

## SOUTH KOREA

### Jehovah's Witnesses

As of 1<sup>st</sup> December 2018, 108 young Jehovah's Witnesses<sup>1</sup> were serving eighteen-month prison terms for conscientious objection to military service.

From the Korean War period to the present, South Korea has relentlessly prosecuted young Witness men who refuse military service, and the government has not provided any alternative to resolve the issue. The result? South Korea has sentenced over 19,300 Witnesses to a combined total of more than 36,800 years in prison for refusing to perform military service in the last sixty years.

### **The International View of the Right to Conscientious Objection**

The UN Human Rights Committee (CCPR), which reviews the implementation of the International Covenant on Civil and Political Rights (ICCPR), has consistently ruled that South Korea is violating the rights of conscientious objectors by convicting and imprisoning them. Most recently, on 14<sup>th</sup> January 2015, the CCPR released its fifth decision against South Korea on this issue. The decision, involving fifty Witnesses who had been imprisoned, repeated its earlier rulings that South Korea violated their right to “freedom of thought, conscience and religion.” It also concluded that the government was guilty of “arbitrary detention” by punishing the men with imprisonment for exercising a right guaranteed by the ICCPR.

After reviewing South Korea's human rights record, the CCPR released concluding observations on 3<sup>rd</sup> November 2015. The CCPR urged the government to release all conscientious objectors, expunge their criminal record and provide adequate compensation, and adopt legislation providing for alternative civilian service. It stated that the government “should also fully implement the Views the [CCPR] has issued so far.”

### **South Korea's Constitutional Court Again Considers the Issue**

There is increasing domestic pressure on the government to adopt legislation providing an acceptable alternative service program for conscientious objectors. Since 2015, district court judges have declared 56 Witness conscientious objectors “not guilty” of evasion of military service. Some district courts have referred cases to the Constitutional Court, and on July 9, 2015,

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<sup>1</sup> See full list of prisoners here <http://www.jw.org/en/news/legal/by-region/south-korea/jehovahs-witnesses-in-prison/>  
1 Human Rights Without Frontiers Prisoners List 2018 – South Korea

that Court held a hearing to examine whether the government’s refusal to recognize the right of conscientious objection is constitutional. The Court has twice ruled, in 2004 and 2011, that the Military Service Act’s lack of recognition of the right to conscientious objection does not violate the constitution.

More and more courts are holding their cases in abeyance until after the Constitutional Court decision, and the number of pending cases now exceeds the number of Witnesses imprisoned for conscientious objection.

On 25<sup>th</sup> August 2017, four Jehovah’s Witnesses, surnamed Kim (28), Lee (24), Choi (23) and Roh (25) were acquitted after refusing military service<sup>2</sup>.

At last report, 11 of 45 correction facilities in South Korea do not have any imprisoned Witnesses, and without these prisoners, whose trustworthiness lightens their workload, some prison officials have expressed concern that they do not have sufficient staff. Some prison officials have remarked that they would welcome the Witnesses as workers in a program of alternative civilian service.

**Charges:** Conscientious objection to military service

**Statement of the defendants:** Performing military service is incompatible with their faith.

**Article of the criminal/civil/administrative code or law:** Military Service Act Article 88 Paragraph 1 (“If a person who has received a draft notice for active duty or Notice of Summons...without justifiable cause, does not report for service within the period specified in the following clauses or refuses the summons, then he shall be sentenced to a prison term of three years or less”).

**Duration of detention:** Usually eighteen months

**Other information:** Conscientious objectors who are called up as reservists face multiple prosecutions and repeated punishments over an eight-year period for violation of Homeland Reserve Forces Act, Article 15, Par. 9

The full list of current prisoners is accessible at <http://www.jw.org/en/news/legal/by-region/south-korea/jehovahs-witnesses-in-prison/>

NAME	AGE	LOCATION	TERM; RE-LEASE
BAE, J. S.	22	Daegu Detention Center	18 months; 2019-11-02

<sup>2</sup> Source: [http://english.hani.co.kr/arti/english\\_edition/e\\_national/808361.html](http://english.hani.co.kr/arti/english_edition/e_national/808361.html)

