

Murder trial of Sewol captain begins in South Korea

By Ben McGrath
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The captain of the Sewol, a South Korean ferry that sank off the country's southern coast, was in court last Tuesday along with 14 crew members to enter pleas relating to charges stemming from the tragedy. On April 16, the vessel capsized, killing 304 people, 12 of whom are still listed as missing. The defendants all pleaded not guilty.

Captain Lee Jun-seok, his first and second mates and the chief engineer are facing murder charges. The media has raised the possibility that the court could impose a death penalty, which has not been carried out in South Korea since 1997. Eleven other crew members face charges of causing death by negligence.

The five charges against Lee include homicide, attempted homicide, negligence of duties, violation of the Seamen Act, as well as a violation of the Rescue and Aid at Sea and Rivers Act.

The government's argument focuses on claims that Lee is directly responsible for the passengers' deaths. It is alleged that he ordered them to return to their cabins when the Sewol first began to sink, then fled the vessel without making an announcement or otherwise attempting to evacuate all the passengers.

Prosecutors at the Gwangju District Court stated: "The defendants were obligated to save lives, and they could have carried out that obligation, but they did not, knowing that there was a possibility that the passengers could die. Thus this establishes grounds for murder by nonfeasance."

However, Lee Jun-seok's lawyer, Lee Gwang-jae, defended his client, saying: "I am concerned that those who are more responsible are shifting blame to the defendant." The attorney explained that the captain had only been at the helm of the Sewol for six days and had not been involved in loading the vessel. The Sewol was restricted to carrying 987 tons of cargo but sank with

3,608 tons on board.

The proceedings are not designed to provide a fair trial for Lee or the crew. Instead, the government is intent on making Lee a scapegoat for its own inaction and protection of big business interests. Companies such as Chonghaejin Marine, which owned the Sewol, ignore the safety of their workers as well as the general public in their pursuit of greater profits.

Lee Jun-seok and 11 other crew members were temporary workers, lacking safety training. The ferry was also understaffed. Crew members requested that the ferry be loaded with less cargo, but that was rejected by Chonghaejin executives. The overloading of freight is a common practice on ferries.

Prior to the Sewol setting out, the company was aware that the ferry had problems with its steering mechanism. The vessel was also modified after its purchase from a Japanese company in 2012, adding another deck to increase its passenger capacity.

Perhaps most riskily, according to a prosecutor in May: "A first mate on the Sewol said that [Chonghaejin] officials did not load enough ballast water." The Sewol was carrying just 580 tons, instead of the recommended 2,030 tons. Ballast is important in allowing ships to resist lateral forces like strong waves and currents. Lacking this, vessels can list and capsize, which is precisely what happened to the Sewol as it passed through rough waters.

The trial preparations demonstrate, however, that the prosecution will focus on the immediate sinking itself, not the circumstances leading up to the tragedy. The government is expected to rely on video from the site where the Sewol capsized as well as communications between the ferry and the Vessel Traffic Service Center.

The government is desperate to deflect attention from

its own role in the tragedy. The Sewol's sinking has generated widespread anger over the slow and disorganized rescue operation. Family members of those killed have accused President Park Geun-hye's government of not doing enough to save the victims.

Public anger was further compounded by the fact that among the 476 passengers were 326 high school students on a school trip to Jeju Island, a popular vacation destination for South Koreans. While 172 people were saved in the initial rescue operation, no-one was found alive after April 16.

President Park's approval rating in opinion polls has fallen into the mid-40 percent range, from a high of 60 percent just before the Sewol's sinking. The opposition, led by the New Politics Alliance for Democracy, has exploited the tragedy to blame the government and to boost its chances in regional elections on June 4. In reality, both the ruling and opposition parties are responsible for the lack of safety standards and the widespread use of temporary workers.

Anger over the Sewol sinking has not subsided. In the lead-up to June 10, the anniversary of the 1987 movement that led to military dictator Chun Doo-hwan giving up power, the government banned demonstrations at various locations near Cheongwadae—the presidential residence—in Seoul. The ban was aimed particularly at Sewol protests.

A group calling itself the June 10 Cheongwadae Ten Thousand Person Rally was formed to commemorate the anniversary day and hold memorials for the victims of the Sewol. It said police rejected rally applications “filed for 61 locations near the Blue House for June 10 to share the people's voices on the Sewol tragedy, a historic day in the advancement of Korean democracy.” Under Korean law, police must approve all protests.

The government is still searching for the owner of Chonghaejin Marine. Yu Byeong-eon went into hiding after the Sewol sank and is believed to have taken refuge at the Evangelical Baptist Church, a cult of which he is a member. Yu faces charges of bribery and corruption, far different from the murder and manslaughter charges faced by Lee and his crew.

Last Wednesday, the day after the court proceedings began, the government launched an operation to capture Yu. It sent 4,000 police officers to the cult

compound, but they failed to find the owner. Yu's eldest daughter, Yu Som-na, was arrested in France last month and was denied bail the same day.

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