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TUR/JS

8 December 2008

### **South Korea – Request for your urgent intervention**

Dear Mr. Somavia,

I am writing to kindly request that you intervene with the Korean authorities regarding the arrest of Mr. Lee Suk-haeng, President of the Korean Confederation of Trade Unions (KCTU) on 5 December.

I have already requested that the Office intervene with the Korean government on 4 August 2008, when arrest warrants were issued against the KCTU leadership and when Ms. Jin Young-ok, First Vice-President of the KCTU was arrested.

Nevertheless, the government has maintained its campaign against the KCTU leadership, and three days ago it arrested Mr. Lee Suk-haeng for organizing a general strike on 2 July 2008 and organizing solidarity actions to support E-land Retail Precarious workers in 2007.

The July 2nd general strike was conducted among others to call for protection of people's right to health and renegotiation of April 18 Protocol on US beef import to reflect food safety concerns. The strike action was deemed illegal by the authorities.

The E-land Retail precarious workers union has conducted strikes since June 2007 to protest against termination of contracts and illegal subcontracting by the employer aimed at evading workers' rights contained in the new irregular workers bill which came into effect on 1 July, 2007. The KCTU organized various solidarity actions to support the E-land Retail Shop precarious workers' strike, but such solidarity actions are deemed illegal.

The ITUC would like to recall that arrest warrants were issued in accordance with provisions in section 314 of the Penal Code for 'obstruction of business' on 24 July 2008 against Mr. Lee Suk-haeng (KCTU President), Ms. Jin Young-ok (KCTU First Vice-

president), Mr. Lee Yong-shik (KCTU General Secretary), Mr. Jung Gab-deuk (KMWU President), Mr. Nam Taek-gyu (KMWU First Vice-president) and all 6 of the top elected officers of the Hyundai Motor Branch namely, Mr. Yoon Hae-mo, Mr. Kim Tae-gon, Kim Jong-il, Mr. Jung Chang-bong, Mr. Joo In-koo, Mr. Jo Chang-min. The headquarters of the KCTU were surrounded, people searched, and the homes of the KCTU leaders put under surveillance. The police even followed family members.

We understand that Bro. Lee Suk-haeng would mainly be charged with "obstruction of business" provision in section 314 of the Penal Code due to his role in the 2dn July General Strike and solidarity actions for Eland Retail precarious workers. The Committee on Freedom of Association has already expressed concern about the 'obstruction of business' provisions in Korean law and has on several occasions requested that the Government bring the law into conformity with freedom of association principles.

The right to strike encompasses both the right for workers to pursue demonstrations concerning social and economic policies affecting its members as well as solidarity actions.

The Korean unions have merely exercised their right to conduct legitimate trade union activities and the ITUC is very concerned about the severe form and nature of the repression. The targeting of top union leaders is blatant anti-union repression and the ITUC is especially concerned that the government has chosen to keep union leaders imprisoned for longer periods in this case. The ILO has recommended continuously that South Korean government "adopt a general practice of investigation without detention of workers and bring section 314 of the Penal Code (obstruction of business) in line with freedom of association principles." However, the ITUC understands from its affiliate, the KCTU, that Ms. Jin Young-ok and Mr. Lee Yong-shik have been kept in prison without the possibility of positing bail at times, and that they fear the same with happen to Lee Suk-haeng.

In these circumstances, I hope that you would like to impress upon the Korean government the urgent need to respect principles of freedom of association, and that you would request that the government release KCTU leaders on bail whilst awaiting the outcome of the trials. I would appreciate it if you could kindly intervene at the earliest opportunity with the Korean Government.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Guy Ryder', written in a cursive style.

General Secretary