction purporting to seek self-reliance. So they try to get rid of us. They think a preemptive strike is proper in terms of military strategy and political view to remove us. Act of terror can be done in various forms. This will not be comparative to Jang Jun-Ha case. They consider DJ is the pro-system faction but we are the anti-system faction. Therefore, it is time to do away with the roots of the power. Destroy the regime under which the two Koreas exist. How do we do this? Relying on the sovereign capabilities possessed by both South and North Koreas, let us accomplish a new and great transition in the history of our people for ourselves.

In our faith in victory, there is value that we present our children and future generation the new future. Making happiness for the descendants is genuine happiness, isn't it? Having faith and keeping value in this happiness is the faith in victory. This faith will not be broken since it is not built by one individual's determination but established and fostered by united organization.

Secondly, our situation will inevitably be determined through a military means in the end. We are not fighting with our bare fists. It is war of determinations and we materialize our determination. We must destroy the physical foundation established by the ruling faction in the past 60 years. However, they will not take back that easily. They will stage all kinds of hindrance, physical oppression, and sabotage. Of course, it is. It is what the war is like. Let's put an end to the war that has already begun. How can we do this? With empty hands? For this, we must be prepared not only in political and military aspects, but also specifically in physical and technical aspects.

What is the physical and technical preparation? In the time of conflict between power and power, we have to prepare in physical and technical aspects so that our superiority can be showed. Why should it be physical, then? I encourage you to have discussions with your colleagues. We need this physical and technical preparation. Let's be prepared in comprehensively physical and technical aspects. I meant this more sophisticated way. This is how we fight against them and defeat them.

It can be summarized into two, arming ourselves with the faith in victory and strengthening the physical and technical foundation equipped with political and military preparation. This is our position and attitude as to how to create opportunities for an offense, instead of remaining defensive in the status quo and to minimize our sacrifice and to move up our victory.

Looking at the circumstances objectively, I have many regrets regarding our capabilities in this particular military confrontation. Let`s admit where we are and start to prepare from now on. We will establish firmly the physical and technical foundation. This is what we have to reflect first in this present situation. If you have faith in victory, you will be able to figure out how to take care of the realistic aspects of the physical and technical readiness. The examples include North Korea`s Kwangmyongseong, which is evaluated as the space science crystallization through self-reliance and strenuous efforts, and its third nuclear test, created from nothing.

Thus, to realize our dreams for society that is self-reliant and without exploitation and oppression in a new paradigm, we should make a resolution for the final battle in the nationwide level, not the individual level, based on an organized and uniform system of powerful faith with physical power. How honorable it is!

In the time of the anti-U.S. battles conducted by our comrade squad in our people`s great history, our comrade squad takes leading at the front and plays an crucial role in pulverizing their schemes and maneuvers and furthermore making ruptures of their military and finally acts a leader in reaching the new phrase of revolution of unification of the nation. I think this is quite honorable thing to do.

From this point of view, let`s, prepare for the incoming battles with sense of victory. Is not it wise of us to prepare our strengths and determinations and to build victorious phrase by destroying enemy`s provocations thoroughly, in case the war is quite as obvious as we expected? We will definitely win this war if we prepare systematically based on our sense of camaraderie, I think. The matter

of here is not the seriousness of the present situation but the final settlement to prepare for the great history. Let's just push this to the limit. Let's prepare for the present situation and incoming battles based on pride and dignity that we make this new transition of our history to finish the U.S. imperialism with our own hands. We must not fall into the trap of misunderstanding that the status quo will end by itself over time. This situation is already heading toward a war.

I strongly urge each of you to become aware of the fact that this is the final chapter in our 60-year-long history and to act as a leader in attacking our enemy's weakest point from which its control will implode and rupture. Are you fully prepared to assume combat readiness instantly once you are ordered?

Let's prepare ourselves with actions and our heart from our resolution. And today is the commencement. There will be sufferings in our path but worthy. It is quite valuable. Though we suffer, the whole people's history can change. I do not want this to be merely a resolution for proactive preparation for a change in the situation; I urge you to be fully prepared in physical and substantive aspects.

Hoping you to start your preparation, I will bring my lecture to an end.

The Mr. Seok-gi LEE's lecture was followed by the Q&A session. In responding to Mr. Seok-yong KIM's question as to "whether the military issues can become serious," Mr. LEE answered that each of the U.S. policy on the DPRK in the past, including strategies of economic containment, had failed. He furthered that the U.S. might attack the DPRK because the DPRK's nuclear threat against U.S. had become a reality as a result of its third nuclear test, and that although a nuclear war could possibly break out, conventional warfare would be more likely to occur on the Korean peninsula than a nuclear war. Mr. LEE, to support his statements, took as an example the U.S. plans to attack the DPRK after it conducted its second nuclear test. Mr. LEE further responded that a military clash would be hard to avoid should the worst possibility come true, that a war would take place before peace could be accomplished, that the U.S. might provoke other countries as part of its new strategy

to resuscitate its economic vitality through the sale of arms, and that all should be fine as long as he and his colleagues were prepared for the worst that could come.

In responding to the question asked by Mr. Soon-seok HONG—“It is difficult to explain our position and is doubted if we should positively discuss it with other citizens as our populist movement,” Mr. Seok-gi LEE answered, “there is a difference between the outwardly-conducted anti-war movement, that is, opposing war and advocating peace and the inwardly-implemented resolution of conflicts. On the other hand, however, it is only natural that we discuss peace and promote movement against war. The key subject for today’s lecture is that we should be armed with a weapon for peace in political and military aspects. Why? What would be the final determination? If you look at the history of our experiences and the past processes that have occurred on the Korean peninsula, the final determination can be made only by a military means. We should be fully prepared.”⁸

Prior to small group-by-group discussions that followed, Mr. Hong-yeol KIM, who acted as a moderator, limited the agenda as to “how to prepare in the political and military aspects under the current situation.” The audience was divided into seven sub-groups, began to discuss, and were informed to share with all what was discussed in each sub-group once it is done. The division was according to their geographical location in *Gyeonggi* province.

During the discussion among attendees from the Southern Chapter, Mr. Sang-ho LEE, one of the authors who acted as a moderator, began by making statements, “there are two things we must have during the time of great changes: faith in victory and preparedness in physical and technical aspects. As discussed in the lecture, the time of great changes requires us to be prepared for the indiscriminate oppression against the revolutionists that is anticipated in the process of a transition to peace, whether the oppression occurs at the pre-war stage or during the time of war.” After telling a story about a person in the *Suwon* area who carries a knife in case of his/her being placed in preventive custody, Mr. LEE stated that “what we are about to talk about today are ...

⁸ Id. at 29

the matters involving the ways to turn the situation around in our favor if and when a war breaks out. We are not seeking to talk about these matters in a larger spectrum.”

Subsequently, in response to the matter of disrupting communications and oil supply lines raised by two sub-group members, Mr. Sang-ho LEE suggested attacking communications and oil supply lines that must be disarranged during a war. Mr. LEE furthered, “while these matters may involve a situation that needs our decision between regional actions or nationwide actions, the more important thing is that we need guidelines” and “we would need to gather because individual actions are not appropriate. Depending on it, watch posts and missions would be assigned. We can talk about other issues. We may need to share certain things concerning communications, oil and fuel.”

Ms. Jin-seon CHOI stated subsequently that there is not much to do under preventive custody, that it is impossible to do anything individually about storage facilities, and that systematic preparation in an organized and military-like manner would enable them to attack facilities. Ms. Mi-sook LIM pointed out that even if a regional gathering were accomplished, there would be no means of communication among the regions groups. To respond, Mr. Sang-ho LEE said, “Given the limited time, we should probably establish and share guidelines, rather than discussing the specifics here.”

Mr. Sang-ho LEE also mentioned, “Do we all agree upon armament? If so, the issues as to how to be armed remain to be discussed,” after which he stated the ways of altering toys to guns and making bombs. Mr. LEE, then after, maintained that oil storage facilities in *Pyeong-taek* cannot be destroyed by bullets or dynamites, and that although communications, railroads, and gas and oil lines must be disarranged during a critical time like a war situation, a study indicated that it would be difficult to bring something into the facilities despite their not-so-stringent security system. Also, Mr. Sang-ho LEE stated that, in the case of railroads, it is most effective to destroy the control office of the railroads—rather than changing anything on the railroads themselves—and that, in the case of communications, only a high level of technical, scientific and physical readiness could enable them to gain access to the telephone offices in *Bundang* and *Hyehwa-dong*.

Subsequently, Mr. Dong-geun HAN, one of the authors, mentioned that the most important weapon was to protect the organization, that the systematic organization of all capabilities would produce a variety of measures, and that it should be determined whether to steal weapons and arms equipment while risking lives and whether to take substantive military actions with the procured weapons.

Later, Mr. Sang-ho LEE mentioned several ways to obtain cooperation and guidance from someone inside the facilities and made remarks to the effect that a study revealed that most of the gunpowder production were done in the northern region while only two of them were in the southern region and that, although gunpowder production facilities should be “touched” if necessary, such a task would require highly qualitative elements and information. He also stated, “when that time comes, guidelines would be delivered to us as a result of our proactive efforts to collect and compile specific resolutions and information” and that, “in order to perform duties, it is strategically important to avoid preventive custody and gather.”

Immediately after, Mr. Seong-gyu HONG mentioned necessity of creating a manual or guideline(s) for organized actions. Subsequently, Mr. Sang-ho LEE stated, “concealed information as to such targets for an attack as arsenals and chemical pharmaceuticals had been discovered,” “certain things must be prepared in advance,” and “these stories are not just randomly told at a personal level; rather, a collegial resolution should first be established to have something like a manual that would render a collective resolution.”

Finally, Mr. Dong-geun HAN stated, “it would be important to improve organizational capabilities to respond to quasi-war situations, in response to which Mr. Sang-ho LEE remarked, “Our discussions could have been focused on one direction as a result of being premised on war situations and emergencies.”

