



PERMANENT MISSION OF THE REPUBLIC OF KOREA  
GENEVA

KGV/304/2014

Geneva, 22 October 2014

Dear Mr./Ms. Special Rapporteurs and Independent Experts,

It is my pleasure to convey the enclosed response of the Government of the Republic of Korea to the questions which were raised in your joint letter dated 18 August 2014 concerning the construction of nuclear power transmission tower by the Korea Electric Power Corporation (KEPCO) in Miryang, Korea.

I hope that the attached response will help provide a clear understanding of the situation. If needed, we are ready to provide further information or clarification.

Please accept, Mr./Ms. Special Rapporteurs and Independent Experts, the assurances of my highest consideration.

Enclosure : as stated.

CHOI Seokyoung  
Ambassador  
Permanent Representative

Mr. John Knox, Independent Expert in the issue of human rights obligations related to the enjoyment of a safe, clean, healthy and sustainable environment  
Ms. Hilal Elver, Special Rapporteur on the right to food  
Mr. Maina Kiai, Special Rapporteur on the rights to freedom of peaceful assembly and of association  
Mr. Michel Forst, Special Rapporteur on human rights defender  
Ms. Rosa Kornfeld-Matte, Independent Expert on the enjoyment of all human rights by older persons  
Ms. Rashida Manjoo, Special Rapporteur on violence against women, its causes and consequences

Palais des Nations  
CH-1211 Geneva 10, Switzerland

**1. Please provide any additional information and any comment you may have on the above mentioned allegations.**

**a) Regarding the claim on Environmental destruction and violations of human rights such as the right to an adequate standard of living, the right to food and the right to health caused by the construction of sixty-nine 765kv transmission towers**

**In order to protect rights of residents Korea Electric Power Corporation(KEPCO) took measures as follows:**

- From May 2001 to March 2005, KEPCO conducted an environmental impact assessment in connection with the transmission tower construction.
- The consultations for the 765 transmission tower construction project with related governmental agencies such as the Ministry of Environment and relevant local governments have been carried out after submission of the draft of the environmental impact assessment and holding information sessions for residents of each village.
- Several studies were done on the violation of the right to health caused by electromagnetic fields, as claimed by local residents of Miryang. They found no harm on the environment or the causality was not clear due to lack of scientific evidence.

\* In June 2007, the World Health Organization officially announced that there is not enough scientific evidence to prove the correlation between short-term exposure to electromagnetic field from transmission lines and occurrence of cancer in children.

**b) Regarding the claim that KEPCO-related employees sexually, physically and verbally assaulted an elderly nun on November 10, 2011.**

- A female Buddhist monk(not a nun) wearing a mask with two Miryang residents were blocking the construction site in protest.
- In response, employees from the construction and inspection companies used harsh language and tried to remove the mask from the monk's face to obtain evidence. The police intervened and the situation was brought under control.
- The police investigation found that there was no sexual assault, but the employees were fined for profanities.
- This was an unexpected incident that occurred during a long stand-off between the local residents and construction workers. Immediately after this incident, KEPCO issued its apology on multiple occasions regardless of where the responsibility lay. The two employees involved in the incident were removed from the construction site.
- In addition, KEPCO resolved conflicts through continued open dialogue with residents, and the female Buddhist monk is now favorable towards the construction of transmission towers, understanding the necessity of this project.

**c) Regarding the other claims mentioned in the letter of the Special Procedures**

- Excessive exercise of public authority
  - The National Human Rights Commission of Korea(NHRCK) received a request for emergency remedy, saying that human rights violations were expected by excessive use of public power, and dispatched human rights monitoring group to the site (2014. 6. 9.).
  - A number of male police officers were sent to the site during the process of isolating elderly women who were resisting in the nude (2014. 6. 11.)
  - The monitoring group asked the police to use blankets to cover the naked bodies of the female protestors. The police provided blankets. However, due to physical clashes, most of them were exposed naked.
  
