

# amnesty international

## REPUBLIC OF KOREA (SOUTH KOREA)

### Publishers and book store owners arrested under the National Security Law

19 November 1997  
KOTARAN 11/97

AI INDEX: ASA 25/42/97  
DISTR: CO/GR

In a continued crackdown on freedom of expression in South Korea, four book store owners and three publishers were arrested under the National Security Law in October. The seven have been accused of producing and distributing books and pamphlets which "benefit" the enemy (North Korea). Amnesty International believes they are prisoners of conscience, held for the non-violent exercise of their right to freedom of expression. It is calling for their immediate and unconditional release.

These arrests have come at a time of increased suppression of free expression in South Korea. In recent weeks the authorities have tried to close down a human rights film festival, arresting the festival's organizer. The government is also reported to have blocked access to certain web sites on the Internet on the grounds that they are pro-North Korean or anti-government. Attempts to stifle freedom of expression appear to have increased as the December Presidential election approaches.

Four book store owners who sell social science books outside some of Seoul's largest universities were arrested on 29 October. Lee Jae-pil, owns a book store called *Nonjang* at Sungkyunkwan University; Kim Bong-hwan runs *Today's Books* at Yonsei University; Shin Young-kyun owns *Seokangin* book store at Sogang University and Kim Yong-woon runs *Jangbaek* book store at Korea University. The four men were detained by officers of the National Police Administration who confiscated a number of books and pamphlets which included publications about Korean history (including that of North Korea), philosophy and capitalism. Many of these books have been sold freely at other book stores and used as student textbooks. It is believed that the authorities may have been concerned about the distribution of socialist literature by these particular bookstores.

The following day, 30 October, the former owner and two employees of *Neighbour* publishing company were formally charged under the National Security Law. Jung Woo-chang, Kim Nam-jung and Lee Min-jae had been arrested three weeks earlier. They were

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charged in connection with books which were published between 1992 and 1994 when the company closed down, including books about reunification and socialist literature, considered to be material which "benefits" North Korea. It is not clear to Amnesty International why the authorities arrested them now, three years after the company went out of business.

Over 550 people have been arrested under the National Security Law so far in 1997. Most were arrested under vaguely-worded provisions of the law which criminalise the acts of "praising" and "benefitting" the enemy (North Korea). In many cases the National Security Law has been used in an arbitrary fashion to silence government critics, especially those considered to have left-wing views. Amnesty International is calling for the National Security Law to be amended in accordance with international human rights standards.

#### WHAT YOU CAN DO

**Recommended action:** Please send faxes, letters, petitions to the South Korean authorities:

- expressing concern that the seven book store owners and publishers arrested in October are prisoners of conscience and calling for their immediate and unconditional release;
- calling for the National Security Law to be amended in accordance with international human rights standards;
- urging the government to protect and promote the right to freedom of expression.

#### Appeals to:

President Kim Young-sam

The Blue House  
1 Sejong-no, Chongno-gu  
Seoul, Republic of Korea

Fax: +82 2 770 0253

Salutation: Dear President

Minister of Justice

Mr Kim Jong-koo  
1 Chungang-dong, Kwachon-myon  
Shihung-gun, Kyonggi Province, Republic of Korea

Fax: +82 2 504 3337

Salutation: Dear Minister

Director, National Police Administration

Mr Hwang Yong-ha  
209 Mi Kun-dong, Sudaemoon-ku, Chongn-ku  
Seoul, Republic of Korea

Fax: +82 2 720 2686

Salutation: Dear Sir

#### Copies to:

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

This is a quick KOTARAN action (Action ref: KOTARAN 11/97), sent to coordinators for distribution to groups. It is sent to AI sections for information.

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

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МЕЖДУНАРОДНАЯ  
АМНИСТИЯ

منظمة العفو الدولية



國際特赦組織

EXTERNAL

ASA 25/40/97

Ref.: TG ASA 25/95.6

President Kim Young-sam  
The Blue House  
1 Sejong-no  
Chongno-gu  
Seoul  
Republic of Korea

14 November 1997

### Letter of concern to President Kim Young-sam about the arrest of human rights activist Suh Jun-sik

Dear President Kim,

I am writing to you out of concern for Suh Jun-sik and other human rights activists in the Republic of Korea (South Korea). Suh Jun-sik is a prominent human rights activist and former prisoner of conscience who was arrested on 4 November 1997. Our organization considers Suh Jun-sik to be a prisoner of conscience and calls for his immediate and unconditional release. We are also concerned that as the Presidential election approaches other human rights activists may be at risk of arrest and imprisonment in violation of their rights to freedom of expression and association.

Suh Jun-sik was adopted by Amnesty International as a prisoner of conscience during his imprisonment from 1971 to 1988. In 1993 he established *Sarangbang* human rights group, an organization which works on a wide range of human rights concerns relating to South Korea. This includes the production of a human rights bulletin (*Daily Human Rights News*), work on human rights education projects and the running of a human rights documentation centre.

Suh Jun-sik was arrested on the evening of 4 November by around 15 police officers who searched his office and home. The officers showed a search warrant which permitted the confiscation of "video tapes of ideological material and any evidence linked to the subjects' violation of the National Security Law". They confiscated the following items: 20 video tapes of films which had been shown at *Sarangbang's* Second Human Rights film Festival; several of Suh Jun-sik's personal notebooks; his laptop computer and 48 computer disks; one binder containing

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Telegrams: Amnesty London WC1 Telex: 28502 AMNSTY G

copies of *Sarangbang's* publication, *Daily Human Rights News*; several poetry books and books belonging to Suh Jun-sik, including those he wrote in prison.

Suh Jun-sik was taken to Mapo Police station where he was investigated by the Security Division of the Seoul Police Administration. On 12 November he was moved to Youngdungpo Detention Centre. The charges against him relate to his organization of the Second Human Rights Film Festival, violation of the National Security Law and violation of the Social Surveillance Law. Amnesty International is concerned that these charges are politically motivated. It believes that Suh Jun-sik is held because of his alleged political opinions and for the peaceful exercise of his human rights activities.

The Second Human Rights Film Festival was held at Hong-ik University in Seoul from 27 September until 3 October and is now scheduled to tour nine other cities. The festival features 24 films with a human rights theme from 13 different countries including Guatemala, Taiwan and South Korea. As in 1996, *Sarangbang* refused to submit the films for government censorship, considering this to be a violation of the right to freedom of expression and fearing that some of the films would be censored on political grounds. The censorship of films has been much discussed since October 1996 when the Constitutional Court ruled that systematic film censorship by the Korea Public Performance Ethics Committee, a government body, was unconstitutional. In spite of the Constitutional Court's ruling, government censorship of films has continued.

One film which was shown at the festival is alleged by the authorities to constitute material which may "benefit" North Korea. This film, *Red Hunt*, is a documentary about the 3 April uprising in Cheju Island in 1948. It was shown recently at the Pusan International Film Festival when the organizers submitted it for censorship and obtained the required approval. The police investigators are reported to have argued that the use of this film by an "non-converted ideological offender" such as Suh Jun-sik was problematic. During his previous imprisonment Suh Jun-sik had refused to sign a statement of "conversion" renouncing communism.

Other "ideological material" confiscated from Suh Jun-sik may lead to charges under the National Security Law. These include a book of poetry by socialist poet and prisoner of conscience Park No-hae, a history book, and an internal discussion paper by *Sarangbang* about human rights in North Korea. All this material is available to other people, and some of it is widely available to the general public. However, it appears that Suh Jun-sik may be charged under the National Security Law with possessing material which "benefits" North Korea.

Suh Jun-sik has also been accused of "trespass" because shortly before the festival was scheduled to start, Hong-ik University withdrew authorization for it to be held there. The university is believed to have taken this unusual step under pressure from the police and other government authorities. He has also been accused of raising funds for the festival illegally, although current regulations make it extremely difficult for small NGOs to collect funds legitimately. These minor charges appear to have been added in an attempt to strengthen the case against Suh Jun-sik. Other people involved in similar activities have not been arrested or charged.

A further charge relates to violation of the Social Surveillance Law, a law which permits the surveillance of certain former political prisoners including Suh Jun-sik. Prisoners subjected to

this law are required to report regularly to the police and to notify the authorities of any travel plans. They are also prohibited from meeting other people who have been imprisoned under National Security Law and from attending anti-government protests and demonstrations. During police interrogation Suh Jun-sik has been questioned about his attendance at the UN World Conference on Human Rights, held in Vienna in 1993, and other trips abroad which may have been in violation of the Social Surveillance Law.

Amnesty International has repeatedly called for the amendment of the National Security Law which is often used in an arbitrary fashion, to detain certain people because of the non-violent exercise of their rights to freedom of expression and association. We also oppose the restrictions placed on former prisoners of conscience under the Social Surveillance Law. When *Sarangbang's* film festival was being held in Seoul, Amnesty International opposed the arrest of five of the festival's organizers and various police attempts to prevent it from taking place.

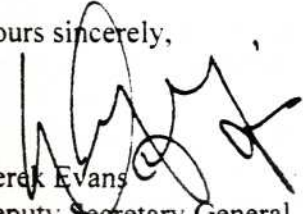
During police interrogation, Suh Jun-sik has been questioned extensively about his motives for establishing *Sarangbang* and about the organization's purpose and activities. He has been asked about people he met during his trips to Germany and USA, including members of *Pomminnyon* (Pan National Alliance for the reunification of Korea), considered an organization which "benefits" North Korea under the National Security Law. He has also been asked repeatedly about his own political opinions. This line of questioning strengthens Amnesty International's concern that he has been detained because of his political views and his human rights work.