After each sub-group discussion ended, one from each summarized what was discussed in his or her group and shared it with all attendees. Based on the findings acknowledged by the Supreme Court, the following remarks were made in summary:

The Eastern Chapter

Mr. Geun-rae KIM stated that a variety of opinions were discussed, covering the ideas of taking up guns as way of physical and technical readiness, as well as of attacking the telecommunication sectors, which could inflict serious damages on the enemies. Additionally, he announced that specific measures were not so much discussed as it was agreed among all the colleagues gathered here that their lives should be risked altogether.

The Southern Chapter

Mr. Sang-ho LEE first mentioned preventive custody and took an example of someone who carries a knife to kill at least one person before being killed if being placed under preventive custody. Subsequently, he stated that a manual or guidelines concerning preventive custody would be necessary. Thereafter, he also stated that the content of the discussions included the necessity of being armed and obtaining guns, as well as the matters relating to making guns and bombs—which he stated could possibly be produced by a person with skills—and that the faith in victory tended to be affirmed in a situation where someone must risk his life, although it was hard to predict which tasks—for example, stealing or manufacturing weapons, destroying communication lines, etc.—would be assigned as a result of collective discussions. Additionally, he stated that, although physical attacks against targets would be important, it was critical to win over a person inside the target to their side and have that person perform the task or provide guidance to them.

The Midwestern Chapter

Mr. Soon-seok HONG stated that a variety of opinions—including those arguing for the possession of guns, concerning the procurement of weapons and technologies, and claiming that cutting-edge technologies and hacking skills could paralyze radar stations—were presented, but they were generally vague and nebulous. In addition, he announced that all the attendees agreed with the

view that physical and technical readiness requires the protection of the leadership, so that orders could be carried out in no time in a variety of matters.

The Northern Chapter

Mr. Young-choon LEE stated that the discussions covered the ideas that beneficial relationships should be developed with the institutions representing national infrastructures, such as power plants and subway or railroad systems; that rear disruptions would be important during a war time; and that a team should be organized centering upon the members of the Army Reserve and its manuals concerning military matters should be well constructed. He also stated that individual members must take good care of them and be prepared to respond to all circumstances—whether they involve a health issue or a fitness problem—because they could become a matter of life or death.

The Youth Division

Ms. Min-jeong PARK stated that the discussions revealed that the attendees had not taken seriously the possibility of a war and shared the views that young members could make efforts to build up certain public opinions, rather than participating in actual preparation for a war situation. She further stated that there was a suggestion for being prepared with respect to ideology or propaganda. She also reported that the six of them discussed the possibility of entering into and bombing a place, but came to realize that they could do nothing proactively under the circumstances if they exert efforts to train and prepare themselves. Additionally, she announced that guidelines would be produced as a result of the discussions, which included the members' resolution to be adequately and specifically prepared—including their fitness matters and selection of their partners—toward the objectives to reinforce the Youth Division and improve sovereign capabilities.

The Central Detachment

Mr. Ui-young WOO reported that his group had discussions about a person studying explosives after graduating from an engineering school, as well as about information warfare and the enemies' communications and transportation systems. The conclusion of the discussions was, he stated, that each member should have clear understanding of his or her own duties and responsibilities, prepare specifically for a revolutionary war from his or her own post, and be concretely ready for the moment of truth. He further stated that each member should be particularly prepared in physical and technical aspects at his or her own position and be so diligent with day-to-day tasks as to gather immediately upon the revolutionary call.

The "Other Regions" Division

Mr. Yang-won CHO stated that, although the political and military issues were fully discussed, no concrete conclusions could be drawn. Among the important things were, he added, to protect the leadership at the time of a war and to establish a well-organized and orderly command system surrounding the leadership. He further stated that the attendees shared the view that in order to respond effectively to the serious situations to come, the members should be fully dedicated to their responsibilities within the organization and their teams, as well as to populist campaign.

After listening to brief representations made by each sub-group, Mr. Seok-gi LEE made a comment as follows:

"This is the first session concerning physical and technical preparation. Is this unfamiliar with you? (Laughing) What I focused today is to make sure that you firmly obtain your proactive position with the present situation, based on the premise that it is not only the matter of physical and technical preparation. ... Meanwhile, it is your faith, conscience, or point of view that you have built for 20-30 years. I believe we have reach the same conclusion that the period has come when you show them at the front toward the world. ... With basic views built, then, what shall we do? That is, countless. Asked how to really prepare physical and technical readiness, my answer is that there are myriad of ideas

for physical and technical readiness based on the premise mentioned before. Is it too many? Too abstract? It is definitely huge. You can find it in your own workplace. Further details are security matters. ...

I would like to remind you of one example concerning anti-Japanese movements during period of colonization. Remember 'one-pistol ideology'? We have discussed three ideals: supports of ideology, sense of camaraderie, and one-pistol ideology. One pistol symbolizes a lot. It was not mere one pistol against Japanese imperialists. There were revolutionary movements to make it possible to strike Japanese imperialists who were fully armed from toe to head. What we need now is "one-pistol ideology," which is worthier than tens of thousands of nuclear bombs. Once we establish a strong perspective, we can produce what is more powerful than nuclear bombs. This is what the enemies have not even imagined so far regarding a new war. ...

Assume, just as an example, which is confidential, that there is a steel tower and that it is very significant from a military point of view to destroy it. This is just an example. Outsiders would suggest to bombard it with missiles. But simple methods would be employed at the site. I do not know the method. Cases like this are a dime a dozen. If an invisible element that can create power formidable enough to dysfunction the system can be put to work simultaneously across the country. If this new type of war is staged, then let us be ready for new victory, new world about new war.⁹ From when? We should have prepared but from today. ...

Another thing is that we will definitely win this fight. The reason is that the division of the Korean peninsula is supposed to be over, as you can find it from our history. An example can be found in the Bolshevik Revolution, in which a war against Germany was transformed into a civil war against the ruling faction. At that time, a number of people died; however, such deaths eventually became an immensely significant contributing factor in bringing about a nationwide revolution. ...

⁹ This is direct translation from the excerpt from the decision of the Seoul High Court.

We will most definitely win this battle. In both looking at the sequence of events related to the division of the Korean peninsula and considering the history of our people, we can clearly see the final stage of the 60-year-long armistice status coming. From this perspective, I would like to say that this is fortune. I take as an honor to be a member of the first generation that will create a new history of the reunification of the Koreas in the face of many challenges. ...

I know some belonging to the Southern chapter carry a knife in their bag. I know who you are. I think I know you; you do not carry a knife. Gun? Do not carry a gun at all. We have our own weapon called ideology that is stronger than nuclear bomb, which is intangible property and magnificently powerful. If you are armed with a weapon of ideology firmly. You want to disappear after you kill one? We are not fighting to die. We are fighting to not end our life at this battle but to destroy division and create reunified new nation by wining the battle against the U.S. imperialists for our next generation. We fight for the next generation and to win, but not to die. This is a winning battle. Let us prepare winning. Prepare in scientific and thoroughly. Do with happy smiles. It is possible. ...

One thing that is missing in physical and technical readiness is a propaganda unit. ... In modern warfare, psychological and propaganda warfare constitutes the most critical component. It is necessary that under any circumstances—in crises or with the confrontation disturbed, or in time of hardship, we establish by ourselves material foundations to conduct propaganda. This is an element of physical and technical readiness. ...

Finally, how should we prepare physically and technically and, for example, for guns? I have heard that gun can be easily bought in Pusan, Korea. There are numerous websites about homemade bombs over the Internet. What I try to say is that our enemies more precisely estimate military scenario which unfolds at the present situation in the Korean peninsula. For example, both a manual and a formula for a homemade pressure cooker bomb used in the Boston Marathon bombings are available on the Internet. If you take interest, you will start seeing

things. And the enemies have already tracked these sites down. That is the reality that we face. ...

So what are we going to do in preparation? Numerous things. I think we did many important things today when visiting “each post.” There are a variety of things including “information warfare, propaganda warfare, and military warfare.” ...

Information warfare will unfold at range of forms and we could only retain a piece of them, even though we ourselves have enough information. It is an honorable thing that we welcome a time of great shifts in our history during the time of rapid changes. Commenced today, this battle is going to be a drawn out war of attrition and will be expressed in various forms. Let us not mind anything, whether this battle takes various forms or becomes a war of attrition or an endurance test. ...

*One thing I would like to tell you is that we should put together under the banners of ‘Speed Battle.’ Let us keep in mind that what matters regarding Speed Battle is not speed itself but conformity shared by us, while others focus on only speed when it comes to the Speed Battle. Superiority of a certain group is found among sense of unity and conformity of the members. During the process to heighten the sense of unity and conformity, Speed Battle is realized.
...*

I will wrap up this session by saying that, when an order for all-out attacks is issued, I will trust your creative ideas, to be produced from each of your assigned positions, as to how to exercise collective powers put together under the banners of “the conformity in the rank and file” and “Speed Battle.”

Now, please disappear like the wind.”

The closing remark of Mr. Seok-gi LEE was followed by Mr. Hong-yeol KIM who wrapped up the whole lecture. Mr. KIM said, “a faith in victory results in life-risking loyalty to the leaders and the leadership for the revolution. I believe that our program

today provided ideas for a new roadmap for a historic victory. ... Under the leadership of Mr. Seok-gi LEE, who urged each of us to stand up together and take uniform actions, we promise that our *Gyeonggi* Provincial Committee will stand at the forefront of the battlefield to turn the on-going U.S.-Korea war into a victorious war of the reunification of the motherland.”

Follow-up after May Lectures

After both May 10 lecture and May 12 lecture (hereinafter, the “May lectures”) took place, the authors and the audience made normal days at the places where they were supposed to be. No follow-up lectures, meetings or other similar kind of activities were organized by the *Gyeonggi* provincial committee of the UPP or other sub-groups thereunder.

Arrest, Indictment and Trials

On 28 August 2013, the National Intelligence Service (hereinafter, the “NIS”) searched the authors’ offices and residences and seized relevant materials therefrom. On the same day, Mr. Sang-ho LEE, Mr. Soon-seok HONG and Mr. Dong-geun HAN were arrested, two days later detained, and indicted on 25 September 2013. On 4 September 2013, the National Assembly passed a resolution to allow arrest for Mr. Seok-gi LEE, who was detained next day and indicted on 26 September 2013. Mr. Yang-won CHO, Mr. Geun-rae KIM, and Mr. Hong-yeol KIM were detained on 1 October 2013 and indicted on 24 October 2013.

