Pro-North-Korean conspiracy in South Korea? Part 1

It seems that, in the Republic of Korea (RK), a big scandal is growing which is associated with an attempted coup. According to official sources, on 28 August 2013, officials of the National Intelligence Service (NIS) searched the homes and offices of members of the Unified Progressive Party (UPP). The search started at 6.30 in the morning and was conducted under the supervision of the city prosecutor’s office of Suwon in the homes and offices of deputy Lee Seok-ki, head of the UPP's regional faction in the Gyeonggi province Kim Hong-yeol and other active UPP members. The politicians are suspected of violating the National Security Law and of engaging in a conspiracy aimed at an insurgency.

Three party members were detained, including the UPP's Vice-Chairman in the Gyeonggi province Hong Soon Seok. The intelligence service was not able to arrest Lee Seok-ki since deputies enjoy immunity.

The court representative who issued the detention order explained that they were suspected "of preparing attacks on the country's infrastructure, establishing an organisation which poses a threat to national security, praising the DPRK and a conspiracy aimed at a coup". On Thursday, 29 August 2013, the prosecutor's office banned 14 suspects, including Lee Seok-ki, from travelling abroad.

According to the intelligence service, the conspiracy had been discussed since 2004 and about 100-200 people were aware of these plans. According to the newspaper The Korea Herald, in the course of the searches, the intelligence service confiscated the audio recordings of party activists' meetings where they discussed the capture of weapons warehouses and police stations "in order to help North Korea", as well as talked about a terrorist act at some oil facility.

UPP representatives claimed that the intelligence service had exceeded its authority and intervened in political processes. Its press secretary Lee Soo-jung has rejected the accusations of a conspiracy against the current government and stressed that her party has never supported North Korea and its nuclear programme, but only called for strengthening the cooperation with the North.

As for deputy Lee Seok-ki, he stated to journalists that the evidence had been fabricated by the NIS and that the investigation itself was clearly an intrigue. Other UPP leaders also reject the accusations.

The suspects are accused of a "conspiracy with a view to instigating internal turmoil" (in Korean: neran ymmo). In 1980, the military regime tried to prosecute, under the same article, the dissident and future head of state Kim Dae-jung, and, 15 years later, there was an attempt to apply it to the country's military leaders.

However, a RK citizen can be persecuted only for the idea, and not a conspiracy as such. The lawyer who commented on this case explained that the essence of a "conspiracy with a view to instigating internal turmoil" can be interpreted rather broadly. In principle, neran ymmo implies such things as the destruction of the integrity of the country's territory or the violation of the Constitution, but in reality, if someone says something like: "Let's destroy the Blue House (the residence of the President of the RK)", it may also be considered as a conspiracy, and the one who said this can be prosecuted. As for Lee Seok-ki, he is alleged to have openly urged a meeting of more than 130 people to capture weapons arsenals and then to attack police stations...
In South Korea, there have been no accusations of an attempted coup for many years now, and that is why Western experts in the field of law believe that, once the intelligence service has decided to go for arrests, it has good reasons for such suspicions.

Such a development of events, especially in the modern situation, it extremely interesting. And although Russia's experience of high-profile court cases proves that, before making any noise, you should carefully examine the evidence and familiarise yourself with the indictment, now that it already exists some of its important points can be highlighted straight away. I apologise in advance for the, possibly, too lengthy explanations and historical references, but I believe that they are appropriate here.

Firstly, a little bit about the UPP. The Unified Progressive Party is a left-leaning political party which has 6 seats in the national parliament. It was founded on 5 December 2011 as a merger of the Democratic Labour Party, the People's Participation Party and one of the factions of the New Progressive Party. The first of them is worth a separate mention as its programme was quite left-wing radical and included the destruction of chaebol corporations, the repeal of the National Security Law (on that below), the disarmament of the North and South, and forwarding the released budgetary funds to social needs. On the whole, the UPP’s programme was in many ways similar to that of moderate Western European (French or Italian) communists. And you can't really describe it as pro-North-Korean. The split between the supporters of the North and the "Eurosocialists" took place quite a long time ago, and the growing awareness about the level of life in the DPRK has virtually nullified the number of those who see the Juche paradise there. The debates are not so much about whether or not the North Korean regime is good, but about how it should be treated, what can be done about this and what percentage of the anti-North-Korean propaganda can be trusted.

However, any leftist is associated with the DPRK in the mind of the ordinary Korean man in-the-street. When, in an interview with the New York Times, one of the leaders of the Korean Federation of Industrialists described Roh Moo-Hyun (by general standards, a left-wing president) as a socialist, the latter demanded an apology since this word was perceived by him as an insult and a hint at connections with the North.

