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The Constitutional Court declares the law on military service must provide for alternative service

HRWF (29.06.2018) = On 28 June, the Constitutional Court declared a section of Korea's Military Service Act (MSA) unconstitutional, as it does not provide alternative service for conscientious objectors. The landmark ruling is the key to reversing a 65-year-old policy of imprisoning conscientious objectors under the MSA.

Since 1953, over 19,300 Jehovah's Witnesses have been sentenced to a combined total of more than 36,700 years in prison. The Constitutional Court's decision now opens the door for the Supreme Court of Korea to apply this ruling to specific cases involving conscientious objectors. In addition, Korean lawmakers are now obligated to institute alternative service for conscientious objectors by December 31, 2019.

"For many it has been a lifetime wait. Over the past 65 years, young Witnesses have courageously held to their peaceful stand of conscience. We are grateful that the Constitutional Court has now acknowledged the fundamental human right to conscientiously object to participating in war."—David A. Semonian, international spokesman for Jehovah's Witnesses at their world headquarters in New York.

"Today's Constitutional Court's decision is a historic breakthrough for the rights of conscientious objectors in South Korea. We now look to the Supreme Court to apply this decision on specific cases involving conscientious objectors later this year. Furthermore, when the Government, as ordered by the Constitutional Court, adopts a law on alternative civilian service, the rights of conscientious objectors in Korea will truly be protected."—André Carbonneau, international human rights lawyer, world headquarters of Jehovah's Witnesses. He is available for interviews: acarbon@jw.org or +1 (514) 914-7120

Amnesty International Press Release:

<https://www.amnesty.org/en/press-releases/2018/06/south-korea-authorities-stop-criminalizing-conscientious-objectors-afte-court-ruling/>

Statistics

- A 2013 Gallup Poll found 68% of South Koreans favor a provision for alternative service, up from 29% in 2008
- In anticipation of a Constitutional Court ruling, the number of convictions has dropped; as of June, 2018, the number of Witness men in prison was 214, a ten-year low

- Over 95% of conscientious objectors imprisoned worldwide are Jehovah's Witnesses
- A 2007 report by Human Rights Without Frontiers documented 18,996 "acts of cruelty" reported by survey respondents
- A 2009 Presidential report blamed the military for the deaths of 5 imprisoned Witness objectors, 1975 to 1985
- Between 2011 and 2012, the UN Human Rights Committee (CCPR) finds violations of the right to freedom of conscience in 488 cases involving Witness conscientious objectors

Timeline

1953	Government imprisons first Witness conscientious objector (CO)
1957	Maximum penalty for conscientious objectors raised from one year to three years
1973	Maximum penalty raised to 10 years; allows repeated arrest and imprisonment of COs
2001	Buddhist peace activist Oh Tae-yang becomes first non-Witness objector
2001	Prison stays are reduced from a mandatory 3-year sentence to a year and a half
2005	Korea's National Human Rights Commission recommends alternative service
2006	UN Human Rights Commission (CCPR) finds Korea in violation of the International Covenant on Civil and Political Rights, recommends eliminating disparities between military and alternative service
2011	CCPR recommends provide alternative civilian service, not punitive
2012	CCPR recommends expunging criminal records, providing adequate compensation
2015	UN Human Rights Committee (CCPR) for the fifth time finds South Korea guilty, adding "arbitrary detention" to the list of violations of COs' freedom of thought, conscience, and religion
2015	District Court judge contravenes case law and declares three Witness COs not guilty
2016	Appeals Court overturns conviction and jail terms of two JWs
2017	According to report filed with the U.N. High Commissioner for Human Rights on March 23, 2017, a total of 806 complaints were filed with the UN Working Group on Arbitrary Detention by Witness men who had served prison terms for refusing to join the military

South Korea courts increasingly seek solutions for conscientious objectors



(Photo credit: jw.org)

JW.org (01.03.2018) - <http://bit.ly/2I86IPN> - Instead of routinely imprisoning Jehovah's Witnesses who conscientiously object to military service, judges in South Korea are increasingly searching for ways to accommodate their position. Some judges are considering the underlying motive of these men—a conscientious determination, based on Scriptural principles, not to harm others. * Thus, relying on the fundamental right to freedom of conscience, some courts have ruled that these young men are not guilty of evading military service. Since May 2015, trial court judges have rendered 66 “not guilty” decisions in behalf of Witness conscientious objectors—a remarkable increase from the record of only 4 other such decisions in previous decades.

