

The Principles of the Human Rights Protection Should be Observed and Implemented Even for the Case of the Former President Park Geun-Hye

Since the June 12, the former president Park has attended trials four times a week, that is, all days of the week except Wednesdays. On June 30 at 6:30 pm, during one of the trial sessions, she suddenly became pale and put her face down on the desk. As a result, the trial was stopped. She was moved to the waiting room with help from the prison guards. Previously the defense counsels had asserted that "she is a 66 years old and weak lady, so it is hard for her to stand trials four times a week," but the judge rejected the claim stating that there was a lot of evidence and witness that had to be heard through the trial process.

Usually, people are put on trial maximum two times a week because holding criminal case trial sessions four times a week is not only hard for lawyers but also for the judge. However, for this case, the defense counsels have 120,000 pages of investigation records, which makes difficult to read all of the reports in time and conduct the trial for both the defense counsels and the judge. The judge wants to have the trial move at a faster pace because they want to finish it during the first legally detainable period. According to the criminal procedure law Article 92, at the beginning of the trial, the defendant can be detained in prison maximum six months. For the former President Park, the due date is Oct 16th. After this period, she must be released for the rest of the trial. Thus, the judge and persecutors are trying to avoid this situation.

However, the purpose of setting this period is to protect defendant's liberty for being undermined by a lengthy trial. This means that when the trial is prolonged, the defendant should be released if the trial does not end within this period. If this law which was established to protecting

the rights of defendants fails to work, and it could as well limit the right to defense, which amounts to putting the cart before the horse.

Of course, Park has consistently denied the bribery allegation and as well as the other 17 allegations which attracted much attention from people. However, it is even more significant to observe the principle of undetained trials and the principle of the presumption of innocence. There should be no privilege afforded to be accuse because of her experience as former president and also unfounded discrimination derived from the public opinion and feeling.

Rather, if there are a lot of details and witnesses to be heard during the trial, and the court must grant temporally release of the defendant so that the court will have time for the detailed review of the fact, resulting in truly protecting the human right of the citizen and persue advancement of judicial process.

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Lawyers for human rights and unification of Korea (LHUK)

Permanent Representative Tea-hoon Kim