

**APPEALS TO:**

1) President  
President Kim Young-sam  
The Blue House  
1 Sejong-no  
Chongno-gu, Seoul, Republic of Korea  
**Telegrams:** **President Kim, Seoul, Republic of Korea**  
**Telexes:** **24651 or 24652 or 24653 WOIMUBU K**  
**Faxes:** **+ 822 720 2686**  
**Salutation:** **Dear President Kim**

2) Minister of Justice  
Mr KIM Doo-hee  
Minister of Justice  
1 Chungang-dong  
Kwachon-myon, Shihung-gun  
Kyonggi Province, Republic of Korea  
**Telegrams:** **Justice Minister Kim, Shihung-gun, Kyonggi Province, Republic of Korea**  
**Telexes:** **24757 MOJUST K**  
**Faxes:** **+ 822 504 3337**  
**Salutation:** **Dear Minister Kim**

3) Agency for National Security Planning  
Mr KIM Deok  
Director  
Agency for National Security Planning  
Presidential Office  
The Blue House  
1 Sejong-no, Chongno-gu  
Seoul, Republic of Korea  
**Telegrams:** **Director, ANSP, Seoul, Republic of Korea**  
**Faxes:** **+ 82 2 720 2686 (c/o Ministry of Foreign Affairs)**  
**Salutation:** **Dear Sir**

**COPIES OF YOUR APPEALS TO:**

Editor, Hankyoreh Daily  
1-2 Yangpyeong-dong 2-ga  
Seoul, Republic of Korea  
**Faxes: + 822 710 0310, + 822 671 7797**

Editor, Chosun Ilbo  
61 Taepyongro 1-ka  
Jung-ku, Seoul, Republic of Korea  
**Faxes: +822 724 5390**

Human Rights Group:  
Minkahyop  
2FI, 592-7  
Changsin-2-dong, Seoul, Republic of Korea

and to diplomatic representatives of South Korea accredited to your country

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 22 November 1993.

- Please take action as soon as you receive this Urgent Action appeal. Carefully read the recommended actions. If possible, send a telegram, telex, fax or express letter immediately to one or more of the addresses given. Other letters can be sent afterwards.
- Telegrams and letters should be brief and courteous. Stress that your concern for human rights is not in any way politically partisan. Refer to relevant provisions in international law, such as the United Nations Universal Declaration of Human Rights:

Article 3 — "Everyone has the right to life, liberty and security of person."

Article 5 — "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

Article 9 — "No one shall be subjected to arbitrary arrest, detention or exile."

- The name of Amnesty International may be used, although letters written in a private or personal capacity may be more effective.
- Copies of appeals should be sent to relevant diplomatic representatives in your country.
- In Urgent Actions cases, Amnesty International has to act rapidly on behalf of victims of grave human rights violations. An appeal is issued when Amnesty International believes it has received reliable and accurate information in such cases. It is not always possible to verify all details independently and in some instances the situation outlined in the appeal may change. Urgent Action participants are always notified of any significant new facts.
- Copies of any replies received from government authorities should be sent immediately to your section's Urgent Action co-ordinator or direct to the Campaign and Membership Department of the International Secretariat. If appropriate, thank the official who has replied and ask to be kept informed about the case.

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## SOUTH KOREA

### Appeal for the release of human rights activist Noh Tae-hun

SEPTEMBER 1993

AI INDEX: ASA 25/32/93

DISTR: SC/CO/GR

Amnesty International is calling for the immediate and unconditional release of Noh Tae-hun, 30-year-old year old human rights activist who was arrested on 15 July on charges under the National Security Law. Amnesty International believes that Noh Tae-hun is being held for his non-violent political activities. It is concerned that the real reason for his arrest appears to be his work to protect human rights in South Korea.

Noh Tae-hun is a long-standing and respected human rights activist who is associated with a number of South Korean human rights groups. He is a key member of the recently established umbrella group KONUCH (Korean NGO Network for the World Conference on Human Rights) and played an active role in organizing Korean NGO participation in the World Conference on Human Rights, held in Vienna in June 1993. He has also worked with *Minkahyop* (Association of Families), STIK (Stop Torture in Korea) and *Sarangbang* (Group for Human Rights).

Noh Tae-hun was arrested by officers of the Security Division of the National Police Administration at around 6.30pm on 15 July while he was visiting the office of his lawyer. He had already been detained for interrogation from the morning of 14 July until the morning of 15 July. On this occasion his lawyer and a colleague noticed that the warrant for his arrest was incorrectly filled in and failed to show the summary of charges against him or his place of detention. They urged police officers to follow the correct legal procedures and were themselves threatened and beaten. Noh Tae-hun was taken away for questioning.

From 15 July until 24 July Noh Tae-hun was interrogated by the police. During this time he was subjected to long periods of interrogation, threats and sleep deprivation. For most of this period his lawyers were not able to meet him in private.

On 11 August Noh Tae-hun was charged under Article 7 of the National Security Law. The basis of this charge is that he possessed and published a number of pamphlets and books written by former political prisoners with the purpose of "praising" and "siding with" North Korea. These works, entitled *Deprived Days* and *Days and Nights in Prison*, were written by former long-term political prisoners in South Korea and

사랑방 자료

mostly contained reflections on their prison life. The books and pamphlets are publicly available in South Korea and the authors have not been arrested. Noh Tae-hun, however, faces a prison sentence of up to seven years.

Amnesty International is concerned that the real reason for Noh Tae-hun's arrest appears to be his work to protect and enhance human rights in South Korea. It believes that provisions of the National Security Law place unnecessary restrictions on the rights of freedom of expression and association and may easily be used to silence government critics. Amnesty International has repeatedly urged the authorities to amend the National Security law to bring it into line with international standards.

During his speech to the World Conference on Human Rights, the South Korean Minister of Foreign Affairs spoke of the important role played by individuals and non-governmental organizations in the protection and promotion of human rights. Weeks later the authorities effectively curtailed the work of Noh Tae-hun, one of the most prominent advocates of human rights in South Korea.

Noh Tae-hun is held in Seoul prison. He has been refused release on bail.



Photograph of Noh Tae-hun, taken at the World Conference on Human Rights, Vienna, Austria, June 1993

**KEYWORDS:** ARBITRARY ARREST / TORTURE/ILL-TREATMENT / HUMAN RIGHTS ACTIVISTS / PRISONERS OF CONSCIENCE / POLITICALLY MOTIVATED CRIMINAL CHARGES / LAWYERS / UN / INTERNATIONAL MEETINGS /

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

**WHAT YOU CAN DO TO SECURE THE RELEASE OF NOH TAE-HUN AND  
PROTECT HUMAN RIGHTS IN SOUTH KOREA**

- ◆ *Write to the Minister of Justice and the President seeking the immediate and unconditional release of Professor Noh Tae-hun; send copies of your letters to diplomatic representatives of South Korea in your country;*
- ◆ *Encourage others to send appeals;*
- ◆ *Contact professional groups and others in your country and urge them to take up the case of Noh Tae-hun.*

**Send appeals to:**

*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*



*President Kim Young-sam  
The Blue House  
1 Sejong-no  
Chongno-gu  
Seoul  
Republic of Korea  
Fax: c/o Ministry of Foreign Affairs: +82 2 720 2686*

**Send copies of your letters to:**

*News Editor  
Dong-A Ilbo  
139 Sejong-no  
Chongno-gu  
Seoul  
Republic of Korea  
Fax: +82 2 734 7742*

*News Editor  
Chosun Ilbo  
61, 1-ga, Taepyong-no  
Chung-gu  
Seoul  
Republic of Korea  
Fax: +82 2 724 5390*

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## SOUTH KOREA

### Urgent appeal for the release of Professor Cho Guk

AUGUST 1993

AI INDEX: ASA 25/29/93

DISTR: SC/CO/GR



Amnesty International is calling for the immediate and unconditional release of Professor Cho Guk who was arrested 23 June 1993 under the National Security Law. The organization believes that Professor Cho Guk is held solely for the non-violent exercise of his rights of freedom of expression and association and has adopted him as a prisoner of conscience.

Professor Cho Guk, aged 29, is a lecturer of law at Ulsan University. He is a well-known and highly regarded legal scholar who has published a number of research papers, articles and books on topics such as Marxist legal theory, criminal jurisprudence and freedom of thought. He has been openly critical of the National Security Law, the very law under which he is now held. He is also a member of the Democratic Legal Studies Association and Chairperson of the Committee for Progressive Social Reform.

On 23 June 1993 Professor Cho Guk was arrested by officers of the Security Division of the National Police Administration. A warrant for his arrest was not issued until two days later, on 25 June. He was held by the police until 12 July when his case was transferred to the prosecution where he is currently being questioned. Prisoners arrested under the National Security Law may be held for up to 50 days before they are formally charged, a period which Amnesty International considers to be excessive.

Professor Cho Guk and several colleagues are accused of establishing or belonging to the Social Science Academy which the authorities appear to have labelled as an "anti-state" organization, linked to *Sanomaeng* (Socialist Workers' League). Members of *Sanomaeng* have faced arrest and imprisonment since 1990 and its leaders are currently serving life terms. The National Security Law imposes lengthy prison terms or the death penalty for vaguely-defined "anti-state" and pro-North Korean activities. It has been used frequently to curtail the activities of socialist organizations and other government critics on the pretext that they pose a threat to state security.

Amnesty International understands that the Social Science Academy was merely a small study group, established in June 1991 and disbanded in early 1992. Over the short period of its existence it published several short leaflets entitled *Our Thought*. Professor Cho Guk was apparently not a member of the Academy although he did help to edit one of its leaflets.

The arrest of Professor Cho Guk has provoked much concern in South Korea among human rights groups and academics and a support committee has been established to campaign for his release. Amnesty International also believes that the arrest of Professor Cho Guk is a violation of his rights of freedom of expression and association and that he should be freed immediately.

***ACTION - WHAT YOU CAN DO TO HELP PROFESSOR CHO GUK:***

- *Write to the Minister of Justice and the President seeking the immediate and unconditional release of Professor Cho Guk; send copies of your letters to diplomatic representatives of South Korea in your country;*
- *Encourage others to send appeals;*
- *Contact professional groups and others in your country and urge them to take up the case of Professor Cho Guk.*

***Send appeals to:***

*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*

*President Kim Young-sam  
The Blue House  
1 Sejong-no  
Chongno-gu  
Seoul  
Republic of Korea  
Fax: c/o Ministry of Foreign Affairs: +82 2 720 2686*

***KEYWORDS: ACADEMICS / PRISONERS OF CONSCIENCE / ARBITRARY ARREST / LEGISLATION***

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

인권문헌 자료

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## **SOUTH KOREA**

**Imprisoned Writer  
Hwang Suk-yong**



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

# SOUTH KOREA

## Imprisoned writer Hwang Sok-yong

Hwang Sok-yong, a 50-year-old writer from South Korea, is one of many prisoners who have been arrested and imprisoned under the National Security Law for the peaceful exercise of their rights to freedom of expression and association. Amnesty International has adopted him as a prisoner of conscience and his calling for his immediate and unconditional release.

Amnesty International has long campaigned for the amendment of the National Security Law which punishes "anti-state" (pro-North Korean) activities. The loose definition of "anti-state" activities and other provisions of this law means that it may easily be abused by the authorities. In fact, it has been often used to imprison people who visited North Korea without government permission or met north Koreans or alleged agents abroad, people who held socialist views or whose views were considered similar to those of the North Korean Government.

### ***Background about Hwang Sok-yong***

Hwang Sok-yong is a well-known and popular writer who has written over 20 novels and essays. Many have been translated and published in Japan, China, Germany and France and two have also been published in North Korea. His best-known work is a 10 volume epic called *Jangkilsan* which was completed in 1984. It has sold over three million copies in South Korea and remains a best seller today. Hwang Sok-yong has written numerous short stories and essays including *The Shadow of Arms* (on the Vietnam War) and *Strange Land* (an anthology of short works). He has received several literary awards.

In 1987 Hwang Sok-yong established and became Executive Director of the Association of Writers for National Literature and one year later he founded the Korean Nationalistic Artists 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 Sok-yong made an unauthorized visit to 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. Several other people made unauthorized visits to North Korea in 1989 and were imprisoned under the National



Security Law when they returned to the South. In order to escape a similar fate, Hwang Sok-yong was forced to live in exile abroad, first in Germany and later in the USA.

### **Arrest under the National Security Law**

In February 1993 Kim Young-sam was elected President of South Korea. A new government took office, promising a "new Korea" which would be freer and more democratic. Hwang Sok-yong decided to return to his own country in order to take part in the movement for reform. He knew that he faced possible imprisonment, and before leaving the USA he made a public statement 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 Sok-yong arrived at Kimpo Airport in Seoul on 27 April and was immediately arrested by the Agency for National Security Planning (ANSP) 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 under the care of the prosecution who interrogated him for a further 30 days before charges were brought. Prisoners detained under the National Security Law may be interrogated for up to 50 days before they are charged, a period which Amnesty International considers to be excessive and in breach of international standards.

### **ANSP releases information to the media**

On 14 May the ANSP announced to the media the results of its investigation of Hwang Sok-yong. It said that he had visited North Korea and met North Korean officials on five occasions and that he had been "brain washed" by them. The ANSP also said that he had praised North Korea while abroad and supported North Korea policies. It said that he had received US\$250,000 from North Korea as "operational funds" and used the money to found the Institute for East Asian Culture which would be used for pro-North Korean activities in the USA.

These accusations, published widely in the media, were levelled by the ANSP before Hwang Sok-yong had been charged and, more importantly, before his trial. The ANSP often appears to disregard the right to presumption of innocence, especially in political cases. Amnesty International is concerned that such public statements are damaging to prisoners and deny them their right to a fair trial.

### **Summary of charges**

Hwang Sok-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. The most serious charge was that he received US\$250,000 from North Korea as an "operational" fee. He was also accused of forming and participating in *Pomninnyon* (Pan National Alliance for the Reunification of Korea).

Amnesty International believes that Hwang Sok-yong is held for the non-violent exercise of his rights to freedom of expression and association. Hwang Sok-yong has pointed out that the money he received from North Korea was a copyright fee for the permission to make a film of his book *Jankilsan*. He denied receiving "instructions" from North Korea. He stated that his meetings with North Korean officials were all conducted in public and were justified as an attempt to bring together the peoples of a divided nation.

### **Hwang Sok-yong's trial in Seoul**

Hwang Sok-yong's trial started on 12 July 1993. He made a lengthy statement defending his visit to North Korea and his other activities as those of a writer seeking the reunification of a divided nation. He said:

*"The purpose of my visit to North Korea in March 1989 came out of a sense of moral obligation as a Korean writer living in a divided system to get to know the other half of our nation. It did not come as a result of instructions from North Korea as the ANSP and the prosecution contends."*

*"The National Security Law must be abolished since it is a relic left over from the Cold War era that obstructs the reunification of our people. This same law not only oppresses our citizens' basic rights, as well as the right to freedom of expression, it also turns people of the same nationality into enemies".*

Hwang Sok-yong is held in Seoul Prison. Like other imprisoned writers, he has not been permitted to write since his arrest. He has not yet been sentenced but he faces a lengthy prison term.

인권 자료실		
등록일	분류기호	자료번호
	44-1	54



사랑방 자료

**Help secure the release of writer Hwang Sok-yong**

- Write to the Minister of Justice and the President seeking the immediate and unconditional release of Hwang Sok-yong;
- Encourage others to write appeals.

Send your appeals to:

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

President Kim Young-sam  
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Chongno-gu  
Seoul  
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+82 2 720 2686



**KEYWORDS: WRITERS / PRISONERS OF CONSCIENCE / TRIALS / LEGISLATION / PRISONERS' TESTIMONIES /**

AMNESTY INTERNATIONAL: News Service 97/93

AI INDEX: ASA 25/WU 02/93 EXTERNAL  
13 AUGUST 1993

**SOUTH KOREA: HUMAN RIGHTS SITUATION STILL GRIM, DESPITE PROMISES OF REFORM**

On 12 August the South Korean Government announced a prisoner amnesty to mark the 15 August anniversary of the country's liberation from Japanese rule. Amnesty International fears, however, that most prisoners of conscience are likely to be excluded. Months after a new government was installed in South Korea, prisoners still face arrest and imprisonment on charges relating to freedom of expression and association. The government appears to have shelved plans to amend the law most frequently used to detain political prisoners, the National Security Law.

"I have a vision of a 'New Korea'. The 'New Korea' will be a freer and more mature democratic society. Justice will flow like a river throughout this land". These were the words of President Kim Young-sam at his inaugural speech on 25 February. Amnesty International is disappointed that to date his government's reform program appears to have omitted fundamental human rights issues which should now be addressed as a matter of urgency.

