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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

Supreme Court acquits man refusing to train with reserves

By Michael Lee

Korea JoongAng Daily (25.02.2021) - <https://bit.ly/3sH4sFy> - The Supreme Court on Thursday acquitted a 30-year-old man charged with refusing to submit himself for annual reservist training, recognizing for the first time that non-religious conscientious objectors could also claim an exemption from military training.

Reading the top court's ruling, presiding Judge Lee Heung-goo said, "Although it is not based in religious belief, the defendant's rejection of reservist training stems from a sincere conscientious objection grounded in his ethical, moral and philosophical convictions. We therefore see this as a justifiable application of the provision in the Reserve Forces Act for declining participation."

For decades, Korean courts did not accept conscientious objection as a reason for not fulfilling the country's military service requirement for able-bodied men, leading to the imprisonment of hundreds of men each year — most of them Jehovah's Witnesses — for refusing to serve in the armed forces as required by the Military Service Act.

Under the Reserve Forces Act, Korean men are required to attend annual reservist training for eight years following their release from active duty, which is also included in military service obligations.

However, the Constitutional Court in June 2018 ruled that the government's failure to provide other forms of national service was unconstitutional and ordered the government to introduce alternative options for conscientious objectors in lieu of active military service. Shortly thereafter in November 2018, the Supreme Court acquitted a Jehovah's Witness who refused to serve in the military, accepting "conscience or religious beliefs" as justifiable reasons for refusing military service.

Since then, the government has introduced a three-year long alternative service option for conscientious objectors.

Thursday's judgement marks the first time that the Supreme Court has accepted a non-religious reason based on conscience to acquit someone accused of rejecting military service. The case is also an unusual instance where the court has applied the provision for conscientious objection to reservists, as opposed to men being called up for conscription.

The defendant acquitted by the Supreme Court's ruling on Thursday completed his active service requirement in February 2013 but was accused of refusing 16 summons to attend reservist training between March 2016 and April 2018.

At his Supreme Court trial, the man testified, "Growing up under a violent father, I underwent a self-awakening about the use of force. Later, I saw a video of American soldiers shooting civilians from a helicopter, which led me to renounce the idea of possibly killing or murdering another human being."

Chairman Lee and the Hwaseong Stadium Incident: Flogging a dead horse

*While found not guilty of having obstructed the COVID-19 prevention efforts, Shincheonji's leaders
was sentenced (wrongly, in our opinion) for other charges.*

*by Massimo Introvigne
Fourth in a series of four articles*



The contested event: Ms. Atifete Jahjaga, Former President of the Republic of Kosovo, Singh Sahib Giani Gurbachan Singh Ji, Chief of the Sikh Golden Temple, and Chairman Lee at the 2017 anniversary of the World Peace Summit.

In late Winter last year, Shincheonji, a religious movement few non-Koreans had ever heard about, became a household name overnight as the ultimate "plague-spreading cult," after one of its members was identified as an (involuntary) "superspreader" of COVID-19 in South Korea. Shincheonji and its leader, Chairman Lee Man Hee, were accused of having obstructed the anti-COVID-19 effort by not cooperating with the health authorities. Chairman Lee himself was arrested.

As discussed in the previous articles of this series, the Suwon District Court on January 13, 2021 concluded that Chairman Lee had not breached any provision of the Infectious Disease Control and Prevention Act (IDCPA), and in fact he and Shincheonji had cooperated "promptly" and "actively" with the health authorities as requested.

While cleared of all COVID-related charges, Chairman Lee was nonetheless sentenced to three years with probation in connection with unlawful activities he had allegedly performed before the COVID-19 pandemic. I discussed in the previous article of the series the charges of “embezzlement of funds,” and am now addressing the accusation that he organized “illegal events.”

Let us clarify it again, all these accusations refer to events that happened well before the COVID-19 crisis and had nothing to do with it. How these events developed was clear, yet Chairman Lee was not prosecuted for criminal behavior before the COVID-19 crisis. Only after he was indicted for COVID-related offenses, were these incidents suddenly “rediscovered.”