The *Suwon* District Prosecutors’ Office indicted the authors for conspiracy to an insurrection as well as violating the NSA. Furthermore, Mr. Seok-gi LEE and Mr. Hong-yeol KIM were additionally indicted for incitement of an insurrection.

The prosecution claimed that Mr. Seok-gi LEE organized and led the so-called Revolutionary Organization (hereinafter, the “RO”), a rebel group, the purpose of which was to overthrow the Government with ‘Juche,’ the DPRK socialistic ideology. The prosecution furthered that Mr. Seok-gi LEE, the head of the RO, plotted a pro-

DPRK insurrection during the May lectures by instigating the RO members to make physical and military preparation for a war between two Koreas, and by drawing up a riot plan such as destroying the nation's infrastructure.

In rebuttal, the authors contended that they never planned or plotted for an insurrection and the RO was a fiction.

On 5 November 2013, the Government submitted the petition to request the Constitutional Court of Korea to dissolve the UPP based primarily on May lectures.

On 17 February 2014, the *Suwon* District Court found the authors guilty of all charges. Mr. Seok-gi LEE was sentenced to imprisonment for 12 years and suspension of qualification for 10 years, and the other authors received sentences of 4-7 years imprisonment. Both prosecution and the authors appealed.

In the local election that took place on 4 June 2014, the UPP recorded 4.3 percent of the vote, which was a significant loss compared to the result of the 2012 general election at which the UPP won 10.3 percent of the vote. The UPP gained only three members from the metropolitan assemblies, and 34 members from the basic local assemblies in the local election.

On 11 August 2014, however, the *Seoul* High Court, the appeal court found the authors not guilty of conspiracy to an insurrection, but guilty of incitement an insurrection and violating the NSA. The appeal court also denied existence of the RO. It declined to acknowledge an actual plotting of insurrection through the RO and held that it cannot conclude that there were even the general contours of an agreement on the time of the insurrection or the division of labor, nor can it be concluded that the plotting proceeded into external preparations.¹⁰

On appeal, Mr. Seok-gi LEE was sentenced to imprisonment for 9 years and suspension of qualification for 7 years. Mr. Hong-yeol KIM received 5 years imprisonment and 5 years suspension of qualification; Mr. Sang-ho LEE—4 years and

¹⁰ See http://www.hani.co.kr/arti/english_edition/e_national/650817.html

4 years; Mr. Soon-seok HONG, Mr. Yang-won CHO, and Mr. Geun-rae KIM—3 years and 3 years, as well as Mr. Dong-geun HAN—2 years and 2 years.

On 19 December 2014, the Constitutional Court of Korea ordered to dissolve the UPP.

On 22 February 2015, one month after the Constitutional Court decided to dissolve the UPP, the Supreme Court¹¹ upheld the appeal court's ruling that the prosecution failed to present sufficient evidence to prove that Mr. Seok-gi LEE and others had actually conspired to overthrow the government by forming the RO.¹² Ironically, the UPP was dissolved based primarily on alleged conspiracy to insurrection that turned out to be not guilty two months after its dissolution.

According to the Supreme Court, 'the plot must have a target and goal, although there might not be a detailed agreement in order to convict the accused of conspiring to commit insurrection, and the accused must have an agreement on key issues and the actual danger of the agreement must be recognized.'¹³ The Supreme Court, however, held in its ruling that, during the May lectures, 'the participants freely talked about the acts of violence, but it is hard to say that they had reached an agreement; there was no circumstance in which they had prepared to implement the planned violence; and it cannot be concluded that they had made a definite decision to commit insurrection, a critical condition to punish them for the charge of conspiring to overthrow the government.'¹⁴

Furthermore, the Supreme Court found, regarding a suspicion that the RO exists with a doctrine and has about 130 people as members, that the 'testimonies of an informant on the RO were largely speculation and probative value of the evidences was not strong. The case also lacked other objective evidences to support the suspicion.'¹⁵

However, the Supreme Court recognized that Mr. Seok-gi LEE presented various physical and technical means and standards for action plans in intelligence,

¹¹ See http://en.wikipedia.org/wiki/Supreme_Court_of_South_Korea

¹² See <http://koreajoongangdaily.joins.com/news/article/Article.aspx?aid=3000020>

¹³ Id.

¹⁴ Id.

¹⁵ Id.

propaganda and the military field including acts of violence such as destroying the country's infrastructure in preparation for a war on the Korean peninsula. The Supreme Court furthered that Mr. LEE urged the attendees to strongly implement the plans nationwide and, amidst the continuing provocations by the DPRK, his remarks were a dangerous act of instigating insurrection.

In addition, the Supreme Court found the authors guilty of a violation of the NSA, Article 7 in relation to the May lectures as well as other accusations. The Supreme Court held that the authors excluding Mr. Dong-geun HAN violated Article 7, the NSA because they sang the 'Comrades in a Revolution' with others on 8 March 2012, 3 May 2012, 21 June 2012, and 10 August 2012.

The Supreme Court also found Mr. Soon-seok HONG and Mr. Dong-geun HAN guilty of the same on the ground that both had studied pro-DPRK ideology in small group meetings. Mr. Sang-ho LEE was found guilty of the same due to his lectures on two occasions on 11 December 2011 and on 30 July 2012. Finally, the authors excluding Mr. Hong-yeol KIM found guilty of a violation of the same based on the evidences that was confiscated during the search on their offices and residences. The evidences included USBs, books and notes.

III. RELEVANT DOMESTIC LAWS

A. Criminal ACT:

Article 87 (Insurrection)

A person who creates a violence for the purpose of usurping the national territory or subverting the Constitution shall be punished according to the following classifications: A ring leader shall be punished by death, imprisonment for life or imprisonment without prison labor for life; A person who participates in a plot, or commands, or engages in other essential activities shall be punished by death, imprisonment for life, imprisonment or imprisonment without prison labor, for not less than five years; the same shall also apply to a person who has committed acts of killing, wounding, destroying or plundering; and A person who merely responds to the agitation and follows the lead of another or merely joins in the violence shall be punished by imprisonment or imprisonment without prison labor for not more than five years.

Article 90 (Preparations, Conspiracies, Agitation, or Propaganda)

- (1) Anyone who prepares or conspires with intent to commit the crimes of Article 87 or 88 shall be punished by imprisonment, or imprisonment without prison labor for not less than three years, but when he denounces himself before the intended crime is committed, the punishment shall be mitigated or remitted.
- (2) The preceding paragraph shall apply to a person who agitates or propagates the crimes specified in Article 87 or 88.

Article 91 (Definition of Subverting Constitution)

The purpose of subverting the Constitution in this Chapter shall mean those acts which fall within any one of the following subparagraphs: To extinguish the function of the Constitution or Acts without observing the procedure provided by the Constitution or Acts; and To overthrow government organs established by the Constitution or to make render the exercise of their functions impossible by force.

B. National Security ACT:

Article 7

- (1) “Any person who praises, incites or propagates the activities of an antigovernment organization, a member thereof or of the person who has received an order from it, or who acts in concert with it, or propagates or instigates a rebellion against the State, with the knowledge of the fact that it may endanger the existence and security of the State or democratic fundamental order, shall be punished by imprisonment for not more than seven years:”
- (2) Deleted. <by Act No. 4373, May 31, 1991>;
- (3) Any person who constitutes or joins an organization aiming at the act as referred to in paragraph (1) shall be punished by imprisonment for a definite term of one or more years;
- (4) Any person who is a member of the organization as referred to in paragraph (3), and fabricates or circulates any falsies (sic) fact as to the matters which threaten to provoke any confusion of social order, shall be punished by imprisonment for a definite term of two or more years;
- (5) Any person who manufactures, imports, reproduces, holds, carries, distributes, sells or acquires any documents, drawings or other expression materials, with the intention of committing the act as referred to in paragraph (1), (3) or (4), shall be punished by the penalty as referred to in the respective paragraph;
- (6) Any person who has attempted the crime as referred to in paragraph (1) or (3) through (5), shall be punished;
- (7) Any person who prepares for or plots the crime as referred to in paragraph (3) with the intention of committing it shall be punished by imprisonment for not more than five years.

IV. ADMISSIBILITY

The authors submit that this communication satisfies all requirements to be admissible in accordance with the Optional Protocol to the International Covenant on the Civil and Political Rights (hereinafter, the “Optional Protocol”).

Standing

The authors are all citizens of the ROK. The alleged interference with the authors exercising the right on the freedom of expression was occurred within jurisdiction and the territory of the ROK that is a party to the International Covenant on the Civil and Political Rights (hereinafter, the “Covenant”) and its Optional Protocol. The authors claim that the Government restricted without justifiable reasons their right to freedom of expression in violation of Article 19 of the Covenant. Accordingly, the authors are entitled to submit this communication to the Human Rights Committee (hereinafter, the “Committee”) pursuant to Article 1 of the Optional Protocol.

Jurisdictional Requirements

The authors submit this communication to the Committee based on the ground that the Government violated the authors’ right to freedom of expression under Article 19 of the Covenant by placing the authors into the prison for violations of the Criminal Act and the NSA on the authors.

The Government became a state party to the Covenant and its Optional Protocol on 10 April 1990. The alleged violations have taken place within the territory and jurisdiction of the ROK since some time after September 2013. The Government did not make reservation on Article 19 of the Covenant. Therefore, the Government is under obligation to respect the right that the authors claim to be violated under the Covenant.

Since the Supreme Court is part of the judiciary within the Government, the Supreme Court's act of allegedly violating the right of the authors becomes state action for which the Government is responsible under the Covenant.

Exhaustion of Domestic Remedies

The Optional Protocol requires the authors to exhaust all available domestic remedies before submitting the communication to the Committee. Article 5(2)(b) of the Optional Protocol stipulates:

“The Committee shall not consider any communication from an individual unless it has ascertained that...the individual has exhausted all available domestic remedies. This shall not be the rule where the application of the remedies is unreasonably prolonged.”

In *Patino v. Panama*,¹⁶ the Committee also held that “an applicant must make use of all judicial or administrative avenues that offer him a reasonable prospect of redress.”

