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DEC 02 2005

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHUNG MU SON
7328 Mallory Circle
Alexandria, VA 22315

Plaintiff

Civil Action No.

CASE NUMBER 1:05CV02318

JUDGE: James Robertson

DECK TYPE: Personal Injury/Malpractice

DATE STAMP: 12/02/2005

**JURY
ACTION**

v.

YOUNG SAM KIM
7-6 Sangdo-donz, Dongjak-ku
Seoul, Korea 156-830

Defendant.

COMPLAINT

Plaintiff Chung Mu Son states the following for his Complaint.

PARTIES

1. Plaintiff is a national of the Republic of Korea now residing in Alexandria, Virginia. He is a lawfully admitted alien with permanent residency status in the United States and a free lance journalist and columnist for Korean news magazines. In the years after 1988 he was the publisher in Seoul, Korea of the monthly magazine *Inside the World*. In 1992 he was the majority shareholder in the corporation publishing the magazine.

2. Defendant Young Sam Kim is a national of the Republic of Korea. He was President of the Republic of Korea from February, 1993 until February, 1998. He is now out of office albeit still powerful politically, residing in Seoul, Korea.

JURISDICTION

3. This Court has jurisdiction pursuant to the 28 U.S.C. Sec. 1350, incorporating

provisions of the Alien Tort Claims Act and the Torture Victims Protection Act (Public Law 102-256). These provide for federal jurisdiction and a cause of action "for any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States." as well as for acts of torture committed abroad against either U.S. citizens or citizens of other nations. Venue is proper in this District pursuant to 28 U.S.C. Sec. 1391(d) since the defendant is an alien.

4. In 1992 the magazine published by Plaintiff Son published an article in its May issue stating that the then government party representative and hopeful presidential candidate, Defendant Kim, had a hidden daughter born out of wedlock.

5. On or about May 4, 1992 Defendant Kim filed a complaint with the Seoul Prosecutor's Office charging Plaintiff Son with libel by defamatory publication in that Plaintiff had published an untruth about Defendant. Plaintiff was arrested on May 6, 1992 and taken to a small room secured by iron bars in the Prosecutor's Office building.

6. Plaintiff was denied access to a lawyer. He was interrogated throughout the night without sleep. He was tortured for eight hours. Three interrogators tried to coerce a confession that Plaintiff had published a false story about the illegitimate daughter of the presidential candidate. They hit and kicked him hard scores of times on his head, chest, and legs during the interrogation, which lasted until about 5:00 a.m. the next morning.

7. Plaintiff was then allowed to use a bathroom to wash blood from his face before being taken to a Prosecutor's office for further interrogation.

8. At about 5:00 p.m. on May 7, 1992 an arrest warrant was issued for Plaintiff's

arrest. Plaintiff was locked up in a small solitary room with no arraignment. He was handcuffed while waiting for interrogation and during lunch. A few days later the Prosecutor's Office formally indicted Plaintiff on a charge of criminal libel by publication. On about May 9, 1992 Plaintiff's mother, Mal Soo Kim, fainted at the site of Plaintiff in handcuffs being taken to a prison, as shown on television. She died on May 29, 1992 in a hospital.

9. On about June 1, 1992 the Seoul District Criminal Court, 4th Division, held a trial in Plaintiff case, lasting about five minutes. The Court dismissed the case on grounds that the complainant, Defendant Kim, did not wish to punish Plaintiff Son.

10. On about June 2, 1992 Plaintiff Son was released after 26 days of imprisonment.

11. Soon after Plaintiff's release Defendant's aides contacted Plaintiff seeking a negotiation for retraction of the publication in exchange for a large sum of money. Plaintiff refused to accept the offer. Officials from the Korean Central Intelligence Agency pressured Plaintiff to negotiate possibilities of a retraction and contacted advertisers of the magazine to stop placing advertisements in the magazine. The Korean Tax Office threatened an audit of the magazine's finances. Defendant caused the actions described in this paragraph.

12. Defendant's false statement to authorities caused Plaintiff's incarceration and torture by the interrogators. Defendant's tortious actions proximately resulted in large financial losses to the magazine and to Plaintiff personally during the ensuing five years and in extreme emotional distress to Plaintiff.

13. It was impossible for Plaintiff to file suit against Defendant Kim in Korean courts while he was President of the Republic of Korea. Defendant's control of the judiciary insured that any such suit would be nullified or defeated.

14. It was impossible for Plaintiff to file suit against Defendant Kim in United States courts relying on the Alien Torts Claims Act against Defendant who as incumbent President was immune to suit under the Head of State doctrine. The statute of limitations applicable to the Alien Tort Claims Act and the Torture Victims Protection Act was thus tolled during that period.

15. The South Korean Government voided Plaintiff's Korean passport, leaving Plaintiff with no passport of any kind and no capability to travel to Korea to file suit there seeking a remedy.

16. In March, 2005 a major Korean newspaper disclosed in its affiliate magazine, Monthly Chosun, that the name of the mother of Defendant's illegitimate child is Kyung Sun Lee and that the Defendant's daughter by her is Kaneko Kaori, who was born in Seoul on October 16, 1962 by lunar calendar. The magazine also reported that the mother had received \$ 2.3 million in support since 1993 from a former assistant director of the Korean CIA named Kee Sup Kim. On or about September 27, 2005 Kaori and her mother filed a suit against Defendant in Seoul Korea for damages in the amount of about \$ 1,000,000.00 and a paternity finding that Defendant is her father.

COUNT I
(Arbitrary Imprisonment and Torture in Violation of
Alien Tort Claims Act and Torture Victims Protection Act)

17. The allegations contained in paragraphs 1 through 16 are incorporated herein as if fully set forth.

18. Defendant, by his false statements to authorities causing Plaintiff's arbitrary imprisonment and torture by the interrogators and the efforts to coerce retraction of his

report of the out of wedlock birth proximately caused large financial losses and extreme emotional distress to Plaintiff.

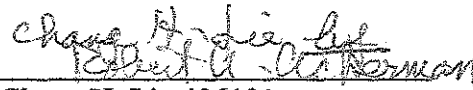
Wherefore, Plaintiff demands judgment in his favor and against Defendant Young Sam Kim for \$ 1,500,000.00 in compensatory damages, costs, and interest, and such other relief as the Court may deem appropriate.

PLAINTIFF DEMANDS JURY TRIAL ON ALL ISSUES.

Respectfully submitted,



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