The arrest of a prominent human rights activist just one month before the Presidential election is a matter of serious concern to Amnesty International. A large number of prisoners of conscience were also arrested before the last Presidential election in 1992 on the pretext that they were a threat to national security. Amnesty International is concerned that other activists, including those work in the human rights field, may now be at risk of arbitrary arrest for their non-violent political and human rights activities.

Given the urgency of this matter and the current debate within South Korea on the issue of prisoners of conscience, we will be releasing this letter to the public.

We look forward to receiving a response to these concerns and to the speedy release of Suh Jun-sik.

Yours sincerely,

  
Derek Evans  
Deputy Secretary General



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News Release 164/97

AI INDEX: ASA 25/33/97  
1 OCTOBER 1997

## South Korea: Students arrested as authorities suppress human rights film festival

The South Korean authorities should immediately release two student members of a human rights organization arrested today in Seoul for their involvement in organizing a festival of films on human rights, Amnesty International said today.

The festival's organizer, Soh Jun-shik, was reportedly sought for questioning but was not arrested.

"These arrests are part of a second crackdown against a film festival in less than two weeks and are an attempt by the government to suppress dissenting voices in South Korea in the run-up to the December Presidential elections," Amnesty International said.

*Sarangbang*, a South Korean human rights organization, had sought to organize a human rights film festival at Hong Ik University in Seoul from 27 September to 4 October 1997. The students, whose names were not immediately known to Amnesty International, were apparently detained with a search warrant issued by a Seoul court to investigate whether the organizers of the festival had breached legislation which makes it mandatory for all films to be screened for censorship purposes by an official committee.

In October 1996 the South Korean Constitutional Court ruled that systematic film censorship was unconstitutional. The films which were to be shown at the festival included documentary films about World War II as well as films from Guatemala, Taiwan and South Korea. The festival's organizers had warned that they would not submit the films to pre-screening censorship.

"The arrest of the two students is of a magnitude far outweighing their role in the film festival and appears to be politically motivated," Amnesty International said.

The crackdown against the human rights film festival takes place less than two weeks after a Gay and Lesbian film and video festival -- organized by homosexual rights activists at Yonsei University in Seoul on 19 September -- was closed down by police. The police also threatened the organizers with arrest and a fine.

ENDS.../

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## REPUBLIC OF KOREA (SOUTH KOREA)

### 290 National Security Law arrests in first six months of 1997

July 1997

Action ref: KOTARAN 06/97

AI INDEX: ASA 25/29/97

DISTR: SC/CO/GR

Between January and early July 1997 at least 290 people were arrested under South Korea's National Security Law which prohibits activities judged to be pro-North Korean. This is almost 100 more arrests than at the same time last year. Those arrested include students and graduates, some of whom were completing their military service. Amnesty International is concerned about the increased number of political arrests and is calling for the release of those held for non-violent activities. It also appeals to the authorities not to misuse the National Security Law in connection with South Korea's Presidential election in December.

Most arrests are under Article 7 of the National Security Law which provides up to seven years' imprisonment for those who "praise" or "benefit" North Korea with the aim of damaging state security. In practice this provision has been misused to detain people with left-wing views, especially those with political opinions and ideas about Korean reunification which are considered similar or identical to those of communist North Korea. In most cases suspects are tried within six months of arrest and either sentenced to a short prison term or given a suspended sentence and released. The National Security Law appears to be used to detain people who are considered by the authorities to pose an ideological rather than a physical threat to state security.

Over 60% of those arrested under the National Security Law in 1997 were held under Article 7 of the law on charges of forming an organization which "benefits" North Korea. Many appear to have belonged to small groups or organizations established with the aim of providing political representation and education for workers and students. Because of their socialist outlook and their ideas about Korean reunification - sometimes similar to those of the North Korean Government - they were considered a threat to security. The following examples were related to Amnesty International by human rights groups in South Korea and gathered from media reports. To Amnesty International's knowledge those mentioned were arrested for non-violent activities.

Twenty members of *Saminchong* (union of socialist youth), including Cho Chang-mok, Park Soo-jong, Choi In-ki, Park Jin-ok and Byon Song-min, were arrested by the National Police Administration on 18 March and 10 April. At the time of arrest, the police also confiscated numerous books, pamphlets and a computer from the organization's office. Established in 1985, *Saminchong* is a socialist organization which has organized study groups to provide political and economic

education for workers. The authorities claim that its views on socialism and Korean reunification are pro-North Korean. Eight of its members were arrested in August 1994 on similar charges, all of whom were later released.

The Pusan police arrested five people on 10 April on charges of working to re-establish *Nojinchu* (committee for a workers progressive party), an organization which had been disbanded in 1996 after many of its members were arrested. Charges against them included working for the release of those detained last year. On 20 May and 4 June the National Police Administration arrested several members of Labour Political Solidarity group on charges of forming an organization which benefits North Korea. They were accused of seeking the formation of a workers' political party with communist views, holding ideological study sessions for workers and distributing a newsletter called *Labour and Politics*. Members of the organization claim that it was formed in March 1996 with the aim of forming a progressive political party and educating workers.

On 28 June the Seoul police arrested nine members of Korea Labour Youth Solidarity on charges of spreading pro-North Korean ideology. Established in February 1996, it had apparently stated its aims as being the realization of a democratic society, development of progressive politics, improving the political, economic and social rights of workers and achieving Korean reunification.

In several cases the charges related to events several years ago. In early July the North Cholla Province police and military police arrested 18 former students, eight of whom were completing their mandatory military service. They were accused of forming a pro-North Korean group called Chunbok University Reform Group in October 1995, although all had since left university and claimed that the organization in question had never existed. According to the police, they had infiltrated the student movement and tried to spread North Korean ideology.

There have also been some arrests for attempts to contact North Koreans. Three students from Duksung Womens' University were arrested by the Seoul Police on 23 February because they had received a New Years greeting from North Korean students. Kim Eun-hee, President of the Students Association, and Moon Ji-yeon, were apparently charged for copying and attaching the greeting to a campus notice board. Kim Min-jong was accused of receiving the greeting from North Korea via the electronic mail. Five members of *Pomminnyon* (pan national alliance for reunification of Korea) were arrested in July for sending famine relief money to North Korea. The five, including Choi Jin-su and Nah Chang-soon, were reported to have sent 15,000 dollars to a North Korean in Japan. In March the South Korean Government lifted a ban on private donations, but insisted that all the money be channelled through the South Korean Red Cross.

The recent arrests have occurred against a background of student protests which escalated in late May when violent clashes resulted in the deaths of three men, two of whom were allegedly killed by students. Since then at least 240 students have been arrested on charges relating to unauthorized demonstrations and violence. Some were also charged under the National Security Law. After these events, the authorities defined *Hanchongnyon* (the national association of university student councils) as an "enemy benefiting" organization under the National Security Law. Its leaders were told to leave the organization by 1 August or to face arrest. Amnesty International does not condone student violence but is concerned that the confrontation with *Hanchongnyon* has led to a more general crackdown on students, resulting in the arrests of students and former students for peaceful activities and on charges unrelated to the demonstrations.

Amnesty International is also concerned that in branding *Hanchongnyon* as a pro-North Korean organization the authorities have deliberately confused the public's fear of North Korea with

public concern about student violence. This has enabled the authorities to argue that the National Security Law is needed in order to crack down on violent protest while in practice it is frequently used to detain people for non-violent activities.

The authorities also appeared to whip up public fear of North Korea in early July when the Agency for National Security called a press conference with Hwang Jang-yop, a high-level defector from North Korea. At this press conference Hwang Jang-yop is reported to have said that he had the names of an unspecified number of pro-North Koreans operating in South Korea. The authorities later announced that they were investigating a number of people in this connection, without revealing any names. Amnesty International is concerned that the authorities may now use this alleged information to detain or discredit government opponents in the run-up to the Presidential election in December. A similar tactic was used before the last Presidential election in 1992 when a largely-fabricated "spy" case was announced just before the election, leading to dozens of arrests.

As a signatory to the International Covenant on Civil and Political Rights (ICCPR), South Korea's continued misuse of the National Security Law is in violation of its international commitments. In 1992 the United Nations Human Rights Committee (which monitors states' implementation of the ICCPR) told the South Korean Government, ". . . 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". At the time of writing the government had not implemented this recommendation and its second periodic report to the Human Rights Committee was overdue by one year.

#### WHAT YOU CAN DO

☛ Send letters and faxes to President Kim Young-sam and Minister of Justice Choi Sang-yup:

- expressing concern about the high number of arrests under the National Security Law during the first six months of 1997;
- calling for the release of those detained for non-violent activities;
- calling for the National Security Law to be amended in accordance with international standards.

##### President Kim Young-sam

The Blue House, 1 Sejong-no, Chongno-gu  
Seoul, REPUBLIC OF KOREA  
Fax: +82 2 770 0253

##### Minister Choi Sang-yup

Minister of Justice  
1 Chungang-dong, Kwachon-myon, Shihung-kun  
Kyonggi Province, REPUBLIC OF KOREA  
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# amnesty international

## REPUBLIC OF KOREA (SOUTH KOREA)

### Hidden victims: the long-term political prisoners

May 1997

SUMMARY

AI INDEX: ASA 25/23/97

DISTR: SC/CO/GR

This report focuses on the cases of long-term political prisoners who were convicted unfairly during the 1970s and 1980s. Sentenced to long prison terms for national security offences under past governments, they are South Korea's forgotten prisoners.

