

**Refugee Review Tribunal  
AUSTRALIA**

**RRT RESEARCH RESPONSE**

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**Questions**

**Is there any evidence of the following?**

- 1. The South Korean government harming people who support socialism and/or oppose the US;**
- 2. The South Korean government harming people who support North Korea;**
- 3. The South Korean police engaging ‘secret agents’ to arrest people promoting socialism;**
- 4. Anything else of relevance.**

**RESPONSE**

**Is there any evidence of the following?**

- 1. The South Korean government harming people who support socialism and/or oppose the US.**

Within the Republic of Korea (ROK) the lines between socialism and communism are often blurred. As a result of North Korea’s position as a “Communist” state, ROK is avowedly anti-communist and promoting or supporting North Korea or communism is illegal. One of the main tools for combating perceived pro-communist activities is the vaguely defined National Security Law (NSL). People engaging in activities ranging from student activism, anti-militarism and trade unionism may find themselves subject to action under the NSL legislation. The broad nature of the NSL has meant many members of socialist parties and/or organisations have had these provisions used against them. The relationship with the US has also been an integral part of politics on the peninsula. The US currently has about 40,000 troops in South Korea. The expansion of US military complexes and the signing of the Free Trade Agreement (FTA) between the US and Korea continue to be sources of tension on the peninsula.

Information provided in response to this question has been organised under the following headings:

- [Socialists in South Korea](#)
- [Background](#)
- [Anti-US sentiment/activity](#)
- [Trade unionism](#)
- [Recent events](#)

### **Socialists in South Korea**

The NSL has been used by the ROK authorities to accuse dissidents of North Korea links. Any activity that can be linked to Communist beliefs may find itself subject to this legislation. Leftists are often alleged to be pro-North Korea. Pro-Communism in all its forms is not tolerated; however, the narrow term 'communism' can tend to be applied to any undesirable or "anti-state" activity or view perpetrated by those that fit anywhere under the broader definition of 'socialism'.

A search of the available information found mention of various South Korean socialist organisations and parties. One of the larger political parties is the Democratic Labour Party (DLP), formed in 1999/2000, and described as a "democratic socialist party". In 2006 a number of DLP leaders were arrested on charges of violating the NSL, prompting allegations that the government had orchestrated a "witch-hunt" against its political opponents of the left ('The Democratic Labor Party (DLP)' 2005, Europe Solidaire Sans Frontières website, 14 June <http://www.europe-solidaire.org/spip.php?article104> – Accessed 7 January 2008 – Attachment 1; 'Abolition of NSL Demanded in S. Korea' 2006, *Korean News*, 13 December – Attachment 2; Rahn, K. 2006, 'Probe Into Spy Case to Be Extended', *Korea Times*, 3 November – Attachment 3).

The October 2006 edition of the online journal, *International Socialism*, features an interview with two members of the International Socialists of South Korea (ISSK). According to this information, ISSK members faced periodic arrest during the 1990s and were forced largely underground. In 1999 they joined with the newly-formed DLP ('South Korea: the view from the left' 2006, *International Socialism Journal*, Issue 112, 11 October <http://www.isj.org.uk/index.php4?id=245&issue=112> – Accessed 7 January 2008 – Attachment 4).

A number of sources mention the South Korean socialist group "All Together", which appears to be an alternative or more recent name for the ISSK. In November 2007, during protests for workers' rights, 40 members of "All Together" were arrested, according to an article from the UK-based *Socialist Worker Online* (Reynolds, L. 2007, 'South Koreans unite against war, corruption and neoliberalism', *Socialist Worker Online*, 24 November <http://socialistworker.co.uk/art.php?id=13573> – Accessed 7 January 2008 – Attachment 5). Apart from brief mentions, little other information was found on this organisation. The group's official website is in Korean, with incomplete webpages on the English version of the site (<http://www.alltogether.or.kr>).

### **Background**

The above mentioned *International Socialism* article discusses the political situation in South

Korea and the state of the socialist and trade union movement in the nation and gives a brief background of the history of the left in the country:

Until 1991, when the former USSR collapsed, the great majority of the left was Stalinist. Then we had two varieties of Stalinism. One, called 'NL' (National Liberation currents), was pro North Korea, following Kim Il-sung's 'Jucheist' thought ('Juche' means 'self-reliance'). The other strand called itself PD (People's Democracy currents) and looked towards the USSR and Eastern Europe.

When Eastern Europe and the USSR collapsed, it was a tremendous shock, a total defeat for PD, and they just dissolved, some having an interest in some forms of post-modernism until the late 1990s.

NL, the Jucheists, survived the PD because North Korea survived. But from 1994 to 1998 they went through a deep crisis. First the death of Kim Il-sung in 1994 and then the famine from 1995 onwards, as well as the economic crisis, meant there was widespread feeling among South Koreans that the North Korean regime would collapse at any moment.

1998 was a turning point for NL because South Korea was also involved in a serious economic crisis. The Jucheists felt able to hold that North Korea was better than South Korea. And in the summer of 1998 they saw the launch of the supposedly continental ballistic missiles as showing the advance of technology in North Korea while the Kim Jong-il regime seemed to be stabilising.

The Inter-Korean Summit in 2000 really boosted the confidence of the Jucheists. But immediately afterwards the Jucheists more or less became reformists. Today Jucheists are acting as reformists—as are the bulk of the PD currents. PD has now differentiated into various widely different currents, and you can see all kinds of mishmashes: from die-hard traditional Stalinism, through modern versions of Maoism, through various kinds of social democracy and autonomism, to ultra-left workerism or council communism, as well as an inner DLP faction identifying itself with the Scottish Socialist Party. What binds together these wide varieties of PD, except for autonomist brands, is their workerist legacy and the sectarian attitude towards NL-led anti-imperialist struggles.

