

South Korean investigators seek extension of arrest warrant for president

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South Korean investigators yesterday applied for an extension of the arrest warrant that was issued last Tuesday for impeached President Yoon Suk-yeol. He has been accused of insurrection and abuse of power over his failed attempt to impose martial law on December 3. Yoon utilized his personal guard and the military to block initial attempts to execute the warrant.

The Corruption Investigation Office for High-ranking Officials (CIO) filed the request for an extension with the Seoul Western District Court, which issued the initial arrest warrant. Yoon and his legal team, however, have given no indication that they will comply, claiming the CIO has no authority to investigate Yoon and the warrant is illegal. On Sunday, the same court dismissed an injunction requested by Yoon's legal team to invalidate the warrant.

The CIO and the National Police Agency initially attempted to carry out the arrest warrant on Friday, only to have the Presidential Security Service (PSS) block them from entering Yoon's presidential residence in Yongsan, Seoul. The PSS, which is an independent branch of the South Korean bureaucracy, protects the president. It also commands sections of the military responsible for guarding the president and mobilized soldiers from the 55th Security Brigade and the 33rd Military Police Brigade to prevent Yoon's detention.

When a second attempt to arrest Yoon will be made is not clear. The president, however, has stonewalled every effort to investigate his declaration of martial law last month as well as the impeachment trial which was initiated on December 14 when the National Assembly voted to suspend Yoon from office. The Constitutional Court has 180 days to review the impeachment and make a final decision on whether or not to remove Yoon from power.

The first hearing in the impeachment trial is set for

January 14, which Yoon is required to attend. However, Yun Gap-geun, one of his lawyers, suggested that the president would not do so, merely saying Yoon "will attend a hearing at an appropriate time and express his views."

On Friday, during the second pre-trial hearing at the Constitutional Court, the National Assembly's impeachment investigation committee, which is serving as the prosecutor in the case, proposed that insurrection charges be withdrawn and instead focus placed on the constitutionality of the martial law declaration itself while criminal charges be handled separately. The investigation committee is comprised of main opposition Democratic Party lawmakers and its allies in parliament as well as legal experts. The ruling People Power Party has refused to take part in the committee.

The CIO is investigating the criminal charges against Yoon in conjunction with the police. It requested the first arrest warrant and another to search the presidential residence after Yoon refused three separate summons for questioning and blocked investigators from carrying out search warrants at the president's offices.

However, confusion took place on Sunday and Monday when the CIO sent a letter to the police asking the latter to execute the warrant on the CIO's behalf. The police balked at the request, raising questions about disputes between the two sides and their ability to carry out a second attempt to arrest Yoon. The CIO stated Monday that they had agreed to jointly carry out the warrant and "reached a consensus with the police's National Office of Investigation that any room for controversy cannot be tolerated."

It is possible that when a second attempt is made to arrest Yoon, the police will attempt to arrest PSS officials and guards who obstruct the operation, leading

to potential clashes between the two sides. The police are considering deploying special forces to assist in a second arrest attempt, but have not confirmed their plans publicly.

In addition, protests have taken place around Yoon's residence and in Gwanghwamun, Seoul, both in support of the president and demanding his arrest. Rallies backing Yoon have attracted at most 35,000, including on Saturday, and dominated by far-right and fascistic elements. Demonstrations led by the Korean Confederation of Trade Unions (KCTU) against Yoon over the weekend had approximately 50,000 participants, significantly smaller than the hundreds of thousands who participated in recent weeks as the KCTU and the main opposition Democratic Party (DP) have sought to roll back protests.

Yoon's supporters have also appealed to the United States and to the incoming Trump administration. Participants at pro-Yoon rallies regularly wave US flags alongside South Korean ones and have in recent days adopted the slogan "Stop the steal," the same Trump used to justify his own failed coup on January 6, 2021.

The US, in fact, intervened in the political crisis on Monday when Secretary of State Antony Blinken met in Seoul with acting President Choi Sang-mok, National Assembly Speaker U Won-sik, and Foreign Minister Jo Tae-yeol. Blinken refused to criticize Yoon, instead presenting Yoon's attempted military coup as little more than political "differences," during a press conference with the foreign minister.

Blinken further claimed—just three days after Yoon mobilized the military to block his arrest—that "the response that we're seeing and that we expect to continue to see is one that is peaceful and fully consistent and in accordance with the constitution and the rule of law."

Without stating it explicitly, Blinken essentially gave his support to Yoon and the policies that he carried out in building a trilateral military alliance between South Korea, the US, and Japan. He declared that Yoon, the would-be dictator, alongside Washington and Tokyo had "forged a new era of trilateral cooperation, helping to advance a shared vision of an Indo-Pacific that's free, that's open, that's prosperous, that's secure, that's resilient, increasingly connected."

In all likelihood the Biden administration was aware

of Yoon's martial law plans in advance, whether they actively supported Yoon or chose to turn a blind eye. That Blinken talks at all about "rule of law" is because Yoon's coup failed. Washington's primary concern now is preventing the political crisis in Seoul from negatively impacting the trilateral military alliance that it has long sought as part of the US-led preparations for war against China.

In fact, Yoon is directly drawing on anti-democratic precedents in the US. On January 3, Yoon's lawyers submitted a document to the Constitutional Court stating the president should have immunity from all prosecution. They cited the US Supreme Court ruling in July in which the court effectively ruled that Trump as president had the right to break any laws he chose. In other words, Yoon has declared that he is above the law.

If the Constitutional Court sides with Yoon and he returns to office, he will not resume his duties as if nothing happened. He will have full authority over the military after having argued for a legal precedent that he can take whatever measures he deems fit. The potential for another declaration of martial law or other measures taken against political opponents remain present.



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