

TEXT OF TELEGRAM 80SE0UL 014538

ADP309
CONFIDENTIAL

PAGE 01 SEOUL 14538 01 OF 03 031003Z
ACTION EA-12

INFO OCT-01 ADS-00 CIAE-00 DODE-00 NSAE-00 NSCE-00
SSO-00 ICAE-00 INRE-00 PM-07 H-01 INR-10 L-03
PA-01 SP-02 SS-15 HA-06 IO-14 SPRS-02 /074 W
-----035243 031010Z /12

O 030939Z NOV 80
FM AMEMBASSY SEOUL
TO SECSTATE WASHDC IMMEDIATE 0077

C O N F I D E N T I A L SECTION 01 OF 03 SEOUL 14538

E.O. 12065: XDS-4 11/03/00 (GLEYSTEN, W. H.) DR-M
TAGS: PINS, SHUM, KS
SUBJECT: KWANGJU VERDICTS

REF: (A) STATE 287149, (B) SEOUL 14300

1. (C) ENTIRE TEXT.

2. SUMMARY AND COMMENT: EMBOFF VISITED KWANGJU
OCTOBER 30-31 TO SEEK INFORMATION ON THE KWANGJU
TRIALS (REF A). A TEAM OF GOVERNMENT BRIEFERS
PROVIDED A LENGTHY EXPLANATION OF ALL LEGAL ACTIONS
RESULTING FROM THE KWANGJU RIOTS. IT ASSERTED THAT
CHONG TONG-NYON WAS THE "RINGLEADER" OF THE UPRISING
AND HAD WORKED CLOSELY WITH KIM DAE JUNG TO OVERTHROW
THE GOVERNMENT BY VIOLENCE. TWO OTHER DEFENDANTS
WHO RECEIVED THE DEATH PENALTY WERE ALSO CONVICTED
ON ESSENTIALLY POLITICAL CHARGES, AS WAS A LAWYER
WHO RECEIVED A LIFE TERM. OTHERS, INCLUDING TWO
SENTENCED TO DEATH, WERE CONVICTED OF CRIMINAL ACTS
SUCH AS MURDER AND LOOTING. THE BRIEFERS ASSERTED
THAT THE TRIALS WERE OPEN, THE PRESS WAS ALLOWED TO
COVER THE PROCEEDINGS (THE DECISION NOT TO PERMIT ANY
STORIES WAS THE MEDIA'S), AND THAT LEGAL REPRESENTATION
FOR THE DEFENDANTS WAS ADEQUATE. WE ARE NOT CONVINCED
CONFIDENTIAL
CONFIDENTIAL

PAGE 02 SEOUL 14538 01 OF 03 031003Z

OF THESE CLAIMS, ALTHOUGH THE TRIALS WERE NOT SECRET
PRDCEEDINGS. THE GOVERNMENT CLAIMS, WITH SOME JUSTI-
FICATION, THAT IT TRIED TO BE LENIENT WITH DEFENDANTS
AS A GROUP--LESS THEN 10 PERCENT OF THOSE ARRESTED
REMAIN INCARCERATED AND MOST OF THESE HAVE GOTTEN
SENTENCES OF LESS THAN 5 YEARS. WE SHOULD CONTINUE
TO BE CAUTIOUS IN ANY PUBLIC COMMENT ON THE TRIALS
WHILE THE JUDICIAL PROCESS IS IN PROGRESS (MOST DEFENDANTS
WILL APPEAL), AND WE SHOULD AVOID DEFENDING THOSE

RELEASE
 EXCISE
 DENY
 DELETE Non-Responsive Info
FOIA Exemptions _____
PA Exemptions _____

DECLASSIFY
 DECLASSIFY
IN PART

MR Cases Only:
EO Citations _____

_____ TS authority to.
 CLASSIFY as S or C OADR
 DOWNGRADE TS to S or C OADR

E2315

982



SENTENCES FOR CRIMINAL OFFENSES, SUCH AS MURDER, LOOTING, AND RIOTING. EMBASSY'S ASSESSMENT OF INTERACTION OF THIS TRIAL WITH KIM DAE JUNG'S (PARA 5 REFTEL) WILL FOLLOW SEPTEL. END SUMMARY.