The International Socialists of South Korea (ISSK) is the other element in the Korean left. It began in 1990. On the eve of the collapse of the former USSR in August 1991 we had 29 members. In three months we grew to 170. But three months later there was a police raid and many of our members were arrested and went to prison. All through the 1990s, until December 1999 when we joined the DLP, we were underground as being some 150 strong, and regularly assaulted by the police—especially whenever we showed a sign of growth. During the whole decade more than 200 of our members were arrested, some comrades twice or even three times. We were sentenced to between six months and two years in prison. Being underground really had a negative effect (like passivity, temptations towards sectarianism, and so on) on both the group as a whole and its individual members, at a time when the movement was rising—since 1996.

But in late 2002, as I said before, there was a mass movement of young people against the threat of war and military aggression by the US. This immediately led to the anti-war movement and we started to grow from some 300 in early 2003 to slightly less than 1,200 in 2005. We are part of the DLP and in the recent party election we put up a candidate for policy director, one of the three major national posts, and we received 18 percent of the votes nationally and more than 30 percent in Seoul ('South Korea: the view from the left' 2006, *International Socialism Journal*, Issue 112, 11 October <http://www.isj.org.uk/index.php4?id=245&issue=112> – Accessed 7 January 2008 – Attachment 4).

See also:

- A previous research response, dated 21 December 2006, provides information on protests and demonstrations in South Korea. The information in this response notes that protests had been particularly common in recent years, with an average of 11, 000 demonstrations a year, mostly centring on the issues of workers' rights, globalisation, free trade and US forces in South Korea (RRT Country Research 2006, *Research Response KOR31090*, 21 December – Attachment 6).
- *Research Response KOR15567* gives a political background of South Korea from 1980-2002 (RRT Country Research 2002, *Research Response KOR15567*, 14 November – Attachment 7).

### **Anti-US sentiment/activity**

The main issues in South Korea's relationship with the US have been: the US military presence in the country and the expansion of military bases; South Korean government's support for the war in Iraq; and issues arising from the FTA. A large number of recent protests have been held over these issues, and various leaders of anti-US (or "anti-imperialist") activist organisations have been arrested.

The terms of the NSL deem "anti-state" activities illegal; however, what such activities might cover is not defined. In some cases in South Korea, anti-US and/or anti-imperialist sentiment are regarded as anti-state. A February 2007 article on the Socialist Party of Australia website notes that elements of the left regard the South Korean government as "an imperialist construction, imposed in 1945 on the people of the peninsula by the US and the departing Japanese" ('North Korea: Six nation talks reach new accord' 2007, Socialist Party Australia website, 18 February <http://www.socialistpartyaustralia.org/archives/2007/02/18/north-korea-six-nation-talks-reach-new-accord/> – Accessed 7 January 2008 – Attachment 8).

There have been a number of recent demonstrations in South Korea against the signing of the FTA with the US, resulting in arrests of a number of agitators, sometimes pre-emptively. In July 2007, two Co-Chairs of the Korean Alliance against the Korea-US FTA (KoA), Oh Jong-ryul and Jung Gwang-hoon, were arrested on charges of carrying out 'illegal' and 'non-permitted' protests against the free trade agreement between US and Korea. The KoA is a broad alliance of about 300 different groups from civil society and social movements, including the two national trade union centers ('International Protest Letter: Immediately Release Two Co-Chairs of KoA!' 2007, Korean Alliance against KorUS FTA website, 4 July <http://nofta.or.kr/en/entry/International-Protest-Letter-Release-Two-Co-Chairs-of-KoA> – Accessed 7 January 2008 – Attachment 9; 'KMWU Strike to Oppose FTA ; Arrest Warrants for 27 Leaders, 67 Leaders under Investigation for "Obstruction of Business"' 2007, Korean Confederation of Trade Unions website, 7 July [http://www.nodong.org/bbs/view.php?id=eng\\_action&page=1&sn1=&divpage=1&sn=off&ss=on&sc=on&select\\_arrange=headnum&desc=asc&no=49](http://www.nodong.org/bbs/view.php?id=eng_action&page=1&sn1=&divpage=1&sn=off&ss=on&sc=on&select_arrange=headnum&desc=asc&no=49) – Accessed 7 January 2008 – Attachment 10).

Along with the FTA and issues of globalisation, the US military presence in South Korea is a focal point for activists. Amnesty International reported the following arrest in April 2007 of a journalist on US-related charges under the NSL:

Lee Si-woo, a photojournalist and peace campaigner, was arrested on 23 April 2007 on charges under the vaguely worded South Korean National Security Law. The charges relate to

information he reported as a freelance journalist on the US military presence in South Korea. His news reportage was based on information obtained legally through the government and the military, through Freedom of Information laws ('Freedom of expression' (undated), Amnesty International website <http://www.amnesty.org/en/freedom-of-expression> – Accessed 7 January 2008 – Attachment 11).