In this communication, the requirement for exhaustion of the domestic remedies is satisfied because the Supreme Court is the highest court in the ROK and its decision becomes final. The Government may counterclaim that the authors could file the constitutional petition to the Constitutional Court of Korea as to the constitutionality of the NSA that was applied to the authors, in which case the domestic remedies may not be exhausted. However, on 30 April 2015 the Constitutional Court addressed the same constitutional question with respect to the NSA, Article 7 in *2012Heonba95*, which reconfirmed its constitutionality and, accordingly, makes a separate Constitutional petition of the authors futile because there is no objective prospect of success.

No simultaneous submission

¹⁶ Communication No. 437/1990, U.N. Doc. CCPR/C/52/D/437/1990 (1994)

Moreover, the authors' communication is not being examined at another procedure of international investigation or settlement including other treaty bodies as required by Article 5, paragraph 2 (a), of the Optional Protocol.

Therefore, the authors submit that this communication satisfies all admissibility requirements to be presented for the Committee to review under the Optional Protocol.

V. MERITS

The authors in this communication substantiate the submission that punishment inflicted by the Government on the expressions made by the authors in the closed May lectures as well as on others constitutes a violation of the right of the authors to freedom of expression pursuant to Article 19 of the Covenant.

Article 19 of the Covenant

The Universal Declaration of Human Rights recognizes in Article 19 that “Everyone has the right to freedom of opinion and expression”; this right includes “freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

The Covenant also stipulates in Article 19 that:

1. *Everyone shall have the right to hold opinions without interference.*
2. *Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.*
3. *The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:*
 - a. *For respect of the rights or reputations of others;*
 - b. *For the protection of national security or of public order (ordre public), or of public health or morals.*

The Committee observes in General Comment No.34 on freedoms of opinion and expression that Article 19, paragraph 3, of the Covenant provides for certain restrictions only as provided by law and necessary: (a) for respect of the rights or reputations of others; and (b) for the protection of national security or of public order

(ordre public), or of public health or morals.¹⁷

The Committee observed in *Shin v. Republic of Korea* that “when a State party invokes a legitimate ground for restriction of freedom of expression, it must demonstrate in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat.”¹⁸

In addition, the Committee observed that “the Covenant does not permit restrictions on the expression of ideas, merely because they coincide with those held by an enemy entity or may be considered to create sympathy for that entity.”¹⁹

Whether the interference was provided by law

The Government arrested and indicted the authors on the ground that the authors conspired of insurrection to overthrow the Government, which is in violation of the Criminal Act, Article 90 & 87 and the NSA, Article 7 when they had the May lectures. In the Supreme Court decision, the authors were sentenced separately into prison for the years ranging from two to nine. It is no doubt that the Government’s interference with the expression made during the May lectures by the authors was prescribed by law.

Whether the interference has a legitimate aim

The prosecution accused that the authors conspired an insurrection to overthrow the government and violated the NSA as well as two authors among seven incited the insurrection. It was known to the public that the Government was to protect the national security from the threat that the authors allegedly posed from the May lectures, no matter what real political purposes the Government sought to achieve

¹⁷ See CCPR/C/GC/34, at paras.33-4

¹⁸ See Communication No. 926/2000, *Shin v. Republic of Korea*

¹⁹ See CCPR/C/79/Add.114, at para.9

from prosecution and punishment against them. There is no concrete evidence to prove that the interference did not have a legitimate aim.

Whether the interference is necessary in a democratic society

a. Whether there was a real threat to national security that was considered as compelling reason for the interference

According to the final ruling of the Supreme Court as to the expression made during the May lectures, two authors—Mr. Seok-gi LEE and Mr. Hong-yeol KIM were found guilty of incitement to insurrection and the authors were found guilty, as a whole and individually on the several counts, of violating the NSA, Article 7. It is concluded at the ruling that such expression of the authors amounted to real, imminent threat to national security, against which the authors argue as follows.

(a) Incitement to Insurrection v. Freedom of Expression

The Supreme Court found that the statements made by Mr. Seok-gi LEE and Mr. Hong-yeol KIM “created substantial risks of evoking the perception of a war situation and either causing or strengthening a resolution for a specific and impending insurrection,” which “constituted a dangerous act of inciting an insurrection”²⁰ Such statements may not be protected under Article 19 of the Covenant if they amounted to incitement to an insurrection that posed a real, imminent threat to national security.

This principle with respect to restriction is incorporated in Article 19 (3) and Article 20 of the Covenant. Article 19 (3) allows the State Party to restrict some expressions as long as restriction is provided by law and necessary for protection of the national security. Article 20 also stipulates that ‘(1) any propaganda for war shall be prohibited by law; and (2) Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.’ The Committee is of opinion in General Comment No. 11 that “these required prohibitions are fully compatible with the right of freedom of expression as contained

²⁰ 2014Doh10978, at 44-5

in Article 19.”²¹ According to the General Comment No. 34, all acts that are addressed in Article 20 are subject to restriction in accordance with Article 19 (3) and a limitation justified on the basis of Article 20 must comply with Article 19 (3).²² Therefore, it is crucial to assess whether the statements of Mr. Seok-gi LEE and Mr. Hong-yeol KIM constitute incitement to an insurrection that poses a real, imminent threat to national security.

In fact, the jurisprudence of the Committee has no case in point directly dealing with incitement to violence at issue.

However, the Committee has maintained the stern position that incitement to hatred in the form of anti-semitism in public through mass media, telephone system and many forms of publication is not tolerated under the Covenant.

In *Ross v. Canada*,²³ where a school teacher published several books and pamphlets and made other off-duty public statements, including a television interview, reflecting discriminatory religious opinions against the Jewish faith for the certain period, the Committee, recalling that “the exercise of the right to freedom of expression carries with it special duties and responsibilities. These special duties and responsibilities are of particular relevance within the school system, especially with regard to the teaching of young students,” held that “there was a causal link between his expression and the poisoned school environment experienced by Jewish children in the School district.” In this context, the Committee held that “the removal of the school teacher from a teaching position can be considered a restriction necessary to protect the right and freedom of Jewish children to have a school system free from bias, prejudice and intolerance.”

In *J.R.T. and the W. G. Party v. Canada*,²⁴ where W. G. Party and Mr. T attempted over several years to attract membership and promote the Party’s policies through the use of tape-recorded messages that were to warn the callers of the dangers of

²¹ General Comment No. 11: Prohibition of propaganda for war and inciting national, racial or religious hatred (Art.20) – 29/07/1983.

²² CCPR/C/GC/34, para.50

²³ CCPR/C/70/D/736/1997,

²⁴ See Communication No. 104/1981, *J.R.T. and the W.G. Party v. Canada*

international finance and international Jewry leading the world into wars, unemployment and inflation and the collapse of world values and principles, which means that any member of the public could listen to the messages by dialing the relevant Telephone number, the Committee concluded that “the opinions which Mr. T seeks to disseminate through the telephone system clearly constitute the advocacy of racial or religious hatred which Canada has an obligation under Article 20 (2) of the Covenant to prohibit.”

In *Faurisson v. France*,²⁵ where (a) a professor of literature at the Sorbonne University doubted the existence of gas chambers for extermination purposes at Auschwitz and in other Nazi concentration camps while he did not contest the use of gas for purposes of disinfection, (b) his opinions were rejected in many academic journals and ridiculed in the daily press, and (c) the author was interviewed by the French monthly magazine, the Committee held that “since the statements made by the author, read in their full context, were of nature as to raise or strengthen anti-semitic feelings, the restriction served the respect of the Jewish community to live free from fear of an atmosphere of anti-semitism.”

Based on the precedents of the Committee as briefed above, it seems reasonable that in assessing necessity and proportionality, the Committee considers such elements as speaker-audience relationship, form of dissemination of expression at issue, purpose, content, full context and a casual link between the expression and the outcome intended for. The Committee tends to find Article 19 not violated when the speaker targets more vulnerable groups including children who are easily influenced in adverse manners. In this aspect, the speaker-audience relationship may be taken into account: the more influential the speaker is the less likely the Committee finds the expression violated of Article 19.

The Committee also consider means to disseminate the expression at issue. The Committee’s precedents show that the expressions that found in violation of Article 19 were delivered to the public through public media such as books, pamphlets, articles, public statements made during television interview and tape-recorded

²⁵ CCPR/C/58/D/550/1993

message available to the public in general.

This approach is supportive in the jurisprudence of the European Court of Human Rights (hereinafter, the “ECtHR”). In *Jersild v. Denmark*,²⁶ where a Danish journalist of Danmarks Radio, which broadcasts radio and television programs, was assigned to the program intended for a well-informed audience, dealing with a social and political issues, including xenophobia, immigration and refugees—the program that produced and broadcasted a documentary on the “*Greenjackets*,” a group of young people who has the racist attitudes, the ECtHR was of the opinion that its “assessment will have regard to the manner in which the *Greenjackets* feature was prepared, its contents, the context in which it was broadcast and the purpose of the programme.” Bearing in mind the obligations on States under the UN Conventions and other international instruments, the ECtHR held that an important factor in its evaluation will be “whether the item in question, when considered as a whole, appeared from an objective point of view to have had as its purpose the propagation of racist views and ideas.”

In *Gunduz v. Turkey*,²⁷ the ECtHR held that “it must consider the impugned interference in the light of the case as a whole, including the content of the comments in issue and the context in which they were broadcast, in order to determine whether it was proportionate to the legitimate aims pursued and whether the reasons adduced by the national authorities to justify it are relevant and sufficient.”

In *Surek v. Turkey*,²⁸ the ECtHR held that in assessing necessity of the interference, “there is little scope under Article 10 of the Convention for restrictions on political speech or on debate on matters of public interest.” It furthered that “the limits of permissible criticism are wider with regard to the government than in relation to a private citizen or even a politician.” In assessing necessity of the interference, the ECtHR also noted that it will “have particular regard to the words used in the letters and to the context in which they were published,” including the background to cases.

