
ANNUAL REPORT

2012

Dignify for soldiers

**Center for Military
Human Rights, Korea**



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Opening

Letter from the Representative

Greetings! This is Teahoon Lim, Representative for the Center for Military Human Rights, Korea(CMHRK).

As other areas of human rights, the human rights situations in the military has receded to the far past under the current administration though it was making small progress under Kim Deajung's and Roh Muhyeon's administration. Soldiers are dying due to irrational urgent evacuation system, the rights to freedom of expression and opinion and the rights to privacy are trodden under the name of national security.

The proportion of suicide out of soldier's death toll is increasing constantly; the Military Court fails to maintain the independence of the Judicature. The ground upon which the Center relied in order to maintain its basis under this situation that even common sense does not work whenever we dealing with the Ministry of National Defense was the idea that societal changes can be made when the military changes.

However, the military authority and the military culture obstinately refuse monitoring and trail for alternation from the outside under the name of sacred military obligation; therefore, numerous human rights infringement cases occurred. In spite of that, military life is considered for soldiers to tolerate as a kind of a rite of passage, there is strong atmosphere that makes the one who brings a problem up a social misfit.

Even under this condition, CMHRK wishes that the military health system gets improved so that invaluable life shall not be disregarded in the military; commanders shall be responsible for any medical accidents if any; as citizens in uniform soldiers shall enjoy other civil rights along with the rights to freedom of expression and opinion; an alternative military service shall be adopted; Article 92-5¹ shall be

¹ The National Assembly amended the Military Criminal Act in March 2013, therefore, it became Article 92-6.

deleted which criminalizes the consented same-sex relationship; the principles of protection of victims of sex crimes in the military; military prison, arbitrary detention, shall be ceased which violates the doctrine of warrants; comprehensive improvements shall be implemented regarding military judicial system along with abolition of Military Courts that violates the independence of the judiciary; military ombudsperson system for the national defense shall be adopted to monitor all of above.

The military that the human rights are protected is the truly strong military. It is certain that the national defense will be increased when the military is governed under the idea that human rights come first. CMHRK will work harder to make the military uphold the Constitution so that people may perform their military obligation safer.

Thank you.



People with Center for Military Human Rights, Korea²

Members of the Steering Committee



Kang, Seokmin **Attorney, Daim Law Firm**

- Military Prosecutor, the 9th Corps of the Army
- Military Judge, the 3rd Corps of the Army
- President, National Indemnification Consideration Committee of the Army 2nd Corps
- Team Leader, Presidential Truth Commission on Military Suspicious Deaths



Kim, Insuk **Attorney, Mindlrae Law Office**

- Member of the Special Committee on Preservation of Environment at the Seoul Bar Association
- Inspector, Lawyers for Democratic Society
- Assistant Lawyer, Department of North Korea Defectors at the Korean Bar Association
- Member of the Board of Estimate and Incentive at Seoul Metropolitan Office of Education
- Member of the Mediation Committee at the Seoul Eastern District Court
- Member of the Department of Aid on Invasion at the National Human Rights Commission of Korea



Park, Inhye **Chair of the Board, Institute for Sustainable Development**

- Foreign Professor, Dept. of Sociology of Hanshin Univ.
- Member of the Board, Incheon Korea Women's Hot Line
- Research Commissioner, Institute for Democracy of Songkonghoe Univ.
- Former President of Human Rights Committee of the United Korea Women's Association
- Former Representative, Korea Women's Hot Line
- Former Professor, Graduate School of NGO studies of the Songkonghoe Univ.

² The order is Korean alphabetical. The names are transcribed according to the Rules of Korean Orthography unless there is a more well-known Romanization e.g. Kim, Lee, Park, Kang, Lim, etc.



**Seong,
Ju-mok** **Attorney, Daim Law Firm**

- Military Prosecutor, the 50th Division of the Army
- Military Judge, the 1st Military Headquarters of the Army
- Representative, Business Security Law Center
- Consultant, National Human Rights Commission of Korea



**Lee,
Gyeong-hwan** **Attorney, BAE, KIM & LEE LLC.**

- Judge Advocate (2006~2009)
- Military Judge, the 8th Corps of the Army
- Policy Consultant, Korea Sexual Violence Relief Center

Dignify for soldiers



**Lee,
Yujeong** **Attorney, Won Law Firm**

- Adjunct Professor, Law School of Ewha Woman's University
- Member of the Board, Catholic Human Rights Community
- Members of the Board, Korea Sexual Violence Relief Center
- Inspector, Hankyoreh Foundation for Reunification and Culture
- Vice-President, Lawyers for Democratic Society
- Former Prosecutor, Northern Branch of Seoul District Public Prosecutors' Office
- Former Commissioner for Human Rights, Korean Bar Association
- Former Commissioner, Promoting Committee for Anti-Discrimination Law of the National Human Rights Commission of Korea
- Former Civilian Member, Steering Committee for Public Institution of the Ministry of Planning & Budget
- Former Non-standing Commissioner, Anti-Corruption and Civil Rights Commission



Jeong, Sangdeok (Donghui) **Secretary General, Human Rights Committee of Won-Buddhism**

- Executive Director, Peace Friends
- Co-representative, Religious People's Coalition for Abolishment of Capital Punishment
- Secretary General, Wonbuddhism Youth Association
- Representative, Future Forum of Wonbuddhism Youth Association
- Consultant, Presidential Truth Commission on Military Suspicious Deaths



Jin, Seonmi **Member of the 19th National Assembly of the Republic of Korea**

- Former Inspector, Center for Military Human Rights, Korea (2009~2011)
- Member of the Steering Committee, Public Interest Law Center at the Korean Federation for Environmental Movement
- Member of the Committee on Women's Rights, Lawyers for Democratic Society
- Member of Subcommittee on Distribution, Community Chest of Korea
- Member of Consultative Committee of the Ministry of National Defense
- Inspector, Korean Women's Association United
- Inspector on Cultural Heritage Fund, National Trust
- Attorney, Ian Law Office



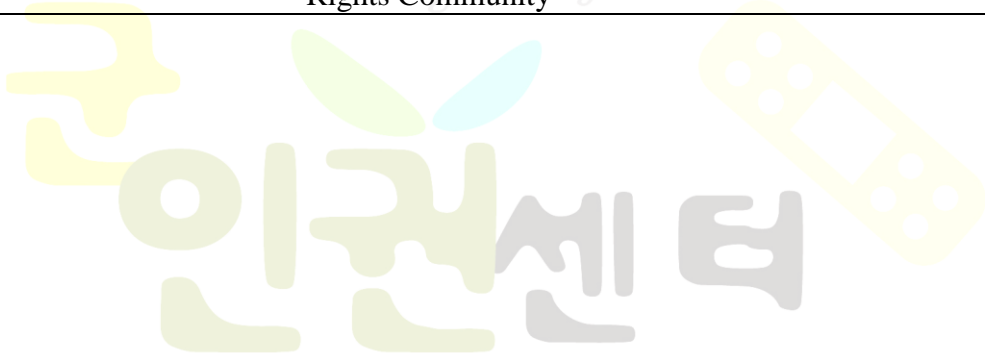
Heo, Namju **Adjunct Profesor, Kyunghee University**

- Director, Dept. of Cultural Affairs of Seoul Shinmun
- Direcotr, Dept. of Service of Seoul Shinmun
- Special Editorialist, Seoul Shinmun
- Inspector, Chugye University for the
- Panel, Correctional Subjects of the Ministry of Justice
- Member, Committee for Donation of the Ministry of National Defense
- Member of the Board, Korean-Greek Friendship Association



Hong, Seongsu **Professor, Dept. of Law of the Sookmyung Women's University**

- Member for General Affairs, Korean Association of Legal Philosophy
- Member for General Affairs, Korean Association of Legal Sociology
- Commissioner, Seoul Human Rights Commission
- Commissioner, Commission on Human Rights of Students of the Seoul Metropolitan Office of Education
- Member, Subcommittee for Abolition of Death Penalty under the Justice and Peace Committee of the Bishops' Conferences of the Catholics
- Policy Commissioner, Korean Women Link
- Consultant, Korean Branch of the Amnesty International
- Commissioner for Human Rights, Catholic Human Rights Community



Inspector



Jeong, Jeonghun **Representative, Saram Law Office**

- Former Attorney, Korean Public Interest Lawyer's Group "Gong-Gam"

Policy Commissioners



Kim, Jeongsik **Teacher, Gandhi School**

- Member of the Board, Petite School in the Woods
- Representing Teacher, Gandhi High School at Geumsan
- Member of the Steering Committee, People's Solidarity for Participatory Democracy in Geumsan
- Former Co-researcher, "Survey for the Human Rights Situations and the Improvements in the Military" from the National Human Rights Commission of Korea (2005)
- Former Lecturer, Human Rights in the Military Training Course, cosponsored by the Ministry of National Defense and the National Human Rights Commission of Korea (2006)
- Former Co-researcher, "Development of Human Rights in the Military Textbook" from the National Human Rights Commission of Korea (2007)



Kim, Cheolhyo **Doctor's Course of Sociology, Sydney University, Commonwealth of Australia**

- Policy Consultant, Korea Center for United Nations Human Rights Policy
- Visiting Investigator, Seoul National University Asia Center(2012)
- Project Coordinator, Koran Branch of the International Organization for Migration(IOM) (2005~2009)
- Researcher, IOM Migration Research & Training Centre (2010)
- Coordinator in charge of Refugee, Lawyers for Democratic Society (2004)
- Campaigner, Korean Branch of the Amnesty International (2002~2003)
- Researcher of the National Human Rights Commission of Korea, the Ministry of Labor, UNHCR, the British Embassy in Seoul, the Save the Children



Kim, Hyo-min Attorney, BAE, KIM & LEE LLC.

- Former Judge Advocate, Army (2006~2009)



Shin, Min-yeong Attorney

- Public Defender, Southern Branch of Seoul District Court
- Aide, Member of the 17th National Assembly Roh Hoichan



Lee, Jaeseung Professor, Law School of the Konkuk University

- Member, Korean Association of Legal Philosophy
- Member, Democratic Legal Studies Association
- Member, Military Jurisprudence Studies for Peace Society
- Member, Genocide Research Society
- Former Legislation Research Action Officer, the Ministry of Government Legislation



Jin, Beomsu Specialist in Psychiatry, Director of the Mirae Neuropsychiatry Hospital

- Specialist Course for Psychiatry, Ajou University Hospital
- Consultant and Psychological Autopsic, Presidential Truth Commission on Military Suspicious Deaths
- Investigator, National Human Rights Commission of Korea
- President, Mental Health Review Board of Osan City
- Representative, Mental Health Center of Anyang City
- Consultant, The Trust Foundation
- Regular Member of the Korean Neuropsychiatric Association and the Psychosomatic Association

Representative



**Lim,
Taehoon** **Representative (2009~)**

- (MA) Dept. of NGO studies, Songkonghoe University (2013)
- “NGO and Law” course completion, Law Center for the Public Interest of the Seoul National University, Seoul National University (2011)
- Representative, Solidarity for LGBT Human Rights of Korea (1998~2002)
- Co-representative, Joint Civil Task Force for Realization of Desirable National Human Rights Institute (1999~2001)
- Member of Executive Committee, Meeting for Supporting Hong Seok Choen’s Coming-out (2000-2001)
- Member of Executive Committee, Common Action Against Discrimination of Homosexual (2000~2002)
- Co-representative, Joint Task Force Against National Censorship on the Internet (2001-2002)
- Representative, Sexual Minority Group at the Amnesty International Korea (2002~2005)
- Conscientious Objector, Amnesty International (2004~2005)
- Member of the Policy Committee, Korea Women’s Hot Line(2006~2008)
- Civil Ombudsperson on Correctional Institute appointed by the Minster of Justice (2006~2008)
- Team Leader, Human Rights Legal & Medical Support Team at the Civil Conference Against Resumption of Importation of Mad Cow Disease Risk US Beef (2008-2009)
- Expert Counselor, National Human Rights Commission of Korea (2008~2010)
- Expert in Liberal Rights, National Human Rights Commission of Korea (2010)

Managers and Coordinators



Lee, Inseop Manager, Policy and Planning Team of CMHRK (Sept. 2012~Jan.2013)

Policy making and Planning, Secretariat in General

- Director, Establishment of the Pink Voter's Party (2012~)
 - Former Coordinator, Center for Military Human Rights, Korea (Nov. 2011 ~ Aug. 2012)
 - Representative, Human & Human of the Korea University (2006)
 - Intern, Korea Center for United Nations Human Rights Policy (2008)
-



Jo, Gyuseok Nonstanding Coordinator (Sept. 2012~)

International Human Rights and Counseling

- Former Intern (7th Term)
 - Majoring in Education
 - Excellence Award, Korea Youth Model UN Human Rights Council 2010, sponsored by the National Human Rights Commission of Korea and Korea University
-



Jo, Hanjun Nonstanding Coordinator (Sept. 2012 ~ Dec. 2012)

Policy making and Planning

- Former Intern (7th Term)
 - Majoring in History
 - Serving in the Military (Dec. 2012 ~)
 - President of the 1st Subcommittee for Military Human Rights, Korea Youth Model UN Human Rights Council 2010, sponsored by the National Human Rights Commission of Korea and Korea University
-

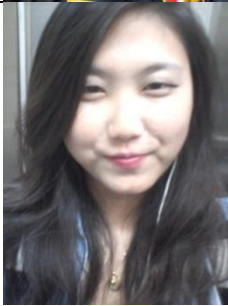
Interns



**Kim,
Seyeob** Intern (8th Term)

International Human Rights

- Student, Hankuk Academy of Foreign Studies



**Kim,
Bomi** Intern (9th Term)

Counseling and Public Relations

- Dept. of Consumer Studies & Paedology, College of Human Ecology, Seoul National University
- Participant, Korea Youth Model UN Human Rights Council 2010, sponsored by the National Human Rights Commission of Korea and Korea University



Yeo-ul Intern (9th Term)

Finance and Education

- Former Employee, Social and Youth Enterprise 'DAL-Co.'

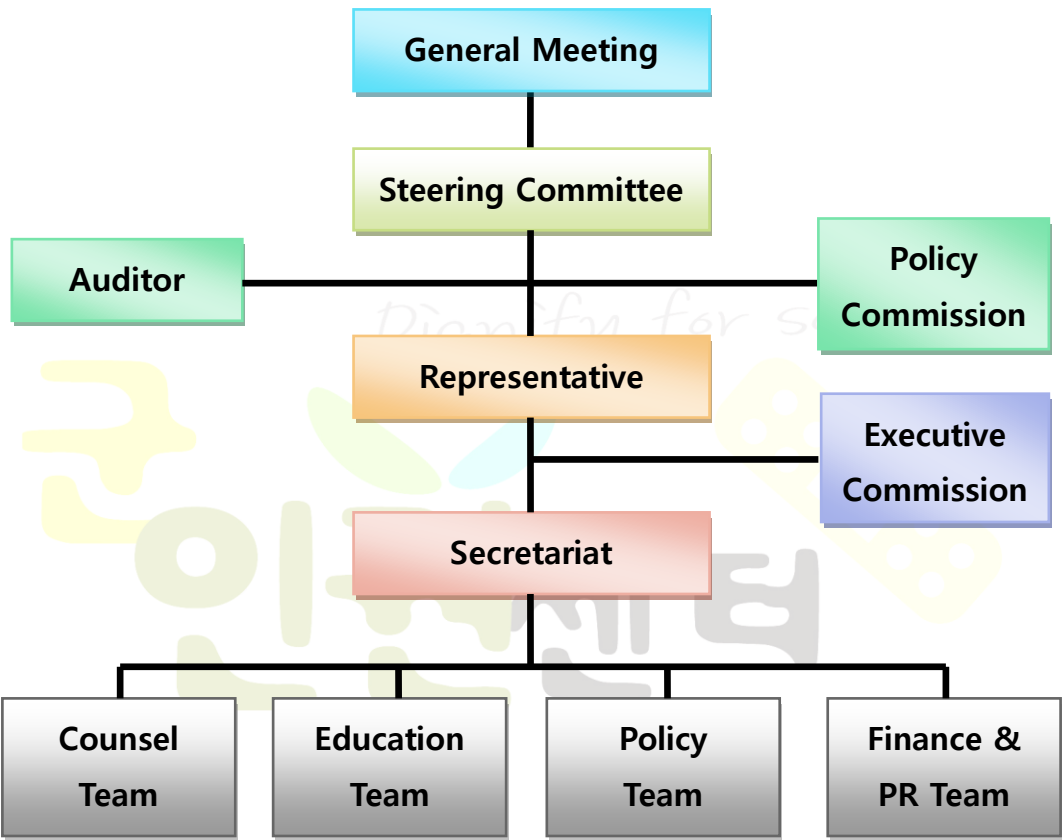


**Song,
Hyeonmin** Intern (10th Term)

Policy making and Education

- Dept. of Korean Language and Literature, College of Liberal Arts, Yonsei University

Organizational Chart



General Summary

Year 2012 was the 4th year that Center for Military Human Rights, Korea(CMHRK) was established and the year that human rights violation in the military peaked that has been deteriorated under the President Lee Myeongbak's administration. Under the situations, the Center strived to improve military human rights in various areas. Hence, the number of counseling requests, the frequency of media exposure, and the number of donating members are all increased.

❖Counseling

CMHRK tried variously in order to systematically develop its counseling process. First, CMHRK built Military Human Rights Counseling Data Base so that counselors may organize current counseling situations and make statistics easily. Also, CMHRK divided counseling into eight categories of "infringed rights" and "damages", and made counseling manual to obtain necessary information concretely and accurately during counseling process. Based on this, CMHRK could have any counseling with consistent criteria and categories.

Due to efforts thereof, CMHRK could have successfully dealt with 122 counseling requests in 2012. CMHRK received the most number of counseling requests ever since its establishment. The figure of online counseling request is 1.5 times more increased than that of the year 2011. CMHRK focused on "offering information", "petitioning", "legal assisting" mostly to remedy damages and improve human rights. Along with these, CMHRK held the first meeting of the families of the victims of human rights infringements in the military in May 2012, thinking that they could be supportive to each other and of help to human rights movement.

❖Education

CMHRK held "The Second Military Gay Human Rights Camp" in order to solve problems of gay soldiers who are exposed to severe human rights violations. Policy hearing with Ms. Jang Hana, Member of the National Assembly, and various lectures on human rights such as Mr. Hong Seokcheon's "Pride Lecture" which aimed to

develop participants' human rights sensitivity and lectures on how to deal with human rights infringement. Also, the Representative delivered six times of lectures to conscripted and riot police-soldiers³, police officers, soldiers, trying to improve executive personnel's human rights in the police and the military along with other military personnel. CMHRK, along with these projects, is planned to continue human rights education by having "Military Human Rights School" programmes for all to-be soldiers.

❖Policy Making

CMHRK has strived to make human rights policies for it to be legislated at last not just it being discussed. In January and November 2012 each, CMHRK cosponsored "Panel Discussion on Legislation of Rightful Military Human Rights Act and Introduction of Military Ombudsperson" and "The Range of the Freedom of Expression of Citizens in Uniform", and participated in "Policy Forum on Improvement of Human Rights Friendly Military Culture" in June sponsored by the National Human Rights Commission of Korea(NHRCK). The Representative and Members of the Steering Committee, Policy Commissioners have participated as a presenter or a discussant debating the current situation and the orientation of improvement of human rights in the military.

Moreover, CMHRK campaigned for various military human rights issues that gathered attention of the society by collecting signatures and petitioning. One of the campaigns was a signature-seeking petition for expelling Mr. Park Seong-u, former Chief Commander of the Army Training Center in Nonsan, who are responsible for the three lives of soldiers who died consecutively in 2011 thereat. Also, CMHRK campaigned for Captain Lee Seungyeob accused of "Contempt of Superior". Especially, along with the letter, CMHRK campaigned for abolition of the Military Court based on the independence of judiciary. Along with these, CMHRK joined protest against the reappointment of Mr. Heon Byeongcheol, Chairperson of the NHRCK with other human rights organizations.

³ The term "police-soldier" means a way of serving obligatory military service for Korean males. In Korean, there are two subcategories of "police-soldier": one is "conscripted police" and the other is "riot police". The former consists of those who volunteered to serve as a police instead of as just a soldier, but the latter consists of those who are involuntarily selected from the Army recruits. The latter is now abolished due to the involuntary factor in 2012.

CMHRK also actively participated in many monitoring systems to recognize the human rights situations in the military. During the 18th National Assembly's 1st inspection on government offices, CMHRK collaborated with several Members of the National Assembly to point out human rights problems in the military and to improve them. Through this, CMHRK enhanced publicity of the military authorities' casual way of thinking on sexual crimes in the military, exercising of the arbitrary mitigation of sentence, and military prison's problem that violates the doctrine of warrants and so on. Plus, CMHRK conducted a survey research of 305 soldiers on vacation on human rights situations within the military in November 2012, which revealed the fact that military human rights in each area has not advanced since the last survey research conducted by the NHRCK in 2005.

