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참 조 : 법조부
발 신 : 민주사회를 위한 변호사 모임(국제연대위원회 담당 이동화 간사)
제 목 : 국정원 민변소속 회원3인 변호사 소송제기에 대한 유엔 특별절차 진정 제출
전송일자 : 2013년 6월 25일
전송매수 : 표지포함 총 7 매

[보도자료]

국정원 민변소속 회원 3인 변호사 소송제기에 대한 유엔 특별절차 진정

1. 귀 언론사의 발전을 기원합니다.
2. 민주사회를 위한 변호사모임 국제연대위원회(위원장 장영석 변호사, 이하 민변)는 오늘 6. 25. 국가정보원에 의한 민변회원 3인변호사에 대한 민사소송 제기에 대하여 유엔인권옹호자 특별보고관(the Special Rapporteur on the situation of Human Rights Defenders)에게 진정서(Letter of Allegation)를 제출하였습니다.
3. 국가정보원은 지난 5. 10. 소속 직원 3인의 명의로 민변회원 변호사 3명이 기자회견을 통해 국정원의 명예를 훼손하고, 그 소속 수사관들의 명예를 훼손하였기에 각각 2억원, 총 6억원의 금액을 청구하는 소송을 제기하였다고 밝혔습니다. 이에 민변은 지난 6. 10. 자체 논평을 (첨부 2. 영문본, 국문 원본 http://minbyun.org/?mid=voice_02&document_srl=1696405&listStyle=&cpage=) 통하여 소송의 문제점을 조목조목 비판하였습니다.
4. 또한 민변은 유엔 인권옹호자 특별보고관의 한국 공식방문시 미팅을 통하

여 국정원 합동신문센터와 하나원의 문제점을 전하였으며, 이에 특별보고관은 공식방문 마지막 기자회견에서 “국정원의 합동신문센터가 독방구금으로 이어지고 있고, 변호인과 가족들의 접근권이 보장되지 않고 있으며, 탈북자를 범죄자 취급하고 있음”을 지적하였습니다. 그럼에도 국정원에서 소송을 제기한 것은 지극히 부당하다고 할 수 있습니다.

5. 이에 민변은 국정원의 잘못된 소송제기에 단호히 대응하기 위해 대규모 공동변호인단을 구성하고 동시에 유엔 인권옹호자 특별보고관에게 관련 사항을 진정하여 이 사안을 유엔인권옹호자 특별보고관의 한국 공식조사방문 보고서에 반영이 되도록 하고, 유엔을 비롯한 국제사회에 적극 알릴 예정입니다.

6. 감사합니다.

첨부 1. 유엔인권옹호자 특별보고관에게 제출한 진정서(영문)

첨부 2. 국정원소 제기에 대한 민변 논평(영문)

민주사회를 위한 변호사모임
국제연대위원회 장영석 위원장(직인생략)

첨부 1. 진정서

**A Letter of Allegation to the Special Rapporteur on the situation of
Human Rights Defenders**

A. Essential information	B. Useful information
<p>1. Name of alleged victim/s Kyung-uk Jang (Male, Korean, Member Lawyer of MINBYUN) Yong-min Kim (Male, Korean, Member Lawyer of MINBYUN) Seung-bong Yang (Male, Korean, Member Lawyer of MINBYUN)</p>	
<p>2. Status of the victim as a human rights defender Mr. Jang, Kim, and Yang are all member lawyers of MINBYUN and they have recently formed the defense counsel for Mr. Liu who was arrested for violating the National Security Act.</p>	<p>Mr. Liu (Chinese-Korea, North Korea defector) was arrested for conducting espionage while working as a civil servant for the Seoul Metropolitan Government. The National Intelligence Service justified the espionage charge only by the testimony of Mr. Liu's sister which admits her brother's espionage activities.</p>
<p>3. Alleged violation/s committed against the victim On May 10, 2013, 3 agents of National Intelligence Service filed a civil lawsuit against the 3 above-mentioned lawyers.</p>	<p>The lawsuit asks for ₩200,000,000 each in damages (₩600,000,000 in total) on the ground that the lawyers defamed the reputation of the agency and its agents by holding a press conference on April 27, 2013, where the lawyers revealed that the agency had made up the espionage case against Mr. Liu with the help of Mr. Liu's sister whose testimony was the sole evidence of the case. The sister confessed that her testimony was fabricated and distorted by the agency.</p>
<p>4. Perpetrators The National Intelligence Service and the agents who filed the lawsuit</p>	
<p>5. Action by authorities</p>	

