



# **POLICING THE CANDLELIGHT PROTESTS IN SOUTH KOREA**

**AMNESTY  
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Cover photo: Candlelight Protest, Seoul, South Korea (2008)

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# Amnesty International

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## Policing the Candlelight Protests in South Korea

Executive Summary

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The candlelight protests in central Seoul against the resumption of US beef imports due to fears of BSE or 'mad cow disease' began on 2 May 2008 and continued almost daily for more than two months. Tens of thousands of people from all walks of life attended the demonstrations, with at least 100,000 on 10 June, the 21<sup>st</sup> anniversary of South Korea's pro-democracy movement. The protesters voiced their discontent not only with the US beef trade issue, but with a broad range of President Lee Myung-bak's other policies. The newly elected president, who won a landslide victory in December 2007, faced a political crisis, as his approval ratings fell to below 20 per cent. His entire cabinet offered their resignation and the President made a public apology twice to the people.

The majority of the protesters were peacefully exercising their rights to freedom of expression and assembly, which are enshrined in South Korea's constitution, as well as international human rights law and standards. However, various provisions under South Korean law limit the right to demonstrate and protesters continued to defy government calls to cease and disperse. The Ministry of Justice's "zero-tolerance policy" toward violent protesters outlined in March 2008, which exempted riot police from liability, and in kind incentives for arresting unlawful protesters introduced by the police in August 2008, undermine the objectivity of law enforcement and significantly increase the likelihood of abuse.

The protests were for the most part peaceful and given its size and duration, both the protesters and the police showed notable organization and restraint. However, there were sporadic incidents of violence, as riot police and protesters clashed. The two main flashpoints of violence occurred on 31 May/1 June, when the police first used water cannons and fire extinguishers, and 28/29 June, the weekend following the government's announcement that US beef imports would resume. The decision to use water cannons and fire extinguishers contributed to the mass resignation of all 14 members of the Korean National Police Agency's human rights committee.

Some protesters used violence against the police, wielding steel pipes and wooden sticks, pulling police buses with ropes, throwing projectiles at police, and vandalising buses. Amnesty International recognises that it is the responsibility of the South Korean police

to maintain public order but even when facing violent protesters, international standards on the use of force must be observed.

South Korea has made significant progress in human rights and democratic gains since the pro-democracy struggles in 1987. Advances have also been made in the policing of demonstrations including the 1999 decision to cease using tear gas against demonstrators. These 2008 candlelight protests, and the response by the police to them, generally showed the strength of South Korea's civil society, as well as its legal institutions, but Amnesty International has documented several instances of human rights violations.

For this report, Amnesty International interviewed 56 civilians, including detainees, a Member of Parliament, monitoring officials from the National Human Rights Commission of Korea, first aid volunteers, journalists, and human rights lawyers, all of whom were present at or directly involved with the protests. The organization monitored the policing of the protests from 25 May to 18 July 2008, including a mission to Seoul in July 2008, and identified the following areas of concerns: unnecessary or excessive use of police force, including the misuse of police and security equipment during the protests; arbitrary arrest and detention; a lack of adequate training of the police; and a lack of police accountability.

Amnesty International calls on the South Korean government to:

- thoroughly review current policing practices, including the training and deployment of all police officials, in particular the riot police, in crowd control and the regulations on police use of force to ensure their compliance with international law and standards;
- introduce safeguards against human rights violations in police custody, including to ensure that all detained persons receive medical attention promptly when requested and/or needed;
- conduct a prompt, effective, independent, thorough, and impartial investigation into allegations of human rights violations by police officials, and hold perpetrators accountable for human rights violations;
- amend the Assembly and Demonstration Law to allow citizens to exercise their peaceful right to assembly more broadly and without fear of detention.

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*"There were about 60 of us peacefully lying down on the street. The captain of the riot police cursed at us and gave orders to his men to charge through us. All we could do was try and protect our bodies, as 200 riot police officials came charging through. They trampled on us, slamming their shields on our bodies and hitting us with batons. If the police just arrested us, it would have been fine. But why did they have to beat us like that?"<sup>1</sup>*

Lee Hack-young, National General Director of YMCA

## 1. INTRODUCTION

### 1.1. Background

On the weekend of 2 May 2008 a large candlelight vigil against the resumption of US beef imports due to fears over bovine spongiform encephalopathy (BSE or 'mad cow disease') began in the Republic of Korea (South Korea). It was held in the capital city of Seoul. Through internet discussion boards like Agora<sup>2</sup> and online community sites such as Cassiopeia, 'netizens'<sup>3</sup> were able to quickly mobilize people, thus, attracting more than 12,000 participants in its inaugural weekend, most of whom were middle and high-school students<sup>4</sup>.

As the numbers grew, the protests took place almost on a daily basis in the evening throughout the months of May and June, and in the first week of July.<sup>5</sup> Although the focus of many protesters was still their opposition to the beef agreement with the USA, others began voicing their dissatisfaction with the general leadership style of newly elected President Lee Myung-bak and a broad range of his policies.<sup>6</sup> People from diverse backgrounds attended the demonstrations, including students of all ages, parents with their children, pensioners, office workers, reservist soldiers, trade unionists, civic group activists and religious figures. Also present at these demonstrations were monitors from the National Human Rights Commission of Korea (NHRCK) and human rights lawyers group, and first aid volunteers.

The protests were largely peaceful and although initially the protesters and the police showed restraint, there were acts of violence on both sides. Some protesters turned

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<sup>1</sup> Amnesty International interview with Lee Hack-young in Seoul, South Korea on 4 July 2008.

<sup>2</sup> Online discussion board on South Korean internet portal site, Daum.

<sup>3</sup> A term widely used in South Korea to refer to internet 'citizens' or users.

<sup>4</sup> Middle and high-school students are normally between 12 and 18 year. Bae Ji-sook, "Students Lead Candlelight Vigils over Beef, Education", *The Korea Times*, 6 May 2008, available at: [http://www.koreatimes.co.kr/www/news/nation/2008/05/117\\_23740.html](http://www.koreatimes.co.kr/www/news/nation/2008/05/117_23740.html), accessed 1 August 2008.

<sup>5</sup> After 6 July, the protests became less regular with greater attendance on the weekends. Police also cordoned off the City Hall Plaza, the main congregating site of the protests.

<sup>6</sup> Policy issues included President Lee's plans to build a canal running through the country, privatisation of the national health system and educational reforms (longer school hours and streaming classes). There was also a general perception among many protesters that the President's policies favoured the elite and that the views of normal citizens were being ignored. See: Donald Kirk, "Korea's 'Bulldozer' Leader Hits the Wall", *Far Eastern Economic Review*, July/August 2008, vol.171, no.6; Choe Sang-hun, "Korean leader considers ways to rework government", *New York Times*, 11 June 2008, <http://www.nytimes.com/2008/06/11/world/asia/11korea.html>, accessed 19 September 2008; and Yoo Cheong-mo, "Lee set to revamp administration's tarnished image", *Yonhap News*, 10 June 2008, available at: <http://english.yonhapnews.co.kr/national/2008/06/10/46/0301000000AEN20080610004200315F.HT>, accessed 15 August 2008.

violent when their attempts to march to Cheongwadae or the Blue House, the presidential office and residence, were blocked by the police. However, Amnesty International has documented that the riot police used excessive force to disperse the protesters and arbitrarily arrested and detained several individuals.

## 1.2. Legality of the protests

As the protests continued into weeks then months, their legality came under greater scrutiny. At the heart of the issue was whether these protesters were lawfully exercising their right to demonstrate. According to article 21 of the Korean Constitution, "All citizens enjoy the freedoms of speech and the press, and of assembly and association" and "licensing of assembly and association may not be recognized". However, article 5(1.2) ("Banning of assembly and demonstration") of the Assembly and Demonstration Law prohibits any demonstrations that "pose a direct threat to public peace and order".

Furthermore, article 10 ("Hours of banning of outdoor assembly and demonstration") of the Assembly and Demonstration Law stipulates that demonstrations are not allowed after sunset and before sunrise except in cases where permission is obtained from the competent police authorities. As no special permission had been granted by the police, these protests were presumably unlawful under national law.

At the onset, organizers of the protests sought to circumvent legislative provisions prohibiting certain forms of demonstrations by promoting it as a 'cultural' event, which does not require police permission.<sup>7</sup> According to the Korean National Police Agency (KNPA), the police had always viewed the protests as illegal but allowed them to take place because they were initially peaceful.<sup>8</sup> On 24 May, a number of protesters attempted to go to the Blue House.<sup>9</sup> Their action was in violation of Article 11(2) ("Places for banning of outdoor assembly and demonstration") of the Assembly and Demonstration Law, which prohibits any outdoor assembly or demonstration within a 100 metre radius of the presidential residence. To prevent the march to the Blue House, the police erected barricades made of police buses and on one occasion of shipping containers.<sup>10</sup>

The number of protesters attending the demonstrations grew to tens of thousands with at least 100,000 on 10 June, the 21<sup>st</sup> anniversary of the pro-democracy movement. The protests, initially contained within plazas, soon occupied major roads of central Seoul, in apparent violation of article 68(3.2) of the Road and Traffic Law, which prohibits people from disrupting traffic by lying down, sitting or standing on the road. Under article 12 ("Restriction for smooth traffic") of the Assembly and Demonstration

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<sup>7</sup> Article 15 of the Assembly and Demonstration Act excludes "such events as study, arts, sports, religion, ceremony, friendship promotion, recreation, wedding, funeral or memorial service, and national holiday".

<sup>8</sup> Amnesty International meeting with Korean National Police Agency (KNPA) in Seoul, South Korea on 14 July 2008.

<sup>9</sup> "Opposition to US beef imports: Illegal occupation of roads and clash with police", *Chosun Daily*, 24 May 2008 (in Korean), available at: [http://news.chosun.com/site/data/html\\_dir/2008/05/24/2008052400549.html](http://news.chosun.com/site/data/html_dir/2008/05/24/2008052400549.html), accessed 28 August 2008.

<sup>10</sup> Shipping containers were used as barricades on 10 June 2008. See: "S Koreans rally against US beef", *BBC News*, 10 June 2008, available at: <http://news.bbc.co.uk/1/hi/world/asia-pacific/7445387.stm>, accessed 10 September 2008.

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Law, the police have the right to ban or restrict a demonstration on a main road in order to maintain traffic order, as in the case of the candlelight protests.

Protesters can be charged with more serious offences under the Criminal Law. Those suspected of obstructing the performance of police officials (article 136) face a prison term for up to five years or a fine of ten million won (US\$8,800). Also, persons charged with obstructing traffic (article 185) could be imprisoned for up to ten years or fined fifteen million won (US\$13,000).<sup>11</sup>

The large number of protesters who occupied the roads from evening until early morning posed a significant challenge for the police, as traffic had to be diverted from major junctions. But even if the protests were unlawful, when trying to control and/or disperse crowds, police must avoid using force wherever possible in accordance with international standards. If force must be used then restraint must be shown and the force used must be to the minimum extent required.

### **1.3. Amnesty International's concerns**

The protests, often involving crowds in the thousands during weekdays and tens of thousands on the weekend, were for the most part peaceful; however there were incidents of violence as riot police and protesters clashed. The two main flashpoints of violence occurred on 31 May/1 June when the police first used water cannons and fire extinguishers, and 28/29 June, the weekend following the government's announcement that US beef imports would resume.<sup>12</sup>

From 24 May to 9 August, the KNPA made a total of 1,242 arrests. During this period, the police reported that 489 riot police were injured.<sup>13</sup> There are no official figures for the number of civilian injuries but some NGOs estimate the figure to be in the thousands.<sup>14</sup>

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<sup>11</sup> From the Ministry of Justice on 8 September 2008.

<sup>12</sup> Mark Tran, "S Korea resumes US beef imports despite mad-cow protests", *Guardian*, 25 June 2008, available at: <http://www.guardian.co.uk/world/2008/jun/25/korea.usa>, accessed 15 August 2008.

<sup>13</sup> From the KNPA on 18 August 2008.

<sup>14</sup> Estimates of injured civilians from the Coalition against Mad Cow Disease and Korean Federation of Medical Groups for Health Rights range from 2,000 to 2,400. See: [http://www.antimadcow.org/bbs/board.php?bo\\_table=board\\_01&wr\\_id=12681](http://www.antimadcow.org/bbs/board.php?bo_table=board_01&wr_id=12681) (in Korean) and [http://www.kfhr.org/board/view.php?id=pds\\_press&page=1&sn1=&divpage=1&sn=off&ss=on&sc=on&select\\_arrange=headnum&desc=asc&no=663](http://www.kfhr.org/board/view.php?id=pds_press&page=1&sn1=&divpage=1&sn=off&ss=on&sc=on&select_arrange=headnum&desc=asc&no=663) (in Korean), accessed 17 September 2008.



