"Return of the Killer Fishermen": Two More Ghosts are Coming for Moon Jae-in

Hot on the heels of the scandal associated with a murder in the Yellow Sea and another unfolding in connection with it (also tied to the DPRK), the future looks even more unpleasant for Moon Jae-in and his circle.

On November 2, 2019, two North Korean sailors in their twenties crossed the maritime border and expressed their intention to defect to South Korea. However, on November 7, five days after their arrest, they (for the first time in the history of inter-Korean relations) were forcibly repatriated back to the North as “fugitives” because they had killed the remaining 16 crew members before fleeing to the South. According to the South Korean media of the time, the pair first killed the captain in his cabin, and then in turn called the others to him, beat them to death and dumped the bodies overboard.

This incident, however, became the subject of a political debate over the legality of the repatriation. Critics of this decision drew attention to any citizen of the DPRK wanting to escape to the South automatically being a citizen of the Republic of Korea, since according to the National Security Law of the DPRK, this is not “another country” to which a person who has committed a serious crime can still be extradited to, but an “anti-state organization.” Handing over the fugitives to it is an unacceptable concession and a gesture of loss of sovereignty. Formally, they should have received a prison sentence for the murder of a group of people with particular cruelty - but on the basis of a verdict by a South Korean court. Additionally, there is still a moratorium on the death penalty in the Republic of Korea, and in the North they were most likely executed, even if only the punishment for murder is taken into account.

Some went further and said that the guilt of the “killer fishermen” hadn’t been proven because there was no time to
conducted a full-fledged investigation. Moreover, the conclusion about the murder was allegedly made not on the basis of the investigation itself, but because it appeared in intercepted North Korean communications. Yet, the fact that the pair confessed to the murder is even confirmed by conservative media outlets today, and with the picture of the crime described, there should have been so many traces of blood and other evidence that the investigation would immediately establish the involvement of the defendants in the mass murder.

Other right-wing NGOs and conservative politicians went yet further and expressed suspicions that the administration had decided to do this to curry favor with Pyongyang. Coincidentally, on November 5, when the government notified the North of its intention to return the fishermen, Moon sent a personal letter to North Korean leader Kim Jong-un inviting him to the ASEAN-South Korea Commemorative Summit in Busan on November 25-26.

And so, in the wake of Lee Dae-joon’s story, on June 21, 2022, Yoon Suk-yeol suggested that his administration could investigate the incident, stating that “many of our people find it strange and raise questions about the fact that they were repatriated to the North” under Moon Jae-in. Yoon himself believes that “when someone (a defector) enters our country, they’re considered a citizen of the Republic of Korea under our Constitution,” and therefore the decision to extradite the killers was at the very least strange.

Then, analogous to the Lee Dae-joon story, insider information began to appear. It turns out that the South learned that the fishermen had killed their colleagues while listening to North Korean negotiations, and two days later Seoul asked Pyongyang if it would accept them if they were repatriated, although the North did not first demand this. The next day, the North expressed its intention to receive them, after which the government mobilized an anti-terrorist unit (not the Red Cross) who brought them to the repatriation spot bound and blindfolded, and when the blindfolds were removed at the very demarcation line, the fishermen are said to have fallen to their knees, realizing that they would be sent back to North Korea.

It so happened that the expulsion became known to the public after news media accidentally photographed a text message sent by a military officer stationed in Panmunjom to a national security official at the presidential office.

On June 27, Conservative MP Thae Yong-ho (himself a defector from the North), citing information from the president’s National Security Bureau, confirmed that Moon Jae-in’s government had expressed its intention to repatriate the killer fishermen even before the North made such a request. The North answered the South’s message on November 6, stating that it would take the two fishermen and the boat. The two were sent back to North Korea a day later, while the boat was transferred to the North on November 8.

On June 6, 2022, the National Intelligence Service (NIS) filed complaints with the prosecutor’s office against two former leaders, Park Ji-won and Suh Hoon.

Park headed the NIS from July 2020 to May 2022, before President Yoon Suk-yeol took office. He allegedly abused his powers to “unlawfully delete reports related to intelligence” about the death of Lee Dae-joon, as attempts to find unclassified versions ended in failure. The details about what information was deleted remain unknown, but the right-wing, conservative newspaper “Chosun Ilbo” reported that these were intercepted North Korean messages, including a tapped conversation between a South Korean fisheries official and the North Korean military, as well as a request for rescue at sea.