The expansion of US military bases is also a point of contention, and has led to widespread protests which have been met with heavy government crackdowns. According to an appeal letter on the Asian Human Rights Commission (AHRC) website, on 15 March 2006 a demonstration was held against the expansion of the US military base to Daechri in Pyungtaek from Seoul. Though the demonstration was being conducted peacefully, the police chose to suppress it with violence and took 40 people into custody. The letter states:

The US and Korean governments agreed to add new 1,154 ha to the existing 1,513 ha of US military base in Pyungtaek under the name of 'Strategic Flexibility.'...the people in Pyungtaek, human rights and peace movement activists have organised daily candle lights demonstration for 500 days against the expansion of the US Military Base. The expansion will deprive the people in Pyungtaek of their lives in their home village.

On the 6th of March, 2006, the Ministry of Defense tried to occupy Daechoo-ri Primary School in Pyungtaek by force in order to use the building as an office for expansion. Thus, human rights activists had a press conference in the primary school, and then a peaceful demonstration was going on, which were officially and legally permitted by authorities. The primary school came to be a center for the residents' cultural activities since 2004. So the activists organized a demonstration against the expansion, and the Ministry's plan to occupy the building failed.

On the 15th of March, 4,000 policemen and private service corps invaded the village again. So the residents and activists protested the invasion with peaceful measurement. During the confrontation some people was injured and 3 villagers were sent to hospital. And human rights activist Park, Raegoon and Cho, Baeki were arrested ('Police adopt violence to suppress a peaceful demonstration in Korea' 2006, Asian Human Rights Commission website, 22 March <http://www.ahrchk.net/ua/mainfile.php/2006/1598/> – Accessed 7 January 2008 – Attachment 12).

In May 2006, Amnesty International reported that:

Up to 130 people are reported injured after 13,000 riot police and 3000 troops were deployed today against 700 campaigners and farmers protesting against the eviction of their village. Almost 350 people have been arrested. The land, in Daechuri village, Pyongtaek, is to be used for the expansion of a US base (Amnesty International 2006, *South Korea: Thousands of riot police in bloody eviction for US base*, 4 May, ASA25/004/2006 <http://www.amnestyusa.org/document.php?id=ENGASA250042006> – Accessed 7 January 2008 – Attachment 13).

In September 2006, an article on the OneWorld website states that "it took 10,000 South Korean police" to dislodge the farmers protesting against the military base expansion (Glantz, A. 2006, 'NO USA: Korean Farmers Protest U.S. Base Expansion', OneWorld website, 15 September <http://us.oneworld.net/article/view/139446/1/> – Accessed 7 January 2008 – Attachment 14).

A 2003 article by Professor George Katsiaficas discusses the history of US involvement in South Korea, including alleged atrocities committed during the war. The article states:

The reason that these stories are now newsworthy in South Korea is that for over 40 years, it was illegal to discuss them in public under various US-backed military governments. Even today fear of reprisal is so widespread among victims that the Korean Parliament has had to pass a special law specifically granting immunity to anyone who comes forward to testify.

... The recent wave of candlelight vigils against US military forces in South Korea began when a previously unknown activist proposed the idea on the internet. Overnight thousands of people turned out, and the event became a weekly occurrence. More militant protests, including random attacks on Americans in the streets of Seoul, began to escalate. Over one million Korean signatures were collected calling on President Bush to revise the agreement governing US forces on the Peninsula so that American soldiers suspected of crimes in South Korea would be tried in Korean courts (as already occurs in Japan), rather than in US military courts (Katsiaficas, G. 2003, "Why Many South Koreans Fear the US More than North Korea", Eroseeffect website

<http://www.eroseeffect.com/articles/Why%20South%20Koreans.pdf> – Accessed 7 January 2008 – Attachment 15).

### **Trade unionism.**

South Korea has a strong union movement, involved in regular strikes and street demonstrations for workers' rights and other issues, sometimes resulting in clashes with police. A number of protesters and strikers have been arrested, and there have been some deaths during strikes over recent years, allegedly due to unnecessary use of force by police. However, it should also be noted that authorities claim that the strikes and demonstrations themselves are often violent in nature, and a number of police have also been injured. Unions have been heavily involved in recent demonstrations against the signing of the FTA between the US and South Korea. Other main current issues include: union rights of government employees (over 100 union offices have been raided and closed down); irregular (contract) workers (over 90% of striking workers arrested in 2006 were contract workers); the use of subcontractors by corporations to circumvent employment laws; and the lack of rights for migrant workers.

The more militant umbrella union organisation is the Korean Confederation of Trade Unions (KCTU). A February 2007 KCTU report detailing the situation of labor rights in South Korea, including repression and arrests of activists and union members is included as Attachment 16. A list of 61 workers currently imprisoned due to trade union activities (as of January 2007) is also included as Attachment 17 (Korean Confederation of Trade Unions 2007, 'Understanding the Actual Situation of Labor Rights in South Korea', 9 February [http://www.nodong.org/bbs/data/eng\\_docu/KCTUreport\\_TUR\\_Feb2007.doc](http://www.nodong.org/bbs/data/eng_docu/KCTUreport_TUR_Feb2007.doc) – Accessed 7 January 2008 – Attachment 16; Korean Confederation of Trade Unions 2007, 'List Of Workers Imprisoned Due To Trade Union Activities', January [http://www.nodong.org/bbs/data/eng\\_docu/KCTUPrisonList\\_Feb2007.doc](http://www.nodong.org/bbs/data/eng_docu/KCTUPrisonList_Feb2007.doc) – Accessed 7 January 2008 – Attachment 17).