❖International Human Rights

CMHRK also focused on international activities to solve human rights problems in the military by the international human rights laws, apprehending its situations with global perspective. In November 2012, the members of the Secretariat of CMHRK visited the Bangkok Office of FORUM-ASIA, an international human rights organization, delivering military human rights situations and information about CMHRK along with sharing ideas on international solidarity. Moreover, CMHRK submitted its individual submission and participated in the process of writing NGO joint-submission with other civil society organizations to the Working Group on the Universal Periodic Review(UPR) on the Republic of Korea, hereinafter referred "Korea", in the United Nations(UN) Human Rights Council. Based on this, from September 2012, CMHRK lobbied to embassies in Seoul, and attended the evaluation meeting held by the Ministry of Justice after the 14th session of the UPR Working Group in the middle of which CMHRK remonstrated to it via the progress of proceedings and exited as it was judged that the meeting was a mere formal act.

Besides, CMHRK uploaded a translated version of the United State Department of State's Country Reports on Human Rights Practices on the Republic of Korea for 2011 which extracted sections mentioning human rights in the military and a table listing the issues that the Country Reports on the Republic of Korea from 1999 to 2011 mentioned on its official website. Along with these, CMHRK submitted

individual complaints to the UN Special Rapporteur on the promotion and protection of the right to freedom of expression and opinion about "Deletion of 'Pro-North Korea' apps and censoring whistleblower" case and "Contempt of Superior" case; also, CMHRK submitted individual complaints to the Working Group on Arbitrary Detention about "Disposition of Military Prison to Conscripted police-soldiers who used mobile phone" case; in addition, CMHRK submitted an individual complaint to the UN Special Rapporteur on the Independence of Judges and Lawyers about "Contempt of Superior" case.

February 2013

Secretariat of Center for Military Human Rights, Korea



MAIN ACTIVITIES

I. General Notices

(1) Change in Personnel



(From left, Mr. Jo Gyuseok(Coordinator), Mr. Lee Inseop(Manager), Ms. Heo Namju(Member of the Steering Committee), Mr. Jo Hanjun(Coordinator), Mr. Lee Gyeonghwan (Member of the Steering Committee), Mr. Seong Jumok(Member of the Steering Committee))

During 2012, the transfer of executive personnel was most active. First of all, Ms. Jo Yeongsuk, Member of the Steering Committee, resigned her position at the end of 2011 which she accepted in 2009. Besides, Mr. Park Ji-ung, Policy Commissioner, was dismissed in March 2012.

Whereas, CMHRK appointed Member of the National Assembly Ms. Jin Seonmi, former Inspector, as a Member of the Steering Committee to fill the blank and seek new activity directions. Also, CMHRK appointed, in June 2012, Ms. Park Inhye, Chair of the Board of the Institute for the Sustainable Development, and Ms.

HeoNamju, former Special Editorialist of the Seoul Shinmun, as new Members of the Steering Committee. Additionally, in September 2012, CMHRK appointed Ms. Lee Yujeong, an attorney at the Won Law Office, as a new Member of the Steering Committee. Moreover, for new Policy Commissioners, in March 2012, CMHRK appointed Mr. Kim Hyomin, an attorney at the BAE, KIM & LEE LCC., Mr. Kim Cheolhyo who is in the doctor's course at the Sydney University in Australia, former Campaigner of the Korean Branch of the Amnesty International, Mr. Lee Jaeseung, a professor at the Law School of the Konkuk University.

On the other hand, the Secretariat personnel changed a lot as well. First of all, Mr.

Lee Inseop, Policy making & Planning Team Manager, is scheduled to leave CMHRK by 20 January 2013. He has been working at CMHRK since 2011. Mr. Lee handled all matters of the Secretariat along with the Policy & Planning Team. He actually volunteered since the days of the Establishment of the center for human rights in military, and was hired as a Coordinator in 2011; he has taken charge in the Policy & Planning Team since September 2012.

Also, CMHRK hired Interns for each quarter. Mr. Jo Gyuseok and Mr. Jo Hanjun started work as Interns and promoted to Non-standing Coordinators in September 2012. Mr. Jo Hanjun left CMHRK in December 2012 due to mandatory military service. In fact, they were the first Coordinators of Interns in the history of CMHRK.

Ms. Kim Bomi and Mr. Kim Yunsang were hired after them. Mr. Kim Yunsang was hired for his career as a member of the Planning Group for "The Second Military Gay Human Rights Camp". Ms. Kim and Mr. Kim extended their internship term to the 10th Term. Mr. Kim Seyeob, the 8th Term Intern, was the first high school student and he applied for another internship for the 10th Term as well. Lastly, CMHRK hired Mr. Song Hyeonmin, who is to join the Planning Group for "The Third Military Gay Human Rights Camp" in 2013.

(2) Award: Horuragi⁴ Human Rights Award

On 5 December 2012, The Horuragi Foundation awarded "The First Horuragi Human Rights Award" to CMHRK. The Horuragi Foundation aims to publicize the idea of public interest disclosure and the protection of rights of whistleblowers who took risk of disadvantages, acknowledging the problems of corruption and graft, irregularity, low human rights awareness, nepotism culture, and social polarization



(From left, Mr. Roh Jeongyeol(Emcee, Comedian), Mr. Jo Gyuseok(Coordinator), Mr. Jeong Sangdeok(Member of the Steering Committee), Ms. Kim Bomi(Intern), Mr. Lee Inseop(Manager), Mr. Lim Taehoon(Representative), Mr. Park Jaehan(Member))

⁴ It refers to a "whistle" in Korean.

rooted in the Korean society.

The Horuragi Foundation noticed that since 2009 CMHRK constantly engaged in human rights movement, that, although influence is enormous as almost half of population experience military directly, it is the only human rights organization, and that it practiced human rights damage remedy, policy making and education that are three major areas of human rights movement.

(3) Acquisition of Status

A. Registration as Non-Profitable Organization

CMHRK officially registered with Seoul Metropolitan City as a Non-Profitable Organization(NPO) on 11 September 2012. According to the Assistance for Non-Profit, Non-Governmental Organization Act, a NPO has to meet the following items: (1) the beneficiary should be random mass, (2) it should not distribute profits within members is prohibited, (3) it should not be established or administered to *de facto* support a certain party or candidate for elected officials or propagate certain religious belief or doctrine,(4)the number of standing member shall be over 100, (5) it should prove its activities for the public interest within the most recent one year, (6) it should have a representative or manager unless it is a corporate body.

B. Designation of Contribution Subject Organization

On 31 December 2012, CMHRK was officially designated as Donation Subject Organization by the Ministry of Finance and Economy. Hereby, CMHRK could issue receipts for contribution. As the Presidential Decree in Income Tax Act and its Enforcement Regulation in 2008 was revised, an organization that is registered as an NPO can apply for recommendations for designation of contribution subject organization to the Ministry of Public Administration and Security, then the Minister of Public Administration and Security reviews the applications and recommends some to the Minister of Finance and Economy so that the Minister of Finance and Economy considers and designates at last.

(4) Year-End Bash

From 28 to 29 December 2012, CMHRK held one night two days party at Nanum-room, the 5th floor of the Women's center for Equality & Peace, celebrating the end of 2012, leave of Mr. Lee Inseop and new Intern, Mr. Song Hyeonmin. Among the members of the Secretariat, Mr Lim Taehoon, Mr. Lee Inseop, Mr. Jo Gyuseok, Mr. Jo Hanjun, Mr. Kim Yusang, Mr. Song Hyeonmin attended. Mr. Lee Gyeonghwan, Member of the Steering Committee, and Ms. Kim Yeojeon, Mr. Park Jaehan and Mr. Lee U-cheon, Members of CMHRK, attended as well as the members of the Planning Group for "The Third Military Gay Human Rights Camp".

In the party, CMHRK had a time to evaluate the 2012 activities and talked about the future businesses lightly. With voluntary help of attendees, people had time to have dinner, share refreshments and build friendship. It was a great opportunity to share different opinions about the future road map of CMHRK.



II. Counseling

(1) Receipt and Processing

CMHRK offers counseling to ensure, protect and improve the rights of soldiers according to Article 3(Objective)⁵ and Article 4(Services)⁶ of the Articles of Association. A request for counseling is first submitted to the Meeting of Secretariat based on fact relevance and requests of victims/requestor. Depending on urgency and severity of the case, CMHRK may ask for an advice to Members of the Steering Committee. As a general rule, all counseling is subject to the approval of a requestor.

From 2012, CMHRK classifies the incoming cases into eight categories according to "infringed rights" and "causes of damages". The following tables are the categories.

Infringed Rights	
• Right to Life/ Safety/ Personal Liberty	• Social/ Cultural/ Environmental/ Labor Rights
• Right to Freedom of Expression/ Assembly/ Conscience/ Religion	• Right to Privacy/ Freedom of communication/ Property
• Right to Equality	• Right to Health
• Right to Claim/ Fair Trial	• Extra rights

Causes of Damages	
• Damages from beating and brutal Treatment(including verbal violence	• Damages from incongruity and maladjustment(including suicide)
• Damages from sexual crimes	• Damages from discrimination
• Damages from medical problems or accidents	• Damages from refusal of accrediting person of national merit ⁷
• Damages to privacy	• Extra damages

⁵ **Article 3 Objective** The objective of CMHRK is to pursue the realization of the Universal Declaration of Human Rights that the UN adopted and the international human rights laws that the National Assembly of Republic of Korea (hereinafter ROK) ratified, and the Government of the ROK published in the Korean military. CMHRK is a human rights movement organization which tries to make the military uphold the values of the Constitution of the ROK by protecting from all infringements of human rights and all forms of discrimination which occur in the military, ensuring human rights of soldiers, enhancing welfare, reforming and observing anti-human rights laws, systems, policies, etc in the military.

⁶ **Article 4 Services** ① CMHRK practices the following in order to accomplish the objective in Article 3

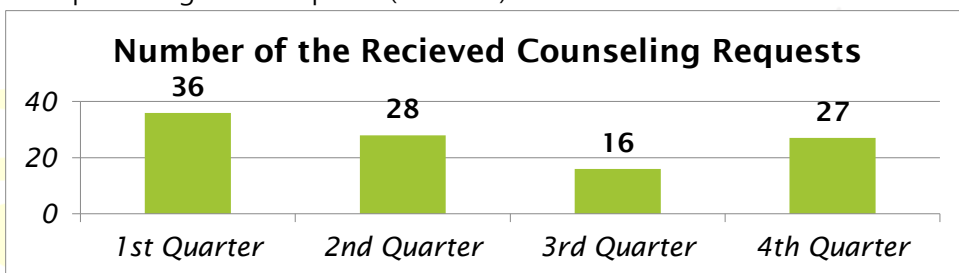
⁷ The Rep. of Korea accredits a person who devoted his/ her life (one who died or wounded, etc.) as a person of national merit, then one may benefits from using public institutes and have advantages in applying for an opening position in governmental offices.

(2) Counseling Statistics

In 2012, total 122 counseling requests were received. Most counseling was dealt with via online page (i.e. official website) or telephone. Otherwise, due to the closure of the military, counseling was initially dealt with the victim's family members. In this year, total 64 cases were received through online, which is 1.5 times higher than that of last year's figure (41 cases).⁸

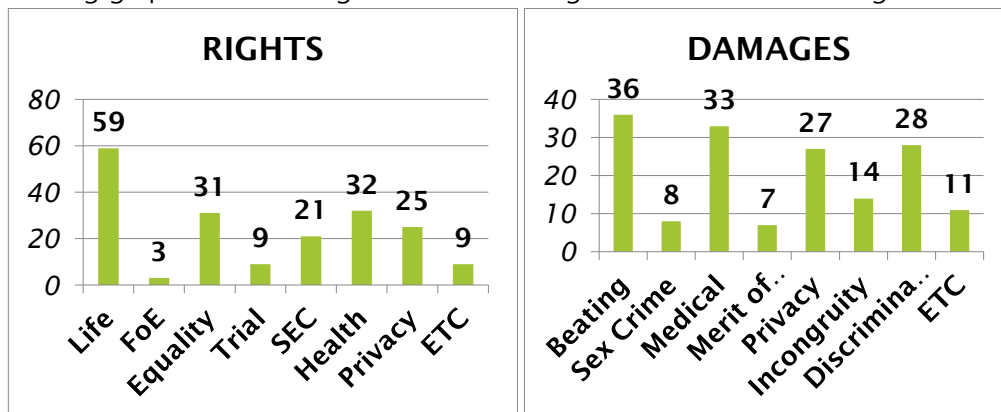
A. Quarterly Statistics of the Receipt of Counseling

The following graph shows the number of counseling requests received by CMHRK in 2012, but the number of cases that is a follow-up counseling (15 cases) and a simple asking and complaint (10 cases) is not included.



B. Statistics of the Counseling Categories

The most frequently violated right was the "right to life/ safety/ personal liberty" and the most damages occurred due to "beating and brutal treatment" in 2012. The following graphs show the figures of violated rights and causes of damages.

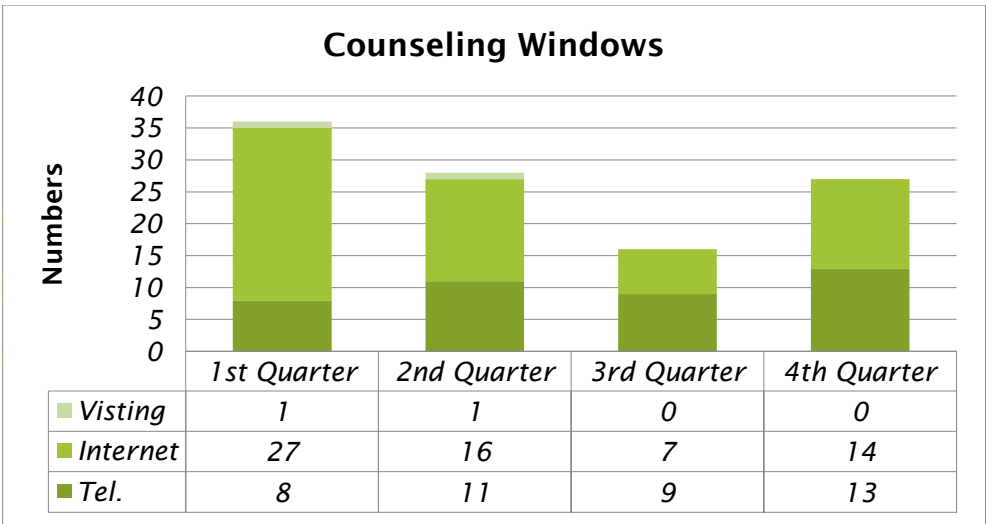


⁸ In 2011, the statistics only analyzed the requests received via online.

C. Statistics of the Counseling Windows

Counseling requests are received via largely four windows: telephone, website, electronic mail, and visiting. Among all received counseling requests, 60% of requests were received via online, followed by telephone's 38%. Considering the relationship between the victim and the requestor, it is because the victims have difficulties in coming to CMHRK or notifying their damages immediately via telephone. However, this statistics only analyzed the initial counseling.

The graph below demonstrates the numbers of counseling requests quarterly according to counseling windows.



D. Statistics of the Victim's Preference of Counseling Windows

When a requestor is him/ herself a victim, he/ she mostly preferred online counseling. Also, when a member of victim's family requested counseling, they tended to use telephone. This phenomenon tells the fact that victims have difficulties in coming to CMHRK or notifying their damages immediately via telephone.

The tables below show the preference of the windows according to requestors.

Figure	Tel	Online	SUM	Ratio	Tel	Online	SUM
Victim	11	52	63	Victim	11%	54%	65%
Family	26	8	34	Family	27%	8%	35%
SUM	37	60	97	SUM	38%	62%	100%

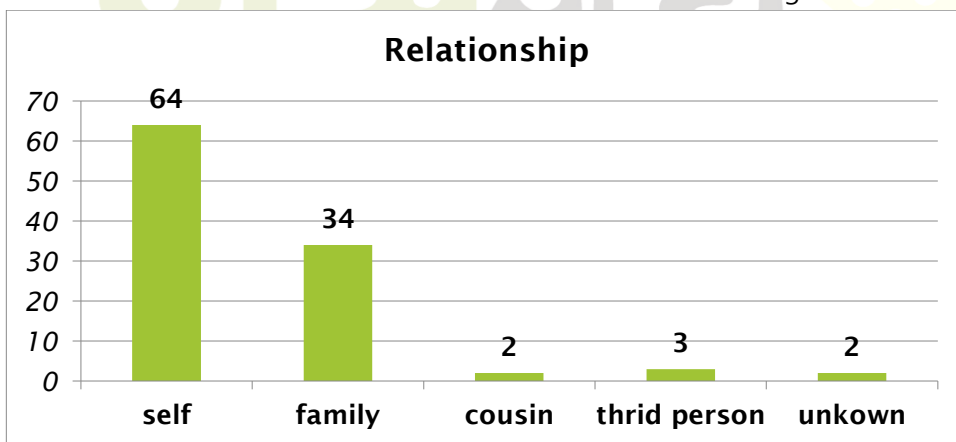
E. Statistics of the Relationship between Victim and Requestor/ Attacker

Most of counseling requests was made by victims themselves (61%), or victim's family member (32%). Meanwhile, regardless of the rank of victims⁹, the most frequently indicated attacker was their "superior". The second most frequently indicated attacker was "senior soldier (22%)" and the third was "national institute (34%)" when the victim was a soldier.¹⁰

What is noticeable in indicated attackers is that the second frequent attackers were "national institute (16%)" such as Military Manpower Administration, Ministry of Patriots and Veterans Affairs. It implies that some of human rights violation cases in the military were of an individual's violence, but a considerable deal of them were of nonfeasance of the State, i.e. incomplete human rights protection systems, policies and laws.

Additionally, among attackers, the category "ETC" accounting for 11% refers to a "military surgeon", a "military judge" or a "military civilian worker". In the case of 2012 statistics, most of them were "military surgeons" indicated in cases of medical problems and accidents.

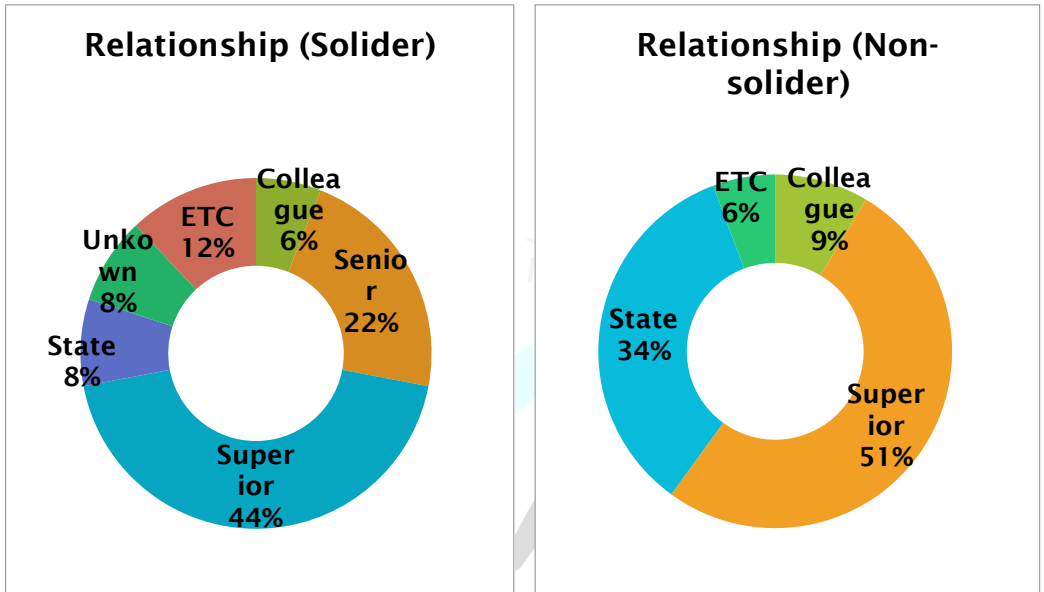
The following graph shows the relationship between a victim and a requestor in the view of the victim. "Third Person" includes a "lover" or a "colleague".



⁹ When one was not a soldier (i.e. private, private first class, corporal, sergeant), one was a civilian, a noncom, or a commissioned officer.

¹⁰ The term "soldier" is used ambiguously as it may refer to all ranks of the military personnel in general or only the four rankers (i.e. private, private first class, corporal, sergeant). However, it usually refers to the latter in this report, and it will be footnoted if there is any confusion. Plus, they are usually referred as "soldier rank(s)" to avoid this confusion.