Amnesty International has documented 20 of these cases, but believes there may be at least a dozen more. This report describes the situation of these prisoners and profiles seven individual cases. A list of the 20 prisoners is included at the end of this report.

These prisoners were arrested and tried at a time when human rights violations were widespread and in the context of a divided Korea. They were convicted of passing "state secrets" to North Korean agents and other espionage activities.

The prisoners were arrested illegally, held in incommunicado detention for a long period of time and claim that they were forced to confess under torture. Amnesty International believes that these prisoners were convicted largely on the basis of confessions extracted under torture.

Under the National Security Law the term "espionage" is vaguely-defined and has been used to imprison people for the non-violent exercise of their rights to freedom of expression and association. The definition of "state secrets" has included information which is publicly available in South Korea.

The long-term political prisoners have been left without an effective legal remedy. Lawyers and human rights activists in South Korea have been unable to secure a retrial for these prisoners and the government has refused to review their cases. In South Korea there is no independent body or individual responsible for the protection of human rights and the investigation of reported human rights violations. There has been no systematic and independent investigation into past human rights violations.

It is the government's responsibility to review the cases of long-term political prisoners who were convicted unfairly, but it has not taken on this responsibility. Amnesty International now urges the government to find an effective means of redress for these victims of human rights violations committed under previous governments

A presidential election will be held in December 1997. As the campaign gets underway, Amnesty International is calling on the current government, the main political parties and individual legislators to ensure that the cases of long-term political prisoners are not forgotten in the election campaign.

Amnesty International makes the following recommendations:

- **Review or release:** Amnesty International calls for a review of all the cases of long-term political prisoners who were convicted during the 1970s and 1980s where there are reports that the prisoners were tortured and convicted after unfair trials. In some well-documented cases Amnesty International is convinced the charges are unfounded and calls for the prisoner's immediate and unconditional release.

- **Investigation of past human rights violations:** Amnesty International calls on the government, the main political parties and individual legislators to find an effective means of investigating past human rights violations. This is of particular urgency in the cases of long-term political prisoners who are still in prison.

- **Prison conditions:** Amnesty International calls on the government to ensure that the conditions of imprisonment for long-term political prisoners are in conformity with international human rights standards.

**KEYWORDS:** PRISONERS OF CONSCIENCE1 / POLITICAL PRISONERS1 / LONG-TERM IMPRISONMENT1 / TRIALS1 / CONFESSIONS1 / INCOMMUNICADO DETENTION / PRISON CONDITIONS / SOLITARY CONFINEMENT / TORTURE/ILL-TREATMENT / MENTAL HEALTH / ILL-HEALTH / AGED / POSSIBLE POC / STUDENTS / BUSINESS PEOPLE / LEGISLATION / ESPIONAGE / ELECTIONS / PHOTOGRAPHS / PRISONERS' TESTIMONIES / PRISONERS' LISTS /

This report summarizes a 9-page document (3683 words), *Republic of Korea (South Korea), Hidden victims: the long-term political prisoners* (AI Index: ASA 25/23/97) issued by Amnesty International in May 1997. Anyone wishing further details or to take action on this issue should consult the full document.

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

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## REPUBLIC OF KOREA (SOUTH KOREA)

### Hidden victims: the long-term political prisoners



May 1997  
AI Index: ASA 25/23/97  
Distr: SC/CO/GR

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

# REPUBLIC OF KOREA (SOUTH KOREA)

## Hidden victims: the long-term political prisoners

There are over 50 long-term political prisoners in South Korea, half of whom are over the age of 60. They have all spent over seven years in prison, and some have been in prison for several decades. Sentenced to long prison terms for national security offences under past governments, they are South Korea's forgotten prisoners.

This report focuses on the cases of long-term political prisoners who were convicted unfairly during the 1970s and 1980s. Amnesty International has documented 20 of these cases (all of whom are men) but believes there may be at least a dozen more. In all of the cases documented by Amnesty International, the evidence strongly supports the view that they are the victims of human rights violations.

These prisoners were arrested and tried under South Korea's National Security Law. Many were students and businessmen at the time of their arrest. Some had travelled abroad and had been in contact with North Koreans; some had lived in Japan or had relatives in Japan. They were accused of passing "state secrets" to North Korean agents in Japan or other countries and other espionage activities. In these cases there is evidence of illegal arrest, incommunicado detention for a long period of time, claims by the prisoners that they were forced to confess under torture and a lack of facilities in the preparation of a defence. Amnesty International believes that they were convicted largely on the basis of confessions which were extracted under torture.

These prisoners were arrested and convicted at a time when human rights violations were widespread. During most of these two decades the country was ruled by authoritarian military governments. General Park Chang-hee seized power in 1961 and held the office of President until his assassination in 1979. Another army general, Chun Doo-hwan, became President in 1980 and held office until 1987 when he was forced by popular protests to call a direct presidential election. He was succeeded by Roh Tae-woo who held office until 1993. In 1996 two of these former presidents, Chun Doo-hwan and Roh Tae-woo, were sentenced to long prison terms on charges which included corruption and human rights violations.

The long-term political prisoners were convicted in the context of a divided Korea. Since the Korean War (1950-53) the governments of North Korea (the Democratic People's Republic of Korea) and South Korea (the Republic of Korea) have prohibited almost all contact between citizens of the two countries. In South Korea, unauthorized contacts have often resulted in imprisonment under the National Security Law. The National Security Law provides long prison terms for unauthorized contacts with North Koreans, for "praising" and "benefitting" North Korea and forming or joining organizations alleged to be pro-North Korean. It also provides long sentences or the death penalty for "espionage" and passing "state secrets" to North Korea. However, the term "espionage" is vaguely-defined in the National Security Law and has sometimes been used to imprison people who were

exercising their rights to freedom of expression and association. The definition of "state secrets" has included information which is publicly available in South Korea.

The long-term political prisoners are currently held in a number of different prisons throughout the country. Most are held in single cells and some have little contact with other prisoners. Conditions of imprisonment vary from prison to prison, and from prisoner to prisoner. Some prisoners appear to be in good health and are allowed to associate with other prisoners. Others are held in solitary confinement and are not allowed to mix with other prisoners. Some of the prisoners are reported to be suffering from psychological problems as a result of long-term isolation. Some suffer from digestive ailments, rheumatism, high blood pressure and other illnesses. Medical facilities in South Korean prisons are generally poor and most prisons have only one part-time doctor. Prisons are virtually unheated in winter.

Some of these prisoners are under constant pressure from the prison authorities to "convert", meaning to sign a statement renouncing their real or alleged communist views. Those who refuse to do this are not considered for release on parole and generally have fewer rights and privileges than other prisoners. For example, visits and reading material may be restricted.

It is often difficult for long-term political prisoners to communicate with the outside world. While some are permitted to send letters to friends and supporters at home and abroad, others are not permitted to do so. While some are allowed visits from friends and supporters, others are only allowed to see close relatives. These rules sometimes appear to be applied in an arbitrary manner. During a visit to South Korea in September 1996 an Amnesty International delegation was denied access to two long-term political prisoners in Taejon Prison on the grounds that Amnesty International had failed to fulfill the "procedural requirements". However, it was not clear what these requirements were, since the delegates had obtained prior written authorization for the visit from the Ministry of Justice.

It is the government's responsibility to review the cases of long-term political prisoners who were convicted unfairly, but it has not taken on this responsibility. In South Korea there is no independent body or individual responsible for the protection of human rights and the investigation of reported human rights violations. There has been no systematic and independent investigation into past human rights violations.

For several years human rights lawyers and activists in South Korea have sought retrials for some long-term political prisoners, as a means of obtaining redress. Under South Korea's Code of Criminal Procedure a retrial may be granted if it is proved that evidence was forged, testimony was false and when new "clear evidence" is discovered. But the requirements for a retrial have proved to be extremely difficult to meet and as far as Amnesty International is aware, no long-term political prisoner has secured one.

The statute of limitations on public prosecutions means that it is impossible to prosecute those responsible for human rights violations inflicted on long-term political

prisoners after their arrest. This is because the violations occurred too long ago for those responsible to be brought to justice under South Korean law. In January 1995 eight long-term political prisoners filed a complaint of torture against investigation officials but their complaint was dismissed on the grounds that the statute of limitations had expired.

In the absence of any legal redress for the long-term political prisoners, Amnesty International has urged the current government to find an effective remedy for these victims of human rights violations committed under previous governments. The current President, Kim Young-sam, took office in 1993 promising a new beginning with greater freedom and democracy. In 1995 his government took an important step in addressing past human rights violations by introducing legislation which extended the statute of limitations for certain crimes, including mutiny and treason. This led to the successful prosecution of two former presidents, Roh Tae-woo and Chun Doo-hwan, and 13 other former army officials on charges which included the killings of demonstrators in Kwangju in May 1980.