Prisoners of conscience detained recently under the National Security Law include human rights activists working for the repeal of this legislation. Hwang Suk-yong was arrested on 27 April and is currently on trial. He faces a lengthy prison sentence solely on account of his unauthorized visit to North Korea in 1989.

Another prisoner of conscience is human rights activist Noh Tae-hun who was arrested on 15 July only weeks after he had attended the World Conference on Human Rights in Vienna on behalf of the Korean Non-Governmental Organization (NGO) network KONUCH. He is accused of possessing books and leaflets written by former prisoners whom the authorities said were pro-North Korean. Professor Cho Guk was arrested on 23 June and has been accused of heading a Social Science Academy which is alleged to have links with a banned socialist group. Professor Cho Guk is a well-known legal scholar who has published a number of articles and books on criminal jurisprudence and freedom of thought. He is openly critical of the National Security Law.

The government says that it is not intending to amend the National Security Law, although Amnesty International and other human rights groups have urged it to do so. Amnesty International believes that the law has been used frequently to imprison government opponents on the pretext that they were pro-North Korean and posed a threat to state security. One year ago the United Nations Human Rights Committee concluded that "a serious attempt ought to be made to phase out the National Security Law which the Committee perceives as a major obstacle to the full realization of the rights enshrined in the Covenant [International Covenant on Civil and Political Rights] . . . ."

Prisoners held on national security charges continue to be subjected to lengthy interrogation and sleep deprivation.

Eight former army conscripts were arrested on 21 July because they had deserted from the military after making a "declaration of conscience", in some cases as long ago as 1989. The content of the "declarations" concerned the reform of the military and the political and human rights situation in South Korea. Most had been assigned to the riot police and were required to perform duties they disagreed with. As the right to conscientious objection to military service is not recognized in South Korea, alternative civilian service was not available to them. Amnesty International considers them to be prisoners of conscience.

Trade unionists and workers continue to face arrest under laws which limit their freedom of association and expression. In early July arrest warrants were issued for several members of the Korea Trade Union Congress (KTUC), including union President Dan Byung-ho, for violation of a provision of the Labour Dispute Mediation Act which prohibits third parties from intervening in labour disputes. This provision prevents the KTUC and other union federations from giving advice to member unions about their labour rights and the conduct of wage negotiations. In March the International Labour Organization called on the South Korean Government to repeal the ban on third party intervention, considering it to be a "serious restriction" on the free functioning of trade unions.

The South Korean Government has also failed to investigate the cases of over 20 political prisoners arrested in the 1970s and 1980s and sentenced to lengthy prison terms by previous governments. They were reportedly tortured and convicted after trials which fell far short of international standards. Some of them are serving life sentences. In spite of consistent reports that these prisoners were wrongly convicted, they appear to have been forgotten.

Amnesty International calls on the South Korean Government to release all prisoners of conscience, to amend provisions of the National Security Law and the Labour Dispute Mediation Act which curtail the right to peaceful freedom of expression and association and to ensure that prisoners are not ill-treated. It is also urging the investigation of possible miscarriages of justice which occurred under previous governments.



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광방 자료



**amnesty international**

INTERNATIONAL SECRETARIAT  
1 Easton Street London WC1X 8DJ  
United Kingdom

**URGENT ACTION**

사망 자료

EXTERNAL (for general distribution)

AI Index: ASA 25/28/93  
Distr: UA/SC

22 July 1993

Further information on UA 232/93 (ASA 25/27/93, 15 July 1993) - Fear of Ill-Treatment/Legal Concern

REPUBLIC OF KOREA (SOUTH KOREA): NOH Tae-hun, human rights activist

Since his arrest on 15 July 1993, Noh Tae-hun has been subjected to excessive and exhausting interrogation. He has apparently been interrogated each day from around 9 am until around 10 pm and sometimes later into the night. Amnesty International is concerned that undue pressure may be exerted on him to make a confession and that he is not being allowed to exercise his right to remain silent. Although his lawyers have been given access to him for a short 15-minute period each day, they are not permitted complete confidentiality during their meetings with him and have themselves been threatened and abused by police officials.

Shortly after the arrest of Noh Tae-hun the National Police Administration is reported to have said that he is held under Article 7 of the National Security Law for his association with a group which "benefits" North Korea. He has been questioned about his associations with former long-term political prisoners, some of whom are now living abroad and are themselves involved in human rights work. Amnesty International considers Noh Tae-hun's association with former long-term political prisoners to be part of his legitimate human rights work. It believes that on the basis of the reported accusations, Noh Tae-hun is a prisoner of conscience and that he should be released immediately and unconditionally.

On 22 July Amnesty International wrote to the South Korean Government expressing these concerns and noting the following statement made by Minister of Foreign Affairs Han Sung-joo at the World Conference on Human Rights, held in June 1993 in Austria: "As we gather here at the World Conference on Human Rights, I am happy to report to you that human rights have finally come of age in Korea. I stand before you representing a nation and a people who can proudly say that truth, freedom and democracy have at last triumphed in their country". Amnesty International is concerned that the South Korean Government is not living up to its stated commitment to the protection of human rights or its obligations under international and domestic law.

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

- urging the authorities to release Noh Tae-hun immediately and unconditionally;
- expressing concern that Noh Tae-hun is being subjected to excessively long hours of interrogation and that he is not being allowed to exercise his right to remain silent;
- expressing concern that Noh Tae-hun has been denied the right to confidential meetings with his lawyers and that his lawyers have been threatened and abused by police officials.

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

Amnesty International is an independent worldwide movement working for the international protection of human rights. It seeks the **release of men and women detained anywhere because of their beliefs, colour, sex, ethnic origin, language or religious creed, provided they have not used or advocated violence. These are termed prisoners of conscience. It works for fair and prompt trials for all political prisoners and works on behalf of such people detained without charge or trial. It opposes the death penalty and torture or other cruel, inhuman or degrading treatment or punishment of all prisoners.**

APPEALS TO:

1) President Kim Young-sam
The Blue House
1 Sejong-no
Chongno-gu
Seoul, Republic of Korea
Telegrams: President Kim, Seoul, Republic of Korea
Telexes: 24651 or 24652 or 24653 WOIMUBU K
Faxes: + 822 720 2686

Salutation: Dear President Kim

2) Mr KIM Doo-hee
Minister of Justice
1 Chungang-dong
Kwachon-myon, Shihung-gun
Kyonggi Province, Republic of Korea
Telegrams: Justice Minister Kim, Shihung-gun, Kyongi Province, Republic of Korea
Telexes: 24757 MOJUST K
Faxes: + 822 504 3337

Salutation: Dear Minister Kim

3) Mr KIM Hyo-un
Director
National Police Administration
209 Mi Kun-dong
Sudaemoon-gu, Chongno-gu
Seoul, Republic of Korea
Telegrams: Director National Police Kim, Seoul, Republic of Korea
Faxes: + 82 2 720 2686

Salutation: Dear Sir

COPIES OF YOUR APPEALS TO:

Editor, Hankyoreh Daily
1-2 Yangpyeong-dong 2-ga
Seoul, Republic of Korea
Faxes: + 822 710 0310, + 822 671 7797

Human Rights Group:
Minkahyop
2Fl, 592-7
Changsin-2-dong
Seoul, Republic of Korea

and to diplomatic representatives of South Korea accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 2 September 1993.

- Please take action as soon as you receive this Urgent Action appeal. Carefully read the recommended actions. If possible, send a telegram, telex, fax or express letter immediately to one or more of the addresses given. Other letters can be sent afterwards.
- Telegrams and letters should be brief and courteous. Stress that your concern for human rights is not in any way politically partisan. Refer to relevant provisions in international law, such as the United Nations Universal Declaration of Human Rights:

Article 3 - "Everyone has the right to life, liberty and security of person."

Article 5 - "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

Article 9 - "No one shall be subjected to arbitrary arrest, detention or exile."

- The name of Amnesty International may be used, although letters written in a private or personal capacity may be more effective.
- Copies of appeals should be sent to relevant diplomatic representatives in your country.
- In Urgent Actions cases, Amnesty International has to act rapidly on behalf of victims of grave human rights violations. An appeal is issued when Amnesty International believes it has received reliable and accurate information in such cases. It is not always possible to verify all details independently and in some instances the situation outlined in the appeal may change. Urgent Action participants are always notified of any significant new facts.
- Copies of any replies received from government authorities should be sent immediately to your section's Urgent Action coordinator or direct to the Campaign and Membership Department of the International Secretariat. If appropriate, thank the official who has replied and ask to be kept informed about the case.

amnesty international
INTERNATIONAL SECRETARIAT
1 Easton Street London WC1X 8DJ
United Kingdom

URGENT ACTION

EXTERNAL (for general distribution)

AI Index: ASA 25/39/93
Distr: UA/SC

22 October 1993

Further information on UA 232/93 (ASA 25/27/93, 15 July 1993) - and follow-up (ASA 25/28/93, 22 July) - Fear of ill-treatment/legal concern

SOUTH KOREA: NOH Tae-hun, human rights activist



Noh Tae-hun was released on 20 October at the end of his trial before Seoul District Criminal Court. He was given a one-year prison sentence, suspended for two years. Amnesty International welcomes Noh Tae-hun's release, but is concerned that his release is conditional.

Noh Tae-hun had been charged under the National Security Law for possessing and distributing publications written by former political prisoners. His arrest provoked protests from human rights groups, lawyers and ordinary citizens in South Korea and other countries. It is believed that these protests helped protect Noh Tae-hun against ill-treatment by his interrogators.

In September the South Korean human rights group Minkahyop wrote the following message to all people who participated in this action:

"I would like to express my sincere thanks to you and the members of your organization for your kind efforts in calling for the unconditional release of Mr Noh Tae-hun. Your efforts were a great boost to the many people working for Mr Noh's release in Korea. Minkahyop has received hundreds of letters from many conscientious people from countries all over the world calling for the unconditional and immediate release of Mr Noh Tae-hun. Some of the letters were translated and published in a few of the Korean newspapers. Minkahyop intends to submit all the letters received to the Minister of Justice and to the presiding judges once the trial of Mr Noh starts. We believe that this would be a great step in proving Mr Noh's innocence."

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

- welcoming the release of Noh Tae-hun on 20 October but expressing concern that his release is conditional.

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

Amnesty International is an independent worldwide movement working for the international protection of human rights. It seeks the release of men and women detained anywhere because of their beliefs, colour, sex, ethnic origin, language or religious creed, provided they have not used or advocated violence. These are termed prisoners of conscience. It works for fair and prompt trials for all political prisoners and works on behalf of such people detained without charge or trial. It opposes the death penalty and torture or other cruel, inhuman or degrading treatment or punishment of all prisoners.

**APPEALS TO:**

1) President Kim Young-sam  
The Blue House  
1 Sejong-no  
Chongno-gu  
Seoul, Republic of Korea  
Telexes: 24651 or 24652 or 24653 WOIMUBU K  
Faxes : + 822 770 0253  
Salutation: Dear President Kim

2) Mr KIM Doo-hee  
Minister of Justice  
1 Chungang-dong  
Kwachon-myon, Shihung-gun  
Kyonggi Province, Republic of Korea

Telexes : 24757 MOJUST K  
Faxes: + 822 504 3337  
Salutation: Dear Minister Kim

**COPIES OF YOUR APPEALS TO:**

Editor, Hankyoreh Daily  
1-2 Yangpyeong-dong 2-ga  
Seoul, Republic of Korea  
Faxes: +822 710 0310/671 7797

Minkahyop (human rights group)  
2Fl, 592-7  
Changsin-2-dong  
Seoul, Republic of Korea  
and to diplomatic representatives of South Korea accredited to your country

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Article 3 — "Everyone has the right to life, liberty and security of person."

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광남 자료

인권법 자료

# amnesty international

## SOUTH KOREA

### Long-Term Prisoner Yu Chong-sik

JULY 1993

AI INDEX: ASA 25/26/93

DISTR: SC/CO/GR



Yu Chong-sik, aged 53, has already served 18 years of a life sentence under the National Security Law. Amnesty International believes that Yu Chong-sik may be a prisoner of conscience, convicted on the basis of a confession obtained under torture. It is urging the newly-elected government in South Korea to review his case as a matter of urgency.

Yu Chong-sik was arrested on 2 March 1975 by officials of the Korean Central Intelligence Agency (KCIA). He was accused of making two trips to North Korea where he allegedly received espionage training. Human rights groups in South Korea and members of his family say that the charges against him were fabricated and that he was tortured during interrogation. His case is similar to that of many other political prisoners sentenced to lengthy prison terms during the 1970s and 1980s and whose convictions appear to have been made on the basis of a confession obtained under torture.

In July 1975 Yu Chong-sik was sentenced to death by Seoul District Court on charges of espionage. He appealed to the High Court which commuted his sentence to life imprisonment in November 1975. He is currently held in Andong Prison and is said to be suffering from neuralgia and infection of the middle ear.

Yu Chong-sik was born in 1940 in Japan. He lived there until the age of five when his family moved to the city of Pusan in South Korea. He studied at Kon Kuk University in Seoul and in the early 1960s went to Japan to study agriculture in at the University of Nihon and then at the University of Tokyo. While he was living in Japan he visited North Korea twice, but claims to have done so merely out of curiosity. He returned to South Korea in 1970, married and had two children. He initially worked for the Japan Trade Promotion Association in Seoul and then became an art dealer.

In February 1993 a new government took office in South Korea. President Kim Young-sam promised that in future justice would "flow like a river" and his government embarked on a program of reform, including the investigation of past corruption. In spite of its promise of greater freedom and democracy, the government has so far failed to investigate the cases of long-term political prisoners like Yu Chong-sik.

*Please send appeals to the South Korean Government,*

*- expressing concern that Yu Chong-sik may be a prisoner of conscience, convicted after an unfair trial on the basis of a confession obtained under torture;*

*- urging the authorities to review the case of Yu Chong-sik as a matter of urgency;*

*- reminding the government that its investigation of past abuse should include the cases of long-term political prisoners who are alleged to have been convicted on the basis of a confession obtained under torture.*

*Appeals to:*

*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.*

*President Kim Young-sam  
The Blue House  
1 Sejong-no  
Chongno-gu  
Seoul  
Republic of Korea  
Fax: c/o Ministry of Foreign Affairs: +82 2 720 2686*

*Copies to:*

*Diplomatic representatives of South Korea in your country*

**KEYWORDS: PRISONERS OF CONSCIENCE / LONG-TERM IMPRISONMENT / BUSINESS PEOPLE / ILL-HEALTH / CONFESSIONS / TORTURE/ILL-TREATMENT / POLITICAL PRISONERS / POLITICALLY MOTIVATED CRIMINAL CHARGES / ESPIONAGE /**

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

# *amnesty international*

## **SOUTH KOREA**

### **Trade union leaders face arrest**

7 JULY 1993

AI INDEX: ASA 25/25/93

DISTR: SC/CO/GR

Amnesty International has written to the South Korean Government to express concern about reports that arrest warrants were issued on 2 and 5 July for five trade union leaders under Article 13(2) of the Labour Dispute Mediation Act for third party intervention in a labour dispute. The trade unionists belong to the Korean Trade Union Congress (KTUC) and include KTUC President Dan Byung-ho.

According to information received by Amnesty International the men are accused of intervening in the current labour dispute in companies belonging to the Hyundai group. Dan Byung-ho is said to have visited Ulsan and incited Hyundai workers. He is also accused of visiting other trade unions in the area where he apparently gave lectures about the Hyundai dispute and about the conduct of this year's wage negotiations.

Amnesty International believes that Dan Byung-ho and other trade union leaders should be given the right to instruct trade union members about legitimate trade union activities such as wage negotiations and the conduct of industrial action. Any curtailment of this right can be regarded as a violation of their rights of freedom of expression and association. It has urged the South Korean Government not to arrest Dan Byung-ho and other KTUC members for giving advice to trade union members about peaceful and legitimate trade union activities.

Article 13(2) of the Labour Dispute Mediation Act (LDMA) prohibits a third party - that is somebody who has no immediate connection with a workplace where a dispute is taking place - from intervening in the dispute. The authorities regard as third party intervention giving advice to trade union members about their labour rights and about the conduct of wage negotiations. Amnesty International is concerned that this provision has often been used to deny trade union leaders their rights of freedom of expression and association. It believes that the LDMA should be amended immediately to bring it fully into line with international standards, including the International Covenant on Civil and Political Rights which was ratified by the Republic of Korea in 1991.

