

# SOUTH KOREA

	2011	2012
<b>INTERNET FREEDOM STATUS</b>	<b>Partly Free</b>	<b>Partly Free</b>
<b>Obstacles to Access (0-25)</b>	3	3
<b>Limits on Content (0-35)</b>	12	12
<b>Violations of User Rights (0-40)</b>	17	19
<b>Total (0-100)</b>	<b>32</b>	<b>34</b>

\* 0=most free, 100=least free

**POPULATION:** 49 million  
**INTERNET PENETRATION 2011:** 84 percent  
**WEB 2.0 APPLICATIONS BLOCKED:** No  
**NOTABLE POLITICAL CENSORSHIP:** Yes  
**BLOGGERS/ICT USERS ARRESTED:** Yes  
**PRESS FREEDOM STATUS:** Partly Free

## INTRODUCTION

South Korea boasts of being one of the most connected countries in the world, as well as a fledgling, vibrant democracy. Recent years, however, have been marked by increased policing of the online environment. The UN Special Rapporteur on Freedom of Expression, international journalists, and human rights groups have voiced concerns that the space for free expression in the country has been diminishing since 2008.<sup>1</sup> In 2011, the push and pull between forces wishing to control the internet and those urging greater openness and privacy intensified. Censorship and detentions related to dissemination of content sympathetic to North Korea or critical of the current administration continued, and in some aspects increased. By early 2012, however, the relevant authorities relaxed restrictions on the use of social media for election campaigns and announced they would consider phasing

<sup>1</sup> Frank La Rue, "Full Text of Press Statement Delivered by UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Mr. Frank La Rue, After the Conclusion of His Visit to the Republic of Korea," United Nations Office of the High Commissioner for Human Rights, May 17, 2010, <http://www2.ohchr.org/english/issues/opinion/docs/ROK-Pressstatement17052010.pdf>; Chico Harlan, "In S. Korea, a shrinking space for speech," Washington Post, December 22, 2011, [http://www.washingtonpost.com/world/asia\\_pacific/in-s-korea-a-shrinking-space-for-speech/2011/12/21/gIQAmAHgBP\\_story.html](http://www.washingtonpost.com/world/asia_pacific/in-s-korea-a-shrinking-space-for-speech/2011/12/21/gIQAmAHgBP_story.html); Reporters Without Borders, *Internet Enemies Report 2012* (Paris: Reporters Without Borders, March 12, 2012), [http://en.rsf.org/IMG/pdf/rapport-internet2012\\_ang.pdf](http://en.rsf.org/IMG/pdf/rapport-internet2012_ang.pdf); Irene Khan, "Statement by Irene Khan, Amnesty International Secretary General, on the Completion of Her Visit to South Korea," Amnesty International, November 24, 2009, <http://www.amnesty.org/en/library/asset/ASA25/013/2009/en/81c8df37-c1d9-4d49-aa8c-825cd7ce9203/asa250132009en.pdf>.

out the Internet Real-Name Registration System, which had limited anonymity and contributed to self-censorship in South Korean cyberspace since 2004.<sup>2</sup>

South Korea's high internet penetration rate is widely attributed to a series of state-led initiatives implemented since the 1990s, such as Cyber Korea 21 (1999–2002), the e-Korea Vision 2006 (2002–2006), and the U-Korea Master Plan (2006–2010). The government's rationale for this policy of nationwide promotion of information and communication technologies (ICTs) is that a country with few natural resources like South Korea must move quickly toward a knowledge-based economy if it is to compete with established economic powers.<sup>3</sup> Cyber Korea 21 was well received by the Korean public, partly because such a rationale appealed to them in the aftermath of the Asian financial crisis of 1997, and partly because a foundation of computer-mediated communications had already been laid with the thriving use of early, text-based online communication via *PC tongshin* (PC communication).

## OBSTACLES TO ACCESS

South Korea is one of the most wired countries in the world, in terms of both levels of usage and connection speeds. According to the International Telecommunications Union (ITU), approximately 82 percent of South Koreans accessed the internet in 2011.<sup>4</sup> When internet access via mobile phones, televisions, and game consoles is also included, an estimated 97 percent of households have access, leading the Organization for Economic Co-operation and Development (OECD).<sup>5</sup>

Several factors have contributed to the country's high degree of connectivity. First, high-speed access is relatively affordable. Most residences have connections capable of reaching 100 Mbps for under KRW 30,000 (US\$26) per month.<sup>6</sup> Second, the population is densely concentrated in urban areas. Roughly 70 percent of South Koreans live in cities dominated

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<sup>2</sup> In a development beyond the coverage period of this report, the Constitutional Court ruled in August 2012 that the real-name registration system was unconstitutional and violated freedom of speech. Evan Ramstad, "South Korea Court Knocks Down Online Real-Name Rule," Wall Street Journal, August 24, 2012, <http://online.wsj.com/article/SB10000872396390444082904577606794167615620.html>.

<sup>3</sup> National Computerization Agency, *Informatization White Paper 2002: Global Leader e-Korea* (Seoul: NCA, 2002), [http://www.itglobal.or.kr/file/m\\_board/download.asp?file=%BF%B5%B9%AE\\_b2002eng.pdf](http://www.itglobal.or.kr/file/m_board/download.asp?file=%BF%B5%B9%AE_b2002eng.pdf).

<sup>4</sup> International Telecommunication Union (ITU), "Percentage of individuals using the Internet, fixed (wired) Internet subscriptions, fixed (wired)-broadband subscriptions," 2011, accessed July 13, 2012, <http://www.itu.int/ITU-D/ICTEYE/Indicators/Indicators.aspx#>.

<sup>5</sup> Organization for Economic Co-operation and Development, *OECD Key ICT Indicators: Households with access to the Internet 2000–10*, <http://www.oecd.org/dataoecd/19/45/34083073.xls>.

<sup>6</sup> John D. Sutter, "Why Internet Connections Are Fastest in South Korea," CNN Tech, March 31, 2010, [http://articles.cnn.com/2010-03-31/tech/broadband.south.korea\\_1\\_broadband-plan-south-korea-broadband-internet?s=PM:TECH](http://articles.cnn.com/2010-03-31/tech/broadband.south.korea_1_broadband-plan-south-korea-broadband-internet?s=PM:TECH).

by high-rise apartment buildings that can easily be connected to fiber-optic cables.<sup>7</sup> Finally, the government has implemented programs to expand internet access, including subsidies for low-income groups.<sup>8</sup>

In terms of mobile phone penetration, as of the end of 2011, there were 52.5 million subscriptions, exceeding the total population.<sup>9</sup> The number of smartphone users has been growing significantly, reaching 20 million in 2011 and expected to increase by at least another 50 percent in 2010.<sup>10</sup> WiFi coverage also increased rapidly in 2011 to accommodate the growing number of people using smartphones and tablet computers.<sup>11</sup> For example, the government in the capital Seoul launched a US\$44 million project in June to blanket the city—including parks and public transportation—with free outdoor wireless internet access by 2015.<sup>12</sup>

There is no significant gap in access to ICTs with respect to gender or income level, although differences in computer literacy across generational and professional lines persist.<sup>13</sup> Besides high household penetration rates and widely available WiFi, the absence of a large digital divide is attributable to the omnipresence of cybercafes. Known as *PC bangs* (PC rooms) in Korean, the facilities offer broadband access at a price of approximately US\$1 per hour, and also serve as venues for social interaction, particularly among youth, who frequent cybercafes to play online games.

