

Long-Term Prisoners

... were sentenced for more than 7 years. ...

... were not anti-government personnel while they were ...

... who did the same. Fishermen who had been ...

... have been victimized during the course of military ...

... intention to deepen anti-communism ideology, to ...

... were illegally arrested and detained without warrant, severely ...

... made confessions by the torture and sentenced based on ...

... confessions. They had been ...

... inside the prison.

... of human rights during the process of ...

... trial.

... were forcibly taken to ...

... were illegally detained and interrogated under secret ...

... (MKN) for 60-120 ...

... with lawyers and their family, and ...

... of human rights being deprived despite ...

... with lawyers and to make ...

... by secret ...

... and just copied reports made by the ...

... of the suspects, ...

... and heavy penalty. Most of them were sentenced guilty based only upon ...

... evidence prepared by the agencies and forcibly made ...

3. 기외 (KBS) 전황 (1) (2) (3)

... National Secret in terms of comprehensive ...

... were arrested by National Security Law (NSL). They were charged ...

... was not National Secret at all, as stated. ...

... for instance, such informations that Seoul-Pusan Highway is ...

... expressway (case of ...)

... (case of Hwang ...)

... Those were what everybody knew and thus totally innocuous as ...

... of all. Further, those suspects had never searched nor collected national ...

... for espionage, but they confessed under forcible interrogation by the ...

등록일	분류기호	자료번호
	B9	18

PH10245

(1)

Reality of Long-term Prisoners in South Korea

Currently, there remain 75 long-term prisoners detained in South Korea. All of them have been imprisoned for more than 7 years, 26 of whom for more than 20 years by now. One of them has even imprisoned for 44 years. They are: ones who were arrested as Prisoners of War (POW) during Korean war (1950-53), ones who met anti-government personnels while they were studying in Japan or Koreans in Japan who did the same, fishermen who had been captured by North Korea and returned, ones who have relatives in North Korea, activists for democratization movement, and so forth. Those are the ones who have been victimized during the course of realizing military dictatorship's intention to deepen anti-communism ideology, to punish leftists and establish government organized spies in order to maintain its regime.

They were illegally arrested and detained without warrant, severely tortured, made confessions by the torture, and sentenced heavy penalty based upon such confessions. They have been forced to convert their thoughts and treated inhumanly inside the prison.

1. Infringement of human rights during the process of arrest and court trial.

They were forcibly taken to the police and illegally arrested without warrant. They were illegally detained and interrogated under secret agencies (such as National Security Planning Agency(NSP) and Military Intelligence Command(MIC)) for 60-180 days without warrant, not allowed to have interviews with lawyers and their family, and were severely tortured. Interrogation reports and testimony of them were made falsely under the condition of human rights being deprived, despite suspect's rights to have interviews with lawyers and to make voluntary testimony. Even the prosecution, pushed by secret agencies, had never tried to perform fair interrogation, and just copied reports made by the agencies instead. The justice had also ignored appeals of the suspects, conducted unjust judgements, and sentenced heavy penalty. Most of them were sentenced guilty based only upon manipulated evidences prepared by the agencies and forcibly made testimonies under torture.

2. National Secret in terms of comprehensive concept

They were arrested by National Security Law(NSL). They were charged with violation of 'searching, collecting, exposing National Secret' (Article 4, Paragraph 1, Item 2). It should be noticed, however, what they 'searched' and 'collected' as secrets was not National Secret at all, as stated, '...informations that might cause critical impact on national security if exposed to anti-State...', but informations that had been already opened to the public.

Those were, for instance, such informations that Seoul-Pusan Highway is four-lane expressway (case of Shin, Kwi-young), and Koreans enjoy eating dark chinese noodle or news clippings of Dong-A Daily (case of Hwang, Dae-kwon). Those were what everybody knew and thus totally meaningless as secrets at all. Further, those suspects had never searched nor collected national secrets for espionage, but they confessed, under forcible interrogation by the

agency, that they just happened to witness street demonstration of students through windows of a bus (case of Kim, Yoon-su), or see a military base on the way to be illegally taken to a secret agency(NSP)(case of Lee, Jong-hwan)

3. Long-term imprisonment and System of Converting Thoughts

There are 26 prisoners of conscience who have been imprisoned for more than 20 years, including Kim, Sun-myung who faces his 44th year in prison, the world record. There are 50 prisoners whose ages are 60-70.

The government authorities have forced to convert their thoughts, and detained them for more than 20 years simply because they refused. Prisoners over 60 years old have been staying in a room of 2.5m², and treated unfairly by restricting medical care, working in detain center, writing and book reading.

Kim, Sun-myung, who is now facing his 44th year of imprisonment, has lost his ability of having conversation due to long-lasting prison life in a single cell, and is now suffering with cataract, hypertension and gastroenteric disorder. He has been even totally isolated from outer world, having only 6 times of interview during his 40-year-long prison life.

Other prisoners have also suffered with aftereffect of torture and tens of other diseases caused by long-lasting prison life and threat of forcible conversion of their thoughts. However, they have never been received medical treatments properly. A provision of current Execution Regulation restricts any criminal from being detained in a single cell for more than two years. This regulation, however, has not been applied to those non-converted long-term prisoners.

Since the Armistice Treaty of 1953, 43 long-term prisoners have died in prison, while 138 died due to tortures.

4. UN Human Rights Committee's decision on 'Arbitrary Detention'

On April 30, 1993, Working Group on Arbitrary Detention under UN Human Rights Committee concluded that cases of Kim Sung-man, Jang Ui-kyun and Hwang Dae-kwon fell under the category of arbitrary detention which violated International Covenant on Civil and Political Rights.(decision no. 28/1993 Republic of Korea) Thanks to the decision of the Working Group, South Korean government became responsible for re-investigating the cases and clarifying the truth manipulated by human rights infringement and arbitrary detention. South Korean government has now burden to take international responsibility. The government, however, has never re-investigated the cases, nor relieved those who were unfairly detained and arrested, and even never released decision of the Working Group to public.

Jang, Ui-kyun, a fairy-tale writer, has not been able to write any story in his mind since his writing right was restricted for the reason that he refused to convert his thought.

5. Regarding arraignment prescription system

On July 7, 1994, 19 long-term prisoners (who had been tortured by investigators of secret agencies during 1975 and 1986) including Hahm Ju-myung (detained for 12 years at Joenju prison) filed a suit against investigators who had tortured them to Seoul District Prosecutors Office. They appealed to reveal the truth and punish those investigators who had illegally

arrested and detained them without warrant, tortured them brutally, and manipulated the cases under military regime of the fifth Republic.

Seoul District Prosecutors Office, however, decided not to indict the case since it had already 'lost its arraignment prescription.'

According to international legal principle that does not apply arraignment prescription to inhumane criminal cases, and majority of other countries' cases, South Korean government should improve current arraignment prescription system and prepare a legal apparatus not to apply prescription to inhumane criminal acts such as torture. Under the circumstances with such existing arraignment prescription system, there is no way to prevent crimes infringing human rights in South Korea.

On Sept. 3, the long-term prisoners including Hahm Ju-myung appealed their case to Seoul High Prosecutors Office. They will try all the possible legal means in Korea, appeal, reappeal and constitutional petition, and then bring the case to UN Human Rights Committee unless they are relieved.

6. Unfair Retrial System

Long-term prisoners, who had been imprisoned by illegal arrest, illegal detention, and manipulated charges by torture, would like to have retrial process to reveal the truth of their cases.

Legal system in Korea, however, accepts retrial only for very limited and restricted reasons of the requested. Thus, it is almost impossible to meet such requirement. It is true that condition for retrial should be strict enough for the sake of legal stability, however, that in Korea is too strict that makes it impossible to request any retrial.

For instance, if testimony of a witness was a false one, which had been a critical factor for deciding guilty by original court, it could be a reason to request retrial only if prosecutor indicts the witness and judge sentences him/her guilty. In this case, however, even indictment of the prosecutor becomes impossible due to arraignment prescription period. (5 years for false testimony case) Further, it is almost impossible in South Korea to relieve victims (long-term prisoners) since nobody can guarantee fair investigation of prosecutors and just decision of judges.

It is necessary to have proper documents (investigation reports, trial records) for review and reexamination to request retrial. Authorities in Korea, however, do not open them to public, and even refuse lawyers' request to have photocopy of such documents.

According to the retrial system of Korea, it does not allow public trial, but makes a decision for retrial by exclusively reviewing documents. As long as just legal practice is concerned, retrial must be decided through public trial.

Therefore, existing retrial system should be improved to correct misjudgement, and to relieve human rights victims by unfair legal process or unjust laws in the past.

In South Korea today, there are approximately some 500 prisoners of conscience including those 75 long-term prisoners.

Those long-term prisoners were imprisoned by illegal arrest, illegal detention and torture. Cases of Kim Sung-man, Hwang Dae-kwon, Jang Ui-kyun were recognized by Working Group of Human Rights Committee as cases of arbitrary detention. Therefore, truth of their cases should be revealed, and they should be all released.