A June 2007 article reports that the KCTU is involved in an "all-out struggle against the KOR-US FTA". The article notes the recent FTA-related strikes held by the KCTU-affiliated Korean Metal Workers' Union (KMWU), and the resulting "unprecedented targeting of KMWU leadership at all levels for arrest and damages claims". The article states:

the South Korean government speedily issued arrest warrants for the KMWU President, First Vice President, and General Secretary on the national level, and every single chairperson of all 14 KMWU Regional Branches. Arrest warrants were then issued for 6 KMWU Hyundai Motors Branch top officers as well as for 4 officers of the KMWU Branch at Kia Motors.

Thus, in the run-up to the 29 June demonstration, already 27 KMWU national, regional and enterprise-level leadership were wanted by the government for arrest. Employers have filed damages claims for losses, resulting in the government opening investigations for possible “criminal obstruction of business” of 67 KMWU leaders at regional, national and local level because of the strike (‘KMWU Strike to Oppose FTA ; Arrest Warrants for 27 Leaders, 67 Leaders under Investigation for “Obstruction of Business”‘ 2007, Korean Confederation of Trade Unions website, 7 July

[http://www.nodong.org/bbs/view.php?id=eng\\_action&page=1&sn1=&divpage=1&sn=off&ss=on&sc=on&select\\_arrange=headnum&desc=asc&no=49](http://www.nodong.org/bbs/view.php?id=eng_action&page=1&sn1=&divpage=1&sn=off&ss=on&sc=on&select_arrange=headnum&desc=asc&no=49) – Accessed 7 January 2008 – Attachment 10).

The most recent ITUC Annual Survey of Violations of Trade Union Rights (2007) includes various examples of violations of workers’ rights. The survey states:

The government of President Roh Moo-hyun continued its record of repressing unions by ordering an all-out police assault against the Korean Government Employees Union that included the invasion and closure of over a hundred local union offices. In November, the government also forced through the Parliament a series of revised labour laws that will make it easier to hire replacement workers during strikes, and employ workers on temporary contracts. Employers continued to fire trade unionists with impunity, and frequently filed criminal charges (and demands for huge amounts of compensation) for alleged “obstruction of business” resulting from regular union activities. Police violence against strikers continued, resulting in serious injuries for some and the death of one steel worker (International Trade Union Confederation (ITUC) 2007, *Annual Survey of Violations of Trade Union Rights – Korea, Republic of* <http://survey07.ituc-csi.org/getcountry.php?IDCountry=KOR&IDLang=EN> – Accessed 7 January 2008 – Attachment 18).

A July 2007 press release by the National Human Rights Commission of Korea (NHRCK) notes the ongoing and excessive police repression against union protesters. Similarly, in December 2006, the NHRCK found that police had used excessive violence during a unionists rally earlier in the year which resulted in a number of serious injuries and the death of a union member (National Human Rights Commission of Korea 2007, ‘Excessive Police, Violence against Protestors’, 31 July

[http://www.humanrights.go.kr/english/activities/board\\_list.jsp?page=7&board\\_id=Press%20Releases](http://www.humanrights.go.kr/english/activities/board_list.jsp?page=7&board_id=Press%20Releases) – Accessed 7 January 2008 – Attachment 19; National Human Rights Commission of Korea 2006, ‘NHRCK to Recommend that Prosecutors Investigate Union Member’s Death’, 29 December

[http://www.humanrights.go.kr/english/activities/board\\_list.jsp?page=15&board\\_id=Press%20Releases](http://www.humanrights.go.kr/english/activities/board_list.jsp?page=15&board_id=Press%20Releases) – Accessed 7 January 2008 – Attachment 20).

The following article on the ICFTU website describes this incident:

The ICFTU called on the Korean Government to restrain its police force from using brutal tactics in repressing strikes following the death last week of Ha Joong Keun, a striking worker beaten to death by riot police.

Joong Keun, a member of the Korean Federation of Construction Industry Unions (KFCITU), which is affiliated to the ICFTU affiliate KCTU, was one of thousands of workers who on July 16 held a support rally for the peaceful sit-in which fellow construction workers began on July 13 at the headquarters of the Pohang Steel Corporation (POSCO), the world’s fourth largest steel producer.

Thousands of riot police surrounded the rally and Ha Joong Keun was one of a number of

workers beaten repeatedly with riot shields. Following hospitalization he slipped into a coma, and passed away at 2.30 am on August 1.

“We remind the government of South Korea that under its international obligations, it has the duty to protect the right of workers to strike, to belong to a union and bargain collectively. The POSCO experience shows that not only is the government not fulfilling its obligations, it is deliberately using the police to quell strikes in a most violent manner,” Guy Ryder, General Secretary of the ICFTU said.

“The tragedy of Ha Joong Keun’s death comes only a year after the death of another trade unionist, who was killed during industrial action over the use of strike-breakers. We condemn the use of violence to solve industrial disputes and demand that the government urgently order an independent investigation into his Ha Joong Keun’s death and that those responsible be held to account,” Ryder continued.

The sit-in followed protracted negotiations between the union and POSCO over workers’ demands for a pay rise, a five day working week and the right to be treated with dignity and respect in the workplace.

The striking workers currently work an 8 to 10 hour day, 7 days a week. They live in undignified conditions, with only 7 bathrooms for 3,000 workers and no eating facility. The work involves the handling of hazardous chemicals and despite the illegality of asbestos in South Korea, the deadly material is still used in POSCO plants.

POSCO maintains that as it outsources the hiring of workers to subcontractors it is not responsible for the welfare of the workers employed on its building sites.