A Persuasive Decision

Most strikingly, on February 1, 2018, a Busan appellate court, while ignoring the jurisprudence of the Supreme Court and the Constitutional Court on this issue, upheld one of these “not guilty” trial decisions. The decision was especially notable for two reasons—the Busan District is conservative, and the presiding judge in this decision, Jong-du Choi, had previously declared a conscientious objector guilty.

The three-judge panel focused on South Korea's constitutional obligation to honor international laws that the nation has ratified—in this case, the International Covenant on Civil and Political Rights (Covenant), which recognizes the right to conscientious objection. The court reasoned that “the practice of punishing conscientious objectors by imprisonment contradicts article 18 of the Covenant, so therefore, . . . it is appropriate to interpret that conscientious objection to military service constitutes a ‘justifiable ground’” for refusing enlistment. The decision was widely reported and many observers believe that it will positively influence the legal community.

Looking for a Way Forward

In the past, judges sent an average of from 500-600 young men to prison each year on this issue, but now many judges are deferring trial. The number of undecided cases, at

this time more than 700, continues to increase as judges anticipate the Constitutional Court's impending decision. As of December 31, 2017, only 267 Witness men were in prison—the lowest number in ten years.

The Constitutional Court will determine whether judges should apply to conscientious objectors the provision in the Military Service Act that punishes evasion of military service or whether the constitutional right to freedom of conscience protects them, in harmony with international standards. Many in South Korea are looking to the Court to find a solution that will dignify young men who can conscientiously accept alternative civilian service in programs that benefit society.

If the Court resolves this issue in favor of conscientious objectors, it would bring South Korea in line with UN Human Rights Committee rulings covering hundreds of individual cases. The Committee has called on South Korea to stop imprisoning conscientious objectors and to respect their fundamental right to freedom of conscience.

Witnesses in South Korea petition the President: Resolve the issue of conscientious objection



A South Korean family of Jehovah's Witnesses participating in the petition campaign (photo credit: jw.org)

JW.org (01.03.2018) - <http://bit.ly/2FtCWXn> - Recent events in South Korea suggest that the government may be considering a major shift with regard to respect for fundamental human rights. On December 7, 2017, South Korea's President Jae-in Moon met with officials from the National Human Rights Commission (NHRC) and asked them to recommend ways for the nation to improve its human rights practices in order to meet the level of international standards. President Moon specifically asked the NHRC to propose solutions that would assist the government to put an end to its policy of imprisoning men who conscientiously object to military service.

After the highly publicized meeting, Jehovah's Witnesses in South Korea organized a campaign to collect signatures on petitions addressed to the president. The government's policy of punishing conscientious objectors with imprisonment has deeply affected generations of Witnesses. Since President Moon has directed his administration to

respond to petitions from the country's citizens, the petitions request the president's help to find a solution to the problem that conscientious objectors have faced for some 70 years.



The national office of Jehovah's Witnesses organized the petitions (photo credit: jw.org)

Within four weeks of the start of the campaign, the petitions were completed. Those signing the petitions included over 14,000 of the men who have been criminally punished as conscientious objectors and more than 26,000 of family members who have suffered because of the men's criminal convictions and imprisonment.



Petitions submitted to the Office of the President, January 15, 2018 (photo credit: jw.org)

On January 15, 2018, 6 representatives of the 41,275 Witnesses who signed the petitions presented them to the Office of the President. The petitions expressed gratitude for the president’s interest in the issue, highlighted the negative effects of the 70 years of punishing conscientious objectors with imprisonment, and emphasized the benefits to the nation of resolving the issue. On January 16, 2018, the Office of the President forwarded the petitions to the Ministry of National Defense for its consideration.

As the petitions were being prepared, representatives of Jehovah’s Witnesses also met with NHRC officials. They explained the Scriptural reasons why Jehovah’s Witnesses refuse to serve in the military. If offered alternative civilian service, the young Witness men who enroll in the program would not sit idle in prison but would be a useful resource for the government and would serve for the benefit of the country. The officials told the Witnesses that addressing the issue of conscientious objection to military service is a top human rights priority for the NHRC in 2018.

The number of conscientious objectors imprisoned in South Korea is far more than the number who are imprisoned in all other countries combined. As officials reconsider the government’s long-standing policy on the issue, Jehovah’s Witnesses hope that this new initiative will eventually bring to an end the many years—now more than 36,700—that young Witness men have collectively spent in prison for refusing to perform military service.

