

and trial processes of those aforementioned persons." However, Amnesty International is aware that at least one of these prisoners, Ahn Young-min, made a detailed statement about his ill-treatment at his trial before Seoul District Court on 4 October 1995 (See Chapter III for extracts of his statement to the court).

Another case where the prosecution authorities did not initiate an investigation into reports of torture is that of Baik Tae-ung. He was arrested in April 1992 and interrogated for 22 days by the ANSP for offences under the National Security Law. At his trial he testified that he had been deprived of sleep and subjected to drug injection and beatings. On 8 July 1992 he told Seoul District Court "During the 22 days of ANSP investigation I was subjected to various types of torture such as sleep deprivation, drug injection and mob beating." In November 1993 the South Korean government informed the United Nations Special Rapporteur on Torture, who had expressed concern about the reports, that "the allegation of maltreatment was unfounded. It had not been substantiated during the trial and Mr Baik had not filed a complaint." This in spite of the fact that Baik Tae-ung had made clear allegations of torture during his trial.

The comment that Baik Tae-ung had not substantiated his claims of torture underlines the comment often made by prisoners that they cannot hope to obtain redress for human rights violations because they do not have access to incontrovertible evidence to support their claim. Yet the collection of such evidence and the burden of proof are rightfully the responsibility of the prosecution authorities.

2.3) Formal complaints are slow, ineffective and result in few prosecutions

Prisoners often do not realise that they are the victims of human rights violations and that their treatment breaches South Korean law and the ICCPR. They rarely know that they have the right to make a complaint, nor do they know the procedures to follow. Many prisoners cannot afford to hire a lawyer and those who can know that they are unlikely to obtain justice. There appear to have been very few prosecutions of law enforcement officials. This cannot be because there is a lack of victims - it is obvious from this report alone that there are many victims.

Under South Korea law both the victim of an offence and a third party who believes that an offence has been committed may lodge a complaint or accusation (CCP, Articles 223 & 234(1)). A complaint or accusation may be filed with the police or a prosecutor either orally or in writing (CCP, Article 237). If it is received by the police the latter is required to investigate the matter promptly and forward the relevant information to the prosecution. A prosecutor investigating a complaint is required to decide whether to institute a public prosecution within three months of the complaint or accusation being made (CCP, Article

257). The complainant or accuser must be informed in writing of the reasons for not instituting a public prosecution, and this within seven days of a decision. For whatever reason, it appears that the prosecution often decides not to press charges.

Decisions by the prosecution authorities not to indict may be appealed. When the complaint concerns offences under Articles 123 to 125 of the Criminal Code (ie. obstructing a person from exercising a right, unlawful arrest or detention, or violence or cruelty against a suspect) a decision by the prosecution authorities not to prosecute may be appealed to the High Court (CCP, Article 260) which may decide the decision was improper and order public prosecution. In at least two cases this procedure was successfully used to prosecute alleged torturers. Several police officers were convicted of the torture of Kim Keun-tae, in 1985, and Kwon In-suk in 1986. These results are, however, exceptional. In practice the High Court has dismissed petitions it considered to be of minor importance.

Under the Public Prosecutors Office Act the victim may also file an administrative appeal with the High Prosecutor's Office (Article 10) which has the power to order the prosecution to indict and a further appeal to the Supreme Prosecutor's Office. If this is unsuccessful an appeal may be filed with the Constitutional Court which has sometimes ordered the prosecution to reinvestigate a case. (The Constitutional Court does not itself have the power to order the prosecution to indict).

In practice, investigations do not appear to have been carried out thoroughly and there are few prosecutions. Kim Un-ju (described above) complained of her treatment at the hands of the ANSP when she met the prosecutor in charge of her case. Yet the authorities officially told the United Nations Special Rapporteur on Torture that no investigation was carried out because no complaint had been filed by her "family or attorney". In these circumstances constitutional and other legal guarantees of the right to complain about violations of human rights cannot be said to be effective.

The case of Kim Sam-sok (described above) demonstrates how slow the complaints procedure is. In August 1995 the government told Amnesty International that an investigation into his claims of torture is being conducted by Seoul District Public Prosecutor's Office - two years after the alleged torture occurred.

Artist Hong Song-dam was arrested in August 1989 under the National Security Law. He said that he had been deprived of sleep for several days, stripped naked and beaten. During Hong Song-dam's trial before Seoul District Court in September 1989 a forensic pathologist told the court that he had carried out a medical examination of the defendant and had ascertained that he still bore bruises that were the direct results of "battery and kicking". Although Hong Song-dam made a formal complaint, including drawings of his torturers, Ministry of Justice officials told Amnesty International in November 1992 that no prosecutions would be carried out because his torturers could not be identified.

Park No-hae, poet and leader of *Sanomaeng* (Socialist Workers League) was arrested under the National Security Law in March 1991. During questioning by the ANSP he said that he had been beaten on three occasions by a group of some 13 officials, denied sleep for two days and thereafter only permitted to sleep for a few hours each night. He made a formal complaint of torture. In November 1991 the South Korean Government responded to the United Nations Special Rapporteur on Torture, who had expressed concern about the allegations, that *"He admitted spontaneously facts which constitute violations of the National Security Law, not only during the trial proceedings but also during the investigation. Furthermore, the court rejected the complaint concerning his alleged maltreatment."* There was no explanation as to why the complaint was rejected.

Chun Hee-sik, a trade union activist, was arrested by officials of the Agency for National Security Planning on 4 September 1992 without a warrant of arrest and held for 48 hours. He said that he had been forced to change into a military uniform and was beaten on the back, thighs and neck by a group of seven or eight men for one hour. During his interrogation he saw two doctors who administered medication to him. He was only allowed to sleep for four hours during his 48 hours' detention. He was released without charge. After his release he was admitted to a Seoul hospital for treatment. He filed a complaint with Seoul District Prosecutor's Office about his treatment at the hands of the ANSP. In a reply to the United Nations Special Rapporteur on Torture who had raised Chun Hee-sik's case, the South Korean authorities wrote on 29 November 1993 that the complaint was being investigated by the prosecution authorities. From this official reply it appears that some fourteen months after the alleged torture had occurred, the prosecution authorities had not been able to take a decision.

In February 1995 three men accused of murder were acquitted by a Pusan court when the court ruled that their confessions had been extracted under torture. Although Pusan Bar Association made a formal complaint, to Amnesty International's knowledge at the time of writing no official investigation had been carried out.

2.4) The statute of limitations

The Code of Criminal procedure, Article 249, provides various statutory limitations on public prosecution according to the maximum penalty provided for the crime. In the case of torture the statutory limitation is generally five years or seven years, depending on the degree of injury inflicted.

The importance of the limitation period surfaced as an issue when nine political prisoners filed a joint complaint with the Seoul District Public Prosecutors' Office on 7 July 1994 that they were tortured by investigators of the ANSP. The prisoners had all been arrested over seven years ago. The Seoul District Public Prosecutors' Office decided not to

investigate the complaint on the grounds that the alleged offences had taken place more than seven years before and prosecution could not take place under the statute of limitations on public prosecutions. The nine prisoners jointly appealed against the decision to the High Public Prosecutors' Office and then to the Supreme Public Prosecutors' Office, but the appeals were unsuccessful.

The prisoners then individually filed applications to the Constitutional Court in January and February 1995 arguing that the statute of limitation should not apply to cases of torture since the Constitution prohibits torture. On 15 March 1995 the Constitutional Court dismissed the appeal filed by Hwang Tae-kwon (see details of his case below). The Court apparently accepted as valid the provisions in the statute of limitations on public prosecutions and gave no indication that it had considered whether the statute of limitations was constitutional or not. The Court dismissed the petition of Lee Sang-chul at a later date. At the time of writing the cases of the seven others were still pending with the Court.

Many long-term prisoners who claim they were tortured in past decades have been left without an effective remedy, although at the time of their arrest severe human rights violations were widespread and no remedies whatsoever could be expected from the courts or the government.

Amnesty International believes that all reports of torture should be investigated. Those found responsible for torture should be brought to justice, no matter how much time has elapsed since the commission of the crime.

2.5) Civil suits

A few political prisoners have taken the step to sue the government for monetary compensation for an unlawful act committed by a public official in the course of his official duties, a right given to them under Article 29(1) of the Constitution and the National Compensation Act.

In December 1993 a former torture victim, Mun Guk-jin, brought a civil law suit against the government claiming damages for the psychological illness resulting from torture he was subjected to in 1980 and 1986. In May 1995 he was awarded the substantial sum of 140 million won (US\$ 175,000) compensation by Seoul District Civil Court.

Other cases have attracted little compensation from the courts. At the end of 1994, lawyer Cho Yong-whan was awarded the sum of one million won (US\$ 1,250) damages by a Seoul District Court for violation of his right to defend his client Noh Tae-hoon and for assault by law enforcement officials.

3) Difficulty of obtaining a review of the cases of long-term prisoners

Amnesty International believes that at least 25 "long-term prisoners" whose convictions under the National Security Law for "anti-state" activities and/or "espionage" for North Korea have been finalized by the Supreme Court, were convicted after unfair trials and that they were the victims of torture and ill-treatment. They are referred to as "long-term prisoners" on account of the length of their sentences (most ranging from 15 years to life imprisonment) and of the length of time they have already spent in detention (over seven years). Most have been held since the 1970s and 1980s. These prisoners have failed to obtain any redress. They have been unable to obtain a review of their cases.

Typically in these cases there is evidence of procedural irregularities, including illegal arrest, incommunicado detention for a long period of time; claims by the prisoners that they were forced to confess under torture or ill-treatment; lack of facilities in the preparation of the defence and conviction mainly based on confession. In some cases the information available to Amnesty International strongly supports the view that they are prisoners of conscience and should be released. In the other cases Amnesty International is seeking additional information and is calling on the authorities to review their cases.

In a book entitled "*Truth about criticism on human rights*" published in March 1994, the Ministry of Justice said "*Amnesty International insists that Kim Song-man, Hwang Tae-kwon, Ham Chu-myong, Yu Chong-sik and Cho Sang-nok, and others who are detained for espionage should be released because they have been convicted after being found guilty on the strength of their confession made under torture. On the contrary, a thorough examination was conducted and to date no proof was sufficient to call for a retrial.*"

Human rights lawyers in South Korea have sought to obtain a retrial for some long-term political prisoners. Under Article 420 of the Code of Criminal Procedure a retrial may be granted in some circumstances, including when there is a final court judgment that some evidence was forged or that a testimony was false or that a judge, public prosecutor or police official involved in the case committed an offence in the discharge of his official duties, or when "clear evidence" is discovered. "Clear evidence", according to the Supreme Court's interpretation, must comply with the all the following criteria : (a) it must have been newly discovered or it must have been impossible to submit it at the original trial, (b) the convicted is not himself responsible for the non-discovery or non-submission of the evidence at the original trial, and (c) the evidence must have sufficient probative value for the court to order an acquittal. A witness' testimony does not meet the criteria for "clear evidence". This interpretation by the Supreme Court severely restricts the likelihood that long-term prisoners will be able to obtain a retrial on these grounds. The present requirements for a retrial are generally impossible to meet.

In addition, the statute of limitations on public prosecutions, discussed above, prevents long-term prisoners from securing a court judgment that evidence used to convict them was false or that the police or the prosecution committed offences in the course of their arrest, investigation and trial.

For many years Amnesty International has called for a review of the cases of long-term prisoners who it believes were convicted after unfair trials. These prisoners were convicted in past decades at a time when severe human rights violations were widespread and they have now been left without an effective remedy. They include the following prisoners:

Lee Jang-hyung was arrested in June 1984 under the National Security Law and sentenced, in January 1985, to life imprisonment on charges of espionage. His sentence was finalized by the Supreme Court in September 1985. Lee Jang-hyung was interrogated by the security division of the National Police Administration for 67 days after his arrest, during which time he claims to have been tortured and forced to sign a "confession". At his trial he was represented by a court-appointed lawyer, apparently because his family were under pressure from the authorities at the time not to appoint a human rights lawyer.



Lee Jang-hyung, arrested in June 1984 and sentenced to life imprisonment under the National Security Law

In 1993 a group of human rights activists and lawyers formed a support group to try and obtain Lee Jang-hyung's release. In the course of an investigation into his case they found witnesses who could testify that he had in fact been staying in Tokyo at the time when the South Korean authorities claimed he had visited North Korea for espionage training. The political climate in 1984, including intimidation of family and friends of Lee Jang-hyung, meant that no witnesses had come forward to testify on his behalf at the time.

Hwang Tae-kwon, who had his petition on the unconstitutionality of the statute of limitations on public prosecutions rejected in March 1995, was convicted of "espionage" on the basis of his confession which he claims was obtained under torture by the ANSP. Hwang Tae-kwon was arrested on 4 June 1985 and held incommunicado by the ANSP until 5 August. He is serving a sentence of twenty years' imprisonment. He wrote in a letter from prison in 1988:

"Ironically, the only document submitted to the court as conclusive evidence that I was a spy was drafted by myself and later revised by the interrogator in charge, then copied by myself, word by word. ..."