The graphs below show the relationship between a victim and an attacker of the 73 counseling requests that identified the attackers. The left graph shows the relationship when a victim was a soldier rank (i.e. private, private first class, corporal, sergeant) and the right graph shows the relationship when a victim was not a soldier rank (i.e. reservist, noncom, commissioned officer, civilian, etc.). In addition, when a victim was not a soldier ranker, as one does not have “senior soldier”, there was no category of “senior soldier”. The graphs are in a view of victim.



F. Statistics of Regiment and Rank of Victims

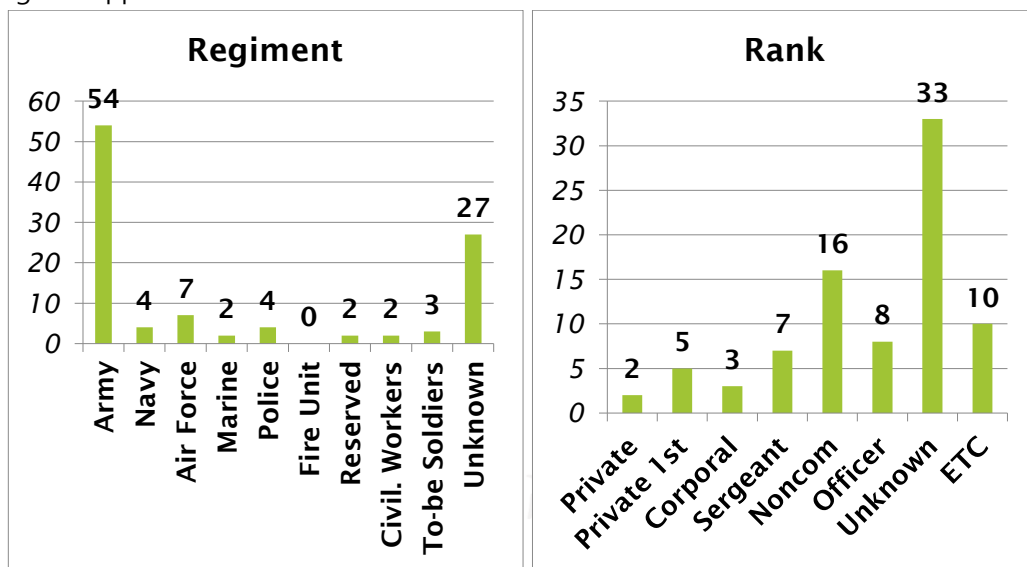
In 2012, most of the received counseling requests were related to the Army. It is fairly understandable, considering the number of the military personnel of the Army. When a victim was a soldier rank, many pleaded of the infringement of right to life and personal liberty; while the executive military personnel complained of invasion to their privacy. The number of the cases related to noncoms and other executive military personnel was 18, and two of them were simple asking and complaining.

The following graphs demonstrate victims’ regiment ¹¹ and their rank ¹².

¹¹ Regiments are (1) Army, (2) Navy, (3) Air Force, (3) Marine Corps, (4) Conscripted Police and Riot Police, (5) Fire Fighting Unit, (6) Reserved as Personnel for Public Interest Service, (7) Civilian Workers in the military, (8) To-be Soldiers, (9) Unknown.

¹² In here only, reserved forces mean those who are reserved for military duty due to factors that are not sufficient to complete the duty.

Considering the tendency of soldier ranks hiding their identity, most of the unknown figures appear to be soldier ranks.



G. Statistics of the Result of Counseling

CMHRK mainly assisted requestors by informing countermeasure or consulting with a Member of the Steering Committee. In 2012, 44% of the total received counseling requests were assisted.¹³ In more detail, assisting with extra methods accounts for 18%, deferring was 16%, legal assisting was 14%.

Extra methods mean informing a requestor with basic ways to deal with his/ her problem such as telling them a governmental institute in charge of the issue or procedure in general. Deferring includes the cases that are received but could have not been progressed for some reason.

In 2012, most of legal assistance was made via a form of legal counsel, and CMHRK has assisted three lawsuits as well including administrative litigation and criminal suits with help of Members of the Steering Committee and Policy Commissioners. In addition, administrative assistance means submitting petitions to the NHRCK and administrative adjudication, etc.

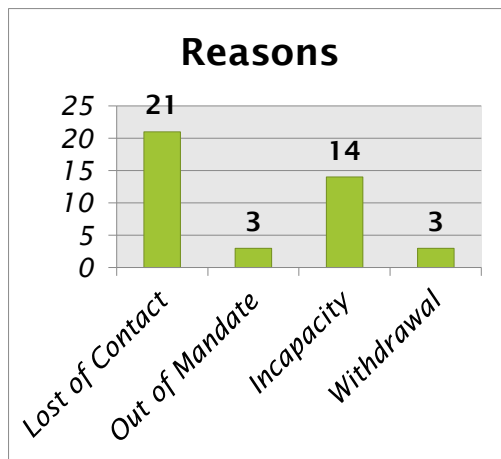
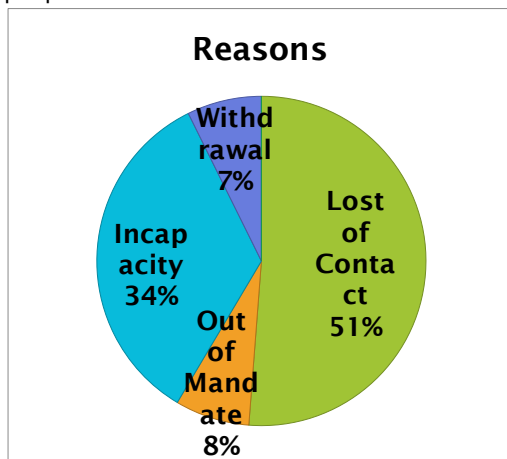
The following table shows the result of counseling (i.e. the final decisions of CMHRK on solutions). The tables exclude the number of cases that are "halted" for

¹³ It means the number of counseling that are not "deferred" or "halted".

some reasons – it will be explained later.

Number	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	SUM
Legal	5	1	4	5	15
Admin.	1	1	0	0	2
Medical	0	1	0	0	1
Educational	4	2	1	1	8
Liaison	1	0	0	2	3
Extra	3	9	3	4	19
Deferred	2	3	4	9	18

Total 41 cases (40%) were "halted". The first reason for halting a case was "lost of contact (51%)", and "incapacity (34%)" was the next. The graphs below show the proportion and the number.



Main difficulties during the counseling process were shortage of standing personnel in CMHRK, limitation in accessing to information due to closure of the military, losing of contact with a requestor, insufficiency of Military Courts and civilian Courts in terms of redemption of rights, low speed of investigation of the NHRCK, a victim's parents' disapproval of publicizing a case to media. Also, visiting counseling was limited which often resulted in ineffectiveness.

Sometimes, a requestor or a family of a victim was inactive about publicizing a case or raising formal/ legal complaint. Even some withdrew their request due to the

risk of revealing their identity. As shown in these phenomena, victims are reluctant in even notifying their damages; however, soldiers are prohibited from requesting aids from outside of the military based on the Decree on Military Service. They even punish and educate soldiers not to tell their agonies outside. Besides, they treat victims brutally or disturb victims from requesting rightful redemption, and cover accidents and problems rather than reform.

(3) Summaries of Counseling

The following summaries of counseling received from 1 January 2012 to 31 December 2012 are chronologically ordered under each cause of damages. In order to protect victims' personal identity, names, age, name of the unit are omitted. The summaries only included a representing case or extraordinary one.

■ Beating and Brutal Treatment including Verbal Violence

1. **[Reprisal against Reporting a Beating Case]** This counseling request was received in 14 February 2012 by the victim's father. The victim's thigh muscles were ruptured as he was kicked by an assistant instructor wearing combat boots when he was at a Recruit Training Center for five weeks of training course. On 3 February 2012, the victim's father accused the assistant instructor. When this was notified to the Center, the executive personnel in the Center called the victim as a "draft dodger", belittled his personality by saying "money is your goal" and even threatened him saying "I will send you to the military prison." and "I will not let you be discharged easily."
2. **[Brutal Treatment: Stigmatizing as Draft Dodger]** This counseling request was received on 1 April 2012. The victim was sent to a military prison in total 30-day in spite of his suicide attempt due to group bullying by and verbal violence from the executive. The victim had a surgery on his knee as pain grew serious since August 2011. However, as the pain was not alleviated, he required an external examination in November, but his visiting was delayed for two weeks as

a staff member forgot to register. Meanwhile, a new battalion commander was appointed. He sent the victim to a military prison because he was refusing to serve military service. After the victim went through an examination, a lead was found in his knee which he used in the past from the side-effects of the medication for depression. The commander requested a formal investigation on this to the criminal investigation section of the military police, which resulted in another 15-day of detention in the military prison.¹⁴

■ Sex Crimes

1. **[Lack of Assistance to the Victim of a Sexual Attack]** This counseling request was received in 19 January 2012 which was made by a victim who was sexually attacked in a unit where he was dispatched. The victim was an excavator driver soldier, and due to his assignment he was dispatched a lot. One day he was dispatched to a sector where he was sexually attacked several times by another excavator driver soldier of the Division in charge of the sector. At first, the attacker started with beating, but, later on, he enforced the victim to have an oral intercourse with him and even lick male's urinal. The victim requested helps to his Company commander and Battalion Commander, but could not receive practical aids rather he heard insult from them. Only after the victim returned to his unit, he could report this case officially, and then the military police started investigation.
2. **[Sexual Attack between Male Soldiers]** This counseling request was received in 21 November 2012 by the victim's uncle. The victim was performing his duty in a general outpost. On 13 November 2012, when the victim was taking a shower, the attacker threw the victim's clothing into a washing machine, touched the victim's sexual organ. Even the attacker wearing cloths rubbed his sexual organ against the victim's bottom. On 15 November 2012, during the bedtime, the attacker touched the victim's sexual organ again, and forced the victim to touch the attacker's as well. With aid of CMHRK, this case is now brought to a trial.

¹⁴ A soldier is banned from injuring oneself.

■ Medical Problems and Accidents

1. **[Misdiagnosis]** This counseling request is received in 15 February 2012 by the victim himself who was discharged from service due to illness. When the victim was a Corporal, giant cell tumor of the bone was occurred for some reason. However, the military hospital diagnosed that there is no health problem at first. Eventually the victim had to use his vacation to see a civilian doctor. Due to misdiagnosis and late diagnosis, he had to have surgeries twice more.
2. **[Delay of Diagnosis]** This counseling request is received on 24 October 2012. The victim was enlisted in 2008. After five months from his enlistment, he injured his knee while playing soccer. He applied a mentholatum(ointment), but pain was not alleviated; so, he asked for MRI scanning to a military hospital. However, although the military surgeon wrote an opinion paper not to impose aggressive movement on knees, the Battalion Commander and Administrative Quartermaster enforced him to receive guerrilla training just because the result of the MIR was not told by the day of the training. Therefore, the victim had to have a knee surgery as he had partial rupture in patellomeniscal. However, he had to participate in cold weather operation drill when he was not fully recovered in 2009, and had to have another surgery.

■ Refusal of Accrediting Person of National Merit

1. This case was received in 3 February 2012. The victim got Crohn's disease (i.e. chronic enteritis) which is incurable while he was serving in the military. However the Ministry of Patriots and Veterans Affairs refused to accredit him with a status of Person of National Merit as they found no correlation, and that there is no related regulations.

■ Privacy Invasion

1. **[Personal Information and Right to Properties]** This counseling request was

received in 28 February 2012. The victim who is working at the military as a noncom required redemption of his rights from CMHRK that his credit information was illegally inquired and possessing his own vehicle was forbidden.

- ✓ Similar cases were consistently reported throughout the year 2012. Total 16 cases were made by noncoms and other low rank of the military executive personnel. Their damages were mostly occurred from prohibition form possessing private vehicle, inquiring credit information, checking debt breakdown or enforcing laboring on the weekend.

■ **Incongruity and Maladaptation**

1. **[Involuntary Incongruity Examination]** This case is received in 28 January 2012. The attacker, a Battalion Commander, insulted the victim's personality and tried to enforce him to take incongruity examination. The victim tried to commit suicide once in the unit. However, the Commander separated the victim and monitored him with two night watchmen and two guards instead of providing psychological treatment. Due to these, he became a "pain in the ass" of all others. Moreover, the Commander requested a formal investigation to the military police to find out whether he is just refusing military service, and even enforced him to take incongruity examination in order to discharge him.
2. **[Enlisting the Incongruent]** This counseling request was received on 31 January 2012. The victim having tic disorder was suffered from group hazing. The victim even injured himself when he is under stress, which commanders ignored and rather made fun of it. In addition, he was forced to confess what he had not done in a written form, and based on this he was sent to a military prison as well. Fortunately (?), the Company Commander lightened the punishment, so he had to run training ground. However, this punishment was extended without any limitation. At last he was ignored from all of the others in the unit.

■ **Discrimination**

1. **[Discrimination against Vegetarians]** This case was received on 2 August 2012.

The victim is a vegetarian to-be soldier. He was worried about his diet as the military does not provide any vegetarian diet. As he already submitted petition to the NHRCK, CMHRK did not take this case.

2. **[Discrimination based on Sexual Orientation]** This counseling request was received on 5 September 2012. The victim was a homosexual to-be soldier. The victim revealed his sexual orientation during the examination of conscripts. However he was worried if any disadvantage will occur in the future, so he wished to delete the record. He did not know that there will be a record.

■ Extra Damages

1. **[Illegal Labor and Dual Punishment]** This counseling request was received on 1 June 2012 by the victim's father. The victim was a soldier in the Air Force, and he was caught that he brought his mobile phone without permission from a commander. Therefore, he had to labor for over 30 days such as washing over 200 dishes, cleaning and emptying garbage, etc. Even though he completed those "illegal" tasks well, he was sent to a disciplinary committee, and it decided to send him to a military prison just a month before his discharge. CMHRK advised him to appeal, submitted a petition, and raised an administrative litigation. Fortunately, a disciplinary appeals committee reduced its decision from detention to restriction on vacation usage.
2. **[Revenge for Reporting Beating Case due to Leakage]** This counseling request was received on 6 August 2012 by the victim's mother. The victim was first beaten and tortured in June 2012. The attackers literally fired the victim's bottom's skin with a fired spoon. The victim's colleague who witnessed this reported this via grievance process which was supposed to be confidential in July 2012. However, the Administrative Quartermaster stood by the attacker's side, and from then group hazing was started against the victim. Hence, his father raised a lawsuit. While the trail became longer and longer, the Company Commander threatened the victim saying even "I will make you get punished before I quit this job."

(4) Special Case

A. Deleting ‘NaGgomSu’ and other so-called “pro-North Korea” applications¹⁵ and Searching for Whistleblower¹⁶

On 17 January 2012, the 6th Army Corps sent an official document to its subordinate units. The document stated that all staff soldiers (hereinafter referred as just “soldiers”)¹⁷ are obliged to delete certain smart-phone applications,¹⁸ and soldiers’ mobile phone was checked. Also, they had to write an oath stating that they will not use them. Meanwhile on 30 January 2012, the Army Logistics Command of the Republic of Korea, Brigadier General Yoon Hyeongtae, made similar order and educated.

On 2 February 2012, as blockage of applications became a big issue, Spokesperson of the Ministry of National Defense Kim Minseok and the Republic of Korea army admitted that the orders seem a bit inappropriate.¹⁹ On 6 February 2012; however, the attitude of the army changed. In the regular briefing, Mr. Kim Minseok advocated the commanders, announcing that the orders were proper.²⁰ On 17 February 2012, Minister of the National Defense Kim Kwanjin commented on his twitter²¹, advocating the commanders’ decision who gave those orders. Therefore,

¹⁵ The nominated apps are 1) Naneun Ggomsuda, 2) Smart Candle, 3) Smart Unification Card, 4) Gaka(President) Retirement Counter, 5) South Korea Center of Pan-national Rally Union for Unification of Korea, 6) North Korea World (Travel), 7) Kim Jong-il Puzzle, 8) Patriotic Line, 9) North Korea Flag (Analog Clock), 10) Proclamation of Stat of Affairs & Anti-FTA.

¹⁶ On 10 Jan 2013, the NHRCK decided that this case is indeed violated the human rights. It recommended the Minister of National Defense to implement a protection policy to prevent infringement of rights to privacy and rights to know, and the Army Chief of Staff to hold the three violators (Kim Hakju, Yoon Hyeongtae, Oh Wonjin).

¹⁷ It means noncoms in general.

¹⁸ The name of applications are: ‘Naneun Ggomsuda’, ‘Smart Candle’, ‘Smart Unification Card’, ‘Gaka Retirement Counter’, ‘South Korea Center of Pan-national Rally Union for Unification of Korea’, ‘North Korea World (Travel)’, ‘Kim Jong-il Puzzle’, ‘Patriotic Line’, ‘North Korea Flag (Analog Clock)’, ‘Proclamation of State of Affairs & Anti-FTA’

¹⁹ According to *The Kyunghang Sinmun*, Mr. Kim Minseok said “it seems a little bit immoderate to classify all applications on list as pro-DPRK.” Also, the Republic of Korea army said “some first-line troops’ orders appear inappropriate; there is a following step regarding its illegality when the orders violated the positive law.”

²⁰ According to *The Hankyoreh*, Mr. Kim Minseok said “considering the distinct characteristics of the mission of soldiers and the status of soldiers, those contents of Anti-Government and Pro-DPRK may give negative influence on the military personnel.” Even so, he still insisted that “the order which was given to the two units was not the official command of the Ministry of National Defense,” and he said “therefore, it is considered to be proper to order such measures.”

²¹ <http://twitter.com/#!/kwanjinkim> - twits on 17 February 2012: “The outcome of a war depends on the morality of military. The contents that deny the system of ROK and slander the commander-in-chief,

CMHRK submitted a petition to the NHRCK on 6 February 2012.

With a secret help of a whistleblower, fortunately the problematic official document was revealed via media. Brigade Commander Oh Wonjin of the 6th Artillery Brigade censored each soldier's mobile phone on 15 February 2012 in order to search the whistleblower using recovery software. From 16 February 2012, the soldiers were forced to turn in their call history. The unit even provided a bus to transport them to a telecommunication company's agencies. Therefore, total 547 staff soldiers' mobile phones were censored and 781 of staff soldiers submitted the call history.²² Brigade Commander Oh insisted that he had the soldiers' approval, but it is considered that saying "no" must have been difficult when "no" means "I am the one who did it."

As CMHRK noticed, on 22 February 2012, CMHRK submitted a request of mandate investigation to the NHRCK. However, on 4 March, the NHRCK rejected the request because a petition regarding same case was already received. Besides, CMHRK also sent an individual complaint to the UN Special Rapporteur on the promotion and protection of the right to freedom of expression and opinion.

B. Acceptance of Injunction against Administrative Disposition of Military Prison on Three Conscripted Police-Soldiers

On 7 September 2012, three conscripted police-soldiers of the Mobile Police Regiment 2 of the Seoul Metropolitan Police Agency²³ were decided to be sent to a military prison for 5 days because they brought their mobile phones without permission, and not reported this fact within the voluntary report period.

On 18 September 2012, with help of an attorney, Jeong Jeonghun, the Inspector of CMHRK, they appealed review. On 9 October 2012, when a disciplinary appeals committee held, CMHRK also raised an administrative litigation requesting injunction against the decision of the disciplinary committee. At the same day, CMHRK submitted individual complaints to the Working Group on Arbitrary Detention. Also, CMHRK publicized the fact that conscripted police-soldiers receive

President Lee, undermine the morality of military. Therefore, I consider that the commanders' directs were rational since soldiers are the protectors of ROK."

²² After this search, the whistleblower was actually detected.

²³ Korean males may serve their obligatory military service in the police instead of the military.

quad-punishments that are entering a discipline center, restriction on off-day, sleep-out, and vacation for two months, and being discharged as a Corporal-police along with detention with Ms. Jin Seonmi, Member of the National Assembly and the Member of the Steering Committee of CMHRK. She raised questions on this to the Chief of the National Police Agency at the meeting of the inspection on the government offices.

Unprecedentedly, on 23 November 2012, the Seoul Administrative Court (Presiding Judge Gwak Sanghyeon, Judge Kim Jonmin and Judge Kim Jihui) decided to halt executing the discipline until the administrative litigation on the case ends. Normally, the injunction decision came too late, even after completing the discipline such as detention, that rights in danger were not properly protected. Fortunately, in this case, damages were reduced as the Court decided remarkably quickly.

