

**House Foreign Affairs Committee
Tom Lantos Human Rights Commission**

**Hearing
on
THE STATE OF CIVIL AND POLITICAL RIGHTS
IN THE REPUBLIC OF KOREA:
IMPLICATIONS FOR HUMAN RIGHTS ON THE PENINSULA**

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Summary

Freedom and human rights are under attack in the Republic of Korea, better known as South Korea.

Moon Jae-in, its president, is taking steps to restrict freedoms and, it appears, end democracy there.

In fact, Moon is also taking steps to end the Republic of Korea itself, the democratic state he was elected to protect. His overarching goal is unification of the two Koreas.

Moon is also fast moving his country into alignment with the worst elements in the international community, especially China and North Korea. This foreign policy has ended up eroding the environment for human rights in the South.

Unification as Justification for Political Repression

Moon, in his summits with North Korean leader Kim Jong Un, has talked about how to merge the two rival Korean states.

Since the division of Korea in 1945, every Korean leader, both north and south, has advocated unification. Moon, however, is the first Korean leader to favor the unification plans of the other side, and unlike his recent South Korean predecessors, he is working hard to achieve union.

To pave the way for unification, he has apparently tried to make the South's form of government compatible with that of Kim's. Most fundamentally, Moon's Democratic Party of Korea in early 2018 led an attempt to remove the notion of "liberal" from the concept of "democratic" in the country's constitution. The South's opposition "conservatives" turned back the effort, but Moon has kept trying.

For instance, the Education Ministry in June of that year tried to change the country's textbooks, proposing to describe the nation's political system as just "democracy." The Ministry ultimately succeeded in removing references to "freedom" in middle-school texts.

On the Korean peninsula, democracy does not have to be "liberal." The Kimist regime rejects that concept but nonetheless maintains it is "democratic." Its formal name, after all, is the Democratic People's Republic of Korea. Moon's political party shares the "Democratic" label but has been persistently leading the attack on the concept of liberal governance.

The Attack on Democracy

Moon declared in his inauguration speech in May 2017 that he would "strive to get rid of authoritarian practices in the presidency." That promise has not been kept.

Although he made his name as a human rights lawyer and campaigner for democracy, Moon has been far more aggressive in the use of state power to enforce political conformity than his immediate predecessor, Park Geun-hye, or her immediate predecessor, Lee Myung-bak.

Moon, of course, did not invent South Korean authoritarianism. The country has a long history of hardline rule, yet South Korean society had been relatively free, especially under Lee and Park. President Moon, in short, has reversed a decades-long trend of democratization and liberalization and is now returning the South to a dark period.

The South Korea of tomorrow, unfortunately, could resemble the South Korea of the past.

Since becoming president in 2017, Moon has relentlessly attacked democratic institutions. His assault has been both direct and indirect.

Indirectly, he has, for instance, exercised control of big broadcasters, such as the Korean Broadcasting System or KBS, to reduce the airing of dissenting views and to promote North Korea's. These days, it is difficult to say anything critical of Moon on any state-funded media outlet, especially anything critical of Moon's overtures to North Korea.

For instance, Moon, soon after his election as president, used harsh methods to purge KBS board members with views he disliked. Prominent among those purged is Kahng Gyoo-hyoung of Myongji University.

To reinforce its control over messaging, Moon's government also clamped down on social media, trying to remove content causing "social distrust." As a part of this effort, Minjoo, as the ruling party is known, has gone after platforms the government does not control, such as YouTube. YouTube remains one of the few open venues for Koreans disagreeing with Moon.

Among those arrested for reporting news Moon found distasteful is journalist Sung Sang-hoon of Global Defense News, a YouTube channel and website. He was sent to jail in May of last year.

Moon has backed up his attack on social media by, for instance, investigating Google Korea for tax evasion. The abuse of government power was clear because the government instigated the probe only after the company refused a request from Minjoo to take down 104 YouTube videos.

Moreover, Moon has been relentless. The National Police Agency has been investigating journalists for news stories his administration deemed factually incorrect.

Moon's government, taking a page from the playbook of Singapore's Lee Kuan Yew, sued critics, like former national security prosecutor Koh Young-ju, for essentially calling Moon a "communist." Also targeted was journalist Woo Jong-Chang, for an alleged libel of Cho Kuk, the disgraced justice minister. Woo was jailed for his "crime." "Is this a dictatorship?" a woman in the audience cried out when Woo was sentenced. "How could this happen?"

It's hard to figure out how this could happen in a democracy. Also hard to understand is perhaps the most famous libel case of the Moon era, that involving Byun Hee-jai and three other journalists of Media Watch.

Moon's government has also sought to silence critics challenging Moon's attempt to promote reconciliation with Pyongyang, especially North Korean defectors who have found refuge in the South. Defectors have been routinely warned by the government to keep quiet about the horrific Kim regime.