Figure 1: Protester attacks riot police official inside police bus.

KNPA

As of 20 September, 58 people were arrested and charged with violence against law enforcement officials during the protests.<sup>15</sup> In addition, 170 buses and three water cannon vehicles were destroyed.<sup>16</sup> Video images from the KNPA and parents of conscripted riot police both showed protesters wielding steel pipes and wooden sticks, pulling police buses with ropes (one while riot police were inside), throwing various objects at police, and vandalising buses.<sup>17</sup> Monitors from the NHRCK saw civilians throw steel pipes, plastic bottles, and rocks at the police and those items were then thrown back at the civilians.<sup>18</sup> Amnesty International interviewed four riot police officials who were attacked by protesters on 29 June. They were kicked, punched and hit with pipes or wooden stick. Three suffered serious injuries to the head and one had a fractured arm. All four had to be hospitalized.<sup>19</sup>

Amnesty International recognizes that it is the responsibility of the South Korean police to maintain public order and to arrest those suspected of criminal offences during these protests. However, from Amnesty International's research on the policing of the protests from 25 May to 18 July 2008, including a mission to Seoul in July

<sup>15</sup> From the KNPA on 1 October 2008.

<sup>16</sup> Letter from KNPA to Amnesty International, 11 August 2008.

<sup>17</sup> KNPA, "Candlelight vigils: The situation of the illegal protests", June 2008 (in Korean) and Bae Ji-sook, "In 2008, where are the human rights of conscripted combat and auxiliary police?", Drumstar production, July 2008 (in Korean).

<sup>18</sup> Amnesty International interviews with Oh A and Park C on 6 July 2008 on 11 and 13 July 2008.

<sup>19</sup> Amnesty International interviews with Nam, Park A, Kim E and Lee A in Seoul, South Korea on 7 July 2008. The South Korean courts have ruled on some cases involving civilians charged with assaulting police officials during the protests. For example on 18 July, the Seoul Central District Court convicted Lee Sang-don, a 44-year-old man, of assaulting two police officials with a steel pipe on 8 June and sentenced him to 18 months in prison and to a fine of 200,000 won (US\$180).

See: Ministry of Justice, Information on Candlelight Rallies, 15 July 2008, p10 and Park Sang-woo, "Protests dwindling to hard-core supporters", *JoongAng Daily*, 19 July 2008, available at: <http://joongangdaily.joins.com/article/view.asp?aid=2892527>, accessed 29 August 2008.

2008, the organization has identified the following areas of concerns: unnecessary or excessive use of police force, including the misuse of police and security equipment during the protests; arbitrary arrest and detention; a lack of adequate training of the police; and a lack of police accountability.

During the course of its research, Amnesty International interviewed 56 civilians, including detainees, a Member of Parliament (MP), monitoring officials from the NHRCK, first aid volunteers, journalists, and human rights lawyers, all of whom were present at or directly involved with the protests. To protect the identity of some interviewees, their names have not been given in full or have been changed.

Thanks to the co-operation of the South Korean police, Amnesty International was able to interview several law enforcement officials, including injured riot police conscripts at a hospital in Seoul, on-duty conscripts and commanding officers behind police lines, and police officials from other units. Meetings were held with the KNPA, Ministry of Justice, Ministry of Foreign Affairs and Trade, and the President's Office. Finally, Amnesty International met with relevant NGOs, the NHRCK, religious leaders and ordinary civilians during the protests.

## 2. POLICING

*"Regrettably, there have been a few mishaps which the police are responsible for such as stepping onto a female university student on 1 June and several instances of hitting protesters with shields and others in the course of dispersing the crowds and making ways. The KNP clearly do not condone or tolerate such offences and we continuously remind riot police to observe safety instructions when controlling protests. Nevertheless, these things can happen and they hardly have anything to do with human rights issues."*<sup>20</sup>

Korean National Police Agency

### 2.1. Composition of riot police

The responsibility of policing protests in South Korea rests largely with the *cheontoo kyeongchal* or combat and auxiliary police. This anti-riot unit is under the KNPA and made up of young conscripts carrying out their 24-month compulsory military service.<sup>21</sup> Currently there are 37,000 conscripts, aged normally between 20 and 22 years, in the combat and auxiliary police.<sup>22</sup> In addition, until recently there were 300 career riot police officers. On 30 July the KNPA, in an apparent move to address the problematic issue raised during the protests of using military conscripts to police demonstrations, re-organized the professional riot police unit, which sharply increased the number of career officers to 1,700.<sup>23</sup>

### 2.2. Lack of adequate training

Out of the current 37,000 riot police conscripts (combat and auxiliary police), 21,000 chose to do their military service with the police while 14,000 did not. Even those who chose to do their service with the police did not necessarily choose the riot police unit. Ultimately it is the Office of Military Manpower Administration that decides where the drafted men are assigned.

All military conscripts receive six weeks of military training. It is at the end of this training that they find out whether they will serve in the military or national police. If they are selected to serve with the police, then the conscripts undergo a four-week course on policing. After the course, they will be assigned to a specific unit, such as the combat and auxiliary (riot) police.<sup>24</sup> Amnesty International is concerned that the majority, if not all, of the riot police had not received adequate training in how to control and disperse crowds and on the concepts of proportionality, legality, accountability and necessity relating to the use of force.

### 2.3. International standards on use of force

For this report, Amnesty International used relevant international standards developed

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<sup>20</sup> Letter from KNPA to Amnesty International, 11 August 2008.

<sup>21</sup> South Korea has compulsory military service for men deemed physically fit between 18 and 30 years of age.

<sup>22</sup> Information provided by the KNPA, 14 July 2008.

<sup>23</sup> Lee Choong-hyeong and Jeong Sun-un, "Foundation of professional riot police to replace conscripts", *JoongAng Daily*, 31 July 2008 (in Korean), available at: [http://article.joins.com/article/article.asp?Total\\_ID=3243179](http://article.joins.com/article/article.asp?Total_ID=3243179), accessed 29 August 2008.

<sup>24</sup> From KNPA on 18 August 2008.

by the United Nations (UN) on the conduct of law enforcement officials, in particular the *UN Code of Conduct for Law Enforcement Officials* (UN Code of Conduct),<sup>25</sup> *UN Basic Principles for the Use of Force and Firearms by Law Enforcement Officials* (Basic Principles),<sup>26</sup> and *UN Standard Minimum Rules for the Treatment of Prisoners* (Standard Minimum Rules).<sup>27</sup> Although not legally binding *per se*, these represent global agreement by states on how to best implement international human rights treaties, in particular the provisions of the *International Covenant on Civil and Political Rights* (ICCPR), through legislation, regulation and during actual law enforcement operations.<sup>28</sup> In addition, we have made reference to relevant provisions of the ICCPR, which South Korea has ratified.

During the protests, the police had a duty to maintain public order and could take appropriate measures to disperse the crowds taking part in the protests, and arrest people suspected of committing a recognisable criminal offence. In certain situations, and with other means having failed, carrying out these duties may necessitate the use of force. However, any force used must be subject to international human rights law and standards.<sup>29</sup>

Under the UN Code of Conduct, police may use force only when strictly necessary and only to the extent required for the performance of their duty (article 3) and the Basic Principles state that the police “shall, as far as possible, apply non-violent means before resorting to the use of force” (principle 4). If force cannot be avoided then police officials must “exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved” (principle 5a). Principle 13 states that in “the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary”. In general, the key human rights principles regarding the use of force are *proportionality*, *lawfulness*, *accountability* and *necessity*.<sup>30</sup> The UN Special Rapporteur on Torture has also stated that “[d]isproportionate or excessive exercise of police powers amounts to [cruel, inhuman or degrading treatment] and is always prohibited.”<sup>31</sup>

## 2.4. Dispersal methods

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<sup>25</sup> The UN Code of Conduct defines ‘law enforcement officials’ as “all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention” (article 1, commentary (a)). This includes police, customs, immigration and prison officers, paramilitary personnel, and border guards. UN General Assembly, Code of Conduct, adopted by resolution 34/169 of 17 December 1979.

<sup>26</sup> UN Economic and Social Council, *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*, adopted by the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August – 7 September 1990.

<sup>27</sup> Standard Minimum Rules, adopted by the First UN Congress on the Prevention of Crime and the Treatment of Offenders, held in Geneva in 1955, and approved by the Economic and Social Council by its resolution 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977.

<sup>28</sup> Amnesty International, *Guns and Policing: Standards to prevent misuse*, February 2004, p7 (AI Index: ACT 30/001/2004).

<sup>29</sup> Amnesty International, *Guns and Policing: Standards to prevent misuse*, February 2004, p11 (AI Index: ACT 30/001/2004).

<sup>30</sup> Anneke Osse, *Understanding Policing: A resource for human rights activists*, Amnesty International Nederland, 2007, pp126-8.

<sup>31</sup> UN Doc. CN.4/2006/6, p13 para38.

During the protests the police had the nightly task of regaining control of the streets before the morning traffic began. To achieve this, a call for dispersal was given to the crowds three times. If the protesters still remained on the streets, then the riot police were responsible for dispersing them. The riot police were positioned for extended periods of time behind police barricades, thus, out of public view. When sent out to disperse the crowds, the officials were normally equipped with a helmet, protective padding, and either a shield or baton.

Clashes between the police and protesters usually took place during dispersals late at night or in the early hours of the next day. Several interviewees stated that on some nights, riot police came out from behind the police lines running and charging into protesters, and wielding their shields and batons. Testimonies indicated that riot police used force against civilians who resisted or were inadvertently in the way when the riot police were trying to disperse the crowds.

## 2.5. Police and security equipment

### 2.5.1. Shields and batons



Figure 2: Riot police official assaults protester with shield on 26 June. Lee Ki-tae (Labor & World)

The term 'less than lethal' weapons refers to all weapons other than firearms. This would include shields and batons, though it should be noted that weapons placed in this category do have the potential to be lethal. Other terms used by police agencies are 'non-lethal' or 'intermediate' weapons.<sup>32</sup> According to the Basic Principles, the "deployment of non-lethal incapacitating weapons should be carefully evaluated in order to minimize the risk of endangering uninvolved persons, and the use of such weapons should be carefully controlled (principle 3).

<sup>32</sup> Anneke Osse, *Understanding Policing: A resource for human rights activists*, Amnesty International Nederland, 2007, p131.



Figure 3: Riot police official attacks protestor with baton on 1 June.

Kwon Woo-sung

Article 21 of the Regulation on the use of police equipment<sup>33</sup> states that when a police official injures a civilian with police equipment, immediate assistance should be provided by the official.<sup>34</sup> According to article 82 of the KNPA instruction manual, police officials should avoid using shields to hit a person on vulnerable parts of the body, such as the head. It also states that the police should avoid hitting demonstrators directly on the head or face with batons.<sup>35</sup> Despite these safety regulations, Amnesty International has documented several cases where riot police used unnecessary or excessive force, including with shields or batons.

### 2.5.2. Water cannons

Water cannons were first used in the candlelight protests on 31 May to disperse the crowds. This decision by the police to use water cannons and fire extinguishers contributed to the mass resignation of all 14 members of the KNPA's human rights committee. The human rights committee members felt this was an excessive suppression of the demonstrations by the police.<sup>36</sup> The use of water cannons can

<sup>33</sup> This regulation was established under presidential decree number 19563 in 2006.

<sup>34</sup> "Regulation on the use of police equipment" (in Korean) available at: <http://www.klaw.go.kr/CNT2/LawContent/MCNT2Right.jsp?lawseq=74687&keyword=>, accessed 10 September 2008.

<sup>35</sup> KNPA, "Regulations on managing police equipment (police instruction no.489)" (in Korean), available at: <http://www.police.go.kr/infodata/lawpdsView.do?idx=251&cPage=5&SK=ALL&SW=%C0%E5%BA%F1>, accessed 21 August 2008.

<sup>36</sup> Founded in 2005, the KNPA human rights committee, largely made up of professors and civic leaders, is an advisory body with no legal status. Each member serves a 2-year term. See: "All 14 members of National Police Agency's human rights committee to resign", *Hankyoreh*, 27 June 2008, available at: [http://english.hani.co.kr/arti/english\\_edition/e\\_national/295728.html](http://english.hani.co.kr/arti/english_edition/e_national/295728.html), accessed 20 August 2008.

result in serious injury and even death.<sup>37</sup> The high pressured water from the cannons can disorientate and limit visibility.