등록일	번호	식
	B8	6

정리부 자료

정리부 자료
26

Campaign for Prisoners of Conscience in South Korea

President Roh Tae Woo
The Blue House
Seoul, Korea

Dear President Roh:

We extend our heartfelt congratulations to the Korean people for hosting one of the most successful Olympics in recent history. These Games have brought closer together the peoples of the world despite differences in race, religion, politics, and ideology.

We are highly encouraged by the reconciling and unifying effect of the Games on Korean politics as evidenced by the parole of 52 prisoners of conscience one day after the Olympics. This is consistent with the progress toward democracy that south Korea has attained since June, 1987. We note, in particular, the emergence of competitive parliamentary politics, in which the ruling and opposition parties can work together for a democratic, unified south Korea.

While we applaud your commitment to democracy, there is concern that your promises may fall short unless you first restore fully the spirit of national reconciliation. We are specifically referring to the continuing imprisonment of nearly 600 writers, journalists, workers, students, and the critics of the government.

Cardinal Kim Soo Hwan has recently expressed regret over the "piecemeal release of prisoners of conscience, and even then only of those who have nearly served out their terms" and called for the "release of the prisoners of conscience that would satisfy our people." Amnesty International laments in its August, 1988 report the continuing detention and torture of prisoners of conscience.

It is in this regard that we respectfully urge you to declare general amnesty for all prisoners of conscience and reinstate fully the rights of those who have been paroled so that your proud nation can move from the glory of the Seoul Olympics to the joy of freedom.

Signed:

- Senator Chris Dodd (D-Conn.)
- Senator Brock Adams (D-Wash.)
- Senator Bill Bradley (D-N.J.)
- Senator Dale Bumpers (D-Ark.)
- Senator Quentin Burdick (D-N.D.)
- Senator John Chafee (R-R.I.)
- Senator Kent Conrad (D-N.D.)
- Senator Alan Cranston (D-Calif.)

- Senator Dennis DeConcini (D-Ariz.)
- Senator David Durenberger (R-Minn.)
- Senator James Exon (D-Neb.)
- Senator Albert Gore, Jr. (D-Tenn.)
- Senator Tom Harkin (D-Iowa)
- Senator Daniel Inouye (D-Hawaii)
- Senator John Kerry (D-Mass.)
- Senator Frank Lautenberg (D-N.J.)
- Senator Patrick Leahy (D-Vt.)
- Senator Carl Levin (D-Mich.)
- Senator Barbara Mikulski (D-Md.)
- Senator Paul Sarbanes (D-Md.)
- Senator Paul Simon (D-Ill.)

- Congressman Edward Feighan (D-Ohio)
- Congressman Gary Ackerman (D-N.Y.)
- Congressman Chester Atkins (D-Calif.)
- Congressman Howard Berman (D-Calif.)
- Congresswoman Barbara Boxer (D-Calif.)
- Congressman George Brown (D-Calif.)
- Congressman Albert Bustamante (D-Tex.)
- Congressman Julian Dixon (D-Calif.)
- Congressman Dennis Eckart (D-Ohio)
- Congressman Lane Evans (D-Ill.)
- Congressman Walter Fauntroy (D-D.C.)
- Congressman Thomas Foglietta (D-Pa.)
- Congressman Barney Frank (D-Mass.)
- Congressman Sam Gejdenson (D-Conn.)
- Congressman Tony Hall (D-Ohio)
- Congressman Charles Hayes (D-Ill.)
- Congresswoman Marcy Kaptur (D-Ohio)
- Congressman William Lehman (D-Fla.)
- Congressman Sander Levin (D-Mich.)
- Congressman Mel Levine (D-Calif.)
- Congressman Mike Lowry (D-Wash.)
- Congressman Buddy MacKay (D-Fla.)
- Congressman Joe Moakley (D-Mass.)
- Congresswoman Constance Morella (R-Md.)
- Congressman Bruce Morrison (D-Conn.)
- Congressman Robert Mrazek (D-N.Y.)
- Congressman James Oberstar (D-Minn.)
- Congressman John Porter (R-Ill.)
- Congressman Jim Saxton (R-N.J.)
- Congressman Pete Stark (D-Calif.)
- Congressman Edolphus Towns (D-N.Y.)
- Congressman Henry Waxman (D-Calif.)
- Congressman Ted Weiss (D-N.Y.)
- Congressman Howard Wolpe (D-Mich.)
- Congressman Ron Wyden (D-Ore.)

The Frozen Clock And The Detained Conscience

Long-Term Political Prisoners
And Ideological Conversion
In South Korea

인권 자료실		
등		
	B7-1	80



Stop Torture in Korea

STIK Board of Directors

Chairperson

Jonathan Fine

Physicians for Human Rights.

Executive Director

Suh Sung

Former long-term political prisoner
in South Korea.

Secretary

Susan Lee

Instructor at U.C. Berkeley.

Treasurer

Ann Park, esq.

Executive Director of Korean Community
Center of the East Bay (KCCEB).

Dr. Tae Il Bai

Faculty of Stanford University,
Center for Space Science and
Astrophysics.

Ed Baker

Deputy Director of the Yenching
Institute at Harvard University.

Ron Fujiyoshi

Activist for the rights of Koreans
in Japan.

Rev. Pharis Harvey

Executive Director of the
International Labor Rights Fund.

Hyo Sook Lee

Homemaker.

Man Yong-Lee

Korean-American businessman.

Dr. Ramsay Liem

Professor at Boston College,
Department of Psychology.

Dr. Rita Maran

National Advisory Board,
Human Rights Advocates.

Dr. Chan Gak Park

Staff Physician at Kaiser Permanente
Medical Center in Hayward, CA.

Rev. Syung Man Rhee

President of the National Council of
Churches, USA.

Rev. Gustav Shultz

SHARE Foundation, National
Sanctuary Defense Fund.

Stop Torture in Korea

c/o Suh Sung

555 Pierce St. #624C

Albany, CA 94706

USA

Tel & Fax (510)527-2030

이-의 기록		
등록일		
	B 7-1	80

CONTENTS

Preface	2
I. Situation of Korean Political Prisoners	4
II. National Security Law	5
III. System of Ideological Conversion and Long-term Political Prisoners	7
IV. Security Surveillance Law	15
V. U.N. International Covenant on Civil and Political Rights and Long-term Political Prisoners, System of Ideological Conversion, and Security Surveillance Law	20
VI. Appendix A: Imprisonment and Release of Long-term Political Prisoners and Violations of Human Rights	24
VII. Appendix B: List of Non-Converted Political Prisoners in South Korea	25
VIII. Appendix C: International Covenant on Civil and Political Rights	32

Preface

Suh Sung

In South Korea today there remain around a hundred long-term political prisoners who were convicted under the notorious National Security Law and who have been suffering in prison for decades.

Kim Sun-Myong was arrested in 1951 during the Korean War and sentenced to a life term by a military court. He has been in prison for 43 years because he has resisted ideological conversion. The South Korean government demands that political prisoners renounce their beliefs and conscience.

Today, there are still 35 non-converted political prisoners who have endured many years of inhuman prison conditions. This March, to celebrate the inauguration of the new president, the South Korean government released thousands of prisoners, but only six long-term non-converted political prisoners, all of whom were over 70 years old.

Korea was divided into North and South as soon as World War II ended. The national division not only separates families and friends, but also distorts socio-economic life and the psychology of the people. Fear of communism has been used to excuse naked violations of human rights and military dictatorship. During the Cold War, the cause of anti-communism dominated society and produced innumerable victims of executions, torture, and imprisonment.

A legacy of Japanese colonialism, South Korea's system of ideological conversion, which forces political prisoners to change their thought in accordance with the demands of the state, has violently repressed freedom of thought and conscience.

We, Stop Torture in Korea (STIK), working to abolish torture and human rights violation and to aid the victims, presented a report to counter the Korean government's presentation to the United Nations Human Rights Committee in July of 1992. This booklet is based on our counter-report.

All over the world, people applauded South Korea's new civilian government as an achievement for democracy. But even after the amnesty commemorating the new president's inauguration, the basic structures of oppression remain: the National Security Law, the system of ideological conversion, and the tragedy of long-term political prisoners.

Despite the thawing of the Cold War across the world, the clock of historical development is frozen in Korea and freedom of conscience is detained behind bars.

Introduction

The Republic of Korea became a party to the International Covenant on Civil and Political Rights in July of 1989. According to Article 40 of the covenant, the ROK reports to the Human Rights Committee of the covenant on its compliance with the terms of the treaty and on its harmonization of the treaty with and into Korean domestic law. This report is an updated version of our 1992 counter-report to that of the ROK government report, dealing specifically with long-term political prisoners, including laws and procedures that are most relevant to long-term political prisoners.