“With \$US 6 billion in profits last year, POSCO can well afford to sit down and negotiate more humane working conditions for its workforce,” Ryder concluded (‘Fatal beating of South Korean trade unionist reveals disrespect for fundamental human rights’ 2006, International Confederation of Free Trade Unions website, 8 August <http://www.icftu.org/displaydocument.asp?Index=991224911&Language=EN> – Accessed 7 January 2008 – Attachment 21).

A number of other reports on the arrests of union activists over recent years in South Korea are included on the International Confederation of Free Trade Unions (ICFTU) website (<http://www.icftu.org/list.asp?Language=EN&Type=ALL&Country=KOR&Order=Date>).

Following a fact-finding mission to ROK by the International Confederation of Free Trade Unions and the Trade Union Advisory Committee to the OECD in 2006, the subsequent report stated:

The mission was deeply concerned over the worsening labour situation in Korea where serious violations of workers and trade union rights are taking place. The violence perpetrated against workers involved in peaceful rallies and demonstrations to uphold their fundamental rights and improve their wages and working conditions is of deep concern. Such aggression had caused the deaths of two workers and injuries to many others and led in recent months to the imprisonment of more than one hundred unionists (‘ICFTU/TUAC/GUFs Joint Mission to Korea 24-26th August 2006’ 2006, International Confederation of Free Trade Unions website [http://www.icftu.org/www/PDF/060920Final\\_ICFTU\\_TUAC\\_GUFs\\_JointMissionKorea.pdf](http://www.icftu.org/www/PDF/060920Final_ICFTU_TUAC_GUFs_JointMissionKorea.pdf) – Accessed 7 January 2008 – Attachment 22).

In June 2005, ICTFU reported on the numerous recent arrests of union activists, stating that there had been “at least 1425 [arrests] in the space of 8 weeks, or more than 1 trade unionist



arrest every hour” (‘Korea: 1 trade unionist arrested every hour’ 2005, International Confederation of Free Trade Unions website, 3 June <http://www.icftu.org/displaydocument.asp?Index=991221785&Language=EN> – Accessed 7 January 2008 – Attachment 23).

### **Recent events**

The following articles detail recent relevant incidents, including demonstrations and arrests, which took place during the last few months of 2007. It should also be noted that there has been a recent change in government following elections in December 2007, with the new president described by commentators as “right-wing”, “pro-business” and pro-US”. More information on the new ruling party is included in [Question 4](#) of this response.

In November/December 2007, various media sources reported the targeted crackdown on the KCTU-affiliated Migrants’ Trade Union (MTU). A number of MTU leaders were arrested and deported (National Human Rights Commission of Korea 2008, ‘NHRCK Expresses Regret over Deportation of Migrant Workers’, 2 January [http://www.humanrights.go.kr/english/activities/board\\_list.jsp?board\\_id=Press%20Releases](http://www.humanrights.go.kr/english/activities/board_list.jsp?board_id=Press%20Releases) - Accessed 7 January 2008 - Attachment 24; Doucette, J. 2007, ‘Reckless inequality: Dramatic arrests of Migrant Trade Union leadership highlight South Korea’s failed labour and migration policies’, *ZNet*, 1 December <http://www.zmag.org/content/showarticle.cfm?SectionID=69&ItemID=14417> – Accessed 7 January 2008 – Attachment 25).

Various media articles report on a number of arrests during protests and rallies over the FTA and irregular workers’ rights in November 2007. As mentioned previously, it was reported that a number of members of the socialist group, All Together, were arrested (Reynolds, L. 2007, ‘South Koreans unite against war, corruption and neoliberalism’, *Socialist Worker Online*, 24 November <http://socialistworker.co.uk/art.php?id=13573> – Accessed 7 January 2008 – Attachment 5).

According to an article in the independent Korean paper, *The Hankyoreh*, an anti-FTA rally on 11 November 2007 involved some 20,000 protesters and 88,000 riot police:

A massive rally against a free trade agreement with the United States and laws against irregular workers was held on November 11 with the participation of some 20,000 farmers and workers, according to police estimates (‘Massive demonstration causes confrontation with police’ 2007, *The Hankyoreh*, 12 November [http://english.hani.co.kr/arti/english\\_edition/e\\_national/249486.html](http://english.hani.co.kr/arti/english_edition/e_national/249486.html) – Accessed 7 January 2008 – Attachment 26).

An August 2007 appeal letter on the AHRC website reports on the heavy-handed government response to, and police crackdown on, union strikes in protest over the dismissal of 900 irregular workers (‘SOUTH KOREA: Massive dismissal of workers by company while the government cracked down on their strike’ 2007, Asian Human Rights Commission website, 7 August <http://www.ahrchk.net/ua/mainfile.php/2007/2526/> – Accessed 7 January 2008 – Attachment 27).

## **2. The South Korean government harming people who support North Korea.**

South Korea's relationship with and attitude to North Korea goes through stages of both antagonism and mutual tolerance. The previous recent South Korean president, Roh Moo-hyun, as well as his predecessor, Kim Dae-jung, has carried out a "sunshine" policy of engagement with the North. The policy seeks to bring about a state of peaceful coexistence in the Korean Peninsula by effecting changes in North Korea through reconciliation, cooperation, and mutual exchange. Despite this, however, the arbitrary use of the NSL against people accused of pro-North Korea activities in South Korea has continued. According to sources, arrests under the NSL increased in 2006 for the first time in 10 years.