3. AN EMBASSY OFFICER VISITED KWANGJU OCTOBER 30-31 TO SEEK INFORMATION ON THE RECENTLY COMPLETED KWANGJU TRIALS (REFTEL). HE WAS PROVIDED A 3-HOUR BRIEFING BY THE CHIEF PROSECUTOR AND A LEGAL OFFICER. ALSO PRESENT WERE A LIEUTENANT COLONEL IN THE JUDGE ADVOCATE'S OFFICE AND A CAPTAIN WHO HAD BEEN PART OF THE PROSECUTION TEAM DURING KIM DAE JUNG'S (M-R: KIM TAE-CHUNG) TRIAL IN SEOUL. COMMENT: THE PRESENCE OF THE PARTICIPANT IN THE KIM TRIAL WAS NOT EXPLAINED. END COMMENT.

4. THE BRIEFING TEAM SAID THAT 2,522 PEOPLE WERE ARRESTED AS A RESULT OF THE KWANGJU DISTURBANCES. MOST WERE FREED WITH A REPRIMAND OR A COMMUTED SENTENCE, AND ONLY 193 REMAIN IN JAIL (THE FIGURE OF 175 USED BY THE PRESS--AND THE EMBASSY--IN EARLY REPORTS APPARENTLY INCLUDED ONLY ONE CATEGORY OF DEFENDANTS).

CONFIDENTIAL
CONFIDENTIAL

PAGE 03 SEOUL 14538 01 OF 03 031003Z

5. DEATH SENTENCES: OF THE FIVE DEFENDANTS SENTENCED TO DEATH, TWO WERE CONVICTED OF CRIMINAL ACTS SUCH AS MURDER OR LOOTING, AND THREE WERE CONVICTED ON ESSENTIALLY POLITICAL CHARGES (ALTHOUGH OBSERVABLE CRIMINAL ACTS MAY HAVE BEEN COMMITTED). IN THE FIRST CATEGORY, PAE YONG-JU (M-R) DROVE A BUS INTO A GROUP OF SOLDIERS, KILLING FOUR, AND PAK NO-CHONG (M-R) LED THREE OTHERS IN A LOOTING SPREE DURING WHICH A HOUSEWIFE WAS CRITICALLY INJURED. PAE AND PAK WERE CONVICTED UNDER CHAPTER V OF THE CRIMINAL CODE: "CRIMES INJURIOUS TO PUBLIC PEACE," AND CRIMINAL ACTS COMMITTED IN CONNECTION WITH THE RIOTS. THE THREE MEN IN THE SECOND CATEGORY WERE CONVICTED UNDER CHAPTER I, ARTICLES 87 THROUGH 91 INCLUSIVE OF THE CRIMINAL CODE ("CRIMES CONCERNING INSURRECTION"). THEY INCLUDED CHONG TONG-NYON (M-R), A REINSTATED STUDENT WHO FIGURED PROMINENTLY IN THE CASE AGAINST KIM DAE JUNG; KIM CHONG PAE (M-R), A STUDENT AT CHONNAM UNIVERSITY; AND PAK NAM-SON (M-R), A DRIVER.

6. ACCORDING TO THE BRIEFING TEAM CHONG WAS THE "RINGLEADER" OF THE KWANGJU UPRISING. HE WAS ALLEGEDLY SO INFATUATED WITH KIM DAE JUNG THAT HE GAVE MONEY TO STUDENTS FOR INSURRECTION FROM HIS OWN POCKET, SAYING IT CAME FROM KIM. CHONG MAY HAVE HOPED TO BE REWARDED BY A NATIONAL ASSEMBLY SEAT ONCE HIS MENTOR HAD SEIZED POWER. LATER HE RECEIVED

5 MILLION WON FROM KIM THROUGH KIM SANG-HYON
(M-R). EVEN THOUGH CHONG AND SOME OF HIS HENCHMEN
WERE ARRESTED MAY 17, THUS FORESTALLING EVEN GREATER
VIOLENCE, HE WAS, SAID THE BRIEFER, CLEARLY A MAJOR
CAUSE OF THE TROUBLE THAT FOLLOWED. CHONG FELT
SO BADLY ABOUT FAILING KIM DAE JUNG THAT HE TRIED

