

Opinion regarding the letter sent by the People's
Solidarity for Participatory Democracy to the United
Nations Security Council on the CHEONAN INCIDENT

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KOREA FREEDOM FEDERATION (KFF)

THE SOCIETY FOR A BETTER TOMORROW (SFBT)

KOREAN INSTITUTE & POLITICS (KIWP)

As civic groups with consultative status with the UN ECOSOC and taking an integral part of the South Korean civil society, we criticize the People's Solidarity for Participatory Democracy (PSPD) for sending a public letter to the UN Security Council on 11 June 2010 requesting additional investing into the Cheonan incident and verification of the South Korean government's investigation results, as if it were representing the civil society off South Korea.

Thus, with the expectation that we can contribute to your making an objective judgment, we wish to provide you with an opportunity to hear various voices and views within the South Korean society that differ from the PSPD relating the Cheonan incident.

The NGOs participating in the preparation and submission of this report are as follow.

- 1. Network for North Korean Democracy and Human Rights**
- 2. Free the NK Gulag**
- 3. Committee for the Democratization of North Korea**
- 4. International Diplomacy & Security Forum**
- 5. Citizens United for Better Society**

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Please check the attached file.

Dear Mr. Frank La Rue :

On June 11, the People's Solidarity for Participatory Democracy(PSPD), a South Korean civic group, sent a letter and a paper raising questions over the South Korean government's investigation results of the Cheonan incident to the member states of the United Nations Security Council (UNSC). This has caused a serious controversy within the South Korean society, leading some civic organization to report the PSPD to the prosecutor's office. In response, the Asian Forum for Human Rights and Development (hereinafter referred to as the "Asian Forum"), of which the PSPD is a member, filed an emergency petition to you under the name of its Secretary General Yap Swee Seng. We strongly criticize the PSPD for its action and wish to provide you with an opportunity to listen the various voices within the South Korean society regarding this matter.

1. Position on the letter sent by the PSPD to the UNSC

The South Korean government formed the Joint Civilian-Military Investigation Group that included foreign experts to investigate the sinking of the Cheonan, which occurred on March 26, and found that the ship had been attacked by a torpedo launched from a North Korean military submarine. The PSPD and some other factions in South Korea raised doubts over the investigation

results, which are guaranteed as the freedom of expression in a democratic country like South Korea.

However, we believe that sending a letter to the UNSC member states questioning the Cheonan investigation results is something different from the freedom of expression. Firstly, the PSPD undoubtedly behaved so in order to disturb the South Korean government's diplomatic efforts on the field. Regardless of how influential the PSPD might be, it is an attempt to compromise not the incumbent administration's interests, but the national interests of South Korea. Criticizing the government out of different view is one thing, and disrupting the diplomatic efforts of the government that represents South Korea on the international stage by exercising influence on foreign countries is another.

Secondly, the unique security environment of South Korea should be taken into account. South Korea is technically at war with North Korea. The two Koreans have been in a state of armistice since 1953, but North Korea conducted two nuclear tests in 2006 and 2009, respectively, posing threats to the international community with its nuclear weapons. As a result, South Korea has good reason to be very sensitive to the diplomatic issues relating North Korea, which is also the case with the latest Cheonan incident. We have to be aware that such an act of spreading mistrust toward the South Korean government at a time when the two Koreas are at a diplomatic war is as good as taking side with North Korea.

Thirdly, what is contained in the paper sent by the PSPD to the UNSC members is extremely subjective saying that they cannot believe the investigation

results, not to mention lacking objective evidence that deserves attention from the international community. If there had been decisive flaws in the government's investigation results, countries involved and the free press would already have pointed them out. We speculate that the PSPD's bold decision to submit such an unreliable paper to the international community was led by its antipathy against the South Korean government. This is because the PSPD has been consistently standing against the South Korean government over the past two years.