²⁶ European Court of Human Rights, Application No. 15890/89, *Jersild v. Denmark*, at para.31

²⁷ European Court of Human Rights, Application no. 35071/97, Case of *Gunduz v. Turkey*, at para.42

²⁸ European Court of Human Rights, Application no. 26682/95, Case of *Sureck v. Turkey*

The dissentings in *Surek v. Turkey* furthered to adopt broader elements in consideration. Judge PALM emphasized that more attention should be paid to the general contextual setting in which the words were used and their likely impact, on top of harsh and vitriolic language used in the impugned letters. Judge PALM stated that appropriate questions to be added are “Was the language intended to inflame or incite to violence?” and “Was there a real and genuine risk that it might actually do so?” and concluded for the merits of the case that “there was no real or genuine risk of the speech at issue inciting to hatred or violence and that the applicant was sanctioned because of the political message of the letters than their inflammatory tone.” In addition, Judge BONELLO dissented as follows:

Punishment by the national authorities of those encouraging violence would be justifiable in a democratic society only if the incitement were such as to create a clear and present danger. When the invitation to the use of force is intellectualized, abstract, and removed in time and space from the foci of actual or impending violence, then the fundamental right to freedom of expression should generally prevail. ... the guarantee of freedom of expression does not permit a state to forbid or proscribe advocacy of the use of force except when such advocacy is directed to inciting or producing imminent lawlessness and is likely to incite or produce such action. It is a question of proximity and degree. ... in order to support a finding of clear and present danger which justifies restricting freedom of expression, it must be shown either that immediate serious violence was expected or was advocated, or that the past conduct of the applicant furnished reason to believe that his advocacy of violence would produce immediate and grievous action.

Furthermore, the Committee’s approach seems in line with the case of the International Criminal Tribunal for Rwanda (hereinafter, the “ICTR”) that showed a useful guide on the factors to be considered in defining incendiary expressions.

In *Prosecution v. Jean-Paul Akayesu*, the ICTR held that “the public element of incitement to commit genocide may be better appreciated in light of two factors: the place where the incitement occurred and whether or not assistance was selective or

limited.”²⁹ According to the International Law Commission, public incitement is characterized by a call for criminal action to a number of individuals in a public place or to members of the general public at large by such means as the mass media, for example, radio or television.³⁰ It should be noted in this respect that “at the time Convention on Genocide was adopted, the delegates specifically agreed to rule out the possibility of including private incitement to commit genocide as a crime, thereby underscoring their commitment to set aside for punishment only the truly public forms of incitement.”³¹

The ICTR furthered to state that “the direct element of incitement implies that the incitement assumes a direct form and specifically provoke another to engage in a criminal act, and that more than mere vague or indirect suggestion goes to constitute direct incitement.”³² However, it is also of opinion that “the direct element of incitement should be viewed in the light of its cultural and linguistic content.”³³

Finally, the Committee’s position can be found in the Principles on National Security, Freedom of Expression and Access to Information (hereinafter, the “Johannesburg Principles”).³⁴ According to the Johannesburg Principles, the assessment of incitement to violence shall consider many elements such as the speaker’s intent, likelihood of incitement, and likelihood or occurrence of such violence. The relevant principles are as follows:

²⁹ Case No. ICTR-96-4-T at para.556

³⁰ Report of the International Law Commission to the General Assembly, 51 U.N. ORGA Supp. (No. 10), at 26, U.N. Doc. A/51/10(1996)

³¹ Id. supra note 27

³² Id. at para.557

³³ Id.

³⁴ These Principles were adopted on 1 October 1995 by a group of experts in international law, national security, and human rights convened by ARTICLE 19, the International Centre Against Censorship, in collaboration with the Centre for Applied Legal Studies of the University of the Witwatersrand, in Johannesburg.

The Principles are based on international and regional law and standards relating to the protection of human rights, evolving state practice (as reflected, inter alia, in judgments of national courts), and the general principles of law recognized by the community of nations.

These Principles acknowledge the enduring applicability of the Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights and the Paris Minimum Standards of Human Rights Norms In a State of Emergency.

These Principles have been endorsed by Mr. Abid Hussain, the UN Special Rapporteur on Freedom of Opinion and Expression, in his reports to the 1996, 1998, 1999 and 2001 sessions of the United Nations Commission on Human Rights, and referred to by the Commission in their annual resolutions on freedom of expression every year since 1996.

Principle 6: Expression That May Threaten National Security

Subject to Principles 15 and 16, expression may be punished as a threat to national security only if a government can demonstrate that:

- a. the expression is intended to incite imminent violence;*
- b. it is likely to incite such violence; and*
- c. there is a direct and immediate connection between the expression and the likelihood or occurrence of such violence.*

Principle 8: Mere Publicity of Activities That May Threaten National Security

Expression may not be prevented or punished merely because it transmits information issued by or about an organization that a government has declared threatens national security or a related interest.

To sum up, in applying jurisprudence of the Committee and others into the issue as to whether the expressions of Mr. Seok-gi LEE and Mr. Hong-yeol KIM constitute incitement to an insurrection that poses a real, imminent threat to national security, it is important to discuss about nature of speaker-audience relationship, form of dissemination of expression, intent, full context, content, likelihood of occurring and imminence.

First of all, nature of speaker-audience relationship. Given the nature of relationship between Mr. Seok-gi LEE, Mr. Hong-yeol KIM and the audience, Mr. LEE and Mr. KIM were not in a position to substantially influence the audience.

The UPP is known as the most democratically functioning political party in the nation. One person, even who serves in the chair position, cannot control members through non-democratic decision-making process. Discussion and vote are always the case except when they reach consensus without voting. Ordinary members enjoy the right to participate in the decision-making process. All members were entitled to the right to vote concerning important matters such as election of the representative and the executive members of the UPP, merger and dissolution of the party. The UPP was the only political party in the nation that actually electing its leadership and

candidates for public offices through direct vote by the party members. It also became a political party with the highest level of financial self-sufficiency thanks to the highest payment of membership fee by 41,444 among 104,692 members who were registered to the National Election commission as of February 2013.

Mr. Hong-yeol KIM, chairperson of the *Gyeonggi* provincial committee of the UPP, organized the May lectures as regular event of its committee. Mr. KIM decided to invite Mr. LEE for the lecture because Mr. KIM thought that such opportunities would help his executive members—former and current understand the then current political situations. Mr. KIM considered that Mr. LEE was in a position at the UPP to understand the situations well. His role in the May lectures was to make introductory and closing remarks to the audience. Mr. KIM introduced Mr. LEE to the audience by making remarks at issue.

Mr. Seok-gi LEE was serving as a proportional lawmaker of the UPP at the National Assembly when Mr. Hong-yeol KIM invited Mr. LEE for the May lectures. Mr. LEE was elected by the UPP members in the primary for the 2012 general election.

The audience included around 130 people who were former or current members at the executive of *Gyeonggi* provincial committee of the UPP. They are all politicians. Although the UPP did not make payment for them, they have actively engaged in the affairs of the UPP while they work at their own workplace. Many of them became candidates in the general and local elections and worked in the presidential election camp. They shared the same political ideology by and large. They all believe in free democracy and election system as means to gain the power.

Many former and/or current members at the executive of *Gyeonggi* provincial committee of the UPP had known Mr. LEE since he helped them in their elections when he was working as CEO in CN Communications prior to his entry into politics. But there was no close relationship between Mr. LEE and the audience except several people.

However, it is hard to conclude that Mr. LEE was highly influential over the audience. At the beginning of the trial, the prosecution accused Mr. LEE of being a head of the

RO with the membership of 130 audiences who attended in the May lectures. However, the prosecution abandoned its position because it turned out that such accusation was groundless. However, it continued to accuse Mr. LEE of conspiring an insurrection with the rest of the authors, which was rejected by the appeal court and the Supreme Court. The audience have been long-time democratic activists since collage, experiencing all sorts of hardship, which made them difficult to be easily manipulated.

Second, context. The May lectures where the expressions at issue were made were organized in order to provide the audience with the opportunity to understand better the then political tension that was escalated in the Korean peninsula in the beginning of 2013.

The DPRK launched Gwangmyeongsong-3 satellite on 12 December 2012, conducted the third nuclear test on 12 February 2013, and abrogated the Korean War Armistice Agreement on 5 March 2013. In the meanwhile, the DPRK ordered the military into “top combat ready posture” on 26 March 2013.

In response, the UN Security Council passed a resolution that condemned it and pledged more serious sanctions on the DPRK. The Government also leveled up its security alert when the DPRK conducted the third nuclear test.

This tension failed to stop the U.S.-ROK joint military exercises such as Key Resolve and Foal Eagle from taking place as scheduled in 1 March—30 April 2013. This joint military exercises take place around the same time every year. The DPRK has condemned the Government and U.S. and requested to stop.

On the other hand, this kind of tension has existed on the Korean peninsula over the last 60 years after the Korean war ended. Two Koreas were not the only stakeholders in the Korean war. The UN, DPRK and China signed on the Korean War Armistice Agreement in 1953. The ROK was not a signatory to the agreement. Instead, the UN Command signed and still remains in the border between two Koreas.

After stakeholders signed the Korean War Armistice Agreement, the DPRK declared

to abrogate it at least six times over the last 60 years. The DPRK declared to abrogate it in 1994, 1996, 2003, 2006 and 2009. The DPRK abrogated it one more time in 2013. Such declaration of the DPRK did not automatically mean re-start of another war between the signatories. After the DPRK abrogated it in 2013, it is known that the DPRK still observed its general provisions, i.e., maintaining liaison officers' presence at the border for communication.

The DPRK has employed this tactic to be positioned better in the negotiation with U.S. After the six party talks left deadlock because of various reasons, the relationship between stakeholders in the Korean peninsula went worse. The conventional tactics did not work and the DPRK employed seemingly more extreme foreign policies.

Launch of Gwangmyeongsong-3 satellite or long-range missile on 12 December 2012 shares the similar political purpose. This was not the first attempt. The DPRK had launched what it claimed to be a satellite, which the international community refused to acknowledge, on 31 August 1998, 5 April 2009, and 13 April 2012. Such launches turned out to be failed. It also failed to draw the U.S. attention despite security concern that the missile may reach over the U.S. mainland. However, the DPRK succeeded the latest launch on 12 December 2012, and it seems that the international community acknowledge the success. The DPRK's intention with the nuclear tests was the same.