The most recent US Department of State report on human rights includes the following information on the use of the NSL against people who commit acts viewed as supporting North Korea:

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions. However, rules regarding arrest and detention under the National Security Law (NSL) are vague. For example, the NSL defines espionage in broad terms and permits the authorities to detain and arrest persons who commit acts viewed as supporting North Korea and therefore deemed dangerous to the country. The NSL permits the imprisonment for up to seven years of anyone who "with the knowledge that he might endanger the existence or security of the state or the basic order of free democracy, praised, encouraged, propagandized for, or sided with the activities of an antistate organization." The legal standard for what constitutes "endangering the security of the State" is vague. Thus, persons could be arrested for the peaceful expression of views that the government considered pro-North Korean or antistate. Between January and September authorities arrested 11 persons for alleged NSL violations.

The UN Human Rights Committee has termed the NSL "a major obstacle to the full realization of the rights enshrined in the International Covenant on Civil and Political Rights." Proposals to annul or substantially revise the NSL were sparked again during the year after a teachers' union published a pamphlet using text from a North Korean state document. A university professor who was arrested under the NSL late last year for publishing unpopular columns about the Korean War was subsequently found guilty of violating the NSL and was dismissed from his job. In May he was sentenced to two years of prison with a stay of execution of three years. At year's end the case was under appeal (US Department of State 2007, *Country Reports on Human Rights Practices for 2006 – Republic of Korea*, March, Section 1.d – Attachment 28).

Human Rights Watch's latest annual report provides the following information on people accused of pro-North Korea activities in South Korea:

South Korea continues to arrest people accused of pro-North Korea activities under the National Security Law. Human rights activists remain particularly concerned about the provision that bans "praising or supporting" North Korea, a vaguely worded phrase that has been often used by past governments to arrest dissidents for peacefully expressing their views. In September 2004 the National Human Rights Commission recommended abolition of the law to the National Assembly chairman and the minister of justice, citing human rights violations caused by the law itself, and its arbitrary application. In September 2006 Hwang Kwang-min, a 26-year-old man, was sentenced to a suspended two-year prison term for charges including producing and distributing pro-North Korea materials (Human Rights Watch 2007, *World Report – South Korea*, 11 January – Attachment 29).

Similarly, in 2004 Amnesty International stated that:

The current use of the NSL also appears to contradict the government's "Peace and Prosperity Policy" of engagement with North Korea. Under this policy the government encourages closer relations with North Korea through initiatives such as dialogue, trade and travel. Conversely, under the NSL people continue to be arrested for merely discussing reunification, publishing socialist or "pro-North Korean" material or having views considered similar to those of the North Korean government. (Khan, Irene 2004, *Republic of Korea (South Korea): Open Letter to all Leaders of Political Parties: An Important Duty to Revitalise Efforts to Fundamentally Repeal or Review the National Security Law*, 13 October, ASA 25/009/2004 <http://web.amnesty.org/library/Index/ENGASA250092004?open&of=ENG-KOR> – Accessed 9 November 2006 – Attachment 30).

A personal opinion website ("web log") discussing South Korean politics presents the following information in regard to the arrests in 2006 of DLP leaders and others on charges of violating the NSL:

Five people have been arrested on charges of violating the National Security Law, including Korea Democratic Labor Party Deputy Secretary-General Choi Ki-Yung. The right-wing described it as potentially "the biggest spy case since Kim Dae-Jung's presidency."

However, none of the allegations made by the National Intelligence Service against the so-called 'Il-Shim-Hoi' ('Organization of One Mind' the alleged pro-NK group) has been substantiated.

That's why the prosecution, instead of arresting them for spying, did so on the grounds that they met NK operatives in China – for 'contacting and communicating with the enemy', forbidden by the National Security Law.

This is a blatant double standard. When senior government officials, politicians, and *chaebol* [corporation] presidents travel north to meet NK 'officials' – there's no criteria for distinguishing 'officials' from 'operatives', by the way – it's called 'North-South cooperation and exchange'; when it's KDLP members doing the same thing it's called 'serving the interests of the enemy.'

Moreover, 1.2 million South Koreans have visited NK since the June 15 Summit of 2000, and currently there are 300 thousand South Koreans every year who either visit NK or meet North Koreans in China.

... The conservative media reported that Choi and the rest were involved in the movement protesting the deaths of the two middle school girls, the protests against US bases, against the Korea-US FTA, etc. The intent is to slander the movements against imperialism and neoliberalism by putting a 'pro-North' label on them ('Stop the Witch-Hunt Against KDLP!' 2006, Counterfire weblog site, 9 November <http://counterfire-atg.blogspot.com/2006/11/stop-witch-hunt-against-kdpl.html> – Accessed 7 January 2008 – Attachment 31).

The previously mentioned 2006 *International Socialism* article states that:

Because the right have gained confidence the government, under pressure from them, is going on the offensive against the left, with a return to using the National Security Act. Recently a Stalinist scholar was subject to a very heated attack by the right wing press simply for saying the Korean War was an attempt by North Korea to bring about Korean unity. He was put on trial and sentenced to four years in prison albeit with a suspension of sentence ('South Korea: the view from the left' 2006, *International Socialism Journal*, issue 112, 11 October <http://www.isj.org.uk/index.php4?id=245&issue=112> – Accessed 7 January 2008 – Attachment 4).

Also see:

- *Research Response KOR31657*, dated 17 April 2007, provides information on the use of the NSL against those accused of pro-North Korea activities (RRT Country Research 2007, *Research Response KOR31657*, 17 April – Attachment 32);
- *Research Response KOR30914*, dated 21 November 2006, includes a list of recent arrests and investigations against those accused of pro-North Korea activities (RRT Country Research 2006, *Research Response KOR30914*, 21 November – Attachment 33); and
- *Research Response KOR15567* provides information on the government’s attitude towards pro-North Korea groups during the 1990s and early 2000s (RRT Country Research 2002, *Research Response KOR15567*, 14 November – Attachment 7).