Looking at these cases, it seems that Shincheonji was the victim rather than the perpetrator of any wrongdoing. The same scheme repeated itself: Shincheonji or one of its related organizations rented premises for an event; the rental agreement was cancelled due to pressures by the movement’s anti-cult opponents; Shincheonji deemed the cancellation illegal and held the event. The leaders and members of Shincheonji and related organizations did not enter the premises by force. Thousands of persons, including foreign dignitaries, attended the festivals, which took place peacefully and without incidents. Complaints by the rental agencies, which look as having been filed to appease militant opponents of Shincheonji, were dismissed, or withdrawn. However, in 2020, these “dead horses” were revived, and cited as one of the reasons for arresting and prosecuting Chairman Lee.

The “illegal” events mentioned by the prosecution were organized to celebrate the yearly anniversaries of the World Peace Summit, organized by the peace and humanitarian association of which Chairman Lee is founder and chairperson, HWPL, on September 18, 2014, and were held respectively at the Olympic Park Peace Plaza in Seoul in 2015 (attendance: 57,000), at the stadium at Hwaseong Sports Town in 2017 (50,000), at the Ansan Wa Stadium in 2018 (40,000), and at the Suwon World Cup Stadium in 2019 (60,000). There is no doubt that HWPL has been founded and is led by Chairman Lee, i.e., by the same person who founded and leads Shincheonji. On the other hand, those who have studied HWPL have concluded that its aim is not to convert others to Shincheonji, but to promote world peace, the rule of law, and humanitarian aims. These are rooted in the worldview of Shincheonji, but HWPL events are not used to proselytize on behalf of Shincheonji.



Another image of the 2017 event.

Accusations that Chairman Lee and Shincheonji held “illegal events” were resolved well before 2020. And indeed, in the cases of the Peace Plaza, the Ansan Wa Stadium, and the Suwon World Cup Stadium, the Suwon District Court concluded that “these cases had been already investigated in the past and cleared.” It found Chairman Lee not guilty in connection with these three events.

However, when examining the 2017 case, the court found Chairman Lee guilty of having “known and directed” actions misleading the City of Hwaseong into believing that the organizer of the event was a “volunteer organization,” while it was Shincheonji.

What happened in that case was that, under pressure from the anti-cult group called National Association of the Victims of Shincheonji, the city of Hwaseong tried to cancel the agreement it had signed five days before the event, which the lessees did not accept. In the end, officers of the city of Hwaseong attended the event, were satisfied that the HWPL meeting was not a proselytization rally for Shincheonji, and asked for the payment of the rent (which followed shortly) to close the matter.

Just as in the other cases, the anti-cultists had told the authorities that the stadium will be used for religious ceremonies, which would be against the rental rules. However, the local authorities attended the event and agreed it was not religious.



The crowd at the 2017 event.

These were peaceful events with the presence of hundreds of foreign dignitaries, including leading politicians such as the former Presidents of Croatia, Stjepan Mesić, and of Romania, Emil Constantinescu. What emerges from the events was, on the contrary, that the National Association of the Victims of Shincheonji and local fundamentalist Christian churches actively promoted discrimination against Shincheonji, and intimidated local lessors by threatening mass demonstrations. This discrimination was extended to HWPL, by falsely arguing that it was organizing religious proselytization events on behalf of Shincheonji, which was not the case.

In 2020, rather than acknowledging that Shincheonji and HWPL had been at the receiving ends of acts of intolerance and discrimination, the South Korean prosecutors blamed the victims, and filed criminal charges against Chairman Lee for cases where local authorities had already concluded that no crime had been committed.

The case of the Hwaseong Stadium does not appear to be structurally different from the others, for which Chairman Lee was found not guilty. Hopefully, this matter too may be clarified on appeal.

Chairman Lee's « embezzlement of fund » : stealing from his own pocket

The Suwon District Court found Shincheonji's leader not guilty of obstructing the anti-COVID-19 health efforts, but said (wrongly) he mismanaged the group's money.

By Massimo Introvigne

Bitter Winter (03.02.2021) - <https://bit.ly/2MVL3kW> - Many in the world know the names of Shincheonji and its leader, Chairman Lee Man Hee, only because they were accused by South Korean authorities of voluntarily obstructing the campaign to contain COVID-19 in the country, after a member of the movement had emerged as a "superspreader" of the virus. As I discussed in previous articles analyzing the decision, on January 13, 2021 the Suwon District Court acquitted Chairman Lee from all COVID-related charges and recognized that, rather than obstructing the health authorities' efforts, "Shincheonji actively" and "promptly" cooperated with them.