"The most painful part of my interrogation in the basement cell was when I was forced to admit a visit to North Korea. I was repeatedly tortured by a method they called binyuggopki (barbecue chicken) and with verbal abuse such as 'your life is not worth anything. We may just have to report that you died during interrogation.' I finally capitulated and agreed to allow them to make up a story of my visit to North Korea. ... The following day I told the interrogator that my admission was false and that I was ready to die but could not endure more torture."

"After failing to prove that I had visited North Korea, [my interrogators] were determined to make me a tool of alleged North Korean agent Mr X. This linkage would conclusively prove my contact with North Korea. Mr X is a well-known figure in New York for his activism and his newspaper. If viewing some North Korean videotapes makes one a North Korean agent, there would be thousands and thousands of such agents in the USA. ... I had borrowed one or two videotapes on North Korea from Mr X and had brought him some books from [South] Korea on my previous visit home. But this simple exchange of materials was made to look like espionage activity during the interrogation."

"... The investigator relentlessly demanded that I admit to being Mr X's follower. After at first steadfastly resisting, I had to give in again. The interrogator had me lie flat on the floor and beat me with a bat. After receiving ten or more blows, I stood up with my legs trembling..."



Hwang Tae-kwon, arrested in June 1985 and sentenced to 20 years' imprisonment under the National Security Law

Kim Song-man was arrested at the same time as Hwang Tae-kwon and also held incommunicado for 60 days by the ANSP. In an appeal to the Supreme Court in August 1986 he wrote:

"I am a person who wishes the independence of our nation and democracy. I think that this idea can be realized in a socialistic country. I was interrogated and tortured mercilessly at the Agency for National Security Planning. During the interrogation and torture I was even forced to write a suicide letter to my parents in order to disguise my possible death as a suicide. The press widely published my forced confession as though it was true".



Kim Song-man, arrested in June 1985 and sentenced to life imprisonment under the National Security Law

Park Dong-oon was arrested in 1981 and is serving a sentence of life imprisonment. Several members of his family were arrested at the same time; and the last was released in 1988. They have testified that they were tortured into making false statements that Park Dong-oon had visited North Korea to meet his father who had been missing and presumed killed at the beginning of the Korean War (1950-53) and that he had engaged in espionage activities. No evidence was presented at the trial to show that Park Dong-oon's father was alive and was himself a spy who recruited his son. The main evidence was apparently the statements made by Park Dong-oon and his relatives during their interrogation and which they all claim were obtained under torture.



Park Dong-oon, arrested in March 1981 and sentenced to life imprisonment under the National Security Law

Park Kun-hong, one of Park Dong-oon's brothers wrote in a detailed testimony:

"With the help of endless torture the security department transformed the whole family into spies over 60 days. Instead of catching spies, they were creating spies. ... It turned out that they had dragged my brother [Park Dong-oon] out to the shooting alley at night, shot at him, and dragged him to the Han river bank, and threatened to throw him into the river. They inflicted all kinds of torture on him. All of my family went through humiliation and pain and I cannot find words to describe them. How long do you think a human being can put up with torture? One month, two months or several months? It is only a matter of time. Nobody can endure it forever. ..."

"At the time of the trial my whole family resisted stubbornly and finally revealed the tyranny of the security department. Public access to the trial was extremely restricted and there were only a few relatives in the courtroom at the time. The result was a verdict that was entirely based upon and therefore completely identical to our fabricated statements and the written indictment of the prosecuting attorney. Not a single letter was changed."

Ham Ju-myong, arrested on 18 February 1983 was held incommunicado for 60 days by the ANSP and also said that he had been tortured and forced to write a confession. He is serving a 20 year prison sentence for espionage.

Yu Chong-sik, arrested on 2 March 1975, was held incommunicado for one month by the ANSP, during which time he says he was tortured and forced to "confess" that he had spied for North Korea. He did not see a lawyer until his trial began. Yu Chong-sik has been in prison since 1975, serving a life sentence. His remaining sentence was reduced in an amnesty on 15 August 1995.



Yu Chong-sik, arrested in March 1975 and sentenced to life imprisonment under the National Security Law

In some cases the lack of access to legal assistance compounded the difficulties of obtaining redress for long-term political oners. Ahn Hak-sop, aged 65, and Kim Sun-myung, aged 70, had spent over 40 years in prison before their release in August 1995 under a presidential amnesty. They had been unable to obtain any kind of redress, although there was international concern that they had been convicted unfairly. They were convicted by military courts under the National Defence Act (abolished in 1963) with being North Korean spies. When they were arrested, Ahn in 1953 and Kim in 1951, both were soldiers in the North Korean army. Both deny having been spies. Ahn Hak-sop said that after his capture he was taken to a special police unit in Taegu and beaten. Kim Sun-myung was originally sentenced to 15 years' imprisonment, but was put on trial again in 1953. He said that he was beaten at that time. Former prisoner Lee Chong-whan was arrested in similar circumstances in 1951 and was granted a conditional release in March 1993 when he reached the age of 70. He said that the military courts tried prisoners in groups of 20 to 30, that they were represented by a state-appointed lawyer and that they were not allowed to deny the charges.

Lawyers and human rights groups interested in the fate of Ahn Hak-sop and Kim Sun-myung had been unable to obtain copies of the trial documents, in spite of requests to the Ministry of Justice. In May 1994 a lawyer wishing to act on their behalf visited Taejon Prison where they were held but was told that he could not see them as he did not have the appropriate appointment documents. These were subsequently taken to the prison by a representative of a human rights group for the prisoners' signature, but the prison authorities refused to accept them. The lawyer filed a complaint against the prison authorities over the incident. This was dismissed in November 1994 by the Ministry of Justice on the grounds that the lawyer had an ulterior political motive in wishing to see the prisoners. At the time of the prisoner's release in August 1995, the lawyer had still not obtained access to them.



V) AMNESTY INTERNATIONAL'S RECOMMENDATIONS

1) *The National Security Law*

- All prisoners held for the non-violent exercise of their rights to freedom of expression and association, regardless of their political views, should be immediately and unconditionally released.
- The Government should introduce legislation to amend the National Security Law so that it conforms fully with provisions relating to freedom of expression and association contained in the International Covenant on Civil and Political Rights and the Constitution of the Republic of Korea. Provisions of the law which punish non-violent political activities should be removed.
- Prosecution authorities should not arrest and bring National Security Law charges against people which are in contradiction to the government's obligations under the Constitution and under international law to protect the rights to freedom of expression and association.
- The courts should ensure that no defendant is convicted under the National Security Law for the peaceful exercise of his/her rights to freedom of expression and association.
- The administrative provisions under which prisoners who have not "converted" are not entitled to early release on parole should cease to be applied to prisoners held for the non-violent expression of their political views.
- In due course the Constitution should be amended so as to expressly recognize the right to freedom of expression.

2) *The need for practical steps to safeguard prisoners rights and to protect them from torture and ill-treatment*

- Practical steps should be taken to ensure that all prisoners are protected from torture and ill-treatment during interrogation. In all cases prisoners should be informed of their rights at the time of arrest, including their right to see a lawyer and their right to remain silent.
- Anybody who is arrested should be brought promptly before a judge and should be granted immediate and subsequent regular access to lawyers, relatives and

independent medical attention. There should be a practical means of ensuring that this occurs in all cases.

- Legal provisions which permit suspects to be held for up to 50 days before charge should be amended. In all cases suspects should either be charged promptly with a recognizable offence or released.
- There should be a clear separation between authorities responsible for the detention of suspects and authorities responsible for the interrogation of suspects. Prisoners should be held only in publicly recognized places of detention and accurate information about the arrest and detention of any person should be made available promptly to relatives, lawyers and the courts.
- The government should ensure that all law enforcement personnel receive adequate training in both domestic and international human rights standards.
- Anyone charged with a criminal offence should be presumed innocent until proven guilty beyond reasonable doubt.
- The authorities should ensure that statements obtained from prisoners as a result of torture and ill-treatment are not admissible and are not admitted in practice, in legal proceedings.
- Authorities responsible for the interrogation of suspects should not be permitted to publicise incriminating information about a suspect or group of suspects before public trial.

3) The right to an effective remedy for victims of human rights violations

- The government should ensure that prisoners are aware of their rights to make a complaint and that there is a realistic chance that they will obtain justice. Legal provisions alone are inadequate without public confidence and a system which works for victims of human rights violations.
- All reports of torture and ill-treatment should be promptly investigated by an impartial and independent body. Investigation should be carried out regardless of whether or not a formal complaint has been made.

- The body responsible for investigation should have the power to obtain all information necessary for the inquiry and to compel those accused of torture and ill-treatment to appear and testify. The working methods and results of all inquiries should be made public.
- Anyone found responsible for inflicting torture and ill-treatment should be brought to justice. All victims should receive fair and adequate compensation.
- The government should take responsibility for finding an effective remedy for the group of political prisoners convicted in previous decades after reported unfair trials. At the very least, there should be an independent review of all such cases where there are reports that the prisoners were held incommunicado, tortured and convicted largely on the basis of coerced confessions.

* 총 8장 입니다.

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amnesty international

REPUBLIC OF KOREA (SOUTH KOREA)

International Standards, Law and Practice: The Need for Human Rights Reform

NOVEMBER 1995

SUMMARY

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This report is about the need for human rights reform in the Republic of Korea (South Korea). It examines a number of fundamental human rights, enshrined in international human rights standards, in relation to domestic law and practice in South Korea. Chapter II examines the rights to freedom of expression and association in relation to the use of the National Security Law. Chapter III looks at the need for practical steps to safeguard the rights of detainees and to protect them from torture and ill-treatment during interrogation. Chapter IV discusses the lack of an effective remedy for the victims of human rights violations and Chapter V makes a series of recommendations.

This report concludes that there is an urgent need for human rights reform in South Korea. The National Security Law must be amended so that it may no longer be used to detain people for the non-violent exercise of their rights to freedom of expression and association. Although torture and ill-treatment are prohibited under South Korean law, such practices continue because of inadequate safeguards to protect detainees. The victims of human rights violations have very little chance of obtaining redress.

The information in this report has been gathered by Amnesty International over a number years from a variety of sources. These include reports and discussions with human rights groups, lawyers, former prisoners, families of prisoners, academics, journalists and others in South Korea. The report also takes account of discussions and written communications between Amnesty International and representatives of the South Korean Government.

REPUBLIC OF KOREA (SOUTH KOREA)

International Standards, Law and Practice: The Need for Human Rights Reform

I) INTRODUCTION

1) *Document summary*

This report is about the need for human rights reform in the Republic of Korea (South Korea). It examines a number of fundamental human rights, enshrined in international human rights standards, in relation to domestic law and practice in South Korea. Chapter II examines the rights to freedom of expression and association in relation to the use of the National Security Law. Chapter III looks at the need for practical steps to safeguard the rights of detainees and to protect them from torture and ill-treatment during interrogation. Chapter IV discusses the lack of an effective remedy for the victims of human rights violations and Chapter V makes a series of recommendations.

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2) A summary of the human rights situation in South Korea

Freedom of expression, association and opinion are curtailed by the use of the National Security Law to arrest and imprison people for the non-violent exercise of their fundamental human rights. The law contains vaguely defined provisions which have been used arbitrarily to imprison people who had unauthorized contacts with the Democratic People's Republic of Korea (DPRK, North Korea) and whose ideas were similar to those of the North Korean Government. At the time of writing some 300 people were held under the National Security Law, many as prisoners of conscience.¹ They include 75 prisoners who have been in prison for over seven years, many of whom were convicted unfairly under past governments.

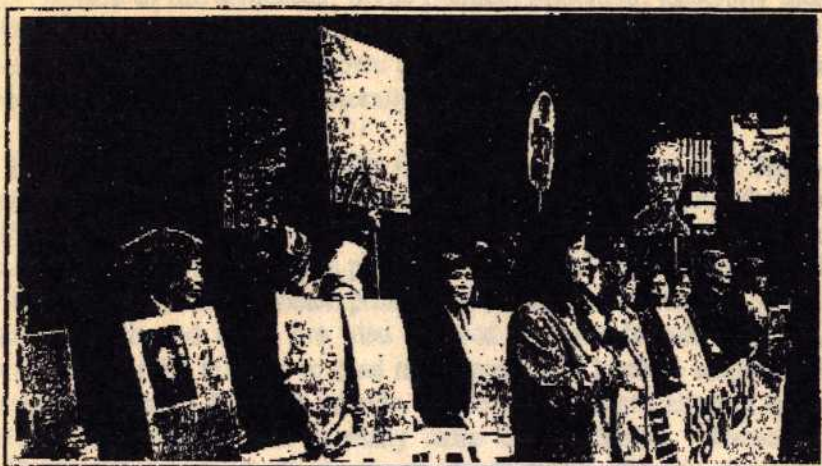
Provisions of labour legislation also restrict the rights to freedom of expression and association. The prohibition on "third party intervention" in labour disputes means that trade union leaders face arrest and imprisonment for giving advice and support to other trade unions. The authorities regard as "third party intervention" advice given to trade union members about their labour rights. In practice it renders many ordinary trade union activities illegal.