I. SITUATION OF POLITICAL PRISONERS IN KOREA

A. Total Number of Political Prisoners as of March 23, 1993

According to the studies conducted by Mingahyup (Association of Families of Political Prisoners), there are a total 371 political prisoners in Korea. Among these, 284 (75.6 %) were arrested under the National Security Law.

B. Classification of Political Prisoners

Total	Soldiers & Police	Laborers	Long-Term Political Prisoners	Dissident Activists & Others	Students	Squatters	Farmers
371	19	69	80	107	93	1	2

C. Long-Term Political Prisoners

Mingahyup defines long-term political prisoners as those arrested under Criminal Code 98 "Espionage", National Security Law, or Anti-Communist Law and have received a sentence of 7 or more years. Currently, there are 80 long-term political prisoners in Korea, dispersed among 5 prisons in Taejon, Kwangju, Taegu, Chonju, and Andong. The 35 non-converted political prisoners are kept in Taejon, Kwangju, Taegu and Chonju.

II. NATIONAL SECURITY LAW¹

A. Definition of NSL

The National Security Law is targeted against "anti-state" organizations including communist organizations that criticize the government (and often praise North Korea) and are viewed as a threat to the state. The NSL states:

Article 1, Paragraph 1:

This law will restrict anti-state activities that threaten the safety of the nation in order to guarantee the safety of the nation and the freedom and livelihood of the citizens of Korea.

The authoritarian Rhee government promulgated the National Security Law in December 1948. According to the noted a scholar of Korean history Gregory Henderson,

...in the name of security, the bill outlawed communism and provided for prosecuting Communists under definitions and instructions to the judiciary so vague as to encourage utilization of the judiciary by the executive to eliminate political enemies.²

B. NSL Superseding the Constitution

Although the NSL is technically inferior to the Constitution and exists only as one of many laws, it has actively enforced the state's position of anti-communism and has risen above the Constitution. The U.S. State Department's Country Report on ROK states:

Several restrictive laws permit the Government to detain persons whose views it considers dangerous, particularly people it considers involved in activities in

¹For more specific information on NSL, see Amnesty International's report "South Korea: Arrests of Political Prisoners During 1991," Amnesty International's report "South Korea: Long Term Political Prisoners 1989," Amnesty International's report "South Korea: Prisoners Held for National Security Offenses 1991," W.S. Park's The National Security Law: The Symbol of Korean Human Rights Adversity Feb. 1992, US. State Department's Country Report on Human Rights 1992, Meeting of Lawyers for Democracy's Counter-report to Republic of Korea's Report to the U.N., May 1992.

²G. Henderson, The Politifcs of the Vortex, as quoted in Asia Watch, The Plantados of Asia: "Non-converted" Political Prisoners in South Korea, December 1, 1990

support of North Korea. These include the National Security Law, the Law on Assemblies and Demonstrations, the Social Surveillance Law and labor laws.³

The NSL has been consistently used to curtail and repress the fundamental human rights of the Korean people.⁴ In addition, the NSL is in direct opposition to many human rights agreements that the Republic of Korea has ratified. Consequently, the NSL has violated internationally recognized standards of human rights.

The Counter Report by the Meeting of Lawyers for Democracy points out that the National Security Law is in direct contradiction to Articles 5, 6, 7, 9, 12, 15, 19, and 26 of the International Covenant on Civil and Political Rights.

C. History of the NSL's Use

After liberation from Japanese colonialism in 1945, Korea was thrust into the whirlwind of the Cold War by the emerging superpowers, the U.S. and the U.S.S.R. In order to establish and maintain his power, Syng Man Rhee, then President of the ROK, indiscriminately imprisoned socialists, communists, and nationalists. After the bloody Korean War the ideology of anti-communism solidified and expanded. Anti-communism was used as the banner under which the sacrifice of life and human rights was justified.

The National Security Law was implemented in December of 1948, almost immediately after the establishment of the Republic of Korea in August of 1948. In 1949 alone, the NSL was used to punish 118,621 people and to ban 132 political and social organizations.⁵

The Anti-Communism Law was decreed by General Park, Chung Hee after his rise to power through the 1961 coup d'état. In 1980, the Anti-Communism Law was incorporated into the National Security Law.

³U.S. State Department Country Report on Human Rights 1991, p. 887. Also note that the Social Surveillance Law noted in this paragraph refers to the Security Surveillance Law. The Social Security Law was repealed in 1989.

⁴See W.S. Park, The National Security Law: The Symbol of Korean Human Rights Adversity, 2/13/1992 for further discussion of the NSL superseding the Constitution. Also see Meeting of Lawyers for Democracy's Counter-Report to Government Human Rights Report, May 1992

⁵W.S. Park, The National Security Law: The Symbol of Korean Human Rights Adversity, 2/13/1992; See also fn. 3

In addition, the NSL is an inhumane piece of legislation that contains about 50 clauses under which violators can be sentenced to death penalty. In the past, hundreds of political prisoners were executed under this law.

Successive regimes have gone beyond the stated purpose of national security in relation to the communist government in North Korea. These regimes have manipulated the vague and arbitrary clauses to repress political opposition and the pro-democracy movement. It is estimated that over 40,000 people have been prosecuted under the NSL and the Anti-Communism Law since the Korean War.

III. SYSTEM OF IDEOLOGICAL CONVERSION AND LONG-TERM POLITICAL PRISONERS

A. Long-term Political Prisoners

1. Espionage

Long-term political prisoners are those political prisoners who have been sentenced to more than 7 years. This is based on the provision that Criminal Code 98, Espionage requires the minimum sentence of 7 years. In addition, those long-term political prisoners arrested under the NSL in many cases fall under the espionage clause.

In 1953, President Rhee promulgated the Criminal Code, which provided for severe punishments--death penalty, life imprisonment, or imprisonment of no less than seven years--for those convicted of espionage for an enemy country (i.e. North Korea), aiding or abetting a spy of an enemy country or divulging military secrets to an enemy country.⁶

Espionage is defined as extracting, delivering, or divulging national secrets or military secrets. Both the Criminal Law and the NSL defines it in this way. (Criminal Code 98, National Security Law Article 4, Paragraphs 2 and 3) However, in reality, the definition has expanded greatly. Hence, one can still be prosecuted and convicted for espionage even in cases where one delivers to any organization or individuals deemed to be anti-state information that has become part of common knowledge through newspapers, broadcasts and other media.

⁶Asia Watch, The Plantados of Asia: "Non-Converted" Political Prisoners in South Korea, 1/12/1990

2. Criminal Code 98 and Judicial Decisions

Criminal Code 98 (Espionage)

1. Anyone spying for an enemy country or aiding and abetting a spy of an enemy country will receive not less than 7 years' imprisonment, life sentence, or death penalty.

2. Anyone divulging military secrets will receive sentences identified above in Paragraph 1.

Judicial Decision

Supreme Court (No. 68-754, 7/31/1968)

Even though the information has already been reported in daily newspapers, if it is deemed to be beneficial for the security of the Republic of Korea to keep the information secrets from puppet organization [i.e. North Korea], then collection and extraction of such information is an act of espionage.

Judicial Decision

Supreme Court (No 87-705, 6/23/1987)

National secrets in relation to acts of espionage as described in the National Security Law are not limited to pure national secrets but include also all information on politics, economy, society, culture and other areas in so far as such information is deemed to be best kept secret from the puppet organization North Korea for the benefit of the Republic of Korea. The act of extracting or collecting such information is declared to be an act of espionage.

B. System of Ideological Conversion

1. Description

The system of ideological conversion applies to those prisoners convicted of having violated the NSL or the Anti-Communism Law. This system demands that the political prisoners confess their crime, denounce the ideology of socialism or communism, pledge allegiance to the ideology of anti-communism, and to the Republic of Korea.

2. Process of Ideological Conversion

Confirmation of Sentence

Operation to Force Conversion -- psychological torture
physical torture
administrative procedure

Evaluation of Conversion -- Evaluation Committee
committee chair (i.e. prison warden)
director of education
other officers
intelligence agent (ANSP agent)

Examination of Documents by Agency for National Security Planning (ANSP)

Completion of Ideological Conversion

3. Jurisdiction of Ideological Conversion System

All political prisoners, like all other prisoners, are officially under the jurisdiction of the Ministry of Justice. However, in reality, political prisoners are under the control of intelligence agencies such as the Agency for National Security Planning, Army Intelligence, and Police Headquarters. In addition, the non-converted political prisoners and ideological conversion operations are under the control of the Bureau of Anti-Communism Psychological War of ANSP.

The system of ideological conversion is not simply an administrative procedure. It is part and parcel of the ruling structure in which anti-communism is adopted as the national ideology and National Security Law used as a control mechanism. It is ultimately a system that guarantees anti-democratic control of the powers-that-be. The system of ideological conversion is also used in the investigative process. The government has touted this system as a national virtue and inculcated the ideology of anti-communism through the educational process, media, art, and other cultural expressions.

