

Collusion of Anti-government Party, Prosecutors, Court, & Media, Opposing to the Prosecution Reform initiated by the Current Korean Government

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1. Korean people's trust on the public broadcasting & the Judiciary is last among about 40 countries

Korean people's trust on the public broadcasting (KBS, Korean Broadcasting System) is last among about 40 countries in the world [according to the Digital News Report 2020, published by the RISJ (Reuters Institute for the Study of Journalism affiliated with the University of Oxford in the UK)].

And Korean people's trust on the prosecutors-judiciary ranked last (or last but one, according to the year) among about 40 countries of OECD (in the survey conducted by the OECD).

2. Korean prosecutors with mighty power unknown in the world

Korea's prosecutors hold mighty power unprecedented in the world, having investigation-indictment rights at once, monopoly of indictment right, indictment expediency (i.e. indictment discretion to decide if a case to be indicted or not), monopoly of warrant claim to the court, etc.

Korean prosecutors resemble invincible Thanatos (Messenger) of Hades, as to their wishes they can manipulate white to be black. Actually they have had black history fabricating false evidence to make innocent person be spy dispatched by the North Korea. They also forged a false clock of bribery that did not actually exist, against a respected former president, No Mu-hyun, finally resulting in his death of alleged suicide in 2009. And they have not been punished until now for these malicious manipulations, as astonishingly there is no system in Korea to punish prosecutors even in case it is clearly proved they intentionally fabricate false evidence.

3. Korean government's attempt for prosecution reform

Korea's current government, a product of the candle-light revolution having overthrown the previously corrupt government, seeks to improve democratically the dictatorial power structure of the present prosecutor organization. However, the cartel of Opposition Party (most of them being colleagues of the previous government), Prosecutors, Court, & Press-broadcasting, is resisting collectively and in all directions, to maintain the vested privilege.

4. Two of the main causes of Korea's corruption

Corruption is a prevalent phenomenon in the present Korea, actually not to speak of anti-government or government, not all but some of the latter actually being involved in a suspected corruption. In my opinion, two of the main causes of corruption are as follows,:

1. Inability of the prosecutors and the courts to properly perform the purification function. Far from performing a proper duty, they have rather been a hotbed that promotes corruption.
2. Civic insensitivity to corruption, passive submission to authority, and non reaction to abuse of power

Both causes of Korea's prevalent corruption are traditional remnants of history, Japanese colonial rule and indigenous dictatorship as well as military regime, which had span over almost a century. The privileged of vested interests gather around the current anti-government party, enjoying long-standing solidarity (cartel) with the prosecutors, court, and media, and intensively seeking after the collapse of the new candlelight government, by digging out and propagandizing exaggeratingly alleged corruption cases of the current government.

5. Korean Media maliciously manipulating data

As introduced above, Korean people's trust on public media (in the example of KBS, Korean Broadcasting System) as well as that on the judiciary is last among about 40 countries subject to investigations. Actually the Koreans used to regard the reporters of media as well as public prosecutors to have been captured by money, beneficial merit of capitalist society, so that often depreciatingly called them 'reporter-garbage' and 'prosecutor-pup(dog)' respectively.

Korea's opposition party and traditionally major media are working together to damage the image of the ruling government internationally. For example, Korea's Covid 19 quarantine has been relatively successful. However, one press, Seoul Economic Daily, reported that Korea was the country with the world's highest mortality rate. It is actually not by a number, but by a magic ratio. That is, the death toll in the last month ranged from 1 (November 13, 2020) to 24

(December 21, 2020) in number, the ratio attains to 2,400%. To this fact, the press added the narration that Korean fatality rate is higher than that of the US and Brazil, which is a disgrace of Korean quarantine. It is a magic of ratio, not in number, to pervert a successful country on quarantine into a failed one. A trick of replacing numbers with ratio like this makes Korea appear as the world's most infected country, which, to their wish, is to promote unfavorable feelings for the current government aggravating public opinion against it. This is the reality of Korean media.

In the same context, the traditionally privileged party wants to entangle the government as well as the president into corruption, so they make full use of strategy, resorting to various schemes and actions. The public prosecutors are exploited for them, and Yoon Seok-youl, Prosecutor General, is working actively to protect traditionally dictatorial power structure of the Prosecutors, the court also being in collusion with them.

Former Justice Minister Cho Kuk, and the present Chu Mi-ae of this government, the vanguards of reform against the Prosecutors' dictatorially concentrated power, became the target of attack initiated by Yoon who seems to be in collusion with the forces of the privileged at the moment.

6. The traditional privileged is mobilizing not only domestic but also foreign media to attack the current government:

A German Broadcasting, DW <Deutsche Welle>, reported an interview with Rah Jong-il, Senior Research Professor at Gachon University in Korea. [**“South Korean government tainted with corruption allegations”**, Deutsche Welle (2020.12.10)
<https://www.dw.com/en/south-korean-government-tainted-with-corruption-allegations/a-55896840>]

DW report, based on the information known through Rah Jong-il, does not seem to be well balanced referring to Korean public opinion. What had been exported from one or two among the Koreans was simply edited in Germany, then to be brought back into Korea. It was done in the same way that used to be exploited through Japanese media by the Korean traditionally privileged. After information sent out from Korea to Japan, and then returned back to Korea, they used to say, "Japanese also have opinion in a certain way," which corresponds to their wish. At the moment, they come to expand the area to far away Germany in Europe, playing the same game as that used to be done in Japan.