In its domestic policy, the UPP advocates the expansion of trade unions' rights, the development of civil society, an increase in tax revenues which should be used as additional funding in the social sphere. Furthermore, during the presidential elections in 2012, the UPP was actively opposed to Park Geun-hye by building on the theme of the authorities' interference when citizens exercise their free will. For example, its presidential candidate in 2012 Lee Jung-hee openly said that she took part in the elections for the sole purpose – not to allow Park Geun-hye to win.

Being at the far end of the left wing, the party became, to a certain extent, a haven for all sorts of leftists, and the battle between its factions is as strong as in large parties. From time to time, some people associated with the UPP were caught as the "agents of Pyongyang", but here it is worth looking at the second point and explain in more detail what it is precisely about – the National Security Law in the RK (NSL), which was the basis for the actions of the intelligence service and the prosecutor's office.

So that I am not blamed for inaccuracies, I will just give you a link to the English text of this Law right here.

Although as early as late 1991, the North and the South signed the agreement on reconciliation, non-aggression, and exchanges and cooperation, the NSL defines North Korea not even as a country but as an "anti-State organisation" which has illegitimately annexed five northern provinces.

When there was an inter-Korean summit 2000 in Pyongyang, in theory the next meeting was to be held in Seoul. However, this did not happen because the "head of an anti-State organisation" who was formally in the territory of the RK was to be immediately arrested, prosecuted and sentenced to death penalty or life imprisonment, and those who would have tried to prevent his arrest would have been jailed together with him as accomplices.

The NSL prohibits positive remarks about the DPRK; an attempt on the part of a RK citizen to go there without the authorities' permission can result in 10 years in prison whilst organising such a trip will put you in prison for 7 years. The price is the same for the act of "praising, encouragement and advocating" of the North.

Keeping and replicating any images of Kim Il-sung and Kim Jong-il is strictly prohibited. And it's any images in any form, and that is why, when representatives of one of the anti-North-Korean organisations fabricated a very "well-known" clip about torture in the DPRK, in the "real videos", instead of the portraits of the leaders, there was a deliberately blurred image on the wall, with the facial features which did not correspond to the Kims at all.
Until July 1998, the prisoners arrested for the violation of the NSL had to sign the so-called "letters of conviction", in which they promised to break with the communist ideology. Those who refused to sign could hope neither for amnesty nor for any type of assistance from the state after their release from prison.

Among the most odious articles of the Law, there is imprisonment for activities "for the benefit of the enemy". The vagueness of the wording makes it possible to send to prison not only those who keep or disseminate North-Korean or pro-North-Korean printed materials, but also, say, the organiser of a strike in the workplace: the strike undermines the economy of the country, and, therefore, it is "for the benefit of the enemy".

Now as for "praising the DPRK". In 2012, 23-year-old South-Korean photographer Park Jeong Keun received a 10-month suspended sentence for retweets of the official North-Korean website "Uri Min-jok Kiri". Park was writing a satirical microblog about North Korea, but the authorities failed to see the irony. If you are reading and, what's more, quoting a North-Korean source, then you are guilty. As Amnesty International’s Asia-Pacific Director Sam Zafiri stated in this connection, "it is a sad case when the South-Korean authorities totally fail to appreciate sarcasm.

Park escaped imprisonment only thanks to the fact that he had publicly expressed remorse and promised not to do that again in the future, and he had managed to convince the judge that the messages from the North-Korean account were posted by him with ironic connotations. But it is not clear what would have happened to him without the support from the serious international organisation as, in 2010, a woman with the surname Song was sentenced to four years in prison for the possession of 14 North-Korean music MP3 files. There was no text there, just the music, but the Supreme Court of the Republic of Korea made a ruling, according to which even the names of North-Korean songs contain expressions "beneficial for the enemy" and constitute a threat to security.

That is, the name of a music composition alone and its North-Korean origin are already a good reason for repression. Therefore, even if the alleged conspirators have, over 8 years, limited their activities to just saying things like "So what if we...", talking like that is equated to real action, under the NSL and other related legal acts.

It is clear that the law enforcement practice of this Law is linked to the country's conditions, and, in some cases, the intelligence service turns a blind eye to violations, otherwise no economic or cultural contacts would be possible between the two countries. But in other cases, it is the other way round, and the fact that nearly half of the cases of the violation of the NSL result today in soft sentences or acquittals does not matter. A couple of years of pretrial detention, combined with the campaign in the press and the loss of the job (and often of the family as well), are useful by themselves in terms of the "taming" of rebellious minds, and, even if you receive only a suspended sentence, you will not be able to teach at a university and get your works published in academic journals. No one will allow you to do that.

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