The International Labour Organization (ILO) has also expressed concern about the prohibition on third party intervention in South Korea. In March 1993 the ILO's Committee on Freedom of Association made the following recommendation to the South Korean Government: "As the Committee is of the opinion that the ban on third party intervention in the settlement of disputes constitutes a serious restriction on the free function of trade unions, it calls on the Government to repeal this ban."

In May the South Korean press reported a spokesman of the Ministry of Labour as saying that draft legislation to revise the LDMA would be presented to the next National Assembly session. Amnesty International would welcome such an amendment if it offers full protection of the rights of freedom of expression and association. It believes that the arrests of Dan Byung-ho and other trade union leaders for the peaceful exercise of these rights would go against the spirit of the proposed amendment.

**Please send appeals to the South Korean Government,**

- urging the authorities not to arrest Dan Byung-ho and other trade union leaders if the charges against them amount to no more than the peaceful and legitimate exercise of their trade union activities;
- expressing concern that the prohibition on third party intervention in labour disputes may be used to curtail the rights of freedom of expression and association;
- urging the government to amend Article 13(2) the Labour Dispute Mediation Act so that the above rights are fully protected, in conformity with international standards.

**Appeals to:**

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

President Kim Young-sam  
The Blue House  
1 Sejong-no, Chongno-gu  
Seoul  
Republic of Korea Fax: c/o Ministry of Foreign Affairs: +82 2 720 2686

**Copies to: Diplomatic representatives of South Korea in your country**

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

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## SOUTH KOREA Prisoner of Conscience Baik Tae-ung



June 1993  
AI Index: ASA 25/24/93  
Distr: SC/CO/GR

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



# SOUTH KOREA

## Prisoner of Conscience Baik Tae-ung

Baik Tae-ung, 31-year-old leader of *Sanomaeng* (Socialist Workers' League), is serving a 15-year prison sentence under the National Security Law (NSL). Amnesty International believes that Baik Tae-ung is held solely for exercising his rights of freedom of expression and association and that he did not use or advocate the use of violence. It has adopted him as a prisoner of conscience and is calling for his immediate and unconditional release.

Amnesty International is also concerned about reports that Baik Tae-ung was tortured during interrogation. It is calling on the authorities to initiate an immediate and impartial investigation in to these allegations and to make its findings public. This document describes the background to Baik Tae-ung's arrest, the charges against him and a brief analysis of the case.

### ***Arrest and Interrogation: Reported Torture***

Baik Tae-ung was arrested on 29 April 1992 by the Agency for National Security Planning (ANSP). He was interrogated for 22 days and exercised his right to silence for 15 of these days. During his trial in July 1992 Baik Tae-ung told the court that he had been beaten, deprived of sleep and given a chemical to weaken him during interrogation. He said:

*"During the 22 days of ANSP interrogation, I was subjected to various types of torture such as sleep deprivation, drug injection and mob beating. Going through these rounds of torture I prepared myself for death three times . . . Five days before my [being sent to the prosecution], interrogators had this look on their faces that they had had enough of it, taking me to a special torture chamber. In the middle of the night investigators beat me for hours. They took turns in beating. Their demand was that complete silence was unacceptable."*

Baik Tae-ung's claims of torture are consistent with reports made by other *Sanomaeng* members who have been arrested since 1990. Many said they were beaten and deprived of sleep during interrogation. They include *Sanomaeng* leader Park No-hae who is said to have attempted suicide as a result of his treatment at the hands of interrogators and is now serving a life sentence under the NSL.

To Amnesty International's knowledge, no investigation has been carried out into the allegations of torture made by Baik Tae-ung and other prisoners.<sup>1</sup>

### **The Accusations Against Sanomaeng**

Baik Tae-ung is one of the alleged leaders of *Sanomaeng*, a socialist organization which was established in 1989. Since then over 200 of its alleged members have been arrested under the NSL, many of whom have been sentenced to lengthy prison terms.

*Sanomaeng* is regarded by the authorities as an "anti-state" organization. The NSL defines an "anti-state" organization as an "association or group within the territory of the Republic of Korea or outside of it, which has the structure of command and control, as organized for the purpose of assuming a title of the government or disturbing the State". The law prescribes long sentences of imprisonment or the death penalty for "anti-state" activities and contacts with "anti-state" organizations. The term "anti-state" is open to wide interpretation and has been used by successive governments to imprison people who held socialist or communist political views or whose views were alleged to be similar to those of the North Korean Government<sup>2</sup>.

In May 1992, soon after Baik Tae-ung's arrest, the Agency for National Security Planning (ANSP) announced to the media the results of its investigations of *Sanomaeng*. It said that *Sanomaeng* was the second largest "revolutionary organization" in the country's history. It found that *Sanomaeng* members had worked on university campuses and in factories to prepare for an armed uprising to establish a "people's government" and that it had links with the North Korean Workers Party. *Sanomaeng* leaders are said by the ANSP to have masterminded a series of strikes throughout the country and to have taken control of *Chonminhangnyon* (National Students Democratic League), instructing it to carry out a series of firebomb attacks on university campuses. They are also alleged to have sought to control the *Minjung* Party (People's Party), a legal political party set up in 1990 and disbanded after it failed to gain sufficient votes in the March 1992 National Assembly election.

<sup>1</sup>Further information regarding Amnesty International's concerns about torture and ill-treatment in South Korea may be found in the following document: *South Korea, Amnesty International Urges Ratification of The UN Convention Against Torture*, ASA 25/15/93, published in May 1993.

<sup>2</sup>Further information about Amnesty International's concerns regarding the National Security Law may be found in the following document: *South Korea, the test of practice, the National Security Law and human rights*, ASA 25/14/93, published in June 1993.

*Sanomaeng* was said by the authorities to be organized along the lines of a communist organization, with a central committee and five provincial organizations spread throughout the country. According to the ANSP, it had some 3,500 members, consisting of 300 full members, 500 supporters, 1,200 campus organizers and 1,500 collaborators. The authorities claim to have seized thousands of pieces of evidence since 1990, including computer disks, forged residence cards, publications, bankbooks and money.

### **The Accusations Against Baik Tae-ung**

Baik Tae-ung was charged under the NSL with establishing *Sanomaeng*, an "anti-state" organization which sought to destroy the current government and establish a democratic people's government. He was said by the authorities to have published and distributed over 20 printed documents about *Sanomaeng*, to have organized two attacks on police boxes, to have communicated with other *Sanomaeng* members and to have received money from them. Evidence allegedly seized by the ANSP included computers, computer disks, forged residents cards and money. Baik Tae-ung's trial opened in July 1992 at Seoul District Court and the prosecution sought a death sentence.

### **An Analysis of Baik Tae-ung's Case**

The aims of *Sanomaeng* after it was established do not appear to have been clearly defined and were the subject of constant debate within the group. However, there is no evidence available to the public to suggest that *Sanomaeng* members were seeking an armed uprising of the type described by the ANSP. *Sanomaeng* appears to have been a large grassroots organization with several thousand members spread throughout the country. It was a well-organized network with an expanding membership which was forced to organize itself in a clandestine manner in order to avoid the arrest of its members. There is no evidence to suggest that it had any direct links with North Korea but was a South Korean organization seeking a South Korean form of socialism. It is said to have organized mass rallies, distributed leaflets, and published magazines. It also sent its members to work with farmers and manual workers, to educate them about their political rights.

In 1992 *Sanomaeng* members and supporters told Amnesty International that the group was then reviewing the best ways to implement its ideas but had not come to any firm conclusion. However, many members felt there should be an open political debate and an opportunity to raise their ideas in a public forum. They did not think that change could or should be brought about through armed struggle. Some *Sanomaeng* members,

such as Baik Tae-ung, had clear ideas about the way the organization should develop and these were clarified in his statement to Seoul District Court at the start of his trial. He said:

*"Politically, Sanomaeng aims at liberty and democracy, economic equality and a society not swayed by a handful of monopolistic business conglomerates and instead a society in which workers and small farmers become masters. I would like to ask: why is Sanomaeng an anti-state organization? Sanomaeng has never assumed the title of government. It has never purported to disturb or overthrow the State. Unlike the New People's Army in the Philippines or the Shining Path in Peru, Sanomaeng is not an organization of armed struggle. . .*

*We never take pride in having built such a large and strong organization, but we can say this for sure: if it was a terrorist organization, it would have never been necessary to painstakingly build such an inclusive, large-scale and far-flung organization. Sanomaeng cultivates its ability to exercise widespread influence and forms relationships with people in various walks of life, because it has a vision to transform our society, thoroughly, democratically, peacefully and in the manner guaranteed by the democratic institutions of our society . . .*

*Sanomaeng aspires to build a party named the Socialist Workers' Party. We have a firm belief that it will not be long before Sanomaeng and the Socialist Workers' Party are legalized. We have been doing preparatory work in this connection. We have drawn out a solid plan wherein we will build the Socialist Workers' Party by the end of 1995 and get a group of socialist candidates successfully elected to the 1996 National Assembly election and let them triumphantly march into parliament."*

The aims of this prospective political party included: the implementation of a mixed economy, reform of the electoral system and greater efforts towards realizing Korean reunification.

The ANSP portrayed *Sanomaeng* as a highly secretive clandestine organization which adopted warlike strategies, but Baik Tae-ung pointed out that repression by the authorities had forced the group underground to avoid detection and arrest. He also pointed out that socialist parties are playing an active role in other democracies and that the arrest of *Sanomaeng* members constitutes a denial of their right to freely express their political views.

### **Verdict and Sentence**

On 27 October 1992 Baik Tae-ung was sentenced to life imprisonment by Seoul District Court. When delivering the court's verdict, the judge is reported to have said that Baik Tae-ung should be segregated from society indefinitely because he had ignored the liberal democratic system and the market economy, upheld in the Constitution. He also said that Baik Tae-ung was not sentenced to death in view of the fact that he had told the court that he would try to establish a legal socialist party, using peaceful methods. Baik Tae-ung appealed to the high court which reduced his sentence to 15 years' imprisonment on 20 February 1993, in view of his repentance and the fact that he had renounced violence.

These final words of Baik Tae-ung's opening statement to Seoul District Court give further weight to the argument that he supported peaceful, legal change:

*"I aspire to build a country of true equality and peace in which the oppressed earn freedom and the deprived earn joy. I want to build a society in which labor ceases to be mechanical physical wringing of tears and signs and instead becomes a creative process for self-realization. I want to build a humane country in which altruistic sacrifice and volunteer service for others becomes an act of joy and happiness. . .*

*As long as legal and institutional improvement provides us with the legal right to engage ourselves in socialist activities, we will promote our socialism by expressing our ideas peacefully through legally-sanctioned democratic channels such as laws, institutions, parliament and social associations. . .*

*We, Sanomaeng, are an organization aiming at legalization. Even if the government does not want to sanction the Socialist Workers' Party, we still intend to build the party within the legal confines."*

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## SOUTH KOREA

### Appeal for the release of Kang Ki-hun

JUNE 1993

AI INDEX: ASA 25/22/93

DISTR: SC/CO/GR



Amnesty International is calling for the release of Kang Ki-hun, a 27-year-old political activist who is serving a three-year prison term on charges of aiding and abetting the protest suicide of a colleague. Amnesty International believes that Kang Ki-hun is a prisoner of conscience, arrested on account of his peaceful political activities and wrongly convicted after an unfair trial which failed to prove him guilty.

Prior to his arrest, in June 1991, Kang Ki-hun worked for the dissident group *Chonminnyon*. It was a time of civil unrest, sparked off by the death of a student at the hands of riot police. In the ensuing demonstrations, nine young people committed self-immolation as an extreme form of protest. *Chonminnyon* was at the centre of the protests and Kang Ki-hun's arrest was seen by many as a means of curbing the group's activities and discrediting it in the public eye. His arrest, and that of other dissident leaders, certainly had the effect of halting the street demonstrations.

Kang Ki-hun was charged under the Criminal Code with aiding and abetting the suicide of his colleague Kim Ki-sol, who committed self-immolation during one of the demonstrations. The prosecution alleged that he had written a suicide note found close to the body. There was no evidence of the time or place when Kang Ki-hun allegedly wrote the note, nor of any actions whereby he incited or helped Kim Ki-sol to commit suicide. In spite of this, he was found guilty in December 1991 and sentenced to three years' imprisonment. The court based its judgment on a handwriting analysis carried out by the National Institute for Scientific Investigation - an analysis which was disputed by a second, independent analysis and discredited in court.

The judges themselves seem to have doubted Kang Ki-hun's guilt and to have thereby neglected the principle of justice that defendants should be proved guilty beyond reasonable doubt or acquitted. When delivering his verdict the presiding judge is reported to have said that "we do not believe that our judgment is in accordance with the objective and absolute truth".

Kang Ki-hun's arrest and conviction appears to have been politically motivated. Many people commented to Amnesty International that the verdict was of immense importance to the authorities who were unwilling to accept the political implications of a verdict of innocence.

In February 1993 a new president, Kim Young-sam, took office and promised that justice would "flow like a river" in a freer and more democratic Korea. His government announced two prisoner amnesties in February and May 1993 but Kang Ki-hun and other prisoners of conscience were not included. Amnesty International is now appealing to the new government to demonstrate its commitment to the protection of human rights by accepting that Kang Ki-hun is innocent and releasing him.

**Please send appeals to the South Korean Government seeking the immediate and unconditional release of Kang Ki-hun.**

**Appeals to:**

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.

President Kim Young-sam

The Blue House

1 Sejong-no

Chongno-gu

Seoul

Republic of Korea

**Fax:** c/o Ministry of Foreign Affairs: +82 2 720 2686

**Copies to:**

Diplomatic representatives of South Korea in your country

**KEYWORDS:** PRISONERS OF CONSCIENCE / POLITICAL ACTIVISTS / TRIALS /  
INDEPENDENCE OF JUDICIARY / POLITICALLY MOTIVATED CRIMINAL CHARGES /  
CIVIL UNREST / DEMONSTRATIONS / PHOTOGRAPHS /

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

사람방 자료  
**amnesty international**

**SOUTH KOREA**

**Imprisoned publisher Choi Il-bung**

MAY 1993

AI INDEX: ASA 25/19/93

DISTR: SC/CO/GR

Choi Il-bung, aged 36, is serving a two-year sentence under the National Security Law for alleged "anti-state" activities. Amnesty International believes that Choi Il-bung is held solely for the non-violent exercise of his rights of freedom of expression and association. It is calling for his immediate and unconditional release.

During the 1980s Choi Il-bung studied religious sociology at Claremont College in California, USA. He then returned to South Korea and taught briefly at Hanguk University of Foreign Studies. In January 1989 he established a small publishing company called *Shyngpyongron*, specialising in socialist publications. The company went bankrupt and closed down in June 1990. In October 1990 Choi Il-bung and several friends established International Socialists, a small group which published socialist books and articles and held study sessions. At least three editorial staff members of the group were arrested in March 1992 and Choi Il-bung is believed to have gone into hiding. He was arrested in September 1992.

Choi Il-bung was charged under Article 7 of the National Security Law. He was accused of publishing socialist material, including several well-known socialist works, and articles about reunification (between North and South Korea) and the environment. He was also accused of recruiting new members to International Socialists and participating in study and discussion sessions. The books he has published include a range of well-known socialist publications including: *Permanent Revolution* by Leon Trotsky, *Lenin's Last Struggle* by Moshe Lewin, *How Marxism Works* by Tony Cliff and *Market Plan and Democracy* by Catherine Samary.

The National Security Law gives the authorities wide powers to punish "anti-state" activities and contacts with "anti-state" organizations (including North Korea). The law has often been used to imprison those who have disagreed with government policy or who have expressed support for North Korean or communist/socialist views. Many members of South Korean socialist groups have been imprisoned on similar charges and

were excluded from an amnesty in February 1993 to mark the inauguration of President Kim Young-sam.

Amnesty International believes that Choi Il-bung was imprisoned solely because of his socialist views and activities and that he did not use or advocate the use of violence. During his trial, Choi Il-bung told the court that International Socialists did not support terrorism. The charge sheet against Choi Il-bung indicates that he had refused to associate with people who sought change through agitation and that he favoured change through publication instead.

Amnesty International has repeatedly called on the South Korean Government to amend the National Security Law by removing provisions which punish non-violent political activities with imprisonment. It is urging the new government of President Kim Young-sam to make this an urgent priority.