7. DW (Deutsche Welle) of perverting information

The traditionally privileged is attacking the government in collusion with media under the pretense of corruption charges, a case of which presented by the report of DW (Deutsche Welle), that introduced the statement of prof. Rah, unaltered, without any critical comments, "Independent prosecution under threat".

Contrary to DW's report, however, Korean government is not violating the prosecution's independence preventing Prosecutor General from investigating corruption in the current government. The government is just trying to democratically disperse the power given excessively to the Korean Prosecutors, but Yoon, Prosecutor General, is trying to maintain the power of the prosecution by resisting reform. And Yoon's target of attacks is Cho Kuk and Chu Mi-ae, two Justice Ministers, both of whom have pursued reforms.

8. Judiciary Coup

The authority of Justice Ministry resulted in taking disciplinary action, job exclusion, against Yoon, as he has been involved himself in some illegal affairs, which came to be objectively admitted by the justice issued just a few days ago, on December 24, 2020, as will be referred to below.

But, Yoon brought a lawsuit to the Administrative Court for cancellation of job exclusion attributed to him.

Then, promptly within a week (2020.12.1), the court raised the hand of Yoon, revoking the disciplinary action of Justice Ministry.

Afterwards in fifteen days, however, Justice Ministry held the Disciplinary Committee with coercion to suspend job from Yoon for two month, and this disciplinary measure came to be approved by the president. Yoon reacted against this action, too, and the court, swiftly just in eight days, issued justice again to revoke the measure which had been approved even by the President, the uppermost Executive.

This is referred to as a 'judiciary coup' in which the prosecutors are in collaboration with the court to negate the action of the President, the head of the administration. The so called 'Judiciary Coup', which neutralizes the executive's disciplinary function, finally is leading to threaten the balance of separation of three powers.

9. Yoon's suspicion having been admitted by the very court, but the court revoked the disciplinary action against Yoon.

The reasons for disciplinary action given to Yoon was that Yoon was involved in assembling illegal inspection data referring to lots of judges' privacy. In addition, he interfered with the investigation process against Prosecutor Han Dong-hoon, one of his closest **associates, and issued** as well an order to stop the inspection that were in progress by the inspectors inside the very Supreme Prosecutors' Office itself under the control of Yoon, referring to the case in which Yoon himself was involved.

The charges attributed to him has been definitely admitted by the court's justice itself, as the judge said, "It is very inappropriate to assemble inspecting information referring to the judges' privacy. And the same judge warned that these documents should not be made, which are likely to be misused." The judge also admitted that "the prosecutor general (Yoon) blatantly interfered with the process of inspection against his entourage, and that the interference was unfair and wrongful action." Thus, it is proved that the report of DW, indirectly by quoting the statement of Pro. Rah, "Independent prosecution under threat", is not proper, as actually the prosecutors are not threatened but commit themselves illegality that is crime.

The court, however, resulted in a contradictory decision to suspend the executive's disciplinary action against Yoon, which had been approved even by the President. It is called Judiciary Coup.

10. Court working to promote corruption by neglecting preventive function against crime

There are three main reasons the court canceled the executive's disciplinary action taking the side of Yoon.

First, the criminal charges are somewhat clarified, but there is room for dispute over whether the applicant's 'intentional purpose' intervenes.

Second, there is room for contention and the possibility is not excluded that the applicant (Yoon) would win the main lawsuit, so that the court delays punishment until the main lawsuit be over.

Third, the disciplinary action of the Executive would cause to the individual irreparable damage that cannot be compensated with money, and the judiciary does not regard the charges against the applicant (Yoon) to harm public welfare, nor the judiciary suspect there be any prospects for further crimes.

In my opinion, these three reasons, on which the disciplinary action was cancelled, are the very proofs of deviation from the court's own duty. Korean court does not take into account the social dangers of the deviation of the officials of public authority. The judiciary prefers individual rights to public interests. Even though Yoon's suspicion having been admitted by the court itself, the disciplinary action was canceled on the premise that individual's privacy should not be violated.

Thus, considering Yoon's individual privacy, that there could be a contention referring to the question of whether Yoon's illegality was intentionally done, as well as the guaranteed term of office Prosecutor General for Yoon, alleged unbearable damages resulting in to the individual (preceding social damage), and eventual possibility of winning the trial reserved to Yoon, the Executive Court cancelled the disciplinary action against Yoon, till 30 days after first trial judgement of the main case will have been issued.

According to this court's justice, the commons came to be defenselessly exposed to the vivid danger of suffering further damage a long, long period of time until a public official is tried and eventually, definitely to be convicted. The court preferentially closed its eye ignoring the vivid possibility of illicit use of public authority by the suspect whose illegal acts have already been admitted by the court itself. It turns out that Korean judge regards that public authority stands for personal psychological comfort and privacy of satisfaction.

11. Conclusion: Conflict between attempt for reformation of power structure and accusation against alleged private corruption

Prosecutor General Yoon is desperately trying to maintain the prosecutors' organization of great power that is a rare phenomenon in the world, and is resisting the reformation of the prosecutors' organization, which itself has been a hotbed of corruption. The conflict between the Justice Minister and the Prosecutor General is a conflict between the one who democratically try to reorganize the prosecutors with excessively concentrated power, and the one who try to resist the reformation. Actually it is not the truth that the Prosecutor General tried to investigate corruption of the Blue House, and the Justice Minister try to stop it. And this is exactly the opposite of what DW (Deutsche Welle) reports.