BAE, S. Y.	21	Yeoju Prison	18 months; 2019-04-27
BAEK, J. Y.	23	Ulsan Detention Center	18 months; 2019-04-20
BAEK, T. W.	21	Suwon Detention Center	18 months; 2019-10-08
BANG, K. W.	24	Andong Prison	18 months; 2019-10-20
BANG, S. U.	22	Cheongju Prison	18 months; 2019-02-18
CHA, K. S.	23	Daegu Detention Center	18 months; 2020-01-23
CHA, S. Y.	25	Uijeongbu Prison	18 months; 2019-03-28
CHANG, Y. H.	22	Daejeon Prison	18 months; 2019-07-26
CHO, Y. J.	23	Incheon Detention Center	18 months; 2019-06-11
CHO, S. M.	21	Daejeon Prison	18 months; 2019-12-19
CHOI, C.	21	Uijeongbu Prison	18 months; 2019-12-25
CHOI, D. J.	21	Incheon Detention Center	18 months; 2019-09-05
CHOI, S. M.	23	Changwon Prison	18 months; 2019-07-04
CHOI, Y. G.	25	Seoul Detention Center	18 months; 2019-03-18
DO, S. J.	21	Busan Detention Center	18 months; 2019-09-09
HAN, J. J.	23	Anyang Prison	18 months; 2019-03-12
HAN, Y. W.	21	Suwon Detention Center	18 months; 2019-11-01
HONG, H. P.	23	Seoul South Prison	18 months; 2019-10-06
HUH, H.	22	Busan Prison	18 months; 2019-04-26
HUH, J.	21	Suwon Detention Center	18 months; 2019-01-05
HWANG, C. Y.	21	Tongyoung Prison	18 months; 2019-07-16
HWANG, G. R.	22	Suwon Detention Center	18 months; 2019-

			05-03
HYUN, M. H.	21	Uijeongbu Prison	18 months; 2019-10-30
JEON, H. S.	20	Daejeon Prison	18 months; 2019-08-28
JEONG, C. B.	22	Ulsan Detention Center	18 months; 2019-12-25
JEONG, D. H.	21	Changwon Prison	18 months; 2019-06-08
JEONG, D. H.	20	Suwon Detention Center	18 months; 2019-10-13
JEONG, E. H.	21	Anyang Prison	18 months; 2019-08-20
JEONG, H. K.	21	Suwon Detention Center	18 months; 2019-11-24
JEONG, H. J.	20	Tongyoung Prison	18 months; 2019-11-25
JEONG, K. W.	26	Gangreung Prison	18 months; 2019-04-17
JEONG, T. H.	21	Changwon Prison	18 months; 2019-10-06
JEONG, Y. B.	26	Daejeon Prison	18 months; 2019-02-24
JI, H. H.	26	Seongdong Detention Center	18 months; 2019-02-18
JIN, B. S.	21	Yeoju Prison	18 months; 2019-10-05
KANG, D. M.	26	Nonsan Prison	18 months; 2019-05-13
KANG, J. S.	21	Seoul South Prison	18 months; 2019-10-20
KANG, J. W.	22	Busan Detention Center	18 months; 2019-01-03
KIM, C. M.	21	Goosan Prison	18 months; 2019-12-05
KIM, C. R.	23	Seoul South Prison	18 months; 2019-03-15
KIM, D. H.	23	Seoul South Prison	18 months; 2019-08-09
KIM, D. J.	24	Gangreung Prison	18 months; 2019-04-17
KIM, D. J.	21	Uijeongbu Prison	18 months; 2019-08-01
KIM, D. M.	23	Uijeongbu Prison	18 months; 2019-09-02
KIM, E. H.	22	Uijeongbu Prison	18 months; 2019-