### **3. The South Korean police engaging “secret agents” to arrest people promoting socialism.**

No information on “secret agents” arresting people who promote socialism was found in a search of the available sources. As noted previously, however, the NSL has been used to arrest dissidents for publishing or promoting socialist or “pro-North Korean” material or viewpoints. As noted by the US Department of State, the rules regarding arrest and detention under the NSL are vague and are often applied arbitrarily and security law enforcement agencies, such as the National Intelligence Service (NIS), have wide powers. Of particular concern is the practice of detaining suspects without a warrant, and allowing the suspect to be questioned for a number of days before a formal arrest warrant is issued. As detailed in the previous question, there is currently a widespread crackdown on suspected espionage activity leading some critics to claim that a “witch-hunt” is occurring (‘Abolition of NSL Demanded in S. Korea’ 2006, *Korean News*, 13 December – Attachment 2; Rahn, K. 2006, ‘Probe Into Spy Case to Be Extended’, *Korea Times*, 3 November – Attachment 3).

A previous research response, dated 6 November 2006, provides information on the police and intelligence services in SK. This is included as Attachment 34. The response cites information on the Federation of American Scientists website which notes that the police also perform “various surveillance activities to guard against the appearance of anarchistic ideology struggle; reappearance of anti-democratic and anti-government violence” (‘National Police Agency’ 1999, FAS Intelligence Resource Program, 18 July, Federation of American Scientists website <http://www.fas.org/irp/world/rok/npa.htm> – Accessed 1 November 2006 – Attachment 34; RRT Country Research 2006, *Research Response KOR30832*, 6 November – Attachment 35).

Also of interest is the fact that, according to the latest ITUC Annual Survey of Violations of Trade Union Rights (2007), unions are often kept under surveillance by police or security agencies in order to capture strike leaders. The annual survey states:

Collective action often becomes “illegal” outside of essential services as well, given the complicated legal procedures for organising a strike. Such action continued to be severely repressed by the government after being criticised for leniency at the beginning of its term of office. During the past seven years, at least 1,000 unionists have been imprisoned. In the vast majority of cases, the principal charge has been “obstruction of business”, or trying to illegally organise trade unions in the public sector.

The authorities use the violence that takes place in some demonstrations and strikes to justify the detention of trade union leaders. Unions insist police action is unnecessarily provocative and disproportionately brutal. Prosecutors are quick to issue arrest warrants as soon as workers go on strike, or sometimes when one simply is announced. **Police or security agencies mount surveillance operations – occasionally sophisticated ones – in order to capture strike leaders. Unions’ offices and telecommunications are routinely monitored** [researcher emphasis added] (International Trade Union Confederation (ITUC) 2007, *Annual Survey of Violations of Trade Union Rights – Korea, Republic of* <http://survey07.ituc-csi.org/getcountry.php?IDCountry=KOR&IDLing=EN> – Accessed 7 January 2008 – Attachment 18).

A 2006 article in the socialist webzine, *Monthly Review*, refers to corporations such as Samsung using surveillance technologies to prevent collective action by workers, although no other information was found to substantiate or disprove this allegation (Zeltzer, S. 2006, ‘First Working-Class Film and Video Festival in Turkey a “Resounding Success”’, *Monthly Review* webzine, 23 May <http://mrzine.monthlyreview.org/zeltzer230506.html> – Accessed 4 January 2008 – Attachment 36).

An April 2005 article on the ICFTU website reports that in the course of preventing demonstrations over a particular workers issue “police had detectives follow almost all union members and... even resorted to threatening family members of the unionists concerned”:

The ICFTU is also concerned to learn about the detention on 4 March of 30 union members demonstrating in front of the National Police Agency. The 30 unionists were part of a group of 587 public officials who were dismissed ex-officio from their jobs at the National Police Agency, and replaced by irregular workers or other workers. The Agency refused recognition of their trade union, the National Police Agency Trade Union, after finally meeting with union representatives, further to a sit-in protest organised by the union that lasted more than 70 days. The police had detectives follow almost all union members and blocked their attempts at conducting demonstrations. The Agency even resorted to threatening family members of the unionists concerned (‘Police raids on KGEU offices and further arrests of KGEU officials’ 2005, International Confederation of Free Trade Unions website, 8 April <http://www.icftu.org/displaydocument.asp?Index=991221490&Language=EN> – Accessed 7 January 2008 – Attachment 37).

A 2002 report by Amnesty International states that “[c]riminal suspects and prisoners have continued to face ill-treatment by law enforcement officials.” Regarding arrests made under the NSL, Amnesty claims that the practice of detaining suspects without a warrant has led to a pattern of abuse. Most arrests are made under Article 7 of the law that provides sentences of up to seven years’ imprisonment for “praising” and “benefiting” the enemy (generally meaning North Korea). In July 2002 an office-worker named Kim Kang-phil was visited by ten officers from the NIS and arrested without a warrant. In September, the Seoul District Court handed him a one-year prison sentence and a one-year suspended sentence. This Amnesty report further states that:

There is still a pattern of abuse in which suspects are detained without an arrest warrant and are not allowed prompt communication with their family. This results in many detainees being held incommunicado after their arrest, when they are vulnerable to police ill-treatment. Detainees may be held for up to 30 days’ questioning by police and prosecution officials before indictment. Under some provisions of the National Security Law this may be extended to 50 days. Amnesty International believes this long period of detention for interrogation purposes facilitates the use of ill-treatment to extract confessions (Amnesty International 2002, *Republic of Korea (South Korea) Summary of Concerns and Recommendations to*

*Candidates for the Presidential Elections in December 2002*, AI Index: ASA 25/007/2002, 6 November, pp. 3-11 – Attachment 38).

