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## **South Korea military service objectors cheer court ruling**

***A South Korean appeals court on Tuesday overturned the convictions of two conscientious objectors in an unprecedented ruling hailed as a key victory by opponents of mandatory military service.***

By A.P.

Manilla Bulletin (18.10.2016) - <http://bit.ly/2ellmFs> - More than 60 years after the end of the Korean War, nearly every able-bodied South Korean man between the ages of 18 and 35 must still complete around two years of military service.

There is currently no alternative community service option for conscientious objectors, and anyone refusing the call-up faces up to two years in jail.

But the appeals court in the southwestern city of Gwangju overturned the convictions and 18-month jail terms handed down by a lower court on two Jehovah's Witnesses, arguing they had genuinely been motivated by religious convictions in refusing to serve.

"Religious and personal conscience is guaranteed by the constitution and cannot be restrained by criminal punishment," Yonhap news agency quoted the court as saying.

"The international community is recognising conscientious objectors," it said, while noting that "a consensus is shaping in our society on the need for an alternative service".

The judges also rejected prosecutors' calls to overturn a rare not-guilty verdict on a third conscientious objector — also a Jehovah's Witness.

It was the first time an appeals court has ruled against the government in such cases. The timing and language of the judgement will provide a huge boost for advocates of reforming military service regulations.

The Constitutional Court is expected to rule in the next few months on a complaint that criminalising conscientious objection violates an individual's basic rights.

The main rationale behind the continuation of mandatory military service is the threat posed by North Korea, given that the 1950-53 Korean conflict ended with a ceasefire rather than a peace treaty and left the two Koreas technically at war.

Amnesty International welcomed Tuesday's ruling and said providing an alternative form of service was "long overdue".

"The government needs to act on the ruling and stop punishing young men who refuse military service on grounds of conscience," said its East Asia researcher Hiroka Shoji.

Every year, hundreds of conscientious objectors in South Korea — mostly Jehovah's Witnesses — are put on trial for defying the draft.

Some 12,000 South Korean Jehovah's Witnesses have been jailed as conscientious objectors over the past six decades, and the movement's South Korean branch applauded the court ruling.

"It is a major step forward toward meeting the international standard on conscientious objectors," the national branch said in a statement.

But the defence ministry insisted that the idea of introducing some alternative service required "prudent judgement" and warned that it could be "abused as a way of avoiding military service".

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## **Jehovah's Witnesses in South Korean prisons file additional complaints**

JW.Org (13.07.2016) - <http://bit.ly/29FObKd> - Since January 2016, more than 50 South Korean men who are conscientious objectors have submitted complaints to the UN Working Group on Arbitrary Detention (Working Group). The objectors allege that the government of South Korea is guilty of arbitrary detention by punishing them with imprisonment for the legitimate exercise of freedom of religion and conscience.

### ***Basis of the complaints***

Two UN bodies, the Working Group and the UN Human Rights Committee, have determined that imprisoning conscientious objectors to military service is "arbitrary detention." The Committee's 2014 decision on this issue determined that the government of South Korea should stop this unjust punishment of conscientious objectors, compensate those whom it has imprisoned, and expunge their criminal record. On the basis of that decision, a total of 682 South Korean Witnesses have brought complaints before the Working Group.

### ***International and domestic scrutiny***

After the Working Group communicates the complaints to the South Korean government and receives the government's input, the Working Group will render its opinion. If it agrees with the complainants that South Korea is guilty of arbitrary detention, it will request the government to take necessary steps to remedy and avoid the criminalization of conscientious objectors.

In addition, the issue of the constitutionality of the Military Service Law is currently before South Korea's Constitutional Court, and a decision is imminent. That Court is aware that over 600 complaints have been filed with the Working Group. The Court is also aware that the UN Human Rights Committee has repeatedly urged South Korea to recognize conscientious objection as a right and to provide a program of alternative civilian service. The international community is closely watching whether South Korea's highest court will uphold the fundamental right of conscientious objection to military service.