Sending a soldier²⁴ to a military prison is depriving of their right to personal liberty enshrined in the Constitution, which exceptionally imprisons a person through administrative methods without a warrant issued by a judge. Although according to the Constitution of Korea requires a due procedure with warrant issued by a judge in case of imprisoning an individual, the Military Personnel Management Act, the Establishment of Riot Police Units Act and the Establishment of Obligatory Fire-Fighting Unit Act allows an administrative officer to imprison an individual through administrative disposition based on sub-regulations, which clearly is a arbitrary detention. According to data from Ms. Jin Seonmi, from 2008 to June 2012, total 941 conscripted police-soldiers and 398 riot police-soldiers were sent to military prisons.

C. Infringement of the Right to Health

On 13 September 2010, a discharged conscripted police-soldier who served his service in a remote area passed away due to acute lymphoblastic leukemia. The victim's father called CMHRK to find infringement of his right to health. On 9 February 2012, CMHRK submitted a petition regarding negligence of the authority to the NHRCK.

The victim was first diagnosed as leukemia in June 2008 – he joined the conscripted police-soldier in the early 2008. However, because of negligence of the

²⁴ Cf. Only soldier-ranks are subject to this type of punishment, generals, noncoms are not.

regiment authority, he could not have further examination, and he was discharged on 29 July 2010. The first diagnosis was possible through CT scanning that was paid by the victim's own expense. The doctor recommended him to go to a upper-class of hospital, but the regiment did nothing about this.

On 23 November 2012, the 1st Committee on Remedies of the NHRCK (President Hong Jinpyo, Member Yang Hyeon-a, Member Han Wuisu) found that the victim's right to access to medical treatment was not guaranteed fully. They recommended the Chief of National Police Agency to reinforce the right to access medical treatment for conscripted and riot police-soldiers, and to build an organic cooperative system with civil hospitals.

D. Contempt of Superior, Captain Lee and Sergeant First Class Lee

Captain Lee was accused of "Contempt of Superior" by a military prosecutor in March and April 2012 because he criticized Lee Myeongbak's administration with "indecent vocabularies". This case was first known as the following story: Captain Lee was arguing on the Twitter with a university student about the Naval Base at Jeju Island, and the student reported him to the Defense Security Command as he accidentally revealed his identity as a soldier.

However, Captain Lee was accused of completely different reason. The military prosecutor, Captain Oh Incheol, even included twitters that he made in 2011 that is much earlier than the reporting time. Besides, the proof that the military prosecutor submitted was printed in February, and this date was on the paper. The attorney, Ms. Lee Jaejeong, pointed out the illegality of the proof that the Defense Security Command illegally collected and actually exceed their authority.²⁵ Ms. Lee requested to summon Captain Seo, an investigator of the Defense Security Command, as a witness, but the General Military Court (Presiding Judge Jang Wonseob Colonel, Military Judge Shin Yeongsik Captain, and Military Judge Park Gyeonggyun Captain) rejected it. The General Military Court held a closed pretrial conference, which entailed public criticism, and in August sentenced him to 6-month of imprisonment and its suspension for a year. An appellate court will be held in 2013.

²⁵The Defense Security Command has no mandate to prosecute one except for certain allegations. This case does not fall into the categories stated in the laws. This is what the military prosecutor and the Command admitted in the trials.

In September 2012, Sergeant First Class Lee was accused of the same offense. The military prosecutor, again, submitted past twitters, and, as was in the case of Captain Lee, there was no debate on legal principles. This is because the military authorities and prosecutors just call their style of speech into question without considering whether the term “superior” stated in Acts include “President as a Chief of the administrative branch”. He was sentenced same on 1 November 2012, and the appellate court will be held in 2013.²⁶

CMHRK submitted individual complaints on 9 October 2012 to the UN Special Rapporteur on the promotion and protection of the right to freedom of expression and opinion. In addition, CMHRK recognized that a soldier’s right to fair trial and the independence of the judiciary within the military are not insured. Hence, CMHRK submitted another individual complaint to the UN Special Rapporteur on the Independence of Judges and Lawyers. Moreover, CMHRK cosponsored a panel discussion on the freedom of expression and opinion with Members of the National Assembly, Mr. Kim Jaeyun, Mr. Seo Giho, Ms. Seo Yeonggyo, Ms. Jin Seonmi, Mr. Jin Seongjun, Mr. Jeon Hyecheol and Mr. Choi Wonsik, and Human Rights Solidarity.²⁷ Consideration on the term “superior” and the range of soldiers’ freedom of expression and opinion was made. On 20 October 2012, CMHRK sent follow-up information to the UN Special Rapporteur on the protection and promotion of the right to freedom of expression and opinion.

²⁶ The High Military Court found them guilty and sentenced to the same in April 2013.

²⁷ “The Range of the Freedom of Expression of Citizens in Uniform”

III. Objective Services

(1) Human Rights Education

A. The Second Military Gay Human Rights Camp: *Military Gay Party*

In 2012, CMHRK resumed the Military Gay Human Rights Camp which has been halted since 2010. CMHRK cosponsored this Camp with Establishment of the LGBT Human Rights Committee in the Hanyang University and Establishment of Pink Voter's Party. Policy meeting was cosponsored by Members of the National Assembly, Mr. Seo Giho, Ms. Jang Hana, Ms. Jin Seonmi who is a Member of the Steering Committee. Also, PULSE, OWOO, CIRCUIT, ESCAPE, Mulrebanga, Lette, Wallpapaer, Blood g, VIVA, 3-cheung, MINO, shortbus, popcorn, Hui, Poten 4/10, Villa M, Solidarity for LGBT Human Rights of Korea contributed to this Camp.

From 24 to 25 August 2012, for two days and a night, the Camp was held in Won-Buddhism Bongdo Training Center in Seoul which Mr. Jeong Sangdeok, Member of the Steering Committee, introduced for CMHRK and participants. Over 30 gay to-be soldiers were gathered nationwide from Seoul, Gyeonggi, Gangwon, Chungcheong, Jeonnam, Gyeongbuk and so on. Some of the participants were who completed their obligatory military service – they joined this camp in order to share their experiences and ideas about being gay in the Korean society and military.



(The model is the participant of the first Military Gay Human Rights Camp. Thankfully, he volunteered for this poster.)

This Camp programmes were composed of lectures, policy meeting, movie time, counseling, recreation, etc. Human Rights Education Center "Deul" delivered a human rights lecture, Activist Jeong Yol from the Solidarity for LGBT Human Rights of Korea talked about what is being gay in the military. Also, Mr. Hong Seokcheon, a CEO and a celebrity of Korea, Mr. Hong Seongsu, Member of the Steering Committee, Policy Commissioner Kim Hyomin made lectures as well. Especially, Ms. Jang Hana, Member of the National Assembly, came to the policy meeting and shared ideas with the participants. She promised to be a supporter of gay to-be soldiers. CMHRK will organize the third camp based on the result of this Camp.

B. Human Rights Education for the Police: 6 times

During 2012, CMHRK provided five human rights education lectures for conscripted and riot police soldiers at the Yeongdeungpo Police Station. First, On 16 October 2012, the Representative Lim lectured about 80 police-soldiers of the police patrol company under the Yeongdeungpo Police Station. On request of the Gyeonggi Provincial Police Agency, the Representative also gave lectures to about 80 police-soldiers each at the Yongin Western Police Station on 22 October, at the Ansan-Sangnok Police Station on 23 October 2012, and at Uijungbu Police Station. Also, he gave lecture on human rights at the Gyeonggi Provincial Police Agency on 25 October 2012.

Along with lectures for police-soldiers, CMHRK had a lecture for staff police officers as well. The Representative lectured on "Human Rights and Police" at the Yeongdeungpo Police Station.

C. Human Rights Education for Soldiers: 2 times

During 2012, CMHRK gave two human rights education lectures to soldiers. On 18 April 2012, Representative Lim Taehoon provided lectures for around 30 soldiers of the 3MA Unit of the Second Branch located in Namyangju. On 14 June 2012, the Representative lectured for around 20 soldiers at the 107 Army Air Forces Unit near the 3MA Unit. The lectures were about human rights and soldiers.

(2) Human Rights Policies

1. Discussions and Forums

A. 'Panel Discussion for Legislating Military Rightful Human Rights Act and Introduction of Military Ombudsperson (Cosponsor)

CMHRK thought that there is need to reform military culture as numerous human rights infringement cases happened along with a shooting case in the 2nd Division of the Marine Corps. The military authority brought up many policies such as Eradicating Beating and Brutal Treatment in 1987, Prevention of Suicide in 2009 and Eradicating Verbal Violence in 2010. Nonetheless, they failed to make *de facto* changes in the military.

That is why CMHRK held Panel Discussion for Legislating Military Rightful Human Rights Act and Introduction of Military Ombudsperson on 16 January 2012 at the Subcommittee Room of the National Assembly Member's Office Building. The Discussion was cosponsored by Mr. Jeong Segyun, Member of the National Assembly, Human Rights Forum of the National Assembly (Represented by Hwang U-yeo, Member of the National Assembly), Law Center for the Public Interest of the Seoul National University and Human Rights Solidarity.

Mr. Han Inseob, Professor of Law School of the Seoul National University, presided the discussion. Mr. Kim Huisu, Attorney of the Changjo Law Firm, and Mr. Oh Dongseok, Professor of Law School of the Ajou University were presenters. For designated discussants, Mr. Kim Jongcheol, Professor of Law School of the Yonsei University, Mr. Choi Jaeseok, a former President of the High Military Court. In addition, Mr. Lee Gyeonghwan and Mr. Seong Jumok, Members of the Steering Committee participated as discussants. Policy Commissioner Lee Jaeseung and Representative Lim Taehoon attended as well as discussants.

B. Policy Forum on Improvement of Human Rights Friendly Military Culture

On 5 June 2012, the National Human Rights Commission of Korea held Policy Forum on Improvement of Human Rights Friendly Military Culture. Commissioner Jeong Juyeong presided this Forum, Member of the Steering Committee Seong Jumok and Policy Commissioner Lee Jaeseung were presenters. The Representative

participated as a discussant. Also, Mr. Han Byeong-il, Head of Department of Investigation of the NHRCK, Mr. Hong Taeyeong, Professor of Department of Security Policy of the National Defense University, Major Kim Bangho from Human Rights Section of the Ministry of National Defense, and Lieutenant Major Jo Jinhun from the Barrack Policy Section of the National Defense participated as discussants.



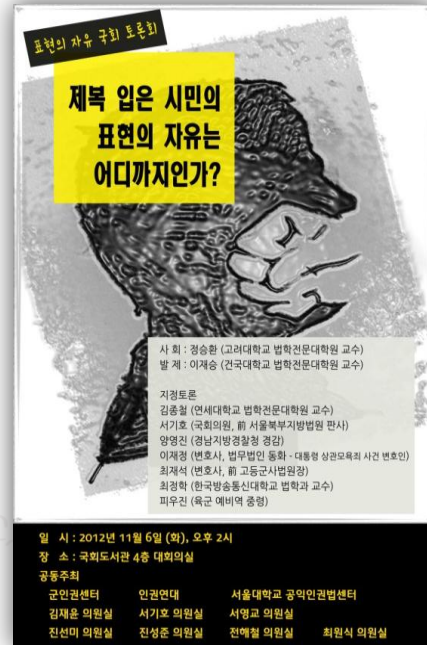
(Second from the left, Mr. Seong Jumok(Member of the Steering Committee), and the far right side, Mr. Lim Taehoon(Representative))

Mr. Seong Jumok pointed out human rights policies for soldiers and reforming military culture have been neglected since the current administration has focused on developing combat-oriented military. Also, during the period, there were documents scarcely related to human rights out of the 21 command letters. Meanwhile, Mr. Lim raised problem on the fact that the salary of generals is 200 times higher than that of soldier ranks which is a topic of international news, and the fact that beating and hazing problem has not been eradicated according to the Country Human Rights Report 2011 of the US State Department.

C. Discussion on the Range of the Freedom of Expression of Citizens in Uniform (Cosponsor)

CMHRK acknowledged that the soldier's freedom of expression and opinion is highly oppressed due to two cases related to "Contempt of Superior" happened in April and September 2012. Hence, CMHRK organized a discussion on the situations of freedom of expression and opinion of the "citizens in uniform" such as soldiers, police officers, fire fighters, correctional officials, and public educational officials.

This discussion was cosponsored with Mr. Kim Jaeyun, Ms. Seo Yeonggyo, Ms. Jin Seonmi, Mr. Jin Seongjun, Mr. Seo Giho and Mr. Choi Wonsik, Members of the National Assembly along with Law Center for the Public Interest of Seoul National University and Human Rights Solidarity. It was held on 6 November 2012 at Large Meeting Room of the National Assembly Library. Mr. Seo, Ms. Seo, Mr. Jeon and Mr. Jin delivered congratulatory address by themselves.



(From left, Ms. Lee Jaejeong, Mr. Yang Yeongjin, Mr. Kim Jongcheol, Mr. Keong Seunghwan, Mr. Lee Jaeseung, Mr. Choi Jaeseok, Mr. Choi Jeonghak, Ms. Pi U-jin)

Mr. Jeong Seunghwan, Professor of Law School of the Korea University, presided the discussion. Mr. Lee Jaeseung, Professor of Law School of the Konkuk University,

attended as a presenter. Mr. Kim Jongcheol, Professor of Law School of the Yeonsei University, Insepctor Yang Yeongjin of the Kyongnam Provincial Police Agency, Attorney Lee Jaejeong who defends the cases of Captain Lee and Sergeant First Class Lee, Attorney Choi Jaeseok, a former President of the High Military Court, Mr. Choi Jeonghak, Professor of the Korea National Open University and Lieutenant Major Pi U-jin, a reservist participated as discussants.

2. Campaigns

A. Petition for Expelling Mr. Park Seong-u, a former Chief Commander of the Army Recruit Training Center at Nonsan, being responsible for Late Mr. Roh U-bin, late Mr. Lee Jaeyeong and late Mr. Jeong Huitaek Recruits' Death

CMHRK started a campaign to expel President Park Seong-u of the Organizing Committee for the 2015 Gyeongbuk International Military Sports Council who was the Chief Commander of the Army Recruit Training Center at Nonsan in 2011. He is responsible for the deaths of three recruits. On 6 June 2012, about 700 citizens signed up for this petition at the Seoul Plaza; also, many joined via online. CMHRK opened a page for signing for the petition, and it is accessible through the official website: <http://durl.me/4fjkpb>.

In 2011, former Chief Commander Park was promoted to Deputy Chief of Staff for Personnel under the Army Headquarters while the bereaved were suffering from the pain of losing a part of their life. Even worse, he now became the President of the Organizing Committee for the 2015 Gyeongbuk-Mungyeong

훈련병들이 죽어나가도 장군은 영전하는 나라



2011년 2월 9일 이계연 훈련병
폭발으로 사망



2011년 2월 27일 정희재 훈련병
중이염 합병, 폐렴으로 간주되어
복원을 돕고 자해 사망



2011년 4월 24일 노우빈 훈련병
뇌수막염으로 사망

↓

**당시 훈련소장이었던 박성우 소장
2011년 5월 6일 육군본부 인사참모부장 영전**

**육군본부 인사참모부장은 육군참모총장 다음으로 평가되는 요직 중 하나로
정장전급은 따는 당선인 이조편서나 다름없는 자리이다**

**훈련병을 죽음으로 내몬 <박성우 장관 파면 촉구 국민 청원>,
19대 국회와 국방부는 유족과 국민의 뜻에 화답하라!**



박성우(朴成雨)
생년월일 : 1957.7.7.(음)

학력
1976 경북 안동고 졸업
1980 육군사관학교 졸업 (36기)
1991 동국대 행정대학원 안보행정학 수료

경력
1980 보병 소위 임관/수기사 102세대 소대장
1984-1986 25사단 71.72연대 중대장
1993-1995 9광수 52대대장
2000-2001 62사단 181연대장
2001-2004 50사단 122연대장
2004.2-11 미라크평화재단사단 12민사여단 참모장
2006-2008 특수전 교육단장
2008-2009 육군종합행정학교 교장
2009-2011 육군훈련소 소장
2011-현재 육군본부 인사참모부장

International Military Sports Council. It is international shame for him who did not answer for the three recruits' deaths to take the seat of President.

B. Petition for Captain Lee accused of Contempt of Superior

CMHRK has run a petition for a judgment of an acquittal for Captain Lee who was accused of "Contempt of Superior" in March and April 2012. Especially during the campaign held at the Seoul Plaza in 6 June 2012, about 600 citizens participated in this petition. The petition is available for participation in the official website: <http://mhrk.org/news/?no=115>.

Captain Lee was sentenced to 6-month of imprisonment and its suspension for a year. Although many problems have been detected during the 1st trial, the Court failed to verify them. CMHRK's official standpoint on this case is well elaborated in the **"Section D. of Paragraph (4) of Chapter II. Counseling"**.

C. Petition for Abolishing Military Court in Peacetime

CMHRK realized that the military judicial system requires to be reformed to see the cases of two soldiers accused of "Contempt of Superior" in April and September 2012 just because they criticized President Lee Myeongbak's policies. During the trial process, Presiding Judge, who is a non-jurist, requested the defendant to "put your hands on heart", and even says "Do not conclude that the military prosecutor's allegations are all wrong," which made the whole trial so much like that of the middle age. Therefore, CMHRK launched a petition, and it is accessible via online: <http://durl.me/4fjkkk>.

In fact, the Choengwadae (i.e. Blue House) submitted a report on the problems of the military judicial system to the Presidential Commission on Judicial Reform in 2004. Specific problems are that the current system violates Article 101²⁸ on the independence of organization and Article 103²⁹ on independence of judges of the Constitution.

More detail problems against the Constitution of the current system are the followings. First, the Military Court is established under the command of the

²⁸ **Article 101 (1)** Judicial power shall be vested in courts composed of judges.

²⁹ **Article 103** Judges shall rule independently according to their conscience and in conformity with the Constitution and laws.

administrative branch according to Article 6 of the Military Court Act. Another problem is that, based on Article 22, 26, 27 of the Military Court Act, a non-jurist participates in a trial who is a current soldier. Moreover, the term of adjudicators³⁰ and military judges³¹ can be extended or reduced by a Commander of the unit where a military court is established, which threatens the independence of the judge's term.

The commanders should check the results of their military courts according to Article 379 of the Military Court Act.³² Problems rise here. He or she may reduce the penalty if he or she considers it is too heavy considering Article 51 of the Criminal Act. This is different from that of the civilian Courts, which has high possibility of discrimination. This violates the right to fair trial. It is unconstitutional that the administrative personnel can "review" the result of the judicial branch, violating Article 101 of the Constitution.

D. Movement for Anti-Reappointment of President Heon Byeongcheol of the National Human Rights Commission of Korea

In spite of the most of the human rights organizations' objection, President Lee enforced the reappointment of Mr. Heon Byeongcheol in the summer of 2012. Thus, CMHRK joined a movement for anti-reappointment of President Heon. On 10 July 2012, Manager Lee Inseop, protested in front of the National Assembly. On 8 August 2012, Representative Lim Taehoon and Coordinator Jo Gyuseok attended a press conference in front of the Cheongwadae. Representative Lim said that "Although President Heon asserts that military culture has been improved under his term, it is fact that it has been deteriorated." After the enforcement of reappointment, on 14 August 2012, Representative Lim, Manager Lee and Coordinator Jo Hanjun joined blocking President Heon's coming to the Commission in the morning.

³⁰ Adjudicators are those who are non-jurists but participate as military rulers in a trial. They consists of military ruler with military judges.

³¹ Military judges are those who have legal license and work as a soldier for their obligatory military service or profession. They are selected from the military judge advocates.

³² **Military Court Act Article 379 (Supervision on Ruling) (1)** The Chief of the Military Court supervise the ruling of a trial except for the case of no-guilty, dismal, dismissal of an indictment, exemption of penalty, suspension of sentence, and probation, and may reduce its penalty by considering the Criminal Act Article 51 and its Items if there is any acceptable reasons to believe the penalty is extreme.

3. National Assembly's Inspection of the Government Offices

CMHRK cooperated with some Members of the National Assembly during the period of the 18th National Assembly's inspection on the government offices in 2012 to monitor and improve human rights issues within the military. CMHRK listed items that require disclosure of information, and analyzed the data from the Ministry of National Defense. If necessary, the information was exposed to the media in order to let the public know and be refreshed.

The data that CMHRK analyzed was reported and actually refreshed the public. CMHRK will strive to improve anti-human rights policies within the military based on the data, and in the next year will try to deal with issues that CMHRK could not have included in this year as well as recheck the problems found in this year. Also, CMHRK is planned to monitor defense budget that was not possible in 2012. Additionally, CMHRK will consistently collect data on military human rights by requesting some Members of the National Assembly to require the Ministry to submit reports. CMHRK will maintain close relationship with them in order to improve and protect human rights situations. Especially, CMHRK hopes to have relationship with those not only in the National Defense Committee but also in the other Committees that deal with military-relevant issues.

