

# **SOUTH KOREA: 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”.