**Please send appeals to the South Korean Minister of Justice seeking:**

- The immediate and unconditional release of Choi Il-bung;
- The amendment of the National Security Law, removing provisions which punish non-violent political activities;

**APPEALS TO:**

Mr Kim Doo-hee, Minister of Justice  
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**KEYWORDS: PRISONERS OF CONSCIENCE / PUBLISHERS / CENSORSHIP**

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

# amnesty international

## SOUTH KOREA Prisoner of Conscience Kim Nak-jung



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

# SOUTH KOREA

## Prisoner of Conscience

### Kim Nak-jung



Kim Nak-jung, 61-year-old political writer and activist, has been sentenced to life imprisonment under the National Security Law (NSL). Amnesty International has adopted him as a prisoner of conscience and is calling for his immediate and unconditional release. This document describes the background to Kim Nak-jung's arrest and the charges against him and why Amnesty International considers him to be a prisoner of conscience.

#### ***Background information about Kim Nak-jung***

Kim Nak-jung is a well-known political activist who has pursued peaceful reunification of the divided Korean peninsula since the end of the Korean war (1953). The following statement, made by Kim Nak-jung during his first court appearance, offers an insight into his personality, motives and goals:

*"I have lived here in South Korea for over 60 years. Through my life in South Korea, I have published numerous books and articles; delivered innumerable lectures and speeches; and appeared on many TV and radio interviews and debates. Not only the people who have had personal contacts with me but also those who have read my books or listened to my lectures, speeches or discussions are well aware that I have been an adamant pacifist opposing violent revolution and one-party dictatorship as well as a strong advocate of peaceful reunification of our nation. . . Since 1954 when nobody dared to talk about 'peaceful reunification' I have argued that in order to achieve reunification, both North and South Korea should stop attempting to overthrow each other and instead try to recognize and respect the presence of each other, promising non-aggression, securing international guarantees and increasing exchange and cooperation. Through these measures, I have argued, we should be able to hand down a reunified Korea to our descendants. I have struggled to achieve this and I have kept this conviction for the past 40 years. But for both North and South Korea, who were obsessed with how to topple each other, my arguments were intolerable and as a result I had to face various kinds of serious persecution and repression. . . ."*

Kim Nak-jung has spent many years in prison - in both North and South Korea. In 1955 he devised a reunification plan called "Proposal for the Establishment of a Unified Independent Youth Community of Korea". He submitted his reunification plan to the South Korean President for which he was arrested and interrogated for 20 days. He then visited North Korea to submit his reunification plan to the North Korean leader Kim Il Sung but was arrested by the North Korean authorities and imprisoned for one year on suspicion of spying for the South. When he returned to South Korea in 1956 he was arrested by the authorities on charges of spying for the North. He was acquitted of these charges in 1960 after a series of trials, but was arrested again in 1963 while doing military service and served two years in prison for publicising his visit to North Korea.

In the early 1970s Kim Nak-jung obtained a master's degree in economics and went on to lecture on economic history at Korea University. In 1973 he was arrested again for involvement in the student movement and alleged espionage activities and was not released until 1980. After this he joined a number of citizens' groups supporting reunification, including the National Centre for the Promotion of Korean Reunification and the Citizens Coalition for Economic Justice. He also wrote numerous books and articles on the subject of reunification, the labour movement, economic policy and his own autobiography. In 1990 he joined and became co-president of the *Minjung* (People's) Party, a political party which was established in November 1990 with a moderate left-wing platform. In September 1991 he and several friends founded the Research Group for Peaceful Reunification, a private forum for academic discussion and analysis of reunification issues.

#### **Arrest and interrogation**

Kim Nak-jung was arrested at his home in Seoul on 25 August 1992 by the Agency for National Security Planning (ANSP) without a warrant of arrest. His wife and two daughters were also arrested and held incommunicado for 10 days.

Kim Nak-jung was not permitted to see his lawyer until 7 September - 13 days after his arrest. On 15 September he was transferred to the Seoul Detention Centre where he revealed that he had been beaten all over his body and on his fingers by a group of ANSP agents using clubs. He had been deprived of sleep and had fainted during interrogation. Visitors saw a scar on his head and bruises on his arms. He told relatives that he had gone through "what no human being should be made to suffer". Amnesty

International expressed concern that Kim Nak-jung and other prisoners arrested in this case were denied access to lawyers and their families and that some were ill-treated<sup>1</sup>.

#### **The charges**

Kim Nak-jung was one of 62 prisoners charged under the NSL for involvement in a "spy ring" allegedly operated by the North Korean Government, some 40 of whom have been sentenced to prison terms ranging from one year to life imprisonment. According to the ANSP, the "spy ring" was made up of three sections, one of which was headed by Kim Nak-jung. The central figure in the case was a 70-year-old North Korean woman called Lee Son-sil (alias Lee Son-hwa) who is described as being a high-ranking North Korean official. The ANSP stated that, while living in South Korea, from 1980 to 1990, Lee Son-sil organized a clandestine South Korean chapter of the Workers' Party of North Korea, encouraged the formation of the *Minjung* Party and infiltrated various sectors of society with the help of more than 10 North Korean agents.

Kim Nak-jung was accused of collecting state secrets through his activities in the *Minjung* Party and the Research group for Peaceful Reunification and of praising and benefitting the enemy (North Korea) through his writings, lectures and speeches. He was also charged with meeting and receiving money from North Korean agents on a number of occasions.

The NSL imposes long sentences of imprisonment or the death penalty for the very broadly-defined crime of "espionage" and for contacts with "anti-state" organizations (this definition includes the North Korean Government). It has often been used to imprison people with communist or socialist views, people who have expressed sympathy for North Korea and people who have made unauthorized visits to North Korea. Amnesty International believes that the definition of "espionage" in the NSL is too broad and that it has often been used to curtail the rights of freedom of expression and association. It has frequently urged the government to amend the NSL.

#### **The trial**

Kim Nak-jung's trial opened in November 1992 at Seoul District Criminal Court. His lawyers argued that his writings, discussions, lectures and activities in the *Minjung* Party and other citizens' groups were perfectly legal and did not involve the disclosure of

<sup>1</sup>See Amnesty International report, *South Korea: Reported Illegalities and Ill-Treatment in Latest "Spy Case"* (ASA 25/31/92), issued in December 1992.



classified information. Most of the charges with respect to praising and benefitting North Korea were dropped. The main evidence used to substantiate the charges was money which was allegedly found in Kim Nak-jung's home and presents he is said to have received from North Korean leader Kim Il Sung. Other pieces of espionage equipment were also presented, but these were allegedly found in other parts of Seoul.

Kim Nak-jung made a lengthy statement defending his activities and his ideals. He admitted that he had met North Korean agents who had first approached him in 1990 and he also admitted accepting money from them. However he defended his actions as those of a peaceful activist who wished to see the reunification of North and South Korea. He denied all charges of espionage, saying that although he had spoken with North Korean agents, he had never passed secret information to them or sought to collaborate with them and he had not used the money given to him. He had not reported the meetings because he felt all citizens should have the opportunity to discuss reunification with North Koreans and felt he had a valuable contribution to make to this discussion. Like many other dissident figures, he did not believe that discussion of reunification should be monopolized by the government. He was also afraid that reporting the North Korean agents would endanger their lives and did not wish to be responsible for any loss of life. He said:

*"I thought that it would be all right as far as I did not betray South Korea and did not cooperate with the activities which aimed at the destruction and overthrow of the South Korean Government. In reality, through contacts with the North Korean people, I held fast to such a position".*

The following excerpt is taken from Kim Nak-jung's final statement to the court about his views on reunification the motivation behind his actions:

*"This 'Proposal for the Establishment of a Unified Independent Youth Community of Korea' is a creation that took my whole life. And its single goal is to achieve reconciliation and peaceful reunification of this nation. In 1955 they never paid attention to my proposal and put it aside as the nonsense of a lunatic. But during the past 40 years everything has gradually changed. All principles of peaceful reunification in my proposal - mutual recognition, mutual respect, mutual non-aggression, gradual expansion of exchange and cooperation and peaceful reunification through an agreement of the two parties - are accepted in the North-South Agreement<sup>2</sup>. Yet, the*

<sup>2</sup>The Agreement on Reconciliation, Non-Aggression and Exchanges and Cooperation Between North and South Korea was signed by both parties in December 1991 but practical arrangements for its enforcement have not yet been worked out.

*specific contents of my blueprint are not well understood. If this nation really wants to realize reconciliation and create a national community in which everyone could live together in peace, I am sure that the true meaning of my blueprint would eventually be found and appreciated by the people. As a miserable rooster on the chopping board, I am calling again for the true understanding of what I have been shouting for the past 40 years. The only reason I do so is because I wish that my beloved sons and daughters can avoid the judgement of fire and my beloved nation, to which I have devoted my whole life, can live together in peace as soon as possible. "*

### **The verdict**

On 23 February 1993 Kim Nak-jung was sentenced to life imprisonment by the Seoul District Criminal Court. The judge's words to the court betrayed a degree of sympathy with the defendant. He said that he understood Kim Nak-jung's passion and desire for reunification and mentioned that he had received an impressive number of appeals from abroad. However, he said that he had to pass a guilty verdict because the defendant had broken the law.

The judge felt a death sentence was inappropriate because Kim Nak-jung's activities had not posed a serious danger to the state. However, he imposed a heavy prison sentence in view of the attention given to the case and the fact that it had generated such concern in the nation.

### **Amnesty International's view**

Amnesty International does not believe that there is any evidence to suggest that Kim Nak-jung passed state secrets to the North Koreans he met, that he endangered the security of the state or that he used or advocated the use of violence. It believes that his actions were the result of a genuine attempt to realise peaceful reunification and as such cannot be seen as harmful to state security. Kim Nak-jung's writings, lectures, discussions and political activities show him to be a person who has always sought non-violent reunification of North and South Korea. Amnesty International does not believe that meeting and discussing reunification with North Koreans, without use or advocacy of violence, justifies imprisonment. It has adopted Kim Nak-jung as a prisoner of conscience and is calling for his immediate and unconditional release.

EXTERNAL (for general distribution)

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Further information on UA 137/93 (ASA 25/17/93, 27 April 1993) - Prisoner of conscience/fear of ill-treatment

SOUTH KOREA: Hwang Suk-yong

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Hwang Suk-yong was held for interrogation by the Agency for National Security Planning (ANSP) from 27 April 1993 until 14 May when he was referred to the prosecution for further questioning. Amnesty International has learnt that he was not ill-treated but is concerned that under South Korean law he may be questioned for an excessive period (up to 50 days) before he is charged.

Amnesty International is also concerned about a public statement made by the ANSP which appears to have violated Hwang Suk-yong's right to be presumed innocent before trial. On 14 May the ANSP announced to the media the results of its investigation of Hwang Suk-yong. It said that he had met North Korean officials on several occasions, joined a pro-North Korean group abroad and had been "brain-washed" during his visits to North Korea. It also said that he had praised the "greatness of Kim Il-sung and the North Korean regime" while abroad and had asked North Korea to provide financial support to make a historical documentary film.

Amnesty International believes that the accusations against Hwang Suk-yong, if substantiated, do not amount to more than the non-violent exercise of his rights of freedom of expression and association. It continues to consider him as a prisoner of conscience and to call for his immediate and unconditional release.

President Kim Young-sam made an important announcement regarding the protection of human rights on 30 April. He is reported to have said that suspects should not be ill-treated during interrogation and that "the cabinet should take special steps to prevent the recurrence of human rights abuses". Amnesty International welcomes this positive statement but is concerned that prisoners continue to be arrested and imprisoned under the National Security Law, provisions of which have frequently been used to curtail the rights of freedom of expression and association.

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

- expressing concern about the continued imprisonment of Hwang Suk-yong and calling for his immediate and unconditional release;
- expressing concern at the ANSP's statement of 14 May 1993 which appears to have violated Hwang Suk-yong's right to be presumed innocent before trial;
- welcoming President Kim Young-sam's statement about the protection of detainees but expressing concern that Hwang Suk-yong and other prisoners continue to be held under provisions of the National Security Law which may be used to curtail the non-violent exercise of their political activities.

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

Amnesty International is an independent worldwide movement working for the international protection of human rights. It seeks the *release* of men and women detained anywhere because of their beliefs, colour, sex, ethnic origin, language or religious creed, provided they have not used or advocated violence. These are termed *prisoners of conscience*. It works for *fair and prompt trials* for all political prisoners and works on behalf of such people detained without charge or trial. It opposes the *death penalty* and *torture* or other cruel, inhuman or degrading treatment or punishment of all prisoners.

APPEALS TO

1) President Kim Young-sam  
 The Blue House  
 1 Sejong-no  
 Chongno-gu, Seoul  
 Republic of Korea  
 Telegrams: President Kim Young-sam, Seoul, Republic of Korea  
 Telexes: 24651 or 24652 or 24653 WOIMUBU K  
 Faxes: +822 720 2686 (please forward to President Kim Young-sam)

Salutation: Dear President Kim

2) Mr Kim Deok  
 Director  
 Agency for National Security Planning  
 Presidential Office  
 The Blue House  
 1 Sejong-no  
 Chongno-gu, Seoul  
 Republic of Korea  
 Telegrams: Mr Kim Deok, ANSP, Seoul, Republic of Korea  
 Telexes: 24651 or 24652 or 24653 WOIMUBU K  
 Faxes: + 822 720 2686 (Please forward to Mr Kim Deok)

Salutation: Dear Sir

3) Mr Kim Doo-hee  
 Minister of Justice  
 1 Chungang-dong  
 Kwachon-myon  
 Shihung-gun, Kyonggi Province  
 Republic of Korea  
 Telegrams: Minister of Justice Kim, Shihung-gun, Republic of Korea  
 Telexes: 24757 MOJUST K  
 Faxes: + 822 504 3337

Salutation: Dear Minister Kim

COPIES OF YOUR APPEALS TO: diplomatic representatives of South Korea accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 30 June 1993.

— Please take action as soon as you receive this Urgent Action appeal. Carefully read the recommended actions. If possible, send a telegram, telex, fax or express letter immediately to one or more of the addresses given. Other letters can be sent afterwards.

— Telegrams and letters should be brief and courteous. Stress that your concern for human rights is not in any way politically partisan. Refer to relevant provisions in international law, such as the United Nations Universal Declaration of Human Rights:

Article 3 — "Everyone has the right to life, liberty and security of person."

Article 5 — "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

Article 9 — "No one shall be subjected to arbitrary arrest, detention or exile."

— The name of Amnesty International may be used, although letters written in a private or personal capacity may be more effective.

— Copies of appeals should be sent to relevant diplomatic representatives in your country.

— In Urgent Actions cases, Amnesty International has to act rapidly on behalf of victims of grave human rights violations. An appeal is issued when Amnesty International believes it has received reliable and accurate information in such cases. It is not always possible to verify all details independently and in some instances the situation outlined in the appeal may change. Urgent Action participants are always notified of any significant new facts.

— Copies of any replies received from government authorities should be sent immediately to your section's Urgent Action co-ordinator or direct to the Campaign and Membership Department of the International Secretariat. If appropriate, thank the official who has replied and ask to be kept informed about the case.

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## SOUTH KOREA

### Prisoner of Conscience

### Chang Ki-pyo

APRIL 1993

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Chang Ki-pyo, 46-year-old Chairman of *Minsahyop* (Council for Democratic Reform and Social Progress) and former politician is serving a one-year prison term under the National Security Law (NSL). Amnesty International has adopted him as a prisoner of conscience and is calling for his immediate and unconditional release.

Chang Ki-pyo was arrested on 26 September 1992 along with his wife Cho Mu-ha, Secretary General of *Minkahyop* (Council of Families for the Realization of Democracy). He was charged under the National Security Law with meeting a North Korean agent called Lee Son-sil and accepting money from her. He was also charged with failure to report his meetings with Lee Son-sil to the South Korean authorities. The National Security Law imposes long sentences of imprisonment or the death penalty for "anti-state" activities and contacts with "anti-state" organizations (including the North Korean Government) and the broadly-defined charge of espionage. Over the years the NSL has been used widely to imprison people with socialist or communist views or who expressed sympathy for North Korea.

Chang Ki-pyo is one of 62 prisoners tried since late 1992 on charges of involvement in a "spy ring" allegedly operated by the North Korean Government. According to the Agency for National Security Planning (ANSP), Lee Son-sil, a 70-year-old woman, is a high-ranking North Korean official. The ANSP stated that, while living in South Korea from 1980 to 1990, Lee Son-sil organized a clandestine South Korean chapter of the

사랑방 자료

Workers Party of North Korea, encouraged the formation of a legal political party, the *Minjung* Party (People's Party), and infiltrated various sectors of society with the help of more than ten North Korean agents<sup>1</sup>. None of the alleged North Korean agents appear to have been arrested. Some 40 of Chang Ki-pyo's co-defendants in the "spy ring" case have been sentenced to prison terms ranging from one year to life imprisonment.

