

NATIONAL SECURITY LAW

an Evil Law Above the
Constitution

1. NATIONAL SECURITY LAW

- The Republic of Korea and the Democratic People's Republic of Korea are the countries directly involved and the parties to the division of Korea.
- The Republic of Korea has been in a state of armistice (ceasefire) against the Democratic People's Republic of Korea since the 1950 Korean War.
- The National Security Law is the product of a firmly divided and hostile Cold War system in a state of armistice
- The National Security Law is an **evil law above the constitution** that regulates the state and society as a fascist law that suppresses the discontent and resistance of the Korean people.

2. POISONOUS ARTICLES OF THE NATIONAL SECURITY LAW

- Article 2, paragraph 1 of the National Security Law
- Article 7, paragraph 1 of the National Security Law

3-1. THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA
IS AN ANTI-STATE ORGANIZATION UNDER ARTICLE 2,
PARAGRAPH 1 OF THE NATIONAL SECURITY LAW

- The National Security Law identifies the Democratic People's Republic of Korea **as an entity** that poses an ongoing security threat to the Republic of Korea.
- The Democratic People's Republic of Korea is not a state, but a anti-state organization subject to **the penalties of the National Security Law.**

3-2. THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA IS
AN ANTI-STATE ORGANIZATION UNDER ARTICLE 2,
PARAGRAPH 1 OF THE NATIONAL SECURITY LAW

- Violation of the obligation to respect the sovereignty of the other side of the division
- The National Security Law is a **hostile and coercive** law against the other side of the division, violating the principle of peaceful settlement of disputes

4-1. CASES OF REPRESSION UNDER ARTICLE 7 OF THE NATIONAL SECURITY LAW

- Focusing on the UN Human Rights Committee's decisions in four individual complaints filed by **Article 7**
- Keun-Tae Kim v. Republic of Korea, Communication No 574/1994
- Tae Hoon Park v. the Republic of Korea, Communication No. 628/1995
- Hak-Chul Shin v. the Republic of Korea, Communication No. 926/2000
- Jeong-Eun Lee v. Republic of Korea, Communication No. 1119/2002

4-2. REPRESSION UNDER ARTICLE 7 OF THE NATIONAL SECURITY LAW (KIM GEUN-TAE'S CASE)

- Distribute and read handouts at events
- The contents of the handouts were withdrawal of U.S. troops and **suspension of joint military exercises** with the U.S. and South Korea
- Prosecution and punishment for Article 7 (paragraph 1), sympathizing with **the antigovernment organization**, and Article 7 (paragraph 5), making propagandas and distributing signs of the anti-government organization

4-2. SUPPRESSION OF ARTICLE 7 OF THE NATIONAL SECURITY LAW (KIM GEUN-TAE'S CASE)

- The part of the decision that describes the contents of the handout

4-3. SUPPRESSION OF ARTICLE 7 OF THE NATIONAL SECURITY LAW (PARK TAE-HOON'S CASE)

