

URGENT ACTION

DEMAND RELEASE OF TRADE UNION LEADER

Trade union leader, Kim Jungwoo, is at risk of receiving a further prison sentence at an appeal hearing on 4 April. He has been detained since June 2013 after taking part in protests in support of dismissed workers and their families. He is due to be released, but there are fears he will be given a heavier sentence by Seoul High Court as part of a continued crackdown on trade unionists in South Korea.

Kim Jungwoo, former leader of the Ssangyong Motor branch of the Korean Metal Workers' Union, was arrested on 10 June 2013 when he tried to prevent municipal government officials dismantling sit-in tents and a memorial altar in Seoul, the capital. The protest was calling for the reinstatement of the workers dismissed by Ssangyong Motor in June 2009, and in memory of the 24 workers and family members who either killed themselves or died of stress-related disorders during the campaign.

All the necessary police notifications for the protest had been submitted, and the site was allowed to be used for demonstrations. Despite this, the police sent a notification banning the demonstration on May 30 2013. The trade union filed an injunction against the ban, and this appeal was on-going when the government officials dismantled the site in June 2013.

Kim Jungwoo was sentenced to 10 months in prison for 'special interference with a government official in the execution of his duties'. He will have completed the sentence in April, but could be given a heavier sentence at the High Court after an appeal by the prosecution.

Trade unions are facing increasing restrictions in South Korea. Several other trade union leaders have been imprisoned or are out on bail as a result of their legitimate activities. There have also been attempts by the authorities to deregister some of the major unions, and huge lawsuits have been filed against them.

Please write immediately in Korean, English or your own language:

- Demanding that the authorities immediately and unconditionally release Kim Jungwoo, as he has been detained solely for exercising his right to freedom of expression and association;
- Calling on them to recognize the right of trade unionists to carry out their work without harassment or arrest, in accordance with their rights under international human rights law and labour standards.

PLEASE SEND APPEALS BEFORE 4 APRIL 2014 TO:

President

Park Geunhye
Cheongwadae-ro,
Jongno-gu,
Seoul 110-820,
Republic of Korea
Facebook:
<http://facebook.com/ghpark.korea>
Twitter: @bluehousekorea

Salutation: Dear President

Ministry of Justice

Hwang Kyo-ahn
Building #1, Government Complex-
Gwacheon,
47, Gwanmun-ro, Gwacheon-si,
Gyeonggi-do 427-720,
Republic of Korea
Facebook:
<https://www.facebook.com/mojkorea>
Twitter: @happymojo

Salutation: Dear Minister,

Sample Twitter message:

Free Kim Jungwoo! Respect Trade
Unions in South Korea
@bluehousekorea

Free Kim Jungwoo! Respect Trade
Unions in South Korea @happymojo

Sample Facebook message:

Release Kim Jungwoo, and respect
Trade Unions in South Korea!

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

In April 2009, Ssangyong Motor notified the trade union of plans to restructure the company that would result in cuts of 2,646 of its 7,135 staff positions. The reason given was its deteriorating economic performance, but there have been doubts about the legitimacy of the dismissals.

The union responded by occupying a plant in Pyeongtaek as part of a long-term strike, which was eventually broken by armed police. In June 2009, 1,666 of the 2,646 workers left the company through voluntary resignation and 976 were made redundant. In November 2010, 153 of the dismissed workers filed suit against the company, claiming that the reasons for the layoffs were invalid. The original verdict sided with Ssangyong, finding that the dismissals had been necessary. But on 7 February 2014, Seoul High Court overturned the original verdict and ruled that the layoffs were invalid.

Excessive use of force by security forces against strikers resulted in trauma and serious injury, and many striking workers were blacklisted, making it difficult for them to find other employment. See the statement issued by Amnesty International for further information: <http://www.amnesty.org/en/library/info/ASA25/007/2009/en>.

One of the most significant problems regarding the oppression of labour rights advocates in South Korea is the lawsuits for damage claims filed against them and the seizure of union officials' assets. As of May 2013, the total amount of damages claimed against the trade unions affiliated with The Korean Confederation of Trade Unions (KCTU) stood at approximately USD 122 million. In November 2013, Suwon District Court ruled that Ssangyoung workers must pay approximately USD 1.28million in compensation to the police and USD 3.1 million to the company for damages incurred while they were on strike.

Amnesty International has previously noted that the South Korean authorities use vaguely worded clauses such as Article 314 of the Criminal Act (interference with business clause) and other laws – such as the Law on Assembly and Demonstration – to arrest trade union leaders exercising their rights. This is despite the repeated recommendation by the International Labour Organization (ILO) to the South Korean government to refrain from using the interference with business clause to impose criminal punishment on trade union activists.

The right of association is recognized in Article 22 of the International Covenant on Civil and Political Rights (ICCPR) and Article 8 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), both treaties to which South Korea is a state party. Amnesty International has previously raised concern that South Korea has not yet withdrawn its reservation to Article 22 as recommended by the UN Human Rights Committee, and noted the Committee's view as expressed in General Comment No 24 that reservations must be specific and transparent, which does not appear to be the case for South Korea's reservations to the ICCPR.

During her presidential election campaign, President Park pledged a 'Parliamentary inspection' of the mass layoffs at Ssangyong Motors, but since her inauguration in February 2013, this has not taken place.

Name: Kim Jungwoo

Gender m/f: Male

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