Operations to force conversion not only included brainwashing, but also psychological, as well as physical, including torture.⁷

⁷S. Suh, "Torture in Korean Prison," November 1991

4. Asia Watch Report on Conversion System

"The Conversion Statements"⁸

The system of pressuring prisoners to write "conversion" statements has its origins in the period of Japanese colonial rule in Korea, 1910-1945. At that time, political prisoners were required to admit their alleged crimes and recant their political beliefs. That practice continues today. Prisoners who refuse to write "conversion" statement are subject to discriminatory treatment, including having no hope of being included in special amnesties or paroled before their terms expire.

The practice works as follows. Political prisoners convicted on security-related charges are give a two to three page form to fill out. Written on the form are the prisoner's name and background information on his case, including the offenses for the prisoner's answers. Among the topics that the prisoner is asked to address are his thoughts on communism and democracy, whether he holds any religious beliefs, and what kind of life he intends to live once he is released. At the end of the form is a line for the prisoner to sign his name and affix his fingerprint.

A completed "letter of ideological conversion" is submitted to an "examination committee." The committee has six to eight members, including personnel from the Agency for National Security Planning (ANSP), the prison warden and the section chief of the prison's education department. The committee used to meet once a month, but in the last couple of years it has begun to meet every other month, depending on the number of cases before it. If the prisoner fills out the form in a manner indication reformed political views, he appears before the committee and is questioned on the sincerity of his statement. The statement and a report of the committee's findings are then forwarded to the ANSP, where a final determination of the prisoner's sincerity is made.

Through 1987, prison officials regularly tortured or beat political prisoners to induce them to write "conversion" statements. Since about mid-1987, the authorities' tactics have changed. Those refusing to write the statements are now placed in the category of least privileged prisoners and subjected to discriminatory treatment. A ranking system exists in South Korean prisons, and prisoners are placed in one of four classes. The classes are determined in part through a ranking system in which prison officials make a daily judgment about prisoners on a 12-point scale, assessing their behavior, obedience to rules and work performance. A prisoner's offense and sentence also play a role in determining his class. The higher one's class, the better treatment one can expect to receive. For instance, first and second class prisoners can watch television and are provided better clothing. Once

⁸This section is a reproduction of a part of Asia Watch's The Plantados of Asia: "Non-Converted" Political Prisoners in South Korea, 1/12/90

a week they receive special food, such as pork. They are also given extended visitation privileges; a couple of times a year, their families are entitled to a day-long visit which them in prison, or the prisoners are given furloughs. They are also given favorable consideration for amnesty and paroles. Prisoners who refuse to write "conversion" statements are excluded altogether from the ranking system, meaning that they are entitled to none of these rights and privileges, including the possibility of being transferred to a better prison or considered for an amnesty or parole

The frequency of requests to write "conversion" statements varies. Sometimes prisoners are asked every day, but a month or so can go by before they are asked again. Prisoners' families are also pressured to persuade the prisoners to write "conversion" statements.

C. Non-Converted Long-Term Political Prisoners

1. Situation of Non-Converted Political Prisoners

As mentioned above, there are 35 non-converted long-term political prisoners, in Taejoin, Kwangju, Taegu, and Chonju. (See also Appendix 2: names of non-converted long-term political prisoners.)

Table 1: Age Breakdown of Non-Converted Political Prisoners

Age	69-60	59-50	49-40	39-30
Numbers	23	7	3	2

Table 2: Years of Imprisonment

Years	Over 40	Over 30	Over 20	Over 10	Less than 10
Numbers	2	12	14	3	5

As can be seen from the above tables, most non-converted prisoners are old and have spent 20 to 30 years under inhumane prison conditions. Many of them suffer from illnesses from several decades of incarceration. In particular, Mr. Lee, Jong Hwan and Mr. Kim, Sun Myung were arrested in October of 1951 and have since been spending 42 years in prison. In addition, many of these prisoners have been subjected to dehumanization under the ideology of anti-communism, suffering

under torture, beatings, murder and other grave violations of personal dignity and human rights.⁹

2. Partial List of Non-Converted Long-Term Prisoners Who Were Killed or Who Died in Prison

Name	Prison	Year of Death
Park, Jae Bok	Taejon	1965
Yoon, Sung Man	Chonju	1969
Choi, Han Moo	Taegu	1969
Choi, Jong Chun	Taegu	1969
Ha, Sang Hyuk	Taegu	1969
Hwang, Tae Yun	Taegu	1969
Lee, Yang Seop	Kwangju	1969
Kwon, Oh Keum	Chonju	1970 (Feb.)
Kim, Dae Seok	Taegu	1971
Ko, bong Ryul	Taegu	1972
Han, Hyun Soo	Taejon	1972
Lee, Yeon Song	Taegu	1972
Cho, In Gu	Chunju	1973 (Feb)
Kim, Tae Sun	Chunju	1973 (Oct)
Lee, Young Ho	Kwangju	1973
Kim, Young Ho	Kwangju	1973
Hyun, Myung Won	Kwangju	1974
Shin, Chang Gil	Taejon	1983
Hwang, Pil Gu	Taejon	1985
Choi, Ju Baek	Taejon	1987
Lee, Sun Woo	Kwangju	1987
Cho, Young Soon	Taejon	1989 (Jan)
Baek, Gap Gi	Chungju (?)	?
Kwon, Chang Su	Taejon (?)	?
Byun, Chi Su	Kwangju (?)	?
Lee, Dong Geun	Kwangju	1974
Park, Yoon Young	Kwangju	1974
Park, Hak Su	Taejon	1974
Kim, Tae Won	Taejon	1974
Gong, Jae Yong	Chungju	1974
Yoon, Jong Ha	Taegu	1974
Gi, Sae Il	Taegu	1974
Shin, Chung Bok	Kwangju	1975 (Nov)

⁹S. Suh, "Torture in Korean Prison," November 1991; Minju Kajoke, "The Nature of Torture Used for Ideological Conversion," 1990

Jang, Han Young	Kwangju	1976
Choi, Han Seok	Kwangju	1976
Kim, Kyu Ho	Kwangju	1976
Jung, Young Hoon	Taegu	1976 (Feb)
Park, Jeong Rae	Taegu	1978
Tak, Hae Seop	Chunju	1978 (Oct)
Sohn, Sun Young	Taegu	1979
Liem, Chang Gyu	Kwangju	1979
Kim, Seung Yoon	Taejun	1980
No, Chun Do	Taegu	1980
Shin, Chang Gil	Taegu	1982
Lee, Yong Woon	Taejon	1985
Kang, Dong Chan	Taejon	1986
Choi, Jae Pil	Taejon	1987
Park, Chang Sool	Taejon	1988 (Aug)
Gong, In Du	Chungju (?)	
Kim, Yong Chul	Chungju (?)	
Kwon, Hong Jik	Chungju (?)	
Jung, Sun Jik	Kwangju(?)	10

3. Violation of Legal Limitations to Solitary Confinement

The Enforcement Decree of the Korean Prison Code prohibits over 2 years of solitary confinement. However, in reality, many non-converted political prisoners are forced to spend many decades in solitary confinement.

Prison Code Enforcement Decree Article 26:

(1) Solitary confinement shall not exceed 2 years.

4. Accumulated Referential Ranking System

The Japanese colonial regime established not only the system of ideological conversion but also a system of accumulated improvement treatment ranking. The Republic of Korea government adopted this system on May 16, 1969 as Order 111 of the Ministry of Justice.

This system ranks the prisoners into 4 grades based upon their behavior and work progress. The rank determines the severity of treatment to received by the prisoner, thereby enforcing compliance with the prison regulations.

The regulation states in Article 2, Paragraph 1, Section 5 that "The political prisoners who do not give up their beliefs" are excluded from this system. Hence, the non-converted political prisoners are excluded from the ranking system. Even if they have been in prison for life, they do not even qualify for the lowest, 4th rank. As un-ranked prisoners, they receive the worst treatment.

Coupled with the torture, beating and many years of solitary confinement, this system of ranking is a systematic method of discrimination against non-converted political prisoners to force them into converting their ideologies.

5. Discriminatory Treatment of Non-Converted Political Prisoners

Non-converted political prisoners are classified as D-rank (i.e. no possibility of improvement) and are excluded from receiving better treatment based upon the cumulative point system. As a result, their human rights are violated more often and they have no hope of being released on amnesty or parole.

Some Examples of Discriminatory Treatment

1. No upward mobility in the ranking system
2. Prohibited from free discussion
3. Prohibition or restriction of visitation rights, letter receiving, letter writing, and reading
4. Prohibition or restriction of the use of prison facilities and participation in prison events
5. Surveillance and/or restriction of exercise
6. Solitary confinement
7. Discriminatory treatment in terms of regular meals, special meals, etc.
8. Limitations to possession of personal goods
9. Not considered for furlough
10. Discriminatory treatment in receiving medical treatment
11. Not considered for amnesty or parole.