However, the successful prosecution of two former Presidents has not benefitted the long-term political prisoners - there has been no investigation into many other human rights violations committed under previous governments. The long-term political prisoners have little hope of obtaining redress, apart from the possibility of early release on parole. Amnesty International believes that it is unacceptable to neglect the individual victims of past human rights violations, especially those who are still in prison.

A presidential election will be held in December 1997. As the campaign gets underway, Amnesty International is calling on the current government, the main political parties and individual legislators to ensure that the cases of long-term political prisoners are not forgotten in the election campaign.

Amnesty International makes the following recommendations:

- **Review or release:** Amnesty International calls for a review of all the cases of long-term political prisoners who were convicted during the 1970s and 1980s where there are reports that the prisoners were tortured and convicted after unfair trials. In some well-documented cases Amnesty International is convinced the charges are unfounded and calls for the prisoner's immediate and unconditional release.
- **Investigation of past human rights violations:** Amnesty International calls on the government, the main political parties and individual legislators to find an effective means of investigating past human rights violations. This is of particular urgency in the cases of long-term political prisoners who are still in prison.
- **Prison conditions:** Amnesty International calls on the government to ensure that the conditions of imprisonment for long-term political prisoners are in conformity with international human rights standards.

### **Yu Chong-sik: 22 years in prison**

Yu Chong-sik, aged 57, was born in Japan but spent most of his childhood in South Korea. During the 1960s he studied in Japan and then returned to South Korea where he got married and became an art dealer.

Yu Chong-sik was arrested in March 1975 by the Korean Central Intelligence Agency (which later changed its name to the Agency for National Security Planning) and was held for one month without access to a lawyer. During this time he claims to have been tortured and forced to make a false confession.



Yu Chong-sik was charged under the National Security Law with spying for North Korea - he was alleged to have received orders to infiltrate student organizations, establish underground organizations and collect "state secrets". Yu Chong-sik denied these charges but was found guilty and sentenced to death. His sentence was later commuted to life imprisonment and in 1995 it was reduced to 20 years' imprisonment in a presidential amnesty.

Yu Chong-sik should have been eligible for release in 1995 but was given an extra three-year prison term under the National Security Law for allegedly "praising" North Korea in prison. Amnesty International has adopted Yu Chong-sik as a prisoner of conscience and is calling for his immediate and unconditional release.

### **Kang Hui-chol: 11 years in prison**

*"How happy I would be if I could see you some day. I have this hope in my mind"*  
(letter from Kang Hui-chol to Amnesty International members in Norway).

Kang Hui-chol, aged 39, was arrested by the police in April 1986 and held incommunicado for 85 days during which time he was reportedly tortured. He was charged under the National Security Law for giving "state secrets" about the location of roads and government offices to a North Korean agent in Japan and receiving espionage training. But he claims that his confession was extracted under torture. He was sentenced to life imprisonment.

Human rights activists in South Korea have found several inconsistencies in the investigation records of Kang Hui-chol's case. A police investigator admitted to a human rights group in South Korea that there was no evidence that Kang Hui-chol had taken photographs of government offices and roads and passed them to North Korea. Kang Hui-chol was convicted largely on the basis of his own confession.

Kang Hui-chol was born in South Korea but in 1975 he went to Japan illegally to join his parents who had moved there several years earlier. He was deported to South Korea in 1981 where he married and took a job as a hotel clerk.

He is reported to be suffering from psychological problems, possibly as a result of torture. He has no close family living in South Korea. In September 1996 an Amnesty International delegation sought to visit him in Taejon Prison but was denied access. Amnesty International has adopted Kang Hui-chol as a prisoner of conscience and is calling for his immediate and unconditional release.

### **Kim Song-man: 12 years in prison**

*"I have lived in the prison for more than ten years. I think I am going through a period of darkness and patience in my life. But I have not lost a dream to contribute to social welfare in my future. The dream brightens my burden of hardship in prison."* (Letter to Amnesty International members in Belgium).



Kim Song-man, aged 39, was a student at the time of his arrest in June 1985. He had studied political science at Western Illinois University in the USA and had visited several Eastern European countries out of a desire to learn more about North Korea and the possibilities for Korean reunification.

Kim Song-man was accused of taking instructions from North Korea to engage in anti-government activities and of having distributed pro-North Korean material. He was also alleged to have passed "state secrets" to North Korea, on the basis that he had given some leaflets to North Koreans he met in Europe. Although there was no evidence that he had carried out espionage activities, he was found guilty and sentenced to death. In his appeal to the Supreme Court Kim Song-man wrote:

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

Kim Song-man spent almost three years under sentence of death before his sentence was commuted to life imprisonment. Amnesty International has adopted him as a prisoner of conscience and is calling for his immediate and unconditional release.

In April 1993 the United Nations Working Group on Arbitrary Detention said that Kim Song-man's imprisonment contravened the Universal Declaration of Human Rights and

the International Covenant on Civil and Political Rights, which has been ratified by South Korea. The Working Group urged the South Korean Government to remedy the situation. However, Kim Song-man remains in prison today, without an effective remedy.

### **Hwang Tae-kwon: 12 years in prison**

*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 these 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. (Letter from prison, 1988).*

Hwang Tae-kwon, aged 42, was arrested in the same case as Kim Song-man. He had also studied political science at Western Illinois University in the USA and had been active in the student movement. Like Kim Song-man, he admitted having had a genuine desire to learn about North Korea, in order to help bring about Korean reunification.



After his arrest in 1985, Hwang Tae-kwon was held incommunicado for 60 days by the Agency for National Security Planning, during which time he said that he was repeatedly beaten, threatened, deprived of sleep and forced to write a false confession. He said *"Ironically the only document submitted to the court as conclusive evidence that I was a spy was drafted by myself and later revised by the interrogator in charge, then copied by myself word-for-word"*.

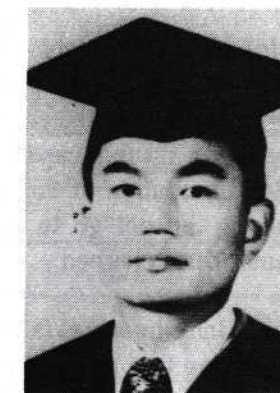
Hwang Tae-kwon was found guilty under the National Security Law on charges of passing "state secrets" to North Korean agents and engaging in pro-North Korean activities. He was sentenced to life imprisonment which was reduced to 20 years' imprisonment in a presidential amnesty. Amnesty International has adopted Hwang Tae-kwon as a prisoner of conscience and is calling for his immediate and unconditional release.

In April 1993 the United Nations Working Group on Arbitrary Detention said that Hwang Tae-kwon's imprisonment contravened the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

★ Amnesty International is also calling for the release of two other prisoners who were arrested in this case. They are Kang Yong-ju and Yang Dong-hwa who were sentenced to 20 years' imprisonment and life imprisonment respectively.

### **Cho Sang-nok: 19 years in prison**

Cho Sang-nok, aged 51, was arrested in January 1978 and held for 17 days without access to lawyers or family. During this time, he said he was subjected to electric shock and water torture and beaten. He was forced to write a confession.



Cho Sang-nok was sentenced to life imprisonment under the National Security Law on charges of spying for North Korea. He was accused of passing "state secrets" to North Korean agents in Japan. But the main evidence used to convict him appears to have been his own confession.

During the 1970s Cho Sang-nok studied in Japan and obtained a post-graduate degree in politics. During his stay in Japan he is reported to have been politically active and to have made comments critical of the South Korean Government. He was arrested soon after his return to Seoul.

Amnesty International does not have enough information about Cho Sang-nok to adopt him as a prisoner of conscience. However, on the basis of available information it believes he is probably a prisoner of conscience and that his case should be reviewed as a matter of urgency. Amnesty International is also concerned at reports that he is suffering from psychological problems, believed to be related to the effects of torture after his arrest and his long imprisonment in relative isolation.

### **Lee Jang-hyong: 13 years in prison**

*"The detention of Lee Jang-hyong is declared to be arbitrary being in contravention of Articles 5, 9 and 10 of the Universal Declaration of Human Rights, and Articles 7, 9 and 14 of the International Covenant on Civil and Political Rights, to which the Republic of Korea is a party . . ."* (Decision of United Nations Working Group on Arbitrary Detention, May 1995).

Lee Jang-hyong, aged 65, was born on Cheju Island off the southern coast of Korea, but spent most of his childhood in Japan. During the Korean War (1950-53) he served as a second lieutenant in the Marine Corps and later worked as a restaurant manager in Seoul. He made frequent trips to Japan to visit his relatives.

In June 1984 Lee Jang-hyong was arrested by the Anti-Communist Division of the National Police headquarters in Seoul where he was held incommunicado for 67 days. During this time he says he was tortured and forced to confess that he had carried out espionage activities for North Korea. He was charged with passing "state secrets" to his

uncle in Japan, said to be a North Korean agent. He was also accused of visiting North Korea for espionage training.

However, Amnesty International believes that the main evidence used to convict Lee Jang-hyong was his own confession, extracted under torture. Human rights groups working on this case have found many inconsistencies in the documentation of this case, including evidence that Lee Jang-hyong did not go to North Korea in December 1982, as the authorities claimed.

Lee Jang-hyong's family did not appoint their own lawyer, claiming that they were intimidated by the authorities. Instead, he was represented by a state-appointed lawyer. He was found guilty and sentenced to life imprisonment. Amnesty International has adopted Lee Jang-hyong as a prisoner of conscience and is calling for his immediate and unconditional release.