To some observers, torture and ill-treatment may appear to have been eradicated since methods such as electric shock and water torture appear to be no longer used. In practice, however, torture and ill-treatment continue. Agencies responsible for interrogation of suspects use methods such as sleep deprivation, threats and intimidation and sometimes resort to beatings. The use of sleep deprivation in particular appears to have become an acceptable form of treatment and is routinely used to extract "confessions" from political suspects. There is ample time to extract such a confession - interrogation before charge can last for up to 50 days in National Security Law cases.

Although South Korean law protects the rights of prisoners and provides redress for the victims of human rights violations, practical safeguards are insufficient. Political prisoners are not always told of their rights at the time of arrest, are not always granted adequate access to their relatives and lawyers and often appear to have been presumed guilty before they have been tried. Coerced confessions are used in court and the authorities do not appear to investigate reports of human rights violations unless a formal complaint is made, even when there are clear indications that human rights violations took place. Even if such a complaint is made, the investigation is not carried out by an independent body and the prosecution often decides not to bring charges against officials.

¹Amnesty International defines prisoners of conscience as people detained anywhere for their beliefs or because of their ethnic origin, sex, colour or language - who have not used or advocated violence.

The death penalty is provided for a variety of offences under South Korean law, including political offences. In current practice it is handed down for murder. Executions are carried out sporadically (there were 15 executions in 1994, all carried out on one day).



Human rights activists in Seoul campaign on behalf of political prisoners, November 1994

3) Summary of procedures for arrest, interrogation, trial and imprisonment

Under South Korean law suspects may be held for interrogation for up to 30 days before they are charged and for those arrested under provisions of the National Security Law this period may be extended to 50 days. Ordinary prisoners and some political prisoners are held in police stations for the initial period of interrogation and are transferred to a detention centre or prison when the prosecution authorities take over the interrogation. Some political prisoners are initially held and interrogated by the Agency for National Security Planning (ANSP).

Once a prisoner has been charged s/he should be tried and sentenced by the court of first instance within six months of his/her arrest. Trial is by judge and sometimes by a panel of judges. There are often several separate trial hearings and a trial may therefore take place over several months. Once a sentence has been handed down prisoners may lodge an appeal for the sentence to be reduced. Some prisoners make a final appeal to the Supreme Court, after which the sentence is considered to be final.

The highest court in South Korea is the Supreme Court which acts as a final court of appeal in civil and criminal cases. There are five High Courts, situated in Seoul, Taegu, Pusan, Kwangju and Taejon, which act as courts of first appeal. All major cities

have district courts which exercise jurisdiction over civil and criminal cases in the first instance. Once a sentence has been finalized, most prisoners must serve the full sentence they have been given by the court. However, a small number of prisoners may be released on parole after they have served two-thirds of their sentence or after 16 to 18 years in the case of life sentences. Some political prisoners, generally those convicted of "espionage", are put under pressure by prison authorities to renounce their alleged communist views (this process is known as "conversion"). Those who refuse, known as the "unconverted" prisoners, are generally denied the chance of early release on parole.

Political prisoners are generally held in the same prison until their sentence has been finalized. Then they are generally moved to a different prison, often some distance from their family, and may be moved to several different prisons during their imprisonment. Conditions vary from prison to prison and some prisons are known to be harsher than others. Most convicted political prisoners are entitled to one or two family visits each month and some are also allowed to have friends visit them. Political prisoners are generally allowed to read newspapers and books - subject to censorship - and to receive packages from the outside. Some prisoners are allowed to receive letters and parcels from abroad, but in many cases this is denied. Those who refuse to "convert" generally receive the least amount of privileges. Almost all political prisoners are held in single cells and are allowed little contact with other political prisoners. Some "unconverted" political prisoners are completely isolated from other prisoners.

4) Brief background information about South Korea

The Republic of Korea (South Korea) and the Democratic People's Republic of Korea (North Korea) have been two separate countries since the end of the World War II (1945). The Korean peninsula, hitherto a Japanese colony, was then divided along Soviet and United States occupation lines, north and south of the 38th parallel. In 1950 the Korean War broke out. It ended in 1953 with an armistice agreement. To this day there is no formal peace treaty between North and South Korea and the two countries are technically still at war. The demilitarized zone separating the two countries is one of the most heavily fortified in the world and since 1953 there has been constant tension between the two countries.

Since the end of the Korean War hundreds of thousands of families have been cut off completely from each other. There is no mail or telephone communication between ordinary citizens of the two countries. South Koreans receive little independent information about North Korea and they are unable to visit North Korea or to meet North Koreans in third countries without seeking prior authorization from the government. Failure to comply has resulted in heavy prison terms under the National

KEYWORDS: LEGISLATION1 / BANNING1 / CENSORSHIP1 / TORTURE/ILL-TREATMENT1 / CONFESSIONS1 / INCOMMUNICADO DETENTION1 / ESPIONAGE1 / PRISONERS OF CONSCIENCE1 / LONG-TERM IMPRISONMENT1 / ARBITRARY ARREST1 / POLITICAL ACTIVISTS1 / PRISONERS' TESTIMONIES1 / DETENTION FOR RE-EDUCATION / RESTRICTION ON MOVEMENT / SEXUAL ASSAULT / SEXUAL HARASSMENT / TRIALS / IMPUNITY / ILL-HEALTH / DEATH PENALTY / TRADE UNIONISTS / PARLIAMENTARIANS / PUBLISHERS / ACADEMICS / WRITERS / MUSICIANS / POLITICAL PRISONERS / WOMEN / AGED / COMPENSATION / AI AND GOVERNMENTS / MISSIONS / PHOTOGRAPHS /

This report summarizes a 62-page document (25,437 words), *Republic of Korea (South Korea): International Standards, Law and Practice: The Need for Human Rights Reform* (AI Index: ASA 25/25/95), issued by Amnesty International in November 1995. Anyone wanting further details or to take action on this issue should consult the full document.

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 9DJ, UNITED KINGDOM

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인권 자료실		
등록인	등록기호	자료번호
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amnesty international

REPUBLIC OF KOREA (SOUTH KOREA) Publishers On Trial under the National Security Law

September 1995

AI INDEX: ASA 25/21/95
DISTR: SC/CO/GR

Amnesty International is calling for the release of two publishers charged with publishing North Korean books. Yu Dok-ryol and Kim Chon-hee of *Han* Publishing Company were arrested in July 1995 and charged under Article 7 of the National Security Law with publishing and disseminating information which "praises" and "encourages" the government of the Democratic People's Republic of Korea (DPRK, North Korea). Amnesty International considers them to be prisoners of conscience, held for the non-violent exercise of their right to freedom of expression. It is calling for their immediate and unconditional release.

Yu Dok-ryol and Kim Chon-hee were arrested on 17 July 1995 by the Security Division of the National Police Administration in Seoul. They were held and questioned by the police until 25 July when they were transferred to Seoul Detention centre for further questioning by the prosecution. On 3 August they were formally charged. Their trial is expected to open soon. If they are found guilty they could be imprisoned for up to seven years.

Han Publishing Company was established by Yu Dok-ryol and Kim Chon-hee in 1989 in the city of Kwangju. Since then the company has published a variety of social science and North Korean books, including the autobiography of former North Korean President Kim Il Sung. It has also published books on the subject of *Juche* (North Korea's "self reliance" ideology). After their arrest the two men said that they had published these books so that ordinary people in South Korea could gain an understanding of North Korea and its ideology. They felt this to be important if there is to be progress towards reunification, saying: "In particular, the introduction of literary works from North Korea has made a considerable impact in restoring a sense of common identity to the people".

Article 7 of the National Security Law provides up to seven years' imprisonment for those who "praise", "encourage" and "side with" North Korea "with the knowledge" that he or she might damage state security. This provision is unclear and has been applied

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amnesty international

REPUBLIC OF KOREA (SOUTH KOREA)

Dozens arrested under the National Security Law

SEPTEMBER 1995

AI INDEX: ASA 25/20/95

DISTR: SC/CO/GR

Amnesty International is concerned at dozens of reported arrests under the National Security Law in recent months, including students, former students, publishers, academics and political activists. Most were arrested for "praising" North Korea and forming organizations alleged to be "anti-state" or pro-North Korean under provisions of the law which have often been used to imprison people for the non-violent exercise of their rights to freedom of expression and association. Arrests have continued in spite of a widely-publicised prisoner amnesty in August which did not benefit many political prisoners.

Between January and 10 June 1995 117 people were arrested under the National Security Law and there have been dozens more arrests since then. On 30 May six former students were arrested on charges of establishing an organization to study North Korea's *Juche* (self-reliance) ideology. The organization, called "Group for National Salvation and Self-Reliance", was allegedly set up in 1993 when the six were students. All have since left university and claim to have no knowledge of the organization. Five other people, arrested on the same day were accused by the authorities of forming an organization called the "Association for the Love of the People" in 1993. This group is alleged to have supported North Korea's ideas on reunification and to have distributed pro-North Korean material.

Seven members of *Minjongryon* (Korean Political Alliance of the People) were arrested on 12 July for attempting to re-establish the organization *Sanomaeng* (Socialist Workers League) which is considered by the authorities to be an "anti-state" organization. Since July 1993 over 60 members of *Minjongryon* have been arrested on similar charges, although there is no indication that its members have used or advocated violence.

On 17 July the publisher, editor and an employee of *Han Publishing Company* were arrested for the publication and distribution of an autobiography of the late North

arbitrarily to restrict freedom of expression in South Korea. During 1994 and 1995 alone several hundreds of people, including students, political activists, publishers and academics, have been arrested under this provision of the law on charges of forming leftist groups with North Korean sympathies and with distributing pamphlets, books, leaflets etc containing ideas deemed to be similar or identical to those of the North Korean Government. Many had not used or advocated violence and were considered by Amnesty International to be prisoners of conscience.

Yu Dok-ryol, aged 30, studied literature at South Cholla University and started work at *Han Publishing Company* 1989. Kim Chun-hee, aged 29, studied political science at South Cholla University and also started work at *Han Publishing Company* in 1989.

RECOMMENDED ACTION: Please send letters and faxes:

- calling for the immediate and unconditional release of Yu Dok-ryol and Kim Chon-hee, imprisoned for the non-violent exercise of their rights to freedom of expression;
- calling for the amendment of Article 7 of the National Security Law, so that the right to freedom of expression is fully protected, in accordance with international standards.

Appeals to:

◆ President Kim Young-sam,
The Blue House
1 Sejong-no, Chongno-gu,
Seoul, Republic of Korea
Fax: +822 770 0253

◆ Mr Ahn Woo-man, Minister of Justice,
Ministry of Justice
1 Chungang-dong, Kwachon-myon,
Shihung-gun, Kyonggi Province
Republic of Korea
Fax: +822 504 3337

◆ Mr Choo Don-sik, Minister of Culture and Sports,
Ministry of Culture and Sports
82-1 Sejong-no, Chongno-gu,
Seoul, Republic of Korea
Fax: +82 2 736 8513

◆ and to diplomatic representatives of the Republic of Korea (South Korea) in your country.

This is a quick KOTARAN action, sent to selected KOTARAN groups for action

KEYWORDS: PRISONERS OF CONSCIENCE / LEGISLATION / PUBLISHERS

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

Korean leader, Kim Il Sung. On the following day bookshop owner, Sim Bom-sok, was arrested on charges of selling the publication in question.

In early August Amnesty International called for the release of 75-year-old Park Yong-gil, arrested on 31 July for making an unauthorized visit to North Korea and meeting North Korean officials. At the time of writing she is awaiting trial in Seoul Prison and is reportedly in very poor health, suffering from diabetes and heart disease.

On 22 August 13 former students were arrested for belonging to the "1st May Group", alleged by the authorities to have links with the North Korean Workers Party. They were reportedly accused of infiltrating factories and businesses where they were working, and of giving financial assistance to the families of a group of prisoners arrested on similar charges in 1992. They are also alleged to have written articles critical of government persecution of these prisoners. On 4 September 18 people, including four military conscripts were arrested on charges of seeking to spread *Juche* ideology by forming a "self reliance coalition" in 1992. One was accused of setting up altars to mourn North Korean leader, Kim Il Sung, after his death in July 1994.

Amnesty International is concerned that some of those arrested may be charged and sentenced to prison terms for the non-violent exercise of their rights to freedom of expression and association. Some prisoners arrested earlier this year have already been convicted. Ki Seh-moon, aged 60, was sentenced to two years' imprisonment on 30 May for publishing and distributing the memoirs of a member of a North Korean guerrilla unit and for organizing the funeral of a former political prisoner and "Partisan" fighter. He himself had not used or advocated violence and was adopted by Amnesty International as a prisoner of conscience. Former student Choi Seong-ki was sentenced to one-and-a-half years' imprisonment on 30 May, apparently for the contents of his writings about Korean reunification and for passing information about the student movement in Korea to a Korean student organization in Japan.