Despite such widespread connectivity, some obstacles to access remain. In an effort to tackle a growing phenomenon of internet addiction, since 2010, the government has enacted a number of laws and regulations aimed at restricting youngsters from playing online games

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<sup>7</sup> J. C. Herz, “The Bandwidth Capital of the World,” *Wired*, August 2002,

[http://www.wired.com/wired/archive/10.08/korea.html?pg=1&topic=&topic\\_set](http://www.wired.com/wired/archive/10.08/korea.html?pg=1&topic=&topic_set).

<sup>8</sup> John D. Sutter, “Why Internet Connections Are Fastest in South Korea,” *CNN Tech*.

<sup>9</sup> International Telecommunication Union (ITU), “Mobile-cellular telephone subscriptions,” 2011, accessed July 13, 2012, <http://www.itu.int/ITU-D/ICTEYE/Indicators/Indicators.aspx#>.

<sup>10</sup> Hee-jong Kang, “Convergence to be the only solution to the already saturated telecommunications market,” *Digital Times*, January 8, 2012, [http://www.dt.co.kr/contents.html?article\\_no=2012010902010531742002](http://www.dt.co.kr/contents.html?article_no=2012010902010531742002) (link discontinued).

<sup>11</sup> Hee-jong Kang, “240 thousand Wi-Fi zones by end year,” [in Korean] *Digital Times*, June 14, 2011, [http://www.dt.co.kr/contents.html?article\\_no=2011061502010351742002](http://www.dt.co.kr/contents.html?article_no=2011061502010351742002) (link discontinued).

<sup>12</sup> “Seoul to offer free wifi in public areas,” *The Independent*, June 20, 2011, <http://www.independent.co.uk/travel/news-and-advice/seoul-to-offer-free-wifi-in-public-areas-2300048.html>; Hyeon-jeong Jeong, “3 mobile carriers agree to build 1,000 joint Wi-Fi spots [at public places],” [in Korean] *ZDNet Korea*, July 18, 2011, [http://www.zdnet.co.kr/news/news\\_view.asp?article\\_id=20110718125845](http://www.zdnet.co.kr/news/news_view.asp?article_id=20110718125845).

<sup>13</sup> Du-jin Choi, Yeong-dal Ryu, et al., *The 2010 Digital Divide Index* [in Korean] (Seoul: National Information Society Agency, 2011), [www.nia.or.kr/Extra/Module/Common/Lib/Attach/Download.aspx?Seq=21197](http://www.nia.or.kr/Extra/Module/Common/Lib/Attach/Download.aspx?Seq=21197).

for long periods of time, including throughout the night.<sup>14</sup> In addition, foreign residents face difficulties accessing many online services, both governmental and commercial. This is largely due to language barriers, but a more significant factor is the Internet Real-Name Registration System<sup>15</sup> adopted in 2004 under an amendment to the Public Official Election Act.<sup>16</sup> Users are required to verify their identities by submitting their Resident Registration Numbers (RRNs) when they wish to join and contribute to web portals and other major sites. As RRNs are assigned only to Korean citizens at birth, foreign nationals must individually contact webmasters to confirm their identities. This may change in the near future, as the government and private firms are in the process of discussing alternatives to RRNs—such as mobile phone numbers or internet-specific IDs—as the basis for the real name system.

In 2007, the Internet Real-Name Registration System was expanded to apply to any website with more than 100,000 visitors per day.<sup>17</sup> This included the video-sharing website YouTube, but the site's U.S.-based parent company, Google, refused to ask its Korean customers for their RRNs. Instead, it has blocked users from uploading content onto YouTube Korea. Users are able to bypass the restriction by simply switching their location setting to “worldwide.” Even the Korean presidential office maintains its YouTube channel in this way.<sup>18</sup> Other popular applications, such as the social-networking site Facebook and the microblogging service Twitter, are available and currently exempt from the identity verification requirement. Although subject to the online real name system, locally-based social networking sites like Cyworld and web portals like Naver and Daum are also popular among Korean users.

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<sup>14</sup> Critics have questioned the effectiveness of the regulations. For example, a study commissioned by a video game website found that after one month of the law coming into effect, many youngsters were finding ways to continue late night game playing despite the restriction. For instance, using parents' logins or resorting to offline games. “Young S. Koreans face midnight ban for online games,” France 24, December 1, 2010, <http://www.france24.com/en/20101202-young-skoreans-face-midnight-ban-online-games-0> (site discontinued); Greg Collins, “South Korean government shutting down online gaming,” Tech Digest, November 15, 2011, [http://www.techdigest.tv/2011/11/south\\_korean\\_go.html](http://www.techdigest.tv/2011/11/south_korean_go.html). ; Yeon-jin Choi, “The Shutdown Law now boomerangs: Sony denies gaming access to all Korean youngsters,” [in Korean] *Hankook Ilbo*, November 16, 2011, <http://news.hankooki.com/lpage/economy/201111/h2011111602314821540.htm>; Tori Floyd, “Korean kids banned from late-night gaming, but it's not working,” Yahoo! News Right Click (blog), January 7, 2012, <http://ca.news.yahoo.com/blogs/right-click/korean-kids-banned-night-gaming-not-working-172635302.html>; Alt, “Triple Regulation Coming True After all,” This Is Game Global, February 7, 2012, <http://www.thisisgame.com/en/2012/02/07/triple-regulation-coming-true-after-all>.

<sup>15</sup> Korea Internet Security Agency, *2011 Survey on the Internet Usage of Foreign Residents in Korea* [in Korean] (Seoul: KISA, November 2011), <http://isis.kisa.or.kr/board/fileDown.jsp?pageId=040100&bbsId=7&itemId=777&athSeq=1>.

<sup>16</sup> The amendment became Article 82, Provision 6 of the act.

<sup>17</sup> The expansion was a result of the Act on Promotion of Information and Communications Network Utilisation and Data Protection.

<sup>18</sup> “Cheong WaDae/ Korea & President Lee Myung-bak,” YouTube Video Channel, posted by “PresidentMBLee,” last updated July 23, 2012, <http://www.youtube.com/user/PresidentMBLee>.