- Some people got injured when the police was trying to remove 4 people including Park Sun-yeon from the demonstration site.
  - The monitoring group confirmed that one demonstrator got an ankle injury and one nun's right arm was dislocated. The monitoring group asked the police to immediately send them to the hospital.
  - In regard to the female protestors, 5 squads of female police officers were deployed. Furthermore, 10 ambulances and medical helicopters were allocated near the site, so that injured residents could be quickly and safely transferred to the hospitals. In case for fire and other unexpected accidents, fire extinguishers and necessary safety equipments were prepared and 3 fire trucks were allocated near the site to ensure the safety of the residents.
  
- Concerns were raised that the police was regularly filming residents and demonstrators, the act of which may infringe on their right to privacy.
  - June 11, 2014, the monitoring group told the police that such actions during administrative execution could become problematic and the police partly accepted the advice.
  - The Police has the authority to collect the evidences by recording scenes according to the "Act on the Performance of Duties by Police Officers" and the "Criminal Procedure Law." However, recordings took place only when illegal acts were committed by protestors for future reference. The police officers are aware that the recording activities should not violate the human rights.
  - However, since no complaint was received regarding collection of evidence, the NHRCK did not conduct investigation or make judgment.
  
- Concerns were raised regarding the possibility of human rights violation due to excessive exercise of public authority by public officials, private security agency, and the police and regarding environmental destruction and infringements on rights to environment, food and health of the resident due to construction of power transmission tower.

- Various complaints were raised; the police excessively blocked the road near the construction site; and the police assaulted demonstrators.
- Regarding the security of the construction site of Miryang power transmission tower, the NHRCK expressed opinion to the Chief of Gyeongnam Provincial Police Agency that it is desirable to carefully decide on the scope and management of security area in order to prevent human rights violation and inconvenience in daily life or passage near the construction site.
- On January 16, 2012, residents who were blocking the construction on site had to endure physical violence.
  - During construction, the constructor placed private security officials on site to prevent any accidents that may rise from physical encounters between construction workers and residents.
  - However, when an accident involving the security officials and local residents occurred, all private security officials were removed.
  - After this incident, KEPCO placed its own employees for security to prevent any additional encounters between construction workers and local residents. KEPCO tried to prevent any physical violence by establishing a guideline of conduct and by carrying out education sessions before dispatching its employees to the construction site.

**2. Has a complaint been lodged by the victims or the families of the victims against government employees, private security and police officers?**

**( Details and investigation results of complaints submitted to the NHRCK)**

※ The NHRCK dismisses the case when ① there is no evidence to support the case, ② the case is proven to be unrelated to any human rights violation and ③ any further remedy is not required.

Case number (Date)	Respo ndent	Content	Details and Result of Investigation
13complaints0744600 (13. 9. 30.)	Police	1)Passage restriction on road near construction site 2)Restriction of food, tent, medical staff for demonstrator 3)Assault by police	1) The NHRCK expressed opinion to prevent human rights violation and inconvenience in daily life and passage of residents 2) Resolved on spot during the investigation 3) Dismissed as there's no evidence to check on the fact
13complaints0757400* (13. 10. 4.)			
13complaints0756800 (13. 10. 4.)			

13complaints0866400 (13. 11. 13.)			
13complaints0873500 (13. 10. 29.)	Police	Passage restriction on road near construction site by police	Opinion already expressed regarding the identical issue
13complaints0873500* (13. 11. 15.)	Police	1)Entrance restriction to tent near the construction site 2)Unreasonable demolition of tent	1) Closed during field investigation(13emergency 0002300) 2) Under investigation
13complaints0876900 (13. 11. 18.)	Police	Assault on residents by police	Under investigation
13complaints0878300 (13. 11. 18.)	Police	Passage restriction on road near construction site by police	Opinion already expressed regarding the identical issue
13complaints0890900 (13. 11. 21.)	Police	Passage restriction on road near construction site by police	Opinion already expressed regarding the identical issue
13complaints0904800 (13. 11. 27.)	Police	Exercise of excessive physical force by police	Under investigation
13complaints0949600* (13. 12. 12.)	Police	Assault and problem related to establishment of memorial altar of a resident who poisoned herself	Under investigation