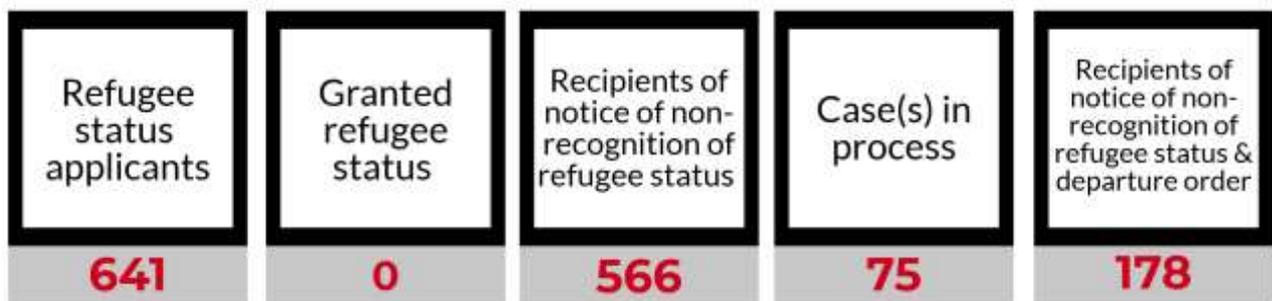
Over 600 refugees of the Church of Almighty God persecuted in China threatened to be sent back by South Korea

178 have already received a departure order; arrest, imprisonment and torture are awaiting them

HRWF (18.01.2018) - Seoul has seemingly decided to deport over six hundred Chinese members of the Church of Almighty God seeking a safe haven in South Korea, despite the fact that there is a high risk for them to be arrested, detained, and tortured in China.

Up until now, none of the applicants have been granted asylum, whereas 178 have received a departure order.

Data from South Korea, as of 14 January 2018:



How have these individuals suffered upon their return to China?

All listed names are aliases.

Ms. DanChun was arrested by the Chinese police in Fuling, Chongqing, China on 1 March 2013 and was tortured during interrogation in the Fuling Detention Center.

Ms. YouXin was reported and arrested by Chinese police when preaching the gospel and kept in custody at a police station in Hang Zhou, China on December 13, 2012. After being bailed out by the president of her college, she had been kept under surveillance and unable to live a normal life, so she was forced to drop out of school, leave home and live in exile. The Chinese police officers went to her house twice for her whereabouts in June and September 2013 respectively and have been monitoring her mother.

Mr. Liu Yang was arrested and interrogated by the Chinese police in Feixi County, Anhui Province, China when preaching the gospel on 12 December 2012, and was detained for 15 days on the charge of "disturbing the social order."

Ms. Li Chunlian was arrested by the Chinese police officers from Huichun City Police Station on her way home on 1 June 2005, she was then interrogated under CCP's Kangaroo Court, tortured and sentenced to one year of re-education through labor, which leads to her lifetime physical disability.

Mr. XiangXin was arrested by the Chinese police in Guangyuan City, Sichuan Province, China when preaching the gospel in July 2004, he was tortured for a month and kept in custody for 15 days on the charge of "disturbing the social order" later on.

Mr. Xu Zhigang was tortured after being arrested by police officers from the National Security Brigade of Yanji City, Jilin Province, China when preaching the gospel on 29 July 2002, and was then sentenced to three years of re-education through labor on charge of "attending illegal meetings and disturbing the social order" without a public judicial process.

If CAG members are deported back to China, their arrest is imminent, which is coupled with the strong possibility of subsequent torture, and sometimes even death.

Three members of the Church of Almighty God were immediately arrested upon their return to China from South Korea.

Mr. Li ZhenYuan was arrested by police officers once he went through the security check at Yanji Airport in China on May 18, 2015.

Mr. Han Feng returned to China seeking medical treatment for his serious heart disease complications in March 2017. He had been monitored for two months before being arrested by the police in Hubei Province when he showed his ID document during a standard procedure. He was detained and 'brainwashed' for a span of two months before being released. Since his release, he remains under police surveillance.

Ms. Yan Ru was immediately arrested by the Chinese police upon her return to China from the Church of Almighty God in South Korea on June 2017.

Human Rights Without Frontiers has gathered numerous testimonies of arrest and torture from members of the Church of Almighty God in China. Additional testimonies prove that asylum seekers who are ultimately denied asylum status and deported back to China face a high risk of arrest, detention, and torture.

Human Rights Without Frontiers urges the member states of the European Union & South Korea to grant political asylum to members of the Church of Almighty God who have fled from China in search of a safe haven.