The telecommunications sector in South Korea is relatively diverse and open to competition, with 121 internet-service providers (ISPs) operating as of May 2012.<sup>19</sup> Nevertheless, the market remains dominated by three companies: Korea Telecom (43.5 percent), SK Telecom (18.9 percent), and LG Telecom (16.0 percent). The same firms share the country's mobile phone service market, with 31.6 percent, 50.5 percent, and 17.8 percent, respectively.<sup>20</sup> All three are publicly traded companies (Korea Telecom was state-owned until privatization in 2002), but they are part of the country's *chaebol*—large, family-controlled conglomerates—which are in turn closely connected by marriage ties to the political elite.<sup>21</sup> This has given rise to speculation that favoritism was at play in the privatization process and in the selection of bidders for mobile phone licenses.

One of the first priorities of the conservative government that took office in February 2008 was to restructure regulatory institutions dealing with ICTs. The Ministry of Information and Communication (MIC) and the Korean Broadcasting Commission (KBC) were merged to create the Korea Communications Commission (KCC), tasked with overseeing both telecommunications and broadcasting to improve policy coherence.<sup>22</sup> The KCC consists of five commissioners, with the president appointing two (including the chairman) and the National Assembly choosing the remainder. The KCC has struggled to earn credibility as its first chairman Choi See-joong was a close associate of the president, causing some observers to view the restructuring as a government effort to tighten control over the media and ICT sectors.<sup>23</sup> The president reappointed Choi as chairman in March 2011 over objections of opposition lawmakers who claimed he had politicized the agency via his personnel choices and had favored conservative media outlets in licensing decisions. In January, Choi resigned after prosecutors began investigating him in connection with several bribery scandals, including one that involved allegations that a former aide of his had received millions of won in bribes from the Korea Broadcasting and Art School in return for business favors.<sup>24</sup> Choi was arrested in April 2012 and expected to stand trial later in the year.<sup>25</sup> In February 2012,

<sup>19</sup> Korea Internet and Security Agency, Infrastructure Statistics: ISPs (2011) [in Korean], <http://isis.kisa.or.kr/sub01/?pageId=010302>.

<sup>20</sup> Korea Communications Commission “Wired/Wireless Subscriptions November 2011.”

<sup>21</sup> Hyeok-cheol Kwon, “Is *Chojoongdong* one big family?” [in Korean] Hankyoreh, July 29, 2005, <http://www.hani.co.kr/kisa/section-002009000/2005/07/002009000200507291742668.html>.

<sup>22</sup> Jong Sung Hwang and Sang-hyun Park, “Republic of Korea,” in *Digital Review of Asia Pacific 2009–2010* (London: Sage Publications, 2009), 234–240.

<sup>23</sup> Ji-nam Kang, “Who’s Who Behind Lee Myung-bak: Choi See-joong the Chairman of the KCC (Appointed),” [in Korean] *Shindonga* (583, 2008), 48–49, [http://shindonga.donga.com/docs/magazine/shin/2008/04/12/200804120500019/200804120500019\\_1.html](http://shindonga.donga.com/docs/magazine/shin/2008/04/12/200804120500019/200804120500019_1.html).

<sup>24</sup> Yonhap News, “Ex-aide of KCC chief under bribery probe,” The Korea Herald, January 4, 2012, <http://www.koreaherald.com/national/Detail.jsp?newsMLId=20120103000879>; Tae-gyu Kim and Jun-beom Hwang, “Choi See-joong’s protégé Jeong Yong-uk bags a huge bribe and flees to Canada?” [in Korean] Hankyoreh, January 3, 2012, [http://www.hani.co.kr/arti/society/society\\_general/513250.html](http://www.hani.co.kr/arti/society/society_general/513250.html).

<sup>25</sup> Sung-jin Yang, “Chief of telecom regulator resigns,” The Korea Herald, January 27, 2012, <http://www.koreaherald.com/national/Detail.jsp?newsMLId=20120127001130>; Lee Joo-hee, “Lee’s fraternity faces breakdown,” The Korea Herald, June 5, 2012, <http://view.koreaherald.com/kh/view.php?ud=20120506000416>.

President Lee Myung-bak named Lee Kye-cheol, a former vice minister for ICTs, as KCC chairman.

## LIMITS ON CONTENT

Although the South Korean blogosphere is vibrant and creative, there are a number of restrictions on the free circulation of information, including content of public interest or criticism of government figures. Some of these measures have intensified since early 2011, though they were partly offset by an important Constitutional Court decision that prompted a significant relaxation of restrictions on election-related online communications.

Two types of censorship are particularly evident in South Korea: technical filtering of websites and social media accounts,<sup>26</sup> and the administrative deletion of certain content on the orders of the Korea Communications Standards Commission (KCSC) or the National Election Commission (NEC).

The KCSC was established in 2008 to maintain ethical standards in broadcasting and internet communications. It is technically an independent statutory organization, but its nine members are appointed by the president.<sup>27</sup> One of its primary tasks is to monitor online content for possible content violations, including obscenity, defamation, and threats to national security. Citizens can also submit petitions against content they believe has violated their privacy or harmed their reputation. The KCSC then makes recommendations to bulletin board operators or ISPs to implement corrective measures, which range from deletion of postings to blocking of designated internet protocol (IP) addresses. Such recommendations are not legally binding in themselves. However, under the Comprehensive Measures on Internet Information Protection issued in 2008, the KCC may step in and impose heavy fines on service providers in cases of noncompliance. Consequently, the vast majority of censorship recommendations are implemented.

Given the political tensions with North Korea, the South Korean government has imposed restrictions on access to content produced by the north or otherwise sympathetic to it. A series of tests conducted in 2008 and 2010 by the OpenNet Initiative found that a significant number of websites containing North Korean propaganda or writings promoting reunification of the two Koreas were explicitly and consistently blocked in South Korea.<sup>28</sup>

<sup>26</sup> OpenNet Initiative, "Country Profile: South Korea," December 26, 2010, <http://opennet.net/research/profiles/south-korea>.

<sup>27</sup> Six members are nominated by the president and the party with a parliamentary majority, while three are nominated the opposition. See, Jeong-hwan Lee, "A private organisation under the president? The KCSC's structural irony," [in Korean] Media Today, September 14, 2011, <http://www.mediatoday.co.kr/news/articleView.html?idxno=97350>.

<sup>28</sup> Besides North Korea-related content, a small number of gambling and Korean-language pornographic sites were found to be filtered. OpenNet Initiative, "Country Profile: South Korea."

The National Intelligence Service and the Korean National Police Agency can ask the KCSC to have websites carrying pro-North Korean content rendered inaccessible. Examples include the blocking of North Korea's official Twitter account “@uriminzok” and official web portal Naenara ([www.naenara.com.kp](http://www.naenara.com.kp)). The justification given is that these violate the 1948 National Security Law, which classifies content that “praises, promotes, and glorifies North Korea” as “illegal information.”

