

DEPARTMENT OF STATE

IS/FPC/CDR

TRB Date. 9/13/93

(E2704)

TEXT OF TELEGRAM 80SEOUL 012774

RELEASE () DECLASSIFY
 EXCISE () DECLASSIFY
 DENY IN PART
 DELETE Non-Responsive Info
 FOIA Exemptions _____
 PA Exemptions _____

MR Cases Only:

EO Citations _____

TS authority to.

CLASSIFY as () S or () C OADR
 DOWNGRADE JS to () S or () C OADR

766

ADP473
LIMITED OFFICIAL USE

PAGE 01 SEOUL 12774 300859Z
ACTION EA-12

INFO OCT-01 ADS-00 CIAE-00 DODE-00 PM-07 H-01 INR-10
L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11
HA-06 /074 W

-----043436 300921Z /17

P 300846Z SEP 80
FM AMEMBASSY SEOUL
TO SECSTATE WASHDC PRIORITY 9402

LIMITED OFFICIAL USE SEOUL 12774

ALSO L FOR J. SMITH

E.O. 12065: N/A
TAGS: INT, PGOV, SHUM, KS, US
SUBJECT: STANDARD LANGUAGE ON THE KIM DAE JUNG SENTENCE

REF: RICH/ADMACOST MEMO DATED SEPTEMBER 18, 1980, POUCHED TO SEOUL

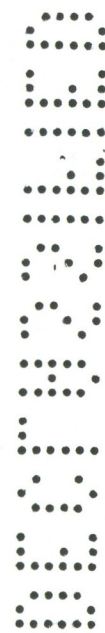
1. WE APPRECIATE RECEIVING LANGUAGE FOR USE IN RESPONDING TO LETTERS REGARDING THE KIM DAE JUNG (M-R: KIM TAE-CHUNG) SENTENCE. WE HAVE AGAIN CHECKED THE CIVIL CODE AND SUGGEST CHANGES IN THE FIRST, SECOND, THIRD AND SIXTH SENTENCES OF THE THIRD PARAGRAPH WHICH WILL THEN READ:

- ALL DEFENDANTS HAVE THE RIGHT TO APPEAL THE VERDICTS JUST RENDERED AND THE DEATH SENTENCE, AS IN MR. KIM'S CASE, IS AUTOMATICALLY APPEALED. AFTER THE MARTIAL LAW COMMANDER CONFIRMED THE SENTENCE, THE FIRST LEVEL OF REVIEW IS AN APPELLATE COURT MARTIAL, WHICH CAN HAVE ELEMENTS OF A SECOND TRIAL. THE VERDICT OF THE APPELLATE COURT MARTIAL IS THEN AGAIN REVIEWED BY THE MARTIAL LAW COMMANDER, WHO HAS THE POWER TO COMMUTE SENTENCES. SINCE THE PRESENT

LIMITED OFFICIAL USE
LIMITED OFFICIAL USE

PAGE 02 SEOUL 12774 300859Z

- CASE INVOLVES CIVILIANS, THEY THEN ALSO HAVE THE RIGHT OF APPEAL TO THE SUPREME COURT. THE SUPREME COURT DOES NOT HOLD PUBLIC SESSIONS, BUT HOLDS AN APPELLATE REVIEW OF THE LAW AND THE HANDLING OF THE CASE BY THE COURT MARTIAL AND APPELLATE JURISDICTIONS. THE REVIEW PROCESS OF THE SUPREME COURT MUST BE COMPLETED WITHIN 4 MONTHS. FOLLOWING A SUPREME COURT DECISION, ANY DEATH VERDICT MUST BE CONFIRMED BY PRESIDENT CHUN, WHO ALSO HAS POWER OF COMMUTATION.



- IN SHORT, WE WOULD INFER THAT IT MAY BE MANY WEEKS
- BEFORE THE FINAL OUTCOME IN THIS CASE IS DETERMINED."
- GLEYSSTEEN

LIMITED OFFICIAL USE

NNN

SECRET

SECRET