After the prosecution of Chairman Lee for COVID-related offenses had started, the prosecutors added two additional charges, the first, that he had "embezzled funds" belonging to Shincheonji, and the second, which I will examine in a future article, that he had organized activities in certain venues after the corresponding rental agreements had been cancelled by the owners.

Writing in The Korea Times before the trial started, an astute observer of South Korean religious and legal scene, Michael Breen, noted that in court cases involving leaders of unpopular religious movements the charge of "embezzlement of fund" is always included, as a sort of a parachute that will be used to save the prosecutors' face, in a country that has a 97 percent conviction rate in criminal cases, should other charges fail. "The best evidence that this is a witch-hunt, Breen wrote, is that the prosecutors have thrown in a financial charge for good measure in case the [COVID-related] obstruction of government charge doesn't stick... The court is almost certain to accept this as embezzlement if the prosecutors say it is." Breen's prediction came true, and was consistent with the study by Kim Chang An and other scholars of the previous prosecution in South Korea of leaders of groups their opponents labeled as "cults."

This is based, not only in South Korea, on an anti-cult stereotype, easily accepted by the public opinion, that "cult" leaders prey on gullible followers and on their wallets. In fact, there is no evidence that new religious movements in general receive monetary contributions in amounts higher than traditional religions, nor that funds are administered with less transparency. In the same year 2020, scandals concerning the Vatican and international Buddhist orders confirmed that problems in managing funds are not exclusive to "cults."

Accusations of "embezzlement of funds" against leaders of new religious movements are, however, easier. When a religious movement is in its first generation, with the leader still alive, it is very much common that the assets of the movement and of the leader are somewhat confused. For members, it may be unclear whether they are donating to the leader or the movement. Most of them do not make such a distinction. The leader is the movement, and by supporting the leader, his or her travels around the world, and other activities, devotees believe they are supporting the religious organization. When it is accused to embezzle the movement's funds, the leader is often charged with stealing from his or her own wallet, and defense is difficult.

Shincheonji is divided territorially into twelve "tribes," and Chairman Lee was accused of having deposited in his personal accounts gifts received by the Matthias Tribe and the Peter Tribe. His defense is that he regarded these as donations to him, and the money was used to support his world tours and other activities that ultimately benefited Shincheonji and Shincheonji-related organizations.

The court observed that "according to Shincheonji's regulations, donations are prohibited to individuals," and concluded that by depositing the checks into his personal bank account, Chairman Lee was guilty of embezzlement of funds. Statements by donors that they had no complaints and were indeed happy that Chairman Lee used their gifts for his travels and activities were regarded as irrelevant.

Chairman Lee is also accused of having embezzled funds from the peace and cultural association HWPL, of which he is the chairperson. His defense was that the origin of these funds should be considered. Although deposited in an HWPL account, they were gifts by Shincheonji devotees intended for Chairman Lee. And that his "personal use" of funds in the HWPL account was for activities that went to the benefit of HWPL, of which he was the most well-known representative. Again, the court made the formalistic argument that donations according to Shincheonji's statutes are for the movement rather than for individuals prevail on Lee's quite logical explanations.

The most bizarre claim was that Chairman Lee embezzled funds belonging to Shincheonji to support the construction of the Palace of Peace in Gapyeong. I have personally visited the Palace of Peace twice (and I doubt those who wrote the decision did). It is true that Chairman Lee lives there—in a modest apartment, far away from the luxury surrounding other religious leaders. However, the largest part of the Palace of Peace is used as a training and conference center for HWPL events, and includes an exhibition and museum about the history of Shincheonji and its related organizations. Clearly, the Palace of Peace is not the private home of Chairman Lee, but a key facility for Shincheonji and its related organizations, for which Shincheonji funds have been rightfully used.

The court, however, accepted the prosecution's claim that, since Lee had his "bedroom and wardrobe" in the Palace of Peace, and spent there "at least 10 days a month," while "Shincheonji events were not held more than 10 times a year on average," then "the building was not used for Shincheonji's" purposes "but for the defendant's personal use."