### Park Dong-oon: 16 years in prison

*"With the help of endless torture the security department transformed the whole family into spies over 60 days. Instead of catching spies they were creating spies. . . All of my family went through humiliation and pain and I cannot find words to describe them."*  
(Letter from Park Dong-oon's brother, 1991)



Park Dong-oon, aged 52, used to live on Chin Island where he worked for an agricultural cooperative. In March 1981 he and several members of his family were arrested and interrogated by the Agency for National Security Planning. They were held incommunicado for some 60 days and said they were subjected to beatings, threats, sleep deprivation and water torture. They were forced to make confessions.

Park Dong-oon was charged under the National Security Law with visiting North Korea to meet his father, who had been missing since the end of the Korean War (1950-53). The authorities said that Park Dong-oon's father was a North Korean spy and that he had given instructions to Park Dong-oon to carry out espionage in South Korea.

Park Dong-oon denied the charges but was sentenced to death, largely on the basis of confessions made by himself and his family. In 1982 Park Dong-oon's sentence was commuted to life imprisonment. Amnesty International has adopted him as a prisoner of conscience and is calling for his immediate and unconditional release.

### Cases of long-term political prisoners convicted during the 1970s and 1980s

(This table includes cases known to Amnesty International and is not intended to be a comprehensive list. It takes account of sentence reductions known at the time of writing).

NAME	AGE	ARREST	SENTENCE	PRISON	TIME SPENT IN PRISON
Chong Yong	56	13/9/83	Life imprisonment	Taegu	13-and-a-half years 117-
Cho Sang-nok	51	15/1/78	Life imprisonment	Andong	19 years
Ham Ju-myong	64	18/2/83	20 years imprisonment	Kwangju	14 years
Hwang Tae-kwon	42	6/85	20 years' imprisonment	Taegu	12 years gr 334-
Kang Hui-chol	39	21/7/86	Life imprisonment	Taejon	11 years
Kang Yong-ju	35	1/7/85	20 years' imprisonment	Andong	12 years
Kim Byong-ju	75	28/11/83	Due for release in 1999	Andong	14 years
Kim Chong-muk	58	4/7/82	Life imprisonment	Taegu	15 years gr 162
Kim Chang-ho	56	10/12/82	20 years' imprisonment	Taegu	14 years
Kim Song-man	39	6/6/85	Life imprisonment	Chonju	12 years
Kim Tae-ryong	49	15/6/79	Due for release in mid-1999	Taejon	18 years
Kim Yun-su	59	24/6/85	Due for release in late 1997	Taejon	12 years GR 1
Lee Jang-hyong	65	15/6/83	Life imprisonment	Andong	13 years
Nah Jong-in	60	4/85	Due for release in late 1997	Taejon	12 years
Park Chan-u	43	7/84	Due for release in mid-1997	Kwangju	13 years
Park Dong-oon	52	9/3/81	Life imprisonment	Taegu	16 years
Sohn Yu-hyung	67	25/4/81	Due for release in mid 1998	Chonju	16 years
Sok Tal-yun	66	21/8/80	20 years' imprisonment	Chonju	16 and a half years
Yang Dong-hwa	38	2/6/85	Life imprisonment	Taegu	12 years
Yu Chong-sik	57	2/3/75	Due for release in March 1999	Andong	22 years

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## REPUBLIC OF KOREA (SOUTH KOREA)

### Another injustice under the National Security Law: the case of Professor Park Chang-hee

March 1997

AI INDEX: ASA 25/21/97  
DISTR: CO/GR

Amnesty International is calling for the immediate and unconditional release of Professor Park Chang-hee, a 63-year-old professor of history who is serving a three-and-a-half year prison term under the National Security Law for divulging "state secrets" to North Korea. The organization is also calling for an investigation into reports that he was subjected to beatings and sleep deprivation during interrogation by the Agency for National Security Planning (ANSP, South Korea's intelligence agency.)

Professor Park Chang-hee was born in December 1932 in Korea. He studied in Japan from 1959 to 1968 where he obtained a degree and doctorate in history from the University of Hitotsubashi. His studies focused on problems related to Japan's occupation of Korea (1910 to 1945). He then returned to South Korea and in 1970 he took a teaching position at Ehwa Women's University in Seoul. From 1977 until his arrest he taught history at Hankuk University of Foreign Studies in Seoul.

#### *Ill-treatment during interrogation*

Professor Park Chang-hee was arrested at midnight on 26 April 1995 by some 20 ANSP officers. The officers carrying out the arrest identified themselves and showed an emergency arrest warrant but they did not tell his family where he was being taken. Later the family were informed that he was held at Chongbu Police Station, but when they telephoned the police station they were told that Professor Park was not there. In fact, he was held at the ANSP interrogation facility but the family were not informed of this fact until three days after his arrest. According to information available to Amnesty International the following is reported to have occurred while he was held in custody by the ANSP.

Professor Park Chang-hee was questioned by the ANSP for 20 days, during which time he was beaten, threatened and deprived of sleep. Ill-treatment which he suffered included being hit about the head with a book, being pushed against a wall and repeatedly threatened. He was told that his family and friends would be arrested unless he made a confession. Under pressure, he signed several statements admitting, among other things, that



he had visited the North Korean Embassy in Beijing and had allowed himself to be indoctrinated by a North Korean agent operating in Japan.

On 15 May he was transferred to Seoul Detention Centre and he was questioned for a further 25 days by the Prosecution. On 15 April he was forced to kneel on the floor and was beaten for several hours by investigators. In such circumstances he found it impossible to withdraw or alter the various statements he had made to the ANSP. These statements were used as evidence in court.

#### ***Charges under the National Security Law***

On 9 June 1995 Professor Park Chang-hee was charged under the National Security Law. He was accused of meeting a Korean resident in Japan called Suh Tae-su, of passing him "state secrets" and receiving money from him. The prosecution claimed that Suh Tae-su was taking orders from an "anti-state" organization (this means the North Korean government which is defined as an "anti-state" organization under the National Security Law).

On 21 October 1995 Professor Park was found guilty and sentenced to seven years' imprisonment. On 23 February 1996 his sentence was reduced to three-and-a-half years' imprisonment after an appeal. This sentence was confirmed by the Supreme Court in June 1996 and is now considered final.

#### ***Why Professor Park Chang-hee has been adopted as a prisoner of conscience***

The National Security Law punishes those who "praise" or "benefit" an "anti-state" organization (North Korea), with the knowledge that it will damage state security. It also punishes those who have unauthorized meetings with North Koreans or divulge "state secrets" to North Korea. This law has been widely and arbitrarily used in South Korea to imprison people for the non-violent exercise of the internationally-recognized rights to freedom of expression and association.

Professor Park appears to have been imprisoned because of his links with the Korean community in Japan. Amnesty International has documented a pattern of cases in which South Koreans were arrested under the National Security Law for contacting friends and relatives in Japan who were deemed by the South Korean authorities to be agents for North Korea. There is a large Korean community in Japan, including people of North Korean origin. Since the end of the Korean War (1953) there has been almost no contact between citizens of North and South Korea and millions of Koreans on both sides of the peninsula have found themselves separated from family and friends. In South Korea people have been arrested for having unauthorized contacts (or suspected contacts) with North Korea, via the Korean community in Japan or other countries.

The main evidence used to convict Professor Park was his own coerced confession, and various items belonging to him such as notebooks, travel documents and written material about the labour movement in South Korea. The only evidence that he had visited the North Korean Embassy in Beijing was his own confession. There was no objective evidence to prove that Suh Tae-su was an agent for North Korea, which he has denied, and there is no reason that Professor Park Chang-hee should have thought he was a spy.

Amnesty International is concerned that Professor Park's own confession was used as evidence against him, because there are strong reasons to believe it was obtained under duress. His claims of ill-treatment by the ANSP are convincing and fit a pattern of violation reported to Amnesty International in recent years. To Amnesty International's knowledge, the South Korean authorities have not adequately investigated these claims. The confession was also discredited by his own lawyers who obtained evidence to show that at least part of the confession could not have been correct.

The "state secrets" which Professor Park is accused of passing to Suh Tae-su consisted of information already in the public domain. They included copies of South Korean newspapers, a photograph of President Kim Young-sam and the content of conversations about student politics and the labour movement in South Korea.

Under the National Security Law, a "state secret" has been defined as any information which may be useful to North Korea. The term has been widely interpreted by the courts in South Korea and it is difficult for a person to know what it means. There is a pattern of cases tried under the National Security Law in which information already in the public domain has been considered by the courts to be a "state secret" and this interpretation has led to people being imprisoned for passing to others information which was widely available in South Korea, in violation of their rights to freedom of expression and association and the right not to be detained arbitrarily.

For many years Amnesty International has called for the National Security Law to be amended, in accordance with international standards. During 1996, some 490 people were detained under the National Security Law, many of whom were considered by Amnesty International to be prisoners of conscience.

Amnesty International has documented a pattern of abuse during interrogation of political suspects by the ANSP and the Police. Suspects are routinely deprived of sleep, threatened and sometimes beaten, in an attempt to extract a "confession". There is no independent body to investigate reported human rights violations by law enforcement personnel.