At his trial, which started in January 1993, Chang Ki-pyo admitted to meeting an elderly woman called Lee Son-sil who had visited the *Minjung* Party office on two occasions and donated a photocopying machine. However, he said that he had not known she was an agent. In his view, the charges against him amounted to a "political conspiracy". Friends and supporters told Amnesty International that Chang Ki-pyo had believed Lee Son-sil to be a party supporter and consequently accepted her donation of a photocopying machine. Although Lee Son-sil is thought to have told him that she was working for reunification and that she had some sympathy for the North Korean position, she did not say that she was an agent and there is no reason he should have suspected a 70-year-old woman of spying for the North Korean Government. They pointed out that many people offered support to the *Minjung* Party and associated with Lee Son-sil, who appeared at the inaugural meeting of the *Minjung* Party.

Human rights groups and supporters have told Amnesty International that Chang Ki-pyo and Cho Mu-ha, who are both well-known figures, have been detained and tried in connection with the "spy ring" case to enhance the importance and increase the level of publicity around the arrests. Chang Ki-pyo and Cho Mu-ha were detained, along with the other alleged "spy ring" members, in the weeks preceding the December 1992 Presidential election.

In February 1993 Chang Ki-pyo was sentenced to one year's imprisonment for failing to report his meetings with Lee Son-sil to the authorities. However, he was found not guilty of meeting an "anti-state" organization. In its verdict the court is reported to have said: "It is not believed that he met the North Korean agent with the intent of serving the interests of North Korea".

Amnesty International believes that there is no evidence to suggest that Chang Ki-pyo was involved in espionage. This appears to have been confirmed by the court verdict that he had no intent of serving the interests of North Korea. Amnesty International believes that Chang Ki-pyo has been punished only for failing to report his meeting with Lee Son-sil, in the absence of any activity detrimental to his country. In Amnesty International's view, this is a clear violation of his rights to freedom of expression and association.

Amnesty International has also expressed concern about reports that some of the prisoners arrested in this case were tortured or ill-treated by the ANSP. Many were arrested illegally and denied access to their families and some, including Chang Ki-pyo,

<sup>1</sup>On 26 February 1993, a Seoul district criminal court issued a verdict against Hwang In-oh, another prisoner accused by the ANSP of involvement in the "spy ring" case. That court accepted the ANSP's charge that Hwang In-oh had met with a spy who was using the alias "Lee Son-hwa". However the court did not accept that ANSP's statement that Lee Son-hwa was actually the same person as the North Korean Workers Party dignitary Lee Son-sil. It is unclear whether the court which passed judgement on Chang Ki-pyo accepted the ANSP's statement that the "North Korean agent" he met was that person.

were denied access to their lawyers<sup>2</sup>. Chang Ki-pyo and Cho Mu-ha were arrested by the ANSP on 26 September 1992 without warrants of arrest and were not allowed visits from family members until some 20 days after their arrest. Lawyers who requested a meeting with them on 29 September were denied access and were only allowed to meet the couple after applying to a Seoul criminal court which ruled in their favour on 5 October.

Chang Ki-pyo was also adopted as a prisoner of conscience in 1977 when he was sentenced to three years' imprisonment for "anti-state" activities which included writing articles and poetry critical of government policy, for listening to North Korean radio broadcasts and for activities in the labour movement. In November 1990 he helped launch the *Minjung* Party and became the party's chief policy spokesman. He stood for election to the National Assembly in March 1992 but was not elected. The *Minjung* Party was forced to disband after the election when it failed to obtain a sufficient number of votes.

Cho Mu-ha was freed on bail in December 1992 following appeals from many groups and individuals, including Cardinal Kim Sou-hwan, that she be released to look after the couple's two young daughters, aged 10 and 12. She was tried in January 1993 and given a suspended prison sentence.

KEYWORDS: PRISONERS OF CONSCIENCE / POLITICAL ACTIVISTS / ESPIONAGE / INCOMMUNICADO DETENTION / REARREST / WOMEN / PHOTOGRAPHS /

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<sup>2</sup>See Amnesty International report, South Korea: Reported Illegalities and Ill-Treatment in Latest "Spy Case" (ASA 25/31/92)

방 자료

인권 자료실		
유기호	자료번호	

사랑량 자료

# amnesty international

## SOUTH KOREA

### Appeal to the new President

MARCH 1993

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On 25 February 1993 Kim Young-sam was elected President of the Republic of Korea and in his inaugural speech he declared his intention to promote a new, freer and more democratic society. On 6 March the new government announced an amnesty for prisoners and former prisoners and some 2000 prisoners were released, including 144 political prisoners. Amnesty International welcomes President Kim Young-sam's promise of a more democratic society and the release of a number of political prisoners. However, it is concerned that there remain some 400 political prisoners, including prisoners held for the non-violent exercise of their rights to freedom of expression and association.

Amnesty International is urging the new government to demonstrate its stated commitment to increased democracy by releasing all prisoners of conscience, reviewing the cases of prisoners said to have been convicted on the basis of convictions obtained under torture, amending laws which restrict the rights of freedom of expression and association and taking measures to protect the basic rights of detainees. It believes the new government should take the following steps as a matter of urgency:

**Release all prisoners of conscience:** All prisoners held solely for the non-violent exercise of their rights of freedom of expression and association should be unconditionally released. They include Kim Song-man and Hwang Tae-kwon, both serving lengthy sentences under the National Security Law on charges of "espionage" which Amnesty International believe are unsubstantiated. They also include Suh Kyung-won, convicted under the National Security Law of making an unauthorized visit to North Korea and his secretary Pang Yang-kyun who was accused of failing to report the visit. They and other prisoners of conscience were not included in the amnesty.

**Review the convictions of long-term political prisoners:** For many years Amnesty International has been seeking a review of the cases of political prisoners convicted in previous decades on the basis of confessions they say were extracted under torture. They include Park Dong-oon and Ham Ju-myong, arrested in 1981 and 1983 under the

National Security Law and sentenced to life imprisonment. Both claim to have been held incommunicado for weeks and forced to confess under torture. For many years the cases of these many other long-term political prisoners appear to have been overlooked by the authorities.

**Amend the National Security Law:** Amnesty International believes that President Kim Young-sam's promise of greater freedom and democracy entails a necessary revision of the National Security Law which punishes "anti-state" activities and contacts with "anti-state" organizations (including North Korea) and the very broadly defined crime of "espionage". The National Security Law has been used for many years to imprison those who disagree with government policy or those who express sympathy for North Korean or socialist positions. Amnesty International believes it should be amended so as to remove from its scope the provisions which punish non-violent political activities with imprisonment or the death sentence.

**Protect the basic rights of detainees:** Amnesty International receives frequent reports of illegal arrests, restrictions on access to lawyers and reports of ill-treatment by the Agency for National Security Planning. It was particularly critical of the Agency's treatment of some 60 political prisoners arrested in August and September 1992 for alleged "spying" activities, including Kim Nak-jung, Chang Ki-pyo, Song Hae-suk and many others. The new government has promised to reform the Agency, through curbing its political activity and limiting its investigative activities to cases of "espionage". However, Amnesty International believes the Agency's powers of arrest and interrogation should be suspended in all cases until effective measures are introduced to protect the basic rights of detainees, in accordance with international human rights standards.

**Please send appeals to President Kim Young-sam urging his government to:**

- **Release** prisoners held for the non-violent exercise of their rights of freedom of expression and association;
- **Review** the cases of long-term political prisoners whose convictions are said to be based on confessions obtained under torture;
- **Amend** the National Security Law, removing provisions which punish non-violent political activities with imprisonment and the death sentence;
- **Introduce** effective measures to protect the basic rights of detainees, in accordance with international human rights standards.

Write to: President Kim Young-sam, The Blue House, 1 Sejong-no, Chongno-gu, Seoul, Republic of Korea. (Fax, via Ministry of Foreign Affairs: +82 2 720 2686)

**KEYWORDS:** PRISONERS OF CONSCIENCE / POLITICAL PRISONERS / LONG-TERM IMPRISONMENT / ESPIONAGE / LEGISLATION / INCOMMUNICADO DETENTION / TORTURE/ILL-TREATMENT / UNLAWFUL DETENTION /

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

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## SOUTH KOREA

### Imprisoned Sanomaeng Members



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# SOUTH KOREA

## Imprisoned Sanomaeng members

Amnesty International is concerned about the cases of some 100 members of *Sanomaeng* (Socialist Workers League) who are serving sentences up to life imprisonment under the National Security Law (NSL). It is concerned about reports that many of the prisoners were tortured and ill-treated during interrogation. The prisoners deny that *Sanomaeng* espoused an armed uprising and Amnesty International is seeking further information to establish whether they are prisoners of conscience.

*Sanomaeng* was established in 1989. Since September 1990 some 180 of its members have been arrested under the NSL, of whom some 100 remain in prison today, serving sentences ranging from one year to life imprisonment. Most of the arrests took place in several waves - between September and December 1990, in March/April 1991 and in mid-1992.

### **Reports of Torture and Ill-Treatment**

Amnesty International is concerned about reports that many of the prisoners in this case were tortured and ill-treated during interrogation by the Agency for National Security Planning (ANSP). Most prisoners are said to have been denied access to their families for at least 10 days and some were also denied access to their lawyers. Families, supporters and the prisoners themselves reported that they were deprived of sleep and beaten during interrogation. Some examples of reports of ill-treatment include:

- Hyon Jong-dok, arrested in September 1990, told his lawyer that he had been stripped and beaten on several occasions. He is said to have tried to commit suicide several times as a result of these beatings.
- Park Kwan-oh, arrested in March 1991, was denied access to his lawyer for at least 22 days after his arrest. He said that he was beaten, kicked, threatened and forced to do repeated physical exercises. He was also deprived of sleep.
- Chon Hyon-son, also arrested in March 1991, was denied access to her lawyer for ten days after her arrest. During interrogation she claims that she was threatened, slapped, kicked and beaten by a group of about eight men. She was also deprived of sleep.
- Park No-hae, arrested in March 1991, was also denied access to his lawyer after his arrest. He met his lawyer just once during interrogation at the ANSP and told him that he had been beaten on three occasions by a group of about 13 people. He said he had been denied sleep completely for two days and then only allowed to sleep for a few hours each night. He is also said to have attempted suicide as a result of these beatings by cutting his wrist with a piece of broken mirror.

- Baik Tae-ung, arrested in May 1992, testified in court that he had been beaten and deprived of sleep during interrogation. He also claimed that a chemical had been put into his rice before interrogation sessions in order to weaken him. He said:

"During the 22 days of ANSP investigation I was subjected to various types of torture such as sleep deprivation, drug injection and mob beating. Going through these rounds of torture I prepared myself for death three times... Five days before my [being sent to the prosecution], interrogators had this look on their faces that they had had enough of it, taking me to a special torture chamber. In the middle of the night investigators beat me for hours. They took turns in beating. Their demand was that complete silence was unacceptable.

The UN Special Rapporteur on Torture raised the cases of Park No-hae and Hyon Jong-dok with the South Korean Government in August 1991. In its reply, dated 14 November 1991, the South Korean Government said that the court had rejected the complaint about Park No-hae's ill-treatment but did not give any information about the nature of the investigation (if any) carried out. In the same letter the government dismissed the complaint about Hyon Jong-dok's torture on the grounds that he had apparently told his mother soon after his arrest that he had not been ill-treated.

#### **Background Information about the Sanomaeng Case**

*Sanomaeng* is regarded by the authorities as an "anti-state" organization. The NSL defines an "anti-state" organization as "an association or group within the territory of the Republic of Korea or outside of it, which has the structure of command and control, as organized for the purpose of assuming a title of the government or disturbing the State". The law prescribes long sentences of imprisonment or the death penalty for "anti-state" activities and contacts with "anti-state" organizations. It has frequently been used to imprison those with socialist or communist political views and those who expressed support for North Korea or whose ideas were similar to those of the North Korean Government.

In May 1992, in an announcement about the case, the ANSP said that *Sanomaeng* was the second largest "revolutionary organization" in the country's history. It said that *Sanomaeng* members had worked on university campuses and in factories in order to prepare for an armed uprising to establish a "people's government". It also said that *Sanomaeng* had links with the North Korean Workers Party. *Sanomaeng* leaders are said by the ANSP to have masterminded a series of strikes throughout the country and to have taken control of *Chonminhangnyon* (National Students Democratic League),

instructing it to carry out a series of firebomb attacks on university campuses. They are also alleged to have sought to control the *Minjung* Party (People's Party), a legal political party set up in 1990 and disbanded after it failed to gain sufficient votes in the March 1992 National Assembly election.

*Sanomaeng* is said by the authorities to be organized along the lines of a communist organization, with a central committee and five provincial organizations spread throughout the country. According to the ANSP, *Sanomaeng* had some 3,500 members, consisting of 300 full members, 500 supporters, 1,200 campus organizers and 1,500 collaborators. The authorities claim to have seized thousands of pieces of evidence since 1990, including computer disks, forged residence cards, publications, bankbooks and money. The ANSP claimed that since the arrests of members in March and April 1991, *Sanomaeng* had established several schools, an advertising agency and two publishing firms in order to raise funds.

*Sanomaeng* members and supporters claim that *Sanomaeng* is merely an organization with a socialist orientation seeking political representation for the working class. It aims to have a socialist government in South Korea and seeks to establish a legal political party in order to achieve this ultimate goal. Its other objectives include the reform of the electoral system, the implementation of a mixed economy and greater efforts towards realizing Korean reunification. They claim that *Sanomaeng* does not try to emulate the North Korean socialist system but to establish a new and unique South Korean socialism. To achieve its goals *Sanomaeng* organized mass rallies, distributed leaflets, and published magazines. It also sent its members to work with farmers and manual workers, to educate them about their political rights.

The alleged leader of *Sanomaeng*, Baik Tae-ung, was arrested in May 1992. At his trial, which opened at Seoul District Court in July 1992, he made a lengthy statement in which he defended *Sanomaeng*. He appealed to the authorities to revise the NSL and to permit the existence of *Sanomaeng* as a legal political organization, instead of forcing it to operate underground. He promised that *Sanomaeng's* activities would be peaceful and constructive if it were allowed to participate in the political process and compared it to communist parties in Western European countries where such parties are allowed to play an active role and are not considered to be a threat. Some of his words are quoted below:

"*Sanomaeng* has never assumed the title of government. It has never purported to disturb or overthrow the state. . . *Sanomaeng* is not an organization of armed struggle. *Sanomaeng* has a vision to transform our society, thoroughly, democratically, peacefully and in the manner guaranteed by the democratic institutions of our society. . . We have learned



from history that we cannot achieve socialism by an armed coup d'etat of small minorities. . . Socialism is a future which will blossom only when an overwhelming majority of citizens voluntarily want and choose it. . . As long as legal and institutional improvement provides us with the legal right to engage ourselves in socialist activities, we will promote our socialism by expressing our ideas peacefully through legally-sanctioned democratic channels such as laws, institutions, parliament and social associations."

**Amnesty International's Concerns about Sanomaeng Prisoners**

Amnesty International is concerned about numerous reports that *Sanomaeng* prisoners arrested between 1990 and 1992 were tortured and ill-treated during interrogation. It believes that all reports of torture and ill-treatment of *Sanomaeng* prisoners should be investigated impartially and that any officials found responsible should be brought to justice.

Amnesty International is seeking further information about the aims and objectives of *Sanomaeng*, the charges against its members and the evidence used to convict them. It is concerned that some may be prisoners of conscience, held for the peaceful exercise of their rights of freedom of expression and freedom of association.

사랑방 자료

# amnesty international

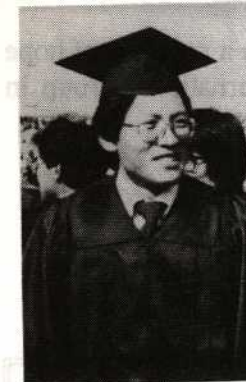
## SOUTH KOREA

### Appeal for the Release of Hwang Tae-kwon

APRIL 1993

AI INDEX: ASA 25/13/93

DISTR: SC/CO/GR



Amnesty International is calling for the immediate and unconditional release of Hwang Tae-kwon who is serving a 20-year prison sentence under the National Security Law. Hwang Tae-kwon is aged 37 and has been in prison since 1985. Amnesty International has adopted him as a prisoner of conscience, held solely for the non-violent exercise of his rights of freedom of expression and association.