In what is now called a "reign of terror"—the apt phrase of In-ho Lee, a former South Korean diplomat and advocate of rights in the South—pro-North Korea forces feel free not only to speak but also to act, to deny freedom to others. The North's radical proponents hold rallies demanding the arrest of "scum"—those who have escaped the North to live in freedom in the South.

Radicals have even put up in Seoul wanted posters naming two particular defectors, asking residents to report their whereabouts. Because the pair was believed to be targeted by Pyongyang for assassination, the posters put their lives in danger.

The now-notorious Baekdu Group and affiliates such as “Flower Wave” acted openly and with impunity. They have intruded into classrooms to shout propaganda. They have invaded the offices of the Daily NK, a web-based news organization, to intimidate staff. They have broken into the offices of a human rights organization to disrupt operations. Baekdu Group members have made public death threats and staged mock public arrests with victims bound with rope.

Some South Koreans believe that “free democracy” is “currently on the verge of a collapse,” as a September 4, 2018 statement charged. The situation in the South has deteriorated since then.

In short, opposition—the so-called “conservative”—voices are being persecuted, prosecuted, pressured, censored, and harassed.

In the new South Korea, we can even see evidence of the fear of the government. Many young demonstrators in the anti-Moon “Taegukgi”—flag—rallies in Seoul have felt compelled to wear masks or otherwise hide their faces from photographers. Alarm is now widespread.

Moon has also directly attacked democracy by using the law to quash dissent, especially dissent about his North Korea policies. Moon’s party sponsored what has become known as the “anti-leaflet law,” technically amendments to the Development of Inter-Korean Relations Act. The amendments bar South Koreans from, among other things, sending balloons into North Korea with messages. The balloons also carry everyday items—food, medicine, cash, small radios, and USB drives—Pyongyang considers to be contraband.

The amendments, which also restrict propaganda broadcasts, were enacted last December over stiff opposition from human rights groups and others who argued that Moon was trying to placate Kim Jong Un’s sister, Kim Yo Jong. Ms. Kim had demanded Seoul ban the balloon flights.

As opposition lawmaker Tae Yong-ho correctly put it in a filibuster speech, “They’re trying to put Kim Yo Jong’s order into law at her single word.” It’s no wonder that opponents of the bill called it the “Kim Yo Jong Decree Law.” The Kim family, therefore, now has a large say in defining the limits of permissible speech south of the Demilitarized Zone.

The government’s announced reason for the anti-leaflet law is that it will reduce the incentive for North Korea to attack the South. That is the best Moon can say to justify his pro-Pyongyang stance.

There is no justification for a less well known but even more fundamental attack on free speech. The ruling party sponsored and passed a law criminalizing speech about “5.18,” the “Gwangju Democracy Movement” to some and the “Gwangju Rebellion” or “Gwangju Uprising” to others.

The new law authorizes jail terms up to five years and fines for denying, slandering, or distorting the 1980 event. In other words, the law has criminalized speech and given the government wide latitude to jail critics.

Therefore, it is now dangerous to mention the event if one does not accept Moon’s narrative that it was a democracy movement; if one insults “the May 18 Democratization Movement,” as Moon calls it, with “preposterous remarks”; or if one suggests North Korea had any hand in the movement or uprising. The law suppresses—criminalizes—disagreement over history.

In addition, those criticizing the uprising before the passage of the law had been sued, jailed, harassed, threatened, and YouTube-demonetized. There was a concerted effort on the part of the Moon government to enforce, behind the scenes, uniformity on this controversial historical event.

In the South Korea of today, criticism of North Korea is, as a practical matter, a major crime.

Moon Foreign Policy

Upon taking the oath of office in May 2017, Moon worked hard to distance South Korea from democratic states and to move the South into alignment with hardline ones, China and North Korea. A prominent example of this pro-China—and pro-North Korea—stance is his foreign ministry’s issuance of the infamous Three Nos in late 2017.

The price for good relations with Beijing and Pyongyang has been an erosion of human rights and civil liberties in the South, as is evident from Kim Yo Jong’s demands that led to the enactment of the anti-leaflet law.

Additionally, Beijing in recent years is demanding nations force their citizens to end criticism of “China.” Moon has been compliant with Chinese demands.

Moon, for instance, was roundly criticized for following Beijing’s line and not imposing restrictions, to prevent the spread of COVID-19, on passenger arrivals from China. He reportedly told his cabinet officials that “fake news” about the disease is a “grave crime.”

It was in this context that journalist Sung Sang-hoon, mentioned above, was arrested and convicted for suggesting the death of an ethnic Chinese South Korean was the result of

coronavirus. The Moon government saw this report as directly linking the disease to China.

China, like North Korea, is getting a say in defining the limits of free speech and human rights in South Korea. In the future, there are bound to be more government attempts to restrict South Korean freedoms in order to please an increasingly demanding Beijing.