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SOUTH KOREA: Shincheonji Church Chairman Lee not guilty of COVID offenses

Shincheonji: Chairman Lee not guilty of COVID offenses, appeal Court said

On November 30, the Suwon High Court confirmed that the leader of the Korean new religious movement did not breach epidemic-related laws.

By Massimo Introvigne

Bitter Winter (12.01.2021) – <https://bit.ly/32GikIr> – On November 30, 2021, the Suwon High Court rendered its verdict in the appeal case against Lee Man Hee, the leader of the South Korean Christian new religious movement Shincheonji, who had been arrested in the night between July 31 and August 1, 2020, and accused of having violated the Korean law on epidemic control. Allegedly, he had not given to the authorities, when requested, the full list of the movement's members and properties after one female devotee had been infected and spread the disease to co-religionists.

The appellate court has confirmed the first-degree verdict, which declared Chairman Lee, as he is called by his followers, fully innocent of all COVID-related offenses.

For several months, South Korean and international media had depicted Shincheonji and Chairman Lee as “plague-spreaders” responsible of the first outbreak of COVID-19 in South Korea. For the second times, South Korean courts of law have debunked this claim as fake news.

On February 18, 2020, a female member of Shincheonji from Daegu, South Korea, later nicknamed “Patient 31,” tested positive to COVID-19. Before that date, she had been hospitalized, misdiagnosed with a common cold, and sent back to her home, from where she moved to attend several Shincheonji religious gatherings, infecting other co-religionists. Health authorities reacted by asking Shincheonji lists of all its members, not only in Daegu but throughout South Korea and even abroad, and of the real estate properties it owned.

Shincheonji did supply several lists, but the authorities suspected they were not complete. They raided Shincheonji's headquarters to obtain the full lists. Although police leaders and the Deputy Minister of Health told the media that the discrepancies between the lists supplied by Shincheonji and those seized in the raid were minimal, leaders of the

religious movements, and Chairman Lee himself, were accused of having obstructed the work of health authorities by submitting incomplete lists. In the night between July 31 and August 1, 2020, the 89-year-old Chairman Lee was arrested. He was later committed to trial before the Suwon District Court, which rendered its verdict on January 13, 2021.

Both the first degree and the appeal verdict have found Chairman Lee not guilty based on both a question of law and a question of fact. The question of law is how far health authorities may go, applying the Infectious Disease Control and Prevention Act (IDCPA), when they summon, during an epidemic, information that private parties would normally have the right to keep confidential, as they are protected by privacy laws. The Korean judges agreed with international critics of Chairman Lee's prosecution that in the exceptional situation of an epidemic the authorities may summon otherwise confidential information, but within reasonable limits and based on a principle of proportionality. Asking the complete lists of Shincheonji members, including those from abroad, and of real estate the movement owned, including properties not used for meetings, clearly went beyond these limits.

On the question of fact, the decisions noted that the Central Disease Control Headquarters (CDCH) did not clearly ask for a list of *all* facilities owned by Shincheonji (including those where no gatherings ever took place), and which facilities they were interested in was not immediately clear. Yet, even if the judges concluded that Shincheonji was not compelled to do so, a list of 1,100 facilities was submitted on February 22, seven days after the CDCH's first request, and a more complete list of 2,041 facilities on March 9. It is true, the court said, that four properties were omitted, as Chairman Lee argued they did not really belong to Shincheonji and should not be listed. But overall, Shincheonji and Chairman Lee did their best in compiling and supplying as quickly as possible a list of more than 2,000 properties owned by different legal

entities connected with Shincheonji, both national and local.

The court came to similar conclusions concerning the list of Shincheonji's members. The prosecution had built its case on a wiretapped phone conversation where Chairman Lee, when he was first informed that a full list of all members of Shincheonji had been requested, expressed a negative attitude. As it happened with the list of the properties, the CDCH's request of a list including all South Korean members, students (i.e., those studying to become members, but not yet formally part of Shincheonji), and even members abroad went beyond the law, and Chairman Lee's doubts were justified, the judges said.