The next table shows the name of Member of the National Assembly whom CMHRK cooperated with in this Inspection, categories and outcomes of cooperation along with the Committee³³ that a Member belongs to. The table only includes the cases that are exposed to the media; however, CMHRK cooperated with more Members in 2012. The reason why the Committees are so various is that police-soldiers, fire-fighting-soldiers,³⁴ public-interest-workers³⁵ are under the mandate of the Public Administration and Security Committee, and the Military Courts and the Military Criminal Act are under mandate of the Legislation and Judiciary Committee.³⁶

³³ Members of the National Assembly of the Republic of Korea belong to certain multiple committees as they wish.

³⁴ Korean males can serve as a fire-fighter as well as a police officer instead of serving in the military.

³⁵ Some of the Korean males are classified as reserved forces in case when they are insufficient to complete their obligatory military service, then they serve their duty as a public-interest worker.

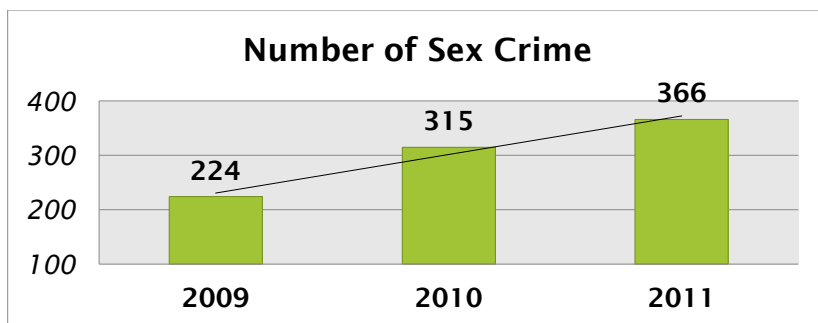
³⁶ Of course, normal soldiers are under mandate of the National Defense Committee. However, depending on certain issues, sometimes their human rights may be discussed in different committees. CMHRK actually supports this way as it can gather more attention.

Member	Area	Achievement	Committee
Ms. Jin, Seonmi	Sex Crimes of Police-soldiers	Situations and Punishment were checked and the result was reported by media.	Public Administration and Security
	Arbitrary Detention of Police-soldiers	Situations of detention and beating were check and reported by media.	
Mr. Choi, Wonsik	Sex Crime of Soldiers	Situations and Punishment were checked and reported by media.	Legislation and Judiciary
	Arbitrary Detention of Soldiers	Number of soldiers sent to a military prison in the last five years was checked and reported by media.	
	Commander's Check on the sentences	400 cases of reduction in the sentences of the Military Court were checked and reported by media.	
	Penalties on critiques of President Lee Myeongbak	7 cases that are punished for criticizing President in last five years and it was reported by media.	
Mr. Seo, Giho	Crimes of Squanders of the Defense Security Command	Impunity situations against squanders of the Defense Security Command.	Legislation and Judiciary

A. Sex Crime of the Soldiers

i. Total Sex Crime

The number of soldiers who are reported for a sex crime has been increased last three years. In 2011, the figure increased about three times higher than that of 2009. Also, the accumulated number of sex crime cases is 1,094. The graph below shows the number of sex crime from 2009 to 2011.



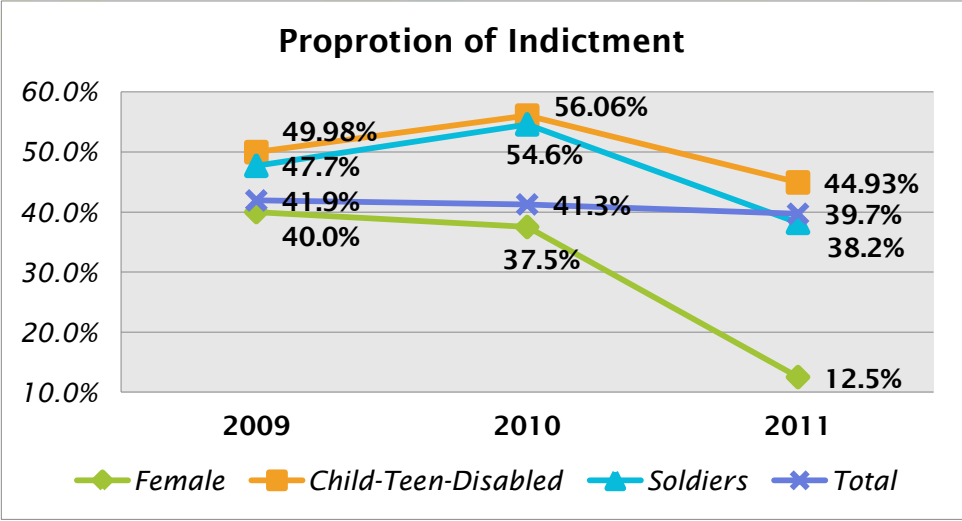
The cases that took a soldier as a victim were 44 in 2009, 77 in 2010 and 102 in 2011. Each accounts for about 19%, 24% and 28% of the total crimes, and steadily increasing. Moreover, the cases those have children and teenagers or the disabled are 49, 66 and 69 in each year from 2009.

The most of attackers are soldier ranks. They are reported to have committed 696(63.6%) out of 1,094 during the recent four years. The executive personnel follows the next, accounting for 24.7%(270 cases)..

ii. Proportion of Indictment of alleged Criminals

The proportion of indictment of alleged criminals of the military is lower than that of the civilian. Even worse, it has decreased since 2009. It recorded 37.5% in the first half of 2012. The proportion of indictment of the military during the last four years is 10%p lower than that of the civilian.

The graph below demonstrates the proportion of indictment from 2009 to 2011. Crimes against female soldier, children and teenagers or the disabled, soldiers are indicated individually.



iii. Proportion of Actual Penalty and Suspension of Penalty

Not only the proportion of the indictment was low but also the proportion of sentencing actual penalty was low in general. From 2009 to 2011, the cases that were sentenced with actually penalty only accounted for 19.2%, 16.2% and 12.2% in

each year which is dropping down. The average proportion of that period is lower than that of the civilian's which is 34.9%. On the other hand, suspension of penalty execution was 46.6%, 50.8% and 46% in each year, maintain high proportion.

The following table states the number of cases sentenced to an actual penalty and suspension of penalty from 2009 to 2011.

Number	2009	2010	2011
Actual Penalty	14	21	17
Suspension	34	66	64
Total Indictment	73	130	139

B. Reduction of the Sentence

i. Total Number of Reduction

From 2008 to July 2012, total 418 cases have been checked by a commander according to the Military Court Act. About 30% of total reduction downsized the penalty into less than half of the original one. The reduction is implemented by the discretion of a commander, and even if they do not reduce any, it is defect of the Act that lets an administrative staff "checks" the final decision of Courts.

The following table states the number of reduction from 2008 to July 2012 according to the regiments.

Num.	Army		Navy		Air Force		Total	
	Total	Over 50%	Total	Over 50%	Total	Over 50%	Total	Over 50%
2008	95	31	33	8	7	3	135	42
2009	84	19	21	2	6	0	111	21
2010	54	19	9	2	10	3	73	24
2011	55	16	13	5	1	0	69	21
2012	25	11	3	0	2	2	30	16
SUM	313	96	79	17	26	8	418	121

Their power to reduce sentence is based on Article 379 of the Military Court Act. The Chief of the Military Court supervise the ruling of a trial except for the case of no-guilty, dismal, dismissal of an indictment, exemption of penalty, suspension of sentence, and probation, and may reduce its penalty by considering the Criminal Act

Article 51 and its Items if there is any acceptable reasons to believe the penalty is extreme.

The problem is that they are current soldiers who belong to the administrative branch. It is highly probable to violate the independence of the judiciary that commanders reduce penalty without any legal process but only through administrative process.

Additionally, the problems of the military courts system are stated in "**Section 2 of the Paragraph (2) of the Chapter III. Objective Services**"

ii. Cases Study

The drawbacks of the power to reduce penalties of commanders come clear through seeing some cases found in 2012 inspection on government offices. For instance, in 2010, a penalty for a Corporal who raped a 9-year-old disabled child suffering from serious encephalopathy was reduced because "he(attacker) was young and drunken." by half from 6-year of imprisonment to 3-year.

Generally, this sort of case was sentenced for 13-year of imprisonment as the victim was a disabled children, but in the military court a military prosecutor only demanded the minimum penalty that is 6-year of imprisonment. Nonetheless, the penalty was reduced to 3-year of imprisonment. At that time, in Korea, a sex crime committed by a notorious figure, Jo Dusan,³⁷ raised a huge public opinion on heavy penalty for the sexual attackers along with criticism on accepting the influence of alcohol. In conclusion, this case is sentenced for much lighter penalty compared to ordinary, civilian court's case. It reveals the current situation of apply unequal and discriminative standard on penalty between civilians and soldiers, and the fact that the final consideration of the Courts is arbitrarily distorted.

C. Arbitrary Detention (i.e. Military Prison)

i. Number of Soldiers sent to Military Prisons

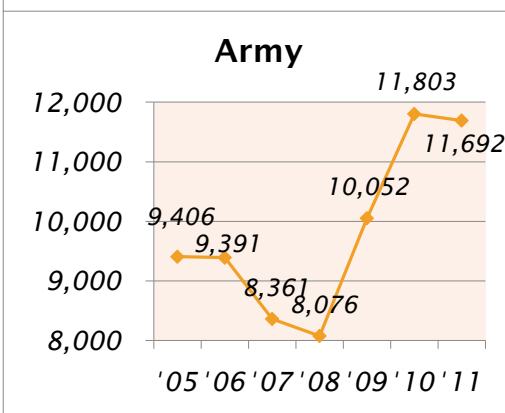
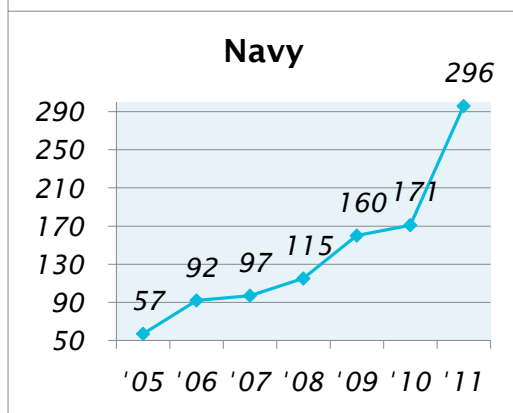
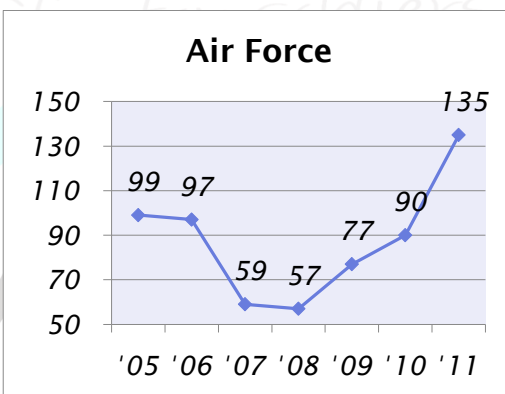
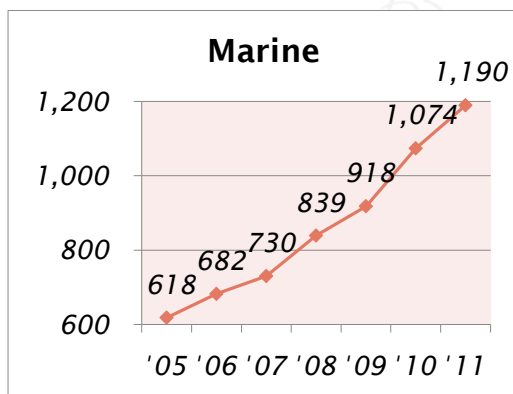
Currently the Military runs military prisons. In this inspection, it is found that this system has been arbitrarily abused as it does not require a warrant issued by a judge

³⁷ He raped a 8-year-old girl and made her permanently disabled in 2008. She had annual surgeries, and her life was at risk. It was broadcasted in 2009. Along with this case, other sex crimes were often reported by media around that time including mass rape case happened in a school for mental disorder children was re-investigated with a help of a release of a movie on that case in 2011.

or a trial even if they imprison an individual. The Constitution³⁸ enshrines the right to personal liberty and adopts the doctrine of warrants, but these are disregarded in the military. The graph below shows the proportion of soldiers' regiments who were sent to military prisons from 2005 to 2011.

Year	'05	'06	'07	'08	'09	'10	'11	Jul. '12
Marine	618	682	730	839	918	1,074	1,190	379
Air Force	99	97	59	57	77	90	135	60
Navy	57	92	97	115	160	171	296	219
Army	9,406	9,391	8,361	8,076	10,052	11,803	11,692	5,801
Total	10,180	10,262	9,247	9,087	11,207	13,138	13,313	6,459

The below graphs demonstrate the number of soldiers sent to a military prison from 2005 to 2011.



³⁸ **Article 12** (1) All citizens shall enjoy personal liberty. No person shall be arrested, detained, searched, seized, or interrogated except as provided by Act. No person shall be punished, placed under preventive restrictions or be subjected to involuntary labor except as provided by Act and through lawful procedures.

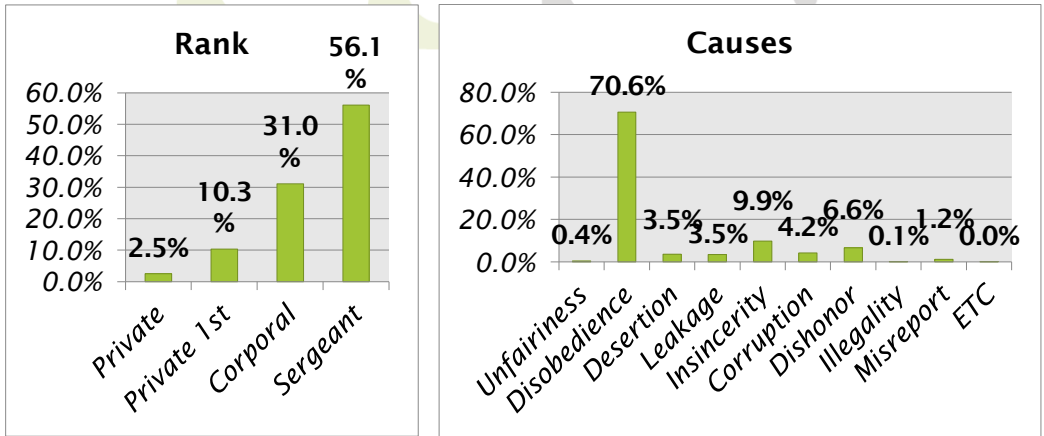
The number of this arbitrary detention has been drastically jumped since the current administration came to power. The number has been decreased from 2005 to 2008, from 10,180 cases, 10,262 cases, 9,247 cases and to 9,303 cases in each year. However, it increased by 27% in 2010, recorded 11,830 cases. It was 12,776 in 2010, 14,442 in 2011, and 7,170 in the first half of 2012, so the tendency has not been bent.

One exceptional factor found here is that although the Marine Corps have the minimum number of soldiers, they constantly account for 10% of the total cases. In addition, the number of arbitrary detention in the case of the Marine Corps and the Navy has been steadily increased while that of others decreased. From 2009, the most dramatic increase was made in the Army. It was increased by almost 30% in 2009.

ii. Proportion of Rank and Reason

According to the analysis of the last 5 years of record done by CMHRK, the reason for sending a soldier to a military prison varies but mostly was "violation of obedience duty(71%)". Most of the subjects were in the rank of "Sergeant(56%)". Besides, the categories for reasons of detention are too vague and ambiguous.

The graphs below describe the proportion of rank and reason for detention over the last 5 years.



The fact that there is positive correlation between rank and number of detainees and the fact that they are mostly violated the obedience duty which includes beating

and brutal treatment as a subcategory tell people that beating and hazing are still prevailing in the military. Even putting the illegality of the military prison system aside, it shows that the awareness of human rights of the military authorities seem lackadaisical.

iii. Military Prison in case of Conscripted and Riot Police-soldiers

A great deal of the conscripted and riot police-soldiers are also sent to military prison. Most of the detention was made in Seoul. The table below shows the number of detainees from 2008 to July 2012.

Number	2008	2009	2010	2011	Jul. 2012	SUM
Riot	28	23	50	52	12	165
Conscripted	65	38	224	114	17	458
SUM	93	61	274	166	29	623

4. Suicide of Soldiers

Soldier's suicide issue has not been solved currently. Total 1,614 soldiers died during the last 12 years, and 909 among them committed suicide(56%). Although the number of death has been decreased, the number of suicide has maintained around 50% to 60% of the total death. Especially, after 2008, the proportion was 66%, 63%, 68% in each year, and, ever since 2003, proportion of suicide death has never dropped under 40%. Also, in 2011, almost 100 soldiers committed suicide. It is the first time that approached close to 100 in the 21 century. Moreover, the number of suicide from 2007 to 2012 is 60 cases more than that from 2001 to 2006. In fact, the Ministry has tried to prevent soldier's suicide.³⁹ Nevertheless, the suicide issue has not been resolved until now, which makes its effectiveness really doubtful.

The tables below show the number of suicide death and death toll from 2001 to

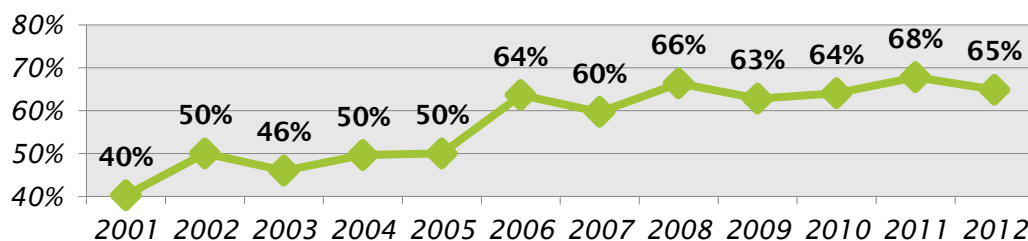
³⁹ The Ministry of National Defense brought in "Eradication of Beating in the Military" in 1987, "Comprehensive Plan for Accomplishing New Military Culture" in 1999, "Comprehensive Prevention of Accidents" in 2003, "Code of Basic Rights of Soldiers" that was made due to the accident of throwing human's excrement to a soldier in 2005; in early 2005, a shooting case happened in a guard post, so the Minister of National Defense Yun Gwanyong said "beating and hazing will be eradicated, and if necessary a war shall be proclaimed." In 2010, it brought up "Enforcement Measure to Eradicate Verbal Violence", but a shooting case happened in the Marine Corps in 2011, so the Ministry established another countermeasure called "Code of Conduct for Military Life". The Marine Corps respectively made "Reformation of Military Culture and Eradication of Irrational Military Culture".

2012, and its proportion is described in the graph below.

Num.	2001	2002	2003	2004	2005	2006	SUM
Suicide	66	79	69	67	64	77	422
Death	164	158	150	135	128	121	856

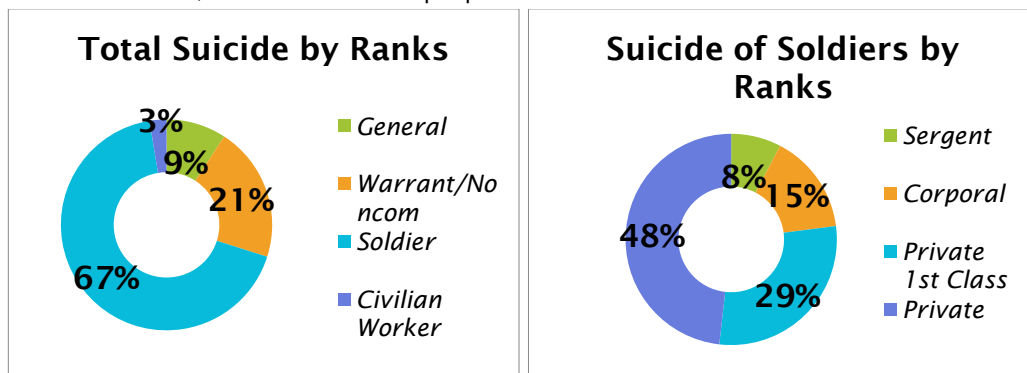
Num.	2007	2008	2009	2010	2011	2012	SUM
Suicide	80	75	81	82	97	72	487
Death	134	113	129	128	143	111	758

Proportion of Suicide Death out of Death Toll



Also, most of those who committed suicide were in the rank from private to sergeant.⁴⁰ It is predictable considering the proportion of those people. However, referring to the past record (1996~1998) from the Office of the Provost Marshal General, there would be a negative correlation between rank and number of suicide.

The right graph shown below is based on the data from 2006 to June 2010 that Member of the National Assembly Sim Daepyeong received from the Ministry of National Defense and the left graph is based on the data of the Office of the Provost Marshal General, which shows the proportion of each rank of soldier ranks.