The KCSC process has been criticized for its vaguely defined standards and the wide discretionary power this single entity possesses to determine what information should be censored.<sup>29</sup> Concerns have also been expressed over the lack of transparency and accountability in the decision-making process, including the fact that administrators of censored URLs are given no opportunity to defend themselves before the commission. In 2011, criticism emerged from within the commission as well. One of its nine members, Park Kyung-shin, challenged the KCSC's deliberation criteria and rulings by starting a blog on which he posted samples of content that had been censored by the commission and then discussed the factors to consider in making such a determination. In July 2011, he posted non-sexual pictures of human male anatomy, such as those found in sex education books.<sup>30</sup> This prompted the KCSC to begin proceedings for evaluating his blog as a candidate for removal, stirring public debate. Park eventually removed the content deemed offensive and the commission issued him a warning. However, in February 2012, prosecutors indicted him for possible violation of obscenity laws.<sup>31</sup> Park's blog is still available, and he continues to voice his concerns regarding freedom of expression there.<sup>32</sup>

The KCSC intermittently publishes on its website statistics of the corrective measures taken.<sup>33</sup> These statistics show that the KCSC had 4,731 websites/pages blocked<sup>34</sup> and 6,442 items deleted<sup>35</sup> in 2008, its first year of operation. The figures have seen a considerable rise since. Throughout 2011, 31,357 websites/pages were blocked<sup>36</sup> and 9,058 items were reportedly deleted for offenses such as “encouraging gambling,” “obscenity,” “violating

<sup>29</sup> Jillian York and Rainey Reitman, “In South Korea, the Only Thing Worse Than Online Censorship is Secret Online Censorship,” Electronic Frontier Foundation, September 6, 2011, <https://www.eff.org/deeplinks/2011/08/south-korea-only-thing-worse-online-censorship>; Jeong-hwan Lee, “A private organisation under the president? The KCSC's structural irony,” [in Korean] Media Today, September 14, 2011, <http://www.mediatoday.co.kr/news/articleView.html?idxno=97350>.

<sup>30</sup> R. Jai Krishna and Evan Ramstad, “‘Offensive’ Web Content Targeted in Asia,” The Wall Street Journal, December 6, 2011, <http://online.wsj.com/article/SB10001424052970204770404577082080244171866.html>; York and Reitman, “In South Korea, the Only Thing Worse Than Online Censorship is Secret Online Censorship.”

<sup>31</sup> Evan Ramstad, “Prosecutors Target Censorship Critic,” The Wall Street Journal, March 8, 2012, <http://blogs.wsj.com/korearealtime/2012/03/08/prosecutors-target-censorship-critic/>.

<sup>32</sup> K.S. Park's Writings (blog), [blog.naver.com/kyungsinpark](http://blog.naver.com/kyungsinpark).

<sup>33</sup> Available at [http://www.kocsc.or.kr/02\\_infoCenter/info\\_Communion\\_List.php](http://www.kocsc.or.kr/02_infoCenter/info_Communion_List.php) [in Korean].

<sup>34</sup> 3,816 for “encouraging gambling,” 549 for “disturbing social order,” and 366 for “obscenity.”

<sup>35</sup> 3,238 for “disturbing social order,” 1,460 for “obscenity,” 1,201 for “violating others' rights,” 424 for “violence, cruelty and hatred,” and 119 for “encouraging gambling.”

<sup>36</sup> 14,951 for “encouraging gambling,” 12,064 for “disturbing law and order,” 3,998 for “obscenity,” 319 for “violating others' rights,” and 25 for “violence, cruelty and hatred.”

others' rights," and "disturbing law and order" (which would include items blocked or removed under the National Security Law).<sup>37</sup>

In 2011, the KCSC sought to expand the scope of censorship to social networking services, mobile phone applications, and podcasts.<sup>38</sup> Among the targets of censorship were some social media accounts of people engaging in criticism of the government. In December, the commission created a team to more systematically monitor Web 2.0 platforms, such as Twitter and Facebook, for violations. In one high-profile example, the KCSC reportedly warned that a popular, satirical anti-government podcast titled *Naneun Kkomsuda* or in short *Nakkomsu* (which can be translated into "I'm a petty trickster")<sup>39</sup> could be subject to censorship, particularly if anyone mocked during the program files a complaint; as of May 2012, however, the podcast was freely available.<sup>40</sup> In another example, in May 2011, the KCSC ordered the blocking of the Twitter account "@2MB18nomA," whose ID consists of the current president's nickname "2MB" and a reference to a common Korean curse word.<sup>41</sup> After the KCSC denied the user's appeal challenging the block, he turned to the Seoul Administrative Court, but lost the case in May 2012.<sup>42</sup> Meanwhile, the same user was fined one million Korean won (approximately US\$880) for violating the election law over tweets he had posted in May 2011 criticizing the ruling party. That decision was overturned, however, when he successfully appealed in March 2012 after a change in election regulations (see below).<sup>43</sup>

Blocked social media accounts are still accessible from smartphones, but the ruling conservative party initiated an amendment to the Telecommunications Business Act in

<sup>37</sup> 7,191 for "disturbing law and order," 1,449 for "obscenity," 348 for "violating others' rights," 49 for "encouraging gambling," and 21 for "violence, cruelty and hatred."

<sup>38</sup> Matt Brian, "South Korea may begin censoring social networking, mobile apps from next week," The Next Web, December 1, 2011, <http://thenextweb.com/asia/2011/12/01/south-korea-may-begin-censoring-social-networking-mobile-apps-from-next-week/>.

<sup>39</sup> Banyan, "Sneaky tricksters, unite!" The Economist, January 16, 2012, <http://www.economist.com/blogs/banyan/2012/01/satire-south-korea>.

<sup>40</sup> The podcast was one of ten apps that in January 2012 the commander of the Sixth Army Corps ordered subordinates to delete from their smartphones because they contained content that was either pro-North Korean or critical of the Lee Myung-bak administration. Soon-taek Kwon, "Nakkomsu too would be up for consideration if a complaint was filed," [in Korean] Mediaus, December 5, 2011, <http://www.mediaus.co.kr/news/articleView.html?idxno=21548>; "Army unit orders 'pro-N. Korea' apps be deleted, inspects individual phones," Yonhap News, February 6, 2012, <http://english.yonhapnews.co.kr/national/2012/02/06/56/0301000000AEN20120206001200315F.HTML>.

<sup>41</sup> Chico Harlan, "In S. Korea, a shrinking space for speech," The Washington Post, December 22, 2011, [http://www.washingtonpost.com/world/asia\\_pacific/in-s-korea-a-shrinking-space-for-speech/2011/12/21/gIQAmAHgBP\\_story.html](http://www.washingtonpost.com/world/asia_pacific/in-s-korea-a-shrinking-space-for-speech/2011/12/21/gIQAmAHgBP_story.html); Louisa Lim, "In South Korea, Old Law Leads To Crackdown," National Public Radio (NPR), December 1, 2011, <http://www.npr.org/2011/12/01/142998183/in-south-korea-old-law-leads-to-new-crackdown>.