The former head of intelligence, however, vehemently denied the allegations, saying that the original file stored on the NIS server could not be deleted, and if he did, it would leave a record of the deletion.

Suh served as head of the NIS from 2017 to 2020 and then served as Moon’s national security advisor for two years. He is suspected of ordering the early termination of an internal investigation into the killer fishermen. For a typical North Korean defector, it usually takes between 15 days to one month, but at the time the investigation only took about three days, after which it was concluded that their intention to defect to the South “was not sincere.”

On July 7, the presidential administration said that “we do not have our own position” in this scandal, but the Yoon government is paying close attention to the incidents because there is a possibility of “crimes against humanity.”

On July 12, South Korea’s Ministry of Unification released photos showing the disputed repatriation. In ten photos it is clearly visible that the “killer fishermen” are resisting with all their might, and one of them is actually being dragged. Both men are blindfolded and their hands are bound with ropes. In addition, the ministry abandoned its previous position regarding the repatriation of the two North Korean fishermen as “disingenuous” - a decision clearly misguided given the fate the fishermen would face if they were sent back. This, of course, is hypocrisy - the killers were certainly sincere in their desire to escape to the South to avoid North Korean justice.
On the same day, July 12, the NGO “Database Center for North Korean Human Rights (NKDB)” asked prosecutors to investigate 11 former government officials from the Moon administration. The charges include abuse of power, dereliction of duty, destruction of evidence, and abetting criminals: Under the Constitution, the two fishermen are South Korean citizens and sending them back to the North was a violation of human rights and an infringement of sovereignty.

On July 13, another conservative NGO, “Lawyers for Human Rights and Unification of Korea,” announced that it would file a complaint against Moon Jae-in as an accomplice in attempted murder, illegal arrest and kidnapping, abuse of power, dereliction of duty, destruction of evidence, and violation of the punishment for crimes under the jurisdiction of the International Criminal Court.

Meanwhile, on July 13, the Seoul Central District Prosecutor’s Office sent a team of prosecutors and investigators to the headquarters of the National Intelligence Service to seize documents and other evidence, with Yoon Suk-yeol’s spokesperson indicating the direction the investigation would take. “If they were forcibly sent to the North even though they stated their intention to defect, this would be an anti-humanitarian crime and a crime against humanity that violates both international law and the Constitution...The Yoon Suk-yeol government will fully determine the truth behind this case in order to restore the universal values of freedom and human rights.”

The Democratic Party, in turn, warned against using the issue for political purposes, asking “does it mean we have to accept brutal criminals who killed 16 people as our citizens?” “We demand that national security, the military, and the intelligence agency should no longer be used as a means of political dispute.”

Indeed, the authorities then faced a very difficult decision. The desire to give brutal murderers their just deserts is understandable. The arguments against forced repatriation are no less understandable, and one must understand that the Conservatives in this game made not so much of the struggle for human rights as the desire to “get even with the Moon Jae-in administration” from an unexpected and pleasant angle. If they tried to put Moon in jail for corruption, using all the tricks that the Moon administration used against Park Geun-hye, it would have paid off, but it would have looked too much like political revenge. Work in this direction is also underway, but here we’re talking about “pursuing state policy within the framework of appeasing an anti-state organization.” This is much more serious, given that we will see to what extent we are really talking about new evidence, and not interpretations of the same events in accordance with the new general line of the government.

Although no lawsuits have been filed against Moon yet a situation in which two heads of an intelligence agency have become the objects of a criminal case is already reminiscent of the so-called “big purge” under Moon Jae-in, when he imprisoned three heads of this organization who held these posts under Park Geun-hye and Lee Myung-bak. And this means that the ground is beginning to get a bit hot not only under Moon, but also for many other Democrats, and they may launch a counterattack, taking advantage of the difficult political and economic situation the Yoon Seok-yeol administration finds itself in. The latter’s rating has fallen below 35% in recent weeks.

“Don’t change the channel, the new season of South Korean domestic politics will definitely be more interesting than before.”

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