⁴⁰ In Korea, Sergeants are not commissioned officers. They consist of conscripted soldiers.

The tendency that higher rank soldier tends to commit suicide less can be reconfirmed by the data that CMHRK received from the each Headquarter in 2011. It shows the suicide number of junior executive personnel from 2000 to 2011.

Number	General			Noncom		SUM
	Captain	1 st Lieu.	2 nd Lieu.	Sergeant 1 st	Staff Sergeant	
2000	4	1	1	4	8	18
2001	0	0	1	4	4	9
2002	2	1	1	3	5	12
2003	1	0	2	2	8	13
2004	1	1	0	4	2	8
2005	2	3	0	7	3	15
2006	2	2	0	3	7	14
2007	4	2	2	5	5	18
2008	2	1	0	3	10	16
2009	2	1	4	5	4	16
2010	6	3	0	12	6	27
2011	0	2	0	2	4	8
SUM	26	17	11	54	66	174

The reason why the numerous efforts failed is that the authorities' perspective on this issue and the military human rights. Although the situation appears serious, the Ministry advertises that the rate of suicide of soldiers in 20s is lower than that of the civilians of their ages, and that the number of suicide is dwindling. Also, the Ministry sets a category for "maladjustment", dealing with this issue as if they were too weak to adapt to the military life. The Office of the Provost Marshal General says about 30% of soldiers committed suicide were "maladapted". In addition, Mr. Sim's says that it accounts for 51% of the total suicide cases.

First of all, its comparison of suicide rate of the military personnel with civilians is inappropriate according to the Ministry's logics, considering the specialty of the military. It is a fact that the suicide rate of Korea is abnormally high,⁴¹ so it is

⁴¹ In 2010, the average suicide rate of OECD(Organization for Economic Cooperation and Development) was 12.9 per 100,000, while that of the Republic of Korea was 33.5 (<http://news.sbs.co.kr>). Also, OECD states that since 1995 many member countries' situation has been alleviating such as in case of Estonia,

pointless to compare the civilians and soldiers. Secondly, the military force of Korea has been downsized from 670,000 in 2006 and 650,000 in 2010. Thus, it is natural that the number of suicide cases decreases. Thirdly, the military authorities run physical examination for to-be soldiers and even they “grade” individuals – only with over a certain grade can serve in the military.

Knowing this system, if a military personnel commits suicide, his or her death of “maladjustment”, who must have been diagnosed as “one appropriate for military service”, is attributed to the military. Also, “maladjustment” *per se* is a result of the external factors of the military environment influencing individuals’ mind negatively.

5. Survey Research on the Military Human Rights⁴²

CMHRK surveyed soldiers⁴³ on vacation on 17, 23, 24 November 2012 at the Seoul Station, the Yongsang Station, and the Dongseoul Terminal. The survey questionnaires were based on those used in 2005 by the NHRCK for the “Survey Research on Human Rights Situations in the Military and Improvement”. The survey was done by Representative Lim Taehoon, Manager Lee Inseop, Nonstanding Coordinators Jo Gyuseok and Jo Hanjun, Intern Kim Bomi and other four agents. Total 350 soldiers participated, and 305 samples were used actually.⁴⁴

According to the survey, the chronic problems of the military such as beating and brutal treatment and restriction on right to health were deteriorated than that of 2005. On the other hand, soldier’s human rights awareness has shown slight positive changes, the degree is not strong enough and the system is not supporting enough.

Plus, the soldiers seem sensitive to their harms, but they showed limitations in issues of the others. Especially, when it comes to homosexual soldiers, soldiers were ignorant of their damages and violation of human rights – they did not care about the others’ pain or discrimination or inequality. It reveals that the human rights education within the military lacks in both quality and quantity that is not enough to raise awareness of the fundamental human rights for all.

Luxembourg, Austria, but it has been devastating in case of Korea. (<http://www.oecd-ilibrary.org/>)

⁴² This information is abstracted from the master’s thesis for NGO studies of the Songkonghoe University in 2013.

⁴³ In this survey, CMHRK only targeted those of the Army and ranks from Private to Sergeant.

⁴⁴ Approximately 45 samples were incomplete or the reliability of response was low.

A. Beating and Brutal Treatment including Verbal Violence

i. Experiencing or Witnessing of Beating and Brutal Treatment

The Ministry of National Defense made series of countermeasure to prevent beating and brutal treatment. In 1987, the military implemented an instruction on eradication of beating and brutal treatment, and, in 2005 right after a shooting case, announced a reformation plan of military culture. In 2010, a countermeasure for verbal violence was arranged. The Ministry kept endeavoring to improve human rights of soldiers; the result of the survey tells it has not been so successful. The one who experienced beating has increased by 2.5%p since 2005, and one who experienced brutal treatment has increased by 3%p. What is worse is that the one who witnessed these jumped by 2-fold compared with 2005.

The next tables show the responses of experiencing and witnessing beating and brutal treatment.

Rate	Beating		Brutal Treatment	
	Experience	Witness	Experience	Witness
Yes	8.5%	17.7%	12.5%	22.0%
No	91.5%	82.3%	87.5%	78.0%

This failure of eradication of beating and brutal treatment rooted in the phenomena that the authorities, thinking this light, send attackers to military prisons and the military culture stigmatizes victims as a "beating beggar" making them the weak and socially useless.

ii. Actions taken after experience or witness of beating and brutal treatment

Even though beating and brutal treatment have not been improved; victims did not receive proper remedies. The 84.6% of those who experienced beating answered that they just held it. 34.6% of victims of beating thought of desertion or suicide, which is twice higher than that of 2005. On the other hand, 86.8% of those who experienced answered that they just held it, and 21% of them thought of desertion or suicide.

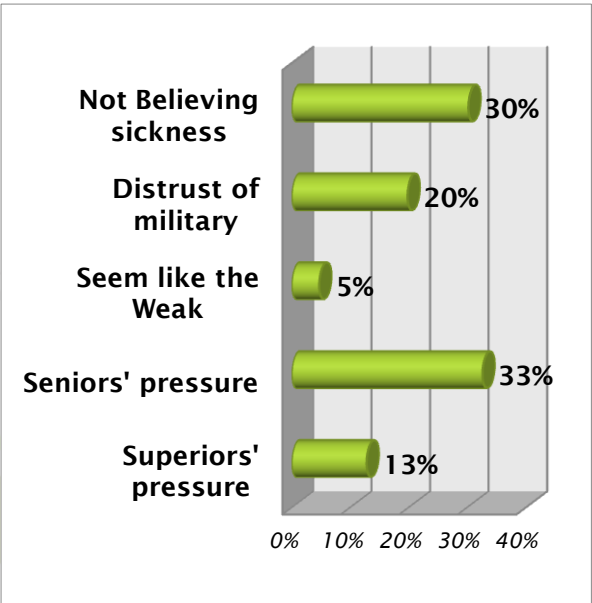
The half of beating or brutal treatment witness answered that they ignored the scene. The answers have been dwindled by 15%p in case of beating witness and 5%p in case of brutal treatment witness, still over 50%. In case of beating witnessing,

38.7% of those who stood by thought that attacker was just and 66.6% in case of brutal treatment witness.⁴⁵ 45.2%, in case of beating, and 25.7%, in case of brutal treatment, answered they ignored it due to worries for disadvantages.⁴⁶

B. Right to Health

i. Relinquishing doctor's diagnosis and reasons

Korea has a mandatory military service. Not only because of this fact, should the State guarantee the soldiers' right to health who are conscripted. Nonetheless, the reality seems not. In fact, in this survey, 19.3% of the respondents answered that they feel "not free" to ask for seeing doctor of outside hospital, which is 4.9%p higher than that of 2005 survey, while those who feel "free" to ask were dropped by 15.6%p, recording 34.1%.



On the other hand, some soldiers cannot even "express" their sickness, which is another restraint in right to health. 27.2% of the total respondents answered that they gave up requesting a diagnosis. This figure is 5.7%p higher than that of the 2005's result, revealing that soldier's right to health has receded. The graph below shows why they gave up.

ii. Military Medical Institutions and Service Satisfaction

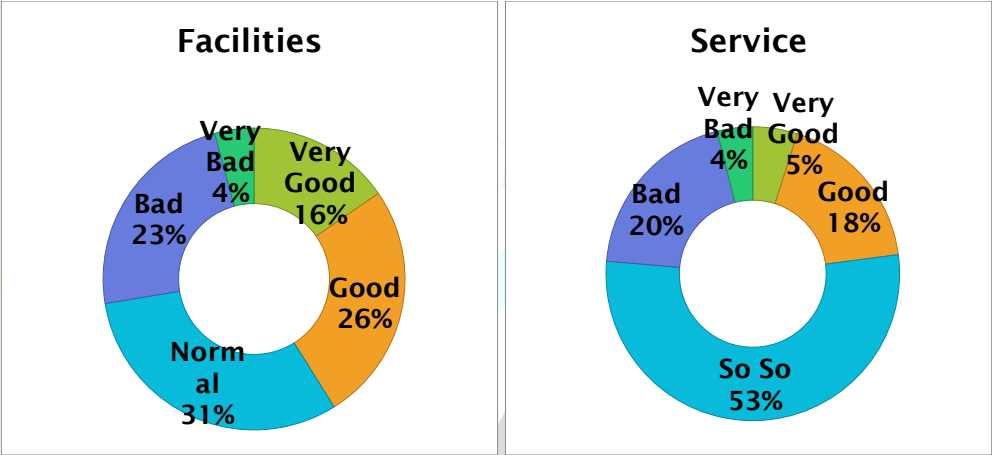
Korea is at ceasefire, so it is necessary to have medical system prepared for a war, which should be similar or better than that of civilians. However, the soldiers

⁴⁵ It is the sum of those who answered "deserved treatment", "for the sake of military spirit" and "practices" for the reason of their ignoring the scene.

⁴⁶ It is the sum of those who answered "worries for punishment", "worries for revenge" and "worries for maltreatment" for the reason of their ignoring the scene.

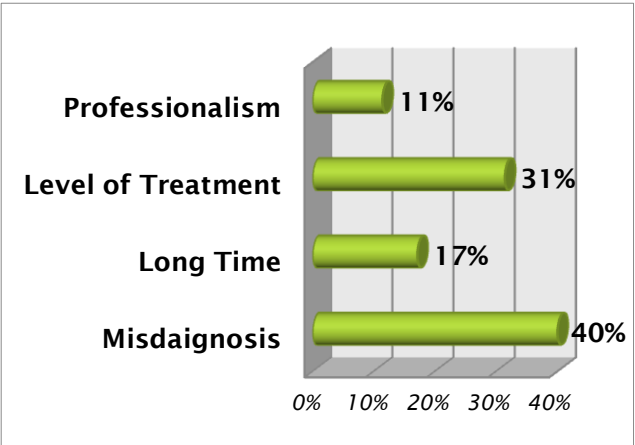
answered that it is not. Especially, compared with the result of the survey done by the NHRCK in 2005, total answers of "good-very good", in case of military medical facilities satisfaction, were decreased by 13.3%p; on the other hand, "bad-very bad" increased by 13.8%. Next, in case of military medical service satisfaction, the respondents answered mostly "so-so" recording 53.4%, which means reserving their judgement.

The graphs below show their satisfaction about military medical institutions and its services, which was answered by 69.5% of the total respondents who have an experience of them.



iii. Problems in Using Military Medical Facilities

This researched found out that military medical facilities lack in their professionalism and their level of treatment. The graph below shows the problematic factors of military medical facilities answered by 69.5% of the total respondents who answered that they have experienced them.

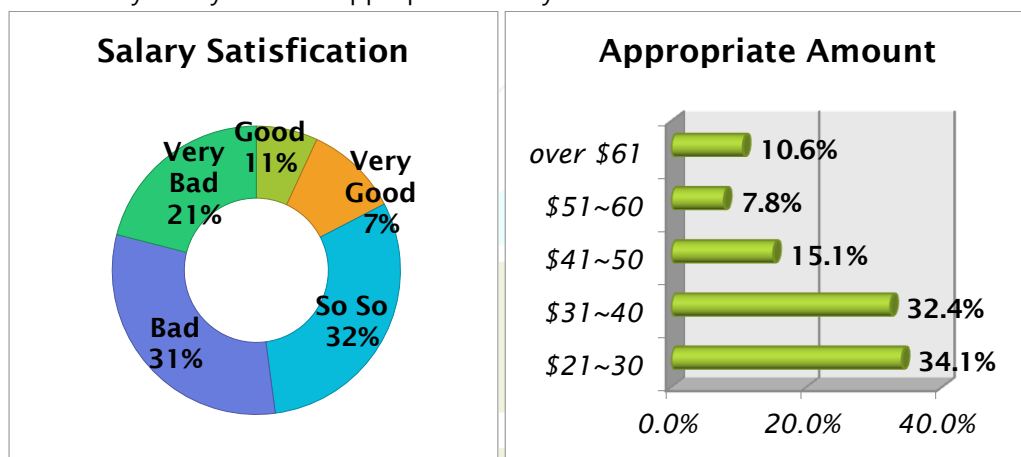


C. Military Life

i. Salary Satisfaction and Appropriate Salary

Currently Korean government pays conscripted soldiers a small amount of salaries a month – about 90,000 KRW (approximately 90 USD). 52.1% of respondents found that living in the military with that amount of salary is uncomfortable. Plus, they said appropriate salary amount should be from 210,000~300,000 KRW, considering current service environment and tasks.

Also, 73.1% of respondents agree on a plan that raising salary up to 600,000 KRW a month, saving the half for occupational health and safety insurance, and returning the remains for their social integrity. The graphs below show satisfaction on monthly salary and the appropriate salary amount.



ii. Using of Mobile Phone or Witnessing

The military authorities punish soldiers who use, bring in or possess their mobile phone based on "violation of security safety duty". However, there is no law that can regulate mobile phone actually, and all their restrictions are based on decrees or instructions. This is indeed unconstitutional as it restrains one's rights by non-Act methods.

Especially, it is discriminative to only regulate soldier's mobile phone while allowing generals' and noncoms' using, bringing in and possessing mobile phones. If the military authorities are truly worried about security, then all should not use or possess regardless of their rank. The table below tells whether they actually used

their phone secretly or not, or if they had witnessed any.

Rate	Using Experience	Witnessing Experience
Yes	2.0%	18.7%
No	98.0%	81.3%

iii. Right to Rest

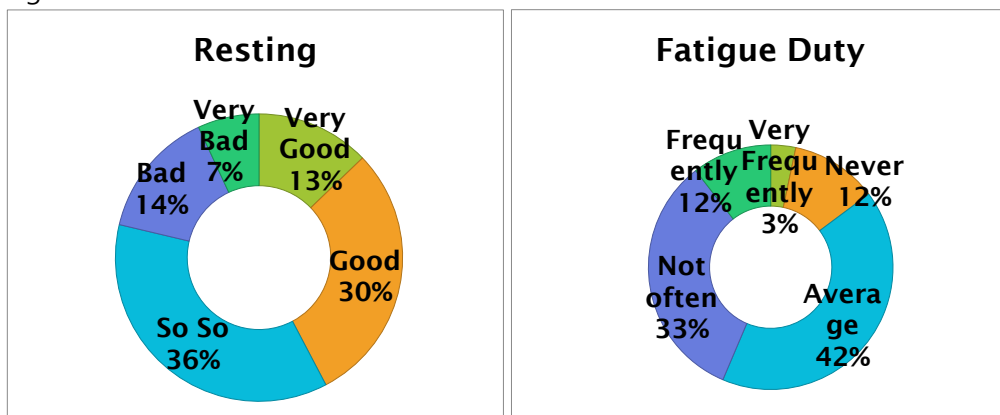
Lately, the Army of Korea offers maximum 30-day of sick leave. However, because of denial of a military surgeon or a commander, some soldiers do not use it freely, and even if they use it, they have to be very careful. It is even fortunate to use their sick leave somehow because they had to use their own vacation to go outside hospitals. Sometimes they had to have surgery due to misdiagnosis.

The table below tells whether they had to use their own vacation for medical treatment instead of sick leave.

Using One's Own Vacation	Yes	No
	10.2%	89.8%

Also, the right to rest of the military personnel was not well insured. Especially, it was deprived of due to heavy tasks or unnecessary fatigue duties. Those who answered that they were called for unnecessary fatigue duties were 14.8% of the total respondents, increased by 2.5% compared to that of in 2005.

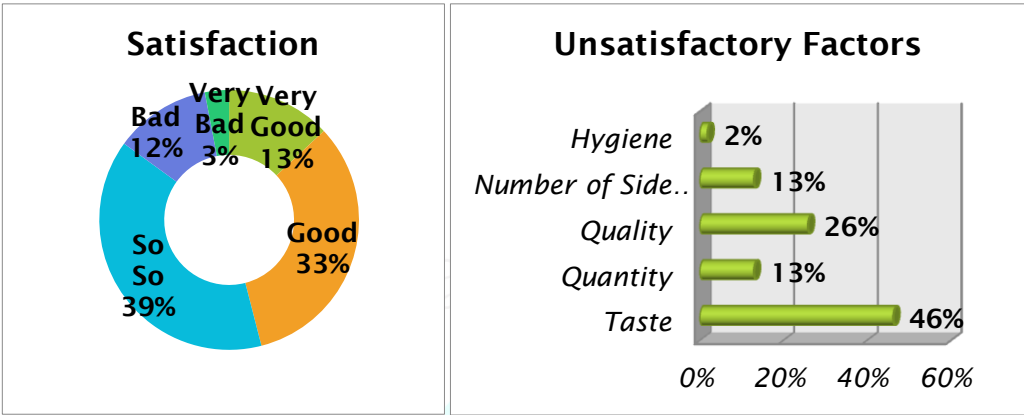
The graph below shows their feeling of insurance of resting and experience of fatigue duties.



iv. Meal Satisfaction and Reasons

Currently, Korean conscripted soldiers are provided with meal that is about 2,052 KRW, which is even lower than the average elementary school’s meal price 2,580 KRW. In the research, only 56.6% answered they were satisfied with the meal, which is dropped by 10.7%p from that of 2005’s result. They found that taste is the most unsatisfactory factor(46%).

The next was the quality of materials(26%). The graphs below show the results.



v. Military Camouflage Cream Usages

Soldiers answered that the military supplies lack in quality and quantity. Especially, 73.8% of them answered that they do not use military camouflage cream. Most of them said it is because of allergic symptoms to it. This implies that the Korean military has no interest in actual improvement of soldiers’ welfare even if they spend enormous defense budget or there is a problem in supply contracts.

The following table shows why they do not use military camouflage cream.

Reasons of Not Using	Hard to Cleanse	16.9%
	Allergic Symptoms	63.2%
	Malfunctioning(Hard to apply)	5.5%

D. Redemption and Awareness of Rights

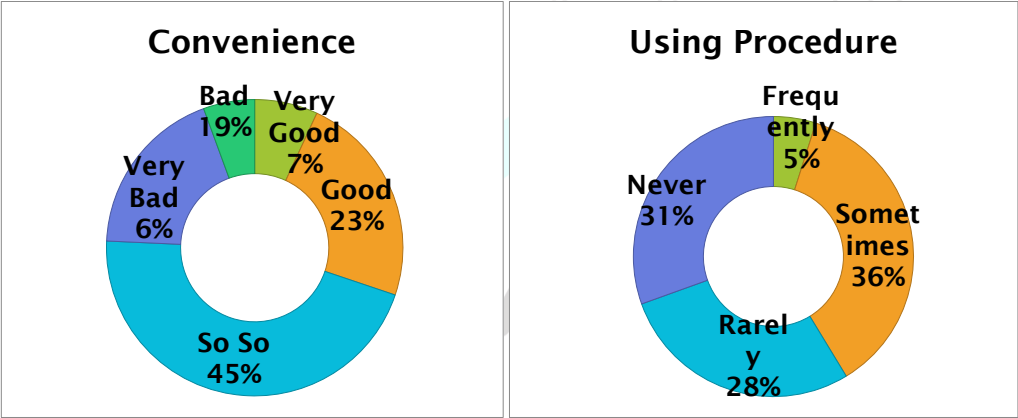
i. Convenience of Agony Counseling

The Ministry of National Defense prohibits soldiers from asking for solving their problems to outside of the military by Item 4 of Paragraph 4 of Article 25 of the

Decree on Military Service.⁴⁷ However, the grievance procedure of the military is not appropriate. Especially, 24.3% of the respondents answered that it lacks in convenience, which was 5%p higher than the result of 2005.

This contrasts with the result of the NHRCK in 2005. The rate of raising grievance was increased by 4%p during the period. This means that soldiers’ human rights awareness has been elevated and that they started to make voices. Nonetheless, the reaction of the military fails to follow up this progress.