With all due respect to the court, this argument is obviously wrong. It is normal that large events such as Shincheonji's peace and other conferences are not organized every day. However, facilities intended for events are not facilities for the personal life of an individual. By far, the largest area of the Peace Palace is the one including a conference hall and a museum about Shincheonji's past activities. In addition, there are meeting rooms and offices where, for example, I and other scholars interviewed Lee. The part of the property where Lee lives is comparatively minor.

But, quite apart from any assessment of prevalence, it is clear that Lee spends his time in a property equipped with meeting rooms, office, a large conference hall and even a museum, to perform his duties as the leader of Shincheonji and not simply to enjoy Gapyeong's scenic view. From the Vatican down to lesser properties, there are countless facilities that serve as centers for religious activities, and where the religion's leader also lives—which does not convert them from religious centers to private homes.

The court acknowledged that, since he started hearing of these accusations, and in some cases before, Chairman Lee transferred back the funds he had received to the Matthias and Peter Tribes, Shincheonji, and HWPL, either by wiring back money or transferring shares of properties. Chairman Lee did this although he regarded the accusations as ludicrous, and the alleged "victims" had not asked to receive the money back. The court took this into consideration in sentencing Chairman Lee to the comparatively minor penalty of three years with probation.

The court was also aware that the "embezzlement of funds" charges were mostly supported by statements by Ms. Kim Nam Hee, and that it was this woman who largely managed Chairman Lee's money during the period the court examined. The court noted that "their relationship [between Kim Nam Hee and Chairman Lee/Shincheonji] is not amicable," yet decided to believe her at any rate.

For several years, Kim was perceived as Lee's closest disciple and one some believed may become his "successor" in leading the movement. When it became clear that Shincheonji would not accept her as leader or "successor," Kim started creating her own

parallel or splinter group, which met with limited success. She was expelled from Shincheonji in January 2018, and had to face a trial at the Seoul Central District Court, on charges of embezzling money belonging to the church. On July 26, 2019, the Seoul Central District Court sentenced her to two years in prison, suspending the execution of the sentence for three years. The decision was confirmed on appeal on December 6, 2019.

Again, with all due respect to the court, it should have been clear that Kim, when she accused Lee of embezzlement, was not a credible witness. She is involved in a number of bitter lawsuits against Lee and Shincheonji, and has been herself found guilty, by a final court decision, of embezzling the movement's funds. It seems that, after she lost the criminal court case filed against her by Shincheonji, she started a personal vendetta against Chairman Lee. It is unfortunate that both the media and the court took her seriously.

Photo : An artistic rendering by Shincheonji of the New Jerusalem, showing the central role of Chairman Lee as the "Promised Pastor."

Shincheonji: Reflection on the non-guilty verdict of Chairman Lee in a context of scapegoating

On 1 February, CESNUR and HRWF held a webinar about the prosecution of Chairman Lee who was finally declared non-guilty in 2021 of the charges of obstructing the state anti-Covid policy after spending 104 days in custody in 2020 and being released on bail

Oral presentation by Willy Fautré, Human Rights Without Frontiers

HRWF (10.02.2021) - On 13 January 2021, the Suwon District Court acquitted Chairman Lee, the founder and leader of the Shincheonji Church in South Korea, from charges that he had allegedly obstructed the anti-COVID-19 efforts by the health authorities.

Chairman Lee was arrested in the morning of 1 August 2020. Despite his age – he was then 89 years old – and his fragile health – he had two back surgeries in recent years – his lawyers did not manage to get his release on bail and he was kept in custody until 12 November. It is only after 104 days of pre-trial detention that he was finally granted bail for medical reasons.

When he was acquitted, the judiciary tried to save its face by saying that he had been arrested on other charges as well. The media which had stigmatized him also attempted to save their faces by pointing at two other accusations: the alleged embezzlement of funds belonging to Shincheonji for building the Palace of Peace, another legal entity attached to the Church, and of having maintained an event in 2019 that the authorities had asked to cancel because of a "typhoon alert."