National Security Law prisoners are routinely deprived of sleep and threatened during interrogation and are often forced to make a "confession". Professor Park Chang-hee, aged 63, was arrested on 26 April 1995 for alleged "anti-state" activities and is currently on trial. At his first trial hearing on 12 July, Professor Park told the court that he had been forced to sign a "confession" during interrogation. He said that officials of the Agency for National Security Planning (ANSP) had deprived him of sleep, hit him with books and forced him to drink alcohol. He also said that prosecutors had beaten and threatened him. After his arrest Professor Park was held for 44 days without charge with restricted access to his lawyers and relatives.

The National Security Law, last amended in 1991, provides the death sentence or life imprisonment for those convicted of being the leaders of "anti-state" organizations, a definition which includes the North Korean Government and has also been applied to socialist and dissident groups in South Korea. The law provides shorter terms of imprisonment for members and supporters of "anti-state" organizations and those who "praise", "encourage" and "side with" the enemy (North Korea). The South Korean Government has told Amnesty International that retention of the National Security Law in its current form is necessary because of the threat from North Korea. In practice, Amnesty International believes that the law has been used to imprison people for the non-violent exercise of their rights to freedom of expression and association. It has expressed concern that the tension between North and South Korea should not be used as justification for curbing these basic rights.

RECOMMENDED ACTION: Please send letters and faxes:

- Expressing concern about the recent large number of arrests under the National Security Law and that those arrested may be held for the non-violent exercise of their rights to freedom of expression and association;
- Urging the authorities to ensure that all detainees are protected from torture and ill-treatment during interrogation and are given early and regular access to lawyers and family;
- Urging the South Korean Government to amend the National Security Law so that the rights to freedom of expression and association are protected, in accordance with international human rights standards.

Appeals to:

◆ President Kim Young-sam
The Blue House
1 Sejong-no
Chongno-gu, Seoul,
Republic of Korea
Fax: +822 770 0253

◆ Mr Ahn Woo-man, Minister of Justice
Ministry of Justice
1 Chungang-dong, Kwachon-myon,
Shihung-gun, Kyonggi Province
Republic of Korea
Fax: +822 504 3337

- ◆ and to diplomatic representatives of South Korea in your country.

This is a quick KOTARAN action, sent to selected KOTARAN groups for action

KEYWORDS: CENSORSHIP1 / BANNING1 / LEGISLATION1 / MASS ARREST / PRISONERS OF CONSCIENCE / TORTURE/ILL-TREATMENT / ILL-HEALTH / CONFESSIONS / DETENTION WITHOUT TRIAL / INCOMMUNICADO DETENTION / POLITICAL ACTIVISTS / PUBLISHERS / EDITORS / SHOP-KEEPERS / STUDENTS / AGED /

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

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منظمة العفو الدولية



國際特赦組織

인권 자료실		
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URGENT ACTION

EXTERNAL

AI Index: ASA 25/18/95

UA 193/95

Health Concern / Fear of Ill-Treatment / Prisoner of
Conscience

2 August 1995

REPUBLIC OF KOREA

(South Korea)

Park Yong-gil (f), aged 75

Park Yong-gil was arrested on 31 July 1995 in the Republic of Korea (South Korea) for making an unauthorized visit to the Democratic People's Republic of Korea (North Korea). Amnesty International is concerned for her health, given her advanced age, and fears that she may face long interrogation and ill-treatment by South Korea's intelligence agency, the Agency for National Security Planning (ANSP).

Park Yong-gil could be imprisoned for up to 10 years under the National Security Law. Amnesty International has adopted her as a prisoner of conscience, held for the non-violent exercise of her rights to freedom of expression and association. The organization is calling for her immediate and unconditional release.



BACKGROUND INFORMATION

Park Yong-gil is the wife of the Reverend Moon Ik-hwan who was imprisoned for four years after making an unauthorized visit to North Korea in 1989. He was adopted as a prisoner of conscience until his release under a presidential amnesty in 1993 and died in 1994. According to reports, Park Yong-gil made the visit in the hope of improving relations between North and South Korea. She also wished to express her condolences on the death of former President Kim Il Sung, since he had offered his condolences on the death of her husband. She is reported to have flown to North Korea on 28 June 1995 via Beijing and to have returned to South Korea on 31 July, across the demilitarized zone which separates the two countries. During her visit she reportedly attended a memorial ceremony for former President Kim Il Sung and met his son, Kim Jong Il. She also visited several tourist sites. Her visit was conducted in an open fashion and it is difficult to see how she can have posed a threat to state security in South Korea.

The National Security Law prohibits unauthorized travel to North Korea or contact with North Koreans and also punishes those who "praise" or "benefit" North Korea. In 1994, dozens of people were arrested under the provisions of this law for attempting to express condolences on the death of the North Korean President. Prisoners currently serving long prison terms for making unauthorized visits to North Korea include writer Hwang Suk-yong and parliamentarian Suh Kyung-won, sentenced to seven and 10 years' imprisonment respectively. They have also been adopted by Amnesty International as prisoners of conscience.

National Security Law suspects are often questioned for up to 20 days by the ANSP and up to 30 days by prosecutors. The ANSP is often reported to have ill-treated political suspects, including the use of sleep deprivation, threats, intimidation, long periods of interrogation and beatings. Amnesty International is concerned for the health of Park Yong-gil, given her advanced age, and is appealing to the authorities to ensure that she is given adequate medical care and is not ill-treated in any way.

Amnesty International, International Secretariat, 1 Easton Street, London WC1X 8DJ, United Kingdom

Tel: (44)(71) 413 5500 Fax: 956 1157 Telegrams: Amnesty London WC1 Telex: 28502 E-mail: (GeoNet) mcr1:amnesty-is, (GreenNet) amnestyis@gn.apc.org

The North Korean Government is reported to have said that the arrest of Park Yong-gil would lead to a more "acute phase of confrontation" on the Korean peninsula. Amnesty International is concerned solely with human rights and takes no position on relations between South Korea and North Korea.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English or your own language:

- expressing concern about Park Yong-gil's health, bearing in mind her advanced age;
- urging the authorities to ensure that she is given adequate medical care and is not subjected to any form of ill-treatment during interrogation.
- expressing concern about the arrest of 75-year-old Park Yong-gil, in violation of her rights to freedom of expression and association, and calling for her immediate and unconditional release.

APPEALS TO:

1) President Kim Young-sam

The Blue House
1 Sejong-no

Chongno-gu, Seoul
Republic of Korea

Faxes: +822 770 0253

Telegrams: President Kim Young-sam, Seoul,
Republic of Korea.

Salutation: Dear President

2) Minister of Justice

Mr Ahn Woo-man
1 Chungang-dong

Kwachon-myon
Shihung-gun

Kyonggi Province
Republic of Korea

Faxes: +822 504 3337

Telegrams: Justice Minister Ahn, Shihung-gun,
Kyongi Province, South Korea

Salutation: Dear Minister

3) Director, Agency for National Security Planning

Mr Kwon Young-hae

Presidential Office, The Blue House
1 Sejong-no

Chongno-gu, Seoul
Republic of Korea

Faxes: +822 720 2686 (c/o Ministry of Foreign Affairs)

Telegrams: Director, Agency for National Security Planning, Seoul, South Korea

Salutation: Dear Director

COPIES TO:

Minkahyop (Human Rights Group)

592-7 Changsin-2-dong

Chongno-ku, Seoul 110-542

Republic of Korea

and to diplomatic representatives of Republic of Korea (South Korea) accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 13 September 1995.

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AMNISTIE INTERNATIONALE
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國際特赦組織
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URGENT ACTION

EXTERNAL

AI Index: ASA 25/19/95

1 September 1995

Further information on UA 193/95 (ASA 25/18/95, 2 August 1995) - Health concern / Fear of ill-treatment / Prisoner of conscience

REPUBLIC OF KOREA (SOUTH KOREA) Park Yong-gil (f), aged 76

On 1 September 1995, Park Yong-gil spent her 76th birthday in Seoul Detention Centre.

Since her arrest on 31 July for making an unauthorized visit to North Korea, Park Yong-gil has been questioned by the Agency for National Security Planning (ANSP, South Korea's intelligence agency) and the prosecution. She has not yet been charged.

Activists in South Korea are concerned about her health as she suffers from heart disease and has apparently had two attacks of chest pain since her imprisonment. Doctors from outside the prison have not been allowed to visit her and meetings with family and supporters have reportedly been restricted.

Amnesty International considers Park Yong-gil to be a prisoner of conscience and continues to call for her immediate and unconditional release.

BACKGROUND INFORMATION

The National Security Law provides up to ten years' imprisonment for those who make unauthorized visits to North Korea. Suspects held under the National Security Law may be held for up to 50 days without charge and during this time access to lawyers and family members is sometimes restricted. Medical facilities in prisons are generally inadequate and prisoners are often denied access to outside medical attention.

FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/ airmail letters in English or your own language or in your own language:

- expressing continued concern about Park Yong-gil's health;
- urging the Ministry of Justice and prison authorities to ensure that she is given adequate medical care;
- calling for the immediate and unconditional release of Park Yong-gil.

APPEALS TO:

1) President Kim Young-sam

The Blue House
1 Sejong-no

Chongno-gu, Seoul
Republic of Korea

Faxes: +822 770 0253

Telegrams: President Kim Young-sam, Seoul, Republic of Korea

Salutation: Dear President

Amnesty International, International Secretariat, 1 Easton Street, London WC1X 8DJ, United Kingdom

Tel: (44)(71) 413 5500 Fax: 956 1157 Telegrams: Amnesty London WC1 Telex: 28502 E-mail: (GeoNet) mcr1:amnesty-is, (GreenNet) amnestyis@gn.apc.org

2) Minister of Justice

Mr Ahn Woo-man
1 Chungang-dong
Kwachon-myon
Shihung-gun
Kyonggi-do
Republic of Korea
Faxes: + 822 504 3337

Telegrams: Justice Minister Ahn, Shihung-gun, Kyonggi Province, South Korea

Salutation: Dear Minister

3) Director, Seoul Detention Centre

San 18-11, Poildong
Uiwang-shi
Kyonggi-do
Republic of Korea

Telegrams: Director, Seoul Detention Centre, Kyonggi Province, South Korea

Salutation: Dear Director

COPIES TO:

Minkahyop (Human Rights Group)

592-7 Changsin-2-dong
Chongno-ku, Seoul 110-542
Republic of Korea

and to diplomatic representatives of Republic of Korea (South Korea) accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 23 October 1995.

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國際特赦組織
منظمة العفو الدولية

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URGENT ACTION

EXTERNAL

AI Index: ASA 25/23/95

6 October 1995

Further information (2) on UA 193/95 (ASA 25/18/95, 2 August 1995) and follow-up (ASA 25/19/95, 1 September 1995) - Health Concern / Fear of Ill-treatment / Prisoner of Conscience

REPUBLIC OF KOREA (South Korea)

Park Yong-gil (f), aged 76

Park Yong-gil, aged 76, is currently held in Seoul Detention Centre. She is suffering from heart disease and diabetes. Amnesty International continues to call for the immediate and unconditional release of Park Yong-gil. The organization is concerned at reports that she is in very poor health and that she is not receiving adequate medical attention.



On 7 September, Park Yong-gil was transferred to Samsung Medical Centre in Seoul where she was diagnosed as suffering from heart disease and diabetes. Against the advice of her doctors, she was sent back to Seoul Detention Centre on 22 September. Since then her health has reportedly deteriorated and she is being given an inappropriate diet for her illness.

On 6 September Park Yong-gil was charged under the National Security Law. If convicted she faces a maximum ten-year sentence.

FURTHER BACKGROUND INFORMATION

Park Yong-gil was arrested on 31 July 1995 and charged under the National Security Law for making an unauthorized visit to the Democratic People's republic of Korea (North Korea). Amnesty International adopted her as a prisoner of conscience, held for the non-violent exercise of her rights to freedom of expression and association. Several other prisoners are serving long prison terms under the National Security Law for making unauthorized visits to North Korea. On 3 October, two students were arrested as they returned from an unauthorized visit to the North and were also adopted by Amnesty International as prisoners of conscience.

FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/ airmail letters in English, Korean or your own language:

- expressing continued concern about Park Yong-gil's health and reports that she is receiving inadequate medical attention in prison;
- urging the authorities to ensure that she receives adequate medical attention and appropriate medical treatment;
- calling for the immediate and unconditional release of Park Yong-gil.