Figure 4: Police deploy water cannons on 1 June to disperse crowds. Angel (Civil Press Group)

The KNPA has guidelines for operating water cannons, which provide specific instructions on the required distance between the device and demonstrators (from 10 to 20 metres), the angle of the spray (dispersion, high-angle or direct spraying) and water pressure. It also gives guidance on when each spray method can be used and what warning should be given to the demonstrators. According to the guide, when spraying directly at demonstrators, the operator should not aim at the face but “at the middle part of the body to avoid serious injuries”.<sup>38</sup> However, interviewees have told Amnesty International that water cannons were fired directly at their face and at a distance of less than 10 metres.

### 2.5.3. Fire extinguishers

Fire extinguishers were also used for the first time during the candlelight demonstrations on 31 May. In crowds running in the tens of thousands, impairing the visibility of protesters through the use of fire extinguishers can negatively affect crowd control, as it can create panic and chaos.

Under President Kim Dae-jung, riot police stopped using tear gas against demonstrators in 1999. It was a strategic decision taken by then Commissioner-general Lee Moo-young who explained that when police fire tear-gas canisters, “Molotov cocktails always follow”.<sup>39</sup> Since then there has been a 10-year moratorium on the use of tear gas in South Korea. The KNPA has effectively replaced tear gas with fire extinguishers to subdue demonstrators.

<sup>37</sup> Anneke Osse, *Understanding Policing: A resource for human rights activists*, Amnesty International Nederland, 2007, p131.

<sup>38</sup> From the KNPA, “Guide to operating water cannons” (in Korean), 17 July 2008.

<sup>39</sup> Don Kirk, “Who needs tear gas? Seoul puts policewomen out front”, *International Herald Tribune*, 23 February 2000, available at: <http://www.iht.com/articles/2000/02/23/kor.2.t.1.php>, accessed 20 August 2000.



Figure 5: Riot police spray halon-based fire extinguishers at protesters' faces. Lee Sung-jae

There are two types of fire extinguishers, which were used during the candlelight protests – halon-based and dry powder.<sup>40</sup> The KNPA maintains that the use of fire extinguishers is safe, as the chemicals they contain are non-toxic and non-corrosive, and that there are no clinical studies to prove “the content of fire extinguisher is harmful to [the] human body”.<sup>41</sup> However, the Environment Agency, a UK governmental agency, warned that “excessive exposure to some halons may affect the brain and heart”.<sup>42</sup> Amnesty International believes that fire extinguishers should only be used in response to fires, as they were intended. They are not designed for targeting human beings and should not be sprayed at protesters or used to temporarily incapacitate individuals.

Police must use only such riot-control means that are designed specifically for this purpose, tested to ensure that they have no serious or lasting effects, and used only when absolutely necessary – and then only to the absolute minimum required.

<sup>40</sup> Halon is a trade name for bromotrifluoromethane, a gas which deprives fires of oxygen and thus contains them. According to the International Programme on Chemical Safety data sheet no.0837, the substance “irritates the eyes. Rapid evaporation of the liquid may cause frostbite. The substance may cause effects on the central nervous system”. See: <http://www.ilo.org/public/english/protection/safework/cis/products/icsc/dtasht/icsc08/icsc0837.htm>, accessed 10 September 2008. Dry chemical fire extinguishers can contain a range of different chemicals such as monoammonium phosphate and ammonium sulphate. Manufacturers' safety warnings typically note that the contents of dry chemical extinguishers can cause irritation to eyes and skin which might require first aid.

<sup>41</sup> From the KNPA on 18 August 2008.

<sup>42</sup> “Pollution Inventory: Halons”, available at: <http://www.environment-agency.gov.uk/business/444255/446867/255244/substances/342/>, accessed 19 September 2008.

### 3. UNNECESSARY OR EXCESSIVE USE OF FORCE

*"I have seen civilians be violent. I also understand that the riot police are tired and angry, and their work is difficult but there is no justification for this kind of violence and brutality against civilians. The police wear helmets, and carry shields and batons, which can be used as lethal weapons. A violent civilian is not equal in danger to a violent riot police – police are in a position of power and have lethal weapons so they are far more dangerous."<sup>43</sup>*

Jeong A, 32-year-old doctor and first aid volunteer

Amnesty International interviewed 37 people who claimed they were subjected to unnecessary or excessive use of force by police, including the misuse of police and security equipment, during the protests. All the interviewees told the organization that they did not use violence against the police nor did they threaten or verbally abuse the police officials. Any use of force is unnecessary if there is no justification for its use and excessive when more force is used than actually required.

#### 3.1. Beatings and use of batons and shields

Among the 37 interviewees, 26 had sustained injuries to the head or face – reportedly after having been kicked, punched or hit with a shield and/or baton. As of 20 September, 12 police officials were under investigation for violence against civilians who had pressed charges against the officials.<sup>44</sup> The National Human Rights Commission of Korea also received 98 complaints against the police, including 46 cases of police violence during dispersals.<sup>45</sup>

On 1 June, a 22 year-old university student, Lee E, was beaten severely by riot police. Between 2:30 and 3am, she was near Gyeongbok Palace participating in the protests when she was pushed, from the force of the people behind her, to the front of the police line. She found herself suddenly surrounded by police:

*"One riot police official grabbed me by my hair and shoved me to the ground. Instinctively I covered my face. He kicked me with his combat boots in the back of my head two to three times. Then I saw a space under the police bus so I crawled underneath. When I heard the engine turn on, I got scared and came out. That's when a riot police official grabbed my hair and again I was pushed to the ground. This time I was kicked many more times in the head. I'm not sure if he was the same one as before. Civilians came and protected me from the official who was still hitting me with his hand."*

A video clip of her beatings was broadcast widely on television and the internet. It showed Lee E being kicked repeatedly by one riot police official while another blocks the journalist from filming.<sup>46</sup>

<sup>43</sup> Amnesty International interview with Jeong A in Seoul, South Korea on 8 July 2008.

<sup>44</sup> From the KNPA on 1 October 2008.

<sup>45</sup> Amnesty International interview with the NHRCK in Seoul, South Korea on 18 July 2008 and further communication on 2 September 2008.

<sup>46</sup> Kukinews (in Korean), available at: <http://www.kukinews.com/news/article/view.asp?page=1&gCode=soc&arcid=0920925850&code=41121111>, accessed 25 August 2008.

Lee E suffered a concussion and had to be hospitalized for three weeks. She vomited, had dizzy spells and frequent nightmares. In response to this attack, the police held one riot police official in military custody (guardhouse) for 8 days. The KNPA also took disciplinary action against six other police officials in connection with Lee E's attack ranging from relief from duty to written warnings. The police also issued an official apology to her university president and contacted her to informally apologize but she declined to accept it. Lee E did not want to press charges against the riot police official, as she felt that the senior officials were responsible.<sup>47</sup>

Jang B, a 24-year-old office worker, was near the Press Centre building between 12:30 and 1am on 29 June. She recalled that the police called for dispersal before firing water cannons at the crowds. Then without any warning, the riot police charged from behind police line and came running towards them. She did not run but just moved backwards slowly, as she felt that she was not in danger:

*"I turned to go away but either I bumped into someone or someone pushed me. I fell down and as soon as I fell, several riot police – at least five – surrounded me. They hit me with long batons and kicked me mostly in the head. Because I was protecting my head with my arms, I was struck repeatedly on my arms. At the same time, they were swearing at me. I slipped in and out of consciousness – civilians came to carry me to an ambulance."<sup>48</sup>*

Like Lee E, Jang B's beatings were also caught on camera, which showed a group of riot police kicking and beating her several times with long batons mainly on her head.<sup>49</sup> Although several riot police officials were involved, only one was taken into military custody and held for five days.<sup>50</sup> Three other police officials connected to Jang A's attack were reprimanded, but no criminal charges were filed against the riot police official believed to be responsible. On 7 September, Jang B's lawyer began civil proceedings against the official and his senior officer.<sup>51</sup>

In a letter to Amnesty International, the KNPA denied Jang B's claim that her arm had been broken:

*It seems one or two officers who were extremely agitated by the circumstance stepped on her, and hit her with clubs... Her medical chart states 'back of the head is slightly swollen; patient said her right arm hurts, but tests do not show any abnormality'. Thus, it appears the claim that her arm was broken is not*

<sup>47</sup> Amnesty International interview with Lee E in Seoul, South Korea on 9 July 2008 and Kim Jae-hong, "Female university student beaten with combat boots, riot police placed in military custody", *Segye Daily*, 11 August 2008 (in Korean), available at:

<http://www.segye.com/Articles/NEWS/SOCIETY/Article.asp?aid=20080810002176&subctg1=&subctg2=>, accessed 20 August 2008 and Lee Jeong-mi, "Female university student victim of combat boots not to take legal action against riot police", *YTN*, 9 June 2008 (in Korean), available at: [http://www.ytn.co.kr/\\_ln/0103\\_200806091950473623](http://www.ytn.co.kr/_ln/0103_200806091950473623), accessed 29 August 2008.

<sup>48</sup> Amnesty International interview with Jang B in Seoul, South Korea on 10 July 2008.

<sup>49</sup> Nocutnews (in Korean), available at: <http://www.cbs.co.kr/nocut/show.asp?idx=866436>, accessed 25 August 2008.

<sup>50</sup> Kim Jae-hong, "Female university student beaten with combat boots, riot police placed in military custody", *Segye Daily*, 11 August 2008 (in Korean), available at: <http://www.segye.com/Articles/NEWS/SOCIETY/Article.asp?aid=20080810002176&subctg1=&subctg2=>, accessed 20 August 2008.

<sup>51</sup> Amnesty International follow-up interview with Jang B via telephone on 9 September 2008.

true.<sup>52</sup>

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Figure 6: Jang B's medical record.

At the emergency room of Hanyang University Hospital, Jang B had a CT scan and MRI. The highlighted section of her medical record (Figure 6) clearly states in Korean a "fracture of the right ulna (elbow bone)".<sup>53</sup>

Park B, a 24-year-old office worker, was at the protest on 28/29 June. He told Amnesty International that the police were firing water cannons at the protesters. He said the impact of the water was so strong that many people fell and were hurt. Then after midnight, riot police came charging from a street near Koreana Hotel. People started to run away and in the chaos, Park B fell down:

*"The riot police officials dragged me by the collar of my shirt. They jeered at me saying things like "You're going to die" and "Good, you got caught". I really thought I was going to die. I yelled for help. Civilians tried to stop the police, but couldn't. Some officials beat me with batons and shields while others kicked and punched me. I had severe bruises on my hands and arms – when I was trying to protect my head. I also had bruises on my neck and legs."<sup>54</sup>*

<sup>52</sup> Letter from KNPA to Amnesty International, 11 August 2008.

<sup>53</sup> Jang B provided Amnesty International with a copy of her medical report on 22 July 2008.

<sup>54</sup> Amnesty International interview with Park B in Seoul, South Korea on 6 July 2008.



Figure 7: Yoon A after riot police assaults him with shield.

Yonhap News

Yoon A, an environmental researcher aged 34, was in front of the police line at the Gwanghwamun junction at 1am on 2 June. He was trying to calm the protesters and encourage them to move back. He was assaulted when the riot police came charging into the crowd:

*"I had my back to the police but as I turned, I saw one position his shield high and horizontally, and slammed it into my nose. I fell down and saw blood everywhere – on my hands, arms, clothes and on the ground. My glasses flew away from the impact – I am almost blind without them. I was hit again by a shield and kicked, but I couldn't feel the pain because the pain in my nose was so overwhelming."*

Two people then picked him up and led him behind the police buses about 15 metres away. Yoon A discovered later through press photos<sup>55</sup> that they were riot police who, according to him, "were not there to help me but instead wanted to take me away from the crowd of civilians and photojournalists".