In conclusion, we assess that the PSPD'S act is nothing more than abandoning the minimum duty to be kept as a member of the national community. Therefore, given the nature of this subject, we believe that it is an issue that should be discussed by the South Korean people inside South Korea in a responsible manner.

2. Position on the prosecutor's investigation of the PSPD

We would like to first make it clear that we approach this issue without making any judgement on whether PSPD's behavior is illegal or not.

We found that accounts of very important facts were missing from the emergency petition sent by the Asian Forum regarding the prosecutor's investigation of PSPD.

Firstly, it is true that the prosecutor's office started investigating the PSPD, but what has led to the investigation is not its voluntary decision, but the accusation from the outside. Some civic groups who care about the national security denounced that act of the PSPD and reported it to the prosecutor's office, which is allowed as civil rights. According to the South Korean law, the prosecutor's office has an obligation to investigate an accused case.

Secondly, the Asian Forum said that the PSPD was "at the risk of being prosecuted", which is quite an exaggeration not only at the time when the petition was delivered but also at the moment. The South Korean press media reported that the Seoul Central District Prosecutors' Office was merely conducting an investigation, mentioning nothing about prosecution. It is hard for us to understand why the Asian Forum regarded investigation as nearly the same as prosecution.

Since the prosecution is carrying out a legal and fair investigation of the accused case, it seems to be an overreaction of the Asian Forum to argue it as the human rights abuse and send a petition to the UN.

The South Korean Prime Minister made public of his critical position to the act of the PSPD. However, there is no evidence indicating that the South Korean government attempts to use its authority to put pressure on the PSPD. For example, the police started investigation six civic organizations that had held a protest denouncing the PSPD in front of the PSPD office on charges of holding an illegal rally without permission.

Only after the PSPD is prosecuted and which law is to be applied is decided, there could be a debate on whether the prosecution is right or wrong. Especially in South Korea, as is the case with all other democracies, prosecution does not necessarily mean a conviction, and the authoritative ruling of the totally independent judicial body is respected.

So we hope that you take the prosecution's investigation of the PSPD just as it is.

As far as we are aware, a civic group like the PSPD is not so common in the South Korean society. It is one of the most powerful groups. Since its foundation is 1994, there have been about 400 people in the management, and

150 out of them served a total of 313 public positions including government ministers and a prime minister. In 2006, the PSPD used its power to request up to five million won of donation from as many as 850 companies each to finance the construction of its new building.

The PSPD is not so weak as to be unfairly persecuted by the government authority in the South Korean society, but rather itself is a fear to the large companies and politicians in South Korea. We want to emphasize that there is no reason whatsoever for the PSPD to be protected by the international community.

3. Democracy of South Korea

We are well aware of your visit to South Korea for two weeks in May to examine the status of the freedom of expression. We wish to pay respect to you for your special interest in South Korea, and put forward a couple of advices to help you better understand the democracy of South Korea.

Firstly, South Korea is globally recognized as having developed democracy faster than any other nations which were late in introducing democracy. Since the democratization in 1987, democracy in South Korea has been growing steadily, as proved by the two peaceful transfer of power. The South Korean people's faith in democracy, the free press and the active civil society will thwart any attempt to reverse democracy.

Secondly, controversy over the setback of democracy in South Korea is mostly related to political conflicts. The current ruling party has been in the position of an opposition party for a decade from 1998 to 2007. Those who were against the transfer of power are now interested in criticizing the incumbent administration for undermining democracy. However, there is no evidence

suggesting that the functions of the powerful opposition party that is able to check power abuse, the independent press and the judicial body are getting weak.

As a country with a relatively short history of democracy, South Korea probably has much to improve in terms of democracy. We are convinced that the South Korean people have the potential to fully overcome the problems. There is no need for the international community to make efforts for South Korea, which otherwise could be mobilized to help the majority who are deprived of the benefits of democracy.

We express our highest respect to you and the United Nations for the endeavor to promote democracy throughout the world as well as our appreciation for your continued support to improve the human rights of our neighbor, the North Korean people.