Amnesty International, International Secretariat, 1 Easton Street, London WC1X 8DJ, United Kingdom

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APPEALS TO:

1) President Kim Young-sam
The Blue House
1 Sejong-no
Chongno-gu, Seoul
Republic of Korea
Faxes: +822 770 0253
Telegrams: President Kim Young-sam, Seoul, South Korea
Salutation: Dear President

2) Minister of Justice
Mr Ahn Woo-man
1 Chungang-dong
Kwachon-myon
Kyonggi Province
Republic of Korea
Faxes: +822 504 3337
Telegrams: Justice Minister Ahn
Shihung-gun, Kyonggi Province, South Korea
Salutation: Dear Minister

3) Director, Seoul Detention Centre
San 18-11, Poildong
Uiwang-shi
Kyonggi-do
Republic of Korea
Telegrams: Director Seoul Detention Centre, Seoul, South Korea
Salutation: Dear Director

COPIES TO:

Minkahyop (Human Rights Group)
592-7 Changsin-2-dong
Chongno-ku, Seoul 110-542
Republic of Korea

and to diplomatic representatives of the Republic of Korea accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 17 November 1995.

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Amnesty International

REPUBLIC OF KOREA (SOUTH KOREA)

REPORTED ILLEGALITIES IN DEATH PENALTY CASES

JULY 1995

SUMMARY

AI INDEX: ASA 25/17/95

DISTR: SC/CO/GR

Amnesty International is calling on the South Korean Government to commute the death sentences imposed on Mohammad Ajaz and Amir Jamil in 1992. It is also seeking an immediate investigation into reports that the two men were ill-treated during police questioning and convicted after an unfair trial, largely on the basis of forced confessions.

Amnesty International opposes the death penalty in all cases, considering it to be the ultimate form of cruel and inhuman punishment and has called for its abolition in South Korea. It has also expressed concern about illegalities surrounding the arrest and interrogation of prisoners, including the use of torture and ill-treatment to extract confessions.

In South Korea executions are carried out sporadically on the orders of the Ministry of Justice. Prisoners and their families are given no advance warning. The last executions were carried out on 6 October 1994 when 15 men were executed and it is not known when further executions will be carried out. Prisoners under confirmed sentence of death are forced to remain in a state of constant fear and uncertainty.

Mohammad Ajaz, aged 33, and Amir Jamil, aged 25, are both Pakistani citizens who were residing in South Korea at the time of their arrest in March 1992. In September 1992 they were convicted of the murder of two other Pakistani men, said to be members of a rival gang, and sentenced to death. Four other gang members were also tried and sentenced to prison terms of between 10 years and life imprisonment.

The two men claim that they were tortured during police questioning. They were reportedly convicted largely on the basis of statements made by several other gang members who had been beaten by police interrogators. According to reports, the person who interpreted for the defendants at their trial did not have sufficient knowledge of their language and mistranslated several key points. Mohammad Ajaz and Amir Jamil were sentenced to death in September 1992. Their appeal was rejected and the sentence confirmed in May 1993.

Amnesty International has received other reports of ill-treatment under police interrogation. South Korea is a party to the UN Convention Against Torture the South Korean Government and has a responsibility to investigate all reports of torture and ill-treatment.

There are some 50 prisoners under sentence of death in South Korea, all convicted of murder. Amnesty International is concerned that some of those currently facing execution may not have had a fair trial. Not only is the death penalty cruel and inhuman, but it may be inflicted on the innocent and on those least able to defend themselves.

Ministry of Justice officials told Amnesty International in October 1994 that executions were necessary as a means of reducing the rate of violent crime, but to Amnesty International's knowledge none of the surveys carried out in other countries have shown that the death penalty has a uniquely deterrent effect on violent crime.

PLEASE SEND LETTERS AND FAXES:

- Urging President Kim Young-sam to commute the death sentences imposed on Mohammad Ajaz and Amir Jamil and other prisoners under sentence of death in South Korea;
- Calling on the Ministry of Justice to investigate reports that the two prisoners were ill-treated during police questioning and that their trial did not conform to international standards for fairness;
- Expressing Amnesty International's opposition to the death penalty in all cases as the ultimate form of cruel and inhuman treatment and a punishment which may be inflicted on the innocent and those least able to defend themselves.

Appeals to:

President Kim Young-sam
The Blue House, 1 Sejong-no, Chongno-gu
Seoul, Republic of Korea
Fax: +82 2 770 0253

Mr Kim Doo-hee, Minister of Justice
Ministry of Justice
1 Chungang-dong, Kwachon-myon, Shihung-gun
Kyonggi Province, Republic of Korea
Fax: +82 2 504 3337

Copies to:

diplomatic representatives of the Republic of Korea (South Korea) in your country.

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

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등록일	분류기호	구분

Amnesty International

REPUBLIC OF KOREA (SOUTH KOREA)

REPORTED ILLEGALITIES IN DEATH PENALTY CASES

JULY 1995

SUMMARY

AI INDEX: ASA 25/17/95
DISTR: SC/CO/GR

Amnesty International is calling on the South Korean Government to commute the death sentences imposed on Mohammad Ajaz and Amir Jamil in 1992. It is also seeking an immediate investigation into reports that the two men were ill-treated during police questioning and convicted after an unfair trial, largely on the basis of forced confessions.

Amnesty International opposes the death penalty in all cases, considering it to be the ultimate form of cruel and inhuman punishment and has called for its abolition in South Korea. It has also expressed concern about illegalities surrounding the arrest and interrogation of prisoners, including the use of torture and ill-treatment to extract confessions.

In South Korea executions are carried out sporadically on the orders of the Ministry of Justice. Prisoners and their families are given no advance warning. The last executions were carried out on 6 October 1994 when 15 men were executed and it is not known when further executions will be carried out. Prisoners under confirmed sentence of death are forced to remain in a state of constant fear and uncertainty.

Mohammad Ajaz, aged 33, and Amir Jamil, aged 25, are both Pakistani citizens who were residing in South Korea at the time of their arrest in March 1992. In September 1992 they were convicted of the murder of two other Pakistani men, said to be members of a rival gang, and sentenced to death. Four other gang members were also tried and sentenced to prison terms of between 10 years and life imprisonment.

The two men claim that they were tortured during police questioning. They were reportedly convicted largely on the basis of statements made by several other gang members who had been beaten by police interrogators. According to reports, the person who interpreted for the defendants at their trial did not have sufficient knowledge of their language and mistranslated several key points. Mohammad Ajaz and Amir Jamil were sentenced to death in September 1992. Their appeal was rejected and the sentence confirmed in May 1993.

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Amnesty International has received other reports of ill-treatment under police interrogation. South Korea is a party to the UN Convention Against Torture the South Korean Government and has a responsibility to investigate all reports of torture and ill-treatment.

There are some 50 prisoners under sentence of death in South Korea, all convicted of murder. Amnesty International is concerned that some of those currently facing execution may not have had a fair trial. Not only is the death penalty cruel and inhuman, but it may be inflicted on the innocent and on those least able to defend themselves.

Ministry of Justice officials told Amnesty International in October 1994 that executions were necessary as a means of reducing the rate of violent crime, but to Amnesty International's knowledge none of the surveys carried out in other countries have shown that the death penalty has a uniquely deterrent effect on violent crime.

PLEASE SEND LETTERS AND FAXES:

- Urging President Kim Young-sam to commute the death sentences imposed on Mohammad Ajaz and Amir Jamil and other prisoners under sentence of death in South Korea;
- Calling on the Ministry of Justice to investigate reports that the two prisoners were ill-treated during police questioning and that their trial did not conform to international standards for fairness;
- Expressing Amnesty International's opposition to the death penalty in all cases as the ultimate form of cruel and inhuman treatment and a punishment which may be inflicted on the innocent and those least able to defend themselves.

Appeals to:

President Kim Young-sam
The Blue House, 1 Sejong-no. Chongno-gu
Seoul, Republic of Korea
Fax: +82 2 770 0253

Mr Kim Doo-hee, Minister of Justice
Ministry of Justice
1 Chungang-dong, Kwachon-myon, Shihung-gun
Kyonggi Province, Republic of Korea
Fax: +82 2 504 3337

Copies to:

diplomatic representatives of the Republic of Korea (South Korea) in your country.

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM



EXTERNAL

AI Index: ASA 25/15/95
Distrib: PG/SC

인권 자료실		
등록일	분류기호	자료번호
		15

To: Medical professionals
From: Medical Office / Asia Regional Program
Date: 14 July 1995

MEDICAL LETTER WRITING ACTION

Eun Su-mi
REPUBLIC OF KOREA (South Korea)

Keywords

Theme: POC/ ill-health/ medical care

Summary

Eun Su-mi is a 31-year-old female prisoner of conscience who has recently undergone major bowel surgery. Despite recommendations that she be hospitalized for further investigation, she was returned to prison shortly after surgery. Amnesty International is calling for her release. Please see the details attached.

Recommended Actions

Letters are requested from medical professionals to the addresses below and should:

- outline Eun Su-mi's case and express deep concern that she has not been admitted to hospital for further investigation following recent major surgery after a tumorous bowel condition was discovered
- ask about the conditions in which she is being held and about what plans there are for the management of her medical problems. Stress that while she is in prison it is the responsibility of the authorities to provide her with medical care of a standard equal to that of the population at large. Express concern that administrative considerations appear to have taken precedence over arrangements to provide her with the medical attention she requires
- urge that steps are immediately taken to allow further medical investigation
- note that Eun Su-mi was imprisoned for the peaceful expression of political opinion and not involved in any violent crime or in the advocacy of violence
- urge her unconditional release from prison

AMNESTY INTERNATIONAL
INTERNATIONAL SECRETARIAT
1 Easton Street, London WC1X 8DJ, United Kingdom
Tel: (44) (71) 413 5500 Telegrams: Amnesty London WC1 Telex: 28502 AMNSTY G FAX: (44) (71) 956 1157
E-mail: (GreenNet) amnestyis@gn.apc.org, (GeoNet) amnesty-is@mcr1.geonet.de
As from 16 April 1995: Tel: (44) (171) 413 5500 Fax: (44) (171) 956 1157

Letters could refer to the UN *Principles of medical ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment of punishment*. These state at Principle 1: "Health personnel, particularly physicians, charged with the medical care of prisoners and detainees have the duty to provide them with the protection of their physical and mental health and treatment of disease of the same quality and standard as is afforded to those who are not imprisoned or detained."

Letters to the prison authorities should ask whether histological tests were performed after Eun's surgery and whether an exact diagnosis has been made.

Addresses

Mr Ahn Woo-mahn
Minister of Justice
Ministry of Justice
1 Chungang-dong
Kwachon-myon
Shihung-gun, Kyonggi-do
Republic of Korea

Director General
Correction Bureau
Ministry of Justice
1 Chungang-dong
Kwachon-myon
Shihung-gun, Kyonggi-do
Republic of Korea
(Department responsible for prisoner welfare)

Prison director - and -
Prison doctor
Kangnung Prison
720 Hongjae-dong
Kangnung
Kangwon-do 210
Republic of Korea

Copies can be sent to:

Association of Physicians for Humanism
Sudaemoon ku
Youngchun-dong 69-4, 2nd floor
Seoul 120 070
Republic of Korea

If possible, please send a copy of letters written to the Minister of Justice to the prison, marked for the attention of the prison director and doctor.



EXTERNAL

AI Index: ASA 25/15/95
Distrib: PG/SC

Date: 14 July 1995

MEDICAL CONCERN

Eun Su-mi
REPUBLIC OF KOREA (South Korea)

Amnesty International is seeking the release of Eun Su-mi, an adopted prisoner of conscience with serious health problems. She is aged 31 and recently underwent major bowel surgery. She was admitted to the emergency room of a private hospital in Kangnung, the town in which she is imprisoned, with suspected appendicitis. Upon surgery, it was found that she had tumours in the bowel and a right hemicolectomy and partial ileal resection are reported to have been performed. The surgeon then recommended her transfer to a fully-equipped hospital for further investigation, including investigation of a lung lesion, but she was instead returned to prison. Attempts to readmit her to hospital have met with administrative difficulty and delay.

Background

Eun Su-mi is serving a sentence of five years' imprisonment following conviction for membership of an "anti-state" organization. She was arrested in April 1992 and her sentence is due to run until April 1997. Eun Su-mi has apparently had health problems for some time. In early 1993 she was admitted to hospital from prison with chest pain and is reported to have been diagnosed as having angina pectoris. Further examination was recommended, but this was not permitted by the prison authorities.

Eun's recent bowel surgery took place at the end of April 1995. Prison staff had admitted her to hospital on 27 April with severe diarrhoea and fever. The staff had suspected acute appendicitis, but in fact, surgery revealed tumours. According to reports received by Amnesty International, routine pre-operative examination also detected a lung lesion and frequent cardiac arrhythmia. The surgeon performed a right hemicolectomy and partial ileal resection. It is unclear whether any histological tests were performed; the only information that AI currently has is that the family were informed that there had been "an inflammatory mass, probably not a malignant tumour". Although the surgeon recommended her transfer to one of the larger hospital for investigation of the underlying cause of her bowel disease, the lung lesion and her heart problems, this did not occur. On 9 May - 12 days after admission to hospital - she was returned to prison.