A journalist eventually called an ambulance for Yoon A. He was treated for the cut on his nose (5-6 stitches) and diagnosed with a nose fracture. There was also damage to the mucous membrane in his left nostril.<sup>56</sup>

A 14-year-old boy was also injured by riot police during the candlelight protest. Choi B went to the protest on the weekend of 7/8 June with his mother, three teachers and four classmates. When the riot police surged into the crowds around 5am, they ran

<sup>55</sup> See: Naver News at:

<http://news.naver.com/main/hotissue/read.nhn?mid=hot&sid1=101&sid2=263&gid=101996&cid=102002&iid=36868&oid=003&aid=0002120049>

<sup>56</sup> Amnesty International interview with Yoon A in Seoul, South Korea on 10 July 2008.

onto the pavement on the corner of the Kyobo building for safety:

*"That's when my mother felt it was getting too dangerous so we decided to go home. As I turned and started to run, a riot police jabbed his shield on the left side of my head. I fainted and my mother told me later that a first aid medic rushed over to treat me. In the chaos, we lost my 10-year-old brother (we found him later). About 30-40 minutes later, I woke up in the ambulance on the way to Yonsei Severance Hospital. I had a 5cm cut on my head."<sup>57</sup>*

Choi B was hospitalized at Chamsarang Hospital for five days. He was unable take part in school work for about a month. His mother recounted the situation after her son's attack:

*"We were trapped in that street for about 30-40 minutes. He was so badly hurt and had lost so much blood. I was out of my mind with worry. All I could think about is for the ambulance to arrive. My son is recovering, but he still doesn't say much."<sup>58</sup>*

The KNPA response to Choi B's attack was as follows:

*"Has [Amnesty International] ever wondered why that 14-year-old boy was there in the first place? Has [it] ever suspected, just maybe, that boy was there because he was told or made to be there by his mother? Has [it] ever seriously wondered who really is to be blamed for the human rights abuse of the boy? In America and other advanced countries, if parents intentionally bring their children to a dangerous place of violent rallies, they can be punished for the child abuse and even deprived of their right to custody."<sup>59</sup>*

People of all ages attended the candlelight protests, including children. In fact, the 'candlelight vigil' was spearheaded by school students in their teens. It was not unusual to see families attending the protests together, especially during the weekends.<sup>60</sup>

### 3.2. Misuse of water cannons

The demonstration on 31 May, which attracted about 38,000 people and as noted had started peacefully, ended in violence as protesters attempted to march to the Blue House in the pre-dawn hours of 1 June. They were stopped by the riot police,

<sup>57</sup> Amnesty International interview with Choi B in Pyeongtaek, South Korea on 12 July 2008.

<sup>58</sup> Amnesty International interview with Kim A in Pyeongtaek, South Korea on 12 July 2008 and Lee Dae-hui, "Police hit back of a boy's head while he was running away", *Pressian*, 9 June 2008 (in Korean), available at: [http://www.pressian.com/scripts/section/article.asp?article\\_num=60080609140924](http://www.pressian.com/scripts/section/article.asp?article_num=60080609140924), accessed 19 September 2008.

<sup>59</sup> Letter from KNPA to Amnesty International, 11 August 2008.

<sup>60</sup> Choe Sang-hun, "Shaken Korean Leader Promises New Beginning", *New York Times*, 12 June 2008, available at: <http://www.nytimes.com/2008/06/12/world/asia/12skorea.html?ref=asia>, accessed 19 September 2008, John Sudworth, "Political price paid in beef row", *BBC News*, 5 June 2008, available at: <http://news.bbc.co.uk/1/hi/world/asia-pacific/7436914.stm>, accessed 19 September 2008, Park Si-soo, "Students Protest Imports of US Beef in Candlelight Rally", *The Korea Times*, 2 May 2008, available at: [http://www.koreatimes.co.kr/www/news/nation/2008/05/117\\_23569.html](http://www.koreatimes.co.kr/www/news/nation/2008/05/117_23569.html), accessed 19 September 2008 and Park Si-soo, and "Leaderless, Candlelit Vigils Show No Letup", *The Korea Times*, 1 June 2008, available at: [http://www.koreatimes.co.kr/www/news/nation/2008/06/117\\_25109.html](http://www.koreatimes.co.kr/www/news/nation/2008/06/117_25109.html), accessed 19 September 2008.

which prompted an angry reaction and sporadic clashes with police officials. Police arrested 228 people and fired water cannons in three areas to try to disperse the crowds, resulting in dozens of injuries.<sup>61</sup>

Despite existing international and national safety guidelines,<sup>62</sup> testimonies gathered by Amnesty International indicate that water was at times directed at protesters' faces and the distance was less than ten metres. A number of people also reported that they were knocked off their feet and "flew" several metres from the impact of the water pressure.<sup>63</sup> The following are testimonies of three protesters injured by water cannons who were all near Gyeongbok Palace in the early morning hours of 1 June.



Figure 8: Kim B suffers temporary blindness after being hit with water cannon.

Kim B, a 35-year-old technician, told Amnesty International that he was hit in the face with a jet of water. He was standing five rows back from the police line:

*"The distance between the water cannon and the crowds was about five or six metres. Like many others, I was hit in the face. Even though I was not in the front, the pressure was still incredibly strong – I flew two to three metres from the impact. The angle of the water from the cannon was aimed straight at my face. I fell to the ground. The inside of my mouth was bleeding heavily. I couldn't see out of my left eye and my face was swollen."*

Kim B suffered from temporary blindness and his sight is still severely impaired as he can only see shapes but not very clearly. His doctor said that he would not regain full sight.<sup>64</sup>

<sup>61</sup> Kwang-tae Kim, "Clashes mark South Korean beef protest", *Associated Press*, 1 June 2008, available at: [http://www.boston.com/business/articles/2008/06/01/clashes\\_mark\\_south\\_korean\\_beef\\_protest](http://www.boston.com/business/articles/2008/06/01/clashes_mark_south_korean_beef_protest), accessed 19 September 2008 and "S Korea beef protesters detained", *BBC News*, 1 June 2008, available at: <http://news.bbc.co.uk/1/hi/world/asia-pacific/7429758.stm>, accessed 19 September 2008.

<sup>62</sup> See section 2.5.2.

<sup>63</sup> Amnesty International interviews with Kim B, Im, Lee E, Song A, Oh A, Lee B and Oh B in Seoul, South Korea on 8-12 July 2008.

<sup>64</sup> Amnesty International interview with Kim B in Seoul, South Korea on 8 July 2008.



Figure 9: Water cannon is fired at protesters on 1 June.

Kwon Woo-sung

Lee B, a 17-year-old student, told Amnesty International that she was between the front and middle rows of people when she was hit in the right ear. The distance was about 15 to 20 metres:

*“It hurt so much and I couldn’t hear at all in that ear – even many hours later. My ear kept ringing and I was completely disoriented. The water cannon hit me for about a minute. I couldn’t move because there were so many people around. I was hit on my head, arms, legs, etc. I was shaking all over – I was afraid that I would fall and get trampled by the crowds.”*

Lee B suffered a punctured eardrum. She had ringing in her ears and suffered partial hearing for two weeks.<sup>65</sup>

Song A is a computer programmer, age 37, who told Amnesty International that he was in the third row during the protest. He was facing one water cannon and had his head bent when something struck him on the right side of his head:

*“The impact was so powerful that it knocked me down. I realized it was from the water cannon on the far right-hand side. Civilians who saw me fall ran over to help me up and took me to first aid. I was so dizzy that I fell again. The first aid worker cleaned my ear with cotton wool and mineral water. It hurt a lot and I could feel the water trapped inside. At that moment, I wasn’t very coherent.”*

Like Lee B, Song A had a punctured eardrum, but he developed complications as his ear bled and became infected. Song A still suffers from hearing loss.<sup>66</sup>

<sup>65</sup> Amnesty International interview with Lee B in Seoul, South Korea on 11 July 2008.

### 3.3. Misuse of fire extinguishers for crowd control

The chemicals in fire extinguishers irritate the eyes and the fumes also make it difficult for people to see. Interviewees who have been sprayed with fire extinguishers said it was a very painful experience. As Lee C, a 32-year-old NGO worker, recalled:

*"To disperse the crowd, the riot police began spraying fire extinguishers at the civilians. The chemicals blinded us. We got sprayed two or three times. I had to get out of there because the fumes were so bad."*<sup>67</sup>



Figure 10: Fire extinguisher fumes encircle father and infant on 28 June. CBS & NoCutNews

First aid volunteer, Jin A, explained the effects of the chemicals on people:

*"When you get sprayed by a fire extinguisher, it gets into your face, nose and eyes. Your eyes sting a lot – you can't open them and they water. You cough a lot and have a build-up of phlegm."*<sup>68</sup>

Jeong B, a 27-year-old Ph.D. student, who told Amnesty International that he was sprayed by riot police directly in the eyes, had a similar reaction:

*"The chemicals stung my eyes, I had difficulty breathing and coughed so much and continuously. I felt that I was going to cough up blood. The stuff also went into my ear so I had to see a doctor to have it cleaned out. The chemicals turned my white clothes pink, which I had to throw out. I was not feeling well for a whole week."*<sup>69</sup>

### 3.4. Escalation of violence during the night of 28/29 June

Many interviewees stated that the night and early morning of 28/29 June were the most violent of the protest period, resulting in numerous civilian injuries. Police officials were also reported injured during this period. There was an increase in the

<sup>66</sup> Amnesty International interview with Song A in Seoul, South Korea on 10 July 2008.

<sup>67</sup> Amnesty International interview with Lee C in Seoul, South Korea on 11 July 2008.

<sup>68</sup> Amnesty International interview with Jin A in Seoul, South Korea on 10 July 2008.

<sup>69</sup> Amnesty International interview with Jeong B in Seoul, South Korea on 11 July 2008.

number of protesters and tension was running high, as it was the weekend following the government's announcement that US beef imports would resume. On this night the police had deployed water cannons to disperse the crowd. Throughout the night, riot police were sent out from behind police lines to disperse the crowds. Around midnight, hundreds of riot police came rushing from two locations into the main thoroughfare (Sejongno). One group came from the Gwanghwamun junction and the other from the side street near the Seoul Metropolitan Council (near Koreana Hotel). At 1am there was a second wave of riot police sent out to disperse the crowds. Several witnesses said that the riot police charged into the crowds with greater intensity than during the first wave of dispersals.



Figure 11: Riot police set to charge through 60 protesters lying down on the street. YMCA Korea

In the side street near the Seoul Metropolitan Council at 12:20am, a group of about 60 protesters, many of them YMCA members, laid down on the street, as 200 riot police came marching towards them. According to Lee Hack-young, the National General Director of YMCA:

*"The riot police never gave us a warning to disperse, as they are instructed to do. When they came charging through us, about seven to 10 officials trampled on me. They broke my right arm and I had cuts on my forehead and nose. I had bruises throughout my body"*<sup>70</sup>

Lee Hack-young was hospitalized for two weeks. Lee's colleague, Hong Kyung-pyo, was also hospitalized due to a severe blow to the head by a baton:

*"I fainted and woke up 30 minutes later in the ambulance. I was paralysed in both arms, which then spread to my legs. I was scared and thought I was dying"*

<sup>70</sup> Amnesty International interview with Lee Hack-young in Seoul, South Korea on 4 July 2008.

*so I gave my last will and testament to the paramedic. The paralysis went away but I then had convulsions. Doctors found a crack in the bone around my right eye. My right eye now sticks out more than my left. I have blurry vision and can't read well – I used to have excellent eyesight.*<sup>71</sup>

That night more than 20 YMCA staff and volunteers were injured, including another two with broken arms and one with a tear in his right ear.<sup>72</sup>



Figure 12: Kim C is treated by customer, a dentist, at restaurant near protests. Kim Bong Zo

On 29 June, Kim C, a 31-year-old translator, was in the Jongno area. He was in a side street where at least 30 riot police came charging through. He told Amnesty International that, unprovoked, one police official hit him in the left eye with his shield:

*"I fainted from the impact and when I came to, several riot police were hitting me with batons. They beat me all over, especially on my neck, back, hip, shoulder and head. One official slammed his shield into my head."*

A civilian carried him away from the police to a restaurant where he was treated by a customer who was a dentist. Kim C was reportedly delirious and bleeding heavily from the cuts on his head and eyelid. He needed stitches for both cuts and had bruises all over his body. An imprint of a baton on his back was visible even after two weeks.<sup>73</sup>

Choi A, a 45-year-old general manager, went to the protests on the weekend of 28/29 June with his 13-year-old daughter and 8-year-old son. At midnight when the riot

<sup>71</sup> Amnesty International interview with Hong Kyung-pyo in Seoul, South Korea on 4 July 2008.

<sup>72</sup> "Korea YMCA was Trampled by the Government", *Peacemaking News*, Issue no.115, 16 July 2008 and Amnesty International interview with Lee Jae-myung in Seoul, South Korea on 9 July 2008.

<sup>73</sup> Amnesty International interview with Kim C in Seoul, South Korea on 12 July 2008.

police came charging out from a side street near Seoul Metropolitan Council, people started to run away. The police had their shield positioned horizontally. Scared for his children, he told the police officials to slow down. They were trapped and surrounded by the police:

*"As the police pushed forth, one aimed his shield at me but missed. Then another beat me on my head with a long baton. I fell to the ground and blood was streaming down my face. My children were terrified and crying. Even though people were falling down and getting injured, the police didn't care and just kept charging. I was unconscious at the time, but my daughter told me later that several police kicked me and slammed their shields on my back."*

A civilian carried Choi A to a first aid volunteer. Due to the high number of injuries that night, no ambulances were available so another civilian had to take him and his children to Bek Hospital:

*"A doctor stitched the cut on my head. There were so many wounded people at the emergency room. What was shocking was that most were suffering from head injuries."*

On the day Choi A was interviewed by Amnesty International, he said that he would take his children and wife to the 'candlelight vigil' that evening (weekend of 12 July) because he wanted his children to think of the protest as a positive democratic process and to overcome the traumatic experience of witnessing their father being beaten by the police.<sup>74</sup>

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<sup>74</sup> Amnesty International interview with Choi A in Seoul, South Korea on 12 July 2008.