These are ludicrous charges which should have not justified over 100 days of detention of an 89-year old man, finally declared innocent of the main charges related to the COVID. In a White Paper about the scapegoating of Shincheonji, published last year by CESNUR and HRWF, it was contended that Chairman Lee had not committed any criminal negligence in the management of the COVID crisis. And as we have now seen, this was confirmed by the recent ruling of the Suwon District Court. After investigating the charges, the signatories of the White Paper concluded that the other charges were also

clearly instrumentalized by some vested interest groups to tarnish the reputation of Shincheonji and its leader. And in his analysis, Massimo Introvigne has intensively defused the additional unfounded charges.

Who are these vested interest groups which stigmatized and demonized Chairman Lee and why?

For about 20 years at least, Shincheonji, a prosperous new religious movement, has been viewed by many Protestant Churches as a troublemaker because its message and its theology have been attracting many young people, including university students and graduates. The estimated number of Shincheonji members varies between 240,000 and 300,000 but the overwhelming majority of them are coming from fundamentalist Protestant Churches.

In this intra-Christian competition, the first objective of these Protestant Churches was and still is to negatively portray Shincheonji as a dangerous cult and to bring 'back home their lost sheep'.

This includes the kidnapping and confinement of converts during days, weeks and even months, if needed, during which they are coercively submitted to a program of naming and shaming of Shincheonji with the logistical assistance of their network of so-called anti-cult counseling centers run by fundamentalist pastors and evangelists. This practice, known as deprogramming, has been studied for decades by scholars in religious studies in America and Europe where it was implemented last century until it was made illegal.

Change of religion under coercion in such circumstances in South Korea is a serious violation of human rights according to international standards. Although it is totally illegal and criminalized, the authorities usually turn a blind eye to this practice and finally, it is impunity that prevails.

There are no solid statistics about the extent of the phenomenon. But from January to September 2020, Shincheonji registered 166 cases of failed coercive de-conversion attempts and over 1500 from 2003 to 2020. The number of successful coercive deconversion cases remains unknown. However, such partial statistics shed some light on an illegal practice which has enjoyed impunity in South Korea.

In 2019, I have met and interviewed in Seoul a number of Shincheonji members who were victims of deprogramming and attempts of coercive change of religion. Last year, we published a report entitled "**Coercive Change of Religion in South Korea**".

With the COVID-19 pandemic, the fundamentalist Protestant Churches have seen a unique opportunity to destroy Shincheonji, decapitating it and ruining it, which had always been their objective. The COVID-19 pandemic provided them a dream occasion to again sow hostility against it, capitalize on other vested interests and come nearer to the final solution of their problem when a super-spreader and a cluster were discovered in one of its churches. Through their privileged relations with the media, state authorities, political parties and the media, they have launched a new crusade against Shincheonji asking for its ban and the imprisonment of its 89-year-old leader, Chairman Lee.

At that time, South Korea was on the eve of parliamentary elections due to take place in April 2020.

The Protestant fundamentalists saw here a new opportunity to get rid of Shincheonji. They collected signatures to ask the political authorities for the dissolution of Shincheonji.

What is surprising is that politicians at various levels, from city authorities to cabinet ministers, also supported proposals to de-register Shincheonji as a religion, to raid its churches, and to file criminal lawsuits against its leaders, including Chairman Lee.

Scapegoating an already unpopular group was seen as a convenient way for some politicians to distract attention from their own mistakes in handling the virus crisis.

Fundamentalists are a sizeable bloc of voters, and as mentioned earlier they succeeded in creating a diffuse hostility against the movement. Candidly, the Korean Minister of Justice admitted that there was no legal precedent for measures against Shincheonji, but she would consider adopting them because polls showed they were supported by 86% of South Korean citizens.

Acting against a minority based on polls seems strange in a democracy like South Korea, but the incident illustrates the level of anti-Shincheonji moral panic artificially created in the country.

In conclusion

The arrest of an 89-year-old respected religious leader on obviously trumped-up charges was a travesty of justice, an attempt to destroy a religious movement, and a serious breach of religious liberty.

Neither political parties nor media or civil society associations or judicial institutions should intervene in an inter-religious conflict on theological disputes.

Now, due to the crusade and the lobbying of the fundamentalist Protestant Churches, Shincheonji places of worship are still closed; their members are deprived of their right to exercise their religious freedom; and because the names of a number of them have been leaked to the media by the state tracking system, a number of them have lost their job or a promotion or have been in conflict with their families.