In the early 1980s Hwang Tae-kwon studied political science at Western Illinois University in the USA. While there he met the publisher of an overseas Korean publication who is alleged by the South Korean authorities to be a North Korean agent. He is also believed to have read widely about the political system in North Korea. Hwang Tae-kwon and several colleagues were arrested when they returned to South Korea in June 1985 and held *incommunicado* until early August while under interrogation by the Agency for National Security Planning.

Hwang Tae-kwon was accused of passing state secrets to North Korean agents. He was found guilty and sentenced to life imprisonment, reduced to 20 years' imprisonment under a presidential amnesty in 1988. The main evidence to support charges of "espionage" was a confession made by Hwang Tae-kwon during interrogation. He later denied the accusations and claimed that his 'confession' was extracted from him under torture.

In 1988 Hwang Tae-kwon wrote his story from Andong prison. He said:

*"... after 60 days of torture and beatings in the basement of the Agency for National Security Planning and after three years of imprisonment for a*

*crime I did not commit, having been silenced all those years, I hope my story will expose the crimes that were committed against me by the powers-that-be in order to extract my 'confession'. I am also hoping to restore my own human dignity which has been ruthlessly trampled upon during the interrogation and imprisonment."*

Amnesty International has repeatedly urged the South Korean Government to amend the National Security Law which provides the authorities with wide powers to punish "anti-state" activities and contacts with "anti-state" organizations (including North Korea) and the very broadly defined crime of "espionage". The law has often been used to imprison those who disagreed with government policy or who expressed support for North Korean or communist/socialist views. Amnesty International has also called on the authorities to review the cases of a number of political prisoners arrested under the National Security Law during the 1970s and 1980s and sentenced to lengthy prison terms on the basis of confessions which appear to have been extracted under torture.

Amnesty International was disappointed to learn that Hwang Tae-kwon was not included in an amnesty announced by Kim Young-sam in February 1993 on the occasion of his inauguration as President of the Republic of Korea.

The campaign for the release of Hwang Tae-kwon has given him a measure of hope and encouragement. In January 1993 he wrote to an Amnesty International group in Norway:

*"Thank you very much for your warm concern and efforts for my release. I am not lonely as long as there are people like you. The fact that there are friends who worry about me on the other side of the globe inspires me with redoubled courage and hope".*

**Please send appeals to The South Korean Minister of Justice seeking:**

- The immediate and unconditional release of Hwang Tae-kwon;
- The amendment of the National Security Law, removing provisions which punish non-violent political activities;
- A review of the cases of long-term political prisoners whose convictions are said to be based on confessions obtained under torture.

**Addresss for appeals:** Mr Kim Doo-hee, Minister of Justice, Ministry of Justice, 1 Chungang-dong, Kwachon-myon, Shihung-gun, Kyonggi Province, Republic of Korea. Fax No: +82 2 504 3337.

**KEYWORDS:** PRISONERS OF CONSCIENCE1 / LONG-TERM IMPRISONMENT / STUDENTS / ESPIONAGE / PRISONERS' TESTIMONIES / CONFESSIONS / TORTURE/ILL-TREATMENT / PHOTOGRAPHS /

# amnesty international

## SOUTH KOREA Prisoner of Conscience Kang Ki-hun



### Background

Kang Ki-hun, a government official, was beaten to death in 1988. This incident was a catalyst for the anti-police movement, which led to the formation of the extreme left wing of the movement.

The death of Kang Ki-hun was one of the many human rights violations committed by the government. He was arrested and held in custody for several months.

### The arrest of Kang Ki-hun

On 8 May 1988, Kang Ki-hun was arrested and held in custody for several months.

January 1993  
AI Index: ASA 25/04/93  
Distr: SC/CO/GR

# SOUTH KOREA

## Prisoner of Conscience Kang Ki-hun



Amnesty International is calling for the release of Kang Ki-hun, a 27-year-old political activist who is serving a three-year prison term on charges of aiding and abetting the protest suicide of a colleague. Amnesty International believes that Kang Ki-hun is a prisoner of conscience, arrested on account of his peaceful political activities and wrongly convicted after an unfair trial which failed to prove him guilty.

### **Background Information**

Kang Ki-hun's arrest and conviction should be seen in the context of widespread anti-government protests in May 1991. On 26 April 1991 student Kang Kyung-dae was beaten to death by riot policemen during an anti-government demonstration in Seoul. This incident sparked off weeks of mass protests across the country. Initially critical of riot police practices, the demonstrations developed into a more general anti-government movement. Nine young people publicly committed self-immolation, often by fire, as an extreme form of protest. The funerals that students and dissident groups organised for them led to further mass demonstrations. One of those who killed himself as a political gesture was 24-year-old Kim Ki-sol.

The dissident organization *Chonminnyon* (National Democratic Alliance of Korea) was one of the groups at the centre of the protests and street demonstrations. *Chonminnyon* was established in 1989 and since then many of its leaders have been arrested and imprisoned for their alleged anti-government views and activities. Kang Ki-hun and Kim Ki-sol were both staff members of *Chonminnyon*.

### **The arrest of Kang Ki-hun and the charges against him**

On 8 May 1991 Kim Ki-sol, director of the Social Department of *Chonminnyon*, set himself on fire and jumped to his death from the rooftop of a building at Sogang

University, Seoul. In a suicide note he said that his death was to protest at the police killing of student Kang Kyung-dae and he called for democratic reforms.

Immediately after Kim Ki-sol's death the prosecution authorities announced that someone had instigated and helped him to commit suicide. This echoed a statement by the Prosecutor General that someone had masterminded the series of protest suicides.

On 18 May, the day of the second funeral march for student Kang Kyung-dae, the prosecution announced that a certain "K" who worked for *Chonminnyon* was responsible for writing Kim Ki-sol's suicide note. In late May the police obtained a warrant for the arrest of Kang Ki-hun. Kang took refuge in Myongdong Cathedral with a number of other dissident leaders who were wanted for organizing the anti-government demonstrations in May. On 24 June he gave himself up to the police declaring "As I am innocent there is no choice for me but to turn myself in honourably". Dissidents and human rights groups claimed that the authorities had fabricated a case against Kang Ki-hun in order to damage the moral standing of *Chonminnyon* and the dissident movement at a time of serious social unrest. The warrants of arrest against Kang Ki-hun and dissident leaders had indeed the effect of halting the street demonstrations.

Kang Ki-hun was charged under the Criminal Code with aiding and abetting the suicide of Kim Ki-sol. The basis for the indictment was an alleged similarity between Kang Ki-hun's handwriting and that in Kim Ki-sol's suicide note. There was no evidence of the time or place when Kang Ki-hun allegedly wrote the suicide note, nor of any actions whereby Kang Ki-hun incited or helped Kim Ki-sol to commit suicide. Apparently Kang Ki-hun had an alibi for the days preceding Kim Ki-sol's death to prove that he was not involved in preparations for the suicide. Kang Ki-hun was also charged under the National Security Law with belonging to an "anti-state" group, *Hyoknomaeng*, whose members were rounded up and tried in mid-1990. The charges were based on the fact that police found at Kang Ki-hun's home a copy of the minutes of a meeting of *Hyoknomaeng*. The minutes did not record Kang Ki-hun's presence at the meeting in question and it is believed that the minutes had been given to him by a friend. Kang Ki-hun has denied being a member of the organisation.

On 20 December 1991 a Seoul district criminal court found Kang Ki-hun guilty and sentenced him to three years' imprisonment and 18 months' suspension of civil rights. The conviction and sentence were upheld by the High Court on 20 April 1992 and confirmed by the Supreme Court on 24 July 1992. The trial focused on the charges of aiding and abetting Kim Ki-sol's suicide and it is unclear if the charges under the National Security Law of membership of an "anti-state" organisation were substantiated.

### **An Unfair Trial**

Amnesty International believes that the evidence used to convict Kang Ki-hun was inconclusive and unconvincing. It does not believe that Kang Ki-hun can be held responsible for writing Kim Ki-sol's suicide note. Even if the evidence did indicate that he had written the suicide note, this in itself does not prove that he aided and abetted the suicide.

The court based its judgment on an analysis by the National Institute for Scientific Investigation (NISI) which concluded that Kang Ki-hun had written Kim Ki-sol's suicide note. The NISI analysis was commissioned by the prosecution and was conducted under the supervision of Kim Hyung-yong, Chief of the Document Analysis Department.

The defence lawyers challenged the NISI analysis and the district criminal court accepted that it was defective in some respects. For example, *Chonminnyon* staff members said that several people had made entries in an office diary and that those made by Kim Ki-sol concerned appointments and meetings only he would have known about. NISI's conclusion, however, was that all the entries in the diary were by the same person, the same who had written the suicide note, and that the diary had been fabricated. The court of first instance, in fact, accepted that there were several handwritings in the diary and that one of them was similar to that in the suicide note.

The Korean National Council of Churches had commissioned an independent handwriting analysis by a Japanese graphology expert, Yoshio Onishi, and this was presented in court on behalf of the defence. This analysis concluded that Kim Ki-sol had written his own suicide note and thus supported the defence claim that Kang Ki-hun was innocent. The analysis and a description of the methodology used were presented in court but were challenged by the prosecution on the grounds that the analysis contained some errors and because it had been prepared by a foreigner who was not fluent in the Korean language.

The defence lawyers asked Kim Hyung-yong what methodology had been used to conduct his analysis. He apparently replied that he had used his own judgement and experience, refusing to give details of how he had reached the conclusions presented in the analysis. This absence of any description of methodology made it difficult for the defence to contest the analysis results.

The defence lawyers submitted a large number of documents but the court insisted that they should have them analysed by handwriting experts. The lawyers declined to do so as they felt that none of the private or government experts in South Korea could be expected to give an impartial opinion. To underline their concern, as Kang Ki-hun's

trial was progressing, Kim Hyun-yong was arrested on charges of accepting a bribe in return for endorsing a false authentication of a document in an unrelated case. The lawyers called on the court to compare the various handwritings themselves and use its common sense in reaching a judgement. In the end the court simply accepted the conclusion of the NISI analysis.

Other evidence was provided by Kim Ki-sol's girlfriend, but this too was inconclusive. Shortly after Kim Ki-sol's death, she disappeared and it was later learned that she had been questioned for two days by the prosecution. During that time she allegedly said that Kang Ki-hun had forged Kim Ki-sol's handwriting in her diary. She withdrew her testimony during the trial.

The defence lawyers criticized the prosecution authorities for concealing a document written by Kim Ki-sol when he was discharged from military service and which showed both his printed and his cursive styles of writing. This document was also important because it came from a source that the prosecution and the court could not dismiss as untrustworthy, as they did with other documents submitted by people who had connections with the dissident movement.

The judges themselves appear to have had doubts about Kang Ki-hun's guilt. In early December 1991 newspapers reported that the court had told journalists that they would have to approach the case to find "relative" truth rather than the "whole" truth because neither side had conclusive evidence. When delivering his verdict at the first trial, the presiding judge is reported to have said that "we do not believe that our judgement is in accordance with the objective and absolute truth". Amnesty International is concerned that this conclusion goes against the well-established principle of justice that defendants in criminal cases should be proved guilty beyond reasonable doubt or acquitted. Lawyers and human rights groups were astounded that Kang Ki-hun could have been convicted in such circumstances. Some lawyers are reported to have said they had never witnessed such a biased trial. Many people have commented to Amnesty International that the court's verdict was likely to have been affected by the fact that the authorities were not prepared to accept the political implications of a verdict of innocence.

Many respected civil leaders in South Korea also came to the conclusion that Kang Ki-hun was innocent. Cardinal Kim Sou-hwan was one of the prominent people who sent an appeal to the High Court expressing concern that the lower court had ignored the principle that a defendant should be presumed innocent until proved guilty.

### Kang Ki-hun

Kang Ki-hun comes from a Christian family and is a former student of chemistry at Dongguk University in Seoul. He is currently held in Taejon prison and his three-year prison sentence will expire in June 1994. His sentence has now been finalized but lawyers are seeking ways to reopen the case.

In a submission to the High Court Kang Ki-hun insisted that he was innocent. He said:

" The court would not sentence guilty someone who is innocent, would it? The court would not accept the sham handwriting appraisal of the NISI before all the evidence pointing to the clear truth and fact, would it? These were the thoughts that ran through my mind as I moved to and from the detention centre in the mountains of Poil-dong and the courthouses in Socho-dong for the first trial. I wanted to convince myself again and again that the trial would lead to a rational conclusion. However, the court accepted without altering one word the argument of the prosecution which was based on evil distortion of the facts and outlandish assertions. The moment that I heard the decision of the judge I felt despair falling on me with the weight of the sky caving in all around me. This land became a land struck with calamity, full of falsehood and deceit with no glimpse of truth."

# amnesty international

## SOUTH KOREA

### Nine Prisoners Executed

JANUARY 1993

AI INDEX: ASA 25/02/93

DISTR: SC/CO/GR

Amnesty International has written to the Minister of Justice to express concern about the execution of nine convicted murderers on 29 December 1992. It has also asked President-elect Kim Young-sam to commute all death sentences as part of the large-scale amnesty which he has promised to mark his inauguration as President of the Republic of Korea on 25 February 1993. Amnesty International opposes the death penalty in all cases, considering it to be a violation of the right to life and the right not to be subjected to cruel, inhuman and degrading punishment.

The nine executions were carried out at Seoul and Taegu Prisons on the orders of the Minister of Justice. They were the only executions to be carried out in 1992 and the first since December 1991 when those executed were also nine convicted murderers. Some 50 prisoners are currently under sentence of death in South Korea, mostly convicted of murder, rape and robbery. The death penalty may be imposed for a wide range of criminal and political offences, although in practice most death sentences are imposed for crimes involving murder.

Amnesty International is concerned about the increased number of death sentences imposed by the courts since 1990 when the government launched a "war against crime". The government has recently stated its intention to abolish the death penalty for 10 criminal offences involving killings when death is not intended and Amnesty International welcomes such a move. However, it believes that far more should be done to restrict the application of the death penalty. It has urged the government to conduct a thorough study into the deterrent effect of the death penalty and to impose a moratorium on executions until the results of such a study are available.

In 1989 a petition was filed with the Constitutional Court by two convicted murders to contest the constitutionality of the death penalty. There was delay in reviewing the petition and in May 1992 the Constitutional Court asked a panel of legal experts to hold

a debate on the subject. Amnesty International believes that the government should impose a moratorium on executions pending the Constitutional Court's decision.

Kim Young-sam of the Democratic Liberal Party was elected President of the Republic of Korea on 18 December 1992. In early January, officials of the Ministry of Justice announced that thousands of political prisoners and criminals would be released under an amnesty to mark Kim Young-sam's inauguration as president on 25 February 1993. Amnesty International has written to the President-elect asking him to commute all death sentences as part of the proposed amnesty.

**Please write letters or faxes to the South Korean authorities:**

- Expressing concern about the execution of nine convicts in December 1992.
- Urging the authorities to impose a moratorium on all further executions pending the decision of the Constitutional Court on a petition challenging the constitutionality of the death penalty and pending a thorough study into whether the death penalty is an effective deterrent to crime.
- Urging the commutation of all death sentences in the proposed amnesty to mark the inauguration of Kim Young-sam as President of the Republic of Korea.
- Send appeals to:

Mr Lee Jung-woo  
Minister of Justice, Ministry of Justice  
1 Chungang-dong, Kwachon-myon  
Shihung-gun, Kyonggi Province  
Republic of Korea  
(fax: +82 2 504 3337)

Mr Kim Young-sam  
President-Elect of the Republic of Korea  
c/o Democratic Liberal Party  
14-8 Yoido-dong, Youngdungpo-gu  
Seoul  
Republic of Korea  
(fax: +82 2 780 2159)

**KEYWORDS:** EXECUTION /

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

사람방 자료

# amnesty international

## SOUTH KOREA

### Appeal to President-Elect

JANUARY 1993

AI INDEX: ASA 25/01/93

DISTR: SC/CO/GR

Amnesty International is urging Kim Young-sam, President-elect of the Republic of Korea, to release all prisoners held for the peaceful exercise of their rights to freedom of expression and association and to commute all death sentences.

Kim Young-sam of the Democratic Liberal Party was elected President of the Republic of Korea on 18 December 1992. In October 1992 he made a campaign pledge to release prisoners of conscience if he was elected President. He is reported to have told foreign journalists: "I will carry out a bold and far-reaching amnesty for prisoners of conscience". After his election, in early January, officials of the Ministry of Justice announced that thousands of political prisoners and criminals would be released under an amnesty to mark Kim Young-sam's inauguration as president on 25 February 1993.

