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DRAFTED BY EA/K:RGRICH/BFC
APPROVED BY EA - RHOLBROOKE
HA - TTULL/SPALMER
EA - MARMACOST
S/S - JETAYLOR

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FM SECSTATE WASHDC
TO AMEMBASSY SEOUL IMMEDIATE

~~C O N F I D E N T I A L~~ STATE 203353

~~EXDIS~~, FOR THE CHARGE D'AFFAIRES A.I.

E.O. 12065: RDS-1 7/31/00 (HOLBROOKE, RICHARD)

TAGS: SHUM, KS, PINT, PINS, ICJU

SUBJECT: INTERNATIONAL OBSERVATION OF TRIAL OF KIM DAE-JUNG

1. ~~C~~ -- ENTIRE TEXT.

2. WE HAVE RECEIVED DISTURBING INFORMATION THAT THE KOREAN GOVERNMENT HAS DECIDED TO REFUSE VISAS FOR INTERNATIONAL ORGANIZATIONS TO OBSERVE THE FORTHCOMING TRIAL OF PROMINENT POLITICAN KIM DAE-JUNG. IN VIEW OF THE INDICATIONS EARLIER GIVEN TO THE AMBASSADOR INDEPENDENTLY BY GENERAL CHUN DOO-HWAN AND BY PRESIDENTIAL SECRETARY-GENERAL CHOI KWANG-SOO THAT A SMALL NUMBER OF SUCH OBSERVERS PROBABLY WOULD BE PERMITTED, YOU ARE INSTRUCTED IMMEDIATELY TO SEEK AN APPOINTMENT WITH CHOI KWANG-SOO AND AGAIN URGE STRONGLY THAT THE KOREAN GOVERNMENT NOT BACK AWAY FROM THIS POSITION. YOU SHOULD RECALL SPECIFICALLY THE EARLIER CONVERSATIONS WITH

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THE AMBASSADOR, AND YOU SHOULD STATE THAT YOU ARE UNDER DIRECT INSTRUCTIONS OF THE SECRETARY.

3. POINT OUT THAT, IF THE KOREANS EXPECT TO PERSUADE THE WORLD THAT THE FORTHCOMING TRIAL IS FAIR, THEN CERTAINLY THEY WILL WANT TO INVITE INTERNATIONAL OBSERVATION. WHILE WE RECOGNIZE THAT MANY DIFFERENT ORGANIZATIONS AND OVERSEAS KOREAN GROUPS HAVE SOUGHT TO ATTEND THE TRIAL AND THAT IT

MAY CLEARLY NOT BE FEASIBLE TO ACCOMMODATE A LARGE NUMBER OF SUCH GROUPS, IT SHOULD CERTAINLY BE POSSIBLE TO CHOOSE ONE OR TWO INTERNATIONALLY RESPECTED ORGANIZATIONS AND PERMIT THEIR ATTENDANCE. THE INTERNATIONAL COMMISSION OF JURISTS (ICJU) AND AMNESTY INTERNATIONAL (AI) ARE TWO SUCH ORGANIZATIONS WHICH WE KNOW HAVE SOUGHT PERMISSION TO OBSERVE THE TRIAL. REFUSAL OF ALL SUCH ORGANIZATIONS WILL CLEARLY BE PERCEIVED OUTSIDE KOREA AS TACIT ADMISSION THAT THE TRIAL IS POLITICAL AND CONTRIVED TO PRODUCE A

PRECONCEIVED RESULT.

4. SINCE APPARENTLY NO RECOGNIZED INTERNATIONAL ORGANIZATION HAS THUS FAR BEEN ABLE TO OBTAIN VISAS, AND THE AUGUST 5 TRIAL OPENING IS IMMINENT, WE ASK THE KOREAN GOVERNMENT TO REVIEW THIS MATTER WITH URGENCY IN ORDER TO DEMONSTRATE TO THE WORLD THAT IT IS CONFIDENTLY PREPARED TO UPHOLD INTERNATIONAL STANDARDS OF JUSTICE IN THIS PROMINENT CASE. REFUSING OBSERVERS WILL PROBABLY INCREASE RATHER THAN REDUCE INTERNATIONAL INTEREST IN AND PRESS ATTENTION TO THE TRIAL; BUT WILL ALSO ASSURE THAT THE PUBLICITY IT GENERATES WILL BE MORE CRITICAL.