South Korea needs to be taken accountable before the international human rights institutions for tolerating the illegal practice of coercive change of religion as practiced in the aforementioned circumstances by fundamentalist Protestant pastors and also for detaining a very old man on spurious charges.

The South Korean verdict on Chairman Lee: COVID-19 and Religious Liberty

The decision absolving Shincheonji's leader from charges of obstructing the anti-pandemic efforts has important international implications.

By Massimo Introvigne

Bitter Winter (29.01.2021)- <https://bit.ly/2NRaKU3> - On January 13, 2021, the Suwon District Court acquitted Chairman Lee Man Hee, the founder and leader of the South Korean Christian new religious movement Shincheonji, from charges that he had obstructed the anti-COVID-19 efforts by the health authorities. Debunking widespread fake news, the judges concluded that, in fact, after one of its members was diagnosed with COVID-19 and it became clear that, before the diagnosis, she had attended church events and infected co-religionists, "Shincheonji actively cooperated with the submission

of data [requested by the authorities] and promptly provided them to the Central Disease Control Headquarters [CDCH].”

The decision was based on an argument of fact, i.e., that Chairman Lee had not been uncooperative and had done his best to cooperate with the health authorities, and on one of law. I examined the argument of fact in the first article of this series, and discuss here the argument of law, which is particularly important for the broader question of limiting individual rights during a pandemic, and has implications going beyond South Korea.

South Korea has generally been praised for its quick reaction to the pandemic, although human rights issues have also been noted. This quick reaction derives from South Korea’s experience with another epidemic, MERS, in 2015. After MERS, a law called Infectious Disease Control and Prevention Act (IDCPA) was passed in 2016, which allows the government to derogate from certain provisions of other laws (including the Data Protection Act, which protects privacy) in case of an epidemic.

The IDCPA allows the health authorities to collect data they would not normally be authorized to collect under the South Korean Data Protection Act, including (IDCPA, section 76) (a) personal information, such as names, resident registration numbers, addresses, and telephone numbers; (b) prescriptions and records of medical treatment; (c) records of immigration control; and (d) other information for monitoring the movement of patients with infectious diseases. Article 76-2 of the IDCPA grants the Ministry of Health and the Director of the Central Disease Control Headquarters (CDCH) legal authority to collect personal data, without a warrant, of those already infected or likely to be infected.

One problem with the IDCPA is that key terms such as who is “likely to be infected” and what are “other information” are left undefined. This calls for an even increased vigilance about the effect of the law on human rights. Clearly, the IDCPA’s application should respect the general principles of non-discrimination and proportionality, and the international conventions on human rights that South Korea has signed and ratified.

It is important to note that, under Article 4 of the International Covenant on Civil and Political Rights, “in time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, color, sex, language, religion or social origin.” However, in this case, “any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.” Article 4.2 explicitly states that, not even in a public emergency, derogations to the provision of Article 18, which guarantees freedom of religion and belief, are admissible.

In fact, during the COVID-19 emergency, several states notified the United Nations that they will apply temporary emergency measures that may supersede certain human rights as allowed by Article 4 ICCPR. However, South Korea did not.

Probably, South Korea was persuaded that this was not needed, since the IDCPA is an ordinary law. However, it is an ordinary law whose enforcement may create human rights problems, and at any rate not even a communication to the United Nations would have

allowed South Korea to violate the international provisions on religious non-discrimination and religious freedom.

As Professor Ciarán Burke, a well-known human rights scholar at Friedrich Schiller University in Jena, Germany, wrote about the IDCPA, “the legislation, drafted in the name of efficiency and flexibility, leaves too much room for interpretation by the state authorities, allowing them to employ the Act in a manner contrary to the ICCPR and Korea’s human rights obligations, and particularly the proportionality and non-discrimination principles.”

Now, the Suwon District Court has issued a decision that seems to agree with Professor Burke’s concerns. When an epidemic strikes, the court explained, the IDCPA is supplemented by an Enforcement Decree, which prescribes what data the Central Disease Control Headquarters (CDCH) is entitled to collect, and how they should be collected.

The court stated that requesting information on persons and properties “regardless of whether they are infected” or can reasonably be regarded as at risk of being infected, goes beyond the IDCPA as interpreted by the Enforcement Decree. Article 76-2, the court said, should not be interpreted extensively.