Particularly, 46.9% answered that they do not use such procedure as it is “useless”, and 26.6% said because its “secrecy” is not ensured. 21.4% even said that they are afraid of disadvantages in the future. This is because the agony counseling system offered by the military does not even perform its full role. The following graphs tell that how convenient to use grievance procedure and why they do not use it.



ii. Right to Appeal to Disciplinary Disposal

The Ministry of National Defense adopted “appealing” system to its administrative disciplinary system in order to prevent arbitrariness. Also, duty to inform soldiers with such right to appeal was imposed to the military advocates for human rights, but not so many soldiers recognized this right. Even those who knew this right did not really know the fact that their discipline should be halted when they exercise the right. This result reads that soldiers’ right to know is not well preserved and the military advocates for human rights are not functioning properly.

⁴⁷The Decree on Military Service Article 25 (grievance procedure) (4) Soldiers may not require help from out of the army through procedures such as presenting a petition or a collective signature or any ways that are not stated in the law.

The table below shows how many knew the right to appeal, and how many of those who recognized the right actually knew the suspension of their discipline.

Rate	Right to Appeal	Suspension of Discipline
Know	27.9%	37.6%
Do not Know	72.1%	62.4%

iii. Human Rights Education

As a member of the UN, Korea has obligation to offer human rights education to all ranks of soldiers under the "Plan of Action for Second Phase (2010-2014) of the World Programme for Human Rights Education". Therefore, the military authorities proclaimed "Instruction on Military Human Rights" in 2008.⁴⁸ Nevertheless, according to data that CMHRK received via Information Disclosure System, the recipients of human rights education programmes are limited to a specific area, which puts the whole purpose human rights education in the shade.⁴⁹

In the survey, 39.7% of the respondents answered that they had human rights education at least once during their military service. It was higher than the result of 2005 by 4%p, but the increase was too slight to mean any significance in human rights education.

E. Rights of Sexual Minorities

i. Pros and Cons on Sexual Minority Soldiers

Although human rights awareness of soldiers has been raised, they are rather ignorant or indifferent in issues of sexual minorities. Among respondents, 84% disapproved of the homosexual soldier's military service, and 87% approved of retaining the provision criminalizing consensual same-sex relationship (Article 92-5 of

⁴⁸ The Ministry asserts that they have been educating human rights since 2006.

⁴⁹ The highest rate of soldiers who took human rights education programme was merely 4.75%(when assumed that there were no overlaps). According to 2010 Defense White Paper, since 2005 when Defense Reformation initiated, the military force was downsized by 33,000 and maintaining about 648,000 currently. However, according to CMHRK's information that are submitted by the Ministry, those who took human rights education programmes were 160 in 2008, 257 in 2009, and 308 in 2010. All of them were somehow related to human rights in terms of their work field. Among them, medical agents were 33 in 2008, 32 in 2009 and 59 in 2010; prosecuting agents were 0 in 2008, 40 in 2009 and 47 in 2010; military advocates were 0 in 2008, 38 in 2009, 37 in 2010; correctional agents were 0 in 2008, 35 in 2009, 34 in 2010; human rights instructors were 40 in 2008, 33 in 2009 and 57 in 2010; women's agony counselors were 87 in 2008, 79 in 2009 and 74 in 2010.

the Military Criminal Act). This reveals that human rights education of the military is weak.

The table below shows the Pros and Cons of the issues of sexual minorities.

Rate	Their Service	Deleting Article 92-5
Pros	15.7%	12.5%
Cons	84.3%	87.5%

6. Statements and Comments

A. Urgent Comment on the Death Penalty of Marines General Military Court of the Marines Corps

On 4 July 2011, six marines were killed by gun shot at a unit in Gwanghwado. The attackers of this tragedy were also victims of conventional hazing of the Marines Corps and Closed military culture. Though this does not justify their crimes, the sentence of the General Military Court of the Marines Corps on 13 January 2012 giving them capital punishment is attributing all causes to only two defendants, ignoring the societal factors.⁵⁰

On the same day, CMHRK issued an urgent comment titled "Capital Punishment is Too Harsh". In the comment, CMHRK said "Not mentioning the fundamental responsibilities of 'Ignoring Hazing'⁵¹ and torture-close beating and brutal treatment, but attributing all causes to only individuals shows the Ministry's lack of will to solve systemic problems within the military.

In addition, in the comment, CMHRK refreshed the fact that "Korea is classified as 'de-facto moratorium on the death penalty' as it has halted execution over a decade" by the UN, and gave concerns that "This sentence results in collapsing advanced country in human rights field (...) among the UN and other international organizations." It is sure that their actions should be punished, but the sentence simply failed to consider the penalty's anti-human rights properties.

⁵⁰ On 24 Jan 2012, the Supreme Court confirmed their capital punishment.

⁵¹ Marines hazed their colleagues by ignoring their rank or class. In Korean military, one's rank and class (decided by when you joined the military) matter a lot. One can be a senior just because he joined the military a day earlier, and a senior may rule "his subordinates". It is very hierarchical.

B. Statement on Plan for Advancing the Military Culture

On 2 July 2012, the Ministry of National Defense announced "Plan for Advancing the Military Culture". The plan included 22 missions under 3 sections. The media importantly covered the fact that shortening term of Private ranks and others. CMHRK agreed on the Ministry's purpose that the plan aimed, "Raising Soldiers of Soldiers, Rewarding Military Service", but expressed its disappointment in the comment titled "Beating around the Bush, Questioning its Effectiveness".

The plan included contained (1) Understanding North Korea correctly and Improving history education, (2) Same-class⁵² Barracks, (3) Expanding off day and sleep-over, (4) Providing multi-functioning aero phones, (5) Shortening the term of Private ranks, (6) Adopting self-development programmes, (7) Military Incentives, (8) Improving military facilities, (9) Improving military medical system.

Problems were that (2), (6) (8) are just items that only sounded good which lack in reality, and (3), (4), (5), (9) are temporary expedients that do not solve radical problems. Also, (1) could be problematic considering the time, when the presidential election was coming nigh, and (7) was already decided to be unconstitutional, which revealed their poor human rights awareness.

(3) Human Rights Counseling

A. Counseling Database Building Project

CMHRK initiated "Counseling Database Building Project" in order to manage, store and analyze human rights counseling's more systemically. This project was done by a talent donator, Mr. Lee Mincheol, a student of Dept. of History of Yonsei University. The Database is expected to be used in apprehending current counseling situation and improving the process..

B. Manual for Counseling

CMHRK made a manual for counseling process to grasp accurate information within minimum counseling times. It was because too many unnecessary works were

⁵² As mentioned above, "class" which is determined by the date of one's joining the military is very important as it decides one's rank among soldier-ranks.

required during counseling process. Particularly, a counselor had to spend a lot of time on recording counseling and checking any omitted necessary information. Under the circumstances, CMHRK made it to figure out essential factors from a first counseling.

C. Organizing Family of Victims of Military Human Rights Infringement

CMHRK realised the families of victims of the military human rights infringement cases needed to console each other and develop preventive movements. Thus, CMHRK held the first planning meeting on 10 May 2012. Ms. Gong Boksun, mother of late Mr. Roh U-bin, Mr. Choi Jeongmo, father of late Mr. Choi Hyeongho, Mr. Kim Yeongsu, father of late Mr. Kim Taeyang, Representative Lim Taehoon, Manager Lee Inseop and Coordinator Jo Hanjun participated and drew future road-map.

(4) International Human Rights Services

1. International Solidarity Projects

A. Visiting and Exchanging

CMHRK visited Bangkok in Thailand for four days in order to start exchange with other international human rights organizations. Representative Lim

Taehoon, Manager Lee Inseop, Non-standing Coordinators Jo Gyuseok and Jo Hanjun, and Intern Kim Bomi participated in the project. During the visiting period, CMHRK met Ms. Kim



(Form Left, Hanjun, Gyuseok, Bomi and Inseop)

Giyeon, Deputy-Secretary General of FORUM-ASIA and Mr. John Liu, East Asia Programme Officer, and shared some ideas. CMHRK gave a briefing on military human rights situations in Korea and general information of CMHRK. CMHRK expects to exchange of material and personal resources between CMHRK and FORUM-ASIA, and looks forward to exchange with other international human rights organizations.

B. Participating Universal Periodic Review

'Universal Periodic Review (UPR)' is a monitoring and improving method for human rights situations that the UN exercises to all of its member states with four-year and a half cycle in Genève in Swiss during the Human Rights Council sessions. This is newly adopted in 2008 when the Human Rights Committee was upgraded to Human Rights Council. The second cycle is started in 2012, Korea took its first cycle in August 2008, and had its second cycle in October 2013. The Working Group Reports is to be adopted on 14 March 2013 at the 22nd regular session of the UN Human Rights Council.

i. Submitting Individual Submission

CMHRK submitted its individual submission about human rights situations in the Korean military on 23 April 2012 to the 14th session of the Working Group for the 2nd Cycle of the UPR. The individual submission broadly contained issues in (1) Equality and Non-Discrimination, (2) Right to Life, Liberty and Security of the Person, (3) Freedom of Religion or Belief, Expression, Association and Peaceful Assembly and Right to Participate in Public and Political Life, (4) Administration of Justice and the Rule of Law.

More specifically, it demanded (a) deletion of Article 92-5 of the Military Criminal Act that discriminates based on sexual orientation and gender identity, (b) adoption of OP-CAT to eradicate beating and brutal treatment, (c) deletion of Article 25 (4) of Decree on Military Service that prohibits effective redemption of sexual crimes, (d) deletion of provisions of offense subject to complaint, (e) introduction of alternative military service including conscientious objectors, (f) Deletion of Article 16 (2) of the Decree on Military Service and Article 47 (2) of the Military Personnel Act to ensure rights to participate in cultural life and freedom of opinion, (g) building protection system for whistle-blowers, (h) revision on the Decree of Military Service to ensure soldiers' right to participate in political life, (i) abolition of military prison which is arbitrary detention, (j) abolition of peace-time military courts to ensure soldiers' right to fair trial, and (k) human rights education for all ranks of soldiers according to the Plan of Action for the Second Phase (2010-2014) of the World Programme of Human Rights Education.

ii. Participating Joint NGO Submission

CMHRK participated in writing joint NGO submission along with individual submission. CMHRK participated from February 2012, and the final version of joint NGO submission had issues of (a) deletion of Article 92-5 of the Military Criminal Act, (b) introduction of alternative military service, (c) abolition of military prison, and (d) human rights education. Total 53 organizations participated in this time, which was more than 40 organizations in 2008. At then, CMHRK participated as an Establishment of the center for human rights in military.

iii. Lobbying Activities

CMHRK lobbied along with the Secretariat of the Korean NGO coalition to induce meaningful recommendations. On 18 June 2012, CMHRK participated the 2nd Hearing for UPR National Report held by the Ministry of Justice. Also, after 6 September when the Office of High Commissioner for Human Rights(OHCHR)⁵³ issued three core documents(i.e. national report, summary of stakeholders' ⁵⁴ report and compilation of UN recommendations), CMHRK delivered its lobby documents to embassies at Seoul.⁵⁵

Meanwhile, from September, CMHRK lobbied with the European Union (EU), United States of America (USA), the Commonwealth of Australia, and the Republic of the Philippines along with other organizations. Plus, on 9 October, from PM 12:35 to PM 2:45, CMHRK had informal meeting with Mr. Mattias Van Hecke, Deputy Head of Mission of Belgium, about human rights issues and suggested questions and recommendations made by CMHRK with lobby documents.⁵⁶

On 27 September, at the meeting with the Delegation of the EU to the Rep. of Korea, John Sagar (Political Affairs Officer) from the Delegation, Mr. Mattias Van Hecke from Belgium, Ruth Parkin (Deputy Head of Mission) from Ireland, Ms. Nathalie Waldmann from Austria, Henrik Persson (Minister Counsellor) from Sweden, Kaisa Leidy (Deputy Head of Mission) and Päivi Antila (Assistant to Political & Economic Section) from Finland, Tibor Balogh Ph.D. (Consul) from Hungary attended.

⁵³ It a secretary body for the UN Human Rights Council.

⁵⁴ Stakeholders include human rights civil society organizations and national human rights institutes.

⁵⁵ There are "General Information", "Right to Life", "Military Judiciary", and "Right to Freedom of Expression".

⁵⁶ The Belgium also had another informal meeting with InCRC.

Manager Lee Inseop was dispatched as a representative of CMHRK, emphasizing the problem of military prisons and irrationality of military judiciary. There were the Advocate for Public Interest Law (APIL), Lawyers for a Democratic Society (MINBYUN), People's Solidarity for Participatory Democracy (PSPD), the International Child Rights Center (InCRC), Save the Children were lobbying together at the EU lobby meeting.

Manager Lee Inseop also participated in a meeting with the Embassy of United States of America (USA) at Seoul on 11 October. From USA, Brian Bruehaus (Second Secretary) and David V. Muehlke (Republic of Korea Desk Officer of Bureau of East Asian and Pacific Affairs of US Dept. of State) attended. In the meeting, CMHRK focused on Article 92-5 of the Military Criminal Act which was introduced during the US Army Military Government in Korea in 1940-50s and freedom of expression within the military. There were the APIL, PSPD, the InCRC, Save the Children and the Korea Sexual Violence Relief Center.

On 9 October, Mr. Anthony Skews (Second Secretary) and Shin Hyejung, Senior Research Officer attended at the meeting with the Australian Embassy at Seoul. Non-standing Coordinator Jo Hanjun discussed adoption of alternative military service, Article 92-5 of the Military Criminal Act and independence of the military courts mainly. At the meeting, the APIL, PSPD and the SARANGBANG Group for Human Rights attended together.

On 17 October, there was a meeting with the Philippines' Embassy at Seoul, attended by Felicitas Q. Bay (Labor Attache). Non-standing Coordinator Jo Hanjun lobbied mainly on Article 92-5 of the Military Criminal Act under the general discussion of Anti-Discrimination Act. The APIL, the MINBYUN and the InCRC were at the meeting.

In the end, at the informal meeting with Mr. Mattias Van Hecke from the Belgium Embassy at Seoul, Representative Lim, Manager Lee and Non-standing Coordinator Jo attended together. About 3 hours, CMHRK talked about the Center itself, the military judiciary system, the suicide issues, the alternative military service and the human rights education as well as widely spread militarism in the Korean society and socio-cultural relationship with military and society.

iv. Monitoring the 14th Session of the Working Group of the UPR

CMHRK initially planned to pay a visit to Genève, Swiss, to participate in the Working Group session. However, as the Secretariat of the Korean NGO Coalition decided that visiting session or having a side event is worthless as newly adopted rules in the 2nd Cycle of the UPR, CMHRK altered its plan to monitoring webcasting working group of the UPR via UN WEBCAST.

Thus, from PM 9:00, 25 October to AM 1:00, 26 October, the members of the Secretariat, Representative Lim, Manager Lee and Non-standing Coordinators Jo Gyuseok and Jo Hanjun, monitored the 14th session. In the Working Group session, 9 recommendations from 8 states were related to the military human rights. Still, it lacks in variety as 8 recommendations out of 9 were about introducing alternative military service.⁵⁷ What is positive at here is that denial of right conscientious objection gathered more attention from more states.

The delegation of Korea headed by Vice-Minister of Justice, Mr. Gil Taegi, did not accept any recommendations from the Working Group session. Regarding adoption of alternative military service, the delegation answered that they cannot embrace it because domestic and foreign state of affairs is very unstable, lack of national consensus, decision of the Constitutional Court approving of its constitutionality and discarding of the Draft Bill introducing alternative military service. Regarding Article 92-5 of the Military Criminal Act, they answered that it was indented not for discrimination of homosexuality but for the public interest that is to encourage wholesome environment and discipline in the military society, its constitutionality was accredited by the decision of the Constitutional Court, and the fact that the Ministry currently protect the human rights of homosexual soldiers by revising Instruction on Unit Management that stipulates prohibition on discrimination against homosexual soldiers, insurance of personal information, limitation on outing, prohibition on compulsive discharge on the basis of homosexuality, prohibition on acts of discernment of homosexuality. The Government officially disapproved of those recommendations on 12 December 2012 through its official replies to the UN.

Yet, during the delegation's answer at the session, there was a slight difference

⁵⁷ Germany, USA, Spain, Slovakia, Poland, France, Hungary, Australia recommended adoption of alternative military service to the Republic of Korea.

between Korean and English translation. The English translation quoted Article 125 of the Uniform Code of Military Justice (UCMJ) of USA⁵⁸ that as it also has sodomy provision it cannot accept its recommendation.

v. UPR Evaluation Meeting held by Ministry of Justice

After the 14th session of the Working Group of the UPR, on 21 November, the Ministry of Justice invited NGOs to the UPR Evaluation Meeting. Representative Lim Teahoon and Non-standing Coordinator Jo Gyuseok participated in the meeting.

However, CMHRK found that it is a mere formal act. In fact, the Budget for 2013 of the Ministry of Justice had a category "Human Rights Activities" allotted with 0.01% of the total budget, 90% of which was *de facto* used for reformation of legal system. Thus, CMHRK made a comment on its process that the Ministry hardly understands the purpose of the UPR and that it has no preparation for implementation of the UPR recommendations but only holds this meeting to report to the UN, and exited the meeting room as a form of protest although CMHRK prepared 2-page of written opinion.

2. Organizing International Human Rights Information

A. Country Report on Human Rights Practices issued by the Department of State of USA

CMHRK extracted and translated parts related to the military human rights in the 2011 Country Report on Human Rights Practices of the Republic of Korea. CMHRK published its translation on 25 May 2012 on its official website (<http://mhrk.org/download/?no=117>).

On 26 December, CMHRK analyzed Country Reports from 1999 to 2011, and organized all of parts that mentioned military human rights into a table, and published it on the official website (<http://mhrk.org/download/?no=656>).

The Reports at the beginning mentioned about the Constitutional Court's decision on military incentive's unconstitutionality, the military and service academies'

⁵⁸ **Article 125 of UCMJ (a)** Any person subject to this chapter who engages in unnatural carnal copulation with another person of the same or opposite sex or with an animal is guilty of sodomy. Penetration, however slight, is sufficient to complete the offense. **(b)** Any person found guilty of sodomy shall be punished as a court-martial may direct.

expanding opportunities for women. After 2005, it started to explore areas of the military human rights situations more closely connected to soldiers by mentioning soldier's suicide, beating and hazing problems in the military. Also, in 2011, the Report said "Military and societal discrimination against LGBT persons persisted. In March the Constitutional Court found the military code of conduct (i.e. Military Criminal Act) provision that criminalizes consensual same-sex sexual activity between military personnel to be constitutional. (The original Reports can be found at the official website: <http://www.state.gov/j/drl/rls/hrrpt>).

B. International Human Rights Organs' Recommendations on Military Human Rights

The Republic of Korea as a Member of the United Nations has every obligation under the Universal Declaration of Human Rights and International Human Rights Laws to protect and promote human rights. Thus, CMHRK translated recommendations from International Human Rights Organs such as Treaty Bodies' concluding observations, Special Procedures, Universal Periodic Review, etc., that are related to military human rights on its official website (<http://mhrk.org/download/>). This project was taken care of by Intern Kim Seyeob.

First, in the 2011 Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Frank La Rue raised his concerns on seditious book list and recommended the Ministry of National Defense which made it to abolish.

Next, each Treaty Body made its recommendations/ concluding observations as followings. In 2006, the Committee against Torture raised its concerns on soldier's suicide and recommended Korea to take action in the Consideration of Reports Submitted by States Parties under Article 19 of the Convention. In the same year, the Human Rights Committee raised its concerns on conscientious objectors' deprivation of rights in the Consideration of Reports Submitted by States Parties under Article 40 of the Convention, and recommended to adopt alternative military service to protect their rights. Also, in 2008, the Committee on the Rights of Child (CRC) raised its concerns on the fact that there is lack of human rights education for soldiers and the fact that although the minimum age of voluntary joining to military has been

elevated to 18-year-old there is no specific provision that prohibits child's involvement in armed conflicts, and recommended to revise them in the Consideration of Reports submitted by States Parties under Article 8 of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict. In addition, in 2011, the CRC repeated its recommendations above in Consideration of Reports Submitted by States Parties under Article 44 of the Convention.

In addition, the Human Rights Committee of the United Nations also noticed human rights infringement cases of Korean conscientious objectors through its views on individual Communications No. 1321/2004 and No. 1322/2004 and so on,⁵⁹ and recommended Korean government to take remedy.

3. Individual Complaint to the International Human Rights Organs

CMHRK uses rectification procedures in order to make sure that Korean soldiers' rights are insured according to Universal Declaration of Human Rights and the International Human Rights Laws. CMHRK, if necessary, submits individual complaints to various UN Special Rapporteurs to alarm human rights situations in the Korean military.