Also see:

- RRT Country Research 2007, *Research Response KOR31657*, 17 April – Attachment 32.

#### **4. Anything else of relevance.**

As noted previously in this response, recent elections have resulted in a change of government in South Korea. The new ruling party is the Grand National Party (GNP). According to the available information, the GNP supports capitalism and free trade, entrepreneurship, economic development, small government, tax reductions, and maintenance of strategic alliance with the U.S. and other Western nations. The GNP generally takes a hardline stance against North Korea. A December 2007 *New York Times* article notes that the election of the GNP candidate would signal a shift of power back to the conservatives. The article states: “The conservative, anticommunist ‘industrialization force’ ruled until the mid-1990s, its time marked by rapid economic growth and often corrupt authoritarianism” (Sang-hun, C. 2007, ‘Economy Looms Over South Korea Election’, *New York Times*, 19 December <http://www.nytimes.com/2007/12/19/world/asia/19korea.html> – Accessed 7 January 2008 – Attachment 39).

The following articles provide further relevant information on the GNP and the current political situation in the nation:

Prior to the recent election an article on the World Socialist Web Site states:

After a more than a decade of so-called “democrats”, the candidate of the right-wing Grand National Party (GNP), Lee Myung-bak, appears poised to win tomorrow’s presidential election in South Korea. The GNP is the party most closely connected to the military dictatorship that dominated the country for much of the post-World War II period until the late 1980s (Chan, J. 2007, ‘South Korean presidential election: right-wing candidate poised to win’, World Socialist Web Site, 18 December <http://www.wsws.org/articles/2007/dec2007/kore-d18.shtml> – Accessed 7 January 2008 – Attachment 40).

A *New York Times* article, dated 20 December 2007, states:

The results on Wednesday reflected voters’ deep dissatisfaction with the liberal administration of President Roh Moo-hyun, who is limited to a single five-year term by the Constitution, and his handling of the economy. By turning to Mr. Lee, the candidate of the opposition conservative Grand National Party, South Koreans put bread-and-butter issues ahead of the larger themes of social equality, political change and reconciliation with North Korea that had influenced their votes in the past decade.

This time, relations with North Korea or the United States barely registered among voters. But political analysts said Mr. Lee, a pro-business, pragmatic politician not known for taking strong ideological positions, would improve Seoul’s strained relations with Washington. As for North Korea, Mr. Lee has said that he will continue the policy of engaging it economically but that he will demand more concessions.

... Political analysts said Mr. Lee, who is known to be pro-American, would help improve relations with the United States. The Bush administration was always wary of Mr. Roh, who was elected in 2002 partly by playing to anti-American feelings at the time.

Differences over North Korea — between the Bush administration's initially tough policy and what it perceived as Mr. Roh's indulgent engagement and coddling of the North — strained relations even further. Officials on both sides warned privately of the possible end of the countries' security alliance.

"Relations of mutual trust have eroded over the years," said Han Sung-joo, who served as Seoul's ambassador to the United States from 2003 to 2005 during the Roh administration. "But I think the new government will be able to restore that trust, though relations have already started improving since the turnaround by the Bush administration on the North Korean nuclear issue" (Onishi, N. 2007, 'Conservative Wins Vote in South Korea', *New York Times*, 20 December  
[http://www.nytimes.com/2007/12/20/world/asia/20korea.html?\\_r=1&pagewanted=print](http://www.nytimes.com/2007/12/20/world/asia/20korea.html?_r=1&pagewanted=print) – Accessed 7 January 2008 – Attachment 41).

Two other articles published after the December 2007 elections may also be of interest:

- 'The dynamics of party politics in Korea' 2008, *Korea Herald*, 1 January – Attachment 42; and
- 'A turning point' 2007, *Korea Herald*, 31 December – Attachment 43.

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UK Home Office <http://www.homeoffice.gov.uk/>

US Department of State <http://www.state.gov/>

#### **United Nations (UN)**

UNHCR <http://www.unhcr.ch/>

#### **Non-Government Organisations**

Amnesty International <http://www.amnesty.org/>

Asian Human Rights Commission <http://www.ahrchk.net/index.php>

Freedom House <http://www.freedomhouse.org/>

Human Rights Watch <http://www.hrw.org/>

National Human Rights Commission of Korea <http://www.humanrights.go.kr/english/>

#### **International News & Politics**

*BBC News* <http://news.bbc.co.uk/>

*Z Net* <http://www.zmag.org/>

#### **Region Specific Links**

*Chosun Ilbo* <http://english.chosun.com/>

*The Hankyoreh* <http://english.hani.co.kr/>

*Yonhap News* <http://english.yna.co.kr/>

#### **Topic Specific Links**

All Together <http://www.alltogether.or.kr>

International Confederation of Free Trade Unions (ICFTU) <http://www.icftu.org>

*International Socialism Journal* <http://www.isj.org.uk/>  
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International Trade Union Confederation (ITUC) <http://www.ituc-csi.org/>  
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### **Search Engines**

Google <http://www.google.com.au/>

### **Databases:**

FACTIVA (news database)

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