<sup>42</sup> Jeong-min Yang, "Owner of the Twitter ID 'cursing MB' lost his case, but why?" [in Korean] Money Today, May 4, 2012, <http://www.mt.co.kr/view/mtview.php?type=1&no=2012050407583397741&outlink=1>.

<sup>43</sup> Seung-mo Kim, "Posting on Twitter a list of candidates to be rejected is not illegal, says court," [in Korean] The Law Times, March 20, 2012, <http://www.lawtimes.co.kr/LawNews/News/NewsContents.aspx?serial=63156>.

November 2011 that would require mobile operators to enforce filtering orders.<sup>44</sup> The KCSC also announced in January 2012 that it would introduce a warning system to recommend users voluntarily delete posts on social-networking sites if the information in them is deemed false or harmful. Failure to delete the post in question within a day of receiving the warning would result in the commission asking ISPs to block access from within South Korea to the account.<sup>45</sup> As of May 2012, these systems did not appear to be in place yet.

Restrictions on online expression surrounding elections have generally been more stringent in South Korea than in other democracies, though this gap shrank after a landmark Constitutional Court ruling in December 2011. Although the initial measures adopted were to ensure fair electoral competition, their broad scope raised concerns that they limited political speech important for voters and candidates. Article 93 of the Public Official Election Act, in particular, prohibits individual voters from distributing or displaying “an advertisement, letter of greeting, poster, photograph, document, drawing, printed matter, audio tape, video tape, or the like” during the 180 days prior to election day if it contains an endorsement of or opposition to a candidate or a political party. The NEC initially interpreted this article as also applying to blog posts, user comments on news websites, and user-generated content in social media. Commissioners could demand that websites or blog-hosting services delete postings that carry such content. In a positive development, however, on December 29, 2011, the Constitutional Court ruled that the NEC’s ban on social media—especially Twitter—being used in campaigning was unconstitutional.<sup>46</sup> The NEC subsequently announced on January 13, 2012 that it would henceforth allow online campaigns.<sup>47</sup> The court decision was especially timely given parliamentary and presidential elections scheduled for April and December 2012, respectively.

Prior to the above changes, two important by-elections took place in 2011, one in April and the other in October. In both instances, the ruling party was defeated after a high turnout of young voters, many of whom typically favor independent or opposition candidates. In the run-up to the elections, the NEC reminded voters of the limits of permissible online

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<sup>44</sup> Jin-shik Song, “The government and the ruling party looking to block access to SNS from smartphones,” [in Korean] *Kyunghyang Shinmun*, November 9, 2011, [http://news.khan.co.kr/kh\\_news/khan\\_art\\_view.html?artid=201111091740061&code=910402](http://news.khan.co.kr/kh_news/khan_art_view.html?artid=201111091740061&code=910402).

<sup>45</sup> Ji-hyun Cho, “Criticism escalates over SNS censorship,” *The Korea Herald*, January 29, 2012, <http://www.koreaherald.com/business/Detail.jsp?newsMLId=20120129000285>.

<sup>46</sup> Yonhap News, “Constitutional Court OKs Twitter for election campaigns,” *The Korea Times*, December 29, 2011, [http://www.koreatimes.co.kr/www/news/nation/2011/12/113\\_101835.html](http://www.koreatimes.co.kr/www/news/nation/2011/12/113_101835.html); Akira Nakano, “S. Korea allows campaigning on social networking sites,” *The Asahi Shimbun*, December 30, 2011, <http://ajw.asahi.com/article/asia/AJ201112300023>.

<sup>47</sup> AFP, “S. Korea lifts ban on Internet for electioneering,” *AsiaOne*, January 13, 2012, <http://www.asiaone.com/News/Latest%2BNews/Science%2Band%2BTech/Story/A1Story20120113-321714.html>; Yonhap News, “Election regulator allows Internet election campaigns,” *The Korea Times*, January 13, 2012, [http://www.koreatimes.co.kr/www/news/nation/2012/01/311\\_102798.html](http://www.koreatimes.co.kr/www/news/nation/2012/01/311_102798.html).

campaigning, though many continued to express their support for candidates anyway. This dynamic was especially evident for the October by-election, which resulted from the abrupt departure of the Mayor of Seoul in August 2011. Going beyond restrictions on users' ability to express support for a particular candidate in their posts, the NEC warned so-called "influential Twitter users," including celebrities, not to encourage people to exercise their right to vote in general.<sup>48</sup> The commission argued that most of these influential users were known to favor the independent candidate Park Won-soon (the eventual winner of the election) over the conservative candidate Na Kyung-won; therefore, their encouraging people to go to the polls would equate to showing support for Park, which was not allowed under the interpretation of the regulations at the time.<sup>49</sup> Despite this warning, many of these users encouraged people anyway, often using sarcastic or implicit language. Some subsequently faced reprisals. In December, prosecutors called a TV presenter and a law professor in for questioning for encouraging people to vote after the aide of a former member of the conservative party filed a complaint against them.<sup>50</sup>

The aforementioned regulations, in addition to real name registration and occasional prosecution of bloggers and social media users, have contributed to an atmosphere of self-censorship, particularly on topics like North Korea. The regulations have also led some service providers and websites to institute their own registration or content monitoring policies so as to preempt censorship orders from government agencies and avoid violation of existing laws. For example, the popular web portal Naver has been suspected of manipulating the "real-time hot queries" list displayed on its main page by excluding certain frequently searched words—such as the controversial KORUS FTA (Korea-U.S. Free Trade Agreement)—if they conflict with government interests.<sup>51</sup>

Nevertheless, South Koreans continue to enthusiastically embrace online technology and mobile phones for civic engagement and political mobilization. One high-profile example in 2011 related to a one-woman sit-in by labor activist Kim Jin-suk atop a crane to protest layoffs at Hanjin Heavy Industries. During her 309-day protest, Kim regularly posted messages to over 27,000 Twitter followers, some of whom organized offline demonstrations

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<sup>48</sup> Yoo Eun Lee, "South Korea: Warning to Twitter Influencers Fails to Discourage Voters," Global Voices (blog), October 27, 2011, <http://globalvoicesonline.org/2011/10/27/south-korea-tweeting-elections-against-all-odds/>.

<sup>49</sup> Sang-man Kim, "So, Jo Sumi can encourage you to vote but Lee Oisoo cannot?" [in Korean] Media Today, October 26, 2011, <http://www.mediatoday.co.kr/news/articleView.html?idxno=98063>.