Figure 13: Robert Johnson is treated for his cut at Paik Hospital.

Robert Johnson, an American teacher and freelance photographer who had been regularly attending the protests since 24 May, was also present on the night of 28/29 June. He was there to observe and take photos. Johnson told Amnesty International that he was in the front where the police line was, close to the Press Centre building. He witnessed the second wave of riot police who came charging at about 1am and described it as far more intense and violent:

*"The protesters absolutely collapsed under the police assault. The police came running, hitting protesters, aiming their shields and batons at protesters' heads, kicking them when they fell, and continuing on to hit others. Protesters were beaten, even when they were running away. The police were definitely not trying to contain the crowd, restrain or arrest people. They were there only to attack the protesters. I didn't see any arrests being made."*

As Johnson looked down at his camera to change film, he was struck by a riot police official:

*"One riot police official hit me in the face with his shield. From the impact, I fell over and because of the way that I had fallen, I dislocated my right shoulder. I had a big gash on my left cheek, which was bleeding a lot, and cuts on my elbows and knees. After that it's not clear what happened, as I must have fainted. The next thing I remember was being taken by some civilians to the first aid volunteers who attended to me."*

Johnson was treated at the emergency room at Inje University Paik Hospital where he

needed seven stitches for the cut on his cheek and was told that he may need surgery for the tendon damage in his shoulder.<sup>75</sup>

### 3.5. Attempts to conceal police violence

The beatings of protesters by the riot police was often done in such a way so as to minimize the possibility of the beatings being witnessed by other protesters. Son A, a teacher aged 31, was arrested by eight to 10 men in Anguk-dong in the early morning of 1 June:

*"They grabbed me and while surrounding me, they kicked me everywhere below the waist so others could not see. When they carried me by my legs and arms, I was yelling and protesting. To shut me up, one riot police official put his fingers in my mouth. When a reporter came and took photos of me, the leader told the others to stop hitting me because the journalist could see. That's when they let me down and took me by the arm to the police bus."<sup>76</sup>*

On 1 June, Kang A, a university student, was on his way to meet a friend near Gyeongbok Palace. Due to the road blocks, he was in the Jongno area. As he was trying to speak to the police to allow him access through the barricades, he witnessed police officials spraying fire extinguishers and civilians getting hurt. So, Kang A spoke to the head police and asked them not to use fire extinguishers and violence against the civilians. The head police official then gave orders to arrest him:

*"Riot police grabbed me and took me behind the barricades. There were no civilians or journalists around – I was surrounded by riot police. I was totally defenceless. They punched me in the face and repeatedly kicked me in the stomach. I was beaten all over. I lost my glasses and hat in the attack. Then they held me by my limbs – arms and legs – so I was even more humiliated, and taken to the police bus."<sup>77</sup>*

Im A, a 21-year-old university student, recounted a similar experience. He was on his scooter when he was stopped by the riot police at a road block. He explained to them that he had been waiting for hours for the road blocks to open and asked them why they could not let him through. Im A was then surrounded by six riot police near Gyeongbok Palace on 1 June:

*"They carried me by my helmet, arms and legs for a good 100 metres. I was choking so the one grabbing my helmet let go and took a hold of my T-shirt instead. Each then took turns punching and kicking me – mostly in the face (one of them had thrown my helmet away by then) but also in the stomach and sides. They were swearing at me the whole time."<sup>78</sup>*

According to Im A, one riot police official kicked him one last time in the face, which was witnessed by a reservist soldier<sup>79</sup> who was in the area. When the riot police realized this, they ran away. Im A explained:

<sup>75</sup> Amnesty International interview with Robert Johnson in Seoul, South Korea on 6 July 2008.

<sup>76</sup> Amnesty International interview with Son A in Seoul, South Korea on 11 July 2008.

<sup>77</sup> Amnesty International interview with Kang A in Seoul, South Korea on 5 August 2008.

<sup>78</sup> Amnesty International interview with Im A in Seoul, South Korea on 8 July 2008.

<sup>79</sup> Reservist soldiers attended the candlelight protests in an unofficial capacity. Placing themselves in between the police and protesters, their role was to calm the protesters and prevent fights.

*"The police are clever because when they hit you, they surround you so no one can see, but the final kick was done exposed. So I have a signed witness testimony from one person to at least that."<sup>80</sup>*

In another case, a protester informed Amnesty International that he was beaten behind a 'human wall' of riot police. 27-year-old law student, Hong A, was standing on the pavement near the Saemunan church when he was grabbed at 10:30pm on 25 June by more than three riot police:

*"Once they took me behind the human wall made up of riot police officials, they threw me down so that the civilians outside the line could not see. They then kicked me in the chest, collarbone and shins. During the beatings, my glasses broke, I lost both shoes and my T-shirt and jeans were torn. When I yelled out in pain, the police just mocked me and said, 'You're exaggerating your pain'. "<sup>81</sup>*

### 3.6. Attacks on observers, journalists and first aid volunteers

Individuals who played a neutral, assisting or observing role throughout the protests, such as human rights monitors from the NHRCK and Minbyun-Lawyers for a Democratic Society, first aid volunteers and the media, were also subjected to unnecessary use of force by riot police. During protests, they wore vests or armbands clearly distinguishing their respective functions, but as Oh A, a NHRCK monitor, noted:

*"Even if the police know you're a NHRCK monitor, first aid volunteer or journalist, they don't care. In the end the vest identifying who you are will not protect you from police violence."<sup>82</sup>*

It is therefore not unusual for first aid volunteers and journalists to wear helmets to protect themselves from arbitrary attacks by the police.



Figure 14: Oh A wears blue vest worn by monitors with NHRCK clearly written in Korean.

<sup>80</sup> Amnesty International interview with Im A in Seoul, South Korea on 8 July 2008.

<sup>81</sup> Amnesty International interview with Hong A in Seoul, South Korea on 5 July 2008.

<sup>82</sup> Amnesty International interview with Oh A in Seoul, South Korea on 11 July 2008.

### 3.6.1. Attacks on observers

On the night of 28/29 June, Oh A's colleague, Jang A, 42, was monitoring civilians near Koreana Hotel who were pulling a police bus with ropes. She was wearing a blue NHRCK vest. She noticed the bus move a little and suddenly from the gap a group of riot police came charging out. Jang A started to run away:

*"I didn't get very far when a riot police hit me in the back with something. I turned and saw police running by with long batons and realized then what I was hit with. I was feeling a bit dizzy from the hit, so I sat down on the pavement to recover. The riot police were beating people who were in front of them with batons. The police began securing the area and formed a line between the pavement and the street. I saw police officials beat civilians who were on the pavement. The commander said to arrest all the protesters."*<sup>83</sup>



Figure 15: Minbyun lawyer Lee Joon-hyeong with injuries sustained from police shield. Voice of People

Lee Joon-hyeong, a lawyer who works for Minbyun-Lawyers for a Democratic Society, told Amnesty International that he was monitoring the protest on the night of 25/26 June between City Hall and the Gwanghwamun junction. Even though it was a Wednesday, there were many protesters out because it was the day that the Minister of Agriculture announced the US beef imports would resume. Lee Joon-hyeong said the mood was very tense with many angry protesters:

*"Around 2am the riot police held their shields and grunted – to intimidate the protesters – and ran out charging into the crowd. People started to run away. In the panic, many fell down so I shouted to both parties to slow down. One police official approached me and aimed his shield flat at my forehead. The next thing I remember was waking up at the Seoul National University Hospital."*<sup>84</sup>

<sup>83</sup> Amnesty International interview with Jang A in Seoul, South Korea on 11 July 2008.

<sup>84</sup> Amnesty International interview with Lee Joon-hyeong in Seoul, South Korea on 8 July 2008.

소견서		009949	
등록번호	00402540	연번호	2008-0-2127
성명	이준형	주민등록번호	[REDACTED]
성별	남	생년월일	[REDACTED] (만40세)
주소	[REDACTED]		
병명	1. frontal sinus fracture(outer wall) 2. Orbital roof fracture, Lt. 3. Maxillary nasal process fracture, Lt. 4. Medial orbital wall fracture, Lt. 5. Superficial laceration & abrasion, upper lip and forehead		
발병일	2008년 07월 02일		

Figure 16: Medical diagnosis of Lee Joon-hyeong.

According to the doctor's diagnosis (Figure 16), Lee Joon-hyeong suffered multiple fractures on his forehead and over his left eyebrow. He also had cuts on his forehead and upper lip.<sup>85</sup> He had so much pain in his teeth and jaw that he had difficulty eating for a week. Lee Joon-hyeong had bruises all along his right arm and both hands:

*"The police must have kicked me in the face – that would explain the bloody nose, aching front teeth and sand in my mouth. I also had boot marks on my right arm and leg."*

Lee Joon-hyeong told Amnesty International that at the time of the attack, he was wearing a Minbyun monitoring vest and a clear raincoat over it. He said people could see from the front and back his yellow vest with letters written in red.<sup>86</sup>

### 3.6.2. Attacks on first aid volunteers

First aid volunteers provided medical assistance to both civilians and riot police during the protests. Their role became even more critical when the area around the protests was cordoned off by the police, thus making it more difficult for ambulances to enter. As they were in the front line, they were also subjected to police violence and reported that their role as first aid workers was disregarded by the police.

Jin A, a 28-year-old IT worker and first aid volunteer, was working on the night of 28/29 June at the front of the police line near Koreana Hotel. She told Amnesty International that after the first dispersal call, she saw riot police come charging with shields from behind the police line around 11pm or 12am:

*"One riot police official who was running past me took his shield and aimed it horizontally at my face. Fortunately, I was able to block the blow with my arms. I fell down and to avoid getting hit again, I got up and ran away."<sup>87</sup>*

This attack was captured on video.<sup>88</sup> It showed a group of riot police running past Jin A. One hit her in the arms with his shield as he was running by. She then fell over

<sup>85</sup> Lee Joon-hyeong provided Amnesty International with his medical records on 8 July 2008.

<sup>86</sup> Amnesty International interview with Lee Joon-hyeong in Seoul, South Korea on 8 July 2008.

<sup>87</sup> Amnesty International interview with Jin A in Seoul, South Korea on 10 July 2008.

from the impact. She was wearing a yellow vest and a white helmet with a green cross (first aid) on it at the time.

Jeong A, a 32-year-old doctor who was initially participating as a protester, told Amnesty International that towards midnight, 29 June, he started providing medical care because there were so many injuries that night. He was beaten by a riot police official while administering medical aid to another police official. Jeong A went to the side street near the Seoul Metropolitan Council because he heard that riot police were coming that way:

*"I saw one riot police official who was stranded and taken by several civilians. So, my colleague and I with five or six civilians pleaded with them to let the official go. They agreed and I started to tend to his injuries. That's when another riot police came from behind and hit me in the head, right arm and all over my body with a baton. I was fortunately wearing a helmet, but I was still delirious from the beating. I was unconscious for about 30 seconds. When I came to, some riot police brought the same injured official back to me to treat."*

Jeong A said he had to treat many injured civilians and police officials first before he could walk to a nearby hospital for treatment. His head continued to hurt the next day, so he went to Bek Hospital. CT scans and other tests showed that he had a concussion, a cerebral oedema, a cervical spine sprain and multiple contusions (head bruising). Although Jeong A was not wearing a first aid vest that night, he said that his colleague was wearing one.<sup>89</sup>

### 3.6.3. Attacks on journalists

Several journalists were beaten or arbitrarily arrested by the police during the protests, despite wearing armbands that clearly indicated their profession. In a public statement issued on 2 June, the Journalists' Association of Korea (JAK) criticized the violence against and detention of journalists during the protests. JAK accused the police of trying to "suppress press freedom" and said that journalists were being targeted in order to prevent them from reporting on "repressive" measures taken by the police against the protesters.<sup>90</sup>

KBS photojournalist Shin Bong-seung told Amnesty International that on 2 June between 1 and 2am, he was in front of the police line at the Gwanghwamun junction between the riot police and the protesters. At that moment, the police were starting to disperse the crowds:

*"I heard one riot police official yell, "Kill any journalists or whomever!"<sup>91</sup> One grabbed my left arm and another slammed his shield on the left-hand side of my body and punched me in the face."*

<sup>88</sup> Daum (in Korean), available at: [http://flvs.daum.net/flvPlayer.swf?vid=G7TCuWxWRew\\$](http://flvs.daum.net/flvPlayer.swf?vid=G7TCuWxWRew$), accessed 25 August 2008.