According to human rights groups in South Korea, there are currently some 950 political prisoners in South Korea, held under several laws which restrict the rights of freedom of expression and association. They include prisoners of conscience, held for the non-violent exercise of their rights to freedom of expression and association.

Many political prisoners are held under the National Security Law (NSL) which bans "anti-state" activities and contacts with "anti-state" organizations. They include prisoners convicted of "espionage" after they visited North Korea or made unauthorized contacts with North Koreans or alleged North Korean agents in third countries and prisoners who expressed support for North Korea or held socialist views.

Amnesty International is urging the President-elect to include all prisoners of conscience in his proposed amnesty. Government officials are reported to have said that people imprisoned for trying to overthrow the government and North Korean sympathizers will not be included in the amnesty. Amnesty International is concerned that certain categories of prisoners, such as those accused of "espionage", may therefore

사람방 지

be excluded. Some have been adopted by Amnesty International as prisoners of conscience; others were convicted on the basis of confessions they said they made under torture. Several of these prisoners have refused to renounce their real or alleged communist beliefs and have consequently been excluded from previous amnesties.

Amnesty International is also urging Kim Young-sam to commute all death sentences. Amnesty International opposes the death penalty in all cases, considering it to be a violation of the right to life and of the right not to be subjected to cruel, inhuman or degrading treatment or punishment. Some 50 prisoners are currently under sentence of death for criminal offences. The last executions, of nine convicted murderers, took place in December 1992.

Appeal to President-Elect

Please write appeals to Mr Kim Young-sam, President-elect of the Republic of Korea:

- Urging the release of all prisoners of conscience and the commutation of all death sentences in the proposed amnesty to mark the inauguration of Kim Young-sam as President of the Republic of Korea.
- Send appeals to:

Mr Kim Young-sam  
President-Elect of the Republic of Korea  
c/o Democratic Liberal Party  
14-8 Yoido-dong, Youngdungpo-gu  
Seoul  
Republic of Korea  
(fax: +82 2 780 2159)

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

# amnesty international

## SOUTH KOREA

### Appeal on behalf of Baik Tae-ung

DECEMBER 1992

AI INDEX: ASA 25/34/92

DISTR: SC/CO/GR

Amnesty International is concerned about Baik Tae-ung, 31-year-old former student of law and alleged leader of *Sanomaeng* (Socialist Workers League) who has been sentenced to life imprisonment under the National Security Law. It believes that he may be a prisoner of conscience, imprisoned for the peaceful expression of his political views. It is also concerned about claims that he was tortured during interrogation.

Baik Tae-ung is one of the key leaders of *Sanomaeng*, an organization which has been defined by the authorities as "anti-state". The National Security Law (NSL) imposes long sentences of imprisonment or the death penalty for "anti-state" activities and contacts with "anti-state" organizations. The law has frequently been used to imprison those with socialist or communist political views and those who expressed support for North Korea or whose ideas were similar to those of North Korea.

Baik Tae-ung was arrested on 29 April 1992 by the Agency for National Security Planning (ANSP). He was interrogated for 22 days by the ANSP and exercised his right to remain silent for 15 of these days. He testified in court that he had been severely tortured during this time and also claimed that a drug had been introduced into his food in order to weaken him before interrogation. He said:

"During the 22 days of ANSP investigation I was subjected to various types of torture such as sleep deprivation, drug injection and mob beating. Going through these rounds of torture I prepared myself for death three times... Five days before my [being sent to the prosecution], interrogators had this look on their faces that they had had enough of it, taking me to a special torture chamber. In the middle of the night investigators beat me for hours. They took turns in beating. Their demand was that complete silence was unacceptable."

Baik Tae-ung was charged under the NSL for the establishment and membership of *Sanomaeng*, for meeting and communicating with members of an "anti-state" organization and for producing material benefitting the enemy (North Korea). Amnesty

KEYWORDS: LONG-TERM IMPRISONMENT / POLITICAL PRISONERS / TORTURE/ILL-TREATMENT / INCOMMUNICADO DETENTION / BANNING / POLITICAL GROUPS /



International is seeking further information about these charges and the evidence used to convict him.

*Sanomaeng* was established in November 1989 and the first arrests of its members took place in late 1990. Since then some 180 members of the group have been arrested under the NSL for alleged "anti-state" activities and some 100 remain in prison today. Shortly after the arrest of Baik Tae-ung, in May 1992, the ANSP announced that *Sanomaeng* was the second largest revolutionary organization in the country's history with a membership of some 3,500. It claimed that *Sanomaeng* members had worked on university campuses and in factories in order to prepare for an armed uprising to overthrow the government. It has also accused *Sanomaeng* members of having links with the North Korean Workers Party.

*Sanomaeng* members and supporters claim that *Sanomaeng* is a political organization with a socialist orientation and that its aims include the establishment of a socialist society in South Korea through the implementation of a mixed economy, electoral reform, and the establishment of a legal socialist political party. They say that *Sanomaeng* does not seek to emulate the North Korean socialist system but to establish a new and unique South Korean socialism. To achieve its goals *Sanomaeng* organized mass rallies, distributed leaflets, and published magazines. It also sent its members to work with farmers and manual workers, to educate them about their political rights.

Baik Tae-ung's trial opened at Seoul District Court in July 1992 and he made a lengthy statement defending *Sanomaeng* and his own personal role in the organization. He stressed that *Sanomaeng* wished to be a legal and peaceful organization. He said:

"*Sanomaeng* has never assumed the title of government. It has never purported to disturb or overthrow the state. . . *Sanomaeng* is not an organization of armed struggle. *Sanomaeng* has a vision to transform our society, thoroughly, democratically, peacefully and in the manner guaranteed by the democratic institutions of our society. . . We have learned from history that we cannot achieve socialism by an armed coup d'etat of small minorities. . . Socialism is a future which will blossom only when an overwhelming majority of citizens voluntarily want and choose it. . . As long as legal and institutional improvement provides us with the legal right to engage ourselves in socialist activities, we will promote our socialism by expressing our ideas peacefully through legally-sanctioned democratic channels such as laws, institutions, parliament and social associations."

Please write appeals to Mr Lee Jung-woo, Minister of Justice, Ministry of Justice, 1 Chungang-dong, Kwachon-myon, Shihung-gun, Kyonggi Province, Republic of Korea (fax: +82 2 504 3337).

- Urging the authorities to conduct an immediate and impartial inquiry into claims that Baik Tae-ung was tortured during interrogation and to make its findings public.

- Expressing concern that Baik Tae-ung may be a prisoner of conscience and urging the authorities to release him if he is held for the peaceful exercise of his political views;

- Asking for detailed information about the evidence that Baik Tae-ung advocated the use of violence.

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



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**amnesty international**

INTERNATIONAL SECRETARIAT  
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United Kingdom

EXTERNAL (for general distribution)

사랑방 자료  
**URGENT ACTION**

AI Index: ASA 25/26/92  
Distr: UA/SC

6 October 1992

UA 310/92

Legal concern/fear of torture/fear of ill-treatment

SOUTH KOREA:

Mass Arrests: at least 60 people

including:

HWANG In-oh, aged 37  
SONG Hae-suk, aged 34, female  
KIM Nak-jung, aged 58, former politician, writer  
HWANG Ik-uk, aged 27, student  
LEE Sol-woo, aged 32, former politician  
CHUN Hee-shik, aged 34

민간인 (남자) 763-2606  
(남자) 895-3002  
민사권 325-0871  
김영철 355-0152

Amnesty International is concerned for the safety of scores of people arrested since late August 1992 on national security charges. It has received reports that some of these prisoners have been held incommunicado and tortured during interrogation by officials of the Agency for National Security Planning (ANSP) and it fears that further abuses may take place.

A series of arrests have taken place since late August 1992, including politicians, workers, students and dissidents. On 30 September 1992 the ANSP announced that it had uncovered the biggest espionage case since the Korean War (1950-53).

According to South Korean human rights groups and lawyers, many of these prisoners have been denied access to lawyers and relatives for days or weeks and some have claimed that they were tortured. Kim Nak-jung was held incommunicado for 10 days after his arrest in late August. He is said to have been beaten and deprived of sleep during interrogation. Chun Hee-shik reported that he had been beaten for over an hour soon after his arrest in early September. He was later released. Hwang In-oh, his wife Song Hae-suk and their three-year old son were arrested without warrants in mid-September and held incommunicado for over a week. Song Hae-suk was reportedly threatened with sexual abuse and beaten in the presence of her child.

#### BACKGROUND INFORMATION

Prisoners arrested under the National Security Law (NSL) may be interrogated for up to 50 days by the Agency for National Security Planning (ANSP) and the prosecution. Access to lawyers is sometimes restricted or denied, particularly during the first 20 days of interrogation by the ANSP. During this time, some prisoners have complained that they were subject to beatings and sleep deprivation.

The National Security Law (NSL) prohibits unauthorized contact with "anti-state" organizations, including the North Korean Government. Over the years it has been widely used to imprison people who visited North Korea without government authorization, people who met North Koreans or alleged North Korean agents abroad and people who expressed support for North Korea or whose views were similar to positions also taken by the North. In past years the courts have ruled that any information which could be useful to North Korea, even if it were publicly available, qualified as a "state secret". Amnesty International believes that some prisoners convicted of espionage activities are in fact held for the peaceful exercise of their political views.

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

Amnesty International is an independent worldwide movement working for the international protection of human rights. It seeks the release of men and women detained anywhere because of their beliefs, colour, sex, ethnic origin, language or religious creed, provided they have not used or advocated violence. These are termed prisoners of conscience. It works for fair and prompt trials for all political prisoners and works on behalf of such people detained without charge or trial. It opposes the death penalty and torture or other cruel, inhuman or degrading treatment or punishment of all prisoners.

인권 자료실		
등록일	원류가호	자료번호
	C4 -1	32

사람망 자료

**RECOMMENDED ACTION:** Please send telegrams/telexes/faxes/express and airmail letters either in english or in your own language:

- expressing concern at reports that many prisoners arrested since late August 1992 on national security charges have been held incommunicado, beaten and deprived of sleep during interrogation by the Agency for National Security Planning;
- urging the authorities to ensure that all prisoners have prompt and regular access to relatives and lawyers and are not ill-treated;
- asking the authorities to conduct an immediate and independent investigation into all reports of torture and ill-treatment;
- urging the government to respect its obligations to its citizens under international standards, including relevant provisions of the International Covenant on Civil and Political Rights which it has ratified.

**APPEALS TO:**

1) Minister of Justice

Mr Kim Ki-choon  
 Ministry of Justice  
 1 Chungang-dong  
 Kwachon-myon  
 Shihung-gun  
 Kyonggi Province  
 REPUBLIC OF KOREA  
**Telegrams: Justice Minister, Republic of Korea**  
**Telexes: 24757 MOJUST K**  
**Faxes: +82 2 504 3337**  
**Salutation: Dear Minister**

2) Director

Mr Lee Sahng-yeon  
 Agency for National Security Planning  
 Presidential Office  
 The Blue House  
 1 Sejong-no, Chongno-gu  
 Seoul  
 REPUBLIC OF KOREA  
**Telegrams: Director, ANSP, Seoul, Republic of Korea**  
**Telexes: 24651/24652 WOIMUBU K (c/o Ministry of Foreign Affairs)**  
**Faxes: +82 2 720 2686 (via Ministry of Foreign Affairs)**  
**Salutation: Dear Sir**

**COPIES OF YOUR APPEALS TO:**

Diplomatic representatives of South Korea accredited to your country

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 17 November 1992.

- Please take action as soon as you receive this Urgent Action appeal. Carefully read the recommended actions. If possible, send a telegram, telex, fax or express letter immediately to one or more of the addresses given. Other letters can be sent afterwards.

- Telegrams and letters should be brief and courteous. Stress that your concern for human rights is not in any way politically partisan. Refer to relevant provisions in international law, such as the United Nations Universal Declaration of Human Rights:

Article 3 — "Everyone has the right to life, liberty and security of person."

Article 5 — "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

Article 9 — "No one shall be subjected to arbitrary arrest, detention or exile."

- The name of Amnesty International may be used, although letters written in a private or personal capacity may be more effective.

- Copies of appeals should be sent to relevant diplomatic representatives in your country.

- In Urgent Actions cases, Amnesty International has to act rapidly on behalf of victims of grave human rights violations. An appeal is issued when Amnesty International believes it has received reliable and accurate information in such cases. It is not always possible to verify all details independently and in some instances the situation outlined in the appeal may change. Urgent Action participants are always notified of any significant new facts.

- Copies of any replies received from government authorities should be sent immediately to your section's Urgent Action co-ordinator or direct to the Campaign and Membership Department of the International Secretariat. If appropriate, thank the official who has replied and ask to be kept informed about the case.

# amnesty international

## SOUTH KOREA

### Summary of Amnesty International's Concerns and Recommendations

AUGUST 1992

AI INDEX: ASA 25/22/92

Amnesty International's concerns in South Korea include the detention of prisoners for the peaceful exercise of their rights to freedom of expression and association; the continued imprisonment of a number of long-term prisoners who it believes may have been denied a fair trial; reports of torture and ill-treatment and the use of the death penalty.

#### 1) The Rights to Freedom of Expression and Association

Amnesty International is calling for the release of some 25 prisoners who it believes to be prisoners of conscience, held for the peaceful exercise of their rights to freedom of expression and association. It is investigating the cases of some 60 other prisoners who it believes may be prisoners of conscience.

Most of these prisoners are held under the National Security Law which has been used to imprison those who visited North Korea without government authorization, who met North Koreans or alleged North Korean agents abroad, who expressed support for North Korea or whose views were similar to positions taken by the North. They include former National Assembly member Suh Kyung-won who is serving a ten-year prison sentence for making an unauthorized visit to North Korea and his secretary Pang Yang-kyun who was sentenced to seven years' imprisonment for failing to report the visit and passing on alleged state secrets. Both men allege that they were tortured during interrogation. Amnesty International believes that they are held for the peaceful exercise of their rights to freedom of expression and association and is calling for their release. Another prisoner of conscience adopted by Amnesty International is Kim Song-man who was arrested in 1985 and sentenced to life imprisonment for alleged espionage activities. Amnesty International believes there is no evidence to substantiate these accusations and is calling for the release of Kim Song-man.

4-1

Amnesty International believes other legislation has also been used to restrict the rights to freedom of expression and association. It has taken up the cases of a number of trade union leaders arrested under Article 13(2) of the Labour Dispute Mediation Act which prohibits third party intervention in a labour dispute. It believes that some may have been imprisoned solely for the peaceful exercise of their right to give advice to trade unionists. Amnesty International also believes that some provisions of the Law on Assemblies and Demonstrations have been used to imprison certain groups of dissidents and trade unionists in violation of their right to peaceful demonstration.

#### Recommendations to the South Korean Government:

- a) Nobody should be imprisoned for the non-violent exercise of their rights to freedom of expression and association. Those imprisoned in violation of these rights should be immediately and unconditionally released.
- b) Nobody should be imprisoned for exercising their rights to peaceful demonstration and association. Those imprisoned in violation of these rights should be immediately and unconditionally released.
- c) Relevant provisions of the National Security Law, the Labour Dispute Mediation Act and the Law on Assemblies and Demonstrations should be amended to bring them fully into line with international standards relating to freedom of expression and association.

#### 2) Long-Term Political Prisoners

Amnesty International is campaigning on behalf of some 25 long-term political prisoners who were arrested during the 1970s and 1980s under the National Security Law and sentenced to lengthy prison terms on espionage charges. Amnesty International believes that some of these prisoners may have been denied a fair trial. It has received reports that many were held *incommunicado*, tortured and forced to confess. They include Park Dong-oon who was arrested in 1981 and Ham Ju-myong who was arrested in 1983. They were sentenced to life imprisonment under the National Security Law for their alleged espionage activities but both men claim that they were held *incommunicado* for some 60 days after their arrest and forced to confess under torture.

Amnesty International is also concerned about the cases of some 40 "unconverted" political prisoners, many of whom are serving life sentences on charges of espionage. The continued detention of some of these prisoners appears to be a result of their refusal to renounce their alleged communist views - some have been in prison for up to 40 years, while ordinary prisoners serving life terms are generally released on parole after 16 to 18 years' imprisonment.

#### Recommendations to the South Korean Government

- a) The government should ensure that statements obtained from prisoners as a result of torture are not admissible in legal proceedings.

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- b) Prisoners who were convicted on the basis of coerced confessions should have their convictions promptly reviewed.

- c) Prisoners should not be held solely on account of their refusal to sign a statement of "conversion" renouncing their alleged communist views.