Such a series of events escalated security concern in the Korean peninsula. However, it does not mean that a real war or armed conflict was imminent. In particular, when the May lectures took place, the tension became alleviated from May 2013 amid subsequent proposals for inter-Korean talks. The DPRK cancelled "top combat-ready posture" on 7 May 2013, 3 days before the May 10 lecture took place.

Third, intent. Mr. Seok-gi LEE and Mr. Hong-yeol KIM did not intend to incite the audience to engage immediate acts in violence. Mr. LEE was a speaker who was invited to deliver before the audience about the political situations that Mr. KIM thought important for the audience to understand. The Supreme Court recognized this.

It is clear from the excerpt, that Mr. LEE said, "... This is why discussion was organized and today's meeting requested, I guess..." Mr. LEE intended to present characteristics of the political situation in Korea Peninsula and to share his perspective as well as his opinion of what left-wingers like the audience should do to deal with the situation.

Expressions subject to criminal punishment for incitement to insurrection were made by Mr. Seok-gi LEE and Mr. Hong-yeol KIM at the May lectures. The May lectures were not open to the public; instead, they were intended for only limited numbers of the audiences who belong to the same political party.

Words used in the May lectures sounds somewhat radical because Mr. LEE used words such as fight, war, revolution, battle, local and unconventional warfare, destroy, and many others. It is not uncommon in Republic of Korea for left-wingers who dedicated their significant lifetime to the democracy and reunification movement to choose such tough languages that sound somewhat combatant. Therefore, these words must be understood in the context as a whole, not by their literal meanings.

Mr. LEE intended to explain what defined the current situation in Korea peninsula and encourage to be prepared at the workplace. However, it is not clear and unambiguous what Mr. LEE was suggesting for the audience to do after the May 12 lecture. It is certainly not the case that what Mr. LEE spoke was to incite the audience to violence against specific targets including national infrastructure. The several among the audience might mention in such way during the sub-group discussion. However, Mr. LEE and Mr. KIM did not participate in any sub-group discussions.

And it is not clear whatever Mr. LEE intended to deliver was in fact delivered to the audience because, as the excerpt indicates, Mr. LEE said "Is this unfamiliar with you?" after listening to the briefings from sub-group discussions.

Mr. LEE failed to clarify confusion among the audience given his answer that 'that is countless. There are myriad of ideas for physical and technical readiness. maybe too many. Maybe too abstract. It is definitely huge. You can find it in your own

workplace. Further details are security matters.’ It further looks that Mr. LEE avoided sharing his own opinion or was not sure about the issue.

In addition, the May lectures were one-time event. The May lectures were organized only for 130 previous or current executive member of *Gyeonggi* provincial committee of the UPP. After the May lectures, Mr. LEE and Mr. KIM never repeated such statements to the audiences and others. Although Mr. LEE mentioned at the beginning of the last remarks, “This is the first session concerning physical and technical preparation,” there was no second or third session afterwards.

Mr. Hong-yeol KIM acted as a moderator at the May lectures. Mr. KIM introduced Mr. LEE to the audience and closed the lectures with closing remarks. Mr. KIM’s intent and role were nothing but facilitating the lecture.

Fourth, content. It is unreasonable to conclude that Mr. Seok-gi LEE and Mr. Hong-yeol KIM made a direct call for violent acts at the May lectures under totality of the circumstances.

The Supreme Court held that Mr. Seok-gi LEE presented various physical and technical means and standards for action plans in intelligence, propaganda and military including acts of violence such as destroying the national infrastructure in preparation for a war. However, this is far from the truth. It is hard to conclude that Mr. Seok-gi LEE made statements at the May lectures containing direct calls for the audience to act in violence.

The May 12 lecture continued for 3 hours in total: Mr. LEE’s lecture and Q&A session (1hour and 15min), Sub-group discussion (1hour) and discussion briefings (30min), and Mr. LEE’s closing remark (15 min). Mr. LEE explained characteristics of the current political conditions and his perspective, and raised a question as to what to do to tackle the issue for the sake of the sub-group discussion. This was the typical order of the lecture organized by the left-wingers like members of the UPP.

At the May lectures, Mr. Seok-gi LEE delivered in summary as follows: ‘the events—Kwangmyongsong-3 satellite, nuclear test, and the nullification of Korean Armistice

Agreement characterize the current political situation on the Korean peninsula and it is already heading toward a war between Korean people and U.S. imperialists. This war differs from conventional one. This new types of war includes psychological, ideological and propaganda warfare. The US imperialists are losing and it is a critical momentum for two Koreas to be self-reliant from U.S. imperialists, which is revolution. The situation will be inevitably determined through a military means in the end. We must destroy the physical foundation established over the last 60 years by the ruling faction. So, be armed with the faith in victory and be fully prepared in physical and technical aspects. It is countless to achieve physical and technical readiness. May be too many or abstract. You can find the ideas at your workplace. When an order is issued, I will trust your creative ideas about how to exercise collective powers put together.’

Mr. LEE never made direct call for act in violence to the audience at the May lectures, i.e., destroying national infrastructure in preparation for a war in a direct, specific manner. Expressions linking to the finding of the Supreme Court that Mr. LEE presented various physical and technical means and standards for action plans are all abstract and vague. Mr. LEE indeed said, “We are the anti-system faction...Destroy the regime under which the two Koreas exist.” “We must destroy the physical foundation established by the ruling faction in the past 60 years.” “Let’s put an end to the war that has already begun.” “We must be prepared not only in political and military aspects, but also specifically in physical and technical aspects.” “I urge you to be fully prepared in physical and technical aspects.” “Are you fully prepared to assume combat readiness instantly once you are ordered?” and etc. During the May lectures Mr. LEE did not make it clear about what includes physical and technical readiness. Refusing to clarify it, Mr. LEE said, instead, “I encourage you to have discussions with your colleagues...Let’s be prepared in comprehensively physical and technical aspects... this is how we fight against them and defeat them,” which helps nothing to understand.

Furthermore, “destroy the regime under which the two Koreas exist” and “we must destroy the physical foundation...” are just as abstract and vague as no prudent person among the audience would understand its meaning in the practical sense. Also, it is not reasonable to analyze that “regime” and “physical foundation” mean national

infrastructure; it is reasonable to understand both terms as expressing his firm determination to change the current status quo situation that has been under significant influence of the U.S. imperialists on the divided Korean peninsula.

A war may be interpreted in various ways. When Mr. LEE mentioned, “This situation is already heading toward a war.” he meant a war as a state of armed conflict between the DPRK and U.S. It could be also interpreted as a war between two Koreas. On the other hand, when Mr. LEE also said, “we will most definitely win this battle. In both looking at the sequence of events related to the division of the Korean peninsula and considering the history of our people, we can clearly see the final stage of the 60-year-long armistice status coming.” and “we are fighting ... to destroy division and create reunified new nation by winning the battle against the U.S. imperialists for our next generation,” Mr. LEE meant “fight” and “battle” as endeavors to overcome long-lasting regime controlled by U.S. imperialists and realize his ideal society that is self-reliant and without exploitation and oppression.

In his lectures, rather, Mr. LEE directly and firmly opposed the audience from carrying guns and knives. At the May 12 lecture, Mr. LEE said, “I know some belonging to the Southern chapter and carrying a knife in their bags. I know who you are. ... You do not carry a knife. Gun? Do not carry a gun at all.” Mr. LEE made it clear about what he thought the audience should do is not to kill one person.

In fact, Mr. LEE mentioned a steel tower as an example to explain importance of working on the ground to find more effective and creative solution. Mr. LEE mentioned, “Assume,” “As an example,” “I do not know the method.” to avoid the audience from misunderstanding his genuine intention. It is hardly seen as encouraging the audience to destroy national infrastructure like a steel tower.

Furthermore, it is hard to clarify who or what Mr. LEE targeted against at the May lectures. Mr. LEE never directly mentioned what should be targeted or destroyed or who or what group of people should be eliminated. Although Mr. LEE said, “I urge you to be fully prepared in physical and technical aspects,” “Are you fully prepared to assume combat readiness instantly once you are ordered?” and “When an order for all-out attacks is issued, ...” no indication can be inferred from Mr. LEE’s remark at

the May lectures to encourage the audience to engage in violent acts. The several among the audience during the sub-group discussion talked about destroying national infrastructure such as communications and transportation systems and other things; however, after the audience shared what each sub-group discussed with all, Mr. Seok-gi LEE responded, “Was the term unfamiliar with you? Haha What I emphasized today is to make sure that you firmly obtain your proactive position with the present situation...With basic views built, then, what shall we do? That is, countless. ... is it too many? Too abstract? ... You can find it in your own workplace. Further details are security matters. ...” It indicates that Mr. LEE did not make it clear what he really meant to target in a specific manner.

In addition, the tone of the expressions was not provocative or direct. Mr. Seok-gi LEE shared his personal opinion on the current political conditions around the Korean peninsula. Some of his words such as “I think...a war is on the verge of a start” sounded unfiltered but they were not provocative or direct. It was a lecture, not public speech. Mr. LEE talked firm and determined; but calmly. What Mr. LEE encouraged was to arm with the faith in victory and to prepare physical and technical aspects. Since the audience was not instructed with detailed, specific manners it is hard to conclude that those expressions made by Mr. LEE were stimulatory of reactions capable of stirring the audience towards the illegal action. It is also noted that expressions did not contain phrases, words, or coded language that had taken on a specially loaded meaning, in the understanding of Mr. LEE and the audience.

On the other hand, Mr. Hong-yeol KIM opened and closed the May lectures. Mr. KIM somewhat summarized the lecture and expressed his reflection from Mr. LEE’s lectures. At the opening, Mr. KIM mentioned that to win all anti-U.S. battles that take place across the Korean peninsula, we must ensure that our people’s sovereign capability will create an absolute advantage and we must be fully dedicated. At the closing, Mr. KIM urged the audience to take uniform actions. Mr. KIM never clarified what specific actions should the audience take. Under totality of the circumstances Mr. KIM expressed the typical rhetoric of the left-wingers at the UPP when they open and close the event like the May lectures. It can hardly conclude that Mr. KIM’s expressions posed a direct and immediate threat to national security.