<sup>89</sup> Amnesty International interview with Jeong A in Seoul, South Korea on 8 July 2008.

<sup>90</sup> JAK, "Anger at violence against the media", 2 June 2008 (in Korean), available at: <http://www.journalist.or.kr/news/articleView.html?idxno=17640>, accessed 27 August 2008.

<sup>91</sup> JAK, "Anger at violence against the media", 2 June 2008 (in Korean), available at: <http://www.journalist.or.kr/news/articleView.html?idxno=17640>, accessed 27 August 2008.



Figure 17: Riot police official assaults Shin Bong-seung with shield as he films dispersal. Newsis

Shin believed that he was beaten that night in order to prevent him from videotaping acts of police violence:

*"They wanted to be able to quell the protest without the camera lens on them. Of course the riot police knew who I was. I was holding a large camera with very strong light coming from it, which meant that I worked for a TV network. Also, there was a big 'KBS' logo on it. I think I was targeted that night because I was the only journalist with a camera."*

In Shin's case, there was considerable media coverage of his attack. The chief superintendent of Jongno police station called him to apologize. Also, four police officials – the riot police official who had hit him, his company commander, his company deputy commander and a police affairs officer – came to his office. They apologized for what had happened and asked Shin not to take legal action against the riot police official. Shin decided not to sue or press charges out of sympathy for the official, who had come to his office on crutches.

Shin said that he had noticed while covering the protests that there was always a riot police official who prevented the media "from taking photos of police violence, either by putting their hands on the lens, tipping over cameras or pushing photojournalists as they passed". He says this was especially true following the government's announcement on 24 June to punish protesters more severely.<sup>92</sup>

<sup>92</sup> Amnesty International interview with Shin Bong-seung in Seoul, South Korea on 7 July 2008.



Figure 18: Riot police official prevents photojournalist from filming on 10 June. Kwon Woo-sung

Ha Eo-young is a journalist at Hankyoreh daily newspaper. He told Amnesty International that he was beaten by riot police on 29 June at 7pm. Ha was near Jongno Tower. His experience corroborated the observations made by Shin:

*"I was wearing a press armband that evening. I heard there was police violence near the Jongro Tower, so I went there. I was trying to videotape the scene, but several riot police officials grabbed my shoulders, pushed me to the ground and kicked me in the back. I was wearing a press backpack at the time so I was lucky. The beating could have been worse. I have a videotape of the beating. A civilian helped me up. I wanted to videotape the official who hit me, but another official stopped me and broke my camera. He grabbed it with both hands and broke it."*

Ha said that his shoulders and back were injured, and he had visible bruises on his body. He had to go to the hospital three times a week for two weeks. Ha had planned to sue the police for the assault but decided against it:

*"I was going to sue the police after getting my medical certificate, but the next day the Seoul chief of police apologized. I gave up on the idea because I knew there were many others who were injured more severely than me. I didn't want to make a fuss about it."<sup>93</sup>*

Journalist Heo Jae-hyeon also works for Hankyoreh daily newspaper. He told Amnesty International that he was injured on 29 June between 1 and 2am near Koreana Hotel:

*"A gap formed and about 100 riot police stormed out. I was so surprised. They were holding their shields up and horizontally. They started to hit anyone in*

<sup>93</sup> Amnesty International interview with Ha Eo-young in Seoul, South Korea on 5 August 2008.

*their way with their shields. I showed them my press armband but they didn't care. One hit me on my head and another on my thigh – both with their shields. I was still able to work so I continued taking photos. That's when another riot police hit me with the shield, this time on my left cheekbone.*<sup>94</sup>

Sisain weekly magazine photojournalist Yoon Moo-young told Amnesty International that he was covering the protest on 28/29 June. At 12:20am, he was near the Press Centre building when the riot police came surging out:

*“One of them hit me with his baton on my upper left hand as he ran by. I was not only wearing a press helmet but also an armband that clearly indicated I was a journalist. I grabbed the official and demanded an apology. His senior officer intervened and apologized in his place. Then another riot police hit me on the head with his shield three times. Fortunately, I was wearing a helmet.”*

Yoon said this was typical of what happened when riot police came charging out. When civilians fell, the riot police kicked them as they rushed by – when one hits, the others followed. Yoon's head continued to hurt and he was feeling nauseous so he went to Gangbuk Samsung Hospital at 4am for a check-up. The doctor told him that he had a concussion but an MRI showed that there was no other injury to the head.<sup>95</sup>

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<sup>94</sup> Amnesty International interview with Heo Jae-hyeon in Seoul, South Korea on 12 July 2008.

<sup>95</sup> Amnesty International interview with Yoon Moo-young in Seoul, South Korea on 9 July 2008.

#### 4. ARREST AND DETENTION

*"About five or six riot police officials threw me to the ground and kicked me all over. Some swore at me, while another voice said "that's enough". Four officials carried me to the bus by my wrists and legs. I told the officials that I would walk so they could let me down but they just swore at me and continued carrying me like that. They finally let me down in front of the police bus. That's when one official cautioned me while another kept swearing at me. Then two of them kicked me in the face and left ribs. One of them twisted my arm and put me on the bus."*<sup>96</sup>

Kim D, 27-year-old NGO worker

##### 4.1. Arbitrary arrest

Both the Universal Declaration on Human Rights and the ICCPR provide for the right to liberty. Article 9(1) of the ICCPR provides:

*"Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law."*

The ICCPR goes on to detail the rights of detainees, including the right of anyone who is arrested to be immediately informed of the reasons for his or her arrest and be promptly informed of any charges against him or her; of anyone detained on criminal charges to be brought promptly before a judge who would exercise judicial power and to trial within a reasonable time or to release; of any person deprived of liberty to challenge the detention before a court; and to compensation for unlawful arrest.

Based on these and other provisions, the UN Working Group on Arbitrary Detention has defined 'arbitrary detention' for the purposes of its work as occurring when there is clearly no justification for the deprivation of liberty; deprivation of liberty results from the exercise of freedoms guaranteed by the Universal Declaration on Human Rights and the ICCPR; or denial of rights to a fair trial as set out in international human rights law and standards, "is of such gravity as to give the deprivation of liberty an arbitrary character".<sup>97</sup>

The fact that an arrest or detention is made in accordance with a national law does not on its own guarantee that it is not arbitrary under international human rights law and standards. An arrest or detention can be arbitrary under international standards if for example the law under which the person is detained is vague, overbroad, or is in violation of other fundamental standards such as the right to freedom of expression. The Human Rights Committee<sup>98</sup> has explained that the term 'arbitrary' in article 9(1) of the ICCPR does not only apply to an act that is "against the law", but should be

<sup>96</sup> Amnesty International interview with Kim D in Seoul, South Korea on 14 July 2008.

<sup>97</sup> OHCHR Fact Sheet No. 26, The Working Group on Arbitrary Detention, Annex IV: Revised Methods of Work, para8, <http://www.unhchr.ch/html/menu6/2/fs26.htm>, accessed 3 September 2008.

<sup>98</sup> The Human Rights Committee is the UN body of independent experts that monitors implementation of the ICCPR by its state parties.

interpreted more broadly to include elements of inappropriateness, injustice and a lack of predictability.<sup>99</sup>

Since the start of the candlelight protests, the police made 1,242 arrests,<sup>100</sup> most were presumably for violating the Assembly and Demonstration Law, Criminal Law, and Road and Traffic Law (see section 1.2). Some testimonies gathered by Amnesty International indicate that onlookers and those who tried to stop police violence or intervened on behalf of protesters were arbitrarily arrested and detained. Some told Amnesty International that even upon release they still did not know what they were charged with.<sup>101</sup> The NHRCK received 21 complaints alleging human rights violations during police custody.<sup>102</sup>

#### 4.2. Arrests of non-participants

On 1 June, 14 men were arrested near the Anguk junction and taken to Seocho police station. Amnesty International interviewed six of the 14 men who were allegedly subjected to arbitrary arrest. Jeong C, a 27-year-old IT worker, informed Amnesty International that he went to the protest at 3am in response to an appeal on the internet for blankets, as water cannons had been deployed that day. He told Amnesty International that after delivering them to the first aid volunteers, he decided to help by cleaning the street and taking people to first aid. He also watched the protest from the pavement. On the way home, Jeong C heard a police officer yell, "Get that bastard!" and then saw about 10 riot police approach a man, knock him down and beat him. Jeong C went over to stop them:

*"As I took out my mobile camera to take a photo, the same official as before ordered the others to take me as well. I was on the pavement at the time."*

According to Jeong C, his investigation at the police station "took 3½ hours, the longest among those who were detained with me" because the police did not know what to charge him with:

*"They asked me to retrace my steps on a map. Because my steps were similar to those of a protester, they concluded that I must be a protester. They then ended their investigation and charged me with illegal demonstration after sunset and occupying the road. I was shocked but didn't say anything because it was utterly pointless."<sup>103</sup>*

Like Jeong C, Hong B, a 25-year-old university student was also arrested while trying to stop police violence:

*"I saw a riot police official beat a man with his shield, so I told him to stop. He looked at me and told two officials to grab my arms. I asked them why they were taking me away, but they just told me to shut up."<sup>104</sup>*

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<sup>99</sup> Amnesty International, *Fair Trials Manual*, 1998, p35 (AI Index: POL 30/002/1998).

<sup>100</sup> KNPA figures for the period from 24 May to 9 August 2008.

<sup>101</sup> Amnesty International interviews with Cho A, Lee D and Yoo A on 5 and 9 July 2008.

<sup>102</sup> Communication with the NHRCK on 2 September 2008.

<sup>103</sup> Amnesty International interview with Jeong C in Seoul, South Korea on 5 July 2008.

<sup>104</sup> Amnesty International interview with Hong B in Seoul, South Korea on 8 July 2008.

Another man arrested that day was Bae A, a 31-year-old cartoon editor, who told Amnesty International that he was in the area of the protests because he intended to buy a book at a bookstore. He stopped to watch the protests at Anguk junction. Bae A decided to leave when the police had stopped firing water cannons at the crowds. He was then arrested and taken to the police station:

*"I told the investigating officer that I didn't participate in the protests and pointed out that my clothes were dry. He believed me but still processed my detention... When I was at university, the police never arrested protesters who ran to the pavement but now they arrest people who weren't even participating and just standing on the pavement. It's unbelievable."*<sup>105</sup>

Interviews conducted by Amnesty International with people arrested on other days of the protest also reflected an arbitrary nature. Cho A, a 20-year-old university student, told Amnesty International that he was arrested on 29 June when he was waiting to cross a road near Gyeongbok Palace. He said: "there was a scuffle between protesters and police nearby. I was waiting for the police to pass when they surrounded me and one of them yelled to the other officials to arrest me".<sup>106</sup>

Another interviewee, a law student named Hong A, who had previously been arrested for a sit-down protest, said he was careful not to get arrested again. So on 25 June, he purposely stayed on the pavement and "just watched the protest". But when the riot police began dispersing the crowd, both protesters who were running away and non-participating civilians were on the pavement and were then surrounded by the police:

*"When the civilians asked the riot police why they had blocked off the pavement, without answering the police just arrested anyone who had questioned them. I was grabbed by the police because I happened to be in front. They thought I was one of the protesters who had run away."*<sup>107</sup>

Lee D, a human rights lawyer and monitor from Minbyun-Lawyers for a Democratic Society, told Amnesty International that on 25 June, she was arrested near Gyeongbok Palace as she tried to intervene on behalf of civilians who were being arrested:

*"I asked the head of defence of Jongno police why he was dispersing them, given that there were hardly any people around. Plus, the ones who were there were not even on the street but sitting on the pavement. He answered that it was because they were in groups. Among the groups were mothers with their children."*

According to Lee D, she showed the Jongno head of defence her lawyer's ID and tried to convince him to let them go, but instead of listening, he had her arrested as well. Ten days after her arrest, she still did not know what her charge or charges were.<sup>108</sup>

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<sup>105</sup> Amnesty International interview with Bae A in Seoul, South Korea on 5 July 2008. His date of arrest was incorrectly documented as 8 June in a press release on 18 July 2008. Bae A was arrested on 1 June 2008.

<sup>106</sup> Amnesty International interview with Cho A in Seoul, South Korea on 9 July 2008.

<sup>107</sup> Amnesty International interview with Hong A in Seoul, South Korea on 5 July 2008.

<sup>108</sup> Amnesty International interview with Lee D in Seoul, South Korea on 5 July 2008.