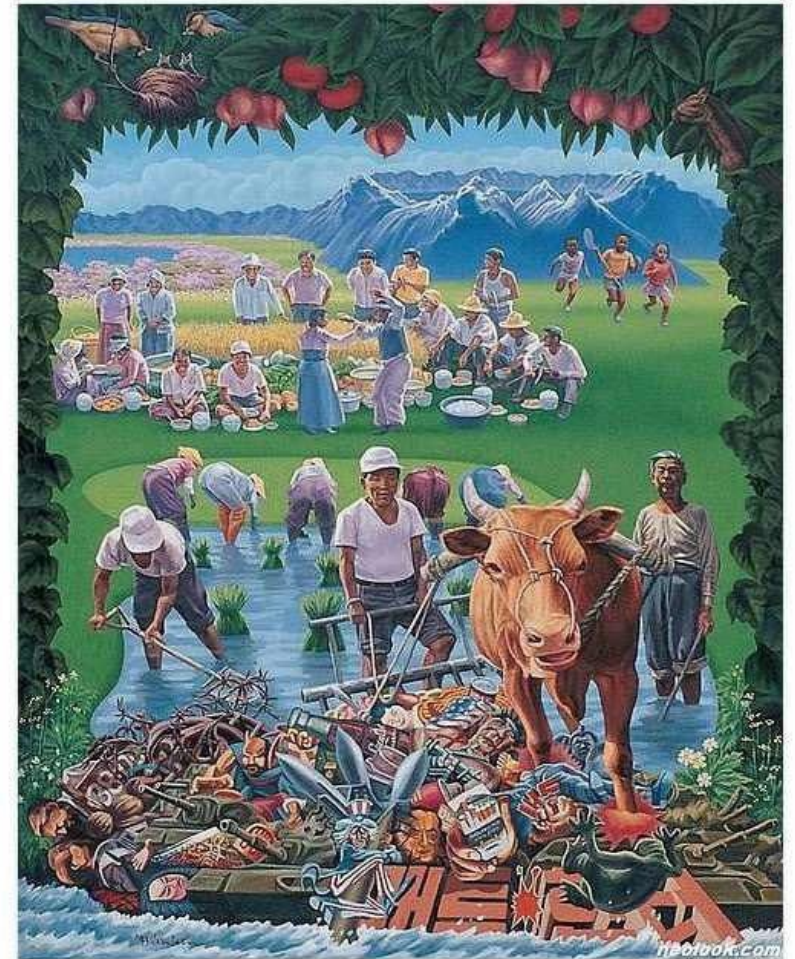
- Being a member of the Young Koreans United of USA
- Participated in peaceful rallies in the U.S., shouting anti-American slogans and sympathizing with anti-American positions, including withdrawal of U.S. troops from Korea
- Prosecuted and punished by an Article 7 (paragraph 1) and Article 7 (paragraph 3)

4-4. SUPPRESSION OF ARTICLE 7 OF THE NATIONAL SECURITY LAW (SHIN HAK-CHUL'S CASE)

- Prosecution and punishment of a painter's creative activity as Article 7 (paragraph 5) expression and Article 7 (paragraph 3) anti-population
- Punished as a transferring organization for accepting North Korea's attention and claims by depicting the Republic of Korea in a negative light and the Democratic People's Republic of Korea in a peaceful and prosperous light in the painting "Rice Planting"

4-4. SUPPRESSION OF ARTICLE 7 OF THE NATIONAL SECURITY LAW (SHIN HAK-CHUL'S CASE)

- Picture of rice planting



4-5. SUPPRESSION OF ARTICLE 7 OF THE NATIONAL SECURITY LAW (LEE JEONG-EUN'S CASE)

- Elected as vice president of the general student council and acting as a delegate to the South Korean Federation of University Student Unions (Hanchongnyon)
- The Hanchongnyon's independence, democracy, and reunification platform and activities are similar to those of the DPRK
- Prosecuted and punished by an Article 7 (paragraph 1) and Article 7 (paragraph 3)

5. DECISION ON INDIVIDUAL COMPLAINTS BY THE ICCPR

- The ICCPR concluded that the punishment of the above victims under Article 7 violated Article 19 (freedom of expression) and Article 22 (paragraph 1) (freedom of association) of the ICCPR.
- Decided that it was not clear how individual acts of expression and membership in the organization posed a risk to national security

6-1. THE REALITY OF KOREA'S NATIONAL SECURITY LAWS

- On September 26, 2023, the Constitutional Court of the Republic of Korea ruled Article 7 of the National Security Law constitutional.
- The National Assembly of the Republic of Korea maintains and preserves the current National Security Law.
- Prosecutors and courts in the Republic of Korea apply the National Security Law to prosecute and punish crimes.
- The National Security Law is contrary to the recommendations of international human rights treaty organizations to amend or repeal the National Security Law.

6-2. REALITY IN KOREA UNDER THE NATIONAL SECURITY LAW

- Constant threat of punishment under Article 7 of the National Security Law
- Anti-American and pro-North Korean claims and activities that South Korean citizens are prohibited from engaging in
- The National Security Law covers the eyes, ears, and mouths of South Korean citizens