A. SR on Freedom of Expression: *The Anti-Government and pro-DPRK Apps Case*

CMHRK submitted an individual complaint to the Mr. Frank La Rue, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, on human rights infringement cases happened January and February 2012 that executive military personnel soldiers were ordered to delete certain smart phone applications and censorship of about 800 soldiers' mobile phones seeking a whistleblower.

Victims were deprived of their right to freedom of expression, right to know and right to privacy. CMHRK designated Minister of National Defense Kim Gwanjin who advocated the commanders who ordered to do so and Army Chief of Staff Kim

⁵⁹Although not all Views on Individual Communications were included in this project, there have been numerous Views since 1999.

Sang-gi (General) who ordered an instruction on the SNS restriction for indirect alleged perpetrators. For the direct perpetrators, CMHRK pointed out the Commander of the 6th Corps of Army Kim Hakju (Lieutenant General) and Lieutenant General Yun Hyeongtae of the Consolidated Maintenance Depot of Army both who made up a list of specific applications and ordered to delete them, and 6th Artillery Brigade Commander O Wonjin (Brigadier General) of the 6th Corps of Army who searched a whistleblower by censoring executive military personnel soldier's private mobile phones without any search warrant.

B. Working Group on Arbitrary Detention: *Military Prison*

In September 2012, three conscripted police constables (i.e. police-soldiers) were disposed of military prison by the General Disciplinary Committee of Police Officers under the Mobile Police Regiment 2 of the Seoul Metropolitan Police Agency. CMHRK submitted three individual complaints to the UN Working Group on Arbitrary Detention (Mr. Malick Sow, Ms. Shaheen Ali, Mr. Vladimir Tochilovsky, Mr. Roberto Garretón, Mr. Mads Andenas) on 9 October 2012.

C. SR on Independence of Judges and Lawyers: *Military Judiciary System*

As CMHRK has supported two soldiers who were accused of "Contempt of Superior" from April 2012, CMHRK found that independence and professionalism of the current military judiciary system are severely harmed that soldiers' right to fair trial is not guaranteed. On 9 October 2012, CMHRK submitted an individual complaint to Ms. Gabriela Knaul, Special Rapporteur on the Independence of Judges and Lawyers.

The complaint designated Spokesperson of Ministry of National Defense Kim Minseok who connoted intervention to trials, Captain Seo Gang-il of the Defense Sercuity Command who illegally collected evidences, and Coloenl Jang Wonseob, Presiding Judge of the General Military Court of the 7th Corps of Army, who violated defendant's freedom of conscience and ignored the presumption of innocence as alleged perpetrators.

D. SR on Freedom of Expression: *Contempt of Superior Case*

As CMHRK has supported two soldiers who were accused of "Contempt of Superior" from April 2012, CMHRK found that two soldiers' freedom of expression online and right to political life are severely infringed. On 20 October 2012, CMHRK submitted an individual complaint to Mr. Frank La Rue, Special Rapporteur on the promotion and protection of freedom of opinion and expression.

In the Captain Lee's complaint CMHRK listed Spokesperson of Ministry of National Defense Kim Minseok who leaked personal information in the regular briefing of the Ministry as an indirect alleged perpetrator. CMHRK, in addition, pointed out Captain Seo Gannng-il, investigator of the Defense Security Command, and Colonel Jang Wonseob of the Presiding Judge of the General Military Court of the 7th Corps of Army as direct alleged perpetrators. In its follow-up submission on 2 November 2012, CMHRK pointed out Commander of the 7th Corps of Army Im Gukseon (Lieutenant General) for another perpetrator. On the other hand, in Sergeant first class Lee's complaint, nobody was designated as a direct perpetrator, but in the follow-up submission, Commander of Special Forces Jang Jun-gyu (Lieutenant General) was stated, on 2 November 2012, as an indirect perpetrator.

IV. Public Affairs and Finance

(1) Public Relations: SNS and Online Advertisement

A. Facebook Page Opening

In the first half of 2012, CMHRK opened its official Facebook page. Through the page CMHRK delivers news of CMHRK's affairs, of domestic and international military human rights and press releases in real time. Currently about 300 fans "liked (subscribe)" to CMHRK's page. In 2013, CMHRK will actively use this page in order to advertise its affairs.

B. Official Website Reform

In July 2012, CMHRK reformed the official website that Member Kim Yongman constructed. The new website provides more availability of access and ease. The reformation process was handled by Mr. Lee Minchoel, a student of Department of History of the College of Liberal Arts of Yonsei University introduced by Nonstanding Coordinator Jo Hanjun, as a talent-donation. During the process, CMHRK made a list of former Interns and updated the members of the Secretariat and the Steering Committee. It uploaded its Articles of Association on as well as other reports in terms of amplifying contents.

(2) Public Relations: Newsletter

A. Newsletter Issue

CMHRK issued its initial newsletter in September 2012, and issued its 4th newsletter in December. Non-standing Coordinator Jo Hanjun took charge in this task until the 2nd newsletter, and Intern Kim Bomi took charge of it after 3rd newsletter. The newsletter is issued around the last week of a month containing news of works of CMHRK and issues that the pre-existing media does not cover.

Articles are usually written by the Secretariat members. It mainly contain news of Secretariat, reportage on human rights, donation updates and media exposure. It changed its formation so that it can deliver news more compactly since the 4th

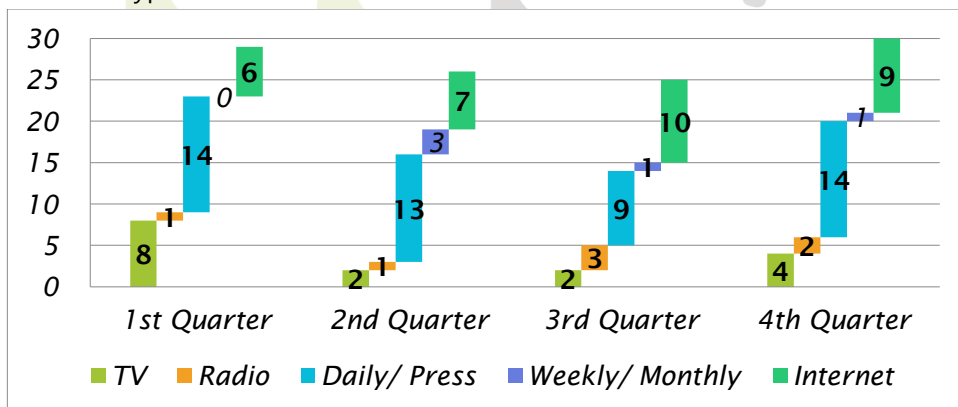
newsletter. From now on, CMHRK will organize a various writing staff members including Members of the Steering Committee, Policy Commissioners and Members in order to amplify the newsletter.

B. Publishing 2011 Annual Report

CMHRK issued "2011 Annual Report" on 1 June 2012. It was uploaded to the official website as a form of PDF file, and an English version is provided as well (<http://mhrk.org/areport/?no=6>). This annual report aims to record works of CMHRK in 2011 and advertise it; on the other hand, it was planned to be used as a guideline for road-map. 2011 Annual Report contained Counseling services, Special services, 2012 Plan and 2011 Financial Report. In 2014, the annual report will be replaced by 5th Anniversary Report, and anniversary reports will be issued every five years.

(3) Public Relations: Media

CMHRK has been exposed to TV, radio, newspaper, magazines and so on in 2012. In 2012, total 110 times of media exposure was made.⁶⁰ 45% of them were daily newspaper or press agency. Also, the most frequent exposure was made in the fourth quarter which was 30 times. The following graph shows quarterly exposure and its media types.



⁶⁰ This figure is estimated on the basis of the media that can be searched online except personal blogs, still it included podcasts. Also, the term "exposure" refers to interview or advent of a person who is in relation with CMHRK somehow.

(4) Finance: Nomination of Organization sponsored by “Lee Eun-mi Concert for World without Discrimination”



On 26 August 2012, from AM 2:00 at the Pulse⁶¹, a famous Korean singer Ms. Lee Eunmi held her concert, “Lee Eunmi’s Sponsoring Concert for World without Discrimination: *Walking on the Rainbow*”. This event was organized by the Pulse at first, and Ms. Lee decided to donate entire income for the concert to the human rights organizations that strive to improve human rights of LGBTs.

CMHRK was accredited as a donation organization for its longstanding tries of holding “Military Gay Party”. Other organizations were the Korea HIV/AIDS Positive Federation, the

Establishment of Pink Voter’s Party, and Solidarity for LGBT Human Rights of Korea. In the event, Representative Lim Teahoon and Manager Lee Inseop attended, and Ms. Jin Seonmi, Member of the Steering Committee, herself addressed congratulatory message. In addition, some of participants to the Military Gay Party Season Two attended the concert as well.

(5) Finance: Happybean Donation Window

Since 17 July 2012, CMHRK opened a Happybean Donation Window at Naver⁶² to collect some donations. The window advertises CMHRK’s works and receives

⁶¹ A gay club located in Itaewon, Seoul, Rep. of Korea.

⁶² The biggest portal website in Korea

donation from netizens who visit the window – they may give “bean” which worths 100 KRW (approximately 0.01 USD).

CMHRK opened one donation window in 2012, and total 94 random netizens donated to CMHRK. Total donation was 65,500 KRW at the end of year. CMHRK decided to actively take advantage of Happybean window in order to correspond with the active online donation culture. CMHRK will seek countermeasure when there is a new important event and advertise it via Happybean.

(6) Finance: 2012 Donation State

A. Membership fee: Currently, at the end of 2012, CMHRK is estimated to have received around 3,158,000 KRW. Nonetheless, actual income rate is about 82%, so about 2,000,000 KRW has been received. Hence, CMHRK has failed to secure stable financial state.

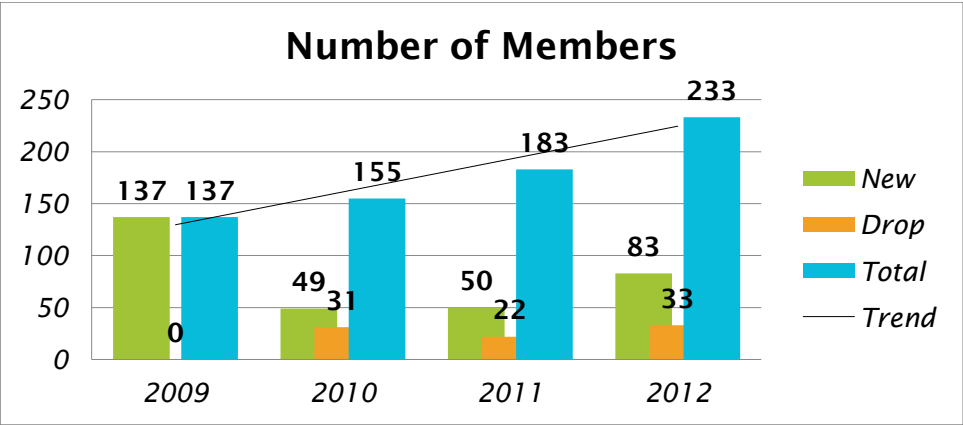
The following graph represents final income at the end of each year since 2009. The figures are what CMHRK is supposed to receive; therefore, it may differ from actual income.



Members of Center for Military Human Rights, Korea

A. 2012 Current Members: 233 Members

On 31 December 2012, the number of Members of CMHRK is 256. The number of Member started from 122 in 2009, and it has been consistently increased by 13%, 18%, 27% in each year. CMHRK’s Members change is like the below graph. About 30% of Members have been supported CMHRK since 2009, and their donation account for about 30% of total donation. Each year’s number is calculated by subtracting withdrawals from the previous Members after adding new Members.



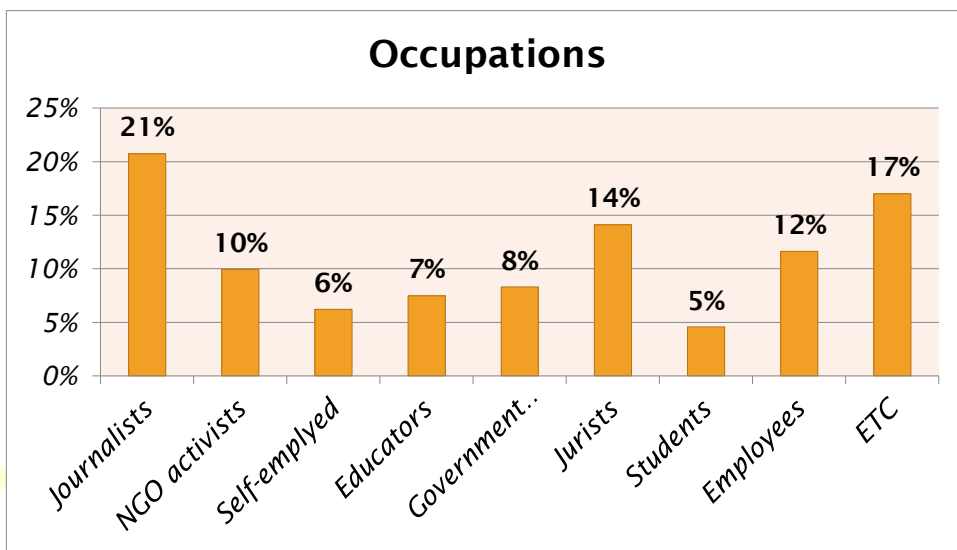
The following table contains the list of Members of CMHRKA in 2012. The names are listed according to the Korean alphabetical order from left to right, from up to down. The new Members who joined CMHRK in 2012 are not included.

NAME	NAME	NAME	NAME	NAME	NAME
강버들	김영순	박주민	유정인	이화영	지형철
강석민	김용만	박철우	유진웅	임소희	진범수
강용진	김원식	박현정	윤주호	임송	진선미
강은옥	김유나	백가윤	이경환	임순영	차승열
강지현	김윤희	백미순	이계덕	임아영	최민재
강한	김은희	백인선	이구성	임영선	최성권
경유석	김인숙	변영주	이대오	임예찬	최영신
고은상	김인숙	서동진	이동호	임재범	최영애

구태회	김재경	선경우	이묘랑	임재성	최은순
구혜영	김정만	성기연	이병우	임정윤	최정은
권기호	김정식	성삼제	이부덕	임태연	최종혁
권순자	김종무	성주목	이분희	임태훈	최준석
권오재	김주일	손낙구	이상용	임현우	하강석
권정순	김진환	송경민	이성일	장경옥	하원상
권지윤	김철홍	송경화	이성훈	장아름	하주희
권혁일	김철효	송영근	이수연	전계숙	한귀영
김경호	김태균	송진원	이승엽	전여진	한승환
김경희	김태식	신민영	이승용	전혜진	한정옥
김권일	김태형	신재단	이승준	정기창	한종찬
김규환	김태환	신진섭	이아영	정동희	한지량
김근수	김필용	신진호	이영균	정민석	한창완
김금옥	김효민	안진걸	이예은	정민영	허남주
김기완	김효은	안홍석	이용규	정연순	허병훈
김대희	김희은	양여옥	이우천	정옥순	홍국기
김도형	나동혁	양일혁	이원주	정을호	홍성근
김동춘	남지원	여현	이유정	정의현	홍성모
김명식	노동준	염미숙	이인섭	정해진	홍성수
김미숙	노정호	염민숙	이재승	정혜숙	홍소현
김민경	노현웅	오달란	이재연	정희진	황미선
김민태	도재형	오세민	이재정	제윤경	황숙
김민희	박경준	오재창	이정민	조성흠	황희석
김병필	박광태	오창익	이종찬	조연희	
김성환	박수진	오평석	이주연	조영국	
김소라	박순봉	오현태	이지은	조영민	
김수정	박영선	오희정	이지현	조영태	
김수진	박원석	옥세진	이지현	조정인	
김승옥	박윤철	유남영	이청솔	조태임	
김양진	박인혜	유명수	이태훈	조한준	
김여정	박재한	유승희	이현경	조한철	
김연옥	박정은	유일영	이호중	지영준	

B. Occupational Distribution

Members of CMHRK are analyzed to have various jobs. Journalists account for 21% of the total, followed by Jurists (14%) and Employees (12%). The graph below demonstrates occupations of Members. The statistical result is based on the current Member of CMHRK on 31 December 2012.



C. 2012 New Members: 83 new Members

Total 83 citizens have started to support CMHR in 2012. CMHRK earned the most many new Members, and Member Jeon Gyesuk, mother of Captain Lee Seungyeob, introduced CMHRK to the most many new Members (20 Members). Manager Lee Inseop also earned 2 new Members, and Ms. Heo Namju, Member of the Steering Committee, recommended 1 new Member. The rest of new Members are introduced by Representative Lim Taehoon mostly. The new Members who joined CMHRK by another Member's recommendation account for 90% of new Members, therefore, CMHRK expects more new Members from other's recommendation.

The following table is the list of new Members of 2012. The names are listed according to the Korean alphabetical order from left to right, from up to down

NAME	NAME	NAME	NAME	NAME
강용진	남지원	오평석	전혜진	허병훈
강은옥	노동준	오현태	정기창	홍성모

권기호	노정호	유명수	정민석	황숙
김경호	박광태	유승희	정옥순	
김경희	박순봉	이계덕	정해진	
김동춘	박영선	이분희	정혜숙	
김미숙	박윤철	이승엽	제윤경	
김민태	박인혜	이아영	조연희	
김수진	박현정	이영균	조영태	
김양진	손낙구	이예은	조태임	
김연옥	송영근	이용규	조한준	
김영순	신재단	이재정	차승열	
김원식	신진섭	이정민	최민재	
김유나	신진호	이지현	최영신	
김윤희	안진걸	이화영	최정은	
김인숙	양일혁	임순영	최종혁	
김종무	여현	임정순	최준석	
김진환	염미숙	임현우	한정옥	
김철효	염민숙	전계숙	한종찬	
김태형	오세민	전여진	한지량	

D. 2012 Withdraws: 25 Members

Although most many new members started donation in 2012, 25 members stopped sponsoring due to inevitabilities.

2012 Plan

CMHRK will continue various activities to promote and protect human rights of soldiers in 2013 as well. For continued services, it will maintain human rights counseling, human rights school and camp will be held twice a year for each. Also, it will monitor the result of the UPR.

Additionally, CMHRK plans to publish some publications on international human rights organs to improve accessibility, to monitor military courts to systematically analyze their problems, and to actively use the National Assembly's inspection on government affairs and to make human rights budgets in the defense budget. Moreover, to reinforce effectiveness of its works, it will make a working manual. Plus, it plans to hold consecutive panel discussions to improve policies.

The next tables are colanders for 2013 of CMHRK.

First Half					
Dept.	Counseling	Education	Policy	Finance & PR	Int'l HR
Short-term	HR counseling	HR school, HR camp	Military Court monitoring, General Meeting	HR card distribution, Sponsoring Party	UPR monitor, Annual Report trans.
Long-term	Project for prevention of military suicide	Teacher's training course	Manuel, Inspection monitor, Seoul NGO cooperation proposals	US Dept. of State proposal, Foreign Foundation, Happybean project	ECOSOC consultative status
Second Half					
Dept.	Counseling	Education	Policy	Finance & PR	Int'l HR
Short-term	HR counseling	HR school, HR camp	Consecutive forums for Military reformation	HR card distribution, 2013 contribution receipt issue	
Long-term	Counseling center for Military Sex Assaults	Teacher's training course	Regulations, Budget monitor	Happybean donation	OHCHR publications trans.

Financial Statement

Fiscal Year: 1 Jan 2012 – 31 Dec 2012 (Unit: Thousand, Currency: KRW)

IMCOME			EXPENSE		
Categories		Cost	Categories		Cost
① Membership Fee	Individual	37,088	① Administrative Expense	Personnel	10,660
	Corporate	0		Operating	28,310
	Subtotal	37,088		Subtotal	38,970
② Donation	Individual	14,518	② Essential Service Expenses	Counseling	2,924
	Corporate	0		HR Camp	5,051
	Subtotal	14,518		Discussion (1)	879
③ Subsidy	Individual	0		Discussion (2)	343
	Corporate	0		Int'l Services	698
④ Project & Profit	Happybean Project	15		Petition	654
				Subtotal	10,549
⑤ Extra Income		2,302	③ CMS commission		1,422
⑥ Debt		2,000	④ Redemption		4,864
⑦ Beginning Balance		77	⑤ C/F		1,196
SUM		57,001	SUM		57,001

Reference:

Discussion (1): *Discussion on the Range of the Freedom of Expression of Citizens in Uniform*, Discussion (2) *Panel Discussion for Legislating Military Rightful Human Rights Act and Introduction of Military Ombudsperson*

The Extra income includes any sorts of discount, refund and interest along with prize money from the Horuragi Foundation.

감사합니다.

Gracias.

Thanks.

Merci.



May 2013

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