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منظمة العفو الدولية

AI Index: ASA 25/15/97

Ref.: TG ASA 25/97.3

President Kim Young-sam  
The Blue House  
1 Sejong-no  
Chongno-gu  
Seoul  
Republic of Korea

13 March 1997

**REPUBLIC OF KOREA (SOUTH KOREA):  
OPEN LETTER TO PRESIDENT KIM YOUNG-SAM ON THE DEATH PENALTY**

Dear President,

I am writing to express concern about the continued use of the death penalty in South Korea and about some specific cases which have been brought to Amnesty International's attention.

Amnesty International opposes the death penalty in all cases as the ultimate cruel, inhuman and degrading punishment and a violation of one of the most fundamental rights - the right to life. It campaigns for the abolition of the death penalty worldwide.

There are currently some 50 prisoners under sentence of death in South Korea, convicted of murder. They include six Chinese seamen of Korean descent who were sentenced to death by Pusan District Court in December 1996 for the murder of 11 other seamen aboard the *Pescamar*, a Korean fishing boat. The court is reported to have said that the death penalty was required in this case because of the cruel nature of the crime. Amnesty International does not condone the crimes for which people may be sentenced to death and it recognizes the suffering of victims of crime and their families. However, it believes that the death penalty is an inherently unjust punishment which demeans the society that imposes.

Furthermore, the death penalty appears to be used in an arbitrary fashion, against people who are in a poor position to defend themselves. During their trial, the six seamen mentioned above said that they had been severely beaten and threatened by the Captain of the *Pescamar* who also told them they would be imprisoned if they tried to leave the boat. These circumstances do not appear to have been given adequate consideration by the courts in handing down a death sentence. The six men have appealed against their sentences and a decision on this appeal is

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expected this month. Amnesty International is urging you to commute the death sentences imposed on these six men, if it is upheld on appeal.

The pattern of disadvantage in death penalty cases was also reflected in that of Kim Chol-oh, executed in December 1995, who was 19-years-old at the time of his arrest and whose family could not afford to hire a lawyer. A lawyer was assigned to him by the court, but he did not have access to a lawyer before charge, at a time when he claims to have been beaten by police investigators.

Your government has argued that the death penalty is necessary in order to combat violent crime. But there is no convincing argument that the death penalty is more likely to prevent crime than other punishments. A survey of research findings on the relation between the death penalty and homicide rates, conducted for the United Nations in 1988 and updated in 1996, concluded that "research has failed to provide scientific proof that executions have a greater deterrent effect than life imprisonment and such proof is unlikely to be forthcoming".

In February 1995 Pusan District Court acquitted three men who had been tried on charges of murder. The prosecution had sought a death sentence for the three men, but they were acquitted on the grounds that they had been beaten during police investigation and forced to sign confessions. In this case, justice was done. However, Amnesty International has documented many cases of police ill-treatment of suspects after arrest; current procedures for arrest and interrogation in South Korea provide inadequate safeguards for detainees. Such cases may lead to a miscarriage of justice. The death penalty is the ultimate injustice when mistakes are made. Errors occur in all criminal justice systems, but the executions of an innocent person is a mistake that can never be put right.

Two Pakistani men currently under sentence of death in South Korea claim to be innocent. Mohammad Ajaz and Amir Jamil claim to have been beaten by police investigators after their arrest on murder charges in March 1992 and forced to make a confession. They said that the person who interpreted at their trial had mistranslated several key points. Amnesty International does not know whether or not these men are innocent, but is concerned that there appears to have been no adequate investigation by your government into their claims of ill-treatment and unfair trial.

The death penalty is carried out periodically in South Korea and there appears to be no compelling reason for its use. There were no executions during 1996, but 19 people were executed the previous year. These 19 people were executed on one day in November 1995. It is not known why this pattern is followed or when the next executions will be carried out. This means that prisoners whose death sentences have been finalized never know which day will be their last, and their families never know which prison visit will be their last one. When executions are carried out, families are not informed in advance.

The worldwide trend is towards reducing the use of the death penalty and abolishing it altogether. A total of 99 countries and territories have either abolished the death penalty in law, not used it for at least ten years or made a commitment not to use it. They include Hong Kong, Cambodia, Australia and New Zealand.

There is no compelling reason why South Korea should retain the death penalty, against this worldwide trend. As one of the region's most important economic and political powers, South Korea could set an example for the rest of Asia by committing itself to abolition.

In November 1996 South Korea's Constitutional Court ruled that the death penalty is constitutional and a "necessary evil" but that it should only be used in exceptional cases. However, the court is also reported to have said that the death penalty retains an aspect of institutional murder and for this reason debate surrounding its use should continue. The court said that the death penalty should be abolished in the future, when it is no longer needed as a criminal deterrent.

Amnesty International believes that the time has now come for your government to take steps towards the abolition of the death penalty. With this goal in sight, we urge you to take the following steps:

- *make a commitment not to carry out any further executions;*
- *impose no further death sentences and commute all existing sentences;*
- *systematically reduce the number of crimes for which the death penalty may be imposed;*
- *initiate a public debate about the use of the death penalty and its effectiveness;*
- *ensure that there is a full and impartial inquiry into all cases of prisoners under sentence of death who claim to have been ill-treated during police questioning;*
- *ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at worldwide abolition of the death penalty.*

I look forward to receiving your response to these concerns.

Yours sincerely,



Pierre Sané  
Secretary General

국제앰네스티(AI)는 지난 13일 김영삼 대통령 앞으로 보내는 공개서한을 통해 한국의 사형제도에 깊은 우려를 표시했다.

AI는 잔혹하고 비인간적인 형벌이며, 인간의 가장 근본적인 권리인 생명권에 대한 침해인 사형제도를 폐지해야 한다고 밝혔다.

현재 한국에는 살인죄로 유죄를 선고받은 50명의 사형수들이 존재하며, 그 가운데 96년 페스카마호 선상에서 11명을 살해한 6명의 중국인 동포들이 있다고 지적했다. AI는 "범죄의 잔혹성 때문에 사형을 선고한다"는 부산지법의 판결이유를 인용했다. AI는 "그들의 죄를 용서하는 것은 아니다. 그리고 희생자들과 그 가족들의 고통을 이해한다. 그러나, 사형제도 만큼은 본질적으로 부당한 형벌이다. 사형을 부과하는 사회는 스스로의 품위를 떨어뜨리는 사회이다"고 말했다.

게다가 사형제도는 임의적으로 사용되곤 했다. 특히 그 대상은 자신을 방어하기 어려운 위치에 있는 사람들이다. 중국인 선원들은 선장에게 심하게 얻어맞았고 "배에서 내리면 감옥에 가야한다"는 위협을 받았다. 법원이 사형을 선고한 데는 이러한 상황이 적절히 참작된 것처럼 보이지 않는다. AI는 대통령에게 호소했다. "항소심에서도 사형선고가 확정된다면, 여섯 명에게 내려진 사형선고를 감형해 줄 것"

부당하게 사형선고가 내려진 경우로는 95년 사형당한 김철오 씨의 경우도 있다. 그는 체포 당시 19살이었으며, 그의 가족은 변호인을 고용하지 못했다. 국선변호인이 임명됐지만, 기소전에 변호인의 조력을 받지 못함. 그는 경찰 수사과정에서 맞았다고 주장.

한국정부는 범죄를 퇴치하기 위해 사형제도가 필요하다고 주장했다. 그러나, 사형제도가 범죄를 더 잘 예방한다는 믿음만한 논의는 없다. 1988년부터 96년까지 유엔이 조사한 사형제와 살인율간의 관계에 대한 연구에 의하면, 사형이 중신형보다 억제효과를 갖는다는 사실을 과학적으로 입증하지 못했다.

95년 부산지방법원은 살인 혐의로 기소된 세 남자를 무죄로 석방했다. 검찰은 사형을 구형했지만, 그들이 수사과정에서 구타를 당했고 자백을 강요받은 사실이 드러나 석방되었다. 이 경우, 판결은 옳았다. 그러나, AI는 경찰이 부당한 대우를 한 경우를 많이 알고 있다. 현재 한국의 체포 및 수사절차는 구금자를 보호하기엔 부적절하다. 그러한 경우는 오심을 낳게 된다. 사형은 실수가 발생할 경우, 돌이킬 수 없는 불의가 된다. 실수는 모든 형사재판에서 발생한다. 그러나, 무고한 사람에 대한 사형집행은 결코 돌이킬 수 없는 잘못이다.

최근 사형선고를 받은 두 명의 파키스탄인이 무죄를 주장하고 있다. 모하마드 아자즈와 아미르 자밀은 92년 3월 살인죄로 체포된 이후, 경찰 수사과정에서 가혹행위를 당했고 자백을 강요받았다고 주장했다. 그들은 통역자가 중요한 사실들을 잘못 번역했다고 말했다. AI는 이 사람들이 무죄인지 아닌지 모른다. 그러나, 한국 정부가 그들이 주장하는 부당대우와 불공정한 재판에 대해 적절한 조사를 하지 않은데 우려를 표명한다.

한국에서는 사형이 주기적으로 실행된다. 그리고 거기엔 불가피한 이유가 없어 보인다. 96년에는 사형집행이 없었다. 그러나, 95년에는 19명이 사형집행되었다. 19명은 95년 11월 한 날에 동시에 사형집행되었다. 왜 이러한 방식이 이어지는지, 다음 집행은 언제 실시될지는 모른다. 이것은 사형수들이 자신이 언제 죽게 될지를 모른다는 것을 의미한다. 그리고 가족들도 모른다. 사형집행 이전에 가족들은 미리 알 수가 없다.