CONFIDENTIAL

NNN

SECRET

SECRET

ADP320
CONFIDENTIAL

PAGE 01 SEOUL 14538 02 OF 03 031012Z
ACTION EA-12

INFO OCT-01 ADS-00 CIAE-00 DODE-00 NSAE-00 NSCE-00
SSO-00 ICAE-00 INRE-00 PM-07 H-01 INR-10 L-03
PA-01 SP-02 SS-15 HA-06 IO-14 SPRS-02 /074 W
-----035289 031015Z /11

O 030939Z NOV 80
FM AMEMBASSY SEOUL
TO SECSTATE WASHDC IMMEDIATE 0078

C O N F I D E N T I A L SECTION 02 OF 03 SEOUL 14538

TO COMMIT SUICIDE IN JAIL BUT WAS PREVENTED FROM
DOING SO. (THE PROSECUTION HAD BLOCKED THE DEFENSE'S
CALL FOR CHONG'S APPEARANCE AS A WITNESS AT KIM'S
TRIAL BECAUSE IT WAS CLEAR THAT HE, KNOWING HE HAD
NOTHING TO LOSE, WOULD HAVE PERJURED HIMSELF. HE
HAD ALREADY MADE A STATEMENT BEFORE A JUDGE ADMITTING
HIS GUILT AND CONNECTION WITH KIM.) THE OTHER TWO
DEFENDANTS FACING CAPITAL PUNISHMENT FOR POLITICAL
OFFENSES, KIM AND PAK, WERE CONVICTED OF STOPPING
A MOVEMENT FOR RECONCILIATION DURING THE INSURRECTION
THAT HAD STARTED AMONG THE INSURGENTS AT PROVINCIAL
HEADQUARTERS. EX-STUDENT KIM HAD ACTUALLY THREATENED
WITH A GUN THOSE WANTING TO MAKE PEACE, AND HAD BEEN
ONE OF THOSE WHO ORDERED THE REBELS TO FIRE ON
GOVERNMENT TROOPS.

7. LIFE IMPRISONMENT: OF THE SEVEN DEFENDANTS SENTENCED
TO LIFE, THREE WERE FOUND GUILTY OF CRIMINAL ACTS
THEY HAD COMMITTED AS PART OF PAK NO-CHONG'S GANG
OF LOOTERS. THE REMAINING FOUR WERE CONVICTED OF
INCITING REBELLION (ARTICLE 87). FOREMOST AMONG
THESE IS 65-YEAR-OLD LAWYER HONG NAM-SUN. THE
BRIEFERS SAID HONG HAD BEEN THE KWANGJU REPRESENTATIVE
OF KIM DAE-YUNG'S "ASSOCIATION FOR CONSTITUTIONAL
POLITICS" AND THE "DEMOCRATIC YOUTH COUNCIL." HONG

CONFIDENTIAL
CONFIDENTIAL

PAGE 02 SEOUL 14538 02 OF 03 031012Z

WAS DESCRIBED AS CLOSELY CONNECTED TO KIM IN THE
LATTER'S ALLEGED EFFORTS TO OVERTHROW THE GOVERNMENT,
AND HAD A REPUTATION AS A TROUBLEMAKER ("HE ONLY
DEFENDED VIOLATORS AND DISSIDENTS AND NEVER TRIED
TO HELP THE COMMON MAN.").

8. LESSER SENTENCES: 2,522 PEOPLE WERE ARRESTED
AS A RESULT OF THE KWANGJU RITS. OF THESE, 1,961
WERE RELEASED WITH A REPRIMAND. OF THE REMAINING
561, 198 WERE FREED AFTER SCREENING, AND 363 WERE