¹⁰Mal magazine, April 1992

6. Additional facts

a. Forty-two of the non-converted political prisoners in Taejon Prison have filed a petition to the Constitutional Court with a claim that the Accumulated Referential Ranking System violates Article 19(Freedom of Conscience), Article 10(Freedom of Pursuit of Happiness), and Article 11(Equal Treatment under the Law) of the Constitution in 1992.

b. The biggest problem in this area is that the legal foundation for the oppressive ideological conversion system (1956 Order of the Minister of Justice) has not been released to those who have suffered from this system and their attorneys.

IV. SECURITY SURVEILLANCE LAW

A. Description

The Security Surveillance Law mandates the surveillance and restriction of the behavior of a released political prisoner. In doing so, the law violates and restricts the rights of citizens.

B. Purpose of the Law

Article 1: The nation's safety and the welfare of the society is protected by security surveillance that prevents recidivist crimes and facilitates wholesome participation in society.

Article 4: Those persons with the manifest risk of recommitting the crime under the jurisdiction of the security surveillance law shall be subject to the Security Surveillance Law.

As shown (or not shown) by these descriptions, the criteria for deciding the risk of a released prisoner committing the crime again are vague. In addition, we must ask ourselves whether such violation of human rights is necessary to maintain the safety of the nation or the welfare of society.

C. Target of Surveillance

The law applies to those persons who have been accused of violation any of the following laws and have received a total sentence of more than 3 years (See Article 3, and 4):

National Security Law

Criminal Code (internal insurrection advocacy section)

Foreign Currency Act

Criminal Code (espionage section)

former Anti-Communism Law

Special decrees promulgated during a state of emergency (1974-79)

Certain sections of the former National Defence Law

In conclusion, the law targets released long-term political prisoners. There are many tens of thousands of people who could be under surveillance but an accurate count is not available. (Meeting of Lawyers for Democracy has estimated that this law is actively enforced against at least 6,000 persons.) The list of names for those who are subjected to surveillance is a classified national secret and any public official who discloses this list is subjected to 2 years imprisonment. (Article 27, Paragraph 7)

Initial surveillance lasts 2 years but the surveillance period can be indefinitely extended.

D. Requirements of the Law

1. Surveillance subjects have to report the following information to the local police chief (Article 1, Paragraph 18):

a. birthplace, past and current address, name, birth date, sex and National ID number.

b. information about family members, roommates, housemates and friends

c. employment, salary, and the financial situation of the individual and individual's family

d. information about education and employment history

e. membership in religious or other organizations.

f. address of employer

g. the police station that notified the subject of surveillance and the date on which this was done.

h. other information required by presidential decree.

2. Surveillance subject has to report the following to the police chief every 3 months (Article 18, Paragraph 2):

- a. report on activities during 3 months
- b. meetings or correspondance with other surveillance subjects, including the date and time of the meeting and the content of the discussion.
- c. report on any travel undertaken
- d. any information required by the police chief in relation to surveillance
- e. (Article 18, Paragraph 4) In cases where the subject decides to move from the current address or to travel abroad for more than 10 days, the subject is required to submit information on place to stay, travel plans, and other information required by order of the Minister of Justice prior to the move or travel.

3. Those subjects who live on sites designated by the government have to report any plans to move out of the designated place.

4. Subjects are required, upon submitting their reports, to obtain the signature of the police chief.

E. Scope of Surveillance and Action by the Police

1. Prosecutor and the police are to (Article 19, Paragraph 1):

- a. maintain constant contact with the subject and observe his/her activities and environment.
- b. order appropriate course of action in light of the subject's report.
- c. take appropriate course of action that is necessary to insure the subject's harmless participation in society.

2. Prosecutor and the police can take the following course of action (Article 19, Paragraph 2):

- a. prohibit others' correspondence with the surveillance subject.
- b. prohibit participation by the subject in gatherings or demonstrations where there is sufficient evidence to foresee group violence, arson, threat, or damage that would threaten social peace.

c. require presence at a specific site to protect the surveillance subject or to conduct investigation.

3. The detective in charge is required to assess the subject's status at least once a month and report the results to the prosecutor.

F. Punishment (Article 27)

1. In case where the surveillance subject flees or hides from authorities, he/she will receive not more than 3 years imprisonment (Paragraph 1)

2. In cases where the surveillance subject does not report or does not reveal place of residence, he/she will receive not more than 2 years imprisonment or a fine of not more than 1 million won (~1,250 US dollars). (Paragraph 2)

3. In cases of others aiding the subject to hide or flee from the authorities, the aider will receive not more than 2 years imprisonment.

G. History and Use of Security Surveillance Law

1. The Security Surveillance Law originates from the Korea Ideological Criminal Security Surveillance Law (1936) of the Japanese colonial regime. The law shares the same purpose of the Social Security Law that was amended in 1975 and repealed in 1989.

From 1975, the Social Security Law applied a three step procedure of detention, restriction of choice of residence, and security surveillance, to those released prisoners deemed by the government as dangerous. This law allowed the government to make independent decisions to incarcerate certain released prisoners without trial, to restrict their choice of residence and, in effect, to violate their human rights in general. This law was repealed in 1989 under mounting criticism of its serious violation of freedom of conscience, right to bodily integrity, and the right to a fair trial.

Although the Security Surveillance Law does not have provisions for detention or restriction on choice off residence, it is similar to the Social Security Law in pressuring for ideologicall conversion and in persecuting non-converts.

2. Case of Lee, In Mo

Mr. Lee, In Mo was born in Hamkyung Province. His wife and daughter still live in North Korea. During the Japanese colonial period, he studied in Tokyo. After the liberation, he worked as a member of the Korean Worker's Party. When

the war broke out in 1950, he went south as a reporter under a culture unit of the People's Army. When his unit was attacked and disbanded, he retreated to Mt. Chiri with others and waged struggle as partisan.

He was captured and imprisoned in 1951 after a war-time summary trial. He subsequently served his prison term and released, only to be put back in prison in 1976 by the newly enacted system of "security detention." It was not until the 1988 repeal of the Social Security Law that he was finally released after 35 years of imprisonment.

In 1989, an article about Mr. Lee was published in a South Korean magazine, "Mal." His family in North Korea read this article and wrote a letter to him. This was the first contact between Mr. Lee and his family in 43 years. In 1990 and 1991, Mr. Lee petitioned the South Korean government to return to North Korea to meet his family.

On May 6, 1991, Prime Minister Yeon, Hyun Muk of North Korea made a formal request for the return of Mr. Lee, In Mo at the South-North High Level Official Meeting. However, the South Korean prime minister refused. In addition, Mr. Lee who was attempting to meet the North Korean delegates was stopped and held by the police.

Mr. Lee's 35 year long imprisonment and his 43 year separation from his family has been a sad and inhumane situation. Mr. Lee should be allowed the freedom to travel to reunite with his family. At last he was sent to his family in North Korea across 38th Parallel.

Lee, In Mo

Oct1, 1927	Born in Ahnsan-Myon, Pungsan-Kun Hamkyung Province
1939	Enrolled in Tokyo Industrial High School
1940	Expelled from school due to student movement activities
1941	Became a messenger for the Seoul Communist Group
1947	Publicity Director for Labor Party of Heungnam City in North Korea
July 1950	Went South as a military reporter of the People's Army; He retreated to Mt. Chiri with other members of his unit and waged an active struggle as a partisan.
Jan. 1951	Arrested in Mt. Chiri, and received 7 year sentence
Jan. 1959	Released
1961	Arrested in connection with underground party organizing, and sentenced to 15 years
1976	Transferred to Preventive Detention Center in Chungju
Oct. 1988	Released from preventive detention
1993	Returned to his home

This March, the South Korean government permitted his return to North Korea. He is the first and only one person to return to his family in North Korea since the end of the Korean War. This dramatic reunion of Lee's family evoked the great compassion of all the people of North and South Korea. But still there are many people, including ex-political prisoners, who cannot contact or meet their families.

V. U.N. INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AND LONG-TERM POLITICAL PRISONERS, SYSTEM OF IDEOLOGICAL CONVERSION, AND SECURITY SURVEILLANCE LAW.

The situation of long-term political prisoners, the system of ideological conversion, the enforcement of the Security Surveillance and National Security Laws violate the following articles of the International Covenant on Civil and Political Rights: Article 2, Para. 2; Article 6; Article 7; Article 9, Para. 2; Article 10, Para. 1; Article 12, Para. 1 and 2; Article 17; Article 18; Article 19; Article 20, Para. 2; and Article 21. The Republic of Korea ratified this covenant in July 1989.