13complaints0956400 (13. 12. 16.)	Police	Delayed transfer of a poisoned patient protesting in a room made of red clay	Case dismissed for following reasons: even though transfer was delayed, considering reason for and duration of the delay, the case did not violate patient's right to life
13complaints0955900 (13. 12. 16.)	Police	Unreasonable investigation on a resident die from poisoning	Under investigation
13complaints0986400 (13. 12. 26.)	Police	Exercise of excessive physical force by police near construction site	Case dismissed as it cannot be proven
13complaints0991400 (13. 12. 27.)	Police	Exercise of excessive physical force by police near construction site	Under investigation
14complaints0025100 (14. 1. 9.)	Police	Assault by police near the village entrance	Case dismissed as it cannot be proven
14complaints0064900* (14. 1. 28.)	Police	Objection on establishment of memorial altar by the Miryang City	Settlement was made to establish a memorial altar and the complainant cancelled the case
14complaints0132200 (14. 2. 25.)	Police	Passage restriction on road near construction site by police	Opinion already expressed regarding the identical issue,
14complaints0137700 (14. 2. 27.)	Police	Passage restriction on road near construction site by police	Opinion already expressed regarding the identical issue

14complaints0466800 (14. 6. 9.)	Police	Request for emergency remedy was made regarding the possibility of human rights infringement during administrative exercise regarding tents	The case did not take place yet, but a human rights monitoring team was dispatched to prevent possible human rights violation
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**\* Further details will be provided on these cases in the response of Q5.**

**3. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries which may have been carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.**

- **Regarding the investigation results carried out by the NHRCK, please refer to the Q2.**

- **Lawsuits results filed by the victims**

- A monk filed a lawsuit on 14 November, 2011 for sexual harassment, insult, and physical assault. The case was thoroughly inspected. The case of KEPCO-related employees' sexual harassment was dropped, but charges for the verbal abuse and physical assault have been included in the prosecution opinions.
- A resident filed a lawsuit for physical assault on 21 December, 2012. The case was thoroughly inspected, but the charges were dropped because no specifically accused parties could be identified for the case.

- **Among the victims mentioned in the Allegation Letter, the allegation of arrest of the three persons on the charge of obstruction of performance of official duties conforms to the fact, however, it requires further explanation as followings:**

- Ms. [REDACTED] was arrested as a 'flagrant offender,' which refers to a person who is in the act of committing or who has just committed a crime according to Article 211 of the *Criminal Procedure Act*. She used physical violence against the female police officer and has been charged with the crime of obstruction of performance. Her case is under investigation by the Prosecutor's Office.

- When she was arrested at 6 A.M. on June 11, 2014, she claimed that she was injured. The police immediately took her to Miryang hospital, had her receive necessary medical treatment, and released her at 10 A.M. on the same day.
- Mr. [REDACTED] and Mr. [REDACTED] were both arrested on the charge of obstruction of performance of official duties as they exercised physical violence against the policemen. They are under investigation by the police and the Prosecutor's Office. They have been on release since the date provided in the letter.

**4. In the event that the alleged perpetrators of the excessive force are identified, please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?**

- Construction of the transmission towers in Miryang has been underway as a long-term national project to provide sustainable electricity nationwide. During the execution of the project, various impact assessment and public hearings required by domestic law as well as political mediation and dialogue with the members of the affected community were initiated and conducted.
- As the occupation of the construction site as well as the roads towards the site was indefinitely prolonged, the removal of the sit-in sites became urgent and necessary, especially considering the nature of the construction of electric facilities. In the circumstance, the Miryang city executed an administrative action which met the requirements specified in the *Mountainous District Management Act* and the *Farmland Act*, thus sufficing the legality of the administrative action.
- The police as well conducted the official duties to the minimum necessary extent, as required by the *Act on the Performance of Duties by Police Officers*, in order to prevent crimes, remove dangerous objects, and protect the life and physical integrity of people.