#### 3) The Prohibition of Torture and Ill-Treatment

Although forms of torture such as water and electric shock torture appear no longer to be used, Amnesty International continues to receive reports of prisoners being beaten and deprived of sleep during interrogation by the Agency for National Security Planning or the police. On many occasions Amnesty International members have expressed concern to the South Korean authorities about allegations of torture and ill-treatment, but few of these allegations appear to have been adequately investigated. Recent cases include members of the anti-state group *Sanomaeng*, some of whom claim they were beaten and deprived of sleep following their arrest in late 1990. In March 1992 Amnesty International wrote to the authorities about the claims by five members of the teachers union *Chunkyojo* that they were beaten at two police stations in early March.

#### Recommendations to the South Korean Government

- a) All reports of torture or ill-treatment should be promptly investigated by an impartial and independent body. The results of all inquiries should be made public and should include a full report of the inquiry's findings.
- b) All those found to be responsible for inflicting torture and ill-treatment should be brought to justice and victims should receive fair and adequate compensation.
- c) The government should demonstrate its commitment to the eradication of torture and ill-treatment by ratifying the UN Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment.

#### 4) The Abolition of the Death Penalty

Amnesty International is concerned about the continued use of the death penalty which may be imposed for over 50 criminal and political offences. Some 30 people are under sentence of death and statistics released by the Supreme Court in October 1991 indicate that the number of sentences imposed by the courts has risen steadily over the past few years, in spite of the worldwide trend towards decreased use of the death penalty.

#### Recommendations to the South Korean Government

- a) The death penalty should be abolished and all death sentences should be commuted.

4-3

b) The government should ratify the Second Option Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

5) Further Information

For further information about Amnesty International's concerns in South Korea please refer to the following Amnesty International documents which can be obtained from the address given below:

- South Korea: Prisoners held for National Security Offences (ASA 25/25/92)
- South Korea: Amnesty International's Concerns (ASA 25/14/92)
- Amnesty International Report 1992

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

김태영 3/31  
수서대로 보십시오. 또 하의 문서가 있듯 했는데 찾을 수 없군요.

# amnesty international

## SOUTH KOREA

### Appeal for the Release of Korea Labour Party Members

JULY 1992

AI INDEX: ASA 25/19/92

DISTR: SC/CO/GR

Amnesty International is calling for the release of five members of the preparatory committee of the Korea Labour Party who were arrested on 9 April 1992. It believes that Ku In-hoe, Chong Kwang-pil, Im Young-taek, Lee Sang-min, and Choi Chong-sik are held for the peaceful exercise of their rights to freedom of expression and association. Four other party members, arrested in January, have been given suspended prison sentences and released.

The five men have been charged under Article 7 of the National Security Law for attempting to form an anti-state organization which praises and benefits North Korea. Under the terms of the National Security Law the North Korean Government is defined as an anti-state body. Over the years this law has been used to imprison many people who either expressed support for North Korea or whose positions were similar to those of the North Korean Government.

In July 1991 over 1000 labour activists formed a preparatory committee for an underground socialist party with the ultimate aim of establishing a socialist government. However, following the collapse of communism in many Eastern European countries, the party members voted to discard the theories of Marxism-Leninism and to engage in legal political activities. In December 1991 their preparatory committee was disbanded and its members decided to establish a legal political party called the Korea Labour Party. In January 1992 a preparatory committee for the Korea Labour Party was established.

The Korea Labour Party's main aims included the dismantling of *Chaebols* (large business monopolies), the nationalisation of land held by the *Chaebols* and large landowners, cuts in military spending, full political freedom and labour rights, the protection of agricultural markets and reunification between North and South Korea. To

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사랑방 자료

Amnesty International's knowledge the party did not advocate the use of violence to achieve these aims. On 19 January 1992 the Korea Labour Party's preparatory committee held a meeting at the Korea Exhibition Centre in Seoul and some 3000 supporters are reported to have attended. Two days before this meeting was held, three of the party's organizers, Chu Dae-hwan, Lee Yong-son and Chun Song, were arrested and charged under the National Security Law for attempting to organize an anti-state group. A fourth member, Min Yong-chang, was arrested on 11 January. Other members of the party protested against the arrests, saying that the authorities were denying workers the right to establish a political party.

Following the arrests of its leaders, members of the preparatory committee for the Korea Labour Party voted to join forces with the already established *Minjung* (People's) Party in order to field candidates for the National Assembly elections which were held on 24 March 1992. The *Minjung* Party did not secure enough votes in the election and consequently lost its status as a political party. Former members of the Korea Labour Party decided to continue with their aim to form a political party and formed another preparatory committee in April. On 9 April five of its leaders were arrested.

Chu Dae-hwan, Lee Yong-son, Chun Song and Min Yong-chang were tried, given suspended prison sentences and released. Ku In-hoe, Chong Kwang-pil, Im Young-taek, Lee Sang-min and Choi Chong-sik are awaiting trial in Seoul Prison.

In May 1992 a group of social and religious leaders, including Cardinal Kim Sou-hwan, appealed for the release of imprisoned members of the Korea Labour Party. In a petition submitted to the authorities they said it was inappropriate to arrest people who had declared their intention to engage in legal political activities. Over 80 university professors issued a similar statement calling for the prisoners' release. Their statement is reported to have said: "It is meaningless for the government to take issue with the progressive party formation because the party members professed to stop underground radicalism and engage in legal political activities".

#### ACTION REQUESTED

- Please send appeals to the South Korean Minister of Justice seeking the immediate and unconditional release of Ku In-hoe, Chong Kwang-pil, Im Young-taek, Lee Sang-min and Choi Chong-sik.

**Address:** Mr Kim Ki-choon, Minister of Justice, Ministry of Justice, 1 Chungang-dong, Kwachon-myon, Shihung-gun, Kyonggi Province, Republic of Korea.

**KEYWORDS:** POLITICAL GROUPS / PRISONERS OF CONSCIENCE / BANNING / EMERGENCY LEGISLATION /

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

7-2

광방 자료

이권 자료실	등록	자료번호
	C4-1	10

시량방 자료

# amnesty international

## SOUTH KOREA

### Sok Tal-yun

DECEMBER 1991

AI INDEX: ASA 25/36/91

DISTR: SC/CO/GR

Sok Tal-yun, aged 60, is serving a life term in Chonju Prison on charges of meeting an alleged North Korean spy and passing military secrets to him. His family claim that he was held incommunicado for 47 days after his arrest and tortured into making a false confession. Amnesty International believes that Sok Tal-yun may have been convicted after an unfair trial. It is urging the South Korean authorities to review his case and conduct an inquiry into the allegations that he was tortured during interrogation.

Sok Tal-yun was born in 1931 on Chin Island off the southwest coast of Korea and graduated from agricultural school before moving to Seoul where he attended the Sollin Commercial School. At this time he was living in the same boarding house as Pak Yang-min, a relative who was studying political science at Yonhi college. When the Korean War broke out in 1950, Sok Tal-yun returned to his home town and Pak Yang-min is said to have gone to North Korea. In 1960 Sok Tal-yun graduated from the National Police Academy in Pupyong, Kyunggi Province, and was posted to the Chongnyang-ni Police Bureau where he was trained in counter-intelligence activities. Amnesty International does not have any information about Sok Tal-yun's later professional activities in the 1960s and 1970s.

On 21 August 1980 Sok Tal-yun was arrested on Chin island and taken the next day to the headquarters of the Korean Central Intelligence Agency (KCIA) in Namsan, Seoul where he was held incommunicado for a period of 47 days. During this time Sok Tal-yun's family claim that he was severely tortured by three teams of interrogators. They say that he was beaten frequently with army batons on his back and shoulders. During the night he was handcuffed, hung in mid-air and forced to stay awake. He was regularly bound and suspended from a horizontal pole and forced to swallow large quantities of

water. On other occasions his face was covered with a towel onto which water was poured so that he was unable to breath and lost consciousness. Other torture included the drilling of small holes in his loins and thigh area and the insertion of a ball pen ink plastic tubing into the urinary canal of his penis. He was also often deprived of sleep and was threatened with electric torture.

Sok Tal-yun confessed that he had met Pak Yang-min, an alleged North Korean spy, on three occasions when he was living in Okpong village near Kunsan Airport in the mid-1960s and on five occasions at the town of Saewanggol on Chin Island. He also confessed to receiving 100,000 won from Pak Yang-min. Sok Tal-yun's family say that he was forced to memorize and copy the details of his eight alleged meetings with Pak Yang-min. On 6 October 1980 Sok Tal-yun was transferred to Seoul Detention Centre. There he was interrogated by a prosecutor who threatened him with further torture by the KCIA after he repudiated his confession. He was also forced to confess his guilt before a prosecutor to a member of his family who lived in Seoul.

Sok Tal-yun was tried under the National Security Law with espionage and in January 1981 was sentenced to life imprisonment. He was convicted of passing military secrets to and receiving money from a North Korean spy. He was also said to have formed the group *Minchong* (Democratic Youth) and to have recruited Chang Chae-yong into his spy-ring and to have introduced him to Pak Yang-min. Chang Chae-yong, Director of Hwasong Medical Centre on Chin Island, lived in the same boarding house as Sok Tal-yun and Pak Yang-min just before the outbreak of the Korean War when he was studying medicine at Seoul National University. He was also arrested and spent four years in prison. Pak Yang-min's younger sister, Pak Kong-sim, was arrested in the same case and spent two years in prison.

Amnesty International is urging the South Korean authorities to review the case of Sok Tal-yun, in view of the claims that he was convicted on the basis of a confession obtained under torture. It is also concerned that he was apparently held incommunicado for 47 days following his arrest and did not have access to legal counsel at some of his trial hearings. To Amnesty International's knowledge, the only evidence produced in court, apart from his confession, were two notebooks which, according to Sok Tal-yun's family, contained the names and addresses of his relatives and notes concerning his business. The prosecution alleged that he had prepared these notebooks in connection with his espionage activities. Sok Tal-yun denies the accusations of espionage and claims not to have met Pak Yang-min since the outbreak of the Korean war.

In June 1981 Sok Tal-yun's sentence was upheld by Seoul High Court and in September 1981 it was confirmed by the Supreme Court. In September 1981 he applied to the courts for a retrial but this was rejected in October 1982. Sok Tal-yun is now held in Chonju Prison

**KEYWORDS: LONG-TERM IMPRISONMENT / TORTURE/ILL-TREATMENT1 / CONFESSIONS / INCOMMUNICADO DETENTION / TRIALS / ESPIONAGE / POLICE AS VICTIMS /**

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**URGENT ACTION**

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EXTERNAL (for general distribution)

AI Index: ASA 25/04/90  
Distr: UA/SC

12 January 1990

Further information on UA 351/89 (ASA 25/34/89, 13 September and follow-up ASA 25/29/89, 26 September) - Hunger Strike

**SOUTH KOREA (Republic of Korea): Choi Chol-kyu and others**

Amnesty International has recently received information on improvements in prison conditions following the hunger-strike from 30 August to 8 September 1989 by Choi Chol-kyu and 12 other political prisoners in Taegu Prison.

Most of the political prisoners were moved from single to larger cells shared with other political prisoners. The length of time allowed for visits from relatives was increased to 90 minutes, and friends of the prisoners who are not relatives are now allowed to visit provided that they are accompanied by a family member. Time for exercise was increased to 40 minutes a day, and time for bathing was extended. Gifts of books are now passed on to the prisoners, and parcels addressed to prisoners must now be opened by the prison wardens in front of the recipients.

As already stated in ASA 25/29/89, no further action is required, thank you again to all those who sent appeals.

Telephone: 01-833 1771 Fax: 01-956 1157 Telegrams: Amnesty London WC1 Telex: 28502

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URGENT ACTION

amnesty international



# amnesty international news release

INTERNATIONAL SECRETARIAT  
1 Easton Street London WC1X 8DJ  
United Kingdom

AI Index: ASA/25/03/90  
Distr: SC/PO

INTERNATIONAL EMBARGO:  
0001 hrs gmt Wednesday 17 January 1990

## SOUTH KOREA RIGHTS ABUSES REVERSE TWO YEARS OF POSITIVE TRENDS, SAYS AMNESTY INTERNATIONAL

Mass arrests and renewed reports of torture in South Korea in the past 12 months have reversed two years of positive trends in the protection of human rights there, Amnesty International said today, Wednesday 17 January 1990.

The worldwide human rights organization said the arrests followed the government's decision to suppress nationwide political opposition focusing on the country's position on North Korea and trade union unrest.

The crackdown resulted in the arrest of about 800 political and trade union activists in major cities. Thousands more people were arrested after demonstrations, some of which were violent. Although most arrests were short-term, hundreds of people were believed to be still detained for political reasons at the end of the 1989. Another 200 political prisoners have been held for between one and 39 years.

At present Amnesty International is calling for the release of some 100 prisoners whom it believes to be prisoners of conscience arrested for the non-violent exercise of their fundamental rights.

Most people arrested on political grounds since April last year are believed to have been denied early and regular access to lawyers and relatives and some have charged that they were tortured or ill-treated during interrogation in incommunicado detention.

In two reports issued today, Amnesty International says the 1989 arrests succeeded a series of presidential amnesties in 1987 and 1988, when more than 1,000 political prisoners were released.

Many of those arrested last year have been charged with "anti-state activities" under the National Security Law. The law provides for long sentences for illegal travel to North Korea, contact with "anti-state" organizations or benefiting North Korea by "praising it, encouraging it,

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- Telegrams and letters should be brief and courteous. Stress that your concern for human rights is not in any way politically partisan. Refer to relevant provisions in international law, such as the United Nations Universal Declaration of Human Rights:
  - Article 3 — "Everyone has the right to life, liberty and security of person."
  - Article 5 — "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."
  - Article 9 — "No one shall be subjected to arbitrary arrest, detention or exile."
- The name of Amnesty International may be used, although letters written in a private or personal capacity may be more effective.
- Copies of appeals should be sent to relevant diplomatic representatives in your country.
- In Urgent Action cases, Amnesty International has to act rapidly to prevent the ill-treatment of prisoners. An appeal is issued when Amnesty International believes it has received reliable and accurate information in such cases. It is not always possible to verify all details independently and in some instances the situation outlined in the appeal may change. Urgent Action participants are always notified of any significant new facts.
- Copies of any replies received from government authorities should be sent immediately to your section's Urgent Action coordinator or direct to the Campaign and Membership Department of the International Secretariat. If appropriate, thank the official who has replied and ask to be kept informed about the case.

siding with it or through other means" - this includes possessing books on or from North Korea, or distributing them.

"The mere fact of travelling to North Korea, without evidence either of espionage activities or of the use or advocacy of violence cannot justify imprisonment", says Amnesty International.

The organization also says that the government of President Roh Tae-woo has done very little to review the cases of long-term political prisoners or to investigate incidents of human rights abuses under the previous administration.

Many of the country's 200 long-term prisoners have been convicted on charges of having been North Korean "spies" or "agents". They include people arrested after a period abroad who are alleged to have contacted supporters of North Korea. Amnesty International says that because of the broad meaning given to espionage in South Korea, some may be prisoners of conscience. It is calling on the authorities to review all cases and release all prisoners of conscience.

Amnesty International also said that the authorities had deliberately disregarded guarantees enshrined in the October 1987 Constitution and other measures introduced in 1987 and 1988 to prevent torture and ill-treatment of detainees.

Although the death of a student under torture in January 1987 prompted some government measures to prevent torture and ill-treatment, several people arrested after April 1989 have said they were abused during incommunicado detention. They said they were beaten and deprived of sleep.

One case cited by Amnesty International is that of Suh Kyung-won, arrested in June 1989 for making an unauthorized trip to North Korea in August 1988. During 24 days of interrogation he was not allowed to meet his lawyers and he had still not seen his relatives one month after his arrest. He complained that he had been ill-treated.

"Investigators punched me in the face and repeatedly landed crushing blows on my left foot about ten days after I was taken into custody. The left side of my face was badly swollen and the inside of my mouth began bleeding....They forced me to remain awake for the first three nights", he was quoted by press reports.

At the end of 1988 the prosecution authorities started to look into allegations of torture made by several former political prisoners. However, to Amnesty International's knowledge, judicial proceedings have been started against police officers for assault in only one case.

Amnesty International says that last year also saw the end of a two-



year period with no executions. In August seven prisoners convicted of murder were executed. The last known execution of a political prisoner took place in 1982, and currently there are no political prisoners under sentence of death in South Korea.

EMBARGOED FOR 0001 HRS GMT WEDNESDAY 17 JANUARY 1990