A. Long-Term Political Prisoners

1. Many receive inhumane and cruel sentences (over 7 years), by the will of the government, which often concocts or exaggerates incidents. (see III-A-2 for arbitrary and thinly-stretched interpretation of espionage)
2. Inhumane and cruel imprisonment that exceeds 20,30, and even 40 years.
3. Incarceration of the elderly over 60 years of age is inhumane and cruel.
4. Decades of solitary confinement is inhumane and cruel.
5. Continued incarceration of long-term political prisoners who are suffering from physical and mental exhaustion caused by long-term imprisonment is cruel and inhumane. Such practice violates Article 10, Para. 1 of the International Covenant on Civil and Political Rights.¹¹ (Note: All article references hereafter refer to the International Covenant on Civil and Political Rights.)

¹¹International Covenant on Civil and Political Rights (hereafter, ICCPR), Article 10, Para. 1 states, "All persons deprived of their liberty shall be treated humanely and with respect for the inherent dignity of the human person."

B. System of Ideological Conversion

1. Violation of freedom of conscience (Article 18)¹²
2. Violation of the right to hold opinions without interference (Article 19)¹³
3. Advocacy of discriminatory treatment, hostility and violence against non-converted political prisoners (i.e., left wing, "reds") violates Article 20.¹⁴
4. Discriminatory treatment of long-term political prisoners according to the accumulated improvement treatment ranking system violates Article 26. The inhumane treatment of political prisoners violates Article 10, Para. 1.¹⁵
5. Cruel, inhumane and degrading treatment, including torture, of non-converted prisoners violates Article 7.¹⁶
6. Those political prisoners who have either been executed or perished in prison (see list of dead on pp. 10-11 supra) are evidence that the individual right to life (Article 6) is being violated.¹⁷

¹²Article 18, ICCPR: "Everyone shall have the rights to freedom of thought, conscience and religion...."

¹³Article 19, ICCPR: "Everyone shall have the right to hold opinions without interference."

¹⁴Article 20, Para. 2, ICCPR: "Any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law."

¹⁵Article 26, ICCPR: "All persons are equal before the law and are entitled without any discrimination to the equal protection of law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."; see also fn 11 of Article 10.

¹⁶Article 7, ICCPR: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

¹⁷Article 6, ICCPR: "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."

7. Non-disclosure of the legal basis of the system of ideological conversion, Order of the Minister of Justice, to lawyers and individuals violates Article 9, Para. 2.¹⁸

C. Security Surveillance Law

1. Inhumane treatment of surveillance subjects violates Article 7.¹⁹
2. Restrictions on right to liberty of movement and freedom to choose his residence violates Article 12, Para. 1.²⁰
3. Restriction on freedom to leave any country violates Article 12, Para. 2.²¹
4. Requirement for disclosing personal information violates Article 17.²²
5. Through its various requirements and scope of action allowed to police and prosecutor, it violates freedom of thought and conscience, and hence violates Article 18.²³
6. This law violates one's rights to hold opinions without interference and hence violates Article 19.²⁴

¹⁸Article 9, Para. 2, ICCPR: "Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him."

¹⁹See fn. 16

²⁰Article 12, ICCPR: "Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence."

²¹Article 12, Para. 2, ICCPR: "Everyone shall be free to leave any country, including his own."

²²Article 17, ICCPR: "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home, or correspondence, nor to unlawful attacks on his honour and reputation."

²³See fn. 12

²⁴See fn. 13

7. Advocation of discrimination, hostility and violence against surveillance subjects violates Article 20, Para. 2.²⁵

8. Restriction on participation at gatherings and assembly violates Article 21.²⁶

D. National Security Law and Criminal Code 98

Both the National Security Law and Criminal Code 98 violate right to life and other fundamental human rights without urgent and clear reasons and, hence, violate Article 2, Para. 2 (i.e., compliance with ICCPR), and Article 6 (i.e., protection of life).

E. Summary

The National Security Law, Criminal Code 98, the system of ideological conversion and Security Surveillance Law purport to protect the nation and its citizens. However, in their application, these laws are used in such a way as to violate freedoms and rights outlined by the International Covenant on Civil and Political Rights.

It must be noted that the exaggerated threat of communist infiltration and invasion from the North underpinning these laws has little foundation in light of the recent end of the Cold War and the continuing negotiations between North and South Korea. In addition, the release of old and infirm non-converted political prisoners would not pose any threat to the state.

²⁵See fn. 14

²⁶Article 21, ICCPR: "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

APPENDIX A

Imprisonment and Release of Long-term Political Prisoners and Violations of Human Rights

Process		Violations
Arrest under:	National Defense Law National Security Law Criminal Code Military Law Security Surveillance Law Anti-Communism Law* Social Security Law*	Illegal detention Torture No contact with: Lawyer Family Relatives Detention for 50 days
Trial		Confession-oriented investigation and trial; influence of intelligence agencies; non-neutrality of the judicial system
Imprisonment:	System of Ideological Conversion Accumulated Improvement Treatment Ranking System	Torture Inhumane treatment Discrimination Long-term imprisonment
Release	Security Surveillance Law Social Security Law	Restriction or loss of rights as citizens Surveillance and harassment from police in daily life Stigma and isolation from society

* Laws that have been repealed

APPENDIX B

LIST OF "NON-CONVERTED" POLITICAL PRISONERS IN SOUTH KOREA

Name	Age	Prisoner No.	Year of Arrest	Sentence	Years of Servitude	Birthplace	Relatives' Residence	Current Health	Background
KIM Sun-myong*	66	3597	1951	life	43 yrs.	Yangju, Kyeonggi-do	Seoul	high blood pressure; neuralgia; cataracts	Molder (ironworks), member of the South Korean Labor Party.
AN Hak-sup**,**	63	3536	1954	life	40 yrs.	Ganghwa, Kyeonggi-do	Seoul	stomach/internal disorder	Kaesong Commerce School (Kyonngi province) graduate (between August 1945 and June 1950).
HAN Jang-ho	69	3542	1956	life	38 yrs.	Tancheon, Hamkyong-namdo	Seoul	In Feb. 1990, vomited due to digestive problems & couldn't eat for 7 days; in weak condition	Left Seoul National University (economics dept.) after his 2nd yr.
U Yong-gak	63	3514	1958	life	36 yrs.	Shinuiju, Pyonganbukdo	Seoul	no teeth; some intestinal problems	Graduated from Daedong Technical School (Pyongyang) before August 1945; left Kim Il-sung University after his 2nd yr., chief reconnoitering party in the North Korean army.

PARK Jong-lin	62	3553	1959	20 yrs. + life	35 yrs.	Hunchun, Gando (Manchuria)		very weak; stomach & internal disorders; diarrhea; low blood pressure	Dropped out of Mankyondae Academy; communication section chief at the Public Security Dept. (North Korea).
YUN Yong-gi	66	3615	1959	life	35 yrs.	Ganghwa, Kyeonggi-do	Seoul		Factory worker then worked as a cab driver (after June 1950).
CHOI Sun-muk	64	3602	1960	life	34 yrs.	Ganghwa, Kyeonggi-do	Seoul	high blood pressure	Farmhand, went to North Korea during the Korean War.
CHOI Ha-jong	65	3561	1961	life	33 yrs.	Hakseong, Hamky-	Seoul		Kimchaek Technical Institute (Pyongyang) graduate, section chief at the Committee for National Planning of the N. Korean government; nephew of Choi Ju-jeung, major general in the first reserve and a former member of Park Chung-Hee's junta in the 1961 coup d'etat.
CHANG Byung-lak	58	3645	1962	life	32 yrs.	Wonsan		very weak; stomach/internal disorder	Chief engineer of a steamer.
CHOI Su-il	56	3586	1962	life	32 yrs.	Chang-seong, Pyonganbukdo			Sailor in the N. Korean navy.
LIANG Hee-chul	59	3578	1962	life	32 yrs.	Changsu, chollabuk-do	Jeonju	gastrointestinal disorders	Studied at Koryo U. (Seoul), dropped out in the middle of his education.

HONG Myung-gi*	63	3573	1963	life	31 yrs.	Puyo, Chung-cheung-namdo	neuralgia; low blood pressure; heart angina	Graduated from Seosan Agricultural School in S. Korea (between August 1945 and June 1950); worker at the county office of the Labor Party (after June 1950).
KIM Ik-jin	62	3574	1963	life	31 yrs.	Yeongyang, Taegu Kyeongsang-		Partisan of South Korea Labor Party in Kyongbuk province (between Aug. 1945 and June 1950); graduated from Animal Husbandry School (after June 1950); manager of a cooperative farm.
AN Young-gi*	63	3530	1965	life + 3 yrs.	29 yrs.	Seonsan, Pusan Kyeongsang-bukdo		Graduate of Pusan Commerce School; clerk at the Hanguk Bank (between Aug. 1945 and June 1950); graduated from Construction College in Pyongyang; construction engineer.
KIM In-su	66	3618	1965	life	29 yrs.	Taegu	high blood pressure	Cheongju High School grad (before the Aug. 1945 liberation from Japanese colonial rule); employed at the Taegu City office; baseball player (Aug. 1945-June 1950) in S. Korea; member of the South Korean Labor Party; went to N. Korea after participating in Taegu October Uprising.
YUN Su-gap	69	3649	1965	life	29 yrs.	Pusan	gastrointestinal disorders	South Korea Socialist Party member (Aug. 1945-June 1950); laborer.