INDICTED. OF THE 363, 163 WERE INDICTED FOR CRIMES UNDER ARTICLES 87-91 "CRIMES CONCERNING INSURRECTION," AND 200 INDECTED UNDER CHAPTER V. "CRIMES INJURIOUS TO PUBLIC PEACE." BY OCCUPATION, THE 363 ARE BROKEN DOWN INTO 79 STUDENTS; 11 PROFESSORS; 3 CIVIL SERVANTS; 171 LABORERS; 22 DRIVERS; 23 BLUE-COLLAR WORKERS; 13 EX-HOME LAND RESERVE; 2 LAWYERS; 2 PRIESTS; AND 37 OTHERS. OF THESE 363, 2 WERE FREED WITH SUSPENSION OF PRONOUNCEMENT OF SENTENCE (MUCH LIKE AN ACQUITTAL); 78 WERE FREED WITH SUSPENSION OF EXECUTION OF SENTENCE (IF THERE IS NO FURTHER OFFENSE WITHIN 2 YEARS, THE DEFENDANT'S RECORD IS WIPED CLEAN); AND 2 CASES ARE STILL PENDING (THESE DEFENDANTS WERE RELEASED ON THEIR OWN RECOGNIZANCE, BUT HAD FLED). OF THE REMAINING 281, 88 WERE FREED OCTOBER 30 WHEN THE MARTIAL LAW COMMANDER COMMUTED THE SENTENCES. THE BRIEFING TEAM SAID THAT THE GOVERNMENT HAD TRIED TO BE AS LENIENT AS POSSIBLE DURING THE TRIALS, AND GAVE AS EVIDENCE THE FACT THAT ONLY 193 PEOPLE REMAIN IN JAIL OF THE 2,522 PEOPLE ARRESTED. IN ADDITION, MOST DEFENDANTS WERE GIVEN SENTENCES OF LESS THAN 5 YEARS' IMPRISONMENT.

9. EVIDENCE: THE BRIEFING TEAM SAID THAT IT HAD CONFIDENTIAL
CONFIDENTIAL

PAGE 03. SEOUL 14538 02 OF 03 031012Z

MATERIAL EVIDENCE IN THE FORM OF PHOTOS, PRINTED LEAFLETS AND UNDERGROUND NEWSPAPERS URGING REBELLION, AND DIARIES AND ARMS. THERE HAD BEEN DEPOSITIONS OR OTHER STATEMENTS BY WITNESSES INCLUDING TWO BEING TRIED WITH KIM DAE JUNG--YI TA'EK-TON (M-R) AND KIM SANG-HYON.

10. APPEALS: ALMOST EVERYONE WILL APPEAL. APPEALS ARE AUTOMATIC IN THE CASE OF SENTENCES OF DEATH OR LIFE IMPRISONMENT. IN ADDITION, IT IS IMPOSSIBLE ON APPEAL TO IMPOSE A HEAVIER SENTENCE THAN THAT ORIGINALLY HANDED DOWN UNLESS THE PROSECUTION ALSO APPEALS (THE IMPRESSION IS THAT PROSECUTION APPEALS WILL BE FEW) AND TIME ELAPSED DURING THE APPEALS PROCESS COUNTS ON ANY SENTENCE. THEREFORE, THESE DEFENDANTS HAVE NOTHING TO LOSE BY APPEALING. IN PRINCIPLE, THE APPELLATE COURT MARTIAL SHOULD IN PRINCIPLE, THE APPELLATE COURT MARTIAL SHOULD TAKE PLACE IN SEOUL, BUT THERE ARE PROVISIONS FOR HOLDING SUCH SESSIONS IN KWANGJU.

11. SECRECY OF THE TRIALS: THE GOVERNMENT ASSERTS THAT THE TRIALS WERE COMPLETELY OPEN--TWO PASSES WERE GIVEN TO THE FAMILY OF EACH DEFENDANT. BECAUSE DEFENDANTS WERE TRIED IN GROUPS, IT WAS SOMETIMES IMPOSSIBLE TO ACCOMMODATE EVERYONE, BUT A SPECIAL

BUILDING WAS CONSTRUCTED FOR THE PROCEEDINGS. THE PRESS WAS FREE TO TTEND THE TRIAL (EMBOFF WAS GIVEN TOUR OF COURTROOM AND SAW WHAT THE TEAM SAID WAS A PRESS TABLE). THE BRIEFING TEAM SAID ITS IMPRESSION WAS THAT THE PRESS ITSELF HAD DECIDED NOT TO PRINT STORIES BECAUSE THEY WOULD STIR UP BITTER MEMORIES.