However, after this phone call of February 24, Shincheonji did not close the door to cooperation but negotiated with the government. "The same night" of February 24, the court ascertained, Chairman Lee gave his blessing to an agreement under which Shincheonji undertook to supply the CDCH with a list of members including their names, dates of birth, genders, addresses, phone numbers. The list was submitted the following day, February 25.

The prosecutors objected that the list was not complete, because it did not include the resident registration numbers of the members. However, the court confirmed that the agreement between Shincheonji and the CDCH did not mention the resident registration numbers, only addresses and dates of birth.

The lists, in the end, included 212,324 domestic members and 33,281 overseas members. The prosecution claimed that the lists were misleading, because some 24 dates of births were incorrect, and eight names were missing. Apart from the fact that such percentage of errors is statistically normal in a data base with more than 200,000 records, the court observed that the dates of birth were not altered after the CDCH requested the list, so that the inaccuracy did not reflect an intent to obstruct the CDCH's anti-COVID work. As for the

eight missing names, some were dead, some had left Shincheonji, and two (on whom the prosecution insisted) were persons in process of leaving Shincheonji, who had requested their names to be deleted from the members' lists, and who had not participated in recent church activities.

CDCH officers testified that "there was no evidence of obstruction" of anti-COVID efforts by Shincheonji. On the contrary, after the agreement with the authorities about the list was concluded, "Shincheonji actively cooperated with the submission of data and promptly provided them to the CDCH."

Despite the fact that Shincheonji members are discriminated in South Korea, and being identified as a member of Shincheonji may lead to being bullied and even losing one's job, Shincheonji and Chairman Lee did the best they could to cooperate with the authorities, as soon as they learned the unfortunate story of Patient 31—for which they are certainly not responsible, as when she participated in church events she had not yet been diagnosed with COVID-19, and public gatherings were still allowed in South Korea.

Media in South Korea and all over the world referred to Shincheonji as a cult of plague-spreaders, and some even invented bizarre theories that Shincheonji members refrain from visiting hospitals and taking advantage of modern medicine (in fact, some of them are doctors and nurses), or welcomed the infection because of some strange mystic of suffering (which is totally foreign to their theology).

In a country where accusations raised by prosecutors are accepted by judges in more than 90% of the cases, both the Suwon District Court and the Suwon High Court dismissed the legend of Shincheonji and Chairman Lee as plague-spreaders for what it was, fake news.

Prosecutors can never totally lose in South Korea, and other charges had been added against Chairman Lee. They concern

episodes that had allegedly happened long before the COVID-19 crisis started, including mismanaging funds and holding events in facilities whose owners had canceled the corresponding rental agreements. We have explained that these accusations did not make sense, but they served as a parachute for the prosecutors after their COVID case has collapsed. This also happened on appeal, where the sentence of a suspended three-year prison term was confirmed, with the suspension extended from four to five years. This means that the 90-year-old Chairman Lee will not go to jail unless he repeats the alleged offenses.

Everybody understands that the additional charges were thrown in to save the face of the prosecutors and the politicians who had backed them, while the important point is that all the propaganda about Shincheonji as spreader of the COVID-19 virus has now been definitively exposed as a lie. But the damage has been done and, notwithstanding the court verdicts, anti-cultists and some media will likely continue to repeat the lie that Shincheonji and Chairman Lee were responsible for spreading COVID-19 in South Korea.

Photo : Chairman Lee

Massimo Introvigne (born June 14, 1955 in Rome) is an Italian sociologist of religions. He is the founder and managing director of the Center for Studies on New Religions (CESNUR), an international network of scholars who study new religious movements. Introvigne is the author of some 70 books and more than 100 articles in the field of sociology of religion. He was the main author of the *Enciclopedia delle religioni in Italia* (Encyclopedia of Religions in Italy). He is a member of the editorial board for the *Interdisciplinary Journal of Research on Religion* and of the executive board of University of California Press' *Nova Religio*. From January 5 to December 31, 2011, he has served as the "Representative on combating racism, xenophobia and discrimination, with a special focus on discrimination against Christians and members of other

religions” of the Organization for Security and Co-operation in Europe (OSCE). From 2012 to 2015 he served as chairperson of the Observatory of Religious Liberty, instituted by the Italian Ministry of Foreign Affairs in order to monitor problems of religious liberty on a worldwide scale.

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