<sup>50</sup> Mi-deob Cho and Hyeong-gyu Kim, "Kim Je-dong and Cho Kuk called in for questioning for encouraging people to vote; Twitter flooded with criticisms," [in Korean] Kyunghyang Shinmun, December 9, 2011, [http://news.khan.co.kr/kh\\_news/khan\\_art\\_view.html?artid=201112092134415&code=940301](http://news.khan.co.kr/kh_news/khan_art_view.html?artid=201112092134415&code=940301).

<sup>51</sup> In-seong Kim, "Sorry, Naver, I am on Google's side," [in Korean] OhmyNews, May 25, 2011, [http://www.ohmynews.com/NWS\\_Web/view/at\\_pg.aspx?CNTN\\_CD=A0001571141](http://www.ohmynews.com/NWS_Web/view/at_pg.aspx?CNTN_CD=A0001571141).

in support of her cause.<sup>52</sup> With the loosening of restrictions on the use of social media surrounding elections, candidates and voters across the political spectrum began making significant use of these applications in advance of the 2012 polls. Many observers believed this could benefit the opposition, as young, tech-savvy voters tend to favor opposition and independent candidates over those of the ruling conservative party.<sup>53</sup> In the April 2012 parliamentary polls, however, the first elections conducted after the aforementioned change in campaigning rules, the conservative party ultimately emerged victorious, though with a slimmer majority than previously.<sup>54</sup>

## VIOLATIONS OF USER RIGHTS

The South Korean constitution guarantees freedom of speech, the press, assembly, and association to all citizens, but it also enables restrictions by stating that “neither speech nor the press may violate the honor or rights of other persons nor undermine public morale or social ethics.” South Korea has an independent judiciary and a national human rights commission that have taken decisions upholding freedom of expression. Nonetheless, a continued rise in criminal cases brought for online speech has generated a chilling effect and international criticism.<sup>55</sup> Meanwhile, several large-scale hacking attacks in 2011 that exposed millions of users’ personal information have led the government and major internet companies to reassess the real-name registration system in place since 2004.

Several laws in South Korea have been used to restrict freedom of expression in traditional media as well as for online communications. The 1948 National Security Law allows prison sentences of up to seven years for praising or expressing sympathy with the North Korean regime. In April 2010, the Ministry of Unification issued a notice reminding citizens that the Act on Exchanges and Collaboration Between South and North Korea applies to online communications as well as offline encounters, and that any visit to websites or pages

<sup>52</sup> Jeremy Laurence and Ju-min Park, “After 309 days, South Korean protester climbs down from crane,” Reuters, November 10, 2011, <http://www.reuters.com/article/2011/11/10/us-korea-strike-idUSTRE7A930G20111110>; Jaeyeon Woo, “After 309 Days, She Touched the Ground,” *The Wall Street Journal*, November 10, 2011, <http://blogs.wsj.com/korearealtime/2011/11/10/after-309-days-she-touched-the-ground/>; Shin-jae Yoo & Gyeong-hwa Song, “From 176 to 7,282 to 17,106 to 61,061—#Hanjin tweets that have changed the world,” [in Korean] Hankyoreh, January 9, 2012, [http://www.hani.co.kr/arti/society/society\\_general/514067.html](http://www.hani.co.kr/arti/society/society_general/514067.html).

<sup>53</sup> Jack Kim and Ju-Min Park, “South Korea’s Twitter generation may give liberals upset win,” Reuters, April 9, 2012, <http://uk.reuters.com/article/2012/04/09/uk-korea-politics-socialmedia-idUKBRE83804C20120409>.

<sup>54</sup> Yongwook Ryu, “South Korea’s 2012 national assembly elections,” *East Asia Forum*, April 25, 2012, <http://www.eastasiaforum.org/2012/04/25/south-korea-s-2012-national-assembly-elections/>; Woo Jung-yeop, “April 2012 South Korean Parliamentary Elections: Surprise Results and Implications,” *Council on Foreign Relations*, May 2012, <http://www.cfr.org/south-korea/april-2012-south-korean-parliamentary-elections-surprise-results-implications/p28145>.

<sup>55</sup> La Rue, “Full Text of Press Statement.”

maintained by people of North Korea must be reported to the government in advance. Anyone failing to do so faces a fine of up to one million won (US\$880).<sup>56</sup>

Prosecutions under the law, including for online communications, have dramatically increased since 2008 under the conservative party's administration. According to media reports, the number of people prosecuted for online activities deemed sympathetic to the North Korean regime increased from 5 in 2008 to 82 in 2010, a trend that appeared to continue into 2011.<sup>57</sup> In September 2011, police raided the studio of a young photographer, Park Jung-geun, after he re-tweeted posts from the North Korean Twitter account “@uriminzok.”<sup>58</sup> Park claimed that he had done so with the aim of making fun of the regime. Nevertheless, police subsequently interrogated him five times and in January 2012, he was arrested and remained in custody for one month until bail was granted; as of May, the case was pending with the next court date set for July 2012.<sup>59</sup> In another set of cases, after Kim Jong-il's death, prosecutors reportedly investigated several people who created pages on social networking sites to express condolences, prompting many to shut the groups in order to avoid punishment.<sup>60</sup>

Defamation remains a criminal offence, with penalties of up to five years' imprisonment or a fine up to 10 million won (US\$8,800). Defamation via ICTs draws heavier penalties—seven years in prison or a fine up to 50 million won (US\$43,850)—under the 2005 Act on the Promotion of Information and Communications Network Utilization and Data Protection.<sup>61</sup> In one high-profile case, former lawmaker Chung Bong-ju, who was also one of the four contributors to the popular satirical *Nakkomsu* podcast, was convicted of spreading false rumors connecting President Lee to accusations of stock fraud. In December 2011, the Supreme Court upheld an earlier verdict sentencing Chung to one year in prison, stating

<sup>56</sup> Ministry of Unification, “Notice on the Use of North Korean Internet Sites,” [in Korean] News & Statements, April 8, 2010, [http://www.unikorea.go.kr/CmsWeb/viewPage.req?idix=PG0000000346&boardDataId=BD0000186451&CP0000000002\\_BO0000000033\\_Action=boardView&CP0000000002\\_BO0000000033\\_ViewName=board/BoardView&curNum=12](http://www.unikorea.go.kr/CmsWeb/viewPage.req?idix=PG0000000346&boardDataId=BD0000186451&CP0000000002_BO0000000033_Action=boardView&CP0000000002_BO0000000033_ViewName=board/BoardView&curNum=12).

<sup>57</sup> Sang-Hun Choe, “Sometimes, It’s a Crime to Praise Pyongyang,” *The New York Times*, January 5, 2012, <http://www.nytimes.com/2012/01/06/world/asia/06iht-korea06.html?pagewanted=all>.

