



ELECTRONIC FRONTIER FOUNDATION

Protecting Rights and Promoting Freedom on the Electronic Frontier

September 6, 2011

Chairman Man Park
Korea Communications Standards Commission
15-19th Floor
Korea Broadcasters Building
923-5, Mok-dong, Yangchun-gu, Seoul
Republic of Korea, 158-715

President Lee Myung-bak
Office of the President
Cheong Wa Dae
1 Cheongwadae-ro, Jongno-gu, Seoul
Republic of Korea

Re: Censorship by Korea Communications Standards Commission

Dear Sirs:

The Electronic Frontier Foundation is writing to express our concern over recent actions against Professor K.S. Park, a member of the Korea Communications Standards Commission (KCSC). We have learned that the Commission has publicly censured Professor Park for his efforts to promote transparency, accountability, and freedom of expression in South Korea. We are deeply troubled by this action, and we are concerned about any further action that may be taken against Professor Park and his blog. We urge you to cease your investigation of Professor Park and his blog, stop prohibiting online discussion and limiting review of your board's activities, and embrace true freedom of expression for everyone in South Korea.

No healthy democracy is possible where free speech is not tolerated. The expansive controls on online speech established in South Korea lack oversight and prevent citizens from accessing valuable expressive, historical, political and artistic online content.

We support Prof. Park's views that the KCSC has too much authority to prevent people from accessing expressive content on the web. As a member of your regulatory board, Prof. Park works to steer KCSC into a more lenient interpretation of the censorship laws. Often, he is unsuccessful, and content that he has determined non-harmful to the public is banned.

In July, Prof. Park decided to begin exploring the nuances of these censorship choices in his blog. We were deeply troubled to hear that this garnered attention from KCSC, and

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that your members have officially vowed to take actions against his blog in the future, even though he has removed the content you found most objectionable.

If Prof. Park's blog is removed from the Internet, it will be a double blow for the people of South Korea. Not only will another valuable website be banned, but the people of South Korea will lose their only practical method of overseeing the work of the KCSC and holding the board accountable for its online censorship choices. While it is true that the board meetings are open to public viewing, the sheer volume of censorship (close to 10,000 URLs a month) makes it unwieldy for public oversight. Furthermore, the authors of the censored URLs are not given an opportunity to defend themselves in the censorship deliberations. For the most part, the public isn't participating in the censorship choices made by KCSC because access to the process is so cumbersome, resulting in a regulatory board with no meaningful public oversight.

We echo the concerns of Frank La Rue, the UN Human Rights Council's Special Rapporteur on Freedom of Expression, who has stated that:

"...the lack of transparency, accountability and scrutiny to ensure that information of public interest is not recommended for blocking or deletion under the pretext of defamation by the KCSC is a matter of serious concern."

We also second the concerns La Rue raised about the would-be independence of the board:

"While [KCSC] claims to be an independent statutory organization, the Special Rapporteur is concerned that **the nomination and appointment procedure does not fully guarantee its independence, given the degree of influence that can be exerted by the dominant political party and the President.**"

We urge you to embrace transparency and online freedom of expression. We join our voice to the countless voices in South Korea who seek a free and uncensored Internet. Please cease your investigation into Professor Park and his blog and commit to creating real freedom of expression in South Korea.

Sincerely,

/s/

Gwen Hinze, International IP Director
Jillian York, Director for International Freedom of Expression
Rainey Reitman, Activism Director
Electronic Frontier Foundation