5. FYI ONLY. THE KOREAN EM0ASSY HERE (PLEASE PROTECT) HAS BEEN INFORMED THAT, DESPITE ITS RECOMMENDATIONS TO THE ~~CONFIDENTIAL~~

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CONTRARY, VISAS ARE NOT TO BE ISSUED TO THE PROPOSED INTERNATIONAL COMMISSION OF JURISTS (ICJU) OBSERVER TEAM "BECAUSE AMNESTY INTERNATIONAL HAS ALREADY BEEN TURNED DOWN." FROM AMNESTY INTERNATIONAL SOURCES WE KNOW ONLY THAT AI'S DEPUTY SECRETARY-GENERAL (OOSTINE -- DUTCH) AND EDWARD BAKER (USA) ARE STALLED IN TOKYO STILL AWAITING VISAS. AMNESTY'S SECRETARY-GENERAL IN LONDON HAS SOUGHT THE DEPARTMENT'S HELP. YOUR REPRESENTATIONS SHOULD NOT ENDORSE SPECIFIC ORGANIZATIONS, HOWEVER. AS YOU KNOW, WE HAVE ALREADY BEEN WORKING WITH THE ICJU TO ASSIST ITS EFFORTS. FURTHERMORE, EDWARD BAKER'S ATTACHMENT TO THE AMNESTY TEAM UNDOUBTEDLY GIVES THE EFFORT A STRONG ANTI-KOREAN GOVERNMENT BIAS IN ROK EYES. THE ICJU IS SENSITIVE TO THIS PROBLEM AND HOPES TO SEND NEUTRAL OBSERVERS WHO HAVE NOT PREVIOUSLY BEEN ASSOCIATED WITH KOREAN ISSUES. ONE NAME AT LEAST HAS BEEN PICKED: DR. BERT B. LOCKWOOD, JR., OF THE UNIVERSITY OF CINCINNATI COLLEGE OF LAW. AT THIS JUNCTURE, OUR PRINCIPAL OBJECTIVE IS TO GET AT LEAST ONE INTERNATIONALLY RECOGNIZED GROUP ADMITTED TO THE TRIAL IN ADDITION TO DIPLOMATIC OBSERVERS FROM THE US AND OTHER DIPLOMATIC MISSIONS IN SEOUL. END FYI.

6. SINCE THE ROKG APPEARS ALSO TO BE DENYING VISAS INSTEAD OF JUST DENYING ENTRY TO THE TRIAL, YOU MAY ALSO

POINT OUT THAT DENIAL OF VISAS TO ORGANIZATIONS OF THE STATURE OF AI AND THE ICJU FOR VISITING KOREA WILL REFLECT POORLY ON KOREA THROUGHOUT THE WESTERN WORLD, AND WILL ONLY SERVE TO FUEL CRITICISMS AND CRITICAL PRESSURES AMONG FRIENDLY AND ALLIED NATIONS.

7. WE LEAVE TO YOUR JUDGMENT WHETHER ALSO TO TAKE THIS MATTER UP WITH THE FOREIGN MINISTER. IT WOULD BE ENTIRELY APPROPRIATE TO DO SO AND WE HAVE MADE SIMILAR REPRESENTATIONS IN OTHER PARTS OF THE WORLD. IN VIEW OF THE ~~CONFIDENTIAL~~

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CHANNELS OF PREVIOUS PRINCIPAL DIALOGUES ON THIS SUBJECT

IN SEOUL, HOWEVER, AND THE WEAKENED POSITION OF THE
FOREIGN MINISTRY IN RELATION TO A DOMESTIC POLITICAL ISSUE
OF THIS MAGNITUDE AT THIS JUNCTURE, OUR FIRST THOUGHT IS
THAT YOU SHOULD SEE CHOI KWANG-SOO IMMEDIATELY, FOLLOWED
AS VIGOROUSLY AS CAN USEFULLY BE DONE WITH OTHER OFFICIALS.

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