HONG Gyung-sun	68	3501	1966	life	28 yrs.	Cheonan, Chung-Chungnam cheong-namdo	gastrointestinal disorders, neuralgia	South Korean Labor Party (SKLP) member; imprisoned several times between Aug. 1945 and June 1950 in connection with his Party activities.
KIM Dong-gi	61	3638	1966	life	28 yrs.	Tancheong, Seoul Hamgyeong-namdo	still suffers from ill after-effects of beingshot in the foot	Commerce College (N. Korea) grad; section chief at Commerce Dept. (N. Korea) during the Korea War
KIM Yong-su*	63	3817	1968	20yrs +3 yrs.	26 yrs.	Kyeongju, Kyeongju Kyeongsang-bukdo	heart disease	Graduate of Kim Il-sung Univ. in Pyongyang (political economics dept.); teacher;
LEE Gyung-chan	59	3634	1968	life	26 yrs.	Kaesong, Kyeonggi-do	gastrointestinal disorders	Guide and member of a reconnoitering party of the North Korean People's Army.
KIM Chang-won	59	3637	1969	life	25 yrs.	Seoul	high blood pressure	Engineer at Coal Ministry, N. Korea (after June 1950).
KIM Eun-hwan*	63	3604	1969	life	25 yrs.	Gwangju, Seoul Kyeonggi-do	gastrointestinal disorders; neuralgia	Graduate of Deoksu Commerce (Aug. 1945-June 1950) and Kimchaek Technical Institute; electrical engineer at Pyongyang Film Factory.
OH Hyun-shik*	62	3656	1969	life	25 yrs.	Seoul	kidney problems	Graduate of Kyeonbok High School (Aug. 1945-June 1950) in Seoul and of Kim Il-sung Univ. in Pyongyang; lecturer at Wonsan Agricultural College.

SHIN Gui- young	56	3886	1980	15 yrs.	14 yrs.	Suita, Japan	Pusan	kidney problems;	Chief engineer of an oceanliner; high blood pressure arrested with his uncle and his younger sister's husband, an oceanliner crewman, because of a meeting with his elder brother in Japan who belongs to the Chochongnyon (a pro-North Korean group of residents in Japan).
KANG Yong-ju	31	4040	1985	life	9 yrs.	Kwangju	Kwangju		Joined the citizens' army in Kwangju Uprising (May, 1980) while in his 2nd yr. in high school; wounded and lived in hiding one year; arrested while studying at Chonnam U. (medical dept.) in connection with the 1985 "Western Illinois University Spy Case," an alleged Korean students' spy group in Europe and America.
KIM Sung-man	37	3608	1985	Death; reduced to life	9 yrs.	Seoul	Seoul	mental and heart problems	Yonsei U. graduate; studied at Western Illinois U. in the U.S.; arrested in connection with the "Western Illinois University Spy Case."
SHIN Guang-su	63	3629	1985	Death; reduced to life	9 yrs.	Yangsan, Kyungsang- namdo			Kim Il-sung U. (Pyongyang) graduate; studied at Bucharest Institute of Technology in Romania; researcher at a metal engineering institute at Academy of Science in North Korea. Sogang U. graduate; studied Korean ancient history at Kyoto U. in Japan.
CHANG Ui- gyun	42	3906	1987	8 yrs.	7 yrs.	Seoul	Inchon		
SON Sung-mo	63	3560	1987	life	7 yrs.	Puan, Cholla-bukdo		high blood pressure	Engaged in the Communist Youth Movement in Chonbuk district (Chollanamdo) before Korea's liberation in August 1945 from Japanese colonial rule; Kim Il- sung U. graduate in history.

NOTES:

* Denotes that the prisoner was a member of the voluntary army, mainly composed of high school students, which joined the North Korean People's Army during the Korean War.

** Denotes that the prisoner was tried and sentenced by a military court (single trial) under the war construction during and immediately after the Korean War.

SHIN In- young*	63	3506	1969	life	25 yrs.	Puan, Jonra- bukdo	Seoul	Graduate of Jeonju High School (Aug. 1945-June 1950); member of the Public Security Department.
LEE Gong-sun	61	3502	1970	life	24 yrs.	Daedok, Chungcheong- namdo	stomach/internal disorder	Railroad worker in North Korea.
LEE Jai-lyong	49	3620	1971	life + 15 yrs.	24 yrs.	Sokcho, Gangwondo	Sokcho, Sokcho, Gangwondo	Fisherman; detained in N. Korea for 2 years; arrested after returning to South Korea; sentenced to additional 15 years because he possessed a "seditious" poem in to repudiate the conversion state- ment that he had been violently force to sign.
YANG Jung- ho*	63	3630	1970	life	24 yrs.	Ryangsan, Kyeongsan- namdo	Seoul	Graduate of Pusan Commerce College (Aug. 1945-June 1950); engineer at Kimchaek Ironworks in Cheongjin, N. Korea (after June 1950).
AN Hui-chon	58	3897	1978	15 yrs.	16 yrs.	Yeonpaek, Hwanghaedo	Inchon	Fisherman, detained in N. Korea from 1962 to 1964 because he had crossed the 38th Parallel while fishing; afterwards, worked as a laborer in S. Korea.
CHO Sang-lok	49	3592	1978	life	16 yrs.	Suncheon, chollanamdo	Kwangju	Commerce College, Joongang U. graduate; studied at Meiji U. in Japan; merchant.

APPENDIX C

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

UNITED NATIONS HUMAN RIGHTS COMMITTEE

Forty-Fifth Session

Held at the Palais des Nations, Geneva in July, 1992.

[The UN Human Rights Committee convened in Geneva to examine the initial report on human rights of the Republic of Korea. The Korean government presented its report and STIK provided our counter-report. Because of STIK's diligence in informing the members of the committee of human rights problems in the ROK, almost all of the 14 committee members raised concerns to the Korean government about the National Security Law, the system of ideological conversion, the Security Surveillance Law, espionage cases, torture, and long-term political prisoners. Excerpts from the official summary records of the meetings of the UN Human Rights Committee follow.]

Committee Members

Pocar, Fausto (chairperson)
Ando, Nisuke
Aguilar Urbina, Francisco Jose
Chanet, Christine
Dimitrijevic, Vojin
El Shafei, Omran
Herndl, Kurt
Higgins, Rosalyn
Mavrommatis, Andreas V.
Myullerson, Rein A.
Ndiaye
Sadi, Waleed
Vallejo, Julio Prado
Wennergren, Bertil

Italy
Japan
Costa Rica
France
Yugoslavia
Egypt
Austria
United Kingdom
Malta
Russia
Senegal
Jordan
Ecuador
Sweden

I. The National Security Law

ANDO: Nevertheless, the amended [National Security] Law, notably its article 7 (5), still seemed too broad in scope and too vague in some of its provisions. Perhaps further review of the situation was called for. (CCPRC/C/SR.1150, paragraph 26 [given in the short form "1150, 26" hereafter])

Despite the explanations given, he was still not convinced that the application of the National Security Law did not impair human rights. Its very vague wording and wide scope, particularly in relation to anti-State activities, constituted a particular danger. (1154, 71)

DIMITRIJEVIC: As far as the Republic of Korea was concerned, it seemed to him that the central issue in the matter of guaranteeing the rights covered by the Covenant related to the actual status of the National Security Law, albeit in its amended, "milder" form. The principal concerns which it addressed, especially in relation to articles 15 and 19 of the Covenant, were defined in somewhat vague terms which, in his view, could lend themselves to interpretations inconsistent with the letter and spirit of the Covenant and result in sanctions for acts that might not be truly dangerous for the State, criminal or even reprehensible, as well as undue restrictions on the freedom of expression, association and assembly. (1150, 35)

Much concern had been voiced over the issue of legality, the principle of nullum crimen sine lege, nulla poena sine lege, and the provisions of article 15 of the Covenant. Even non-lawyers, considered the law as an essential means of achieving certainty and predictability and of guiding behaviour in society. He had the impression that in the Republic of Korea, the National Security Law failed to provide such orientation; as well as lending itself to various types of abuse in the form of revenge, denunciation, anxiety about such matters as the confidentiality of information, and misgivings about what constituted an offence. (1154, 81)

AGUILAR URBINA: Those concerns, which centred on the general status of the Covenant in relation to the legislation of the Republic of Korea, also prompted him to seek further clarifications with regard to the National Security Law as well as other enactments which affected a number of the Covenant's provisions. He noted that a number of non-governmental organizations claimed that the National Security Law was, in effect, the country's Constitution. (1150, 39)

...he understood that as many as 50 offences under the National Security Law were subject to the death penalty. (1150, 44)