			01-17
KIM, H. K.	25	Uijeongbu Prison	18 months; 2019-11-09
KIM, I. T.	20	Cheonan Prison (Foreign)	18 months; 2019-11-29
KIM, J. H.	22	Anyang Prison	18 months; 2018-12-29
KIM, J. H.	29	Jeju Prison	18 months; 2019-01-19
KIM, J. J.	25	Suwon Detention Center	18 months; 2019-05-27
KIM, J. K.	24	Seongdong Detention Center	18 months; 2019-06-26
KIM, J. W.	22	Daegu Detention Center	18 months; 2019-06-27
KIM, J. W.	22	Seoul Detention Center	18 months; 2019-06-06
KIM, O. H.	22	Ulsan Detention Center	18 months; 2019-04-27
KIM, S. B.	21	Tongyoung Prison	18 months; 2019-03-27
KIM, S. H.	23	Daegu Detention Center	18 months; 2019-08-09
KIM, S. H.	22	Wonju Prison	18 months; 2019-03-28
KIM, S. S.	24	Cheongju Prison	18 months; 2019-05-04
KIM, S. W.	23	Suwon Detention Center	18 months; 2019-01-19
KIM, W. E.	21	Incheon Detention Center	18 months; 2019-09-12
KIM, Y. C.	22	Seoul South Prison	18 months; 2019-03-30
KIM, Y. H.	20	Uijeongbu Prison	18 months; 2019-11-18
KIM, Y. J.	23	Daejeon Prison	18 months; 2019-07-11
KIM, Y. S.	22	Uijeongbu Prison	18 months; 2019-12-19
KOO, T. Y.	25	Sooncheon Prison	18 months; 2019-03-25
KWON, J. S.	22	Daegu Detention Center	18 months; 2019-06-11
LEE, C. B.	23	Seongdong Detention Center	18 months; 2019-09-15
LEE, C. H.	25	Jeju Prison	18 months; 2019-

			01-05
LEE, C. H.	20	Ulsan Detention Center	18 months; 2019-09-07
LEE, C. Y.	21	Suwon Detention Center	18 months; 2019-05-21
LEE, G. W.	22	Daegu Detention Center	18 months; 2019-11-10
LEE, H. J.	21	Changwon Prison	18 months; 2019-04-11
LEE, H. J.	23	Cheongju Prison	18 months; 2019-04-26
LEE, H. T.	22	Suwon Detention Center	18 months; 2019-10-05
LEE, H. W.	23	Daegu Detention Center	18 months; 2019-08-07
LEE, J. B.	21	Daegu Detention Center	18 months; 2019-10-26
LEE, J. H.	22	Uijeongbu Prison	18 months; 2019-07-22
LEE, S. H.	23	Seoul Detention Center	18 months; 2019-11-09
LEE, Y. H.	21	Seoul Detention Center	18 months; 2019-08-09
LEE, Y. M.	22	Seongdong Detention Center	18 months; 2019-03-29
NA, H. J.	22	Suwon Detention Center	18 months; 2019-03-13
OH, H. K.	21	Daegu Detention Center	18 months; 2019-09-20
OH, H. M.	22	Incheon Detention Center	18 months; 2019-02-28
OH, J. H.	24	Suwon Detention Center	18 months; 2019-10-24
OH, S. C.	21	Suwon Detention Center	18 months; 2019-05-27
OH, S. J.	21	Uijeongbu Prison	18 months; 2019-10-20
PARK, C. S.	24	Goosan Prison	18 months; 2019-01-10
PARK, D. B.	22	Anyang Prison	18 months; 2019-01-07
PARK, E. Y.	21	Tongyoung Prison	18 months; 2019-01-03
PARK, H. L.	23	Suwon Detention Center	18 months; 2019-05-13
PARK, H. M.	21	Suwon Detention Center	18 months; 2019-

			04-24
PARK, J. E.	27	Daegu Detention Center	18 months; 2019-03-26
PARK, J. H.	22	Suwon Detention Center	18 months; 2019-05-27
PARK, J. H.	21	Uijeongbu Prison	18 months; 2019-02-28
PARK, J. M.	24	Cheonan Prison (Foreign)	18 months; 2019-06-04
PARK, J. W.	23	Suwon Detention Center	18 months; 2019-01-18
PARK, J. W.	21	Uijeongbu Prison	18 months; 2019-02-25
PARK, K. H.	24	Uijeongbu Prison	18 months; 2019-06-06
PARK, S. M.	23	Incheon Detention Center	18 months; 2019-05-10
SEO, D. M.	20	Suwon Detention Center	18 months; 2019-12-09
SEO, Y. C.	22	Daegu Prison	18 months; 2019-01-31
SEO, Y. W.	23	Yeoju Prison	18 months; 2019-04-23
SON, A. B.	22	Milyang Prison	18 months; 2019-02-28
SONG, K. S.	28	Uijeongbu Prison	18 months; 2019-08-06
YONG, H. J.	21	Ulsan Detention Center	18 months; 2019-04-20
YOON, L. B.	23	Uijeongbu Prison	18 months; 2019-04-24
YOON, M. W.	24	Incheon Detention Center	18 months; 2019-09-12