

[Decision on infringement upon human rights by posting law enforcement summons on the residence entry]

Rectification Human Rights Violation Committee 2 decision on Complaint

Case : 14Jinjeong0085500 decided April 7, 2014

Facts

On February 6, 2014, Defendant working at the motor vehicle registration office of AA City posted a summons at the attention of Petitioner at the entry door of an apartment where Petitioner has a residence. It was to demand the appearance of Petitioner on account of operating a non-insurance vehicle.

Petitioner complained that the said summons include the name, address and accounts to be charged by law enforcement, which revealed his privacy and infringed upon the freedom of private life.

Defendant performed his job in a legal manner for speedy processing pursuant to the relevant Rule on Special Judicial Police Job Performance. Posting the summons at the gate is construed as one of the “other methods acknowledged useful” and observed as a practice nationwide, in particular, when the statute of limitation is impending or the public prosecutor limits the period of investigation.

Reasoning

What Defendant, law enforcement officer of AA City, has done to Petitioner

was wrongful, but might be based on the investigation practices because of the inactive response of Petitioner.

So it is not proper to blame Defendant individually. Therefore, NHRC has decided to recommend the head of Public Prosecution Office at AA City to take necessary measures as mentioned below.

Conclusion

The Rectification Human Rights Violation Committee 2 of NHRCK has decided pursuant to Article 44(1) i of the National Human Rights Commission Act:

The head of Public Prosecution Office at AA City shall improve the existing investigation practices which allows posting a summons on the gate of residence of the addressee, and educate the judicial policemen in charge of summons under his jurisdiction for the protection of personal information.