...in such periods it was necessary to win hearts and minds, as Mrs. Higgins had put it. that was the main task facing any democratic system. It was not by such laws as the National Security Law with its broad definitions that such victory could be won. (1154, 73)

The National Security Law...was in his opinion unacceptable and in flagrant contradiction with the Covenant. (1154, 74)

EL SHAFEI: He hoped that the Government would soon take action to make several of its laws, including the National Security Law, the Security Surveillance

Law, the Labour Dispute Adjustment Act and the Act concerning Assembly and Demonstration, more compatible with the Covenant. (1150, 57)

MYULLERSON: Paragraph 149 of the report (from the government of the ROK), on article 9 of the Covenant, described the rather wide grounds on which detention without a warrant was permitted, including violations of the National Security Law. (1150, 67)

The application of the National Security Law gave him some concern. While he understood the raison d'etre for the Law, he felt that the recent changes in the overall situation might have made it seem less necessary. Apparently, the Law was used not only against agents of North Korea but also against critics of the Government of the Republic of Korea, the simple possession of Marxist literature being regarded as grounds for imprisonment. (1150, 69)

SADI: Broad concern had been expressed by several members of the Committee about the application of the National Security Law. He understood that its application was subject to judicial review but wondered how far the courts were able to control it. Apparently, the Supreme Court was not empowered to decide on the legality of martial law. (1150, 72)

VALLEJO: He was concerned about the fact that, under the National Security Law, it was possible to arrest anyone who had spoken with North Koreans and that particularly harsh measures were taken against persons imprisoned for that reason.. In his view, those were practices that should no longer be used. (1151, 17)

WENNERGREN: Paragraph 246 of the report referred to the National Security Law under the heading of freedom of expression, but the commentary in the report suggested that the authors were actually dealing with freedom of conscience in the context of freedom of expression. (1151, 25)

POCAR (chairperson): Various concerns had been voiced by Committee members, in connection, inter alia, with the National Security Law, capital punishment, the right of peaceful assembly and other issues. (1154, 89)

II. Ideological Conversion

ANDO: He also understood that, together with the application of legal sanctions, attempts were sometimes made to impose the recantation of beliefs: that was certainly in conflict with article 18 of the Covenant, and he invited the delegation of the Republic of Korea to comment on that matter. (1150, 26)

As to the treatment of prisoners, he could see no justification for attempting to change their beliefs or convictions by pressure, even in the context of endeavouring to inculcate democratic ideas. (1154, 71)

DIMITRIJEVIC: Further, as Mr. Ando had observed, certain pressure seemed on occasion to be applied to obtain the recantation of beliefs and other unseemly actions taken to inquire into people's thoughts. "Preventive" censorship in the form of banning certain forms also appeared [sic] to be practiced. (1150, 35)

AGUILAR URBINA: In respect of article 10 of the Covenant, he would like to know whether there were different categories of prisoner, and whether a prisoner might be transferred from one category to another, depending perhaps on his degree of ideological rehabilitation. (1150, 49)

In regard to article 18 of the Covenant, dealing with freedom of thought, conscience and religion, he inquired whether anyone had been coerced into renouncing a belief in Communism in the Republic of Korea. He was concerned about the provisions of article 2 (1) of the National Security Law and wondered how far it was compatible with the provisions of the Covenant. (1150, 52)

Another such matter was the re-education to which prisoners were submitted in order to ensure their fitness to re-enter democratic society after their release. Such attempts to change people's ideas and opinions by pressure were clear violations of human rights and were incompatible with article 14 of the Covenant. (1154, 74)

MAVROMMATIS: Article 11 (1) of the Constitution prohibited discrimination on a number of grounds (para. 29), but they did not include such fundamental criteria as race, colour, birth and, in particular, political belief, and he felt that the list should be enlarged. (1150, 59)

CHANET: She noted that paragraph 242 stated that one of the purposes of the Broadcasting Act was "to help the formation of public opinion" and asked for an explanation of that phrase. She wondered whether efforts to promote anti-communism were still current in the Republic of Korea despite the changes that had taken place in the world. (1150, 80)

HIGGINS: In that connection, she was not sure that the condition under which such [political] prisoners could not be released unless they had given up their opinions and their beliefs was compatible with the provisions of the Covenant. She also wondered whether some provisions of the National Security Law did not specifically apply to persons whose opinions were different from those of the Government or to trade union members or political dissidents. (1151, 13)

VALLEJO: He wished to know whether any of them had been given reductions in sentence or other types of pardon provided for the benefit of some prisoners in

many pieces of legislation. Republic of Korea, political prisoners could apparently not benefit from such measures if they were communist or regarded as such and if they did not give up their ideas, and that was not in conformity with recognized basic human rights standards. (1151, 20)

WENNERGREN: Freedom of conscience or opinion was, however, a fundamental right that must be respected. Under the heading "penitentiary system" (para. 165), reference was made to the purpose of the Penal Administration Act, which was to reform and rehabilitate convicted persons to return them to a normal life in society through moral training and the cultivation of a sound and stable personality. In his view that was a kind of indoctrination. (1151, 25)

Nevertheless, although on the face of it the country's Constitution seemed to contain all that was required for a democratic state under the rule of law, the situation was not entirely clear. For example, he had some difficulty understanding why the right to freedom of opinion was not specifically mentioned in the Constitution...To ensure real freedom of thought and freedom of opinion a solid structure of explicit rules was needed. (1154, 47)

HIGGINS: Notwithstanding the narrowing scope of the National Security Law, she was still concerned that a continuing need was felt for such a law. It had been explained in the reply that the underlying objective was to eliminate and control the activities of anti-State organizations in order to prevent the building up of a non-democratic, specifically a communist, State. Ultimately, that could only be done by winning the hearts and minds of the people. The ordinary law should be able to cope with activities of the kind referred to. (1154, 52)

CHANET: It was a matter of concern that, according to NGO reports, a considerable number of political prisoners - whom she would rather call "prisoners of opinion" - were still being held in the Republic. (1154, 66)

III. Security Surveillance Law

HIGGINS: As to the Social Surveillance Act, which had been promulgated in 1989 only and applied to persons released after having served their sentence, her view was that, as a rule, persons who had paid their debt to society should be free from any surveillance. She therefore asked why such an act had been promulgated, and in particular, whether its provisions were compatible with those of the Covenant. (1151, 13)

She felt similar concern about the Security Surveillance Law. The broad definition of State secrets in connection with the definition of espionage was potentially open to abuse. (1154, 52)

VALLEJO: He was also concerned about the fact that the National Security Law required political prisoners who had left prison after serving their sentences to report to the police every three months.... (1151, 17)

DIMITRIJEVIC: Added to that were the disquieting phenomena of indeterminate surveillance of persons who had already been sentenced and punished, the exercise of pressure to recant beliefs, and unwholesome inquiry into what was happening in people's minds. (1154, 81)

IV. Espionage

CHANET: The crime of the betrayal of secrets, as included in the [National Security] Law, was extremely vague. In case law, the Supreme court seemed to define as secret any political, social or economic information available. (1150, 80)

Nor was she fully satisfied with the information given to members of the Committee on articles 4 and 7 of the National Security Law, which were so vaguely drafted, for example with regard to espionage, as to leave the Government wide discretion in such matters as assessing the damage caused to the State by the divulging of secrets. Citizens appeared to be left in doubt as to whether or not, in engaging in particular actions, they were violating the Law. Such legislation posed problems in relation to articles 15, 18 and 19 of the Covenant. (1154, 67)

V. Torture

HIGGINS: ...she asked whether studying the Constitution was really enough to make law enforcement officers refrain from the practice of torture and whether it might not also be a good idea for instructions to be provided on the international undertakings of the republic of Korea with regard to the prohibition of torture. (1151, 10)

VALLEJO: There had been many complaints of torture in respect of the Republic of Korea. It was pointed out, for example, that the authorities took a long time to institute an investigation in the case of a complaint of acts of torture....In the event of a complaint that detainees were being tortured, was it possible for independent bodies such as the Red Cross to enter prisons and visit prisoners to determine whether the complaint had any basis in fact? (1151, 18)

AGUILAR URBINA: According to information he had received, there had been other cases where defendants had been tortured or otherwise ill-treated in order to extract a confession. (1150, 46)

VI. Long-Term Political Prisoners

MAVROMMATIS: Nevertheless, the Committee had received allegations of a large number of violations, particularly in respect of relations between the two Korean states, the rights of long-term political prisoners, the right to a fair trial, the presumption of innocence and freedom of expression. (1150, 58)

HERNDL: ...he requested information on the Chang Ui-gyun case, which had been recently brought to the Committee's attention. Mr. Chang had apparently been prohibited from receiving visits in Taejeon prison because he was regarded as an "ideological criminal". (1151, 6)

VALLEJO: ...attention had been drawn to the case of some prisoners of opinion who had been detained for 30 years. (1151, 20)