Requesting the complete list of a religious group’s members is not part of the “epidemiological investigation,” the court said, but can be considered at best as being part of “a preparation stage of an epidemiological investigation.” This difference is all-important, because private citizens and associations cannot refuse to submit data relevant for the “actual epidemiological investigation,” but are not compelled to answer requests for data only relevant for “the preparation stage of an epidemiological investigation,” although they can do so voluntarily.

The prosecution also claimed that under Article 76-2 of the IDCPA the CDCH was entitled to receive a full list of real estate properties owned by a religious movement. The court disagreed, and stated that “the request for submission of facility status [i.e., the list of real estate properties] does not fall under the epidemiological investigation, nor does it fall with the scope of requests for information provision under Article 76-2 of the IDCPA.”

Those who voluntarily submit to requests they are not legally compelled to answer, as Shincheonji did, are good citizens and should be praised but, during the whole process, they do not come under any obligation to provide the requested information, so that omitting part of it is not a crime.

The court thus confirmed that the IDCPA should be strictly interpreted, by considering the principle of proportionality and without extending its provisions beyond what the text of the law or the relevant Enforcement Decree allow.

Interpreting health control statutes otherwise would run counter international human rights law, and when religious organizations are involved, would also improperly limit their religious liberty and privacy rights. While the prosecution against Shincheonji and its leader was largely a by-product of a pre-existing hostility directed at this movement in South Korea, the court decision reaffirmed principles protecting the right to privacy of all citizens and organizations, and the religious liberty of all religions.

Photo: Anti-COVID-19 disinfection through drones in South Korea (credits).

Shincheonji's Chairman Lee NOT GUILTY of breaking Virus Law: the decision

The Suwon District Court debunked the fake news, and stated that Shincheonji "promptly and actively" cooperated with health authorities when requested.

By Massimo Introvigne

Bitter Winter (25.01.2021) –<https://bit.ly/39WsqVG> - For several months, South Korean and international media depicted Shincheonji, one of the largest Korean Christian new religious movements, and his founder and leader Chairman Lee Man Hee, as "plague-spreaders" responsible of the first outbreak of COVID-19 in South Korea. Now, a South Korean court of law has 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.

Bitter Winter has now obtained a copy of the verdict. In the meantime, 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. I will deal with these accusations in subsequent articles, but they have nothing to do with COVID-19.

Did Chairman Lee obstruct the campaign by South Korean health authorities to prevent the spread of COVID-19? The clear, unimpeachable answer of the Suwon District Court is no. The verdict discusses 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. This question goes beyond Shincheonji and is of the utmost importance for the whole issue of COVID-19, privacy, and religious liberty. I will discuss it in the second article of this series.

Here, I analyze the issue of fact. Whether or not the Central Disease Control Headquarters (CDCH) were legally entitled to request Chairman Lee to supply complete lists of Shincheonji's members and properties, was the behavior of the religious leader, when he received such requests, suggestive that he was trying to obstruct the anti-COVID efforts of the CDCH?

As the decision notices, Chairman Lee's phone was under surveillance, and the prosecution insisted on the fact that, when Shincheonji was requested to disclose a full list of its real estate properties, he told one of the movement's officers that he believed "the CDCH wants to know all the Zion Mission Centers, but they are not part of our church, so say it is not possible."

In fact, the court observed, in general by asking a list of all Shincheonji's properties the CDCH went beyond what an "epidemiological investigation" logically requested, so that Chairman Lee's reaction was understandable. Yet, it is always possible, although not mandatory, to cooperate with requests by the CDCH that go beyond the law. This cooperation is voluntary, but should not deliberately mislead the CDCH.

But this was not what happened, the court said. Witnesses testified that the 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, 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. Again, the prosecution built its case on a 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.

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 prosecutor 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 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.”

The conclusion could hardly have been clearer. 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 some 90% of the cases, the Suwon District Court dismissed the legend of Shincheonji and Chairman Lee as plague-spreaders for what it was, fake news. But the damage had been done and, as it often happens, most South Korean and international media, while mentioning the verdict, did not acknowledge that they had cooperated in spreading fake news, nor did they apologize to Chairman Lee.