CONFIDENTIAL

NNN

SECRET

SECRET

ADP337
CONFIDENTIAL

PAGE 01 SEOUL 14538 03'OF 03 031015Z
ACTION EA-12

INFO OCT-01 ADS-00 CIAE-00 DODE-00 NSAE-00 NSCE-00
SSO-00 ICAE-00 INRE-00 PM-07 H-01 INR-10 L-03
PA-01 SP-02 SS-15 HA-06 IO-14 SPRS-02 /074 W
-----035302 031020Z /11

O 030939Z NOV 80
FM AMEMBASSY SEOUL
TO SECSTATE WASHDC IMMEDIATE 0079

C O N F I D E N T I A L SECTION 03 OF 03 SEOUL 14538

--A FAMILY MEMBER SAID THAT IN SOME CASES NO PASSES WERE ISSUED DURING THE INITIAL STAGES OF THE TRIAL; LATER ONE AND SOMETIMES TWO, PASSES WERE GIVEN. SHE SAW NO MEDIA PEOPLE AT ANY SESSION. SHE HAD VISITED HER HUSBAND (A PROFESSOR AT CHONNAM UNIVERSITY) IN JAIL, BUT ONLY BECAUSE SHE KNEW SOMEONE IN AUTHORITY AND GOT SPECIAL HANDLING. HER HUSBAND SMUGGLED A COPY OF THE INDICTMENT TO HER, BUT OTHER FAMILIES HAD NOT GOTTEN THE INDICTMENT. (THE BRIEFING TEAM SAID IT COULD NOT PROVIDE EMBOFF WITH A COPY OF THE INDICTMENT OR A LIST OF DEFENDANTS.)

--THREE NEWSPAPER EXECUTIVES SPOKEN TO IN A GROUP SAID THAT THEIR REPORTERS HAD SOMETIMES GONE TO TRIAL SESSIONS, BUT HAD NOT SUBMITTED ANY STORIES TO THE CENSOR BECAUSE PRINTING SUCH STORIES WOULD CLEARLY NOT BE ALLOWED. A REPORTER SPOKEN TO PRIVATELY ASSERTED THAT NO PAPER HAD EVEN ASKED TO ATTEND THE COURT MARTIAL SINCE "EVERYONE" KNEW SUCH A REQUEST WOULD BE DENIED.

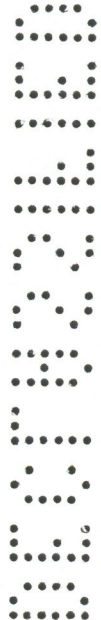
12. ADEQUACY OF LEGAL COUNSEL: THE BRIEFERS CLAIMED THAT 71 LAWYERS REPRESENTED THE DEFENDANTS. FORTY-EIGHT, INCLUDING TWO FROM SEOUL, WERE HIRED INDIVIDUALLY, WHILE TWENTY-THREE WERE GOVERNMENT APPOINTED.

CONFIDENTIAL
CONFIDENTIAL

PAGE 02 SEOUL 14538 03 OF 03 031015Z

LAWYERS REFUSED TO SEE EMBOFF, BUT SAID ON THE TELEPHONE THAT THE GOVERNMENT'S ASSERTION WAS CORRECT.
CONFIDENTIAL

ON THE OTHER HAND, THERE ARE ONLY 46 LAWYERS IN CHOLLA NAMDO, OF WHOM 28 ARE IN KWANGJU. THE FAMILY MEMBER SAID HER HUSBAND HAD BEEN PERMITTED ONE PRIVATE SESSION WITH HIS LAWYER, BUT THAT OTHERS HAD NOT, AND SOME IN EFFECT DID NOT HAVE LEGAL



REPRESENTATION.

13. EMBASSY'S ASSESSMENT OF INTERACTION OF THIS TRIAL WITH KIM DAE JUNG'S (PARA 5 REFTEL) WILL FOLLOW SEPTEL. GLEYSSTEEN

CONFIDENTIAL

NNN

SECRET

SECRET