### 4.3. Unnecessary detention for minor offences

Violation of the Assembly and Demonstration Law or the Road and Traffic Law are fine-based charges under 500,000 won (US\$430) and 200,000 won (US\$170) respectively. According to Song Sang-kyo, Deputy Secretary General of Minbyun-Lawyers for a Democratic Society, police may detain suspects charged with these offences only if they pose a flight risk, for example, those with non-domicile status. But the police should not detain suspects who have verifiable fixed domiciles.

The overwhelming majority of interviewees for this report who were charged with these fine-based offences had fixed residences, but were nonetheless detained for over 40 hours. Hwang Pill-kyu, a human rights lawyer for the Beautiful Foundation explained:

*"The law allows 48-hour detention as the maximum but this does not mean the police should exercise it in every case. In fact, even during authoritarian rule in the 1980s, suspects charged under the Assembly and Demonstration Law were normally released after they had been questioned. For such fine-based charges, the police never detained suspects for 40-plus hours. But during the candlelight protests, police had been detaining suspects charged with violating the Assembly and Demonstration Law for over 40 hours."*

Amnesty International is concerned that the detention of protesters for a lengthy duration, beyond what is normally practised, may have been vindictive rather than necessary for any legitimate reasons, and in this sense their detention was arbitrary under international standards.

### 4.4. Denial of access to medical care while in detention

Article 6 of the Code of Conduct stipulates that "Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required". Commentary (a) states further that medical attention must be secured "when needed or requested". Under article 79 of the KNPA's Regulations on human rights protection for on-duty police officers, if detained individuals request medical treatment, it should be given to them quickly. They should be examined and treated by a doctor or be given medicine.<sup>109</sup>

In a letter to Amnesty International, the KNPA stated that it "provides appropriate and adequate medical attention to any civilian who is arrested or detained if a need arises, in accordance with the laws and regulations that meet international standards". Amnesty International, however, found that in some cases, detained individuals were reportedly denied access to medical care or its access was unnecessarily delayed. The medical care given to those detained during the protests varied from police station to police station.

Kang A, a university student, told Amnesty International that upon arrest, he was beaten by riot police in the face and body. He had visible external injuries. He was arrested and on the way to Hyehwa police station, he called the 119 emergency

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<sup>109</sup> KNPA, "Regulations on human rights protection for on-duty police officers", 28 May 2007 (revised document no. 506) (in Korean), available at: <http://www.police.go.kr/infodata/lawpdsView.do?idx=480&cPage=4>, accessed 1 September 2008.

number and told the police that he needed to go to the hospital, but they ignored him:

*"I asked several times, but they just told me I was 'annoying' them. The atmosphere on the bus was a bit intimidating, so I stopped. Once we arrived at the station, however, I continued to ask for a doctor. They told me ok, but never took me to see one. In total, I must have asked at least 30 times."*

A day after his detention, MP Cho Kyoung-tae from the Democratic Party, visited Hyehewa police station. According to Kang A:

*"When he saw my wounds, he got angry and asked the police why they didn't send me to a hospital when it was obvious that I was seriously injured. A police officer assured him that they would send me. After the MP left, I requested again to see a doctor. However, the police told me that they had to call another officer who was apparently not on duty and that it would be a long procedure. As there was pressure from the police for me to not go to the hospital, I gave up in the end. I would be released in less than a day anyway."<sup>110</sup>*

MP Cho Kyoung-tae confirmed to Amnesty International that he had seen Kang A at the Hyehewa police station on 2 June and asked the police to provide Kang A with medical care.<sup>111</sup> The MP's visit to three police stations that day was also covered in the parliamentary weekly magazine, *Yeouido Tongsin*, who quoted him as saying:

*"The people I met on 2 June had been arrested on 1 June. Some had torn clothes and what was worse was a man who had an open wound on his finger but was left like that in the cell. The detainees had blood and bruises on their bodies... One man I met at Hyehewa police station was arrested after he had asked the police not to use violence and turned to go away. He was also beaten by several riot police officials."<sup>112</sup>*

Kang A said that during his 44-hour detention, he was not provided with any medical attention by the police. In fact, he was asked to sign a declaration stating that he did not require medical care.<sup>113</sup>

Park D, a 40-year-old IT programmer, was arrested at 9am on 22 June. He told Amnesty International that when he was apprehended, he was hit repeatedly in the face by five riot police. When Park D arrived at Dobong police station, he was not allowed to see a doctor right away:

*"I arrived at 10am. As soon as we arrived, I asked for a doctor but they said no. They told me that it could only be done after I had seen my lawyer."<sup>114</sup>*

In other instances, the possibility of seeing a doctor was denied until after

<sup>110</sup> Amnesty International interview with Kang A in Seoul, South Korea on 5 August 2008.

<sup>111</sup> Amnesty International communicated by telephone with MP Cho Kyoung-tae on 25 August 2008.

<sup>112</sup> "The impetus for change in the world is not politicians but citizens", *Yeouido Tongsin*, 6 August 2008 (in Korean), available at: <http://www.ytongsin.com/news/articlePrint.html?idxno=6549>, accessed 1 September 2008.

<sup>113</sup> The KNPA gave Amnesty International a copy of Kang A's declaration on 19 July 2008. Through this declaration, the organization was able to contact Kang A for an interview via telephone on 5 August 2008.

<sup>114</sup> Amnesty International interview with Park D in Seoul, South Korea on 9 July 2008.

interrogation. Cho A, a 20-year-old university student, told Amnesty International that when he was arrested on 29 June, he was punched and kicked by seven riot police. When he arrived at Kwangjin police station at 6pm, he told the police that he could not see well and requested to go to the hospital. The police told him to wait and later informed him that he had to be questioned first before seeing a doctor.<sup>115</sup>

Another detainee, Shin A who is a 36-year-old film director, told Amnesty International that when he was arrested on 1 June near Gyeongbok Palace, he was kicked in the jaw by a riot police official. He found himself in a similar situation as Cho A. Despite being in pain and unable to speak, the police at the Dongdaemun station insisted that they question Shin A first before taking him to a hospital:

*"During my questioning, I had to write all my responses down on paper because I couldn't talk. The dental clinic at the nearby hospital was closed, so I couldn't see a dentist until the next day. I had to have surgery to put a steel plate in my jaw."<sup>116</sup>*

Son A, a 31-year-old teacher, was also arrested on 1 June. He told Amnesty International that when he arrived at Seocho police station, he told the officers that he had been beaten by the riot police:

*"I had bruises and scratches on my body. They didn't respond nor did they ask me if I needed medical attention. I never saw a doctor during my 41-hour detention."<sup>117</sup>*

Hong B, a 25-year-old university student, told Amnesty International that he was with Son A at Seocho police station on 1 June. He and others took action to pressure the police into attending to the medical needs of two detained individuals:

*"Among fourteen of us, two were injured quite severely so we insisted that the police send them to the hospital and refused to eat breakfast until they did."<sup>118</sup>*

This was corroborated by Yoo A, a 19-year-old university student, who stated:

*"There were two men who were severely injured. They had head injuries and their mouths were bleeding. Several of us asked the police to send them to the hospital. When they didn't, we boycotted our breakfast until the police finally gave in – about two hours later."*

Yoo A also told Amnesty International that the system of arrest was "unfair":

*"I asked the investigating officer what I was being charged with, but he wouldn't tell me. He told me that if I wanted to know, I should hire a lawyer and find out. It's been more than a month and even with a lawyer I still don't know for sure what my charges are, but I think they will be for violating the Assembly and Demonstration Law, and the Road and Traffic Law."<sup>119</sup>*

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<sup>115</sup> Amnesty International interview with Cho A in Seoul, South Korea on 9 July 2008.

<sup>116</sup> Amnesty International interview with Shin A in Seoul, South Korea on 8 July 2008.

<sup>117</sup> Amnesty International interview with Son A in Seoul, South Korea on 11 July 2008.

<sup>118</sup> Amnesty International interview with Hong B in Seoul, South Korea on 8 July 2008.

<sup>119</sup> Amnesty International interview with Yoo A in Seoul, South Korea on 5 July 2008.

#### 4.5. Incentives to arrest

An initial incentive system proposed by the Seoul Metropolitan Police Agency (SMPA) on 6 August 2008 would have awarded police officials 50,000 won (US\$45) for arresting a violent protester and 20,000 won (US\$18) for an indictment or a submission to summary justice. The SMPA's plan was to "encourage" riot police officials "suffering from the severe stress of dealing with protesters". At the time, Seo Bo-hak, a law professor at Kyung Hee University, commented that:

*"Arresting someone should be done through investigation. Excessive competition for arresting protesters might sidestep the legal process. Police should protect civilians."*

On the following day, the SMPA withdrew its original incentive system, amid widespread criticism from the public, and announced an amended plan where law enforcement officials would instead be credited and receive gift certificates after reaching specific targets.<sup>120</sup> Amnesty International believes that there should be no monetary or in kind incentive given to police officials to arrest demonstrators, as such a measure could undermine the objectivity of law enforcement and significantly increase the likelihood of arbitrary arrests.

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<sup>120</sup> Bae Ji-sook, "Police withdraw incentive system", *The Korea Times*, 7 August 2008, available at: [http://www.koreatimes.co.kr/www/news/nation/2008/08/117\\_28983.html](http://www.koreatimes.co.kr/www/news/nation/2008/08/117_28983.html), accessed 23 September 2008.

## 5. LACK OF POLICE ACCOUNTABILITY

*"On a normal police uniform you can see the officer's name and unit, but you cannot see these identification details on the uniform of riot police. So, civilians who have been beaten by riot police cannot identify their perpetrator."<sup>121</sup>*

Shin Bong-seung, KBS photojournalist

Under international law and standards, all reasonable allegations of human rights violations must be investigated. This obligation reflects both the duty of states to ensure reparations to victims of human rights violations, including to disclose the truth, and their general duty to protect human rights, including by holding perpetrators of violations to account and taking steps to ensure that such violations are not repeated.

Under Article 2(3) of the ICCPR, states parties undertake, among other things, to ensure an "effective remedy" for persons whose Covenant rights have been violated. The Human Rights Committee, in its authoritative General Comment on Article 2, has referred to a "general obligation to investigate allegations of violations promptly, thoroughly and effectively through independent and impartial bodies" and added that "failure by a State Party to investigate allegations of violations could in and of itself give rise to a separate breach of the Covenant". The Committee also stated that where such investigations "reveal violations of certain Covenant rights, States Parties must ensure that those responsible are brought to justice. As with failure to investigate, failure to bring to justice perpetrators of such violations could in and of itself give rise to a separate breach of the Covenant."<sup>122</sup>

Amnesty International recognizes efforts by the KNPA to investigate allegations of violence against riot police officials. As of 20 September, they have begun investigation on 12 officials after civilians pressed charges against them. The police also took disciplinary action against officials for assaulting protesters in two cases.<sup>123</sup> Several interviewees reported that police officials had apologized to them for the beatings or ill-treatment; some decided not to press charges after these apologies.<sup>124</sup>

However, Amnesty International urges the South Korean authorities to conduct prompt, impartial and independent investigation into all allegations of unnecessary or excessive use of force and to hold those officials responsible to account. Amnesty International believes that any unnecessary or excessive use of force by law enforcement officials must be "punished as a criminal offence under" South Korean law, as outlined in article 7 of the Basic Principles.

### 5.1. Impunity for police officers

On 29 July, Public Administration and Safety Minister Won Se-hoon said that he would not punish riot police for carrying out "fair and strict" enforcement of the law,

<sup>121</sup> Amnesty International interview with Shin Bong-seung in Seoul, South Korea on 7 July 2008.

<sup>122</sup> Human Rights Committee, General Comment No. 31 on Article 2 of the Covenant: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, UN Doc. CCPR/C/74/CRP.4/Rev.6, 21 April 2004, paras 15 and 18.

<sup>123</sup> See section 3.1.

<sup>124</sup> Apart from Lee E, who was a high-profile case, other interviewees who had received apologies from the police were journalists: Shin Bong-seung, Ha Eo-young and Yoo Moo-young.

and promised to create an environment where police could work with confidence. Won added that the fear of punitive measures would prevent riot police from actively containing the protests.<sup>125</sup>

In a similar move, Minister of Justice Kim Kyung-han, announced on 3 September 2008 that his ministry "will guarantee immunity to police officials rightfully carrying out their duties – even if, in the process, they injure a suspect – so that they may enforce the law with confidence".<sup>126</sup> This is in line with a previous announcement in March 2008, which outlined the Ministry's plans to exempt riot police from liability for actions taken while dispersing demonstrations. This was part of the Ministry's "zero tolerance policy" towards violent protesters and unlawful demonstrations.<sup>127</sup>

Sweeping declarations by government ministers about securing impunity for police who faced demonstrators may thwart or prejudice any legal action taken by individuals, courts or others against perpetrators of human rights violations. The South Korean government should comply with its international legal obligations to ensure that all suspected human rights violations are investigated, that those perpetrating such violations are held accountable and that victims are ensured reparations in accordance with international standards.

