

JEHOVAH'S WITNESSES—THE REPUBLIC OF KOREA (SOUTH KOREA)
January 1, 2004, to December 31, 2004

Restrictions on Religious Freedom

Conscientious Objection to Military Service

South Korea currently has no legislative provision for alternative civilian service. There is no exemption from military service for ministers of religion or for conscientious objectors. In 2004, the Supreme Court of Korea and the Constitutional Court considered important cases on the right to conscientious objection, although with disappointing rulings. These cases generated extensive media coverage and discussion. A member of the National Assembly has now proposed a bill that would provide alternative service to qualified candidates.

- Currently, there are 758 of Jehovah's Witnesses who are imprisoned in South Korea because they are conscientious objectors. Every year, 500 to 700 young men who are Jehovah's Witnesses continue to be convicted and imprisoned as conscientious objectors to military service. Conscientious objectors are tried in civilian courts and are usually sentenced to 18 months in prison. Since the 1950's, nearly 10,000 of Jehovah's Witnesses have been imprisoned in South Korea for conscientious objection to military service.
- On May 21, 2004, the Seoul South District Court acquitted three conscientious objectors (who are Jehovah's Witnesses) of criminal charges over their refusal to serve in the military. In the decision, the district court made the following observation: "It is estimated that the number of conscientious objectors [in South Korea] is around 600 a year, which is equivalent to only about 0.2% of the annual conscription—some 300,000. Thus, the impact of conscientious objectors to the national defense would be very insignificant." The prosecutor appealed this decision, and the lower court's decision was overruled.

Supreme Court Decision in Choi Myung-jin Case

- On July 15, 2004, the Supreme Court upheld the conviction of Choi Myung-jin, a 25-year-old conscientious objector who is one of Jehovah's Witnesses. Although the decision of the Supreme Court was 11 to 1, five of the judges agreed with the dissenting judge that there is a need for an alternative-service program in South Korea and that the legislature, not the courts, must make the provision for alternative service. Choi has begun his 18-month sentence.

Constitutional Court Decision in Lee Kyung-soo Case

On January 29, 2002, Senior Judge Park Si-hwan of the Seoul South District Court sent the case of Lee Kyung-soo (one of Jehovah's Witnesses) to the Constitutional Court, claiming that failure to recognize the right of conscientious objection violates Lee's constitutional right to freedom of religion and conscience. Pending appeal, Judge Park suspended the trial and released Lee on bail.

- On August 26, 2004, the Constitutional Court handed down a 7-2 unfavorable decision in the Lee Kyung-soo case.
- Within the last two months, 270 young Witnesses who had been out on bail or on their own

recognizance, pending the decisions of the Constitutional Court and Supreme Court, have now been sentenced to 18 months in prison.

- Despite the final decisions by the Constitutional Court and Supreme Court, some judges have postponed the cases of about 20 Witnesses because efforts are being made in the National Assembly in regard to enacting some provision for alternative service.