Fifth, form of dissemination and extent of the expression. Expressions made by Mr. LEE and Mr. KIM at the May lectures were directed at 130 attendees in a closed space who were invited and paid 10,000 KRW for lecture hall rental. The expressions were not made in the public space at a non-specific audience. There was no way that non-attendees would access to the expressions made by Mr. LEE during the lectures. The NIS became possession of the recorded file of the May lectures through a spy who was a member with the *Gyeonggi* committee and was paid by the NIS. Since it was closed lectures targeting invitees only, it was not known to media and any general public.

Furthermore, the May lectures were just one-time event. More important, no further follow-up meetings or lectures did take place.

Sixth, likelihood of violence occurring and its imminence. It hardly deems that the expressions of Mr. Seok-gi LEE and Mr. Hong-yeol KIM at the May lectures would trigger the audience to engage in violent acts imminently.

It seems that there is a possibility that the audience understood differently what Mr. LEE said or intended at the May lectures. After sub-group discussion, Mr. LEE said, “Was this unfamiliar? Haha,” which indicate that Mr. LEE was dissatisfied with what was shared. Mr. LEE, soon after, re-emphasized the importance of faith in victory and physical and technical preparedness while not clarifying in details by saying “That is, countless. Too many? Too abstract? ... You can find at your workplace...” No reasonable person would understand, with no struggle, what those words would mean.

Mr. Seok-gi LEE specifically said to the audience not to engage in violent act by carrying a gun or knife. Mr. LEE instead emphasized to the audience importance of obtaining your proactive position with the current political situations along with the faith in victory. In fact, no audience owned a gun. Possession of a gun with no license is illegal in ROK. Genuine left-wingers traditionally did not resort to use of violence or terrorist attack against national infrastructure. They employed violence of defensive nature at demonstrations during the military dictatorship. Such practice even ceased to take place after democracy was advanced.

Also, Mr. LEE said, “If an order for all-out attacks is issued, I will trust your creative ideas...” and “Are you fully prepared to assume combat readiness once you are ordered?” This is conditional. It is not clear who gives an order. Assuming that the condition is satisfied, there is no specific instruction given to the audience on how to act in violence against what targets with what degree of the specific duties and responsibilities. Thus, there was lack of likelihood that the audience would engage in violent acts imminently.

In a nutshell, given the nature of relationship between Mr. Seok-gi LEE, Mr. Hong-yeol KIM and the audience—the 130 former or current executive members of the *Gyeonggi* provincial committee of the UPP, both Mr. LEE and Mr. KIM were not in a position to substantially influence the audience. Mr. LEE lectured about characteristics of the political situation in Korea Peninsula and his perspective as well as his opinion of what left-wingers like the audience should do to deal with the situation. Although there was escalated security concern in the Korean peninsula the tension became alleviated from May 2013, when Mr. KIM moderated and Mr. LEE lectured at the May lectures. Both Mr. LEE and Mr. KIM did not make a direct call for violent acts. Their expressions made at the May lectures were directed at the audience in a closed space who were invited and paid 10,000 KRW for the lecture hall rental. The expressions were not made in the public space at a non-specific audience. There was no media coverage. The May lectures were organized as one-time event and no further follow-ups occurred. It hardly seems that their expression at the May lectures would trigger the audience to engage in violent acts imminently. Accordingly, given nature of speaker-audience relationship, form of dissemination and extent of expression, intent, full context, content, and likelihood of violence occurring and its imminence, the expressions made at the May lectures by Mr. Seok-gi LEE and Mr. Hong-yeol KIM do not constitute incitement to an insurrection that posed a real, imminent threat to national security and thus, there was no compelling reason to criminally punish such expressions.

(b) A Violation of National Security Act v. Freedom of Expression

The Supreme Court acknowledged that the narrow interpretation that the NSA applies only where there exists a clear and substantial danger to the national security or the free and democratic basic order is also applicable to the cases involving the crime of praising, inciting, or propagating the activities of an anti-government organization.

As to the May lectures, the appeal court and the Supreme Court acknowledged that Mr. LEE's expressions praised or propagated the DPRK's revolutionary strategy towards the ROK; that Mr. Hong-yeol KIM acted not only as moderator but inspired atmosphere of the May lectures by emphasizing Mr. LEE's points and urging the audience to implement them; that Mr. Sang-ho LEE mentioned about physical attacks against communication lines and gas stations, as well as making guns and bombs; that Mr. Dong-geun HAN mentioned about gathering together to plan various responses after avoiding preventive custody; and that Mr. Soon-seok HONG, Mr. Geun-rae KIM and Mr. Yang-won CHO presented a summary of what was discussed at each sub-group discussion.

The Supreme Court held that the authors clearly praised or propagated the activities of the DPRK, an anti-state organization, or engaged in the activities of praising or propagating, and the authors' act had a clear risk of substantially injuring the national security or the free and democratic basic order, which amounted to a violation of the NSA, Article 7 (1).

In addition to the guilty verdict of the Supreme Court in violation of the NSA in relation to the May lectures, the authors were found guilty of violating the NSA, Article 7.

The authors apart from Mr. Dong-geun HAN were found guilty of a violation of the NSA, Article 7 for singing "The Comrades in the Revolution" together at the event on 8 March 2012, 3 May 2012, 21 June 2012, and 10 August 2012. The Supreme Court found that the song is an anti-government material because its lyrics contain the language intended to glamorize or propagate Il-sung KIM's armed resistance against the Japanese colonial regime or to incite anti-U.S. campaign based on the view that the ROK is a colony of the U.S. imperialists, that the act of singing such an anti-state song in public constitutes an act of praising or propagating, expressly and directly, the

activity of an anti-state organization or members thereof, or an act of engaging in such an activity as praising or propagating, and that such an act poses a clear and substantial danger to the national security or free and democratic basic order.

Mr. Soon-seok HONG and Mr. Dong-geun HAN were found guilty for having several meetings to study the books that contain ‘Juche’ ideology and other readings to justify succession of the power or to praise or propagate Il-sung KIM.

Mr. Sang-ho LEE was found guilty for having two lectures on 11 December 2011 and 30 July 2013. The lectures were closed events and was not made public. The content of the lecture on 11 December 2011 includes that what makes revolutionists differ from general activists depends on organization, ideology and duties, and it is important to prioritize comrade relationship in a fight against enemy. Mr. Sang-ho LEE expressed in a lecture on 30 July 2013 that they must work with the people and nation on the ground in order to increase membership and support from the people.

The authors excluding Mr. Hong-yeol KIM were found guilty for having obtained, possessed, distributed anti-state expression materials that were found in and confiscated when the law enforcement agencies researched and seized the authors’ residents and offices. The Supreme Court found that those materials contained expressions explicit and aggressive as to threaten national security or free and democratic basic order.

At issue here is whether the authors’ expressions, activities including singing and studying, possession posed a clear and substantial danger to national security, which gives the Government, if true, compelling reason(s) to restrict those expressions.

First of all, the expressions made by Mr. Seok-gi LEE at the May lectures fall short of a clear and substantial danger to national security.

Given the events—Kwangmyongsong-3 satellite, nuclear test, and the nullification of Korean Armistice Agreement that characterized the then current political situation on the Korean peninsula, Mr. LEE said that it is already heading toward a war between Korean people and U.S. imperialists. Mr. LEE described that this war differs from

conventional one, that this new types of war includes psychological, ideological and propaganda warfare, and that the U.S. imperialists are losing and it is a critical momentum for two Koreas to be self-reliant from U.S. imperialists, which is a revolution. Mr. LEE mentioned that the situation will be inevitably determined through a military means in the end; that we must destroy the physical foundation established over the last 60 years by the ruling faction. Mr. LEE urged the audience to be armed with the faith in victory and be fully prepared in physical and technical aspects. Mr. LEE also said that there are countless ways to achieve physical and technical readiness that the audience can find the ideas at your workplace. However, Mr. LEE, refusing to explain directly what they are, ended the lecture by saying that when an order is issued, he will trust the audience's creative ideas about how to exercise collective powers put together.'

Although some of Mr. LEE's expressions may sound disturbing to some extent, his expressions did not pose a clear and substantial threat to national security. Mr. LEE was invited to the May lectures to deliver his opinion on the political situations on the Korean peninsula. The *Gyeonggi* provincial committee of the UPP invited the 130 audiences. The May lectures were intended for membership only and no general public had access to the lectures. Furthermore, given the nature of their relationship, there was no hierarchy to order and execute. Prior to the May lectures taken place, the tension between two Koreas became alleviated and two Koreas were not in a critical stage of imminent war or armed conflict. The situation on the Korean peninsula turned into dialogue stage again.

In addition, it is hard to say that Mr. LEE instructed the audience a guideline on how to destroy national infrastructure. Mr. LEE did not say to the audience to destroy national facilities. In fact, Mr. LEE indeed said to the audience to be prepared in physical and technical readiness, which lacks specificity. In other words, it is not clear what Mr. LEE intended to deliver and multiple interpretations deem possible. Although Mr. LEE's some expressions may be interpreted as anti-governmental, there was no threat to the national security. The audience did not conduct anything further in line with what Mr. LEE delivered after the May lectures ended. Therefore, there as no direct and immediate connection between Mr. LEE expressions and the threat.

However, the Supreme Court did not clearly show in its reasoning how Mr. LEE expressions connect the direct and immediate threat to national security. Instead, the Supreme Court simply reached the conclusion that Mr. LEE's expressions praised or propagated the DPRK's revolutionary strategy towards the ROK simply because Mr. LEE's expressions deemed similar.

On the other hand, Mr. Hong-yeol KIM expressions did not threaten national security in a direct and immediate manner. Mr. KIM organized the May lectures and moderated the lectures. Mr. KIM opened and wrapped up the May lectures. At the opening, Mr. KIM mentioned that to win all anti-U.S. battles that take place across the Korean peninsula, we must ensure that our people's sovereign capability will create an absolute advantage and we must be fully dedicated. At the closing, Mr. KIM urged the audience to take uniform actions. Under totality of the circumstances Mr. KIM expressed the typical rhetoric of the left-wingers at the UPP when they open and close the event like this. It can hardly conclude that Mr. KIM's expressions posed a direct and immediate threat to national security.