세계적 경향은 사형선고를 줄이고 제도를 없애는 방향으로 나아가고 있다. 99개국이 사형제도를 법적으로 폐지했거나, 적어도 10년 이상 사형선고를 내리지 않았다. 홍콩, 캄보디아, 호주, 뉴질랜드 등.

왜 한국이 세계적 경향에 어긋난채 사형제를 유지해야 하는가에 대한 불가피한 이유가 없다.

96년 11월 헌법재판소는 사형제도가 합헌이고 필요악이지만, 예외적인 경우에만 사용되어야 한다고 결정했다. 그러나, 동시에 현재는 사형제도가 제도적 살인이라는 측면을 남기고 있다고 말했으며, 그러한 이유로 논쟁은 계속 되어야 한다고 말했다. 현재는 사형이 미래에는 반드시 폐지되어야 하고, 그 때는 더 이상 범죄 억제책으로 필요하지 않을 것이라고 말했다.

AI는 다음과 같이 촉구한다. △더 이상의 사형집행을 하지 말 것 △더 이상 사형선고를 내리지 말고, 이미 사형이 선고된 자들은 감형시킬 것 △체계적으로 사형이 부과되는 범죄의 숫자르 줄이도록 할 것 △사형제도에 관한 공개적 논의를 벌여나갈 것 △수사과정에서 부당한 대우를 받았다고 주장하는 모든 구금자를 재조사할 것 △사형제 폐지를 목표로 하는 시민·정치적 권리에 대한 국제조약 제2 선택의정서를 비준할 것- 사무총장 뵘에르 씨네

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# amnesty international

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## REPUBLIC OF KOREA (SOUTH KOREA)

### The case of Lee Hwa-chun

February 1997

AI INDEX: ASA 25/14/97  
DISTR: CO/GR

Amnesty International is calling for the release of Lee Hwa-chun, a 40-year-old farmer who is serving a seven-year prison term under the National Security Law for the non-violent exercise of his rights to freedom of expression and association. Amnesty International is also concerned at Lee Hwa-chun's claims that he was beaten, deprived of sleep and threatened during interrogation by the Agency for National Security Planning (ANSP). These claims do not appear to have been adequately investigated by the authorities.

#### *Case summary*

Lee Hwa-chun visited Japan several times in the early 1990s and accepted money from a wealthy uncle living there. The authorities alleged that this uncle was a spy for North Korea and accused Lee Hwa-chun of accepting money from and passing "state secrets" to a spy. Lee Hwa-chun denied these claims but was found guilty and sentenced to seven years' imprisonment.

#### *Background information*

Lee Hwa-chun came from a poor family, of whom several members were imprisoned for political offences during the 1970s. His uncle moved to Japan around this time and became a successful businessman. Before his arrest Lee Hwa-chun lived in the area surrounding Chonju City, where he farmed and kept bees. He was a member of *Sanomaeng* (Socialist Workers' League), a group which has been declared an "anti-state" organization under South Korea's National Security Law. He is also former Secretary General of a regional branch of the *Minjungdan* (People's Party), which was a legal political party and is now disbanded.

**Ill-treatment during interrogation**

Lee Hwa-chun was arrested on 26 August 1996 and was taken to the Chonju branch of the Agency for National Security Planning (ANSP, South Korea's intelligence agency). He was held there for questioning for the next 20 days.

At his trial, in late 1994 before Chonju District Court, Lee Hwa-chun made the following statements about his treatment by the ANSP:

*"They took me downstairs and told me to undress. They made me sit on a chair and interrogated me for four days, until 29 August. During that time I was not allowed to lie down on a bed".*

*"I was only allowed to sleep for 2 hours each day. They beat me with fists and kicked me and beat me with clubs. They made me stay in the press-up position for a long time. They told me that if I did not confess they would arrest other members of my family on charges of spying. They told me to say that my uncle is a North Korean spy, that I had met another spy and that I had collected information for them."*

He said that he was ill-treated throughout 20-day interrogation and that throughout this period he was under considerable pressure to sign a statement of "confession", which he eventually did. After 20 days he was moved to Chonju Prison and questioned by the Prosecution. Under pressure, he signed a similar confession and this was used as evidence during his trial.

**Trial and sentence**

Lee Hwa-chun was charged with passing secrets to and accepting money from North Korea. He was also charged with belonging to an "anti-state" group (*Sanomaeng*) and "praising" and "benefitting" North Korea. He admitted being a member of *Sanomaeng*. He also admitted meeting his uncle in Japan and accepting money but said this money was for his upkeep and not for spying. He denied passing any secret information to his uncle.

Lee Hwa-chun appears to have been convicted on the basis of little evidence. His own confession was used, although he claims that this was extracted by force. There was no evidence to suggest that he had used his uncle's money for spying activities, or that he intended to do so. Furthermore, the money was transferred to him in an open fashion. The prosecution said that a scrapbook of press clippings found in his home was secret information which he intended to give to his uncle and to a second alleged agent in Japan. But the scrapbook contained press clippings from the daily newspaper *Hankyoreh Shinmun*, information which is publicly available in South Korea and Japan. Amnesty International also considers that Lee Hwa-chun's membership of *Sanomaeng* amounted to the non-violent exercise of his right to freedom of association.

**A pattern of human rights violations**

In recent years hundreds of people have been imprisoned under South Korea's National Security Law for the non-violent exercise of their rights to freedom of expression and association. Under the National Security Law all unauthorized contacts with North Koreans are prohibited and such contacts have often led to imprisonment. South Koreans can apply for authorization to meet North Koreans, but such authorizations are generally restricted to businessmen and officials.

There is a large Korean community in Japan, some of whom are nationals of North Korea. Amnesty International has documented cases where South Koreans were arrested under the National Security Law for contacting friends and relatives in Japan who were deemed by the South Korean authorities to be spies for North Korea.

Under the National Security Law, a "state secret" has been defined as any information which may be useful to North Korea, including information which is publicly available in South Korea. The law also prohibits groups and organizations which are deemed to support North Korean ideology, including many groups with left-wing ideas. The vague charge of "praising" and "benefitting" North Korea carries a maximum sentence of seven years' imprisonment and is the most widely used provision of the National Security Law.

Amnesty International has documented a pattern of abuse during interrogation of political suspects by the ANSP and the Police. Suspects are routinely deprived of sleep, threatened and sometimes beaten, in an attempt to extract a "confession". Investigations into human rights violations by the ANSP and the Police are inadequate and victims rarely obtain redress.

*For further information about Amnesty International's concerns on South Korea, please contact the Amnesty International section in your country or write to the address given below.*

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منظمة العفو الدولية



國際  
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AI Index: ASA 25/06/98

PUBLIC

February 1997

## REPUBLIC OF KOREA (SOUTH KOREA)

### A HUMAN RIGHTS AGENDA FOR SOUTH KOREA QUESTIONS AND ANSWERS

#### 1. Does Amnesty International expect South Korea's human rights situation to change after the inauguration of Kim Dae-jung as President?

Amnesty International strongly urges Kim Dae-jung to improve South Korea's human rights situation as soon as he takes office as President. The organization cannot predict the actions of Kim Dae-jung's administration, but it hopes that it will have the political will to get reform through, and to end human rights violations inherited from the past.

The presidency of Kim Dae-jung, a former prisoner of conscience and long-standing human rights advocate, could mark a new departure for human rights, provided he upholds his election pledges and maintains a firm commitment to carry out legal and judicial reforms. His long-standing support for human rights is a good omen for South Korea. As a former victim he of all people should understand the need for putting human rights principles into practice.

Kim Dae-jung has long advocated the universality of human rights and has himself supported what he described in 1995 as the *"increasing awareness of the importance of democracy and human rights among Asian peoples"*.

In November 1997, President-elect Kim Dae-jung pledged that he would consider measures such as the release of some, but not all, prisoners of conscience. Amnesty International hopes that these commitments will be clarified and followed through early on in his presidency, and that further action will be taken to remedy past human rights violations and prevent new ones from occurring.

#### 2. What did Amnesty International do about Kim Dae-jung when he was himself targeted by the South Korean authorities?

Kim Dae-jung was subjected to human rights violations for peacefully exercising his right to freedom of expression. He spent much of the 1970s under house arrest or in prison. It was during this period that he was first adopted as a prisoner of conscience by Amnesty International.

He was arrested in March 1976, as a prominent signatory of a "Declaration for National Democratic Salvation". He was arrested again in May 1980, just before the Kwangju Massacre, and was accused of having "instigated" agitation. He was sentenced to death in September 1980.

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His eldest son Kim Hong-il and his brother Kim Dae-hyun were sentenced to imprisonment at the same time, while his wife, Lee He-ho, was kept under partial house arrest.

Amnesty International, and many other human rights and pressure groups, campaigned vigorously on Kim Dae-jung's behalf throughout that period. In 1981, following widespread international protests and campaigning by international organizations, his death sentence was commuted; in 1982 he was released on a "suspended" sentence. In February 1985, he was placed under house arrest again on the day he returned from two years' exile in the USA. House arrest and harassment continued until February 1986.

During a visit to London in 1993, Kim Dae-jung presented Amnesty International Secretary General Pierre Sané with a calligraphy he had written, of four Chinese characters meaning "All Nations are One Family".