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## **From Vietnam to South Korea: Muhammad Ali and conscientious objectors today**

***As the world mourns Muhammad Ali, South Korea continues to imprison hundreds of conscientious objectors***

By Ashfaq Khalfan

The Diplomat (13.06.2016) - <http://bit.ly/1XU11K7> - At Muhammad Ali's funeral last week, one of the most moving tributes was delivered by the comedian and actor Billy Crystal. There were moments of levity, of course. "He was beautiful. He was the most perfect athlete you ever saw," Crystal regaled the gathered mourners, "and those were his own words." But there were serious ones, too.

At the peak of his career, Ali declined to trade in his gloves for a gun and join the the U.S. war in Vietnam. Assuming a combat role, Ali declared, would be an affront to his religious and political convictions. "There were millions of young men my age, eligible for the draft for a war we didn't believe in," Crystal recalled. "It was Ali who stood up for us by standing up for himself."

By refusing induction in the army, he found himself pitted against his most formidable opponent yet – the U.S. government. Ali paid a heavy price for his defiance. He was stripped of his heavyweight title, deprived of his passport, and widely vilified. Until the Supreme Court eventually ruled in his favor, he was banished from the ring and faced the prospect of abiding his best years behind narrowly spaced bars.

In 1966, the same year that Ali became eligible for the draft, my organization, Amnesty International, explicitly adopted a policy on 'conscientious objectors' – people who are eligible for conscription but refuse to perform military service for reasons of conscience or profound conviction.

It took the position that conscientious objectors imprisoned because of refusing military service were 'prisoners of conscience'. Five years earlier, Amnesty was founded to fight for the freedom of such prisoners– people who have been imprisoned not for crimes committed, but because of their peacefully held political, religious, or other beliefs based on their conscience.

"It has been said that I have two alternatives," as Ali told reporters at the height of the controversy, "either go to jail or go to the army. But I would like to say there is another alternative. And that alternative is justice."

Around the world, there are hundreds who are still denied that third alternative. Since we began fighting for the rights of conscientious objectors, Amnesty International has documented cases including in Argentina, Cyprus, Eritrea, Israel and the Occupied Territories, Turkey, Belarus, Greece, Norway, and, most notably, South Korea – home to most of the world's currently imprisoned conscientious objectors.

Song In-ho is one of the more than 540 South Korean men currently imprisoned for refusing compulsory military service. As with an overwhelming majority of the cases, he is a Jehovah's Witness. (The remainder refuse on grounds of other religious beliefs, or because they have moral, ethical and humanitarian reasons for doing so.) According to the tenets of their faith, Jehovah's Witnesses oppose any form of militarism, including military service.

Since the Korean War, according to the Korean branch of Jehovah's Witnesses, more than 18,000 adherents have been forced to make the invidious choice between following

their deeply held beliefs and obeying the law. The penalty of imprisonment violates their human right to freedom of thought, conscience and religion.

Song is 26 years old and is a recent college graduate. Once conscientious objectors are convicted, their fate is sealed. Appeals are so often unsuccessful that many no longer attempt to challenge their convictions.

Once out of prison, conscientious objectors struggle to secure employment, and are consigned to the margins of society. "I was born a criminal," Song told Amnesty International's researchers before he was sent to prison. "All my life I felt like I was imprisoned because I knew that I would be sent to jail."

Song's father tried to dissuade him from becoming a conscientious objector. As a member of an older generation, he grew up at a time when Jehovah's Witnesses were often publicly humiliated, and even beaten and tortured. Now, they are no longer subject to such treatment, but they are still cast as a mutinous minority, tainted by allegations of treason.

Since his death, South Koreans have recalled how Muhammad Ali paid a visit to Seoul forty years ago, after vanquishing Joe Frazier in the "Thrilla in Manila" and recapturing his heavyweight title. There, he encountered a hero's welcome, touring the streets of the capital, perched on the backseat of a top-down convertible, waving to crowds. "When I go back to America and throughout my tours I will tell people how nice Korea is," he said.

The best way South Korean authorities can honor the memory of their famous guest is by honoring his hope that "the alternative of justice" should triumph over the alternative of jail for conscientious objectors. This would mean releasing Song and others currently behind bars, scrubbing their criminal records clean, recognizing the legitimacy of their beliefs, and enabling them to play their part as full members of society.

*Ashfaq Khalfan is director of the Law and Policy Program at Amnesty International.*

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