Also, Mr. Sang-ho LEE expressions did not pose a direct and immediate threat to national security. At the May lectures Mr. Sang-ho LEE engaged in a sub-group discussion. Mr. Sang-ho LEE mentioned about attacking communications and oil supply lines as well as ways of altering toys to guns and making bombs. Although Mr. Sang-ho LEE expressions deemed disturbing he merely expressed such remarks and did not go further to implement them. In addition, the discussion took place based on the assumption that the war on the Korean peninsula started or at least an order for all-out attack was issued. However, it is hard to acknowledge that such security danger was imminent at that time when Mr. LEE expressed.

The expressions of Mr. Dong-geun HAN during the sub-group discussion did not pose a direct and immediate threat to national security. Mr. Dong-geun HAN mentioned at the discussion that the most important thing is to protect the organization and it should be determined whether to steal weapons and arms equipment while risking lives and whether to take substantive military actions with the procured weapons. In any aspects, Mr. HAN did not deem to express or at least indicate anything that threatened national security.

Finally, the expressions of Mr. Soon-seok HONG, Mr. Geun-rae KIM and Mr. Yang-won CHO at the May lectures did not pose a direct and immediate threat to national security. All they did was presenting in summary what was discussed in each sub-group discussion on behalf of members. In other words, what they expressed was not what they actually spoke in the sub-group discussions.

For these reasons, it is hard to conclude that the expressions made at the May lectures posed a direct and immediate threat to national security. The threat that allegedly made to national security was not clear, direct and imminent. The alleged threat was all oral expressions with no act or possibility of acting to further implement the expressions.

Second, the authors apart from Mr. Dong-geun HAN did not pose a direct and immediate threat to national security when they did sing together a song called the Comrades in a Revolution. Under totality of circumstances, singing the song cannot create such threat to national security despite lyrics of the song. The Supreme Court failed to present what direct and imminent threats existed when they did sing it. The Supreme Court simply concluded that the song has contents praising or propagating the DPRK and thus violated the NSA, Article 7.

Third, mere studying the DPRK's Juche ideology and others cannot be regarded as direct and immediate threat to national security. Mr. Soon-seok HONG and Mr. Dong-geun HAN had several study-meetings and discussed about the books that have contents of the ideology of the DPRK. However, there was no specific evidence to prove that such action posed direct and immediate threat to national security.

Fourth, contents of the lectures expressed by Mr. Sang-ho LEE did not contain specific threat to national security. The contents may deem anti-governmental. However, mere expressions of such contents at the lectures did not amount to the threat of national security. And there were no further elements that such expressions may be developed into actual acts in violence against national security. The Supreme Court failed to present what direct and immediate threats were created by such contents.

Fifth, the materials (excluding Mr. Hong-yeol KIM) that were seized from their residents and offices during the investigation did not pose a direct and immediate threat to national security. The materials may include and reflect anti-governmental views and information on the DPRK including its ideology. However, mere possession cannot be regarded as direct and imminent threat to national security. The Supreme Court failed to prove what direct and immediate threats existed with such possession.

To sum up, the Supreme Court failed to establish that the authors' expressions, activities including singing and studying, and possession did amount to pose a clear and immediate danger to national security. Indeed, the authors' mere expressions, singing, studying and possession did not in fact threaten national security under the circumstances. Therefore, there was no compelling reason to restrict such expressions by criminally punishing the authors.

b. Whether the interference was proportional to the interest to be protected

The prosecution criminally indicted the authors and the Supreme Court decided to criminally sanction them. Mr. Seok-gi LEE was sentenced to imprisonment for 9 years and suspension of qualification for 7 years. Mr. Hong-yeol KIM received 5 years imprisonment and 5 years suspension of qualification; Mr. Sang-ho LEE—4 years and 4 years; Mr. Soon-seok HONG, Mr. Yang-won CHO, and Mr. Geun-rae KIM—3 years and 3 years, as well as Mr. Dong-geun HAN—2 years and 2 years. The prosecution and the Supreme Court employed the most seriously intrusive measures to tackle the alleged national security threat.

At issue is however, whether such measure was proportional—In other words, whether less restrictive measures were available to deal with the alleged threat.

The restrictive measures must conform to the principle of proportionality. The measures must be appropriate to achieve their protective function. The measures must be the least intrusive instrument amongst those which might achieve their

protective function. The measures must be proportionate to the interest to be protected.

The criminal sanctions should be employed as last resort measures when no other means appears capable of achieving the desired protection of individual rights in the public interest. In *Gunduz v. Turkey*,³⁵ the ECtHR held that “the nature and severity of the penalties imposed are also factors to be taken into account when assessing the proportionality of the interference.”

Given the form of expression at issue and the means of its dissemination, as well as parliamentary and administrative measures available, the criminal sanction against the authors exceeded the extent that the Covenant allows.

First of all, given the fact that the expressions at issue were made orally once in a closed place before some members of the UPP only, the expressions were not disseminated to the public. No general public would have access to such expressions unless the Government would reveal. Besides, the expressions itself made by the authors deem hardly to contain clear, specific and imminent danger to national security. The prosecution and the Supreme Court failed to prove it as well.

Second, there was measures available at the National Assembly. The authors were politicians in a way. Mr. Seok-gi LEE was a Congressman. The authors except Mr. Seok-gi LEE belonged to the *Gyeonggi* provincial committee of the UPP. The political measures were available. There was available disciplinary proceeding against members of the National Assembly. In fact, the National Assembly stripped off the Parliamentary seat of Mr. Seok-gi LEE after the May lectures were revealed to the public. And there is internal disciplinary proceeding against the authors who harm integrity of the party within the UPP that the Government or others might request.

Third, the Government and other parties may resort to the political solution. They may ask the authors to issue the official apology to the public. The Government and other parties may reveal to the public this May lectures and what the authors

³⁵ European Court of Human Rights, Application no. 35071/97, Case of *Gunduz v. Turkey*, at para.42

discussed therein so that the public engages in public debates and dialogues. Such measures would impact the voters at the general and local elections. In fact, in the local election taken place on 4 June 2014 after several events including the May lectures, the UPP won 4.3 percent of the vote—significant loss in the vote compared to the result of the 2012 general election at which the UPP won 10.3 percent of the vote.

In addition, it is unfair for the Government to criminally sanction some UPP members only for their expressions which must be politically motivated, while it did not take any measures to some expressions posted on-line and accessible by the public that incited to a war between two Koreas.

The UPP has been subject to political sanctions from the current administration and the president Geun-hye PARK. As of May 2013, the UPP along with others was raising legitimacy issue of the newly elected president, Geun-hye PARK because the NIS has interfered with the 2012 presidential election. The NIS systematically replied or retweeted with supportive comment for the current president with criticizing comment for the opposition candidate in a massive scale. And during the presidential election in 2012, the UPP campaigned negative against the then candidate Geun-hye PARK whose father was long-time military dictator, Jung-hee PARK. For these reasons, the UPP become a target of the NIS. Truly, the NIS hired one of the *Gyeonggi* provincial committee members to play a spy. The NIS-hired spy type-recorded what was said at the May lectures and handed over to the NIS.

For these reasons, there were less restrictive measures to deal with the alleged threat that the authors' expressions posed to national security and thus the criminal sanction on the authors for the expressions and other activities was excessive.

In conclusion, the authors submit that interference with the freedom of expression—the criminal sanction against the authors for their expressions is not necessary in a democratic society. The Government and the Supreme Court failed to establish that the expressions made by the authors at the May lectures not only amounted to the incitement to insurrection or violence, but also posed direct and imminent threats to national security. Therefore, there were no compelling reason for the interference of

the authors' right to freedom of expression. In addition, there were less measures available to deal with the authors' alleged threat to national security. Accordingly, the criminal sanction against the authors violated the Covenant, Article 19.

VI. CONCLUSION

In light of the above, the authors respectively request that the Committee:

- Declare that the State Party, the Government of the Republic of Korea has breached its obligations under Article 19 of the Covenant; and
- Recommend that the Government of the Republic of Korea implement all measures necessary to provide the authors with the appropriate remedies in accordance with Article 2 (3) of the Covenant including, but not limited to, (i) nullification of the Supreme Court decision and retrial in line with the standard set forth in the Covenant; (ii) release of the authors immediately and pardon, and (iii) monetary reparation to any damages caused by the Supreme Court decision.

Dated:

Kinam KIM et al
Counsel for the Victims

LIST OF ANNEXES

1. A List of the Authors
2. The Copies of the Identification of the Authors
3. The Power of Attorney
4. The Supreme Court Decision, *2014Doh10978* (22 January 2015)

Annex 1

A List of the Authors

No.	Name	Date of Birth	Nationality	Profession	Position	Address
1	Mr. Seok-gi LEE	2 February 1962	Korean	Politician	Lawmaker	34-43 Joonggok-dong Gwangjin-gu Seoul Korea
2	Mr. Hong-yeol KIM	3 January 1967	Korean	Politician	Chairperson, Gyeonggi provincial committee	246 Seryu-dong Suwon Gyeonggi Korea
3	Mr. Sang-ho LEE	15 February 1963	Korean	Center for Social Economy	Director	43-27 Younghwa-dong Jangan-gu Suwon Gyeonggi Korea
4	Mr. Soon-seok HONG	26 March 1964	Korean	Suwon Saenal Medical Cooperative	Founder	492-20 Anyang-dong Manan-gu Anyang Gyeonggi Korea
5	Mr. Dong-geun HAN	14 September 1967	Korean	Social Cooperative	Chief Director	1605-1601, 30 Homaeshilro 165gil Suwon Gyeonggi Korea
6	Mr. Yang-won CHO	13 August 1963	Korean	Social Trend Institute	President	3268 Taepyeong-dong Sujeong-gu Seongnam Gyeonggi Korea
7	Mr. Geun-rae KIM	15 February 1967	Korean	-	-	110-2501, 39 Deoksan-ro Hanam Gyeonggi Korea

Annex 2

The Copies of the Identification of the Authors

Annex 3

The Power of Attorney

Annex 4

The Supreme Court Decision: 2014DOH10978