In accordance with Article 2(3) of the ICCPR, everyone has the right to an effective remedy. The UN General Assembly Resolution adopting the UN Code of Conduct emphasized the need for accountability of law enforcement officials to the community as a whole.<sup>128</sup>

The Basic Principles contain several principles for accountability in relation to the use of force and firearms. In accordance with these principles there should be an "effective review process" and independent administrative or prosecutorial authorities should be able to exercise jurisdiction in appropriate circumstances.<sup>129</sup> They also require that superior officers should be held responsible "if they know, or should have known" that their subordinates "are resorting or have resorted to, the unlawful use of force and firearms, and they did not take measures in their power to prevent, suppress or report such use".<sup>130</sup>

## 5.2. Problem of identification

Accountability for police officials responsible for human rights violations during the candlelight protests has been further hindered by the inability of civilians to identify

<sup>125</sup> "Police won't be punished over street protests: Minister", *Chosun Daily*, 30 July 2008, available at: <http://english.chosun.com/w21data/html/news/200807/200807300007.html>, accessed 29 August 2008.

<sup>126</sup> "Minister Kim Kyung-han will strengthen police immunity when carrying out their official duties", *Dong-A Daily*, 3 September 2008 (in Korean), available at: [http://www.donga.com/fbin/output?f=c\\_\\_&n=200809030297](http://www.donga.com/fbin/output?f=c__&n=200809030297), accessed 19 September 2008 and Nam Koong-wook, "Minister Kim Kyung-han will give immunity to police for duly enforcing the law", *JoongAng Daily*, 4 September 2008 (in Korean), available at: [http://article.joins.com/article/article.asp?total\\_id=3285654&ctg=12](http://article.joins.com/article/article.asp?total_id=3285654&ctg=12), accessed 19 September 2008.

<sup>127</sup> Kim Ji-eun and Kwon Tae-ho, "Ministry of Justice, police given 'exemption from liability' for dispersing protests", *Hankyoreh*, 19 March 2008 (in Korean), available at: <http://www.hani.co.kr/arti/politics/administration/276888.html>, accessed 29 August 2008.

<sup>128</sup> General Assembly Resolution 34/169 adopting the UN Code of Conduct, 17 December 1979.

<sup>129</sup> Principle 22, Basic Principles.

<sup>130</sup> Principle 24.

riot police officials. The problem arises when there are no visible name badges, identification numbers or any other identifiable information on the uniform of riot police. None of the people interviewed by Amnesty International were able to name the perpetrator(s) responsible for their ill-treatment. Interviewees explained that riot police do not wear name badges or they hide them, and will not identify themselves if asked. One interviewee even stated that officials sometimes cover the number of their riot police base with duct tape.<sup>131</sup>



Figure 19: No name or ID number is displayed on riot police uniform. Angel (Civil Press Group)

Im A told Amnesty International that after he was beaten by riot police officials on 1 June, he went to Jongno police station to file charges, but the police officers told him that without the names of the riot police involved, they could not proceed:

*“They said my only option was to file a petition for an internal investigation but I shouldn’t expect much from this procedure. It’s so frustrating. I don’t know their names because they don’t wear name badges. I couldn’t even identify them because they were wearing helmets<sup>132</sup> so it was hard to see what they looked like. Plus, I wasn’t very coherent at the time due to the beatings.”<sup>133</sup>*

Similarly, Lee C also told Amnesty International that he would not be able to identify his perpetrator because “the official was wearing a helmet and had his shield in front of him”. Lee C added that “it was hard to see anything because of the fumes from the fire extinguisher”.<sup>134</sup> The reason Park D could not see his attackers was “because I was hit repeatedly in the face”.<sup>135</sup>

<sup>131</sup> Amnesty International interviews with Yoon Moo-young, Son A, Jang A, Lee E, Kim C, Heo Jae-hyeon and Lee C in Seoul, South Korea on 9, 11, 12 and 13 July 2008.

<sup>132</sup> Helmets worn by riot police normally have a wire grill and/or plastic visor that can be raised.

<sup>133</sup> Amnesty International interview with Im A in Seoul, South Korea on 8 July 2008.

<sup>134</sup> Amnesty International interview with Lee C in Seoul, South Korea on 11 July 2008.

<sup>135</sup> Amnesty International interview with Park D in Seoul, South Korea on 9 July 2008.

## 6. CONCLUSION

Amnesty International acknowledges the vital role that police have in protecting human rights and understands the challenges that police, in South Korea as elsewhere, face in their daily work. During the protests in Seoul, the riot police had the responsibility of enforcing the law, and for the most part during the protests they acted professionally and with restraint.

In certain instances, however, riot police officials used unnecessary or excessive force, arrested people arbitrarily and ill-treated persons under their care, in violation of both South Korean law and international law and standards. The South Korean government must ensure that law enforcement officials, including the riot police, are adequately trained, instructed and equipped to confront demonstrators, including violent rioters. They should be provided training on international human rights standards relating to the use of force and police and security equipment and weaponry; arbitrary arrest and minimum standards for treatment of prisoners in detention.

Cases of suspected human rights violations must be promptly, effectively, independently, thoroughly and impartially investigated, and those responsible held accountable. Those suspected of committing criminal offences, including those with command responsibility, should be brought to justice in proceedings conforming to international fair trial standards. Impunity among riot police officials will continue to persist if leading politicians provide them with blanket immunity and if they cannot be identified. The government must ensure that all law enforcement officials wear some form of identification that is clearly displayed at all times during protests.

The South Korean government should take steps to end the deployment of conscripts in the national police force. Meanwhile, the conscripts should receive more training to equip them with the skills necessary to police difficult and potentially violent protests, including training on relevant international human rights standards.

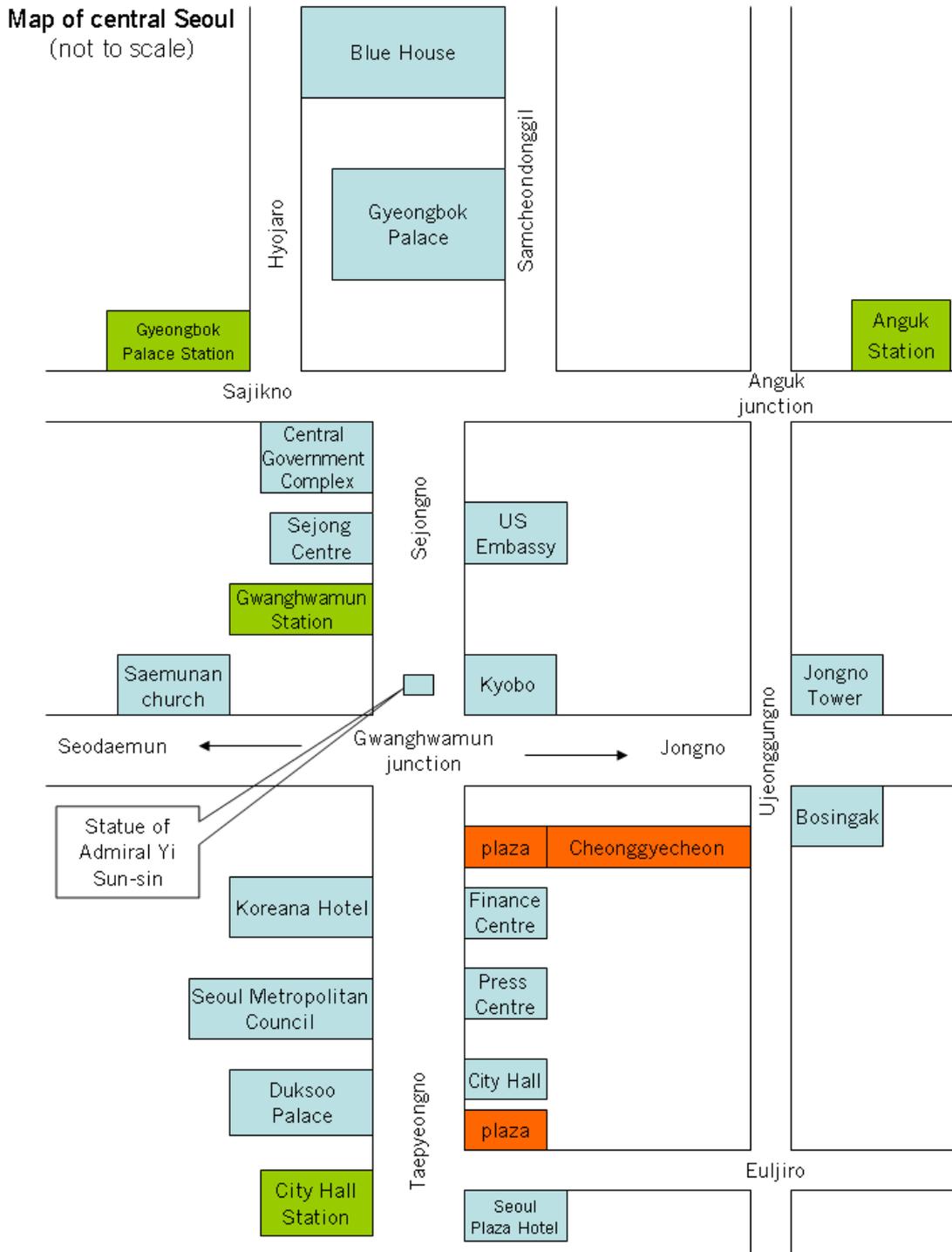
Finally, the South Korean government should take steps to amend the Assembly and Demonstration Law so that its citizens may legally exercise their freedom of assembly more broadly. Reasonable regulations for peaceful protests would facilitate greater freedoms of expression and assembly, as well as protection from violence and human rights abuses for protesters.

## 7. RECOMMENDATIONS

Amnesty International calls on the South Korean government to:

1. thoroughly review current policing practices, including the training and deployment of all police officials, in particular the riot police, in crowd control and the regulations on the use of force by the police to ensure their compliance with South Korea's obligations under the *International Covenant on Civil and Political Rights*; the *UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*; as well with the *UN Code of Conduct for Law Enforcement Officials*; the *UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*; the *UN Standard Minimum Rules for the Treatment of Prisoners*; and other international standards;
2. ensure that clear guidance and strict training is given to police officials on the appropriate use of police and security equipment and weaponry in accordance with international human rights law and standards;
3. introduce safeguards against human rights violations in police custody, including to ensure that all detained persons receive medical attention promptly when requested and/or needed;
4. conduct a prompt, effective, independent, thorough and impartial investigation into allegations of human rights violations by police officials;
5. hold perpetrators accountable for human rights violations; refrain from introducing any measures that may lead to impunity for riot police officials, such as immunity from prosecution;
6. as a means of ensuring accountability, require police in general and riot police in particular to wear name badges or identification numbers visibly on their uniform at all times.
7. ensure reparations to all victims of human rights violations in accordance with international standards;
8. fully co-operate with the NHRCK in their investigations on allegations of human rights violations during the candlelight protests;
9. seriously consider the recommendations put forth by the NHRCK on the policing of the candlelight protests with a view to implementing them;
10. phase out the deployment of military conscripts in the national police force;
11. amend the Assembly and Demonstration Law to allow citizens to exercise their right to assembly more broadly in keeping with international standards.

8. APPENDIX: MAP OF CENTRAL SEOUL





WHETHER IN A HIGH-PROFILE  
CONFLICT OR A FORGOTTEN  
CORNER OF THE GLOBE,  
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# POLICING THE CANDLELIGHT PROTESTS IN SOUTH KOREA

The lifting of the ban on US beef imports to South Korea sparked demonstrations in Seoul in early May 2008. The demonstrations continued for over two months and attracted tens of thousands of people.

Although mostly peaceful, there were violent clashes between riot police and protesters. Most significantly, on 31 May/1 June, when the police first used water cannons and fire extinguishers and on 28/29 June, the weekend following the government's announcement that US beef imports would resume.

This report examines the policing of the candlelight protests and key areas of concern, including unnecessary or excessive use of police force; arbitrary arrest and detention; a lack of adequate police training; and a lack of police accountability. Cases include individuals who were beaten with shields and batons, subjected to water cannons at close range and denied access to medical care while in detention. Protesters suffered serious injuries such as broken bones, concussions, temporary blindness and punctured eardrums.

Amnesty International calls on the South Korean government to ensure that law enforcement officials are adequately trained, instructed and equipped to police demonstrations. All cases of suspected human rights violations must be promptly, effectively and independently investigated and those responsible held to account.

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