Eun Su-mi's family have attempted to have her readmitted to hospital, but without success to date. According to the information available to AI, the family first approached the prison director who referred them to the prison doctor. The prison doctor is said to have told the family that they would have to apply to the Ministry of Justice, and the Ministry in turn stated that it could only take action if approached by the prison director.

AMNESTY INTERNATIONAL
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1 Easton Street, London WC1X 8DJ, United Kingdom

Tel: (44) (71) 413 5500 Telegrams: Amnesty London WC1 Telex: 28502 AMNSTY G FAX: (44) (71) 956 1157

E-mail: (GreenNet) amnestyis@gn.apc.org, (GeoNet) amnesty-is@mcr1.geonet.de

As from 16 April 1995: Tel: (44) (171) 413 5500 Fax: (44) (171) 956 1157

From information available, it appears that the prison authorities have failed to take action because Eun's hospitalization would mean that guards would have to be assigned from the prison staff and the prison director is reported to have claimed that there are insufficient resources for this.

Amnesty International is urging Eun Su-mi's unconditional release from prison. She is a prisoner of conscience arrested for membership of a left-wing political grouping and is unlikely to have access to much medical attention in prison. A report published in 1992 by the Seoul-based *Lawyers for a Democratic Society* examined medical care in Korean prisons. By way of illustration, it noted that in 1990 there were 1,500 prisoners in the medical section of Seoul detention centre who were attended by only one full-time doctor and a number of non-medical personnel. No medical staff were on duty during the night and prisoners frequently complained of delays in obtaining medical attention, lack of proper treatment and a general attitude of neglect. When Eun Su-mi was admitted to hospital in April, it appears that she had been in distress for some time before she was hospitalized.

Eun is also held in very poor and unsanitary conditions in Kangnung, a town on the each coast, 230 km from Seoul. She is housed in a small solitary cell said to measure 4 square yards [3.6m²] to be without windows and in which there is an insanitary pit toilet.

Background to arrest

Eun Su-mi was one of a group of some 40 people arrested in April 1992 by South Korea's intelligence agency, the ANSP, or Agency for National Security Planning. She and others were accused of membership of *Sanomaeng* (Socialist Workers' League), an organization which has been classed as an "anti-state" organization by the authorities. South Korea has a National Security Law¹ which gives a very broad definition to what is considered to be an "anti-state" organization. Equally, the courts have interpreted the law broadly and it has been used to imprison people holding left-wing views or views seen to be similar to those of the government of the Democratic People's Republic of Korea (North Korea). Since 1990, over 200 members or alleged members of *Sanomaeng* have been arrested; around 40 remain in prison to this date.

The authorities charge was that members of *Sanomaeng* planned to overthrow the state by violent means. However, *Sanomaeng* members have stated their commitment to non-violent means of political activism and have sought to set up a political party. Amnesty International believes that there is no evidence behind the state's charge and that Eun Su-mi was given a five-year prison sentence because she was on the policy planning committee within *Sanomaeng*.

She had been a university student from 1982 to 1984 at Seoul National University, where she studied sociology, and here she became involved in student politics and headed the Women's Student Committee. She was expelled from university before graduation following a student sit-in and took a job in a factory. She then became involved in the labour movement and later joined *Sanomaeng*.

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¹For further information on the National Security Law, please see *Republic of Korea: Concerns Relating to Freedom of Expression and Opinion* (ASA 25/12/95 - June 1995)

Amnesty International believes Eun to be imprisoned for her non-violent political views and is calling on the authorities for her unconditional release. Furthermore, it is asking the authorities to account for the reasons why they have thus far failed to respond to recommendations about the investigation and management of her care.

인권 자료실		
등록일	분류기준	비고

amnesty international

**REPUBLIC OF KOREA
(SOUTH KOREA)**

**Arrest and ill-treatment of
history professor**

20 JUNE 1995

AI INDEX: ASA 25/13/95

DISTR: SC/CO/GR



Eun Su-mi

Professor Park Chang-hee is reported to have been deprived of sleep, beaten and threatened after his arrest in April under the National Security Law. Amnesty International believes that Park Chang-hee may be a prisoner of conscience, held solely for the non-violent exercise of his rights to freedom of expression and association. It is calling for an investigation into reports that he was ill-treated during questioning by officers of the Agency for National Security Planning (ANSP, South Korea's intelligence agency) and the prosecution.

Professor Park Chang-hee, aged 63, was arrested at midnight on 26 April 1995 by some 20 ANSP officers who also searched his house and took a number of items including a map, a pair of binoculars, a fax machine, a calendar and some of his writings. Park Chang-hee was taken to the ANSP's headquarters in Seoul where he was held and questioned for 19 days. During this time he claims to have been deprived of sleep, beaten about the head, threatened and forced to drink alcohol. After visiting him on 3 May his daughter was herself questioned in a threatening manner for two hours. Under pressure Park Chang-hee apparently signed a statement of "confession", admitting that he had joined the Workers Party of [North] Korea.

On 15 May Park Chang-hee was transferred to Seoul Prison and he was taken for questioning to Seoul District Prosecutor's Office. During questioning on 16 May when he tried to retract his earlier "confession" he was reportedly kicked and threatened by the prosecutor. He was questioned over a number of days, during which time he was granted very limited access to his lawyer and family. On 9 June Park Chang-hee was charged under the National Security Law for meeting and communicating with an alleged North Korean agent, for passing state secrets and for praising and encouraging North Korea. He is awaiting trial in Seoul Prison.

On 15 May the ANSP released to the media a 22-page report entitled "results of the investigation of the espionage case of the Foreign Language University of Korea professor, Park Chang-hee". The disclosure of incriminating allegations by the ANSP may have damaged Park Chang-hee's chances of receiving a fair trial and is contrary to the principle of the presumption of innocence enshrined in South Korean law and in international standards. Article 126 of South Korea's Criminal Code specifically prohibits the pre-trial publication of material related to court cases.

Amnesty International is concerned that Professor Park Chang-hee may be a prisoner of conscience, held for the non-violent exercise of his rights to freedom of expression and association. Over the years South Korea's National Security Law has been used to imprison people who visited North Korea without government authorization or who met North Koreans abroad and those who expressed support for North Korea or ideas similar to those of the North Korean Government. The law provides long prison terms for "espionage" and "anti-state" activities but these terms are often defined very broadly. For example, the definition of "state secret" has included information which was publicly available in South Korea and the term "anti-state" has been applied to many non-violent organizations.

Amnesty International is calling for an investigation into reports that Park Chang-hee was ill-treated by the ANSP and the prosecution. Under the National Security Law suspects may be questioned for up to 50 days before charge (up to 20 days by the ANSP or the police and up to 30 days by the prosecution). Amnesty International believes this excessive length of time may facilitate the ill-treatment of suspects. The organization has received reports that suspects are routinely deprived of sleep and threatened during interrogation and that some are also beaten.

Since 1977 Professor Park Chang-hee has taught history at the Foreign Language University of Korea. He studied in Japan from 1958 to 1968, specializing in the history of the period of Japanese occupation of Korea (1910 to 1945).

RECOMMENDED ACTION: Please send letters and faxes:

- expressing concern about the reported ill-treatment of Professor Park Chang-hee by the Agency for National Security Planning (ANSP) and Seoul District Prosecutor's Office;
- expressing concern that the pre-trial disclosure of incriminating allegations by the ANSP may have damaged Park Chang-hee's chances of receiving a fair trial;
- calling for the release of Park Chang-hee if he is held solely for the non-violent exercise of his rights to freedom of expression and association.

Appeals to:

◆ President Kim Young-sam, The Blue House, 1 Sejong-no, Chongno-gu, Seoul, Republic of Korea, Fax: +822 770 0253

◆ Mr Ahn Woo-man, Minister of Justice, 1 Chungang-dong, Kwachon-myon, Shihung-gun, Kyonggi Province, Republic of Korea Fax: +822 504 3337

◆ Mr Kwon Young-hae, Director, Agency for National Security Planning, Presidential Office, The Blue House, 1 Sejong-no, Chongno-gu, Seoul, Republic of Korea, Fax: +822 720 2686 (c/o Ministry of Foreign Affairs)

◆ and to diplomatic representatives of South Korea in your country.

This is a quick KOTARAN action. send to selected KOTARAN groups for action

KEYWORDS: POSSIBLE POC / ACADEMICS / TORTURE/ILL-TREATMENT / TRIALS / ESPIONAGE /

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

amnesty international

REPUBLIC OF KOREA (South Korea)

History Lecturer Arrested Under National Security Law

10 MAY 1995

AI INDEX: ASA 25/11/95

DISTR: SC/CO/GR

Kim Mu-yong, a 34-year-old history lecturer, was arrested on 21 March 1995 under the National Security Law. He is currently in Seoul Prison awaiting trial on charges of possessing and distributing allegedly pro-North Korean material. Amnesty International has adopted Kim Mu-yong as a prisoner of conscience, held for the peaceful exercise of his rights to freedom of expression and association. It is calling for his immediate and unconditional release.

Kim Mu-yong is a history lecturer at Bangsong Tongshin University. Police arrested him at his home on 21 March and confiscated a number of his books, pamphlets, cassette tapes and computer diskettes. He was charged under Article 7 of the National Security Law, which provides up to seven years' imprisonment for the act of "praising", "encouraging" or "benefitting" North Korea.

The charges against Kim Mu-yong relate to papers and leaflets he had written which, according to the authorities, glorify the activities of pro-North Korean guerrilla fighters before and during the Korean War (1950 to 1953). As a history lecturer, he had written material about this period, with special emphasis on the activities of guerrilla fighters. He had issued a leaflet to accompany a guided tour to areas where they used to operate, in North Cholla and South Kyungsang Provinces. The leaflet, entitled "modern Korean history and the guerrilla movement", apparently included an itinerary and historical information. He had also published a paper entitled "post-liberation history of the guerrilla struggle" at a lecture he gave almost two years ago.

Article 7 of the National Security Law is often used to arrest people on charges of forming or belonging to leftist groups and of disseminating material alleged to be pro-North Korean. Dozens were arrested under this provision of the law during 1994 and early 1995. Some were sentenced to short prison terms while others were given

인권 자료실		
등록일	유기호	인원

suspended prison sentences and released. Amnesty International welcomed a court decision of 6 April 1995 in which a high court judge took the unusual step of acquitting Lee Chang-bok, who had been sentenced to 10 months' imprisonment under Article 7 of the National Security Law. The judge is reported to have said that "freedom of ideology and expression must be ensured" and that the mere fact of having similar views to those of North Korea, without use or advocacy of violence, did not justify prosecution under the National Security Law.

Amnesty International has repeatedly called on the South Korean Government to amend several provisions of the National Security Law which may be used to punish the non-violent exercise of the rights to freedom of expression and association. In May 1995 there were some 370 political prisoners in South Korea, over 80% of whom were held under the National Security Law. Many were considered by Amnesty International to be prisoners of conscience.

RECOMMENDED ACTION: Please send letters and faxes:

- ◆ *Expressing concern about the arrest of Kim Mu-yong under Article 7 of the National Security Law for the non-violent exercise of his rights to freedom of expression and association;*
- ◆ *Calling for his immediate and unconditional release.*

Appeals to:

- ◆ *President Kim Young-sam*
The Blue House, 1 Sejong-no, Chongno-gu, Seoul
Republic of Korea
Fax: +822 770 0253
- ◆ *Mr Ahn Woo-man, Minister of Justice*
Ministry of Justice
1 Chungang-dong, Kwachon-myon, Shihung-gun, Kyonggi Province
Republic of Korea
Fax: +822 504 3337
- ◆ *and to diplomatic representatives of South Korea in your country.*

This appeal has been sent to all South Korea action files groups for action. Please check with the IS if sending appeals after 30 June 1995.

KEYWORDS: PRISONERS OF CONSCIENCE1 / ACADEMICS / CENSORSHIP /

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

amnesty international

Republic of Korea (South Korea)

Letters from Prisoners and Their Families

MAY 1995

SUMMARY

AI INDEX: ASA 25/10/95

DISTR: SC/CO/GR

Amnesty International groups around the world are actively campaigning on behalf of political prisoners in South Korea. Most of these political prisoners are being held under the National Security Law. Many of them are held for the non-violent exercise of their rights to freedom of expression and association.

In their campaigning for these prisoners, Amnesty International groups frequently enter into correspondence with the prisoners on whose behalf they are working (although some prison authorities appear to restrict prisoners' mail to and from other countries). This document contains excerpts from some of the letters Amnesty International members have received during 1994. They show the immense support and hope that prisoners and their families are able to derive from this correspondence.