<sup>58</sup> Lim, “In South Korea, Old Law Leads To New Crackdown”; Sang-Hun Choe, “South Korean Law Casts Wide Net, Snaring Satirists in a Hunt for Spies,” *The New York Times*, January 7, 2012, <http://www.nytimes.com/2012/01/08/world/asia/south-korean-law-casts-wide-net-snaring-satirists-in-a-hunt-for-spies.html?pagewanted=1&r=1>; “Amnesty urges release of S. Korean Twitter user,” *France 24*, February 2, 2012, <http://www.france24.com/en/20120202-amnesty-urges-release-korean-twitter-user>.

<sup>59</sup> Paula Hancocks, “South Korean ‘joke’ may lead to prison,” *CNN*, July 4, 2012, <http://edition.cnn.com/2012/07/03/world/asia/south-korea-north-joke/index.html>.

<sup>60</sup> Sujin Park and Il-hoon Hyeon, “The Prosecution starts investigation into some 100 treasonous items ‘in memory of Kim Jong-il,’” [in Korean] *Munhwa Ilbo*, December 20, 2011, <http://www.munhwa.com/news/view.html?no=20111220010716272330020>; Chico Harlan, “In S. Korea, a shrinking space for speech,” *The Washington Post*, December 22, 2011, [http://www.washingtonpost.com/world/asia\\_pacific/in-s-korea-a-shrinking-space-for-speech/2011/12/21/gIQAmaHgbP\\_story.html](http://www.washingtonpost.com/world/asia_pacific/in-s-korea-a-shrinking-space-for-speech/2011/12/21/gIQAmaHgbP_story.html).

<sup>61</sup> See Article 61: Republic of Korea, *Act on Promotion of Information and Communications Network Utilization and Data Protection, etc.*, Article 61, Amended December 30, 2005, <http://www.worldlii.org/int/other/PrivLRes/2005/2.html>.

that he had violated election and defamation laws by disseminating the unconfirmed allegations.<sup>62</sup> In an effort to curb online smear campaigns surrounding elections, in January 2012, prosecutors warned that anyone posting false information about election candidates more than thirty times for the purpose of defaming the person's reputation would be arrested.<sup>63</sup> Touching more directly on online content is Article 44(7) of the Act on Promotion of Information and Communications Network Utilization and Data Protection, which lists "obstruction of business" as a punishable crime.

A copyright law that restricts file sharing was passed in May 2009 and came into effect two months later. Often referred to as the "three-strikes rule," it allows the government to shut down an entire online bulletin board after a third warning to take down pirated content. Internet companies and civil liberties advocates have raised concerns that this is an excessive scheme, which could threaten fair use and free expression.<sup>64</sup> In November 2010, the Ministry of Culture, Sports, and Tourism announced that it had issued over 450 warnings between March and September 2010 and had disabled 11 accounts of individuals who failed to cease uploading large amounts of copyrighted materials.<sup>65</sup>

Anonymous communication online is significantly compromised in South Korea, given the aforementioned real name registration system, though in 2011, the government came under increasing pressure to revise or abandon the system. While users must register their real identities before posting, they are permitted to choose pseudonyms that will appear to the public next to their comments. The system has encouraged some Korean users to leave domestic services in favor of their international counterparts.<sup>66</sup> Mobile phone purchase also requires users to provide their RRNs.

Beyond its chilling effect for online expression, the risk of such widespread real name registration became evident in July 2011 when a hacking attack, allegedly originating from China, targeted the popular portal Nate and its social networking service Cyworld. The hackers reportedly stole the personal details of 35 million users, or 70 percent of the country's population. The stolen data included users' real names, passwords, RRNs, mobile phone numbers, and e-mail addresses. The parent company SK Communications assured the

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<sup>62</sup> Sang-hun Choe, "A Leading Critic of South Korea's President Is Jailed," *The New York Times*, December 26, 2011, <https://www.nytimes.com/2011/12/27/world/asia/a-leading-critic-of-south-koreas-president-is-jailed.html>.

<sup>63</sup> Hee-yeon Kim, "Anyone posting false information online more than 30 times will be arrested," [in Korean] ZDNet Korea, January 16, 2012, [http://www.zdnet.co.kr/news/news\\_view.asp?article\\_id=20120116182822](http://www.zdnet.co.kr/news/news_view.asp?article_id=20120116182822).

<sup>64</sup> B. H. Ahn, "The New Copyright Law and 'the Three-Strikes Rule'," [in Korean] *Digital Times*, August 12, 2009, [http://www.dt.co.kr/contents.html?article\\_no=2009081302011869718001](http://www.dt.co.kr/contents.html?article_no=2009081302011869718001).

<sup>65</sup> "First three-strikeouts for 'heavy uploaders'. 11 accounts ordered to be suspended," [in Korean] <http://news.mk.co.kr/newsRead.php?year=2010&no=596419>

<sup>66</sup> Bon-kwon Koo, "Legislator Choi Moon-soon Lists 5 'Backward' Regulations in the Digital Environment," [in Korean] *Hankyoreh*, June 24, 2010, <http://www.hani.co.kr/arti/economy/it/427362.html>.

affected users that their RRNs and passwords were encrypted,<sup>67</sup> but the incident renewed public concern about internet users' right to privacy.<sup>68</sup>

Subsequently, the KCC expressed its intention to gradually amend the relevant laws, possibly towards the abolition of the internet real-name registration regime.<sup>69</sup> In April 2012, the KCC, the Ministry of Public Administration and Security, and the Financial Services Commission jointly put forward a policy whereby online service providers would be banned from collecting and storing users' RRNs—unless specific legal provisions require otherwise—and would be penalized more heavily in cases of data leaks; the plan was reportedly approved and intended to take effect in August 2012.<sup>70</sup> This change did not necessarily imply abolition of the real name registration system, which remained in place as of May 2012, though some companies had begun using methods other than RRNs for linking users' identities to their online profile. The KCC continues to explore implementing such alternatives on a wider scale in order to avoid use of RRNs, but still enable users' real identities to be confirmed.<sup>71</sup>

Individual users' personal information may be made available to the police and the prosecution upon request for investigative purposes, under Article 83(3) of the Telecommunications Business Act (TBA). There have been incidents in which the authorities have failed to follow the appropriate protocol when obtaining such information, raising concerns about internet users' right to privacy. In September 2011, a scandal broke out revealing that the National Intelligence Service had the capacity to intercept the content of a Gmail account of an individual accused of violating the National Security Law.<sup>72</sup> Information also emerged that the government had in recent years increased its purchases of interception equipment.<sup>73</sup> Moreover, in March 2012, a scandal resurfaced over the activities of the Civil

<sup>67</sup> "Nate, Cyworld Hack Stole Information From 35 Million Users: SKorea Officials," The Huffington Post, July 28, 2011, [http://www.huffingtonpost.com/2011/07/28/south-korea-nate-cyworld-hack-attack\\_n\\_911761.html](http://www.huffingtonpost.com/2011/07/28/south-korea-nate-cyworld-hack-attack_n_911761.html).