**5. Please indicate any remedial action taken vis-à-vis the victims.**

**(Remedial actions taken by the NHRCK)**

- Case number 13complaints0757400 (October 4, 2013)
  - In relation to the construction of power transmission tower in Miryang, the police restricted passage of residents as well as food, demonstration tent, and medical staff to the site where a number of elderly people were protesting.
  - The conflict was resolved during investigation since the police officer in charge (Chief of Miryang Police Agency) had guaranteed people's right to life by allowing food, tent and medical staff to the demonstration site.
- Case number 13complaints0873500/ 13emergency0002300 (November 15, 2013)



- In relation to the construction of power transmission tower in Miryang, an emergency remedy was requested as the police banned people from entering a place("red-clay room") to avoid cold and rain and people were exposed to threats to their life and health. The residents started to demonstrate in front of the construction site to protest the construction of the 96th power transmission tower by KEPCO from November 13, 2013.
  - The case was closed by settlement. During the two rounds of field investigations from November 15-18, 2013, investigators mediated between the police officer in charge (Chief of Miryang Police Agency) and the complainants, and both parties agreed on ensuring access of two residents to the red-clay room.
- Case number 13complaints0949600/ 13complaint0002700/ 14complaint00649000 (December 12, 2013 / January 28, 2014)
    - In relation to the establishment of a memorial altar for the late Yoo Han-sook who had committed suicide, the police and the city of Miryang restricted the establishment of the memorial altar and destroyed tents despite the fact that the establishment of a memorial altar should be respected as the right of the bereaved. In the process, four residents fainted. An emergency remedy was requested to establish a memorial altar in front of the Miryang city hall, a place where the bereaved wanted to set the altar.
    - The confrontation was resolved during investigation (The NHRCK decided not to provide emergency remedy on the case received on December 12, 2013, as the complainant rejected the mediation proposal by investigators, and the case received on January 23, 2014, with the same content, was resolved during the investigation).
    - The Residents Committee opposing the construction of power transmission tower promised to move the memorial altar to a place under the Miryang Bridge, and the police agreed to fully cooperate and provide necessary support.

**(implementing local assistance programs)**

- Special Support Committee which is consisted of local residents, KEPCO, members of the National Assembly, and central and local governments has been established to address the Miryang issue. It reached an agreement on the following 13 special assistance programs\* and these are currently being implemented.
  - \* (a) provide support through the Acts on Assistance to Neighboring Area of Transmission & Substation Facilities (b) regional special compensation expense (c) open a joint market for agricultural products (d) improve living conditions (e) compensate area in which crop dusting is impossible (f) photovoltaic projects (g) designate guest houses near power-lines as one of KEPCO's official recreation centers (h) offer a consulting service to develop local companies (i) secure a market for regional products (j) give local residents

or their children preference when KEPCO hires interns (k) operate a company dormitory  
(l) offer medical check-up services (m) prioritize Miryang when establishing a long-term  
underground work plan

- Out of the 30 villages in Miryang, 29 villages (97%) agreed on the above-mentioned programs. The committee has constantly communicated with a village which had not reached an agreement yet.
- As the Act on Assistance to Neighboring Area of Transmission & Substation Facilities came into effect, various assistance projects are being implemented since last July, including compensation for a decrease in land price, a right to request purchase of houses, and financial support on electric charges of each village unit on an annual basis.
- In addition, medical services were offered to villages near transmission lines in order to enhance the health of local residents in the area. Medical service will continue to be provided through cooperation between KEPCO medical center and the community medical center in Miryang.

**(Monitoring activity by the NHRCK to prevent human rights violations)**

- The NHRCK dispatched human rights monitoring group to prevent possible human rights violation when human rights infringement by massive public force is expected.
  - Field monitoring on an ad-hoc basis due to high possibility of conflict between resident and public authority including police during the construction.
    - Non-regular monitoring since May 21, 2013
    - Field monitoring by two investigators every Monday, Wednesday, and Friday since October 7, 2013
    - Field monitoring once a week or monitoring by telephone since January 1, 2014
- /END/