KEYWORDS: PRISONERS OF CONSCIENCE1 / PRISONERS' TESTIMONIES1 / TORTURE/ILL-TREATMENT1 / LONG-TERM IMPRISONMENT / INCOMMUNICADO DETENTION / ESPIONAGE / PRISON CONDITIONS / BUSINESS PEOPLE / STUDENTS / WRITERS / ACADEMICS / EDITORS / RELIGIOUS OFFICIALS - PROTESTANT / WOMEN'S RIGHTS ACTIVISTS / TRADE UNIONISTS / PHARMACISTS / WOMEN / ESPIONAGE / GOOD NEWS TESTIMONIES / RELEASE / PHOTOGRAPHS /

This report summarizes a 13-page document (4,704 words), *Republic of Korea (South Korea): Letters from prisoners and their families* (AI Index: ASA 25/10/95), issued by Amnesty International in May 1995. Anyone wanting further details or to take action on this issue should consult the full document.

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

amnesty international

**REPUBLIC OF KOREA
(SOUTH KOREA)**

**Letters From Prisoners And
Their Families**



May 1995
AI Index: ASA 25/10/95
Distr: SC/CO/GR

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

REPUBLIC OF KOREA (SOUTH KOREA)

Letters from prisoners and their families

Amnesty International groups around the world are actively campaigning on behalf of political prisoners in the Republic of Korea (South Korea). Most of these political prisoners are being held under the National Security Law. Many of them are held for the non-violent exercise of their rights to freedom of expression and association.

The National Security Law provides for the death penalty or life imprisonment for those convicted of being the "ring leaders" of broadly defined "anti-state" organizations or for those who are convicted of "espionage". The term "anti-state" is open to wide interpretation and has been used by successive governments to imprison people who hold socialist or communist political views or whose views are alleged to be similar to those of the government of the Democratic People's Republic of Korea (North Korea). The National Security Law also provides for imprisonment for up to seven years of other members and supporters of such organizations and for those who "praise" or "side with" North Korea. In recent years, the National Security Law has been widely used to imprison people who visited North Korea or met North Koreans without government permission and those who established or joined leftist, allegedly pro-North Korean organizations.

The South Korean Government justifies continued use of the National Security Law by the current state of tension between itself and North Korea. Amnesty International believes, however, that the restrictions imposed by the National Security Law on the rights to freedom of expression and association go far beyond the limitations of these rights permitted by international human rights standards. It believes that a large number of prisoners held under the National Security Law are being held for peacefully expressing their views without use or advocacy of violence. Amnesty International believes that the South Korean Government continues to use the National Security Law to imprison those whom it simply considers to be a potential threat to their authority.

In their campaigning for these prisoners, Amnesty International groups frequently enter into correspondence with the prisoners on whose behalf they are working (although some prison authorities appear to restrict prisoners' mail to and from other countries). This document contains excerpts from some of the letters Amnesty International members have received during 1994. They show the immense support and hope that prisoners and their families are able to derive from this correspondence.

Kim Song-man, long-term prisoner and former political science student

Kim Song-man, aged 37, is serving a life sentence under the National Security Law. Amnesty International considers him to be a prisoner of conscience.

Kim Song-man studied physics at Yonsei University in Seoul, and enrolled at the Western Illinois University in the USA in 1982 in order to study political science. During his studies, he read widely about the political system in North Korea and met several people considered to be pro-North Korean.



Upon returning to South Korea in June 1985, Kim Song-man (along with fellow student Hwang Tae-kwon) was arrested under the National Security Law. He was accused of passing state secrets to North Korean officials and encouraging South Korean students to engage in "anti-state" activities. Kim Song-man and Hwang Tae-kwon were held incommunicado for approximately 60 days by the Agency for National Security Planning. Both men say they were tortured, and in 1986 Kim Song-man was sentenced to death. On the occasions of a presidential amnesty, his sentence was commuted to life imprisonment in 1988.

Amnesty International groups in Belgium, France, Sweden and the US are among those who have been campaigning for the release of Kim Song-man. On 4 February 1994, he wrote to an Amnesty International group in Denmark, describing his life in prison:

"I live on the first floor of a three storeyed building. No other prisoners live with me. There are only two men on the first floor - me and a prison guard. I have a meal, take exercise...only by myself. I can never meet prisoners who live on the other floors or in other buildings. In general, prisoners live collective lives, but I am isolated and under close surveillance...Reading books and searching for truth I surmount my loneliness and yearning for people. Thank you for your warm kindness to send me a message."

In May, he wrote to a group in Belgium:

"All packages sent to me are delivered to me no matter who sent them. They are opened by a prison guard in the presence of me. The contents are handed over to me on the spot, except some items which prisoners can't

possess. I was very pleased to hear that you are to continue to send me packages. It is remarkably delightful in my daily routine to receive letters or packages...they are a string linking me, who is kept in isolated confinement, to the outside world. They allay my feelings of loneliness."

On 27 June 1994, Kim Song-man was moved from Andong prison (where he was in isolation) to Taegu prison, where his conditions appeared to be better. He wrote:

"I received packages, including watercolour, with thanks. Watercolour is useful to me. A political prisoner who lives in next room but one to me is in these days lost in drawing pictures. He was beside himself with joy to see the watercolour. I will use it together with him. I am grateful to you for sending me packages."

Kim Song-man also expressed his thanks to members of AIUSA, writing:

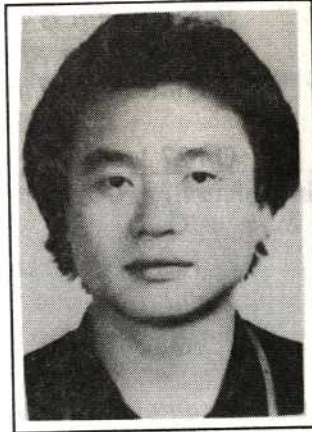
"Foreign institutions of human rights such as Amnesty International and foreign and domestic individuals that tried to save my life I do thank from the bottom of my heart and can never thank enough."

On 30 April 1993, the United Nations Working Group on Arbitrary Detention, in decision 28/1993, declared the detention of Kim Song-man to be "arbitrary, being in contravention of articles 5,9,19 and 21 of the universal Declaration of Human Rights, and articles 7,9,14,19 and 21 of the International Covenant on Civil and political Rights". The Working Group requested "the Government of the Republic of Korea to take the necessary steps to remedy the situation in order to bring it into conformity with the norms and principles incorporated in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights".

Yang Dong-hwa, long-term prisoner and former student

Along with Kim Song-man, prisoner of conscience Yang Dong-hwa was also arrested under the National Security Law and charged with espionage for North Korea. He was arrested on 2 June 1985 after a two year stay at the Western Illinois University and a week-long unauthorized visit to North Korea. After his arrest under the National Security Law, he was held incommunicado until 5 August, during which time he says that he was beaten repeatedly and subjected to intense psychological pressure to make a "confession". He was accused by interrogators of receiving espionage training in North Korea and of working for North Korea when he returned to the South by passing on secret information. Yang Dong-hwa later said that he had been forced to make false "confessions" under torture.

Yang Dong-hwa was charged before Seoul District Court. He and other defendants in this case said that they were intimidated into not appointing lawyers. Instead, they were represented by state-appointed attorneys and the prisoners mostly conducted their own defence. Yang Dong-hwa was sentenced to death in 1986 (commuted to life imprisonment in 1988). Amnesty International has adopted him as a prisoner of conscience, and has assigned his case to Amnesty International groups in Norway and the Netherlands. In 1994, Yang Dong-hwa wrote to a member of the Dutch group, saying:

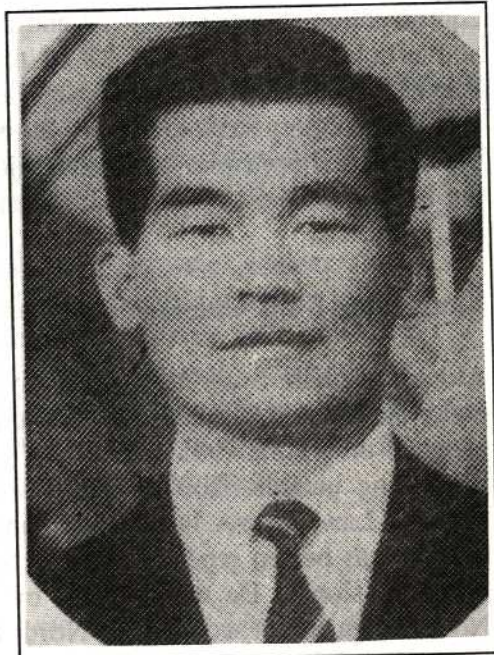


"I can't thank you and all the members of your group enough for going on sending me letters letting me know that "I am not forgotten"... Your letter with strong feelings of friendship made my heart too full for words."

Yu Chong-sik, long-term prisoner and former businessman

Yu Chong-sik, a 55 year-old prisoner of conscience, is serving a life sentence and has already spent 20 years in prison. Born in Japan, Yu Chong-sik lived there until the age of five, when his family moved to the city of Pusan in South Korea. He attended university in Seoul and then moved to Japan in the early 1960's, where he studied agriculture at Tokyo and Nihon Universities. He returned to South Korea in 1970, where he got married and had two children.

In March 1975, Yu Chong-sik was arrested under the National Security Law and accused of having received espionage training when he visited North Korea several years earlier. Yu Chong-sik denies these charges, saying that although he did visit North Korea twice while he was resident in Japan, these trips had been made solely out of curiosity.



Yu Chong-sik was interrogated for one month by the Korean Central Intelligence Agency (now called the Agency for National Security Planning). During this time he is reported to have been held incommunicado and tortured. He did not see a lawyer until his trial commenced, and was in a very poor state of health when he appeared in court. Amnesty International believes that he was convicted on the basis of a forced confession extracted under torture. Amnesty groups in Norway and Germany are among those corresponding with Yu in prison. In 1994 he sent his thanks to the German group, writing from Andong Prison:

"I deeply appreciate your kindness that carries humanistic love transcending national barriers. Good luck and God bless you."

Ham Ju-myong, long-term prisoner and former businessman

Ham Ju-myong, aged 62, was born in what is now North Korea. He sided with North Korea during the Korean War (1950-53). After the war he went to South Korea, where he was arrested and tried. He was given a two-year suspended prison sentence and released. He then settled in South Korea with his family, but says he was subject to constant surveillance from the authorities and found it difficult to obtain permanent employment.



On 18 February 1983, Ham Ju-myong was arrested by the Agency for National Security Planning and held incommunicado for over 60 days. He later claimed to have been subjected to electric shock and water torture and to have been beaten and deprived of sleep. He also said that he was forced to sign a confession extracted under torture.

During his trial on charges under the National Security Law, Ham Ju-myong denied the charges against him. Several of his friends who had also come from North Korea during the Korean War were called to give evidence. They are said to have been detained for several days before the trial and obliged to write statements testifying that Ham Ju-myong was a communist. This evidence and his own forced confession were the main evidence used to convict Ham Ju-myong of espionage. He was sentenced to death. However, following an appeal to the High Court, his sentence was commuted to

life imprisonment. Groups in Canada and Denmark have been working on his behalf for several years. On 8 April 1994, Ham Ju-myong's son wrote to the group in Canada:

"You and your friends have given my father and other imprisoned prisoners of conscience much hope. I hope you will continue to support my father...Thank you peace dove!"

Woo Jin-sung, theology student and lay minister

Woo Jin-sung was one of dozens arrested in September and October 1992 for their alleged links with a "spy" ring which the authorities claimed was operated by the North Korean government. Amnesty International is concerned that many of those arrested in this case, including Woo Jin-sung, may have been imprisoned for their peaceful exercise of their rights to freedom of expression and association.

Woo Jin-sung, a 29 year-old Presbyterian lay minister, was arrested on 13 September 1992 as he was returning home from a church service. He was accused of passing military secrets to members of the aforementioned "spy" ring, who were alleged to have passed the information on to North Korea. Woo Jin-sung's arrest appears to be linked to an article he had written about his experience in the military and which he had then passed on to



a friend. Sources told Amnesty International that the alleged military secrets were in fact public information. Woo Jin-sung later said that after his arrest he was deprived of sleep for two days and beaten by his interrogators. On 20 September 1994, Woo Jin-sung wrote to a correspondent from Amnesty International in Austria:

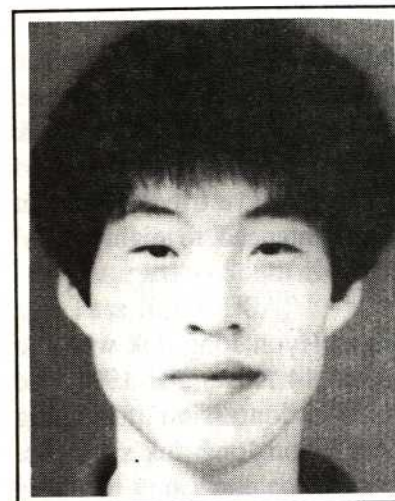
"You and I are at a long distance and have never seen each other. But I could feel your warm and tender heart. Thank you."

On 29 December, he wrote again:

"In these days, I have been receiving many things from you and your friends; numerous Christmas cards, a jacket and two pairs of gloves...First I thought I would write back to each person who sent me a Christmas card."