<sup>68</sup> Eric Pfanner, "Naming Names on the Internet," The New York Times, September 4, 2011, <http://www.nytimes.com/2011/09/05/technology/naming-names-on-the-internet.html>.

<sup>69</sup> Ja-young Yoon, "Online ID system faces overhaul," The Korea Times, December 23, 2011, [http://www.koreatimes.co.kr/www/news/biz/2011/12/123\\_101459.html](http://www.koreatimes.co.kr/www/news/biz/2011/12/123_101459.html).

<sup>70</sup> Ji-yoon Lee, "Korea to ban online collection of resident numbers," The Korea Herald, April 20, 2012, <http://view.koreaherald.com/kh/view.php?ud=20120420000712&cpv=0>; Kate Jee-hyung Kim, "Lessons Learned from South Korea's Real-Name Policy," Korea IT Times, January 17, 2012, <http://www.koreaitimes.com/story/19361/lessons-learned-south-koreas-real-name-verification-system>.

<sup>71</sup> Bon-kwon Koo, "Internet real name confirmation system to be abolished," [in Korean] The Hankyoreh, December 30, 2011, [http://english.hani.co.kr/arti/english\\_edition/e\\_national/512617.html](http://english.hani.co.kr/arti/english_edition/e_national/512617.html).

<sup>72</sup> Hyeon-ung Roh, "Even Gmail is under surveillance of NIS," [in Korean] The Hankyoreh, September 16, 2011, [http://www.hani.co.kr/arti/society/society\\_general/496439.html](http://www.hani.co.kr/arti/society/society_general/496439.html).

<sup>73</sup> Jieun Lee, "Under MB administration purchases of packet eavesdropping equipment increase each year," [in Korean] The Hankyoreh, September 21, 2011, [http://www.hani.co.kr/arti/politics/politics\\_general/497155.html](http://www.hani.co.kr/arti/politics/politics_general/497155.html); Sang-man Kim, "Somebody Is Watching You: From 'Big Brother' to 'Big Browser'," [in Korean] Media Today, February 3, 2010, <http://www.mediatoday.co.kr/news/articleView.html?idxno=85800>; "NIS confirms increasing packet eavesdropping equipment supply," [in Korean] The Hankyoreh, November 17, 2009, [http://english.hani.co.kr/arti/english\\_edition/e\\_national/388103.html](http://english.hani.co.kr/arti/english_edition/e_national/388103.html).

Service Ethics Division, established in 2008. The division reports directly to the prime minister and is tasked with identifying corruption among civil servants. However, a major television station posted online over 2,600 documents containing the alleged results of monitoring conducted on a wide range of citizens, including politicians, journalists, and civic activists. Seven division members were convicted in 2010 for carrying out illegal surveillance against two civilians, including one who had posted online a video critical of the president. The 2012 revelations sparked renewed calls for a more comprehensive investigation of the entity's activities.<sup>74</sup>

There have been no reports of physical violence against bloggers, but a notable increase in technical disruptions in 2011 highlighted vulnerabilities in the country's ICT infrastructure.<sup>75</sup> Besides the above-mentioned attack on Nate/Cyworld, high-profile attacks also targeted Hyundai Capital (in April 2011, compromising the data of 23 percent of its 1.8 million customers), the Agricultural Cooperative Bank (reportedly launched by North Korea in April 2011, resulting in paralysis of the system for weeks<sup>76</sup>), the news satire website Ddanzi Ilbo (allegedly carried out by politically motivated contract hackers in July 2011, resulting in complete deletion of its data<sup>77</sup>), and the online gaming company Nexon (in November 2011, exposing the personal information of over 13 million subscribers<sup>78</sup>).

Perhaps the most politically significant attack, however, was a distributed denial of service (DDoS) attack on a section of the NEC website on the day of the mayoral by-election in October. Information on polling stations was made unavailable during morning hours when a large proportion of young, liberal-leaning constituents were expected to vote en route to work. This gave rise to speculation that the attacks were politically motivated and intended to rig the elections in favor of the ruling conservative party. In December 2011, the personal assistant of ruling party lawmaker Choi Gu-shik was arrested for involvement in

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<sup>74</sup> Christian Oliver, "South Korean 'Watergate' rocks election campaign," FT.com, April 2, 2012, <http://www.ft.com/intl/cms/s/0/ab0dc5f4-7ca8-11e1-8a27-00144feab49a.html#axzz21cjqwo1j>; Choe Sang-Hun, "In South Korea Scandal, Echoes of Watergate," The New York Times, April 9, 2012, <http://www.nytimes.com/2012/04/10/world/asia/government-spying-charges-complicate-korean-vote.html?pagewanted=all>. ; Asian Human Rights Commission, "South Korea: Korean style of 'Watergate Scandal'?", Scoop World News, March 31, 2012, <http://www.scoop.co.nz/stories/WO1203/S00663/south-korea-korean-style-of-watergate-scandal.htm>.

<sup>75</sup> Reuters, "South Korea discovers downside of high speed internet and real-name postings," The Guardian, December 6, 2011, <http://www.guardian.co.uk/technology/2011/dec/06/south-korea-hacking-problems>.

<sup>76</sup> "North Korea 'behind South Korean bank cyber hack'," BBC News, May 3, 2011, <http://www.bbc.co.uk/news/world-asia-pacific-13263888>.

<sup>77</sup> Yong-in Jeong, "Who's behind hacking Ddanzi Ilbo?" [in Korean] Weekly Kyunghyang, August 2, 2011, <http://newsmaker.khan.co.kr/khnm.html?mode=view&code=115&artid=201107271904571&pt=ny>.

<sup>78</sup> Ja-young Yoon, "Online ID system faces overhaul," The Korea Times, December 23, 2011, [http://www.koreatimes.co.kr/www/news/biz/2011/12/123\\_101459.html](http://www.koreatimes.co.kr/www/news/biz/2011/12/123_101459.html).

the attack, reinforcing such suspicions and sparking calls for further investigation despite police claims the assistant acted alone.<sup>79</sup>

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<sup>79</sup> John Leyden, “Row over Korean election DDoS attack heats up,” *The Register*, December 7, 2011, [http://www.theregister.co.uk/2011/12/07/korean\\_election\\_ddos\\_row/](http://www.theregister.co.uk/2011/12/07/korean_election_ddos_row/); Sun-hui Yu, “GNP secretary arrested on charges of Election Day DDoS attack,” [in Korean] *The Hankyoreh*, December 3, 2011, [http://english.hani.co.kr/arti/english\\_edition/e\\_national/508382.html](http://english.hani.co.kr/arti/english_edition/e_national/508382.html); Yoo Eun Lee, “South Korea: Anger and Suspicion Grows Over Election Rigging,” *Global Voices* (blog), January 10, 2012, <http://globalvoicesonline.org/2012/01/10/south-korea-anger-and-suspicion-grows-over-election-rigging/>.