LIMITED OFFICIAL USE

PAGE 01

SEUL 12774 3008592

ADP473

ACTION EA-12

INFO OCT-01 ADS-00 CIAE-00 DDDE-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

P 3008462 CCP 80
FM AMEMBASSY SEOUL
TO SECSTATE WASHDC PRIORITY 9402

LIMITED OFFICIAL USE SEOUL 12774

ALSO L J SMITH

E.O. 12065: N/A
TAGS: R/M, PG, SHM, KS, US
SUBJECT: STANDARD LANGUAGE ON THE KIM DAE JUNG SENTENCE

REF: RIC/A/MA/CONF/983 MEMO DATED SEPTEMBER 18, 1980, Pouched
TO SEOUL

1. WE APPRECIATE RECEIVING LANGUAGE FOR USE IN RESPONDING
TO LETTERS REGARDING THE KIM DAE JUNG (MR: 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 MARRIAL 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 MARRIAL LAW COMMANDER, WHO HAS
  THE POWER TO COMMUTE SENTENCES. SINCE THE PRESENT
LIMITED OFFICIAL USE

PAGE 02

SEUL 12774 3008592

- 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.
TEXT OF TELEGRAM BOSEUL 012774

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

LIMITED OFFICIAL USE

NNN