But now, I realize that this is impossible because they are uncountable! I've never received so many cards from abroad ever since I was born. It's really a joyful and wonderful Christmas season! I don't know how to thank you! How can I ever repay you? Please deliver my thankful mind to everyone who didn't forget me..."

Shim Sang-duk, student of statistics



Shim Sang-duk was also arrested in September 1992 in connection with the same alleged "spy ring". Shim was 20 years old and a member of the student section of the Patriotic League, said by the South Korean Government to be a pro-North Korean group. On 17 September, he was arrested by Agency for National Security Planning officials who did not show a warrant of arrest. According to his family, Shim was ill-treated during his interrogation. He was deprived of sleep, forced to do repeated physical exercises and beaten while interrogators urged him to confess that he had written birthday greetings messages to the former North Korean President Kim Il Sung and distributed pro-North Korean leaflets. Shim Sang-duk was sentenced to four years'

imprisonment for belonging to an "anti-state" group.

In 1994 Shim Sang-duk's mother wrote to Amnesty International members in the Netherlands last year, saying:

"I was so touched by your letter that came from so far away that tears came to my eyes. The people in my country take no interest- I thank you from the bottom of my heart for sending appeals from so far away. The Secretary-General of Minkahyup [South Korean human rights group] has publicised my son's case all over the world and he is receiving many letters. I am so happy that I could almost fly."

Hyon Jong-dok, former chemistry student

Hyon Jong-dok was arrested on 17 September 1990 and accused of being a member of an "anti-state organization" (*Sanomaeng*), a socialist organization which was established in 1989. Members and supporters claim that it is an organization which is merely

seeking political representation for the working class. Since 1990, over 200 members or alleged members of *Sanomaeng* have been arrested.

Hyon Jong-dok was accused of being a member of *Sanomaeng's* "liaison bureau". The authorities said that he and others carried out a variety of "anti-state" activities which included distribution of leaflets, publication of documents and preparation of an armed uprising. Amnesty international has found no evidence to suggest that *Sanomaeng* members was seeking an armed uprising or was any more than a South Korean organization with a leftist agenda.

Hyon Jong-dok claims to have been tortured during his interrogation by the Agency for National Security Planning. He is reported to have told his lawyer that he had been stripped naked several times and beaten with wooden clubs on the head, back and legs and that his penis had been hit with a plastic ruler. He also said that he had been deprived of sleep for three consecutive days. He is said to have tried to commit suicide as a result of his treatment. Hyon Jong-dok was sentenced to eight years' imprisonment and is a prisoner of conscience.

The UN Special Rapporteur on Torture raised the case of Hyon Jong-dok with the South Korean Government in August 1991. In its reply, dated 14 November 1991, the South Korean Government said that Hyon Jong-dok had "made a confession after being faced with various evidence". It dismissed the complaint about Hyon Jong-dok's torture.

Amnesty International members in Italy, the Netherlands and Australia have been working hard for Hyon Jong-dok's release. In January 1994, a member of the public who wrote to Hyon in response to a Amnesty International greetings card campaign received this response:

"My name is Hyon Jong-dok. I worked for Korean labour interests and the reunification of my country. But Korean government imprisoned me for that reason.

*Thank you for your card
I read it with great pleasure.
I am glad to know you.
I don't know about your country.
I hope to know your country.
Would you teach me?"*

Hwang Suk-yong, writer

Hwang Suk-yong, aged 52, is a well-known and popular writer who has written over 20 novels and essays. In 1987, he established and became Executive Director of the Association of Writers for National Literature, and one year later founded the Korean Nationalistic Artistic Federation. Under his guidance both organizations set up committees to prepare for talks between writers and artists in North and South Korea.



In 1989 Hwang made an unauthorized visit North Korea where he met the North Korean President Kim Il-sung and other officials. His trip was conducted publicly and received wide media coverage. He later justified the visit as an attempt to overcome the division between North and South Korea. As several other people who had made unauthorized visits to North Korea in 1989 were imprisoned under the National Security Law when they returned to South Korea, Hwang Suk-yong lived in exile abroad, first in Germany and later in the USA.

In 1993, after the election of President Kim Young-sam, who promised a "new Korea" which would be freer and more democratic, Hwang decided to return to his own country in order to take part in the movement for reform. Knowing that he faced possible imprisonment, he made a public statement before leaving the US saying:

"Though I myself do not recognize the National Security Law in my mind, I hope that I will be the last victim to be punished under the law and that this will bring about the justification to the people for its abolition".

Hwang Suk-yong arrived at Kimpo Airport in Seoul on 27 April 1993 and was immediately arrested by the Agency for National Security Planning, which held him for 20 days. During this time he was subjected to lengthy interrogation, threats and sleep deprivation. He was then transferred to Seoul Detention Centre, where the prosecution interrogated him for a further 30 days. Hwang Suk-yong was charged under several articles of the National Security Law for forming and participating in an "anti-state" organization, for visiting North Korea and for receiving instructions from North Korea. He was also accused of having received funding from North Korea as an "operational" fee. He denied these charges, stating that the money he received from North Korea was a copyright fee for the permission to make a film of his book *Jankilsan*, one of his best-known works.

In October 1993, Hwang Suk-yong was sentenced to eight years' imprisonment by the Seoul High Court. After a series of appeals his sentence was reduced to seven years. He is a prisoner of conscience.

On 4 April 1994 Hwang Suk-yong's wife sent the following message from her husband to the International Secretariat, thanking Amnesty International for its efforts on his behalf:

"I would like to express my sincere gratitude for the support you and your organization have shown me while I have remained in prison since my return to South Korea about a year ago. Your support has given me the courage to continue to struggle against forces of repression and to seek a new vision of a reunited Korea in our time."

Ahn Jae-ku, former professor of mathematics



On 14 June 1994, 61-year-old prisoner of conscience Ahn Jae-ku, along with at least 22 other people, was arrested by the Agency for National Security Planning and the police for alleged pro-North Korean activities. He was accused under the National Security Law of forming a pro-North Korean group called the National Front for the Salvation of the Fatherland (*Kukukchonui*), with the aim of spying for North Korea. He was questioned for 20 consecutive days by the Agency for National Security Planning, who subjected him to sleep deprivation and intense psychological pressure to sign a "confession". On 17 November the prosecution asked for a death sentence to be imposed on Ahn Jae-ku. At that time, he was forced to wear handcuffs 24 hours a day. On 30

November 1994, the Seoul District Criminal Court sentenced Ahn Jae-ku to life imprisonment.

Describing her father's plight, Ahn Jae-ku's daughter wrote to Amnesty International members on 11 December 1994, saying:

"I am writing to thank you on behalf of my father, Ahn Jae-ku, who was arrested in connection with the "National Front for the Salvation of the Fatherland". Two hours after the prosecution demanded the death penalty for my father, he was handcuffed and forced to wear these handcuffs 24

hours a day. Later, he was barely able to stretch his body from the lack of exercise. I cannot help but think that such harsh treatment imposed on a man over 60 virtually amounts to a form of torture, which is carried out in prisons as authorities please. As you are well aware, my father was sentenced to life imprisonment on 30 November.

The warm concern you have shown for my father and others involved in the same case has consoled my family and others. My father has especially asked me to convey his message of thanks to you all, and says that your devotion and efforts have helped to imbue him with a sense of strength.

From now on, the families involved are determined to join together and work hard to reveal the truth about this case. I hope that you will continue to participate and cooperate in our efforts. Again, I am sincerely grateful to you all; I cannot fully express how much your concern and efforts have been the source of strength and courage for us. Wishing that Amnesty International will continue to progress well into the future, I will end my letter here."

On 15 April 1995 the prison authorities at Youngdungpo Prison, where Ahn Jae-ku is held, are reported to have sealed the window of Ahn Jae-ku's prison cell with a steel plate. Amnesty International wrote to the Ministry of Justice expressing concern that Ahn Jae-ku was being denied access to daylight and fresh air, in contravention of international human rights standards.

RELEASED PRISONERS

Kim Un-ju (f), women's rights activist and student

Kim Un-ju, aged 25, and her brother Kim Sam-sok were arrested in September 1993 under the National Security Law. They were accused of contacting an alleged pro-North Korean group in Japan and leaking "state secrets". Amnesty International adopted the two as prisoners of conscience, considering the charges against them to be unfounded.

In February 1994, Kim Un-ju was given a suspended sentence and released. She told Amnesty International that during 17 days of questioning by the Agency for National Security Planning she was repeatedly kicked and slapped and forced to do physical exercises. She was also deprived of sleep for four days and threatened with sexual harassment.

Upon her release, Kim wrote to the International Secretariat, saying:

"Thank you for everything you have done concerning our case. I am sure that it is due to your efforts that I was released early. I am so grateful. Living in my lonely prison cell, I had to fight with the terrible loneliness as I was separated from other people. There were even flies and maggots in the toilet that was attached to my cell during the winter, which gave off a terrible stench. I had to take my meals on the wooden floor of my cell. Prisoners of conscience still live in such unimaginable environments. I look forward to your future efforts toward the release of prisoners of conscience."

Kim's brother, Kim Sam-sok, was sentenced to seven years' imprisonment, which was reduced to four years on appeal. He is now being held in Taejon Prison.



Kim Chin-ju (f), pharmacist and editor

Prisoner of conscience Kim Chin-ju, a 38-year-old pharmacist, was also accused of belonging to *Sanomaeng* and sentenced to four years' imprisonment under the National Security Law for belonging to an "anti-state" organization.

Kim Chin-ju graduated from Ewha Women's University in 1978 with a degree in pharmacy. She worked as a pharmacist before working for *Sanomaeng* as an editor. After her arrest in February 1991, Kim Chin-ju was interrogated for 20 days, during which time she was deprived of sleep, hit and insulted. Her husband, Park No-hae, a well-known poet and leader of *Sanomaeng*, was also arrested and has been sentenced to life imprisonment for establishing an "anti-state" organization.



Kim Chin-ju was held in Hongsong Prison and was unable to communicate with her husband since their arrest. In early 1994, an Amnesty International group in the Netherlands received this letter of thanks from Kim Chin-ju's father:

"Today I have received your letter and gift for Christmas for my daughter Chin-ju with much thanks. Fortunately, my wife was planning to go to the prison to meet my daughter in a few days, so she can bring your letter and gift to our daughter at that time."

"My wife and I are deeply impressed by the letters and gifts of much love from you and your friends and don't know how to express our thankfulness to you."

Kim Chin-ju was due to be released on 1 May 1995 at the end of her sentence.

Park Dong-su, trade union leader

On 21 June 1993 the Agency for National Security Planning announced that it had arrested two trade unionists, Park Dong-su and Chong In-kun, on 17 June. It accused the two men of trying to visit North Korea without government authorization; having connections with *Pomminnyon* (Pan-National Alliance for Reunification), an organization which the South Korean authorities regard as pro-North Korean; and of having watched North Korean films. Amnesty International adopted the two men as prisoners of conscience. In October, Park Dong-su was sentenced to 18 months' imprisonment. Amnesty International groups in France, Germany and Sweden were among those campaigning for his release. On September 29, he wrote to a German group:

"The sovereign efforts of the Korean people will soon produce fruits of unity. The warmth and interest of Amnesty International is a great support for those striving for unification. I wish you and other members of Amnesty International good health and every success with your work."

Park Dong-su was released in December 1994 at the end of his sentence.

amnesty international

Republic of Korea (South Korea)

Prisoners of conscience Ahn Jae-ku and Ahn Young-min

MARCH 1995

SUMMARY

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Ahn Jae-ku and his son Ahn Young-min were arrested in June 1994 under the National Security Law. Ahn Jae-ku, a former professor of mathematics, was sentenced to life imprisonment in November 1994. Ahn Young-min, a student of mathematics, received a 14 month prison sentence.

Amnesty International has adopted Ahn Jae-ku and Ahn Young-min as prisoners of conscience. This document describes the arrest, interrogation and imprisonment of Ahn Jae-ku and Ahn Young-min and explains why Amnesty International considers them to be prisoners of conscience and is calling for their immediate and unconditional release.

The cases of these two prisoners illustrate a pattern of human rights violations in South Korea in which the National Security Law is used to imprison people for the non-violent exercise of their rights to freedom of expression and association, and suspects are ill-treated in detention by officials of the Agency for National Security Planning (ANSP) and the police in order to extract incriminating evidence. Ahn Jae-ku's and Ahn Young-min's trials were unfair. The authorities violated Ahn Jae-ku's right to be presumed innocent until his conviction; evidence against him was unreliable; and he was convicted under the terms of a loosely worded law which fails to accord with international human rights standards.

This report summarizes an 8-page document (3514 words), *Republic of Korea (South Korea): Prisoners of conscience Ahn Jae-ku and Ahn Young-min* (AI Index: ASA 25/06/95), issued by Amnesty International in March 1995. Anyone wanting further details or to take action on this issue should consult the full document.

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