### **3. Specifically, what does Amnesty International want the new president to do?**

Before the South Korean presidential election, Amnesty International published an open letter to all candidates, asking them to commit themselves to an 18-point agenda of human rights reforms. Amnesty International is now reiterating this request to the new President.

In particular the organization calls for the release of prisoners of conscience and the amendment of the National Security Law in accordance with international standards. It also calls for steps to be taken to eradicate torture and ill-treatment, and to abolish the death penalty.

Amnesty International also wants the new administration to ensure that full and impartial investigations are conducted into all human rights violations - past and present. It wants the new President to set up mechanisms to protect and promote human rights, possibly through the establishment of an independent national human rights commission. It hopes that the new administration will reform its asylum procedures and that it will fully implement the international human rights treaties it has signed.

### **4. Some human rights organizations claim that there are hundreds of prisoners of conscience and political prisoners in South Korea. What is Amnesty International's figure? How is it compiled?**

Amnesty International does not document and research every individual political detainee or prisoner - given the high number of arrests this would not be practical. Therefore, it cannot say how many prisoners exist at a given point in time. Instead, the organization studies patterns of arrest and calls for legal and procedural changes which will avoid such human rights violations in future. Amnesty International campaigns on individual prisoner cases in order to demonstrate a pattern of human rights violations. It also uses its resources to work for those prisoners who have been sentenced to long prison terms and are therefore in most need of outside help.

Hundreds of people are arrested every year for political activities in South Korea - over 600 people were arrested under the National Security Law in 1997. Most are released after relatively short periods, but some receive lengthy prison sentences. The high number of arrests makes it

difficult to keep exhaustive tabs on arrests, and it is also difficult in many cases to monitor the release of individuals.

Amnesty International has long-term concerns for dozens of political prisoners serving long prison sentences. Most are prisoners of conscience, others are not classified as such by Amnesty International - often because we do not have enough detailed information about them to do so. Amnesty International does not claim that it monitors all possible prisoners of conscience: it consistently signals that the individual cases taken up by the organization represent wider patterns of repression.

Amnesty International regards as prisoners of conscience those who are detained for their beliefs or because of their ethnic origin, sex, colour, language, national or social origin, birth or other status - who have not used or advocated violence. The organization believes the imprisonment of such people cannot be justified in any circumstances and that they should be immediately and unconditionally released.

Amnesty International also calls for fair and prompt trials for all political prisoners - whether or not they have used or advocated violence. It may also call for the release of political prisoners who have been held for a long time after an unfair trial, unless their cases are reviewed urgently.

### **5. Kim Dae-jung said he wants to improve relations with North Korea. What is Amnesty International's view, and what do you expect him to do about human rights violations in North Korea?**

Amnesty International hopes that increases in inter-Korean contacts and talks will contribute to reducing tension on the Korean Peninsula, and to improving human rights safeguards for all Koreans. The organization urges South Korea (and all other countries) to place human rights at the top of the agenda in any dialogue with North Korea - as should be the rule for all international dialogues.

There is very little reliable, independent information on the human rights situation in North Korea. South Korea could significantly contribute to a better understanding of the human rights situation in North Korea by allowing more public scrutiny of information from North Korean sources, and by refraining from misusing for propaganda purposes reports of human rights violations in North Korea.

Wider access to information on North Korea by independent academics and observers, could also contribute to improving understanding of human rights violations in North Korea. To promote greater public awareness and understanding, South Korea should allow its own citizens to be involved in discussions about contacts with North Korea and reunification issues.

### **6. Isn't North Korea's human rights situation much worse than that in the South? Shouldn't Amnesty International pay more attention to it than it does to the situation in South Korea?**

North Korea is in the grip of a very serious economic crisis, with widespread food shortages which have led to famine and the premature death of at least one million people, possibly many

more. In addition, there is clear evidence that the North Korean authorities do not tolerate the public, peaceful expression of critical views. Amnesty International believes that grave human rights violations have occurred in this context.

Amnesty International's work on North Korea is hampered by a lack of independent and accessible information about that country. In spite of these difficulties, in recent years it has published several reports about severe human rights violations in North Korea. The organization remains very concerned about the poor human rights situation in North Korea and continues to seek ways to improve human rights protection there.

Amnesty International does not compare the human rights situation in different countries. It holds the South Korean Government responsible for the protection and promotion of human rights in South Korea. It also expects the South Korean Government to press for improvements in the human rights situation in other countries, including North Korea.

**7. Doesn't Amnesty International see that the economic crisis in Asia will overshadow the human rights agenda? Isn't overcoming the economic crisis a human rights priority too?**

The economic crisis in South Korea is severe and is obviously a major priority for the new President. South Korea's economic problems may well impact upon the Korean people's enjoyment of economic, social and cultural rights. However, this should not become a justification for the denial of civil and political freedoms as well.

Human rights protection is particularly important at a time of crisis - it will be important for the new administration to ensure that the political, economic and social rights are not eroded during this period and that the rights of disadvantaged groups are protected, including those of women and non-unionised workers.

Amnesty International also believes a strong human rights program will be a good foundation on which to build the country's recovery. The economic crisis in Asia has shown the importance of the rule of law, government accountability and freedom of information (key factors in protecting human rights) to economic stability and sustainable development.

인권 자료실		
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		24

Ref.: TG ASA 25/97.01

His Excellency President Kim Young-sam  
The Blue House  
Seoul  
Republic of Korea

20 January 1997

**PUBLIC PROTESTS, NATIONAL SECURITY AND HUMAN RIGHTS VIOLATIONS:**

**OPEN LETTER FROM AMNESTY INTERNATIONAL  
TO PRESIDENT KIM YOUNG-SAM**

Dear President Kim,

I have watched with growing concern the tense situation that has developed in the Republic of Korea, with protests against new legislation on labour matters and on the powers of the Agency for National Security Planning (ANSP).

Amnesty International is concerned that the new labour legislation will continue to limit freedom of expression and association and may lead to the imprisonment of trade union members for peacefully exercising these rights. The legislation contradicts commitments made by South Korea to the Organization for Economic Cooperation and Development (OECD) and to the International Labour Organization (ILO) to reform labour legislation in accordance with relevant international standards.

Amnesty International is also concerned that the new powers granted to the ANSP will lead to human rights violations against domestic opposition. The ANSP has been responsible for the surveillance, arbitrary arrest, torture and ill-treatment of political suspects and it lacks accountability for its actions.

In recent years South Korea has emerged as one of the strongest and most dynamic economic and political forces in the Asia-Pacific region. But these two legislative amendments represent a huge step backwards for human rights protection and the democratization process in South Korea. The South Korean people will never fully enjoy the benefits of security and prosperity if not afforded their most basic rights and freedoms.

In early January 1997, Amnesty International publicly urged your government not to arrest trade union leaders for organizing mass strike action against curbs on their rights to freedom of expression and association and expressed its concern that the new legislation could lead to human rights violations. Statements by your government that the trade union leaders are "pro-North Korean" have intensified Amnesty International's concern that trade unionists may now face arrest under the National Security Law. We urge you to ensure that law enforcement personnel exercise restraint and take precautions to avoid violent confrontation with protesters.

Amnesty International calls on your government to undertake the following specific steps to prevent further human rights violations at this time of tension.

### *1. Prevent human rights violations by the Agency for National Security Planning*

The ANSP has long been responsible for human rights violations, including surveillance, arbitrary arrest, torture and ill-treatment of political suspects.

The new investigative powers vested in the ANSP are among those which were removed from the agency in 1994 because of its poor human rights record and the lack of democratic control over its activities. Since the 1994 revision, Amnesty International has documented cases of torture and ill-treatment of political suspects by ANSP officials and we are concerned that current controls over the ANSP's activities are inadequate to prevent the agency from using its new powers to carry out further human rights violations.

You have stated that the ANSP needs new powers to investigate people detained under Articles 7 and 10 of the National Security Law in order to counter North Korea's spying activities. However, it is difficult to see how the ANSP's increased powers will achieve this end since the vast majority of people detained under these two articles of the National Security Law have been South Korean citizens, arrested for the non-violent exercise of their rights to freedom of expression and association.

Article 7, which punishes those accused of "praising" and "benefitting" North Korea, is the most widely used provision of the National Security Law and is generally used to target people with left-wing ideas.

In practice the ANSP will now have the power to investigate any person detained under the National Security Law for up to 20 days. Amnesty International has documented cases of torture and ill-treatment by the ANSP, including sleep deprivation, beatings, threats and coerced "confessions". The organization is concerned that the ANSP's increased powers will lead to further ill-treatment of political suspects.<sup>1</sup>

While your government has given assurances that the ANSP will not commit human rights violations against political suspects, Amnesty International is concerned at the lack of effective safeguards. We call upon your government to take the following steps:

- explain what practical steps have been taken to ensure that the new legislation cannot be used to commit human rights violations;
- ensure that those detained by the ANSP will not be subjected to unreasonably long periods of interrogation, deprivation of sleep, beatings or any other form of torture and ill-treatment; that detainees have prompt and regular access to a lawyer of their choice, to their families and to an independent medical doctor;
- ensure that the treatment of all detainees is in full compliance with international human rights standards.

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<sup>1</sup>For further details, see Amnesty International's reported entitled *Republic of Korea: Summary of concerns on torture and ill-treatment* (AI Index: ASA 25/25/96), published in October 1996.