<p>The action by authorities has not been reported</p>	
<p>6. Link between the violation and human rights work</p> <p>The 3 lawyers are the defense counsel for Mr. Liu, a victim of the agency's fabricated espionage case. The lawsuit has been filed in response to the lawyers helping to uncover the truth about the espionage charge against Mr. Liu at a press conference held on 27 April. The lawsuit is intended to intimidate the lawyers and to suppress their right of counsel in defending Mr. Liu.</p>	
<p>7. Who is submitting this information? (Confidential)</p> <p>MINBYUN-Lawyers for a Democratic Society Contact: detatil: Dong-Hwa Lee International Coordinator MINBYUN-Lawyers for a Democratic Society 5F, Sinjeong B/D, 1555-3, Seocho-dong, Seocho-gu, Seoul, Republic of Korea, P.O. 137-070 Tel: 82 2 522 7284 Fax: 82 2 522 7285 E-mail : dhlee@minbyun.or.kr HP : http://minbyun.org</p>	

첨부 2. 민변 논평

[Commentary] MINBYUN condemns the lawsuit by the National Intelligence Service

On June 5, 2013, it was confirmed that on May 10, 3 agents from the National Intelligence Service('NIS') filed a lawsuit against Mr. Kyung-uk Jang, Mr. Yong-min Kim, and Mr. Seung-bong Yang, member lawyers of MINBYUN-Lawyers for a Democratic Society('MINBYUN') for 200,000,000 Korean Won each in damages on the ground of defamation. The agents claimed in their complaint that three lawyers allegedly committed defamation adversely affecting reputation of themselves as well as NIS by publicly revealing and spreading false information in a press conference held on April 27 in which three lawyers at present raised the allegation that NIS fabricated an espionage case against Mr. Liu based on his sister's confession, sole evidence obtained under duress. Three lawyers were representing Mr. Liu, Chinese Korean and North Korean defector who were arrested on the ground of espionage in violation of the National Security Act during his service for the Seoul Metropolitan Government.

MINBYUN finds the lawsuit intended to undermine full implementation of right to counsel as well as to discourage advocacy activities of the human rights defenders on the grounds as follow.

First, the lawsuit by the NIS agents amounts retaliation by nature against MINBYUN member lawyers for public announcement that there are reasonable grounds that NIS fabricated the case against Mr. Liu. According to the statement that Ms. Liu, sister of Mr. Liu made on April 27, the espionage charge was solely based on Ms. Liu's testimony during the interrogation taken place at the Central Joint Interrogation Center under NIS. Since her entrance to South Korea on 30 October 2013 Ms. Liu was taken into custody for 6 months with no permission to correspond or contact outside of the detention facility. The NIS agents questioned Ms. Liu about her brother. According to her statement, the agents persistently threatened her that it would be the best interest of her brother for Ms. Liu to make cooperative statements with respect to the espionage allegations against her brother. Therefore, because of her testimony to be fabricated by NIS, her brother was indicted for spying in violation of the National

Security Act. However Ms. Liu was present at the press conference to tell the truth about the fabricated espionage case against her brother and the NIS's attempt to this case lost its ground. This law suit against three MINBYUN lawyers is absurd given that the wrongdoer is the plaintiff.

Second, the lawsuit of the NIS agents undermines the rights of counsel as legal officer who represents his or her client who has reasonable grounds to believe that the espionage case has been made up by the state agency. The lawyers are protected, by law, from civil law suits for legal representation and other actions, unless illegal, in an attempt to protect the best interest of the client. Here, three lawyers were present at the press conference as a capacity of legal counsel for Mr. Liu and their statements regarding facts of the incidents involving great possibility of fabrication in the espionage case against Mr. Liu, are protected by law, accordingly.

Third, the NIS lawsuit ultimately undermines the freedom of speech of all citizens. The legal measure taken by the NIS agents causes distress, economic and psychological, to three lawyers, human rights defenders and is expected to generate chilling effect on free speech of the citizen. And this incident demonstrates enough that the current administration shares immature perception of human rights, which causes a grave concern.

The NIS's attempt to intimidate people with a lawsuit is not the first. It brought a damages suit against Mayor of Seoul Metropolitan City Won-soon Park on the ground that he defamed the NIS's reputation by holding a press conference and the court dismissed the case later. MINBYUN strongly condemns the lawsuit and responds firmly with the every possible measure such as forming a joint defense counsel. MINBYUN should create an important precedent that the attempt of state agency, particularly NIS to suppress the right of counsel as well as to undermine full implementation of free speech of the citizen by means of the damages lawsuit find no place in our society under our constitutional values and principles.

June 5, 2013

Joo-young Jang

President,

MINBYUN-Lawyers for a Democratic Society